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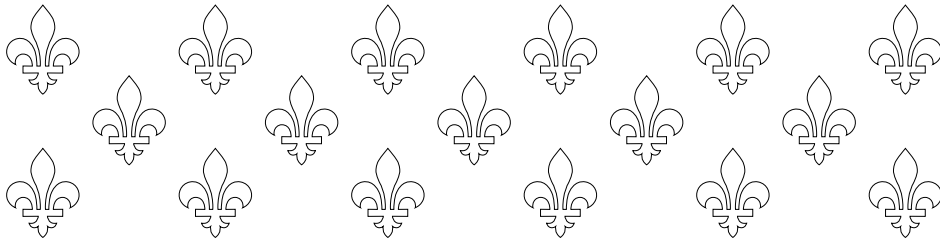
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 443
(1998, chapter 51)

**An Act to amend the Code of Civil
Procedure and other legislative
provisions in relation to notarial matters**

**Introduced 27 May 1998
Passage in principle 5 June 1998
Passage 20 October 1998
Assented to 21 October 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill amends the Code of Civil Procedure to allow certain applications relating to tutorship to a minor, protective supervision of a person of full age, mandates in anticipation of incapacity or the probate of wills to be presented to a notary. The process proposed by the bill will maintain all requirements as to evidence presently imposed by law, in particular as regards service on or notification to interested persons of the application and notices, the examinations to be conducted and the medical and psychosocial assessments to be obtained.

In addition, the bill requires a notary to whom an application is presented to deposit without delay at the office of the court of the domicile or residence of the minor or the person of full age who is incapable of consent an authentic copy of the minutes of the notarial operations together with all supporting documents. The court is seized of the matter upon the deposit of the notary's minutes. However, the deposit of the minutes of the probate of a will is solely for publication purposes.

In the absence of opposition within 10 days of the deposit of the notary's minutes, the judge or the clerk may accept or reject the conclusions of the minutes and make all orders necessary to protect the rights of the parties for the period and on the conditions determined by the judge or the clerk.

Moreover, the Civil Code is amended to allow a father or a mother to appoint a tutor for his or her child by way of a mandate in anticipation of incapacity. The bill also provides that the designation or replacement of the liquidator of a succession must be published in the register of personal and movable real rights and, where applicable, in the land register.

Finally, the Bureau of the Chambre des notaires du Québec will be required to make, and obtain government approval for, regulations determining the conditions to be met by a notary to be certified in respect of the institution or review of protective supervision and mandates in anticipation of incapacity. The Government is given the power to establish, by regulation, a tariff of fees for professional services in connection with such matters.

LEGISLATION AMENDED BY THIS BILL :

- Civil Code of Québec (1991, chapter 64);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Notarial Act (R.S.Q., chapter N-2).

Bill 443

AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE AND OTHER LEGISLATIVE PROVISIONS IN RELATION TO NOTARIAL MATTERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 135.1 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding, at the end, the following :

“Where there is a risk that personal service may worsen the physical or psychological condition of the person concerned by the application, the judge may, on a motion and insofar as the initial application was served personally, authorize that service be effected by means of a sealed envelope, speaking to a reasonable person having custody of the person.”

2. The said Code is amended by replacing the heading of Chapter I of Book VI by the following :

“CHAPTER I

“GENERAL PROVISIONS

“SECTION I

“RULES APPLICABLE BEFORE THE COURT”.

3. The said Code is amended by adding, after article 863.3, the following :

“SECTION II

“RULES APPLICABLE BEFORE THE NOTARY

“863.4. An application relating to a tutorship council, to the appointment or replacement of a tutor to a minor, to the institution or review of protective supervision, to a mandate given in anticipation of the mandator’s incapacity, to the probate of a will or to letters of verification may also be presented to a notary in accordance with the special rules contained in this Book.

“863.5. The notary must notify the application to the interested persons and provide them with all information relevant to the object and causes of the application. However, the application must be served on the person concerned in accordance with article 135.1.

The application must be accompanied with a notice clearly stating the time and place at which the notarial operations are to begin as well as the object of the application and the nature of the rights of the interested persons, including their right to present any observations or make any representations they see fit or to oppose the application.

A copy of the notice is deposited by the notary at the office of the competent court; the deposit is effected free of charge and solely for publication purposes. The clerk must inform the notary without delay of any observation, representation or opposition relating to the notice.

“863.6. In exercising notarial functions under this section, the notary must act in the interest of the person concerned by the application. In the case of protective supervision or a mandate in anticipation of incapacity, the notary must also act in such a manner as to protect the rights and autonomy of the person concerned.

“863.7. Minutes that identify the interested persons, including the person who presented the application, and that set out the facts on which the application is based are drawn up by the notary; the minutes contain a complete and detailed report of the notarial operations and of the notary’s conclusions, in particular concerning the testimony that the notary is required to take and the deliberations of the tutorship council or of the meeting of relatives, persons connected by marriage or friends.

“863.8. Where observations or representations made constitute actual contestation of the merits of the application examined by a notary, the notary must relinquish the matter and inform the interested persons; in such a case, the notary draws up the minutes of the operations that have taken place and transfers the matter to the competent court, which is seized of the matter upon the deposit of the notary’s minutes.

The court may, if it considers it expedient, assign to the notary the mission of taking all evidence necessary for the pursuit of the matter, and fix the time within which the notary must report on the notarial operations to enable the court to make its own assessment of the facts.

