

Gazette officielle du Québec

Part 2 Laws and Regulations

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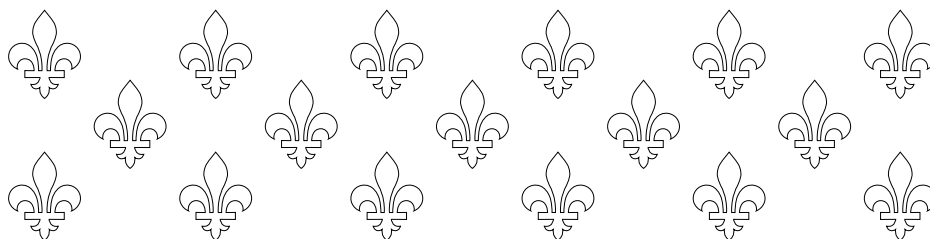
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 249
(Private)

An Act to amend the charter of the city of Québec

Introduced 14 December 1995
Passage in principle 19 June 1996
Passage 19 June 1996
Assented to 20 June 1996

**Québec Official Publisher
1996**

Bill 249

(Private)

An Act to amend the charter of the city of Québec

WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

(1) by adding, after subparagraph 2.1 of the second paragraph, the following subparagraph:

“(2.2) enter into contracts for the purpose of transferring or leasing

(a) rights and licences in respect of processes devised by it as well as know-how in its fields of competence and any material allowing subsequent purchasers to use such know-how;

(b) geomatic data or other data concerning its territory.

Such contracts may be entered into for the purpose of a gratuitous transfer or a loan for use where such transfer or loan is in favour of the Government, a minister or agency thereof, a municipality, an urban community, a school board or any other non-profit organization.

The processes, know-how and data of bodies created by the city and of the corporations incorporated at the request of the city are processes, know-how and data of the city.

Any contract with a person or body other than a person or body referred to in the second paragraph must be awarded for a valuable consideration, on pain of nullity;”;

(2) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) alienate for valuable consideration any movable or immovable property. Each month, the clerk shall publish a notice concerning any property having a value greater than \$10 000 that has been alienated by the city otherwise than by auction or by public tender. The notice shall describe each property and indicate, opposite each property, the price of alienation and the identity of the purchaser;”.

2. Section 4*a* of the said charter, replaced by section 1 of chapter 55 of the statutes of 1994, is amended by striking out the words “other than professional services,” in the eighth line and by inserting the words “as the case may be,” after the words “to that end” in the tenth line.

3. Section 4*e* of the said charter, replaced by section 1 of chapter 55 of the statutes of 1994, is amended by replacing the first paragraph by the following paragraph:

“**4e.** The city may enter into an agreement with the Union des municipalités du Québec, the Union des municipalités régionales de comté et des municipalités locales du Québec inc., the Federation of Canadian Municipalities or with more than one of those bodies for the purchase of equipment or materials, for the carrying out of works or for the awarding of an insurance contract or a contract for the supply of services, by the body or bodies in the name of the city.”

4. The said charter is amended by adding, after section 4*e*, the following section:

4e.1 The city may enter into an agreement with the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) or with a department referred to in the second paragraph of section 4 of that Act for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services or for the carrying out of works.

The party responsible for carrying out an agreement entered into under section 4a or 4e may, by agreement, delegate that responsibility to the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) or to a department referred to in the second paragraph of section 4 of that Act.

The rules governing the awarding of contracts by the city do not apply to acquisitions made or conditions of acquisition negotiated by the General Purchasing Director or a department in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

5. Section 159a of the said charter, enacted by section 49 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, by section 3 of chapter 80 of the statutes of 1973, by section 8 of chapter 42 of the statutes of 1980, by section 3 of chapter 61 of the statutes of 1984, by section 5 of chapter 116 of the statutes of 1986, by section 7 of chapter 33 of the statutes of 1988, by section 5 of chapter 88 of the statutes of 1988 and by section 2 of chapter 84 of the statutes of 1991, is again amended

(1) by adding the words “the protection or development of the environment, resource conservation,” after the words “relate to” in the fourth line of paragraph *l*;

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

“(m) delegate to the executive committee, by by-law, on the conditions it determines, any power other than the power to make by-laws or to impose a tax. It may also determine on what matters the executive committee must, at its request, issue an opinion. However, the council may not delegate the power to appoint and fix the salary of the director general, assistant directors general, department heads and assistant department heads to the executive committee.”

6. Section 167*a* of the said charter, enacted by section 32 of chapter 102 of the statutes of 1937 and amended by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“**167a.** City employees are bound *ex officio* to be loyal to constituted authority.

They shall perform their duties in the public interest, to the best of their ability, with honesty and impartiality, and shall treat the public with consideration and diligence.”

7. Section 173*a* of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 7 of chapter 68 of the statutes of 1970, by section 10 of chapter 42 of the statutes of 1980, by section 58 of chapter 61 of the statutes of 1984 and by section 9 of chapter 116 of the statutes of 1986, is again amended

(1) by replacing the word “six” in the third line of the third paragraph by the word “twelve”;

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

“Upon the recommendation of the director general, the council may appoint one or more assistants to the director general. Where the director general is absent or unable to act, the executive committee shall appoint an assistant or another person to replace him. That person shall have, during the time for which he is appointed, all the powers of the director general.”

8. Section 176 of the said charter, replaced by section 196 of chapter 38 of the statutes of 1984, and sections 177 to 181*f* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, are replaced by the following sections:

“**176.** The council shall appoint an auditor to audit the accounts and business of

(1) the city;

(2) any legal person in which the city or its agent holds more than 50% of the voting rights, or more than half of the members of the board of directors of which are appointed by the city or its agent.

The council shall, after consulting the audit committee, appoint the auditor and fix his remuneration on a vote by a two-thirds majority of the council members.

“176a. The term of office of the auditor is seven years. It shall not be renewed.

The council may, on a vote by a two-thirds majority of the council members and after consulting the audit committee, dismiss the auditor, suspend him without pay or change his remuneration.

“176b. The auditor shall hold office on a full-time basis. The auditor shall not lease his services or work for anyone other than the city and shall devote all his time to the duties of his office.

The auditor may, however, with the authorization of the council, hold an office, with or without remuneration, on the board of directors or the executive committee of a non-profit organization having charitable, scientific, cultural, artistic, social or sports purposes.

“176c. The budget allocated to the auditor for the performance of his duties shall be equal to 0.23% of the operating budget of the city. No amount required for the audit referred to in section 181 of the activities of the auditor shall be taken from the budget allocated to the auditor.

The auditor is responsible for the application of the policies and standards of the city relating to the management of the human, physical and financial resources allocated to the conducting of audits.

“177. Where the office of auditor is vacant or where the auditor is unable to act, the council shall appoint a substitute at its next meeting.

“178. The auditor reports directly to the council.

“178a. The auditor shall audit the accounts and business of the city and of the legal persons referred to in subparagraph 2 of the first paragraph of section 176 in accordance with the generally accepted public accounting auditing standards. He shall perform all the other duties imposed on him by law, regulation or by-law.

The audit shall include, to the extent considered appropriate by the auditor, financial auditing, verification as to the conformity of the operations with the Acts, regulations and by-laws, and value-for-money auditing.

In no case may the auditor question the policies and objectives of the city's programs and those of the legal persons referred to in subparagraph 2 of the first paragraph of section 176.

“178b. The auditor may audit the accounts or documents of any person having received any subsidy paid or assistance granted in the form of a loan or otherwise by the city or a legal person referred to subparagraph 2 of the first paragraph of section 176, with respect to the use made of it.

“178c. The auditor may audit the accounts or documents of any person with whom the city has entered into an agreement referred to in paragraph *i* of section 159*a* or, in the case of an agreement entered into with a non-profit corporation, referred to in paragraph *k* of that section.

“178d. For the purposes of sections 178*a*, 178*b* and 178*c*, the city or any person referred to in those sections is required to furnish the auditor with the accounts or documents he considers useful for the performance of his duties, or to make them available to him.

The auditor is entitled to require any employee of the city or of a person referred to in the sections mentioned in the first paragraph to provide him with any information, report or explanation he considers necessary for the performance of his duties.

“178e. The auditor may audit the pension plan or fund of a retirement committee of the city or of a legal person referred to in subparagraph 2 of the first paragraph of section 176 where the committee has given him, with the consent of the council, the mandate to audit the pension plan or fund it administers.

“178f. Not later than 31 August each year, the auditor shall remit to the executive committee the results of his audit for the fiscal year ending on the preceding 31 December, and mention every fact or irregularity that he has noticed which, in his opinion, should be pointed out, in particular concerning

- (1) control of revenue, including assessment and collection;
- (2) control of expenditure, including authorization, and compliance with appropriations;
- (3) control of assets and liabilities, including related authorizations;
- (4) accounting for operations and related statements;

- (5) control and safeguard of property owned or administered;
- (6) acquisition and utilization of resources without sufficient regard to economy or efficiency;
- (7) implementation of satisfactory procedures to measure and make reports on effectiveness in cases where it is reasonable to do so.

The auditor may also, at any time, file with the executive committee an *ad hoc* report of his findings or recommendations which, in his opinion, should be brought to the attention of the council before the filing of his annual report.

The executive committee shall transmit to the council the reports filed by the auditor not later than the first meeting held thirty days after receipt of the reports.

“178g. The auditor shall report to the council on his audit of the financial statements and the statement fixing the aggregate taxation rate. In the report, which must be filed with the treasurer not later than 31 March following the end of a fiscal year, he shall state, in particular, whether

(1) the financial statements are a faithful reflection of the financial situation of the city on 31 December and of its operating results for the fiscal year ending on that date;

(2) the aggregate taxation rate has been established in accordance with the regulation made under section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(3) the treasurer has complied with the requirements of this charter with respect to the sinking-fund.

“178h. The auditor shall report to the board of directors of the legal persons referred to in subparagraph 2 of the first paragraph of section 176 on his audit of the financial statements before the expiry of the time in which they have to file their financial statements. In his report, the auditor shall state, among other things, whether the financial statements are a faithful reflection of their financial situation and of their operating results at the end of their fiscal year.

“178i. The auditor shall make an inquiry and report each time the executive committee or the council requests him to do so. However, the inquiry shall not take precedence over his main duties as auditor. The auditor shall report to the mandator.

The council may, after consulting the audit committee, grant a supplementary budget to the auditor for the purpose of such an inquiry or of an exceptional audit.

“178j. The auditor may communicate his findings, with the recommendations he considers appropriate, to the authorities and to the persons in charge, regarding any matter which in his opinion is within their competence.

“178k. Notwithstanding any other general law or special Act, neither the auditor, the employees under his direction or the experts whose services he retains may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information.

Neither the auditor nor the employees under his direction may be sued by reason of any act they have done or failed to do in good faith in the performance of their duties.

No civil action may be instituted by reason of the publication of a report of the auditor under this charter or any other Act or of the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the auditor, the employees under his direction or the experts whose services he retains when they act in their official capacity.

A judge of the Court of Appeal, on a motion, may summarily annul any proceedings instituted or decision made contrary to the provisions of the first paragraph.

“179. The following persons may not act as auditor:

(1) a member of the council of a municipality listed in Schedule A, B or D to the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(2) an associate of a person mentioned in subparagraph 1;

(3) a person who, directly or indirectly, personally or through an associate, has any participation or interest or is entitled to any commission in or under a contract with the city or a legal person

referred to in subparagraph 2 of the first paragraph of section 176 or in connection with such a contract, or who derives any benefit from such a contract.

The auditor shall disclose, in any report he files, a situation liable to cause his personal interest and the duties of his office to conflict.

“180. The council shall establish an audit committee composed of at least three councillors. The mandate of the committee shall be determined by resolution of the council.

If a leader of the Opposition is designated in accordance with section 17*c*, at least one of the members must be appointed on his recommendation.

“181. Once every three years, the council shall appoint an external auditor responsible for auditing, for the three fiscal years preceding his appointment, the activities of the auditor.

The audit shall include financial auditing, verification as to the conformity of the operations with the Acts, regulations and by-laws, and value-for-money auditing.

“181*a*. The external auditor shall remit to the executive committee, within six months of his appointment, a report on the results of his audit. He shall mention every irregularity or fact that he has noticed which, in his opinion, should be pointed out.

The executive committee shall transmit the report to the council at the first sitting held thirty or more days after receipt of the report.

“181*b*. The following persons may not act as external auditor :

(1) a member of the council of a municipality listed in Schedule A, B or D to the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(2) an officer or employee of the city;

(3) an associate of a person mentioned in subparagraph 1 or 2;

(4) a person who, directly or indirectly, personally or through an associate, has any participation or interest or is entitled to any

commission in or under a contract with the city or a legal person referred to in subparagraph 2 of the first paragraph of section 176 or in connection with such a contract, or who derives any benefit from such a contract.

The auditor shall disclose, in his report, a situation liable to cause his personal interest and the duties of his office to conflict.

“181c. The external auditor may be an individual or a partnership. He may entrust his work to his employees, but his responsibility is the same as if he had himself carried out all the work.”

9. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and amended by sections 2 and 12 of chapter 85 of the statutes of 1966-67, by section 11 of chapter 68 of the statutes of 1970, by section 6 of chapter 97 of the statutes of 1974, by section 10 of chapter 54 of the statutes of 1976, by section 2 of chapter 22 of the statutes of 1979, by section 11 of chapter 42 of the statutes of 1980, by sections 8 and 58 of chapter 61 of the statutes of 1984, by section 136 of chapter 27 of the statutes of 1985, by section 12 of chapter 116 of the statutes of 1986, by section 7 of chapter 88 of the statutes of 1988, by section 4 of chapter 84 of the statutes of 1991, by section 102 of chapter 30 of the statutes of 1994 and by section 3 of chapter 55 of the statutes of 1994, is again amended

(1) by adding, at the end of subsection 2, the following paragraphs:

“Where circumstances so warrant, a member of the executive committee may take part, deliberate and vote at a sitting of the executive committee by telephone or by any other means of communication.

No member may avail himself of that right unless each of the following conditions is satisfied:

(1) the chairman of the executive committee or the person he designates to replace him and the clerk are present in the same place;

(2) the telephone or other means of communication used permits all persons participating or present at the sitting to hear each other;

(3) the clerk attempted to communicate, by telephone or by that other means of communication, with each member of the council who is not present in the same place as the clerk and who is not already in communication with him, before the beginning of the sitting.

The clerk shall attest during the sitting that he satisfied the condition set out in subparagraph 3 of the third paragraph and the attestation shall be recorded in the minutes. The minutes shall also mention the names of the members who participated in the sitting by telephone or by the other means of communication. The minutes must be ratified by the executive committee at the next sitting.

A member who takes part, deliberates and votes at a sitting by telephone or by another means of communication in accordance with this paragraph is deemed to be present at that sitting, including for the purpose of determining if there is a quorum.”;

(2) by adding, at the end of subsection 30, the following paragraph:

“Where an application seeks to obtain intervention by the city by means of a by-law, resolution, order or otherwise for the purpose of carrying out a project that, in the opinion of the executive committee, is susceptible of having a substantial social, economic or architectural impact, before examining the application the executive committee may require from the applicant, in addition to the tariffing pursuant to sections 244.1 to 244.10 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a security deposit equal to the amount of the actual file examination costs exceeding the amount of the costs exigible under the tariff provided for. The security deposit is refunded to the applicant if the project is carried out within the time determined by the executive committee, or belongs to the city if the project is not so carried out.”;

(3) by adding, after subsection 31, the following subsection:

“(32) The executive committee may, on the conditions it determines, delegate to the director general or to another officer the exercise of a power granted to him by the charter, another Act or a by-law.

Where the exercise of the delegated power entails an expenditure, the appropriations are made after a certificate of the treasurer or the head of the department concerned has been produced attesting that appropriations are available for that purpose.

The director general or the officer who exercises a power delegated under the first paragraph shall report to the executive committee at such intervals and in such manner as the executive committee determines.”

10. Section 185*a* of the said charter, enacted by section 12 of chapter 68 of the statutes of 1970 and amended by section 699 of chapter 61 of the statutes of 1992, is replaced by the following section:

“**185*a*.** The executive committee shall, in accordance with the Civil Code of Québec, dispose of any lost or forgotten property that is held by the city.

However, the city may destroy the lost or forgotten property upon becoming the holder thereof if it is considered dangerous, and shall not be required to pay any indemnity to the owners of such property.

Perishable property may be alienated or destroyed immediately. If it is claimed after alienation, the city shall be bound to repay only the price obtained, less the costs incurred.”

11. The said charter is amended by adding, after section 186, the following sections:

“**186.1** The council may, by by-law, divide the territory of the city into wards within which a ward council may be established. The council may not change the limits of a ward without prior consultation with the ward councils concerned.

“**186.2** The council shall consult the ward council on the matters listed in the by-law respecting the public consultation policy passed under section 187.1. The ward council may also, on its own initiative, give its advice on any other matter concerning the ward.

“**186.3** The procedure to establish a ward council may be initiated on the application of 300 persons who are electors residing in the ward or who are persons representing a commercial, industrial, institutional or community institution situated in the ward.

The application must be made in accordance with the provisions of the by-law passed under section 186.14 and must be filed with the clerk of the city.

“186.4 Within thirty days of receipt of an application, the clerk shall verify, *prima facie*, the qualification and number of applicants and whether the application is in conformity with the by-law passed under section 186.14. The clerk shall report to the executive committee not later than the first sitting after the period of thirty days has elapsed.

The qualification and number of applicants shall be verified by means of the list of electors used in the most recent city polling, the real estate assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., chapter (*insert here the alphanumerical chapter number to be assigned to chapter 23 of the statutes of 1995*)).

“186.5 If the application is in conformity with section 186.3 and with the by-law passed under section 186.14, the executive committee shall call a public meeting to decide on the establishment of the ward council and shall publish the notices prescribed for in the by-law passed under section 186.14.

“186.6 A poll must be held at the end of the public meeting called to decide on the establishment of the ward council. Only persons of full age having resided in the territory of the city for at least twelve months from the date of the filing of the application and residing in the ward or the persons of full age representing a commercial, industrial, institutional or community institution situated in the ward are entitled to vote.

The clerk is responsible for the holding of the poll and must determine, *prima facie*, whether the persons wishing to vote are qualified by means of the list of electors used in the most recent city polling, the real estate assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., chapter (*insert here the alphanumerical chapter number to be assigned to chapter 23 of the statutes of 1995*)).

