

Gazette officielle du Québec

Part 2 Laws and Regulations

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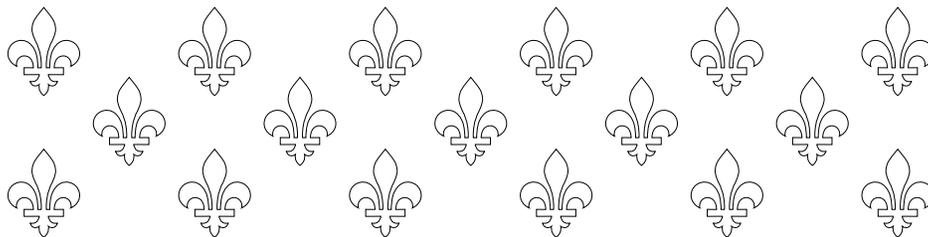
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 18
(1996, chapter 21)

**An Act respecting the Ministère
des Relations avec les citoyens et
de l'Immigration and amending
other legislative provisions**

Introduced 14 May 1996
Passage in principle 4 June 1996
Passage 17 June 1996
Assented to 20 June 1996

**Québec Official Publisher
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EXPLANATORY NOTES

This bill provides for the creation of the Ministère des Relations avec les citoyens et de l'Immigration presided over by the Minister of Relations with the Citizens and Immigration.

Under the bill, the Minister will be responsible for the promotion of human rights and freedoms and for fostering the exercise by citizens of their civic and social responsibilities. He will be charged with promoting solidarity between generations, openness to pluralism, and closer intercultural relations. In addition, the Minister will ensure that proper consideration is given by the State to the needs of the young, families and the elderly. He will also be in charge of immigration matters and the integration of the recent immigrants.

The bill lists the functions and powers of the Minister and contains provisions concerning the organization of the department as well as amending, transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64);
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01);
- Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1);
- Travel Agents Act (R.S.Q., chapter A-10);
- Act respecting family assistance allowances (R.S.Q., chapter A-17);

- Archives Act (R.S.Q., chapter A-21.1);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., chapter A-23.01);
- Health Insurance Act (R.S.Q., chapter A-29);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting the Conseil de la famille (R.S.Q., chapter C-56.2);
- Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);
- Act respecting the Conseil des Communautés culturelles et de l’Immigration (R.S.Q., chapter C-57.2);
- Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting private education (R.S.Q., chapter E-9.1);

- Act respecting the examination of complaints from customers of electricity distributors (R.S.Q., chapter E-17.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles (R.S.Q., chapter M-21.1);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5);
- Police Act (R.S.Q., chapter P-13);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act to preserve agricultural land (R.S.Q., chapter P-41.1);

- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting income security (R.S.Q., chapter S-3.1.1);
- Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1);
- Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1);
- Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act respecting the Société du tourisme du Québec (1994, chapter 27);
- Act to foster the development of manpower training (1995, chapter 43).

Bill 18

An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère des Relations avec les citoyens et de l'Immigration shall be under the direction of the Minister of Relations with the Citizens and Immigration appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. 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 Relations with the Citizens and Immigration.

3. Under the direction of the Minister, the Deputy Minister shall administer the department.

The Deputy Minister shall also exercise any other functions assigned to him by the Government or the Minister.

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

5. The Deputy Minister may delegate the exercise of his functions under this Act, in writing and so far as he indicates, to a public servant or to an employee of the Government.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of such functions as he indicates; where applicable, he shall identify the public servant or employee of the Government to whom this subdelegation may be made.

6. The personnel of the department shall be composed of the public servants necessary for the exercise 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 of the department so far as they are not determined by law or by the Government.

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

No deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the personnel of the department or by an employee of the Government, and in the last two cases, only so far as determined by the Government.

8. The Government may, on the conditions it fixes, allow that the required signature be affixed by means of an automatic device to the documents it determines.

The Government may also allow that a facsimile of the signature be engraved, lithographed or printed on such documents as it determines. The facsimile must be authenticated by the countersignature of a person authorized by the Minister.

9. Every document or copy of a document emanating from the department or forming part of its records, if signed or certified true by a person referred to in the second paragraph of section 7, is authentic.

DIVISION II

FUNCTIONS AND POWERS

10. The Minister shall be responsible for the promotion of human rights and freedoms and shall foster the exercise by citizens of their civic and social responsibilities.

The Minister shall be charged with promoting solidarity between generations, giving proper consideration to the needs of families, the young and the elderly, and with promoting openness to pluralism, and closer intercultural relations, so as to foster a sense of belonging to the Québec people.

The Minister shall also be responsible for immigration matters.

11. In exercising his responsibilities in matters of relations with the citizens, the Minister shall, in particular,

(1) promote awareness of and the protection of human rights and freedoms;

(2) foster equality between citizens and encourage participation in community life and social development;

(3) facilitate dialogue and exchanges between Quebecers to foster openness to pluralism and closer intercultural relations;

(4) ensure that the Government and government departments and agencies give proper consideration to the needs of the young, families and the elderly;

(5) ensure that persons who are unable to fully exercise their civil rights are protected;

(6) ensure that equitable contractual relations are established between consumers and persons or bodies offering goods or services;

(7) foster citizens' access to the documents of public bodies and ensure the protection of personal information held by public bodies or by the private sector;

(8) facilitate relations between the State and the citizens, in particular, by encouraging the dissemination of information on the services offered by the Government and its departments and by the public bodies, within the meaning of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1), that are designated by the Government;

(9) be responsible for the register of civil status and for appointing a public servant as registrar of civil status.

12. In exercising his responsibilities in immigration matters, the Minister shall, in particular,

(1) define objectives as to the number of foreign nationals that may be admitted during a given period, according to society's needs and capacity and with due regard to the principles of family reunification and international solidarity;

(2) inform, recruit and select immigrants and facilitate their settling in Québec;

(3) supervise the selection of foreign nationals who wish to settle temporarily in Québec;

(4) take the necessary measures to enable the persons who settle in Québec to acquire the knowledge of the French language upon their arrival or even before they leave their country of origin and to promote the use of the French language by immigrants;

(5) facilitate the linguistic, social and economic integration of immigrants into Québec society;

(6) encourage society's contribution to immigrant integration.

13. The Minister shall develop and propose to the Government policies and guidelines on relations with the citizens and on immigration and immigrant integration.

The Minister shall be responsible for the planning, coordination and implementation of such policies and guidelines.

The Minister shall also be charged with fostering concerted action and partnership in the fields under his responsibility.

14. The Minister shall advise the Government on any matter within his competence.

The Minister shall also exercise any other function assigned to him by the Government.

15. In exercising his functions, the Minister may, in particular,

(1) enter into agreements, according to law, with any government other than the Government of Québec, one of its departments, an international organization, or an agency of such a government or organization;

(2) enter into agreements with any person, association, partnership or body;

(3) conduct or commission research, surveys, studies and analyses and publish them;

(4) take the necessary measures, in collaboration with the departments concerned, to establish standards for the recognition in Québec of educational training and experience acquired outside Québec and the awarding of equivalences;

(5) obtain from departments and public bodies the information necessary to establish his policies and guidelines and implement them.

16. The Minister shall table a report of the activities of the department in the National Assembly for each fiscal year, within six months from the end of that year or, if the Assembly is not sitting, within 30 days of resumption.

DIVISION III

CIVIL STATUS FUND

17. A fund to be known as the civil status fund is hereby established for the purpose of financing the property and services furnished under the authority of the Minister in connection with the registration of acts of civil status.

The Government shall determine the date on which the fund begins to operate, the nature of the property and services financed by the fund, its assets and liabilities and the nature of the expenses chargeable to it.

18. The fund shall be made up of the following sums, except interest:

(1) the sums collected for the property and services financed by the fund;

(2) the sums paid by the Minister of Relations with the Citizens and Immigration out of the appropriations granted for that purpose by Parliament;

(3) the sums paid under section 21 or the first paragraph of section 22.

19. 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, to activities related to the fund shall be paid out of the fund.

20. The management of the sums paid into the fund shall be entrusted to the Minister of Finance. Such sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions he determines.

Notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), the Minister of Relations with the Citizens and Immigration shall keep the books of account for and record the financial commitments chargeable to the fund. He shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply therewith.

21. The Minister of Relations with the Citizens and Immigration may, as manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

22. The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the civil status 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 civil status fund that is not required for its operation.

An advance paid to the civil status fund or the consolidated revenue fund shall be repayable out of the fund that received it.

23. All surpluses accumulated by the civil status fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

24. 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 civil status fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.

25. Sections 22 to 27, 33, 35, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the civil status fund.

26. The fiscal year of the fund ends on 31 March.

DIVISION IV

AMENDING PROVISIONS

27. Articles 63, 67 and 151 of the Civil Code of Québec (1991, chapter 64) are amended by replacing the words “Minister of Justice” by the words “minister responsible for civil status”.

28. Article 366 of the said Code is amended

(1) by replacing the word “Minister” at the end of the second paragraph by the words “minister responsible for civil status”;

(2) by replacing the word “Minister” in the third paragraph by the words “minister responsible for civil status”.

29. Article 377 of the said Code is amended by replacing the words “Minister of Justice” in the first and second paragraphs by the words “minister responsible for civil status”.

30. Section 174 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is replaced by the following section:

“**174.** The Minister of Relations with the Citizens and Immigration is responsible for the administration of this Act.”

31. Section 42 of the Travel Agents Act (R.S.Q., chapter A-10) is replaced by the following section:

“**42.** The Minister of Relations with the Citizens and Immigration is responsible for the administration of this Act.”

32. Section 82 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is replaced by the following section:

“**82.** The Minister of Relations with the Citizens and Immigration is responsible for the administration of this Act.”

33. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “des Affaires internationales, de l’Immigration et des Communautés culturelles” in the eighth and ninth lines of the fifth paragraph by the words “des Relations avec les citoyens et de l’Immigration”.

34. Section 138 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by adding, at the end, the words “, except sections 57 to 96, subparagraph 2 of the first paragraph of section 97 and section 99, the application of which is entrusted to the Minister of Relations with the Citizens and Immigration”.

35. Sections 15 and 28 of the Act to promote good citizenship (R.S.Q., chapter C-20) are amended by replacing the word “Justice” by the words “Relations with the Citizens and Immigration”.

36. Section 27 of the Act respecting the Conseil de la famille (R.S.Q., chapter C-56.2) is replaced by the following section:

“**27.** The Minister of Relations with the Citizens and Immigration is responsible for the administration of this Act.”

37. Section 2 of the Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01) is amended by replacing the figure “18” by the figure “19”.

38. Section 3 of the said Act is amended by adding the words “the Deputy Minister of Relations with the Citizens and Immigration,” after the words “the Deputy Minister of Justice,” in the second paragraph.

39. Section 23 of the said Act is amended by replacing the words “designated by the Government” by the words “of Relations with the Citizens and Immigration”.

40. The title of the Act respecting the Conseil des Communautés culturelles et de l’Immigration (R.S.Q., chapter C-57.2) is replaced by the following title:

“An Act respecting the Conseil des relations interculturelles”.

41. Section 1 of the said Act is replaced by the following section:

“**1.** The “Conseil des relations interculturelles” is hereby established.”

42. Sections 4, 8, 13 and 22 of the said Act are amended by replacing the words “International Affairs, Immigration and Cultural Communities” by the words “Relations with the Citizens and Immigration”.

43. Sections 13, 14 and 15 of the said Act are amended by replacing the words “cultural communities” by the words “intercultural relations”.

44. Section 33 of the Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01) is replaced by the following section:

“**33.** The Minister of Relations with the Citizens and Immigration is responsible for the administration of this Act.”

45. Sections 3 and 77 of the Public Curator Act (R.S.Q., chapter C-81) are amended by replacing the word “Justice” by the words “Relations with the Citizens and Immigration”.

46. Section 33 of the Act respecting the examination of complaints from customers of electricity distributors (R.S.Q., chapter E-17.1) is replaced by the following section:

“**33.** The Minister of Relations with the Citizens and Immigration shall be responsible for the administration of this Act.”

47. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended

(1) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) A Minister of International Relations;”;

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

“(32) A Minister of Relations with the Citizens and Immigration.”

48. Section 3.1 of the Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by replacing the words “International Affairs, Immigration and Cultural Communities” in the first paragraph by the words “Relations with the Citizens and Immigration”.

49. Section 40 of the said Act is amended by replacing the words “International Affairs, Immigration and Cultural Communities” by the words “Relations with the Citizens and Immigration”.

50. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by striking out the words “, civil status” in paragraph *e*.

51. Section 9.1 of the said Act is repealed.

52. Section 32.1 of the said Act is amended by striking out subparagraph 2 of the first paragraph.

53. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by replacing the words “International Affairs, Immigration and Cultural Communities under the Act respecting the Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles (chapter M-21.1)” in paragraph *k* by the words “Relations with the Citizens and Immigration under the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration”.

54. The title of the Act respecting the Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles (R.S.Q., chapter M-21.1) is replaced by the following title:

“An Act respecting the Ministère des Relations internationales”.

55. Sections 1, 2 and 10 of the said Act are amended by replacing the words “des Affaires internationales, de l’Immigration et des Communautés culturelles” and “International Affairs, Immigration and Cultural Communities” by the words “des Relations avec les citoyens et de l’Immigration” and “Relations with the Citizens and Immigration”, respectively.

56. The said Act is amended by striking out, before section 11, the following:

“DIVISION I

INTERNATIONAL AFFAIRS”.

57. Sections 11, 15 and 18 of the said Act are amended by replacing the words “international affairs” by the words “international relations”.

58. Division II of the said Act, comprising sections 18.1 to 18.4, is repealed.

59. Sections 18, 35.3, 35.4 and 35.11 of the said Act are amended by replacing the words “International Affairs, Immigration and Cultural Communities” by the words “International Relations”.

60. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended

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

“(3) The Ministère des Relations internationales, presided over by the Minister of International Relations;”;

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

“(32) The Ministère des Relations avec les citoyens et de l’Immigration, presided over by the Minister of Relations with the Citizens and Immigration.”

61. Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1), enacted by section 31 of the Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions (1996, chapter 20), is amended by replacing the words “des communautés culturelles” in the fifth and sixth lines of the first paragraph by the words “des relations interculturelles”.

62. Section 156 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended

(1) by striking out the words “12 to 30,” in the first and second lines;

(2) by inserting the following sentence after the figure “155.” in the second line: “The Minister of Relations with the Citizens and Immigration is responsible for the application of sections 23 to 27.”

63. Section 98 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is replaced by the following section:

“**98.** The Minister of Relations with the Citizens and Immigration is responsible for the administration of this Act.”

64. Section 1 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing subparagraph *i* of the first paragraph by the following subparagraph:

“(i) “Minister” means the Minister of Relations with the Citizens and Immigration;”.

65. Section 79.12 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by replacing the word “Justice” by the words “Relations with the Citizens and Immigration”.

66. Section 67 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is replaced by the following section:

“**67.** The Minister of Relations with the Citizens and Immigration is responsible for the administration of this Act.”

67. Section 65.1 of the Act respecting income security (R.S.Q., chapter S-3.1.1), enacted by section 15 of chapter 69 of the statutes of 1995, is amended by replacing the words “des Affaires internationales” in the second paragraph by the words “des Relations avec les citoyens et de l’Immigration”.

68. Section 2 of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) is amended by striking out subparagraph 4 of the first paragraph.

69. Section 23 of the Act respecting the Société du tourisme du Québec (1994, chapter 27) is amended by replacing the words “des Affaires internationales” by the words “des Relations internationales”.

70. The words “des Affaires internationales, de l’Immigration et des Communautés culturelles” and “International Affairs, Immigration and Cultural Communities” are replaced by the words “des Relations internationales” and “International Relations”, respectively, wherever they appear in the following provisions and schedule:

(1) section 6 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) section 2 of the Act respecting the accreditation and financing of students’ associations (R.S.Q., chapter A-3.01);

(3) section 111 of the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1);

- (4) section 27.3 of the Act respecting family assistance allowances (R.S.Q., chapter A-17);
- (5) the schedule to the Archives Act (R.S.Q., chapter A-21.1);
- (6) section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., chapter A-23.01);
- (7) section 29.12 of the Cities and Towns Act (R.S.Q., chapter C-19);
- (8) section 92 of the Highway Safety Code (R.S.Q., chapter C-24.2);
- (9) section 14.10 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (10) sections 196 and 248 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);
- (11) section 290 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- (12) section 216 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- (13) section 66 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- (14) section 4 of the Act respecting private education (R.S.Q., chapter E-9.1);
- (15) sections 204, 210, 236 and 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (16) sections 15, 294 and 296 of the Education Act (R.S.Q., chapter I-13.3);
- (17) section 1.3 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);
- (18) section 5 of the Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5);
- (19) section 79.7 of the Police Act (R.S.Q., chapter P-13);

(20) section 6 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);

(21) section 188 of the Consumer Protection Act (R.S.Q., chapter P-40.1);

(22) section 33 of the Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1);

(23) section 42 of the Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1);

(24) section 2 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1);

(25) sections 168 and 353 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(26) section 49 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42), replaced by section 14 of chapter 17 of the statutes of 1989;

(27) section 62 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32), replaced by section 15 of chapter 17 of the statutes of 1989;

(28) section 43 of the Act respecting the Société du tourisme du Québec (1994, chapter 27);

(29) section 7 of the Act to foster the development of manpower training (1995, chapter 43).

DIVISION V

TRANSITIONAL AND FINAL PROVISIONS

71. Unless the context indicates otherwise, in any Act and in any regulation, order in council, order, proclamation, ordinance, contract, agreement, accord or other document, a reference to the Minister or the Deputy Minister of International Affairs, Immigration and Cultural Communities or to the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles is, according to the subject matter, a reference to the Minister or the Deputy Minister of Relations with the Citizens and Immigration or the Ministère des Relations avec les citoyens et de l'Immigration or to the Minister or Deputy Minister of International Relations or the Ministère des Relations internationales.

In such documents, unless the context indicates otherwise, a reference to the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles or to any of its provisions is, according to the subject matter, a reference to the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration, the Act respecting immigration to Québec, the Act respecting the Ministère des Relations internationales or the corresponding provision of any of the said Acts.

72. The civil status fund established under section 17 of this Act continues, from the date on which it begins its operations, that part of the register fund of the Ministère de la Justice to which subparagraph 2 of the first paragraph of section 32.1 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) applies.

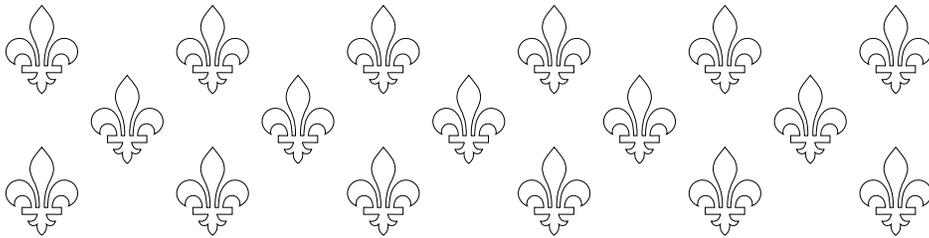
The Government may fix the date for the beginning of the activities of the civil status fund, which shall not be earlier than 1 April 1996.

73. The members of the personnel assigned to the “Immigration and Cultural Communities Program” of the Ministère des Relations internationales, to the registrar of civil status at the Ministère de la Justice, to the youth secretariat and the family secretariat at the Ministère de la Sécurité du revenu and the members of the personnel of the Conseil du trésor put at the disposal of the minister responsible for the administration of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) and assigned to the “Communication-Québec” directorate become, without further formality, members of the personnel of the Ministère des Relations avec les citoyens et de l'Immigration.

74. The appropriations allocated to the “Relations with the Citizens Program” and the “Immigration and Integration Program” are transferred to the Ministère des Relations avec les citoyens et de l'Immigration.

The appropriations allocated to the Conseil du trésor in relation to a function devolving upon the Minister of Relations with the Citizens and Immigration are transferred to the Minister of Relations with the Citizens and Immigration to the extent determined by the Government.

75. This Act comes into force on the date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 19
(1996, chapter 22)

**An Act to amend the Financial
Administration Act as regards
Québec savings products**

**Introduced 15 May 1996
Passage in principle 3 June 1996
Passage 13 June 1996
Assented to 20 June 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTE

This bill amends the Financial Administration Act to introduce new provisions concerning Québec savings products which allow the issue of new products in dematerialized form by means of a book based system. To that end, borrowing plans will be established by the Government and a regulatory framework will be devised to determine the conditions applicable to, and to regulate the management of, such new products.

Bill 19

An Act to amend the Financial Administration Act as regards Québec savings products

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Financial Administration Act (R. S.Q., chapter A-6) is amended by inserting, after section 69, the following:

“ DIVISION VII.01

“QUÉBEC SAVINGS PRODUCTS

“69.01 The Government may, for the purposes contemplated in sections 60 and 61, authorize the issue and sale of savings products within the scope of a borrowing plan the terms and conditions and characteristics of which shall be established by the Government to the extent it deems necessary.

The borrowing plan may provide that the management, issue and sale of a savings product are to be effected by means of a book based system.

The borrowing plan may also provide for the sale of fixed-term annuities.

“69.02 The Minister shall determine the amounts and characteristics of and the other terms and conditions applicable to each issue and sale of savings products within the scope of a plan established in accordance with section 69.01.

“69.03 The Minister may effect any transaction for the purposes of a plan established in accordance with this division. He may also, if it is authorized by the plan, enter into contracts for the payment of fixed-term annuities.

For the purposes of this division, the funds making up an annuity shall be regarded as the principal of a loan.

The funds making up fixed-term annuities are exempt from seizure in the hands of the Minister as though they were fixed-term annuities transacted by insurers, provided that a beneficiary in the event of death is designated in the manner set out in the provisions of the Civil Code of Québec concerning insurance.

“69.04 For the purposes of this division, the Government may, by regulation,

(1) define the book based system and determine its mode of operation and characteristics as well as ownership and evidentiary rules concerning entries made in the system;

(2) determine conditions for participation and classes of qualifying participants and purchasers;

(3) determine the terms and conditions of assignment, transfer and payment of the securities;

(4) determine prohibitions or restrictions concerning the assignment of or the right to dispose of the securities;

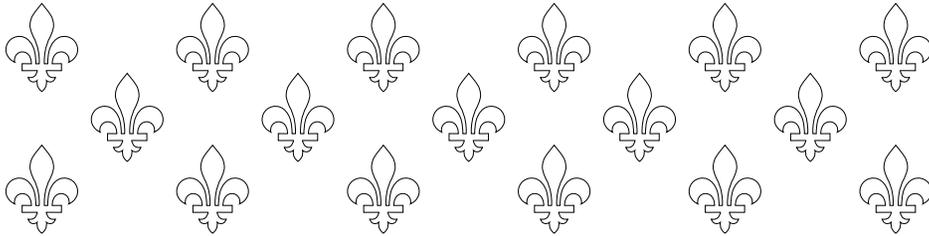
(5) determine prohibitions or restrictions concerning the granting of movable hypothecs on the securities and determine conditions for the granting of such hypothecs as well as conditions for the exercise of related rights or remedies.

“69.05 A regulation under section 69.04 may specify which of its provisions may be made applicable, by decision of the Minister, to any of the savings products authorized and issued under this division.

“69.06 The information to be furnished by participants in the book based system shall be determined by the Minister in the forms he prescribes.

“69.07 Sections 63 to 68 apply to any borrowing effected under this division.”

2. This Act comes into force on 20 June 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 20
(1996, chapter 23)

An Act to amend the Legal Aid Act

Introduced 14 May 1996
Passage in principle 3 June 1996
Passage 19 June 1996
Assented to 20 June 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill proposes a reform of the legal aid system.

Firstly, the object of legal aid is defined, which is to afford persons who are financially eligible for legal aid the benefit of legal services before the courts and in other circumstances specified by the bill. The bill also sets out the principles that are to guide the management and provision of legal aid services.

The Government is conferred the power to make regulations prescribing the rules whereby the financial eligibility of applicants for legal aid is to be determined. Furthermore, more people will have access to legal aid thanks to the introduction of a contributory form of legal aid, which will be available, on payment of a recipient's contribution, to individuals who do not qualify for gratuitous legal aid. As well, the administrative committee of the Commission des services juridiques is given discretionary power, in certain exceptional circumstances, to declare eligible for legal aid persons who would not otherwise qualify for any form of aid.

Moreover, the legal services for which legal aid is to be granted in criminal, penal and other matters are specified, as are the conditions on which it is to be granted in certain cases. The administrative committee of the Commission des services juridiques is allowed some discretion, in exceptional circumstances, concerning the services for which legal aid may be provided.

The Commission des services juridiques will be required to maintain a telephone help line to provide advice free of charge in criminal and penal matters. The functions of legal aid centres are specified as regards information programs and consultation services designed to apprise persons financially eligible for legal aid of their rights and obligations.

The bill proposes various other amendments to the Legal Aid Act.

Thus, a mechanism is introduced for the recovery of legal aid costs and, to that end, the Government is empowered to determine, by regulation, the cases in which a recipient will be required to repay the cost of legal aid.

Moreover, the Minister of Justice is authorized to make agreements regarding legal aid with other governments.

As well, the Commission des services juridiques and regional legal aid centres are authorized to determine, by agreement with associations of experts, the fees and expenses payable to experts who act as expert witnesses within the scope of the Legal Aid Act.

The bill also contains various rules designed to enhance administrative efficiency of the legal aid system. For example, the Commission des services juridiques and the legal aid centres are specifically prohibited from incurring expenditures or assuming obligations, during a fiscal year, in excess of the funds allocated to them for that year and from making commitments in excess of the authorized amount. The borrowings of the Commission des services juridiques will also be made subject to the authorization of the Government. In addition, in order to ensure sound management of public funds, certain areas of activity may, according to the circumstances, be reserved to advocates or notaries employed by legal aid centres or to advocates or notaries in private practice.

Lastly, terminological changes are made to harmonize the language of the Act with that introduced by the Civil Code of Québec.

Bill 20

An Act to amend the Legal Aid Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The heading of Division I of the Legal Aid Act (R.S.Q., chapter A-14) is replaced by the following heading:

“INTERPRETATION”.

2. Section 1 of the said Act is amended

(1) by replacing the words “an economically underprivileged” in the first line of paragraph *a* by the word “a”;

(2) by replacing the words “physical person or a group of persons or a non-profit corporation whose members are economically underprivileged physical persons” in the first, second and third lines of paragraph *b* by the words “natural person or a group of natural persons or a legal person operated without purpose of gain whose members are natural persons financially eligible for legal aid”;

(3) by striking out paragraph *c*;

(4) by replacing paragraphs *e* and *f* by the following paragraphs:

“(e) “regional legal aid centre” or “regional centre”: a regional centre established under this Act and authorized by the Commission to provide legal aid;

“(f) “legal aid centre” or “centre”: a regional legal aid centre or a local centre referred to in paragraph *c* of section 32;”;

(5) by replacing the word “corporation” in the second line of paragraph *g* by the word “centre”;

(6) by replacing the word “corporation” in the second line of paragraph *h* by the word “centre”.

3. The said Act is amended by inserting, after section 1, the following sections:

“1.1 The word “spouses” means

(1) persons who are married to each other and who cohabit;

(2) persons who live together as husband and wife and who are the mother and father of one and the same child;

(3) persons of full age who live together as husband and wife and who, at one time, cohabited for a period of not less than one year.

“1.2 A family is composed

(1) of the father or the mother or, in the cases determined by regulation, another person designated therein, and of the minor children living with the mother, father or person who are neither married nor the father or mother of a child, and of the children of full age who attend, within the meaning of the regulations, an educational institution and who are neither the spouse of another person nor the father or mother of a child;

(2) of the spouses and any child described in subparagraph 1; or

(3) of the spouses, where there are no children.

However, a person shall remain, become or cease to be a member of a family in such circumstances as are prescribed by regulation.”

4. Section 2 of the said Act is repealed.

5. The said Act is amended by inserting, after Division I, the following division:

“DIVISION I.1

“OBJECT AND PRINCIPLES

“**3.1** The object of the legal aid system established by this Act is to afford persons who are financially eligible for legal aid the benefit of legal services to the extent provided for in this Act and the regulations.

“**3.2** For the purposes of this Act, the management and provision of legal aid services shall be guided by the following principles:

(1) the importance of providing to financially eligible persons the legal services which they need;

(2) the need for efficient management of such services and of the resources allotted to their provision;

(3) the importance, for the purposes of the principle defined in paragraph 2, of coordinating the activities of the Commission and of legal aid centres through concerted action and cooperation between the Commission and the centres and among the members of their personnel in order to ensure a rational utilization of resources;

(4) the importance of facilitating, through concerted action, a coherent application of this Act and the regulations throughout the regions.”

6. The heading of Division II and section 4 of the said Act are replaced by the following:

“DIVISION II

“GRANTING AND EFFECT OF LEGAL AID

“**4.** Legal aid shall be granted, on application, to a person who is financially eligible according to the provisions of subdivision 1 of this division for the legal services described in subdivision 2 of this division, in the second paragraph of section 32.1 and in the regulations and to the extent provided for therein.

“§ 1. — *Financial eligibility*

“**4.1** Any person who demonstrates that his income, liquidities and other assets, within the meaning of the regulations, and, to the extent prescribed by the regulations, those of his family, do not

exceed the level and value fixed by regulation for financial eligibility for gratuitous legal aid is financially eligible for gratuitous legal aid.

Any person who receives benefits, other than special benefits, under Chapter II of the Act respecting income security (chapter S-3.1.1) or any member of a family receiving such benefits is deemed financially eligible for gratuitous legal aid.

“4.2 Any person who is not financially eligible for gratuitous legal aid under section 4.1 but whose income, within the meaning of the regulations and, to the extent prescribed by the regulations, the income of whose family, does not exceed the level fixed by regulation for financial eligibility is financially eligible for contributory legal aid, that is, legal aid on payment of a recipient's contribution.

“4.3 On the recommendation of the director general of a regional centre, the administrative committee of the Commission may declare a person who is not financially eligible for legal aid under sections 4.1 and 4.2 to be financially eligible for contributory legal aid, if the committee considers that it is warranted by exceptional circumstances and that failure to declare the person to be financially eligible for legal aid would cause the person irreparable harm.

The decision of the administrative committee of the Commission is not subject to review by the committee formed under paragraph *k* of section 22.

“§ 2.— Legal services for which legal aid may be granted

“4.4 Legal aid shall be granted, to the extent determined by the provisions of this subdivision and the regulations, for matters brought or to be brought before a court; it may be granted at any stage of the proceedings, in first instance or in appeal; it may be granted, to the same extent, in respect of proceedings in execution.

Legal aid may also be granted for legal services described in section 4.10 or in the second paragraph of section 32.1 and, by way of exception, for legal services described in section 4.13.

“Criminal or penal matters

“4.5 In criminal or penal matters, legal aid shall be granted, in first instance,

(1) for the defense of a person facing prosecution before a court for an indictable offence under an Act of the Parliament of Canada;

(2) for the defense of a young person facing proceedings before a court under the Young Offenders Act (Revised Statutes of Canada, 1985, chapter Y-1);

(3) for the defense of a person, other than a young person, facing prosecution before a court for an offence under an Act of the Parliament of Canada that is punishable on summary conviction, or for the defense of a person, whether an adult or a person under 18 years of age, facing prosecution before a court under the Code of Penal Procedure (R.S.Q., chapter C-25.1) where, in either case, upon conviction there is likelihood either of imprisonment or committal to custody, or of loss of means of earning a livelihood or where it is in the interests of justice that legal aid be granted to the accused, having regard to exceptional circumstances, for instance the seriousness of the matter or the complexity of the case;

(4) for the defense of a person facing, before a court, an application for an order of imprisonment under article 346 of the Code of Penal Procedure or an application for a warrant of committal under section 734.7 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46); or

(5) for the defense of a person facing proceedings before a court under the Extradition Act (Revised Statutes of Canada, 1985, chapter E-23) or the Fugitive Offenders Act (Revised Statutes of Canada, 1985, chapter F-32).

“4.6 In criminal or penal matters, legal aid shall be granted in appeal or for the exercise of an extraordinary remedy

(1) where the appeal is filed or the extraordinary remedy exercised by the prosecutor in any matter referred to in section 4.5;

(2) where the appeal is filed or the extraordinary remedy exercised by the accused in any matter referred to in section 4.5 if the appeal or extraordinary remedy is reasonably founded.

“In matters other than criminal or penal matters

“4.7 In matters other than criminal or penal matters, where the case is brought or will be brought before a court, legal aid shall be granted

(1) for any family case to which Title IV of Book V of the Code of Civil Procedure (R.S.Q., chapter C-25) applies;

(2) for any case relating to the survival of the obligation to provide support, based on Chapter V of Title III of Book III of the Civil Code of Québec;

(3) for any case relating to tutorship to a minor, protective supervision of a person of full age or a mandate given in anticipation of the mandator's incapacity, or for any case based on article 865.2 of the Code of Civil Procedure;

(4) for any proceedings to obtain a change of name for a minor by way of judicial process or to obtain the review by the court of a decision of the registrar of civil status relating to the assignment of a name to a minor or to the change of a minor's name if application to the court would ensure the physical or mental safety of the minor;

(5) for any case to which the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., chapter A-23.01) applies;

(6) for any case in respect of which the court exercises its powers under the Youth Protection Act (R.S.Q., chapter P-34.1);

(7) for any proceedings brought before a tribunal to contest an administrative decision made by a government department or body within the framework of a benefit or compensation program designated by regulation;

(8) for any other case if the freedom of the person to whom legal aid would be granted is or is likely to be seriously restricted, due to the possibility of committal to custody or detention, particularly; or

(9) for any other case if the matter threatens or will in all likelihood threaten a person's physical or mental safety, livelihood or ability to provide for his essential needs or those of his family.