“863.9. In matters pertaining to the tutorship to a minor, the protective supervision of a person of full age or a mandate in anticipation of incapacity, the notary must deposit without delay at the office of the court of the domicile or residence of the minor or the incapable person of full age an authentic copy of the minutes, accompanied with all supporting documents.

The notary must notify a copy of the minutes to the interested persons, including, according to the case, the minor if the minor is 14 years of age or over or the person of full age, the tutor or curator, the mandator, the mandatary and the Public Curator; the minutes must be accompanied with a notice of at least 10 days of the date of deposit of the minutes at the office of the court. The

notice must also mention that in the absence of opposition within 10 days of the deposit of the minutes, the judge or the clerk may accept the conclusions without further delay.

“863.10. The court is seized of the matter upon the deposit of the notary’s minutes, subject to article 863.11.

In the absence of opposition within 10 days of the deposit of the minutes, the judge or the clerk may accept or reject the conclusions set out in the notary’s minutes and make all orders necessary to protect the rights of the parties for the period and on the conditions determined by the judge or clerk.

The clerk must give notice without delay to the interested persons of any order so made or judgment so rendered.

“863.11. The minutes of the probate of a holograph will or a will made in the presence of witnesses are deposited solely for publication purposes.

“863.12. The original or a copy of the application, of the notice and of the notary’s minutes must be notified to the interested persons in accordance with articles 146.1 and 146.2.”

4. Article 872 of the said Code is amended by replacing “and” in the second line by “may be presented to the judge or clerk or to a notary;”.

5. Article 874 of the said Code is amended by striking out the second sentence.

6. The said Code is amended by inserting, after article 876.1, the following:

“CHAPTER VI.1

“TUTORSHIP TO MINORS

“876.2. Where an application relating to the appointment or replacement of a tutor, a tutor *ad hoc* or a tutor to property is presented to a notary, the notary must serve the application on the minor, if the minor is 14 years of age or over, and notify the application to the persons mentioned in the first paragraph of article 226 of the Civil Code, and call the latter persons to a meeting of relatives, persons connected by marriage or friends to establish tutorship to the minor and form the tutorship council. If the tutor, the tutor *ad hoc* or the tutor to property is being replaced, the notary must also notify the application to the Public Curator.”

7. The said Code is amended by inserting, after article 877, the following:

“877.0.1. Where an application for the institution or review of protective supervision of a person of full age is presented to a notary, the notary must prepare a declaration stating the facts on which the application for the institution or review of protective supervision of a person of full age is based, and must serve the declaration on the person of full age and notify the declaration to a reasonable member of the person’s family, to the Public Curator and to one of the persons mentioned in article 15 of the Civil Code ; the declaration must be accompanied with a notice of a meeting of relatives, persons connected by marriage or friends.”

8. Article 878 of the said Code is amended

(1) by replacing “or clerk” in the second line of the first paragraph by “, clerk or notary”;

(2) by moving the second sentence of the first paragraph to the beginning of the second paragraph and by adding, at the end, the following: “If no examination takes place, the judgment mentions that fact and indicates the reason why the person was not examined.”;

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

“Where the application is presented to a notary, the notary may not delegate responsibility for the examination to another notary except to avoid expense of travel arising from the distance at which the person of full age is residing. In all cases, the notary draws up the minutes of the examination of the person of full age or the reasons why the person was not examined.”

9. The said Code is amended by inserting, after article 878, the following :

“878.0.1. The notary must obtain the medical and psychosocial assessment, the examination of the person of full age and the other relevant documents and report thereon to the meeting of relatives, persons connected by marriage and friends.”

10. Article 878.1 of the said Code is amended by adding the following :

“Upon ascertaining the necessity of providing representation to the incapable person of full age, the notary must relinquish the application, inform the interested persons and transfer the matter to the competent court, which is seized of the matter upon the deposit of the notary’s minutes.”

11. Article 878.2 of the said Code is amended by inserting “to the court” after “application”.

12. Article 880 of the said Code is amended by inserting “by the notary to whom the application is presented or” after “are called” in the second line.

13. The said Code is amended by inserting, after article 884.6, the following :

“884.7. An application for the recording of the coming into effect of a mandate given in anticipation of the mandator’s incapacity or of the declaration of the cessation of the effects or the revocation of such a mandate may also be presented to a notary.

The application is served by the notary on the mandator and notified by the notary to the mandatary and, where applicable, to the substitute mandatary designated by the mandator, the Public Curator and one of the persons mentioned in article 15 of the Civil Code.

“884.8. The notary must obtain a medical and psychosocial assessment ascertaining the mandator’s incapacity and the original or an authentic copy of the mandate. Where the mandate was given before witnesses, the existence and validity of the mandate are verified by the notary.

In all cases, the notary must, in accordance with article 878, examine the mandator and determine whether the mandator is capable or incapable of taking care of himself or herself or of administering his or her property. The minutes of the examination of the mandator are drawn up by the notary.”

14. Article 885 of the said Code is amended by replacing “of Québec” in the second line by “or in this Book”.

15. The said Code is amended by inserting, after article 887, the following :

“887.1. Where a holograph will or a will made in the presence of witnesses is probated by a notary, on the application of any interested person, the notary notifies to the known heirs and successors a notice of probate to which a copy of the will is attached. Any observations or representations which those persons wish to make must be made, orally or by any other means of communication, within 10 days after notification of the notice of probate.”