If the clerk is unable to ascertain, *prima facie*, whether a person wishing to vote is qualified, he must ask the person to attest his identity and qualification. A person having so attested is entitled to vote.

The clerk shall report the result of the poll to the council at the first sitting following the vote.

“**186.7** The calling and holding of the meeting to decide on the establishment of a ward council or the holding of the poll are not invalid by reason of the fact that one or more persons did not receive or learn of notices prescribed by the council in the by-law passed under section 186.14.

“**186.8** Following an affirmative vote of the majority, the council may, by resolution, authorize the establishment of the ward council. Otherwise, the council shall deny the application, and no new application may be filed before the expiry of a period of one year.

“**186.9** The resolution authorizing the establishment of the ward council shall indicate the limits of the ward and the corporate name of the ward council, which shall be composed of the words “Le conseil de quartier de” followed by the name of the ward.

“**186.10** The head office of the ward council must be situated within the limits of the ward or, with the authorization of the council, may be situated at any place within the city.

“**186.11** The clerk shall transmit two certified copies of the resolution authorizing the establishment of the ward council or of any by-law changing the limits of a ward to the Inspector General of Financial Institutions, who shall deposit one copy thereof in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) and transmit the other copy to the clerk.

“**186.12** From the date of the deposit of the resolution or by-law, the ward council is a legal person within the meaning of the Civil Code of Québec.

“**186.13** To the extent that it is applicable, Part III of the Companies Act (R.S.Q., chapter C-38) governs the ward council, subject to sections 186.1 to 186.19 and to the by-laws of the council approved by the Inspector General of Financial Institutions.

However, section 98, except paragraphs *j* and *k* of subsection 3, and sections 113, 114 and 123 of that Act, adapted as required, apply subject to this section and to the by-laws of the council approved by the Inspector General of Financial Institutions.

“**186.14** The council may, by by-law, establish the formalities of application to form a ward council, in particular the procedure for

the calling and holding of the meeting to decide on the establishment of the ward council and the duration of and procedure for the polling.

The by-law must provide at the least for the publication, once a week for two consecutive weeks in a newspaper distributed in the city, of a notice indicating the day, time and place of the holding of the public meeting to decide on the establishment of the ward council.

“186.15 The council shall determine, by by-law, the formalities to be observed for the calling and holding of the organizational meeting, the respective responsibilities of the general meeting of the members and of the board of directors of the ward council, the number of members of the board of directors and their term of office, and any matter relating to the organization, operation and dissolution of the ward council. The by-laws must be approved by the Inspector General of Financial Institutions and come into force on the date of the approval.

The council shall approve the internal management by-laws of the ward council.

“186.16 Within fifteen days after the organizational meeting, the ward council shall transmit a notice of the address of its head office and a list of its directors to the Inspector General of Financial Institutions to be deposited by him in the register.

“186.17 The persons of full age residing in the ward and the persons of full age representing a commercial, industrial, institutional or community institution situated in the ward are members of the ward council and are entitled to vote.

“186.18 The city may, on the conditions it determines, grant subsidies to ward councils or assist them financially by means of loans or otherwise.

“186.19 A ward council is a mandatary of the city and must report to the council on its activities at the time and in the manner prescribed by the council.”

12. The said charter is amended by adding, after section 187, the following section:

“187.1 The council must, by by-law, adopt a public consultation policy. The by-law must indicate the matters in respect of which the city intends to consult as part of its decision-making process and the

manner in which it intends to carry out the consultation. The by-law must, in particular, specify the matters to be submitted for consultation to ward councils.

The clerk must, at least fifteen days before the holding of the sitting at which the council is to pass the by-law or an amending by-law, publish a notice indicating the date, time and place of the council sitting at which the by-law is to be submitted for passage, and indicating that any interested person may be heard in relation to the by-law by the council or by a council committee established for that purpose. The notice must describe the main components of the public consultation policy or the proposed amendments, and must indicate where the by-law may be examined or a copy made thereof.

The council may establish a committee composed of the members it designates to hear interested persons and to report to it.”

13. Section 191*a* of the said charter, enacted by section 198 of chapter 38 of the statutes of 1984, is amended by replacing the word “three” in the second line by the word “five”.

14. Section 191*b* of the said charter, enacted by section 13 of chapter 116 of the statutes of 1986 and amended by section 9 of chapter 88 of the statutes of 1988 and by section 4 of chapter 55 of the statutes of 1994, is again amended by replacing the word “three” in the fifth line of the fourth paragraph by the word “five”.

15. Section 309 of the said charter, replaced by section 139 of chapter 27 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

“309. Whenever the city is authorized, by this charter, to grant a subsidy or a tax credit or any assistance in the form of a loan or otherwise, it may, for such purposes, establish classes of immovables, work or, as the case may be, real estate taxes.”

16. Section 309*a* of the said charter, replaced by section 12 of chapter 84 of the statutes of 1991, is again replaced by the following section:

“309*a*. The provisions of this charter authorizing the city to grant subsidies or tax credits or any assistance in the form of a loan or otherwise apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

17. Section 309*b* of the said charter, enacted by section 8 of chapter 91 of the statutes of 1990, and amended by section 13 of chapter 84 of the statutes of 1991 and by section 16 of chapter 55 of the statutes of 1994, is again amended by replacing that part of the first paragraph preceding subparagraph 1 by the following:

“**309*b*.** The council may, by by-law, with respect to a subsidy granted pursuant to a provision of this charter or a by-law passed under a provision of this charter.”

18. Section 309*c* of the said charter, replaced by section 17 of chapter 55 of the statutes of 1994, is amended by replacing the words “for the purposes set forth in sections 304 to 308” in the first and second lines by the words “for the purposes of a provision authorizing the city to grant a subsidy or a tax credit or any assistance in the form of a loan or otherwise.”

19. The said charter is amended by adding, after section 318, the following section:

“**318*a*.** Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the city of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

That part of the loan must be specified in the by-law.”

20. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, by section 5 of chapter 104 of the statutes of 1931-32, by section 19 of chapter 111 of the statutes of 1935, by section 67 of chapter 102 of the statutes of 1937, by section 12 of chapter 104 of the statutes of 1938, by section 22 of chapter 102 of the statutes of 1939, by section 27 of chapter 74 of the statutes of 1940, by section 12 of chapter 50 of the statutes of 1943, by section 8 of chapter 47 of the statutes of 1944, by section 20 of chapter 71 of the statutes of 1945, by section 17 of chapter 51 of the statutes of 1948, by section 8 of chapter 63 of the statutes of 1951-52, by section 4 of chapter 36 of the statutes of 1952-53, by section 3 of chapter 52 of the statutes of 1952-53, by section 1 of chapter 67 of the statutes of 1955-56, by section 9 of chapter 50 of the statutes of 1957-58, by section 6 of chapter 96 of the statutes of 1960-61, by section 7 of chapter 66 of the statutes of 1963 (1st session), by section 5 of chapter 69 of the statutes of 1964, by section 2 of chapter 85 of the statutes of 1966-67, by section 38 of chapter 86 of the statutes of

1969, by sections 29 to 31 of chapter 68 of the statutes of 1970, by section 146 of chapter 55 of the statutes of 1972, by section 29 of chapter 75 of the statutes of 1972, by section 8 of chapter 80 of the statutes of 1973, by section 12 of chapter 97 of the statutes of 1974, by section 15 of chapter 54 of the statutes of 1976, by section 457 of chapter 72 of the statutes of 1979, by sections 23, 45 and 51 of chapter 42 of the statutes of 1980, by section 272 of chapter 63 of the statutes of 1982, by section 17 of chapter 64 of the statutes of 1982, by sections 22, 59 and 60 of chapter 61 of the statutes of 1984, by section 140 of chapter 27 of the statutes of 1985, by section 22 of chapter 116 of the statutes of 1986, by section 17 of chapter 88 of the statutes of 1988, by section 1 of chapter 81 of the statutes of 1989, by sections 1155 to 1168 of chapter 4 of the statutes of 1990, by section 9 of chapter 91 of the statutes of 1990, by section 15 of chapter 84 of the statutes of 1991, by section 702 of chapter 61 of the statutes of 1992, by section 34 of chapter 65 of the statutes of 1992, by section 108 of chapter 30 of the statutes of 1994 and by section 22 of chapter 55 of the statutes of 1994, is again amended

(1) by adding, after paragraph 1, the following paragraph :

“1.1 To pass by-laws, in respect of public places and parks, to

(1) establish rules governing the protection and preservation of the natural environment and its elements;

(2) determine the extent to which and the purposes for which the public is to be admitted;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the place or park and fix the charges the person must pay;

(4) prohibit or regulate the use or parking of vehicles;

(5) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(6) prohibit or regulate posting;

(7) establish rules for maintaining peace and order and for ensuring the cleanliness of the premises and the well-being and tranquility of users;

(8) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(9) prohibit or regulate the operation of businesses;

(10) determine cases where a person may be kept out or expelled;

(11) determine the powers and obligations of the employees.

The city may, for the benefit of users, operate commercial establishments in public places and parks or cause such establishments to be operated;”;

(2) by striking out paragraph 16;

(3) by adding, after paragraph 42*m*, the following paragraphs:

“42*n*. To subordinate, by by-law, the issue of a building or subdivision permit or a certificate of authorization or occupancy to the making of an agreement between the applicant and the city pertaining to work for the construction of municipal infrastructures or equipment and to the payment or apportionment of expenditures incurred in respect of such work;

“42*n*.1 A by-law under section 42*n* must indicate

(1) the zones in respect of which it applies;

(2) the classes of structure, land or work in respect of which the issue of a building or subdivision permit or a certificate of authorization or occupancy is subordinated to an agreement;

(3) the classes of infrastructure or equipment to which the agreement applies and specify, where applicable, that the agreement may pertain to infrastructures and equipment destined, regardless of location, to serve not only immovables to which the permit or certificate applies but also other immovables in the territory of the city;

(4) where applicable, the terms and conditions governing the establishment of the share of the expenditures incurred in respect of the work which is to be borne by the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law;

(5) where applicable, the terms and conditions governing the establishment of the share of the expenditures incurred in respect of the work to be borne by any person benefitted by the work, other than the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law, prescribe the terms and conditions of payment and collection of aliquot shares, and fix the rate of interest payable on any unpaid amount.

The by-law may also subordinate the issue of a building or subdivision permit or a certificate of authorization or occupancy applied for by a person benefitted by the work, within the meaning of subparagraph 5 of the first paragraph, to prior payment, by the latter, of any part of his aliquot share or to the deposit of any guarantee determined by the by-law;

“42*n.2* The agreement must include

- (1) the designation of the parties;
- (2) the description of the work and the designation of the party responsible for the carrying out of all or part of the work;
- (3) where applicable, the date on which the work must be completed by the holder of the permit or certificate;
- (4) a determination of the expenditures incurred in respect of the work which must be borne by the holder of the permit or certificate;
- (5) the penalty recoverable from the holder of the permit or certificate in the event of a delay in the carrying out of the work for which the holder is responsible;
- (6) where applicable, the terms and conditions of payment by the holder of the permit or certificate of the expenditures incurred in respect of the work and the interest payable on any unpaid amount;
- (7) where applicable, the terms and conditions of remittance by the city to the holder of the permit or certificate of the aliquot share of the expenditures incurred for the work paid by a person benefitted by the work. The terms and conditions of remittance of the aliquot share must specify the deadline for payment by the city to the holder of the permit or certificate of any unpaid aliquot share;

(8) the financial guarantees required of the holder of the permit or certificate;

“42*n.3* The agreement providing for the payment of an aliquot share by persons benefitted by the work referred to in subparagraph 5 of the first paragraph of paragraph 42*n.1* must identify, in a schedule to the agreement, the immovables that make the persons benefitted by the work subject to the payment of the aliquot share or indicate any criterion by which such immovables may be identified.

The city may, by resolution, amend the schedule to update it or add thereto any immovable that makes a person benefitted by the work subject to the payment of the aliquot share;

“42*n.4* Any part of the aliquot share that is not due to the city shall, after deduction of the collection costs, be remitted to the person who is party to the agreement with the city or, as the case may be, to any other rightful claimant;

“42*n.5* Sections 2 and 3 of the Municipal Works Act (R.S.Q., chapter T-14) do not apply to work carried out in accordance with an agreement. However, the rules prescribed by that Act in relation to the method of financing of the work by the city apply;

“42*n.6* Section 191*a* of the said charter does not apply to an agreement;

“42*n.7* Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) do not apply to work carried out under the responsibility of the holder of a permit or certificate, pursuant to an agreement;

“42*n.8* An amount paid pursuant to a provision enacted under subparagraph 4 or 5 of the first paragraph of paragraph 42*n.1* does not constitute a tax, a compensation or the imposition of a tariff;

“42*n.9* Where the executive committee has adopted a resolution recommending the council pass or amend a by-law provided for in paragraph 42*n*, no building or subdivision permit and no certificate of authorization or occupancy may be issued where the issue thereof will be subordinated, should the by-law whose passage is recommended by the executive committee be passed, to the making of an agreement provided for in paragraph 42*n*.

The first paragraph ceases to apply if the by-law which is the subject of the resolution of the executive committee is not passed within two months after adoption of the resolution or if it is not put into force within four months after its passage;”;

(4) by adding, after paragraph 44*a*, the following paragraph:

“44*b*. To carry out, with the consent of the owner, for municipal purposes, development, restoration, improvement or renovation work on any lane or private immovable generally accessible to the public and situated near a street, lane, place or public park in respect of which such work is carried out by the city, or situated in a sector in which an intervention or revitalization program is in force, to maintain the work thus carried out and to grant a tax credit to the owner of an immovable in respect of which such work is carried out in order to compensate for the increase in real estate taxes that may result from the re-assessment of the immovable after the end of the work;”;

(5) by replacing the words “to grant a subsidy, in the sectors of the city it determines or for certain categories of buildings, to defray the acquisition and installation costs of such devices or equipment in accordance with the conditions established by by-law; the subsidy may be uniform or different for the various sectors of the city, for the various categories of buildings or a combination of the criteria on which the distinctions are based;” in the first paragraph of paragraph 45 by the words “to grant a subsidy in order to defray the acquisition or installation costs of such devices or equipment in accordance with the conditions established by by-law;”;

(6) by replacing the third paragraph of paragraph 45*a* by the following paragraph:

“To grant a subsidy in order to defray the acquisition or installation costs of such devices, mechanisms, apparatus or equipment in accordance with the conditions determined by by-law;”;

(7) by adding, after paragraph 45*a*, the following paragraphs:

“45*b*. To require the owner, tenant, possessor or occupant, under any title, of any immovable or category of immovables, to provide the immovable with any construction item, device, mechanism, alarm system, apparatus or equipment designed to reduce water consumption.

To require the owner, tenant, possessor or occupant, under any title, of any immovable provided with the said construction items, devices, mechanisms, alarm systems, apparatus or equipment to keep them in good working order at all times.

To grant a subsidy in order to defray the acquisition or installation costs of such construction items, devices, mechanisms, alarm systems, apparatus or equipment in accordance with the conditions determined by by-law;

“45c. To acquire the construction items, devices, mechanisms, alarm systems, apparatus or equipment mentioned in paragraph 45, 45a or 45b in order to give them or sell them at a reduced price to the owners, tenants, possessors or occupants, under any title, of an immovable in respect of which their installation is mandatory under a by-law passed under paragraph 45, 45a or 45b;”;

(8) by striking out paragraph 151;

(9) by replacing the words “any unpaid municipal or school taxes due” in the third and fourth lines of the fourth paragraph of paragraph 204 by the words “any claim of the city secured by a prior claim or legal hypothec and any unpaid school taxes due which the city is required to collect”;

(10) by adding, after paragraph 209, the following paragraphs:

“209a. To regulate the exhibition and sale of artistic works or handicrafts on public property, especially on streets, lanes, paths, sidewalks, passageways, promenades, belvederes, parks, playgrounds, places and stairways, including any unserviced portion thereof, to

(a) require that artists, artisans or their agents secure a permit or licence, at such price and on such terms and conditions as it shall determine, and limit the number thereof;

(b) prescribe as a condition for obtaining a permit or licence that artists, artisans or their agents be members of an association recognized by the city;

(c) impose rules of conduct and discipline on artists, artisans or their agents;

(d) determine the places, dates and hours where and when artists, artisans or their agents may engage in their activities;

(e) determine the types or classes of products, objects or works which may be put on sale or exhibited and the processes of production, which may vary according to the types or classes;

(f) allow the city to enter into an agreement with any person or body and authorize such person or body to apply, in whole or in part, any municipal by-law concerning artists, artisans or their agents;

“209b. To regulate the activities of the public entertainers it determines on public property, especially on streets, lanes, paths, sidewalks, passageways, promenades, belvederes, parks, playgrounds, places and stairways, including any unserviced portion thereof, to

(a) require that public entertainers secure a permit or licence, at such price and on such terms and conditions as it shall determine, and limit the number thereof;

(b) prescribe as a condition for obtaining a permit or licence that public entertainers be members of an association recognized by the city;

(c) impose rules of conduct and discipline on public entertainers;

(d) determine the places, dates and hours where and when public entertainers may engage in their activities;

(e) allow the city to enter into an agreement with any person or body and authorize such person or body to apply, in whole or in part, any municipal by-law concerning public entertainers;”.

21. Section 351 of the said charter, replaced by section 30 of chapter 75 of the statutes of 1972, is amended by striking out the words “by by-law” in the second line.

22. Section 382 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“**382.** The city is authorized to publish a municipal gazette. Any publication it is required to make, except publications in a newspaper or daily newspaper circulated in the whole territory of Québec or in the *Gazette officielle du Québec*, may be made in the municipal gazette.

The municipal gazette shall

(1) be mailed or otherwise distributed free of charge to each address in the territory of the municipality, and be received not later than on the publication date indicated therein;

(2) be transmitted, on payment of subscription fees, where applicable, to every person who so requests;

(3) be published at least eight times a year or at the intervals established by resolution of the executive committee.”

23. Section 383 of the said charter, replaced by section 6 of chapter 69 of the statutes of 1964 and amended by sections 2 and 23 of chapter 85 of the statutes of 1966-67 and by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), is again amended by replacing the first and second paragraphs by the following paragraph:

“**383.** The city may transfer to adjoining owners, gratuitously or for valuable consideration, parcels of land of which it has become the owner through expropriation or otherwise. Such a transfer to an industrial or commercial establishment may be effected notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15) in the case of residual land of little value no longer needed by the city.”

