

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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## Coming into force of Acts

Gouvernement du Québec

**O.C. 1209-97**, 17 September 1997

**An Act to amend the Code of Penal Procedure and other legislative provisions (1995, c. 51)**  
— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Code of Penal Procedure and other legislative provisions

WHEREAS the Act to amend the Code of Penal Procedure and other legislative provisions (1995, c. 51) was assented to on 7 December 1995;

WHEREAS under section 51 of that Act, the provisions of the latter will come into force on the date or dates to be fixed by the Government, except sections 46 and 50 which came into force on 7 December 1995;

WHEREAS under Order in Council 172-96 dated 7 February 1996, sections 1, 3, 5, 7 to 9, 12, paragraphs 2, 3, 4 and 5 of section 13, sections 15, 16, 19, 20, 22, 27, 31, 33 to 45 and 47 to 49 of the Act came into force on 1 March 1996;

WHEREAS under Order in Council 799-96 dated 26 June 1996, sections 4, 17, 23 and 24 of the Act came into force on 15 July 1996;

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

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

THAT the first paragraph of section 62.1 of the Code of Penal Procedure, made by section 6 of the Act to amend the Code of Penal Procedure and other legislative provisions (1995, c. 51), and sections 18, 21 and 32 of the Act come into force on 1 October 1997.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

1757

Gouvernement du Québec

**O.C. 1227-97**, 24 September 1997

**An Act to amend various legislative provisions of the pension plans in the public and parapublic sectors (1997, c. 50)**  
— **Taking of effect of sections 52 and 53**

Taking of effect of sections 52 and 53 of the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors (1997, c. 50)

WHEREAS the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors was assented to on 19 June 1997;

WHEREAS section 122 of the Act provides that sections 52 and 53 of that Act have effect from 22 May 1997 or, if the Government makes an order to that effect, from any date not prior to 22 March 1997;

WHEREAS it is expedient to fix 22 March 1997 as the date of taking of effect of sections 52 and 53;

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

THAT 22 March 1997 be fixed as the date of taking of effect of sections 52 and 53 of the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors (1997, c. 50).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 1253-97, 24 September 1997**

**An Act respecting administrative justice  
(1996, c. 54)**

**An Act respecting the implementation  
of the Act respecting administrative justice  
(1997, c. 43)**

— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act respecting administrative justice and the Act respecting the implementation of the Act respecting administrative justice

WHEREAS the Act respecting administrative justice (1996, c. 54) was assented to on 16 December 1996 and the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43) was assented to on 19 June 1997;

WHEREAS under section 877 of the Act respecting the implementation of the Act respecting administrative justice, both acts come into force on 1 December 1997, except that the Government may, by order made before that date, provide that the provisions it indicates come into force on the date to be fixed in the order or in a subsequent order;

WHEREAS it is expedient to fix a date prior to 1 December 1997 for the coming into force of certain provisions of the Act respecting administrative justice and the Act respecting the implementation of the Act respecting administrative justice;

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

THAT sections 16, 17, 61, 63, 64, 68 to 70, 79, 80, the first paragraph of section 86, sections 98 and 199 of the Act respecting administrative justice (1996, c. 54) and the second paragraph of section 845, sections 848 to 850 as regards persons governed by section 853 and section 853, except the words “Until 1 December 1997”, of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43), and, for the sole purposes of the preceding sections, the first paragraph of section 14 of the Act respecting administrative justice, come into force on 24 September 1997.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 1268-97, 24 September 1997**

**An Act to amend the Act respecting lotteries,  
publicity contests and amusement machines  
(1997, c. 54)**

— **Coming into force**

COMING INTO FORCE of the Act to amend the Act respecting lotteries, publicity contests and amusement machines

WHEREAS the Act to amend the Act respecting lotteries, publicity contests and amusement machines (1997, c. 54) was assented to on 19 June 1997;

WHEREAS under section 10 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 24 September 1997 as the date of coming into force of the Act;

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

THAT 24 September 1997 be fixed as the date of coming into force of the Act to amend the Act respecting lotteries, publicity contests and amusement machines (1997, c. 54).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

1771

## Regulations and Other Acts

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Gouvernement du Québec

### O.C. 1197-97, 17 September 1997

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

#### Pension plan for federal employees — Amendments

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

WHEREAS under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the employees of the federal government who transfer to an employment that is pensionable employment under that plan within the framework of an agreement between the Government of Canada and the government of Québec may elect, in accordance with the rules and conditions fixed by the Government, to become members of that plan or of a pension plan established by the Government in respect of those employees or of each group of employees affected by such an agreement and similar to the plan to which they formerly belonged, and section 125 of that Act applies to the plan thus established;

WHEREAS under the second paragraph of that section 10.0.1, no order made under the first paragraph may have effect more than 6 months before its adoption;

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

WHEREAS under section 109 of Chapter 50 of the Statutes of 1997, the amendments relating to the temporary measures made to the retirement plans established under that section 10.0.1 by the first order in council concerning those measures made pursuant to that section after 19 June 1997, may be made without increasing employee contributions and the additional costs resulting from the amendments shall be paid out of the actuarial surplus of that plan, notwithstanding section 125 of the Act;

WHEREAS it is expedient to amend that plan in order to introduce temporary measures therein;

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

THAT the amendments to the Pension plan for federal employees transferred to employment with the gouvernement du Québec, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 10.0.1; 1997, c. 50, s. 109)

**1.** Section 40 of the Pension plan for federal employees transferred to employment with the gouvernement du Québec is amended, in the definition of the expression “annual allowance”, by substituting “, 67 to 70 and 90.5” for “and 67 to 70”.

**2.** The following chapter is inserted after section 90:

#### “CHAPTER VI TEMPORARY MEASURES

##### DIVISION I APPLICABILITY AND MISCELLANEOUS PROVISIONS

**90.1** This Chapter applies to a contributor who made an application to that effect received by the Commission before 11 July 1997 and who

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\* The Pension plan for federal employees transferred to employment with the gouvernement du Québec, made by Order in Council 430-93 dated 31 March 1993 (1993, G.O. 2, 2390), was amended by Order in Council 735-96 dated 19 June 1996 (1996, G.O. 2, 2878).

(1) did not enter, before 19 December 1996, into an agreement with his employer within the scope of measures designed to reduce personnel or any other measure designed to promote retirement or, as the case may be, waive such agreement entered into after 18 December 1996 within the scope of measures in force before that date; and

(2) ceases to hold employment with his employer and retires before 3 July 1997.

**90.2** A contributor who meets the condition provided for in paragraph 1 of section 90.1 and who is entitled to receive, before 2 July 1997 under the provisions of this Chapter, an immediate pension or an annual allowance may cease to hold employment with his employer, retire and prevail himself of the provisions of this Chapter no later than 2 July 1997 or at the end of a 30-day period after the date of receipt of an estimate of his pension or annual allowance made by the Commission, whichever is later, if he has sent to the Commission, within 30 days from the date of receipt of his statement of participation in the plan sent by the Commission for the application of the measures provided for in this Chapter, an application for an estimate of his pension or annual allowance.

**90.3** A contributor who has benefited from the measures provided for in this Chapter and whose pension is no longer paid to him under the provisions concerning a pensioner's return to work in the provincial Act is entitled to receive, as an adjustment to his pension, a lump sum corresponding to the amounts of pension that were not paid to him between 21 March 1997 and 1 September 1997.

**90.4** Except in respect of a contributor who prevails himself of them, the measures in this Chapter apply until 2 July 1997, subject to the provisions prescribed by this Division.

## **DIVISION II**

### **TEMPORARY CRITERIA OF ELIGIBILITY FOR A PENSION**

**90.5** Notwithstanding Divisions II and III of Chapter V of this Title, a contributor who ceases to hold employment with his employer is entitled to

(1) an immediate pension if, at the time of cessation,

(a) his age and years of service giving entitlement to a pension total 80 or more, and if he is at least 50 years of age; or

(b) he has attained 60 years of age; or

(2) an annual allowance payable immediately if, at the time he ceases to hold employment, he has reached age 50 and has at least 10 years of service giving entitlement to a pension, and equal to the amount of pension established according to section 55 less the smallest of the 2 products obtained by multiplying 3 % of the pension amount

(a) by 60 less his age, rounded to the nearest tenth of a year; or

(b) by half the difference between 80 and the total of his age and years of service giving entitlement to a pension.

**90.6** Where a contributor dies while being entitled to an immediate pension or an annual allowance payable immediately under section 90.5, or where a contributor dies while holding a position with his employer and who could have benefited from the measures provided for in this Chapter before they cease to apply in his respect, both his surviving spouse and children are entitled to an annual allowance and sections 63 and 70 apply, adapted as required.

## **DIVISION III**

### **ACTUARIAL VALUATION**

**90.7** The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan shall request the Commission to cause to be prepared, not later than 31 October 1998, by the actuaries it designates, the valuation of additional actuarial commitments arising out of the introduction of the temporary criteria of eligibility for a pension provided for in Division II and of the actuarial reductions that will not be made pursuant to that Division.

Notwithstanding the second paragraph of section 94, the assessment rate shall not be revised if that valuation reveals that the plan has an actuarial surplus sufficient to pay the costs resulting from the amendments provided for in this Chapter.”.

**3.** These amendments come into force on the day they are made by the Government, but have effect since 22 March 1997.

1760



Gouvernement du Québec

**O.C. 1210-97**, 17 September 1997

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

**Form of offence reports**

Regulation respecting the form of offence reports

WHEREAS under paragraph 1 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1) the Government may, by regulation, prescribe the form of offence reports, including electronically-generated reports;

WHEREAS the Government made the Regulation respecting the form of offence reports by Order in Council 1411-93 dated 29 September 1993;

WHEREAS it is expedient to replace that Regulation to provide for the methods of generating offence reports both in paper form and in electronically-generated form;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the form of offence reports was published in Part 2 of the *Gazette officielle du Québec* of 17 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make this Regulation with amendments;

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

THAT the Regulation respecting the form of offence reports, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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**Regulation respecting the form of offence reports**

Code of Penal Procedure  
(R.S.Q., c. C-25.1, art. 367, par. 1)

**CHAPTER I**  
METHODS OF GENERATING AN OFFENCE REPORT

**DIVISION I**  
GENERAL

**1.** The purpose of this Regulation is to establish the form of offence reports, whether on paper or electronically-generated.

In addition, it is also intended to ensure that the paper and electronic forms of an offence report are interchangeable, to allow the concomitant use of either form, and to establish that the computer data that constitute the report in electronic form have the same legal force as the report in paper form.

**2.** This Regulation governs the form of an offence report, where it is used to disclose or to adduce evidence in a penal proceeding or where it is conserved and filed in the court record.

**3.** The expression “offence report” refers to the document in paper or electronic form comprised of the offence report form and the particulars that may be recorded therein.

An offence report may comprise as many pages as necessary to enable the persons responsible for enforcing the law or peace officers to describe the relevant facts that they have observed.

**4.** An offence report is a document containing headings, key words, pre-printed or pre-programmed texts and spaces allowing the optional or compulsory particulars prescribed by this Regulation relative to the penal proceeding to be entered by hand, mechanically or by computer.

It may also contain computer codes, marks or particulars, either underlying or visible, that are specific to the electronic form or are designed to ensure the security of electronic data and documentation in penal matters.

**5.** An offence report may be generated in paper form or in electronic form. It may also be drawn up in paper form, then transferred into electronic form by means of digitization, and may then be converted into hard copy.

Thus an offence report may be in paper form, either originally or after conversion from electronic form into hard copy; an offence report may also be in electronic form, either originally or after digitization from the paper form.

**6.** Where the offence report is originally generated in electronic form, or transferred into electronic form by means of digitization, the computer data that make it possible to display the report or convert into hard copy the report and the particulars recorded therein, have the same force as an original, if the report meets the standards provided for in this Regulation and those of a regulation respecting the security of electronic data and documentation in penal matters made pursuant to paragraph 1.1 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

The computer data have the same force as an original during electronic transfer, transmission, consultation, use, storage and archiving in electronic form or by electronic means, if they meet the standards provided for in the regulations referred to above. The foregoing also applies to computer data comprising the digitized offence report, whether the form or particulars comprising it were digitized simultaneously or separately.

Where an offence report generated in electronic form is converted into hard copy on a pre-printed or pre-programmed form, the hard-copy offence report has the same force as an original. In addition, where a digitized offence report is converted into hard copy, the hard-copy offence report stands in lieu of the original.

**7.** An offence report in paper form is composed of pages, whereas an offence report in electronic form is composed of computer data displayed on page screens.

The form and the particulars displayed on the page screens in an offence report may be electronically attached or referenced. However, the page screens in an offence report or the sections they contain shall be intelligible and shall be accessible on a display surface, either in whole or in part, sequentially or thematically.

**8.** An offence report originally generated in electronic form or transferred into such a form by means of digitization may remain in electronic form and be so used on a display surface, or be converted into hard copy on a pre-printed or pre-programmed offence report or, if digitized, on a page intended to reconstitute the report.

## DIVISION II

### OFFENCE REPORTS: ORIGINALLY IN PAPER FORM, IN ELECTRONIC FORM, DIGITIZED OR CONVERTED INTO HARD COPY

**9.** The general offence report provided for in subparagraph 1 of the first paragraph of section 16 and originally drawn up in paper form shall be on sheets measuring not less than 10 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

The abridged offence report provided for in subparagraph 2 of the first paragraph of section 16 and originally drawn up in paper form shall be on detachable sheets of the same dimensions as the statement of offence to which it may be attached.

**10.** An offence report form may be pre-printed or pre-programmed. The type size of the printer or the printing press, as the case may be, shall be no smaller than 6 point.

The offence report made up of pages comprising computer data constitutes an offence report in paper form subject to the standards of this Division and must be signed by hand.

**11.** An offence report originally generated in electronic form is displayed on page screens containing computer data and corresponding to the form and the particulars contained in the pages of an offence report in paper form.

**12.** An offence report originally drawn up in paper form may be digitized. Furthermore, the form and the particulars contained in that offence report may be digitized either simultaneously or separately. In the latter case, the digitized offence report is composed of superimposed page screens.

**13.** An offence report originally generated in electronic form and a digitized offence report may be converted into hard copy on sheets measuring not less than 9 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

Where an offence report is converted into hard copy, it results from the combination of a virtual part and a material part. The virtual part is comprised of the particulars and the pre-programmed form contained in the offence report generated in electronic form; in case of digitization, the virtual part is comprised of the digitized form and particulars. The material part is comprised of the offence report form in paper form, which may be pre-printed or pre-programmed; in case of digitization, the material part is comprised of either a pre-printed or

pre-programmed form or the reconstitution in paper form of the digitized form and particulars in the offence report.

**14.** The paper used to convert a report into hard copy shall be such that the report can be recognized as an original, either by use of paper of a special grain, or by means of a seal, an acronym, a code, a number, a mark or a distinctive indication.

**15.** The type size of the printer or the printing press, as the case may be, used to convert an offence report into hard copy shall be no smaller than 6 point.

## CHAPTER II SPECIAL PROVISIONS

### DIVISION I TYPES OF OFFENCE REPORTS

**16.** The two types of offence reports that may be used are the following:

(1) a general offence report, a model for which appears in Schedule I, applies to all offences and may be adduced as evidence with any statement of offence referred to in the Regulation respecting the form of statements of offence; and

(2) an abridged offence report, a model for which appears in Schedule II, applies to all offences and may be attached to the statement of offence referred to in subparagraph 2 of the first paragraph of section 23 of the Regulation respecting the form of statements of offence made by Order in Council 1211-97 dated September 17, 1997 or to the statement of offence referred to in subparagraph 3 of the first paragraph of section 23 of that Regulation.

A model for the offence report bearing an attestation of hard-copy conversion appears in Schedule III.

### DIVISION II GENERAL OFFENCE REPORT

**17.** The first page or the corresponding page screens in a general offence report shall comprise at least seven sections containing the headings, key words, texts and spaces allowing the following particulars to be indicated:

(1) in respect of the origin of the report:

(a) the name of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report;

(b) the investigation file number of the department, public body, municipality or authority;

(c) the name and address of the person responsible for the investigation; and

(d) optionally, the event code number used for statistical purposes;

(2) in respect of the defendant's identity:

(a) his or its name, address and telephone number;

(b) whether the defendant is a legal or natural person and, in the latter case, whether male or female;

(c) the type of document or file and the items in the document or file confirming his identity; and

(d) optionally, his birthdate, his distinguishing features, his occupation or the type of activity carried out by the enterprise;

(3) in respect of the offence in question:

(a) the reference to the legislative provisions creating the offence to which the offence report pertains;

(b) a description of the offence; and

(c) the date and the time when the offence was committed;

(4) in respect of the place where the offence was committed:

(a) the place where the offence is alleged to have been committed;

(b) the address and description of the place;

(c) the location code, if relevant; and

(d) the judicial district in which the place is located;

(5) in respect of the property seized and related documents or events, in particular:

(a) mention of the fact that property was seized, a description of the property and mention of the existence of a record of the seizure;

(b) mention of the existence of any other document added to the offence report and, if that document is in electronic form, the computer codes, marks or particulars making it possible to locate the document electronically attached or referenced to the offence report;

(c) the type of intervention by the peace officer or person responsible for enforcing the law; and

(d) where applicable, the type of documents from which particulars were obtained;

(6) in respect of the facts: both the relevant facts observed in regard to the essential aspects of the offence and the actions taken by the peace officer or person responsible for enforcing the law, who shall present them in one or more of the following ways, as appropriate for paper form or electronic form:

(a) a lined space in which the facts are to be typed or written by hand, as provided for in model 1 in Schedule IV;

(b) a blank space in which a statement of the facts may be typed or a graphic representation of a fact may be drawn, as provided for in model 2 in Schedule V;

(c) pre-printed or pre-programmed texts within which blanks are provided for the purpose of entering the particular facts of the case, as provided for in model 3 in Schedule VI; and

(d) multiple-choice pre-printed or pre-programmed texts describing the observable facts in respect of the offence to which the offence report pertains, among which a selection is to be made by checking off the appropriate boxes, as provided for in model 4 in Schedule VII; and

(7) in respect of the attestation of the facts:

(a) the attestation of the facts, with mention of the facts to which the attestation pertains;

(b) the name, quality and signature of each person responsible for enforcing the law or each peace officer who attests to those facts or, as the case may be, their respective signatures affixed electronically or the validation code for their signatures so affixed, and the peace officer's number; and

(c) the date and, where the signature is affixed electronically, the time when the attestation is signed.

**18.** Where a general offence report originally generated in electronic form is converted into hard copy, the hard-copy page of the offence report shall also contain the following particulars:

(1) in the section concerning the conversion of the report into hard copy:

(a) the attestation of hard-copy conversion;

(b) the name and quality of the person attesting to the hard-copy conversion, and the date and exact time of conversion; and

(c) the signature of the person attesting to the hard-copy conversion or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(2) the computer codes, marks or particulars making it possible to locate the documents electronically attached or referenced to the offence report; and

(3) the computer codes, marks or particulars making it possible to ensure the security of the data contained in the offence report.

### DIVISION III ABRIDGED OFFENCE REPORT

**19.** The first page or the corresponding page screens in an abridged offence report shall comprise at least three sections containing the headings, key words, texts and spaces allowing the following particulars to be indicated:

(1) in respect of the origin of the report:

(a) the number of the statement of offence to which it may be attached;

(b) the investigation file number of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report; and

(c) optionally, the event code number used for statistical purposes;

(2) in respect of the facts: both the relevant facts observed in regard to the essential aspects of the offence and the actions taken by the peace officer or person responsible for enforcing the law, who shall present them in one or more of the ways provided for in paragraph 6 of section 17; and

(3) in respect of the attestation of the facts, the particulars provided for in paragraph 7 of section 17.

Where an abridged offence report originally generated in electronic form is converted into hard copy, the hard-copy page of the offence report shall also contain the particulars provided for in section 18.

#### DIVISION IV SUPPLEMENT TO AN OFFENCE REPORT

**20.** Each additional page in an offence report originally drawn up in paper form shall allow at least the following particulars to be indicated:

(1) in the section concerning the origin:

(a) the origin of the offence report, that is, the name and address of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report; and

(b) the investigation file number of the department, public body, municipality or authority;

(2) in the section concerning the facts:

(a) a selection of texts, one of which is to be checked off in order to indicate that the facts are:

— the continuation of the statement on the first page of the report;

— an additional statement by peace officers or persons who did not report facts on the first page; and

— the continuation of the additional statement; and

(b) the description of the facts, which shall be presented in one or more of the ways provided for in paragraph 6 of section 17; and

(3) in the section concerning the attestation of the facts:

(a) the attestation of the facts, with mention of the facts to which the attestation pertains;

(b) the name, quality and signature of each person responsible for enforcing the law or each peace officer who attests to those facts or their respective signatures affixed electronically or the validation code for their signatures so affixed, and the peace officer's number; and

(c) the date and, where the signature is affixed electronically, the time when the attestation is signed.

**21.** Where the offence report is originally generated in electronic form, it requires additional pages only if it is converted into hard copy. In such case, each additional page shall reproduce the sections provided for in section 20 and shall contain the particulars provided for in section 18.

Notwithstanding the foregoing, the section provided for in paragraph 3 of section 20 shall allow a signature affixed electronically or the validation code for a signature so affixed to be entered therein. That signature shall be affixed at the end of the statement of the facts by the person who observed them and shall be reproduced on each of the additional pages in the hard-copy offence report containing the statement made by that person.

A model for a supplement to an offence report bearing an attestation of hard-copy conversion appears in Schedule VIII.

**22.** Offence report forms pre-printed in accordance with the provisions of the Regulation respecting the form of offence reports, made by Order in Council 1411-93 dated 29 September 1993, may continue to be used to generate offence reports originally in paper form.

**23.** This Regulation replaces the Regulation respecting the form of offence reports, made by Order in Council 1411-93 dated 29 September 1993.

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





SCHEDULE III  
(s. 16, 2nd par.)

Abridged offence report for  
statement of offence No.

