

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

QUÉBEC, 17 DECEMBER 1997

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 17 December 1997

This day, at thirty-six minutes past eight o'clock in the morning, the Honourable the Administrator of Québec was pleased to sanction the following bills:

- 149 An Act to reform the Québec Pension Plan and to amend various legislative provisions
- 400 An Act respecting various legislative provisions relating to training in the construction industry

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.

PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

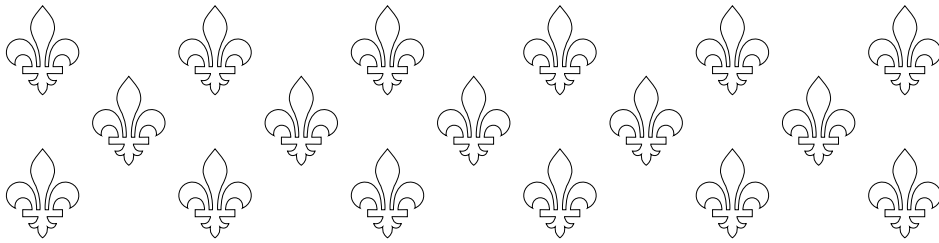
QUÉBEC, 18 DECEMBER 1997

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 18 December 1997

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

39	An Act respecting the protection of persons whose mental state presents a danger to themselves or to others (<i>modified title</i>)	164	An Act to amend the Act to facilitate the payment of support
151	An Act to amend the Courts of Justice Act	177	An Act to amend the Act respecting the determination of the causes and circumstances of death
154	An Act to amend the Public Health Protection Act	178	An Act to abolish certain bodies
157	An Act to amend the Act to ensure safety in guided land transport	184	An Act respecting the remuneration of judges
160	An Act to amend the Act respecting safety in sports and other legislative provisions	To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.	
163	An Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator		



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 149
(1997, chapter 73)

**An Act to reform the Québec Pension
Plan and to amend various legislative
provisions**

**Introduced 5 June 1997
Passage in principle 12 June 1997
Passage 10 December 1997
Assented to 17 December 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill amends the Act respecting the Québec Pension Plan, in particular, to establish new rates of contribution which will increase gradually until 2003, and maintain the Basic Exemption at the level established for 1997.

The bill establishes new methods of calculation of the retirement pension of the beneficiary of a disability pension and provides for the adjustment of earnings used in the calculation of benefits, taking into account the average pensionable earnings for the last five years of the contributory period.

The bill also provides that every retired person who works is required to pay contributions to the pension plan.

The bill authorizes the Régie des rentes du Québec to pay, retroactively, for a maximum period of five years, the retirement pension that a person who is 65 years of age or over was entitled to receive but for which no application was made.

In addition, the bill replaces the death benefit currently established according to the worker's earnings by a flat benefit, and specifies the terms and conditions of payment of the benefit.

It also provides that a review of the application of the Act respecting the Québec Pension Plan will be made at least every three years and that a public consultation will be held in Parliamentary Committee at least every six years on the advisability of making changes to the benefits and to the rate of contribution.

Lastly, the bill extends the right to partition of earnings and partition of pension benefits to de facto spouses and proposes various other amendments concerning the administration of the pension plan and the payment of benefits. The bill also contains consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Bill 149

AN ACT TO REFORM THE QUÉBEC PENSION PLAN AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), amended by section 319 of chapter 14 of the statutes of 1997 and by section 44 of chapter 57 of the statutes of 1997, is again amended

(1) by replacing the words “contract of personal service” and “contract of lease and hire of personal services” in paragraphs *c* and *g* by the words “contract of employment”;

(2) by replacing paragraph *i* by the following paragraph :

“(i) “employer”: a person, including the Government, who pays an employee a remuneration for his services;”;

(3) by inserting the words “or 102.10.3” after the figure “102.1” in the third line of paragraph *l*;

(4) by adding, at the end of subparagraph 3 of paragraph *v*, the following words: “, provided, in the latter case, that no other person is considered to be an eligible individual in respect of the same child; this subparagraph applies only if no person receives, in respect of the child, any family benefits within the meaning of subparagraph 1 or 2”.

The provisions of subparagraph 4 of the first paragraph have effect from 1 September 1997.

2. Section 3 of the said Act is amended by striking out paragraph *i*.

3. Section 4 of the said Act is amended by replacing the words “contract of lease and hire of personal services” in paragraph *d* by the words “contract of employment”.

4. Section 12 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended

(1) by replacing the words “an agent of the Crown in right of Québec” in the first paragraph by the words “a mandatary of the Government”;

(2) by replacing the words “general powers of a corporation, and” in the first line of the second paragraph by the words “capacity of a legal person and shall be vested with”.

5. The French text of section 15 of the said Act is amended by replacing the words “Au cas d’absence ou d’incapacité temporaire” in the first line of the third paragraph by the words “En cas d’absence ou d’empêchement”.

6. The French text of section 23.4 of the said Act is amended by replacing the words “Au cas d’absence ou d’incapacité temporaire” in the first line by the words “En cas d’absence ou d’empêchement”.

7. Section 41 of the said Act is amended by adding, at the end, the following paragraph :

“The adjustment to the maximum pensionable earnings of a worker, in the cases referred to in subparagraphs *b* and *c* of the third paragraph, does not apply if the year, in which the event concerned occurs, is subsequent to 1997.”

8. Section 42 of the said Act is amended

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

“**42.** The Basic Exemption is equal

(a) for the years 1966 to 1974, to 12% of the Maximum Pensionable Earnings for the year;

(b) for the years 1975 to 1997, to 10% of the Maximum Pensionable Earnings for the year;

(c) for any year from the year 1998, to \$3,500.”;

(2) by replacing the words “the preceding paragraphs” in the first line of the third paragraph by the words “subparagraph *a* or *b* of the first paragraph”.

9. Section 43 of the said Act is amended by adding, after the second paragraph, the following paragraph :

“From the year 1998, the personal exemption of a worker for the year in which a retirement pension becomes payable to him under this Act or a similar plan or for the year in which he reaches 70 years of age, if he is not the beneficiary of such a pension, is equal to the amount of the Basic Exemption multiplied by the proportion that the number of months of the year which precede the event concerned bears to 12. If the pensionable earnings of the worker for the year exceed the amount of the year’s Maximum Pensionable Earnings adjusted according to the same proportion, his personal exemption thus calculated is increased by the lesser of the following amounts :

(a) the Basic Exemption for the year multiplied by the proportion that the number of months in the year which are subsequent to the month preceding the event concerned bears to 12;

(b) the amount by which the pensionable earnings of the worker for the year exceed the year's Maximum Pensionable Earnings multiplied by the proportion that the number of months in the year that are prior to the event concerned bears to 12."

10. Section 44 of the said Act is amended by inserting the words “, calculated without taking account of the third paragraph of section 43” after the word “year” in the third line.

11. Section 44.1 of the said Act, amended by section 1 of chapter 47 of the statutes of 1996, is again amended

(1) by replacing the words “and 6.0% for the year 1997” at the end by the words “, 6.0% for the year 1997, and 6.4% for the year 1998”;

(2) by adding the following paragraph:

“The rate of contribution is 7.0% for the year 1999, 7.8% for the year 2000, 8.6% for the year 2001, 9.4% for the year 2002 and 9.9% for the year 2003 and subsequent years”.

12. Section 45 of the said Act, amended by section 2 of chapter 19 of the statutes of 1997, is again amended by adding, after the second paragraph, the following paragraph:

“The exclusion of income or amounts referred to in subparagraphs *c* and *d* of the second paragraph does not apply for years subsequent to 1997.”

13. Section 48 of the said Act is amended by adding, after the third paragraph, the following paragraph:

“The adjustment to the pensionable self-employed earnings of a worker, in the cases referred to in subparagraphs *b* and *c* of the third paragraph, does not apply if the year in which the event concerned occurs is subsequent to 1997.”

14. The French text of section 55 of the said Act is amended by replacing the words “considéré comme” in the second paragraph by the words “réputé être”.

15. Section 64 of the said Act is amended

(1) by replacing the words “sections 65, 69, 70 or 182” in the fourth line of the first paragraph by the words “any of those sections or under the provisions of the Taxation Act (chapter I-3) referred to in section 184”;

(2) by replacing the words “shall be deemed” in the first and second lines of the second paragraph by the words “is deemed”.

16. Section 71 of the said Act is amended

(1) by replacing the words “shall, on 30 April in the following year, be deemed” in the third and fourth lines of the first paragraph by the words “is, on 30 April of the following year, deemed”;

(2) by replacing, in the French text, the words “la présente loi est censée n’exiger ni déduction ni versement” in the second and third lines of the second paragraph by the words “aucune déduction ni versement ne sont exigés en vertu de la présente loi”.

17. Section 73 of the said Act is amended by striking out the words “deemed to be” in the first line.

18. The French text of section 78.1 of the said Act is amended by replacing the word “contribution” in the second line by the word “cotisation”.

19. Section 91.1 of the said Act is amended by adding, at the end, the following paragraph:

“In addition, the person who, on the day of the death of the contributor, is married to the contributor but is separated from bed and board as a result of a judgment having taken effect between 30 June 1989 and 1 January 1994 may be considered to be the contributor’s surviving spouse where

(a) no partition of earnings was effected following the judgment;

(b) no new judgment of separation from bed and board took effect in their respect after 31 December 1993;

(c) no person meets the conditions set out in subparagraph *b* of the first paragraph of section 91.”

20. Section 94 of the said Act is repealed.

21. The said Act is amended by inserting, after section 95.3, the following section:

“**95.4.** The Board is not required to assess the disability of a person to whom an indemnity referred to in section 96.1 is payable or of a person who does not meet the conditions provided for in sections 106 and 106.1 as regards contributions to qualify for a disability pension.”

22. Section 96 of the said Act is amended

(1) by inserting the words “or 102.10.7” after the figure “102.5” in the first line of subparagraph *e* of the second paragraph;

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

“The beneficiary of a disability pension is deemed to be capable regularly of carrying on substantially gainful occupation and, consequently, to have ceased to be disabled upon having carried on such an occupation for three months.”

23. Section 96.3 of the said Act is amended

(1) by replacing the words “is considered” in the second and third lines of the second paragraph by the words “is deemed”;

(2) by replacing the figure “103” in the first line of the third paragraph by the figure “116.3”.

24. Section 97 of the said Act is repealed.

25. Section 98 of the said Act is amended

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

“(3) the contributor’s personal exemption for the year, which is equal, for a year subsequent to the year 1997 in which the contributory period of the contributor ends within the meaning of subparagraph *a* or *b* of the first paragraph of section 101, to the basic exemption reduced proportionately to the number of months in the year preceding, as the case may be, the month in which a retirement pension becomes payable to the contributor or preceding the month of the contributor’s seventieth birthday;”;

(2) by adding, at the end of subparagraph *c* of the first paragraph, the following words: “, which are equal, for a year subsequent to the year 1997 in which the contributory period of the contributor ends within the meaning of subparagraph *a* or *b* of the first paragraph of section 101, to the maximum pensionable earnings of the year reduced proportionately to the number of months in the year preceding, as the case may be, the month in which a retirement pension becomes payable to the contributor or preceding the month of the contributor’s seventieth birthday”;

(3) by replacing the words “shall be deemed to be equal to zero” in the second and third lines of the second paragraph by the words “is deemed to be nil”;

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

“Where, for a year subsequent to the year 1997 in which the contributory period of the contributor ends within the meaning of subparagraph *a* or *b* of the first paragraph of section 101, the amounts calculated under subparagraphs *a* and *b* of the first paragraph exceed the amount established under subparagraph *c* of that paragraph, the least of the following amounts shall be added to the total unadjusted pensionable earnings of the contributor for the year :

(*a*) the difference between the amounts calculated in subparagraphs *a* and *c* of the first paragraph ;

(*b*) the total of the following amounts :

(1) the difference between the amounts calculated under subparagraphs *b* and *c* of the first paragraph ;

(2) the basic exemption reduced by the amount established under subparagraph 3 of subparagraph *b* of the first paragraph ;

(*c*) the maximum pensionable earnings for the year reduced by the amount established under subparagraph *c* of the first paragraph.

However, where, for a year, the amount calculated in accordance with the third paragraph does not exceed the amount established under subparagraph 2 of subparagraph *b* of that paragraph, the amount added to the total unadjusted pensionable earnings of the contributor for the year is deemed to be nil.”

26. Section 99 of the said Act is amended

(1) by replacing, in the French text, the words “censée” or “censé” in the first, second, fourth, sixth and seventh paragraphs by the words “réputée” or “réputé” ;

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

“For a year subsequent to 1997, the allocation of the contribution, in the cases referred to in subparagraphs *b* and *c* of the third paragraph, applies only where the event concerned marks the end of the contributor’s contributory period within the meaning of section 101. In that case, the contribution is deemed to be paid for the contributor’s unadjusted pensionable earnings relating to months prior to the event concerned up to the amount of the Maximum Pensionable Earnings for the year, adjusted in proportion to the number of months in the year that are prior to the event concerned. The contributor’s unadjusted pensionable earnings which exceed that maximum amount are, in such a case, deemed to relate to the other months of the year.” ;

(3) by replacing the words “shall be deemed to have been made for each month in that year shall be deemed to be zero” in the second and third lines of the fifth paragraph by the words “is deemed to have been made for each month in that year is deemed to be nil”.

27. Section 100 of the said Act is repealed.

28. Section 102 of the said Act is repealed.

29. The said Act is amended by replacing the heading before section 102.1 by the following :

“DIVISION I.1

“PARTITION OF UNADJUSTED PENSIONABLE EARNINGS

“§1. — *Partition of earnings for the period of marriage*”.

30. Section 102.1 of the said Act, amended by section 1 of chapter 15 of the statutes of 1996, is again amended by replacing the words “in sections 102.2 to 102.10.2” in the third and fourth lines of the first paragraph by the words “by this subdivision”.

31. Section 102.5 of the said Act is amended

(1) by replacing the word “considered” in the first and second paragraphs by the word “presumed”;

(2) by replacing the word “considered” in the first line of the third paragraph by the word “presumed”.

32. Section 102.6 of the said Act is amended by replacing the word “assign” by the word “heir”.

33. Section 102.7 of the said Act is amended by replacing the word “assign” by the word “heir”.

34. The French text of section 102.10 of the said Act is amended by replacing the word “présumé” in the second line by the word “réputé”.

35. The said Act is amended by inserting, after section 102.10.2, enacted by section 4 of chapter 15 of the statutes of 1996, the following subdivision :

“§2. — *Partition of earnings for the periods of de facto union*

“102.10.3. Entitlement to the partition of the unadjusted pensionable earnings registered during a period of *de facto* union, rectified, if necessary, in the proportion indicated in section 180, applies, to the extent and in the manner provided for in this subdivision, in respect of the following persons :

(a) former *de facto* spouses who have ceased to live in a *de facto* union for at least 12 months or such spouses one of whom died in the 12-month period after they ceased to live in a *de facto* union if, at the time they ceased to live in

a *de facto* union, they had been living in a *de facto* union for at least three years or, in the cases mentioned in subparagraph *b* of the first paragraph of section 91, for at least one year and neither of them was married to another person; or

(*b*) former spouses or spouses legally separated from bed and board who lived in a *de facto* union before their marriage; the latter spouses are, with respect to the period of *de facto* union, considered to be former *de facto* spouses from the date of effect of the judgment of divorce, annulment of marriage or separation from bed and board.