“4.8 No legal aid shall be granted

(1) to the plaintiff in any defamation or libel case;

(2) for any case relating to an election, public consultation or referendum;

(3) for a motion based on Chapter II of Title VI of Book V of the Code of Civil Procedure;

(4) to the plaintiff in any action for damages for breach of promise of marriage; or

(5) to the plaintiff in any action for damages for alienation of affections.

“Other provisions

“4.9 Legal aid shall be granted for the defense of a person facing contempt of court proceedings before a court where upon conviction there is likelihood either of imprisonment or committal to custody, or of loss of the person’s livelihood or where it is in the interests of justice that legal aid be granted to the accused, having regard to exceptional circumstances, for instance the seriousness of the matter or the complexity of the case.

“4.10 Notwithstanding the provisions of this subdivision, legal aid shall be granted

(1) where

(a) a minor requires the assistance of an advocate for the purposes of an agreement pertaining to the application of voluntary measures under the Youth Protection Act;

(b) a young person requires the assistance of an advocate for the purposes of a program of alternative measures or the review of a disposition under the Young Offenders Act;

(2) to a person who requires assistance in a proceeding before an authority who exercises an administrative function within the framework of a benefit or compensation program designated by regulation and administered by a government department or body and is responsible, by virtue of his position within that department or body, for reviewing an administrative decision concerning that person;

(3) to a person for the drawing up of a document that is customarily within the scope of the professional duties of a notary or advocate if such service is necessary because of the difficulty the person is having in preserving or asserting his rights or because of the harmful consequences for the person’s physical or psychological well-being or that of his family that would result from not being provided the service.

“4.11 In any matter other than a criminal or penal matter, legal aid may be refused or withdrawn, as the case may be, at any stage of the proceedings, where having regard to all the circumstances and from the standpoint of an ordinary advocate and client relationship, the case or remedy does not appear founded because

(1) the applicant cannot establish the probable existence of his right;

(2) the case or remedy clearly has very little chance of succeeding;

(3) the costs involved would be unreasonable in relation to the possible gain or loss for the applicant or recipient, as the case may be, unless the case or remedy threatens his livelihood or ability to provide for his essential needs or those of his family;

(4) the judgment or decision would probably not be susceptible of execution; or

(5) the applicant or recipient has, without valid cause, refused a reasonable proposal for settlement of the case.

Moreover, legal aid shall be refused or withdrawn where the services for which legal aid is applied for can be obtained otherwise, particularly through another government service or another body, under an insurance contract or through a union or association, other than a non-profit association for the promotion and preservation of social rights, to which the applicant or recipient, as the case may be, belongs.

“4.12 No legal aid shall be granted for the defense of a person facing prosecution under an Act, regulation or by-law for an offence relating to parking.

“4.13 On the recommendation of the director general of a regional centre, the administrative committee of the Commission may grant legal aid to a person who cannot be the recipient of legal aid according to the other provisions of this subdivision and the regulations, if he considers that it is warranted by exceptional circumstances and that refusing to grant to the person legal aid would cause him irreparable harm. However, the administrative committee of the Commission may not grant legal aid under this section for services in respect of which it is provided in section 4.8 or 4.12 or in the regulations that no legal aid may be granted.

The provisions of the first paragraph may apply, subject to the conditions fixed therein, to allow an applicant to establish his rights in a proceeding leading up to an administrative decision.

The decision of the administrative committee of the Commission is not subject to review by the committee formed under paragraph *k* of section 22.”

7. The said Act is amended by inserting, before section 5, the following:

“§ 3. — *Effects of legal aid as regards payment of fees and costs.*”

8. Section 5 of the said Act is amended

(1) by inserting the words “Subject to the contribution he may be required to pay in accordance with the regulations,” at the beginning of the first line of the first paragraph;

(2) by replacing the word “registrateur” in subparagraph *b* of the first paragraph of the French text by the words “officier de la publicité des droits”;

(3) by replacing subparagraph *d* of the first paragraph by the following subparagraph:

“(d) fees and costs of experts who, with the prior authorization of the director general, act for the recipient.”;

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

“However, in the cases determined in the regulations, the cost of the legal aid received shall be recovered in accordance with the provisions of Division VI.1.”

9. Section 6 of the said Act is replaced by the following section:

“**6.** Subject to the regulations, the fees of an advocate or notary not in the employ of a centre that has retained his services in behalf of a recipient and the fees of a stenographer or bailiff acting in behalf of a recipient shall be paid by the centre having granted legal aid to that recipient, in accordance with the tariffs established by the regulations.”

10. Section 7 of the said Act is repealed.

11. Section 10 of the said Act is repealed.

12. Section 18 of the said Act is amended by replacing the word “incapacité” in the second paragraph of the French text by the word “empêchement”.

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

“**19.** The Commission is a legal person.”

14. Section 21 of the said Act is amended by replacing the words “corporate seat” in the first line of the first paragraph by the words “head office”.

15. Section 22 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) see that legal aid is provided, to the extent provided for in this Act and the regulations, to persons financially eligible therefor;”;

(2) by inserting, after paragraph *d*, the following paragraph:

“(d.1) facilitate, through concerted action, a coherent application of this Act and the regulations by legal aid centres;”;

(3) by replacing the words “to economically underprivileged persons on” in the first and second lines of paragraph *f* by the words “for persons financially eligible for legal aid concerning”;

(4) by inserting, after paragraph *f*, the following paragraph:

“(f.1) maintain a telephone help line, for criminal or penal matters, available at all times and free of charge to any person, whether or not financially eligible for legal aid, who upon being arrested or while in custody requires the assistance of an advocate;”;

(5) by replacing paragraph *k* by the following paragraph:

“(k) form a review committee for the purposes of sections 74 and 75;”;

(6) by striking out paragraph *m*.

16. The said Act is amended by inserting, after section 22, the following section:

“22.1 The Commission shall publish, in particular so as to facilitate a coherent application of this Act and the regulations, a periodic bulletin containing general or special information concerning the application of this Act and the regulations. The bulletin may also report the decisions made under this Act.

The Commission shall distribute the bulletin to its members, the members of the boards of directors of legal aid centres, its employees and the employees of legal aid centres. The Commission shall also make it accessible to the extent it determines.”

17. Section 24 of the said Act is amended by inserting, after paragraph *a*, the following paragraph:

“(a.1) if, after investigation, the Commission ascertains that the centre has made during a fiscal year financial commitments in excess of the amount authorized by the Commission for that fiscal year;”.

18. Section 31 of the said Act is amended

(1) by replacing the words “corporation shall be a corporation within the meaning of the Civil Code” in the first and second lines by the words “centre is a legal person”;

(2) by replacing the words “such a corporation” in the fourth line by the words “a legal person”.

19. Section 32 of the said Act is amended by replacing the words “economically underprivileged persons” in the second and third lines and in the fifth and sixth lines of paragraph *d* by the words “persons financially eligible for legal aid”.

20. The said Act is amended by inserting, after section 32, the following sections:

“32.1 It is within the functions of every legal aid centre to develop and implement, in collaboration with the Commission, information programs designed to apprise persons financially eligible for legal aid of their rights and obligations.

Legal advice may be given, on subject matters other than those referred to in paragraph *f.1* of section 22, to persons financially eligible for legal aid who request such advice.

“32.2 The Commission may make an agreement with any association of experts as to the fees and expenses to which experts are entitled when acting within the scope of this Act. Such an agreement shall apply throughout the territory of Québec.

Where no such agreement has been made with an association, any regional centre or any group of regional centres may make an agreement with an association of experts or with individuals who agree to act as expert witnesses. Such an agreement shall apply throughout the territory of Québec or in the regions specified in the agreement.

Where an agreement has been made, a centre may not, except where no expert to which the agreement applies is able to act, pay fees or expenses for expert testimony in excess of those stipulated in the agreement.

In the absence of any agreement or where no expert to which the agreement applies is able to act, the director general shall fix the amount of the fees and expenses payable to experts.”

21. Section 45 of the said Act is amended by replacing the words “applies, *mutatis mutandis*,” by the words “, adapted as required, applies”.

22. Section 50 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The board of directors may, however, within the limits which it indicates by resolution, delegate such power to the director of a legal aid bureau or, failing that, to a member of the personnel of the centre designated by resolution, and to the director of a local legal aid centre, who must be advocates. In such case, the provisions of this subdivision and of Divisions VI to VI.2 which relate to the director general, adapted as required, apply to the persons to whom such power is delegated.”

23. Section 52 of the said Act is amended by striking out the second paragraph.

24. The said Act is amended by inserting, after section 52, the following section:

“52.1 Notwithstanding sections 51 and 52, the Government, by regulation, may determine, considering the imperatives of sound management of public legal aid funds, legal aid services that are to be provided, as prescribed by regulation, on a permanent or temporary basis, either exclusively by advocates or notaries in the employ of a legal aid centre or exclusively by advocates or notaries not in the employ of such a centre.

An exclusivity regulation may also pertain to fields of activity in which legal services are provided.

An exclusivity regulation shall specify the legal services or fields of activity to which it applies. It may prescribe that its application is limited to the territory designated in the regulation. If it provides for temporary exclusivity, it shall fix the period for which it applies.

No exclusivity regulation shall render sections 53 to 55 inoperative.”

25. Section 60 of the said Act is replaced by the following section:

“60. Where an advocate or notary not in the employ of a legal aid centre provides legal services to a recipient within the scope of this Act, he shall not receive, in respect of such services, any fees or expenses except those provided for by this Act and the regulations.

Any person who has paid a sum of money or procured any other advantage not provided for by this Act is entitled to recover it.”

26. Section 61 of the said Act is amended by replacing the words “employed full time by” in the second line of the first paragraph by the words “in the employ of”.

27. Section 62 of the said Act is amended

(1) by replacing the words “Subject to the regulations, an economically underprivileged person who wishes to receive legal aid must make his application to the local corporation” in the first paragraph by the words “To receive legal aid, a person must apply therefor, in accordance with the regulations, to the local centre”;

(2) by replacing the words “Where the probable existence of a right, or, as the case may be, the need of legal service has been established, the person is bound to pay, for the examination of his application, costs” in the second paragraph by the words “The person is required to pay, for the examination of his application, a charge”.

28. Section 63 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**63.** Subject to the provisions of sections 4.3 and 4.13 and of the second paragraph of section 50, the director general alone has the authority to make decisions as to the granting of legal aid.”

29. Section 64 of the said Act is replaced by the following section:

“**64.** An applicant must, in accordance with the regulations, disclose his financial condition and, to the extent prescribed by regulation, that of his family and establish the facts on which his application is based.

He must supply or arrange for the supply of all the information and documents that are prescribed by regulation and are necessary to determine and verify his eligibility for legal aid and to determine the contribution payable, if any.

The director general or a member of his personnel designated by him for such purposes may, for verification purposes, request from any person any information or document relating to an applicant’s financial eligibility for legal aid, examine such documents and make a copy thereof. Any person to whom such a request is made is required to comply therewith.”

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

“**66.** The director general shall issue a certificate of eligibility to each person to whom legal aid is granted. The certificate, on which the contribution payable by the recipient, if any, is indicated, must be delivered by the recipient without delay to his advocate or notary, who shall file it in the record of the court or, as the case may be, at the registry office. Such certificate is valid only for the period, dispute, proceeding or legal service determined by the director general.

A further application for legal aid must be made for each remedy exercised before an authority, including in appeal.

Where a person has been declared financially eligible for contributory legal aid, the issue at a later time of one or more certificates of eligibility to that recipient for the same matter does not oblige the recipient to pay a further contribution.”

31. Section 67 of the said Act is replaced by the following section:

“67. In urgent cases, the director general may, before an applicant’s file is thoroughly examined, issue a conditional certificate of eligibility for the performance of conservatory acts necessary for the preservation of the applicant’s rights, particularly as regards his appearance in criminal or penal proceedings. The director general may subsequently issue, if the applicant is determined to be eligible for legal aid, a definitive certificate of eligibility having retroactive effect.

Where the director general does not issue a definitive certificate of eligibility having retroactive effect to the applicant,

(1) the applicant’s advocate or notary, if not in the employ of a legal aid centre, must recover the fees and expenses relating to the conservatory acts he has performed from the applicant ;

(2) the applicant is required, if conservatory acts have been performed by an advocate or notary in the employ of a legal aid centre, to repay the cost of the legal aid received, in accordance with the provisions of Division VI.1.”

32. Section 68 of the said Act is amended by replacing the words “making inaccurate any information supplied by him to obtain legal aid” in the third and fourth lines by the words “or that of his family which affects his eligibility for legal aid”.

33. Section 69 of the said Act is amended by replacing the word “qualification” in the first line of the first paragraph by the word “eligibility”.

34. Section 70 of the said Act is amended

(1) by replacing the part preceding paragraph *a* by the following :

“70. Legal aid may be refused or withdrawn, as the case may be, with regard to any person who, without sufficient cause,”;

(2) by replacing paragraph *a* by the following paragraphs:

“(a) refuses or neglects to supply the information or documents required for the examination of his application;

“(a.1) wilfully supplies information which the director general believes on reasonable grounds to be false or inaccurate;”;

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

“Moreover, legal aid may be refused or withdrawn if the applicant or recipient or a member of his family has disposed of property or liquidities without adequate consideration so as to render the applicant or recipient financially eligible for legal aid or so as to evade payment of a contribution.

Legal aid may also be suspended or withdrawn if the recipient has failed to pay all or part of the contribution payable by him.

Legal aid may be suspended or withdrawn at any stage of the proceedings. Subject to the regulations, the centre shall pay to an advocate or notary not in the employ of the centre the fees and expenses to which he is entitled in respect of services rendered by him before he was notified of the suspension or withdrawal.”

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

“71. Where a recipient ceases to be financially eligible for legal aid, legal aid may be maintained in respect of the services covered by the certificate that was issued to him.”

36. Section 72 of the said Act is repealed.

37. Section 73 of the said Act is amended

(1) by replacing the words “le registrateur” in the fifth line of the French text by the words “l’officier de la publicité des droits”;

(2) by adding, at the end, the following sentence: “The decision of the director general shall mention, in the case of a refusal or withdrawal of legal aid, that the applicant or recipient, as the case

may be, has the right to apply for a review of the decision and shall specify the time allotted for making such an application.”

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

“DIVISION VI.1

“RECOVERY OF LEGAL AID COSTS

“**73.1** A person shall, in the cases determined in the regulations and to the extent prescribed therein, repay on demand to the legal aid centre the cost of the legal aid received.

“**73.2** The recovery of legal aid costs is prescribed upon the expiry of three years from the time when, according to the regulations, repayment thereof becomes exigible. In cases of bad faith, the recovery of legal aid costs is prescribed upon the expiry of three years from the date on which the recoverability of the costs becomes known to the director general, but not later than ten years after the date on which repayment would otherwise have been exigible.

“**73.3** The director general shall send the debtor a demand notice stating the amount of the debt, the reasons why such debt is payable and the right of the debtor to apply for a review of the decision.

The demand notice interrupts prescription.

“**73.4** The debtor must repay the debt within the time prescribed by regulation, unless the director general agrees to the debt or a part thereof being repaid by instalments.

The debt becomes payable in full if the debtor fails to comply with an agreement made with the director general.

“**73.5** Where a debtor fails to repay his debt or any part thereof, the director general or a member of his personnel designated by him for such purpose may, on expiry of the time allotted for applying for a review or, if a review is conducted, from the date of the decision of the review committee confirming the director general’s decision in whole or in part, issue a certificate attesting that the debt is payable and specifying the amount owed. In the absence of any evidence to the contrary, the certificate shall be proof that the debt is of the amount specified and is payable.

“73.6 The debtor is required to pay interest in the cases and according to the terms and conditions determined in the regulations and at the rate fixed therein.”

39. Section 74 of the said Act is replaced by the following:

“DIVISION VI.2

“REVIEW

“74. Any person in respect of whom legal aid has been refused or withdrawn, from whom the repayment of legal aid costs is required or who wishes to contest the amount of the contribution payable may, within 30 days of the decision of the director general, apply for a review by the committee formed under paragraph *k* of section 22. The application shall be decided by three members, including at least one advocate. The application releases the advocate of the person applying for the review and the director general from their obligation of professional secrecy with regard to the review committee and its delegate.

Where the decision reviewed concerns a refusal or withdrawal of legal aid, the director general shall, in urgent cases, issue a conditional certificate of eligibility for the performance of conservatory acts necessary for the preservation of the rights of the person applying for the review. Where such a certificate is issued, the review shall be conducted by preference.

Where the review committee decides that the person having applied for the review is not eligible for legal aid,

(1) the advocate or notary of the person having applied for the review, if not in the employ of a legal aid centre, must recover the fees and expenses relating to the conservatory acts he has performed from that person;

(2) the person having applied for the review is required, if conservatory acts have been performed by an advocate or notary in the employ of a legal aid centre, to repay the cost of the legal aid received, in accordance with the provisions of Division VI.1.”

40. Section 75 of the said Act is amended

(1) by replacing the words “right of a person to” in the first and second lines of the first paragraph by the words “financial eligibility of a person for”;

(2) by striking out the second paragraph.

41. Section 77 of the said Act is amended by replacing the words “the right to” in the third and fourth lines by the words “his financial eligibility for”.

42. Section 80 of the said Act is amended

(1) by replacing subparagraph *a* of the first paragraph by the following subparagraphs:

“(a) determine, for the purpose of determining financial eligibility for legal aid, in what case a family is composed of a person, other than the father or mother, and children, designate that person and prescribe in what cases or circumstances and, where applicable, on what conditions a person remains, becomes or ceases to be a member of a family and define, for the purposes of section 1.2, what constitutes attendance of an educational institution;

“(a.1) determine the period for which income, liquidities and other assets are to be considered for the purpose of determining financial eligibility for legal aid and prescribe the conditions in which such determination is made;

“(a.2) determine, for the purpose of determining financial eligibility for legal aid, in what cases and, if expedient, on what conditions and to what extent

(1) the income, liquidities and other assets of the applicant and of his family are to be considered;

(2) the income, liquidities and other assets of the applicant and of his spouse are to be considered;

(3) the income, liquidities and other assets of the applicant, of his spouse and of a child are to be considered;

(4) the only income, liquidities and other assets to be considered are those of a minor child;

(5) the income, liquidities and other assets of the spouse of the applicant are not to be considered;

“(a.3) determine what constitutes income, liquidities and other assets for the purpose of determining financial eligibility for legal aid and, to that end, determine what income, liquidities and other

assets are to be considered or excluded, indicate the amounts deductible from income, prescribe calculation methods for determining income or the value of property and determine what is included in liquidities;

“(a.4) fix the level of income and the value of liquidities and other assets below which a person is financially eligible for gratuitous legal aid under section 4.1;

“(a.5) fix the level of income below which a person is financially eligible for contributory legal aid under section 4.2 and, to that end, prescribe to what extent liquidities are deemed to constitute income and to what extent and in what proportion, expressed as a percentage, the value of assets other than liquidities is deemed to constitute income, determine the contribution payable and fix the maximum amount of such contribution;

“(a.6) determine the contribution payable by a person declared financially eligible for legal aid under section 4.3 and fix the maximum amount of such contribution;

“(a.7) determine, for the purposes of the contribution referred to in subparagraph *a.5* or *a.6*, what legal aid costs consist of, fix the time when the contribution becomes payable by the recipient and determine standards for the payment of the contribution and, to that end, prescribe the time allotted for and the terms and conditions of payment, determine in what cases the recipient is required to pay interest and fix the rate of interest;

“(a.8) adjust the rules governing financial eligibility for gratuitous legal aid or for contributory legal aid in respect of persons residing in remote regions and, for such purpose, fix the minimum period of residence in a remote region and determine what a remote region is;”;

(2) by replacing subparagraphs *b* and *b.1* of the first paragraph by the following subparagraphs:

“(b) designate the benefit or compensation programs in respect of which legal aid may be granted, to the extent determined by paragraph 7 of section 4.7 and by paragraph 2 of section 4.10, or designate the legislative provisions establishing such programs;

“(b.1) determine, in addition to those already specified in this Act, the legal services for which legal aid may be granted and, if expedient, specify on what conditions it may be granted therefor,

and determine, in addition to those already excluded, the legal services for which legal aid may not be granted and specify, if expedient, in what cases and on what conditions legal aid may not be granted for such services;

“(b.2) define the terms and expressions used in this Act or the scope thereof;”;

(3) by replacing subparagraphs *e* and *f* of the first paragraph by the following subparagraphs:

“(e) determine the form and content of all certificates of eligibility issued under this Act;

“(f) determine, after consultation with the Barreau du Québec or the Chambre des notaires du Québec, as the case may be, the legal services, other than legal services that are within the exclusive competence of an advocate or notary, which an articulated student or a law student in the employ of a legal aid centre is authorized to render and specify the fields of activity in which and the conditions on which legal services may so be rendered;”;

(4) by replacing subparagraph *h* of the first paragraph by the following subparagraphs:

“(h) determine the form and content of applications for legal aid as well as the tenor of the undertakings to be made by applicants;

“(h.1) determine the documents and information to be supplied by persons applying for legal aid and designate the classes of persons who are dispensed from supplying certain documents or information;

“(h.2) define what is an applicant for legal aid and designate the persons or bodies that are not authorized to make an application for legal aid on behalf of another person;

“(h.3) determine the documents and information relating to an application for legal aid that may be submitted to verification and the persons or bodies that may be contacted for the purpose of such verification and determine the authorizations which may be required to that effect;”;

(5) by adding, at the end of subparagraph *k* of the first paragraph, the words “, particularly as regards the operation of the committee entrusted with conducting reviews under Division VI.2”;

(6) by replacing subparagraph *l* of the first paragraph by the following subparagraph:

“(*l*) provide, if expedient, for measures to ensure the carrying out of an agreement made under section 94, in particular as regards the granting of legal aid pursuant to the agreement;”;

(7) by striking out subparagraph *o* of the first paragraph;

(8) by replacing subparagraph *s* of the first paragraph by the following subparagraph:

“(*s*) determine, for the purposes of the recovery of legal aid costs, in what cases and to what extent a person is required to repay such costs, determine what such costs consist of, prescribe the method for determining the amount payable, determine the sums, or the portion of any sum, which the debtor is not required to repay and the cases in which there is to be no recovery of costs, fix the time when repayment of the costs becomes exigible, prescribe the time allotted for and the terms and conditions of repayment, determine the cases in which the debtor is required to pay interest and fix the rate of interest;”;

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

“(*t*) regulate the exclusivity of services provided for in section 52.1.”;

(10) by replacing the last two paragraphs by the following paragraphs:

“The provisions of regulations under subparagraphs *a* to *a.8* of the first paragraph may vary according to whether a person alone or a family is concerned, according to the composition of the family, according to the condition of the applicant or of a member of his family, according to the number of children or according to whether a natural person, a group of persons or a legal person is concerned or, in the case of subparagraph *a.2*, according to the legal service provided or, in the case of subparagraph *a.4*, according to the type of assets or according to whether or not the applicant or his spouse owns their residence or, in the case of subparagraph *h.1*, according to whether the applicant is a natural person, a group of persons or a legal person. The calculation method for determining income or the value of property referred to in subparagraph *a.3* may vary according to the type of income or the assets being considered. The provisions

of a regulation under subparagraph *a.5* or *a.6* which pertain to the determination of the contribution may provide that the contribution varies according to whether a person alone or a family is concerned and according to the income level of the recipient or according to whether a natural person, a group of persons or a legal person is concerned. The standards for the payment of the contribution by the recipient referred to in subparagraph *a.7* may vary according to whether the services were rendered by an advocate or notary in the employ of a legal aid centre or by an advocate or notary not in the employ of a legal aid centre. The provisions of a regulation under subparagraph *f* may vary according to the legal services rendered or the fields of activity in which the services are rendered or according to whether the services are rendered by an articulated student or a law student. The method referred to in subparagraph *s* for determining the amount exigible from a person required to repay legal aid costs may vary according to the different cases specified in the regulation. The provisions of a regulation under subparagraph *t* of the first paragraph may vary according to the legal services provided or the fields of activity in which legal services are provided or according to the territory in which and the period for which the provisions are applicable.

Regulations under subparagraphs *a* to *a.8*, *b* to *b.2*, *h* to *h.3*, *l*, *q*, *r*, *s* and *t* of the first paragraph are made by the Government.

All other regulations are made by the Commission and are subject to the approval of the Government, which may approve them with or without amendment.

Once approved, a regulation made by the Commission under subparagraph *k* of the first paragraph shall be published in the *Gazette officielle du Québec*. It shall come into force on the date of publication or on any later date indicated therein.”

43. Section 81 of the said Act is amended

- (1) by striking out the last sentence of the second paragraph;
- (2) by inserting, after the second paragraph, the following paragraph:

“A tariff established under this section may fix, to the extent prescribed therein, an all-inclusive fee for all services provided within the scope of a single mandate. It may also determine the maximum amount of fees that may be paid under this Act to one professional in the course of a period specified by the tariff and

beyond which fees paid to the professional are to be reduced, in respect of each mandate, in the proportion specified by the tariff. The provisions of the tariff pertaining to the maximum amount of fees that may be paid to one professional may vary according to the class of professionals to which they apply.”

44. Section 82 of the said Act is replaced by the following sections:

“82. Every person who

(1) knowingly makes a statement containing false or misleading information or knowingly transmits a document containing such information so as to

(a) make himself eligible or so as to remain eligible for legal aid;

(b) make a member of his family eligible for legal aid or remain eligible for legal aid;

(c) help another person to obtain legal aid to which he is not entitled,

(2) being an advocate or a notary to whom section 60 or the second paragraph of section 61 applies, receives a sum of money or any other advantage not provided for by this Act, or

(3) being an advocate or a notary to whom the first paragraph of section 61 applies, fails to remit to the centre which employs him the fees and expenses collected by him pursuant to a judgment or transaction,

is guilty of an offence and is liable to a fine of not less than \$500 and not more than \$1,400 in the case of a natural person, and of not less than \$1,000 and not more than \$7,000 in the case of a legal person.

“82.1 Every person who refuses or neglects to supply any information or document requested under the third paragraph of section 64 is guilty of an offence and is liable to a fine of not less than \$250 and not more than \$1,000.”

45. Section 84 of the said Act is amended by replacing the words “l’année financière subséquente” in the French text by the words “l’exercice financier subséquent”.

46. Section 85 of the said Act is replaced by the following sections:

“85. The Commission and the legal aid centres shall not make expenditures or assume obligations the amount of which exceeds, in a fiscal year, the sums at their disposal for that fiscal year.

The Commission shall not, in a fiscal year, make financial commitments, other than the contracting of loans, in excess of the amount authorized for such purpose by the Minister of Justice for that fiscal year. Nor shall legal aid centres make commitments, in a fiscal year, in excess of the amount authorized for such purpose by the Commission for that fiscal year.

This section shall not operate so as to prevent the Commission or a centre from making a financial commitment for more than one fiscal year in respect of the lease of movable or immovable property, a collective agreement or the remuneration and conditions of employment of employees not governed by a collective agreement. Nor shall it operate so as to prevent the Commission from contracting a loan repayable over a period exceeding one fiscal year.

“85.1 The Commission may not contract a loan, evidenced by a note or other instrument, except with the authorization of the Government and at the rate of interest and on the other conditions determined by the Government.”

47. Section 86 of the said Act is amended by inserting the word “particularly” after the figure “52” in the fifth line.

48. Section 87 of the said Act is amended

(1) by replacing the words “année financière” in the second line of the French text by the words “exercice financier”;

(2) by inserting the word “particularly” after the figure “52” in the fifth line;

(3) by adding, at the end, the words “and of any revenue at its disposal, including the sums collected by legal aid centres”;

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

“The Commission shall also send to the Minister, on request, any information or document pertaining to the administration of this Act which he requires.”

49. Section 87.2 of the said Act is amended by replacing the word “registrateur” in the second line of the French text by the words “officier de la publicité des droits”.

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

“**92.** The Commission, a legal aid centre or a legal aid bureau may avail itself of the provisions of section 88 of the Professional Code (chapter C-26). For such purposes, they shall be regarded as persons having recourse to the services of a member of a professional order.”

51. Section 94 of the said Act is replaced by the following section:

“**94.** The Minister of Justice may, according to law, make agreements concerning legal aid with any other government or with one of its departments or bodies, or with any another authority outside Québec which is responsible for granting legal aid.

Moreover, the Minister may, according to law, make agreements with the Government of Canada or with one of its departments or bodies concerning the payment by Canada to Québec of that part of the expenses necessary for the carrying out of this Act which is determined by such agreements.”

52. Unless the context indicates otherwise, in all Acts and statutory instruments and in all contracts and documents, the terms “regional legal aid corporation” and “regional corporation”, where they refer to a regional legal aid corporation, are replaced by the terms “regional legal aid centre” and “regional centre”, respectively, with such modifications as are required.

53. Unless the context indicates otherwise, in all Acts and statutory instruments and in all contracts and documents, the terms “local legal aid corporation” and “local corporation”, where they refer to a local legal aid corporation, are replaced by the terms “local legal aid centre” and “local centre”, respectively, with such modifications as are required.

54. Unless the context indicates otherwise, in all Acts and statutory instruments and in all contracts and documents, the terms “legal aid corporation” and “corporation”, where they refer to a regional legal aid corporation or local legal aid corporation, are

replaced by the terms “legal aid centre” and “centre”, respectively, with such modifications as are required.

55. In the English text of the said Act,

(1) the words “general manager” wherever they appear in paragraph *h* of section 1 and in sections 35, 40, 42, 44, 46, 47, 49 to 58, 63, 65, 69, 73 and 75, in subparagraph *q* of the first paragraph of section 80 and in sections 90 and 91 are replaced by the words “director general”;

(2) the words “attestations to qualify” in section 50 are replaced by the words “certificates of eligibility”;

(3) the words “qualification” and “qualified to receive” in section 63 are replaced by the words “eligibility” and “eligible for”, respectively;

(4) the words “entitled to” in section 65 are replaced by the words “eligible for”;

(5) the word “qualified” in subparagraph *q* of the first paragraph of section 80 is replaced by the word “eligible”.

56. Agreements made with another government or with one of its departments or bodies and in force in Québec on (*insert here the date preceding the date of coming into force of section 51 of this Act*) are deemed, as far as the provisions pertaining to legal aid contained therein are concerned, to have been made pursuant to section 94 of the Legal Aid Act, as replaced by section 51 of this Act.

57. Section 5 of the Regulation respecting eligibility for legal aid, made by Order in Council 941-83 dated 11 May 1983, shall continue to apply to persons domiciled or having their principal residence in another province or in a territory of Canada until it is amended or repealed by the Government.

58. Applications for legal aid received by a local legal aid corporation or a legal aid bureau before (*insert here the date preceding the date of coming into force of this section*) shall continue to be governed by the provisions applicable to them on that date.

59. Notwithstanding section 11 of the Regulations Act,

(1) the first regulation made by the Government on or before (*insert here the date of coming into force of section 42 of this Act*)

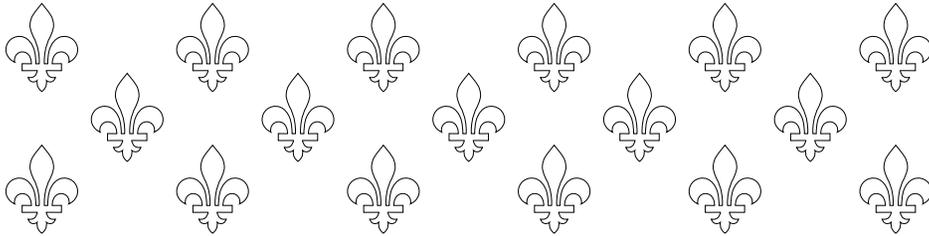
under subparagraphs *a* to *a.8*, *b* to *b.2*, *h* to *h.3*, *l*, *q* and *s* of the first paragraph of section 80 of the Legal Aid Act, as amended by section 42 of this Act, may be made on the expiry of 15 days after the date of its publication in the *Gazette officielle du Québec*;

(2) the first regulation amending or replacing the Regulation respecting the application of the Legal Aid Act (R.R.Q., 1981, c. A-14, r.1) made by the Commission des services juridiques on or before (*insert here the date of coming into force of section 42 of this Act*) under subparagraphs *c*, *d*, *e*, *f*, *g*, *i*, *j*, *m*, *n* and *p* of the first paragraph of section 80 of the Legal Aid Act, as amended by section 42 of this Act, may be submitted to the Government for approval on the expiry of 15 days after the date of its publication in the *Gazette officielle du Québec*;

(3) each first regulation respecting a tariff of fees applicable for the purposes of the Legal Aid Act made by the Government on or before (*insert here the date of coming into force of section 43 of this Act*) under section 81 of the Legal Aid Act, as amended by section 43 of this Act, may be made on the expiry of 15 days after the date of its publication in the *Gazette officielle du Québec*.