16. Article 888 of the said Code is amended by adding the following :

“Where an application is presented to a notary, the clerk may exempt the notary from notifying all of the known successors if it would be impractical or too onerous to call all of them to the probate of the will, and may determine the persons who will be notified.”

17. Article 889 of the said Code is replaced by the following :

“889. The original of the will is examined by the clerk or by the notary. If the will is deposited with a notary, the clerk may order the notary to file the will at the office of the court or to deliver it to the notary designated by the clerk. However, a will deposited with a notary may not be probated by that notary or by a member of that notary’s firm of notaries.”

18. Article 890 of the said Code is amended by adding the following :

“The will probated by a notary together with the minutes of the probate are kept in the records of the notary ; the latter must issue certified copies of the will and of the minutes of the probate to any interested person who so requests.

The notary is also required to file a certified copy of the will and minutes at the office of the court of the district in which the testator was domiciled or, if the testator was not domiciled in Québec, at the office of the court of the district in which the testator died or in which the testator left any property.”

19. Article 892 of the said Code is amended by inserting “or from a notary” after “domicile”.

20. Article 894 of the said Code is amended by adding the following :

“Where an application is presented to a notary, the notary notifies the application to the liquidator of the succession, if that person is known, and to all of the known heirs or legatees by particular title residing in Québec.”

21. Article 896 of the said Code is amended by replacing the second sentence of the first paragraph by the following : “The notary is also required to issue certified copies to any person who so requests. However, if the letters of verification are contested, no copy may be issued before the application is disposed of.”

22. Article 200 of the Civil Code of Québec (1991, chapter 64) is amended by inserting “, by a mandate given in anticipation of the mandator’s incapacity” after “will” in the second line.

23. Article 201 of the said Code is amended

(1) by replacing “if he” in the first paragraph by “or to the last parent who is able to exercise tutorship, as the case may be, if that parent” ;

(2) by inserting “or lose the ability to exercise tutorship during the same event” after “simultaneously” in the second paragraph.

24. Article 202 of the said Code is amended by striking out “, after the death of the last surviving parent” at the end of the first paragraph.

25. Article 266 of the said Code is amended by replacing “tutorship council” in the second line of the second paragraph by “meeting of relatives, persons connected by marriage or friends”.

26. Article 777 of the said Code is amended by adding the following :

“The designation or replacement of the liquidator of the succession is published in the register of personal and movable real rights and, where applicable, in the land register.”

27. Section 31 of the Notarial Act (R.S.Q., chapter N-2) is amended by striking out subsection 1.

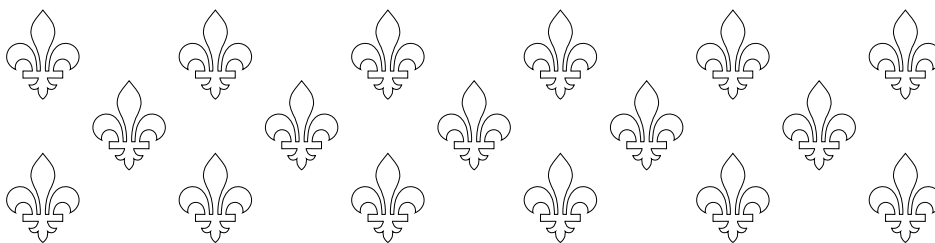
28. The Bureau of the Chambre des notaires du Québec shall make regulations approved by the Government determining the conditions that a notary must meet to be certified as regards the institution and review of protective supervision and mandates in anticipation of incapacity.

No such regulation may be adopted unless all members of the order were forwarded a copy of the proposed regulation by the secretary of the professional order at least 30 days before its adoption.

For the purposes of the Regulations Act (R.S.Q., chapter R-18.1), a proposed regulation may be published in accordance with section 8 of that Act before having been adopted by the Bureau ; where that is the case, it is the proposed regulation forwarded by the secretary to the members of the order that is subject to the publication requirement under that section.

29. The Government may make regulations establishing a tariff of fees payable for professional services in connection with applications concerning the institution or review of protective supervision or concerning a mandate in anticipation of incapacity.

30. The provisions of this Act come into force on the date or dates to be fixed by the Government, except section 28 which comes into force on 21 October 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 455
(1998, chapter 53)

**An Act to amend the Crop Insurance Act
and the Act respecting farm income
stabilization insurance**

**Introduced 20 October 1998
Passage in principle 21 October 1998
Passage 21 October 1998
Assented to 21 October 1998**

**Québec Official Publisher
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EXPLANATORY NOTES

This bill amends the Crop Insurance Act and the Act respecting farm income stabilization insurance in order to clarify the rules concerning the insurance funds established under those Acts and to revise the rules relating to the advisory committee provided for in the Crop Insurance Act.

In particular, the bill specifies the fiduciary nature of the funds, the responsibilities of the insured persons and the Government in respect of the sums making up the funds, and the powers of the Régie des assurances agricoles du Québec in its capacity as manager of the funds. Under the bill, the composition and the functions of the advisory committee are modified.

Lastly, the bill contains consequential amendments.

Bill 455

AN ACT TO AMEND THE CROP INSURANCE ACT AND THE ACT RESPECTING FARM INCOME STABILIZATION INSURANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended by adding, at the end, the following :

“A further object of the Régie is to administer the insurance funds for which it acts as trustee under this Act and the Act respecting farm income stabilization insurance, and to administer, pursuant to any agreement, any other fund whose management may be entrusted by the Government to the Régie as trustee.”