“102.10.4. The application for partition must be made within three years after the expiry of the 12-month period provided for in section 102.10.3 or, as the case may be, within three years after the date of effect of the judgment of divorce, annulment of marriage or separation from bed and board. Where one of the former *de facto* spouses dies within the aforementioned 12-month period, the three-year time limit runs from the date of the death.

The application must be made jointly or, where an agreement in writing relating to the partition of earnings has been reached between them, by only one of the *de facto* spouses.

“102.10.5. The partition consists in the division in equal portions between the former *de facto* spouses of the sum of their unadjusted pensionable earnings for each month included in the period between the beginning of the year in which they began to live in a *de facto* union until the end of the year preceding, as the case may be, the date on which they ceased to live in a *de facto* union or the date of their marriage.

There shall be no partition for the following months:

- (*a*) the months referred to in section 102.4;
- (*b*) the months included in a period during which either of the former *de facto* spouses was married to another person;
- (*c*) the months during which the former *de facto* spouses are deemed, pursuant to the regulations, not to have lived in a *de facto* union.

“102.10.6. A former *de facto* spouse may, upon filing an agreement on the partition of earnings, obtain a statement of the unadjusted pensionable earnings entered to the account of the other former spouse in the Record of Contributors for the period of their *de facto* union.

“102.10.7. An application for partition is presumed to have been made on the date it is received by the Board with the prescribed documents and information and, where applicable, with the agreement on the partition of earnings. An application may, in no case, be presumed to have been made before the date on which the three-year time limit provided for in section 102.10.4 in respect of an application for partition begins to run.

“**102.10.8.** The application for partition may be withdrawn on joint application made within 90 days after the date on which the Board, in accordance with section 102.7.1, gives notice of the partition.

“**102.10.9.** Sections 102.4.1, 102.7.1, 102.8.1, 102.9 and 102.10, adapted as required, apply to a partition referred to in this subdivision.

“**102.10.10.** The provisions of this subdivision do not apply if the cessation of the *de facto* union is prior to 1 July 1999 or, in the case of partition for a period of *de facto* union prior to the marriage, if the judgment of separation from bed and board, divorce or annulment of marriage became effective before that date.”

36. Sections 103 and 104 of the said Act are repealed.

37. Section 105.2 of the said Act is amended

(1) by replacing the words “no disability pension is payable to a contributor” in the first and second lines by the words “no contributor qualifies for a disability pension”;

(2) by adding, at the end, the following sentence: “Exclusion from entitlement to a disability pension does not apply, however, if the indemnity is payable to a contributor for less than 16 days in the month, unless that month is the month preceding the month of the contributor’s sixty-fifth birthday or the month of the contributor’s death.”

38. Section 106 of the said Act is amended by inserting the words “wholly or partly included” before the words “in his contributory period” wherever they appear in subparagraphs *a*, *b* and *c* of the first paragraph.

39. Section 106.1 of the said Act is amended

(1) by inserting the words “or became, before that date, incapable regularly of carrying on any substantially gainful occupation” after the word “held” in the third line;

(2) by inserting the words “wholly or partly included” before the words “in his contributory period” in the fourth and fifth lines.

40. Section 106.3 of the said Act is amended

(1) by replacing the words “or, if he has ceased working within the meaning of section 158.2, from the age of 60” in the second and third lines by the words “, or from the age of 60 in the following cases:

(a) the contributor has ceased working within the meaning of section 158.2;

(b) the contributor's remuneration is reduced by at least 20% by reason of progressive retirement pursuant to an agreement entered into with the contributor's employer.”;

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

“However, no contributor qualifies for a retirement pension before the age of 65 if an indemnity referred to in section 105.1 or 105.2 is payable to the contributor, unless the retirement pension has become payable to the contributor before that indemnity. Exclusion from entitlement to a retirement pension for the beneficiary of an indemnity referred to in section 105.1 applies only if the contributor otherwise qualifies for a disability pension.”

41. The said Act is amended by inserting, after section 107, the following section:

“107.1. Where a contributor who has received family benefits has not paid contributions for the number of years required to qualify for a disability pension under section 106 or 106.1 or for the survivors' benefits under section 107, the contributor may be considered to have paid contributions for the number of years required by those provisions if

(1) at least one year remains partially included in the contributor's contributory period after excluding, within the meaning of subparagraph *c* of the second paragraph of section 101, the months for which the contributor received family benefits;

(2) contributions have been paid for the following number of months:

(a) one-half of the total number of months included in the contributor's contributory period, but not less than 24 months, with respect to the pension referred to in section 106;

(b) one-third of the total number of months included in the contributor's contributory period, but not less than 60 months, with respect to the pension referred to in section 106.1;

(c) one-third of the total number of months included in the contributor's contributory period, but not less than 36 months, with respect to the benefits referred to in section 107.”

42. The said Act is amended by inserting, after section 116, the following:

“Pensionable Earnings for One Month

“116.1. For the calculation of a benefit, the pensionable earnings of a contributor for each month are his unadjusted pensionable earnings for that month multiplied by the ratio between the average Maximum Pensionable Earnings relating to the year for which the average monthly pensionable

earnings of the contributor are established and the Maximum Pensionable Earnings for the year that includes that month.

The average Maximum Pensionable Earnings relating to a year is equal

(a) if the year concerned is prior to 1998, to the average Maximum Pensionable Earnings for that year and the two preceding years, except that, for the year 1967, only one preceding year is considered,

(b) if the year concerned is the year 1998, to the average Maximum Pensionable Earnings for that year and the three preceding years, except in the case of the calculation of a retirement pension or a disability pension payable from a date prior to 1 July 1998 or a surviving spouse's pension payable in respect of a death occurring before 1 July 1998, in which cases only two preceding years shall be considered;

(c) if the year concerned is subsequent to 1998, to the average Maximum Pensionable Earnings for that year and the four preceding years.

However, if the contributor is 65 years of age or over on 1 January 1998, the average Maximum Pensionable Earnings shall be calculated in accordance with subparagraph *a* of the second paragraph, regardless of the year considered. The same applies to the calculation of the maximum monthly retirement pension used to establish the amount of the surviving spouse's pension where the pension is combined with a retirement pension payable under this Act or a similar plan to a contributor 65 years of age or over on 1 January 1998 or with a disability pension or retirement pension that becomes payable to the contributor under this Act or a similar plan before 1 July 1998.

“Average Monthly Pensionable Earnings

“116.2. A contributor's average monthly pensionable earnings are equal to G/N

where

G is the total pensionable earnings of the contributor for each month included in his contributory period,

N is the total number of months included in the contributor's contributory period or the following basic number, whichever is higher, depending on the benefit calculated:

(a) for the retirement pension, the basic number of contributory months of the contributor, which is 120 less the number of months excluded from his contributory period under subparagraph *a* or *b* of the second paragraph of section 101;

(b) for the disability pension, 24 months or, if the contributor's disability date to qualify for the pension is prior to 1 July 1993, 60 months;

(c) for the surviving spouse's pension or the death benefit, in respect of a contributor who died after 31 December 1993 and who was not, at the time of his death, the beneficiary of a retirement pension payable under this Act or a similar plan, 36 months.

“116.3. In calculating the average monthly pensionable earnings of a contributor, the following months may be excluded from the total number of months in the contributory period :

- (a) the months for which the contributor has received a family benefit, and
- (b) the months included in a period of indemnity of the contributor,

in the case of months for which the contributor's pensionable earnings are less than his average monthly pensionable earnings calculated before any exclusion under this section or under section 116.4 and provided that such an exclusion is to the advantage of the beneficiary of the benefit.

However, the exclusion may not have the effect of reducing the contributory period to a number of months which is less than the basic number applicable, in accordance with section 116.2, to the benefit calculated.

The exclusion is effected beginning with the months for which the pensionable earnings are the lowest; as a consequence of the exclusion, the sum of the pensionable earnings corresponding to the months so excluded is subtracted from the total of the pensionable earnings of the contributor.

“116.4. Where the total number of months in the contributory period of the contributor, after any exclusion under section 116.3, exceeds 120, a number of months equal to the lesser of the following is excluded from the contributory period :

- (a) 15% of the total number of months, counting any fraction of a month as a whole month ;
- (b) the number of months by which the total number exceeds 120.

The exclusion is effected by selecting the months for which the pensionable earnings are the lowest; as a consequence of the exclusion, the sum of the pensionable earnings corresponding to the months so excluded is subtracted from the total of the pensionable earnings of the contributor.

“116.5. The contributor's pensionable earnings which relate to months subsequent to the end of the contributory period, within the meaning of subparagraph *a* or *b* of the first paragraph of section 101, may be substituted, after months are excluded under section 116.3, for the pensionable earnings relating to months of the contributory period in which contributory earnings are lower. The substitution shall first be effected in respect of the months for which contributory earnings are the lowest.

The pension increase that may result from the substitution of earnings shall have effect from the month of January of the year following the year to which they relate or, if later, from the month in which the pension becomes payable.

“Maximum Monthly Retirement Pension

“116.6. The maximum monthly retirement pension for a year is the amount that is 25% of 1/12 of the average Maximum Pensionable Earnings for the year, established in accordance with section 116.1.”

43. Section 117 of the said Act is amended by replacing the fifth paragraph by the following paragraph :

“However, the Pension Index for a year is, in the following circumstances, equal to the Pension Index for the preceding year

(a) for any year prior to 1998, if the result of the calculation provided for in this section is less than 1.01 times the Pension Index for the preceding year ;

(b) from the year 1998, if the result of the calculation provided for in this section is less than the Pension Index for the preceding year.”

44. Section 120 of the said Act is amended by inserting, after the word “earnings” in the second line, the following words: “, calculated as provided in sections 116.1 to 116.5, for the year in which the retirement pension becomes payable. The amount is adjusted in accordance with sections 120.1 and 120.2”.

45. The said Act is amended by inserting, after section 120.1, the following section :

“120.2. The basic monthly amount of retirement pension of a contributor is reduced by 0.5% for each month for which he received, between the age of 60 and 65, a disability pension under this Act or a similar plan.

The reduction, however, does not apply to a contributor who has become disabled, within the meaning of section 96, before 1 January 1999.”

46. Section 121 of the said Act is repealed.

47. Section 123 of the said Act is amended by replacing paragraph *b* by the following paragraph :

“(b) 75% of the amount that is 25% of the average monthly pensionable earnings of the contributor, calculated as provided in sections 116.1 to 116.4, for the year in which the disability pension becomes payable.”

48. Sections 125 and 126 of the said Act are repealed.

49. Section 128 of the said Act is replaced by the following section :

“**128.** The amount of the death benefit payable for a death occurring before 1 January 1998 shall be equal to the lesser of the following amounts :

(a) six times the amount calculated in accordance with the first paragraph of section 137 depending on the contributor’s situation at the time of the contributor’s death ;

(b) 10% of the maximum pensionable earnings for the year in which the contributor dies.

For any death occurring from 1 January 1998, the death benefit shall be equal to \$2,500.”

50. Sections 129 to 131 of the said Act are repealed.

51. Section 133 of the said Act is amended by replacing the words “retirement pension of the contributor” in the fourth line of the first paragraph by the words “amount established in accordance with section 137”.

52. Section 134 of the said Act is amended by replacing the words “retirement pension of the contributor” in the fourth line by the words “amount established in accordance with section 137”.

53. Section 135 of the said Act is amended by replacing the definitions of “a” and “b” in the first paragraph by the following :

“where

“a” is the amount established in accordance with section 137 ;

“b” is the maximum monthly retirement pension, calculated in accordance with section 116.6, for the year that includes the month for which the basic monthly amount is established;”.

54. Section 136 of the said Act is amended by replacing the definitions of “a” and “c” by the following :

“where

“a” is the amount established in accordance with section 137 ;

“c” is the maximum monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1 by taking into account the age of the surviving spouse at the time of retirement, and according to section 120.2;”.

55. Section 137 of the said Act is replaced by the following section:

“137. For the calculation of the basic monthly amount of the surviving spouse’s pension, the amount to be used is, depending on the contributor’s situation for the month of his death,

(1) in the case of a contributor to whom a retirement pension was payable, the amount of that pension for the month of his death, established before any partition under sections 158.3 to 158.8 or a similar plan or adjustments provided for in sections 120.1 and 120.2. If the basic number of months established in accordance with section 116.2 for the calculation of the retirement pension of the contributor is higher than the total number of months included in his contributory period, the amount of the retirement pension must be multiplied by the proportion that the basic number bears to 36 or the total number of months included in his contributory period, whichever is higher;

(2) in other cases, an amount equal to 25% of the average monthly pensionable earnings of the contributor, calculated as provided in sections 116.1 to 116.5, for the year of his death.

The amount obtained is adjusted by multiplying it by the ratio between the Pension Index for the year including the month for which the monthly basic amount is established and the Pension Index for the year of the contributor’s death. The Pension Index limits provided for in subparagraphs *a* and *b* of the second paragraph of section 117 do not apply to the adjustment.”

56. Section 139.1 of the said Act is amended by inserting the words “or is declared disabled, for the purposes of qualification for a disability pension payable under this Act or a similar plan, on a date prior to the expiry of that period” after the word “pension” in the third line of the second paragraph.

57. Section 139.2 of the said Act is amended

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

(2) by inserting the words “and the contributor’s entitlement to a replacement indemnity giving rise to exclusion from entitlement to a disability pension under section 105.2 has not been recognized” after the word “Commission” in the fifth line of the third paragraph;

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

“Where an application for retirement pension is made by a contributor who, while he was 59 years of age or over, was informed that his application for a disability pension was refused or that his disability pension ceased to be payable for a reason other than his having reached 65 years of age or his becoming qualified for an indemnity referred to in section 96.1, the Board may consider that the application is made during the latest of the following months:

(a) the month in which the application for a disability pension was filed by the contributor;

(b) the last month for which the disability pension was payable to him;

(c) the month preceding the month in which he reaches 60 years of age;

(d) the month preceding the month from which payment of the retirement pension is to be made according to the contributor's application."

58. Section 143.0.1 of the said Act is amended by replacing the first two sentences of the first paragraph by the following sentence: "Any unpaid amount of benefit bears interest from the month following the month for which the amount is payable, except that no interest runs before the fifth month following the month in which the application for benefit is received."

59. The said Act is amended by inserting, after section 143.0.1, the following section:

"143.0.2. Every beneficiary of benefits must inform the Board of any change in his situation which may affect his entitlement to, or the amount of, the benefits."

60. Section 145 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by adding, after the second paragraph, the following paragraph:

"In addition, the Board may, when authorized in writing by a contributor who is the beneficiary of a disability insurance plan whose benefits and those of a disability pension are integrated, deduct from the retroactive disability pension payable to the contributor any amount which would not have been paid to him under the insurance plan had he received the disability pension. The amount deducted shall not exceed the amount of the payment made under the insurance plan. The terms and conditions of deduction and remittance of the amount to the administrator of the plan shall be fixed by regulation."

