

Gazette officielle du Québec

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Regulations and other acts

Gouvernement du Québec

O.C. 70-98, 21 January 1998

Professional Code
(R.S.Q., c. C-26)

Notaries

— Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration
procedure for the accounts of notaries

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Chambre des notaires du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of members of the order which may be used by persons having recourse to the services of the members;

WHEREAS under subparagraph 3 of the second paragraph of section 93 of the Notarial Act (R.S.Q., c. N-2) and section 88 of the Code, the Bureau adopted the Regulation respecting the procedure for conciliation and arbitration of accounts of notaries (R.R.Q., 1981, c. N-2, r. 10) and amended it by the Regulation approved by Order in Council 381-92 dated 18 March 1992;

WHEREAS it is expedient to replace the Regulation;

WHEREAS under section 88 of the Code, the Bureau adopted the Regulation respecting the conciliation and arbitration procedure for the accounts of notaries;

WHEREAS in accordance with section 95.3 of the Code, a draft of the Regulation was sent to all notaries at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 10 July 1996 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of notaries, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of notaries

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I CONCILIATION

1. The time limits in this Regulation are determined in accordance with the Code of Civil Procedure (R.S.Q., c. C-25).

2. The Bureau of the Chambre des notaires du Québec shall appoint a conciliator of accounts for notaries' fees to rule on applications for conciliation.

The conciliator shall take the oath of office and discretion in the manner prescribed by the Bureau.

3. A client who has a dispute with a notary concerning an account for professional services shall apply for conciliation before applying for arbitration.

In this Regulation, "client" means a person bound to pay the notarial fees, even if that person is not the recipient of the notary's services charged on the account.

4. Once an application for conciliation in respect of an account has been filed, the notary may not institute proceedings to recover the account so long as the dispute can be settled by conciliation or arbitration.

Notwithstanding the foregoing, a notary may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure.

5. An application for conciliation in respect of an account for professional services that is unpaid, or paid in full or in part, shall be sent to the conciliator within a period of 45 days following receipt of the account.

Where an amount has been withdrawn or withheld by the notary from the funds that he holds or receives for or on behalf of the client, the period runs from the date of receipt of the account or from the day the client becomes aware of the withdrawal or withholding, whichever comes last.

6. An application to the syndic for inquiry concerning a dispute with respect to an account for professional services may constitute an application for conciliation, provided that it is filed within the period prescribed in section 5.

7. A notary may not institute proceedings to recover an account for services before the expiry of a 45-day period from the date of receipt of the account by the client.

Notwithstanding the foregoing, the conciliator may authorize the notary to do so if recovery of the account may be jeopardized without such proceedings.

8. As soon as possible after receiving an application for conciliation, the conciliator shall notify the notary in writing at his office and send the client a copy of this Regulation.

9. The conciliator shall proceed with the conciliation using such procedure as he considers appropriate.

10. Where the conciliation does not lead to an agreement, the conciliator shall send a conciliation report to the parties as soon as possible, containing in particular the following information:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing.

The conciliator shall send the client the application for arbitration prescribed in Schedule I, indicating the procedure and deadline for submitting the dispute to arbitration.

DIVISION II ARBITRATION

§1. *Arbitration committee*

11. The Bureau shall form an arbitration committee to process applications for arbitration, composed of at

least four members appointed from among the notaries who have been on the roll of the Order for at least 10 years.

The Bureau shall designate the chairman, vice-chairman and secretary of the committee.

12. Each member and the secretary of the committee shall take the oath of office and discretion in the manner prescribed by the Bureau.

§2. *Application for arbitration*

13. Within 30 days of receipt of the conciliation report provided for in section 12, the client may apply for arbitration of the account by sending to the secretary of the committee the duly completed form prescribed in Schedule I.

14. As soon as possible after receiving an application for arbitration, the secretary of the committee shall notify the notary in writing.

15. A client who wishes to withdraw his application for arbitration shall do so in writing, having first obtained the notary's consent.

16. Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the committee.

§3. *Council of arbitration*

17. Where the amount in dispute is less than \$5 000, the application for arbitration shall be examined by a council of arbitration composed of a single arbitrator designated by the secretary of the arbitration committee from among the committee members.

Where the amount in dispute is \$5 000 or more, the application for arbitration shall be examined by a council composed of three arbitrators designated by the secretary of the committee from among the committee members who shall designate the chairman and secretary of the council.

18. The secretary of the committee shall inform the parties and the council's arbitrator or arbitrators in writing that the council has been formed.

19. Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through and their decision shall be valid.

Where the council of arbitration consists of a single arbitrator or if two of the arbitrators are in one of the situations referred to in the first paragraph, they shall be replaced by the secretary of the committee in accordance with section 17 and the dispute shall be reheard, if necessary.

20. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the committee, to the council and to the parties within 10 days of receipt of the notice provided for in section 18 or of the day on which the reason for the request becomes known to the party referring to it, whichever comes last.

The administrative committee shall decide the request and, where applicable, the secretary of the committee shall see that the recused arbitrator is replaced in accordance with section 17.

21. Any agreement reached by the parties after the council of arbitration has been formed but before the hearing shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the committee. In such case, the parties are solidarily responsible for the arbitration expenses, as fixed by the secretary of the committee in accordance with section 31.

§4. Hearing

22. The secretary of the committee shall fix the date, time and place of the hearing and shall give the council and the parties at least 10 days' written notice thereof.

23. The council may ask each party to submit to the secretary of the committee, within a given time limit, a statement of their claims accompanied with supporting documents. The secretary of the committee shall forward a copy of the statements to the council and the parties as soon as possible after their receipt.

The council may also ask for any record, document or information it deems necessary for settling the dispute. The parties are bound to comply with any order to that effect.

24. The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any failure on their part.

For those purposes, it shall follow such procedure and apply the rules of evidence as it considers most appropriate.

The council's decision shall be in accordance with the rules of law and equity.