2. Section 20 of the said Act is replaced by the following:

“20. The Régie shall be assisted by an advisory committee composed of the following members appointed by the Government :

- (a) two members designated by the Union des producteurs agricoles ;
- (b) two members designated by the Régie from among its members ;
- (c) two members representing the Government ; and
- (d) one member from the financial sector.

The person at the Régie in charge of the administration of the insurance funds for which the Régie acts as trustee under this Act and the Act respecting farm income stabilization insurance is ex officio a member of the advisory committee.

The members of the advisory committee are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.”

3. Section 21 of the said Act is amended by replacing paragraph *b* by the following :

“(b) to advise the Régie, at its request, on tariffing, actuarial soundness, investments, loans and the transactions relating to the instruments and contracts of a financial nature used in the management of the funds it administers;”.

4. Section 24 of the said Act is amended by striking out “category of” in the first line of the second paragraph and by replacing “a category of” in the second line of the third paragraph by “the”.

5. Section 39 of the said Act is amended by replacing “category of crops” in the first line of the first paragraph and “those crops” in the second line of that paragraph by “crop” and “that crop” respectively.

6. Section 40 of the said Act is amended by striking out “category of” in the third line of the first paragraph.

7. Section 44 of the said Act is amended by replacing “category of crops” and “category of crop” in the first and eighth lines of the first paragraph by “crop”.

8. Section 47 of the said Act is amended

(1) by replacing “category of insured crops” in the first line of the first paragraph by “insured crop”;

(2) by replacing “category of crops” in the first line of the third paragraph by “crop”.

9. Section 50 of the said Act is amended by replacing “category of crops” by “crop”.

10. Section 51 of the said Act is amended by replacing “one or another category of crops but the whole of the area under cultivation in the category of crops that he has elected to insure must be subject to” in the first, second and third lines by “any crop but the whole of the area cultivated for the crop that he has elected to insure must be covered by”.

11. Section 58 of the said Act is amended by replacing “category of crops” in the third line of the second paragraph by “crop”.

12. Section 59 of the said Act is amended by striking out “categories of” in the second line.

13. The heading of Division VII of the said Act is replaced by “CROP INSURANCE FUND”.

14. Section 70 of the said Act is amended

(1) by replacing “a fund for the payment of indemnities and compensations and shall be entered in separate accounts for each category of crops, as shall the indemnities paid for each of such categories” by “a crop insurance fund called “Fonds d’assurance-récolte””;

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

“The fund shall constitute a trust patrimony appropriated mainly to the payment of the indemnities payable under an insurance system created pursuant to this Act. The fund shall be administered by the Régie for the benefit of insured persons and the Régie shall act as trustee of the fund.

In addition to the assessments of insured persons and the contributions of the Government, the fund shall be composed of

(a) the sums paid by the Minister of Finance as advances taken out of the consolidated revenue fund pursuant to section 71 ;

(b) the amount of a loan contracted by the Régie under sections 71.1 and 71.3 ;

(c) the revenues derived from the investment of the sums making up the fund ; and

(d) any sum that may be paid by the Minister of Agriculture, Fisheries and Food under an agreement entered into pursuant to section 73.”

15. The said Act is amended by inserting, after section 70, the following :

“70.1. The assessments of insured persons and the contributions of the Government shall be credited to separate accounts for each crop. The assessments and contributions may also be credited to separate accounts for each insured person.

“70.2. A surplus or deficit entered in an account must be considered in determining the assessment relating to that account.

“70.3. Where a protection program for an insured crop is terminated and the parties to an agreement entered into pursuant to section 73 have agreed on the setting up of a replacement program, any surplus or deficit in the insured crop account shall be entered in the replacement program account.

If no replacement program is set up, any surplus or deficit in the insured crop account shall be dealt with in accordance with an agreement entered into by the parties pursuant to section 73 in the year following the expiry date of the program. In the absence of an agreement, the account’s liabilities shall encumber the fund and any surplus or deficit shall be apportioned among insured persons and the Government in proportion to their participation in the account.

“70.4. The Régie may use a surplus in an account to advance a sum on a short-term basis to another account in a fund it administers.

“70.5. The sums required for the execution of a judgment which has become *res judicata* rendered against the Régie as fund manager shall be taken out of the fund.

“70.6. The books and accounts of the fund shall be audited every year by the Auditor General.”

16. Section 71 of the said Act is amended by striking out “of the fund” in the first line of the first paragraph and “compensations and” in the first and second lines of that paragraph.

17. The said Act is amended by inserting, after section 71, the following :

“71.1. The Régie may complete the payment of indemnities by means of a loan. The Régie may, to guarantee the loan, encumber all or part of the assessments collected by it and the contributions paid to it by the Government under this Act.

The Government shall determine the amount, the rate of interest, the conditions and the modalities of the loan and the conditions under which the assessments and contributions may be encumbered.

“71.2. The Régie may contract a loan in order to carry out a transaction to which Division VIII.1 of the Financial Administration Act (chapter A-6) applies in respect of instruments and contracts of a financial nature. The Government shall determine the amount, the rate of interest, the conditions and the modalities of the loan.

The amount of a loan may be applied, among other things, to the repayment of brokerage fees relating to instruments and contracts of a financial nature, and to the repayment of any interest and costs relating to the loan.

The sums required to repay the loan are chargeable to the fund in the proportion determined by the Government in accordance with an agreement entered into pursuant to section 73. In the absence of an agreement, the sums required to repay the loan are chargeable to the fund, but only in the proportion for which the Government is liable.