61. Section 148 of the said Act, amended by section 2 of chapter 55 of the statutes of 1995, is again amended by inserting the words "or a retirement pension" after the word "pension" in the third line.

62. Section 157.1 of the said Act is replaced by the following section:

"157.1. A retirement pension is payable from the latest of the following months:

(a) the month in which the contributor reached 65 years of age;

(b) the month following the month in which the contributor ceased working, the month in which the contributor reached 70 years of age or the month

following the month in which the contributor's application was made, whichever is earliest;

(c) the fifty-ninth month preceding the contributor's application;

(d) the month designated in the contributor's application for the first payment of the retirement pension;

(e) the month of July 1998, unless the contributor already reached 70 years of age by 1 July 1998 and the contributor's application is made before 1 July 1999, in which case the month to be considered shall be the month in which the contributor reached 70 years of age or the eleventh month preceding the month in which the application is made, whichever is later.

However, with respect to a contributor under 65 years of age who has ceased working or whose remuneration is reduced by reason of progressive retirement pursuant to an agreement entered into with the contributor's employer, the retirement pension may, where the contributor applies therefor before that age, be payable from the month that is the latest of the following months:

(a) the month in which the contributor reached 60 years of age;

(b) the month following the month of the contributor's application;

(c) the month following the month in which, as the case may be, the contributor ceased working or the reduction in the contributor's remuneration by reason of progressive retirement reached at least 20%;

(d) the month designated in the contributor's application for the first payment of the retirement pension.

Notwithstanding the first and second paragraphs, the retirement pension that is payable only by reason of the allotment of unadjusted pensionable earnings following a partition under section 102.1 or 102.10.3 shall not be payable before the month following the month in which the application for partition was made."

63. Section 158.1 of the said Act is amended by adding, at the end, the following words: "or that his remuneration has been reduced by reason of progressive retirement".

64. Section 158.2 of the said Act is amended by replacing the words "25% of the average of the Maximum Pensionable Earnings for the year during which the retirement pension would become payable to him and for each of the two preceding years" in the fifth, sixth and seventh lines of the first paragraph by the words "25% of the Maximum Pensionable Earnings, for the year in which the retirement pension would become payable".

65. Section 158.3 of the said Act is amended

(1) by replacing the first four lines of the first paragraph by the following :

“**158.3.** A retirement pension may be partitioned between the beneficiary and the beneficiary’s spouse

(1) if they are married and not legally separated from bed and board, upon written application by either of them;

(2) if neither of them is married to another person and they have been living in a *de facto* union for at least three years or, in the cases mentioned in subparagraph *b* of the first paragraph of section 91, for at least one year, upon written application made jointly, or

(3) if the beneficiary’s spouse satisfies one of the following conditions:”;

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

“Any partition made in favour of a spouse to whom subparagraph *a* or *b* of subparagraph 3 of the first paragraph applies entails the partition of the spouse’s own pension; in the case of subparagraph *b*, partition is effected in accordance with the agreement referred to therein.”

66. Section 158.5 of the said Act is amended

(1) by replacing the definition of “*r*” by the following :

““*r*” is the amount of the retirement pension which, if there were no partition, would be payable for the month in which the partition becomes effective;”;

(2) by replacing the words “of marriage of the spouses” in the definition of “*m*” by the words “in which the spouses lived together”.

67. Section 158.6 of the said Act is amended

(1) by replacing the fifth, sixth and seventh lines of paragraph *b* of paragraph 1 by the following: “— the month preceding the date of effect of the partition and the month preceding the seventieth birthday of the spouse who is not a contributor, whichever is earlier;”;

(2) by replacing the words “subparagraphs *a* and *b*” in the thirteenth line of paragraph 1 by the words “subparagraphs *a* and *b* of subparagraph 1”;

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

“(2) the period in which the spouses lived together means

(*a*) in the case of married spouses, the period which begins on the first day of the month of their marriage and ends on the last day of their combined contributory period; if a joint application is made, every period of *de facto*

union prior to the marriage as defined by regulation shall also be included in the period in which the spouses lived together;

(b) in the case of *de facto* spouses, the period of *de facto* union, which begins on the first day of the month in which they began to live in a *de facto* union and ends on the last day of their combined contributory period.

The months that do not form part of the combined contributory period of the spouses are excluded from the period in which the spouses lived together as well as the months during which the *de facto* spouses are, pursuant to the regulations, deemed not to have lived in a *de facto* union.”

68. Section 158.7 of the said Act is amended

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

“**158.7.** Partition of the retirement pension has effect from the later of the following months:

(a) the month following the month in which the Board approves the application;

(b) the month indicated in the application for partition, which shall not be later than the twelfth month following the month of the application.”;

(2) by inserting the words “indicate the date on which the partition takes effect and” after the word “shall” in the second line of the second paragraph.

69. Section 158.8 of the said Act is amended

(1) by replacing the words “subparagraph *c*” in the first line of paragraph *b* by the words “subparagraph *c* of subparagraph 3”;

(2) by replacing the word “spouses” in the last line of paragraph *c* by the words “married spouses or by either of the *de facto* spouses”;

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

“(d) the Board is informed that the *de facto* spouses have ceased to live in a *de facto* union for at least 12 months.”

70. Section 168 of the said Act is replaced by the following section:

“**168.** The death benefit shall be paid to the person or charity, whether or not it is endowed with juridical personality, that has paid the funeral expenses, provided that an application therefor is made within 60 days after the contributor’s death and that vouchers are produced within that time.

If the application is not made within the allotted time, the death benefit shall be paid to the first of the following applicants :

(a) the person or body referred to in the first paragraph, on production of vouchers;

(b) the heirs of the contributor or, if there are no heirs, the surviving spouse or, if there is no surviving spouse, the descendants or, if there is no surviving spouse or descendants, the ascendants.

The benefit shall be paid to the person or body that has paid for the funeral expenses but only up to an amount equal to the amount of those expenses. If the amount of funeral expenses that has been paid is less than the amount of the death benefit, any remaining balance shall be paid in accordance with subparagraph *b* of the second paragraph.”

71. Section 169 of the said Act is amended by replacing the words “testamentary executor” in the second line by the words “liquidator of the succession”.

72. Section 175 of the said Act is amended by striking out the words “, in the absence of any evidence to the contrary,” in the second and third lines of the second paragraph.

73. Section 176 of the said Act is amended by inserting the words “, in particular, the person” after the word “person” in the second line.

74. Section 177.1 of the said Act is amended by inserting the figure “, 102.10.3” after the figure “102.1” in the third line.

75. Section 180.1 of the said Act is amended by replacing the words “section 102.1” wherever they appear by the words “section 102.1 or 102.10.3”.

76. Section 180.2 of the said Act is amended

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

“(b) the identification, for the purposes of sections 95.4, 96.1 to 96.3, 101, 105.2, 106.3, 116.3, 139, 148 and 166, of contributors who are beneficiaries of a replacement indemnity and the months or parts of months for which that indemnity is payable to them;”;

(2) by inserting the words “or retirement pension” after the word “pension” in the first line of subparagraph *c* of the second paragraph.

77. Section 185 of the said Act is amended by striking out the words “deemed to be” in the first line.

78. Section 192 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “In addition, an application for a statement of earnings may be made by an employer, on behalf of employees if he provides the Board with information allowing the employees to be identified; the statement of earnings shall, in such a case, be transmitted to the personal address of each contributor mentioned in the application or, in a sealed envelope, through his employer.”;

(2) by adding, at the end of the third paragraph, the following words: “and notwithstanding section 13 of the Act respecting the protection of personal information in the private sector (chapter P-39.1)”.

79. Section 194 of the said Act, amended by section 37 of chapter 31 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“An entry in the Record of Contributors relating to pensionable earnings within the meaning of Title III or to a contribution under this Act may not be rectified if four years have elapsed from the end of the year in which the entry was made. The Board may, however, make a correction in the Record of Contributors after the expiry of the four years where the change consists in increasing an amount entered to the account of a contributor if, according to the information provided to the Board, the amount is less than the amount that should be entered or, subject to section 194.1, where the change consists in striking off an erroneous entry in the account of a person if

(1) an amount erroneously entered to the account of the person is transferred to the account of another contributor;

(2) an amount entered under a similar plan which has erroneously been entered as a contribution under this Act;

(3) a person to whose account earnings and contributions are entered for a year declares not to have contributed or to have contributed for an amount that is less than the amount entered for the year concerned and it is established, to the satisfaction of the Board, that no contribution has actually been paid in relation to the amounts concerned for that year in respect of that person.”

80. The said Act is amended by inserting, after section 194, the following section:

“194.1. No correction that would reduce a pension that is in payment may be made by the Board under subparagraph 1 or 3 of the second paragraph of section 194 after the expiry of the four-year time limit provided for therein, except at the request or with the consent of the contributor or the beneficiary of the pension.”

81. Section 207 of the said Act is amended by replacing the words “Her Majesty” in the second line by the words “the Government”.

82. Section 216 of the said Act is amended

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

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

“An actuarial valuation prepared under the first paragraph shall describe the situation of the plan as of 31 December of a year ; the valuation report must be available before the end of the following year.»;

(3) by striking out the second sentence of the third paragraph.

83. The said Act is amended by inserting, after section 218, the following section :

“**218.1.** At least every six years, the competent committee of the National Assembly shall hold a public consultation on the examination of the operation of this Act, the state of the Board’s account and the accumulation of the reserve, and the advisability of proposing changes to the benefits provided for in this Act and to the rate of contribution.”

84. Section 219 of the said Act, amended by section 5 of chapter 15 of the statutes of 1996 and by section 4 of chapter 19 of the statutes of 1997, is again amended

(1) by inserting, after paragraph *g*, the following paragraphs :

“(g.1) for the partition of unadjusted pensionable earnings between former *de facto* spouses, under sections 102.10.3 to 102.10.9 :

(1) defining the periods in which former *de facto* spouses are deemed not to have lived in a *de facto* union ;

(2) determining the content of an agreement relating to such a partition ;

“(g.2) defining, for the partition of a retirement pension under sections 158.3 to 158.8, the periods in which *de facto* spouses are deemed not to have lived in a *de facto* union and adapting those provisions to the situation of married spouses who lived in a *de facto* union before their marriage ;”;

(2) by inserting the words “and the third paragraph of section 96” after the figure “95” in the first line of paragraph *h.1* ;

(3) by adding, after paragraph *w*, the following paragraph :

“(x) fixing, for the purposes of the third paragraph of section 145, the conditions, manner and form of an application for the transfer of retroactive disability pension and of an application relating to the deduction and remittance of the amounts thus transferred to the administrator of a disability insurance plan.”

85. Section 224 of the said Act is amended

(1) by replacing the word “corporation” in the first line by the words “legal person”;

(2) by inserting the words “chief executive officer and every” after the words “director or” in the second line;

(3) by replacing the word “corporation” in the second and fifth lines by the words “legal person”.

86. The said Act is amended by replacing the words “censé” or “censée” by the words “réputé” or “réputée” wherever they appear in the French texts of sections 7, 9, 51, 57, 61, 67 and 206.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

87. Section 42.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended

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

“(b) the identification, for the purposes of sections 95.4, 96.1 to 96.3, 101, 105.2, 106.3, 116.3, 139, 148 and 166 of that Act, of contributors who are beneficiaries of an income replacement indemnity and the months or parts of months for which that indemnity is payable to them;”;

(2) by inserting the words “or retirement pension” after the word “pension” in the first line of subparagraph *c* of the second paragraph.

88. Section 144 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by inserting the words “or retirement pension” after the word “pension” in the third line of the third paragraph.

AUTOMOBILE INSURANCE ACT

89. Section 83.28 of the Automobile Insurance Act (R.S.Q., chapter A-25), amended by section 128 of chapter 63 of the statutes of 1997, is again amended

(1) by inserting the words “or retirement pension” after the word “pension” in the third line of the fifth paragraph;

(2) by inserting the words “or 106.3” after the figure “105.1” in the fifth line of the fifth paragraph.

HEALTH INSURANCE ACT

90. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by inserting the words “language code,” after the word “address,” in the fifth line of the fourth paragraph.

TRANSITIONAL AND FINAL PROVISIONS

91. The repeal of paragraph *i* of section 3 of the Act respecting the Québec Pension Plan does not affect the rights of persons who held excepted employment on 31 December 1997.

92. The provisions of the second paragraph of section 91.1 of the Act respecting the Québec Pension Plan, enacted by section 19, apply to deaths occurring after 31 December 1993. An application for a surviving spouse’s pension based on those provisions for a death that occurred between that date and 1 January 1998 may not give rise to the payment of that pension for a period prior to that last date unless it is made before 1 January 1999; in that case, the pension shall be payable from the month following the month of the death of the contributor.

93. The provisions of the second paragraph of section 106.3 of the Act respecting the Québec Pension Plan, enacted by paragraph 2 of section 40, apply only to retirement pensions which become payable after 30 June 1998.

94. The provisions of section 107.1 of the Act respecting the Québec Pension Plan, enacted by section 41, apply to all applications for benefits, even those prior to 1 January 1998.

However, with respect to disability the date of which is prior to 1 July 1993, the provisions of subparagraph *a* of paragraph 2 of that section shall be read as requiring that contributions be paid for one-third of the total number of months included in the contributor’s contributory period, but for at least 60 months and, where the total number of years wholly or partly included in the contributory period exceeds 10, for at least five of the last ten years.

95. Section 139.1 of the Act respecting the Québec Pension Plan, amended by section 56, applies to applications for a disability pension made from 1 January 1998.

The beneficiary of a retirement pension whose application for a disability pension made before that date has been refused on the ground that it was made more than six months after the first payment of a retirement pension is deemed to have made the application again on 1 January 1998. Similarly, an application for a disability pension made before 1 January 1999 by any other beneficiary

of a retirement pension the first payment of which is prior to 1 January 1998 is deemed to have been made on that last date.

The provisions of the second paragraph apply only where, pursuant to the provisions of section 139.1 of the Act respecting the Québec Pension Plan as amended, the time limit for cancellation by the beneficiary of an application for a retirement pension has not expired on 1 January 1998, having regard to the provisions of section 96 of that Act.

96. The second paragraph of section 194 of the Act respecting the Québec Pension Plan, enacted by section 79, applies to any entry in the Record of Contributors, including an entry made more than four years before the date of coming into force of that section.

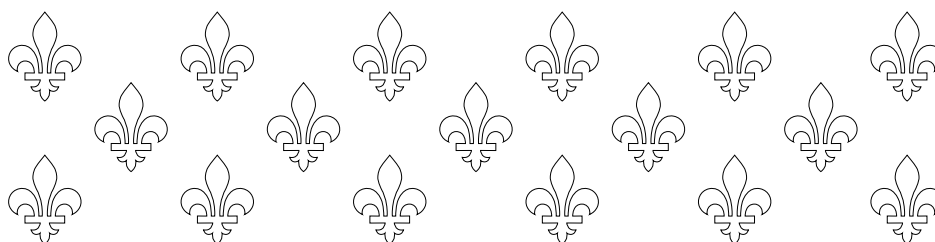
97. The first actuarial valuation to be prepared under section 216 of the Act respecting the Québec Pension Plan, as amended by section 82, shall describe the situation of the Québec Pension Plan as of 31 December 1997.