24. Section 388 of the said charter, replaced by section 26 of chapter 42 of the statutes of 1980 and amended by section 273 of chapter 63 of the statutes of 1982 and by section 20 of chapter 84 of the statutes of 1991, is again amended by replacing the words “describe the perimeter of that zone and illustrate it with a sketch by using, as much as possible, the names of streets” in the third, fourth and fifth lines of the fourth paragraph by the words “, using as far as possible the names of the thoroughfares, describe the perimeter of the zone or illustrate it with a sketch, or indicate the approximate place where the zone is situated and mention that the description or the sketch may be examined at the office of the clerk of the city”.

25. Section 388*a* of the said charter, enacted by section 40 of chapter 86 of the statutes of 1969 and amended by section 59 of chapter 61 of the statutes of 1984, is again amended by adding, at the end of the second paragraph, the words “, or at the time of the installation of the proper signs or signals or the posting, in the places concerned, of the order or substantial parts thereof.”

26. Section 398 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the word “man” in the first line of the first paragraph by the word “person”, and by striking out the second paragraph.

27. Section 440 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

28. Section 442 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is repealed.

29. Section 443 of the said charter, replaced by section 16 of chapter 78 of the statutes of 1947 and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 27 of chapter 116 of the statutes of 1986, is repealed.

30. Section 444 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

31. Section 445 of the said charter, replaced by section 73 of chapter 102 of the statutes of 1937 and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is repealed.

32. Section 446 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

33. Section 447 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

34. Section 448 of the said charter, amended by section 3 of chapter 82 of the statutes of 1965, by section 2 of chapter 85 of the statutes of 1966-67, by section 60 of chapter 61 of the statutes of 1984 and by section 28 of chapter 116 of the statutes of 1986, is repealed.

35. Section 453c of the said charter, replaced by section 26 of chapter 84 of the statutes of 1991, is amended by adding, after subsection 4, the following subsection:

“(5) The city is authorized to establish and maintain a non-profit body the object of which is to furnish technical assistance to an enterprise situated in its territory, and grant a subsidy to any non-profit body that furnishes technical assistance to an enterprise situated in its territory.”

36. Section 454 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 60 of chapter 61 of the statutes of 1984 and by section 36 of chapter 55 of the statutes of 1994, is replaced by the following section:

“454. The council may assign a name to any street, lane, pedestrian or bicycle path or any public place or park and change it.

In no case may a person assign a name to a street or private lane or designate it under such a name, except with the prior approval of the council.”

37. Section 456 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by striking out the words “by by-law” in the second and third lines.

38. The said charter is amended by adding, after section 489c, the following section:

“489c.1 The council may establish, out of the estimated revenues of each annual budget or out of any other source of financing, a reserve fund for the purpose of financing any self-insurance program.

The city may not assign annually an amount exceeding 1% of the budget to such purpose.”

39. Section 511 of the said charter, replaced by section 33 of chapter 75 of the statutes of 1972, is again replaced by the following section:

“511. The council may order the opening of new streets or the widening or extending of existing streets; it may authorize any construction or improvement and, more specifically, the construction of covered malls in the streets or on public property; it may determine methods of street construction and maintenance, and authorize any substructural or paving work or the introduction of services in the streets of the city.

Where the council orders the construction of a covered mall, it may require, by by-law, the owners of an immovable connected with the mall to install a fire prevention system in the immovable.”

40. Section 539 of the said charter, replaced by section 29 of chapter 85 of the statutes of 1966-67 and amended by section 16 of

chapter 97 of the statutes of 1974, by section 1 of chapter 86 of the statutes of 1975, by sections 37 and 58 of chapter 61 of the statutes of 1984 and by section 59 of chapter 55 of the statutes of 1994, is again amended by adding the words “, or the person designated by him for that purpose,” after the word “general” in the seventh line of the first paragraph.

41. Section 546*d* of the said charter, replaced by section 43 of chapter 61 of the statutes of 1984 and amended by section 39 of chapter 116 of the statutes of 1986 and by section 42 of chapter 84 of the statutes of 1991, is again amended by striking out the third paragraph.

42. Section 548*e* of the said charter, enacted by section 12 of chapter 80 of the statutes of 1973 and amended by section 22 of chapter 54 of the statutes of 1976, by section 47 of chapter 61 of the statutes of 1984 and by section 11 of chapter 91 of the statutes of 1990, is again amended by replacing the first sentence of the third paragraph by the following sentence: “However, several structures forming a single project, with common use of parking areas, appurtenant buildings, services or equipment, may be built on the same lot.”

43. Section 557 of the said charter, replaced by section 24 of chapter 71 of the statutes of 1945 and amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“557. The municipal court of the city of Québec is a court of original jurisdiction in the matters devolved upon it by law; it is a court of record. It shall be composed of a sufficient number of judges for its proper functioning. Where the court is composed of several judges, the Government shall designate among them the chief judge who shall be responsible for the court. The sittings of the court shall be presided over by a municipal judge; the court may sit concurrently in several divisions.”

44. Section 567 of the said charter, replaced by section 27 of chapter 88 of the statutes of 1988, is amended

(1) by replacing the words “under section 606 of the Cities and Towns Act (R.S.Q., chapter C-19)” in the first paragraph by the words “under Division II of Chapter III of the Act respecting municipal courts (R.S.Q., chapter C-72.01)”;

(2) by replacing the words “made under section 609 of the Cities and Towns Act” in the second paragraph by the words “made under section 49 of the Act respecting municipal courts”.

45. Section 582 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is repealed.

46. Section 585 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is repealed.

47. The said charter is amended by adding, after section 601*b*, the following section:

“601*c*. The signature of any person authorized to sign a statement of offence may be affixed by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.”

48. Schedule I to the said charter, enacted by section 43 of chapter 116 of the statutes of 1986, is repealed.

49. Schedule N to the said charter is repealed.

50. Section 67 of the Act to amend the charter of the city of Québec (1994, chapter 55) is repealed.

51. Notwithstanding the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), the city may alienate the immovables described in the schedule for purposes other than industrial, para-industrial or research purposes.

52. The person holding the position of permanent internal auditor of the city on 20 June 1996 is deemed to have been appointed by the council to the position of auditor pursuant to section 176 of the charter.

Section 176*a* of the said charter, added by section 9, has effect from the date on which the person referred to in the first paragraph ceases to hold the position of auditor of the city.

53. The external auditor of the city on 20 June 1996 may continue to perform his duties.

The external auditor of the city on 20 June 1996 shall continue to perform his duties in accordance with the provisions of the charter of the city that are applicable to him on 19 June 1996.

54. The executive committee of the city may, before 1 September 1996, call a public meeting to decide on the establishment of a ward council in the zones substantially consistent with the zones in which the pilot ward council experiences in Vieux-Limoilou and Saint-Jean-Baptiste, ordered by council resolutions CM-93-2179 and CM-93-2288 adopted by the council on 19 April and 7 June 1993, were conducted, and for such purposes, publish the notices provided for in the by-law passed under section 186.16 of the charter of the city of Québec.

55. The city shall pass, before 31 December 1996, the by-law referred to in section 187.1 of the charter of the city of Québec.

56. Section 8 has effect from 20 November 1995.

57. The withdrawal of the territory of Ville de Lac-Delage from the jurisdiction of the municipal court of Ville de Québec is valid as of 6 December 1995.

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

SCHEDULE

PARCEL 1

A parcel of land situated in the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, comprising the following lots and parts of lots: part of lot 570, lot 2807 (street), parts of lot 2808, part of lot 571-2, part of lot 571, part of lot 572, part of lot 3316 and parts of lot 573. The perimeter of the said lots and parts of lots is described as follows:

Starting at point "2220", the said point being the intersection of the southwest right of way of de l'Ormière boulevard and the northwest right of way of Jean-Marchand street, southeasterly, along the southwest right of way of the said boulevard to point "2323". Along the perimeter of a property being part of lot 2808, the said lot being situated at the intersection of Jean-Marchand street and de l'Ormière boulevard, through points "2322-1361-1360-2233", that perimeter being defined in minute 90V-779 of land surveyor Gaétan Groleau. Thence, along the rear lines of the properties fronting on de l'Ormière boulevard through points "2229-2250-2251-2253-2252" to point "2262", the said point being the intersection of the west right of way of de l'Ormière boulevard and the northwest line of lot 3316, the said rear lines being defined in minute 1093 of land surveyor

Albert Saint-Loup and shown on the plan prepared by land surveyor Maurice Drouyn under minute 12361. Along the said southwest right of way of de l'Ormière boulevard to point "1303", the said point being the north corner of lot 573-1. Thence, along the perimeter of lot 573-1 through points "1304-1300". Southwesterly, along the dividing line of lots 573 and 574 to point "2081". Thence, along the extension of the southwest line of lot 574-1 and the said line through point "2047" to point "2078", the latter point being the south corner of lot 574-1. Thence, southwest, along the dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette to point "2058", the said point being situated on the northeast right of way of a 735 kv energy transmission line. Northwest, along the northeast right of way of the energy transmission line to point "2418". Thence, northeast, along the line dividing lots 570 and 2807 from lot 569 to starting point "2220".

The said parcel contains an area of 166 699 square metres, or 16.67 ha.

PARCEL 2

A parcel of land forming part of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, comprising the following lots and parts of lots: parts of lot 556, parts of lot 557, part of lot 558, part of lot 560, part of lot 561, parts of lot 562, parts of lot 565, parts of lot 567, part of lot 567-A, lot 3074, parts of lot 568, lot 568-3, parts of lot 568-1, lot 568-1-1, parts of lot 569, lot 569-1, parts of lot 570, parts of lot 570-2, lot 570-3, lot 570-2-1, lot 570-2-2, part of lot 571, part of lot 571-2, lot 571-2-1, lot 571-2-2, part of lot 572, part of lot 573, parts of lot 2809, lots 2809-1 to 2809-6, part of lot 2810, parts of lot 2811, lots 2811-1 to 2811-4 and lot 2862. The perimeter of the said lots and parts of lots is described as follows:

Starting at point "2480", the said point being situated on the southwest right of way of the 735 kv energy transmission line, at the precise point where the said line makes a 90° angle, namely, at the west corner. Southeast, along the said southwest right of way of the energy transmission line to point "2060", the said point being situated at the intersection with the dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette. Thence, southwesterly, along the said cadastral boundary to point "2052", the said point being the northeast right of way of Armand-Viau street. Northwesterly, and southwesterly, along the aforementioned right of way of Armand-Viau street through

point “2024” to point “2026”, the latter point being situated on the northeast right of way of Henri IV boulevard. Along the contours of the right of way of the said boulevard through point “2025” to point “2345”, the latter point being the intersection of the right of way of the said boulevard and another dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L’Ancienne-Lorette. Thence, northwesterly, along the said dividing line to point “2159”, the said point being the intersection with the extension to the southwest of the northwest boundary of lot 565, through part of lot 562. Northeasterly, along the said extension and the northwest boundary of lot 565 to point “2148”, the said point being the intersection of the preceding alignment and the rear line of the properties fronting on Armand-Viau north street as recorded in the cadastre and shown on the plan, under minute 16823, prepared by land surveyor Jean-Louis Demers. Thence, northwesterly, along the said rear line to point “1356”, the said point being the intersection with the southeast line of a property comprised of parts of lots 556 and 557 and defined in minute 90V-778 of land surveyor Gaétan Groleau. Along the perimeter of the said property through points “1357-2450-2449”, the latter point being on the southeast right of way of Auvergne boulevard. Northeasterly, along the southeast right of way of the said boulevard to point “2454”, the said point being the intersection of the said right of way and the west line of a property whose perimeter to be followed contains parts of lots 556 and 557 and is defined by points “2453-1358-1355-1359”, the latter point being situated on the southeast right of way of Auvergne boulevard; the said property being defined in minute 90V-778 of land surveyor Gaétan Groleau. Thence, easterly, along the contours of the said boulevard through points “2165-2166” to point “2179”, the latter point being the north corner of lot 556-3. Thence, along the perimeter of lot 556-3, the rear lines of lots 557-9 and 557-10 through point “2112” to point “2180”, the latter point being the south corner of lot 557-10. Along the southeast boundary of lot 557-10, the southwest right of way of Siméon street and the northwest, southwest and southeast boundaries of lot 557-3, namely, through points “2108-2124-2105-2181-2111”, to point “2123”. Thence, along the centre line of Sainte-Barbe creek, namely the southwest boundary of a property situated on Saint-Siméon street, to point “2107”. The rear boundary of the properties fronting on Saint-Siméon street, that boundary being defined in minute 16823 of land surveyor Jean-Louis Demers, to point “2094”, the said point being on the southwest right of way of de l’Ormière boulevard. Thence, southeasterly, along the right of way of the said boulevard for the width of the park entrance to point “2117”. Thence, southwest, parallel to the rear boundary of the properties fronting on Saint-Siméon street at a distance equal to the

width of the aforementioned entrance, as defined in minute 16823 of land surveyor Jean-Louis Demers to point “2118”, the said point being on the centre line of Sainte-Barbe creek. Southerly, along the contours of the centre line of the said creek through points “2168-2170-2171-2167”, the latter point being the intersection of the centre line of the said creek and the southeast boundary of lot 558. Southwesterly, along the southeast boundary of lot 558 to point “2210”. Thence, southeasterly, along a curve to point “2211”, the said point being a boundary situated at a distance defined and parallel to de l’Ornière boulevard, and southeasterly, along the latter boundary to point “2188”, the said point being on the northwest right of way of the 735 kv energy transmission line; the said curve and said boundary being defined in minute 16823 of land surveyor Jean-Louis Demers. Southwesterly, along the said right of way to starting point “2480”.

The said parcel contains an area of 602 581 square metres, or 60.25 ha.

PARCEL 3

The first part of land is situated in the cadastre of the parish of L’Ancienne-Lorette, registration division of Québec, that part being lot 1089. The perimeter of the said part is described as follows :

Starting at point “2054”, the said point being situated on the dividing line of the cadastres of the parish of Saint-Ambroise-de-la-Jeune-Lorette and the parish of L’Ancienne-Lorette and on the southwest right of way of Armand-Viau street, southeasterly, along the said right of way of the said street to point “2034”. Southeasterly, along an arc of a circle to point “2033”. Southeast, to point “2032”. Thence, northwesterly, along the contours of the right of way of Henri IV boulevard, through points “2031-2063-2064-2065” along an arc of a circle to point “2030”, along another arc of a circle to point “2029”, point “2053” being the intersection of the said right of way and the dividing line of the above-mentioned cadastres. Northeasterly, along the said dividing line to starting point “2054”.

The said part contains an area of 16 991.8 square metres, or 1.70 ha.

The second part of land is situated in the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, and is comprised of two parts of lot 574 and of a part of lot 1522. The perimeter of this second part is described as follows :

Starting at point “2054”, the said point being the intersection of the dividing line of the two cadastres and the south right of way of Armand-Viau street. Southwesterly, along the dividing line of the cadastres to point “2053”, the said point being situated on the northeast right of way of Henri IV boulevard. Thence, northwesterly, along the said right of way through points “2027 and 2073”, the latter point being the intersection of the said right of way and the dividing line of lots 573 and 574. Northeasterly, along the said dividing line to point “2066”, the said point being situated on the southwest right of way of Armand-Viau street. Southeasterly, along the said southwest right of way to starting point “2054”.

The said part contains an area of 7 489.4 square metres, or 0.75 ha.

PARCEL 4

A parcel of land also situated in the cadastre of the parish of L’Ancienne-Lorette, registration division of Québec, and forming part of lot 237. The perimeter of the said parcel is described as follows:

Starting at point “2159”, the said point being situated on the dividing line of the cadastres of the parish of Saint-Ambroise-de-la-Jeune-Lorette and the parish of L’Ancienne-Lorette and the extension to the southwest of the northwest line of lot 565 across lot 562. Southeasterly, along the dividing line of the said cadastres to point “2345”, the said point being the intersection of the cadastral line and the northeast right of way of Henri IV boulevard. Thence, northwesterly, along the said right of way of the said boulevard to point “2183”, the said point being the intersection of the right of way of the said boulevard and the extension to the southwest of the northwest boundary of lot 565. Northeasterly, along the said extension line to starting point “2159”.

The said parcel contains an area of 24 162.2 square metres, or 2.41 ha.

The total area of Armand-Viau park at present is 817 923.4 square metres, or 81.79 ha, as shown on plan IAR-95105, dated 5 September 1995, prepared by land surveyor Gaétan Groleau and under minute 95V-871.

Distances in this description expressed in metres (SI).

Coming into force of Acts

Gouvernement du Québec

O.C. 947-96, 7 August 1996

An Act respecting municipal territorial organization (1998, c. 19)

– **Coming into force of section 235**

COMING INTO FORCE of a provision of the Act respecting municipal territorial organization (1988, c. 19)

WHEREAS the Act respecting municipal territorial organization (1988, c. 19) was assented to on 17 June 1988;

WHEREAS under section 290 of that Act, section 235 thereof comes into force on the date fixed by the Government;

WHEREAS it is expedient to fix the date of coming into force of section 235 at 1 September 1996;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT 1 September 1996 be fixed as the date of coming into force of section 235 of the Act respecting municipal territorial organization (1988, c. 19).

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9932

Regulations and other acts

Gouvernement du Québec

O.C. 945-96, 7 August 1996

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

Application of Title IV.2 of the Act — Amendments

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS sections 215.12 and 215.13 provided for in Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), made by section 41 of Chapter 70 of the Statutes of 1995, empower the Government to make regulations providing for special measures applicable to persons belonging to a category or subcategory determined by such regulation;

WHEREAS under section 215.14 of that Act, made by that section 41, the Government may determine the date on which each of the measures enacted pursuant to Title IV.2 begins to apply and may determine the expiry date of each measure, except with respect to a person who has availed himself of that measure;

WHEREAS under section 215.15 of that Act, made by that section 41, each measure enacted pursuant to Title IV.2 shall be financed in the manner prescribed by regulation, which may vary according to the category or subcategory to which the person belongs;

WHEREAS the Government made Order in Council 690-96 dated 12 June 1996 concerning the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS it is expedient to amend that Regulation;

WHEREAS under section 215.17 of that Act, made by that section 41, no order or regulation issued or made pursuant to Title IV.2 may have effect earlier than 12 months prior to its issue or making;

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

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, ss. 215.12, 215.13 and 215.17; 1995, c. 70, s. 41)

1. The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 12 June 1996, is amended in section 6 by inserting the words “or to a life income fund” after the word “account”.

2. Section 11 of the Regulation is amended by inserting, in subparagraph 5 of the first paragraph and after the word “retirement”, the words “and by using the actuarial assumptions and methods provided for in Schedule III”.