60. The Government may, in an order in council providing for the coming into force of a provision of this Act or the regulations, prescribe that the provision will take effect on different dates according to whether it relates to gratuitous legal aid or to contributory legal aid.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 21
(1996, chapter 24)

**An Act to amend the Act
respecting the Société de
récupération, d'exploitation et
de développement forestiers
du Québec**

**Introduced 14 May 1996
Passage in principle 5 June 1996
Passage 17 June 1996
Assented to 20 June 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill proposes to amend the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec to set out the specific mandate of the Société, and to revise the rules concerning the composition of its board of directors and the conduct of the board's business.

The bill also contains amendments pertaining to the administration and the financing of the Société, in particular as to its authorized capital and the financial commitments authorized by law.

Bill 21

An Act to amend the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12) is amended

(1) by replacing the words “and new” in the second line of paragraph *c* by the words “, including forest industry equipment, and the creation of”;

(2) by adding, after paragraph *c*, the following paragraph:

“For those purposes, the Company may act as an adviser and provide services in fields within its competence.”

2. Section 4 of the said Act is amended by replacing the figure “\$300 000 000” in the first paragraph by the figure “\$400,000,000”, and by replacing the figure “3 000 000” in the second paragraph by the figure “4,000,000”.

3. The said Act is amended by inserting, after section 7.2, the following sections:

7.3 The Minister of Finance may pay to the Company, out of the consolidated revenue fund and with prior approval of the Government, an amount of \$100,000,000 for 1,000,000 fully paid-up shares of its capital stock, for which a certificate shall be issued to him in return for such payment.

Such payment may be made in one or several instalments. If it is made in several instalments, each of them must be submitted for the approval contemplated in the first paragraph.

“7.4 After a reduction of share capital and a repayment of capital are effected under the Act respecting the reduction of the share capital of legal persons established in the public interest and of their subsidiaries (1994, chapter 45), the Minister of Finance may also pay to the Company, out of the consolidated revenue fund, with prior approval of the Government and on the conditions it determines, an amount not exceeding the difference between the Company’s authorized capital and its issued and paid-up capital, for fully paid-up shares of its capital stock at par value and for which certificates shall be issued to him by the Company.”

4. Section 9 of the said Act is amended by replacing the words “section 7, 7.1 or 7.2” in the second line by the words “sections 7 to 7.4”.

5. Sections 11 to 12 of the said Act are replaced by the following sections:

“11. The president of the Company and the other members of the board of directors are appointed by the Government for a period not exceeding five years.

At the end of his term, a member of the board of directors remains in office until he is replaced or reappointed.

“11.1 The Government shall appoint, from among the members of the board of directors, a chairman and a vice-chairman of the board.

The Government may appoint the same person to act as president of the Company and chairman of the board of directors.

“11.2 If a member of the board of directors is absent or unable to act, the member may be replaced by a person appointed by the Government to perform his duties while he is absent or unable to act.

“11.3 The president of the Company is responsible for the administration and direction of the Company within the scope of its by-laws and policies.

The chairman of the board of directors shall preside at meetings of the board, see to the proper conduct of its business and perform any other duties assigned to him by the by-laws of the Company or by the board of directors. The vice-chairman shall perform the duties of the chairman of the board whenever the chairman is absent.

12. The Government shall fix the remuneration, social benefits and other conditions of employment of the president of the Company.

The other members of the board of directors shall receive no remuneration, except in the cases, on the conditions and to the extent that may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.”

6. Section 14 of the said Act is amended by replacing the word “president” in the third line of the first paragraph by the word “Company”.

7. Sections 15 and 15.1 of the said Act are repealed.

8. Section 17 of the said Act is amended

(1) by striking out subparagraph *a* of the first paragraph;

(2) by striking out the word “additional” in the first line of subparagraph *b* of the first paragraph.

9. Section 17.1 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“The by-laws need not be confirmed by the shareholder.”

10. Section 19 of the said Act is amended

(1) by striking out the words “, with the approval of the Minister of Natural Resources,” in the second and third lines of the first paragraph;

(2) by replacing the words “and the creation of new employments” in the second and third lines of subparagraph *d* of the first paragraph by the words “, including forest industry equipment, and the creation of employment”;

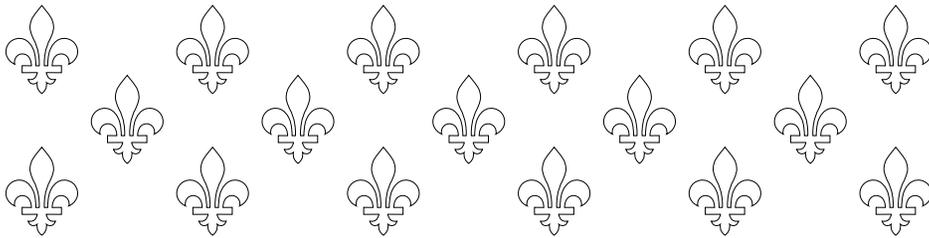
(3) by inserting the words “with the approval of the Minister of Natural Resources,” before the word “make” in the first line of subparagraph *e* of the first paragraph;

(4) by replacing the words “This section” in the first line of the second paragraph by the words “The approval required by subparagraph *e* of the first paragraph”.

11. Section 22 of the said Act is amended by striking out subparagraph *b* of the first paragraph.

12. Section 25 of the said Act is amended by replacing the words “30 June” in the first line of the first paragraph by the words “31 July”.

13. This Act comes into force on 20 June 1996, except the provisions of section 8 which come into force on the date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 22
(1996, chapter 25)

**An Act to amend the Act
respecting land use planning
and development**

**Introduced 15 May 1996
Passage in principle 5 June 1996
Passage 17 June 1996
Assented to 20 June 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill relaxes certain constraints in the area of planning and development, in particular by abolishing the requirement to forward numerous documents to the Commission municipale du Québec, and revises several related rules, especially as regards the publication of various notices and orders, the holding of public meetings by municipal councils and the exercise of regulatory powers by the Government.

In addition, the bill limits the grounds for which the Government may issue an order establishing a special planning zone in Québec. It introduces a new procedure for the approval of amendments to the planning by-laws by qualified voters. Lastly, the current system of interim controls is replaced by a new system of interim controls to be applied at the local or regional level.

Bill 22

An Act to amend the Act respecting land use planning and development

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 29 of chapter 2 of the statutes of 1996, is again amended by replacing paragraph 7 by the following paragraph:

“(7) “cadastral operation” means a cadastral amendment provided for in the first paragraph of article 3043 of the Civil Code of Québec;”.

2. Division I of Chapter I of Title I of the said Act is replaced by the following division:

“DIVISION I

“DEVELOPMENT PLAN

3. Every regional county municipality must maintain in force, at all times, a development plan applicable to its whole territory.”

3. Division III of Chapter I of Title I of the said Act is repealed.

4. Division IV of Chapter I of Title I of the said Act is repealed.

5. Section 33 of the said Act, amended by section 42 of chapter 2 of the statutes of 1996, is again amended by replacing the words “, to the council of the regional county municipality, and to the Commission for registration” in the fifth and sixth lines of the first paragraph by the words “and to the regional county municipality”.

6. Section 34 of the said Act is amended by replacing the words “, to the council of the regional county municipality, and to the Commission for registration” in the fifth and sixth lines of the second paragraph by the words “and to the regional county municipality”.

7. Section 37 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The clerk or secretary-treasurer of the municipality shall serve on the Commission a certified copy of the resolution by which the assessment is requested and of the plan or by-law concerned. He shall serve a certified copy of the resolution on the regional county municipality. The copy served on the Commission must be received by it within 15 days after the expiry of the time prescribed in the first paragraph.”

8. Section 44 of the said Act is amended by striking out the words “and transmit a copy thereof to the Commission for registration” in the third and fourth lines of the first paragraph.

9. Section 48 of the said Act is amended

(1) by inserting the words “, by a majority vote of its members,” after the word “adoption” in the second line of the first paragraph;

(2) by striking out the third paragraph.

10. Section 49 of the said Act, amended by section 55 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

11. Section 53 of the said Act is amended by striking out the fifth paragraph.

12. Section 53.12 of the said Act is amended by striking out the second sentence of the second paragraph.

13. Section 55 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the sixth and seventh lines of the third paragraph by the words “and to every contiguous regional county municipality”.

14. Section 56 of the said Act is repealed.

15. Section 56.1 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth and sixth lines of the second paragraph by the words “and to every contiguous regional county municipality”.

16. Section 56.3 of the said Act is amended

(1) by inserting the words “, by a majority vote of its members,” after the word “adopt” in the second line of the first paragraph;

(2) by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth and sixth lines of the second paragraph by the words “and to every contiguous regional county municipality”.

17. Section 56.4 of the said Act is amended by striking out the third paragraph.

18. Section 56.6 of the said Act is amended

(1) by inserting the words “, by a majority vote of its members,” after the word “shall” in the second line of the first paragraph;

(2) by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fourth and fifth lines of the third paragraph by the words “and to every contiguous regional county municipality”.

19. Section 56.13 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth, sixth and seventh lines of the third paragraph by the words “and to every contiguous regional county municipality”.

20. Section 56.14 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

21. Section 59.1 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth and fifth lines of the second paragraph.

22. Section 59.2 of the said Act is amended

(1) by striking out the words “to the regional county municipality” in the second and third lines of the first paragraph;

(2) by striking out the words “and, for registration purposes, to the Commission” in the third and fourth lines of the third paragraph.

23. Section 59.3 of the said Act is amended

(1) by striking out the words “and on the regional county municipality” in the second line of the second paragraph;

(2) by inserting the words “, accompanied with the program or by-law concerned. He shall serve a certified copy of the resolution on the regional county municipality” after the word “assessment” in the third line of the second paragraph;

(3) by replacing the words “must be received by the Commission” in the first line of the third paragraph by the words “served on the Commission must be received by it”;

(4) by striking out the words “to the municipality” in the fourth line of the third paragraph.

24. Section 59.6 of the said Act is amended by striking out the words “transmit a certified copy of the resolution to the Commission for registration purposes and” in the third and fourth lines of the second paragraph.

25. Section 59.7 of the said Act is amended by adding the words “, and may receive free of charge from the municipality a certified copy of the program and by-law concerned” after the word “period” in the second line of the third paragraph.

26. Division VII of Chapter I of Title I of the said Act is replaced by the following division:

“DIVISION VII

“INTERIM CONTROL

“§ 1. — *Application*

“**61.** Subdivisions 2 to 4 shall apply to every regional county municipality that has initiated the process of amendment of its development plan or is in the process of revising it.

“§ 2. — *Interim control resolution*

“**62.** The council of the regional county municipality may, by a majority vote of its members, prohibit new uses of the land, new structures, applications for cadastral operations or the parcelling out of lots by alienation.

However, no such prohibition may apply to

(1) new uses of the land, structures, applications for cadastral operations or the parcelling out of lots by alienation

(a) for agricultural purposes on land under cultivation;

(b) for the purposes of the installation, by a municipality, of water or sewer services in an existing public street in execution of an order made under the Environment Quality Act (chapter Q-2);

(c) for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks;

(d) for the purposes of a forest management activity or of a wildlife management activity on lands in the public domain;

(2) applications for cadastral operations required by a declaration of co-ownership made under article 1038 of the Civil Code of Québec or by the alienation of part of a building requiring the partitioning of the land on which it is situated.

For the purposes of the first paragraph, the council may provide that new uses of the land, new structures, applications for cadastral operations and the parcelling out of lots by alienation constitute classes of activities, establish subclasses or divide the territory of the regional county municipality. In such a case, the council may impose prohibitions that apply to one, several or all of the classes, subclasses or parts of territory or that vary according to class, subclass or part of territory or to any combination comprised of a class or subclass and a part of territory.

As soon as practicable after the passage of the resolution by which the council makes the decision under the first paragraph or changes or repeals it, the secretary-treasurer shall transmit a certified copy thereof to the Minister and to every municipality whose territory is comprised in that of the regional county

municipality, and shall publish notice of the date of passage of the resolution in a newspaper circulated in the territory of the regional county municipality.

“63. The council of the regional county municipality may, by the same resolution, provide that a prohibition under section 62 may be lifted on issuance of a permit, and set out the terms and conditions for the issuance thereof which may vary according to the classes, subclasses, parts of territory or combinations established under the third paragraph of the said section.

It may designate for that purpose an officer of every municipality in whose territory the prohibition that may be lifted applies; such designation shall be valid only if the council of the municipality consents thereto.

“§ 3. — Interim control by-law

“64. The council of the regional county municipality may, by a by-law adopted by a majority vote of its members, exercise its powers under section 62 or under the first paragraph of section 63.

It may also, by the same by-law, prescribe special rules in the matters of zoning, subdivision or building and of issuance of permits and certificates. For that purpose, the third paragraph of section 62 and sections 113, 115, 116 and 118 to 122 apply, adapted as required.

The council may make the designation provided for in the second paragraph of section 63. The officer designated shall be charged with issuing any permit required for the lifting of a prohibition and any permit or certificate required pursuant to the by-law under the second paragraph of this section.

As soon as practicable after the adoption of the by-law, the secretary-treasurer shall transmit a certified copy of the by-law and of the resolution by which it was adopted to the Minister and to every municipality whose territory is comprised in that of the regional county municipality.

The Minister shall give notice in writing to the regional county municipality of the date on which he received the copy.

“65. Within 60 days after receiving a copy of the by-law, the Minister shall give his opinion on the by-law as regards the aims that the Government, its ministers or mandataries, and public bodies

are pursuing or intend to pursue in respect of land use development in the territory of the regional county municipality, including the land use plan provided for in section 21 of the Act respecting the lands in the public domain (chapter T-8.1), as well as the equipment, infrastructure and development projects they intend to carry out in the territory.

An opinion stating that the by-law is not consistent with such aims and projects must include reasons. In that case, the Minister may, in the opinion, request that the regional county municipality replace the by-law; he may also fix a time limit for the adoption of a replacement by-law.

The Minister shall serve the opinion on the regional county municipality. In the case provided for in the second paragraph, he shall transmit a copy of the opinion to every municipality whose territory is comprised in that of the regional county municipality.

“66. The by-law comes into force on the day an opinion attesting that it is consistent with the aims and projects referred to in section 65 is served on the regional county municipality by the Minister, or, failing such notice, on the expiry of the period prescribed in the first paragraph of that section.

As soon as practicable after the coming into force of the by-law, the secretary-treasurer shall publish notice of the date of coming into force of the by-law in a newspaper circulated in the territory of the regional county municipality.

The secretary-treasurer shall, at the same time, transmit a certified copy of the by-law and notice to every municipality whose territory is comprised in that of the regional county municipality, to every regional county municipality whose territory is contiguous and, for registration, to the Commission.

“67. Sections 64 to 66 apply in respect of a by-law concerning the amendment of the interim control by-law.

The fourth paragraph of section 64 and the second and third paragraphs of section 66 apply in respect of a by-law concerning the repeal of the interim control by-law.

Any by-law concerning the repeals of the interim control by-law is adopted by a majority vote of the members of the council of the regional county municipality.

“§ 4. — *Effects of the interim control*

“**68.** No building permit, subdivision permit, certificate of authorization or certificate of occupancy may be issued pursuant to a by-law of a municipality in respect of an activity that is prohibited or that is authorized, under any of sections 62 to 64, upon issuance of a permit or a certificate, unless in the latter case the activity was so authorized.

“**69.** The regional county municipality may examine the advisability, having regard to the interim control measures, of works provided for by any resolution or any by-law, referred to in section 46, of a municipality in whose territory the measures apply.

“**70.** A resolution passed under section 62 shall cease to have effect, if not repealed previously, from

(1) where the council adopts under section 64, during the period of 90 days after the passage of the resolution, a by-law connected with the same process of amendment or revision of the development plan, at the earliest of

(a) the date of coming into force of that by-law or of a by-law replacing it; and

(b) the one hundred and eightieth day following the passage of the resolution or, if a time limit was fixed by the Minister under the second paragraph of section 65, the date of expiry of that time limit;

(2) in the opposite case, the expiry of the period of 90 days following the passage of the resolution.

Any resolution that replaces any other resolution shall cease to have effect from the same day as the resolution replaced would have ceased to have effect.

“**71.** Any by-law adopted under section 64 and connected with the process of amendment of the development plan shall cease to have effect in the territory of a municipality, if not repealed previously, from the date of coming into force of the last concordance by-law that the council of the municipality concerned must adopt under section 58 to take account of the amendment of the plan.

“**72.** Any by-law adopted under section 64 and connected with the process of revision of the development plan shall cease to have effect in the territory of a municipality, if not repealed previously,

(1) from the date of coming into force of the last concordance by-law that the council of the municipality concerned must adopt under section 59 to take account of the revision of the plan ; or

(2) from the date on which all of the by-laws of the municipality concerned, from among those referred to in section 59.1, that are not required to be amended by a concordance by-law to take account of revisions to the plan, have been determined under the fourth paragraph of section 59.2 or 59.4, if that day is later than the day referred to in paragraph 1 or if no by-law of the municipality concerned, from among the by-laws referred to in section 59.1, has to be so amended.”

27. Section 79 of the said Act is amended by replacing the figure “107” in the fourth line by the figure “106”.

28. Section 81 of the said Act is amended

(1) by striking out the words “and, for registration, to the Commission” in the second line of the third paragraph ;

(2) by striking out the fourth and fifth paragraphs.

29. Section 82 of the said Act is amended

(1) by striking out the words “, and be sent, for registration, to the Commission” in the second and third lines of the second paragraph ;

(2) by striking out the third paragraph ;

(3) by striking out the words “; it shall be published in the *Gazette officielle du Québec*, together with a notice of the date of its coming into force” in the first, second and third lines of the fourth paragraph.

30. Section 85.1 of the said Act, amended by section 48 of chapter 2 of the statutes of 1996, is again amended by replacing the words “whose council has adopted a resolution provided for in section 4” in the fourth paragraph by the words “that has begun to prepare its first development plan”.

31. Section 86 of the said Act is amended by replacing the second paragraph by the following paragraph :

“As soon as practicable after passage of a resolution provided for in the first paragraph, the secretary-treasurer of the regional county municipality shall transmit a certified copy of it to the municipality.”

32. Section 90 of the said Act is replaced by the following section:

“**90.** The municipality shall hold a public meeting concerning the preliminary proposal presided by the mayor or by another member of the council designated by the latter.

The council shall fix the date, time and place of the meeting; it may delegate all or part of such power to the clerk or the secretary-treasurer of the municipality.”

33. Section 91 of the said Act is amended by striking out the words “and, for registration, to the Commission” in the second line.

34. Section 92 of the said Act is amended by replacing, in the French text, the words “de lieu, de l’heure et de” in the third line of the first paragraph by the words “du lieu, de l’heure et des”.

35. Section 93 of the said Act is amended by replacing the words “municipal council must explain its” in the first line by the words “person presiding the meeting must explain the”.

36. Section 98 of the said Act, amended by section 49 of chapter 2 of the statutes of 1996, is again amended by replacing the words “whose council has adopted a resolution provided for in section 4” in the first paragraph by the words “that has a development plan in force or that has begun to prepare its first development plan”.

37. Section 102 of the said Act is amended

(1) by striking out the words “, and to the Commission for registration” in the seventh and eighth lines of the first paragraph;

(2) by replacing the words “and to the Commission for registration, whether amended or not; the approval provided for in sections 131 to 137 is not required in this case” in the eighth, ninth and tenth lines of the second paragraph by the words “whether amended or not”;

(3) by replacing the figure “130” in the third line of the fourth paragraph by the figure “127”.

38. Section 103 of the said Act is amended by inserting the words “; the municipality may obtain free of charge from the Commission a certified copy of the program and by-law concerned” after the word “municipality” in the second line of the second paragraph.

39. Section 105 of the said Act is amended

(1) by striking out the fourth paragraph;

(2) by striking out the sixth paragraph.

40. Section 106 of the said Act is amended by replacing the words “Sections 130.2 to 130.6 and 131 to 137 do not apply” in the first line of the second paragraph by the words “None of the formalities prescribed in sections 124 to 137 applies”.

41. Section 109.1 of the said Act is amended

(1) by striking out the second paragraph;

(2) by striking out the last sentence of the third paragraph;

(3) by striking out the fourth paragraph.

42. Section 109.2 of the said Act is amended

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

“**109.2** The municipality shall hold a public meeting concerning the draft by-law presided by the mayor or by another member of the council designated by the latter.”;

(2) by replacing, in the French text, the word “Il” in the first line of the second paragraph by the words “Le conseil”.

43. Section 109.4 of the said Act is amended by replacing the word “council” in the first line by the words “person presiding the meeting”.

44. Section 109.5 of the said Act is amended by striking out the second paragraph.

45. Section 109.6 of the said Act is amended by replacing the words “, to the regional county municipality and to the Commission for registration purposes” in the third and fourth lines of the third paragraph by the words “and to the regional county municipality”.

46. Section 109.7 of the said Act is amended

(1) by inserting the words “the first paragraph of” after the word “in” in the first line of the first paragraph;

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

“The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons and state the provisions of the by-law that are not in conformity.”;

(3) by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph;

(4) by striking out the words “and, for registration purposes, to the Commission” in the third and fourth lines of the fourth paragraph.

47. Section 109.8 of the said Act is amended

(1) by striking out the words “and on the regional county municipality” in the second line of the second paragraph;

(2) by inserting the words “and of the by-law concerned. The clerk shall serve a certified copy of the resolution on the regional county municipality” after the word “assessment” in the third line of the second paragraph;

(3) by replacing the words “must be received by the Commission” in the first line of the third paragraph by the words “intended for the Commission must be received by it”;

(4) by striking out the words “to the municipality” in the second and third lines of the third paragraph.

48. The said Act is amended by inserting, after section 109.8, the following section:

“109.8.1 If the council of the regional county municipality withholds approval of the by-law, the council of the municipality may, instead of applying for the assessment provided for in section 109.8, adopt

(1) a single by-law containing only the elements of the by-law concerned that did not cause approval to be withheld; or

(2) a by-law containing only the elements of the by-law concerned that did not cause approval to be withheld together with a by-law containing only the elements of the by-law concerned that caused approval to be withheld.

Sections 109.1 to 109.4 do not apply in respect of a by-law adopted under the first paragraph. Section 109.7 does not apply in respect of a by-law containing only the elements that caused approval to be withheld; the council of the municipality may, in the same resolution, apply to the Commission for an assessment under section 109.8, as if approval of the by-law had been withheld by the council of the regional county municipality; the time limit prescribed in the third paragraph of the said section shall be computed in relation to the date of adoption of the by-law.”

49. Section 110.1 of the said Act is amended by striking out the words “, subject to section 64,” in the second line.

50. Section 110.2 of the said Act is amended by adding, at the end, the following paragraph:

“However, a by-law adopted by the regional county municipality under section 109.12 need not be transmitted to the regional county municipality or to the Commission.”

51. Section 110.6 of the said Act is amended by striking out the words “transmit a certified copy of the resolution to the Commission for registration purposes and” in the third and fourth lines of the second paragraph.

52. Section 110.7 of the said Act is amended by inserting the words “, and may receive free of charge from the municipality a certified copy of the program and by-law concerned” after the word “period” in the second line of the third paragraph.

53. Division VII of Chapter III of Title I of the said Act is replaced by the following:

“DIVISION VII

“INTERIM CONTROL

“§ 1. — *Application*

“**111.** Subdivisions 2 to 4 shall apply to every municipality that has initiated the process of amendment of its planning program.

“§ 2. — *Interim control resolution*

“**112.** The council of the municipality may prohibit new uses of the land, new structures, applications for cadastral operations or the parcelling out of lots by alienation.

However, no such prohibition may apply to

(1) new uses of the land, structures, applications for cadastral operations or the parcelling out of lots by alienation

(a) for agricultural purposes on land under cultivation;

(b) for the purposes of the installation, by a municipality, of water or sewer services in an existing public street in execution of an order made under the Environment Quality Act (chapter Q-2);

(c) for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks;

(d) for the purposes of a forest management activity or of a wildlife management activity on lands in the public domain;

(2) applications for cadastral operations required by a declaration of co-ownership made under article 1038 of the Civil Code of Québec or by the alienation of part of a building requiring the partitioning of the land on which it is situated.

For the purposes of the first paragraph, the council may provide that new uses of the land, new structures, applications for cadastral operations and the parcelling out of lots by alienation constitute classes of activities, establish subclasses or divide the territory of the municipality. In such a case, the council may impose prohibitions that apply to one, several or all of the classes, subclasses or parts of territory or that vary according to class, subclass or part of territory or to any combination comprised of a class or subclass and a part of territory.

As soon as practicable after the passage of the resolution by which the council makes the decision under the first paragraph or changes or repeals it, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the regional county municipality and publish notice of the date of passage of the resolution in a newspaper circulated in the territory of the municipality.

“112.1 The council may, by the same resolution, provide that a prohibition prescribed under section 112 may be lifted on issuance of a permit, and set out the terms and conditions for the issuance thereof which may vary according to the classes, subclasses, parts of territory or combinations established under the third paragraph of the said section.

“§ 3. — Interim control by-law

“112.2 The council may, by by-law, exercise its powers under sections 112 and 112.1.

It may also, by the same by-law, prescribe special rules in the matters of zoning, subdivision or building and of issuance of permits and certificates. For that purpose, the third paragraph of section 112 and sections 113, 115, 116 and 118 to 122, adapted as required, apply.

“112.3 As soon as practicable after the coming into force of the by-law, the clerk or secretary-treasurer shall transmit a certified copy of the by-law, together with a notice of the date of its coming into force, to the regional county municipality, to every municipality whose territory is contiguous and, for registration, to the Commission.

“112.4 Section 112.3 applies in respect of a by-law concerning the amendment or the repeal of an interim control by-law.

“§ 4. — Effects of the interim control

“112.5 No building permit, subdivision permit, certificate of authorization or certificate of occupancy may be issued pursuant to a by-law of a municipality in respect of an activity that is prohibited or that is authorized, under any of sections 112 to 112.2, upon issuance of a permit or a certificate, unless in the latter case the activity was so authorized.

“112.6 A resolution passed under section 112 shall cease to have effect, if not repealed previously, from

(1) where the council adopts under section 112.2, during the period of 90 days after the passage of the resolution, a by-law connected with the same process for amending the planning program, the earlier of

(a) the date of coming into force of that by-law or of a by-law replacing it; and

(b) the date occurring one hundred and twenty days after the date of passage of the resolution;

(2) in the opposite case, the expiry of the period of 90 days after the passage of the resolution.

Any resolution that replaces any other resolution shall cease to have effect from the same day as the resolution replaced would have ceased to have effect.

“112.7 Any by-law adopted under section 112.2 shall cease to have effect, if not repealed previously, from the latest of

(1) the date of coming into force of the last concordance by-law that the council must adopt under section 58, 59, 59.5 or 110.4 to take account of the amendment or revision of the development plan or the amendment of the planning program;

(2) the date on which all of the by-laws of the municipality, from among those referred to in section 59.1, not required to be amended by a concordance by-law to take account of the revision of the plan, are determined under the fourth paragraph of section 59.2 or 59.4; and

(3) the date on which all of the by-laws of the municipality, from among those referred to in section 110.4, not required to be amended by a concordance by-law to take account of the amendment of the program, are, under the first or second paragraph of section 110.9, deemed to be in conformity with the amended program.

“112.8 Any provision of a resolution or by-law passed or adopted under section 112 or 112.2 and prohibiting an activity in a given portion of territory shall be without effect if a resolution or a by-law passed or adopted by the regional county municipality under section 62 or 64 authorizes the activity, in the same portion of territory, upon issuance of a permit or a certificate.

Any provision of a resolution or by-law passed or adopted under section 112 or 112.2 and authorizing, upon issuance of a permit or a certificate, an activity in a given portion of territory shall be without effect if a resolution or a by-law passed or adopted by the regional county municipality under section 62 or 64

(1) prohibits the activity, in the same portion of territory ;

(2) authorizes the activity in the same portion of territory, upon issuance of a permit or a certificate, and the terms and conditions for the issuance thereof or the officers charged with the issuance thereof are not the same.”

54. Section 113 of the said Act is amended

(1) by replacing the words “polling unit for the purposes of sections 131 to 137” in the second line of subparagraph 2 of the second paragraph by the words “territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum”;

(2) by striking out the words “the architecture, symmetry and exterior aspect of structures ; the location of a group of structures on a single site ; the exterior materials of structures ;” in the seventh, eighth and ninth lines of subparagraph 5 of the second paragraph ;

(3) by inserting, after subparagraph 5 of the second paragraph, the following subparagraph :

“(5.1) to regulate, by zone or sector of a zone, the architecture, symmetry and exterior aspect of structures, the location of a group of structures on a single site and the exterior materials of structures ;”;

(4) by inserting, in the French text, the word “et” after the word “régir” in the fourth line of the fifth paragraph.

55. Section 115 of the said Act is amended

(1) by striking out the words “and to identify the public or private nature of thoroughfares” in the second and third lines of subparagraph 1 of the second paragraph ;

(2) by inserting, after subparagraph 1 of the second paragraph, the following subparagraph :

“(1.0.1) to identify the public or private nature of thoroughfares;”.

56. Section 119 of the said Act is amended

(1) by inserting the words “application for a” after the word “any” in paragraph 4;

(2) by striking out the words “, provided that the tariff is not higher than that fixed by the Government under subparagraph 5 of the first paragraph of section 241” in the third and fourth lines of paragraph 6.

57. Subdivisions 1, 1.1 and 2 of Division V of Chapter IV of Title I of the said Act are replaced by the following subdivisions:

“§ 1. — *Public consultation on draft by-laws*

“**123.** Sections 124 to 127 apply with respect to

(1) zoning, subdivision and building by-laws;

(2) by-laws adopted under section 116;

(3) by-laws concerning minor exemptions from a planning by-law, comprehensive development plans, site planning and architectural integration programs, and municipal works agreements;

(4) by-laws to amend a by-law mentioned in subparagraphs 1 to 3.

However, sections 124 to 127 do not apply to by-laws applicable to unorganized territories that are not subject to approval by way of referendum.

For the purposes of this division, a by-law that is subject to approval by way of referendum is a by-law that

(1) is designed to amend a zoning or subdivision by-law by adding, amending, replacing or striking out a provision bearing on a matter mentioned in any of subparagraphs 1 to 5, 6, 10, 11 and 16.1 to 22 of the second paragraph of section 113 or in the third paragraph of the said section, or a matter mentioned in any of subparagraphs 1, 3 and 4.1 of the second paragraph of section 115; and

(2) is not a concordance by-law enacting, pursuant to section 58, 59, 102 or 110.4, an amendment referred to in subparagraph 1 for the sole purpose of taking into account an amendment to or revision of the development plan or the coming into force or amendment of the planning program.

“124. Every by-law to which this section applies shall be adopted in draft form by the council of the municipality.

As soon as practicable after the adoption of the draft by-law, the clerk or secretary-treasurer of the municipality shall transmit a certified copy of the draft by-law and of the resolution by which it was adopted to the regional county municipality.

“125. The municipality shall hold a public meeting in connection with the draft by-law, presided by the mayor or by a member of the council designated by the latter.

The date, time and place of the meeting shall be fixed by the council, which may delegate all or part of this power to the clerk or secretary-treasurer of the municipality.

“126. At least seven days before the public meeting is held, the clerk or secretary-treasurer of the municipality shall post, in the office of the municipality, a notice setting out the date, time, place and object of the meeting, and publish it in a newspaper circulated in its territory.

The notice must state that a copy of the draft by-law is available for consultation at the office of the municipality. It must also state whether or not the draft by-law contains a provision making it a by-law subject to approval by way of referendum.

Except in the case of a draft concordance by-law to be adopted under section 58 or 59,

(1) where the draft by-law concerns a zone, a sector of a zone or a part of the territory determined under the fifth paragraph of section 113 or the third paragraph of section 115, the notice must, using street names whenever possible, describe the perimeter of the zone, sector or part, illustrate it by means of a sketch, or state the approximate location of the zone, sector or part and the fact that a description or illustration is available for consultation at the office of the municipality;

(2) where the draft by-law concerns the whole territory of the municipality, the notice must state, where applicable, that the draft by-law contains provisions applying specifically to a zone, a sector of a zone or a part of the territory determined under the fifth paragraph of section 113 or the third paragraph of section 115 and mention the fact that a description or illustration of the zone, sector or part is available for consultation at the office of the municipality.

In the case of contiguous zones or sectors of zones, the description or illustration of their perimeter or approximate location may be that of their combined areas.

“**127.** During the public meeting, the person presiding must explain the draft by-law and hear every person or body wishing to express an opinion.

Where the draft by-law contains a provision making it a by-law subject to approval by way of referendum, the person responsible for explaining the draft by-law shall identify that provision and explain the nature of and means of exercising the right of certain persons to make an application, pursuant to the provisions of subdivision 2, for any by-law containing that provision to be submitted for the approval of certain qualified voters.

“§ 2. — *Applications to take part in a referendum following a second draft by-law*

“**128.** Once the public meeting on a draft by-law containing a provision making it a by-law subject to approval by way of referendum has been held, the council of the municipality shall adopt, with or without change, a second draft by-law. No such provision may be included in the second draft by-law unless it relates to a matter in respect of which such a provision was included in the first draft by-law.

However, the council is not bound to adopt a second draft by-law if the by-law it adopts under section 134 no longer contains any provision making it a by-law subject to approval by way of referendum.