98. This Act comes into force on 1 January 1998, except

(1) the following provisions, which will come into force on 1 July 1998: the provisions of paragraph 2 of section 40, of paragraph 2 of section 57 and of sections 61, 62, 70, 88 and 89, subject, however, with respect to section 62, to the provisions of paragraph 2 and the following paragraph;

(2) the following provisions, which will come into force on 1 July 1999: the provisions of paragraph 3 of section 1, of paragraph 1 of section 22 and of sections 29, 30 and 35, those of section 62 to the extent that they concern the reference to section 102.10.3 in the third paragraph of section 157.1 of the Act respecting the Québec Pension Plan, those of section 65, of paragraph 2 of section 66, of paragraphs 2 and 3 of section 67 and of sections 69, 74 and 75 and those of paragraph 1 of section 84.

The provisions of the second paragraph of section 157.1 of the Act respecting the Québec Pension Plan enacted by section 62, to the extent that they concern the retirement pension of a contributor under 65 years of age whose remuneration is reduced by reason of progressive retirement, apply from 1 January 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 151
(1997, chapter 76)

An Act to amend the Courts of Justice Act

Introduced 12 June 1997
Passage in principle 19 June 1997
Passage 12 December 1997
Assented to 18 December 1997

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill amends the Courts of Justice Act to reduce to not more than 270 the number of judges at the Court of Québec. The reduction shall be effected progressively as and when judges of the Court of Québec become eligible for retirement or cease to hold office as judges.

The bill also amends the procedure governing the appointment of the secretary of the Conseil de la magistrature.

Bill 151

AN ACT TO AMEND THE COURTS OF JUSTICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 85 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the figure “290” by the words “not more than 270”.

2. Sections 255 to 255.4 of the said Act are replaced by the following sections :

“255. The chairman shall appoint the secretary of the council, for a five-year term, from among the advocates on the Roll of the Order of Advocates for at least 10 years who are members of the public service. The Government shall determine the salary, the employment benefits and other conditions of employment of the secretary.

Upon being appointed, the secretary shall cease to be subject to the Public Service Act (chapter F-3.1.1); the person appointed to the office of secretary shall be on leave without pay for the duration of the five-year term.

“255.1. The secretary of the council shall exercise the functions of the secretary on an exclusive basis, under the authority of the chairman.

The secretary shall, before taking office, make the oath or solemn affirmation set out in Schedule III, before the chief judge of the Court of Québec.

“255.2. At the expiry of the five-year term of office, the secretary shall remain in office until replaced or reappointed.

“255.3. The members of the personnel of the council, other than the secretary, shall be appointed and remunerated in accordance with the Public Service Act.”

3. Schedule III to the said Act is amended by replacing the figure “255.3” by the figure “255.1”.

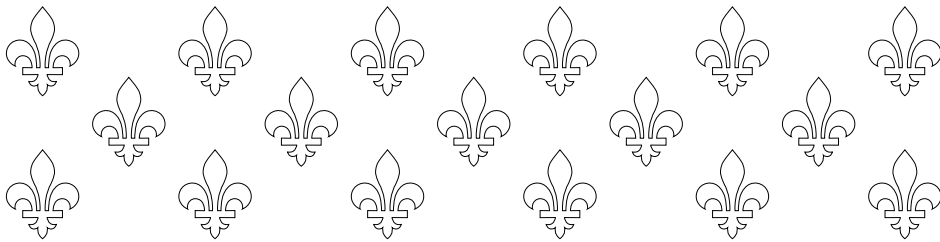
4. Notwithstanding section 1, a person who, on 18 December 1997, is a judge of the Court of Québec shall continue to hold that office.

Where an office of judge becomes vacant, the Government may, if it considers it necessary to ensure the proper administration of justice and after

taking into consideration the needs of the Court, appoint a judge in accordance with section 86 of the Courts of Justice Act in order to fill the vacancy, even if no office of judge of the Court is vacant at that time, provided that the total number of judges then in office does not exceed 276; this paragraph shall cease to have effect when the total number of judges in office is 270.

5. The term of office of the secretary of the Conseil de la magistrature in office on 17 December 1997 shall end upon the appointment of the secretary pursuant to section 255 of the Courts of Justice Act, as replaced by section 2 of this Act.

6. This Act comes into force on 18 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 154
(1997, chapter 77)

An Act to amend the Public Health Protection Act

Introduced 13 November 1997
Passage in principle 9 December 1997
Passage 9 December 1997
Assented to 18 December 1997

Québec Official Publisher
1997

EXPLANATORY NOTE

This bill amends the Public Health Protection Act to provide that a permit will be required for the operation of a gametes or embryo conservation centre, and to allow educational institutions, and not exclusively universities, to receive unclaimed bodies.

LEGISLATION AMENDED BY THIS BILL :

- Public Health Protection Act (R.S.Q., chapter P-35);
- Act to amend the Public Health Protection Act (1990, chapter 55);
- Act respecting administrative justice (1996, chapter 54).

Bill 154

AN ACT TO AMEND THE PUBLIC HEALTH PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by inserting, after subparagraph *m* of the first paragraph, the following subparagraph :

“(m.1) “gametes or embryo conservation centre” means premises outside a facility maintained by an institution operating a hospital centre, designed for the collection, conservation or distribution of human gametes or embryos with a view to using the gametes or embryos for medical or scientific purposes;”.

2. Section 31 of the said Act is amended by replacing the words “or an organ and tissue bank” in the first line of the first paragraph by the words “, an organ and tissue bank or a gametes or embryo conservation centre”.

3. Section 58 of the said Act is amended by replacing the word “universities” in the fourth line of the first paragraph by the words “educational institutions”.

4. Section 59 of the said Act is amended

(1) by replacing the words “a university” in the first line of the first paragraph by the words “an educational institution”;

(2) by replacing the word “university” in the first line of the third paragraph by the words “educational institution”.

5. Section 60 of the said Act is amended by replacing the words “no university agrees to accept” in the first line of the first paragraph by the words “have not been accepted by an educational institution”.

6. Section 62 of the said Act is amended by replacing the words “a university” in the first line by the words “an educational institution”.

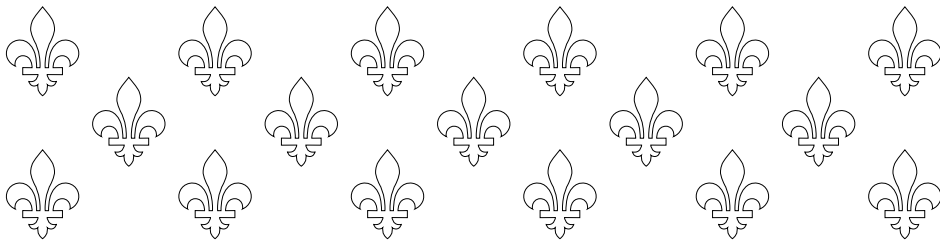
7. Section 63 of the said Act, amended by section 784 of chapter 2 of the statutes of 1996, is again amended by replacing the word “university” in the fifth line by the words “educational institution”.

8. Section 69 of the said Act is amended by inserting the words “gametes or embryo conservation centre,” after the word “bank,” in the second line of subparagraph *b* of the first paragraph.

9. Section 3 of the Act to amend the Public Health Protection Act (1990, chapter 55) is amended by inserting the words “or a gametes or embryo conservation centre” after the word “bank” in the first line of the first paragraph of section 31 of the Public Health Protection Act as amended by the said section 3.

10. Section 24 of the Act respecting administrative justice (1996, chapter 54) is amended by inserting the words “to a gametes or embryo conservation centre,” after the word “bank,” in the eighth line.

11. This Act comes into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 157
(1997, chapter 78)

An Act to amend the Act to ensure safety in guided land transport

Introduced 22 October 1997
Passage in principle 23 October 1997
Passage 16 December 1997
Assented to 18 December 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends various provisions of the Act to ensure safety in guided land transport, in particular those governing safe work procedures, to extend their effect to the entire right-of-way of the guideway and ensure that all operators are informed of work carried out on a guideway, and to revise the declarations that must be forwarded to the Minister of Transport before bringing works into service once construction work is completed.

The bill also extends the safety rules applicable to level crossings to intersections of railways with a trail or path intended for public use, including those that deal with signboards, maintenance and traffic and the rules relating to the use of whistles, horns and lights are amended accordingly.

In addition, the bill amends the regulatory powers of the Government concerning rail transportation safety. It allows the Government to make certain regulatory provisions concerning the transportation of dangerous substances applicable to a person applying for the transportation. Moreover, the Minister of Transport is empowered to authorize an operator to apply a safety standard that is equivalent to a regulatory standard.

Lastly, the bill makes technical and consequential amendments.

Bill 157

AN ACT TO AMEND THE ACT TO ENSURE SAFETY IN GUIDED LAND TRANSPORT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 17 of the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3) is amended by replacing the words “an affidavit” in the third line by the words “a declaration”.

2. Section 18 of the said Act is amended by adding, at the end, the following paragraph :

“The owner must also erect and maintain a signboard that meets the requirements of the first paragraph at every intersection of a railway with a trail or path intended for public use and maintained by a municipality, an off-highway vehicle club, a recreational association or a commercial undertaking.”

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

“**21.** Where the signalling system at a level crossing is defective, the operator of the guided land transport system must station a signalman at the level crossing to signal the passage of the guided land transport vehicle until the level crossing is completely occupied.”

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

“**23.** The owner of a guideway or an operator to whom the owner has entrusted the maintenance of a guideway must maintain it in accordance with the standards prescribed in the safety code adopted by regulation and with the safety rules approved or imposed by the Minister.”

5. Section 24 of the said Act is amended

(1) by replacing the word “on” in the third line by the words “within the right-of-way of” ;

(2) by adding, at the end, the words “; the determination of the location of a trail or path intended for public use is, in particular, subject to such authorization” ;

(3) by adding the following paragraph :

“The owner of the guideway must inform all operators of any work so authorized.”

6. Section 28 of the said Act is amended by replacing, in the French text, the words “des dommages causés” in the first and second lines by the words “du préjudice causé”.

7. Section 29 of the said Act is amended

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

“(2) every level crossing, and the crossing surface of every intersection of a guideway with a trail or path intended for public use and maintained by a municipality, an off-highway vehicle club, a recreational association or a commercial undertaking, is constructed in accordance with the regulations;”;

(2) by replacing, in the English text, the words “crossing surface” in paragraph 3 by the word “planking”.

8. Section 30 of the said Act is amended by inserting the words “, trail or path that intersects a guideway” after the word “highway” in the first line.

9. Section 31 of the said Act is amended by adding, at the end, the following paragraph :

“The building and maintenance costs for work carried out on the crossing surface of the intersection of a trail or path with a guideway, and for the signalling system at the intersection shall be borne by the person in charge of the maintenance of the trail or path.”

10. Section 37 of the said Act is amended by inserting the words “or a signposted intersection of a trail or path with the guideway” after the word “crossing” in the second line.

11. Section 38 of the said Act is amended by inserting the words “or a signposted intersection of a trail or path with the guideway” after the word “crossing” in the second line.

12. Section 41 of the said Act is repealed.

13. Section 42 of the said Act is amended

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

“**42.** Before proceeding at a level crossing, the operator of a guided land transport vehicle must sound a whistle or horn at the distance from the level crossing determined by the safety code adopted by regulation and continue sounding it until the level crossing is completely occupied.”;

(2) by replacing, in the English text, the word “conductors” in the second line of the second paragraph by the words “vehicle operators”.

14. Section 43 of the said Act is amended

(1) by replacing, in the English text, the word “conductor” in the first line by the word “operator”;

(2) by adding, at the end, the following sentence: “In the event of a breakdown, the operator must use the lights determined by the safety code adopted by regulation.”

15. Section 50 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

“The code may also provide for any other standard or prohibition concerning rail transportation safety, fix operating standards and prescribe that a safety plan is to be drawn up and applied by an operator.”

16. Section 54 of the said Act is amended

(1) by inserting the words “and signposted intersections of a trail or path with a guideway” after the word “crossings” in subparagraph 4 of the first paragraph;

(2) by inserting, after subparagraph 10 of the first paragraph, the following subparagraph:

“(10.1) determine which of the provisions of a regulation made under subparagraph 10 are applicable to a person who applies for the transportation of a dangerous substance;”.

17. The said Act is amended by inserting, after section 54, the following section:

“54.1. The Minister may, as an exceptional measure and to the extent the Minister determines, authorize the operator of a guided land transport system to apply rules in the operator’s undertaking that differ from the standards established by the safety code adopted by the Government, or those established under subparagraph 10 of the first paragraph of section 54, where the Minister considers that they provide an equivalent level of safety.

The operator of the guided land transport system shall publish the rules authorized by the Minister in the manner the latter determines, together with a copy of the Minister’s decision. The rules shall come into force on the date specified in the Minister’s decision.

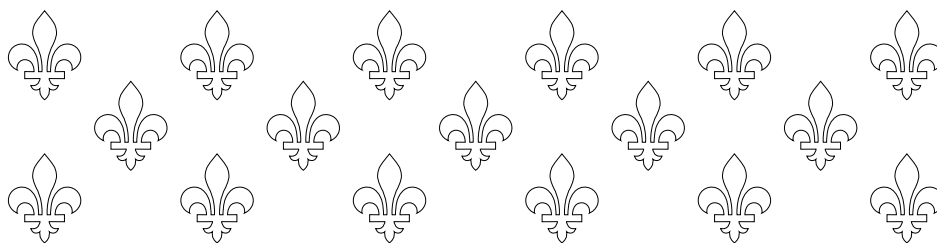
Any provision which creates, or imposes a penalty for, a contravention of a standard, specified in the Minister’s decision, that is replaced by a rule authorized by the Minister is applicable to that rule.”

18. Section 55 of the said Act is amended by striking out the words “and, if he is the owner of a guideway, safety rules which pertain to the maintenance of the guideway” in the fourth, fifth and sixth lines.

19. The said Act is amended by inserting, before section 86, the following section :

“85.1. The Regulations Act (chapter R-18.1) does not apply to safety rules, to the rules referred to in section 54.1, to any related decisions made by the Minister, or to the draft versions thereof.”

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 163
(1997, chapter 80)

**An Act to amend the Public Curator Act
and other legislative provisions relating
to property under the provisional
administration of the Public Curator**

**Introduced 4 November 1997
Passage in principle 18 November 1997
Passage 9 December 1997
Assented to 18 December 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill proposes various measures the main purposes of which are to provide for the recovery and management, by the Public Curator, of property not claimed by its owners or other interested parties whose last known domicile was in Québec and to facilitate the exercise by owners or other interested parties of their right to claim the property or the value of the property from the Public Curator.

To that end, the bill proposes major changes to the existing provisions of the Public Curator Act, redefines the scope of property that may be considered to be unclaimed within the meaning of that Act, and sets out clearly, for each type of property, the period at the end of which the property may be considered to be unclaimed and the time from which that period begins to run.