3. Section 16 of the Regulation is amended by substituting, in subparagraph 1 of the first paragraph, the words “of one of the pension plans mentioned in subsections 1 to 6 and 9 of Schedule I” for the words “of the Pension Plan of Peace Officers in Correctional Services, the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan”.

4. Section 21 of the Regulation is amended by inserting the words “the Pension Plan of Certain Teachers,” after the first occurrence of the word “under”.

5. Schedule III to the Regulation is amended by substituting, in paragraph *d* of subsection 2, the word “retire” for the words “reach the age of 65”.

6. This Regulation comes into force on the date it is made by the Government but has effect from 1 January 1996.

9933

Gouvernement du Québec

O.C. 951-96, 7 August 1996

Agricultural Products, Marine Products and Food Act (R.S.Q., c. P-29)

Food

— Amendments

Regulation to amend the Regulation respecting food

WHEREAS under paragraphs *f* and *g* of section 40 of the Agricultural Products, Marine Products and Food Act (R.S.Q., c. P-29), the Government may, by regulation:

— determine the terms and conditions of issue or renewal of a permit, prescribe the conditions required of a person bound to hold a permit or to register with the Minister, the documents he must furnish, the books, registers and accounts he must keep and retain, the returns he must furnish, the cases where a permit may be issued for a period of less than 12 months and the duties he must pay depending on the term and the type or category of permit;

— determine the categories of permits and the conditions and restrictions governing each category;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 27 March 1996, with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS that 45-day period has expired;

WHEREAS it is expedient to make that Regulation with amendments;

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

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

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting food

Agricultural Products, Marine Products and Food Act (R.S.Q., c. P-29, s. 40, pars. *f* and *g*)

1. The Regulation respecting food (R.R.Q., 1981, c. P-29, r. 1), amended by the Regulations made by Orders in Council 1055-82 dated 5 May 1982 (Suppl., p. 1044), 845-87 dated 3 June 1987, 1819-87 dated 2 December 1987, 397-88 dated 23 March 1988, 419-90 dated 28 March 1990, 591-90 dated 2 May 1990, 669-90 dated 16 May 1990, 1573-91 dated 20 November 1991, 336-92 dated 11 March 1992, 1057-92 dated 15 July 1992, 1131-92 dated 5 August 1992, 1769-92 dated 9 December 1992, 336-93 dated 17 March 1993, 440-93 dated 31 March 1993, 1305-93 dated 15 September 1993, 1483-93 dated 27 October 1993, 1825-93 dated 15 December 1993, 725-94 dated 18 May 1994 and 314-95 dated 15 March 1995, is further amended, in section 1.3.1.5, by inserting the words “except for the permits provided for in paragraph 4 of section 1.3.5.B.1 and in paragraph 4 of section 1.3.5.C.1,” after the words “To obtain renewal of his permit.”.

2. The following paragraph is added after the first paragraph of section 1.3.1.17:

“The first paragraph does not apply in the case of permits provided for in paragraph 4 of section 1.3.5.B.1 and in paragraph 4 of section 1.3.5.C.1.”.

3. Section 1.3.5.B.1 is amended:

(1) by substituting the figure “4” for the figure “3” in the introductory paragraph;

(2) by adding the following after paragraph 3:

“(4) “special events” permit.”.

4. The following is inserted after section 1.3.5.B.4:

“1.3.5.B.4.1. A “special events” permit authorizes the holder to operate premises or a vehicle where food is prepared as provided for in subparagraph *j* of the first paragraph and in the second paragraph of section 1.1.1, to be sold at retail or to furnish services for remunera-

tion. The permit authorizes the holder to operate the premises or vehicle for the period fixed by the Minister under paragraph 2 of section 1.3.5.D.4.”.

5. Section 1.3.5.C.1 is amended:

(1) by substituting the figure “4” for the figure “3” in the introductory paragraph;

(2) by adding the following after paragraph 3:

“(4) “special events” permit.”.

6. The following is inserted after section 1.3.5.C.4:

“1.3.5.C.4.1. A “special events” permit authorizes the holder to operate premises or a vehicle where food is prepared as provided for in subparagraph *j* of the first paragraph and in the second paragraph of section 1.1.1, for the purposes of the restaurateur’s business. The permit authorizes the holder to operate the premises or vehicle for the period fixed by the Minister under paragraph 2 of section 1.3.5.D.4.”.

7. Paragraph 1 of section 1.3.5.D.2 is revoked.

8. The following is substituted for section 1.3.5.D.4:

“1.3.5.D.4 The Minister may issue the permits provided for in subparagraph *m* or *n* of the first paragraph of section 9 of the Act for a period of less than 12 months in the following cases:

(1) where a person bound to hold a permit is also bound, for the same premises or the same vehicle, to hold a tourist establishment permit in the “restaurant” class provided for in section 4 of the Tourist Establishments Act and in section 12 of the Regulation respecting tourist establishments, so that the expiry dates of the permits will coincide;

(2) where a person bound to hold a permit carries on his activities for a period of 30 consecutive days or less.”.

9. The following is added after paragraph 3 of section 1.3.6.7:

“(4) \$20 for the first day of operation and an additional \$5 per day for each subsequent day, for a “special events” permit.”.

10. The following is substituted for section 1.3.6.8:

“1.3.6.8. From 1 April 1997, the fees payable provided for in Subdivision 1.3.6. shall be indexed on 1 April of each year according to changes in the All-

Items Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year. Those changes shall be computed on the basis of the ratio between the index for the above-mentioned period and the index for the period preceding that period. The index for a period is the average of the monthly indexes published by Statistics Canada. The fees 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.

The Minister shall inform the public, through Part I of the *Gazette officielle du Québec* and by such other means as he considers appropriate, of the indexing calculated under this section.”.

11. Section 1.3.6.11 is amended by inserting the words “paragraph 1 of” after the words “pursuant to”.

12. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 10 which will come into force on 31 December 1996.

9935

Gouvernement du Québec

O.C. 958-96, 7 August 1996

Education Act
(R.S.Q., c. I-13.3)

Basic school
— **Adults**
— **General education**
— **Amendments**

Regulation to amend the Basic school regulation respecting educational services for adults in general education

WHEREAS under section 448 of the Education Act (R.S.Q., c. I-13.3), the Government shall, by regulation, establish a basic school regulation for adult education;

WHEREAS by Order in Council 732-94 dated 18 May 1994, the Government made the Basic school regulation respecting educational services for adults in general education;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Basic school regulation respecting educational services for adults in general edu-

cation was published in Part 2 of the *Gazette officielle du Québec* of 17 April 1996, with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS in accordance with section 458 of the Education Act, that Draft Regulation was submitted for examination to the Conseil supérieur de l'éducation, and a notice was sent to the Minister;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Basic school regulation respecting educational services for adults in general education, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Basic school regulation respecting educational services for adults in general education

Education Act
(R.S.Q., c. I-13.3, s. 448)

1. The Basic school regulation respecting educational services for adults in general education, made by Order in Council 732-94 dated 18 May 1994, is amended by inserting the words “, in mathematics, science, history of Québec and Canada or human sciences” after the word “language” in section 14.

2. Section 29 is amended by substituting the words “the person and one” for the words “the person or one” in the second paragraph.

3. The following is substituted for section 37: “One credit normally equals 25 hours of learning.”.

4. Section 47 is amended

(1) by substituting the word “micro-computer” for the word “computer” in subparagraph 4 of the first paragraph; and

(2) by substituting the word “in” for the word “during” in the last paragraph.

5. The English version of section 47 is amended

(1) by substituting the figure “4” for the figure “6” in subparagraph 2 of the first paragraph; and

(2) by substituting the word “credits” for the word “units” everywhere it occurs in the section.

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

9936

Gouvernement du Québec

O.C. 961-96, 7 August 1996

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1)

Limit of kill for moose

Hunting — Amendments

Regulation respecting the limit of kill for moose and Regulation to amend the Regulation respecting hunting

WHEREAS under paragraph 24.4.30 of the James Bay and Northern Québec Agreement and subparagraph *f* of the first paragraph of section 78 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1), the Coordinating Committee may establish the upper limit of kill for moose allocated to the Native people or non-Natives;

WHEREAS by Resolution 96-97:05 adopted on 3 July 1996, the Coordinating Committee has established the upper limit of kill for moose in Area 17 at 140 moose;

WHEREAS paragraph 24.4.30 of the James Bay and Northern Québec Agreement and the final paragraph of section 78 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories provide that, save for reasons of conservation, the Government shall make regulations to implement the measures decided by the Coordinating Committee respecting the establishing of the upper limit of kill for moose allocated to the Native people or non-Natives;

WHEREAS subparagraph *d* of paragraph 24.6.3 of the James Bay and Northern Québec Agreement and the fourth paragraph of section 93 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories provide that, if the game populations do not permit levels of harvesting equal to the guaranteed levels, the Native people shall be allocated the entire kill, in accordance with the principle of priority for Native people in exercising the right to harvest;

WHEREAS under those same provisions, the Crees may allocate a part of the kill to non-Natives without the intermediary of outfitting facilities in accordance with clause *i* of subparagraph *b* of paragraph 24.12.3 of the James Bay and Northern Québec Agreement and paragraph *a* of section 8 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories;

WHEREAS the moose population does not permit the Crees to attain the guaranteed levels of harvesting for that species in that Area, which is 158 moose, and the total limit of kill is allocated to them for Area 17;

WHEREAS the Cree Regional Authority confirmed by resolution on 19 June 1996 an allocation of 40 moose to non-Natives for Area 17;

WHEREAS the Minister of the Environment and Wildlife responded in writing on 23 July 1996 to confirm the allocation of 40 moose to non-Natives and the setting-up of a task force to discuss questions pertaining to the status of tallymen and the Cree trapping system, as discussed at the meeting of 4 June and in the resolution by the Cree Regional Authority;

WHEREAS it is expedient to make the Regulation respecting the limit of kill for moose;

WHEREAS in accordance with section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, allow the hunting of any animal it determines on the conditions it determines, in particular, on the basis of its sex, its age, the period of the year during which and the area in which it may be hunted, and the types of arms which may be used;

WHEREAS it is expedient to amend the Regulation respecting hunting to implement the agreement concluded with the Crees on 4 June 1996 pertaining to the allocation of 40 moose to non-Natives by allowing the hunting of only moose with antlers and by reducing the hunting season for that species;

WHEREAS in accordance with section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation

may be made without having been published pursuant to section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS in accordance with 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 the Government is of the opinion that the urgency due to the following circumstances justifies the absence of such prior publication and the coming into force of the Regulations attached hereto on the date of their publication in the *Gazette officielle du Québec*:

— the moose population is declining substantially in Area 17;

— it is imperative that hunting be restricted in that Area as soon as possible;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation respecting the limit of kill for moose and the Regulation to amend the Regulation respecting hunting, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the limit of kill for moose

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1, s. 78, 1st par., subpar. *f*, and 3rd par.)

1. The upper limit of kill for moose allocated to the Native people or non-Natives in Area 17 determined by the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, is 140 moose for the period from 1 August 1996 to 31 July 1997.

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

Regulation to amend the Regulation respecting hunting

An Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1, s. 56)

1. The Regulation respecting hunting, made by Order in Council 1383-89 dated 23 August 1989 and amended by the Regulations made by Orders in Council 457-90 dated 4 April 1990, 1094-90 dated 1 August 1990, 1149-90 dated 8 August 1990, 41-91 dated 16 January 1991, 294-91 dated 6 March 1991, 1290-91 dated 18 September 1991, 491-92 dated 1 April 1992, 1286-92 dated 1 September 1992, 18-93 dated 13 January 1993, 719-93 dated 19 May 1993, 1108-93 dated 11 August 1993, 1351-93 dated 22 September 1993, 199-94 dated 2 February 1994, 994-95 dated 19 July 1995 and 912-96 dated 17 July 1996, is further amended by substituting “and 16” for “, 16 and 17” in the third paragraph of section 27.

2. Schedule III is amended

(1) by striking out “17,” in column III in subparagraph *d* of paragraph 1 of section 1;

(2) by striking out “17,” in column III in subparagraph *c* of paragraph 2 of section 1; and

(3) by inserting the following section after section 1:

“

Section	Column I	Column II	Column III	Column IV
	Animal	Type of implement	Area	Hunting season
1.1	Moose with antlers	(1) 6	17	From the Saturday on or closest to 4 September to the Sunday on or closest to 19 September
		(2) 1	17	From the Saturday on or closest to 2 October to the Sunday on or closest to 17 October

”.

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

9930

Gouvernement du Québec

O.C. 977-96, 7 August 1996

An Act respecting pressure vessels (R.S.Q., c. A-20.01)

Pressure vessels — Amendments

Regulation to amend the Regulation respecting pressure vessels

WHEREAS under section 27 of the Act respecting pressure vessels (R.S.Q., c. A-20.01), the Government may, by regulation, prescribe any measure necessary for the application of that Act and in particular for the purposes mentioned in paragraphs 2, 9, 10, 11 and 13 of that section;

WHEREAS the Regulation respecting pressure vessels was made by Order in Council 2519-82 dated 3 November 1982;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting pressure vessels was published in Part 2 of the *Gazette officielle du Québec* of 22 November 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received have been examined;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting pressure vessels, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting pressure vessels

An Act respecting pressure vessels
(R.S.Q., c. A-20.01, s. 27, pars. 2, 9, 10, 11 and 13)

1. The Regulation respecting pressure vessels, made by Order in Council 2519-82 dated 3 November 1982 and amended by the Regulations made by Orders in Council 395-87 dated 18 March 1987, 930-90 dated 27 June 1990, 1031-91 dated 17 July 1991, 1310-91 dated 18 September 1991, 240-92 dated 19 February 1992, 1678-94 dated 30 November 1994 and 942-95 dated 5 July 1995, is further amended, in section 2,

(1) by striking out the words “electric boilers” in paragraph 1;

(2) by inserting the following after paragraph 1:

“(1.1) open-circuit boilers not mentioned in paragraph 1 whose pressure cannot exceed 103 kilopascals and which have no valve between the boiler and the vent leading directly to the atmosphere;

(1.2) hot water or steam boilers not mentioned in paragraphs 1 and 1.1 having all the following characteristics:

(a) they have no steam drum or steam header;

(b) the tubes and coils are not used to produce steam;

(c) they are provided with manually operated nozzles or sprinklers that conduct the fluid directly into the atmosphere;

(d) the tubes have an outside diameter not exceeding 25 millimetres and the pipes have a nominal diameter not exceeding 19 millimetres;

(e) their water volume does not exceed 23 litres;

(f) they are provided with a temperature control device that prevents the water temperature from exceeding 180°C;

(g) they are provided with an overpressure safety relief device adjusted to and sealed at a pressure not exceeding the design pressure indicated on the boiler;”;

(3) by inserting the following after paragraph 4:

(4.1) pressure vessels used as the enclosure for gas pressurized electric equipment and any tank forming a part thereof;”;

(4) by substituting the following for paragraph 7:

“(7) low-pressure piping and fire fighting piping;”;

(5) by striking out paragraphs 8 and 9.

2. The following is inserted after section 2:

“**2.1** The provisions of the Act and its regulations concerning the installation and the use of a pressure vessel apply neither to a tank used for storing gas in, supplying gas to or recovering gas from a vessel referred to in paragraph 4.1 of section 2, nor to a tank used for the operation of the electric generating equipment of a hydroelectric plant.”.

3. The following is substituted for section 3:

“**3.** Sections 14, 16 and 18 of the Act do not apply to the installation of the following vessels nor to an addition to or modification of their piping:

(1) air tanks whose diameter is 0.61 metres or less or whose volume is 0.35 cubic metres or less;

(2) hot water or thermal fluid low-pressure boilers whose wet heating surface is 10 square metres or less or whose power is 200 kilowatts or less;

(3) hot water tanks whose diameter is 0.92 metres or less;

(4) the components of a refrigeration plant whose total compressor motor power is 20 kilowatts or less.”.

4. Section 11 is revoked.

5. The following is substituted for section 12:

“**12.** Installers of all refrigeration vessels must provide a declaration before beginning the installation work. Despite Clause 4.3.1 of the Mechanical Refrigeration Code CAN/CSA B52-92, published by the Canadian Standards Association, that declaration shall be accompanied by 3 copies of the plans and specifications of the refrigeration plant for approval and registration, where the total compressor motor power exceeds 75 kilowatts for refrigerants in groups A1 and B1 or 37 kilowatts for refrigerants in groups A2, B2, A3 and B3, in accordance with the classification of refrigerants under Clause 3.3 of the aforementioned Code. The plans submitted must also comply with Clause 4.3.2 of that Code.

If the compressor motor power is not indicated by the manufacturer, when electric motors are used, it is calculated by using the values 0.9 for the power factor and 0.8 for performance.”.

6. The following is substituted for section 31:

“**31.** No periodic inspection is required for the components of a refrigeration plant whose total compressor motor power is 20 kilowatts or less.”.

7. Section 32 is revoked.

8. The reference “Welding and Brazing Qualifications Code (ASME-1995, Section IX)” is substituted for the reference “Welding and Brazing Qualifications Code (ASME-1992, Section IX)” everywhere it occurs in sections 43, 50, 52, 53, 54 and 55.

9. The following is substituted for the second paragraph of section 51:

“In order to maintain a valid certificate for a specific process, a welder must in all cases use that specific process without an interruption of more than 6 months.”.

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

Draft Regulations

Draft Regulation

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

Conditions of contracts of government departments and public bodies — 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 General Regulation respecting the conditions of contracts of government departments and public bodies, the text of which appears below, may be made by the Government, with or without amendments, at the expiry of 45 days following the date of this publication.

The Draft Regulation provides for the introduction, in certain sectors of activity, of a condition for validity of contracts under which certification in the area of ISO international standards for quality management will be required. The requirement applies to specialties in the areas of environmental professional services and auxiliary services in document printing and reproduction. In addition, other environmental specialties will require accreditation based on the ISO/IEC Guide 25 and issued by the Minister of the Environment and Wildlife.

The Draft Regulation also provides for an amendment to the rule for awarding contracts by means of a call for bids, incorporating the amendments proposed in the Regulation to amend the Regulation respecting services contracts of government departments and public bodies as they pertain to general maintenance contracts.

The Draft Regulation will have a direct impact primarily on suppliers in the fields of activity for which quality insurance requirements are to be introduced. However, the process for implementing the new requirements was developed in close cooperation with the major clients and the representatives of the suppliers concerned.