25. A party requesting that the testimony be recorded shall assume the organization and cost thereof.

26. The secretary of the council or the single arbitrator shall draw up the minutes of the hearing, which shall be signed by the arbitrator or arbitrators.

27. Any agreement reached by the parties after the hearing shall be recorded in the arbitration award.

§5. Arbitration award

28. The council shall issue its award within 30 days of the end of the hearing.

29. Where applicable, the award shall be a majority award of the members of the council.

In its award, the council of arbitration may uphold, reduce or cancel the account in dispute and may also, if expedient, determine the reimbursement or payment to which a party may be entitled.

The award shall give reasons and shall be signed by the single arbitrator or all the arbitrators. Where an arbitrator refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all.

30. The costs incurred by the parties for the arbitration shall be borne by each of the parties and may not be recovered by the adverse party.

31. In its award, the council has full discretion to rule on the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses to be borne by a party may not exceed 15 % of the amount to which the arbitration pertains. Notwithstanding the foregoing, those expenses shall be at least \$50.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may also add interest and an indemnity thereto, calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

32. The arbitration award is final, without appeal, and is executory in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

The parties shall comply with the award.

33. The arbitration award shall be filed with the secretary of the committee, who shall send it to the parties as soon as possible.

34. Once the arbitration award is issued, the chairman of the council or the single arbitrator, as the case may be, shall send to the secretary of the committee the complete arbitration record, including the minutes of the hearing duly signed by the arbitrator or arbitrators. The secretary of the committee may issue true copies thereof to the interested parties only.

DIVISION IV FINAL

35. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of notaries (R.R.Q., 1981, c. N-2, r. 10); however, the latter Regulation continues to govern the procedure for conciliation and arbitration of disputes for which an application for conciliation was filed before the coming into force of this Regulation.

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

SCHEDULE I (ss. 10 and 13)

APPLICATION FOR ARBITRATION

I, the undersigned, declare the following:

Identification of applicant

_____			If applicable, represented by:		
_____			_____		
Name of applicant			Name of attorney		
_____			_____		
Number	Street	Apartment	Number	Street	
_____			_____		
Town or city	Province	Postal code	Town or city	Province	Postal code
_____			_____		
Tel. (office)	Fax		Tel.	Fax	
_____			_____		
Tel. (residence)					

Identification of notary

Name of notary

Number Street

Town or city Province Postal code

Telephone Fax

(Complete one of the following boxes: fees paid in full, fees paid in part or fees unpaid. In the box selected, complete Part 1 that applies to your situation and Part 2.)

Fees paid in full

1. On _____, I received an account for
(date of receipt of account)
notarial fees in the amount of \$..... for professional services rendered, a copy of which is attached hereto.

OR

1. On _____, I took cognizance that the amount of \$..... had been deducted as payment of notarial fees from the funds held in trust on my behalf by the notary.

(Check and complete, if applicable)

I received the account for notarial fees on _____.

To date, I have received no account for notarial fees.

2. Since the account has been paid, I hereby request a refund of \$....., considering that the amount of \$..... constitutes a just and reasonable fee for the professional services rendered.

Fees paid in part

1. On _____, I received an account for
(date of receipt of account)
notarial fees in the amount of \$..... for professional services rendered, a copy of which is attached hereto.

OR

1. On _____, I took cognizance that the amount of \$..... had been deducted as payment of notarial fees from the funds held in trust on my behalf by the notary.

(Check and complete, if applicable)

I received the account for notarial fees on _____.

To date, I have received no account for notarial fees.

2. Since the account has been paid in part, I acknowledge owing \$....., considering that the amount of \$..... constitutes a just and reasonable fee for the professional services rendered.

Fees unpaid

1. On _____, I received an account for
(date of receipt of account)
notarial fees in the amount of \$..... for professional services rendered, a copy of which is attached hereto.

OR

1. To date, I have received no account for notarial fees listing the professional services rendered.

2. Since the account has not been paid, I acknowledge owing the amount of \$..... that constitutes a just and reasonable fee for the professional services rendered.

3. Reasons for the application for arbitration _____

(An explanatory letter may be attached if additional space is required.)

◆ For prescription purposes, I hereby waive my benefit with respect to time elapsed.

◆ The application for arbitration was filed because the conciliation procedure did not lead to an agreement between the parties.

◆ Object of the dispute
The amount of \$..... that represents the difference between the account and the amount of \$..... that I acknowledge as constituting a just and reasonable fee for the professional services rendered.

◆ I hereby request that the dispute be settled by arbitration conducted in accordance with the Regulation respecting the conciliation and arbitration procedure for the accounts of notaries a copy of which I declare having received and taken cognizance of.

◆ I hereby agree to comply with the decision of the council of arbitration that will be formed in accordance with this Regulation.

Signed at _____, on _____

Signature of applicant or applicant's attorney

Gouvernement du Québec

O.C. 75-98, 21 January 1998

An Act respecting liquor permits
(R.S.Q., c. P-9.1)

Penalties applicable to contraventions of section 72.1 of the Act

Regulation respecting the penalties applicable to contraventions of section 72.1 of the Act respecting liquor permits

WHEREAS in June 1997, the National Assembly adopted Chapter 51 of the Statutes of 1997, in particular to increase the powers of the Régie des alcools, des courses et des jeux to take action for the purpose of fighting criminality and ensuring public security;

WHEREAS under paragraph 14.1 of section 114 of the Act respecting liquor permits (R.S.Q., c. P-9.1), enacted by section 52 of that Chapter 51, the Régie des alcools, des courses et des jeux may make regulations establishing, for any contravention of section 72.1 of the Act respecting liquor permits, the suspensions and cancellations of permits applicable;

WHEREAS at a plenary session held on 19 December 1997, the Régie des alcools, des courses et des jeux made a regulation respecting penalties applicable to liquor permit holders for the unlawful presence of alcoholic beverages or video lottery machines on their premises;

WHEREAS under section 116 of the Act respecting liquor permits, any regulation made by the Board must be submitted to the approval of the Government, which may then amend it;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force;