(Indicate the origin of the report in this space)

Event code	Record No.
------------	------------

**A Identification of defendant**

**B Vehicle**

V.R.N.	Number of occupants	Colour of vehicle
--------	---------------------	-------------------

**C**

Lighting	Weather	Zone	Roadway			
			Type	Condition	Configuration	
Day 1 <input type="checkbox"/> Daylight 2 <input type="checkbox"/> Semi-darkness 3 <input type="checkbox"/> Lighted highway 4 <input type="checkbox"/> Unlighted highway	5 <input type="checkbox"/> Clear 6 <input type="checkbox"/> Cloudy 7 <input type="checkbox"/> Fog 8 <input type="checkbox"/> Rain 9 <input type="checkbox"/> Sleet 10 <input type="checkbox"/> Snow	11 <input type="checkbox"/> School 12 <input type="checkbox"/> Residential 13 <input type="checkbox"/> Commercial 14 <input type="checkbox"/> Industrial 15 <input type="checkbox"/> Rural 16 <input type="checkbox"/> Park	17 <input type="checkbox"/> Concrete 18 <input type="checkbox"/> Asphalt 19 <input type="checkbox"/> Gravel 20 <input type="checkbox"/> Dirt 21 <input type="checkbox"/> Dry 22 <input type="checkbox"/> Wet 23 <input type="checkbox"/> Snow 24 <input type="checkbox"/> Ice 25 <input type="checkbox"/> Mud 26 <input type="checkbox"/> Construction	70 <input type="checkbox"/> Flat/straight 71 <input type="checkbox"/> Flat/curve 72 <input type="checkbox"/> Downhill/straight 73 <input type="checkbox"/> Downhill/curve 74 <input type="checkbox"/> Uphill/straight 75 <input type="checkbox"/> Uphill/curve		
<b>Presence on road</b>			<b>Type of vehicle</b>			
27 <input type="checkbox"/> None 28 <input type="checkbox"/> Veh. same direction 29 <input type="checkbox"/> Veh. opp. direction 30 <input type="checkbox"/> Veh. inters. road	31 <input type="checkbox"/> Pedestrian(s) 32 <input type="checkbox"/> Worker(s) 33 <input type="checkbox"/> Cyclist(s)	41 <input type="checkbox"/> Automobile 42 <input type="checkbox"/> Light truck 43 <input type="checkbox"/> Truck 44 <input type="checkbox"/> Truck tractor	45 <input type="checkbox"/> Vehicle transporting hazardous materials 46 <input type="checkbox"/> Specialized mobile equipment 47 <input type="checkbox"/> Specialized vehicle	48 <input type="checkbox"/> Bus 49 <input type="checkbox"/> School bus 50 <input type="checkbox"/> Minibus 51 <input type="checkbox"/> Taxi	52 <input type="checkbox"/> Emergency veh. 53 <input type="checkbox"/> Motorcycle 54 <input type="checkbox"/> Moped 55 <input type="checkbox"/> Recreational veh.	56 <input type="checkbox"/> Snowmobile 57 <input type="checkbox"/> Bicycle 58 <input type="checkbox"/> Moped 59 <input type="checkbox"/> Other

**D Radar**

Speed recorded	km/h	Speed zone	km/h	Radar device	<input type="checkbox"/> moving <input type="checkbox"/> stationary
Make		Model		Series	
<b>1<sup>st</sup> radar check</b>			<b>2<sup>nd</sup> radar check</b>		
<input type="checkbox"/> Electronic	<input type="checkbox"/> Tuning fork		<input type="checkbox"/> Electronic	<input type="checkbox"/> Tuning fork	
time	time	km/h	time	time	km/h
<input type="checkbox"/> In proper working order	<input type="checkbox"/> Other vehicles present in radar beam	Distance at which the radar device clocked vehicle speed	<input type="checkbox"/> Certified operator		
<input type="checkbox"/> No source of interference with operation	<input type="checkbox"/> Visual estimate	metres			

**E Relevant facts, details or particulars**

Continued on another page

**F Relevant facts, details or particulars**

Continued on another page

**Attestation of the facts**

I have personally observed the facts mentioned in

Name	Officer's No.	Unit	Date (Y-M-D)
1- Peace officer <input type="checkbox"/>			
2- Other Quality	Validation code		

I have personally observed the facts mentioned in

Name	Officer's No.	Unit	Date (Y-M-D)
1- Peace officer <input type="checkbox"/>			
2- Other Quality	Validation code		

**Attestation of hard-copy conversion**

I attest that this document is true to its duplicate in electronic form.

Surname	Date (Y-M-D)	Time (H-M-S)
Authorized person		
Given name	Validation code	
Quality		

(Référence)





**Supplement to an  
offence report**  
(additional page)

This page may be used for:

- The continuation of E.
- An additional statement of facts (section F) by officers or persons different from those who presented a report on the preceding page.
- The continuation of F.

**MODEL 2**

SCHEDULE V  
(s. 17, par. 6b)

ORIGIN	
Department, municipality, public body or other authority	Record No.
Name and address of person responsible	Event code

RELEVANT FACTS AND ACTIONS
----------------------------

<p><b>Check off the appropriate box</b></p> <p><input type="checkbox"/> Continuation of E</p> <p><input type="checkbox"/> New section F</p> <p><input type="checkbox"/> Continuation of F</p>	
<input type="checkbox"/> Continued on another page	

SIGNATURES	
------------	--

I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F
<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law	<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law
Surname and given name (in block letters)	Surname and given name (in block letters)
Officer's No. <span style="float: right;">Date Y   M   D</span>	Officer's No. <span style="float: right;">Date Y   M   D</span>
Signature	Signature

\* CH-89A-2 (93-10)

(Form prescribed by regulation to be used as documentary evidence)

**Supplement to an  
offence report**  
(additional page)

This page may be used for:

- The continuation of E.
- An additional statement of facts (section F) by officers or persons different from those who presented a report on the preceding page.
- The continuation of F.

**MODEL 3**

SCHEDULE VI  
(s. 17, par. 6c)

ORIGIN	
Department, municipality, public body or other authority	Record No.
Name and address of person responsible	Event code

**RELEVANT FACTS AND ACTIONS**

**Check off the appropriate box**

Continuation of E

New section F

Continuation of F

**Weighing report**

Vehicle class  Check off in thaw or rain period

Check off if dump, garbage or maintenance truck  Check off if modified or without GAWR  Check off if special travel permit (overload)

Axle class	A	kg	*	<input type="checkbox"/>	<input type="checkbox"/>				
	B								
B- _____	C		Load authorized			Load recorded			
			kg			kg			

Axle class	A	kg	*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	B								
B- _____	C		Load authorized			Load recorded			
			kg			kg			

Axle class	A	kg	*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	B								
B- _____	C		Load authorized			Load recorded			
			kg			kg			

Axle class	A	kg	**						
	B								
B- _____	C		Load authorized			Load recorded			
			kg			kg			

TLM	Authorized	kg	Recorded	kg
TLM according to special permit	kg	Special permit No.		

Configurations

Scales  Make  Model  Series  MTQ  Location

Check off if scales are used in compliance with Minister's Order in force

Operator Surname  Given name

Type of load

**Legend**

Axles under vehicle

TLM Total loaded mass

\* Mark an "X" for each axle seen

\*\* Draw each axle seen

A Tire load limit specified by the manufacturer.

B Load authorized for its class.

C Axle load limit specified by vehicle manufacturer.

Continued on another page

**SIGNATURES**

I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F
<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law	<input type="checkbox"/> Peace officer or <input type="checkbox"/> Person responsible for enforcement of the law
Surname and given name (in block letters)	Surname and given name (in block letters)
Officer's No. <input type="text"/>	Officer's No. <input type="text"/>
Date <input type="text"/>	Date <input type="text"/>
Signature <input type="text"/>	Signature <input type="text"/>

\* CR-89A-4 (93-10)

(Form prescribed by regulation to be used as documentary evidence)

**Supplement to an  
offence report**  
(additional page)

This page may be used for: • The continuation of E.  
• An additional statement of facts (section F) by officers  
or persons different from those who presented a report  
on the preceding page.  
• The continuation of F.

**MODEL 4**

SCHEDULE VII  
(s. 17, par. 6d)

ORIGIN	
Department, municipality, public body or other authority	Record No.
Name and address of person responsible	Event code

**RELEVANT FACTS AND ACTIONS**

**Check off the appropriate box**

Continuation of **E**

New section **F**

Continuation of **F**

LIGHTING	WEATHER	ZONE	ROADWAY
<b>Day</b> 1 <input type="checkbox"/> Daylight 2 <input type="checkbox"/> Semi-darkness <b>Night</b> 3 <input type="checkbox"/> Lighted highway 4 <input type="checkbox"/> Unlighted highway	5 <input type="checkbox"/> Clear 6 <input type="checkbox"/> Cloudy 7 <input type="checkbox"/> Fog 8 <input type="checkbox"/> Rain 9 <input type="checkbox"/> Sleet 10 <input type="checkbox"/> Snow	11 <input type="checkbox"/> School 12 <input type="checkbox"/> Residential 13 <input type="checkbox"/> Commercial 14 <input type="checkbox"/> Industrial 15 <input type="checkbox"/> Rural 16 <input type="checkbox"/> Park	<b>Type</b> 17 <input type="checkbox"/> Concrete 18 <input type="checkbox"/> Asphalt 19 <input type="checkbox"/> Gravel 20 <input type="checkbox"/> Dirt <b>Condition</b> 21 <input type="checkbox"/> Dry 22 <input type="checkbox"/> Wet 23 <input type="checkbox"/> Snow 24 <input type="checkbox"/> Ice 25 <input type="checkbox"/> Mud 26 <input type="checkbox"/> Construc.

PRESENCE ON ROAD	TYPE OF VEHICLE	
27 <input type="checkbox"/> None 28 <input type="checkbox"/> Veh. same direction 29 <input type="checkbox"/> Veh. opp. direction 30 <input type="checkbox"/> Veh. inters. road 31 <input type="checkbox"/> Pedestrian(s) 32 <input type="checkbox"/> Cyclist(s)	41 <input type="checkbox"/> Automobile 42 <input type="checkbox"/> Light truck 43 <input type="checkbox"/> Truck 44 <input type="checkbox"/> Truck tractor 45 <input type="checkbox"/> Vehicle transporting hazardous materials	46 <input type="checkbox"/> Specialized mobile equipment 47 <input type="checkbox"/> Specialized vehicle 48 <input type="checkbox"/> Bus 49 <input type="checkbox"/> School bus 50 <input type="checkbox"/> Minibus 51 <input type="checkbox"/> Taxi 52 <input type="checkbox"/> Emergency veh. 53 <input type="checkbox"/> Motorcycle 54 <input type="checkbox"/> Moped 55 <input type="checkbox"/> Recreational veh. 56 <input type="checkbox"/> Snowmobile 57 <input type="checkbox"/> Bicycle 99 <input type="checkbox"/> Other

RADAR DEVICE  Moving      Make \_\_\_\_\_  
 Stationary      Model \_\_\_\_\_

**1st RADAR CHECK**      **2nd RADAR CHECK**

Electronic     Tuning fork       Electronic     Tuning fork

Time \_\_\_\_\_ km/h      Time \_\_\_\_\_ km/h  
 \_\_\_\_\_ km/h      \_\_\_\_\_ km/h

In proper working order     Certified operator      Other vehicles present in radar beam     Yes     No

Visual estimate     No source of interference      Distance at which the radar device clocked vehicle speed \_\_\_\_\_ metres

Continued on another page

**SIGNATURES**

I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	I have personally observed the facts mentioned in <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F						
<input type="checkbox"/> Peace officer    or <input type="checkbox"/> Person responsible for enforcement of the law	<input type="checkbox"/> Peace officer    or <input type="checkbox"/> Person responsible for enforcement of the law						
Sumame and given name (in block letters)	Sumame and given name (in block letters)						
Officer's No.      Date <table style="display: inline-table; border: none;"><tr><td style="border: none;">Y</td><td style="border: none;">M</td><td style="border: none;">D</td></tr></table>	Y	M	D	Officer's No.      Date <table style="display: inline-table; border: none;"><tr><td style="border: none;">Y</td><td style="border: none;">M</td><td style="border: none;">D</td></tr></table>	Y	M	D
Y	M	D					
Y	M	D					
Signature	Signature						

- This page may be used for:
- The continuation of E.
  - An additional statement of facts (section F) by officers or persons different from those who presented a report on the preceding page.
  - The continuation of F.

**Supplement to an offence report for statement of offence No.**  
(additional page)

SCHEDULE VIII  
(s. 21, 3rd par.)

MODEL 5

<b>Origin</b>		Event code	Record No.
Department, municipality, public body or other authority			
Name of person responsible	Address of person responsible		

<b>Relevant facts, details or particulars</b>			
<input type="checkbox"/> Continuation of E	<input type="checkbox"/> New section F	<input type="checkbox"/> Continuation of F	
			<input type="checkbox"/> Continued on another page

<b>Attestation of the facts</b>			
I have personally observed the facts mentioned in			
1- Peace officer	Name	Officer's No.	Unit
2- Other	Quality	Validation code	Date (Y-M-D)
I have personally observed the facts mentioned in			
1- Peace officer	Name	Officer's No.	Unit
2- Other	Quality	Validation code	Date (Y-M-D)

<b>Attestation of hard-copy conversion</b>			
I attest that this document is true to its duplicate in electronic form.			
Authorized person	Surname Given name Quality	Date (Y-M-D)	Time (H-M-S)
		Validation code	

(Référéncé) (Model prescribed by regulation to be used as documentary evidence)

Gouvernement du Québec

**O.C. 1211-97**, 17 September 1997

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

**Form of statements of offence**

Regulation respecting the form of statements of offence

WHEREAS under paragraph 1 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1), the Government may, by regulation, prescribe the form of statements of offence, including electronically-generated forms;

WHEREAS the Government made the Regulation respecting the form of statements of offence by Order in Council 1019-93 dated 14 July 1993;

WHEREAS it is expedient to replace that Regulation to provide for the methods of generating statements of offence both in paper form and electronically-generated;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation respecting the form of statements of offence was published in Part 2 of the *Gazette officielle du Québec* of 17 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make this Regulation as amended;

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

THAT the Regulation respecting the form of statements of offence, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation respecting the form of statements of offence**

Code of Penal Procedure  
(R.S.Q., c. C-25.1, a. 367, par. 1)

**CHAPTER I**  
METHODS OF GENERATING A STATEMENT OF OFFENCE

**DIVISION I**  
GENERAL

**1.** The purpose of this Regulation is to establish the form of statements of offence, whether on paper or electronically-generated.

In addition, it will also ensure that paper or electronic forms of statements of offence are interchangeable, that either form may be used concomitantly, and establish that the computer data that constitute the statement in electronic form have the same force as the statement of offence in paper form.

**2.** Depending on the context, the expression “statement of offence” refers both to the document comprised of the statement of offence form and the particulars that may be recorded therein, and to each or all of the duplicates of that document intended respectively for the defendant, the prosecutor or the judicial authority.

**3.** Unless specifically provided for by an act or by this Regulation, the defendant, the prosecutor and the judicial authority shall have at their disposal the same information recorded in the statement of offence in respect of a penal proceeding. However, the information concerning the nature of the form or computer security may differ.

**4.** A statement of offence form is a document containing headings, key words and pre-printed or pre-programmed texts allowing the optional or compulsory particulars prescribed by an act or this Regulation relative to the penal proceeding to be entered by hand, mechanically or by computer.

It may also contain computer codes, marks or particulars, either underlying or visible, that are specific to the electronic form or are designed to ensure the security of electronic data and documentation in penal matters.

**5.** A return document, in paper or in electronic form, shall be attached to the defendant’s statement of offence. It shall contain headings, key words and pre-printed or pre-programmed texts allowing the particulars relative to the penal proceeding, including the

defendant's response, to be entered by hand, mechanically or by computer.

Any document in paper form bearing the defendant's response may, in accordance with this Regulation, be digitized and electronically attached or referenced to a statement of offence in electronic form.

**6.** The statement of offence may be generated entirely in paper form or in electronic form, or partly in paper form and partly in electronic form. It may also be drawn up in paper form, then transferred into electronic form by means of digitization, and may then be converted into hard copy.

Thus a statement of offence may be in paper form, either originally or after conversion from electronic form into hard copy; a statement of offence may also be in electronic form, either originally or after digitization from the paper form.

**7.** Where the statement of offence is originally produced in paper form, each of the duplicates of the statement of offence constitutes an original document.

**8.** Where the statement of offence is generated entirely or partly in electronic form, either originally or after its transfer into electronic form by means of digitization, the computer data that make it possible to display the form or convert into hard copy the form and the particulars recorded therein, in whole or in part, have the same force as an original, if the statement meets the standards provided for in this Regulation and in those of a regulation respecting the security of electronic data and documentation in penal matters made pursuant to paragraph 1.1 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1);

The computer data have the same force as an original during electronic transfer, transmission, use, storage and archiving in electronic form or by electronic means, if they meet the standards provided for in the Regulation referred to above. This also applies to computer data comprising the digitized statement of offence, whether the form or particulars comprising it were digitized simultaneously or separately.

In the same manner, the computer data that make it possible to display the form bearing the defendant's response or to convert it into hard copy, have the same force as an original, if the document is produced in accordance with these standards.

**9.** Where a statement of offence, generated entirely or partly in electronic form, is converted into hard copy on a pre-printed or pre-programmed form, the first hard-

copy statement of offence intended for the defendant, the hard-copy statement of offence that the prosecutor may adduce as evidence and the hard-copy statement of offence intended for the judicial authority have the same force as an original.

Where a digitized statement of offence or the digitized particulars it comprises are converted into hard copy, the hard-copy statement of offence that the prosecutor may adduce as evidence and the hard-copy statement of offence intended for the judicial authority stand in lieu of the original.

**10.** A statement of offence in paper form is composed of pages, whereas a statement of offence or part thereof in electronic form is composed of computer data displayed on page screens.

The form and the particulars displayed on the page screens in a statement of offence may be electronically attached or referenced. However, the page screens in a statement of offence or the sections they contain shall be intelligible and shall be accessible on a display surface, either in whole or in part, sequentially or thematically.

**11.** The return document or any other document bearing the defendant's response that is entirely or partly electronically-generated may remain in electronic form and be so used on a display surface, or be converted into hard copy on a pre-printed or pre-programmed statement of offence form, or if digitized, on a page for the purposes of reconstituting the statement.

**12.** Where a statement of offence contains more than one count against a single defendant, the statement of offence shall be constituted by using a separate statement of offence form of the appropriate type for each count.

Where a statement of offence contains two or more separate counts, the statement of offence forms, in paper or in electronic form, shall be cross-referenced by a designation that refers to the entire statement, and each form bearing one of those counts shall be distinguished by a specific designation.

**13.** Where a single charge is brought against two or more defendants in a statement of offence, a separate statement of offence form of the appropriate type shall be used for each defendant.

Where a statement of offence names two or more defendants, the statement of offence forms, in paper or in electronic form, shall be cross-referenced by a designation that refers to the entire statement, and each form for an individual defendant shall be distinguished by a specific designation.

## **DIVISION II** STATEMENT OF OFFENCE ORIGINALLY IN PAPER FORM

**14.** A statement of offence originally drawn up in paper form shall contain at least two pages intended respectively for the defendant and the judicial authority. It may also contain additional pages intended for the prosecutor. A return document in a page format shall be attached to the statement of offence intended for the defendant.

The statement of offence made up of pages comprising computer data is a statement in paper form subject to the standards of this Division and must be signed by hand when issued.

**15.** The statement of offence in paper form referred to in subparagraph 1 of the first paragraph of section 23 shall be in a format measuring 21.5 cm wide by 35.5 cm high. The statements of offence in paper form referred to in subparagraphs 2 and 3 of the first paragraph of section 23 may be in a smaller format, but may not be less than 10 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high. The statement of offence in paper form referred to in subparagraph 4 of the first paragraph of section 23 shall not be less than 9 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

The paper or the reproduction process used shall be such that the handwritten, mechanical or computer entries made on the front of the first page can be accurately reproduced on the front of each page in the statement of offence. However, the pages of the statement of offence may be signed one by one.

The headings, key words and general particulars may be pre-printed or pre-programmed. The type size of the printer or the printing press, as the case may be, shall be no smaller than 6 point.

## **DIVISION III** STATEMENT OF OFFENCE ORIGINALLY IN ELECTRONIC FORM

**16.** A statement of offence generated entirely in electronic form is displayed on page screens containing computer data that corresponds to the front and the back of a page in a statement of offence. The same is true of the return document in a statement of offence, which in such case is displayed on page screens containing computer data that correspond to the front and the back of a return document on a page attached to a statement of offence.

**17.** A part of a statement of offence may be originally generated in electronic form. The part so generated is displayed on page screens.

Where only the data corresponding to the front of a statement of offence are generated in electronic form, they may be converted into hard copy on a statement of offence form whose front or back may be either pre-printed or pre-programmed.

A return document in the statement of offence that is generated partly in electronic form may be generated on a pre-printed or pre-programmed form.

## **DIVISION IV** DIGITIZED STATEMENT OF OFFENCE

**18.** A statement of offence intended for the judicial authority and originally drawn up in paper form may be digitized. The front and the back of the form as well as the particulars contained in that statement of offence may be digitized either simultaneously or separately. In the latter case, the front of the digitized statement of offence is displayed on superimposed page screens and the back may be electronically attached or referenced to it.

Where the front of the statement of offence is digitized separately, the statement of offence may be converted into hard copy on a page that is intended to bear the reconstitution of the front of the statement and whose back may be pre-printed or pre-programmed. Where the particulars contained on the front of the statement of offence are digitized separately, the statement may likewise be converted into hard copy on a pre-printed or pre-programmed form.

## **DIVISION V** HARD-COPY STATEMENT OF OFFENCE

**19.** Statements of offence generated entirely or partly in electronic form and digitized statements of offence may be converted into hard copy. In that case, the hard-copy document shall bear an attestation of hard-copy conversion such as provided for in paragraph 5 of section 25.

Where a statement of offence is converted into hard copy, it results from the combination of a virtual part and a material part. The virtual part is comprised of the particulars and the pre-programmed form contained in the statement of offence or in the part of the statement of offence generated in electronic form; in case of digitization, the virtual part is comprised of the digitized form and particulars. The material part is comprised of the statement of offence form in paper form, which may be



pre-printed or pre-programmed; in case of digitization, the material part is comprised of either a pre-printed or pre-programmed form or the reconstitution in paper form of the digitized form and particulars in the statement of offence.

The same is true of the return document or the other additional documents bearing the defendant's response.

**20.** A prosecutor wishing to adduce as evidence a hard-copy statement of offence may submit only the hard-copy of the front of the pages or of the computer data in the corresponding page screens in the statement. However, the prosecutor shall, if need be, make the back of the pages or the data in the corresponding page screens of the statement of offence available to the judicial authority either in paper form or in electronic form.

**21.** The hard-copy statement of offence intended for the defendant shall be generated in accordance with the first and third paragraphs of section 15, whether it is converted into hard copy on a pre-printed or on a pre-programmed statement of offence form.

The hard-copy statement of offence intended for the prosecutor or for the judicial authority may be generated on pages not less than 9 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

**22.** The paper used to convert into hard copy the statement of offence intended for the defendant, the statement of offence intended for the judicial authority to be kept in the court record or the statement of offence intended for the prosecutor to be used as documentary evidence shall be such that the statement can be recognized as an original, either by use of paper of a special grain, or by means of a seal, an acronym, a code, a number, a mark or a distinctive indication.

The type size of the printer or the printing press, as the case may be, used to convert the statement of offence into hard copy shall be no smaller than 6 point.

## CHAPTER II SPECIAL PROVISIONS

### DIVISION I TYPES OF STATEMENTS OF OFFENCE

**23.** Four types of statement of offence may be used for proceedings in respect of offences against the provisions of statutes and regulations enacted or made in Québec:

(1) a general statement of offence with a request for sentence allowing for a greater sentence than the mini-

imum sentence, a model for which appears in Schedule I, applies to all offences and allows a request for a greater sentence than the minimum sentence; it is intended to be remitted at the time of the offence or following a summary investigation, where the prosecutor requests a greater sentence than the minimum sentence, or to be served after an offence is committed, where a detailed investigation or special inquiry is required in respect of the offence or the sentence;

(2) a general statement of offence with a request for sentence for the minimum sentence, a model for which appears in Schedule II, applies to all offences and allows only a request for the minimum sentence; it is intended to be remitted at the time of the offence or to be served following a summary investigation;

(3) a statement of offence issued for an offence relating to the control of highway transportation, highway safety or parking violations or for an offence which a municipality is responsible for prosecuting, a model for which appears in Schedule III, is intended to be remitted at the time of the offence or to be served following the offence, in cases where the prosecutor requests the minimum sentence only; and

(4) a statement of offence issued for a parking violation, a model for which appears in Schedule IV, is intended to be remitted at the time of the offence or following it, in cases where the prosecutor requests the minimum sentence only.

A model for the front and back of the type of statement of offence provided for in subparagraph 3 of the first paragraph and bearing an attestation of hard-copy conversion appears in Schedule V.