As soon as practicable after the adoption of the second draft by-law, the clerk or secretary-treasurer of the municipality shall transmit a certified copy of the draft by-law and of the resolution by which it was adopted to the regional county municipality or, if the second draft by-law is identical to the first, a notice to that effect.

“129. A summary of the second draft by-law may be produced under the responsibility of the municipality.

Notwithstanding the second paragraph of section 11 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a copy of the summary may be obtained from the municipality, free of charge, by any person who so requests.

“130. If the second draft by-law contains a provision making the by-law a by-law subject to approval by way of referendum, an application may be made under this section and under sections 131 and 133 to require that any by-law containing the provision that is adopted under section 136 be submitted for the approval of certain qualified voters.

An application relating to a provision adopted under subparagraph 18 of the second paragraph of section 113 or subparagraph 3 of the second paragraph of section 115 may originate from any zone within the territory of the municipality, and shall require that the by-law be submitted for the approval of all the qualified voters.

An application relating to a provision that applies to part of the territory, as determined under the fifth paragraph of section 113 or the third paragraph of section 115, may originate from any zone wholly or partially comprised within the part concerned, and shall require that the by-law be submitted for the approval of the qualified voters in any zone wholly or partially comprised within the part concerned.

An application relating to a provision that amends the classification of structures or uses in such a way that the authorized structures and uses in a zone are changed may originate from that zone and from any zone contiguous to it, and shall require that the by-law be submitted for the approval of the qualified voters in the zone in which the authorized structures or uses are changed and from which the application originates, and of the qualified voters in any contiguous zone from which an application originates, provided that an application originates from the zone to which it is contiguous.

An application relating to a provision adopted pursuant to a power that does not permit of sector-by-sector regulation may originate from a zone to which it applies and from any zone contiguous to that zone, and shall require that the by-law be submitted for the approval of the qualified voters in the zone to which the by-law

applies, and of the qualified voters in any contiguous zone from which an application originates.

An application relating to a provision adopted pursuant to a power that permits of sector-by-sector regulation may originate from a sector to which it applies, a sector of the same zone that is contiguous to a sector to which it applies, and any zone contiguous to a sector to which it applies, and shall require that the by-law be submitted for the approval of the qualified voters in the sector to which the by-law applies and of the qualified voters in any contiguous sector or zone from which an application originates.

“131. Every interested person in a zone or a sector of a zone may sign an application originating from that zone or sector.

For the purposes of this subdivision, an interested person in a given zone or sector of a zone is a person who would be a qualified voter and whose name would be entered on the referendum list of the zone or sector if the reference date, within the meaning of the Act respecting elections and referendums in municipalities (chapter E-2.2), was the date of adoption of the second draft by-law and if the sector concerned, within the meaning of that Act, was that zone or sector.

“132. Following the adoption of the second draft by-law, the clerk or secretary-treasurer shall, in accordance with the Act governing the municipality for such purposes, issue a public notice

(1) setting out the number, title and date of adoption of the second draft by-law;

(2) giving a brief description of the object of the provisions in respect of which an application may be made, or mentioning the fact that a copy of the summary of the second draft by-law may be obtained, free of charge, by any person who so requests;

(3) (a) stating which interested persons are entitled to sign an application in respect of each provision and the tenor of an application or, if the object of the provisions is not stated in the notice, explaining, in a general manner, entitlement to sign an application and the tenor of an application and stating how information may be obtained to determine which interested persons are entitled to sign an application in respect of each provision and the tenor of an application;

(b) setting out the conditions of validity of an application;

(4) determining the interested persons in a zone and the manner in which a legal person may exercise the right to sign an application, or stating how such information may be obtained;

(5) describing, using street names whenever possible, the perimeter of each zone from which an application may originate, otherwise than by reason of the fact that it is contiguous to another zone, illustrating it by means of a sketch, or indicating the approximate location of the zone and stating the fact that a description or illustration is available for consultation at the office of the municipality;

(6) mentioning the fact that the provisions in respect of which no valid application is received may be included in a by-law that is not required to be submitted for the approval of the qualified voters;

(7) stating the place, dates and times at which the second draft by-law is available for consultation.

If, under subparagraph 5 of the first paragraph, the perimeter or approximate location of all the zones in the territory of the municipality are to be illustrated or described, the notice need contain no description, illustration or indication, except if it contains the description of the object of the provisions in respect of which an application may be made.

In the case of contiguous zones, the description or illustration of their perimeter or indication of their approximate location may be that of their combined areas.

For the purposes of the first three paragraphs, a sector of a zone is considered to be a zone if, pursuant to the sixth paragraph of section 130, an application may originate from a sector of a zone.

“133. An application, in order to be valid, must

(1) state clearly the provision to which it refers and the zone or sector of a zone from which it originates;

(2) be signed by at least 12 interested persons in a zone or sector in which there are more than 21 interested persons, or, in other cases, by a majority of the interested persons;

(3) be received by the municipality not later than the eighth day following the day on which the notice provided for in section 132 is published.

The provisions of the Act respecting elections and referendums in municipalities (chapter E-2.2) dealing with the manner in which a legal person may exercise its rights, the manner in which qualified voters entitled to have their names entered on the referendum list are to be counted, and applications for the holding of a referendum poll apply, adapted as required, to the signing of an application.

“§ 2.1 — *Adoption and approval of certain by-laws*

“**134.** Once the public hearing provided for in section 125 has been held, the council of the municipality shall adopt, with or without change, the by-law adopted in draft form under section 124.

The by-law may not contain any provision making it a by-law subject to approval by way of referendum.

The first two paragraphs do not apply if the council has been required to adopt a second draft by-law under section 128. However, even if the council adopts a second draft by-law containing provisions making it a by-law subject to approval by way of referendum that relate to matters in respect of which such provisions were included in the draft by-law provided for in section 124, the council may adopt a by-law containing only provisions not making the by-law a by-law subject to approval by way of referendum that relate to matters in respect of which provisions were included in the latter draft by-law.

“**135.** Where no valid application has been received in respect of a second draft by-law, the council of the municipality shall adopt that draft by-law without change.

In all other cases, the council shall adopt, besides a separate by-law under section 136, if any, a by-law containing the provisions of the second draft by-law in respect of which no valid application has been received. The council may only make changes required by reason of the withdrawal, from the by-law, of the provisions in respect of which valid applications have been received.

“**136.** In cases where a valid application has been received in respect of a provision of the second draft by-law, that provision may only be contained in a by-law that is separate from that referred to in the second paragraph of section 135 and, subject to section 137, separate from any other by-law containing another provision in respect of which a valid application has been made.

The council of the municipality shall adopt such separate by-laws without any change, as compared to the equivalent part of the second draft by-law, other than a change required by reason of the withdrawal, from the by-law, of the provisions contained in the by-law provided for in the second paragraph of section 135 and of any other provisions in respect of which a valid application has been made.

For the purposes of the first two paragraphs, where the provision in respect of which the application is made applies to more than one zone, that provision, except where it amends the classification of structures and uses, is deemed to constitute a separate provision applying separately to each zone. For the purposes of this paragraph, a sector of a zone is considered to be a zone if, under the sixth paragraph of section 130, an application may originate from a sector.

“136.1 Every by-law adopted under section 136 must be approved by the qualified voters, in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2), as provided for in the following paragraphs.

A by-law adopted following an application referred to in the second paragraph of section 130 shall be submitted for the approval of all the qualified voters.

A by-law adopted following an application referred to in the third paragraph of section 130 shall be submitted for the approval of the qualified voters in any zone wholly or partially comprised within the part of the territory referred to in that paragraph.

A by-law adopted following an application referred to in the fourth paragraph of section 130 shall be submitted for the approval of the qualified voters in the zone in which the authorized structures or uses are changed and from which a valid application in respect of the provision referred to in that paragraph originated, and of the qualified voters in any contiguous zone from which an application originates, provided that such an application originates from the zone to which it is contiguous.

A by-law adopted following an application referred to in the fifth paragraph of section 130 shall be submitted for the approval of the qualified voters in the zone in which the by-law applies, and of the qualified voters in any contiguous zone from which a valid application originates in respect of the provision referred to in that paragraph.

A by-law adopted following an application referred to in the sixth paragraph of section 130 shall be submitted for the approval of the qualified voters in the sector in which it applies, and of the qualified voters in any contiguous sector or zone from which a valid application originates in respect of the provision referred to in that paragraph.

137. A by-law may contain more than one provision in respect of which a valid application has been made to the extent that, were each such provision to be contained in a separate by-law, all the by-laws containing one such provision would have to be approved by the same group of qualified voters.”

58. Section 137.2 of the said Act is amended by adding, at the end, the following paragraph:

“The clerk or secretary-treasurer shall also, as soon as practicable after the date on which the by-law is deemed to have been so approved, transmit a notice specifying that date to the regional county municipality.”

59. Section 137.3 of the said Act is amended

(1) by inserting the words “the first paragraph of” after the word “in” in the first line of the first paragraph;

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

“The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons and state the provisions of the by-law that are not in conformity.”;

(3) by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph;

(4) by replacing the words “section 131.1” in the ninth line of the third paragraph by the words “the third paragraph of section 137.2”;

(5) by striking out the words “and, for registration purposes, to the Commission” in the third and fourth lines of the fourth paragraph.

60. Section 137.4 of the said Act is amended

(1) by striking out the words “and on the regional county municipality” in the second line of the second paragraph;

(2) by adding, at the end of the second paragraph, the words “and of the by-law concerned. He shall serve a certified copy of the resolution on the regional county municipality.”;

(3) by inserting the words “served on the Commission” after the word “copy” in the first line of the third paragraph;

(4) by striking out the words “to the municipality” in the second and third lines of the third paragraph.

61. The said Act is amended by inserting, after section 137.4, the following section:

“137.4.1 If the council of the regional county municipality withholds approval of the by-law, the council of the municipality may, instead of applying for the assessment provided for in section 137.4, adopt

(1) a single by-law containing only the elements of the by-law concerned that did not cause approval to be withheld; or

(2) a by-law containing only the elements of the by-law concerned that did not cause approval to be withheld together with a by-law containing only the elements of the by-law concerned that caused approval to be withheld.

Sections 124 to 133 do not apply in respect of a by-law adopted under the first paragraph. Section 137.3 does not apply in respect of a by-law containing only the elements that caused approval to be withheld; the council of the municipality may, in the same resolution, apply to the Commission for an assessment under section 137.4, as if approval for such by-law had been withheld by the council of the regional county municipality; the time limit prescribed in the third paragraph of the said section shall be computed in relation to the date of adoption of the by-law.

Any by-law adopted under the first paragraph that contains a provision having resulted in, in respect of the by-law for which approval was withheld by the council of the regional county municipality, the utilization of the process of approval by way of

referendum must be approved by the same qualified voters, regardless of any change in the date of reference within the meaning of the Act respecting elections and referendums in municipalities (chapter E-2.2). However, the by-law is deemed to have been so approved on the date of its adoption if, on such date, the by-law for which approval was withheld by the council of the regional county municipality is deemed, under the said Act, to have been approved by the qualified voters.”

62. Section 137.5 of the said Act is amended by replacing the words “section 131.1” in the eleventh line of the fourth paragraph by the words “the third paragraph of section 137.2”.

63. Section 137.7 of the said Act is amended by replacing the words “130.2 to 130.6” in the first line by the words “124 to 133”.

64. Section 137.8 of the said Act is amended

(1) by replacing the figure “130.2” in the first line of the second paragraph by the figure “124”;

(2) by inserting, in the French text, the word “est” after the word “qui” in the third line of the fifth paragraph.

65. Section 137.11 of the said Act is amended by inserting the words “, and may receive free of charge from the municipality a certified copy of the program and by-law concerned” after the word “period” in the second line of the third paragraph.

66. Section 137.14 of the said Act is amended by replacing the words “130.2 to 130.6” in the first line of the second paragraph by the words “124 to 133”.

67. Section 137.16 of the said Act is amended

(1) by striking out the words “or 130.1” in the first line of the first paragraph;

(2) by replacing the words “sections 64 and” in the third line of the first paragraph by the word “section”.

68. Section 137.17 of the said Act is amended

(1) by striking out the words “to every contiguous municipality,” in the third and fourth lines;

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

“The first paragraph does not apply in respect of a by-law adopted by the council of the regional county municipality under section 137.8.”

69. Section 145.18 of the said Act is amended by replacing the words “130.3 to 130.6” in the second line by the words “125 to 127”.

70. Section 150 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “However, where none of the provisions of the by-law applies to the planned intervention in the territory concerned, the plan shall be the document considered for the purposes of the first paragraph.”

71. Section 155 of the said Act is amended

(1) by inserting the words “or 65 and 66” after the words “to 53.9” in the third line of the second paragraph;

(2) by replacing the words “as amended by” in the fourth and fifth lines of the second paragraph by the words “or the provisions of the interim control by-law, as either is amended by the”.

72. Section 159 of the said Act is replaced by the following section:

“**159.** A special planning zone shall be created for the purpose of solving a development or environmental problem whose urgency or seriousness, in the opinion of the Government, warrants its intervention.”

73. Section 227 of the said Act is amended

(1) by inserting the words “or resolution” after the word “by-law” in the third line of subparagraph 1 of the first paragraph;

(2) by inserting the words “resolution, the” after the words “with the” in the second line of the second paragraph.

74. Section 228 of the said Act is amended by inserting the words “or resolution” after the word “by-law” in the third line of the first paragraph.

75. Section 229 of the said Act is amended

(1) by striking out the words “section 61 or” in the fourth line of the first paragraph;

(2) by striking out the words “61 or” in the third line of the second paragraph.

76. Section 230 of the said Act is amended by striking out the words “61 or” in the second line of the first paragraph.

77. Section 237 of the said Act is amended by striking out the words “, subject to subparagraph 5 of the first paragraph of section 241” in the fourth and fifth lines.

78. Section 241 of the said Act is repealed.

79. Section 246 of the said Act is amended by inserting the words “or resolution” before the words “or a zoning” in the second line of the first paragraph.

80. Section 264 of the said Act is amended

(1) by replacing subparagraph *b* of subparagraph 2 of the second paragraph by the following subparagraph:

“(b) subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the words “where the development plan specifies development areas grouping one or more zones for which a special planning program has come into force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum;”;

(2) by striking out subparagraph *b.1* of subparagraph 2 of the second paragraph.

81. Section 264.0.1 of the said Act, amended by section 66 of chapter 2 of the statutes of 1996, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) Chapters IV and V of Title I apply, adapted as required, to Ville de Mirabel except that subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the words “where the development plan specifies development areas grouping one or more zones for which a special planning program has come into

force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum.”.

82. Section 264.1 of the said Act, amended by section 63 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) all the decisions of the Council of the Community, except the decision provided for in the second paragraph of section 52, shall be made in accordance with the rules provided for in sections 52 and 53 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2);”;

(2) by inserting the words “or resolution” after the word “by-law” in the third line of subparagraph 12.1 of the second paragraph.

83. Section 264.2 of the said Act, amended by section 64 of chapter 34 of the statutes of 1995, is again amended

(1) by inserting, after subparagraph 1 of the second paragraph, the following subparagraph:

“(1.1) all the decisions of the Council of the Community, except the decision provided for in the second paragraph of section 52, shall be made in accordance with the rules provided for in sections 38.1 to 39.1 of the Act respecting the Communauté urbaine de Québec (chapter C-37.3);”;

(2) by inserting the words “or resolution” after the word “by-law” in the third line of subparagraph 5.1 of the second paragraph;

(3) by inserting the words “or resolution” after the word “by-law” in the seventh line of the third paragraph.

84. Section 264.3 of the said Act, amended by section 65 of chapter 34 of the statutes of 1995, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) all the decisions of the Council of the Community, except the decision provided for in the second paragraph of section 52, shall be made in accordance with the rules provided for in sections 33 to

34.1 of the Act respecting the Communauté urbaine de l'Outaouais (chapter C-37.1);”.

85. Section 267 of the said Act is amended

(1) by striking out the figures “11, 16, 27, 29,” in the second and third lines of the first paragraph;

(2) by replacing the words “and 56.16” in the third line of the first paragraph by the words “, 56.16 and 65”.

86. Notwithstanding section 3, sections 25 to 31 of the Act respecting land use planning and development as they read on 19 June 1996 shall continue to apply to Municipalité régionale de comté de La Côte-de-Beaupré.

87. Any interim control measures in force in a territory on 19 June 1996 owing to the application of provisions mentioned in the second paragraph shall operate as long as so provided by such provisions.

The relevant provisions of the third paragraph of section 48, section 56, sections 61 to 75, the second paragraph of section 109.1 and sections 111 to 112.1 of the Act respecting land use planning and development, as they read before being repealed, struck out or replaced by section 9, 14, 26, 41 or 53, and any provision of the said Act that referred or was related to any of the aforementioned provisions before it was amended, replaced, repealed or struck out by this Act, shall continue to apply in the territory concerned in respect of those interim control measures.

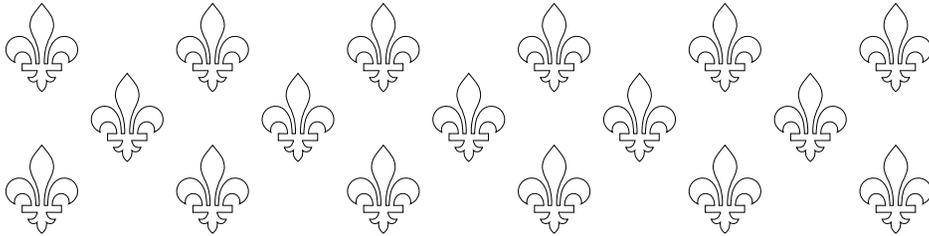
The council of a municipality or urban community that passed a resolution under the third paragraph of section 48, section 56 or section 109.1 mentioned in the second paragraph may repeal the resolution or strike out the part relating to interim control.

The council of a municipality or urban community may amend any interim control measures referred to in the first paragraph, prescribed by by-law, by adopting a by-law under section 64 or 112.2 of the Act respecting land use planning and development, enacted by sections 26 and 53, respectively. Upon the coming into force of such a by-law, the first three paragraphs shall cease to apply in the territory concerned, and the provisions of this Act relating to interim control connected with the process of amendment or revision of the development plan or of amendment of the planning program, as the

case may be, shall replace those of the provisions mentioned in the second paragraph that are connected with the same process.

88. Any procedure or process in progress on 31 October 1996 and leading to the adoption or approval by way of referendum of a by-law that is undertaken under sections 123 to 137 of the Act respecting land use planning and development as they read before being replaced by section 57 shall be continued after that date in accordance with sections 123 to 137 of the said Act and with any provision of the said Act that refers or is related thereto, notwithstanding their replacement or amendment by this Act.

89. This Act comes into force on 20 June 1996, except paragraphs 2 and 3 of section 37, section 40, paragraphs 1 to 3 of section 54, section 55, sections 57 and 58, paragraph 4 of section 59, sections 61 to 63, paragraph 1 of section 64, section 66, paragraph 1 of section 67, section 69, paragraph 1 of section 80 and section 81, which come into force on 1 November 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 23
(1996, chapter 26)

**An Act to amend the Act to
preserve agricultural land and
other legislative provisions in
order to promote the preservation
of agricultural activities**

**Introduced 15 May 1996
Passage in principle 4 June 1996
Passage 20 June 1996
Assented to 20 June 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

The object of this bill is to promote the sustainable development of agricultural activities in agricultural zones through amendments primarily to the Act to preserve agricultural land and the Act respecting land use planning and development.

As regards the exercise of municipal jurisdiction in respect of agricultural zones, the bill proposes that specific measures be introduced into development plans and related documents to promote the planning of agricultural activities in agricultural zones, and to ensure priority for the use of land for agricultural activities and the harmonious coexistence of agricultural and non-agricultural activities. It also provides that an application for authorization is admissible by the Commission de protection du territoire agricole only if it is in conformity with the zoning by-law.

The bill provides for the establishment, within each regional county municipality, of an agricultural advisory committee responsible, in particular, for making recommendations on the planning of agricultural land, agricultural practices, and environmental concerns.

Producers in agricultural zones will be protected from legal proceedings brought by third parties by reason of the noise, dust or odours produced by agricultural activities, and will not be prevented from carrying on their activities provided they comply with the Environment Quality Act and the regulations governing dust and noise, and with municipal by-laws governing odours.

The bill introduces the possibility for a municipality, as of the date of coming into force of the first original or revised development plan of the regional county municipality or community to which it belongs, of obtaining from the Commission, on certain conditions, a general decision covering several proposals to use land for residential purposes in keeping with an overall vision of the agricultural zone.

Besides recasting certain of the Commission's decision-making criteria, amending the regulatory powers of the Government and making a number of fines more dissuasive, the bill contains various administrative and technical measures to facilitate the application of the Act and the operations of the Commission.

Lastly, the bill removes the provisions that apply to the creation of exclusive sectors and in cases determined by regulation of the Government, the requirement to obtain the authorization of the Commission. It contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);
- Act to preserve agricultural land (R.S.Q., chapter P-41.1);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act to amend the Act to preserve agricultural land (1989, chapter 7).

Bill 23

An Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is replaced by the following title:

“Act respecting the preservation of agricultural land and agricultural activities”.

2. Division I of the said Act becomes Chapter I, and its heading is amended by adding the words “AND SCOPE”.

3. Section 1 of the said Act, amended by section 792 of chapter 2 of the statutes of 1996, is again amended

(1) by inserting, before paragraph 1, the following paragraph:

“(0.1) “agricultural activities” means the practice of agriculture, including the practice of allowing land to lie fallow, the storage and use, on a farm, of chemical, organic or mineral products and of farm machinery and equipment for agricultural purposes.

Where carried out by a producer on his farm with respect to farm products from his operation or, secondarily, from the operations of other producers, activities relating to the storage, packaging, processing and sale of farm products are considered to be agricultural activities;”;

(2) by inserting the words “transfer of a right of superficies,” after the word “licitation,” in the fourth line of paragraph 3;

(3) by inserting, after paragraph 3, the following paragraph :

“(3.1) “certified association” means the certified association within the meaning of the Farm Producers Act (chapter P-28);”;

(4) by replacing paragraph 7 by the following paragraphs:

“(7) “sugar bush” means a forest stand, covering an area of at least four hectares, suitable for the production of maple syrup;

“(7.1) “appropriate available area” means a vacant area of land on which the intended use is allowed by the applicable municipal zoning by-law and by the interim control measures, if any;”;

(5) by replacing paragraph 8 by the following paragraph:

“(8) “lot” means a parcel of land immatriculated on a cadastral plan, a parcel of land described by metes and bounds in transfer instruments or acts declaratory of ownership or any residual part after separation from the parcels of land described by metes and bounds in transfer instruments and the immatriculated parts;”;

(6) by striking out the words “by means of the deposit of a plan and book of reference pursuant in particular to article 2174*b* or 2175 of the Civil Code of Lower Canada or” in the first, second and third lines of paragraph 10;

(7) by adding, at the end, the following paragraphs :

“A forest stand identified by the letters ER, ERFI, ERFT, ERBB, ERBJ or ERO on the forest inventory maps drawn up by the Ministère des Ressources naturelles is presumed to be suitable for the production of maple syrup within the meaning of this Act.

For the purposes of this Act, “regional county municipality” includes Ville de Laval and Ville de Mirabel.”

4. The said Act is amended by inserting, after section 1, the following section:

1.1 The object of the agricultural land preservation regime established by this Act is to secure a lasting territorial basis for the practice of agriculture, and to promote, in keeping with the concept of sustainable development, the preservation and development of agricultural activities and enterprises in the agricultural zones established by the regime.”

5. The said Act is amended by inserting, after section 2, the following heading:

“CHAPTER II

“PRESERVATION OF AGRICULTURAL LAND”.

6. Division II of the said Act, comprising sections 3 to 21, becomes Division I of Chapter II.

7. Section 4 of the said Act is amended by replacing the third paragraph by the following paragraph:

“A member shall remain in office at the expiry of his term to complete the cases before him.”

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

“9. The members of the personnel of the commission are governed by the Public Service Act (chapter F-3.1.1).”

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

“12. In the exercise of its jurisdiction, the commission shall give proper consideration to the fact that it is in the general interest to preserve agricultural land and agricultural activities. It shall also give proper consideration to regional characteristics.

The commission may consider all facts that come to its attention.”

10. The said Act is amended by inserting, after section 13, the following section:

“13.1 For the purposes of this chapter and Division I of Chapter III, the certified association has the required interest to intervene in respect of an application.”

11. Section 14 of the said Act, amended by section 825 of chapter 2 of the statutes of 1996, is again amended by replacing the word “order” in the second line of the first paragraph by the word “authorization”.

12. Section 15 of the said Act is amended

(1) by replacing the word “A” in the first line of the fourth paragraph by the words “A hard copy of a document stored in electronic form and a”;

(2) by striking out the words “, the secretary” in the third line of the fourth paragraph;

(3) by adding, after the fourth paragraph, the following paragraph:

“An attestation issued by any person authorized for that purpose by the commission, in the absence of any evidence to the contrary, is proof that a lot is subject to this Act from the date indicated in the attestation.”

13. Section 19.1 of the said Act is amended

(1) by inserting the words “or declaration” after the word “application” in the first line of subparagraph 2 of the first paragraph;

(2) by inserting the words “or declaration” after the word “application” in the third line of subparagraph 2 of the first paragraph;

(3) by striking out the second paragraph.

14. Section 19.2 of the said Act is repealed.

15. Division II.1 of the said Act, comprising sections 21.0.1 to 21.9, becomes Division II of Chapter II.

16. Section 21.0.3 of the said Act is replaced by the following section:

“21.0.3 The Government shall appoint and fix, where applicable, the salary or additional salary and the allowances of the secretary of the appeal tribunal. The secretary is governed by the Public Service Act (chapter F-3.1.1).

Sections 5, 8 to 13 and 15 to 21, adapted as required, apply to the appeal tribunal.”

17. Section 21.0.9 of the said Act is replaced by the following section:

“21.0.9 The appeal tribunal has jurisdiction to decide any question of law or fact.

Except in the case of an error of law or a material error of fact in the contested decision, the appeal tribunal may not reexamine the assessment of the application made by the commission on the basis of criteria the commission was required to consider.

An appeal from a decision suspends, by operation of law, any new application to obtain the same conclusions, until a decision is rendered on the appeal.”

18. Section 21.0.10 of the said Act is replaced by the following section:

“21.0.10 The appeal tribunal may confirm the decision or order brought before it; it may also quash the decision or order in whole or in part and may render the decision which, in its opinion, should have been rendered in first instance or it may remit the matter to the commission.”

19. Section 26 of the said Act is amended by replacing the words “In a designated agricultural region, no person may” in the first line by the words “Except in the cases and circumstances determined in a regulation under section 80, no person may, in a designated agricultural region,”.

20. Section 28 of the said Act is amended

(1) by replacing the words “No person may, except with” in the first line of the first paragraph by the words “Except in the cases and circumstances determined in a regulation under section 80, no person may, without”;

(2) by replacing the words “identify a residual part of a lot as a separate lot by depositing a plan and book of reference or alienate it” in the second and third lines of the second paragraph by the words “alienate a residual part of a lot”.

21. Section 29 of the said Act is amended

(1) by replacing the word “No” in the first line of the first paragraph by the words “Except in the cases and circumstances determined in a regulation under section 80, no” and by replacing the words “except with” in the same line by the word “without”;

(2) by replacing the words “Division IX ” in the second line of the second paragraph by the words “Chapter VII”.

22. Section 30 of the said Act, amended by section 796 of chapter 2 of the statutes of 1996, is again amended by adding, after the second paragraph, the following paragraph:

“Where the motion is not filed by the commission, the commission must be impleaded.”

23. Section 31 of the said Act, amended by section 797 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Division IX” in the first three paragraphs by the words “Chapter VII”.

24. Section 31.1 of the said Act is amended by replacing the words “Division IX” in the first paragraph by the words “Chapter VII”.

25. Section 32 of the said Act, amended by section 798 of chapter 2 of the statutes of 1996, is replaced by the following section:

“32. In the cases and circumstances determined in a regulation under section 80, a person applying for the issue of a building permit for a lot situated in an agricultural zone without an authorization from the commission must send to the commission a declaration setting forth the right entitling that person to build without authorization.

No local municipality, regional county municipality or community may issue a building permit for a lot situated in an agricultural zone unless the commission has issued an authorization or a notice of compliance with this Act or the three-month period prescribed by section 100.1 has elapsed.”

26. The said Act is amended by inserting, after section 32, the following section:

“32.1 In the cases and circumstances determined in a regulation under section 80, a person who subdivides or alienates an area of land in respect of which a right is recognized under Chapter VII, or who retains such an area following a subdivision or alienation, must send a declaration to the commission setting forth the right entitling him to proceed without the authorization of the commission.”

27. Section 33 of the said Act is repealed.

28. Section 41 of the said Act, amended by section 803 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the figure “20” in the second line of subparagraph 1 of the second paragraph by the figure “30”;

(2) by replacing the figure “20” in the second line of subparagraph 2 of the second paragraph by the figure “30”.

29. Subdivision 5 of Division III of the said Act, comprising sections 43 to 46, is repealed.

30. The said Act is amended by inserting, after the heading of Division IV, the following heading:

“§ 1. — *Agricultural zone decree*”.

31. Section 47 of the said Act, amended by section 806 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Confédération de l’Union des producteurs agricoles” in the fifth line of the first paragraph by the words “certified association”.

32. Section 52 of the said Act, amended by section 808 of chapter 2 of the statutes of 1996, is again amended by striking out the words “secretary of the” in the first line.

33. The said Act is amended by inserting, after section 53, the following heading:

“§ 2. — *Effects of agricultural zone decree*”.

34. The said Act is amended by inserting, after section 57, the following heading:

“§ 3. — *Applications*”.

35. Section 58 of the said Act, amended by section 825 of chapter 2 of the statutes of 1996, is replaced by the following sections:

“**58.** A person wishing to do anything for which an authorization or permit is required in respect of a lot situated in an agricultural zone, or wishing to have a lot included in an agricultural zone, must apply therefor to the local municipality in whose territory the lot is situated, and forward a copy of the application to the commission.

Similarly, a regional county municipality, a community, a government department, a public agency or an agency providing public services wishing, for its own purposes or for a project of which it is the promoter, to do anything for which an authorization or permit is required in respect of a lot situated in an agricultural zone, must apply therefor to the local municipality in whose territory the lot is situated, and forward a copy of the application to the commission.

A local municipality wishing to make an application under the second paragraph may transmit its application directly to the commission, together with the statement as to whether the application is consistent with its zoning by-law, with the interim control measures, if any, and with any other document required by the commission.

“58.1 Upon receipt of the application, the clerk or secretary-treasurer of the local municipality shall advise the applicant and the commission of the date of receipt. The local municipality shall examine the application and may, for that purpose, require such information and documents as it considers relevant.

The local municipality shall, within 45 days of receiving the application, transmit it to the commission together with its recommendation, and transmit the assessment of an authorized officer as to whether the application is consistent with its zoning by-law and with the interim control measures, if any.

The local municipality shall also transmit to the applicant a copy of all the documents mentioned in the second paragraph.

“58.2 The recommendation must give reasons and must take into consideration the criteria set out in section 62, in the provisions of the zoning by-law or in the interim control measures, if any. In addition, if the application concerns a new use for purposes other than agriculture, the recommendation must include a description of any appropriate available areas elsewhere in the territory of the local municipality, outside the agricultural zone, that could meet the applicant's needs.

“58.3 An application under section 58 shall be entered in the general register of the commission at the expiry of 45 days.

“58.4 In the case of an application under the second or third paragraph of section 58, the commission must request the regional county municipality or the community and the certified association to transmit a recommendation to it within 45 days.

The recommendation must give reasons and must take into consideration the criteria set out in section 62.

The recommendation from the regional county municipality or the community must also take into consideration the objectives of the development plan, the provisions of the complementary document and the interim control measures, if any, and be submitted together

with a statement as to whether the application is consistent with such documents.

“58.5 An application is not admissible if the commission has received a statement indicating that the application is inconsistent with the zoning by-law of the local municipality or with the interim control measures, if any.

An application may, however, be admissible upon receipt of

(a) a copy of a proposed by-law adopted by the council of the local municipality and the effect of which would be to make the application consistent with the zoning by-law, and

(b) a notice from the regional county municipality or the community confirming that the amendment proposed by the local municipality would be consistent with the development plan or with the interim control measures of the regional county municipality or community.

“58.6 An application made by a producer to have a lot re-included in an agricultural zone after having been withdrawn on revision of the agricultural zone is not subject to section 58.5.”

36. Section 59 of the said Act, amended by section 825 of chapter 2 of the statutes of 1996, is replaced by the following:

“59. A local municipality may apply to the commission to determine the cases and circumstances in which its zoning by-law would allow the introduction of new uses of land for residential purposes in an agricultural zone, at the places it indicates.

The application must be submitted with favourable assessments from the regional county municipality or community and the certified association, and any document required by the commission.

“59.1 Sections 58.3 and 58.4, adapted as required, apply to an application under section 59.

“59.2 In examining the application, the commission, in addition to taking into consideration the criteria set out in section 62, must be satisfied that the conditional authorization applied for reflects an overall view of the agricultural zone and is in keeping with the concept of sustainable development of agricultural activities.

“§ 4. — *General provisions*”.