— the Gouvernement du Québec has already allocated large sums of money for special police operations aiming at discovering offenders and those operations will not be fully effective unless severe penalties are imposed on those offenders, to dissuade:

— liquor permit holders from distributing or selling alcoholic beverages acquired illegally from or through criminal gangs;

— liquor permit holders from possessing or operating illegal video lottery machines, which may constitute an important source of revenue for organized criminal gangs;

— it is urgent to impose, as soon as possible, dissuasive measures considering the extent and seriousness of the problems in question;

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

THAT the Regulation respecting the penalties applicable to contraventions of section 72.1 of the Act respecting liquor permits, attached to this Order in Council, be approved with amendments.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the penalties applicable to contraventions of section 72.1 of the Act respecting liquor permits

An Act respecting liquor permits
(R.S.Q., c. P-9.1, s. 114, par. 14.1; 1997, c. 51)

1. This Regulation determines the penalties applicable to any contravention of section 72.1 of the Act respecting liquor permits (R.S.Q., c. P-9.1).

2. Suspension of the permit shall be the penalty imposed on a permit holder who has tolerated in his establishment the presence of alcoholic beverages other than those authorized under section 72.1 of the Act respecting liquor permits or video lottery machines not registered in accordance with the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), in accordance with the following tables:

Alcoholic beverages					
Origin of alcoholic beverages	less than 5 litres	from 5 to 10 litres excl.	from 10 to 15 litres excl.	from 15 to 20 litres excl.	from 20 to 40 litres
Legal supplier but non-compliance with the other conditions of acquisition prescribed by the Act or statutory instruments thereunder	30 days	35 days	40 days	45 days	50 days for the first 20 litres plus one day per additional litre
Illegal supplier within the meaning of the Act respecting offences relating to alcoholic beverages	60 days	70 days	80 days	90 days	100 days for the first 20 litres plus one day per additional litre

Video lottery machines			
Quantity	1 to 3	4 to 7	8 to 10
	20 days	40 days	60 days

3. Where offences included in several of the above-mentioned categories are observed during a single check or search, the suspensions prescribed for those categories shall be added and run consecutively.

4. The suspension period shall be doubled if an offender contravenes section 72.1 of the Act another time within 2 years of being imposed a penalty.

5. A permit shall be cancelled where

(1) the total suspension period resulting from the application of the preceding sections exceeds 180 days;

(2) where the quantity of alcoholic beverages kept in the establishment of the permit holder in contravention of section 72.1 of the Act exceeds 40 litres; or

(3) where the quantity of unregistered video lottery machines kept in the establishment of the permit holder in contravention of section 72.1 of the Act exceeds 10.

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

Draft Regulations

Draft Regulation

Code of Civil Procedure
(R.S.Q., c. C-25)

Family mediation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting family mediation, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

The draft Regulation attached hereto amends the Regulation respecting family mediation, so as to provide that for any person who obtained his certification as a mediator before 1 September 1997, the two-year period to carry out ten mediation mandates under supervision shall start to run only from that latter date.

The draft Regulation has no significant impact on businesses and on the citizens.

Further information may be obtained by contacting Mr. Pierre Tanguay, 1200, route de l'Église, 7^e étage, Sainte-Foy (Québec) G1V 4M1, tel.: (418) 644-7706, fax: (418) 644-9968.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

SERGE MÉNARD,
Minister of Justice

Regulation to amend the Regulation respecting family mediation^(*)

Code of Civil Procedure
(R.S.Q., c. C-25, s. 827.3; 1997, c. 42, s. 14)

1. The Regulation respecting family mediation is amended by substituting "1 September 1997" for "1 May 1996" in the third paragraph of section 1.

* The Regulation respecting family mediation, made by Order in Council 1686-93 dated 1 December 1993 (1993, *G.O.* 2, 6734), was amended by the Regulation made by Order in Council 459-96 dated 17 April 1996 (1996, *G.O.* 2, 2108) and by section 23 of Chapter 42 of the Statutes of Québec, 1997.

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

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Draft Regulation

An Act respecting income security
(R.S.Q., c. S-3.1.1)

Income security — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting income security, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting income security so as to cancel the reduction in benefit due to the sharing of a dwelling for single-parent families registered with the work and employment incentives program. Cancelling the reduction entails consequential amendments with respect to the computing of income for room or board.

For the purposes of harmonization with the proposed measure, the Regulation respecting income security may also be amended to cancel, for single-parent families, the reduction of the benefit due to the sharing of a dwelling under the parental wage assistance program. Given the annual renewal of that program, the measure may apply retroactively to 1 January 1998.

To date, study of the matter has shown a positive impact on the majority of people in question.

Further information may be obtained by contacting Ms. Geneviève Bouchard, Director, Développement des politiques et programmes en sécurité du revenu, at the ministère de l'Emploi et de la Solidarité, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1 tel.: (418) 646-2566, fax: (418) 643-0019.

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

Employment and Solidarity and Minister of Employment and Solidarity, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

LOUISE HAREL,
Minister of State for Employment and Solidarity and Minister of Employment and Solidarity

Regulation to amend the Regulation respecting income security^(*)

An Act respecting income security (R.S.Q., c. S-3.1.1, s. 91, 1st par., subpars. 8, 15, 30, 2nd and 4th par.; 1997, c. 57, s. 58)

1. Section 52 of the Regulation respecting income security is amended

(1) by inserting “except for an adult governed by section 80.3, “ before the word “income” at the beginning of paragraph 18;

(2) by adding “this does not apply to a family with only one adult who is eligible for the work and employment incentives program;” at the end of paragraph 19.

2. The Regulation is amended by inserting the following after section 80.2:

“**80.3** The reduction in benefit provided for in section 79 does not apply to a one-adult family that is considered to share a dwelling.”