### DIVISION II GENERAL STATEMENT OF OFFENCE WITH A REQUEST FOR SENTENCE ALLOWING FOR A GREATER SENTENCE THAN THE MINIMUM SENTENCE

**24.** The front of the pages or the data on the corresponding page screens in the general statement of offence with a request for sentence allowing for a greater sentence than the minimum sentence shall contain the headings, key words, texts and spaces allowing all the following particulars to be entered:

(1) the title "Statement of Offence" and the number of the statement of offence;

(2) the judicial district in which the proceedings are instituted;

(3) if the statement of offence is in paper form, the court office record number; if the statement of offence is in electronic form, that number may be entered in another document electronically attached or referenced to the statement of offence;

(4) the prosecutor's name and address;

(5) the defendant's name and address;

(6) a description of the offence and the minimum sentence prescribed for a first offence against the legislative provision violated;

(7) the name, quality and signature of the issuer of the statement of offence or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, and the date on which the statement is issued;

(8) the date and time of service of the statement of offence or the reference to the document stating that date and time;

(9) if the statement of offence is served other than by mail, the name, quality and signature of the person who served the statement of offence or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(10) a request for sentence stating the sentence and the costs requested and, where the prosecutor requests a greater sentence than the minimum sentence, the sentence requested and the reasons for the request;

(11) the defendant's plea and, in the case of a plea of guilty, mention of the fact that the greater sentence requested may be contested;

(12) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the quality of the signatory if the defendant is a legal person, and the date of the signature; and

(13) a notice or an order relating to the offence described and provided for in the statute creating the offence.

**25.** The front of the pages or the data on the corresponding page screens in the statement of offence may also contain the following particulars:

(1) the prosecutor's file number;

(2) the defendant's birthdate;

(3) the type of document or file and the items in the document or file that make it possible to confirm the defendant's identity;

(4) space to indicate a change of address;

(5) in the section concerning the conversion of the statement into hard copy:

(a) an attestation of hard-copy conversion;

(b) the name and quality of the person attesting to the hard-copy conversion and the date and exact time of conversion; and

(c) the signature of the person attesting to the hard-copy conversion or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(6) the computer codes, marks or particulars making it possible to locate the documents electronically attached or referenced to the statement of offence; and

(7) the computer codes, marks or particulars making it possible to ensure the security of the data contained in the statement of offence.

**26.** The statement of offence in paper form intended for the defendant shall consist of a stub and a detachable portion. Where the statement is in electronic form, the detachable portion may be transmitted electronically, displayed or converted into hard copy separately, and it shall contain the particulars prescribed in paragraphs 11 and 12 of section 24 and, where applicable, an attestation of hard-copy conversion complying with that prescribed in paragraph 5 of section 25 and the number of the statement of offence from which that part was converted.

**27.** The statement of offence in paper form intended for the judicial authority shall also consist of a stub and a detachable portion. Where the statement is in electronic form, the detachable portion may be transmitted electronically, displayed or converted into hard copy separately, and it shall contain the particulars prescribed in paragraphs 10, 11 and 12 of section 24 and, where applicable, an attestation of hard-copy conversion and the number of the statement of offence from which that part was converted.

The particulars in paper form prescribed in paragraphs 11 and 12 of section 24 may be replaced in the detachable portion by a statement of offence service report, which shall also be detachable. Where that portion is in electronic form, it may be transmitted elec-

tronically, displayed or converted into hard copy separately. In such case, the number of the statement of offence shall be entered in the part of the statement of offence concerning the request for sentence and in the part of the statement of offence concerning the service report and, where applicable, the hard-copy portion of the statement of offence shall contain an attestation of hard-copy conversion.

**28.** The back of the pages or the data on the corresponding page screens in the statement of offence shall contain at least the headings, key words, texts and spaces allowing the following to be entered:

- (1) a description of the general purpose of a statement of offence;
- (2) a description of the procedural steps entailed either by transmitting or failing to transmit a plea or by indicating an intent to contest the greater sentence requested;
- (3) the place where the defendant must transmit the plea and, in the case of a plea of guilty, the place where he must transmit either the total amount of the fine and the costs requested or notice of his intent to contest the greater sentence requested;
- (4) the deadline by which the defendant must transmit the plea and, in the case of a plea of guilty, the deadline by which he must transmit either the total amount of the fine and the costs requested or notice of his intent to contest the greater sentence requested;
- (5) the procedure for payment of the total amount of the fine and the costs requested;
- (6) mention of the fact that preliminary applications may be made; and
- (7) the right to counsel.

The back of the pages or the data on the corresponding page screens in the statement of offence shall indicate the place or the telephone number at which the defendant may obtain additional information concerning the statement of offence.

The back of the pages may also contain a section for explanation of the codes and acronyms and, depending on the type of payment required in the request for sentence, may contain one or more of the following:

- (1) a box where a cashier's stamp may be affixed attesting that a payment has been received;
- (2) a payment receipt form;

(3) a record or an attestation of an electronic transaction; and

(4) the reference to the document attesting to the receipt of a payment.

### **DIVISION III** GENERAL STATEMENT OF OFFENCE WITH A REQUEST FOR THE MINIMUM SENTENCE

**29.** The front of the pages or the data on the corresponding page screens in the general statement of offence with a request for the minimum sentence shall contain the headings, key words, pre-printed or pre-programmed texts and spaces allowing the following particulars to be entered:

- (1) in the page header:
  - (a) the title "Statement of Offence" and the number of the statement of offence;
  - (b) the judicial district in which the proceedings are instituted;
  - (c) if the statement of offence is in paper form, the court office record number; if the statement of offence is in electronic form, that number may be entered in another document electronically attached or referenced to the statement of offence; and
  - (d) the prosecutor's name and address;
- (2) in the section concerning identification of the defendant, his or its name and address and the following optional particulars:
  - (a) mention of whether the defendant is a legal or natural person and, in the latter case, whether male or female;
  - (b) the defendant's birthdate; and
  - (c) the type of document or file and the items in the document or file making it possible to confirm the defendant's identity, and the province or state of origin of the document or file;
- (3) in the section concerning the offence:
  - (a) the reference to the legislative provisions creating the offence alleged to have been committed;
  - (b) a description of the offence;
  - (c) the date on which the offence was committed; and

(d) the time at which the offence was committed, if relevant to the charge;

(4) in the section concerning the place where the offence was committed:

(a) the place where the offence is alleged to have been committed; and

(b) the location code of that place, if relevant to the charge;

(5) in the section concerning the sentence:

(a) the amount of the minimum sentence and the minimum costs prescribed by law for the offence; and

(b) the total amount of the fine and the costs requested by the prosecutor;

(6) in the section concerning the attestation of the facts and service of the statement of offence:

(a) the attestation of the facts by the person who issued the statement of offence;

(b) the name and quality of the person attesting to the facts and, if the person is a peace officer, his number;

(c) mention of the fact that that person did not serve the statement of offence;

(d) mention of the fact that service is made at the time the offence was committed or following it;

(e) how service was made;

(f) the name and quality of the person serving the statement of offence or mention of the fact that he is the same person as the person attesting to the facts;

(g) the date and time of service or the reference to the document indicating the date and time of service; and

(h) the signature of the person attesting to the facts and of the person serving the statement of offence or, as the case may be, their respective signatures affixed electronically or the validation codes for their signatures so affixed; where the attestation and service are made by the same person, mention of that fact and that person's signature for the attestation of the facts and for service or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(7) in the section concerning the conversion of the statement of offence into hard copy, the particulars prescribed in paragraph 5 of section 25;

(8) the computer codes, marks or particulars making it possible to locate the documents electronically attached or referenced to the statement of offence; and

(9) the computer codes, marks or particulars making it possible to ensure the security of the data contained in the statement of offence.

**30.** The back of the pages or the data on the corresponding page screens in the statement of offence shall contain at least the headings, key words, texts and spaces allowing the particulars prescribed in section 28 to be entered, except for the particulars concerning the request for a greater sentence than the minimum sentence prescribed in subparagraphs 2, 3 and 4 of the first paragraph of that section.

**31.** The front of the pages or the data on the corresponding page screens of the return document in the statement of offence shall contain the headings, key words, pre-printed or pre-programmed texts and spaces allowing the following particulars to be entered:

(1) the number of the statement of offence;

(2) the defendant's plea;

(3) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, and the date of the signature;

(4) the request for sentence indicating the minimum sentence and costs prescribed by law as well as the total amount of the fine and the costs requested;

(5) the place where the defendant must transmit the plea and, in the case of a plea of guilty, the place where he must transmit the total amount of the fine and the costs requested;

(6) the deadline by which the defendant must transmit the plea and, in the case of a plea of guilty, the deadline by which he must transmit the total amount of the fine and the costs requested;

(7) the date of service of the statement of offence; and

(8) the sum actually paid.

**32.** The back of the pages or the data on the corresponding page screens of the return document in the statement of offence may, depending on the type of payment required, contain one or more of the following:

(1) a box where a cashier's stamp may be affixed attesting to the receipt of a payment;

(2) a payment receipt form;

(3) a record or an attestation of an electronic transaction; and

(4) the reference to the document attesting to the receipt of a payment.

#### **DIVISION IV**

#### **STATEMENT OF OFFENCE ISSUED FOR AN OFFENCE RELATING TO THE CONTROL OF HIGHWAY TRANSPORTATION, HIGHWAY SAFETY OR PARKING VIOLATIONS OR FOR AN OFFENCE WHICH A MUNICIPALITY IS RESPONSIBLE FOR PROSECUTING**

**33.** The statement of offence referred to in this Division shall also make it possible, where necessary, to serve a notice of the type prescribed in

(1) sections 577 and 578 of the Highway Safety Code (R.S.Q., c. C-24.2);

(2) section 79 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1);

(3) section 90 of the Act respecting truck transportation (R.S.Q., c. C-5.1);

(4) section 77.1 of the Transport Act (R.S.Q., c. T-12);

(5) article 1140*d* of the Charter of the City of Montreal (1959-1960, c. 102); and

(6) article 602*a* of the Charter of the City of Québec (1929, c. 95).

**34.** The front of the pages or the data on the corresponding page screens in the statement of offence issued for an offence relating to the control of highway transportation, highway safety or parking violations or for an offence which a municipality is responsible for prosecuting shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

(1) in the page header:

(a) the title "Statement of Offence" and the number of the statement;

(b) the notice issued with the statement of offence;

(c) the judicial district in which the proceedings are instituted;

(d) if the statement of offence is in paper form, the court office record number; if the statement of offence is in electronic form, that number may be entered in another document electronically attached or referenced to the statement of offence; and

(e) the prosecutor's name and address;

(2) in the section concerning identification of the defendant, his or its name and address and the following optional particulars:

(a) his place of residence and whether he is a non-resident;

(b) mention of whether the defendant is a legal or natural person and, in the latter case, whether male or female;

(c) his birthdate; and

(d) the type of document or file and the items in the document or file making it possible to confirm the defendant's identity, and the province, territory or state of origin of the document or file;

(3) in the section concerning the vehicle, the registration number or, where applicable, the temporary registration number, and the following optional particulars:

(a) the year of expiry of the registration or the expiry date of the right to travel and the province or state that issued the registration; and

(b) the make, model and year of the vehicle, its declared number of axles and its declared net weight;

(4) in the section concerning the offence:

(a) the reference to the legislative provisions creating the offence alleged to have been committed;

(b) a description of the offence;

(c) the date on which the offence was committed and, if relevant, the time at which it was committed;

(d) specification of the recorded speed, recorded weight and authorized weight, speed zone, the means of interception and, where applicable, mention of the fact that the offence is alleged to have been committed during a thaw period; and

(e) for information purposes, the demerit points corresponding to the alleged offence;

(5) in the section concerning the place where the offence was committed:

(a) the place where the offence is alleged to have been committed; and

(b) specification of the vehicle's position in relation to that place;

(6) in the section concerning the driver, his name, if he is not the defendant identified in the section referred to in paragraph 2, and the following optional particulars:

(a) his birthdate;

(b) the type of document or file, the items in the document or file making it possible to confirm the driver's identity and the province, territory or state of origin of the document or file; and

(c) the name of the carrier employing the driver;

(7) in the section concerning the sentence:

(a) the minimum sentence and costs prescribed by law;

(b) the total amount of the fine and the costs requested by the prosecutor; and

(c) other requests allowed by law;

(8) in the section concerning the attestation of the facts and service of the statement of offence, the particulars prescribed in paragraph 6 of section 29;

(9) in the section concerning the conversion of the statement of offence into hard copy, the particulars prescribed in paragraph 5 of section 25; and

(10) the computer particulars prescribed in paragraphs 6 and 7 of section 25.

**35.** The back of the pages or the data on the corresponding page screens in the statement of offence shall consist of two sections containing at least the headings, key words, texts and spaces allowing the following particulars to be entered:

(1) in the section concerning the notice:

(a) the obligations arising from the fact that a notice has been received;

(b) the consequences of compliance or non-compliance with the notice received;

(c) certification of the fact that the defendant has complied with the notice issued by a peace officer;

(d) the date of the certification;

(e) the peace officer's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the officer's number and mention of the police force to which he belongs; and

(f) in addition, where it is generated in electronic form, the part of the section concerning the notice bearing certification of compliance may be, as required, transmitted electronically to the police force to which the officer who signed it belongs or converted into hard copy on a pre-printed or pre-programmed certification of compliance form intended for the defendant; in such case, the number of the statement of offence bearing the notice issued to the defendant and, where applicable, the attestation of hard-copy conversion of the certification whose contents are prescribed in subparagraphs *c*, *d* and *e* of this paragraph shall be added to the particulars contained in the certificate of compliance; and

(2) in the section concerning the statement of offence:

(a) the particulars prescribed in section 28, other than those relating to a request for a greater sentence than the minimum sentence prescribed in subparagraphs 2, 3 and 4 of the first paragraph of that section; and

(b) general information on demerit points.

**36.** The front of the pages or the data on the corresponding page screens of the return document in the statement of offence shall consist of three sections containing the headings, key words, pre-printed or pre-programmed texts and spaces allowing the following particulars to be entered:

(1) in the section concerning the notice:

(a) certification of the fact that the defendant has complied with the notice issued by a peace officer;

(b) the date of certification;

(c) the peace officer's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the officer's number and mention of the police force to which he belongs; and

(d) in addition, where it is generated in electronic form, the part of the section concerning the notice bearing certification of compliance may be, as required, transmitted electronically to the police force to which the officer who signed it belongs or converted into hard copy on a pre-printed or pre-programmed certification of compliance form intended for the defendant; in such case, the number of the statement of offence bearing the notice issued to the defendant and, where applicable, the attestation of hard-copy conversion of the certification whose contents are prescribed in subparagraphs *a*, *b* and *c* of this paragraph shall be added to the particulars contained in the certificate of compliance;

(2) in the section concerning the plea:

(a) the number of the statement of offence;

(b) the defendant's plea;

(c) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, and the date of the signature; and

(d) optional mention of the possibility of providing explanations; and

(3) in the section concerning the request for sentence and payment:

(a) the minimum sentence and costs prescribed by law as well as the total amount of the fine and the costs requested;

(b) other requests allowed by law;

(c) the place where the defendant must transmit the plea and, in the case of a plea of guilty, the place to which he must transmit the total amount of the fine and the costs requested;

(d) the date of service of the statement of offence; and

(e) the sum actually paid.

**37.** The back of the pages or the data on the corresponding page screens of the return document in the statement of offence may, depending on the type of payment required, contain one or more of the following:

(1) a box where a cashier's stamp may be affixed attesting that a payment has been received;

(2) a payment receipt form;

(3) a record or an attestation of an electronic transaction; and

(4) the reference to the document attesting to the receipt of a payment.

#### **DIVISION V** STATEMENT OF OFFENCE ISSUED FOR A PARKING VIOLATION

**38.** The front of the pages or the data on the corresponding page screens in the statement of offence issued for a parking violation shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

(1) in the page header:

(a) the title "Statement of Offence" and the number of the statement of offence;

(b) the judicial district in which the proceedings are instituted;

(c) the prosecutor's name and address; and

(d) the fact that the vehicle owner will be identified as the defendant, and the defendant's name and address if known at the time the statement of offence is served;

(2) in the section concerning the vehicle:

(a) the vehicle's registration number or, where applicable, the temporary registration certificate number, the name and address of the holder of the certificate and the province, territory or state that issued the registration;

(b) the make and model of the vehicle; and

(c) the place to which the vehicle has been towed, where applicable;

(3) in the section concerning the time and the place at which the offence was committed:

(a) the date and time when the offence was committed;

(b) the place where the offence is alleged to have been committed;

(c) specification of the vehicle's position in relation to that place;

(d) the parking control sign; and

- (e) the number of the parking meter;
- (4) in the section concerning the offence, a description of the offence;
- (5) in the section concerning the sentence:
  - (a) the minimum sentence and costs;
  - (b) the total amount of the fine and the costs requested by the prosecutor; and
  - (c) other requests allowed by law;
- (6) in the section concerning the attestation of the facts and service of the statement of offence, the particulars prescribed in paragraph 6 of section 29;
- (7) in the section concerning the conversion of the statement of offence into hard copy, the particulars prescribed in paragraph 5 of section 25; and
- (8) the computer particulars prescribed in paragraphs 6 and 7 of section 25.

**39.** The back of the pages or the data on the corresponding page screens in the statement of offence shall contain at least the headings, key words, texts and spaces allowing the particulars prescribed in section 28 to be entered, except for the particulars concerning the request for a greater sentence than the minimum sentence prescribed in subparagraphs 2, 3 and 4 of the first paragraph of that section.

**40.** The front of the pages or the data on the corresponding page screens of the return document in the statement of offence shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

- (1) in the page header, the following particulars:
  - (a) the number of the statement of offence;
  - (b) the name of the judicial district;
  - (c) the prosecutor's name;
  - (d) the vehicle's registration number or, where applicable, the temporary registration certificate number, and the province, territory or state that issued the registration, as well as the make and model of the vehicle;
  - (e) the date on which the offence was committed;
  - (f) the request for sentence; and

- (g) the date and time of service of the statement of offence; and

- (2) in the section concerning the plea and payment:

- (a) the defendant's plea of guilty;

- (b) the defendant's signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed, the date of the signature and the quality of the signatory if the defendant is a legal person;

- (c) the place where the defendant must transmit the plea or the place where payment must be made and the deadline by which the plea must be transmitted and the payment made;

- (d) the consequences of paying the total amount of the fine and the costs requested; and

- (e) the sum actually paid.

**41.** The back of the pages or the data on the corresponding page screens of the return document in the statement of offence shall contain the headings, key words, texts and spaces allowing the following particulars to be entered:

- (1) the defendant's plea of not guilty;

- (2) the defendant's name, address and signature or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

- (3) the date on which the plea is signed;

- (4) the make and model of the vehicle and the vehicle's registration number;

- (5) the place where the defendant must transmit the plea and the deadline by which he must transmit it to the place indicated;

- (6) optional mention of the possibility of providing explanations; and

- (7) depending on the type of payment required, one or more of the following:

- (a) a box where a cashier's stamp may be affixed attesting that a payment has been received;

- (b) a payment receipt form;

- (c) a record or an attestation of an electronic transaction; and



(d) the reference to the document attesting to the receipt of a payment.

### CHAPTER III TRANSITIONAL AND FINAL

**42.** Statement of offence forms pre-printed in accordance with the provisions of the Regulation respecting the form of statements of offence, made by Order in Council 1019-93 dated 14 July 1993, may continue to be used to generate statements of offence originally in paper form.

**43.** This Regulation replaces the Regulation respecting the form of statements of offence, made by Order in Council 1019-93 dated 14 July 1993.

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

CANADA  
PROVINCE OF QUÉBEC  
Judicial district of

SCHEDULE I  
(s. 23, 1st par., subpar. 1)

**STATEMENT OF OFFENCE**

No.

DEFENDANT

PROSECUTOR

Record No.:

I have reasonable grounds to believe that the defendant has committed the following offence:

(N.B. The minimum sentence is indicated after the description of the offence.)

	<input type="checkbox"/> Attorney General's prosecutor, or <input type="checkbox"/> Person authorized by the prosecutor <i>(indicate quality)</i>	Signature	Date
Date and time of service of statement	When served by mail, the date and time indicated on the notice of receipt or delivery or the date and time indicated on the envelope.	The following: <input type="text"/> Date <input type="text"/> Time <b>OR</b> when served by: <input type="checkbox"/> Bailiff <input type="checkbox"/> Peace officer Signature	

**REQUEST FOR SENTENCE**

Sentence requested: \_\_\_\_\_ + Costs: \_\_\_\_\_ = Whole amount requested: \_\_\_\_\_

Grounds for a greater sentence than the minimum sentence:

If a greater sentence than the minimum sentence is requested and if the defendant transmits a plea of guilty but contests the greater sentence requested, he is not required to transmit the whole amount of the fine and costs requested.

Identification of the prosecutor	<b>PLEA OF GUILTY OR NOT GUILTY</b> <i>(See instructions on back)</i>	<small>▲ Detach here and ▲ return to the address indicated on back.</small>
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To the offence described in statement No. \_\_\_\_\_, I, the undersigned, plead:

**GUILTY;**

**GUILTY**, but I contest the greater sentence requested;

**Not guilty.**

Signature of defendant <i>(For legal person, see back)</i>	Date	Quality
--	------	---------

• AC-128A (93-07) If address has changed, indicate new address

### STATEMENT OF OFFENCE

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

### TRANSMISSION OF PLEA

You are required to transmit your plea of guilty or not guilty within **30 days** following the date on which the statement of offence is served on you by mail, by bailiff, by peace officer or by such other means as may be authorized by a judge. If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

### PLEA OF GUILTY AND PAYMENT

If you plead guilty to the offence alleged, use the detachable portion of the statement of offence to:

- enter your plea, and
- pay the whole amount of the fine and costs requested.

The plea and the payment must be transmitted to the address indicated on the back of the detachable portion.

A defendant who pleads guilty must transmit the whole amount requested; if he fails to do so, an additional amount of costs may be required.

Payment may be made in Canadian funds by cheque or postal order made out to the Minister of Finance. Payment in cash is not recommended.

A defendant who transmits the whole amount of the fine and costs requested without entering a plea is deemed to have transmitted a plea of guilty.

If the defendant has transmitted or is deemed to have transmitted a plea of guilty without indicating his intention to contest the sentence requested, he is deemed to have been convicted of the offence.

### PLEA OF NOT GUILTY

If you plead not guilty to the offence or guilty with the intention to contest the greater sentence than the minimum sentence requested, use the detachable portion of the statement of offence to:

- enter your plea, and
- return it to the address indicated on the back.

The defendant will receive from the clerk of the court of competent jurisdiction a notice of the place, date and time fixed to try the proceeding or to hear the contestation of the sentence.

### FAILURE TO TRANSMIT A PLEA

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty, and the proceeding will be tried and judgment rendered without further notice.

### PRELIMINARY APPLICATIONS

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

### RIGHT TO COUNSEL

You have a right to counsel before transmitting a plea or making a preliminary application.

Information

Return mailing address for  
plea and any payment

SCHEDULE II  
(s. 23, 1st par., subpar. 2)

**STATEMENT OF OFFENCE**

Judicial district
Court office: record No.
Prosecutor

<b>A</b> Defendant	1-Mr. <input type="checkbox"/> 2-Mrs. <input type="checkbox"/> 3-Legal person <input type="checkbox"/>	Surname	
		Given name(s)	
	Address		
	Apt.		
	Locality		
Province/State	Postal code	<input type="checkbox"/> Minor	Date of birth (Y-M-D)
Confirmation of identity			

<b>B</b> Offence	Statute / Regulation	
	Section	Code
	Description of offence	
	Date of offence (Y-M-D)	
Time (H-M)		

<b>C</b> Place	Place	
	Location	Zone

<b>D</b> SEN-TENCE	Minimum sentence	Costs	\$ +	\$ =	\$ Amount requested

<b>E</b>	<b>ATTESTATION</b>		<b>SERVICE</b>		
	I, the undersigned, attest that I have personally observed the facts mentioned in		I remitted <input type="checkbox"/> when the offence was committed		
	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C		<input type="checkbox"/> after the offence was committed		
	and I have reasonable grounds to believe that the offence described in B has been committed.		a duplicate of the statement of offence:		
			<input type="checkbox"/> to the defendant <input type="checkbox"/> to the driver		
			<input type="checkbox"/> in a conspicuous place on the vehicle		
			<input type="checkbox"/> otherwise:		
Name (in block letters)		Name (in block letters) <input type="checkbox"/> Same as attestation			
Peace officer	Officer's number	Unit	Peace officer	Officer's number	Unit
Person responsible for enforcement of the law	Quality		Person responsible for enforcement of the law	Quality	
<input type="checkbox"/> I did not remit a duplicate of the statement of offence		Date of service		Time (H-M)	
<input type="checkbox"/> I observed the facts and served a duplicate of the statement of offence (only one signature required below)		Y	M	D	
Signature		Signature			

• CR-86A (93-07)

DEFENDANT

**STATEMENT OF OFFENCE**

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

**TRANSMISSION OF PLEA**

You are required to enter a plea of guilty or not guilty within **30 days** following the date of service indicated in the part entitled **SERVICE** in Section E of the statement of offence or in the reference document identified in that same part of Section E.