The bill also defines the obligations of the debtors or holders of the property concerned and delimits their rights, in particular as relate to the procedure for transferring the property and reporting information concerning the property and interested parties to the Public Curator, the notices to be given to interested parties, the effects of extinctive prescription on the obligation to transfer property and the interest attached to the obligation to transfer. The bill also provides that debtors or holders must maintain in their establishment an up-to-date list of the property they have in their possession as debtor or holder.

In addition, the bill confers inspection powers on the Public Curator and on persons authorized by the Public Curator which allow for the recovery of unclaimed property, and redefines the rules of management of unclaimed property by the Public Curator so as to quicken its liquidation and the transfer of any balance to the Minister of Finance while preserving the right of interested parties to claim the value of the property from the Public Curator. The bill also provides for the establishment of an audit committee to advise the Public Curator concerning the efficient management and use of financial resources and of the property entrusted to the Public Curator.

The bill also establishes a revised method of financing the activities of the Public Curator, determines the extent of the powers of the Public Curator to make agreements to facilitate the application of the law and introduces new penalties.

Lastly, the bill amends the Public Curator Act to bring it into harmony with the Civil Code and amends other legislation to ensure that special rules relating to unclaimed property prescribed in the legislation are consistent with the general rules introduced by amendment to the Public Curator Act. The bill also contains transitional amendments.

LEGISLATION AMENDED BY THIS BILL :

- Civil Code of Québec ;
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1) ;
- Highway Safety Code (R.S.Q., chapter C-24.2) ;
- Code of Penal Procedure (R.S.Q., chapter C-25.1) ;
- Professional Code (R.S.Q., chapter C-26) ;
- Cooperatives Act (R.S.Q., chapter C-67.2) ;
- Act respecting racing (R.S.Q., chapter C-72.1) ;
- Public Curator Act (R.S.Q., chapter C-81) ;
- Act respecting collective agreement decrees (R.S.Q., chapter D-2) ;
- Deposit Act (R.S.Q., chapter D-5) ;
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) ;
- Forest Act (R.S.Q., chapter F-4.1) ;
- Winding-up Act (R.S.Q., chapter L-4) ;
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) ;
- Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) ;

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- Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);
 - Animal Health Protection Act (R.S.Q., chapter P-42);
 - Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
 - Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
 - Marine Products Processing Act (R.S.Q., chapter T-11.01).

Bill 163

AN ACT TO AMEND THE PUBLIC CURATOR ACT AND OTHER LEGISLATIVE PROVISIONS RELATING TO PROPERTY UNDER THE PROVISIONAL ADMINISTRATION OF THE PUBLIC CURATOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

PUBLIC CURATOR ACT

1. Section 8 of the Public Curator Act (R.S.Q., chapter C-81) is amended by replacing, in the French text, the words “d’incapacité d’agir” in the first line of the first paragraph by the words “d’empêchement”.

2. Section 12 of the said Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph :

“(1) supervision of the administration of tutorships and curatorships to persons of full age, of certain tutorships to minors and of tutorships to absentees;”.

3. Section 13 of the said Act is amended by replacing the words “curator to property of” in the second line of paragraph 4 by the words “tutor to”.

4. Section 14 of the said Act is amended by replacing the word “institute” in the tenth line of the first paragraph by the words “apply for the institution of”.

5. Section 18 of the said Act is amended by replacing, in the French text, the word “conseil” in the fourth line by the word “conseiller”.

6. Section 20 of the said Act is amended by replacing the words “six months” in the first line of the second paragraph by the words “two months”.

7. The said Act is amended by inserting, before section 24, the following :

“§1. — *General provisions*”.

8. Section 24 of the said Act, amended by section 3 of chapter 64 of the statutes of 1996, is replaced by the following section :

“24. In addition to property otherwise entrusted by law to the administration of the Public Curator, the Public Curator shall assume provisional administration of

(1) the property of an absentee, unless another administrator has been designated by the absentee or appointed by the court ;

(2) property found on the body of an unknown person or on an unclaimed body, subject to the Act respecting the determination of the causes and circumstances of death (chapter R-0.2) ;

(3) the property of a dissolved legal person, subject to the provisions of the Civil Code relating to the dissolution and liquidation of legal persons ;

(4) the property of a succession that is situated in Québec, until the heirs, or a third person designated in accordance with the testamentary dispositions of the deceased or by the court, become able to hold the office of liquidator of the succession or until the Public Curator, in particular in cases where the State is seized of the property, is empowered to act in that capacity ;

(5) property without an owner which the State appropriates for itself, lost or forgotten property held by the State and property that becomes property of the State by permanent forfeiture, unless, in the latter case, the law provides otherwise, in particular in respect of property referred to in Division III.2 of the Act respecting the Ministère de la Justice (chapter M-19) ;

(6) unclaimed property within the meaning of section 24.1 ;

(7) property deposited or abandoned in a detention centre or in an institution to which the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) applies, if the property is not claimed within one year after the departure or death of the depositor ;

(8) property, unless provisional administration is otherwise provided for by law or in the act constituting the administration, entrusted to an administrator of the property of another who dies, resigns, is placed under tutorship or curatorship or otherwise becomes unable to exercise the administrator’s functions, until another administrator is appointed ;

(9) the property of a dissolved general partnership, limited partnership or association not endowed with legal personality, where the property devolves to the State or, in the case of a partnership, where the liquidation has not been completed within five years of the filing of the notice of dissolution ;

(10) property situated in Québec, other than property referred to in paragraphs 1 to 9, whose owner or other interested party is unknown or untraceable.”

9. The said Act is amended by inserting, after section 24, the following heading and sections :

“§2. — *Provisions specific to unclaimed property*

“**24.1.** The following property is considered to be unclaimed property, whenever the owner or other interested party is domiciled in Québec :

(1) deposits of money with a savings and credit union, a savings company, a trust company or any other institution authorized by law to receive deposits of funds, where the interested party has made no claim, engaged in no transaction or given no instruction in respect of the deposits and related accounts within the three years following the date on which the sums deposited became payable ;

(2) the value of cheques or bills of exchange certified or accepted by a financial institution or of drafts issued by such an institution in relation to which the interested party has made no demand for payment within the three years following the date of certification, acceptance or issue ;

(3) sums deriving from the repayment or redemption of debt securities, stock, shares or other participation in a legal person, partnership or trust, and the interest, dividends or other income, including patronage dividends, attaching to the securities or interest for which the interested party has made no claim, engaged in no transaction or given no instruction within the three years following the date on which they became payable ;

(4) funds, securities and other property received in any capacity whatsoever by a securities adviser or broker in the name or on behalf of a third person and for which the interested party has made no claim, engaged in no transaction or given no instruction within the three years following their date of receipt by the adviser or broker ;

(5) funds, securities and other property held in a fiduciary capacity by any person authorized by law to hold property in trust for which the interested party has made no claim, engaged in no transaction or given no instruction within the three years following the date on which they became payable ; sums of money required to be accounted for separately and kept in a separate account by their holder in trust, held in trust or in any other manner indicating that sums of money are kept on behalf of a third person are, in particular, considered to be property held in trust ;

(6) funds, securities and other property deposited in a safety deposit box with a financial institution, where the contract to lease the safety deposit box has been expired for three years and, during that period, the interested party has made no request for renewal of the contract or access to the safety deposit box ;

(7) funds, securities and other property held by a financial institution as pledge holder or custodian for which the interested party has made no claim,

engaged in no transaction or given no instruction within the three years following the date on which, by reason of the extinction of the secured obligation or otherwise, the property became payable;

(8) insured amounts owing under a life insurance contract for which the interested party has made no claim, engaged in no transaction or given no instruction within the three years following the date on which the amounts became payable; any amount payable on the death of the insured person is presumed to be due and payable at the latest on the date of the one hundredth birthday of the insured person;

(9) amounts payable under a pension or retirement contract or plan, other than benefits under the Act respecting the Québec Pension Plan (chapter R-9) or under a similar plan within the meaning of that Act for which the interested party has made no claim, engaged in no transaction or given no instruction within the three years following the date on which the amounts became payable; the amounts are presumed to be payable at the latest on the seventieth birthday of the annuitant or employee; where property to which this section applies constitutes the assets of a retirement savings plan, the property may not be considered separately from the amounts payable under the plan;

(10) interest, dividends and other income produced by property referred to in paragraphs 1 to 9, insofar as the act or the law provides that the income is payable to the interested party;

(11) property determined by regulation, subject to the conditions prescribed.

“24.2. An interested party is deemed to be domiciled in Québec if the party’s last known address was in Québec or, where the address is unknown, if the act constituting the party’s rights was made in Québec.

“24.3. The property referred to in section 24.1 is also considered to be unclaimed if the property is situated in Québec and the law of the place of domicile of the interested party does not provide for provisional administration.”

10. Section 25 of the said Act is repealed.

11. Section 26 of the said Act is replaced by the following sections:

“26. A debtor or holder of property that becomes unclaimed property within the meaning of this Act shall, within six months preceding the latest date by which the property must be transferred to the Public Curator pursuant to section 26.1, give the interested party at least three months’ written notice describing the property and indicating to the interested party that the property will be transferred to the Public Curator if it is not claimed within the allotted time.

The debtor or holder is not, however, required to give the notice if the debtor or holder cannot, by reasonable means, ascertain the interested party’s

address, if the value of all the property not claimed by the interested party is less than \$100, or in other cases determined by regulation.

“26.1. Every debtor or holder shall, once a year, transfer to the Public Curator any property that has remained unclaimed after notices were given to interested parties, and any unclaimed property for which a notice was not required.

In addition, the debtor or holder shall file with the Public Curator, at the time the property is transferred, a statement containing a description of the property and all information necessary, as prescribed by regulation, to determine the identity of the interested parties, their place of domicile and the nature and source of their rights. The statement must contain a declaration by the debtor or holder that the required notice was given to the interested parties or indicate, where such notice was not required, the reasons why it was not required.

In addition to the information required of the debtor or holder, the regulation shall prescribe the form of the statement describing the property transferred and require any document in support of the statement. The regulation may determine the procedure pertaining to the transfer of the property and the filing of the related statement; the regulation may also determine, according to classes of debtors or holders, the yearly period during which property must be transferred and statements filed.

“26.2. No debtor or holder is exempt from the obligation to provide the information or documents required pursuant to section 26.1 by reason of the fact that the information or documents is protected by professional secrecy.

Where, however, the debtor or holder files with the Public Curator a written statement that such information or documents is protected by professional secrecy, the Public Curator may only, for the purposes of sections 32 and 54, release the identity and professional domicile of the debtor or holder and indicate in general terms the source of the rights involved, in particular the trust account of the debtor or holder.

“26.3. Nominative information concerning an interested party released pursuant to section 26.1 shall be released in such a manner as to preserve its confidentiality. Such information shall, for the purposes of the Act respecting the protection of personal information in the private sector (chapter P-39.1), be deemed to have been required by the Public Curator within the meaning of subparagraph 4 of the first paragraph of section 18 of that Act.

“26.4. The debtor or holder owes interest on unclaimed property or the value thereof from the latest date by which the debtor or holder is required to transfer the property to the Public Curator.

The interest shall be paid according to the terms and conditions prescribed by regulation, at the rate fixed for claims of the State under section 28 of the

Act respecting the Ministère du Revenu (chapter M-31); interest shall be capitalized daily.

“26.5. A debtor or holder may not require from the interested party the payment of any charge except a charge the amount of which is expressly stipulated in the act constituting the interested party’s rights or a charge the debtor or holder is otherwise authorized by law to claim.

The debtor or holder is entitled, upon transferring unclaimed property to the Public Curator, to the repayment of such charges, and may deduct the charges from the amounts the debtor or holder is required to transfer to the Public Curator.

“26.6. The obligation imposed on the debtor or holder of unclaimed property to transfer the property to the Public Curator shall not be lessened or altered by any prescription having run in favour of the debtor or holder during the time required for the property to be considered to be unclaimed within the meaning of this Act; no such prescription may be set up against the Public Curator.

“26.7. Every debtor or holder of unclaimed property must keep in the establishment of the debtor or holder an up-to-date list of the property containing the name and last known address of the interested parties and, where applicable, the date on which the property was transferred to the Public Curator.

All entries relating to unclaimed property must remain on that list for a period of ten years.

“26.8. Every debtor or holder is relieved of all liability towards any interested party for injury that may result from the performance of the obligations that this Act imposes on the debtor or holder in relation to unclaimed property.

“26.9. The rules contained in this subdivision apply to the Government, to government departments and bodies and to any legal person established in the public interest, whether they have rights to assert in property to which this subdivision applies or are debtors or holders.

The departments and bodies referred to in the first paragraph of section 14 of the Financial Administration Act (chapter A-6) are, however, exempted, if the property they owe or hold consists of sums of money, from transferring those sums to the Public Curator.”

12. The heading of Division VI of Chapter II of the said Act is replaced by the following heading :

“INQUIRY AND INSPECTION”.

13. Section 27 of the said Act is amended

(1) by inserting the words “to any minor or” after the word “generally,” in the third line of the first paragraph;

(2) by replacing the words “authorized by him to hold an inquiry have” in the first and second lines of the second paragraph by the words “specially authorized by the Public Curator to hold an inquiry have, for the purposes of the inquiry,”.

14. The said Act is amended by inserting, after section 27, the following section:

“27.1. The Public Curator may authorize any person to act as an inspector to determine whether the provisions of this Act relating to unclaimed property are being complied with.

A person authorized to act as an inspector may

(1) enter, at any reasonable time, the establishment of a debtor or holder of unclaimed property or any other place where such property is kept on behalf of the debtor or holder;

(2) require the persons present to provide any information concerning the unclaimed property or the interested parties, and to produce any book, register, account, record or other related document;

(3) examine and make copies of documents containing information relating to the unclaimed property or the interested parties.

Every person who has custody, possession or control of the documents referred to in this section must, on request, give access to them to the person conducting the inspection and facilitate their examination.”

15. Section 28 of the said Act is amended by striking out the last sentence of the first paragraph.

16. The said Act is amended by inserting, after section 28, the following section:

“28.1. The persons authorized by the Public Curator to act under sections 27.1 and 28 must, on request, identify themselves and produce a certificate of their authorization.

The persons authorized may not be prosecuted for anything done in good faith in the exercise of their functions.”

17. The said Act is amended by inserting, before Division I of Chapter III, the following division :

“DIVISION 0.I

“GENERAL PROVISION

“28.2. The rules of this chapter apply subject to the provisions of any other Act requiring the Public Curator to apply other rules for the administration of property entrusted to the Public Curator.”

18. Section 29 of the said Act is amended by adding, at the end, the following paragraph :

“A statement sent to the Public Curator by a debtor or holder of unclaimed property pursuant to section 26.1 shall stand in lieu of an inventory of the property described in the statement, subject to the Public Curator being satisfied of the accuracy of the statement.”

19. Section 30 of the said Act is amended by adding the following paragraph :

“The Public Curator is not, however, required to preserve in kind property over which the Public Curator has provisional administration.”