3. Section 93 of the Regulation is amended by deleting the second paragraph.

4. Section 93.1 is amended by deleting item *iii* of subparagraph *b* of paragraph 1 of the first paragraph.

5. Sections 3 and 4 have effect from 1 January 1998.

6. This Regulation comes into force on 1 May 1998.

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(*) The Regulation respecting income security made by Order in Council 922-89 dated 14 June 1989 (1989, *G.O.* 2, 2443) was last amended by the Regulations made by Orders in Council 1232-97 dated 24 September 1997 (1997, *G.O.* 2, 4997) and 1556-97 dated 3 December 1997 (1997, *G.O.* 2, 5833). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Occupational health and safety in mines — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Regulation respecting occupational health and safety in mines and amending various regulatory provisions, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is, on the one hand, to ensure the health and safety of miners, and on the other hand, to provide for more appropriate standards in the mining sector.

Therefore, the draft Regulation proposes to add safety devices or increase safety measures with respect to some equipment, such as motorized vehicles, self-contained breathing apparatus, machines and electrical apparatus, hoisting ropes and conveyors. It also proposes to amend certain provisions respecting air quality when diesel-powered equipment is used and respecting certain types of operations.

It also specifies the measures to be taken before starting excavation in a mine located in a permafrost zone, before drilling and scaling, and when storing, loading and transporting explosives.

To date, study of the matter has revealed little impact on small and medium-sized businesses since the standards provided for largely reflect current practice in the mining sector, while ensuring more safety for the workers.

However, there will be a financial impact for underground mines, in that certain categories of persons working underground shall have to receive training in occupational health and safety.

Further information may be obtained by contacting Mr. Ghislain Fortin, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; tel.: (418) 646-3908, fax: (418) 528-2376.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Mr. Alain Albert, Vice-

Chairman, Programmation et expertise-conseil, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

TREFFLÉ LACOMBE,
Chairman of the Board of Directors and
Chief Executive Officer of the
Commission de la santé et
de la sécurité du travail

Regulation to amend the Regulation respecting occupational health and safety in mines and amending various regulatory provisions^(*)

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 1, 7 to 10, 19, 41, 42, and 2nd par.)

1. The title of the Regulation respecting occupational health and safety in mines and amending various regulatory provisions is replaced by:

“Regulation respecting occupational health and safety in mines”.

2. Section 17 is amended by substituting the following for paragraph 1:

“(1) 6 units of self-contained breathing apparatus with full face pieces, a minimum utilization time of 90 minutes and a respiratory capacity of 30 litres per minute (1.06 cubic feet per minute);”

3. Section 27 is amended by striking out “142.1.”.

4. The following is substituted for section 27.1:

“**27.1** A person working underground shall:

(1) have been trained in occupational health and safety based on the modular course for miners published by the Commission scolaire de Val-d’Or,

(a) starting on 1 June 1996, in accordance with Module I of the course; and

(b) starting on (*enter here the date of coming into force of this Regulation*), in accordance with Modules II and III of the course;

(2) hold an attestation issued by the Commission scolaire de Val-d’Or.

This section does not apply to a person who occasionally works underground; however, that person shall be accompanied by a person referred to in the first paragraph.

27.2 A person who becomes subject to the first paragraph of section 27.1 after [*enter date of coming into force of this Regulation*] shall receive the prescribed training and hold the attestation within three months of the date his employment begins.”.

5. The Regulation is amended by inserting the following after section 28.01:

“**28.001** In addition to the standards provided for in section 28.01, excavation in a mine located in a permafrost zone may not be undertaken unless an analysis giving the anticipated effects of the excavation on the stability of the geological materials has been carried out.”.

6. Section 28 is amended by inserting the following after the first paragraph:

“Except in mines containing soluble minerals, the roofs, walls and working faces of mines shall be washed before drilling and scaling to eliminate any dust created following blasting.”.

7. Section 36 of the English text is amended by substituting

(1) the word “sounding” for the word “drilling” in the first paragraph;

(2) the word “sounded” for the word “drilled” in the first paragraph; and

(3) the word “sounding” for the word “drilling” throughout the second paragraph.

8. Section 57 is amended by substituting “40 millimetres (1.6 in.) for “30 millimetres (1.2 in.)” in the second paragraph.

9. Section 60 of the English text is amended by substituting “(10.8 sq. ft.) or less” for “(10.8 sq. ft.) or more”.

* The Regulation respecting occupational health and safety in mines and amending various regulatory provisions, made by Order in Council 213-93 dated 17 February 1993 (1993, *G.O.* 2, 1757), was last amended by the Regulation made by Order in Council 782-97 dated 11 June 1997 (1997, *G.O.* 2, 2744). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

10. Section 100.1 is amended by inserting “or Standard CAN/CSA-M424.1-88 Flameproof Non-Rail-Bound Diesel-Powered Machines for Use in Gassy Underground Mines, if applicable,” after the word “Mines,”.

11. The Regulation is amended by inserting the following after section 103.1:

“**103.2** Any underground equipment powered by a diesel engine shall be stopped if the following occurs:

(1) the concentration of carbon monoxide in the undiluted exhaust gases of the engine exceeds 750 ppm for haulage or clearing equipment or 1 000 ppm for service equipment; or

(2) its use becomes dangerous due to a defect in the engine.

103.3 The concentration of carbon monoxide in the undiluted exhaust gases of the underground diesel engines shall be measured:

(1) at least every 300 hours of operation for haulage or clearing equipment;

(2) at least every 150 hours of operation for service equipment.

The results of these measurements shall be entered in the register provided for in section 103.”.

12. Section 129 is amended by substituting “450 litres (99 gallons)” for “25 litres (5.5 gallons)” in the first paragraph.

13. The following is inserted after section 193:

“**193.1** While a truck is being loaded at a stockpile or working face, the driver shall remain inside the cab of the truck or outside the loading zone.”.

14. The following is substituted for section 242:

“**242.** During shaft sinking work, or the transport of persons, the conveyance speed shall be less than 8 metres (26.2 ft.) per second.”.

15. Section 263 is amended by substituting the following for subparagraph 3 of the second paragraph:

“(3) a signal device linked to the system provided for in the first paragraph is available to workers in the shaft.”.