If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

**PLEA OF GUILTY AND PAYMENT**

If you plead guilty to the offence alleged, use the return form attached hereto in order to:

- enter your plea, and
- pay (in Canadian funds) the whole amount of the fine and costs requested.

The plea and the payment may be transmitted to the address indicated on the return form or to.....

Payment may be made by cheque or postal order made out to.....

Unless the whole amount of the fine and costs requested is transmitted together with this plea, additional costs may be imposed.

If the defendant transmits a plea of guilty, he is deemed to have been convicted of the offence.

**PLEA OF NOT GUILTY**

If you plead not guilty to the offence, enter your plea on the return form attached hereto. Your plea must be transmitted to the address indicated on the return form.

You will be notified by the clerk of the court of competent jurisdiction of the place, date and time fixed for trial of the proceeding.

**FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED**

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty. In such a case, the proceeding will be tried and judgment rendered without further notice.

**PRELIMINARY APPLICATIONS**

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

**RIGHT TO COUNSEL**

You have a right to counsel before transmitting a plea or making a preliminary application.

Information
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**RETURN FORM**

**PLEA**

**IMPORTANT: CONCERNING THE CONSEQUENCES OF THIS PLEA, SEE BACK OF THE STATEMENT OF OFFENCE**

TO THE INFRACTION DESCRIBED IN PART B OF THE STATEMENT OF OFFENCE

No. \_\_\_\_\_, I PLEAD:

Guilty       Not guilty  
*(If you wish to provide explanations, write them below)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Y M D

If address has changed  
 Indicate new address \_\_\_\_\_

\_\_\_\_\_

Postal code \_\_\_\_\_

Return mailing address  
for plea and any payment

**REQUEST FOR SENTENCE**

Minimum sentence	Costs	
\$ +	\$ =	Amount requested \$

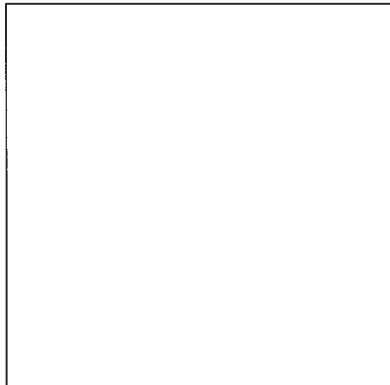
↕

Sum paid

Date of service

Y	M	D

**CASHIER'S STAMP**



SCHEDULE III  
(s. 23, 1st par., subpar. 3)

STATEMENT  
OF OFFENCE

Judicial district	<b>NOTICE</b> (.....) <input type="checkbox"/> SEE BACK
Court office: record No.	
Prosecutor	

<b>A</b> <b>Defendant</b>	1- Mr. <input type="checkbox"/> 2- Mrs. <input type="checkbox"/> 3- Legal person <input type="checkbox"/>	Surname	
		Given name(s)	
	Address Apt.		
	Locality		
	Province / State	Postal code	<input type="checkbox"/> Non-resident
Confirmation of identity		Province / State	

<b>B</b> <b>Vehicle</b>	Registration	<input type="checkbox"/> Temporary	Expiry	Province / State	Make
	Model	Year	Declared axles	Declared net weight kg	
	<input type="checkbox"/> Highway Safety Code	<input type="checkbox"/> Other statute or regulation Title:			
	Section	Code	Defendant code	Vehicle code	
	Description of offence			Speed recorded km/h	Speed limit km/h
			Weight recorded kg	Weight authorized kg	
Date of offence (Y-M-D)		Time from to	Demerit points	Thaw period <input type="checkbox"/>	

<b>C</b> <b>Offence</b>	Place				1-Facing	Side
					2-Near	1-North
					3-Opposite	2-South
Highway	Direction	Location	Unit	4-Inters.	3-East	
				5-Behind	4-West	

<b>D</b> <b>Place</b>	Driver - Surname (If different from 'A')	Given name(s)
	Confirmation of identity	
	Province / State	

<b>E</b> <b>SENTENCE</b>	Minimum sentence	Costs	\$ +	\$ =	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ (Amount requested)
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<b>F</b> <b>ATTESTATION</b>	I, the undersigned, attest that I have personally observed the facts mentioned in		<b>SERVICE</b>			
	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E and I have reasonable grounds to believe that the offence described in C has been committed.		remitted <input type="checkbox"/> when the offence was committed after the offence was committed			
	Name (in block letters)		Name (in block letters) <input type="checkbox"/> Same as attestation			
	Peace officer	Officer's number	Unit	Peace officer	Officer's number	Unit
	Person responsible for enforcement of the law		Person responsible for enforcement of the law		Quality	
	<input type="checkbox"/> I did not remit a duplicate of the statement of offence		Date of service	Y	M	D
	<input type="checkbox"/> I observed the facts and served a duplicate of the statement of offence (only one signature required below)		Time (H-M)			
	Signature		Signature			



**NOTICE ( ..... )**

**Compliance**

If you have received a notice, you can remedy the offence alleged in the statement of offence. You have.....to perform the necessary repairs or corrections or have them performed and to present proof of compliance with the notice to any peace officer.

The statement of offence that was issued to you with a notice becomes void if you provide the required proof to a peace officer within the time indicated.

**Non-compliance**

If you do not comply with the law, you must answer the charge made against you in the statement of offence. You have 30 days from the expiry of the..... period granted to you in which to enter a plea of guilty or not guilty.

**STATEMENT OF OFFENCE**

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

**TRANSMISSION OF PLEA**

You are required to enter a plea of guilty or not guilty within 30 days following the date of service indicated in the part entitled SERVICE in Section G of the statement of offence or in the reference document identified in that same part of Section G.

If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

**PLEA OF GUILTY AND PAYMENT**

If you plead guilty to the offence alleged, use the return form attached hereto in order to:

- enter your plea, and
- pay (in Canadian funds) the whole amount of the fine and costs requested.

The plea and the payment may be transmitted to the address indicated on the return form or to.....

Payment may be made by cheque or postal order made out to.....

Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.

If the defendant transmits a plea of guilty, he is deemed to have been convicted of the offence.

**PLEA OF NOT GUILTY**

If you plead not guilty to the offence, enter your plea on the return form attached hereto. Your plea must be transmitted to the address indicated on the return form.

You will be notified by the clerk of the court of competent jurisdiction of the place, date and time fixed for trial of the proceeding.

**FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED**

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty. The proceeding will then be tried and judgment rendered without further notice.

**DEMERIT POINTS**

Demerit points are indicated on the statement of offence solely for your information. It is the responsibility of the Société de l'assurance automobile du Québec to record the demerit points in the defendant's file.

**PRELIMINARY APPLICATIONS**

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

**RIGHT TO COUNSEL**

You have a right to counsel before transmitting a plea or making a preliminary application.

Information
-------------

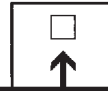
**TO BE USED BY THE PEACE OFFICER WHEN VERIFYING COMPLIANCE WITH A NOTICE ( ..... )**

I certify that I have determined that the required repairs or corrections have been performed in compliance with the law.

_____	_____	_____
Signature	Officer's No. / Rank	
_____	_____	_____
Date (Y-M-D)	District Unit	Police force CRPQ

**DEFENDANT**

**RETURN FORM**



**1 NOTICE ( ..... ) IF CHECKED**

**ISSUED BY**  
**TO BE USED BY THE PEACE OFFICER WHEN**  
**VERIFYING A NOTICE**

I certify that I have determined that the required repairs or corrections have been performed in compliance with the law.

\_\_\_\_\_ Y M D

Unit / District / Police force / CRPQ \_\_\_\_\_ Date

Signature \_\_\_\_\_ Officer's No. / Rank \_\_\_\_\_

**The officer must forward the proof of compliance to the police force that issued the notice.**

**2 PLEA**

**IMPORTANT: CONCERNING THE CONSEQUENCES OF THIS PLEA, SEE BACK OF THE STATEMENT OF OFFENCE**

**TO THE INFRACTION DESCRIBED IN PART C OF THE STATEMENT OF OFFENCE**

No. \_\_\_\_\_, I PLEAD:

Guilty  Not guilty  
*(If you wish to provide explanations, attach them to the return form)*

\_\_\_\_\_ Y M D

Signature \_\_\_\_\_ Date \_\_\_\_\_

If address has changed, indicate new address \_\_\_\_\_

Postal code \_\_\_\_\_

Return mailing address  
for plea and any payment

**3 REQUEST FOR SENTENCE**

Minimum sentence Costs Amount requested

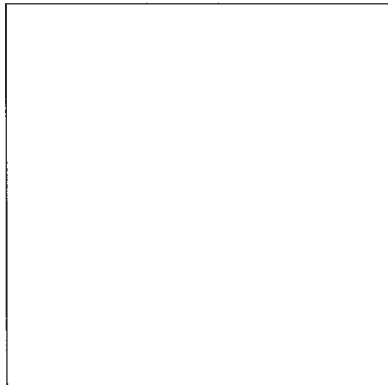
\$ + \$ = \$ requested

Sum paid

Date of service

Y M D

**CASHIER'S STAMP**



SCHEDULE IV  
(s. 23, 1st par., subpar. 4)  
**CANADA** **STATEMENT**  
**PROVINCE OF QUÉBEC** **OF OFFENCE**  
Judicial district

Prosecutor
Owner to be Identified
Defendant

Payment: See return form

Vehicle	Registration	Province / State	Make	Model
	Temporary registration certificate		Towing / Vehicle towed to	
	Surname		Given name(s)	
	Address			
Place	Time of offence From _____ to _____		Date of offence (Y M D)	
	District	Parking control sign	Parking meter No.	
	Place		1-Facing	Side
	Highway	Direction	Location	Unit

Description of offence

\$	SEN- TENCE	Sentence requested Minimum sentence \$ +	Costs \$ =	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$ Amount requested
	<input type="checkbox"/> Towing costs of _____ have been added if this box is checked off.				

<p style="text-align: center; font-weight: bold; margin: 0;">ATTESTATION</p> <p style="font-size: small; margin: 0;">I, the undersigned, attest that I have personally observed the facts mentioned in this statement of offence and I have reasonable grounds to believe that the offence described above has been committed.</p>	<p style="text-align: center; font-weight: bold; margin: 0;">SERVICE</p> <p style="font-size: small; margin: 0;">I remitted <input type="checkbox"/> when the offence was committed <input type="checkbox"/> after the offence was committed a duplicate of the statement of offence: <input type="checkbox"/> in a conspicuous place on the vehicle <input type="checkbox"/> otherwise:</p>
Name (in block letters)	Name (in block letters) <input type="checkbox"/> Same as attestation
Person responsible for Quality enforcement of the law	Person responsible for Quality enforcement of the law
<input type="checkbox"/> I did not remit a duplicate of the statement of offence <input type="checkbox"/> I observed the facts and served a duplicate of the statement of offence (only one signature required below)	Date of service Y    M    D    Time (H-M)
Signature	Signature

\* CR-544A (93-07)

DEFENDANT

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

Take note that you are required to enter a plea of guilty OR not guilty with regard to this statement of offence.

**IF YOU PLEAD GUILTY TO THE OFFENCE ALLEGED**, you must pay the whole amount of the fine and costs requested as indicated on the front or you may be liable for an additional amount of costs. If you pay the whole amount of the fine and costs, you will be deemed to have transmitted a plea of guilty.

**YOU MAY MAKE YOUR PAYMENT** no later than **30 days** following service of this statement of offence. The date of service is indicated in the part entitled **SERVICE** in the statement of offence or in the reference document identified in that same part. You must use the return form attached hereto or make payment at the following location:

**INSTRUCTIONS FOR PAYMENT:**

- 1 - Do not send cash by mail.  
Make payment to the order of:
- 2 - Write your name in block letters and the number of the statement of offence on the back of your cheque or money order.
- 3 - The cancelled cheque or money order serves as your receipt.

**IF YOU PLEAD NOT GUILTY TO THE OFFENCE ALLEGED**, use the back of the return form attached to this statement of offence.

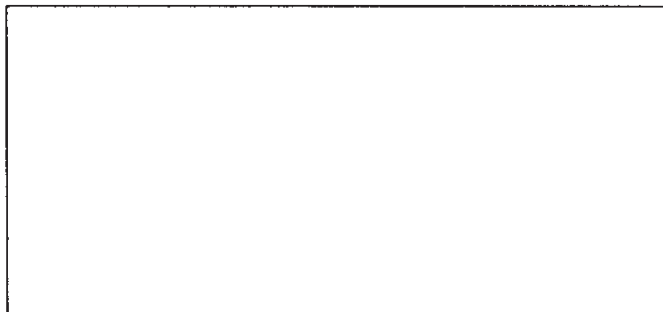
Your plea and your explanations, if any, must be sent no later than **30 days** following service of this statement of offence. The date of service is indicated in the part entitled **SERVICE** in the statement of offence or in the reference document identified in that same part.

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty, and the proceeding will be tried and judgment rendered without further notice.

In addition, you have the right to make a preliminary application.

**You have the right to counsel.**

**INFORMATION**



<b>Plea of not guilty</b>			
<b>To enter a plea of not guilty, you must fill out this part.</b>			
<input type="checkbox"/> I plead not guilty		Signature	
Surname ( <i>In block letters</i> )		Given name(s)	
No. and street		Apt.	
City			
Province		Postal code	Date (Y-M-D)
Registration	Province / State	Make	Model
<p>You may also provide explanations concerning the offence alleged; your explanations will be examined and you will be notified of the decision either to maintain or to withdraw the statement of offence issued against you. The number of the statement of offence appears below.</p> <p>If the statement is maintained, you will be notified by the clerk of the court having competent jurisdiction of the place, date and time fixed for trial of the proceeding.</p> <p>If you wish to provide explanations, write them here, or attach an extra page.</p>			
<p><b>This plea of not guilty must be sent, no later than 30 days following service of this statement of offence, to the following address:</b></p> <p style="text-align: center;"><b>Return mailing address for plea</b></p>			

### CASHIER'S STAMP

CANADA  
PROVINCE OF QUÉBEC

RETURN  
FORM

Judicial district

Prosecutor
------------

Registration	Province / State	Make	Model
<div style="text-align: right; margin-top: 20px;"> Date of offence (Y M D)   _ _ _ _ _  </div>			

**Plea of guilty**

<input type="checkbox"/> I plead guilty	Signature
_____	_____
Quality	Date

**PAYMENT**

**Important**

If you plead guilty to the offence alleged, you must pay the amount indicated in the section "Amount requested", in which case you will be deemed to have transmitted a plea of guilty.

You may transmit your plea, along with your payment, no later than 30 days following the date of service appearing at the end of this document or, if service is made by mail, the date appearing on the receipt or delivery notice or the envelope.

Transmit your plea and payment to the following location:

**TO BE RETURNED WITH YOUR PAYMENT**

<b>SEN- TENCE</b>	Sentence requested	Costs	\$ =	_ _ _ _ _	\$	Amount requested
	Minimum sentence	\$ +				
	<input type="checkbox"/> Towing costs of _____ have been added if this box is checked off.					

Sum paid
_ _ _ _ _  \$

Date of service	Time (H-M)
Y M D	_ _ _ _ _
_ _ _ _ _	_ _ _ _ _

SCHEDULE V  
(s. 23, 2nd par.)

Statement  
of offence

Judicial district		<b>NOTICE</b>	
Court office: record No.		[ ] (.....)	
Prosecutor			
<b>A</b> Defendant	1 - Mr. <input type="checkbox"/> Surname - Given name(s)		
	2 - Mrs. <input type="checkbox"/>		
	3 - Legal person <input type="checkbox"/>		
Address			
Confirmation of identity <input type="checkbox"/>		Province/State	Non-resident <input type="checkbox"/>
<b>B</b> Vehicle	Registration	Temporary <input type="checkbox"/>	Expiry <input type="checkbox"/>
	Province / State		
Make		Model	Year
		Declared axes	Declared net weight kg
<b>C</b> Offence	<b>Title of statute or regulation</b>		
	Section	Code	Defendant code
	Vehicle code		
	Description of offence		
Speed recorded by:		Speed recorded km/h	Speed limit km/h
1-Radar <input type="checkbox"/> 2-Vehicle <input type="checkbox"/>			
3-Air <input type="checkbox"/> 4-Laser <input type="checkbox"/>			
Date of offence (Y-M-D)		Time	Diameter points
			Thaw period
<b>D</b> Place	1-Facing <input type="checkbox"/> 3-Opposite <input type="checkbox"/> 5-Behind <input type="checkbox"/>		Side
	2-Near <input type="checkbox"/> 4-Inters. <input type="checkbox"/>		1-North <input type="checkbox"/> 3-East <input type="checkbox"/>
			2-South <input type="checkbox"/> 4-West <input type="checkbox"/>
Place			
Highway		Direction	Location
			Unit
<b>E</b> Driver	1 - Driver <input type="checkbox"/> Surname - Given name(s)		
	2 - Carrier <input type="checkbox"/>		
	3 - Same as defendant <input type="checkbox"/>		
Confirmation of identity <input type="checkbox"/>		Province/State	
<b>F SENTENCE</b>			
Minimum sentence		Costs	Total amount requested
\$ +		\$ =	\$
<b>G</b> Attestation	I, the undersigned, attest that I have personally observed the facts mentioned in and I have reasonable grounds to believe that the offence described in C has been committed.		
	I did not remit a duplicate of the statement of offence when the offence was committed. <input type="checkbox"/>		
	Name		Officer's number
	1 - Peace officer <input type="checkbox"/> 2 - Other <input type="checkbox"/>		Unit
Quality			
Validation code			
<b>H</b> Service	I remitted a duplicate of the statement of offence: <input type="checkbox"/> when the offence was committed		Date of service (Y-M-D)
	<input type="checkbox"/> after the offence was committed		Time (H-M)
	When served by mail, see notice of receipt or delivery or other document enclosed.		
	to the <input type="checkbox"/> defendant <input type="checkbox"/> to the <input type="checkbox"/> driver <input type="checkbox"/> in a conspicuous place on the vehicle <input type="checkbox"/> otherwise <input type="checkbox"/>		
Name		Officer's number	
1 - Peace officer <input type="checkbox"/> 2 - Other <input type="checkbox"/>		Unit	
Quality			
Validation code			
I attest that this document is true to its duplicate in electronic form.			
Authorized person		Date (Y-M-D)	
Name		Time (H-M-S)	
Quality			
Validation code			

(Reference)

DEFENDANT



**NOTICE (.....)**

**Compliance**

If you have received a notice, you can remedy the offence alleged in the statement of offence. You have ..... to perform the necessary repairs or corrections or have them performed and to present proof of compliance with the notice to any peace officer.

The statement of offence that was issued to you with a notice becomes void if you provide the required proof to a peace officer within the time indicated.

**Non-compliance**

If you do not comply with the law, you must answer the charge made against you in the statement of offence. You have **30 days** from the expiry of the ..... period granted to you in which to enter a plea of guilty or not guilty.

**STATEMENT OF OFFENCE**

Penal proceedings are instituted by means of a statement of offence and commence at the time the statement is served.

**TRANSMISSION OF PLEA**

You are required to enter a plea of guilty or not guilty within **30 days** following the date of service indicated in the part entitled **SERVICE** in Section H of the statement of offence or in the reference document identified in that same part of Section H.

If the defendant is a legal person, one of its directors or other officers is required to sign. The signatory must indicate his quality.

**PLEA OF GUILTY AND PAYMENT**

If you plead guilty to the offence alleged, use the return form attached hereto in order to:

- enter your plea, and
- pay (*in Canadian funds*) the whole amount of the fine and costs requested.

The plea and the payment may be transmitted to the address indicated on the return form or to .....

Payment may be made by cheque or postal order made out to .....

Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.

If the defendant transmits a plea of guilty, he is deemed to have been convicted of the offence.

**PLEA OF NOT GUILTY**

If you plead not guilty to the offence, enter your plea on the return form attached hereto. Your plea must be transmitted to the address indicated on the return form.

You will be notified by the clerk of the court of competent jurisdiction of the place, date and time fixed for trial of the proceeding.

**FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED**

A defendant who does not transmit a plea or the whole amount of the fine and costs requested is deemed to have transmitted a plea of not guilty. The proceeding will then be tried and judgment rendered without further notice.

**DEMERIT POINTS**

Demerit points are indicated on the statement of offence solely for your information. It is the responsibility of the Société de l'assurance automobile du Québec to record the demerit points in the defendant's file.

**PRELIMINARY APPLICATIONS**

To provide for your defence, you may make, together with your plea of not guilty, the preliminary applications provided for in articles 168 to 186 of the Code of Penal Procedure.

**RIGHT TO COUNSEL**

You have a right to counsel before transmitting a plea or making a preliminary application.

Information
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<b>CONFIRMATION OF IDENTITY (Sections A and E)</b>	
Definition of codes (examples):	
P = Driver's licence No.	C = CTQ permit No.
D = Date of birth	U = US-DOT No. (U.S.)
E = Québec business No.	I = ICC No. (U.S.)
T = Carrier's No. (province)	A = Other (specify in report)

**TO BE USED BY THE PEACE OFFICER WHEN VERIFYING COMPLIANCE WITH A NOTICE (.....).**

I certify that I have determined that the required repairs or corrections have been performed in compliance with the law.

Signature	Officer's No. / Rank
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Date (Y-M-D)	District Unit	Police force CRPQ
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**DEFENDANT**

Gouvernement du Québec

## O.C. 1218-97, 17 September 1997

An Act respecting transportation by taxi  
(R.S.Q., c. T-11.1)

### Transportation by taxi

#### — Amendments

Regulation to amend the Transportation by Taxi Regulation

WHEREAS under subparagraphs 1 and 2 of the first paragraph of section 60 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1), the Government may, by regulation, delimit urban areas and determine for each urban area or region that it specifies, ratios permitting to determine the maximum number of permits that may be issued;

WHEREAS the Transportation by Taxi Regulation was made by the Government by Order in Council 1763-85 dated 28 August 1985 and 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 Regulation to amend the Transportation by Taxi Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 April 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Transportation by Taxi Regulation, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Transportation by Taxi Regulation

An Act respecting transportation by taxi  
(R.S.Q., c. T-11.1, s. 60, 1<sup>st</sup> par., subpars. 1 and 2)

**1.** The Transportation by Taxi Regulation, made by Order in Council 1763-85 dated 28 August 1985 and

amended by Orders in Council 393-87 dated 18 March 1987, 865-87 dated 3 June 1987, 129-88 dated 27 January 1988, 1729-88 dated 16 November 1988, 648-91 dated 8 May 1991, 570-94 dated 20 April 1994, 658-95 dated 10 May 1995 and 717-96 dated 12 June 1996, is further amended by substituting the following for paragraph 6 of section 32:

“(6) where applicable, not have failed, within at least the last month, the examination prescribed in paragraph 2 of section 41.3 of the Act respecting transportation by taxi.”.