Further information may be obtained by contacting Mr. Paul Périard, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8; telephone (418) 643-2755, fax (418) 646-8103.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Admin-

istration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,
Minister for Administration and the Public Service, Chairman of the Conseil du trésor

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

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

1. The General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994, 492-95 dated 12 April 1995 and 233-96 dated 28 February 1996, is further amended by substituting the following for section 7.1:

“**7.1** No contract pertaining primarily to any of the specialties listed in Schedules 1 and 2 may be awarded to a supplier unless he meets the following conditions and the conditions set out in those Schedules:

(1) with respect to the specialties listed in Schedule 1, the supplier must hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier has a quality system for the field covered by the specialty in question, complying with the required ISO standard;

(2) with respect to the specialties listed in Schedule 2, the supplier must hold accreditation based on the ISO/IEC Guide 25 and issued by the Minister of the Environment and Wildlife for each of the fields of accreditation covered by the contract.

The definitions of the specialties listed in Schedules 1 and 2 correspond to the definitions set out in the Répertoire des spécialités established by the Conseil du trésor for the specialties included therein.

Where a contract is awarded following a call for tenders, the amount of the contract specified in Schedules 1 and 2 shall be construed as the estimated amount of the contract.”.

2. The following is substituted for section 10:

“**10.** In the case of a call for bids, the contract shall be awarded to the supplier who submitted the lowest qualifying bid, as calculated in accordance with the method provided for in the tender documents, or to the supplier who becomes such a supplier in accordance with the provisions of section 82.3 of the Regulation respecting services contracts of government departments and public bodies. If equivalent bids are submitted, the contract shall be awarded by drawing lots among the suppliers concerned. The amount of the contract shall not exceed the price tendered.”.

3. Schedule 1 to the Regulation is amended

(1) by inserting the following category after the category “Soil and materials engineering” under the “Construction and physical sciences” group:

“Category — Environment:

11645 — Characterization of potentially contaminated sites	≥\$10 000	96 10 01	ISO 9002
11646 — Restoration of contaminated sites”; and	≥\$10 000	96 10 01	ISO 9001

(2) by inserting the following at the end:

“Auxiliary services:

— Cheque form printing	≥\$1	96 10 01	ISO 9002
— Document printing and reproduction			
• Quality level “Fine” or “Prestige”	≥\$1	96 10 01	ISO 9002
• Quality level “Information” or “Office”	≥\$50 000	96 12 31	ISO 9003

4. The following is added after Schedule 1:

“SCHEDULE 2

LIST OF THE SPECIALTIES FOR WHICH A SUPPLIER MUST BE ACCREDITED BY THE MINISTER OF THE ENVIRONMENT AND WILDLIFE

(s. 7.1)

Specialty	Amount of contract into force	Date of coming
Professional services:		
Group — Construction and physical sciences:		
Category — Environment:		
11610 — Microbiological analysis	≥\$10 000	96 10 01
11642 — Inorganic chemical analysis	≥\$10 000	96 10 01
11643 — Organic chemical analysis	≥\$10 000	96 10 01
11644 — Inorganic and organic chemical analysis”.	≥\$10 000	96 10 01

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

9942

Draft Regulation

Legal Aid Act
(R.S.Q., c. A-14; 1996, c. 23)

Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates under the legal aid plan

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and paragraph 3 of section 59 of the Act to amend the Legal Aid Act (1996, c. 23), that the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

The purpose of the Draft Regulation is to replace the Regulation ratifying the Agreement entered into by the Minister of Justice and the Barreau du Québec on 5 June 1990, made by Order in Council 785-90 dated 6 June 1990, given the failure to reach a new agreement with the Barreau du Québec.

Further information may be obtained by contacting Mr. Yvon Routhier, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec), G1V 4M1; tel.: (418) 644-7665; fax: (418) 643-4224.

Any interested person having comments to make concerning this matter is asked to send them to the undersigned, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1, before the expiry of the 15-day period commencing on the date of publication.

PAUL BÉGIN,
Minister of Justice

Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan

Legal Aid Act
(R.S.Q., c. A-14, ss. 80 and 81;
1996, c. 23, s. 43, par. 2)

Preliminary

1. For the purposes of this Regulation, the term "legal aid body" means a legal aid centre, a legal aid bureau or the Commission des services juridiques; it includes any organization or person that issues certificates of eligibility for legal aid.

2. This Regulation governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, excluding an advocate who is employed on a full-time basis by a legal aid centre.

CHAPTER I CONDITIONS OF PRACTICE

DIVISION I FREE CHOICE OF AN ADVOCATE

3. A person who is financially eligible may consult an advocate in private practice before submitting an application for legal aid under section 62 of the Act.

4. An application for legal aid may be submitted by the advocate himself on behalf of a person in favour of

whom a conditional certificate of eligibility may be issued under the Act. In such case, the application shall be verbal.

5. A legal aid body shall, according to the criteria set forth in the Act, distribute equitably among the advocates the mandates for which recipients wish to be represented by an advocate registered in the legal aid plan but have not chosen a particular advocate.

6. Where there is a substitution of attorney, the legal aid centre shall inform the advocate of record in writing that the recipient has requested a substitution of attorney and shall inform him of the name of the new attorney.

The preceding provision applies in like manner where the advocate of record or the new attorney is an advocate employed on a full-time basis by a legal aid body.

7. An advocate representing a person for the exercising of a right in respect of which the person becomes a recipient shall retain his mandate, subject to the provisions of the Act.

In such case, the legal aid body issuing the certificate of eligibility shall so inform the advocate of record and shall request his consent to continue the mandate, on the terms set forth by the Act and this Regulation.

DIVISION II PROFESSIONAL FREEDOM

8. The legal aid body shall refrain from intervening in the conduct of the advocate's mandate; however, it may satisfy itself that the mandate is fulfilled. The conduct of the mandate includes recourse to any expert's reports that, according to recognized professional practices, may be justified by the nature and scope of the case, in conformity with the Act and the Regulations. The advocate shall obtain the authorization of the general manager of the legal aid centre before having recourse to expert's reports. The general manager shall fix a maximum amount for fees for expert's reports.

9. An advocate is at liberty to accept a legal aid mandate.

10. He may terminate any mandate in accordance with recognized standards of practice; in such case, he shall so inform the legal aid body and the recipient in writing.

11. The advocate shall render an account to the recipient of the conduct of his mandate and shall report to the legal aid body from which he received the mandate concerning the professional services that he has rendered.

DIVISION III REMUNERATION

12. Every legal service rendered in accordance with the provisions of the Act and this Regulation shall be remunerated according to the tariff appearing in Schedule I to this Regulation.

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Regulation does not prescribe a rate or the payment of a special consideration is subject to a remuneration.

In such case, the legal aid body shall evaluate the advocate's statement of fees and fix the amount of remuneration. Such decisions may be the subject of a dispute.

13. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within three years following the end of that mandate. That deadline is mandatory. Payment shall be made within 45 days following receipt of the statement.

In the cases determined by this Regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within that same deadline.

14. A statement of fees may be an interim or final account. Statements shall be submitted on the form provided by the Commission.

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year.

15. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Regulation shall commence to bear annual interest 45 days after it is received by the legal aid body or the Commission, as the case may be.

The interest rate shall be equal to the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus one and one-half percent (1.5 %). The rate thus fixed shall be in force for the following six months.

16. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff provided for in Schedule I and is supported by all the vouchers.

17. Disbursements are a part of the statement of fees and include fees for expert's reports and other fees

pertaining to proceedings incidental to the legal aid mandate.

18. An advocate shall receive no reimbursement for travel and parking within a radius of 50 km from his office.

For travel beyond that radius, he shall receive \$0.34 per kilometre exceeding 50 km as well as reimbursement for the cost of parking.

Notwithstanding the foregoing, the legal aid body shall reimburse the real cost of travel where it is less than what is provided for in the preceding paragraph.

For the purposes of this section, the office of an advocate who accepts a mandate to be conducted outside his judicial district is deemed to be situated in the chief town of that other district.

19. Where the tariff in Schedule I provides for a flat-rate fee for a series of services and a part of the mandate is carried out by an advocate employed by a legal aid body, the advocate in private practice is entitled to the part of the flat-rate fee corresponding to the services that he has rendered.

20. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding \$125 000, the fees payable to him for the services that he renders within the scope of those mandates and exceeding that amount shall be reduced by 35 %.

21. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn shall be remunerated according to the provisions of this Regulation for the services rendered before the receipt of a notice from the legal aid body, sent by mail or by telecommunications, informing him of the cessation of legal aid and the reasons for the decision.

The preceding disposition also applies where the recipient chooses to dispense with legal aid.

22. In a case where legal aid ceases, the advocate may nevertheless include in his statement of fees services that were rendered after receipt of the notice from the legal aid body but were necessary to safeguard the person's rights or were required by a court.

23. Where a legal aid body refuses to pay a statement of fees, it shall, within the period allotted for payment of the statement, so notify the advocate in writing, and that notice shall state the reasons for its refusal.

The preceding provision governs the Commission in cases where it assumes the payment of fees.

24. Any refusal to pay fees shall be founded upon the non-compliance of the fees claimed under the provisions of the Act and this Regulation.

CHAPTER II PROCEDURE FOR THE SETTLEMENT OF DISPUTES

25. A dispute means any disagreement concerning the interpretation or the application of this Regulation, including any disagreement concerning a statement of fees.

26. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Bar.

27. Before submitting a dispute according to section 30, the advocate may refer the matter for conciliation by means of a notice in writing to the body refusing payment of his statement of fees and to the section of the Barreau du Québec to which he belongs.

28. Within 15 days following receipt of the notice, the general manager of the regional centre and the bâtonnier of the section shall each designate an advocate.

29. Within 30 days following their designation, the advocates so appointed and the advocate who is the claimant shall meet, examine one another's claims and endeavour to reach an agreement.

30. A dispute shall be submitted by the advocate by means of a notice addressed to the regional centre or the Commission, as the case may be. The notice shall contain a summary statement of the facts and the relief sought.

A dispute concerning contested fees shall be submitted within six months following receipt of a notice of refusal to pay or the claim for a reimbursement; in such case, a copy of the notice of dispute shall be forwarded to the regional centre.

31. Referral for conciliation interrupts the prescription of six months.

32. Upon receipt of a notice of dispute, the regional centre or the Commission, as the case may be, shall give its answer in writing.

33. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days follow-

ing submission of the notice of dispute, the advocate shall submit the dispute for arbitration by means of a letter addressed to the Chief Justice of the Court of Québec within six months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be. The Chief Justice or the Senior Associate Chief Justice of the Court of Québec, as the case may be, shall designate one of the judges of that Court to act as arbitrator.

34. The Barreau du Québec may directly submit any dispute of general interest for arbitration; in such case, it shall so notify the Commission.

In particular, any alleged infringement of the provisions relating to the free choice of an advocate or professional freedom may be the subject of a dispute of general interest.

35. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Regulation. He may uphold, modify or rescind the disputed decision and, by the terms of his award, order a payment or a reimbursement, assess compensation, restore a right or make any other order he considers fair in the circumstances.

Notwithstanding the foregoing, the arbitrator may not modify the provisions of this Regulation. The arbitrator's award is final, mandatory and binding on the parties.

36. The arbitrator may issue an interim award at any time.

37. Stenography and tape recording fees, if any, shall be borne by the regional centre or the Commission, as the case may be.

38. The arbitrator shall forward any award by registered letter to the parties and to the Barreau du Québec.

39. This Regulation replaces the Regulation ratifying the Agreement entered into on 5 June 1990, made by Order in Council 785-90 dated 6 June 1990.

40. Mandates begun before (*enter here the date of the coming into force of this Regulation*) continue to be governed by the Regulation ratifying the Agreement entered into on 5 June 1990.

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

SCHEDULE 1

(s. 21)

PART 1**GENERAL RULES OF INTERPRETATION
AND APPLICATION****CONDUCT OF THE MANDATE****Advice**

1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for a special consideration.

Professional assistance

2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees equivalent to one-fifth of the fees of the advocate assuming the mandate, for the services in respect of which his assistance was required.

An advocate wishing to be so assisted shall obtain prior authorization from the legal aid body.

This section does not apply in cases where this Schedule provides for professional assistance and fixes the applicable fees.

Special consideration

3. Payment for the professional services of an advocate may exceed the fees prescribed in the tariff where the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

In such case, the advocate shall submit an application for a special consideration with his statement of fees, according to the form provided by the Commission.

4. The Commission shall examine the application and shall fix the amount of the excess fees. Such decisions may be subject to dispute in accordance with Chapter II of this Regulation.

5. In reviewing a decision concerning the expediency of granting a special consideration, the arbitration tribunal shall verify whether the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

6. In reviewing a decision concerning the amount of the excess fees, the arbitration tribunal shall be guided by the precedents in the application of section 15 of the

Tariff of judicial fees relating to a special fee (R.R.Q., 1981, c. B-1, r.13).

7. Sections 3 to 6 apply *mutatis mutandis* in respect of professional services for which this Schedule expressly prescribes the payment of a special consideration.

PART 2**Special rules of interpretation
and application in civil matters**

8. The words “application”, “case” or “action” mean a proceeding, whether it is commenced by a writ, motion, joint factum or any other originating document.

9. The word “proof” means the examination of a party or a witness as well as the presentation before the court of any document containing an admission of facts, followed by an address.

10. The word “contestation” includes any opposition to an application by another party.

11. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.

12. Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his costs from the adverse party or claim payment from the legal aid body from which he received his mandate, in accordance with this Schedule.

13. The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which he received his mandate.

Where the advocate chooses to claim payment from the legal aid body, he shall subrogate that body in his rights up to the amount of his bill of costs.

PART 3**GENERAL CIVIL TARIFF****Classes of actions**

14. I — An application in which the amount or value in dispute is less than \$1 000;

II — An application in which the amount or value in dispute

(a) is \$1 000 or more but less than \$3 000;

(b) is \$3 000 or more but less than \$10 000;

III — An application in which the amount or value in dispute

(a) is \$10 000 or more but less than \$25 000;

(b) is \$25 000 or more but less than \$50 000;

IV — An application in which the amount or value in dispute is \$50 000 or more.

15. For proceedings or actions not provided for specifically by the tariff but covered by the Code of Civil Procedure, the fees are fixed according to the tariff for similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminate or inexistent falls under Class II-A.

16. Hypothecary actions are considered to be purely personal actions.

17. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of the action is determined according to the balance due on the claim.

18. Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the total amount determines the class of the action.

19. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed in section 29 or section 30 of this Schedule, according to the stage of the proceedings. For the purposes of this rule, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the main action, are each considered to be a defendant filing a separate contestation.

20. Where a flat-rate remuneration is prescribed for professional services and a part of such services is rendered by one advocate and a part by one or more other advocates, the remuneration is paid jointly to those various advocates.

21. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once notwithstanding the multiplicity of proceedings.

22. In the matter of a declaratory judgment and a decision on a point of law, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those prescribed for Class II-B.

23. In the case of a review of taxation of a bill of costs, the costs are based on the class of action corresponding to the amount of the costs in dispute.

24. There are no separate fees in the case of a cross demand, but the class of action corresponds to the highest of the amounts for which judgment is recovered.

25. If a settlement is reached or proceedings are withdrawn before the issue of the originating process, the advocate is entitled to the fees prescribed for an action of that class in the case of a settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.

First instance

	I	II	III	IV
	1-3	3-10	10-25	25-50 50
	A	B	A	B
	\$	\$	\$	\$ \$
26. (a) For every notice or putting in default preceding the originating process and required by law	18	30	30	30 30
(b) For every notice or putting in default preceding the originating process and not required by law, only one fee is payable	18	24	24	24 24
27. For every action settled after the originating process and before service of a defence or contestation on the merits:				
(a) to the plaintiff's attorney	90	150	180	240 330 420
(b) to the defendant's attorney	36	90	150	210 330 390
28. For judgment on the merits, by default or <i>ex parte</i> , to the plaintiff's attorney:				
(a) without proof	108	168	210	300 390 480
(b) with proof	120	210	270	360 450 540

	I					II					III					IV						
	1-3		3-10		10-25		25-50		50		1-3		3-10		10-25		25-50		50			
	A		B		A		B			A		B		A		B			A		B	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
to the defendant's attorney:																						
(c) if he is not present at the proof or if there is no proof	36	60	96	120	162	210	(b) For the preparation and registration of a privilege or notice under article 1743 of the Civil Code of Québec	36	90	90	90	90	90									
(d) if there is a proof and he is present	90	120	180	240	330	420	(c) Preparation and discharge of registration of a privilege	18	30	30	30	30	30									
29. For an action settled after service of a defence or contestation on the merits, or for an application dismissed on a motion under article 165 of the Code of Civil Procedure	120	300	420	540	660	780	(d) Filing of a declaration of voluntary payment into court of salary or wages and claim on seizure by garnishment	18	30	30	30	30	30									
30. For judgment on the merits of the case in a contested action	240	420	600	840	960	1200	35. (a) For the issue of all writs of execution, whatever their nature or number, only one fee according to the class of the amount claimed	18	30	30	30	30	30									
31. (a) On every contested incidental proceeding	24	60	60	60	60	60	(b) Examination under article 543 C.C.P.	12	18	18	18	18	18									
(b) Where the incidental proceeding puts an end to the dispute, the fees applicable are those of section 28a							36. For any judgment by default against a garnishee or on his declaration	18	30	30	30	30	30									
32. For the examination of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial	24	36	36	36	36	36	37. For any seizure before judgment, additional fees according to the class of the main action	24	48	48	48	48	48									
33. When the judge requests or permits arguments in writing, additional fees of	36	60	60	120	120	120	38. (a) Where a case lasts more than one day, for each additional half-day	50	100	100	100	100	100									
34. (a) For registration of the judgment or any other act for the preservation of real rights	18	30	30	30	30	30	(b) Where the court declines to proceed and so declares in the presence of the parties on the day fixed for the hearing	24	60	60	60	60	60									
							39. In the case of any pre-trial conference held according to the provisions of article 279 C.C.P. and prior to the day fixed for proof and hearing, the fees are those prescribed in section 32.															

40. An injunction applied for without other conclusions that those of article 751 C.C.P. is considered to be an action of Class II-B. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed in Class II-B. The fees shall be calculated in the following manner: when the judgment on the motion for an interlocutory injunction terminates the case or the judgment on the motion for a permanent injunction is not preceded by a judgment on a motion for an interlocutory judgment, the advocate is entitled to the fees taxable on a judgment on the merits of the case. Where the judgment on the motion for a permanent injunction follows a judgment on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable on a judgment on the merits increased by one-half.