16. Section 273 is amended:

(1) by adding the following at the end: “He shall then remain at the hoist control.”; and

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

“However, in the event of shaft maintenance work and in other circumstances requiring a lengthy stop, the hoistman may leave the hoist control after having received a three-bell signal under the following conditions:

(1) if the hoist power supply is turned off; and

(2) the hoistman remains inside the room housing the hoist control.”.

17. The following is substituted for section 288:

“**288.** When new, a hoisting rope installed on a drum hoist shall have a safety factor that meets the following minimum requirements:

(1) subject to paragraph 2, at least 8.5 at the end of the rope attached to the counterweight or conveyance and having a service load consisting of the mass of the conveyance added to the maximum mass that can be transported in it;

(2) at least 7.5 at the end of the rope attached to the counterweight or to the skip and having a service load consisting of the mass of the skip added to the maximum mass that can be weighed;

(3) at least 5.0 at the headsheave when the conveyance or counterweight is at the lower limit of travel in the shaft, the service load then consisting of the mass of the counterweight or conveyance added to the maximum mass that can be transported in it and the mass of the part of the rope located between the headsheave and the conveyance.”.

18. Section 361 is amended by inserting “on the mine site” after the word “available”.

19. Section 374 is amended:

(1) by inserting, at the end of item *a* of subparagraph 4 of the first paragraph, “and also for a distance of 15 metres (49.2 ft.) on each side of the sprocket, if the sprocket is not located at one end of the conveyor;”; and

(2) by substituting the following for the second paragraph:

“The conveyors used in mines containing soluble minerals may be equipped with a firefighting sprinkler sys-

tem as prescribed in subparagraphs 3 and 4 of the first paragraph or with a foam or powder extinguishing system.”.

20. Section 387 is amended by substituting “40 millimetres (1.6 in.)” for “30 millimetres (1.2 in.)” in subparagraph 1 of the second paragraph.

21. Section 393 is amended by striking out the word “pas” in the French text.

22. Section 402 is amended by inserting “, with the exception of section 418” after the word “Division”.

23. The following is inserted at the end of section 408:

“**408.1** Except for the loading of mine holes, detonators and micro-connectors may not be placed near other types of explosives nor in the same container.”.

24. Section 417 is amended by substituting the following for the part that precedes paragraph 1:

“**417.** Notwithstanding section 415, a box may be used to store explosives on the surface on the following conditions:”.

25. Section 418 is amended:

(1) by substituting the following for the part that precedes subparagraph 1 of the second paragraph:

“However, explosives used underground may be stored in a recess:”;

(2) by substituting the following for subparagraph 5 of the second paragraph:

“(5) located in accordance with section 424, with the exception of subparagraph *c* of paragraph 1; in which case, the distance between the recess and a working face shall be:

(*a*) at least 60 metres (196.8 ft.) measured in a straight line from the recess to the working face; or

(*b*) at least 60 metres (196.8 ft.) according to the opening the distance between the recess and the working face of which is the shortest, on condition that the thickness of the rock between those two points is at least 15 metres (49.2 ft.)”; and

(3) by inserting the following paragraph at the end:

“For the purposes of this section, “working face” means the wall of an underground excavation site where blasting is being carried out.”.

26. Section 439 is amended:

(1) by inserting “fond de” after the word “tel” in paragraph 1 of the French text;

(2) by substituting the following for paragraph 4:

“(4) 5 metres (16.4 ft.) from any loaded hole or any place where explosives are loaded; however, if the drilling and the loading are carried out alternately, the drilling of a drill hole may be carried out at a distance of less than 5 metres (16.4 ft.) if the specific conditions of an open-pit mine require it and the following conditions are met:”;

(3) by substituting the following for subparagraph *b* of paragraph 4:

“(b) drill holes may be drilled only in parallel and their alignment shall be checked so that the margin of error does not exceed 3 degrees;”;

(4) by inserting “, or more than 15 metres (49.2 ft.) for holes with a diameter of 102 millimetres (4 in.) or more;” at the end of subparagraph *c* of paragraph 4; and

(5) by inserting the following after subparagraph *c* of paragraph 4:

“(c.1) if the holes have a depth of 6 metres (19.7 ft.) or more, the first drilling rod shall be replaced by a guide tube;”.

27. The Regulation is amended by inserting the following after section 449:

“**449.1** Except where the conditions prescribed in paragraphs 1 and 2 of section 449 are complied with, when an electrical apparatus, such as a shovel or drill, is used near a loaded hole, the distance between the flexible power cable for the apparatus and the hole loaded with explosives shall not be less than 3 metres (9.8 ft.)”.

28. The following is substituted for section 485:

“**485.** All transformers shall be kept inside a room with a door that is to be kept locked, unless they are inside a locked box that prevents any contact with a live component.

A transformer room installed after 1 April 1993 in which there are exposed live components shall be separated from the control panel section by a non-combustible partition.”.

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

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Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Speech therapists and audiologists — Standards for a diploma equivalence or training equivalence for the issue of a permit

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des orthophonistes et audiologistes du Québec made the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec.

Pursuant to section 95 of the Professional Code, the Regulation, the text of which appears below, will be examined by the Office des professions du Québec. Subsequently, it shall be submitted, with the recommendations of the Office, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to meet the requirements of paragraph *c* of section 93 of the Professional Code by establishing standards for the training equivalence of a person who does not hold the diploma required for the purposes of issuing a permit of the Ordre des orthophonistes et audiologistes du Québec. Its purpose is also to update the standards for diploma equivalence for speech therapists and audiologists, diplomas recognized for the purposes of issuing a permit of the Ordre des orthophonistes et audiologistes du Québec.

According to the Ordre des orthophonistes et audiologistes du Québec, the Regulation has no direct impact on businesses.

Further information on the Regulation may be obtained by contacting Mr. Jean-Philippe Legault, General Director and Secretary of the Ordre des orthophonistes et audiologistes du Québec, 1265, rue Berri, Bureau 730,

Montréal (Québec) H2L 4X4; telephone: (514) 282-9123 ext. 302; fax (514) 282-9541.