#### **2.** Schedule A is amended

(1) by substituting “(61013M)” for “(61010SD)” in the A.6 urban area;

(2) by substituting “Île-Bizard (66150V)” for “Saint-Raphaël-de-l’Île-Bizard (66150P)” in the A.12 urban area;

(3) by inserting “Pointe-Calumet (72020M), Saint-Joseph-du-Lac (72025P),” after “(72010V),” in the A.14 urban area;

(4) by inserting “La Plaine (64020V),” after “(64005V),” in the A.17 urban area;

(5) by substituting “(57025M)” for “(57025VL)” in the A.23 urban area;

(6) by substituting “Saint-Germain-de-Grantham (49048M)” for “Saint-Germain-de-Grantham (49045VL) and Saint-Germain-de-Grantham (49050P)” in the A.29 urban area;

(7) by substituting “(23070M)” for “(23070P)” in the A.38 urban area;

(8) by substituting “(70055V)” for “(70055SD)” in the A.44 urban area;

(9) by substituting “(86043V)” for “(86040V)” in the A.48 urban area;

(10) by substituting “(89025M)” for “(89025SD)” in the A.49 urban area.

#### **3.** The following is substituted for Schedule C:

**“SCHEDULE C**  
(s. 7)

EXCEPTIONS TO THE RATIO OF 1 PERMIT  
PER 1 000 INHABITANTS

Territory	Ratio
Forestville (95045V)	1 permit per 800 inhabitants
Lebel-sur-Quévillon (99005V)	1 permit per 800 inhabitants
Mashteuiatsh (91802RI)	1 permit per 220 inhabitants
Mistissini (99804 1A)	1 permit per 260 inhabitants.”.

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

1761

Gouvernement du Québec

**O.C. 1228-97, 24 September 1997**

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

**Title IV.1.1 of the Act**

Regulation respecting Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the second paragraph of section 215.11.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 53 of Chapter 50 of the Statutes of 1997, the Government may determine by regulation, in the circumstances it determines, any other terms and conditions to be satisfied by an employee to avail himself of the measures provided for in Title IV.1.1 of that Act and the regulation may, if it so provides, have effect on any date not prior to 22 March 1997;

WHEREAS it is expedient to make such regulation;

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

THAT the Regulation respecting Title IV.1.1 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 respecting Title IV.1.1 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, s. 215.11.1; 1997, c. 50, s. 53)

**1.** For the purposes of the second paragraph of section 215.11.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), a non-unionizable employee who is eligible for an end-of-engagement indemnity must, to avail himself of the measures provided for in Title IV.1.1 of that Act, accept that the indemnity, established on the date on which he ceases to be governed by the plan, be reduced by an amount corresponding to 1.9 months of salary per year of service referred to in section 85.27 of that Act, to which section 215.11.8 of that Act refers, up to 12 months of salary.

For the purposes of the first paragraph, the end-of-engagement indemnity is that provided for in Division 5 of Chapter 5 of the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions made by Order in Council 1217-96 dated 25 September 1996 or in Division 6 of Chapter 5 of the Regulation respecting accessibility to positions, remuneration, group insurance plans and employment stability measures applicable to officers of regional boards and health and social services institutions made by Order in Council 1218-96 dated 25 September 1996.

**2.** This Regulation comes into force on the date it is made by the Government but has effect from 22 March 1997.

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Gouvernement du Québec

**O.C. 1229-97, 24 September 1997**

An Act to amend various legislative provisions  
of the pension in the public and parapublic sectors  
(1997, c. 50)

**Regulation**

Regulation under the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors

WHEREAS under the first paragraph of section 112 of the Act to amend various legislative provisions of the

pension plans in the public and parapublic sectors (1997, c. 50), the Government may determine by regulation, in respect of employees participating in the Government and Public Employees Retirement Plan on 31 December 1996, the circumstances and conditions under which those employees, for the purposes of Chapter V.2 of Title I of the Act respecting the Government and Public Employees Retirement Plan or for the purposes of Title IV.1.1 of that Act, are deemed to be employees who may be unionized or who are non-unionizable, as the case may be; the regulation may also determine, for the purposes of section 103 of the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors, the date on which a person ceases to participate in the Government and Public Employees Retirement Plan and the date on which he retires; both dates may vary according to the date on which the person is eligible for a pension and the date on which he ceases to participate in the plan;

WHEREAS under the second paragraph of section 112, a regulation under the first paragraph may, if it so provides, have effect from a date that is not prior to 22 March 1997;

WHEREAS it is expedient to make such regulation;

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

THAT the Regulation under the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation under the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors**

An Act to amend various legislative provisions of the pension plans in the public and parapublic sectors (1997, c. 50, s. 112)

**1.** Subject to the third paragraph and notwithstanding section 85.22 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), a non-unionizable employee who retires in the period of application of the measures provided for in Chapter V.2 of Title I of that Act and who was participating in the

plan on 31 December 1996 as a unionizable employee is, for the purposes of that Chapter, deemed to be

(1) a unionizable employee if he was such an employee on 22 March 1997; or

(2) a non-unionizable employee if he was such an employee on that date.

Subject to the third paragraph and notwithstanding section 215.11.1 of that Act, a unionizable employee, who retires in the period of application of the measures provided for in Title IV.1.1 of that Act and who was participating in the plan on 31 December 1996 as a non-unionizable employee is deemed to be a non-unionizable employee for the purposes of that Title.

An employee who was participating in the plan on 31 December 1996 as a unionizable employee and as a non-unionizable employee is, for the purposes of the measures, deemed to be

(1) a unionizable employee if he is less than 55 years of age on the date on which he ceases to participate in the plan, if he retires in the period of application of the measures referred to in the first paragraph and if he was such an employee on 22 March 1997;

(2) a unionizable employee if he is at least 55 years of age on the date on which he ceases to participate in the plan, if he retires in the period of application of the measures referred to in the first paragraph and if he was such an employee eligible for the departure incentives referred to in section 85.33 of that Act on 22 March 1997; or

(3) a non-unionizable employee if he is at least 55 years of age on the date on which he ceases to participate in the plan, if he retires in the period of application of the measures referred to in the second paragraph and if he was such an employee ineligible for departure incentives on 22 March 1997.

To be deemed to be a unionizable employee and in addition to the conditions provided for in the first or the third paragraph, an employee shall satisfy the terms and conditions provided for in the Regulation respecting Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1228-97 dated 24 September 1997.

**2.** For the purposes of the first paragraph of section 103 of the Act to amend various legislative provisions of the pension plans in the public and parapublic sectors (1997, c. 50), a non-unionizable employee or a unionizable employee who is deemed to be a non-

unionizable employee under section 1, who is eligible for a pension under the Government and Public Employees Retirement Plan before 22 March 1997, is, for the purposes of eligibility for benefits under the plan or of their calculation, deemed to have ceased to participate

(1) on 22 March 1997 if he ceases to be governed by the plan before 1 September 1997;

(2) on the day on which he ceases to be governed by the plan if that day is later than 31 August 1997.

For the purposes of the second paragraph of section 103 and notwithstanding section 40 of the Act respecting the Government and Public Employees Retirement Plan, an employee referred to in the first paragraph is deemed to retire on the day following the day on which he is deemed to have ceased to participate in the plan in accordance with that paragraph. Notwithstanding section 40, a non-unionizable employee or a unionizable employee, who is deemed to be a non-unionizable employee under section 1, who ceases to be governed by the plan when he does not hold employment pensionable under the plan and who becomes eligible for a reduced pension after 21 March 1997, under the measures provided for in Title IV.1.1 of that Act, is deemed to retire on the day following the day on which he is deemed to have ceased to participate in the plan in accordance with the provisions of the latter.

**3.** This Regulation comes into force on the date it is made by the Government but has effect from 22 March 1997.

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Gouvernement du Québec

## **O.C. 1243-97, 24 September 1997**

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

### **Signing of certain documents of the Ministère des Finances**

Regulation respecting the signing of certain documents of the Ministère des Finances

WHEREAS under section 8 of the Financial Administration Act (R.S.Q., c. A-6), no deed, document or writing shall bind the department or be attributed to the Minister unless it is signed by him, by the Deputy Minister or by an officer and only, as regards the latter, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS it is expedient to replace the Regulation respecting the signing of certain documents of the Ministère des Finances, made by Order in Council 29-89 dated 18 January 1989;

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

THAT the Regulation respecting the signing of certain documents of the Ministère des Finances, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the signing of certain documents of the Ministère des Finances**

Financial Administration Act  
(R.S.Q., c. A-6, s. 8; 1996, c. 22)

**1.** The Associate Deputy Minister, Policies and Financial Transactions; the Assistant Deputy Minister, Financing; the Director General, Management, Funds and Public Debt; the Director, Treasury Operations; the Director, Market Operations; the Director, Loan Contracting; the Director, Management, Funds; and the Director, Management, Public Debt, are authorized to sign the following documents in lieu and place of the Minister of Finance:

(1) all documents relating to the management of the Consolidated Revenue Fund and all documents relating to investment of any part of the Consolidated Revenue Fund;

(2) all documents relating to the issue, sale, awarding, delivery, registration or destruction of securities issued for a borrowing by the Government;

(3) all documents relating to the creation and management of a sinking fund to repay borrowing of the Government; to the transfer or application of the said sinking fund to other loans in order to redeem them before maturity or to renew or close them at maturity; to the consolidation or renewal of a short-term loan; or to the deposit or investment of contributions of the said funds and any revenue they produce; and

(4) all documents relating to the management of sums deposited with the Minister of Finance to create a sinking fund prescribed by a law.

**2.** The Associate Deputy Minister, Policies, and Financial Transactions; and the Assistant Deputy Minister, Financing, are authorized to sign, in lieu and place of the Minister of Finance, all documents relating to the authorizations provided for in section 15 of the Act respecting municipal debts and loans (R.S.Q., c. D-7) and section 289 of the Education Act (R.S.Q., c. I-13.3).

**3.** The Director General, Administration; and the Associate Deputy Minister, Policies and Financial Transactions, the Comptroller of Finance or an Assistant Deputy Minister, for the sector of activities under their responsibility, are authorized to sign, in lieu and place of the Minister of Finance, the following documents:

(1) contracts for the acquisition of goods or services and leasing contracts;

(2) authorizations for reimbursement; and

(3) credit notes.

**4.** The Director, Material Resources, is authorized to sign contracts for the acquisition of goods in lieu and place of the Minister of Finance.

**5.** The Director, Financial Resources, is authorized to sign authorizations for reimbursement and credit notes in lieu and place of the Minister of Finance.

**6.** The Associate Deputy Minister, Policies and Financial Transactions; the Director General, Financial and Accounting Policies; and the Director, Financing Fund, are authorized to sign, in lieu and place of the Minister of Finance, the following documents:

(1) all documents relating to loans granted by the Minister of Finance from the Financing Fund; and

(2) all documents relating to management of the Financing Fund and other activities related to that fund.

**7.** The Director General, Administration, and the Director, Financial Resources, are authorized to sign, in lieu and place of the Minister of Finance, all documents relating to the management of the Information Technologies Fund of the Ministère des Finances.

**8.** The Associate Deputy Minister, Policies and Financial Transactions; the Assistant Deputy Minister, Financing; the Director General, Financial and Accounting Policies; the Director, Market Operations; and the Director, Financial Organization, are authorized to sign, in lieu and place of the Minister of Finance, the following documents:

(1) ministerial orders issued under section 69.02 of the Financial Administration Act (R.S.Q., c. A-6), where those orders deal with the determination of the dates of issue, periods of sale, terms, bonuses and periods of application thereof or the percentages, factors or other elements allowing for the determination of interest rates or rates of return, as the case may be, applicable to a Québec savings product, where any of those characteristics or terms and conditions has not been determined by the Minister of Finance in the ministerial order providing for the issue and sale of that saving product; and

(2) all documents relating to the ministerial orders mentioned in paragraph 1.

**9.** The Associate Deputy Minister, Policies and Financial Transactions; the Assistant Deputy Minister, Financing; the Director General, Management, Funds and Public Debt; and the Director, Management, Funds, are authorized to sign, in lieu and place of the Minister of Finance, the following documents:

(1) documents relating to the opening, operation or closing of a bank account where the holder, signing officer or manager is the Minister of Finance;

(2) bank transfer orders; and

(3) documents relating to an agreement approved by the Government or the Conseil du trésor or entered into in compliance with the regulations in force and governing bank or financial services provided to the Government by a financial institution.

**10.** The Associate Deputy Minister, Policies and Financial Transactions; the Assistant Deputy Minister, Financing; the Director General, Management, Funds and Public Debt; the Director, Management, Public Debt; the Director, Management, Funds; and the person in charge of the Bureau des dépôts et consignations are authorized to sign, in lieu and place of the Minister of Finance, the receipts and deposit receipts issued by him under the Deposit Act (R.S.Q., c. D-5) and any declarations required by the application of that Act under article 630 of the Code of Civil Procedure (R.S.Q., c. C-25).

**11.** The Director General, Administration; and the Director, Personnel, are authorized to sign, in lieu and place of the Minister of Finance, declarations required under a garnishment order against salary or wages under the Code of Civil Procedure (R.S.Q., c. C-25) or any other law.

**12.** The Director, Finance-Control and the Investment Manager-mail sector, if they are officers of the

Ministère des Finances working at Placements Québec, are authorized to sign, in lieu and place of the Minister of Finance, all documents relating to the management of investments entered for an account as savings products, as well as all documents relating to the management of Québec Savings Bonds issued before 1996.

**13.** The Director General of the Bureau de la statistique du Québec is authorized to sign, in lieu and place of the Minister of Finance, the following documents:

(1) the agreements covered by section 7 of the Act respecting the Bureau de la statistique (R.S.Q., c. B-8), except those with a statistics body of another province of Canada or with a department or body of the Government of Canada;

(2) contracts for the acquisition of goods or services and leasing contracts related to the operation of the Bureau;

(3) the agreements entered into with Statistics Canada concerning the purchase of statistical information where such agreements are excluded from the application of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30) in accordance with section 3.13 of that Act; and

(4) all documents relating to the provision of services by the Bureau.

**14.** Assistant directors general and the head of the administrative service of the Bureau de la statistique du Québec are authorized to sign, in lieu and place of the Minister of Finance, all the documents mentioned in paragraph 2 of section 13, where the amount payable under those documents is less than \$2 000.

**15.** Assistant directors general and directors of administrative branches of the Bureau de la statistique du Québec are authorized to sign, in lieu and place of the Minister of Finance, all the documents mentioned in paragraph 4 of section 13, where the amount payable under those documents is less than:

(1) \$25 000, in the case of assistant directors general;

(2) \$10 000, in the case of directors of administrative branches.

**16.** This Regulation replaces the Regulation respecting the signing of certain documents of the Ministère

des Finances made by Order in Council 29-89 dated 18 January 1989.

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

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Gouvernement du Québec

### O.C. 1259-97, 24 September 1997

An Act respecting government services to departments and public bodies  
(R.S.Q., c. S-6.1)

#### *Gazette officielle du Québec*

Regulation respecting the *Gazette officielle du Québec*

WHEREAS by Order in Council 3333-81 dated 2 December 1981, the Government made the Regulation respecting the *Gazette officielle du Québec*;

WHEREAS it is expedient to replace the Regulation;

WHEREAS under section 26 of the Act respecting government services to departments and public bodies (R.S.Q., c. S-6.1), the Government may, by regulation, prescribe the conditions under which the *Gazette officielle du Québec* shall be published, designate the persons to which the *Gazette officielle du Québec* is sent free of charge by the Éditeur officiel, fix the subscription price and establish a tariff of the sums payable for the documents published in it;

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 2 July 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS a comment was received and it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation respecting the *Gazette officielle du Québec*, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting the *Gazette officielle du Québec*

An Act respecting government services to departments and public bodies  
(R.S.Q., c. S-6.1, s. 26)

### DIVISION I

#### CONTENT AND PUBLICATION DATES

**1.** The *Gazette officielle du Québec* shall comprise 2 parts:

(1) Part 1, entitled “Avis juridiques”; and

(2) Part 2, entitled in English “Laws, Regulations and Other Statutory Instruments” and in French “Lois, règlements et autres actes pris en application des lois”.

Part 1, the French Edition of Part 2 and the English Edition of Part 2 shall be published separately.

**2.** Part 1 shall contain documents, announcements and notices other than those published in Part 2 and whose publication in the *Gazette officielle du Québec* is required by a law or regulation, or by the Government.

**3.** The French Edition of Part 2 shall contain the French version of

(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

(4) Orders in Council, decisions of the Conseil du trésor and minister’s orders whose publication is required by law or by the Government;

(5) rules of practice made by courts of justice and quasi-judicial tribunals;

(6) drafts of the texts referred to in paragraphs 3 and 5 whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and

(7) any other document not referred to in section 2 or in this section and whose publication is required by the Government.

**4.** The English Edition of Part 2 shall contain the English version of

(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

(4) rules of practice made by courts of justice and quasi-judicial tribunals;

(5) drafts of the texts referred to in paragraphs 3 and 4 whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and

(6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

**5.** Part 1 shall be published at least every Saturday. If a Saturday is a legal holiday, the Québec Official Publisher shall publish Part 1 on the preceding day or on the following Monday.

Part 2 shall be published at least every Wednesday. If a Wednesday is a legal holiday, the Québec Official Publisher shall publish Part 2 on the preceding day or on the following day.

### DIVISION II

#### RATES

**6.** The annual subscription rates for the *Gazette officielle du Québec* are

(1) \$112.00 for Part 1; and

(2) \$152.00 for each edition of Part 2.

**7.** The selling price of an issue of any edition is \$5.80 per copy.

**8.** The rates to be paid for the translation, where applicable, of notices, announcements and documents published in Part 1 or Part 2 is \$21.82 per 100 words.

**9.** The rates to be paid for the publication of notices, announcements and documents in Part 1 is \$0.86 per age line.



Those costs shall be paid by the person or authority requiring such publication or, where publication is ordered by the Government, by the person or authority issuing the notice, announcement or document.

**10.** The rate to be paid for the publication of documents in Part 2 is \$0.45 per agate line.

The costs shall be paid by

(1) the minister responsible for the application of an Act, in the case of Acts, Proclamations and Orders in Council for the coming into force of Acts;

(2) the person or authority making or adopting regulations or other statutory instruments or, where they are adopted by the Government, the minister recommending their adoption, in the case of regulations or other statutory instruments;

(3) the person or authority recommending the making or issue of Orders in Council, decisions of the Conseil du trésor and minister's orders, in the case of Orders in Council, decisions of the Conseil du trésor and minister's orders;

(4) the court or tribunal adopting the rules of practice, in the case of rules of practice of a court or tribunal;

(5) the person or authority issuing the document in all other cases.

If the costs may be paid by more than one person or authority, they are paid by the issuer of the document.

**11.** The amounts set forth in sections 6 to 10 shall be indexed on 1 January 1998 and on 1 January of each year thereafter on the basis of the rate of increase in the general Consumer Price Index for Canada for the period ending on 30 September of the preceding year, as determined by Statistics Canada.

The rates and prices that are indexed in the prescribed manner and are less than \$35 shall be reduced to the nearest cent where they contain a fraction of a cent less than 0.5 cents and shall be increased to the nearest cent where they contain a fraction of a cent equal to or greater than 0.5 cents.

The rates and prices that are indexed in the prescribed manner and are equal to or greater than \$35 shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50 and shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Québec Official Publisher shall publish the result of the annual indexing in the *Gazette officielle du Québec*.

**12.** The Québec Official Publisher shall send the *Gazette officielle du Québec* free of charge to the public bodies, public servants and other persons listed in Schedule 1.

### DIVISION III FINAL PROVISIONS

**13.** This Regulation replaces the Regulation respecting the *Gazette officielle du Québec*, made by Order in Council 3333-81 dated 2 December 1981.

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

### SCHEDULE 1

(s. 12)

Free distribution list			
	Part 1	Part 2	
		French edition	English edition
Lieutenant-Governor	1	1	
Members of the National Assembly	1 each	1 each	
Secretary General of the National Assembly	1	1	
Legislation Director of the National Assembly	2	2	2
Library of the National Assembly	3	3	1
Press gallery of the National Assembly	1	30	
Secretariat of the parliamentary committees		3	
Research services of the political parties	2	2	
Assistant clerk of the Conseil exécutif	1	1	1
Legislation secretariat (Conseil exécutif)	1	1	
Secretariat of the Conseil du trésor	1	1	
Direction générale des affaires juridiques et législatives of the Ministère de la Justice	4	20	9
Direction régionale des services judiciaires in Montréal	1	1	
Direction générale des services judiciaires in Québec City	1	1	

	Part 1	Part 2	
		French edition	English edition
Société québécoise d'information juridique		1	
Library of the Superior Court		1	1
Library of the Court of Appeal		2	1
Library of the Court of Québec	1	1	1
Court of Québec, Civil Division		1	1
Court of Québec, Youth Division		1	1
Centrale des bibliothèques	1	1	1
Administrative library of the Government	3	3	2
Library of the École nationale d'administration publique		1	
Libraries of the law faculties of Québec universities and of the University of Ottawa		1 each	
Libraries of the Court Houses	1 each	1 each	
Library of the Supreme Court of Canada		1	1
Library of the Centre de recherche en droit public		1	
Libraries of the Legislatures of the Canadian provinces		1 each	
Library of the Parliament of Canada	1	1	1
Library of UNESCO		1	
Library of the United States Congress		1	
Library of the International Labour Office		1	
Uni-droit library (Rome, Italy)		1	
Library of the Université de Paris (France)		1	
Library of the United Nations		1	
Journal officiel de la République française	1	1	
Parliamentary, government, university and public libraries and bodies designated under the deposit and exchange program of the Government	1 each	1 each	

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Gouvernement du Québec

**O.C. 1269-97, 24 September 1997**

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

**Lottery Schemes**  
**— Modifications**

Regulation to amend the Lottery Schemes Regulation

WHEREAS under section 119 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), amended by section 7 of Chapter 54 of the Statutes of 1997, the Government may make a regulation on the matters mentioned therein;

WHEREAS under the second paragraph of section 8 of Chapter 54 of the Statutes of 1997, the Regulation to amend the Lottery Schemes Regulation made by the Government under section 119 of the Act respecting lotteries, publicity contests and amusement machines before the 180<sup>th</sup> day following the date of coming into force of section 8 is not subject to the publication requirement prescribed in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

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

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

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Lottery Schemes Regulation\***

An Act respecting lotteries, publicity contests and amusement machines  
(R.S.Q., c. L-6, s. 119, 1<sup>st</sup> par., subpars. *b*, *c* and *d*, and 2<sup>nd</sup> par.; 1997, c. 54)

1. The Lottery Schemes Regulation is amended in section 1 by substituting the following definitions for

\* The Lottery Schemes Regulation, made by Order in Council 2704-84 dated 5 December 1984 (1985, *G.O.* 2, 14), was last amended by the Regulation made by Order in Council 270-96 dated 28 February 1996 (1996, *G.O.* 2, 1536). For previous amendments, refer to the "Tableau des modifications et Index sommaire", Éditeur officiel du Québec, 1997, updated to 1 March 1997.

the definitions of “charitable objects or purposes” and “religious objects or purposes”:

““charitable purposes” means purposes of

- (1) relieving suffering or poverty;
- (2) promoting education;
- (3) achieving any other objective favourable to the population, in the fields of culture, the arts, sports or community interests; (*fins charitables*)

“religious purposes” means purposes of supporting a religious doctrine or for promoting its advancement. (*fins religieuses*)”.

- 2.** Section 2 is amended by deleting paragraph 1.
- 3.** Section 4 is amended by deleting paragraph 1.
- 4.** Section 4.1 is amended by deleting paragraph 1.
- 5.** Section 5 is revoked.
- 6.** Section 9 is amended by deleting the words “a bingo,” in paragraph 1.
- 7.** Section 10 is amended by deleting the second paragraph.
- 8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## O.C. 1270-97, 24 September 1997

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

### Bingos

Regulation respecting bingos

WHEREAS under section 119 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), amended by section 7 of Chapter 54 of the Statutes of 1997, the Government may make regulations on the matters mentioned therein;

WHEREAS under the second paragraph of section 8 of Chapter 54 of the Statutes of 1997, the first regulation relating to the game of bingo made before the expiry of

180 days following the coming into force of that section by the Government under section 119 of the Act respecting lotteries, publicity contests and amusement machines is not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., c. R-18.1);

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

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

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting bingos

An Act respecting lotteries, publicity contests and amusement machines  
(R.S.Q., c. L-6, s. 119, 1<sup>st</sup> par., subpars. a, b, c and d, and 2<sup>nd</sup> par.; 1997, c. 54, s. 7)

### DIVISION I LICENCES

**1.** The bingo lottery scheme comprises the following categories of licences:

- (1) the bingo hall operator’s licence;
- (2) the bingo licence;

**2.** The “bingo licence” category comprises the following subcategories of licences:

- (1) in-hall bingo;
- (2) fair or exhibition bingo;
- (3) agricultural concession bingo;
- (4) bingo at a public place of amusement;
- (5) recreational bingo; and
- (6) media bingo.