“71.3. The revenues generated by the instruments and contracts of a financial nature to which Division VIII.1 of the Financial Administration Act applies are applied first to the repayment of the interest, costs and capital of loans contracted under section 71.2, and then to the repayment of the brokerage fees relating to such instruments and contracts.

The balance of the revenues remaining at the end of each fiscal year is paid into the fund as a contribution of the Government.

If an agreement under section 73 provides for a financial interest held by farm producers in instruments and contracts of a financial nature, the balance of the revenues is applied to the amount of the assessments payable by the producers for the following fiscal year, proportionally to their financial interest.

“71.4. The Government may guarantee a loan contracted by the Régie under sections 71.1 and 71.2.

The sums that the Government may be called upon to pay under the guarantee are taken out of the consolidated revenue fund.”

18. Section 74 of the said Act is amended by striking out “categories of” in paragraph *d*.

19. The heading of Division III of the Act respecting farm income stabilization insurance (R.S.Q., chapter A-31) is replaced by “FARM INCOME STABILIZATION INSURANCE FUND”.

20. Section 7 of the said Act is replaced by the following:

“7. The assessments of participants and the contributions of the Government shall constitute a farm income stabilization insurance fund called “Fonds d’assurance-stabilisation des revenus agricoles”.

The fund shall constitute a trust patrimony appropriated mainly to the payment of the compensation payable under an insurance system created pursuant to this Act. The fund shall be administered by the Régie for the benefit of participants and the Régie shall act as trustee of the fund.

In addition to the assessments of participants and the contributions of the Government, the fund shall be composed of

(a) the sums paid by the Minister of Finance as advances taken out of the consolidated revenue fund pursuant to section 10;

(b) the amount of a loan contracted by the Régie under sections 10.1 and 10.3;

(c) the revenues derived from the investment of the sums making up the fund; and

(d) any sum that may be paid by the Minister of Agriculture, Fisheries and Food under an agreement entered into pursuant to sections 42 and 43.”

21. The said Act is amended by inserting, after section 9, the following:

“9.1. The assessments of participants and the contributions of the Government shall be credited to separate accounts for each production. The assessments and contributions may also be credited to separate accounts for each participant.

“9.2. A surplus or deficit entered in an account must be considered in determining the assessment relating to that account.

“9.3. Where a protection program for an insured production is terminated and the parties to an agreement entered into pursuant to sections 42 and 43 have agreed on the setting up of a replacement program, any surplus or deficit in the insured production account shall be entered in the replacement program account.

If no replacement program is set up, any surplus or deficit in the insured production account shall be dealt with in accordance with an agreement entered into by the parties pursuant to sections 42 and 43 in the year following the expiry date of the program. In the absence of an agreement, the account's liabilities shall encumber the fund and any surplus or deficit shall be apportioned among participants and the Government in proportion to their participation in the account.

“9.4. The Régie may use a surplus in an account to advance a sum on a short-term basis to another account in a fund it administers.

“9.5. The sums required for the execution of a judgment which has become *res judicata* rendered against the Régie as fund manager shall be taken out of the fund.

“9.6. The books and accounts of the fund shall be audited every year by the Auditor General.

The Régie shall at least every five years prepare an actuarial analysis of its operations and gather all information pertinent to fixing the rates of assessment.”

22. Section 10.1 of the said Act is replaced by the following:

“10.1. The Régie may complete the payment of compensation by means of a loan. The Régie may, to guarantee the loan, encumber all or part of the assessments collected by it and the contributions paid to it by the Government under this Act.

The Government shall determine the amount, the rate of interest, the conditions and the modalities of a loan and the conditions under which the assessments and contributions may be encumbered.”

23. Section 10.2 of the said Act is amended by replacing “section 10.1” in the first paragraph by “sections 10.1 and 10.3”.

24. Section 10.3 of the said Act is amended

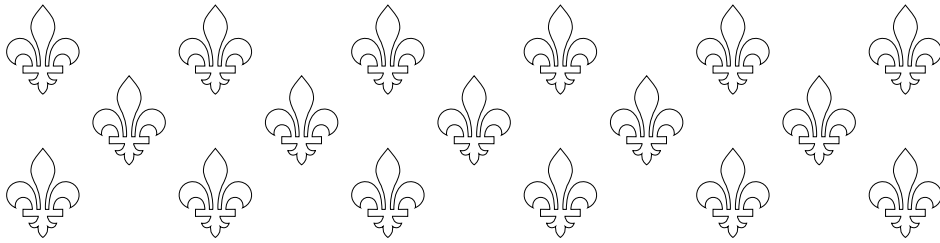
(1) by replacing, in the French text, “tout intérêt” in the second paragraph by “tous intérêts”;

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

“The sums required to repay the loan are chargeable to the fund in the proportion determined by the Government in accordance with an agreement entered into pursuant to section 43. In the absence of an agreement, the sums required to repay the loan are chargeable to the fund, but only in the proportion for which the Government is liable.”

25. The provisions of this Act, except the provisions relating to the advisory committee, have effect from 1 April 1998.

26. This Act comes into force on 21 October 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 456
(1998, chapter 54)

An Act to again amend the Act respecting the National Assembly

Introduced 21 October 1998
Passage in principle 21 October 1998
Passage 21 October 1998
Assented to 21 October 1998

Québec Official Publisher
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EXPLANATORY NOTE

This bill amends the Act respecting the National Assembly to provide that, when there is a vacancy in the office of President of the National Assembly, the President's administrative duties are to be performed by one of the Vice-Presidents.