Any interested person having comments to make on the Regulation is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, Place d'Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation, namely the Ordre des orthophonistes et audiologistes du Québec, as well as to interested citizens, departments and bodies.

ROBERT DIAMANT,
*Chairman of the Office des
professions du Québec*

Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c*)

DIVISION I GENERAL

1. The Regulation applies to every person who does not hold a diploma giving access to the permit of the Ordre des orthophonistes et audiologistes du Québec and who applies for the recognition of a diploma issued by an educational institution located outside Quebec as an equivalent for the purpose of obtaining a permit.

This regulation also applies to every person who does not hold a diploma giving access to the Order's permit nor a diploma issued by an educational institution located outside Quebec (that may be recognized as equivalent under this Regulation) and who applies for the recognition of training received in Quebec or elsewhere as equivalent to the diploma giving access to the permit, for the purpose of obtaining that permit.

2. In this Regulation,

“diploma giving access to the permit” means a diploma recognized by regulation of the Government as giving access to the permit of the Order, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26);

“diploma equivalence” means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professionnal Code, that a diploma issued by an educational institution located outside Quebec certifies that a candidate’s level of knowledge and skills is equivalent to the level of a diploma giving access to the permit;

“training equivalence” means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professionnal Code, that a candidate’s training has enabled him to attain a level of knowledge and skills equivalent to the level that may be attained by the holder of a diploma giving access to the permit.

3. The secretary of the Order shall forward a copy of this Regulation to a person applying for a diploma or training equivalence for the purpose of obtaining a permit from the Order.

DIVISION II STANDARDS FOR EQUIVALENCE OF DIPLOMAS

4. A person holding a master’s degree in speech therapy or audiology issued by a Canadian university located outside Quebec shall be granted a diploma equivalence.

5. Except in the case provided for in section 4, a person holding a diploma in speech therapy or audiology issued by an educational institution located outside Quebec shall be granted a diploma equivalence if that diploma was issued upon completion of master’s-level studies including a minimum of 60 credits for courses and practical work and a minimum of 350 hours of clinical practicum and internship.

Each credit corresponds to 15 hours of formal courses, 30 hours of laboratory exercises or 45 hours of supervised clinical practicum. The hours of clinical practicum and internship shall involve direct contact with clients. The credits and hours of clinical practicum and internship shall be distributed as described in Schedule I.

DIVISION III STANDARDS OF EQUIVALENCE OF TRAINING

6. A person shall be granted a training equivalence if he demonstrates, upon completion of at least 5 years of relevant work experience, knowledge and skills which are equivalent to those of a person with a diploma recognized as giving access to the permit.

7. In evaluating the training presented in support of an application for training equivalence, the Bureau of

the Order shall take the following factors into account, in particular:

- (1) type and length of experience;
- (2) type of courses taken and course content;
- (3) clinical practicum served;
- (4) total years of education; and
- (5) the fact that the candidate holds one or more diplomas issued in Quebec or elsewhere.

DIVISION IV PROCEDURE FOR RECOGNITION OF EQUIVALENCE

8. A person who, for the purpose of obtaining a permit of the Order, must be granted a diploma or training equivalence shall provide the secretary of the Order with the following documents and information:

(1) an application in writing to that effect, along with the fees for processing his application prescribed according to paragraph 8 of section 86.0.1 of the Professionnal Code;

(2) his academic record, with a description of the courses taken, the number of hours completed per course or the number of credits obtained, and an official transcript of the marks obtained;

(3) a genuine copy of the diplomas he holds;

(4) when relevant, a document issued by the educational institution or competent authority, certifying the candidate’s participation in and successful completion of any clinical practicum, internship or practical work;

(5) when relevant, a document certifying to his relevant work experience in the field of speech therapy or audiology, with a description thereof;

(6) when relevant, where applicable, an official document attesting to any additional training received during the last 5 years; and

(7) when relevant, any information related to the factors that the bureau may take into account pursuant to section 7.

Where documents submitted in support of an application for recognition of an equivalence are written in a language other than French or English, they shall be accompanied by a translation in French, certified in a sworn statement by the person who did the translation.

9. The secretary of the Order shall forward the documents and information prescribed in section 8 to a committee formed by the Bureau of the Order, in accordance with paragraph 2 of section 86.0.1 of the Professional Code, to study equivalence applications and make an appropriate recommendation to the Bureau of the Order.

In order to make an appropriate recommendation, the committee may require the applicant to pass an examination or to complete a clinical practicum, or both.

10. At the first meeting of the Bureau of the Order following receipt of the committee's recommendation, the Bureau shall decide:

- (1) to grant a diploma or training equivalence; or
- (2) to deny a diploma or training equivalence.

The Bureau of the Order shall send a written notice of its decision to the applicant by registered mail, within 15 days of the date on which the decision was made.

When the Bureau decides not to grant a diploma or training equivalence, it shall, at that time, inform the candidate in writing of the programs of study leading to a diploma giving access to the permit or of additional training that should be successfully completed within the time period indicated by the Bureau, taking into account the candidate's level of knowledge and skills at the time of his application, for the equivalence to be granted.

11. When the Bureau of the Order does not recognize a diploma or training equivalence, the candidate may apply to the Bureau for review of the decision and for a hearing. The candidate shall send an application in writing to that effect to the secretary of the Order within 30 days of the mailing of the Bureau's decision.

Within 60 days following the date of receipt of an application for a hearing, the Bureau shall hear the candidate and shall review its decision if necessary.

To that end, the secretary of the Order shall convene the applicant by means of a notice in writing sent by registered mail not less than 10 days before the date of the hearing.

The Bureau's decision is final and notification shall be sent to the person by registered mail within 30 days following the date on which it is made.

12. This Regulation replaces the Regulation respecting the standards for equivalence of diplomas issued by educational institutions outside Quebec, for the issue of a permit by the Corporation professionnelle des

orthophonistes et audiologistes du Québec, approved by Order in Council 282-93 dated 3 March 1993.