37. The said Act is amended by inserting, after section 61, the following sections:

“**61.1** Where an application concerns an authorization for a new use for purposes other than agriculture, the applicant must first demonstrate that there is no appropriate available area elsewhere in the territory of the local municipality, outside the agricultural zone, that is suitable for the purposes for which the application is made.

The commission may reject an application on the sole ground that there are appropriate available areas outside the agricultural zone.

“**61.2** Where an application for authorization concerns the introduction of a new use for institutional, commercial or industrial purposes, or the introduction of several new residential uses on a lot contiguous to the boundaries of an agricultural zone or urbanization perimeter, it shall be considered to be an application for exclusion.

Where an application for authorization concerns a lot situated close to the boundaries of an agricultural zone or urbanization perimeter, the commission must satisfy itself that the application will not cause a change in those boundaries or an extension of that perimeter. If the commission is not so satisfied, the application shall be considered to be an application for exclusion.

This section does not apply to the construction of a public road.”

38. Section 62 of the said Act, amended by section 812 of chapter 2 of the statutes of 1996, is again amended

(1) by striking out the words “Subject to sections 69.0.7 and 69.0.8,” in the first line of the first paragraph;

(2) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) the consequences of an authorization on existing agricultural activities and their development, and on the possible agricultural use of neighbouring lots;”;

(3) by adding, at the end of subparagraph 5 of the second paragraph, the following: “, in particular where the application concerns a lot included in a census agglomeration or a census metropolitan area as defined by Statistics Canada”;

(4) by adding, after subparagraph 9 of the second paragraph, the following subparagraph:

“(10) the socioeconomic conditions necessary for the viability of a community where justified by the low population density of the region.”;

(5) by replacing subparagraph 1 of the third paragraph by the following subparagraph:

“(1) a statement transmitted by a regional county municipality or a community indicating that the application is inconsistent with the objectives of the development plan and with the provisions of the complementary document;”.

39. Section 62.1 of the said Act is amended

(1) by replacing the word and figure “section 62.” in paragraph 3 by the words and figures “section 12, 61.1, 61.2, 62 or 65.1;”;

(2) by adding, after paragraph 3, the following paragraph:

“(4) the fact that a lot division is immatriculated on a cadastral plan.”

40. Section 62.2 of the said Act, amended by section 825 of chapter 2 of the statutes of 1996, is repealed.

41. Section 64 of the said Act, amended by section 813 of chapter 2 of the statutes of 1996, is again amended by adding the following paragraph:

“Every decision by the commission granting all or part of an application made under section 59 shall be made conditional to the adoption and putting into force, within 24 months of the decision, of the provisions of the development plan and the municipal by-law implementing the decision, and to the incorporation as compulsory measures, in the by-law, of the conditions set out in the decision. Once those conditions are fulfilled, the decision takes effect on the date of the filing of the by-law at the record office of the commission.”

42. Section 65 of the said Act, amended by section 814 of chapter 2 of the statutes of 1996, is replaced by the following sections:

“65. A regional county municipality or a community wishing to apply for the exclusion of a lot from the agricultural zone, for its own purposes or for a project of which it is the promoter, must apply therefor to the local municipality in whose territory the lot is situated and forward a copy of the application to the commission.

A local municipality wishing to make an application under the first paragraph may do so, with the support of the regional county municipality or the community concerned, by transmitting its application directly to the commission together with the statement as to whether the application is consistent with its zoning by-law, with the interim control measures, if any, and with any other document required by the commission.

An application for exclusion made by an applicant other than an applicant mentioned in the first or second paragraph is not admissible.

Sections 58.1 to 58.4, adapted as required, apply to an application for exclusion.

“65.1 In examining an application for exclusion, the commission shall, in addition to taking into consideration the criteria set out in section 62, satisfy itself that the exclusion answers a need and meets a development objective of the local municipality, the regional county municipality or the community, having regard to the objectives of the development plan.”

43. Section 67 of the said Act is amended by adding the following paragraph:

“In the case of an application under section 58.6, a notice of inclusion may not be filed unless the zoning by-law of the municipality that is to implement the decision is adopted and in force within two years from the inclusion order.”

44. Division IV.0.1 of the said Act, comprising sections 69.0.1 to 69.0.8, is repealed.

45. Section 69.1 of the said Act, amended by section 819 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Confédération de l’Union des producteurs agricoles” in the third line of the fourth paragraph by the words “certified association”.

46. The said Act is amended by inserting, after section 74, the following section:

“74.1 The permit shall be signed by the president or any person authorized for that purpose by the commission and shall be issued upon payment of the duties determined by regulation.

The Government may, subject to the conditions it determines, allow that the required signature be affixed by means of an automatic device or that a facsimile of the required signature, having the same force and effect as the signature itself, be affixed on the permit.”

47. The said Act is amended by replacing Division V.1, comprising sections 79.1 to 79.25, by the following chapter:

“CHAPTER III

“AGRICULTURAL ACTIVITIES IN AGRICULTURAL ZONES

“DIVISION I

“REGULATION OF AGRICULTURAL ACTIVITIES

“§ 1. — *Territorial organization and land use*

“79.1 Every regional county municipality and every community shall, in respect of the agricultural zone in its territory, exercise its powers in the area of land use planning and development in such a way as to promote priority for the use of land for agricultural activities and in keeping with the object of this Act.

From the date of its coming into force, every revised development plan, amendment to a development plan or interim control by-law of a regional county municipality or community that affects an agricultural zone is deemed to be consistent with the first paragraph.

“79.2 A person wishing to erect a building, other than a farm building, on a lot in an agricultural zone must comply with any distance standard imposed on neighbouring farming operations by any Act, regulation or by-law in force at the time of the erection or pursuant to a municipal odour by-law.

No building permit may be issued by a municipality to the owner of a lot who fails to comply with such distance standards unless the owner has filed, for entry in the land register at the registry office concerned, a declaration to waive, in respect of each

of the neighbouring farming operations required to comply with such standards, the remedies that would have been available to him had he complied with the standards imposed.

The declaration shall have the same effect as a real servitude; notwithstanding article 1181 of the Civil Code of Québec, it is established by means of a declaration registered against the lot for which the application is made and against each lot on which the buildings or infrastructures used for the agricultural activity subject to the distance standards are situated.

“§ 2. — *Mediation*

“**79.3** Any person suffering injury because his current or projected exercise of an agricultural activity in an agricultural zone is restricted or prevented by reason of the application of a municipal planning by-law or nuisance by-law may apply for the intervention of a mediator.

“**79.4** The role of the mediator is to allow the parties to exchange their points of view, and to foster agreement between the parties as expeditiously as possible.

The mediator may also give an opinion on the dispute, if it subsists, and make recommendations.

“**79.5** No proceedings may be brought against the mediator for any act performed or omission made in good faith in the performance of his duties.

“**79.6** The application must include the reasons therefor and be submitted in writing to the regional county municipality or the community. A copy of the application must be forwarded by the applicant to the local municipality.

The application must also set out the facts of the case, state the injury suffered, and include any relevant document.

“**79.7** Within 15 days of receipt of the application, the warden of the regional county municipality or the chairman of the community shall designate a mediator acceptable to the parties.

If a mediator is not so designated, the applicant may present his application to the director referred to in section 79.21, who shall designate a mediator.

The warden or the chairman or, as the case may be, the director, shall thereupon publish a summary of the application including the name of the mediator in a newspaper distributed in the territory or in a municipal information bulletin referred to in section 346.1 of the Cities and Towns Act (chapter C-19) or article 437.1 of the Municipal Code of Québec (chapter C-27.1), to allow interested persons to forward written submissions.

“79.8 The parties shall provide the mediator with all the information or documents he requires for the examination of the application.

“79.9 In examining the application, the mediator shall take into consideration, particularly, generally accepted agricultural standards, and the consequences of the municipal by-law on the current or projected agricultural activities of the applicant, and on those of the other producers in the agricultural zone.

“79.10 In examining the application, the mediator may require expert opinions from a member of the personnel of the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, the Ministère de l’Environnement et de la Faune, the Ministère des Affaires municipales and the Ministère des Ressources naturelles, designated by the Minister responsible for each department.

“79.11 The mediator may convene any person to obtain his point of view.

“79.12 The mediator may refuse or cease to examine an application where he considers

(1) that the application is frivolous or made in bad faith, or that, in the circumstances, his intervention serves no purpose;

(2) that the applicant has refused or neglected to supply information or documents required under section 79.6;

(3) that the by-law has already been found to be consistent with the provisions contained in the development plan pursuant to subparagraph 2.1 of the first paragraph and the third paragraph of section 5 of the Act respecting land use planning and development.

“79.13 The mediator shall refuse or cease to examine an application where judicial proceedings brought in relation to similar facts and with respect to the same by-law are in progress or have been the subject of a final decision disposing of the application.

“79.14 Where the mediator refuses or ceases to examine an application, he shall advise, in writing, the warden of the regional county municipality, the chairman of the community or the director, as the case may be, as well as the applicant, the local municipality and any interested persons having forwarded to him written submissions of the grounds for his decision.

“79.15 Where the mediator considers it advisable to intervene, he shall, as soon as possible, submit a report of his findings or recommendations to the persons referred to in section 79.14.

The mediator may make any recommendation he considers appropriate in order to settle the dispute. He may also, where he considers it appropriate, transmit his report to any interested person.

“79.16 The local municipality shall, within 60 days of receiving the mediator’s report, inform the mediator and the applicant in writing of the action it intends to take in response to any recommendations made and, if it intends to take no action, of the reasons for its decision.

“DIVISION II

“CIVIL REMEDIES FOR CERTAIN FORMS OF INCONVENIENCE CAUSED BY THE PRACTICE OF AGRICULTURE

“§ 1. — *Judicial proceedings*

“79.17 In an agricultural zone, no person shall incur liability toward a third person by reason of dust, noise or odours resulting from agricultural activities, or shall be prevented by a third person from exercising such agricultural activities, if they are exercised, subject to section 100,

(1) in accordance with the regulatory standards adopted under the Environment Quality Act (chapter Q-2) that relate to dust and noise or, as regards odours, in accordance with the regulatory standards adopted by a municipality under the third paragraph of section 113 of the Act respecting land use planning and development;

(2) in accordance with the provisions of the Environment Quality Act as regards any matter not covered by regulatory standards.

“79.18 Where a plaintiff or an applicant in an action or proceedings brought against a person exercising agricultural activities in an agricultural zone

(1) claims damages to compensate for the dust, noise or odours resulting from the activities, or

(2) applies for an injunction to prevent or modify the exercise of the activities,

it is incumbent upon the plaintiff or applicant, to establish liability, to prove that the person exercising the agricultural activities has contravened the applicable regulatory standards or the Environment Quality Act, as the case may be.

“79.19 In an agricultural zone, the inconvenience caused by dust, noise or odours resulting from agricultural activities does not exceed the limit of tolerance neighbours owe each other, insofar as the activities are exercised, subject to section 100,

(1) in accordance with the regulatory standards adopted under the Environment Quality Act that relate to dust and noise or, as regards odours, in accordance with the regulatory standards adopted by a municipality under the third paragraph of section 113 of the Act respecting land use planning and development;

(2) in accordance with the provisions of the Environment Quality Act as regards any matter not covered by regulatory standards.

“DIVISION III

“ADMINISTRATION

“79.20 The Minister designated by the Government is responsible for the application of sections 79.21 and 79.22.

“79.21 The Minister shall designate a person to act as director for the purposes of sections 79.3 to 79.16.

“79.22 The functions of the director shall be to receive the applications filed with him and to designate the persons required to act as mediators.”

48. Division VI of the said Act, comprising sections 80 and 81, becomes Chapter IV.

49. Section 80 of the said Act is amended

(1) by inserting the words “of Chapter II” after the words “Division V” in the second line of paragraph 2;

(2) by replacing the word “where” in the first line of paragraph 3 by the words “and circumstances in which”;

(3) by inserting the words “of Chapter II” after the words “Division V” in the first line of paragraph 4;

(4) by inserting, after paragraph 6, the following paragraphs :

“(6.1) determine the cases and circumstances in which a rudimentary structure may be erected, without the authorization of the commission to serve as a shelter in a wooded area;

“(6.2) determine the cases and circumstances in which a residential site built upon before the issue of the designated agricultural region decree may be enlarged, without the authorization of the commission so as to comply with environmental standards;

“(6.3) determine the cases and circumstances in which all or part of a lot may be alienated in favour of producers without the authorization of the commission;

“(6.4) determine the cases and circumstances in which advertising billboards may be erected without the authorization of the commission;

“(6.5) determine the cases and circumstances in which surplus expropriated land may be retroceded by the Minister of Transport or by a municipality without the authorization of the commission;

“(6.6) determine the cases and circumstances in which an application referred to in section 32 must be accompanied with a declaration;

“(6.7) determine the cases and circumstances in which a declaration is required under section 32.1;”;

(5) by striking out paragraph 7.1;

(6) by replacing paragraph 8 by the following paragraph:

“(8) determine the amount of duties, fees, expenses and costs payable in respect of any application or declaration submitted to the commission or in respect of any application submitted to the appeal tribunal, and the classes of persons which may be exempted therefrom;”;

(7) by inserting, after paragraph 9, the following paragraphs :

“(9.1) determine the amount of duties payable for the issue of an attestation under section 15 or 105.1 ;

“(9.2) fix the fees and costs to be borne by a person against whom an order or notice of non-compliance is issued, which may vary according to the nature of the alleged contravention and the area of land used unlawfully, or according to whether the order or notice was issued with or without a prior declaration;”.

50. Section 81 of the said Act is repealed.

51. Section 83 of the said Act is amended by inserting the words “the cadastral plan be amended accordingly and that” after the word “that” in the second line.

52. Division VII of the said Act, comprising sections 82 to 94, becomes Chapter V.

53. Subdivision 1 of Division VII of the said Act, comprising sections 82 to 86, becomes Division I of Chapter V.

54. Section 85 of the said Act, amended by section 821 of chapter 2 of the statutes of 1996, is again amended by adding, after the second paragraph, the following paragraph :

“Where the motion is not filed by the commission, the commission must be impleaded.”

55. Subdivision 2 of Division VII of the said Act, comprising sections 87 to 94, becomes Division II of Chapter V.

56. Section 90 of the said Act is replaced by the following sections :

“90. Every person who contravenes section 26 by removing earth, sand or gravel, or contravenes section 27 or 70, is guilty of an offence and is liable

(1) for a first offence, to a fine of not less than \$5,000 for the first hectare of land used unlawfully and of not more than an additional \$15,000 for each additional hectare or fraction of a hectare ;

(2) for any subsequent offence, to a fine of not less than \$15,000 and not more than \$25,000 for each hectare or fraction of a hectare.

“90.1 Every person who is guilty of an offence referred to in section 90 in respect of an area of land of less than one hectare, or who is guilty of an offence other than an offence referred to in section 90, is liable

(1) for a first offence, to a fine of not less than \$500 and not more than \$6,000 in the case of a natural person and, in the case of a legal person, to a fine of not less than \$1,000 and not more than \$36,000;

(2) for any subsequent offence, to a fine of not less than \$1,000 and not more than \$12,000 in the case of a natural person and, in the case of a legal person, to a fine of not less than \$2,000 and not more than \$72,000.”

57. Division VIII of the said Act, comprising sections 95 to 100.1, becomes Chapter VI.

58. Section 96 of the said Act is amended

(1) by striking out the words “secretary of the” in the second line of the second paragraph;

(2) by striking out the words “The Government may, in addition, authorize the exclusion of a lot situated in an exclusive sector.” in the sixth, seventh and eighth lines of the second paragraph.

59. Section 100.1 of the said Act is amended

(1) by replacing the words “by means of the deposit of a plan and book of reference” in the first and second lines of the first paragraph by the words “, an alienation”;

(2) by inserting the words “, by section 32.1” after the words “section 32” in the third line of the first paragraph;

(3) by striking out the words “by means of the deposit of a plan and book of reference” in the second line of the third paragraph;

(4) by replacing the fourth paragraph by the following paragraph:

“In the case of alienation, subdivision or use for any purpose other than agriculture in respect of which this Act does not prescribe the obligation to file a declaration, the presumption provided in the first paragraph exists when over five years have elapsed from

- (a) the deposit of the act of alienation at the registry office;
 - (b) the date of the first municipal tax account sent in respect of a construction, or
 - (c) the date on which work, other than construction work, ends.”;
- (5) by adding, after the seventh paragraph, the following paragraph:

“The right to contest granted by the seventh paragraph may, however, be exercised only before the Superior Court when the dispute to which it pertains has been brought before that court.”

60. Division IX of the said Act, comprising sections 101 to 105, becomes Chapter VII.

61. Division X of the said Act, comprising sections 105.1 to 118, becomes Chapter VIII.

62. Section 105.1 of the said Act is replaced by the following section:

“105.1 The commission or any person, whenever it or he sees fit, may file any decision or order at the registry office by producing two certified true copies thereof.

The commission may also, when an order or a condition set out in a decision has been complied with, file two certified true copies of an attestation to that effect at the registry office.

The registrar shall, on such filing, enter such a decision or order in the land register on the land file pertaining to the lot concerned by the decision or order.”

63. Section 115 of the said Act is amended by replacing the figure “79.12” in the first line by the figure “79.20”.

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

64. Section 34 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is replaced by the following section:

“34. The commission is responsible for overseeing the application of this Act, and, to that end, sections 7, 8, 11, 13, 13.1, 14, 16, 17, 18.5, 19 and 21.0.1 to 21.0.11 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), adapted as required, apply.”

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

65. Section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

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

“(2.1) without restricting the generality of subparagraphs 1 and 2 or limiting the application of the other elements of the plan with regard to the overall territory of the regional county municipality, determine such land use guidelines and land use designations as the regional county municipality considers appropriate to ensure, in the agricultural zone within its territory, that land use planning and development standards are compatible with the objective of ensuring priority for the use of land for agricultural activities and, within that framework, the harmonious coexistence of agricultural and non-agricultural uses;”;

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

“The complementary document of a regional county municipality whose territory includes an agricultural zone must contain the elements it considers appropriate for the implementation of section 79.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), together with parameters to determine, in relation to the forms of inconvenience resulting from odours caused by certain agricultural activities, the separation distances referred to in the third paragraph of section 113.”

66. Section 56.4 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“Where the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the notice shall include the guidelines relating to the objectives mentioned in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in the

establishment of separation distances with a view to reducing the inconvenience caused by odours resulting from certain agricultural activities.”

67. Section 113 of the said Act is amended by replacing the third paragraph by the following paragraph:

“A zoning by-law may not contain a provision establishing a separation distance pursuant to subparagraph 4 of the second paragraph, where one of the structures or one of the uses to which it applies is in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), except for the purpose of ensuring the preservation of a water supply or reducing the inconvenience resulting from the odours caused by agricultural activities. In addition, the by-law may contain a provision establishing a separation distance applying to a structure, a use or a location in an agricultural zone, only if it specifies

(1) the space that, for any purpose other than those mentioned above, must be left between different structures or different uses on adjacent lots in contiguous zones, and the use and layout of that space;

(2) the space that, for any of the purposes mentioned above, must be left between areas on which manure is spread and non-agricultural structures or uses.”

68. Chapter V.1 of Title I of the said Act, introduced by section 22 of chapter 102 of the statutes of 1987, is replaced by the following chapter:

“CHAPTER V.1

“AGRICULTURAL ADVISORY COMMITTEES

148.1 Every regional county municipality whose territory includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) shall establish an agricultural advisory committee.

Any other regional county municipality may pass a by-law to establish such a committee.

“**148.2** A regional county municipality having established an agricultural advisory committee shall determine, by by-law, the number of members who will sit on the committee.

“**148.3** The regional county municipality shall appoint the members of the committee from among the following persons :

(1) the members of the council of the regional county municipality;

(2) the farm producers, within the meaning of the Farm Producers Act (chapter P-28), who are not eligible under subparagraph 1, who reside in the territory of the regional county municipality, and who are entered on a list drawn up by the certified association within the meaning of that Act;

(3) persons who are not eligible under subparagraph 1 or 2 and who reside in the territory of the regional county municipality.

At least one-half of the members of the committee must be selected from among the persons eligible under subparagraph 2 of the first paragraph.

Subject to the second paragraph, the regional county municipality may determine, by by-law, the number of members who must be selected under each subparagraph of the first paragraph.

The list referred to in subparagraph 2 of the first paragraph must contain a number of names equal to the lesser of twice the minimum number of members of the committee required to be chosen from among the persons mentioned in that subparagraph and the total number of farm producers, within the meaning of the Farm Producers Act, who reside in the territory of the regional county municipality.

“**148.4** The regional county municipality shall, by by-law, fix the term of office of the members of the committee. It may, in the same manner, provide for the cases in which a member of the committee may be replaced before the expiry of his term.

A member shall cease to be a member upon the expiry of his term or upon being replaced, resigning, or ceasing to be eligible under the first paragraph of section 148.3. A member appointed under a particular subparagraph of that paragraph, pursuant to the second paragraph of that section or pursuant to a by-law adopted under the third paragraph of that section, shall cease to be a member upon ceasing to be eligible under that subparagraph.

A member may resign by transmitting a signed resignation to the regional county municipality. The resignation takes effect on its date of receipt.

“148.5 The regional county municipality shall designate the chairman of the committee from among its members. The first paragraph of section 148.4, adapted as required, applies to the chairman.

The chairman shall cease to hold office upon the expiry of his term or upon being replaced, ceasing to be a member of the committee or resigning from the office of chairman.

The chairman may resign by transmitting a signed resignation to the regional county municipality. The resignation takes effect on its date of receipt.

“148.6 The function of the committee is to examine, at the request of the council of the regional county municipality or on its own initiative, any matter relating to agricultural land planning, the practice of agricultural activities and the environmental aspects pertaining to such planning and practice.

A further function of the committee is to make the recommendations it considers appropriate regarding the matters it has examined to the council of the regional county municipality.

“148.7 The committee may establish rules for its internal management.

Subject to sections 148.8 to 148.11, the meetings of the committee shall be called and held according to any such rules.

“148.8 The chairman of the committee shall preside at meetings of the committee.

It the chairman is unable to act, or if the position of chairman is vacant, the members of the committee present at a meeting of the committee shall designate a member from among their number to preside at the meeting.

“148.9 The quorum at meetings of the committee is a majority of the members of the committee.

“148.10 Each member of the committee has one vote.

“148.11 The rules of internal management and the recommendations of the committee shall be adopted by a majority of the votes cast.

The committee shall give an account of its work and its recommendations in a report signed by its chairman or by a majority of its members.

The report shall be tabled at a sitting of the council of the regional county municipality.

“148.12 The regional county municipality may allocate funds and assign personnel to assist the committee in fulfilling its functions.

“148.13 For the purposes of the legislative provisions governing the regional county municipality with respect to the reimbursement of the expenses of the members of the council, the office of chairman or committee member is deemed to be an office for which the members of the council may be entitled to the reimbursement of their expenses.

The regional county municipality may, following the same procedure as for the reimbursement of the expenses of the members of the council, establish rules relating to the reimbursement of the expenses of the chairman and of the other committee members who are not council members.”

69. Section 267 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The minister shall, for that purpose, consult the other ministers concerned.”

70. The said Act is amended by inserting, after section 267, the following section :

“267.1 Where the Minister gives his opinion, in light of governmental policy, on a document concerning an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), he shall take into consideration whether or not the elements it contains enable the objectives referred to in subparagraph 2.1 of the first paragraph of section 5 to be met. He shall also take into consideration whether or not the parameters to serve in the establishment of separation distances are consistent with the parameters indicated pursuant to section 56.4.”

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE,
DES PÊCHERIES ET DE L'ALIMENTATION

71. Section 2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by inserting, after paragraph 1, the following paragraph:

“(1.1) he shall devise and ensure the updating of a guide to agricultural practices, in cooperation with the Minister of Municipal Affairs, the Minister of the Environment and Wildlife, and the Minister of Natural Resources, and see to its distribution;”.

ENVIRONMENT QUALITY ACT

72. Section 19.1 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by adding, at the end, the words “and, as regards odours, to the extent prescribed by any municipal by-law adopted under the third paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1).”

ACT TO AMEND THE ACT TO PRESERVE AGRICULTURAL LAND

73. Section 35 of the Act to amend the Act to preserve agricultural land (1989, chapter 7) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

74. For the purposes of sections 75 to 78, “regional county municipality” means, in addition to its ordinary meaning, an urban community, Ville de Laval and Ville de Mirabel.

75. For the purposes of the third paragraph of section 58.4 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 35 of this Act, a regional county municipality, from the coming into force of this section until the date of coming into force of the development plan, must, when it makes a recommendation to the Commission de protection du territoire agricole, take into account the governmental policies referred to in section 56.4 of the Act respecting land use planning and development, enacted by section 66 of this Act.

76. The provisions of subparagraph 2.1 of the first paragraph and those of the third paragraph of section 5 of the Act respecting land use planning and development, enacted by section 65 of this Act, shall not operate to require a regional county municipality to amend a development plan in force on (*insert here the date of coming into force of section 65 of this Act*).

77. Every regional county municipality which, under the first paragraph of section 148.1 of the Act respecting land use planning and development enacted by section 68 of this Act, has an agricultural advisory committee shall appoint the members of the committee on or before (*insert here the date occurring six months after the date of coming into force of section 68*).

78. No regional county municipality may, before a report of the agricultural advisory committee it has established pursuant to section 148.1 of the Act respecting land use planning and development, enacted by section 68 of this Act, has been submitted at a sitting of the council of the regional county municipality, or before the expiry of a period of 30 days after the council requested the committee to submit its report if the committee has failed to do so within such period, approve or withhold approval of, pursuant to section 137.3 of that Act, a planning by-law pertaining specially to an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities or relating to agricultural activities, within the meaning of section 1 of that Act, that can be exercised in that zone.

The time limit set out in section 137.3 of the Act respecting land use planning and development begins to run on the day the report is submitted or, as the case may be, upon the expiry of the period referred to in the first paragraph.

In addition to the reason for withholding approval set out in that section, the regional county municipality may withhold approval of a by-law on the ground that it is not consistent with the governmental policy communicated to the regional county municipality regarding the preservation and sustainable development of agricultural activities in agricultural zones. Where approval is withheld on that ground, sections 137.4 and 137.5 of the Act respecting land use planning and development apply and, for that purpose, the dispute submitted to the Commission municipale du Québec and the decision to be rendered by the Commission shall bear on the conformity of the by-law with governmental policy.

If the regional county municipality is not required, pursuant to section 137.3 of the Act respecting land use planning and development, to approve or withhold approval of the by-law referred to in the first paragraph because it has adopted it itself, the regional county municipality shall not bring the by-law into force until a report of its agricultural advisory committee has been submitted at a sitting of the council of the regional county municipality or until the expiry of a period of 30 days after the council requested the

committee to submit its report if the committee has failed to do so within such period.

If the regional county municipality is not required to approve or withhold approval of the by-law because there is no development plan in force in its territory, sections 137.2 to 137.5 and 137.15 of the Act respecting land use planning and development and the first two paragraphs of this section apply and, for that purpose, the decision to be made by the regional county municipality and, where applicable, the dispute submitted to the Commission municipale du Québec and the decision to be rendered by the Commission shall bear on the conformity of the by-law with the governmental policy referred to in the third paragraph.

The first paragraph does not apply to a by-law which the regional county municipality has, on (*insert here the date of coming into force of this section*), approved or withheld approval of or in respect of which the time limit granted to the regional county municipality for such purpose has expired. The fourth and fifth paragraphs do not apply to a by-law which is already in force on that date.

This section shall cease to apply in the territory of a regional county municipality upon the coming into force of the first original or revised development plan, or the first by-law amending the development plan, as the case may be, that takes into account the governmental policy referred to in the third paragraph.

79. From (*insert here the date of the coming into force of this section*) until the date of coming into force of the revised development plan of the regional county municipality of which it forms a part, a local municipality may, before adopting a planning by-law that concerns its agricultural zone or affects agricultural activities, apply to the council of the regional county municipality, by way of a resolution, for its opinion as to the compatibility of the projected by-law with the governmental policies referred to in section 56.4 of the Act respecting land use planning and development, enacted by section 66 of this Act.

The regional county municipality may, if it considers it expedient, seek the opinion of its agricultural advisory committee and of any expert.

80. For the purposes of sections 81, 82 and 83, the words “amended Act” mean the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) as it stands following the coming into force of section 35 of

this Act, and the words “current Act” mean the Act to preserve agricultural land (R.S.Q., chapter P-41.1) as it stood before (*insert here the date of coming into force of section 35 of this Act*), together with section 35 of the Act to amend the Act to preserve agricultural land (1989, chapter 7).

81. Applications made to a local municipality before (*insert here the date of coming into force of section 35 of this Act*) but having yet to be filed at the record office of the commission, shall be governed by the provisions of the amended Act.

82. Applications filed at the record office of the commission before (*insert here the date of coming into force of section 35 of this Act*) but having yet to be heard on that date shall be governed by the provisions of the amended Act, except that they may not be declared to be not admissible for the reasons set out in section 58.5, enacted by section 35 of this Act, and in section 65, replaced by section 42 of this Act.

Applications filed at the record office of the commission before (*insert here the date of coming into force of section 35 of this Act*), and having been heard on or before that date, shall be governed by the provisions of the current Act, including appeal provisions.

83. Cases pending before the Tribunal d’appel en matière de protection du territoire agricole on (*insert here the date of coming into force of section 35 of this Act*) shall continue to be governed by the provisions of the current Act.

84. Notwithstanding section 47 of this Act, every complaint filed by a producer concerning the current or projected exercise of an agricultural activity in an agricultural zone that is restricted or rendered impossible by reason of the application of a municipal planning or nuisance by-law in force on (*insert here the date of coming into force of this section*), shall be examined by the commissioner appointed to hear complaints who has the mandate to foster an agreement between the municipality and the complainant that is consistent with governmental policy relating to the preservation of agricultural land and agricultural activities.

The provisions of sections 79.5, 79.6 and 79.9 to 79.16 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 47 of this Act, apply for the purposes of this section, with the necessary modifications.

85. In any Act and in any regulation, by-law, order in council, ministerial order, order, contract or other instrument, the words “Act to preserve agricultural land” are replaced by the words “Act respecting the preservation of agricultural land and agricultural activities”.

86. The secretary of the Tribunal d’appel en matière de protection du territoire agricole appointed by Order in Council 775-90 (1990, G.O. 2, 2315) continues to be governed by section 9 of the Act to preserve agricultural land as it read on (*insert here the date of the day preceding the date of coming into force of section 8 of this Act*).

87. Until the coming into force of the by-laws adopted by a municipality under the third paragraph of section 113 of the Act respecting land use planning and development, the immunity from prosecution provided for in section 79.17, enacted by section 47 of this Act, also applies with regard to odours caused by agricultural activities exercised in an agricultural zone in the territory of the municipality, if those activities are exercised, subject to section 100 of the Act respecting the preservation of agricultural land and agricultural activities,

(1) in accordance with the standards set out in the Guidelines concerning the prevention of air pollution in livestock operations, prepared by the Minister of the Environment and Wildlife and published in the *Gazette officielle du Québec*. Any subsequent amendment made to the Guidelines by the Minister shall be so published and shall take effect on the date of publication ;

(2) in accordance with the provisions of the Environment Quality Act as regards matters not covered by standards in the above-mentioned Guidelines.

The provisions of sections 79.18 and 79.19, enacted by section 47 of this Act, adapted as required, apply in respect of any action or proceedings brought by reason of odours caused by agricultural activities and in which the application of this section and the above-mentioned Guidelines are matters in issue.

88. For the purposes of section 79.2 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 47 of this Act, from the coming into force of this section until the coming into force of the regulation passed by a municipality under the third paragraph of section 113 of the Act respecting land use planning and development, the distance standards to be applied

by the municipality for the issue of a building permit are, with the necessary modifications, the standards set out in the Directive sur la protection contre la pollution de l'air provenant des établissements de production animale issued by the Minister of the Environment and Wildlife and published in the *Gazette officielle du Québec*, including any subsequent amendments made thereto by that Minister.

89. A municipality may avail itself of section 59 of the Act respecting the preservation of agricultural land and agricultural activities enacted by section 36 of this Act, only from the date of coming into force of the first original or revised development plan of the regional county municipality or of the community of which it is a part that takes into account the governmental policy referred to in the third paragraph of section 78 of this Act.

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

Coming into force of Acts

Gouvernement du Québec

O.C. 921-96, 17 July 1996

An Act to amend the Legal Aid Act (1996, c. 23)
— **Coming into force of a provision**

COMING INTO FORCE of a provision of the Act to amend the Legal Aid Act

WHEREAS the Act to amend the Legal Aid Act (1996, c. 23) was assented to on 20 June 1996;

WHEREAS under section 61 of that Act, its provisions will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 17 July 1996 as the date of coming into force of section 59 of that Act;

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

THAT 17 July 1996 be fixed as the date of coming into force of section 59 of the Act to amend the Legal Aid Act (1996, c. 23).