Bill 456

AN ACT TO AGAIN AMEND THE ACT RESPECTING THE NATIONAL ASSEMBLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 96 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is replaced by the following :

“96. If the President is absent, or at the request of the President, the President shall be replaced by the Vice-President designated by the President.

If the President is unable to act or the office of President is vacant, the Vice-President with the longest service as Vice-President during the current legislature or, in the case of equal service in that capacity, the Vice-President having the longest service as Member of the National Assembly or, in the case of equal service in that capacity, the elder of the Vice-Presidents shall replace the President during the time the President is unable to act or the office of President is vacant.”

2. Section 117 of the said Act is replaced by the following :

“117. If the President is absent, or at the request of the President, the President shall be replaced by the Vice-President designated by the President.

If the President is unable to act or the office of President is vacant, the Vice-President with the longest service as Vice-President during the current legislature or, in the case of equal service in that capacity, the Vice-President having the longest service as Member of the National Assembly or, in the case of equal service in that capacity, the elder of the Vice-Presidents shall replace the President during the time the President is unable to act or the office of President is vacant.”

3. This Act comes into force on 21 October 1998.

Regulations and other acts

Gouvernement du Québec

O.C. 1391-98, 28 October 1998

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31)

Scheme

— Amendments

Regulation to amend the Farm Income Stabilization Insurance Scheme

WHEREAS under sections 2, 5, 6 and 6.1 of the Act respecting farm income stabilization insurance (R.S.Q., c. A-31), the Government made the Farm Income Stabilization Insurance Scheme by Order in Council 1670-97 dated 17 December 1997;

WHEREAS under section 6 of the Act, the items to be considered in computing net annual income and the annual assessment shall be specified in the scheme, and the scheme may, in addition, provide for a reduced assessment for categories of producers, according to the conditions and terms determined in the scheme;

WHEREAS in order to compute the assessment rate, the tariffing method used shall take into account the risks inherent to each insurable production;

WHEREAS following the observations carried out on agricultural markets, the compensations paid and the variations in the insurance funds, it appears that the present assessment rates no longer correlate adequately with the actuarial risk related to the production of the governed insurable products;

WHEREAS the production cost model of the hog farm provided for in the Farm Income Stabilization Insurance Scheme was amended in 1996 to adjust the stabilized net income for hog producers;

WHEREAS due to the ongoing financial market crisis since the end of 1997, the hog industry is currently experiencing a period of low prices following a decline in the hog market;

WHEREAS in Québec the price of hogs is also related to the market situation in the United States and since the most recent American livestock inventories show that the American production should continue to grow this fall and during the first half of 1999, the prices will probably remain low until at least the summer of 1999;

WHEREAS the scope of the current crisis and the importance of corrections made to parameters governing the amount of compensations paid by the Farm Income Stabilization Insurance Scheme could not have been forecasted by hog farm operators;

WHEREAS these events occurred after important investments had been made by the producers to modernize their operations and to maintain their position in a market that was growing at that time;

WHEREAS the Farm Income Stabilization Insurance Scheme has already been amended to include a transition allowance for hogs for the 1998-1999 insurance year;

WHEREAS it is necessary, in the present financial context and to ensure the survival of hog operations in Québec, to adjust the value of the transition allowance provided for in the Scheme;

WHEREAS such allowance for the 1998-1999 insurance year is a non-adjustable fixed amount that increases the total amount of cash disbursement and depreciation at the time of indexing;

WHEREAS it is expedient to make the Regulation to amend the Farm Income Stabilization Insurance Scheme;

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

THAT the Regulation to amend the Farm Income Stabilization Insurance Scheme, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Farm Income Stabilization Scheme*

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31, ss. 2 and 6)

1. Section 66 of the Farm Income Stabilization Insurance Scheme is amended by substituting the following for Table 3:

“TABLE 3

Insurable product	From the insurance year	Assessment
1. Lambs	1998	\$31.26/ewe-milk-fed lambs
	1998	\$34.15/ewe-heavy lambs
2. Feeder cattle and slaughter cattle	1998	\$0.200367/kg of liveweight gain (\$0.090885/lb)
3. Feeder calves	1998	\$139.93/cow
4. Grain-fed calves	1998	\$31.93/calf
5. Milk-fed calves	1998	\$28.45/calf
6. Piglets	1998-1999	\$35.38/sow
7. Hogs	1998-1999	\$3.84/hog
8. Cereals, grain corn and soy beans		
Oats	1998-1999	\$91.72/ha
Wheat for animal consumption	1998-1999	\$72.34/ha
Wheat for human consumption	1998-1999	\$20.94/ha
Grain corn	1998-1999	\$45.30/ha
Barley	1998-1999	\$79.99/ha
Soy beans	1998-1999	\$8.35/ha
9. Apples	1998-1999	\$0.003149/kg
10. Potatoes		
Potatoes sold not later than 31 October	1998-1999	\$0.005162/kg
Potatoes sold from 1 November	1998-1999	\$0.009873/kg

”

2. Section 67 of the Scheme is amended by substituting the following for table 4:

“TABLE 4

Insurable category	Insurance year	Reduction \$/ha
Oats	1998-1999	2.91
Wheat for animal consumption	1998-1999	6.06
Wheat for human consumption	1998-1999	2.26
Grain corn	1998-1999	3.19
Barley	1998-1999	2.45
Soy beans	1998-1999	0.36

”

3. Table 9 of Section 76 of the Farm Income Stabilization Insurance Scheme is amended by substituting “\$40 289.77” for “\$16 573.33” in item “Transition allowance” with respect to hogs.