However, an application for a diploma equivalence shall be decided on the basis of the replaced Regulation where the committee referred to in section 6 of that Regulation has sent a recommendation to the Bureau of the Order in respect of that application before (*date of coming into force of this Regulation*).

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

SCHEDULE I

(s. 5)

Subject	Minimum credits or hours required
(1) Speech-language pathology	
Basic sciences:	12 credits
— Anatomy and physiology of the systems basic to human communication	3
— Language development	3
— Speech and language sciences	3
— Research methodology	3
Professional training:	48 credits
— Language disorders in children	9
— Language disorders in adults	6
— Articulation disorders	3
— Neurologically-based speech disorders	3
— Fluency disorders	3
— Voice disorders	3
— Resonance disorders	3
— Audiology and rehabilitation of the hearing-impaired	6
— Alternative and augmentative communication methods	3
— Professional practices and issues	3
— Introduction to research in speech-language pathology	3
— Counselling	3
Clinical practicum and internship:	350 hours ¹
— Developmental language disorders	40
— Acquired language disorders	20

¹ Of the 350 hours of clinical practicum and internship, at least 50 shall be completed with children, 50 with adults, 25 in the area of assessment and diagnostics, and 100 in the area of habilitation, rehabilitation and reeducation. Those hours of clinical practicum and internship may not include more than 35 hours in audiology.

Subject	Minimum credits or hours required
— Fluency disorders	20
— Voice and resonance disorders	20
— Articulation disorders	20
 (2) Audiology	
Basic sciences:	12 credits
— Anatomy and physiology of phonatory, auditory and otovestibular systems and their central connections	3
— Acoustic and psychoacoustic principles as related to the auditory system	3
— Auditory perception	3
— Research methodology	3
Professional training (audiology):	48 credits
— Auditory and otovestibular disorders and their symptoms and manifestations	6
— Principles of audiological assessment	9
— Evaluation principles applied to specific populations	3
— Principles of audiological rehabilitation:	
— technical approaches	6
— non-technical approaches	6
— Principles of rehabilitation applied to specific populations	3
— Instrumentation in audiology	3
— Speech-language pathology concepts pertinent to audiology	3
— Professional practices and issues	3
— Introduction to research in audiology	3
— Counselling	3
Clinical practicum and internship:	350 hours ²
— Audiological evaluation:	100 hours
— identification and needs analysis	
— selection and application of diagnostic methods and analysis of data	
— Audiological habilitation and rehabilitation:	100 hours
— technical approaches	
— non-technical approaches	

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² Of the 350 hours of clinical practicum and internship, at least 50 shall be completed with children and 50 with adults. Those hours of clinical practicum and internship may not include more than 35 hours in audiology.

Municipal Affairs

Gouvernement du Québec

O.C. 62-98, 21 January 1998

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amalgamation of the Village de Saint-Jacques and of
the Paroisse de Saint-Jacques

WHEREAS the municipal councils of the Village de Saint-Jacques and of the Paroisse de Saint-Jacques adopted a by-law authorizing the filing of a joint application with the Government, requesting that it constitute a local municipality resulting from the amalgamation of those two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS no objections were sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

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

THAT the application be granted and that a local municipality resulting from the amalgamation of the Village de Saint-Jacques and the Paroisse de Saint-Jacques be constituted, under the following conditions:

(1) The name of the new municipality is "Municipalité de Saint-Jacques".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 28 October 1997; that description is attached as a Schedule to this Order in Council.

(3) The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

(4) The new municipality will be part of the municipalité régionale de comté de Montcalm.

(5) A provisional council shall remain in office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The mayor of the former Village de Saint-Jacques shall act as mayor of the provisional council and the mayor of the former Paroisse de Saint-Jacques as acting mayor for the entire term of the provisional council.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, an additional vote shall be granted to the mayor of the former municipality from which the council member originated.

For the term of the provisional council, the councillors shall continue to receive the same remuneration as they were receiving before the coming into force of this Order in Council.

(6) The first general election shall be held on 1 November 1998. The second general election shall be held on the first Sunday in November 2002.

For the first general election, the council of the new municipality shall be composed of 9 members, that is, a mayor and 8 councillors. For subsequent elections, the council shall be composed of 7 members, that is, a mayor and 6 councillors.

The councillors' seats will be numbered from 1 to 8 for the first general election. From the second general election, the councillors' seats will be numbered from 1 to 6.

(7) For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Paroisse de Saint-Jacques, shall be eligible for seats 1, 2, 3 and 4; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Village de Saint-Jacques, shall be eligible for seats 5, 6, 7 and 8.

(8) The budgets adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality, and the expendi-

tures and revenues shall be accounted for separately as if those municipalities had continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized real estate values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Order in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as appearing in the financial statements for those municipalities for the last fiscal year ended before the one in which separate budgets were adopted.

(9) The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

(10) Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used as follows:

— an amount equal to the lesser of the two amounts of accumulated surplus is subtracted from each accumulated surplus and is paid into the general fund of the new municipality;

— any sum in excess of the amount thus subtracted is used for the benefit of the ratepayers of the sector formed of the territory of the municipality on whose behalf it was accumulated; it may be used for public works, for tax reductions applicable to all the taxable immovables of the sector or to the repayment of debts chargeable to the sector.

(11) Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall continue to be charged to all the taxable immovables of the sector formed of the territory of that former municipality.

(12) The balance in principal and interest of the loans made pursuant to By-laws 333 and 361 of the former Village de Saint-Jacques shall be charged to all the users of the waterworks system of the new municipality and shall be reimbursed by means of a compensation rate fixed annually by the new municipality.

The taxation clauses provided for in those by-laws shall be amended accordingly.

(13) The balance in principal and interest of the loan made pursuant to By-law 147 of the former Village de Saint-Jacques and the balance in principal and interest of the accumulated debt of the former village with respect to water treatment works and reimbursed to the Société québécoise d'assainissement des eaux, in accordance with the agreement signed by the Gouvernement du Québec and the former Village de Saint-Jacques on 27 May 1985, shall be charged to all the users of the sewer services of the new municipality and shall be reimbursed by means of a compensation rate fixed annually by the new municipality.