20. Section 31 of the said Act is amended

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

“31. The Public Curator must require registration in the land register of the registry office of the registration division in which the immovable is situated of a notice of the Public Curator’s capacity as administrator of any immovable entrusted to the Public Curator. The registrar is required to inform the Public Curator of any subsequent entry.”;

(2) by replacing, in the French text, the words “l’enregistrement” in the first line of the second paragraph by the words “l’inscription”.

21. Section 32 of the said Act is amended

(1) by replacing the figure “8” in the second line by the figure “5”;

(2) by adding the following paragraph :

“Where the property under the provisional administration of the Public Curator is property unclaimed by an interested party who was domiciled or was deemed to be domiciled in Québec at the time the Public Curator became the administrator of the property, the notice must also be published in a newspaper circulated in the locality where the last known address of the interested party is situated, or in the locality where the act constituting the

interested party's rights was made, if the locality is not the locality where the property was located.”

22. Section 37 of the said Act is amended by replacing the words “sale by the Public Curator of property referred to in section 24 of this Act” in the first and second lines of the first paragraph by the words “alienation by onerous title by the Public Curator of property referred to in section 24 of this Act, in article 699 of the Civil Code or in any legislative provision under which the Public Curator is charged with acting as tutor, curator, liquidator or administrator of the property of another”.

23. Section 40 of the said Act is replaced by the following section :

“40. The administration of the Public Curator ceases by operation of law

(1) when the tutorship or curatorship ends, or when a judgment orders the appointment of another tutor or curator ;

(2) when the absentee returns, the administrator designated by the absentee appears, a tutor is appointed to the property of the absentee or a judgment declares the absentee dead ;

(3) when the heirs, or a third person designated in accordance with the testamentary dispositions of the deceased or by the court, become able to hold the office of liquidator of the succession ;

(4) in all other cases in which an interested party comes forward to claim the property under the administration of the Public Curator, or in which another administrator is appointed with respect to the property administered.

The administration of the Public Curator also ceases by operation of law, in the absence of any beneficiary of the administration and in all cases in which the property is administered on behalf of the State, once the liquidation of the property by the Public Curator has ended and all the operations to ensure the transfer of the sums of money administered or deriving from the liquidation have been completed.”

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

“41. The Public Curator shall, on the termination of the Public Curator's administration, render an account of it and transfer the property to the persons entitled thereto.

Where the administration of the Public Curator ceases in circumstances described in the second paragraph of section 40, the rendering of account shall be effected, and the sums of money remaining upon the termination of the administration shall be transferred, to the Minister of Finance in the manner prescribed by regulation.”

25. The said Act is amended by inserting, after section 41, the following section:

“41.1. All sums of money transferred to the Minister of Finance become property of the State and shall be deposited into the consolidated revenue fund.

A person who has a right in a sum of money so transferred to the Minister of Finance, or in the property from the liquidation of which the sums of money derive, may recover the sums of money from the Public Curator, with interest calculated at the rate fixed by regulation from the date of transfer. Subject to the provisions of the Civil Code relating to the petition of inheritance, the right is not subject to prescription, except where it relates to a sum of money amounting to less than \$500 at the time of transfer to the Minister of Finance, in which case the right to recover the sum of money is prescribed ten years after the date of transfer.

The Minister of Finance is authorized to take out of the consolidated revenue fund the amounts required to meet the payments to be made under this section.”

26. Section 42 of the said Act is amended by replacing the words “ten years” in the fifth line of the first paragraph by the words “six months”.

27. The said Act is amended by inserting, after section 42, the following section:

“42.1. It is incumbent upon persons who come forward to claim property or recover a sum of money from the Public Curator to establish their quality.”

28. Section 46 of the said Act is amended by replacing the word “government” in the first line by the words “Minister of Relations with the Citizens and Immigration”.

29. Section 54 of the said Act is amended

(1) by replacing the figure “8” in the fifth line of the first paragraph by the figure “5”;

(2) by adding, at the end of the second paragraph, the words “; it shall be kept in the register until the administration of the Public Curator ceases or, where the administration ceases in the circumstances described in the second paragraph of section 40, until the expiry of the period prescribed by regulation”.

30. Section 55 of the said Act is replaced by the following section:

“55. In addition to the reimbursement of expenses incurred, the Public Curator may require fees for representing persons, for administering property entrusted to the Public Curator, for supervising tutorships or curatorships and for performing other duties assigned by law to the Public Curator.

The fees shall be established by regulation. However, the fees relating to property the administration of which terminates in the circumstances described in the second paragraph of section 40, and the nature and amount of the expenses that may be required in connection with such property, shall be established by government order on the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister of Finance.”

31. Section 58 of the said Act is replaced by the following sections :

“58. The fees, interest and other sums referred to in sections 55 to 57 shall be paid into the general fund of the Public Curator.

Expenditures made for the purposes of this Act shall be charged to the general fund; such expenditures shall, however, be charged to the working fund existing within the general fund only where the other sums making up the general fund are inadequate.

Any income in excess of expenditures in any fiscal year shall, once the amounts considered necessary to maintain the working fund of the Public Curator have been deducted, be paid into the consolidated revenue fund.

“58.1. The Government shall fix, by an order made on the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister of Finance, the maximum amount of the sums that may be paid annually into the working fund of the Public Curator.”

32. Section 59 of the said Act is replaced by the following sections :

“59. The Public Curator shall deduct the fees and expenses, which the Public Curator may require under section 55, pertaining to property the administration of which ceases in the circumstances described in the second paragraph of section 40 from the sums of money the Public Curator is required to transfer to the Minister of Finance, together with the other fees and expenses that the Public Curator may require under section 55 but cannot recover. The Public Curator shall also deduct from such sums of money the cost of activities for which fees cannot be established, together with an annual allowance to support the financing of the Public Curator’s activities.

The amounts deducted pursuant to this section shall be deposited into the general fund of the Public Curator.

“59.1. A government order, made on the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister of Finance, shall determine the criteria on the basis of which the fees and expenses of the Public Curator shall be considered not to be recoverable, the cost of the activities of the Public Curator for which fees cannot be established, the annual allowance to support the financing of the Public Curator’s activities and, more generally, the terms and conditions governing the deductions made by the Public Curator pursuant to section 59.”

33. Section 60 of the said Act is repealed.

34. Section 61 of the said Act is amended

(1) by replacing the words “the sums taken from the consolidated revenue fund to the Public Curator” in the second and third lines of the first paragraph by the words “sums taken out of the consolidated revenue fund to the Public Curator for the maintenance of the working fund of the Public Curator”;

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

“Such advances are repayable out of the working fund of the Public Curator.”

35. Section 62 of the said Act is repealed.

36. Section 64 of the said Act is amended by replacing the word “Justice” in the first line of the first paragraph by the words “Relations with the Citizens and Immigration”.

37. Section 67 of the said Act is amended by replacing the word “Justice” in the second line of the first paragraph by the words “Relations with the Citizens and Immigration”.

38. The said Act is amended by inserting, after section 67, the following sections:

“**67.1.** The Minister of Relations with the Citizens and Immigration shall establish an audit committee charged with advising the Public Curator on the efficient management and use of the Public Curator’s financial resources and of the property under the Public Curator’s administration.

“**67.2.** The audit committee shall consist of three persons who are not members of the personnel of the Public Curator.

The members of the committee shall be appointed for a term of office of not more than three years. They shall remain in office upon the expiry of their term, until reappointed or replaced.

The committee shall meet at least two times each year. The quorum of the committee shall be two members.

“**67.3.** The members of the committee shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government. The members are, however, entitled to reimbursement for expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“**67.4.** The Public Curator shall provide to the members of the committee an annual audit plan, an annual report and any information relevant to the

carrying out of the committee's mandate, in particular information concerning annual audit plans, financial statements, reports and recommendations submitted by the Auditor General and the auditor designated by the Government."

39. Section 68 of the said Act is amended

(1) by replacing the words "The Government may, by regulation" in the first line by the words "In addition to the regulatory powers otherwise conferred on it by this Act, the Government may, by regulation,";

(2) by inserting, after paragraph 4, the following paragraph:

"(4.1) determine the amounts payable under a pension or retirement contract or plan within the meaning of paragraph 9 of section 24.1;"

(3) by striking out paragraphs 10, 10.1 and 10.2.

40. Section 69 of the said Act is amended by replacing the words "section 26" in the first line by the words "sections 26, 26.1, 26.5 and 26.7".

41. The said Act is amended by inserting, after section 69, the following section:

"69.1. Any person who hinders the actions of the Public Curator or of a person authorized by the Public Curator in the exercise of a power conferred by section 27.1 or 28 is guilty of an offence and is liable to a fine of \$1,000 to \$2,000 for a first offence and of \$2,000 to \$5,000 for any subsequent offence."

42. Section 75.1 of the said Act is amended by adding the following paragraph:

"The Public Curator may also enter into an agreement concerning the administration of this Act with any person, partnership or association or with the Government, a government department or a government body."

43. Section 76 of the said Act is replaced by the following section:

"76. The Public Curator may, according to law, enter into an agreement with a government other than the Gouvernement du Québec or with a department or body of that government, for the administration of this Act or a similar Act, or an Act relating wholly or partly to the provisional administration of property under the administration of that government, department or body.

The object of such agreements may, in particular, concern the delegation, to the Public Curator, of the administration of property that has not been claimed by its owner or other interested parties who are domiciled or are deemed to be domiciled in Québec pursuant to this Act."

44. Section 204 of the said Act is replaced by the following section :

“204. The sums of money deriving from the liquidation of property entrusted to the Public Curator for provisional administration before 18 December 1997 shall, if the liquidation of the property is terminated as of that date, be transferred to the Minister of Finance on the date or dates determined by the Government.

The sums of money deriving from any later liquidation of such property shall be transferred to the Minister of Finance upon its liquidation.”

45. Sections 205 and 206 of the said Act are repealed.

CIVIL CODE OF QUÉBEC

46. Article 698 of the Civil Code of Québec (1991, chapter 64) is amended by striking out the words “for a period of ten years from its opening” at the end of the first paragraph.

47. Article 701 of the said Code is replaced by the following article :

“701. The Public Curator, upon rendering account, transfers to the Minister of Finance the amounts constituting the residue of the succession, which then become the property of the State.

Heirs who establish their quality may, however, within ten years from the opening of the succession or from the day their right arises, recover those amounts from the Public Curator with interest calculated at the rate prescribed pursuant to the Public Curator Act from the time the amounts were transferred to the Minister of Finance.”

48. Article 702 of the said Code is amended by inserting the words “before the end of the liquidation” after the word “succession”.

SAVINGS AND CREDIT UNIONS ACT

49. Section 72 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended by adding the following paragraph :

“A member shall be presumed to have withdrawn if the property that the credit union owes to or holds for the member becomes unclaimed property within the meaning of the Public Curator Act (chapter C-81).”

50. Sections 243 to 247 of the said Act are repealed.

51. Section 314 of the said Act, amended by section 95 of chapter 69 of the statutes of 1996, is again amended

(1) by replacing the words “shall be transferred to the Minister of Finance and deposited into the consolidated revenue fund” in the first, second and third lines of the second paragraph by the words “shall be transferred to the Public Curator together with a statement of the sums indicating the name and last known address of the interested parties and the date on which such sums were transferred to the Public Curator”;

(2) by replacing the third and fourth paragraphs by the following paragraph :

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to sums so transferred to the Public Curator under the second paragraph.”

52. Section 325 of the said Act is amended

(1) by striking out the words “in accordance with section 314” in the second and third lines;

(2) by adding the following paragraph :

“The rules set out in section 314, adapted as required, apply to a winding-up by the Public Curator pursuant to this section.”

53. Section 580 of the said Act is repealed.

HIGHWAY SAFETY CODE

54. Section 209.21 of the Highway Safety Code (R.S.Q., chapter C-24.2), enacted by section 65 of chapter 56 of the statutes of 1996, is amended

(1) by replacing the words “continue his provisional administration” at the end of the second paragraph by the words “transfer the proceeds to the Minister of Finance”;

(2) by striking out the third paragraph.

CODE OF PENAL PROCEDURE

55. Article 139 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by replacing the second paragraph by the following paragraph :

“Where the person to whom the thing or the proceeds of the sale thereof must be returned is unknown or untraceable, a judge may order, on the application of the seizer or the prosecutor, that it be transferred to the Public Curator or the Minister of Finance, according to whether it is the thing or the proceeds of the sale thereof that must be so transferred, and that a statement describing the property and indicating, where applicable, the name and last known address of the interested party, be sent to the Public Curator.”

PROFESSIONAL CODE

56. Section 89 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing the words “, must determine, by regulation,” in the second and third lines of the first paragraph by the words “must, subject to the provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property, determine by regulation”.

COOPERATIVES ACT

57. Section 38.1 of the Cooperatives Act (R.S.Q., chapter C-67.2), enacted by section 20 of chapter 67 of the statutes of 1995, is amended by adding, at the end of the first paragraph, the following sentence: “A member shall be presumed to have resigned if he has not done business with the cooperative or taken part in the activities of the cooperative for the last three years and there has been no communication from the member during that period.”

58. Section 185 of the said Act, amended by section 113 of chapter 67 of the statutes of 1995, is again amended

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

“The sums representing the shares that could not be repaid shall be transferred to the Public Curator together with a statement of the sums indicating the name and last known address of the interested parties and the date on which such sums were transferred to the Public Curator; the provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to sums so transferred to the Public Curator.”;

(2) by inserting the words “and such sums have been transferred” after the word “made” in the first line of the last paragraph.

59. Section 191 of the said Act is amended by replacing the words “curator *ex officio* to the property” in the first line by the words “*ex officio* the liquidator of the property”.

ACT RESPECTING RACING

60. Section 99 of the Act respecting racing (R.S.Q., chapter C-72.1) is amended by striking out the third paragraph.

61. Section 100 of the said Act is amended

(1) by inserting the words “transferred to the Minister of Finance and” after the word “be” in the first line of the second paragraph;

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

“Where sums of money so transferred were seized but not confiscated, or where proceeds transferred are derived from the sale of things seized but not confiscated, a statement of the sums and proceeds indicating the name and last known address of the interested parties and the date on which the sums of money and proceeds were transferred to the Minister of Finance shall also be sent to the Public Curator. The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the sums and proceeds.”

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

62. Section 22 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), amended by section 20 of chapter 71 of the statutes of 1996, is again amended

(1) by replacing the words “Use, for its general administration, up to the amount and on the conditions prescribed” in the first and second lines of subparagraph *o* of the second paragraph by the words “Use, for its general administration, up to the amount and subject to the other conditions prescribed”;

(2) by adding, at the end of subparagraph *o* of the second paragraph, the following: “Unclaimed amounts shall, however, if not claimed by the employees within three years following the date as of which the funds are payable, be transferred, after deduction of the amount prescribed by the regulation, to the Public Curator together with a statement of the funds indicating the name and last known address of the employees and the date on which the funds were transferred to the Public Curator; the provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the funds so transferred to the Public Curator.”

DEPOSIT ACT

63. Section 27 of the Deposit Act (R.S.Q., chapter D-5) is amended

(1) by replacing the words “within a period of fifteen years from the date of their receipt” in the second and third lines of the first paragraph by the words “within three years, following the deposit, from the date on which the interested party was entitled to demand the repayment or payment of the moneys so deposited”;

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

“A statement of such moneys indicating the name and last known address of the interested party and the date on which they were paid into the consolidated revenue fund shall be transferred without delay to the Public Curator.”