41. In proceedings for boundary delimitation, possessory or petitory proceedings, proceedings for appointment of a receiver, and in actions for declaration or denial of a servitude, the fees are those prescribed for Class II-B.

42. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.

43. In proceedings respecting corporations, for extraordinary recourses and for *habeas corpus* under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II-B.

44. In non-contentious proceedings, the fees are those of section 31a, Class II, with the exception of the voluntary sale of property belonging to incapables and of inventoried property under Chapters VII and XI of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.

45. In adoption proceedings, the fees are those prescribed for Class II-A.

An application for a declaration of adoptability, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.

Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fee payable for each additional application after the first is \$33.

46. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Bureau de révision d'évaluation foncière and in appeal

before the Court of Québec are those prescribed for Class II-A of the tariff at first instance; section 48 does not apply thereto and the cost of expert's reports is not included in the bill of costs.

47. In expropriation proceedings, the class of the action is determined by the amount of the compensation.

Additional fees of 1 % of the compensation are added to the judicial fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Court of Québec, Expropriation Division, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a compromise, so justify.

Contestation of the right to expropriation is a separate proceeding. The fees applicable are those prescribed for Class II-B.

For any proceeding commenced under the Expropriation Act before a court other than the Court of Québec, Expropriation Division, the fees applicable are those prescribed for Class II-B, section 31a.

For any uncontested proceeding respecting payment of the money awarded, the fees are those prescribed in section 34b.

48. Upon judgment in a contested case ordering the defendant to pay an amount greater than \$100 000 in principle, the following additional fees are taxable in favour of the plaintiff:

— 1 % of the amount in excess of \$100 000, up to a judgment of \$1 000 000;

— plus, where the amount of the judgment exceeds \$1 000 000, 1/10 of 1 % of the amount in excess of \$1 000 000.

Upon judgment dismissing an action in which the amount claimed is greater than \$100 000, the following additional fees are taxable in favour of the defendant:

— 1 % of the amount in excess of \$100 000, up to an amount claimed of \$1 000 000;

— plus, where the amount claimed in the action exceeds \$1 000 000, 1/10 of 1 % of the amount in excess of \$1 000 000.

Where there is an out-of-court settlement before a defence has been filed, the advocate is entitled to only one-third of the additional fees prescribed in this section.

Where there is an out-of-court settlement after a defence has been filed, the advocate is entitled to only two-thirds of the additional fees prescribed in this section.

The additional fees are payable to an advocate once only, regardless of the number of plaintiffs or defendants.

Representation of children in superior court

49. All services rendered up to and including a final decision for representing a child within the scope of article 394.1 C.C.P.

- (a) uncontested \$198
 (b) contested \$227

Special tariff for matrimonial proceedings

The rules of Part I, Part II and Part III of Schedule 1 apply *mutatis mutandis* to matrimonial proceedings.

Principal proceedings

50. (a) Upon reconciliation after the issue of the originating process; to the plaintiff's attorney \$150
 (b) Upon reconciliation after appearance or before service of a contestation; to the defendant's attorney \$150
 (c) Upon reconciliation or withdrawal of proceedings for separation by consent before judgment; to the attorney representing both parties \$252
51. On reconciliation after service of a contestation and before judgment on the merits; to the plaintiff's attorney \$336
 to the defendant's attorney \$224
52. For judgment *ex parte* or by default; to the plaintiff's attorney \$401
53. For judgment *ex parte* or by default; to the defendant's attorney present at the proof \$285
54. For judgment *ex parte* or by default; to the defendant's attorney not present at the proof \$227

55. (a) For judgment on the merits in a contested case with or without a cross demand by the defendant; to each attorney \$489
 (b) For judgment on the merits granting a separation (or divorce) by consent; to the attorney representing both parties \$580

The fees prescribed in sections 52, 53, 54 and 55 include the recovery of a decree absolute of divorce.

Provisional measures and incidental proceedings

56. (a) For every judgment for provisional measures after agreement or compromise, but without proof; to each attorney, one fee only \$197
 (b) For every judgment, after proof, on any motion for provisional measures; to each attorney, one fee only \$227

For the purposes of this section, an interim judgment or order is not a judgment.

57. (a) For any contested incidental proceeding not governed by section 56 and for any interim judgment or order related to a provisional measure \$58
 (b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial \$35
 (c) Where the judge requests or authorizes written arguments \$58
 (d) If a case lasts more than one day, for each additional half-day \$58
 (e) Where the court declines to proceed at the hearing on the merits and so declares in the presence of the parties on the day fixed for the hearing \$58

58. Where a separate motion is presented by each party regarding the same provisional measure, one fee only is payable regardless of the number of motions.

59. Where a new mandate is issued for one or more new proceedings for separation from bed and board or for divorce within 12 months of the issue of the first mandate, only one-half of the above fees is payable where the same attorney represents the same plaintiff on each

occasion; in every other case where a new mandate is issued within that same period, the fees are payable in full.

Execution of judgment

- 60. (a) For an examination under article 543 C.C.P. \$18
- (b) For a requisition for a writ of seizure before judgment \$29
- (c) For a requisition for a writ of seizure after judgment of movables or immovables or both together \$29
- (d) For a requisition for a writ of seizure by garnishment after judgment \$29
- (e) For a judgment for seizure by garnishment after judgment \$58
- (f) Only one of the two fees prescribed in paragraphs *d* and *e* may be claimed.
- (g) For the registration of the judgment \$29

Motions subsequent to final judgment

- 61. (a) Designation of practitioner \$12
 - (b) Homologation of practitioner's report \$12
 - (c) Inscription following homologated report \$12
 - (d) For any judgment on a motion for variation of support, custody of children, right of access, without proof of an issue; to each attorney, one fee only \$198
 - (e) For a judgment after proof of an issue with respect to all measures described in paragraph *d*; to each attorney, one fee only \$227
- For the purposes of paragraphs *d* and *e* of this section, an interim judgment or order is not a judgment.

Motions under article 813.8 C.C.P.

- 62. For any judgment without proof of an issue relating to a motion under article 813.8 C.C.P.; to each attorney \$198

- 63. For any judgment in a contested case after proof of an issue and concerning a motion under article 813.8 C.C.P.; to each attorney \$227

Declaration of family residence

- 64. Drafting and registration of a declaration of family residence \$75

Court of appeal

	I	II	III	IV		
		1-3	3-10	10-25	25-50	50
		A	B	A	B	
	\$	\$	\$	\$	\$	\$

- 65. Disbursements incurred for the preparation of the joint record and the factums are taxable against the defaulting party upon the filing of vouchers

66. Sections 41, 42 and 43 of the tariff at first instance apply to the Court of Appeal

- 67. After filing of the inscription; for every case terminated or appeal abandoned
- | | | | | | | |
|--|-----|-----|-----|-----|-----|-----|
| | 120 | 120 | 300 | 360 | 480 | 600 |
|--|-----|-----|-----|-----|-----|-----|

68. After filing of the factum of the appellant; for every case terminated or appeal abandoned:

- (a) to the appellant
 - (b) to the respondent
- | | | | | | | |
|--|-----|-----|-----|-----|-----|-------|
| | 300 | 360 | 540 | 660 | 840 | 1 020 |
| | 150 | 180 | 360 | 420 | 540 | 660 |

- 69. After filing of the factum of the respondent and before the hearing; for every case terminated or appeal abandoned
- | | | | | | | |
|--|-----|-----|-----|-----|-----|-------|
| | 360 | 420 | 600 | 720 | 900 | 1 080 |
|--|-----|-----|-----|-----|-----|-------|

- 70. For judgment on the merits of the case
- | | | | | | | |
|--|-----|-----|-----|-------|-------|-------|
| | 540 | 600 | 900 | 1 020 | 1 200 | 1 440 |
|--|-----|-----|-----|-------|-------|-------|

- 71. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding
- | | | | | | | |
|--|-----|-----|-----|-----|-----|-----|
| | 120 | 120 | 120 | 120 | 120 | 120 |
|--|-----|-----|-----|-----|-----|-----|

72. For an appeal from any interlocutory judgment excluding the injunction, extraordinary recourses and *habeas corpus*, the fees applicable are one-half of the fees prescribed for a final judgment, according to the class of action determined by the amount in dispute.

73. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II-B. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class II-B. The fees are calculated in the following manner: when the judgment of the Court of Appeal on the motion for an interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for a permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable for a judgment on the merits by the Court of Appeal. Where the judgment of the Court of Appeal on the action for an injunction follows a judgment of the Court of Appeal on a motion for an interlocutory injunction, the amount of the fees for the judgment on the merits is equal to one-half of the fees of the class which applies thereto.

74. In proceedings for extraordinary recourses under Titles VI and VII of Book V C.C.P., the fees for a judgment on the merits are those prescribed for Class II-B.

	I		II		III		IV	
			1-3	3-10	10-25	25-50	50	
	A	B	A	B				
	\$	\$	\$	\$	\$	\$	\$	\$

75. For the filing of an additional factum at the request of the court

	120	180	180	180	180	180
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76. For every trip from any other district to Montréal or Québec made especially for the hearing, the advocate is entitled to an allowance equal to the allowance payable to a judge by law

77. Where the hearing of a case lasts more than one day, for each additional half-day

	120	120	120	120	120	120
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Special tariff for matrimonial proceedings on appeal

- 78. The disbursements incurred for preparation of the joint record and printing of the factums are included in the bill of costs.
- 79. After filing of the inscription; for any case terminated or appeal abandoned \$168
- 80. After filing of the appellant's factum; for any case terminated or appeal abandoned:
 - (1) to the appellant \$392
 - (2) to the respondent \$224
- 81. After filing of the respondent's factum and before hearing; for any case terminated or appeal abandoned \$504
- 82. For judgment on the merits of the case \$672
- 83. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding \$112
- 84. For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.
- 85. For the filing of an additional factum at the request of the court \$168
- 86. For every trip from any other district to Montréal or Québec made especially for the hearing, the advocate is entitled to an allowance equal to the allowance payable to a judge by law.
- 87. Where the hearing of the case on the merits lasts more than one day, for each additional half-day \$112

SUPREME COURT OF CANADA

88. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for a special consideration.

PART 4

TARIFF IN CRIMINAL AND PENAL
PROCEEDINGS UNDER THE YOUNG
OFFENDERS ACT**Special rules**

89. Where a flat-rate remuneration is prescribed for professional services and a part of such services is rendered by one advocate and a part by one or more other advocates, the remuneration is paid jointly to those various advocates.

90. Where the tariff prescribes a *per diem* remuneration for professional services, the advocate is entitled to only one-half of the fees prescribed where his presence in Court was not required for more than one half-day.

For the purposes of this section, 1:00 p.m. is the middle of the day.

Professional services rendered by an advocate at a hearing held in the evening (after 7:00 p.m.) entitle him to remuneration equivalent to one half-day in addition to any remuneration to which he may be entitled under the preceding sections.

91. Remuneration payable for professional services rendered by an advocate on a finding or a plea of guilty to a lesser and included offence is that which would have been payable in respect of the offence charged.

92. Where an advocate represents a client who has been charged under more than one count and the proceedings on the various counts are held in the same court at or about the same time, the advocate is entitled only to the remuneration prescribed for a single count, except in the case of a special consideration.

The remuneration which applies in such case is that prescribed for the highest paid professional service.

93. Where an advocate represents two or more recipients charged with the same offence or with a like offence arising from the same course of events, and where the proceedings are held in the same court at or about the same time, the advocate is entitled to one-half of the remuneration prescribed for the professional services rendered to each of the other recipients, except in the case of a special consideration.

94. At first instance, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the accused.

On appeal, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the person who, at first instance, was the accused.

95. An advocate is not entitled to reimbursement of his photocopy costs.

96. Appearance before a justice and appearance before a judge for the purpose of entering a plea of not guilty or making an election and adjournment are not considered to be essential aspects of the advocate's mandate.

FIRST INSTANCE

**Indictable offences within the exclusive jurisdiction
of the Superior Court of criminal jurisdiction,
under section 469 of the Criminal Code (Canada)**

97. Preparation of the preliminary inquiry, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (up to and including preliminary inquiry) \$228

98. All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution \$300

99. Preparation for trial, including interviews with the accused and witnesses, visit to the scene of the crime and legal research (between preliminary inquiry and sentence if any) \$456

That fee shall be payable only where the trial is actually held and judgement delivered.

100. Appearance and all stages of proceedings completed on the same day \$58

The fee prescribed above includes the remuneration for the preparation work for those stages of the proceedings.

101. Bail hearing (if held after the day of appearance) \$94

102. Waiver of preliminary inquiry under section 549 of the Criminal Code (Canada) \$35

103. Preliminary inquiry, per day	\$181	114. Notwithstanding section 112, where the case requires a trial lasting more than one day, per additional half-day of trial:	
104. Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard)	\$20	(a) trial before judge and jury	\$250
105. Trial, per day	\$364	(b) trial before judge only	\$190
106. Junior counsel at trial, per day	\$117		
The fee prescribed above applies only in cases of first-degree or second-degree murder and with the express prior consent of the general manager. The junior counsel is not entitled to preparation fees.			
107. Attendance for the purpose of entering a plea of guilty	\$117	Indictable offences under section 553 of the Criminal Code (Canada)	
108. Withdrawal of plea of guilty	\$117	115. All professional services rendered up to the final disposition of the case at first instance	\$200
109. Submissions as to sentence or submissions and sentence	\$117		
110. Sentence only	\$20	Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)	
The fees prescribed in section 109 or 110 apply only to attendance for sentence on a day other than the day on which the client was found guilty or on which he entered a plea of guilty.		116. All professional services rendered up to the final disposition of the case at first instance	\$175
111. Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction	\$20		
The advocate may not claim fees for more than two adjournments obtained at his request.		Preventive detention	
Indictable offences other than those within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada) and other than those within the exclusive jurisdiction of a judge of the Court of Québec, Criminal Division, under section 553 of the Criminal Code (Canada)		117. Preparation of the record for a contestation of preventive detention under Part XXIV of the Criminal Code (Canada), including interviews and other necessary services	\$760
112. All professional services rendered up to the final disposition of the case at first instance	\$425	118. Hearing of a motion for preventive detention, per day	\$228
113. Notwithstanding section 112 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$100		
		Extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)	
		119. Preparation and service of the proceeding ..	\$250
		120. Hearing on the merits	\$190
		Application for bail or for review of bail for an accused charged with an indictable offence	
		121. For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction	\$152
		Special provisions applicable to young offenders	
		122. All services rendered up to and including a final decision on an application for transfer under section 16 of the Young Offenders Act	\$400

123. All services rendered up to and including a final decision on an application for review under sections 28 to 32 of the Young Offenders Act	\$175
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APPEALS

Appeal by way of trial *de novo* (before a judge of the Superior Court of criminal jurisdiction)

124. Drafting of all proceedings prior to the hearing, including attendances	\$91
125. Hearing on appeal from a judgment, per day	\$273
126. Hearing on appeal from a sentence only	\$140
127. Hearing on appeal from a judgment and a sentence, per day	\$322

Appeal by way of case stated

128. Drafting and preparation of an application for a case stated	\$182
129. Attendance necessary before the trial court judge for the preparation of a case stated ...	\$91
130. Preparation of all other proceedings including attendance	\$91
131. Preparation and drafting of notice of appeal	\$28
132. Hearing of appeal	\$273

Appeal to Court of Appeal on questions of law in summary conviction proceedings

133. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$91
134. Hearing of application for leave to appeal..	\$182
135. Preparation of argument and factum	\$273
136. Hearing of appeal	\$273

Appeal to Court of Appeal

A. After verdict by jury

137. Preparation of all proceedings preliminary to the hearing including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
138. Hearing of application for leave to appeal ..	\$182
139. Preparation of argument and factum, where applicable	\$364
140. Hearing of appeal	\$273

B. Appeal from a judgment delivered by a judge without jury, a judge of the Court of Québec, Criminal Division, or a judge of the Court of Québec, Youth Division, under the Young Offenders Act

141. Preparation of all proceedings preliminary to the hearing including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
142. Hearing of application for leave to appeal ..	\$182
143. Preparation of argument and factum, where applicable	\$273
144. Hearing of appeal	\$273

C. Appeal from sentence only

145. Preparation of all proceedings preliminary to the hearing including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
146. Hearing of application for leave to appeal ..	\$182
147. Preparation of argument and factum, where applicable	\$182
148. Hearing of appeal	\$182

D. Appeal from verdict or judgment and sentence

149. The fees prescribed in A or B are added to those prescribed in C with the exception of	
(1) Hearing of applications for leave to appeal (138, 146)	\$182
(2) Hearing of appeals (140, 148)	\$364

E. Bail

150. Application for bail pending appeal (all proceedings including hearing) \$224

Appeal to the Supreme Court of Canada

151. Application for leave to appeal including preparation of notice of application for leave to appeal, memorandum of discussion and all other necessary preliminary proceedings, including attendances \$140

152. Preparation prior to hearing of application for leave to appeal \$182

153. All proceedings for bail, including the hearing of the application for leave to appeal \$455

154. All proceedings for bail, including hearing and any other attendance \$224

155. Drafting, service and filing of the notice of appeal and preparation of joint record \$140

156. Preparation of the case and factum \$546

157. Hearing of appeal \$546

Appeal from a judgment in respect of preventive detention

158. Preparation of all proceedings preliminary to the hearing including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$182

159. Preparation of argument and factum, where applicable \$364

160. Hearing of appeal \$273

Appeal in respect of extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)

161. Preparation of all proceedings preliminary to the hearing including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$182

162. Preparation of argument and factum, where applicable \$364

163. Hearing of appeal \$273

BREACH OF CONDITION

(Under section 738(4) of the Criminal Code of Canada)

164. Appearance and all stages of the proceedings completed on the same day \$23

The fee prescribed above comprises remuneration for preparation work for those stages of the proceedings.

165. All professional services rendered after the day of appearance, including the hearing ... \$76

PART 5**TARIFF FOR MISCELLANEOUS PROCEEDINGS****General rules**

166. Where an advocate represents two or more recipients who are joined in law or in fact and are parties to one or more issues based on a cause of action of the same nature and heard before the same judicial, quasi-judicial or administrative body at or about the same time, the advocate is entitled only to the remuneration prescribed for the professional services rendered to one recipient, except in the case of a special consideration.