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9893

Regulations and other acts

Gouvernement du Québec

O.C. 874-96, 10 July 1996

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31)

Potato Producers

— Scheme

— Amendment

Cereal, Grain Corn and Soy Bean Producers

— Scheme

— Amendments

Regulation to amend the Income Stabilization Insurance Scheme for Potato Producers and the Income Stabilization Insurance Scheme for Cereal, Grain Corn and Soy Bean Producers

WHEREAS under sections 2, 5, 6 and 6.1 of the Act respecting farm income stabilization insurance (R.S.Q., c. A-31), the Government prescribed the Income Stabilization Insurance Scheme for Potato Producers, made by Order in Council 1055-92 dated 15 July 1992 and the Income Stabilization Insurance Scheme for Cereal, Grain Corn and Soy Bean Producers, made by Order in Council 896-89 dated 14 June 1989;

WHEREAS the income stabilization insurance schemes provide for the adoption of the annual assessment rate for each of the insurable categories of production;

WHEREAS the method of establishment of rates in force since 1988 takes into account the risks for each category of production;

WHEREAS the costs related to the production of potatoes varies whether the product is stored or not and it is expedient to take the apportionment of that risk into account, in the establishment of the assessment rate;

WHEREAS the updating of the forecasted compensations, of the state of the insurance funds, of the state of the markets and of the number of insured units was taken into consideration;

WHEREAS it is expedient to make the Regulation to amend the Income Stabilization Insurance Scheme for Potato Producers and the Income Stabilization Insurance Scheme for Cereal, Grain Corn and Soy Bean Producers;

WHEREAS a regulation made by the Government under the Act comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

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

THAT the Regulation to amend the Income Stabilization Insurance Scheme for Potato Producers and the Income Stabilization Insurance Scheme for Cereal, Grain Corn and Soy Bean Producers, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Income Stabilization Insurance Scheme for Potato Producers and the Income Stabilization Insurance Scheme for Cereal, Grain Corn and Soy Bean Producers

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31, s. 6)

Income Stabilization Insurance Scheme for Potato Producers

1. The Income Stabilization Insurance Scheme for Potato Producers, made by Order in Council 1055-92 dated 15 July 1992 and amended by the Regulations made by Orders in Council 41-93 dated 20 January 1993, 1001-93 dated 14 July 1993, 1516-93 dated 3 November 1993, 668-94 dated 11 May 1994, 666-95 dated 17 May 1995, 897-95 dated 28 June 1995 and 417-96 dated 3 April 1996, is further amended in section 16 by substituting the following for the second paragraph:

“For the 1995-1996 insurance year, the amount of the annual assessment for each insured kilogram shall be \$0.003943 for potatoes sold at the latest on 31 October and \$0.008728 for potatoes sold from 1 November.”.

Income Stabilization Insurance Scheme for Cereal, Grain Corn and Soy Bean Producers

2. The Income Stabilization Insurance Scheme for Cereal, Grain Corn and Soy Bean Producers, made by Order in Council 896-89 dated 14 June 1989 and amended

by the Regulations made by Orders in Council 711-90 dated 23 May 1990, 1004-90 dated 11 July 1990, 1074-90 dated 1 August 1990, 1148-91 dated 21 August 1991, 417-92 dated 25 March 1992, 1054-92 dated 15 July 1992, 1166-92 dated 12 August 1992, 1723-92 dated 2 December 1992, 1002-93 dated 14 July 1993, 668-94 dated 11 May 1994, 867-94 dated 15 June 1994, 666-95 dated 17 May 1995, 792-95 dated 14 June 1995 and 417-96 dated 3 April 1996, is further amended in section 19 by substituting the following for the first paragraph:

“19. From the 1995-1996 insurance year, the amount of the annual assessment for each insured hectare shall be:

- (1) \$28.64 for oats;
- (2) \$30.31 for wheat silage;
- (3) \$20.07 for wheat for human consumption;
- (4) \$31.49 for grain corn;
- (5) \$28.15 for barley; and
- (6) \$11.01 for soy beans.”.

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

9886

Gouvernement du Québec

O.C. 894-96, 10 July 1996

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

State casinos

— Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons

— Amendment

Rules to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos

WHEREAS under subparagraph *f* of the first paragraph of section 20.2 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the

Régie des alcools, des courses et des jeux may make rules to fix the days and hours when the public may be admitted into a State casino;

WHEREAS under the third paragraph of section 20.2 of that Act, such Rules shall be submitted to the Government for approval;

WHEREAS at its sitting of 3 May 1996, the Board made the Rules to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), those Rules were published in Part II of the *Gazette officielle du Québec* of 19 June 1996, with a notice that they could be submitted to the Government for approval upon the expiry of a 20-day period following that publication;

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

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the Regulation;

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

It is important that the Société des casinos be able to extend its opening hours as soon as possible, so as to give local patrons and tourists full access to casinos from the time they are most likely to take advantage of such accessibility, that is, during summer vacations;

WHEREAS it is expedient to approve those Rules, with an amendment as to form;

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

THAT the Rules to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Rules to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6, s. 20.2, 1^{er} par., subpar. f)

1. The Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos, approved by Order in Council 1256-93 dated 1 September 1993, are amended by substituting the following for section 1:

“**1.** State casinos may be open to the public every day, 24 hours a day.”.

2. These Rules come into force on the date of their publication in the *Gazette officielle du Québec*.

9885

M.O., 1996

Order 2-96 of the Minister of Education dated 28 June 1996

General and Vocational Colleges Act
(R.S.Q., c. C-29)

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

WHEREAS under section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Minister of Education may determine, by regulation, the conditions of employment for, the classification and the maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the “Regulation respecting certain conditions of employment of senior staff of general and vocational colleges” has been approved by Minister’s Order 2-89;

WHEREAS the Minister of Education is of the opinion that it is expedient to amend the Regulation;

THEREFORE, the “Regulation respecting certain conditions of employment of senior staff of general and vocational colleges”, shall be amended by the “Regulation to amend the regulation respecting certain condi-

tions of employment of senior staff of general and vocational colleges”, attached hereto.

Québec, June 28, 1996

PAULINE MAROIS,
Minister of Education

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges, approved by Minister’s Order 1-89, of the Minister of Higher Education and Science dated December 7, 1989 and amended by Minister’s Orders 3-90 dated October 2, 1990, 2-91 dated 5 June 1991, 2-92 dated June 23, 1992, 1-93 dated 21 September 1993 and 2-94 dated 18 March 1994 is further amended:

“**183.** Notwithstanding article 4 of the present regulation, a senior staff may benefit from an early departure incentive program authorized by the Minister.

184. The applying of section II of appendix IV of the present regulation is deferred as of June, 30, 1996.”.

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

9878

M.O., 1996

Order number 9600137 of the Minister of Natural Resources dated 10 July 1996

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

Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

WHEREAS under the third paragraph of section 5 of the Forest Act (R.S.Q., c. F-4.1), the Minister shall determine the unit rates for the classes of forest management permits for which the unit rates have not been determined by regulation of the Government;

WHEREAS under section 72 of that Act, the Minister shall determine the unit rate corresponding to the stump-

age value of standing timber according to the rules of calculation determined by regulation of the Government;

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

WHEREAS under the first and second paragraphs of section 2 of the Regulation, the stumpage value of standing timber shall be calculated on April 1 of each year in each forest tariffing zone, by species or group of species and quality of timber, according to the parity technique applicable in property assessment, by comparing the timber to similar timber for which the selling price is known; the value shall be expressed in dollars per cubic metre;

WHEREAS under the third paragraph of that section, as introduced by section 1 of the Regulation to amend the Regulation respecting forest royalties (O.C. 757-96 dated 19 June 1996), for the 1996-1997 fiscal year, the value shall be adjusted, where applicable, not later than on 1 December 1996;

WHEREAS under section 7 of the Regulation, for the other classes of forest management permits, the unit rate is fixed for each forest tariffing zone by species or group of species and by quality of timber, according to the rules for calculating the stumpage value of standing timber prescribed in section 2 of the Regulation;

WHEREAS by Order number 9501400 of the Minister of Natural Resources, the Minister made the Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants;

WHEREAS it is expedient to replace that Regulation;

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 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority that has made it is of the opinion that the urgency of the situation requires it;

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

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

— Considering that the unit rates for the stumpage value of standing timber apply on the volume of timber harvested by the agreement holders of a timber supply and forest management agreement and that the harvest has already been started by several of those agreement holders, it is important that the new rates applicable on the volume thus harvested be determined as soon as possible, in replacement of those presently in force since 1 April 1996, so that the agreement holders concerned may comply therewith;

WHEREAS it is expedient to make the Regulation;

THEREFORE, the Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants, attached to this Order in Council, is made.

Charlesbourg, 10 July 1996

GUY CHEVRETTE,
Minister of State for Natural Resources

Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

Forest Act
(R.S.Q., c. F-4.1, ss. 5 and 72)

1. The unit rates for the stumpage value of standing timber in forests in the public domain specified in Schedule I shall be indexed on 1 April, 1 August and 1 December 1996 in accordance with the performance of the price indexes for the forest products specified in Schedule II. The index rates per species, group of species and quality shall be calculated in accordance with the following formulas:

Index rate at at 1 April 1996	=	Average price index for the months of October, November and December 1995 and January 1996
		Average price index for the months of April 1994 to March 1995 ;
Index rate at 1 August 1996	=	Average price index for the months of February, March, April and May 1996
		Average price index for the months of April 1994 to March 1995
Index rate at 1 December 1996	=	Average price index for the months of June, July, August and September 1996
		Average price index for the months of April 1994 to March 1995

The amounts thus indexed shall apply, in each forest tariffing zone indicated in Schedule I, to the calculation of the dues payable by the holder of a forest management permit for the supply of a wood processing plant for the 4-month period following the date of indexing.

The amounts indexed in the prescribed manner in the first paragraph shall be reduced to the nearest fraction of $\$0.10/\text{m}^3$ where they contain a fraction less than $\$0.025/\text{m}^3$. They shall be rounded to the nearest fraction of $\$0.05/\text{m}^3$ where they contain a fraction equal to or greater than $\$0.025/\text{m}^3$ but less than $\$0.075/\text{m}^3$ and shall be increased to the nearest fraction of $\$0.10/\text{m}^3$ where they contain a fraction equal to or greater than $\$0.075/\text{m}^3$.

The Minister of State for Natural Resources shall inform the public, through Part I of the *Gazette officielle du Québec* and, where he considers it appropriate, by any other means, of the indexing calculated under this section.

2. This Regulation replaces the Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants, made by Minister's Order 9501400 of the Minister of Natural Resources dated 19 March 1996 and published in Part 2 of the *Gazette officielle du Québec* of 27 March 1996.

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

4. This Regulation has effect from 1 April 1996.

SCHEDULE 1
(s. 1)

**REFERENCE UNIT RATES FOR THE STUMPAGE VALUE OF STANDING TIMBER IN FORESTS
IN THE PUBLIC DOMAIN BY FOREST TARIFFING ZONE FOR THE 1996-1997 FISCAL YEAR**

Species	Quality*	Stumpage value (\$/m ³)															
		Zones															
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Fir, spruce, jack pine, tamarack	A	17,10	15,01	12,12	12,19	12,12	12,12	3,65	3,65	9,20	9,46	9,31	12,27	13,31	16,29	19,18	17,85
	B	15,18	14,15	10,71	10,57	11,32	8,31	2,59	2,59	4,81	9,46	9,31	9,25	10,66	13,53	14,78	12,54
White pine	B	11,97	8,15	7,82	7,83	7,82	7,82	2,31	2,31	14,00	14,27	13,50	11,71	11,50	10,35	10,86	10,25
Red pine	A	19,89	13,36	12,14	12,17	12,14	12,14	12,14	12,14	20,44	20,53	19,05	15,88	16,18	14,27	14,53	14,24
	B	8,47	5,83	5,83	5,83	5,83	5,83	5,83	5,83	10,03	10,13	9,71	8,82	8,67	7,88	8,27	7,97
Hemlock, cedar	B	4,61	3,61	3,24	3,25	3,24	3,24	0,65	0,65	4,50	4,55	3,98	2,63	2,90	2,34	2,21	2,12
Other softwoods	C	2,42	1,88	1,85	1,85	1,85	1,85	0,65	0,65	2,48	2,46	2,17	1,56	1,76	1,46	1,50	1,51
Oak, cherry, walnut	A	23,92	19,80	19,80	19,59	19,80	19,80	19,80	19,80	33,09	34,20	30,26	19,80	22,67	19,80	19,80	19,80
	B	14,73	9,31	9,31	9,31	9,31	9,31	9,31	9,31	21,41	22,20	19,51	12,33	13,16	10,25	9,85	9,78
Yellow birch, basswood	A	19,82	10,08	6,47	6,48	6,47	6,47	6,16	6,16	20,24	20,81	18,91	14,11	15,39	14,43	14,64	13,61
	B	12,38	6,73	6,47	6,48	6,47	6,47	3,91	3,91	12,91	13,15	12,10	9,96	9,76	8,98	9,12	8,49
White birch, maple, ash, elm, ironwood	A	18,38	10,01	10,12	10,12	10,12	10,12	2,99	2,99	19,17	19,55	17,49	12,93	14,01	13,10	13,18	12,43
	B	8,21	5,36	4,52	4,54	4,52	4,52	1,36	1,36	5,88	5,89	5,30	4,36	4,36	4,16	4,22	4,11
Poplar/Aspen	B	2,93	2,22	1,66	1,68	1,66	1,66	0,53	0,53	2,57	2,53	2,26	1,91	1,95	1,91	1,92	1,85
	C	1,69	1,45	1,37	1,37	1,37	1,37	0,53	0,53	1,52	1,48	1,40	1,31	1,41	1,28	1,39	1,36
Other hardwoods	B	4,95	3,87	3,78	3,79	3,78	3,78	1,35	1,35	5,09	5,07	4,47	3,19	3,61	3,01	3,09	3,02
All hardwoods (except poplar/aspen)	C	4,95	3,87	3,78	3,79	3,78	3,78	1,35	1,35	5,09	5,07	4,47	3,19	3,61	3,01	3,09	3,02
	D	2,01	1,58	1,54	1,54	1,54	1,54	0,55	0,55	2,07	2,06	1,82	1,30	1,47	1,22	1,26	1,23

* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

Species	Quality*	Stumpage value (\$/m ³)															
		Zones															
		17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
Fir, spruce, jack pine, tamarack	A	14,91	7,37	8,64	7,09	2,82	10,15	8,56	6,79	5,95	2,71	15,77	10,81	8,73	16,86	16,77	11,09
	B	12,24	7,37	6,23	5,74	2,59	8,52	6,89	2,94	5,82	2,59	13,45	10,81	8,73	16,24	13,92	11,08
White pine	B	9,85	4,76	6,05	4,99	1,85	7,00	5,96	5,61	4,15	1,77	15,49	14,56	12,07	14,42	13,19	11,48
	A	14,02	12,14	12,21	12,14	12,14	12,65	12,14	12,14	12,14	12,14	23,50	21,24	17,84	23,35	22,26	18,23
Red pine	B	7,61	5,83	5,90	5,83	5,83	6,30	5,83	5,83	5,83	5,83	10,99	10,33	8,98	10,73	10,17	8,80
	B	2,30	1,31	1,60	1,37	0,56	1,64	1,35	1,57	1,15	0,53	5,37	4,74	3,69	5,37	5,10	3,97
Other softwoods	C	1,47	1,31	1,60	1,37	0,56	1,34	1,15	1,54	1,15	0,53	3,07	2,61	2,07	3,11	2,92	2,16
Oak, cherry, walnut	A	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	37,11	34,88	26,76	33,51	32,82	27,40
	B	10,27	9,31	9,32	9,31	9,31	9,58	9,31	9,31	9,31	9,31	24,07	22,63	16,87	21,38	20,97	16,92
Yellow birch, basswood	A	13,67	6,16	6,40	6,16	6,16	8,21	6,16	6,16	6,16	6,16	22,88	21,30	16,78	23,23	20,33	16,40
	B	8,51	3,91	4,06	3,91	3,91	5,17	3,91	3,91	3,91	3,91	15,53	13,72	10,47	14,82	12,67	10,23
White birch, maple, ash, elm, ironwood	A	12,56	5,68	7,18	5,95	2,33	8,44	6,83	7,25	4,98	2,24	23,18	20,41	15,43	22,06	18,73	15,05
	B	4,08	2,69	3,35	2,82	1,09	3,24	2,74	3,36	2,36	1,05	7,82	6,35	4,59	8,73	6,92	4,66
Poplar/Aspen	B	1,86	1,10	1,38	1,16	0,45	1,42	1,21	1,36	0,97	0,43	3,59	2,78	2,02	3,68	3,02	2,10
	C	1,24	0,94	1,15	0,98	0,43	1,07	0,94	1,31	0,83	0,42	1,80	1,56	1,43	1,85	1,84	1,50
Other hardwoods	B	2,94	2,11	2,55	2,20	1,04	2,51	2,25	3,06	1,89	1,01	6,30	5,36	4,23	6,39	6,00	4,43
	C	2,94	2,11	2,55	2,20	1,04	2,51	2,25	3,06	1,89	1,01	6,30	5,36	4,23	6,39	6,00	4,43
All hardwoods (except poplar/aspen)	D	1,20	0,86	1,04	0,89	0,42	1,02	0,92	1,25	0,77	0,41	2,56	2,18	1,72	2,60	2,44	1,80

* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

Species	Quality*	Stumpage value (\$/m ³)															
		Zones															
		33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
Fir, spruce, jack pine, tamarack	A	10,50	16,76	16,34	12,76	12,45	13,77	13,78	14,54	15,28	15,04	13,12	10,40	11,14	8,77	7,40	4,30
	B	8,30	15,13	12,56	12,76	9,65	13,65	12,32	13,76	11,34	14,71	13,12	10,40	4,83	8,34	7,40	2,59
White pine	B	10,86	13,17	12,55	7,24	7,24	8,64	9,01	8,41	9,17	8,38	8,06	6,70	7,98	6,11	5,97	3,68
	A	15,84	22,23	21,28	13,11	13,11	12,44	12,14	15,20	15,92	14,24	13,94	12,36	13,12	12,14	12,14	12,14
Red pine	B	8,19	10,15	9,74	6,04	6,04	6,18	6,04	7,30	7,56	6,83	6,56	5,88	6,67	5,83	5,83	5,83
	B	3,06	5,09	4,89	3,18	3,18	3,19	3,01	3,94	3,73	3,07	2,99	2,08	2,00	1,39	1,80	1,13
Other softwoods	C	1,74	2,92	2,74	1,23	1,23	2,00	2,00	2,09	2,05	1,73	1,56	1,46	1,25	1,09	1,77	1,12
Oak, cherry, walnut	A	22,98	32,85	31,71	19,80	19,80	19,80	19,80	21,53	22,97	19,80	20,81	19,80	19,80	19,80	19,80	19,80
	B	13,58	20,99	19,97	9,31	9,31	9,31	9,31	10,87	12,14	9,31	10,21	9,31	10,00	9,31	9,31	9,31
Yellow birch, basswood	A	15,32	20,23	19,17	11,81	11,81	13,21	12,98	15,09	14,31	12,37	11,70	7,42	10,49	6,16	6,16	6,16
	B	9,54	12,60	11,94	7,35	7,35	8,30	8,18	9,42	8,96	7,78	7,33	4,69	6,56	3,91	3,91	3,91
White birch, maple, ash, elm, ironwood	A	14,05	18,63	17,64	10,79	10,79	12,19	12,01	13,87	13,16	11,41	10,88	8,50	10,12	6,91	8,06	4,98
	B	4,30	6,85	6,32	3,28	3,28	5,15	5,09	5,72	4,99	4,49	3,91	3,45	3,40	2,69	3,84	2,38
Poplar/Aspen	B	1,94	2,99	2,79	1,50	1,50	1,79	1,77	2,15	2,03	1,81	1,67	1,50	1,55	1,22	1,55	0,97
	C	1,30	1,84	1,76	1,05	1,05	1,35	1,39	1,32	1,39	1,26	1,19	1,20	1,04	0,91	1,55	0,97
Other hardwoods	B	3,56	5,99	5,63	2,50	2,50	4,12	4,13	4,28	4,20	3,54	3,20	3,00	2,57	2,27	3,64	2,31
	C	3,56	5,99	5,63	2,50	2,50	4,12	4,13	4,28	4,20	3,54	3,20	3,00	2,57	2,27	3,64	2,31
All hardwoods (except poplar/aspen)	D	1,45	2,44	2,29	1,02	1,02	1,67	1,68	1,74	1,71	1,44	1,30	1,22	1,05	0,92	1,48	0,94

* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

Species	Quality*	Stumpage value (\$/m ³)																
		Zones																
		49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	99
Fir, spruce, jack pine, tamarack	A	14,49	10,08	10,35	9,17	5,31	3,87	13,58	10,86	10,86	9,39	6,74	4,04	4,77	3,17	2,59	5,37	2,59
	B	12,08	9,40	10,35	7,53	3,46	2,59	13,40	10,86	10,86	9,39	5,54	2,99	2,59	2,59	2,59	5,37	2,59
White pine	B	8,50	7,91	7,31	6,83	3,19	1,75	8,99	8,95	8,97	7,24	5,48	3,51	2,13	2,53	2,01	3,90	1,21
	A	13,61	12,14	12,16	12,14	12,14	12,14	12,20	12,14	12,14	12,14	12,14	12,14	12,14	12,14	12,14	12,14	12,14
Red pine	B	6,58	5,84	5,83	5,83	5,83	5,83	6,05	5,84	5,83	5,83	5,83	5,83	5,83	5,83	5,83	5,83	5,83
	B	3,00	2,05	1,87	1,75	0,90	0,54	2,96	2,27	2,22	1,82	1,40	0,92	0,59	0,68	0,62	1,02	0,39
Other softwoods	C	1,79	1,59	1,44	1,37	0,82	0,54	1,99	1,83	1,82	1,54	1,17	0,85	0,53	0,66	0,62	0,97	0,39
Oak, cherry, walnut	A	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80	19,80
	B	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31	9,31
Yellow birch, basswood	A	12,37	9,42	8,62	7,65	6,16	6,16	12,80	10,50	10,33	7,98	6,79	6,16	6,16	6,16	6,16	6,16	6,16
	B	7,78	5,98	5,48	4,86	3,91	3,91	8,07	6,67	6,57	5,07	4,31	3,91	3,91	3,91	3,91	3,91	3,91
White birch, maple, ash, elm, ironwood	A	11,42	8,89	8,04	7,56	3,94	2,32	11,87	10,11	9,98	8,22	6,23	4,19	2,55	3,11	2,65	4,72	1,59
	B	4,60	3,82	3,45	3,26	1,80	1,11	5,02	4,36	4,31	3,58	2,72	1,87	1,14	1,40	1,28	2,11	0,80
Poplar/Aspen	B	1,78	1,43	1,35	1,33	0,69	0,45	1,75	1,55	1,54	1,30	1,01	0,69	0,44	0,53	0,50	0,80	0,32
	C	1,29	1,18	1,06	1,02	0,67	0,45	1,38	1,37	1,37	1,21	0,91	0,69	0,42	0,52	0,50	0,80	0,32
Other hardwoods	B	3,67	3,25	2,95	2,80	1,68	1,11	4,09	3,73	3,72	3,15	2,40	1,76	1,09	1,37	1,28	2,00	0,80
	C	3,67	3,25	2,95	2,80	1,68	1,11	4,09	3,73	3,72	3,15	2,40	1,76	1,09	1,37	1,28	2,00	0,80
All hardwoods (except poplar/aspens)	D	1,49	1,32	1,20	1,14	0,68	0,45	1,66	1,52	1,51	1,28	0,98	0,71	0,44	0,56	0,52	0,82	0,32

* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

SCHEDULE II

PRICE INDEXES PER SPECIES, GROUP OF SPECIES AND QUALITY

Species and groups of species	Quality¹	Price index²	Reference price index³
Fir, spruce, jack pine, tamarack	A	Preserved or treated wood (D691527)	150.3
	B	Lumber and pulp and paper index, softwood: Lumber, softwood, Québec (D692870; 70.7 %) Newsprint paper (D691618; 15.3 %) Paper board (D693067; 2.5 %) Woodpulp, sulphate, bleached, domestic (D691604; 7.7 %) Other paper for printing (D691621; 3.8 %)	100.0
White pine	B	White pine (Eastern Quotes and Comments)	786
Red pine	A	Preserved or treated wood (D691527)	150.3
	B	White pine (Eastern Quotes and Comments)	786
Hemlock, cedar	B	Lumber, softwood, Québec (D692870)	163.4
Other softwoods	C	Pulp and paper index, softwood: Newsprint paper (D691618; 3.4 %) Paper board (D693067; 0.8 %) Woodpulp, sulphate, bleached, domestic (D691604; 93.1 %) ther paper for printing (D691621; 2.7 %)	100.0
Oak, cherry, walnut	A	Veneer and plywood, hardwood (D691529)	139.2
	B	Lumber, hardwood (D691502)	129.6
Yellow birch, basswood	A	Veneer and plywood, hardwood (D691529)	139.2
	B	Lumber, hardwood (D691502)	129.6
White birch, maple, ash, elm, ironwood	A	Veneer and plywood, hardwood (D691529)	139.2
	B	Lumber, hardwood (D691502)	129.6
Poplar/aspens	B	Aspen index: Veneer and plywood, hardwood (D691529; 13.0 %) Waferboard OSB (Random Lengths; 45.6 %) Pallets, wooden (D691568; 41.4 %)	100.0
	C	Waferboard OSB (Random Lengths)	174.3
Other hardwoods	B	Lumber, hardwood (D691502)	129.6
All hardwoods (except poplar/aspens)	C	Lumber, hardwood (D691502)	129.6
	D	Newsprint paper (D691618; 0.6 %) Paper board (D693067; 13.3 %) Woodpulp, sulphate, bleached, domestic (D691604; 75.9 %) Other paper for printing (D691621; 10.2 %)	100.0

1. The letters A, B and C correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

2. The source of the price indexes and the relative weight of each are indicated in parentheses. The price indexes from Statistics Canada are indicated according to the Cansim number appearing in catalogue 62-011.

3. The reference price index corresponds to the average of the price indexes calculated between 1 April 1994 and 31 March 1995.

Draft Regulations

Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

Commission de la construction du Québec — Cost exigible

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 certain costs exigible by the Commission de la construction du Québec, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

That Regulation would replace the Regulation respecting fees in respect of the written notice from 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.

In addition to the fees provided for in the Regulation presently in force, the attached Regulation would allow the fixing of the rates for services rendered by the Commission in the issue of letters describing the situation requested by employers and in the processing of requests respecting the partition or assignment of benefits accrued by participants in the retirement plan of employees in the construction industry.

In these respects, the draft regulation would have a financial impact on employers, employees or other applicants.

Additional information may be obtained by contacting Mr. Jean Ménard, advocate, Director of the Direction des services juridiques at 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 on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec), G1R 5S1.

MATTHIAS RIOUX,
Minister of Labour

Regulation respecting certain costs exigible by the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 123, par. 8.1)

1. Costs of \$350 are exigible from any employer who sends to the Commission de la construction du Québec the notice provided for in section 2 of the Regulation on the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership (*insert the reference for the Regulation*).

2. Costs of \$50 are exigible for any new designation of a representative of a corporation or partnership within the meaning of the second paragraph of section 7 of the Regulation on the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership.

3. Costs of \$30 are exigible from any employer for the issue of a letter describing the situation.

For the purposes of this Regulation, a letter describing the situation is a document issued by the Commission de la construction du Québec upon the request of an employer and containing certain information brought to the knowledge of the Commission, in either of the following cases:

(1) **Description of situation for the purposes of tendering:** A letter indicating, in particular, the job site, the nature of the work and the name of the client in relation to the contract for which the letter is requested;

(2) **Description of situation respecting a particular job site:** A letter indicating, in particular, the job site, the nature of the work, the name of the client, the value of the contract, the percentage of the cost of manpower in relation to that value, the maximum number of employees involved, the total number of hours of work carried out and the duration of the work, in respect of the contract for which the letter is requested.

4. Payment of the costs provided for in sections 1 to 3 shall accompany the notice, the new designation or the request, as the case may be, and shall be made in cash or by certified cheque or postal order made out to the Commission de la construction du Québec.

5. The costs provided for in sections 1 to 3 are not refundable.

6. The administrative expenses recoverable by the Commission de la construction du Québec in the administration of the Supplemental Pension Plan for the employees of the Québec construction industry are as follows:

(1) an amount of \$50 in the case of any request to obtain a statement of benefits;

(2) an amount of \$50 in the case of a request for payment of the amounts awarded to the spouse, where a statement of benefits was provided beforehand;

(3) an amount of \$100 in the case of a request for payment of the amounts awarded to the spouse, where no statement of benefits was provided beforehand.

7. The amount provided for in paragraph 1 of section 6 shall be payable at the time of the issue of the statement of benefits, where there is no proceeding for divorce, nullity of marriage or separation from bed and board pending between the spouses, or at the latest 1 year after the date of the sending of the statement, in the other cases.

The amounts provided for in paragraphs 2 and 3 of section 6 are payable to the Commission at the time of payment of the sums awarded to the spouse.

8. Unless the court or the parties decide otherwise, the costs provided for in section 6 shall be divided equally among the parties.

The Commission shall retain the amount of the costs that must be paid by the spouse from the amounts that are transferred in his name, except where he receives payment before the transfer of those sums.

The Commission shall retain the amount of the costs that must be paid by the participant from the amount of the benefits that are owed to him, except where he receives payment before the payment of those benefits.

9. The costs provided for in section 6 bear interest at the legal rate from the time of the issue of the statement of benefits or, as the case may be, from the time of payment of the sums awarded to the spouse.

10. This Regulation replaces the Regulation respecting fees in respect of the written notice from 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.

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

9889

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6; 1996, c. 22,)

Savings products

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 savings products, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

The purpose of the draft Regulation is to define the book based system set up to manage the savings products issued by the Gouvernement du Québec, to determine how it will work and its characteristics, to specify the rules of ownership and evidence relating to the entries made therein, to establish the conditions for participation and the categories of qualifying participants and purchasers, to fix the terms and conditions governing the assignment, transfer and payment of securities and the granting of hypothecs thereon. The draft Regulation also contain provisions that may apply to any authorized savings product, as the Minister decides. The draft Regulation has no negative impact on the public and businesses.

In accordance with section 13 of the Regulations Act, the Government is of the opinion that the urgency due to the following circumstances warrants a shorter publication period.

In his Speech on the 1995-1996 budget, the Minister of Finance announced the will of the Government to modernize the process by which it resorts to Quebecers' savings. In May 1996, on the occasion of the inauguration of Placements Québec, he repeated the Government's promise to market all year long, from September 1996, a variety of savings products better adapted to Quebecers' needs. Since all those new products are issued in dematerialized form, under a book based system, it is necessary that the Regulation describing that system and its rules of ownership and evidence be in force at that time to ensure the efficient and safe management of the operations related to the issue of those products.

Further information may be obtained by contacting Ms. Marie-Hélène Prévost, Director of Administration, Placements Québec, 333, rue Grande-Allée Est, Québec (Québec), G1R 5W3; telephone: (418) 521-6400, fax: (418) 521-6431.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 20-day period, to Mr. Bernard Landry, Minister of Finance, 12, rue Saint-Louis, bureau 1.12, Québec (Québec), G1R 5L3.

BERNARD LANDRY,
Minister of Finance

Regulation respecting savings products

Financial Administration Act
(R.S.Q., c. A-6, ss. 69.04 and 69.05; 1996, c. 22, s. 1)

CHAPTER I BOOK BASED SYSTEM

DIVISION I GENERAL

1. The Minister of Finance shall assume, under the name and at the address of Placements Québec, the administration of the book based system for the purposes of managing the issuance and sale of authorized savings products within the framework of a borrowing plan established in accordance with the Financial Administration Act (R.S.Q., c. A-6).

2. The book based system consists in the registration by Placements Québec of the following information on a computer-based medium in the register of participants:

(1) information concerning each of the participants in the book based system, recorded in the participant's data sheet; and

(2) information concerning each savings product acquired by a participant, recorded in the securities portfolio associated with each participant's data sheet.

3. A participant's data sheet shall be drawn up for each participant at the time the participant acquires the first savings product.

The data sheet shall comprise the participant's personal number; that number and the information recorded in the data sheet shall make it possible to identify the participant for the purposes of each application for an operation.

4. A participant's securities portfolio may comprise one or more of the following accounts:

(1) a regular account;

(2) a retirement savings account in which a trustee holds, in the name of the participant, the securities registered in the Québec Savings Products Retirement Savings Plan; or

(3) an account relating to a retirement fund or any other fund or plan of the same type within the meaning of the Taxation Act (R.S.Q., c. I-3) or the Income Tax Act (S.C., 1970-71-72, c. 63), to the extent that such account is offered by Placements Québec.

5. The savings products that may be booked in a participant's securities portfolio are determined under the provisions of Division VII.01 of the Financial Administration Act.

6. The booking of a security in a participant's securities portfolio is proof of the participant's right of ownership of the security.

DIVISION II CONDITIONS FOR PARTICIPATION

§ 1. *Qualifying participants*

7. Provided that they are domiciled in Québec, the persons or groups of persons belonging to the following categories may participate in the book based system:

(1) natural persons;

(2) general or limited partnerships established in Québec;

(3) legal persons established for a private interest or in the public interest under a statute of Québec or Canada and acting on their own behalf; and

(4) legal persons acting as a trustee or the agent of a trustee on behalf of a natural person participating in a self-directed retirement or retirement savings fund or plan or any other fund or plan of the same type within the meaning of the Taxation Act (R.S.Q., c. I-3) or the Income Tax Act (S.C., 1970-71-72, c. 63).