**3.** Every person who wishes to operate a hall for which an in-hall bingo licence is issued shall obtain from the Régie des alcools, des courses et des jeux a bingo hall operator’s licence in respect of each hall, unless no more than 5 bingos are set up and operated in that hall per year.

**4.** Every person who wishes to set up and operate a bingo shall obtain a bingo licence from the Board.

A holder of a licence of the “in-hall bingo” subcategory may sell instant-win tickets during a bingo event if his licence authorizes it.

In this Regulation, “instant-win ticket” means a ticket that affords a chance to win an instant prize by uncovering a winning combination of symbols in the boxes on the ticket.

**5.** Subject to the conditions prescribed in the rules made by the Board under section 20 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6):

(1) only a charitable or religious organization may apply for and obtain an in-hall bingo licence, a recreational bingo licence or a media bingo licence if the proceeds of the bingo are used for charitable or religious purposes;

(2) only the board of a fair or exhibition may apply for and obtain a fair or exhibition bingo licence, during the period and at the location of that fair or exhibition within the meaning of subsection 3.1 of section 206 of the Criminal Code (R.S.C., 1985, c. C-46);

(3) only the operator of a concession leased from the board of a fair or exhibition may apply for and obtain an agricultural concession bingo licence, during the period and at the location of that fair or exhibition within the meaning of subsection 3.1 of section 206 of the Criminal Code;

(4) any person may apply for and obtain a licence for a bingo at a public place of amusement.

For the purposes of this Regulation,

“charitable purposes” means purposes of

(1) relieving suffering or poverty;

(2) promoting education;

(3) achieving any other objective favourable to the population, in the fields of culture, the arts, sports or community interests;

“religious purposes” means purposes of supporting a religious doctrine or for promoting its advancement.

## DIVISION II FEES AND DUTIES

**6.** The fees payable for the examination of an application for a licence or any amendment thereto are

(1) for a bingo hall operator’s licence: \$200;

(2) for a bingo licence, except the recreational bingo licence: \$100.

Those fees shall accompany the application for a licence and are not reimbursable.

**7.** Where a market study is required by the rules made by the Board under section 20 of the Act, an amount corresponding to 50 % of the costs related to making that study shall be added to the fees prescribed in subparagraph 1 of the first paragraph of section 6; however, that amount may not exceed \$5 000.

Those fees shall be paid not later than the 30th day following the date on which the study is made and are not reimbursable.

**8.** Where more than 52 bingo events are set up and operated per year in a hall, the duties payable for the issue of a bingo hall operator’s licence shall be \$750, from the coming into force of this Regulation to 31 March 2001, and, from 1 April 2001, \$500. An amount of \$12 per bingo event authorized in the hall shall be added to those duties.

Where the Board issues a bingo licence in respect of a hall for which a bingo hall operator’s licence has already been issued, it shall adjust the duties payable by the holder of the older licence and issue an invoice payable not later than the 30<sup>th</sup> day following the date of the invoice.

If the duties prescribed in the first paragraph total \$900 or more, they may be paid in 2 equal instalments, the first one on the date the application is submitted and the second not later than the 180<sup>th</sup> day following the date of issue of the licence.

If the duties prescribed in the second paragraph total \$900 or more, they may be paid in 2 equal instalments, the first one within the time period provided for in that paragraph and the second not later than the 90th day following the date of the invoice or on the date preceding the expiry date of the licence, whichever comes first.

**9.** The duties payable for the issue of a bingo licence are

(1) in the case of an in-hall bingo licence: from the coming into force of this Regulation to 31 March 2001, \$28 per bingo event authorized by the licence or \$39 per event if the licence authorizes its holder to sell instant-win tickets; from 1 April 2001, those fees are \$15 and \$21, respectively;

(2) in the case of a fair or exhibition bingo licence: \$50 per bingo event;

(3) in the case of an agricultural concession bingo licence or a licence for a bingo at a public place of amusement: \$50 per day;

(4) in the case of a media bingo licence: from the coming into force of this Regulation and until 31 March 2001, \$28 per bingo event authorized by the licence; from 1 April 2001, those duties are \$15.

If those duties total \$900 or more, they may be paid in 2 equal instalments, the first one being paid on the date the application is submitted. Where the licence specifies a set number of bingo events, the second instalment shall be paid no later than the date corresponding to the date of the bingo beginning the second half of all bingos indicated on the licence. Where the licence does not specify a set number of bingo events, the second instalment shall be paid no later than the date corresponding to the date of the bingo beginning the second half of the validity period of the licence.

**10.** The fees and duties payable under this Regulation may be paid in cash, by cheque or postal money order made out to the Régie des alcools, des courses et des jeux, or by an electronic method of payment.

**11.** The fees and duties payable under this Regulation, except those provided for in section 14, shall be indexed on 1 April 2000 and thereafter every 5 years on 1 April, according to the evolution of the general Consumer Price Index for Canada, over the last 5 years. That evolution is calculated on the basis of the ratio between the index of the previous year and the index 5 years before the previous year. The index for a year is the average of the monthly indexes published by Statistics Canada.

The fees and duties indexed in the prescribed manner shall be reduced to the nearest \$5.00 where they contain a fraction of \$5.00 less than \$2.50; they shall be increased to the nearest \$5.00 where they contain a fraction of \$5.00 equal to or greater than \$2.50.

The Board shall inform the public, through the *Gazette officielle du Québec* and by such other means as it considers appropriate, of the indexing calculated under this section.

**12.** A holder of a bingo hall operator's licence or of a bingo licence may be reimbursed duties in proportion to the number of events not held compared to the number of events authorized by the licence, if he requests the revocation of his licence.

**13.** Where a bingo event is not held, a holder of a bingo hall operator's licence, as well as a holder of a bingo licence that authorizes a set number of events, may be reimbursed the duties they paid in respect of that event, provided that the licence holder submits an application supported by an affidavit to the Board within 30 days of the expiry date of his licence.

**14.** Where a licence is lost, destroyed or damaged, the holder of the licence shall apply for a duplicate that the Board will issue to him on payment of \$20.

**15.** Bingo licences and licences authorizing the drawings provided for in paragraph 4 of section 41 of the Lottery Schemes Rules and issued under the Lottery Scheme Regulation made by Order in Council 2704-84 dated 5 December 1984 and in force on the date of coming into force of this Regulation, are deemed to be issued under this Regulation.

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

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Gouvernement du Québec

## O.C. 1271-97, 24 September 1997

Loi sur la Société des loteries du Québec  
(L.R.Q., c. S-13.1)

### Bingo — Loto Québec

By-law respecting bingo

WHEREAS under the first paragraph of section 13 of the Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1), the Société des loteries du Québec determines by by-law the general standards and conditions relating to the nature and holding of the lottery schemes it conducts and administers;

WHEREAS under that section, the Company adopted the By-law respecting bingo;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the

Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 July 1997, with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the Draft Regulation was amended consequently to the comments received;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the By-law respecting bingo, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## By-law respecting bingo

Loi sur la Société des loteries du Québec  
(L.R.Q., c. S-13.1, a.13)

**1.** This By-law governs a lottery scheme called Bingo. It is of a pari-mutuel type or has a pre-determined prize structure and is offered to the public in participating hall.

Bingo is played with tickets issued by the Société des loteries du Québec (the Company). Each ticket contains one or many cards containing six horizontal rows where the first one forms the words "Bingo", and five vertical columns. Each card contains 25 squares, 24 of which are imprinted with a number, and the center space is imprinted with the term "Gratuit".

The selected alphanumbers are transmitted by the Company by satellite or other communication device.

**2.** Only a charitable or religious organization referred to in subparagraph *b* of the first paragraph of section 207 of the Criminal Code (L.R.C., 1985, c. C-46), holder of a bingo licence issued by the Régie des alcools des courses et des jeux and to which the company awards a retailer's number can offer Bingo.

**3.** Only the holder of a Bingo ticket can participate in Bingo.

**4.** The selling price of a Bingo ticket cannot be less than 1 \$ and no ticket may be sold at a price exceeding its face value.

**5.** No credit may be given to a player, in any form whatsoever.

**6.** The rules of the game, including the method of prize allocation and the prize to be won, must be reproduced in a document available to the public in participating halls.

**7.** The alphanumbers are selected by a tumbler or a computer that chooses them randomly.

**8.** Unless the rules of the game available to the public in participating halls provide otherwise, the player must mark on each card of his ticket the selected alphanumbers that appear on it and he must, once he notices that he has a winning card, declare it outloud, otherwise he is not entitled to the prize.

**9.** When a card declared a winner is determined, after verification, a winning card, the prize corresponding to the winning card is awarded to the holder of the ticket.

However, if the card declared a winner is determined, after verification, not to be a winning card, the prize cannot be paid to its holder and the game continues for this prize.

**10.** A prize awarded to a player cannot be claimed later by another player.

If, before awarding the prize, more than one player has declared outloud their card a winning card, and, after verification, there is more than one winning card, the prize is divided equally among the players of valid winning cards.

**11.** Any ticket for which payment by the player was not made prior to the draw for which it is valid, is void.

It is the same for any ticket that is illegible, mutilated, altered, counterfeited, improperly cut, misprinted, incomplete, erroneously printed or otherwise defective, unless it is possible by the control number to determine that the ticket is really a winning ticket.

The holder of an invalid ticket is not entitled to a prize.

**12.** All winning tickets must be confirmed by means of its validation number.

**13.** The value of the prizes offered each year may not be less than 35 % or more than 75 % of the total amount of ticket sales.

**14.** The holder of a valid ticket, containing a card declared a winner, must claim the prize at the location and within the claiming period indicated on the ticket.

**15.** The Company and the organizations referred to in section 2 cannot be held liable for the obligations resulting from the use of a ticket if the rules of the game are not respected.

**16.** An amount equivalent to 20 % of the sales of Bingo tickets or 50 % of the Bingo's net income, if it is a higher amount, is awarded to the charitable or religious organization referred to in section 2.

**17.** The Company also pays from its net income after payment of the amounts provided for in section 16, 3 % of the total amount of the pari-mutuel Bingo ticket sales to a dedicated account, whose sums are to be distributed to charitable organizations or religious organizations, holders of a bingo licence issued by the Régie des alcools des courses et des jeux, who do not participate in Bingo.

**18.** The Company pays, from this account, to an organization referred in section 17, an amount corresponding to a maximum of 25 % of the average net income per event that the organization has held between June 1<sup>st</sup>, 1996 and May 31<sup>st</sup>, 1997, times the number of events indicated in its bingo licence then in force or for the total number of events indicated in the licences issued between June 1<sup>st</sup>, 1996 and May 31<sup>st</sup>, 1997, if it is a lesser number. The average net income is supplied by the Régie des alcools des courses et des jeux.

**19.** No symbol, acronym, name or other characteristic used to identify the games covered by this By-law may be used for advertising or any other purpose without the written authorization of the company.

**20.** This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## O.C. 1281-97, September 1997

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

### French-language and English-language school boards — Establishment

Regulation respecting the establishment of French-language and English-language school boards

WHEREAS pursuant to the first paragraph of section 540 of the Education Act (R.S.Q., c. I-13.3), amended by section 50 of Chapter 47 of the Statutes of 1997, the Government may, by regulation, adopt any other transitional provision to remedy any omission in order to ensure the carrying out of the Education Act in the territory of a new French-language or English-language school board, on 1 July in the year following the year of publication of the Order in Council respecting territorial division;

WHEREAS under the second paragraph of that section, the Regulations Act (R.S.Q., c. R-18.1) does not apply to such regulation or proposed regulation, such a regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date prescribed therein and it may, once published and if it so provides, apply from any date not prior to the date of publication of the Order in Council respecting territorial division;

WHEREAS Order in Council 1014-97 dated 13 August 1997 in respect of the division of the territory of Québec into territories for French-language school boards and territories for English-language school boards was published in the *Gazette officielle du Québec* on 27 August 1997;

WHEREAS Division II of Chapter X of the Education Act provides for the establishment of a provisional council of every new French-language or English-language school board, responsible for implementing the preparatory measures required to allow the new school board to begin operating in its territory on 1 July of the year following the year of publication of the Order in Council respecting territorial division;

WHEREAS the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (S.Q. 1997, c. 47) omitted to prescribe provisions equivalent to those of section 513 of the Education Act (S.Q. 1988, c. 84) that allowed the Minister of Education to provide for the establishment of a provisional council of a new French-language or English-

language school board, where such council was not established after the time prescribed in the Act and to provide for the rules applicable in the case of vacancy of the position of a member of a provisional council;

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

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

THAT the Regulation respecting the establishment of French-language and English-language school boards, the text of which is attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting the establishment of French-language and English-language school boards

Education Act  
(R.S.Q., c. I-13.3, s. 540; S.Q., c. 47, s. 50)

**1.** If on 27 September 1997 the establishment of the provisional council of a new French-language or English-language school board is not completed in accordance with the Education Act, amended by Chapter 47 of the Statutes of 1997, the Minister of Education shall provide therefor, within 10 days following the coming into force of this Regulation, by appointing the required number of persons living in the territory of the new school board who would be entitled to have their names entered on the list of electors of that school board on the date of appointment or who have children residing or placed in the territory of that school board and who are receiving instruction in the language of the new school board, where it is a matter of filling the position of a member referred to in paragraph 1 of section 512 of that Act made by section 31 of Chapter 47 of the Statutes of 1997 or of a member referred to in paragraph 2 of that section.

**2.** The position of a member of a provisional council designated by the council of commissioners of an existing school board concerned shall become vacant in the same cases as what is prescribed for elected commissioners pursuant to the Act respecting school elections (c. E-2.3) or when he ceases to be commissioner of the existing school board concerned.

The director general of the new school board who notices a vacancy shall inform the council of commissioners involved immediately.

That position shall then be filled, within 30 days of the vacancy, by the council of commissioners of the school board in question, according to the rules applicable to the position to be filled prescribed in sections 514 or 514.1 of the Education Act (c. I-13.3) or, failing that, by the Minister of Education according to the rules prescribed in section 1 of this Regulation.

**3.** The position of a member of a provisional council elected by the general meeting of commissioners representing parents' committees of the existing school boards concerned or appointed by the Minister of Education pursuant to section 1 of this Regulation shall become vacant where that member dies or resigns.

The director general of the new school board who notices a vacancy shall inform the Minister of Education immediately.

That position shall then be filled, within 30 days of the vacancy, by the Minister of Education among the persons living in the territory of the new school board who would be entitled to have their names entered on the list of electors of that school board on the date of designation or who have children residing or placed in the territory of that new school board and who are receiving instruction in the language of the new school board, whether it is a matter of filling the position of a member referred to in paragraph 1 of section 512 of that Act or of a member referred to in paragraph 2 of that section.

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

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**M.O., 1997**

### Order of the Minister of Public Security dated 29 September 1997

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

#### Bingo game

Order concerning the Bingo Rules

The Minister of Public Security,

CONSIDERING the first and second paragraphs of section 20 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), amended by section 2 of Chapter 54 of the Statutes of 1997, which



enables the Régie des alcools, des courses et des jeux to make rules on the matters mentioned therein concerning lottery schemes;

CONSIDERING the first paragraph of section 8 of Chapter 54 of the Statutes of 1997, which provides that the Bingo Rules made before 23 March 1998 by the Board under section 20 of the Act respecting lotteries, publicity contests and amusement machines are not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the third paragraph of section 20 of the Act respecting lotteries, publicity contests and amusement machines, which provides that the rules made by the Régie des alcools, des courses et des jeux under that section shall be approved by the Minister of Public Security;

CONSIDERING that the Board, at its sitting of September 1997, made the Bingo Rules attached hereto;

CONSIDERING it is expedient to approve those Rules;

ORDERS THAT:

The Bingo Rules attached hereto are approved.

Sainte-Foy, 29 September 1997

PIERRE BÉLANGER  
Minister of Public Security

## Bingo Rules

An Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6, s. 20, 1<sup>st</sup> par., subpars. *c, d, f, g, i* to *m* and 2<sup>nd</sup> par., ss. 36.1 and 47; 1997, c. 54, s. 2)

### CHAPTER I SCOPE AND INTERPRETATION

**1.** These Rules governs the bingo lottery scheme and the instant-win ticket lottery scheme set up and operated during a bingo event.

**2.** The provisions of these Rules have precedence over any other inconsistent rule established by a holder of a bingo licence or a bingo hall operator's licence.

## CHAPTER II BINGO

### DIVISION I NATURE, FREQUENCY AND BINGO HOURS

**3.** The game of bingo is played with equipment composed, in particular, of 75 balls numbered from 1 to 75 and bingo cards.

Each card is composed of 6 rows, the first one forming the word "BINGO", and of 5 columns. It has 25 boxes, 24 of them bearing a number from 1 to 75 whereas the centre box bears the word "gratuit" or an equivalent mention.

The game of bingo may also be played with cards whose configuration differs from that described in the second paragraph.

**4.** Every bingo set up and operated by a charitable or religious organization shall be held within the territory where the organization carries on its activities.

Every bingo under a fair or exhibition bingo licence or agricultural concession bingo licence shall be held during the fair or exhibition and on the same site.

**5.** A consultative committee within the meaning of subparagraph m of section 1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6) that agrees on an agreement or a protocol for sharing the revenues and expenditures resulting from the bingo or the sale of instant-win tickets shall designate a person who will be in charge of the management of that agreement or protocol from among the holders of bingo licences who sit on the committee.

**6.** An in-hall bingo licence may be issued only if the place where it will be used has already been the object of a bingo hall operator's licence where the latter licence is required. Furthermore, that licence may not expire later than the bingo hall operator's licence.

**7.** The total maximum value of the prizes offered during a bingo event and the frequency of the events that may be authorized by the Régie des alcools, des courses et des jeux vary according to the subcategory of bingo licence, as follows:

(1) in the case of an in-hall bingo licence;

(a) where the total maximum value of the prizes is greater than \$200 without exceeding \$3 500: no more than 1 bingo event per week;

(b) where the total maximum value of the prizes for each bingo event is greater than \$3 500 without exceeding \$5 000: no more than 2 bingo events per year;

(2) in the case of a fair or exhibition bingo licence:

(a) where the total maximum value of the prizes does not exceed \$5 000: an unlimited number of bingo events;

(b) where the total maximum value of the prizes is greater than \$5 000 without exceeding \$25 000: 1 bingo event per year;

(3) in the case of an agricultural concession bingo licence or a licence for a bingo at a public place of amusement: an unlimited number of bingo events;

(4) in the case of a recreational bingo licence for prizes whose total maximum value may not exceed \$200: no more than 1 bingo event per day;

(5) in the case of a media bingo licence for prizes whose total maximum value may not exceed \$5 000: no more than 65 bingo events per year.

A holder of an in-hall bingo licence, a holder of a fair or exhibition bingo licence or a holder of a media bingo licence who intends to offer increasing or decreasing prizes or bonus prizes is authorized to offer as a prize an amount not greater than \$500 in addition to the amount authorized by his licence. Any such licence holder shall design the game program so that the \$500 amount cannot be won at each event.

**8.** The value of the prizes, the pattern of the increasing or decreasing prizes and the value of bonus prizes shall be determined before the beginning of each bingo event and the value of a prize may not be a progressive prize that increases or decreases from an event to another.

**9.** A holder of a in-hall bingo licence, of a fair or exhibition bingo licence or of a media bingo licence may offer cash prizes only.

**10.** The prizes offered by a holder of a agricultural concession bingo licence and a holder of a licence for a bingo at a public place of amusement shall consist of goods, commodities and merchandise only and the value of each prize may not exceed \$125, taxes included.

The amount or consideration that may be paid or required from a participant for a chance to win a prize may not exceed \$0.50.

**11.** A holder of a recreational bingo licence may offer cash prizes or prizes consisting of goods, commodities or merchandises.

**12.** A bingo event set up and operated by a holder of an in-hall bingo licence may not last more than 5 hours in a row, nor may it be set up and operated between midnight and 6:00 a.m.

**13.** No holder of an in-hall bingo licence may set up and operate a bingo in a place where 2 bingo events are already scheduled on the same day.

## DIVISION II APPLICATIONS FOR A LICENCE

**14.** Every person who wishes to obtain a bingo hall operator's licence or a bingo licence referred to in section 1 of the Regulation respecting bingos, made by Order in Council 1270-97 dated 24 September 1997, excluding a recreational bingo licence, shall

(1) during the 5 years preceding the date of his application for a licence, never have pleaded guilty to or have been found guilty of an indictable offence or an offence punishable on summary conviction in Canada, or of an equivalent offence in any other country, against any provision of sections 46, 47, 49 to 52, 59, 61, 74 to 78, 80, 81, 85, 87 to 90, 91, 119, 127, 131 and 132, 136 to 139, 144, 145, 201, 202, 206, 209, 209, 210, 212, 219, 220, 222 to 236, 239, 240, 244, 265 to 273, 279, 279.1, 342.1., 243, 344, 346, 348, 349, 352, 354, 362, 366, 380, 397, 427, 430, 433, 434, 435, 463 and 465 of the Criminal Code (R.S.C., (1985), c. C-46), in respect of which he has not been granted pardon or rehabilitated;

(2) during the 3 years preceding the date of his application for a licence, never have plead guilty to or have been found guilty of an offence against the Act respecting lotteries, publicity contests and amusement machines, or any provision of a regulation made thereunder, and in respect of which he has not been granted pardon; and

(3) not hold any other licence issued under that Act that has been suspended for a cumulative period of 6 months or more or revoked in the 3 years preceding the application.

If the applicant is a natural person, he shall be of full age.

This section so applies to the directors of a legal person and to the managers of a partnership who apply for a bingo hall operator's licence.

**15.** An applicant for a bingo licence or bingo hall operator's licence shall complete his application for a licence or a modification thereto and send it to the Board on the form provided by it. The form shall contain the following information, in particular:

(1) the names, addresses and telephone numbers of the applicant and of the person responsible for operating bingos under the licence; and

(2) the name, the address of the place and number of bingo events or the period during which the bingo will be set up and operated.

The applicant shall sign the form and include the fees and duties provided for in sections 6 to 9 of the Regulation respecting bingos declare therein under oath that the information provided on the form is accurate and true. The person shall also attach to it a cheque or postal money order made out to the Régie des alcools, des courses et des jeux and covering the fees and duties provided for in sections 6 to 9 of the Regulation respecting bingos.

**16.** Except for a recreational bingo, where the applicant is a legal person or a partnership, it shall indicate on the form referred to in the first paragraph of section 15 the names of the directors and, where the application pertains to a bingo hall operator's licence, the names of its shareholders and partners.

It shall also provide its registration number in the register of enterprises instituted under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) where the applicant uses a name different from the name of the legal person or partnership and shall attach to the application a copy of its constitutive charter, or of any other document evidencing its existence, and of the resolution authorizing a person to act in its name.

**17.** An applicant for a bingo hall operator's licence shall certify in the application that the applicant, its directors or shareholders, or the administrators and partners in the case of a partnership, have no interest in a business involved in the printing, making, distribution or furnishing of bingo equipment.

The first paragraph does not prevent a holder of a bingo hall operator's licence to provide a holder of a bingo licence with bingo paper.