The taxation clauses provided for in those by-laws shall be amended accordingly.

(14) The annual reimbursement of the principal and interest of all the loans taken out under by-laws adopted by a former municipality before the coming into force of this Order in Council and not subject to sections 12 and 13, shall continue to be chargeable to the sector formed of the territory of that former municipality, in accordance with the taxation clauses provided for in those by-laws. The new municipality may amend the taxation clauses provided for in those by-laws in accordance with the law; notwithstanding the foregoing, such amendments shall affect only the taxable immovables of the sector formed of the territory of the former municipality that made the by-law.

(15) A tax credit shall be granted to all the taxable immovables of the sector formed of the territory of the former Paroisse de Saint-Jacques as follows:

— in the first fiscal period following the coming into force of this Order in Council, the rate shall be \$0.15 per \$100 of assessment;

— in the second fiscal period, \$0.15 per \$100 of assessment;

— in the third fiscal period, \$0.15 per \$100 of assessment;

— in the fourth fiscal period, \$0.15 per \$100 of assessment;

— in the fifth fiscal period, \$0.15 per \$100 of assessment;

— in the sixth fiscal period, \$0.12 per \$100 of assessment;

— in the seventh fiscal period, \$0.09 per \$100 of assessment;

— in the eighth fiscal period, \$0.06 per \$100 of assessment;

— in the ninth fiscal period, \$0.03 per \$100 of assessment;

(16) Any debt or gain that may result from legal proceedings for any act performed by a former municipality shall continue to be charged or credited to all the taxable immovables of the sector formed of the territory of that former municipality.

(17) A municipal housing bureau shall be incorporated under the name of “Office municipal d’habitation de la Municipalité de Saint-Jacques”. That municipal bureau shall succeed to the municipal housing bureau of the former Village de Saint-Jacques, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d’habitation du Québec (R.S.Q., c. S-8) apply to the municipal housing bureau of the new Municipalité de Saint-Jacques as though it had been incorporated by letters patent under section 57 of that Act.

The members of the municipal housing bureau of the former Village de Saint-Jacques shall be the members of the new bureau.

(18) All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

(19) For each of the first five fiscal years following that in which this Order in Council comes into force, the new municipality shall include in its budget 20 % of the total amount of the subsidy granted by the Government under the Programme d’aide financière au regroupement municipal (PAFREM), even if the amounts granted annually by the government should vary.

(20) The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law shall be approved, in accordance with the Act respecting elections and referendums in municipi-

palities, by the qualified voters of the entire territory of the new municipality.

(21) In accordance with the Order in Council respecting the amendment to the agreement respecting the Cour municipale de la municipalité régionale de comté de Montcalm, to be adopted under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de la municipalité régionale de comté de Montcalm shall have jurisdiction over the territory of the new municipality.

(22) This Order in Council comes into force on 20 May 1998.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINT-JACQUES, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MONTCALM

The current territory of the Paroisse de Saint-Jacques and of the Village de Saint-Jacques, in the Municipalité régionale de comté de Montcalm, comprising, in reference to the cadastre of the Paroisse de Saint-Jacques-de-l’Achigan, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the eastern angle of Lot 627 of the cadastre of the Paroisse de Saint-Jacques-de-l’Achigan; thence, successively, the following lines and demarcations: in a general southerly direction, the broken line dividing the cadastres of the parishes of Saint-Jacques-de-l’Achigan and Sainte-Marie-de-Salomée to the apex of the eastern angle of Lot 42 of that first cadastre, the broken line twice crossing the railway that it meets; successively, southwesterly and northwesterly, the broken line dividing the cadastres of the Paroisse de Saint-Jacques-de-l’Achigan and of the parishes of Épiphanie and Saint-Roch-de-l’Achigan to the apex of the northern angle of Lot 728 of the latter cadastre, the said broken line crossing the railway that it meets; northwesterly, part of the dividing line between the cadastres of the parishes of Saint-Jacques-de-l’Achigan and Saint-Esprit, passing by the southwest side of the right-of-way of Route 341 (chemin Dupuis) located on the dividing line between the said cadastres to the apex of the southern angle of Lot 225 of the cadastre of the Paroisse de Saint-Alexis; northerly, the west side of the right-of-way of Route 341 bordering to the east Lot 225 of the latter cadastre, and its extension to the centre line of Ruisseau Saint-Georges; easterly,

the centre line of the said stream to the southerly extension of the west line of Lot 129 of the cadastre of the Paroisse de Saint-Jacques-de-l'Achigan; northerly, the said extension and the said west line of Lot 129, that line extended across the railway that it meets; in a general northwesterly direction, the broken line dividing the cadastres of the parishes of Saint-Jacques-de-l'Achigan and Saint-Alexis, that line crossing the railway that it meets, to the southeast side of the right-of-way of Route 346; northeasterly, the southeast side of the said right-of-way bordering to the northwest lots 371, 372 and 373 and part of the northwest line of Lot 373 of the cadastre of the Paroisse de Saint-Jacques-de-l'Achigan and its extension to the left bank of the Rivière Ouareau; the left bank of the said river downstream to the northeast extension of the southeast line of Lot 378 of the said cadastre; southwesterly, the said extension and the said southeast line of Lot 378 to the dividing line between the cadastres of the parishes of Saint-Jacques-de-l'Achigan and Saint-Liguori; in a general southeasterly direction, the broken line dividing the said cadastres to the apex of the west angle of Lot 745 of the cadastre of the Paroisse de Saint-Jacques-de-l'Achigan; finally, southeasterly, the irregular line bordering to the northeast part of Lot 658 and in decreasing order lots 657 to 648, 646 to 636, 634, 633, 630, 629, 628 and 627 of the said cadastre to the starting point, the said limits define the territory of the Municipalité de Saint-Jacques.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 28 October 1997

Prepared by: PIERRE BÉGIN,
Land surveyor

J-152/1

2009

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

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