8. The groups of properties belonging to the following categories are considered to be qualifying participants in the book based system:

(1) the successions of persons who, at the time of their death, were domiciled in Québec; and

(2) foundations, including personal trusts or social trusts, governed by the Civil Code of Québec.

9. Each category of participants referred to in sections 7 and 8 also constitutes a category of purchasers for the purposes of acquisition of savings products.

The acquisition of a savings product may, pursuant to the provisions of Division VII.01 of the Financial Administration Act, be reserved for any one of those categories of purchasers.

§ 2. Application to participate

I — Natural persons

10. In order to be allowed to participate, a natural person shall apply to Placements Québec by completing the appropriate form prescribed by the Minister, accompanied by the documents, if any, that are required on the form.

Participation by a natural person by means of a power of attorney is authorized, provided that it is given to a natural person who is not a professional mandatary. Such power of attorney is subject to the rules set out in sections 44 and 45.

11. Where a person is represented by a tutor, a curator or a mandatary designated in anticipation of incapacity or by a power of attorney, the appropriate form shall be completed by that representative or by one of the representatives if there are two or more.

Where there are two or more representatives, the form shall in all cases be accompanied by the designation of one or more of the representatives as being authorized to act, alone or jointly, in the name of the participant, together with a specimen of their signatures. Where such is the case, the designation shall specify those among the representatives who must act jointly.

Where the representative is a legal person, sections 15 and 16 apply *mutatis mutandis*.

12. Where a single representative is authorized to act in the name of the participant, that representative shall provide the information concerning him required on the form.

13. Where the spouse of a participant contributes to that participant's Québec Savings Products Retirement Savings Plan, the spouse shall provide the information concerning him on the form.

II — Partnerships and legal persons

14. In order to be allowed to participate, a partnership or a legal person shall apply to Placements Québec by completing the appropriate form prescribed by the Minister, accompanied by the documents, if any, that are required on the form.

The form shall be completed by a natural person authorized to act generally or specially in the name of the partnership or legal person.

15. The form shall in all cases be accompanied by the designation of one or more natural persons, the attorneys, as being authorized to act in the name of the partnership or legal person, together with an indication of their titles and a specimen of their signatures.

Where there are two or more attorneys, the designation shall specify whether those persons are authorized to act alone or jointly and, in the latter case, those among them who must act jointly.

16. Where a single attorney is authorized to act in the name of the participant, that attorney shall provide the information concerning him required on the form.

III — Successions

17. In order to be allowed to participate, a succession shall apply to Placements Québec by completing the appropriate form prescribed by the Minister, accompanied by the documents, if any, that are required on the form.

The form shall be completed by the liquidator of the succession or, if there are two or more liquidators, by one of them. Where there are two or more liquidators, the form shall in all cases be accompanied by the designation of one or more of them as being authorized to act, alone or jointly, in the name of the participant, together with a specimen of their signatures. Where such is the case, the designation shall specify those among the liquidators who must act jointly.

Where the liquidator is a legal person, sections 15 and 16 apply *mutatis mutandis*.

18. Where a single liquidator is authorized to act in the name of the participant, that liquidator shall provide the information concerning him required on the form.

IV — Foundations and trusts

19. In order to be allowed to participate, a foundation or a trust shall apply to Placements Québec by

completing the appropriate form prescribed by the Minister, accompanied by the documents, if any, that are required on the form.

The form shall be completed by the trustee or, if there are two or more trustees, by one of them. Where there are two or more trustees, the form shall in all cases be accompanied by the designation of one or more of them as being authorized to act, alone or jointly, in the name of the participant, together with a specimen of their signatures. Where such is the case, the designation shall specify those among the trustees who must act jointly.

Where the trustee is a legal person, sections 15 and 16 apply *mutatis mutandis*.

20. Where a single trustee is authorized to act in the name of the participant, that trustee shall provide the information concerning him required on the form.

§ 3. Cancellation of participation

21. Participation in the book based system may be cancelled by Placements Québec where the amount payable for purchasing the first security has not been received and credited to the Government.

DIVISION III OPERATIONS

§ 1. General

22. The participant or the person who is authorized to act in his name may submit to Placements Québec an application for an operation in the book based system, either to modify the participant's data sheet or to carry out an operation or a transfer affecting the participant's securities portfolio.

23. Operations in the name of a natural person by means of a power of attorney are authorized, provided that it is given to a natural person who is not a professional mandatary. Such power of attorney is subject to the rules set out in sections 44 and 45.

24. In the case of a change relating to a participant's capacity, the person then authorized to act in his name may apply to modify the participant's data sheet by complying with the conditions provided for in Division II.

That rule applies in case of the appointment, addition or replacement of a person authorized to act in the name of a participant.

A modification may be set up against Placements Québec only from the date on which the latter acknowl-

edges receipt of the document evidencing that modification.

25. An operation is effective from the time it is accounted for in the system in a participant's data sheet or securities portfolio.

26. Placements Québec may, on serious grounds and in the interest of the participant or his assigns, refuse to grant an application for an operation and require an updating of the information appearing in the participant's data sheet or the documents submitted in support of that information.

§ 2. Applications for an operation

27. An application for an operation may be made in writing, by telephone or by fax.

Notwithstanding the foregoing, an application for an operation relating to a participant's bank account information or intended to transfer the ownership of a security shall be made in writing by completing, in the case of a transfer, the form provided for in Schedule I. Furthermore, where two or more persons are authorized to act in the name of the participant, the application for an operation shall be made in writing or by fax and shall include all the required signatures.

28. Where a single person is authorized to act in the name of a participant, he may submit an application for an operation by telephone.

I — Applications in writing

29. Any application in writing shall be submitted to Placements Québec within 60 days after it is signed; failing that, the application shall be returned to the person who submitted it.

30. The affixing of the signatory's personal mark to the application is allowed, provided that it is affixed in the presence of an impartial witness whose name, address and signature shall also appear on the application.

31. A signature affixed to the form for transferring a security by a participant or the person authorized to act in his name shall be attested to in accordance with the provisions of sections 44 and 45.

32. Any application to modify a participant's bank account information shall, in order to be effective in respect of a transfer of funds, be received by Placements Québec at least 15 days before the date of the transfer. Failing that, Placements Québec shall grant the application only for subsequent transfers.

33. In all cases where Placements Québec is unable to process an application for a security approaching its term, in particular where the application is not accompanied by the required documents, the maturity value shall be reinvested in the shortest term security available until Placements Québec is able to process the application.

II — Applications by telephone

34. Applications by telephone may be addressed to Placements Québec either by contacting one of its agents or by means of an interactive vocal response system.

35. A person who makes an application for an operation by contacting an agent of Placements Québec shall identify himself by providing the personal information contained in the participant data sheet affected by the application.

A person who makes an application for an operation by means of an interactive vocal response system shall identify himself by providing the participant's number and confidentiality code reserved for him by Placements Québec.

36. Any operation performed by telephone shall be recorded and that recording shall be conserved by Placements Québec for a period of six months. The recording is proof of the operation.

37. The Government assumes no responsibility for any loss that may result from the inability to perform an operation by telephone, from the improper use of that service or from the fraudulent use of a participant's number or confidentiality code.

III — Applications by fax

38. Applications by fax may be addressed to Placements Québec by communicating with its fax system.

39. An application submitted by fax shall make it possible to identify the participant and the person authorized to act in his name, if such is the case.

The signature of the person submitting the application shall appear on the document so transmitted.

40. Documents received by fax shall be conserved by Placements Québec for a period of six months.

Each of those documents is proof of the operation in the same way as the original.

41. The Government assumes no responsibility for any loss that may result from the inability to perform an

operation by fax or from the improper or fraudulent use of that service.

§ 3. *Statements of operations*

42. Placements Québec shall transmit to the participant or to the person authorized to act in his name a quarterly statement indicating the status of the participant's securities portfolio as well as a statement confirming certain operations carried out in the book based system.

Placements Québec shall also transmit, upon request, a statement of any operation performed by or on behalf of the participant.

Every statement is proof of the operations reported therein.

43. Placements Québec must be informed of any error or irregularity noted in a statement, within 45 days following the date of the statement; failing that, the Government assumes no responsibility for any prejudice that may result from the delay.

§ 4. *Operations by power of attorney*

44. Where an application for an operation is made by means of a power of attorney, the latter shall be given in writing and the signature of the participant shall be attested to therein by a notary, an advocate or a person authorized by Placements Québec or the participant's financial institution.

45. The attestation shall be dated and shall include, in addition to the signature of the person authorized to give it, his name and title in block letters.

In the case of an agent or employee of a financial institution, he shall also affix the seal, mark or stamp of the institution.

§ 5. *Transfer operations*

46. A security may be transferred only between two participants in the book based system. If the beneficiary of the transfer is not a participant in the system, he must become a participant.

Notwithstanding the foregoing, a transfer may be made from one of a participant's accounts to another.

47. Subject to sections 51 to 54, a person authorized to act in the name of a participant may not submit an application for an operation entailing the transfer of ownership of a security in favour of himself.

48. Placements Québec may delay the transfer of a security whose price has not yet been paid to the Government until the amount payable is received and credited to the Government.

49. Any application for a transfer shall describe the security or securities in the securities portfolio of a participant that are affected by the application.

50. A transfer may be made only for the minimum number of securities authorized pursuant to the provisions of Division VII.01 of the Financial Administration Act. In addition, a transfer may not be made if it increases the number of securities owned by a participant above the maximum number authorized pursuant to those provisions.

51. In case of the death of a participant, the application for a transfer for the benefit of the succession or an heir or a legatee by particular title shall be accompanied by proof of the participant's death and the document or act establishing the right of ownership of the security.

52. Where the participant is a partnership that is dissolved, the application shall be accompanied by the document or act attesting to the partition of the property of the partnership and to the right of ownership of that security.

53. Where the participant is a legal person that has been dissolved, amalgamated or liquidated or otherwise ceases to exist, the application shall be accompanied by the document or act attesting to that fact and to the right of ownership of that security.

54. Where the participant is a foundation or a trust that is terminated, the application shall be accompanied by the document or act attesting to that fact and to the right of ownership of that security.

DIVISION IV PAYMENTS

55. Payments by the Government in respect of a security entered in the book based system shall be made by transfer of funds or by cheque.

The same holds true for payments made to the Government for the acquisition of a security.

§ 1. Payments by transfer of funds

56. In order to make a payment by transfer of funds, the participant or the person authorized to act in his name shall provide his bank account information. That information includes the name and identification num-

ber of the financial institution, the transit number of the branch concerned and the number of the account, i.e., the designated account, to the debit or credit of which payments must be made.

Unless certified by the financial institution, the bank account information shall be accompanied by a personalized cheque specimen that may be drawn on the designated account.

For the purposes of this Division, "financial institution" means any member or affiliated member of the Canadian Payments Association that has a place of business in Québec.

I — Payments to the debit of the designated account

57. Unless there are instructions to the contrary, the designated account may be used to pay securities purchased from the Gouvernement du Québec.

In such case, the payment may be made by means of a single withdrawal or periodic withdrawals, according to the conditions of payment determined pursuant to the provisions of Division VII.01 of the Financial Administration Act.

Notwithstanding the foregoing, no debit from the designated account is authorized where a security that must be paid in one instalment is purchased and paid for by means of a cheque.

58. Periodic withdrawals shall be made in the amount, at the frequency and from the date indicated by the participant or the person authorized to act in his name at the time a security that must be paid by periodic withdrawals is purchased.

59. A participant or the person authorized to act in his name may terminate the periodic withdrawals at any time, by applying therefor to Placements Québec in writing, by telephone or by fax.

60. Where the payment of a security by transfer of funds to the debit of the designated account cannot be made, Placements Québec shall verify the bank account information with the participant or the person authorized to act in his name and shall obtain authorization before attempting to transfer the funds a second time.

Where payment of a security must be made by means of a single withdrawal, Placements Québec may, if a transfer of funds proves impossible, demand that the payment be made by cheque within the period agreed upon with the participant or the person authorized to act in his name. If payment is not made within that period or

if the amount payable is not received and credited to the Government, Placements Québec shall cancel the purchase of the security.

Where payment of a security must be made by means of periodic withdrawals and where the transfer of funds proves impossible after several attempts, Placements Québec may terminate the periodic withdrawals and, where applicable, may cancel the application for the purchase of the security and reimburse the amounts received or may limit that purchase to the payments actually made.

61. Where the designated account is an account requiring the signature of several persons, payment to the debit of the account may be made only by a cheque signed by all those persons.

62. The Government assumes no responsibility for any prejudice that may result from a transfer of funds by Placements Québec to an account requiring the signature of several persons, in accordance with instructions given by the participant or the person authorized to act in his name.

II — Payments to the credit of the designated account

63. All payments relating to an account of a participant's securities portfolio shall be made into a single designated account.

64. A payment made to the credit of a designated account in accordance with instructions given by the participant or the person authorized to act in his name is deemed to be made on the date mentioned in the instructions given by Placements Québec to the financial institution.

65. Where a payment by transfer of funds proves impossible, payment shall be made by cheque made out to the participant and sent to the mailing address indicated in his data sheet.

66. Each time that it is notified that the designated account of a participant has been closed or that the holder of the account has been replaced, has become incapable, is under protective supervision or is deceased, Placements Québec may suspend any payment until it receives new instructions for payment or sufficient evidence that the instructions received are valid.

That rule also applies where the holder of the account is a partnership or legal person that has been dissolved, amalgamated or liquidated or has otherwise ceased to exist, or is a terminated foundation or trust.

§ 2. Exclusion of responsibility

67. The Government assumes no responsibility for any prejudice that may result from a payment made on the basis of the information provided by the participant or the person authorized to act in his name.

DIVISION V REINVESTMENT

68. At the request of the participant or the person authorized to act in his name, the maturity value of a security may be reinvested in any other available security.

Where the indicated security is not available on the date on which the original security matures, the maturity value shall be invested in the shortest term security available until new instructions are given by the participant or the person authorized to act in his name.

If Placements Québec receives an application for reinvestment or a counter-order of reinvestment less than 10 days before the maturity date of the original security, it shall accept the application only if it has sufficient time to process it.

69. Interest payable during the term of a security may, at the request of the participant or the person authorized to act in his name, be reinvested in any available security, on the conditions prescribed in section 68.

DIVISION VI REGISTERS

70. The Minister of Finance is responsible for the register of participants and any register required for the purposes of the book based system.

The Minister shall take reasonable measures to keep those registers up-to-date, accurate and complete, in particular by means of agreements entered into with certain public bodies to be informed of any change of address of participants who have not given notice thereof to Placements Québec.

CHAPTER II ASSIGNMENT OF AND HYPOTHECS ON SECURITIES

71. For the purposes of section 69.05 of the Financial Administration Act, the Minister of Finance may render the provisions of this Chapter applicable to any of the savings products by declaring, upon their issuance, that they may be assigned or not and whether a hypothec may be given on them.

72. A security may be assigned by means of an onerous or gratuitous contract only on the following conditions:

(1) the security is a savings product that has been declared assignable; and

(2) the assignee belongs to a category of authorized purchasers of the savings product.

73. The assignment of a security shall be the subject of a transfer made in accordance with the provisions of sections 46 to 54. The assignment may be set up against Placements Québec only from the time of such transfer.

74. A security may be charged with a hypothec only on the following conditions:

(1) the security is a savings product that has been declared a savings product that may be hypothecated; and

(2) the hypothec is granted to a financial institution that is a bank, a trust company, a savings society or a savings and credit union.

75. In addition to the conditions set out in section 74, the hypothec shall be a hypothec with delivery; delivery results from mentioning in the book based system the rights of the hypothecary creditor in respect of the hypothecated security.

A hypothec may not be granted on the universality of a participant's securities. A hypothec on the universality of a participant's property or claims may not be set up against Placements Québec in relation to that participant's securities.

76. Upon receipt of a notice of hypothec, Placements Québec shall make the required entries in the book based system.

Notice shall be given by completing the form in Schedule II.

77. An application for an operation submitted in respect of a hypothecated security shall be made in writing and be accompanied by the hypothecary creditor's consent.

78. During the existence of the hypothec, the hypothecary creditor may collect neither the income produced by the security nor the capital at maturity.

In case of failure on the part of the participant, the only remedy that may be resorted to under the hypothec is the taking in payment.

79. If the creditor resorts to his hypothecary remedy, he is entitled, upon submitting the participant's written consent or an irrevocable judgment, to obtain repayment of the capital and interest payable, where applicable, on the hypothecated security.

If the creditor is an authorized purchaser of the hypothecated security, he may have the ownership thereof transferred to him in accordance with the provisions of sections 46 to 54.

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



SCHEDULE I APPLICATION TO TRANSFER SECURITIES

Block letters please

PARTICIPANT (Including deceased participant, if applicable)

INDIVIDUAL

Family name _____ First name _____

Date of birth _____ Participant no. _____
Year Month Day

Number _____ Apartment _____ Street _____

City or town _____ Province _____ Postal code _____

Represented by (if applicable) * :

_____ (_____) _____
 Family name and first name Title Telephone

PARTNERSHIP, LEGAL PERSON, SUCCESSION, FOUNDATION or TRUST

Name _____ Participant no. _____

Number _____ Suite _____ Street _____

City or town _____ Province _____ Postal code _____

Represented by * :

_____ (_____) _____
 Family name and first name Title Telephone

BENEFICIARY OF THE TRANSFER

INDIVIDUAL

Family name _____ First name _____

Date of birth _____ Participant no. _____
Year Month Day

Number _____ Apartment _____ Street _____

City or town _____ Province _____ Postal code _____

Represented by (if applicable) * :

_____ (_____) _____
 Family name and first name Title Telephone

PARTNERSHIP, LEGAL PERSON, SUCCESSION, FOUNDATION or TRUST

Name _____ Participant no. _____

Number _____ Suite _____ Street _____

City or town _____ Province _____ Postal code _____

Represented by * :

_____ (_____) _____
 Family name and first name Title Telephone

* If more than one representative, please append details.

DESCRIPTION OF TRANSFERED SECURITIES				
Type of securities	Type of interest (Simple or compound)	Interest rate	Maturity date	Amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Total :

REFERENCE TO ACT OF TRANSFER (Append the act in question)

Type of act: Sale Will Gift
 Other (specify) : _____

SIGNATURES OF PARTIES

Signed at _____ Date _____
Year Month Day

_____ Signature of the participant or of his representative	_____ Signature of the beneficiary or of his representative
---	---

_____ Signature of another representative of the participant (if necessary)	_____ Signature of another representative of the beneficiary (if necessary)
---	---

_____ Signature of another representative of the participant (if necessary)	_____ Signature of another representative of the beneficiary (if necessary)
---	---

ATTESTATION OF THE SIGNATURE OF THE PARTICIPANT OR OF HIS REPRESENTATIVE (S)

Attestation has to be made by a notary or a lawyer, or by an individual authorized by Placements Québec or by the financial institution of the participant or of his/her representative.

Signed at _____ Date _____
Year Month Day

 Family name and first name Title (_____) Telephone

I hereby certify that the above signature is the signature of the participant or of his/her representative, as identified on this form.

Signature

.....
Seal, mark or stamp of the financial institution, if applicable.



SCHEDULE II
NOTICE OF HYPOTHEC

Block letters please

HYPOTHECARY CREDITOR

Name of financial institution _____ Inst. no. _____

Transit _____ Number _____ Street _____

City or town _____ Province _____ Postal code _____

Representatives of the institution :

_____ (_____) _____
1) Family name and first name _____ Title _____ Telephone _____

_____ (_____) _____
2) Family name and first name _____ Title _____ Telephone _____

PARTICIPANT (Hypothecary debtor)

INDIVIDUAL

Family name _____ First name _____

Date of birth _____ Participant no. _____
Year Month Day

Number _____ Apartment _____ Street _____

City or town _____ Province _____ Postal code _____

Represented by (if applicable) * :

_____ (_____) _____
Family name and first name _____ Title _____ Telephone _____

PARTNERSHIP, LEGAL PERSON, SUCCESSION, FOUNDATION or TRUST

Name _____ Participant no. _____

Number _____ Suite _____ Street _____

City or town _____ Province _____ Postal code _____

Represented by * :

_____ (_____) _____
Family name and first name _____ Title _____ Telephone _____

* If more than one representative, please append details.

DESCRIPTION OF HYPOTHECATED SECURITIES

Type of securities	Type of interest (Simple or compound)	Interest rate	Maturity date	Amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Total :

REFERENCE TO CONSTITUTING ACT (Append the act in question)

Latest effective date of hypothec _____ Amount of hypothec \$ _____
Year Month Day

Term _____ Interest rate _____ %

Form of act: Private writing Notarial act

Place _____

Date _____ Minute no. or file no. _____
Year Month Day

Family name and first name of notary (if applicable) _____

SIGNATURES

The signatories request that this notice be entered in the book based system :

Signed at _____ Date _____
Year Month Day

Signature of the participant (hypothecary debtor)
or of his representative

Signature of representative (1)
of the financial institution

Signature of another representative of the participant
(if necessary)

Signature of representative (2)
of the financial institution

Signature of another representative of the participant
(if necessary)

Signature of representative (2)
of the financial institution

.....
Seal, mark or stamp of the financial institution, if applicable.

Draft Regulation

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

Regulation

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting income security, 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 change certain conditions of eligibility for the special benefits for dental prostheses for beneficiaries of the financial support program or of the work and employment incentives program.

To that end, the draft regulation makes provisions to increase from 6 to 24 consecutive months the period required for eligibility for last resort assistance to be able to benefit from the special benefits for the purchase or replacement of a dental prosthesis, to allow its replacement only after an 8-year period instead of after a 5-year period.

To date, study of the matter reveals impacts in the form of an increase in the conditions required to benefit from the special benefits in respect of the purchase or replacement of a dental prosthesis for the beneficiaries of a last resort assistance program.

Further information may be obtained by contacting madame Geneviève Bouchard, Director of the Direction du développement des politiques et des programmes de sécurité du revenu, 425, rue Saint-Amable, 4^e étage, Québec (Québec), G1R 4Z1.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Employment and Solidarity and Minister of Income Security, 425, rue Saint-Amable, 4^e étage, Québec (Québec), G1R 4Z1.

LOUISE HAREL,
*Minister of State for Employment and Solidarity
and Minister of Income Security*

Regulation to amend the Regulation respecting income security

An Act respecting income security
(R.S.Q., c. S-3.1.1, s. 91, 1st par., subpar. 5, and 2nd par.)

1. The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996 and 761-96 dated 19 June 1996, is further amended, in section 28, by substituting “24 consecutive months in the case of a dental prosthesis or 6 consecutive months in the other cases” for “6 consecutive months”.

2. Division 1.0 of the Appendix to Schedule I to the Regulation is amended by substituting “eight” for “five” in Subdivisions 1.1.2 and 1.2.2.

3. This Regulation comes into force on 1 November 1996.

9891

Draft Regulation

Health Insurance Act
(R.S.Q., c. A-29)

Regulation

— Amendments

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

The purpose of the draft regulation is to amend the eligibility requirements for dental and optometric services for the beneficiaries of a last resort assistance

program, excluding persons under 18 years of age or 65 years of age or over for the optometric services. It is also intended to change the frequency of examinations for children under 10 years of age.

To that end, the draft regulation provides for an extension of the time periods required to be entitled to certain dental and optometric services and for a decrease in the frequency for providing certain insured services.

To date, study of the matter reveals an impact in the form of a greater number of requirements to be met to benefit from dental services for beneficiaries of last resort assistance programs and to benefit from optometric services for beneficiaries of 18 to 64 years of age (inclusively). The frequency of dental examinations is also reduced for children under 10 years of age.

Further information may be obtained from Marie-Andrée Pelletier, tel.: (418) 682-5172, fax: (418) 643-7312, at the Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,
*Minister of Health and
Social Services*

Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpars. *b*, *b.1*, *b.2*, *d*, *e* and *g*)

1. The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1), amended by the Regulations made by Orders in Council 3397-81 dated 9 December 1981 (Suppl., p. 84), 1125-82 dated 12 May 1982 (Suppl., p. 105), 1181-82 dated 19 May 1982 (Suppl., p. 106), 1712-82 dated 13 July 1982 (Suppl., p. 107), 1789-82 dated 12 August 1982, 2448-82 dated 27 October 1982, 2546-82 dated 10 November 1982, 2630-82 dated 17 November 1982, 2678-82 dated 24 November 1982, 3018-82 and 3019-82 dated 21 December 1982, 13-83 and 14-83 dated 12 January 1983, 165-83 dated 2 February 1983, 539-83 dated 23 March 1983, 692-83 and 693-83 dated 13 April 1983, 763-83 dated 20 April 1983, 1771-83

dated 1 September 1983, 1828-83 dated 7 September 1983, 937-84 dated 11 April 1984, 1374-84 and 1375-84 dated 13 June 1984, 1513-84 dated 27 June 1984, 1769-84 and 1770-84 dated 8 August 1984, 1813-84 dated 16 August 1984, 1893-84 dated 22 August 1984, 2051-84 dated 19 September 1984, 2298-84 dated 17 October 1984, 2751-84 dated 12 December 1984, 321-85 dated 21 February 1985, 661-85 dated 3 April 1985, 944-85 dated 22 May 1985, 1119-85 dated 12 June 1985, 1516-85 dated 17 July 1985, 2276-85 and 2277-85 dated 31 October 1985, 2494-85 dated 27 November 1985, 445-86 dated 9 April 1986, 654-86 dated 14 May 1986, 1179-86 dated 30 July 1986, 1538-86 dated 8 October 1986, 1730-86 dated 19 November 1986, 1936-86 dated 16 December 1986, 1026-87 dated 23 June 1987, 1258-87 and 1259-87 dated 12 August 1987, 1556-87 dated 7 October 1987, 1656-87 dated 28 October 1987, 1834-87 dated 2 December 1987, 1937-87 dated 16 December 1987, 424-88 dated 23 March 1988, 618-88 and 619-88 dated 27 April 1988, 841-88 dated 1 June 1988, 950-88 dated 15 June 1988, 1550-88 dated 12 October 1988, 1634-88 dated 26 October 1988, 1823-88 dated 7 December 1988, 1887-88 and 1888-88 dated 14 December 1988, 1980-88 dated 21 December 1988, 922-89 and 924-89 dated 14 June 1989, 967-89 dated 21 June 1989, 1214-89 dated 26 July 1989, 1600-89 dated 10 October 1989, 224-90 dated 21 February 1990, 512-90 dated 11 April 1990, 858-90, 860-90, 861-90 and 862-90 dated 20 June 1990, 1027-90 dated 11 July 1990, 1473-90 dated 10 October 1990, 1735-90 dated 12 December 1990, 384-91 dated 20 March 1991, 862-91, 863-91 and 864-91 dated 19 June 1991, 940-91 dated 3 July 1991, 1064-91 dated 24 July 1991, 1134-91 dated 14 August 1991, 1500-91, 1501-91 and 1502-91 dated 30 October 1991, 1834-91 dated 18 December 1991, 499-92 and 500-92 dated 1 April 1992, 903-92 and 904-92 dated 17 June 1992, 948-92 dated 23 June 1992, 1002-92 dated 30 June 1992, 1192-92 dated 19 August 1992, 1244-92 dated 26 August 1992, 1402-92 dated 23 September 1992, 1469-92 and 1470-92 dated 30 September 1992, 1509-92 dated 7 October 1992, 1755-92 dated 2 December 1992, 1890-92 dated 16 December 1992, 124-93 dated 3 February 1993, 209-93 dated 17 February 1993, 423-93 dated 24 March 1993, 729-93 dated 20 May 1993, 744-93 and 745-93 dated 26 May 1993, 869-93 dated 16 June 1993, 950-93 and 951-93 dated 30 June 1993, 1472-93 dated 20 October 1993, 1899-93 dated 15 December 1993, 69-94 dated 10 January 1994, 612-94 dated 27 April 1994, 896-94 dated 15 June 1994, 1779-94 dated 14 December 1994, 386-95 dated 22 March 1995, 1179-95 dated 30 August 1995, 1638-95 dated 13 December 1995, 323-96 dated 13 March 1996 and 759-96 dated 19 June 1996, is further amended in section 22:

(1) by substituting the words “24-month period by a professional in the field of health to a beneficiary who holds a valid claim booklet issued in accordance with section 71 or 71.1 of the Act and who is 18 years of age or over and less than 65 years of age or if they are rendered more than once during each 12-month period by a professional in the field of health to any other beneficiary contemplated in section 34” for the words “12 month period by a professional in the field of health” in paragraph *j*;

(2) by inserting the following after paragraph *k*:

“(k.1) among the services referred to in the second paragraph of section 3 of the Act, the following services shall not be considered insured services if they are rendered more than once during each 12-month period by a dentist:

- i. examination;
- ii. teaching and demonstration of oral hygiene procedures;
- iii. cleaning of teeth;
- iv. scaling;
- v. topical fluoride application.”;

(3) by adding the following sentence in paragraph *u*:

“Notwithstanding the foregoing, a service contemplated in this paragraph rendered to a beneficiary of 18 years of age or over and less than 65 years of age who holds a valid claim booklet issued in accordance with section 71 or 71.1 of the Act, shall not be considered an insured service if it is rendered more than once during each 24-month period.”.

2. The following is inserted after section 34:

“**34.0.1.** Notwithstanding section 34, the services listed therein shall be considered insured services, for a beneficiary who holds a valid claim booklet issued in accordance with section 71 or 71.1 of the Act and who is 18 years of age or over and less than 65 years of age, only if he has been entitled, for at least 12 months, to a benefit under a last resort assistance program in accordance with the Act respecting income security (R.S.Q., c. S-3.1.1).”.

3. Section 35 is amended by striking out the words “where the beneficiary does not hold a valid claim booklet issued in accordance with section 71.1 of the Act” in the part preceding paragraph A.

4. Section 36 is amended:

(1) by adding the words “10 years of age or over” after the word “beneficiary” in the part preceding paragraph A;

(2) by substituting the following for the two first paragraphs of paragraph H:

“— one complete prosthesis per 8-year period and, if first prosthesis, 3 months or more after extraction of teeth;

— one partial prosthesis with or without hooks or supports per 8-year period and, if first prosthesis, 3 months or more after extraction of teeth;”.

5. The following is substituted for section 36.1:

“**36.1** Notwithstanding section 36, the dental services listed therein are considered insured services, for a beneficiary of 10 years of age or over who holds a valid claim booklet issued in accordance with section 71.1 of the Act, only where he has been entitled, for at least 12 months, to a benefit under the last resort assistance program in accordance with the Act respecting income security (R.S.Q., c. S-3.1.1); however, for the acrylic prosthesis services contemplated in paragraph H of section 36, the time period shall be two years.

The 12-month time period provided for in the first paragraph does not apply where the following services, including the preliminary examination, have been rendered as emergencies:

— extraction of a tooth whose occlusal surface is entirely covered by bony tissue;

— extraction of a tooth whose occlusal surface is partially covered by bony tissue where the tooth is in a horizontal or quasi-horizontal position or where the adjacent tooth preventing the eruption has been preserved;

— opening of the pulp cavity;

— incision or drainage of an abscess;

— alveolitis;

— haemorrhage control;

— repair of laceration of soft tissue;

— reduction of an alveolar fracture;

— immobilization of a tooth loosened by traumatism;

— re-implantation of an entirely exfoliated tooth.”.

6. This Regulation comes into force on 1 November 1996.

9892

Draft Regulation

Legal Aid Act
(R.S.Q., c. A-14; 1996, c. 23)

Legal aid

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and with paragraph 1 of section 59 of the Act to amend the Legal Aid Act (1996, c. 23), that the Regulation respecting legal aid, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

The draft Regulation comes within the framework of the reform of the legal aid system and of the adoption of the Act to amend the Legal Aid Act (1996, c. 23), assented to on 20 June 1996. That Act confers to the Government the power to determine by regulation, in particular:

- (1) the rules respecting the financial eligibility of persons applying for legal aid;
- (2) the rules respecting applications for legal aid;
- (3) the cases in which legal aid costs are to be recovered;
- (4) the benefit or compensation programs within the framework of which legal aid is granted to exercise certain recourses;
- (5) the legal services covered by legal aid, in addition to those provided for in the Legal Aid Act.

The purpose of the Regulation is to follow up on those enabling provisions.

As regards financial eligibility, the draft Regulation provides that the financial eligibility of persons applying for legal aid will be determined on the basis of their annual income, their liquidities and other assets and no longer on the sole basis of the applicant's weekly income. The draft Regulation also states what income, liquidities and other assets are to be considered or excluded for eligibility purposes.

Financial eligibility entails 2 forms of legal aid:

(1) gratuitous legal aid, for income security beneficiaries who receive last resort benefits and for persons whose income, liquidities and other assets do not exceed the income levels and values fixed by the Regulation;

(2) contributory legal aid, for those who do not qualify for gratuitous legal aid, but whose income does not exceed the income levels fixed by the Regulation. The draft Regulation fixes the contribution payable by persons who qualify for that form of legal aid. Such contribution ranges from \$100 to \$800, depending on the income level, without exceeding the cost of the legal services obtained.

The thresholds of financial eligibility for gratuitous or contributory legal aid are increased by 20 % for persons who reside in a remote region. As regards both forms of legal aid, the Regulation prescribes their coming into force at different times.

With respect to applications for legal aid, the draft Regulation specifies the information and undertakings to be included in any application, as well as the documents and particulars to be provided by the applicant.