167. Where a flat-rate fee is prescribed for professional services and a part of such services is rendered by one advocate and a part by one or more other advocates, the remuneration is paid jointly to those various advocates.

168. Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled to an additional fee of \$98 for the evening and for each additional half-day. For the purposes of this rule, 1:00 p.m. is the middle of the day.

169. Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II-A of the civil tariff at first instance *mutatis mutandis*.

170. Where an appeal is heard in Superior Court, the fees are those prescribed for Class II-B of the civil tariff at first instance *mutatis mutandis*.

171. Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II-B of the tariff of the Court of Appeal.

172. Discontinuance at the hearing means discontinuance in open court in the presence of the adverse party.

173. An advocate shall receive a fixed amount of \$10 as a reimbursement of his photocopy costs, without having to provide vouchers.

Youth Protection Act

174. Intervention with the Director of Youth Protection including any voluntary measures prior to intervention in court; per attendance \$50

175. All services rendered before the Court of Québec, Youth Division, up to a final decision including any order on a motion to declare the safety or development of a child to be endangered \$330

176. All services rendered before the Court of Québec, Youth Division, up to and including a final decision upon a motion for review of a decision or order \$330

177. Notwithstanding the foregoing, where the final decision under sections 175 and 176 is delivered without any substantial contestation at the hearing on the merits, an advocate is entitled to only half of the fees, specifically \$165

178. Where the recourse under section 175 or 176 is terminated by discontinuance:

(a) before the hearing \$110

(b) at the hearing \$165

179. (a) All services rendered up to and including a final decision upon a motion for temporary shelter \$115

(b) Where the recourse is terminated by discontinuance \$70

180. (a) All services rendered up to a final decision upon a motion for extension of an emergency order \$115

(b) Where the recourse is terminated by discontinuance \$70

181. Attendance for adjournment or judgment ... \$22

Régie du logement

182. All services rendered before the commissioner where resiliation or eviction is not sought:

(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing \$98

(b) Upon a final decision in contested proceedings \$131

(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing \$65

183. All services rendered before the commissioner where resiliation or eviction is sought:

(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing \$197

(b) Upon a final decision in contested proceedings \$262

(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing \$65

184. (a) All services rendered upon a motion for review before the Board up to and including a final decision \$262

(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance \$130

185. Incidental motion \$66

Proceedings in respect of income security, unemployment insurance, pensions or automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights

A. Review of the decision of an administrative officer

186. All services rendered upon a motion for review up to and including a final decision \$200

B. Appeal before the administrative tribunal of last instance

187. All services rendered up to and including a final decision \$340

PROCEEDINGS IN RESPECT OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

188. All services rendered up to and including a final decision on an application for review before a review office \$200

189. All services rendered up to and including a final decision on an application before the C.A.L.P. \$459

Where the appeal terminates by discontinuance or an out-of-court settlement:

(a) before the hearing \$125

(b) at the hearing \$300

Motion for clinical psychiatric examination

190. (a) All services rendered up to and including a final judgment..... \$164

(b) Upon filing of a discontinuance \$66

Bankruptcy**A. Application for discharge**

191. All services rendered up to and including a final judgment:

(a) uncontested \$98

(b) contested \$262

B. Contestation of the application for an order requiring payment of a part of salary to the trustee

192. All services rendered up to and including a final judgment \$98

C. Motion to withdraw property from the assets assigned to creditors

193. All services rendered up to and including a final judgment \$98

Immigration Act**(A) Immigration and Refugee Board, first instance or appeal division**

194. All services rendered up to and including a final decision on an application to claim refugee status \$200

(B) Federal Court (trial division)

195. Preparation of the application for authorization to institute judicial review proceedings \$304

196. Hearing on the merits, per half-day \$136.50

(C) Federal Court (appeal division)

197. After filing of the notice of appeal, for any case terminated or appeal abandoned \$300

198. Hearing of the appeal on the merits \$900

Tariff in parole proceedings**Before the Commission québécoise des libérations conditionnelles and before the National Parole Board****Normal application and post-suspension application**

199. All services rendered up to and including a final decision \$200

Appeal before the Parole Board

200. All services rendered up to and including a final decision \$310

Coroner's inquest

201. Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the crime and legal research \$76

202. Attendance at coroner's inquest, per day.... \$181

9937

Draft Regulation

Legal Aid Act
(R.S.Q., c. A-14; 1996, c. 23)

Regulation

— Amendments

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and paragraph 2 of section 59 of the Act to amend the Legal Aid Act (1996, c. 23), that the Regulation to amend the Regulation respecting the application of the Legal Aid Act, made by the Commission des services juridiques at its sitting of 26 July 1996, the text of which appears below, may be submitted to the Government for approval at the expiry of 15 days following this publication.

The Draft Regulation falls within the scope of the reform of the legal aid plan and of the passage of the Act to amend the Legal Aid Act (1996, c. 23), assented to on 20 June 1996.

The Draft Regulation comprises

(1) amendments of a terminological nature, in order to harmonize the Regulation respecting the application of the Legal Aid Act with the concepts introduced in the Civil Code of Québec;

(2) amendments to ensure concordance between the Regulation and the provisions of the Act to amend the Legal Aid Act (1996, c. 23), particularly with respect to the introduction, under that Act, of contributory legal aid and with respect to the operations of the legal aid review committee; and

(3) amendments to the provisions pertaining to the administration of the Commission des services juridiques and the legal aid centres, specifically with respect to the annual general meetings of the regional centres, the date for submitting to the Commission annual reports by local and regional legal aid centres, and the documents and information that the legal aid centres must send to the Commission chairman.

The Draft Regulation pertains to the organization and operation of the agencies responsible for administering the legal aid plan and, in that sense, has no significant impact on businesses or the general public, other than the fact that the relaxing of the operating rules of the legal aid review committee should speed up the processing of applications for review submitted by persons seeking legal aid.

Further information may be obtained by contacting Mr. Jacques Lemaître-Auger, Secretary of the Commission des services juridiques, 2, complexe Desjardins, Tour de l'Est, suite 1404, Montréal (Québec), H5B 1B3; tel. (514) 873-3562, fax (514) 873-8762.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 15-day period, to Mr. Jacques Lemaître-Auger, Secretary of the Commission des services juridiques, 2, complexe Desjardins, Tour de l'Est, suite 1404, Montréal (Québec), H5B 1B3.

PIERRE LORRAIN,
*Chairman of the Commission
des services juridiques*

Regulation to amend the Regulation respecting the application of the Legal Aid Act

Legal Aid Act
(R.S.Q., c. A-14, s. 80, 1st par., subpars. *c, d, e, f, g, i, j, k, m, n* and *p*, and 2nd, 4th and 5th pars.; 1996, c. 23, s. 42)

1. The Regulation respecting the application of the Legal Aid Act (R.R.Q., 1981, c. A-14, r. 1), amended by the Regulations approved by Orders in Council 2416-82 dated 20 October 1982, 2873-82 dated 8 December 1982, 941-83 and 942-83 dated 11 May 1983, 1721-86 dated 19 November 1986 and 41-94 dated 10 January 1994, is further amended, in section 1, by substituting the following for paragraph *a*:

“(a) “general manager”: the general manager of a regional legal aid centre and the persons to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act;”

2. Section 2 is amended by substituting the words “head office” for the words “corporate seat”, wherever they appear.

3. Section 8 is amended by deleting the words “in writing”.

4. Section 11 is amended by substituting the words “The administrative committee, in addition to the functions assigned to it by the Act:” for the words “The administrative committee:”.

5. Section 15 is amended

(1) in the French text, by deleting the words “en corporation” after the word “constituées”; and

(2) by deleting the words “officers or other” before the word “persons”.

6. Section 17 is revoked.

7. Section 18 is amended by substituting the following for subparagraphs *a* and *b* of the first paragraph:

“(a) its name;

(b) its head office;”.

8. Section 20 is amended by substituting the numeral “3” for the numeral “4”.

9. Section 22 is amended by substituting the words “no later than 15 May each year” for the words “during the month of April” after the word “meeting”.

10. Section 27 is amended by substituting the word “inability” for the word “incapacity”.

11. Section 32 is amended by deleting the second sentence.

12. Section 35 is amended by substituting the numeral and words “15 May each year” for the numeral and word “30 April”.

13. Section 39 is amended by deleting the word “corporate” in paragraph *b*.

14. Section 40 is amended by substituting the word “established” for the word “incorporated” in paragraph *a*.

15. Section 50 is amended by substituting the numeral “30” for the numeral “15”.

16. The following is inserted after section 51:

“**51.1** Every legal aid centre shall, where so requested by the chairman of the Commission, send to the Commission any information or document pertaining to the administration of the Act and required by the chairman.”.

17. Section 53 is amended by substituting the words “or the person to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act” for the words “or director”.

18. Section 54 is amended by substituting the words “or a person to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act” for the words “or a director”.

19. Section 70 is amended by striking out subsection 4.

20. Section 72 is amended

(1) by inserting the following after paragraph *b*:

“(b.1) an indication that the recipient qualifies for free legal aid or for contributory legal aid and, in the latter case, an indication of the maximum contribution payable, less the administrative costs paid by the recipient;” and

(2) by substituting the word “conditional” for the word “temporary” in paragraph *g*.

21. The following is substituted for section 73:

“**73.** Refusal: A notice of the refusal, suspension or withdrawal of legal aid shall give the reasons therefor. In the case of a refusal or a withdrawal, the notice shall indicate that the applicant or, as the case may be, the recipient is entitled to apply for a review of the decision and shall state the deadline by which such application must be filed.”.

22. The French version of section 74 is amended by substituting the words “l’officier de la publicité des droits” for the words “le registrateur”.

23. Section 77 is amended in the third sentence of the first paragraph by inserting the words “, less any contribution payable by the recipient,” after the word “fees”.

24. Sections 83 to 87 are revoked.

25. The following is substituted for section 88:

“**88.** The committee shall keep minutes of its meetings.”.

26. Section 89 is revoked.

27. The following is substituted for section 90:

“**90.** The committee shall immediately send a copy of its decisions to the Commission chairman.”.

28. Section 91 is revoked.

29. The following is substituted for section 92:

“**92.** Where the general manager issues a conditional certificate of qualification within the scope of an application for review, he shall immediately send a copy thereof to the review committee.”.

30. Following approval by the Government, this Regulation will come into force the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9938

Draft Regulation

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

Services contracts of government departments and public bodies — 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 services contracts of government departments and public bodies, the text of which appears below, may be made by the Government, with or without amendments, at the expiry of 45 days following this publication.

The Draft Regulation provides for the replacement of specific criteria for registration under certain environmental specialties in the central register of suppliers of services and goods to the Government, by a certification requirement in the area of ISO international standards for quality management, that is, ISO Standard 9001 or 9002. For other specialties in the same field, the requirement pertains to accreditation based on the ISO/IEC Guide 25 and issued by the Minister of the Environment and Wildlife.

The Draft Regulation also contains provisions that apply specifically to general maintenance contracts estimated at \$50 000 or more, by imposing the use of a public call for tenders from that cutoff price and ISO 9003 certification as a condition of eligibility to tender or, in cases where that requirement is not imposed, by applying a contract award rule making it possible, when evaluating tenders, to determine the lowest qualifying bid after subtracting 10 % of the price tendered in the case of a tender submitted by a supplier holding ISO 9003 certification.

The Draft Regulation also provides that the majority of the rules currently applying to contracts for less than \$100 000 under the Regulation respecting travel services contracts of government departments and public bodies will be included in the Regulation respecting services contracts of government departments and public bodies. Certain amendments to those rules are nonetheless provided for and will eliminate the random selection of travel agencies referred from the central register, will make it possible to register suppliers in the register on a regional rather than a sub-regional basis and will enable the department or body to determine the agency with which it will sign a contract from amongst those registered under the specialty and in the region covered by the contract.

The Draft Regulation will impact on suppliers affected by the introduction of requirements in the area of quality management certification, as well as on suppliers providing general maintenance services. However, the process for implementing these requirements and the rules specific to general maintenance contracts were developed in close cooperation with the major clients and the representatives of the suppliers concerned.

The Draft Regulation constitutes a considerable relaxing of the regulations governing travel services contracts, while the supplier selection criteria proposed will make it possible to encourage competition among suppliers, as to both the quality and the cost of the services, and will make it possible to favour the awarding of contracts on a regional basis.

Further information may be obtained by contacting Mr. Paul Périard, Secrétaire du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8; telephone (418) 643-2755, fax (418) 646-8103.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration and the Public
Service, Chairman of the Conseil du trésor*

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

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

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

1. The Regulation respecting services contracts of government departments and public bodies, made by Order in Council 1169-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1810-93 dated 15 December 1993, 557-94 dated 20 April 1994, 1107-94 dated 20 July 1994, 783-95 dated 14 June 1995 and 236-96 dated 28 February 1996, is further amended, in section 2,

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

“Services contract” means a services contract within the meaning of the General Regulation respecting the conditions of contracts of government departments and public bodies, except a snow removal services contract within the meaning of the Regulation respecting snow removal services contracts of government departments and public bodies or a services contract entered into with an individual; (*contrat de services*); and

(2) by inserting the following after the definition of “Subregion”:

“Travel services” means services for the purposes of obtaining the issue of airline passenger tickets. Such services may include, in particular, advice on the organization of a trip, hotel reservations, car rental, and the reservation, issue and delivery of ground transportation tickets. (*services relatifs aux voyages*”).

2. Section 7 is amended by inserting the following after paragraph 3:

“(4) for an auxiliary services contract pertaining to the general maintenance specialty, for an estimated amount of \$50 000 or more.”.

3. The following is inserted after section 82:

“DIVISION 4

AUXILIARY SERVICES CONTRACTS PERTAINING TO THE GENERAL MAINTENANCE SPECIALTY

82.1 This Division applies to auxiliary services contracts pertaining to the general maintenance specialty, for an estimated amount of \$50 000 or more.

82.2 The instructions to suppliers contained in the tender documents shall indicate that the call for tenders applies only to suppliers working in the specialty and holding an ISO 9003 registration certificate and that the contract will be awarded to the supplier who submits the lowest qualifying bid as computed in accordance with the method described in the tender documents.

82.3 Notwithstanding section 82.2, where there are less than three suppliers holding an ISO 9003 registration certificate in the region concerned, the instructions to suppliers may indicate that:

(1) the call for tenders applies only to suppliers working in the specialty and holding an ISO 9003 registration certificate and that, in such case, the contract will be awarded to the supplier who submits the lowest qualifying bid as computed in accordance with the method described in the tender documents; or

(2) the call for tenders applies to all suppliers working in the specialty and that, in such case, the contract will be awarded to the supplier who submits the lowest qualifying bid as computed in accordance with the method described in the tender documents, taking into account, where the bid is submitted by a supplier holding an ISO 9003 registration certificate, that the lowest qualifying bid is determined after subtracting from such supplier’s bid 10 % of the price he submitted.

82.4 In this Division, “ISO 9003 registration certificate” means a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier concerned has a quality system for the field covered by the general maintenance specialty, complying with Standard ISO 9003.

DIVISION 5

TRAVEL SERVICES CONTRACTS

82.5 This Division applies to travel services contracts for an estimated amount of less than \$100 000.

§1. Registration in the central register

82.6 Suppliers shall be registered in the central register, on a regional basis, under the specialty travel within Canada or travel to other destinations. To be registered

in the register, a supplier shall meet the following conditions in respect of the place of business covered by the registration:

(1) the place of business shall be situated in the region;

(2) the supplier shall have staff available during regular business hours;

(3) for the travel within Canada specialty, the supplier shall have recorded sales of not less than \$500 000 for the last fiscal year;

(4) for the travel to other destinations specialty, the supplier shall have recorded sales of not less than \$3 000 000 for the last fiscal year and shall have in his employ two travel consultants having a minimum of five years of experience each;

(5) the supplier shall hold the required permit from the Office de la protection du consommateur; and

(6) the supplier shall be accredited by the International Air Transport Association.

82.7 In a region where no supplier meets all the conditions for registration in the specialty concerned, temporary registration may be offered to a supplier who applies therefor and who meets the conditions set out in paragraphs 1, 2, 5 and 6 of section 82.6.

Notwithstanding the foregoing, for the purposes of temporary registration in the travel to other destinations specialty, a supplier shall also have recorded sales of not less than \$2 000 000 for the last fiscal year and shall have in his employ one travel consultant having a minimum of five years of experience.

82.8 To remain registered in the central register, a supplier shall at all times meet the conditions prevailing at the time of his registration.

82.9 Each year, the Minister shall send to the departments and bodies a list of the suppliers registered before 1 April of that year with the central register under each specialty. That list shall be valid from 1 April until 31 March of the following year.

§2. Contract award

82.10 All contracts shall be signed with a supplier:

(1) whose name appears on the list referred to in section 82.9, under the specialty concerned;

(2) who is located in the region from which the traveller originates.

82.11 Notwithstanding paragraph 2 of section 82.10, a contract may be signed with a supplier located in a region other than that of the traveller:

(1) in the case of a trip north of the 55th parallel or of travellers posted outside Québec;

(2) where the department or body groups together travellers going to the same destination but originating from different regions, or where the Attorney General of Québec summons persons to appear;

(3) where, during the two years preceding the signing of the contract, the sole supplier registered in the central register in a given region and under a given specialty is the subject of an unsatisfactory performance report from the department or body concerned.

In the situations provided for in subparagraph 1 of the first paragraph, the contract may also be signed directly with an air carrier.”.

4. The following is substituted for section 89:

“**89.** If the supplier’s name was referred from the central register, the deputy minister or the chief executive officer of the body shall send to the Minister a copy of any unsatisfactory performance report, except a report pertaining to a supplier registered under a specialty in the travel services group.”.

5. The following is substituted for section 143:

“**143.** To be registered at level 1 or 2 under the microbiological analysis, inorganic chemical analysis or organic chemical analysis specialty, a supplier shall be accredited by the Minister of the Environment and Wildlife on the basis of the ISO/IEC Guide 25 and in at least one field of accreditation in the specialty concerned. The supplier shall also work in the specialty in which he is registered and shall have in his employ the staff required for that purpose.”.

6. Section 144 is revoked.

7. The following is substituted for sections 146 and 147:

“**146.** To be registered at level 1 or 2 under the characterization of potentially contaminated sites specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the

effect that the supplier has a quality system for the field covered by the specialty concerned, complying with Standard ISO 9002.

147. To be registered at level 1 or 2 under the restoration of contaminated sites specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier has a quality system for the field covered by the specialty concerned, complying with Standard ISO 9001.”.