**18.** The following documents and information shall be provided in support of the application for a bingo hall operator's licence:

(1) a document proving that the applicant owns, rents or has the right of use of the hall;

(2) the inventory of all the bingo equipment and of the other services offered to holders of bingo licences, if any;

(3) the latest audited financial statements relating to all the revenues and expenditures concerning the hall services and the bingo paper, as well as the indirect revenues and expenditures resulting from the activities connected with the bingo; and

(4) a document attesting that the hall meets all the applicable legislative and regulatory requirements.

For the purposes of these Rules,

“hall services” means the use of the place where the bingo event is held and of the furniture, the maintenance services and the storage services for the bingo equipment, insurance, telephone services, office equipment, and the room serving as the officer of the bingo licence holder, the bingo equipment, the automated office equipment and the equipment for transmitting data, where applicable;

“indirect revenues and expenditures” means the revenues and expenditures concerning the restaurant services offered during bingo events, the operation of a souvenir boutique shop, the sale of bingo accessories and transportation services for players.

**19.** The following documents and information shall be provided in support of an application for an in-hall bingo licence:

(1) a description of the project for which the licence is applied for, including the schedule for carrying out;

(2) the applicant's cash requirements, demonstrated by the applicant's latest financial statements or any other document indicating such requirements;

(3) the contract entered into by the applicant for the use of the hall in which bingos will be held under the licence and for all the related hall services, where applicable;

(4) the date and time of the bingo event beginning and end and the value of the prizes to be awarded; and

(5) a document attesting that such place may be used safely as a public place for the setting up and operation of bingos.

If the Board has already issued an in-hall bingo licence during the 12 months preceding the date of the application and if the profits derived from all the events authorized by that licence are less than 10 % of their gross revenue, the applicant shall also file a description of the measures he intends to take to make the operation of his new licence profitable.

**20.** Each applicant for a bingo licence who sits on a consultative committee shall include with his application a resolution authorizing the person referred in section 5 to act as the person responsible for managing the agreement or protocol for sharing the revenues or expenditures of the bingo or sale of instant-win tickets.

Only the applicant for a bingo licence who has authority over the responsible person shall include a copy of that agreement or protocol in his application.

**21.** The following information shall be provided in support of an application for a fair or exhibition licence or an agricultural concession bingo licence:

(1) the date and place of the fair or exhibition; and

(2) the date a bingo event will be set up and operated and the value of the prizes to be awarded and, in the case of goods, commodities or merchandise, a description of each prize and its retail value, taxes included.

**22.** Where the issue of a licence or a modification thereto is applied for, the applicant or licence holder is not bound to provide the Board with the documents and information already provided for a previous application, if he certifies that the documents and information are still up-to-date.

**23.** The Board shall publish any application for a bingo hall operator's licence pertaining to a new hall or any application for changing the place where that licence is used in a newspaper circulated in the territory where the licence is likely to be used.

For the purposes of section 36.2 of the Act respecting lotteries, publicity contests and amusement machines, a consultative committee and a group are considered to be associations within the meaning of the Civil Code.

For the purposes of these Rules, "group" means bingo licence holders who negotiate for common hall services or who enter into any other agreement respecting the setting up and operation of bingos, without sharing the revenue.

**24.** Before refusing to issue a bingo hall operator's licence because an objection has been made, on the grounds that the market could be saturated, the Board

shall make a market survey, unless the applicant withdraws his application.

### DIVISION III STANDARDS FOR USING A LICENCE

#### §1. Posting

**25.** Every holder of a bingo hall operator's licence or of a bingo licence, except for a media bingo, shall post up his licence in full view of players in the place where bingo events are set up and operated under the licence.

**26.** A holder of a bingo licence, except for a media bingo shall post up in full view of players the game rules and the game program.

In the case of a agricultural concession bingo licence or a licence for a bingo at a public place of amusement, the licence holder shall display a list of the prizes to be awarded and their respective retail value, taxes included.

#### §2. Bingo cards and paper

**27.** A holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence may not use reusable bingo cards.

**28.** A holder of a bingo licence may sell bingo paper for cash only.

**29.** A holder of a bingo licence may sell bingo paper on the day of the event only.

**30.** Bingo paper may be used only for the event for which it is sold.

**31.** A holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence may not sell a bingo booklet or sheet less than \$1.00 per card.

The superimposed cards on the sheets of a booklet constitute a single card for the purposes of determining the sale price.

Additional sheets may be sold only in groups of 3, 6 or 9 cards and at a price not lower than \$1, \$2 and \$3, respectively.

The paper for the "Bonanza" and "Do-it-yourself" games and other special turns may not be sold less than \$0.50 per card.

For the purposes of these Rules,

"additional sheets" means the cards sold to participate in a game on the program for which the booklet already contains a chance to participate;

“special turns” the cards sold for the “Bonanza” and “Do-it-yourself” games or the other faces whose configurations differ from those described in the first paragraph of section 3, or cards sold for the games on the program for which the booklet does not contain a chance to participate.

The game program may not contain more than 20 % of games consisting of special turns.

**32.** Bingo booklets shall be bound with glue. The sheets in a booklet shall not be separated.

No one may alter a bingo booklet, cut or stick bingo sheets.

**33.** Each card in a series shall bear the same serial number.

A holder of a bingo hall operator’s licence and a holder of an in-hall bingo licence may not allow the re-use of a serial number before the expiry of 1 year following its last use.

**34.** A holder of a bingo hall operator’s licence and a holder of a bingo licence shall only use bingo paper on which the logo of the Board is printed on each card as a watermark, except in the case of re-usable cards. The logo shall cover at least one third of each card.

**35.** A holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence may not sell bingo paper that includes a coupon or any other promotional or advertising material.

**36.** A holder of a bingo hall operator’s licence, a holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence may sell and use bingo booklets only if a label is affixed outside each box of booklets. That label shall indicate, in particular,

(1) the name of the licence holder who acquires the paper;

(2) the name of the paper supplier and paper’s manufacture date and number;

(3) the type of product in the box and the name of the paper manufacturer;

(4) the number of booklets in the box;

(5) the first and last numbers of the cards in each series;

(6) the number of each series appearing on the first page of the booklets;

(7) the cut used; and

(8) the colours of the paper.

Furthermore, those licence holder may use the bingo booklets only if a data card containing the information prescribed in the first paragraph is inside each box.

For additional bingo sheets, those licence holder shall obtain an invoice for each purchase of paper, indicating in particular the number of cards sold, the cut used, the number of each series and the number of the first card in each series.

As for the paper used during special turns, the licence holders shall obtain an invoice for each purchase of paper, indicating in particular the number of cards sold, the name of the game, the cut used and the serial number, where applicable. In the case of cards for “Bonanza” games, that invoice shall also indicate the serial numbers printed on the back side of the cards and, in the case of cards for “Do-it-yourself” games, the numbers of the first and last cards sold.

**37.** A holder of a bingo hall operator’s licence, a holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence shall keep the bingo paper in its original package until it is used.

**38.** A holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence shall keep a register for controlling the inventory of bingo paper, used under the terms and conditions they determine.

That register shall indicate the number of cards sold during each bingo event, including the number of additional booklets and sheets of each cut that are used, as well as their respective serial numbers. The data cards in the corresponding boxes of bingo booklets shall also be entered in that register, as well as the invoices corresponding to the additional sheets.

With respect to the paper used during special turns, that register shall indicate the number of cards sold, including the name of the game and the cut used. In the case of the cards for “Bonanza” games, that register shall also indicate the serial number printed on the back of the cards and, in the case of cards for “Do-it-yourself” games, the first card number used. A copy of each corresponding invoice shall also be included in the register.

Where the holder of an in-hall bingo licence sets up and operate a bingo in a place for which a bingo hall operator's licence is issued, that register shall be kept jointly with the holder of that licence. It shall be signed by both licence holders and shall be sent to the Board by the holder of the bingo hall operator's licence, every 3 months and, in the case of the latter register, within 30 days following the date of expiry of his licence.

A holder of an in-hall bingo licence who sets up and operates a bingo in a place for which a bingo hall operator's licence is not required and a holder of a fair or exhibition bingo licence shall sign the register and send it to the Board within 30 days following the date of expiry of their licence.

### *§3. Organization, conduct and functioning of a bingo*

**39.** A holder of in-hall bingo licence shall require that every player purchase a booklet containing at least 9 cards before being admitted to the bingo hall.

The licence holder shall refuse the sale of tickets issued by Loto-Québec or one of its subsidiaries for any bingo game set up and operated by Loto-Québec under the Regulation respecting bingo, approved by Order in Council 1271-97 dated September 1997, to all the player who do not participate in the bingo set up and operated by the licence holder under his licence. The foregoing also applies to a holder of a bingo hall operator's licence.

**40.** A holder of a bingo licence shall ensure that the set of 75 bingo balls is complete before the beginning of each bingo event and that the bingo equipment guarantees that the drawing of numbers depends on chance only.

**41.** A bingo event is deemed to have begun when the first game on the program and the first number drawn are called.

For the purposes of this section, the parties reserved for quickies and "Bonanza" games are deemed to be included in the game program.

**42.** Once a bingo event has begun, the holder of the bingo licence shall ensure that it progresses in accordance with the game program.

**43.** A holder of a bingo licence may not change the game rules after the beginning of the first game.

**44.** The layout of numbers on a card required for a win and the amount of the prize or the pattern of the prizes for each game shall be announced immediately before the game begins.

**45.** A player shall be declared the winner of the game if he has covered on his card all the numbers of the required layout, before other numbers are called, even if another player turns out to have a winning combination following the calling of other numbers. However, the prize shall be shared between all the players who have declared to be winners.

**46.** Once a winner has declared himself, the bingo caller shall ask if there are other winners. If there is no reply, the game shall be declared over.

No one may declare to be a winner once the bingo caller has declared the game over.

**47.** The numbers on a player's card shall be verified when he declares that he is a winner of the game. It shall be done by an electronic means or by repeating the winning numbers in the presence of the person in charge of verification designated by the holder of the bingo licence.

**48.** A prize shall be paid completely, as announced at the beginning of a game. Notwithstanding the foregoing, where a prize is shared among several winners, the holder of a bingo licence shall ensure that the amount paid to each of them is reduced to the nearest dollar, where applicable, regardless of the total value of the prizes to be awarded.

**49.** Where a drawn number is not correctly announced, the number actually drawn has precedence over the announced number and becomes the official number. No player may be declared to be a winner on the basis of a number incorrectly announced.

**50.** A holder of a bingo licence who awards prizes consisting of goods, commodities or merchandise shall

(1) where there is more than one winner, award the prize by a drawing of lots in the presence of at least 2 witnesses; and

(2) ensure that the value of the prize to be awarded is equal to the total amount that a person would have to pay to purchase an identical or similar item on the Québec market, taxes included, even if the prize was given to the licence holder free of charge or sold at a discount price.

**51.** If the attendance at the beginning of a bingo event is or could be insufficient to provide enough receipts to cover the cost of prizes and other expenses incurred for the setting up and operation of that event, as a result of superior force, the holder of the in-hall bingo licence, the holder of the fair or exhibition bingo licence

and the holder of the media bingo licence may either go on with the bingo event or cancel it.

If a bingo event has begun and is later cancelled by a reason of superior force, the holders of those licences shall refund every player who bought bingo paper, in proportion to the number of games that were played or interrupted or in proportion to the percentage of the value of the prizes that were not awarded.

**52.** A holder of a bingo hall operator's licence and a holder of an in-hall bingo licence may not

(1) require an admission fee or a reservation fee for a seat; and

(2) provide players with a transportation service, free of charge, intended to take them to the bingo hall or to bring them back home.

Furthermore, they may neither use the transportation service as a means of promoting bingos, nor propose a package deal including bingo paper in the transportation charge.

**53.** During a bingo event, a holder of a bingo licence may not offer or award prizes whose total value does not comply with the total value authorized by the bingo licence.

The value of a prize awarded during a bingo shall not be based on a percentage of the receipts from a game or bingo event.

**54.** No one may serve, sell or drink alcoholic beverages in a hall during a bingo event, except in the case of a recreational bingo.

**55.** A holder of a bingo licence may not allow any minor person to participate in a bingo game or event as a player.

**56.** No participant in the setting up and operation of a bingo may buy bingo paper or participate as a player, unless his work is finished before the bingo event begins.

**57.** No player shall be allowed to use a verification device during a bingo event.

#### **DIVISION IV ADMINISTRATION**

**58.** A holder of an in-hall bingo licence is responsible for setting up and operating a bingo and, where his licence authorizes it, for selling instant-win tickets.

**59.** All the prizes offered and expenditures made in the course of a bingo event shall be deducted from the total sales resulting from the bingo event and shall be paid out of those receipts.

**60.** A holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence shall keep, throughout the duration of their licence and for one year after their expiry, a voucher for each expenditure related to the use of their licence, except for the duties paid for the issue of their licence and the prizes offered during a bingo event.

**61.** The net revenues derived from a bingo event set up and operated under an in-hall bingo licence shall be established by deducting from the amount of the total sales of bingo paper the value of the prizes offered, the cost of hall services, the cost of bingo paper and the cost of the salaries of the personnel directly involved in the setting up and operation of the bingo, as well as the cost of the bingo equipment if they are paid by the holder of the bingo licence.

**62.** For the purposes of the calculation provided for in paragraph 1 of section 61:

(1) the costs related to all the services offered by the holder of a bingo hall operator's licence and those related to the bingo equipment may not exceed 14 % of the total sales, taxes included;

(2) the paper-related costs may not exceed 5 % of the total sales, taxes included; and

(3) the costs in the form of salaries paid to all the personnel involved in the setting up and operation of the bingo shall include the security service and the controller of the bingo licence holder and that amount may not exceed 9 % of the value of the prizes offered.

Notwithstanding subparagraph 1 of the first paragraph, a holder of a bingo licence may not pay to the holder of a bingo hall operator's licence an amount greater than \$1 000, taxes included, for the hall services required per event.

**63.** Profits from the setting up and operation of a bingo by a holder of an in-hall bingo licence, including the profits from the sale of instant-win tickets, where applicable, shall be used for the project for which the licence was issued.

All the amounts referred to in the first paragraph shall be spent within 90 days from the date of expiry of that licence. However, in the case of a project that requires more time to be carried out, all the amounts shall be spent according to the schedule referred to in paragraph 1 of section 19.

## DIVISION V ADVERTISING

**64.** A holder of a bingo licence is responsible for the content of any advertisement made for a bingo event.

A consultative committee or a group may advertise the bingos set up and operated by the holders of bingo licence who sit on it.

A holder of a bingo hall operator's licence is also authorized to advertise the bingo events set up and operated in his hall. However, the resulting expenditures may not be deducted in the calculation of the net revenues referred to in section 61.

**65.** In the advertising for a bingo event, a holder of a bingo licence or of a bingo hall operator's licence shall indicate his name and his licence number.

Where a consultative committee or a group does advertising for the holders of bingo licences who sit on it, the licence number of at least one licence holder shall be indicated.

**66.** The advertising for a bingo may not indicate the total value of prizes to be awarded during several bingos events, so as to create the impression that the value of the prizes offered exceeds the value authorized by the bingo licence or that there is only one big prize.

**67.** A holder of a bingo hall operator's licence and a holder of an in-hall bingo licence may not offer a promotion during a bingo event.

For the purposes of this section, "promotion" means any action resulting in the granting of a rebate, an advantage or goods to players, for instance by giving door prizes, gifts, coupons, gift certificates or bingo paper.

**68.** A holder of an in-hall bingo licence may not incur as advertising expenses more than 2 % of the value of the prizes offered during all the bingo events authorized by his licence, excluding the additional amount provided for in the second paragraph of section 7, where applicable.

## DIVISION VI REPORTS AND REGISTERS

**69.** A holder of an in-hall bingo licence and a holder of a fair or exhibition bingo licence shall complete and keep a report on receipts and expenses on the form provided by the Board for each bingo event they set up and operate.

That report shall include, in particular,

- (1) the date of the event;
- (2) the number of players;
- (3) the amounts from the sale of bingo paper;
- (4) the total value of the prizes awarded;
- (5) the total amount paid for salaries;
- (6) the total amount paid for advertising;
- (7) the amount paid to the holder of the bingo hall operator's licence for hall services;
- (8) the amount paid to the holder of the bingo hall operator's licence as his share of the net revenues, where applicable;
- (9) the expenses paid for equipment, where applicable;
- (10) the expenses paid for bingo paper, where applicable;
- (11) the net revenues or losses resulting from the bingo event; and
- (12) the net revenues from the bingo set up and operated by Loto-Québec or one of its subsidiaries, where applicable.

If the in-hall bingo licence authorizes the sale of instant-win tickets, the report shall also indicate

- (1) the total sales of tickets and the serial number of each batch of tickets sold;
- (2) the total value of the prizes awarded;
- (3) the purchase cost of all the instant-win tickets, including the number of the corresponding invoice;
- (4) the total amount paid for salaries if the instant-win tickets are sold by another person than the person who sells the bingo paper; and
- (5) the net revenues or losses resulting from the lottery scheme.

Where the holder of the in-hall bingo licence sets up and operates a bingo in a place for which a bingo hall operator's licence is issued, he shall send that report to the Board within 30 days following the holding of any



series of 15 consecutive bingo events and for the other events, within 30 days of the date of expiry of his licence.

A holder of in-hall bingo licence who sets up and operates a bingo in a place for which a bingo hall operator's licence is not required and the a holder of a fair or exhibition bingo licence shall send that report within 30 days of the date of expiry of their licence.

**70.** A holder of a fair or exhibition bingo licence and a holder of a licence for a bingo at a public place of amusement shall complete and send to the Board, within 30 days of the expiry of their licence, a report on the form provided by the Board indicating the total sales of bingo paper for all the bingo events set up and operated during the period of validity of their licence.

**71.** A holder of a bingo hall operator's licence shall complete an activity report on the form provided by the Board.

For each bingo event set up and operated in his hall, the report shall indicate

- (1) the date of the event;
- (2) the total amount collected from the holder of the bingo licence for using the hall;
- (3) the total amount collected for bingo paper, with the corresponding serial numbers, where applicable;
- (4) the purchase price of the bingo booklets, including the corresponding invoices, where applicable; and
- (5) the amount received from the bingo set up and operated by Loto-Québec or one of its subsidiaries, where applicable.

That licence holder shall send that report to the Board every 3 months and, as for the latter report, within 30 days of the date of expiry of his licence.

**72.** A holder of an in-hall bingo licence and a holder of a media bingo licence shall complete and send to the Board a report on the use of the funds on the form provided by the Board within 90 days of the date of expiry of their licence.

That report shall include a description of the goods or services in support of each payment, and the price paid for each good or service.

If those licence holders remit an amount greater than \$500 to a charitable or religious organization, they shall

keep a document from that organization attesting to the amount received and how it is used.

Where all the revenues from the bingo have not been used when the report is filed, those licence holders shall indicate therein when it will be spent and for what purposes. They shall also send the Board a document attesting to the use of those amounts on the form provided by the Board, within 30 days of their spending.

**73.** A consultative committee that has entered into an agreement or a protocol referred to in section 5 shall complete and send to the Board a report on how the bingo revenues will be disposed of, on the form provided by the Board. That report shall indicate

- (1) the amount of each money inflow from the setting up and operation of a bingo and the name of the bingo licence holder from whom the amount comes;
- (2) the amount of each expenditure and the name of the bingo licence holder to whom the amount was remitted; and
- (3) the amount stipulated in the agreement or protocol that has not yet be spent according to the terms of that agreement or protocol, including the names of the licence holders among whom that amount will be shared and the sum that will thus be remitted to each of them.

The responsible person referred to in section 5 shall send that report to the Board, within 30 days following the holding of any series of 15 consecutive bingo events and for the other events, within 30 days of the date of expiry of the last bingo licence issued to the members of the consultative committee.

**74.** A consultative committee that has set up an assistance fund for charitable or religious organizations not holding a bingo licence shall complete and send to the Board a report on the management of the fund on the form provided by the Board. That report shall indicate

- (1) the amount of each money inflow into the fund resulting from the setting up and operation of a bingo and the name of the bingo licence holder from whom that amount comes;
- (2) the amount paid to a charitable or religious organization, including its name and how it used it; and
- (3) the balance of the fund, if any, including the names of the charitable or religious organizations that will benefit from it and the amount that will be remitted to them.

The responsible person referred to in section 5 shall send that report to the Board, not later than the 90<sup>th</sup> day following the last date of expiry of the bingo licences issued to the members of the consultative committee.

**75.** A holder of a bingo hall operator's licence and a holder of a bingo licence shall keep up-to-date registers, books and other documents in support of all reports sent to the Board under these Rules for at least one year from the date of expiry of their licence.

The information in the forms, registers, reports and other documents, as well as the in the vouchers accompanying them, provided to the Board under these Rules, are considered to be given under oath and their veracity and accuracy attested to.

### DIVISION III SPECIAL PROVISIONS APPLICABLE TO MEDIA BINGOS

**76.** A media bingo event may be set up and operated only if it is broadcast by a community radio station or a community television channel.

**77.** In addition to the documents and information provided for in subparagraphs 1, 2 and 4 of the first paragraph of section 19, a applicant for a media bingo licence shall provide the Board with the following documents and information on the form provided by the Board:

(1) the name, address and frequency of the radio station or television channel that will broadcast the bingo he will set up and operate and the authorized territory for broadcasting the bingo;

(2) a specimen of the bingo cards to be sold and the number of cards to be printed, and the name and address of the printer; and

(3) the procedure to be followed to sell cards indicating, in particular, how and where they will be distributed and how the money collected by card sellers will be managed.

**78.** A holder of a media bingo licence shall keep his licence in the place where the bingo is set up and broadcasted.

**79.** Each bingo card or its packaging shall indicate

- (1) the sale price of each face;
- (2) the number of the licence issued by the Board;

(3) the name of the charitable or religious organization to the benefit of which the bingo is set up and operated;

(4) the name, address, telephone number and frequency of the community radio or television station broadcasting the bingo;

(5) the time and date on which the bingo event will be broadcasted on radio or television;

(6) the internal rules and procedure to be followed by the winner to claim his prize; and

(7) the game program and the value of the prizes offered during each game.

**80.** Notwithstanding section 28, a holder of a media bingo licence is also authorized to sell bingo paper in the days preceding a bingo event.

**81.** The bingo caller of a media bingo event shall animate it before 2 witnesses who shall sign an attestation of their presence during each bingo game.

The original of that document shall be attached to the report on receipts and expenses provided for in section 85.

**82.** The percentage of the net profits from a media bingo may not be less than 15 %. Likewise, the percentage of administrative expenses may not exceed 25 % of the gross receipts.

**83.** The remuneration of a person who fulfils duties in connection with the setting up and operation of a bingo shall be included in administrative expenses.

**84.** Gasoline and travel expenses incurred by bingo card sellers, their commissions on card sales, and the duties on the media bingo licence may not amount to more than 20 % of the total gross receipts of the bingo.

A holder of a media bingo licence who pays a cash commission to a card seller or to a person who fulfils duties in connection with the setting up and operation of a media bingo event shall obtain from that person or seller a receipt indicating his name, his address and the amount received.

**85.** A holder of a media bingo licence shall complete a report of the receipts and expenditures, on the form provided by the Board for each bingo event he sets up and operates.

That report shall indicate, in particular,

- (1) the date of the event;
- (2) the amount of the total sales of bingo paper;
- (3) the total value of the prizes awarded;
- (4) the total amount paid for salaries, including those of card sellers;
- (5) the total amount paid for promotion and advertising;
- (6) the total amount of expenses paid for bingo paper;
- (7) the amount of expenses paid for equipment; and
- (8) the net revenues or losses from the bingo event.

That licence holder shall send that report to the Board within 30 days following the holding of any series of 15 consecutive bingo events and for the other events, within 30 days of the date of expiry of his licence.

**86.** Profit derived from the setting up and operation of a media bingo shall be used for the charitable or religious purposes for which the bingo licence was issued and shall be spent to the benefit of citizens in the territory within the range of the community radio or television station.