64. The said Act is amended by inserting, after section 27, the following section:

“27.1. All persons who have a right in the moneys paid into the consolidated revenue fund pursuant to section 27 may, after establishing their quality, recover the moneys from the Public Curator with interest calculated at the rate prescribed pursuant to the Public Curator Act (chapter C-81) from the time the sums of moneys were paid into the fund.

Subject to the provisions of the Civil Code relating to the petition of inheritance, this right is not subject to prescription, except where it relates to moneys amounting to less than \$500 when paid into the consolidated revenue fund, in which case the right to recover the moneys is prescribed ten years after the time of deposit.

The Minister of Finance is authorized to take out of the consolidated revenue fund the amounts required to meet the payments to be made pursuant to this section.”

ACT RESPECTING THREATENED OR VULNERABLE SPECIES

65. Section 36 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) is replaced by the following section :

“36. Where the owner of a thing seized by an inspector of plant life is unknown or untraceable, the thing shall be transferred to the Public Curator 60 days from the date of seizure with a statement describing the thing and indicating, where applicable, the name and last known address of the owner.

The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to a thing so transferred to the Public Curator.”

66. Section 39 of the said Act, amended by section 5 of chapter 11 of the statutes of 1997, is again amended by striking out subparagraph 6 of the first paragraph.

FOREST ACT

67. Section 196 of the Forest Act (R.S.Q., chapter F-4.1) is amended

(1) by replacing the word “confiscated” in the second line by the words “transferred to the Public Curator or the Minister of Finance according to whether timber or the proceeds of the sale are involved,”;

(2) by replacing the words “and shall subsequently be disposed of according to the Minister’s instructions” in the third and fourth lines by the words “; a statement containing a description of the timber or the proceeds of the sale and indicating, where applicable, the name and the last known address of the interested party shall, at the time of the transfer, be sent to the Public Curator”;

(3) by adding the following paragraph :

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the timber or proceeds of sale so transferred to the Public Curator or the Minister of Finance.”

WINDING-UP ACT

68. Section 20 of the Winding-up Act (R.S.Q., chapter L-4) is amended

(1) by replacing the words “deposit with the Minister of Finance” in the second line by the words “transfer to the Public Curator”;

(2) by replacing the words “attested before a justice of the peace” in the fourth line by the words “, attested before a justice of the peace, indicating, where applicable, the name and last known address of the interested parties and the date on which the money was transferred to the Public Curator”;

(3) by replacing the words “deposited shall be treated as a deposit under the Deposit Act (chapter D-5), and when claimed shall be paid over to the persons entitled thereto” in the fifth and sixth lines by the words “transferred shall be governed by the provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property”.

69. Section 21 of the said Act is amended by replacing the words “deposited with the Minister of Finance” in the seventh line by the words “transferred to the Public Curator”.

70. Section 22 of the said Act is amended by replacing the words “deposit the moneys with the Minister of Finance” in the first and second lines by the words “transfer the moneys to the Public Curator”.

ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE

71. Section 45 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended

(1) by replacing the word “confiscated” in the third line by the words “transferred to the Public Curator or to the Minister of Finance according to whether the property or the proceeds of the sale are involved”;

(2) by replacing the words “it is thereupon disposed of according to the instructions of the Minister” in the third and fourth lines by the words “a statement describing the property or the proceeds of the sale and indicating, where applicable, the name and last known address of the interested party shall be sent to the Public Curator at the time of the transfer”;

(3) by adding the following paragraph :

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the property or proceeds of sale so transferred to the Public Curator or to the Minister of Finance.”

AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

72. Section 33.5 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended

(1) by replacing the words “that has been seized shall be confiscated 90 days after the day it was seized if its owner or the person who had possession of it is unknown or cannot be found” in the first, second and third lines by the words “seized the owner or possessor of which is unknown or untraceable shall be transferred to the Public Curator 90 days from the date of seizure, together with a statement describing the thing and indicating, where applicable, the name and last known address of the interested party”;

(2) by striking out the words “, and shall be disposed of as the Minister may direct” in the third and fourth lines;

(3) by adding the following paragraph:

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the thing so transferred to the Public Curator.”

DAIRY PRODUCTS AND DAIRY PRODUCTS SUBSTITUTES ACT

73. Section 48.5 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended

(1) by replacing the words “that has been seized shall be confiscated 90 days after the day it was seized if its owner or the person who had possession of it is unknown or cannot be found” in the first, second and third lines by the words “seized the owner or possessor of which is unknown or untraceable shall be transferred to the Public Curator 90 days from the date of seizure, together with a statement describing the thing and indicating, where applicable, the name and last known address of the interested party”;

(2) by striking out the words “, and shall be disposed of as the Minister may direct” in the third and fourth lines;

(3) by adding the following paragraph:

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the thing so transferred to the Public Curator.”

ANIMAL HEALTH PROTECTION ACT

74. Section 55.22 of the Animal Health Protection Act (R.S.Q., chapter P-42) is amended

(1) by replacing the words “Where the owner, custodian or possessor of any seized animal, product or equipment is unknown or cannot be found, the animal, product or equipment shall be confiscated 90 days after the date of seizure” in the first, second and third lines by the words “Any animal, product or equipment seized the owner, custodian or possessor of which is unknown or untraceable shall be transferred to the Public Curator 90 days from the date of seizure, together with a statement describing the property and indicating, where applicable, the name and last known address of the interested party.”;

(2) by striking out the last sentence ;

(3) by adding the following paragraph :

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the property so transferred to the Public Curator.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

75. The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting, after section 147.0.5, the following section :

“**147.0.6.** A person who recovers from the Public Curator sums transferred to the latter by the Commission pursuant to the Public Curator Act (chapter C-81) and who can claim to have a right in respect of such sums under the pension plan from which the sums derive may request of the Commission that the years or parts of a year of service counted or credited before the sums were so transferred be counted or credited to that pension plan.

The Commission, upon receiving the request from the person, shall send the person a notice claiming the sums referred to in the first paragraph, plus accrued interest compounded annually at a rate determined by regulation pursuant to section 147.0.3 accruing from the date of transfer of the sums until the date of sending of the notice of claim. The person shall pay the Commission the amount claimed within 90 days following the date of sending of the notice of claim.”

SUPPLEMENTAL PENSION PLANS ACT

76. Section 238 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended

(1) by replacing the words “shall, if the member or beneficiary cannot be found, be remitted to the Public Curator” in the second and third lines by the words “that is not claimed within three years following the notice under section 203 or 240.1, as the case may be, shall be transferred to the Public Curator; the amount may, however, be transferred before the expiry of that

time if the only benefits remaining to be settled are due to untraceable members or beneficiaries. The transfer shall be accompanied by a statement setting out the amount due and indicating, where applicable, the name and last known address of the member or beneficiary”;

(2) by adding the following paragraph:

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the amount so transferred to the Public Curator.”

MARINE PRODUCTS PROCESSING ACT

77. Section 42 of the Marine Products Processing Act (R.S.Q., chapter T-11.01) is amended

(1) by replacing the words “that has been seized shall be confiscated 90 days after the day of seizure if its owner or the person who had possession of it is unknown or cannot be found” in the first, second and third lines by the words “seized the owner or possessor of which is unknown or untraceable shall be transferred to the Public Curator 90 days from the date of seizure, together with a statement describing the thing and indicating, where applicable, the name and last known address of the interested party”;

(2) by striking out the words “, and shall be disposed of as the Minister may direct” in the third and fourth lines;

(3) by adding the following paragraph:

“The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply to the property so transferred to the Public Curator.”

TRANSITIONAL AND FINAL PROVISIONS

78. Subject to the rules respecting prescription, the provisions of sections 24.2, 24.3 and 26 to 26.4, the second paragraph of section 26.5 and section 26.6 of the Public Curator Act are applicable to property that become unclaimed property within the meaning of section 24.1 of that Act before (*insert here the date of coming into force of section 9 of this Act*).

However, the obligation imposed on debtors or holders of such property to transfer the property to the Public Curator together with the related statement, and the time from which the debtors or holders owe the Public Curator interest on such property, shall be postponed by as many days as is required so that the debtors or holders have a period of one year from (*insert here the date of coming into force of section 11 of this Act*) to give to the interested parties the notice required by section 26 of the Public Curator Act.

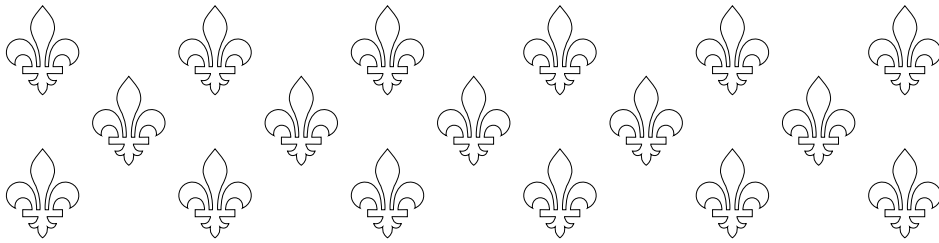
79. The sums constituting the reserve fund of the Public Curator on 18 December 1997 shall be deposited into the working fund of the Public Curator.

80. The maximum amount of the working fund of the Public Curator fixed by the Government pursuant to section 58.1 of the Public Curator Act may not, for the two years following 18 December 1997, be less than the amount of the sums from the reserve fund deposited into the working fund of the Public Curator pursuant to section 79.

After that date, any amount by which the working fund of the Public Curator exceeds the amount fixed by the Government shall be transferred to the Minister of Finance as repayment of all or part of advances that are outstanding on that date, and the balance, if any, shall be deposited into the consolidated revenue fund.

81. Nothing in this Act shall affect the right granted by section 205 of the Public Curator Act, as it read before (*insert here the date of coming into force of section 45 of this Act*), of an owner, heir or beneficiary referred to in that section to claim from the Public Curator any income accrued before 15 April 1990 in respect of property entrusted to the provisional administration of the Public Curator.

82. This Act comes into force on the date or dates to be fixed by the Government, except sections 28, 32, 38, 44, 79 and 80 which come into force on 18 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 164
(1997, chapter 81)

An Act to amend the Act to facilitate the payment of support

Introduced 4 November 1997
Passage in principle 13 November 1997
Passage 9 December 1997
Assented to 18 December 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the Act to facilitate the payment of support to enable the Court to authorize that the payment of support be made directly by the debtor of support to the creditor of support in the interim period before the case is taken in charge by the Minister of Revenue in accordance with the Act.

The Act is also amended to reduce the amount of the security to be provided by a debtor of support, when applying for an exemption, from the equivalent of three months' support to the equivalent of one month's support and the time limit for furnishing security to the Minister is extended to thirty days.

Bill 164

AN ACT TO AMEND THE ACT TO FACILITATE THE PAYMENT OF SUPPORT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 3 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is amended by replacing the words “three months” in the third line of subparagraph 2 of the first paragraph by the words “one month”.

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

“3.1. The court may also, where the parties make a joint application therefor and the court is satisfied that the parties have given free and enlightened consent, temporarily suspend the obligation under section 2 and allow support payments to be made directly to the creditor of support.

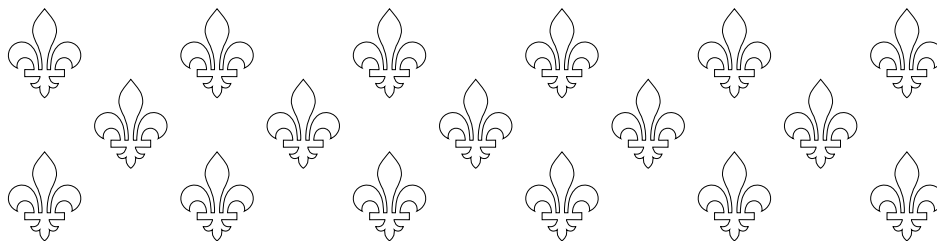
The suspension shall end when support is collected in accordance with this Act. However, the duration of the suspension may not exceed four months from the time the judgment is rendered.”

3. Section 4 of the said Act is replaced by the following section :

“4. A debtor exempted under section 3 must send a copy of the trust deed to the Minister or furnish security to the Minister within 30 days after the judgment is rendered.”

4. Section 9 of the said Act is amended by replacing the word “As” in the first line of the second paragraph by the words “Subject to section 3.1, as”.

5. This Act comes into force on 18 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 177
(1997, chapter 82)

**An Act to amend the Act respecting
the determination of the causes
and circumstances of death**

**Introduced 13 November 1997
Passage in principle 3 December 1997
Passage 10 December 1997
Assented to 18 December 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTE

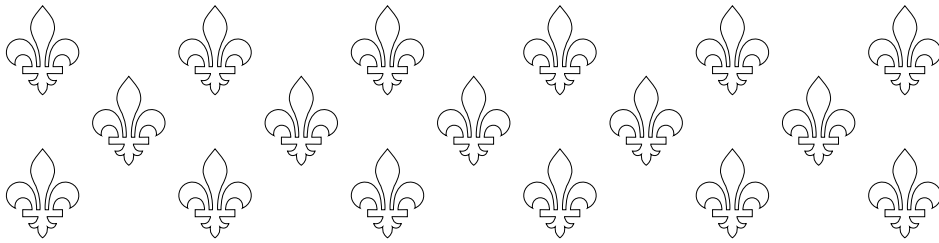
This bill amends the Act respecting the determination of the causes and circumstances of death in order to enable the chief judge of the Court of Québec to designate a judge of that Court to make the inquiry and the report provided for in sections 14 and 15 of that Act.

Bill 177

AN ACT TO AMEND THE ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** Section 14 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by inserting the words “, or of a judge of that Court designated by the chief judge,” after the word “Québec” in the third line.
- 2.** Section 15 of the said Act is amended by inserting the words “, or of a judge of that Court designated by the chief judge,” after the word “Québec” in the third line.
- 3.** This Act comes into force on 18 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 184
(1997, chapter 84)

An Act respecting the remuneration of judges

Introduced 5 December 1997
Passage in principe 12 December 1997
Passage 12 December 1997
Assented to 18 December 1997

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EXPLANATORY NOTES

This bill amends the Courts of Justice Act and the Act respecting municipal courts to establish a mandatory process that is to precede the fixing of the remuneration of the judges of the Court of Québec and the municipal courts.

To that end, the bill establishes a committee responsible for ascertaining, every three years, whether the salaries, pension plans and other social benefits of judges are adequate.

The committee will have four members, appointed by the Government in accordance with the procedure set out in the bill. After receiving the observations of the judges, the Government and the municipal authorities concerned, the committee will make its recommendations to the Government. The committee's recommendations will be laid before the National Assembly, which will then approve, amend or reject the committee's report by means of a resolution stating the reasons on which it is based. The Government will be required to implement the resolution. In the event that the National Assembly fails to adopt the resolution within the time provided, the Government will be required to implement the committee's recommendations. The bill also establishes the financial rules applicable to the committee.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 184

AN ACT RESPECTING THE REMUNERATION OF JUDGES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 115 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out the second sentence of the first paragraph and the second paragraph.