8. Section 148 is revoked.

9. The provisions of this Regulation come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except

(1) section 1, the sections pertaining to Division 5, introduced by section 3, and section 4, which come into force on 1 April 1997; and

(2) sections 5 to 8, which come into force on 1 October 1996.

9941

Draft Regulation

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

Snow removal services contracts of government departments and public bodies — 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 snow removal services contracts of government departments and public bodies, the text of which appears below, may be made by the Government, with or without amendments, upon the expiry of 45 days following this publication.

The Draft Regulation provides that experience acquired in carrying out work for Hydro-Québec, the Société d'énergie de la Baie James or the federal government be considered for the purpose of registration in the central register of snow removal contractors.

The Draft Regulation will affect primarily highway snow removal contractors, for whom it will henceforth be possible to have experience with organizations other than the Ministère des Transports or a municipality considered when registering with the central register.

Further information may be obtained from Mr. Paul Périard, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8; telephone: (418) 643-2755, fax: (418) 646-8103.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration and the Public Service,
Chairman of the Conseil du trésor*

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

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

1. The Regulation respecting snow removal services contracts of government departments and public bodies, made by Order in Council 1170-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 448-94 dated 30 March 1994, 222-95 dated 22 February 1995, 784-95 dated 14 June 1995 and 237-96 dated 28 February 1996, is further amended by substituting the following for section 39:

“**39.** To be registered in level 1 of the central register, a contractor shall have an establishment located in the subregion covered by the registration, shall file a statement concerning his equipment pursuant to section 41.3 and shall have carried out, during 2 of the 8 years preceding registration, snow removal contracts for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government or have in his employ a person with at least 4 years of experience in snow removal work for any of those organizations.”.

2. The Regulation is amended by substituting the following for section 41:

“**41.** To be registered in level 2 of the central register, a contractor shall have an establishment in Québec or, where an intergovernmental agreement is applicable, in Québec or in a province or territory covered by that agreement, shall file a statement concerning his equipment pursuant to section 41.3 and shall have carried out, during 5 of the 8 years preceding registration, snow

removal contracts for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government.”.

3. The following is substituted for subparagraph b of paragraph 2 of section 42:

“(b) that, where he is registered in level 2 of the central register, he has carried out, during 5 of the 10 preceding years, snow removal contracts for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government; and”.

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

9940

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Solid Waste

— 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 solid waste, the text of which appears below, may be made by the Gouvernement du Québec at the expiry of 60 days following this publication.

With a view to promoting activities that will allow for sustainable development, the draft of the Regulation to amend the Regulation respecting solid waste proposes that facilities for the recovery or composting of presorted materials be exempted from the application of the Regulation respecting solid waste. This measure will facilitate the installation of such facilities and should thus contribute to the attainment of the objective set by the Politique de gestion des déchets solides, that is, a 50 % reduction of waste for elimination by the year 2000. The draft of the Regulation to amend the Regulation respecting solid waste also proposes the lifting of the prohibition concerning the recovery of construction or demolition debris from a dry materials disposal site for the purposes of valorization.

Certain provisions concerning the operation of a sanitary landfill site have become outdated since they came into force in 1978. The draft of the Regulation to amend the Regulation respecting solid waste proposes that those

provisions be struck out, where no longer relevant, or that they be updated.

The draft of the Regulation to amend the Regulation respecting solid waste constitutes an easing of the regulatory restrictions imposed on economic agents. Administrative requirements in respect of the establishment of certain facilities for the valorization of presorted materials will be relaxed, while the updating of certain provisions will make application of the Regulation easier for the operators of landfill sites, who are currently obliged to comply with out-of-date and inappropriate rules.

Information concerning the draft of the Regulation to amend the Regulation respecting solid waste may be obtained by contacting Ms. Josée Dupont, Direction de la coordination, Ministère de l'Environnement et de la Faune, Édifice Marie-Guyart, 6^e étage, 675, boulevard René-Lévesque Est, Québec (Québec), G1R 5V7; tel. (418) 521-3866, ext. 4607.

Any interested person having comments to make on the draft of the Regulation to amend the Regulation respecting solid waste is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment and Wildlife, Édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec), G1R 5V7.

DAVID CLICHE,
Minister of the Environment and Wildlife

Regulation to amend the Regulation respecting solid waste

Environment Quality Act
(R.S.Q., c. Q-2, s. 70)

1. The Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r. 14), amended by the Regulations made by Orders in Council 195-82 dated 27 January 1982 (Suppl., p. 1071), 1075-84 dated 9 May 1984, 1003-85 dated 25 May 1985, 2238-85 dated 31 October 1985, 1621-87 dated 21 October 1987, 1863-88 dated 14 December 1988, 1615-91 dated 27 November 1991, 30-92 dated 15 January 1992, 585-92 dated 15 April 1992 and 1458-93 dated 20 October 1993, is further amended by substituting the following for paragraph *q* of section 1:

“(q) “recovery”: method of treating solid waste by recovering waste materials, through collection, sorting, storing or conditioning, for the purposes of valorization;”.

2. The following is inserted after section 1:

1.1 Recovery or composting of presorted materials: Any waste recovery or composting system or facility which receives only presorted materials or materials collected selectively and in which, as the case may be, compostable materials are received separately from other recoverable materials is not a solid waste elimination site or storage site within the meaning of this Regulation.”.

3. Section 3 is amended by inserting the words “contemplated in Division VI” after the word “system” in the last paragraph.

4. Section 5 is amended by inserting the words “contemplated in Division VII” after the word “plant” in paragraph *e*.

5. Section 15 is amended

(1) by striking out the second paragraph; and

(2) by substituting the numeral “42,” for the numeral and word “41 to” in the last paragraph.

6. Section 17 is amended, in the table, by substituting the words and numeral “1 % of building costs, minimum \$25 000 and maximum \$1 000 000” for the words and numeral “5 % of building costs and a minimum of \$25 000”.

7. The following is substituted for sections 30.3 and 30.4:

“30.3 Sampling methods: Leachate sampling for the purposes of verifying compliance with the standards prescribed in section 30 must be carried out in accordance with the procedures described in the Guide d’échantillonnage à des fins d’analyses environnementales published by the Ministère de l’Environnement et de la Faune.

30.4 Analysis methods: Analysis of leachate samples must be carried out by a laboratory accredited by the Minister under section 118.6 of the Act and in accordance with the methods described in the Liste des méthodes d’analyses relatives à l’application des règlements découlant de la Loi sur la qualité de l’environnement published by the Ministère de l’Environnement et de la Faune.

Any analysis report produced by a laboratory must bear the signatures of the professionals involved, and the results must be approved by a chemist who is a member of the Ordre des chimistes du Québec.

30.5 Filtration prohibited: Leachate samples must not be filtered in any way, either at the time they are taken or in preparation for analysis.”.

8. The following is substituted for section 35:

“35. Control of blowing and scattered waste: The operator of a sanitary landfill site must take the necessary measures to prevent any blowing away or scattering of waste, both within the site and in the surrounding area.”.

9. Sections 37 and 41 are struck out.

10. Section 48 is amended by inserting the following after the second paragraph:

“Automobile fluff may also be used as cover material, provided that leachate from the site at which it is to be stored is caught and treated in a manner complying with the standards prescribed in section 30.”.

11. Section 53 is amended

(1) by substituting the words “an airtight container” for the words “the container”; and

(2) by deleting the words “in conformity with section 41”.

12. Section 58 is amended by substituting the words “the works or facilities used to prevent the blowing away or scattering of waste,” for the words “paper-collecting fences”.

13. The heading of Division VI is amended by adding the words “OF MIXED WASTE”.

14. The following is inserted in Division VI:

“68.1 Application: The provisions of this Division apply only to solid waste recovery systems that receive recoverable materials mixed with compostable materials or with non-recoverable materials.”.

15. Section 69 is amended by substituting the words “recovery system contemplated in section 68.1” for the words “system for the recovery of materials and products contained in solid waste”.

16. Section 70 is amended

(1) by inserting the words “contemplated in section 68.1” after the words “recovery system”; and

(2) by adding the words “or a dry materials disposal site” at the end.

17. Section 72 is amended

(1) by substituting the following for the heading and the first sentence:

“**72. Recovery at a sanitary landfill site or a dry materials disposal site:** At a sanitary landfill site or a dry materials disposal site, recovery must be carried out in an area separate from the landfill area and the disposal area.”; and

(2) by adding the words “or IX, as the case may be” at the end.

18. Section 74 is amended by adding the words “contemplated in section 68.1” at the end.

19. Section 75 is struck out.

20. Section 76 is amended by deleting the words “a dry materials disposal site.”.

21. Section 78 is amended

(1) by inserting the words “contemplated in section 68.1” after the word “system”; and

(2) by deleting the words “and subject to the limitation provided in Division XIV”.

22. Section 79 is amended by inserting the words “contemplated in section 68.1” after the word “system”.

23. The heading of Division VII is amended by adding the words “OF MIXED WASTE”.

24. The following is inserted in Division VII:

“**79.1 Application:** The provisions of this Division apply only to solid waste compost plants that receive compostable materials mixed with other materials, whether recoverable or non-recoverable.”.

25. Section 80 is amended by inserting the words “contemplated in section 79.1” after the word “plant”.

26. Section 81 is amended by adding the words “contemplated in section 79.1” at the end.

27. Section 82 is amended by inserting the words “contemplated in section 79.1” after the word “plant”.

28. Section 88 is amended by substituting the words “and the fourth” for the words “of the third”.

29. The following is substituted for section 101:

“**101. Application:** The provisions of this Division apply to transfer stations that receive at least 5 metric tons per day of solid waste containing either compostable materials mixed with other materials or recoverable materials mixed with non-recoverable materials.”.

30. Section 102 is amended by inserting the words “contemplated in section 101” after the word “station”.

31. Section 103 is amended by adding the words “contemplated in section 101” at the end.

32. Section 114 is amended by inserting the words “contemplated in Division VI and” after the words “recovery systems”.

33. Section 127 is amended

(1) by inserting the words “to recovery or composting systems or facilities contemplated in section 1.1,” after the words “and to any related storage on the premises of that business,” in the third paragraph; and

(2) by inserting the words “contemplated in Division VI and” after the word “systems” in the fourth paragraph.

34. Section 137 is amended by substituting the numeral “42,” for the numeral and word “41 to”.

35. Schedule B to the Regulation is struck out.

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

9939

Draft Regulation

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

Travel services contracts of government departments and public bodies — Revocation

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 revoke the Regulation respecting travel services contracts of government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following the date of this publication.

The purpose of the draft Regulation is to revoke the Regulation respecting travel services contracts of government departments and public bodies, in accordance with the amendments proposed in the draft Regulation to amend the Regulation respecting services contracts of government departments and public bodies, which will have the effect of including in that Regulation the rules applicable to travel services contracts for an amount of less than \$100 000.

Study of the matter has revealed no significant impact since the content of the revoked Regulation will be included in the Regulation respecting services contracts of government departments and public bodies.

Further information may be obtained from Mr. Paul Périard, Secrétariat of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8; telephone: (418) 643-2755, fax: (418) 646-8103.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration and the Public Service,
Chairman of the Conseil du trésor*

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

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

1. The Regulation respecting travel services contracts of government departments and public bodies, made by Order in Council 1171-93 dated 18 August 1993 and amended by the Regulation made by Order in Council 238-96 dated 28 February 1996, is revoked.

3. This Regulation comes into force on 1 April 1997.

Municipal Affairs

Gouvernement du Québec

O.C. 948-96, 7 August 1996

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amalgamation of the Village de Chénéville and the
Municipalité de Vinoy

WHEREAS each of the municipal councils of the Village de Chénéville and the Municipalité de Vinoy adopted a by-law authorizing the filing of a joint application with the Government, requesting that it constitute a local municipality resulting from the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS no objections were sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality resulting from the amalgamation of the Village de Chénéville and the Municipalité de Vinoy be constituted, under the following conditions:

(1) The name of the new municipality is "Municipalité de Chénéville".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 8 May 1996; that description is attached as a schedule to this Order in Council.

(3) The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

(4) The new municipality is part of the Municipalité régionale de comté de Papineau.

(5) A provisional council will remain in office until the first general election. It will be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum will be eight members. The two mayors will alternate each month as mayor and acting mayor of the provisional council. The mayor of the former Municipalité de Vinoy will serve as mayor for the first month and the mayor of the former Village de Chénéville will act as acting mayor for that period.

(6) The first general election will be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If the fourth month is the month of January, the first general election will be postponed until the first Sunday in February.

The second general election will be held on the first Sunday in November 2000.

(7) The council of the new municipality will be composed of 7 members, that is, a mayor and 6 councillors. From the first general election, the councillors' seats will be numbered from 1 to 6.

(8) For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Village de Chénéville, will be eligible for seats 1, 3 and 5 and only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Municipalité de Vinoy, will be eligible for seats 2, 4 and 6.

For the second general election, only those persons who would be eligible under that Act, if such election were an election of the council members of the former Municipalité de Vinoy, will be eligible for seat 2.

(9) Mrs. Denise Imbault, of the former Municipalité de Vinoy, will act as assistant secretary-treasurer of the new municipality until the council elected in the first general election decides otherwise.

(10) The budgets adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues will be accounted for separately as if those municipalities had continued to exist. Notwith-

standing the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budgets of each of the former municipalities in proportion to their standardized real estate values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Order in Council 719-94 dated 18 May 1994 and Order in Council 502-95 dated 12 April 1995), as appearing in the financial reports of those municipalities for the last fiscal year ended before the coming into force of this Order in Council.

(11) The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force prior to the coming into force of this Order in Council will continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

(12) Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipality adopted a separate budget will be used for the purchase of community property to be used by the entire population of the municipality.

However, the amounts of the surplus which, at the date of coming into force of this Order in Council, were reserved for specific purposes will continue to be reserved for those purposes.

(13) Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipality adopted a separate budget will be charged to all the taxable immovables of that former municipality.

(14) Any debt or gain that may result from legal proceedings, for any act performed by a former municipality, will continue to be charged or credited to all the taxable immovables in that former municipality.

(15) The new municipality succeeds to the rights, obligations and responsibilities of the former municipalities. It becomes, without continuance of suit, a party to any proceeding in the place and stead of those former municipalities.

(16) All the movable and immovable property belonging to each of the former municipalities becomes the property of the new municipality.

An inventory will be taken of all the documents, by-laws, minutes, assessment rolls, photographs, building permits, maps, plans, reports and the like produced or received by the former municipalities under the direction of the secretary-treasurer.

(17) A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Municipalité de Chénéville".

That municipal bureau succeeds to the municipal housing bureau of the former Village de Chénéville, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the municipal housing bureau of the new Municipalité de Chénéville as if it had been incorporated by letters patent under section 57 of that Act.

The members of the bureau are the members of the former municipal housing bureau in office at the time of the coming into force of this Order in Council.

(18) An annual tax credit is granted to the owners of the taxable immovables of the sector formed of the territory of the former Municipalité de Vinoy for the first complete fiscal year following the coming into force of this Order in Council. The credit is \$0.40 per \$100 of assessment.

(19) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF
THE TERRITORY OF THE MUNICIPALITÉ
DE CHÉNÉVILLE, IN THE MUNICIPALITÉ
RÉGIONALE DE COMTÉ DE PAPINEAU

The present territory of the Municipalité de Vinoy and of the Village de Chénéville, in the Municipalité régionale de comté de Papineau, comprising, in reference to the cadastres of the townships of Suffolk and Hartwell, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the line dividing the townships of Suffolk and Addington and the line dividing lots 12 and 13 of range 7 of the cadastre of the Canton de Suffolk; thence, successively, the following lines and demarcations: in reference to the cadastre of the latter township, the line dividing lots 12 and 13 of range 7; part of the line dividing ranges 7 and 6, westerly, to the line dividing lots 12 and 13 of range 6; the said line dividing the lots; part of the line dividing ranges 6 and 5, westerly, to the line dividing lots 12 and 13 of range 5; the said line dividing the lots; part of the line dividing ranges 5 and 4, westerly, to the line dividing lots 12 and 13 of range 4; the said line dividing the lots crossing the

public road and the lake that it meets; part of the line dividing ranges 4 and 3, easterly, to the line dividing lots 14 and 15 of range 3; the said line dividing the lots; part of the line dividing ranges 3 and 2, westerly, to the line dividing lots 14 and 15 of range 2; the said line dividing the lots, crossing the public road that it meets; part of the line dividing ranges 2 and 1, westerly, to the line dividing lots 14 and 15 of range 1; the said line dividing the lots, crossing the public road that it meets; part of the line dividing ranges 1 and A, easterly, and crossing the public road that it meets, to the line dividing lots 16 and 17 of range A; the said line dividing the lots; the southeast line of lots 16 in declining order to 5, 4A, 3, 2, 1B and 1A of range A, that line crossing the public roads and the stream that it meets; part of the line dividing the townships of Suffolk and Ripon, crossing a public road, to the line dividing the townships of Ripon and Hartwell; part of the line dividing the said townships, that line crossing route 321 and another public road that it meets to the west line of lot 1A of range 2 of the cadastre of the Canton de Hartwell; in reference to that cadastre, the west line of lots 1A and 2A of the said range, that line crossing the lake that it meets and extended into lot 3 of range 2, to the line dividing lots 3 and 4 of the said range; part of the said line dividing lots 3 and 4, westerly, to the east bank of Rivière Petite-Nation; in a general northerly direction, the east bank of Rivière Petite-Nation to the apex of the northwestern angle of lot 12A of range 2; part of the north line of the said lot 12A and the south side of the right of way of route 315, easterly, to the extension of the east side of the right of way of the public road west of lot 13A of range 2; the said extension and the east side of the right of way of the said road, northerly, to the line dividing lots 13A and 14A of range 2; part of the said line dividing the lots, easterly, to the west side of the right of way of route 321; the west side of the right of way of the said road, northerly, to the extension of the line dividing lots 14A and 14B of range 1; the said extension and the said line dividing the lots to the line dividing the townships of Hartwell and Suffolk; part of the line dividing the said townships, northerly and crossing a public road and a lake that it meets several times, to the line dividing the townships of Suffolk and Addington; finally, the north line of lots E, D and 1 to 12 of range 7 of the cadastre of the Canton de Suffolk to the starting point; the said limits define the territory of the Municipalité de Chénéville.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 8 May 1996

Prepared by GILLES CLOUTIER,
Land Surveyor

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Abbreviations: **A:** Abrogated, **N:** New, **M:** Modified

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