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

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Gouvernement du Québec

O.C. 1394-98, 28 October 1998

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

Income security — Amendments

Regulation to amend the Regulation respecting income security

WHEREAS in accordance with section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government made the Regulation respecting income security by Order in Council 922-89 dated 14 June 1989;

WHEREAS it is expedient to amend that Regulation;

WHEREAS under sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting income security was published in Part 2 of the *Gazette officielle du Québec* of 7 October 1998 on page 4177, with a notice that it could be made by the Government upon the expiry of 15 days following that publication;

WHEREAS the 15-day period is expired;

* The Farm Income Stabilization Insurance Scheme was made by Order in Council 1670-97 dated 17 December 1997 (1997, *G.O.* 2, 6293) and amended by the regulations made by Orders in Council 669-98 dated 20 May 1998 (1998, *G.O.* 2, 2110) and 810-98 dated 17 June 1998 (1998, *G.O.* 2, 2494).

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Employment and Solidarity and Minister of Employment and Solidarity:

THAT the Regulation to amend the Regulation respecting income security, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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. 4, 5, 8, 9, 12, 13, 15, 21, 40 and 2nd par.; 1997, c. 57, s. 58)

1. Section 10.2 of the Regulation respecting income security is amended

(1) by substituting the amount “\$13” for the amount “\$9” in subparagraph 1 of the first paragraph;

(2) by substituting the amount “\$26” for the amount “\$17” in subparagraph 2 of the first paragraph; and

(3) by substituting the amount “\$8” for the amount “\$4” in the second paragraph;

2. The amount “\$13” is substituted for the amount “\$9” in section 10.3.

3. The amounts “\$200”, “\$300”, “\$200”, “\$300”, “\$200”, “\$300”, “\$300”, “\$300” and “\$300” are substituted for the amounts in the table of section 13 under the heading “Excluded work”.

4. The amounts “\$200”, “\$200” and “\$200” are substituted for the amounts in section 14.1 in the table and under the heading “Work income excluded”.

5. The amount “\$13” is substituted for the amount “\$9” in section 16.3.

6. The words “and amounts paid as national child benefit supplements, determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (Revised Statutes of Canada (1985), c. 1, 5th Supplement)” are inserted after the words “family benefits” in the third paragraph of section 20.

7. The word “minor” is inserted after the word “first” in the third paragraph of section 20.1.

8. The following is substituted for section 44:

“44. Special benefits shall be granted to a sheltered independent adult or a sheltered family referred to in paragraph 7 of section 2, to pay for lodging, up to \$325 per month for 12 months from the month following that of admission to shelter.”

9. Section 56 is amended

(1) by substituting the amounts “\$712”, “\$1037”, “\$1237”, “\$1061”, “\$1278” and “\$1478” for those indicated in the table;

(2) by substituting the amount “\$200” for the amount “\$3” in the second paragraph; and

(3) by substituting the following for the third paragraph:

“However, in the case of a family comprising an adult member referred to in paragraphs 6.1 and 6.2 of section 2, that amount shall be \$323, which shall be increased by \$217 for the first dependent child and by \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for any minor dependent child who receives an allowance for handicapped children under the Act respecting family benefits.

In the case of an independent adult referred to in paragraph 4 of section 2 or in section 4, the amount shall be \$148.”

10. Section 64 is amended

(1) by substituting “\$80 000” for “60 000 \$” in the first paragraph; and

(2) by substituting the words “he enters into a family mediation process or initiates legal proceedings until the date a court rules on the right of ownership or, as the case may be, ratifies or homologates the agreement between the parties” for what follows the words “extending from the date on which” in subparagraph 3.1 of the first paragraph.

* 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 1218-98 dated 23 September 1998 (1998, *G.O.* 2, 4048) and 1296-98 dated 7 October 1998 (1998, *G.O.* 2, 4264). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

11. The second paragraph of section 68 is deleted.

12. The following is inserted after section 68:

“68.0.1 The amounts provided for in paragraph 2 of section 68 shall be increased for any minor dependent child by an amount determined as follows:

Adult(s)	Dependent children	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

Those amounts shall be increased by \$200 for the third minor dependent child and for each subsequent child.

However, in the case of a family comprising an adult member referred to in paragraphs 6.1 and 6.2 of section 2, the amounts provided for in paragraph 2 of section 68 shall be increased by \$217 for the first minor dependent child and \$200 for each subsequent child.

Those amounts shall be increased by \$119 for any minor dependent child who receives an allowance for handicapped children under the Act respecting family benefits.

68.0.2 The amounts provided for in paragraph 2 of section 68 shall be increased by \$147 for any dependent child of full age attending a secondary-level educational institution in general education.”

13. Section 73 is amended

(1) by substituting the amounts “\$712”, “\$1037”, “\$1237”, “\$1061”, “\$1278” and “\$1478” for those indicated in the table in subparagraph 1 of the first paragraph;

(2) by substituting the following for the second clause of subparagraph 1 of the first paragraph:

“Those amounts shall be increased by \$200 for the third dependent child and for each subsequent child.