**87.** Notwithstanding sections 30 and 35, a holder of a media bingo licence is authorized to use sold bingo cards to advertise or promote his bingo events.

**88.** A holder of a media bingo licence may offer a promotion outside the hours of a bingo event.

The costs of such promotion shall be included in the administrative expenses.

#### CHAPTER IV INSTANT-WIN TICKETS

**89.** Only a holder of an in-hall bingo licence may offer instant-win tickets.

He is responsible for the management and accounting required by that lottery scheme.

**90.** The expenditures and receipts derived from the sale of instant-win tickets shall be accounted for separately from the bingo's.

**91.** A holder of an in-hall bingo licence shall use batches of instant-win tickets that comply with the following:

- (1) they shall comprise a minimum number of 983 tickets;
- (2) a winning ticket may not confer a prize greater than \$200;
- (3) the percentage of gross profits from the sale of a batch may not be less than 25 % of gross receipts; and
- (4) the sale price of a ticket may not exceed \$1.00.

In these Rules, "batch" means a series of winning and losing instant-win tickets contained in a box or package, each ticket bearing the same number.

**92.** A holder of an in-hall bingo licence shall use tickets that comply with the following:

(1) those tickets shall be composed of one part only that indicates:

(a) the name of the charitable or religious organization and the number of its bingo licence;

(b) the name of the game;

(c) the number of prizes offered and the value of each, as well as their respective winning combination;

(d) the sale price of the ticket, the serial number and the name of the ticket manufacturer;

(2) the surface of each ticket shall be opaque so that it is impossible to read the combinations by means of any light source;

(3) each box on the ticket shall be designed so that it is impossible to read the content without breaking the perforation protection or the seal protecting it, or without leaving other traces of alteration; and

(4) in the case of a winning ticket, it shall not be identifiable by the quality of its colour, its size the presence of any mark on its edges or any other particular sign.

**93.** Winning instant-win tickets shall be distributed at random in each batch.

Each batch shall be packaged in a sealed box that makes it impossible to alter its content. Each box shall remain sealed and the batches shall be kept intact until they are sold by the bingo licence holder.

**94.** No one may alter, modify or counterfeit an instant-win ticket.

**95.** A holder of an in-hall bingo licence may sell instant-win tickets only during a bingo event, where that bingo is set up and operated.

**96.** A holder of an in-hall bingo licence shall post up a notice in full view of the players that indicates that prizes must be claimed before the end of the bingo event and that they are paid in cash.

**97.** A holder of an in-hall bingo licence shall shuffle the place the instant-win tickets in a transparent container and all the tickets sold shall come from that container.

**98.** Each winning instant-win ticket shall be perforated in the winning combination when the prize is given. Winning tickets for a prize equal to or greater than \$100 shall be kept with the report prescribed in section 71.

**99.** In order to be declared valid as a winning ticket, an instant-win ticket shall be intact, except for the boxes, and it shall not be modified, altered, reconstituted or counterfeited in any way whatsoever.

**100.** The person responsible for the sale of instant-win tickets and sellers may not buy, participate indirectly in such lottery scheme or share a prize.

**101.** No instant-win ticket shall be sold to a minor.

**102.** No instant-win ticket shall be sold on credit or be paid by cheque or credit card.

**103.** A holder of an in-hall bingo licence shall obtain invoices from every person who provides him with instant-win tickets and he shall keep them for at least one year after his licence's date of expiry. Such invoices shall indicate

(1) his name and the number of his bingo licence;

(2) the type of tickets, including the name of the game, the name of the manufacturer and the name of the supplier;

(3) the number of batches of tickets bought, including their respective serial number and the number of tickets in each batch; and

(4) the date on which the invoice is issued.

## DIVISION V TRANSITORY AND FINAL PROVISIONS

**104.** Charitable and religious organizations that hold a bingo licence and that set up and operate a bingo in a hall where prizes of more than \$200 are offered and that use re-usable cards may continue to use them until 21 January 1998.

**105.** Holders of bingo licences may continue to use bingo paper not bearing the logo of the Board until 21 January 1998.

**106.** Any person who, before 23 October 1997, has submitted an application for the issue of a bingo licence or a modification thereto to the Board shall modify it before (enter the date corresponding to the 90th day following the date of coming into force of these Rules) in such manner as to comply with these Rules.

**107.** The Board shall reimburse to any person who has applied for reimbursement before 23 October 1997 the amount of the fees prescribed in paragraph 1 of section 4.1 of the Lottery Schemes Regulation, made by Order in Council 2704-84 dated 5 December 1984, as it read before being revoked by section 4 of the Regulation to amend the Lottery Schemes Regulation, made by Order in Council 1269-97 dated 24 September 1997.

Such reimbursement shall be made in accordance with section 11 of that Regulation, as it read before 23 October 1997.

**108.** Sections 61 and 62 do not apply to holders of bingo licences in force on 23 October 1997 until their licences expire.

**109.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*, except sections 36, 38 and 103, which will come into force on 21 January 1998.

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**M.O., 1997**

**Order of the Minister of Public Security dated  
29 September 1997**

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

**Lottery schemes (bingos)**

— **Amendments**

Rules to amend the Lottery Scheme Rules

The Minister of Public Security,

CONSIDERING the first and second paragraphs of section 20 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), amended by section 2 of Chapter 54 of the Statutes of 1997, which enable the Régie des alcools, des courses et des jeux to make rules on the matters mentioned therein respecting lottery schemes;

CONSIDERING the first paragraph of section 8 of Chapter 54 of the Statutes of 1997, the Rules to amend the Lottery Scheme Rules made before 23 March 1998 by the Board under section 20 of the Act respecting lotteries, publicity contests and amusement machines are not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the third paragraph of section 20 of the Act respecting lotteries, publicity contests and amusement machines, which provides that the Minister of Public Security shall approve the rules made by the Board under that legislative provision;

CONSIDERING that the Board made, at its sitting of September 1997, the Rules to amend the Lottery Scheme Rules attached hereto;

CONSIDERING that it is expedient to approve the Rules;

ORDERS the following:

The Rules to amend the Lottery Scheme Rules, attached hereto, are approved.

Sainte-Foy, 29 September 1997

PIERRE BÉLANGER,  
*Minister of Public Security*

**Rules to amend the Lottery Scheme  
Rules\***

An Act respecting lotteries, publicity contests  
and amusement machines  
(R.S.Q., c. L-6, s. 20)

**1.** The Lottery Scheme Rules are amended by striking out the words “and for a broadcasted bingo” in paragraph 3 of section 1.

**2.** Paragraph 4 of section 5 is deleted.

**3.** Section 5.1 is revoked.

**4.** Paragraphs 1 and 2 of section 6.1 are deleted.

**5.** Section 10 is revoked.

**6.** The words “or a broadcasted bingo” are struck out in the second paragraph of section 18.

**7.** The following is substituted for paragraph 1 of section 19:

“(1) shall post the rules concerning participation in the lottery scheme and its operation in full view of the participating public; however, in the case of a drawing, the licence holder must inform the participating public of the location where the rules can be consulted;”.

**8.** Sections 24, 24.1, 24.2, 25 and 25.01 are revoked.

**9.** The words “of a bingo licence or” are struck out in section 28.

**10.** Paragraphs 1 and 1.1 of section 29 are deleted.

**11.** Section 30 is amended by deleting

(1) the sentence “In the case of a bingo, that percentage is 20 %.” at the end of the first paragraph; and

(2) the second paragraph.

**12.** The words “bingo or” are struck out in section 31.

**13.** The following is substituted for section 34.1:

\* The Lottery Scheme Rules, made by the Régie des alcools, des courses et des jeux at its sitting of 14 December 1984 (1985, *G.O.* 2, 24), were last amended by the Rules made by the Board on 21 September 1995 (1996, *G.O.* 2, 286). For previous amendments, refer to the “Tableau des modifications et Index Sommaire”, Éditeur officiel du Québec, updated to 1 March 1997.

“**34.1** A holder of a benefit casino licence who conducts and manages a benefit casino on leased commercial premises may in no manner whatsoever hire the lessor of the premises, his representative or any of his employees to conduct and manage the benefit casino.”

**14.** Sections 35, 36, 36.1, 36.2, 36.3 and 36.4 are revoked.

**15.** The following is substituted for section 37:

“**37.** A person employed in the conduct and management of a benefit casino may not participate therein unless his work ends before the benefit casino begins.”

**16.** Paragraph 4 of section 41 is deleted.

**17.** Sections 44 and 50 are deleted.

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

## Draft Regulations

### Draft Regulation

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

#### Apprenticeship scheme

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the apprenticeship scheme, the text of which appears below, may be approved by the Government, with or without amendment, upon the expiry of 30 days following this publication.

The purpose of this draft regulation is to establish an apprenticeship scheme. It sets the conditions under which will be implemented apprenticeship projects approved by the Société québécoise de développement de la main-d'œuvre. The apprenticeship scheme is intended to facilitate the recruiting by interest employers, notably small and medium-sized businesses, of qualified workers.

The draft regulation also stipulates the wage rates applicable to apprentices, who are protected by the Act respecting labour standards.

Additional information can be obtained by contacting Mrs. France Garon, Société québécoise de développement de la main-d'œuvre, 800, place Victoria, 29<sup>e</sup> étage, Montréal (Québec) H4Z 1B7. Telephone: (514) 873-1892.

Comments on the draft regulation should be submitted by writing, before the expiry of the 30-day period, to Diane Bellemare, President and Chief Executive Officer, Société québécoise de développement de la main-d'œuvre, 800, place Victoria 29<sup>e</sup> étage, Montréal (Québec), H4Z 1B7.

LOUISE HAREL,  
*Minister of State for  
Employment and Solidarity*

### Regulation respecting the apprenticeship scheme

Act to foster the development of manpower training (R.S.Q., c. D-7.1, s. 44.1 and 44.3; 1997, c. 20, s. 11)

**1.** This regulation establishes an apprenticeship scheme for the benefit of young people and adults.

**2.** To be eligible for the apprenticeship scheme, a person must have completed Secondary III.

**3.** A sector-based manpower committee recognized pursuant to section 44.5 of the Act to foster the development of manpower training (R.S.Q., c. D-7.1) introduced by section 11 of Chapter 20 of the 1997 Statutes, a parity committee governed by the Act respecting collective agreement decrees (R.S.Q., c. D-2) or any process for concerted action recognized by the Société québécoise de développement de la main-d'œuvre may, for its sector of economic activity and for each trade or profession, participate in defining the content of the apprenticeship booklet and the journeyman's handbook, in determining the length of the apprenticeship and the apportionment of the training between educational institutions and enterprises, as well as in determining special conditions for admission to the apprenticeship and to act as a journeyman.

**4.** The employer is responsible for evaluating the in-plant apprenticeship using tools to evaluate knowledge and skills adapted to in-plant training provided by the Minister of Education for the purpose of certification stipulated in section 44.1, paragraph 3<sup>o</sup>, of the Act to foster the development of manpower training.

**5.** The employer must also assume the following responsibilities:

1<sup>o</sup> provide the apprentice with in-plant training, notably by ensuring the availability of the person acting as a journeyman;

2<sup>o</sup> ensure the stability of the relationship that is established between the journeyman and the apprentice for the duration of the apprenticeship contract;

3<sup>o</sup> organize the apprenticeship in such a way that the apprentice receives the necessary training in an educational institution;

4<sup>o</sup> allow the apprentice to perform tasks that reflect the exercise of the trade or profession in question;

5<sup>o</sup> evaluate the in-plant training received by the apprentice using the assessment sheets provided by the Minister of Education and submit the completed sheets to the school board with which the apprentice is registered.

**6.** The employer and the apprentice must use the apprenticeship booklet.

The employer must ensure that the necessary attestations are recorded in the apprenticeship booklet for the in-plant evaluation of the apprentice.

The apprentice must keep his apprenticeship booklet up to date.

**7.** To act as a journeyman, a person must have eight years of experience in his trade or profession or four years of experience and a vocational school diploma in the trade or profession, or an equivalent diploma.

In addition, the person must have received 135 hours of preparatory training in the following subjects:

- 1° the journeyman's role and responsibilities;
- 2° the means of supervising an apprenticeship;
- 3° planning the apprenticeship;
- 4° in-plant teaching methods;
- 5° principles that facilitate the attainment of objectives in apprenticeship;
- 6° the tools used to evaluate the training provided.

The knowledge acquired through in-plant training in respect of the aforementioned subjects may be recognized by the Société, thereby reducing the number of hours of mandatory training.

**8.** The employer must choose an apprentice for a trade or profession to which the apprenticeship scheme applies in his enterprise from among the candidates who meet general or specific eligibility criteria.

**9.** The apprenticeship must be divided into three equal periods.

**10.** The wage rate received by the apprentice for the hours devoted to in-plant training will be:

- 1° 40 % of the wages paid by the same employer to a new employee possessing the same diploma being sought by the apprentice, for the first period of the apprenticeship;
- 2° 60 % for the second period;
- 3° 80 % for the third period.

In the absence of a qualified new employee, the wage rate received by the apprentice will be calculated according to the wages to which an employee working for

the same employer whose duties most closely resemble those of the apprentice would be entitled and, where more than one employee performs the same duties, in relation to the wages of the employee hired most recently.

**11.** The apprenticeship contract concluded between the apprentice and the employer participating in the apprenticeship scheme must indicate:

- 1° the name and address of the employer and the apprentice;
- 2° the name of the journeyman or journeymen;
- 3° the vocational school diploma being sought;
- 4° the length of the contract;
- 5° the wages the employer undertakes to pay the apprentice for each period of the apprenticeship;
- 6° the obligations of the employer;
- 7° the obligations of the apprentice;
- 8° the possibility of terminating the contract by mutual consent.

**12.** When a position for which an apprentice is trained is covered by an accreditation obtained pursuant to a statute by an association or a union to represent wage earners or a group of wage earners employed by the enterprise, the representative of the employer wishing to offer the apprenticeship corresponding to this position must fill out, personally sign and have signed by the representative of the association or the union concerned the form prescribed by the Société.

An apprentice may not be compelled to appear at the employer's premises when the employees are exercising their right to strike or during an employer's lock-out.

**13.** The employer must submit to the Société a copy of the apprenticeship contract and the form stipulated in section 12, within fifteen (15) days of the signing of the contract.

**14.** When unforeseen circumstances lead to an interruption of the in-plant portion of the apprenticeship, the Société must take the necessary steps, except when the apprentice is responsible for the interruption, to ensure that the apprentice pursues his training in order to obtain the diploma being sought.

**15.** This regulation will come into force on the day that it is approved by the government.



## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Medical technologists — Code of ethics — 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 Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec, the text of which appears below. In accordance with section 95.3 of the Professional Code (R.S.Q., c. C-26), a Draft of the Regulation was sent to all the members of the Order at least 30 days before its adoption by the Bureau of the Order.

Under section 95 of the Professional Code, the Regulation will be subject to an examination by the Office des professions du Québec and then will be submitted, with its recommendation, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation in replacing the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169) presently in force, is to impose on the members of the Ordre professionnel des technologistes médicaux du Québec, general and special duties towards the public, their clients and the profession. It includes obligations respecting advertising by members of the order. The Regulation has a direct impact on members of the Order since they will have to comply with certain rules which, under section 87 of the Professional Code, must be included in the Code of ethics of the members of the Order.

Further information concerning the Regulation may be obtained by contacting Mr. Alain Collette, C. Adm., Secretary and Director General of the Ordre professionnel des technologistes médicaux du Québec at: 1150, boulevard Saint-Joseph Est, bureau 300, Montréal (Québec), H2J 1L5; tel.: 1 800 567-7763 or (514) 527-9811; fax: (514) 527-7314.

Any person having comments to make concerning the Regulation is asked to send them in writing before the expiry of the 45-day period mentioned above to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the

professional order that made the Regulation, the Ordre professionnel des technologistes médicaux du Québec, and to interested persons, departments and bodies.

ROBERT DIAMANT,  
*Chairman of the Office  
des professions du Québec*

## Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**1.** A medical technologist shall, unless he has sound reasons to the contrary, support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.** In the practice of his profession, a medical technologist shall bear in mind all the foreseeable consequences which his research and work may have on society.

**3.** A medical technologist shall promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he shall also, in the practice of his profession, do what is required to ensure such education and information.

**4.** A medical technologist shall practise his profession in accordance with the generally recognized standards of practice and, to that end, he shall keep up-to-date and improve his knowledge.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### §1. General

**5.** Before accepting a mandate, a medical technologist shall take into account the limitations of his knowledge and the means at his disposal.

**6.** A medical technologist shall at all times recognize his client's right to consult a colleague, a member of another professional order or any other competent person.

**7.** A medical technologist shall refrain from practising in conditions or in a state liable to compromise the quality of his services.

**8.** A medical technologist shall respect the life of a client. Thus, he may not refuse to provide his services where a client's life is in danger.

**9.** A medical technologist shall not act alone in making examinations liable to perturb a client's condition in such a way that the assistance of another person might be required to remedy the situation.

### §2. Integrity

**10.** A medical technologist shall carry out his professional duties with integrity.

**11.** A medical technologist shall avoid any false representation with respect to his level of competence or the effectiveness of his services or those generally provided by the members of the profession. If the good of a client so requires, he shall consult a colleague, a member of another professional order or another competent person, or shall refer the client to one of those persons.

**12.** A medical technologist shall refrain from conveying erroneous or incomplete results. Before conveying results, he shall ensure that the quality controls generally recognized as necessary have been carried out. Where a medical technologist must submit preliminary or incomplete reports or where he doubts the reliability of certain items therein, he shall so notify the professional who signed the prescription.

### §3. Availability and diligence

**13.** A medical technologist shall demonstrate reasonable availability and diligence in the practice of his profession.

**14.** In addition to his opinion and advice, a medical technologist shall provide his client with the explanations necessary to understanding and appreciating the services rendered.

### §4. Liability

**15.** A medical technologist shall, in the practice of his profession, commit his full personal civil liability. He is thus prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes all or part of such liability.

### §5. Independence and impartiality

**16.** A medical technologist shall subordinate his personal interest to the interest of his client.

**17.** A medical technologist shall ignore any intervention by a third party which could affect the performance of his professional duties to the detriment of his client.

**18.** A medical technologist may share his fees with a colleague only to the extent that such sharing corresponds to an apportionment of the services and responsibilities.

**19.** Except for the remuneration to which he is entitled, a medical technologist shall refrain from receiving, paying or agreeing to pay any benefit, discount or commission relating to the practice of his profession.

### §6. Professional secrecy

**20.** A medical technologist shall respect the secrecy of all confidential information obtained in the practice of his profession.

**21.** A medical technologist may be released from professional secrecy only with the authorization of his client or where so ordered by law.

**22.** A medical technologist shall avoid indiscreet conversations concerning a client or the services rendered to a client.

**23.** A medical technologist shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for himself or another person.

### §7. Accessibility of records

**24.** A medical technologist shall respect the right of his client to examine documents that concern him in the record made in his regard and to obtain a copy of such documents. Where a copy is obtained, a reasonable fee may be charged.

Notwithstanding the foregoing, a medical technologist may refuse access to such information where its disclosure would in all likelihood be detrimental to his client or to a third party. Where applicable, he shall refer his client to the professional who signed the prescription.

**25.** A medical technologist shall respect the right of his client to have corrections made to information in a document that concerns him and is kept in any record made in his regard, where that information is inaccurate, incomplete or ambiguous in respect of the purposes for which it was gathered.

A medical technologist shall also respect the right of his client to have information deleted that is out-of-date or unwarranted in respect of the purpose of the record, or to make comments in writing and include them in the record.

*§8. Determination and payment of fees*

**26.** A medical technologist shall charge and accept fair and reasonable fees.

**27.** Fees are fair and reasonable if they are warranted by the circumstances and are in proportion to the services rendered. In determining his fees, a medical technologist shall take the following factors into account in particular:

- (a) the time required for the performance of the professional service;
- (b) the complexity and scope of the service; and
- (c) the need to perform unusual services or services requiring exceptional competence or speed.

**DIVISION III**  
DUTIES AND OBLIGATIONS TOWARDS  
THE PROFESSION

*§1. Derogatory acts*

**28.** The following acts, in addition to those referred to in sections 57, 58, 59.1, 59.2 and 59.3 of the Professional Code (R.S.Q., c. C-26), are derogatory to the dignity of the profession:

- (a) practising the profession of medical technologist while under the influence of alcoholic beverages, drugs, hallucinogens, narcotics, anaesthetics or any other substance causing intoxication, reduced or disturbed faculties or unconsciousness;
- (b) submitting a false analysis or examination report;
- (c) acting as an agent in the sale of any laboratory equipment or material to his employer; and
- (d) designating one of his employees or partners as a medical technologist, where the person is not a member

of the Ordre des technologistes médicaux du Québec, or allowing such person to be so designated.

*§2. Relations with the Order and colleagues*

**29.** A medical technologist whom the Order requests to participate on a council for the arbitration of accounts, a committee on discipline, a case review committee or a professional inspection committee shall accept that duty unless he has exceptional reasons for refusing it.

**30.** A medical technologist shall reply promptly to all correspondence sent by the syndic of the Order, investigators or members of the professional inspection committee.

**31.** A medical technologist shall not abuse the good faith of a colleague or be guilty of a breach of trust or unfair practices towards him. He shall not, in particular, take credit for work performed by a colleague.

**32.** A medical technologist consulted by a colleague shall provide the latter with his opinion and recommendations as promptly as possible.

**33.** A medical technologist shall, in his work environment, cooperate with his colleagues and the members of other professions and shall endeavour to maintain harmonious relations.

*§3. Contribution to the advancement of the profession*

**34.** A medical technologist shall, insofar as possible, contribute to the development of the profession by exchanging knowledge and experience with his colleagues and students and by participating in courses and continuing training periods.

**DIVISION IV**  
RESTRICTIONS AND OBLIGATIONS RESPECTING  
ADVERTISING

**35.** A medical technologist may not engage in, or allow the use of, by any means whatsoever, advertising that is false, misleading, incomplete or liable to mislead.

**36.** A medical technologist may not claim to possess qualities or skills, in particular with regards to the accuracy and exactness of the results he provides, unless he can substantiate such claim.

**37.** A medical technologist may not use advertising practices liable to denigrate or discredit another medical technologist.

**38.** A medical technologist who advertises a lump-sum fee shall:

- (1) establish fixed prices;
- (2) specify the nature and extent of the services included in the fee;
- (3) indicate whether additional services not included in the fee might be required; and
- (4) indicate the period during which the lump-sum fee is in effect.

Such specifications and indications shall be of such a nature as to reasonably inform persons who have no particular knowledge of medical technology.

**39.** A medical technologist shall keep a complete copy of every advertisement in its original form for a period of 5 years following the date on which it is last published or broadcast. The copy shall be given to the syndic upon request.

**40.** All the partners in a partnership of medical technologists are solidarily and jointly responsible for compliance with the rules respecting advertising, unless the advertisement clearly indicates the names of the medical technologists responsible therefor or unless they prove that the advertising was carried out without their knowledge or consent or despite the measures taken to ensure compliance with the rules.

#### **DIVISION V** **GRAPHIC SYMBOL OF THE ORDRE** **PROFESSIONNEL DES TECHNOLOGISTES** **MÉDICAUX DU QUÉBEC**

**41.** The Ordre professionnel des technologistes médicaux du Québec is represented by a graphic symbol that is true to the original held by the secretary general.

**42.** Where a medical technologist reproduces the graphic symbol of the Order, he shall ensure that the reproduction is true to the original held by the secretary general.

**43.** Where a medical technologist uses the graphic symbol of the Order, except on a business card, he shall include the following notice:

“This is not an advertisement of the Ordre professionnel des technologistes médicaux du Québec and it does not incur the liability of the Order.”.

**44.** This Regulation replaces the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169).

**45.** The Regulation respecting advertising by medical technologists, approved by Order in Council 658-88 dated 4 May 1988, is revoked.

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

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Abbreviations: **A:** Abrogated, **N:** New, **M:** Modified

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