2. The said Act is amended by inserting, after section 122.3, the following section :

“122.4. No order referred to in any of sections 115 to 122.2 may be made by the Government unless the prescriptions of Part VI.4 have been complied with.”

3. Sections 124 to 126 of the said Act are repealed.

4. Part VI.3 of the said Act is amended by inserting, before section 246.23, the following section :

“246.22.1. This Part and Parts VI, VI.1 and VI.2 apply subject to the provisions of Part VI.4.”

5. The said Act is amended by inserting, before Part VII, the following :

“PART VI.4

“COMMITTEE ON THE REMUNERATION OF THE JUDGES OF THE COURT OF QUÉBEC AND THE MUNICIPAL COURTS

“246.29. A committee on the remuneration of the judges of the Court of Québec and the municipal courts is hereby established.

The function of the committee is to ascertain, every three years, whether the salary, pension plan and other social benefits of the judges of the Court of Québec and the municipal courts of Laval, Montréal and Québec are adequate. A further function of the committee is to ascertain, every three years, whether the salary and other social benefits of the judges of the municipal courts to which the Act respecting municipal courts (chapter C-72.01) applies are adequate. The committee shall submit a report to the Government together with its recommendations.

An additional function of the committee is to examine any change proposed by the chief judge of the Court of Québec, the Conférence des juges du Québec or the Government to the pension plan of the judges of the Court of Québec and the municipal courts of Laval, Montréal and Québec and to the social benefits related to that plan or to the judges' group insurance plans. The committee shall ascertain whether the proposed change is adequate, and report and make recommendations to the Government in that respect.

“246.30. The committee shall exercise its functions in three-member panels.

One panel shall exercise the committee's functions with regard to the judges of the Court of Québec and the municipal courts of Laval, Montréal and Québec and the other panel with regard to the judges of the municipal courts to which the Act respecting municipal courts applies.

The report of each panel shall constitute the report of the committee.

“246.31. The committee shall have four members, appointed by the Government for a three-year term.

The chief judge of the Court of Québec, the Conférence des juges du Québec, the Conférence des juges municipaux du Québec and the Government shall designate, by mutual agreement, the members of the committee including the chair, as well as the members of each panel.

Failing agreement on or before 15 February 1998, and every three years thereafter, the members shall be designated as follows :

(1) one member shall be designated, by mutual agreement, by the chief judge of the Court of Québec and the Conférence des juges du Québec ;

(2) one member shall be designated by the Conférence des juges municipaux du Québec ;

(3) one member shall be designated by the Government ;

(4) one member, who shall act as the committee chair, shall be designated, by mutual agreement, by the chief judge of the Court of Québec, the Conférence des juges du Québec, the Conférence des juges municipaux du Québec and the Government. Failing agreement, the Government shall designate the committee chair after consultation with the chief judge of the Court of Québec, the Conférence des juges du Québec and the Conférence des juges municipaux du Québec.

Where the members of the committee are designated in accordance with the third paragraph, the panel that exercises the functions of the committee with regard to the judges of the Court of Québec and the municipal courts of Laval, Montréal and Québec shall be composed of the members designated in accordance with subparagraphs 1, 3 and 4 of that paragraph, and the panel that

exercises the functions of the committee with regard to the judges of the municipal courts to which the Act respecting municipal courts applies shall be composed of the members designated in accordance with subparagraphs 2, 3 and 4 of that paragraph.

No judge, public servant within the meaning of the Public Service Act (chapter F-3.1.1) or municipal employee may be a member of the committee.

“246.32. The Government shall proceed with the appointment of the members of the committee on or before 1 April 1998, and every three years thereafter. The committee shall begin to exercise the functions conferred on it by this Part without delay.

“246.33. Upon the expiry of their term, the members of the committee shall remain in office until replaced or reappointed.

“246.34. When a member dies, resigns or is otherwise unable to act, the Government shall appoint a substitute member in the manner set out in section 246.31. The term of the substitute member shall correspond to the unexpired portion of the term of the original member.

“246.35. The Government shall determine, by order, the fees to be paid to the members of the committee, and the case and conditions in which and extent to which the expenses incurred by the members in the exercise of their functions are to be reimbursed.

“246.36. The chair of the committee shall manage the financial resources of the committee within the scope of the applicable legislation, regulations and rules.

Within such scope, the committee chair may call upon the support services and professional services considered necessary by the chair to ensure the successful discharge of the committee’s functions. To that end the chair may, in particular, enter into an agreement concerning the temporary assignment of members of the public service to the committee.

Subject to the provisions of the first paragraph, the committee may, on its own initiative or at the request of the chief judge of the Court of Québec, the Conférence des juges du Québec, the Conférence des juges municipaux du Québec or the Government, give experts the mandate to examine any matter submitted by the committee.

“246.37. The chair of the committee shall have the powers vested in a chief executive officer by the Financial Administration Act (chapter A-6) with regard to applications to charge a commitment and applications for payment.

Sections 46 and 56 of that Act, respecting suspension of the right to commit appropriations and suspension of payment, do not apply to the committee.

“246.38. Each fiscal year of the committee shall end on 31 March.

“246.39. Each year, the chair of the committee shall submit the committee’s budget estimates for the ensuing fiscal year to the Minister of Justice.

The chair of the committee must also submit supplementary budget estimates to the Minister when, in the course of a fiscal year, the committee’s disbursements exceed the budget estimates.

The Minister shall table the budget estimates or, as the case may be, the supplementary budget estimates in the National Assembly within 10 days of receiving them if the Assembly is sitting or, if it is not sitting, within 10 days of resumption.

“246.40. The books and accounts of the committee shall be audited each year by the Auditor General and whenever so ordered by the Government.

“246.41. The committee shall, within the scope of its functions, receive observations from the chief judge of the Court of Québec and the Conférence des juges du Québec or from the Conférence des juges municipaux du Québec, according to the jurisdiction of each panel, from the Government, and according to the jurisdiction of each panel from the cities of Laval, Montréal and Québec, and from the associations representing municipalities, more particularly, the Union des municipalités du Québec and the Union des municipalités régionales de comté et des municipalités locales du Québec inc.

Where it considers it relevant, the committee may invite any person or body to present observations.

Where it considers it appropriate, the committee may decide to receive such observations at a public meeting.

“246.42. The committee shall consider the following factors :

- (1) the particularities of judges’ functions ;
- (2) the need to offer judges adequate remuneration ;
- (3) the need to attract outstanding candidates for the office of judge ;
- (4) the cost of living index ;
- (5) the economic situation prevailing in Québec and the general state of the Québec economy ;
- (6) trends in real per capita income in Québec ;
- (7) the state of public finances and of public municipal finances, according to the jurisdiction of each panel ;

(8) the level and prevailing trend of the remuneration received by the judges concerned, as compared to that received by other persons receiving remuneration out of public funds;

(9) the remuneration paid to other judges exercising a similar jurisdiction in Canada;

(10) any other factor considered relevant by the committee.

The panel having jurisdiction with regard to the judges of the municipal courts to which the Act respecting municipal courts applies shall also take into consideration the fact that municipal judges exercise their functions mainly on a part-time basis.

“246.43. The committee shall make a report to the Government containing the recommendations it considers appropriate. The report must be filed within six months from the date on which the committee members were appointed or, where the committee exercises its functions under the third paragraph of section 246.29, within six months from the date on which the proposed change was submitted to the committee.

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

“246.44. The National Assembly may approve, amend or reject some or all of the committee’s recommendations, by way of a resolution stating the reasons on which it is based. The Government shall take, with diligence, the necessary steps to implement the resolution in accordance with this Act or the Act respecting municipal courts.

If the National Assembly fails to adopt a resolution on or before the thirtieth day of sitting following the day on which the committee’s report is tabled, the Government must take, with diligence, the necessary steps to implement the recommendations in accordance with this Act or the Act respecting municipal courts.

“246.45. The sums required for the application of this Part shall be taken out of the consolidated revenue fund.”

6. The heading of subdivision 5 of Division II of Chapter III of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is replaced by the following heading:

“§5. — Remuneration and social benefits”.

7. Section 49 of the said Act is amended by replacing the second sentence by the following sentence: “It may, in the same manner, establish their social benefits.”

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

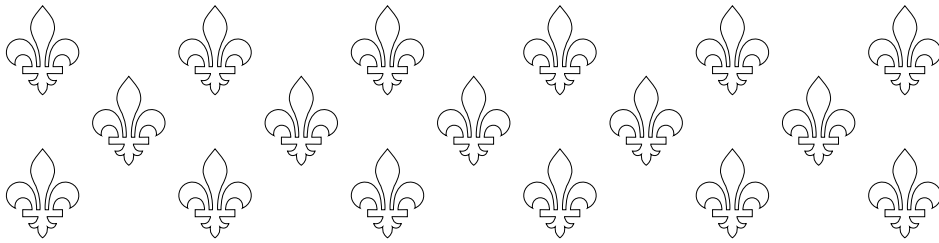
“50. No order may be made by the Government under section 49 unless the prescriptions of Part VI.4 of the Courts of Justice Act (chapter T-16) have been complied with.”

9. Section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), enacted by section 1 of chapter 6 of the statutes of 1997 and amended by section 361 of chapter 43 of the statutes of 1997, is again amended

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

(2) by inserting the words “or to the committee on the remuneration of the judges of the Court of Québec and the municipal courts” after the word “magistrature” in the fourth line of that paragraph.

10. The provisions of this Act come into force on 18 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 400
(1997, chapter 74)

**An Act respecting various legislative
provisions relating to training
in the construction industry**

**Introduced 12 December 1997
Passage in principle 12 December 1997
Passage 12 December 1997
Assented to 17 December 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill enacts rules, specifically for the year 1997, governing certain expenditures of employers in the construction industry with respect to their participation in the development of manpower training.

The bill also provides for the transfer of sums accumulated in the training fund established in 1992 in the construction industry to any training fund established by a collective labour agreement applicable in a sector of that industry.

Lastly, it enables the Commission de la construction du Québec to form any committee required to give effect to the provisions of a collective agreement, in particular with respect to training.

LEGISLATION AMENDED BY THIS BILL :

- Act to foster the development of manpower training (R.S.Q., chapter D-7.1);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20).

Bill 400

AN ACT RESPECTING VARIOUS LEGISLATIVE PROVISIONS RELATING TO TRAINING IN THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act to foster the development of manpower training (R.S.Q., chapter D-7.1) is amended by inserting, after section 64.1 enacted by section 53 of chapter 74 of the statutes of 1996, the following section :

“**64.2.** Contributions paid during the year 1997 by an employer in the construction industry into the training plan fund established by section 2 of the Decree amending the Construction Decree, adopted by Order in Council 1883-92 dated 16 December 1992, or into a training fund established by a collective labour agreement in force in a sector of the construction industry, shall be included in the calculation of the employer’s contribution toward the development of manpower training for 1997.

The Commission de la construction du Québec shall issue for that purpose, in the first two months of the year 1998, statements showing the contributions paid into the funds during the year 1997 by employers in the construction industry.

For the purposes of section 11, the contributions paid into the funds during the year 1997 shall be considered to be eligible training expenditures.”

2. The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by inserting, after section 18.14, the following division :

“DIVISION IV

“OTHER COMMITTEES

“**18.15.** The Commission may establish any committee to give effect to the provisions of a collective agreement.

Where such a committee manages a fund established by a collective agreement, the expenditures related to the operation of the committee shall be borne by the fund.”

3. The said Act is amended by inserting, after section 126.0.2, the following section :

“126.0.3. The Commission shall apply any provision of a collective agreement providing for the transfer, to a training fund established by the collective agreement, of the sums accumulated in the training plan fund established by section 2 of the Decree amending the Construction Decree adopted by Order in Council 1883-92 dated 16 December 1992.

The Commission shall establish the amount to be transferred on the basis of the assessment made by the Commission of the contributions paid into the training plan fund in respect of the hours worked in the sector covered by the collective agreement and the proceeds of investment of the sums corresponding to those contributions, less the amounts referred to in section 92.1 that are allocated to that sector by the Commission.”

4. This Act comes into force on 17 December 1997.

Draft Regulations

Draft Regulation

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1)

Procedure of the Régie du logement

Pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) notice is hereby given that the Regulation amending the Rules of procedure of the Régie du logement, to which the commissioners agreed in principle at the meeting held on December 12, 1997, and the text of which appears below, may be adopted upon the expiry of 45 days following the present publication.

This draft regulation sets forth:

— make the rules relating to service by bailiff correspond to those in the Code of civil procedure (R.S.Q. c. C-25) which now permit a bailiff who has unsuccessfully attempted to serve a proceeding according to ordinary rules to serve it, for example, in the letter box of the addressee without authorization of the Tribunal.

— have the Information Necessary for fixing the Rent Form, sent by the Régie to lessors who have asked for judicial fixing of the rent, become an administrative form rather than a form established by regulation.

The draft will have the following impact:

— reduction of delays, reduction of service costs and simplification of service undertaken by a bailiff who will no longer be obliged to ask permission of the Tribunal nor to return to the premises a second time.

— deregulation of the Information Necessary for Fixing the Rent Form will have a neutral effect on both lessees and lessors. Lessors will continue to receive the information form and will be obliged to submit the required information to the Régie in order to permit the Tribunal to fix the rent pursuant to the current rent determination regulation. The Régie will have greater administrative flexibility since it can modify the form, where circumstances require, without having to have the regulation amended.

Additional information may be obtained by writing to M^e Pierre H. Cadieux at the Régie du logement, Village olympique – Pyramide Ouest (D), 5199, rue Sherbrooke Est, Montréal, (Québec) H1T 3X1, by telephone at (514) 873-6575 or by fax at (514) 873-6805.

Anyone with comments on this subject is asked to write to the Chairperson of the Régie du logement, Village Olympique – Pyramide Ouest (D), 5199, rue Sherbrooke Est, Montréal (Québec) H1T 3X1.

FRANCE DESJARDINS,
*Chairperson of the
Régie du logement,*

Regulation amending the Rules of procedure of the Régie du logement*

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1, a. 85)

1. The third paragraph of section 7 of the Rules of procedure is replaced by the following:

“Where the attempt to effect service was made by a bailiff and was recorded in his certificate, the bailiff may, without authorization, serve the proceeding by leaving on the premises a copy of the written proceeding intended for the addressee”.

2. Section 8 of the Rules of procedure is amended:

1° by the replacement in the first paragraph prior to subparagraph 1 of the words “Information necessary for the fixing the rent form appearing in “by the words “Information necessary for the determination of rent form”

2° by the removal of subparagraphs 1 to 6 of the first paragraph.

3. Schedules I to VI of the regulation are abrogated.

4. The present regulation comes into effect on the fifteenth day following its publication in the *Gazette officielle du Québec*.

1972

* The last amendments to the Rules of procedure of the Régie du logement, approved by the minister responsible for the application of the Loi sur la Régie du logement of November 23, 1992 (1992, G.O. 2, 6935) were made by the rules of procedure adopted by the commissioners of the Régie on October 19, 1995 (1995, G.O. 2, 4652). For prior amendments, see the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, updated on September 1, 1997.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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