As for the recovery of the costs of legal aid, the draft Regulation describes the cases in which the recipient will be required to repay to the legal aid centre the costs of the legal services provided and specify when those costs become exigible. The draft Regulation mentions that those costs may be repaid in instalments, with the director general's agreement.

Concerning the legal services for which legal aid is granted, the draft Regulation contains 2 provisions which complete the list of covered legal services provided for in the Act.

The first provision establishes a list of the benefit, compensation or payment exemption programs for which legal aid is to be granted to ensure that a person is assisted to have a decision reviewed or to exercise a recourse before a court.

The second provision adds the hearings of the National Parole Board or of the Commission québécoise des libérations conditionnelles to the list of services already covered by the Act.

The draft Regulation has an impact on the clients of legal aid. Firstly, the new rules of financial eligibility substantially increase the availability of legal aid. There will be approximately 1.7 million of eligible persons (or 1 citizen out of 4), compared to the present number of

clients, which is approximately 1 125 000 persons. A certain amount of those persons will be required to pay a contribution in order to receive legal aid.

The new recovery rules will also have effects on certain recipients. Moreover, the designation of the benefit or compensation programs within the framework of which certain administrative recourses will be covered has positive effects for clients and fulfils the wishes expressed during the consultations about the reform of legal aid. Finally, a work committee will be formed soon to study the terms and conditions that will govern the administration of the contributory legal aid and that committee should make its recommendations to the Minister before 1 October.

Further information may be obtained by contacting Mrs. Lorraine Lapierre, Direction du droit administratif et privé, 1200, route de l'Église, 2^e étage, Sainte-Foy (Québec), G1V 4M1; tel.: (418) 643-1436, fax: (418) 646-1696.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 15-day period, to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Regulation respecting legal aid

Legal Aid Act
(R.S.Q., c. A-14, s. 80, 1st par., subpars. *a*, *a.1* to *a.8*, *b* to *b.2*, *h* to *h.3*, *l*, *q* and *s* and second and third pars.; 1996, c. 23, s. 42)

DIVISION I INTERPRETATION

1. In this Regulation,

- (1) "Act" means the Legal Aid Act (R.S.Q., c. A-14);
- (2) "spouse" and "family" have the meaning given to them by sections 1.1 and 1.2 of the Act and this Regulation, respectively;
- (3) the costs of legal aid include all the fees and costs referred to in section 5 of the Act; in all cases, the fees shall be fixed in accordance with the tariffs applicable under section 81 of the Act; the costs include court costs and the duties that a registrar has collected or would otherwise have collected within the scope of a mandate; the costs of legal aid also include administrative expenses which are established at \$50 and, if there is a

recovery in accordance with Division VI.1 of the Act, the expenses incurred to recover the legal aid costs.

2. For the purposes of section 1.2 of the Act, a person other than the father or mother who may compose a family with children is the person who has custody of the children under a judgment of the court, except in the case of a foster family within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

3. For the purposes of section 1.2 of the Act, a child of full age attends an educational institution if he pursues in that institution, on a full-time basis, a program of secondary, college or university studies recognized by the Minister of Education.

"Full-time" means

- (1) at the secondary level, being registered as a full-time student in a secondary school;
- (2) at the college level, taking at least 4 courses or 180 periods during a session;
- (3) at the university level, taking courses giving entitlement to 12 credits during a session.

A child of full age who attends an educational institution referred to in the first paragraph, who suffers from a major functional deficiency within the meaning of the regulation made under section 10 of the Act respecting financial assistance for students (R.S.Q., c. A-13.3) and who, for that reason, pursues a program of study recognized by the Minister of Education on a part-time basis is deemed to pursue it on a full-time basis.

4. A child of full age who ceased to attend an educational institution on a full-time basis before being awarded an undergraduate university diploma is deemed to continue to be part of the family for the 3 years following the date of cessation, unless he is in any of the situations provided for in section 5.

5. For the purposes of section 1.2 of the Act, a minor child or a child of full age who is in any of the following situations is deemed to cease to be part of the family and to be an adult:

- (1) he no longer attends an educational institution on a full-time basis, he holds employment and he does not depend on his family for his living;
- (2) he attends an educational institution after becoming the holder of an undergraduate university degree;

(3) he has met his own needs and has not resided with his family for at least 2 years, excluding any period of full-time attendance in an educational institution;

(4) he has held remunerated employment on a full-time basis or has received, in respect of such employment, benefits under the Unemployment Insurance Act (R.S.C., 1985, c. U-1) or the Employment Insurance Act (S.C., 1996, c. 23), for at least 2 years;

(5) he is or was married;

(6) he lives or lived as husband and wife with another person and he cohabits or has cohabited at a given time with that person for at least one year;

(7) he is or was the father of a child or she is or was the mother of a child;

(8) she has been pregnant for at least 20 weeks; or

(9) his father, mother or the person designated in section 2 cannot be found or they refuse to meet his needs.

DIVISION II

DETERMINATION OF INCOME AND ASSETS FOR THE PURPOSES OF FINANCIAL ELIGIBILITY FOR LEGAL AID

6. Financial eligibility for legal aid shall be determined by taking into consideration the following items, unless otherwise excluded by this Regulation:

(1) the estimated income of the applicant and, if he has a spouse, the spouse's estimated income for the taxation year in which the application for legal aid is made;

(2) the value of the assets, including property and liquidities, owned by the applicant and his spouse, where applicable, on the date of the application.

Notwithstanding the foregoing, where the legal services are applied for in respect of a child, the following amounts shall be added to the amounts provided for in the first paragraph:

(1) the estimated income of that child, excluding his student loans and bursaries, for the taxation year in which the application for legal aid is made; and

(2) the value of the liquidities, excluding the principal from student loans and bursaries, owned by the child on the date of the application.

7. Notwithstanding section 6, the financial eligibility of a person shall be determined

(1) regardless of the income and assets of the applicant's spouse where their interests are opposed in the context of a case or recourse;

(2) regardless of the income and the value of the assets of a minor where legal aid is applied for in respect of that minor:

(a) for proceedings under the Youth Protection Act (R.S.Q., c. P-34.1); or

(b) in the context of any other case or recourse, particularly for proceedings under the Young Offenders Act (R.S.C. 1985, c. Y-1), if the interests of the minor are in all likelihood opposed to those of his father, mother or, as the case may be, those of the person referred to in section 2.

8. For the purposes of financial eligibility, income, gains and benefits from all sources shall be considered, except

(1) child tax benefits received under the Income Tax Act (R.S.C. 1985 (5th Supp.), c. 1) and amounts received under the Children's Special Allowances Act (R.S.C., 1985, c. C-28.5);

(2) family assistance allowances paid under the Act respecting family assistance allowances (R.S.Q., c. A-17);

(3) principal or interest received as a refund of real estate taxes, a tax credit for the goods and services tax, a tax credit for the Québec sales tax and a tax credit for persons who take care of their elderly parents;

(4) the benefits paid under the Parental Wage Assistance Program provided for in Chapter III of the Act respecting income security (R.S.Q., c. S-3.1.1); and

(5) amounts received under programs made under the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8).

9. In the case of an income from self-employment, financial eligibility shall be determined on the basis of the net income within the meaning of the Taxation Act (R.S.Q., c. I-3), determined on the basis of the accrued accounting method, in accordance with generally recognized accounting principles.

In calculating the net income from self-employment, the amortization of goods used for the business shall be excluded and a repayment of principal is not considered as an operating expense.

10. In the case of an income from an immovable, the qualifying expenses for the purposes of the Taxation Act, excluding the amortization, shall be deducted from such income.

11. In the case of a capital gain, the qualifying capital losses for the purposes of the Taxation Act and related to that gain shall be deducted therefrom.

12. The following amounts shall be deducted from the income:

- (1) the amount of the tuition fees that would be deductible under the Taxation Act;
- (2) the amount of the day-care expenses paid, up to the amount eligible for the tax credit for those expenses under the Taxation Act;
- (3) any support payment; and
- (4) any expenses incurred to make up for a severe physical or mental deficiency.

13. For the purposes of financial eligibility, all assets shall be considered, including property and liquidities, but excluding

- (1) any automobile mainly used for personal purposes;
- (2) any domestic furniture in the principal residence;
- (3) books, instruments and tools required to perform a job or to practice a trade or an art;
- (4) the value of the pension credits accrued in any retirement or pension plan or in any retirement fund, and the amounts accrued with interest in another retirement savings instrument where, under the plan, the savings instrument or the law, the pension credits accrued in the plan or the accrued amounts may not be returned to the participant before retirement age.

14. The value of the pension credits or of the amounts referred to in paragraph 4 of section 13 shall be included in the assets other than liquidities where those amounts or credits may, upon request by the participant, be returned to him under the plan, retirement instrument or law.

15. The value of a good means its market value.

Notwithstanding the foregoing, the value of any immovable entered on the assessment roll of a municipality shall be the value on the roll, multiplied by the

comparative factor of the roll, in accordance with the provisions of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

Liabilities shall be deducted from the total value of the property.

16. Liquidities comprise everything that is owned in cash or in an equivalent form and the value of assets that can be converted into cash in the short term, such as

- (1) funds that a financial institution holds on deposit for a person or funds that the institution holds in his favour if the person has ready access to those funds;
- (2) securities, if they are regularly quoted on the market on which they are traded;
- (3) claims of which immediate repayment can be obtained; and
- (4) any assets negotiable at sight.

They also include the total amount of any term deposit.

Notwithstanding the foregoing, the following is included in the assets other than liquidities:

- (1) the principal of an indemnity paid following an expropriation of immovable property or a damage in compensation for the loss of immovable property if it is used within 2 years of its receipt to replace the property with a view to permanently relocating a person;
- (2) the principal from the sale of a residence if it is used to buy or to build another within 6 months of the sale.

17. The income and assets established in accordance with the provisions of this Division constitute the income and assets for the purposes of financial eligibility for legal aid.

DIVISION III FINANCIAL ELIGIBILITY FOR LEGAL AID

18. In addition to the persons who are deemed to be financially eligible for gratuitous legal aid under the second paragraph of section 4.1 of the Act, an applicant who meets the 3 following conditions is financially eligible for gratuitous legal aid:

- (1) his annual income, within the meaning of section 17, and that of the other persons whose income is considered under section 6 do not exceed, among the fol-

lowing levels, the level corresponding to the class applicable to him:

Classes of applicants	Maximum annual level
In the case of a single person	\$ 8 870
In the case of an applicant whose family is composed of :	
• an adult and 1 child	\$12 500
• an adult and 2 children or more	\$15 000
• spouses without children	\$12 500
• spouses with 1 child	\$15 000
• spouses with 2 children or more	\$17 500

(2) the value of his assets, within the meaning of section 17, and of those of the other persons whose assets are considered under section 6, except for their liquidities, does not exceed

(a) \$47 500 if neither the applicant nor his spouse is the owner of the residence; or

(b) \$90 000 if the applicant or his spouse is the owner of the residence;

(3) his liquidities and those of the other persons whose liquidities are considered under section 6 do not exceed

(a) \$2 500, in the case of a single person; or

(b) \$5 000, in the case of a family.

19. An applicant who does not meet any of the 3 conditions set out in section 18 may, to the extent provided for in section 20, be declared financially eligible for contributory legal aid.

For the purposes of determining such financial eligibility,

(1) where the applicant does not meet any of the conditions set out in paragraphs 2 and 3 of section 18:

(a) the value of the assets, other than liquidities, that he owns and that the other persons whose assets are considered under section 6 own and that exceeds, according to the class applicable to the applicant, the values provided for in paragraph 2 of section 18, is deemed to constitute, in a proportion of 10 % of the value in excess, income that

must be added to the other income considered for eligibility purposes pursuant to section 20;

(b) his liquidities and those of the other persons whose liquidities are considered under section 6 and that exceed, according to the class applicable to the applicant, the values provided for in paragraph 3 of section 18, are deemed to constitute income that must be added to the other income considered for eligibility purposes pursuant to section 20;

(2) where the applicant meets the condition set out in paragraph 1 of section 18, but not those in paragraphs 2 and 3 of the same section, the income considered for eligibility purposes pursuant to section 20 are deemed to be equal to the sum of the maximum annual level, according to the class applicable to the applicant, fixed in paragraph 1 of section 18 and of the income deemed to be added under subparagraph 1 of the second paragraph of this section.

20. An applicant who is not financially eligible for gratuitous legal aid, according to section 18, but whose annual income within the meaning of section 17 and that of the other persons whose income is considered under section 6, including their deemed income according to section 19, do not exceed, among the following levels, the level corresponding to the class applicable to the applicant is financially eligible for contributory legal aid:

Classes of applicants	Maximum annual level
In the case of a single person	\$12 640
In the case of an applicant whose family is composed of :	
• an adult and 1 child	\$17 813
• an adult and 2 children or more	\$21 375
• spouses without children	\$17 813
• spouses with 1 child	\$21 375
• spouses with 2 children or more	\$24 938

21. Subject to the provisions of section 23, an applicant financially eligible for legal aid under section 20 is bound to pay the contribution established in the following table and corresponding to both the class of applicant applicable to him and his income within the meaning of section 20:

Classes of applicants	Income	Contribution level	Classes of applicants	Income	Contribution level	
Single person	from \$ 8 871 to \$ 9 341	\$100		from \$16 485 to \$17 148	\$700	
	from \$ 9 342 to \$ 9 812	\$200		from \$17 149 to \$17 813	\$800	
	from \$ 9 813 to \$10 284	\$300		from \$15 001 to \$15 797	\$100	
	from \$10 285 to \$10 755	\$400		from \$15 798 to \$16 594	\$200	
	from \$10 756 to \$11 226	\$500		from \$16 595 to \$17 391	\$300	
	from \$11 227 to \$11 697	\$600		Spouses with 1 child	from \$17 392 to \$18 188	\$400
	from \$11 698 to \$12 169	\$700			from \$18 189 to \$18 984	\$500
	from \$12 170 to \$12 640	\$800			from \$18 985 to \$19 781	\$600
Family composed of an adult and 1 child	from \$12 501 to \$13 164	\$100	from \$19 782 to \$20 578	\$700		
	from \$13 165 to \$13 828	\$200	from \$20 579 to \$21 375	\$800		
	from \$13 829 to \$14 492	\$300	from \$17 501 to \$18 430	\$100		
	from \$14 493 to \$15 156	\$400	from \$18 431 to \$19 359	\$200		
	from \$15 157 to \$15 820	\$500	from \$19 360 to \$20 289	\$300		
	from \$15 821 to \$16 484	\$600	Spouses with 2 children or more	from \$20 290 to \$21 219	\$400	
	from \$16 485 to \$17 148	\$700		from \$21 220 to \$22 148	\$500	
	from \$17 149 to \$17 813	\$800		from \$22 149 to \$23 078	\$600	
Family composed of an adult and 2 children or more	from \$15 001 to \$15 797	\$100	from \$23 079 to \$24 008	\$700		
	from \$15 798 to \$16 594	\$200	from \$24 009 to \$24 938	\$800		
	from \$16 595 to \$17 391	\$300	22. Subject to the provisions of section 23, an applicant financially eligible for legal aid under section 4.3 of the Act is bound to pay the maximum contribution established in section 21.			
	from \$17 392 to \$18 188	\$400				
	from \$18 189 to \$18 984	\$500				
	from \$18 985 to \$19 781	\$600				
	from \$19 782 to \$20 578	\$700				
	from \$20 579 to \$21 375	\$800				
Spouses without children	from \$12 501 to \$13 164	\$100	23. The contribution exigible under section 21 or 22 may in no case exceed the amount corresponding to the costs of legal aid for the legal services covered by the certificate of eligibility.			
	from \$13 165 to \$13 828	\$200				
	from \$13 829 to \$14 492	\$300				
	from \$14 493 to \$15 156	\$400				
	from \$15 157 to \$15 820	\$500				
	from \$15 821 to \$16 484	\$600				
	24. Where the applicant resides in a remote region			(1) the maximum annual level of his income, below which a person is financially eligible for gratuitous legal aid or contributory legal aid, as established in paragraph 1 of section 18 or in section 20, shall be increased by 20 %; and		
		(2) each of the amounts appearing under the column "Income" in the table of section 21 shall be increased by 20 %.				

An applicant is a resident of a remote region if, upon submitting his application for legal aid, he has resided for at least 6 consecutive months in any of the localities of Mistissini, Oujé-Bougoumou or Waswanipi or in a locality situated in any part of the territory of Québec extending north of the 51st degree of latitude, or in the territory of Côte-Nord extending east of Havre-Saint-Pierre to the Labrador boundary, including Île d'Anticosti.

25. The amounts of income, liquidities and other assets considered for the purposes of financial eligibility for gratuitous or contributory legal aid and the amounts of income considered for the purposes of establishing the contribution shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

DIVISION IV **PAYMENT OF CONTRIBUTION**

26. An applicant who meets the conditions of eligibility for contributory legal aid shall, in order to receive a certificate of eligibility, pay administrative expenses of \$50 to the legal aid centre.

Such certificate shall indicate the amount of the maximum contribution exigible from the recipient, less the administrative expenses of \$50. The certificate shall also indicate that the recipient has the right to apply for a review of the contribution.

27. The recipient is bound to pay the contribution indicated on the certificate of eligibility:

(1) to the advocate or notary of private practice to whom the mandate was entrusted by the director general; or

(2) to the legal aid centre that issued the certificate of eligibility where the director general entrusted the case to an advocate or notary in the employ of the legal aid centre.

28. In the case provided for in paragraph 1 of section 27, the advocate or notary shall, once the mandate is completed, forward his bill of the fees and costs referred to in section 5 of the Act to the legal aid centre that issued the certificate of eligibility, less the amount of the exigible contribution indicated on the certificate.

29. In the case provided for in paragraph 2 of section 27:

(1) the debtor shall pay his contribution within 30 days of the issuance of the certificate of eligibility or, if a review is conducted, within 30 days of the date of the review committee's decision confirming in whole or in part the decision of the director general on the fixing of the contribution;

(2) the director general may, notwithstanding paragraph 1, agree with the debtor to the contribution being paid in instalments; if so, the contribution becomes exigible in full if the debtor fails to comply with an agreement made with the director general;

(3) the provisions of Division VI.1 of the Act apply, adapted as required, where the debtor fails to pay all or part of his contribution to the legal aid centre.

DIVISION V **APPLICATION FOR LEGAL AID**

30. A person requiring legal services shall apply therefor personally, unless he is prevented from doing so, in which case the application for legal aid may be submitted, in his name or for his benefit, by his tutor, his curator, a relative or a friend. Notwithstanding the foregoing, where the interests of that person are opposed to those of the person who submits the application in the same proceedings, each of them is deemed to submit a separate application for legal aid.

The Public Curator may not make an application for legal aid for someone else.

31. An applicant shall describe his financial condition and that of the other members of his family whose income, liquidities and other assets are considered under this Regulation.

To that end, the applicant shall

(1) give his name, his place of residence and those of his family members;

(2) indicate his social insurance number;

(3) indicate his beneficiary number, if he receives benefits under Chapter II of the Act respecting income security;

(4) indicate his date of birth and those of his family members;

(5) give the name and address of his employer and those of his family members whose income, liquidities and other assets are considered under this Regulation;

(6) give a statement of

(a) his income and assets, including his property and liquidities, and of his liabilities; and

(b) the income and assets, including property and liquidities, of his family members whose income, liquidities and other assets are considered under this Regulation, and of their liabilities.

Where attendance of an educational institution or the obtention of a university diploma is taken into consideration for the purposes of financial eligibility, the person alleging that fact shall provide proof thereof.

The applicant shall also describe the facts on which the application for legal aid is based.

32. An applicant that is a group of persons or a non-profit legal person shall give an account of the financial situation of the group or non-profit legal person and of each of its members. For those purposes, the person making the application on behalf of the group or legal person shall

(1) describe its objectives and the territory served or to be served;

(2) give the number of members and identify the accounting system used;

(3) give a detailed account of the income and assets, including the property, liquidities and liabilities of the group or non-profit legal person, and those of each of its members; and

(4) describe the facts justifying the application for legal aid.

33. The application shall also contain an undertaking by the applicant

(1) to inform without delay the director general who issues the certificate of eligibility for legal aid of any change in his situation or that of his family affecting his eligibility for legal aid;

(2) to inform without delay the director general who issues the certificate of eligibility for legal aid of any property or pecuniary right he will acquire after having received for that purpose services rendered by an advocate or notary;

(3) to repay the costs of legal aid in accordance with the Act and this Regulation, where applicable; and

(4) to pay the contribution exigible pursuant to Division IV, where applicable.

34. The applicant shall file with his application an account of his income and of the income of his family members whose income, liquidities and other assets must be considered under this Regulation, for the year in which the application is made, together with supporting documentary evidence and any document relevant to the determination of his financial eligibility.

The applicant and his family members whose financial condition must be considered shall include in the application their authorization in writing for the legal aid centre to make, in accordance with section 64 of the Act, a verification of that account with the Minister of Revenue, another department, an agency, an educational or financial institution or an employer.

35. The applicant shall file or arrange for the filing of any document necessary for determining whether he is eligible for legal aid.

36. An application shall include the certificate, duly signed by the applicant and indicating that the information and documents provided by him are accurate.

The certificate, duly signed by the family members whose financial condition is considered and indicating that the information and documents provided by them are accurate, shall be attached to the application.

37. Any person who receives benefits, other than special benefits, under Chapter II of the Act respecting income security or who is a member of a family receiving such benefits is exempt from the obligation to disclose his financial condition and that of his family upon making his application. That person shall however demonstrate that he receives such benefits or that he is a member of a family receiving such benefits.

DIVISION VI **RECOVERY OF THE COSTS OF LEGAL AID**

38. A person to whom legal services have been provided by an advocate or notary in the employ of a legal aid centre, under a conditional certificate of eligibility issued under section 67 or 74 of the Act, is bound to repay to the centre, upon request, all the costs of the legal aid obtained if the director general or the review committee, as the case may be, decides that he is ineligible for legal aid, having examined his application.

A person who, in accordance with section 68 of the Act, notifies the centre that has issued his certificate of any change in his situation or that of his family making

him financially ineligible for any gratuitous or contributory legal aid is bound to repay the costs of legal aid only in respect of the legal services rendered after ceasing to be financially eligible for legal aid.

The following persons are also bound to repay to the legal aid centre, upon request, all the costs of legal aid:

(1) a person who, by reason of the legal services obtained under the Act, acquires property or a pecuniary right that renders him financially ineligible for any gratuitous or contributory legal aid;

(2) a person to whom legal aid is withdrawn in the case provided for in section 70 of the Act; and

(3) a person who, having been declared financially eligible for contributory legal aid, fails to pay all or part of the exigible contribution.

For the purposes of the second paragraph and of subparagraph 1 of the third paragraph, the director general shall proceed with a new examination of the financial eligibility of the recipient for the taxation year in which that person ceases to be financially eligible for any legal aid.

39. Where the financial eligibility of a minor was determined considering his income and liquidities only, the father and mother of that person or the person referred to in section 2, as the case may be, shall, once all the legal services have been rendered, repay to the legal aid centre, upon request, all the costs of the legal aid obtained by the minor, without exceeding the contribution that would be exigible from them under Division III. Where such repayment is incumbent upon the father and mother, they are jointly responsible for making it.

Notwithstanding the foregoing, such repayment is not exigible where

(1) the persons bound to make such repayment are financially eligible for gratuitous legal aid in their own right;

(2) legal aid was granted in order to ensure representation or assistance of a minor in proceedings under the Youth Protection Act.

40. Any debt that must be repaid in accordance with the provisions of the Act and of this Division shall be recovered, less any amount already paid and including, in the case provided for in section 26, the administrative expenses collected by the legal aid centre.

41. Repayment of the costs is exigible

(1) in the cases provided for in the first paragraph of section 38, from the date of the decision of the director general or, where applicable, from the date of the decision of the review committee, to the effect that the person to whom a conditional certificate was issued is ineligible for legal aid;

(2) in the cases provided for in the second paragraph and in subparagraph 1 of the third paragraph of section 38, from the date on which the recipient ceases to be financially eligible for any legal aid; or

(3) in the cases provided for in subparagraph 2 of the third paragraph of section 38, from the date on which the director general withdraws the legal aid or from the date of the review committee's decision confirming the director general's decision;

(4) in the cases provided for in subparagraph 3 of the third paragraph of section 38, from the date on which the recipient fails to pay all or part of the exigible contribution.

42. A debtor shall repay the debt within 30 days of the demand notice sent in accordance with section 73.3 of the Act or, if the repayment obligation is reviewed, within 30 days of the date of the review committee's decision confirming, in whole or in part, the director general's decision on the repayment, unless the director general agrees, in accordance with the first paragraph of section 73.4 of the Act, to the debt or a part thereof being repaid in instalments.

43. A recoverable amount shall bear interest at the rate fixed by a regulation made under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), from the 31st day following the date of the demand notice sent in accordance with section 73.3 of the Act or, if the repayment obligation is reviewed, from the 31st day following the date of the review committee's decision confirming in whole or in part the director general's decision on the repayment.

DIVISION VII **LEGAL SERVICES FOR WHICH** **LEGAL AID IS GRANTED**

44. Legal aid shall be granted, to the extent provided for in paragraph 7 of section 4.7 and in paragraph 2 of section 4.10 of the Act, to have a decision reviewed or to exercise a recourse before a court, if such review or recourse is related either to an application for benefits, a compensation or a payment exemption, or to the recovery of benefits or of a compensation, and if that application for review is made or that recourse is exercised within the framework of the programs established by the following statutes:

Statutes of Québec

(1) the Workmen's Compensation Act (R.S.Q., c. A-3);

(2) the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001);

(3) the Act respecting family assistance allowances (R.S.Q., c. A-17);

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

(5) the Health Insurance Act (R.S.Q., c. A-29) for the costs of the services assumed by the Régie de l'assurance-maladie and relating to prosthesis, orthopaedic devices, locomotor assists, medical supplies and other equipment used to make up for a physical deficiency;

(6) the Act to promote good citizenship (R.S.Q., c. C-20);

(7) the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1);

(8) the Crime Victims Compensation Act (R.S.Q., c. I-6);

(9) the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (R.S.Q., c. I-7);

(10) the Public Health Protection Act (R.S.Q., c. P-35);

(11) the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

(12) the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

(13) the Act respecting income security (R.S.Q., c. S-3.1.1);

(14) the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., c. S-3.2);

(15) the Act respecting child day care (R.S.Q., c. S-4.1);

(16) the Act respecting health services and social services (R.S.Q., c. S-4.2);

(17) the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(18) the Act respecting assistance and compensation for victims of crime (1993, c. 54).

Statutes of Canada

(1) The Canada Pension Plan (Revised Statutes of Canada 1985, c. C-8);

(2) The Old Age Security Act (Revised Statutes of Canada 1985, c. O-9).

(3) The Unemployment Insurance Act (Revised Statutes of Canada 1985, c. U-1) and the Employment Insurance Act (S.C., 1996, c. 23).

45. Legal aid shall be granted to a person so that he can be assisted for an examination relating to a parole made by the National Parole Board or the Commission québécoise des libérations conditionnelles, by a member of either board or by a person appointed for that purpose under either Act.

DIVISION VIII FINAL

46. This Regulation replaces

(1) the Regulation respecting eligibility for legal aid, made by Order in Council 941-83 dated 11 May 1983 and amended by Order in Council 1307-85 dated 26 June 1985, except for section 5 of that Regulation;

(2) the Regulation respecting legal aid services and the conditions regarding payment of the fees of experts, made by Order in Council 942-83 dated 11 May 1983; and

(3) the Regulation respecting refunds for the costs of legal aid, made by Order in Council 943-83 dated 11 May 1983.

47. This Regulation will come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 19 to 23 and 26 to 29, which will come into force on the same date as the coming into force of the provisions of the Act to amend the Legal Aid Act (1996, c. 23) relating to contributory legal aid.

9894

Draft Regulation

Civil Code of Québec
(1991, c. 64)

Tariff of duties

— Acts of civil status and change of name
or of designation of sex
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. André Boisclair, Minister for Relations with the Citizens, 360, rue McGill, 4^e étage, Montréal (Québec), H2Y 2E9.

ANDRÉ BOISCLAIR,
Minister for Relations with the Citizens

LOUISE HAREL,
*Minister of State for Employment
and Solidarity*

Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex

Civil Code of Québec
(1991, c. 64, s. 64, 73 and 151)

1. The Tariff of duties respecting the acts of civil status and change of name or of designation of sex, made by Order in Council 1593-93 dated 17 November 1993, is amended in section 1, by substituting

- (1) “\$15” for “\$12” in paragraph 1;
- (2) “\$20” for “\$16” in paragraph 2; and
- (3) “\$25” for “\$24” in paragraph 3.

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

Erratum

Erratum

O.C. 1148-92, 5 August 1992

An Act respecting Québec business investment companies
(R.S.Q., c. S-29.1)

Québec Business Investment Companies — Amendments

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 124, number 36, August 19, 1992, page 4203.

The following Order in Council and regulation should appear on page 4203 and replaces the Order in Council that was published:

“Gouvernement du Québec

O.C. 1148-92, 5 August 1992

An Act respecting Québec business investment companies
(R.S.Q., c. S-29.1)

Québec Business Investment Companies — Amendments

WHEREAS under section 16 of the Act respecting Québec business investment companies (R.S.Q., c. S-29.1), the Government may make regulations concerning the application of that Act;

WHEREAS by Order in Council 1627-85 dated 14 August 1985, the Government made the Québec Business Investment Companies Regulation, amended by the Regulations made by Orders in Council 453-87 dated 25 March 1987, 883-88 dated 8 June 1988, 1428-89 dated 30 August 1989, 1256-90 dated 29 August 1990 and 1549-91 dated 13 November 1991;

WHEREAS it is expedient to amend that Regulation in order to follow up on certain measures announced in the Budget Speech of 2 May 1991;

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 under section 8 of that Act where the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed therein so warrants;

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 fiscal nature of the norms established, amended or repealed therein so warrants;

WHEREAS in the opinion of the Government, the fiscal nature of the norms established, amended or repealed by the Regulation justifies the absence of prior publication and such coming into force;

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

WHEREAS under section 6 of Chapter 45 of the Statutes of 1992, the Regulations which will be made pursuant to paragraphs 4, 8, 13 and 14 of section 16 of the Act respecting Québec business investment companies between the date of coming into force of that Act and 30 September 1992 may apply from any date not prior to 3 May 1991;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Industry, Commerce and Technology:

THAT the Regulation to amend the Québec Business Investment Companies Regulation, attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation to amend the Québec Business Investment Companies Regulation

An Act respecting Québec business investment companies
(R.S.Q., c. S-29.1, s. 16; 1992, c. 45)

1. The Québec Business Investment Companies Regulation, made by Order in Council 1627-85 dated 14 August 1985 and amended by the Regulations made by Orders in Council 453-87 dated 25 March 1987, 883-88 dated 8 June 1988, 1428-89 dated 30 August 1989, 1256-90 dated 29 August 1990 and 1549-91 dated 13 November 1991, is further amended by inserting the following after subparagraph 9 of the first paragraph of section 2:

“(10) in the case of a company that has distributed securities to the public, through an offering notice or a prospectus, a copy of the renunciation form filed with the Ministère du Revenu in accordance with section 965.34.2 of the Taxation Act (R.S.Q., c. I-3), made by section 144 of Chapter 1 of the Statutes of 1992, within the time periods provided for in that Act, in respect of the issue expenses for which it has renounced a claim for a deduction under that Act.”.

2. Section 13 is amended by adding the following after the second paragraph:

“The expression “additional participation in respect of a qualified investment” has the meaning given to it in paragraph *b.2* of section 965.29 of the Taxation Act, made by subsection 1 of section 139 of Chapter 1 of the Statutes of 1992.”.

3. Schedule I is amended:

(1) by adding the following after subparagraph 6 of the first paragraph of section 4:

“(7) a business involved in distributing films abroad and operated by a corporation, insofar as at least half the business’s turnover is derived from the sale abroad of films certified as Québec films and from the sale abroad of Canadian productions for which a stamp has been issued and which were produced in Québec by one or more corporations with which the business is not related within the meaning of the Taxation Act.”;

(2) by adding the following after section 8:

“**9.** A business in the environment sector and operated by a corporation, where the majority of the business’s activities consist:

(1) either in general site depollution and decontamination or in the thermal, physico-chemical or biological treatment of soil, ground or surface water, liquid effluents, atmospheric emissions and contaminated sediments;

(2) or in the recovery, transportation, thermal, physico-chemical or biological treatment and utilization for energy purposes of waste or of sludge from treatment plants or from septic tanks.”.

4. Schedule II is amended by adding the following at the end:

“The designated regions also comprise the following regional county municipalities:

(1) the regional county municipality of L’Islet, incorporated by letters patent of 23 September 1981;

(2) the regional county municipality of Montmagny, incorporated by letters patent of 23 September 1981, amended by letters patent of 19 October 1988;

(3) the regional county municipality of Les Etchemins, incorporated by letters patent of 25 November 1981.”.

5. Section 1 applies to any company that has distributed securities to the public in accordance with a final prospectus for which a receipt has been issued or an exemption from filing a prospectus obtained after 2 May 1991. Sections 2, 3 and 4 apply in respect of any qualified investment made after 2 May 1991.

6. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.”.

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Abbreviations: **A:** Abrogated, **N:** New, **M:** Modified

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