Those amounts shall also be increased by \$119 for any minor dependent child who receives an allowance for handicapped children under the Act respecting family benefits.”; and

(3) by substituting the following for what follows clause *b* of subparagraph 2 of the first paragraph:

“(c) add an amount determined as follows for each minor dependent child:

Adult(s)	Minor dependent children	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

That amount shall be increased by \$200 for the third minor dependent child and for each subsequent child.

That amount shall be increased by \$119 for any minor dependent child who receives an allowance for handicapped children under the Act respecting family benefits.”

14. The following is substituted for section 80.2:

“80.2 The sharing of a dwelling unit resulting from a person’s need to receive constant care, within the meaning of subparagraph 5 of the first paragraph of section 16 of the Act, does not entail the reduction in benefits provided for in section 79. The foregoing applies to a beneficiary eligible for the scale based on unavailability by reason of the presence of such person.”

15. The following is substituted for the address in section 106.2:

“Ministère de l’Emploi et de la Solidarité
Centre de recouvrement
Service des pensions alimentaires
800, place d’Youville
15^e étage
Québec (Québec)
G1R 5Z6”.

16. This Regulation comes into force on 1 December 1998, except sections 1 to 5, which will come into force on 1 January 1999.

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Gouvernement du Québec

O.C. 1405-98, 28 October 1998

An Act respecting the Régie de l’énergie
(1996, c. 61)

CONCERNING an amendment to Order in Council 326-98 dated 18 March 1998

WHEREAS under Order in Council 326-98 dated 18 March 1998, 1 November 1998 was fixed as the date of coming into force of subparagraph 3 of the first

paragraph of section 31, sections 72, 76, 119, 120, 124, 126 and, as they apply to steam, sections 55 to 58 and, as they do not apply to natural gas, paragraph 2 of section 32, sections 73, 74, 80, paragraphs 1 to 3 and 5 of section 114 and, as they do not apply to natural gas and petroleum products, the first paragraph and subparagraph 2 of the second paragraph of section 116 of the Act respecting the Régie de l'énergie;

WHEREAS it is expedient to postpone the date of coming into force of section 126;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources and Minister of Natural Resources:

THAT the following be substituted for the last paragraph of the operative part of Order in Council 326-98 dated 18 March 1998:

“THAT 1 November 1998 be fixed as the date of coming into force of subparagraph 3 of the first paragraph of section 31, sections 72, 76, 119, 120, 124 and, as they apply to steam, sections 55 to 58 and, as they do not apply to natural gas, paragraph 2 of section 32, sections 73, 74, 80, paragraphs 1 to 3 and 5 of section 114 and, as they do not apply to natural gas and petroleum products, the first paragraph and subparagraph 2 of the second paragraph of section 116 of the Act respecting the Régie de l'énergie.”

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1406-98, 28 October 1998

Forest Act
(R.S.Q., c. F-4.1)

**Standards of forest management for forests in the public domain
— Amendment**

Regulation to amend the Regulation respecting standards of forest management for forests in the public domain

WHEREAS under subparagraphs 1 to 9 of the first paragraph of section 171 of the Forest Act (R.S.Q., c. F-4.1), the Government, by regulation, may prescribe standards of forest management;

WHEREAS the Regulation respecting standards of forest management for forests in the public domain was made by Order in Council 498-96 dated 24 April 1996;

WHEREAS it is expedient to make a correction to the English text of section 7;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation entitled Regulation to amend the Regulation respecting standards of forest management for forests in the public domain was published in Part 2 of the *Gazette officielle du Québec* of 13 May 1998 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources and Minister of Natural Resources:

THAT the Regulation to amend the Regulation respecting standards of forest management for forests in the public domain, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting standards of forest management for forests in the public domain(*)

Forest Act
(R.S.Q., c. F-4.1, s. 171)

1. The English text of section 7 of the Regulation respecting standards of forest management for forests in the public domain is amended by substituting the words “an intermittent” for the words “a permanent”.

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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* The Regulation respecting standards of forest management for forests in the public domain was made by Order in Council 498-96 dated 24 April 1996 (1996, *G.O.* 2, 2164) and has not been amended since then.

Gouvernement du Québec

O.C. 1412-98, 28 October 1998

Highway Safety Code
(R.S.Q., c. C-24.2)

**Vehicle Load and Size Limits
— Amendments**

Regulation to amend the Vehicle Load and Size Limits Regulation

WHEREAS in accordance with section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, establish norms for axle load, total loaded mass and dimensions of road vehicles and combinations of road vehicles;

WHEREAS it is expedient to amend the Vehicle Load and Size Limits Regulation made by Order in Council 1299-91 dated 18 September 1991;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Vehicle Load and Size Limits Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 30 June 1998, with a notice that it could be submitted to the Government for approval, upon the expiry of 45 days following its publication;

WHEREAS certain comments were made;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Vehicle Load and Size Limits Regulation attached hereto be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Vehicle Load and Size Limits Regulation

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, pars. 15, 16, 17 and 18)

1. The Vehicle Load and Size Limits Regulation* is amended by striking out the words “and used” in the second paragraph of section 1.

2. The following is substituted for section 2:

“2. For the purposes of this Regulation, the public highways of Québec are classified as follows:

(1) ordinary class: any public highway or part thereof not covered by subparagraphs 2 and 3;

(2) special class: public highways described and delimited in Schedule C;

(3) exempted class: parts of public highways at the intersections of a private road described in Schedule D.

Unless the context indicates otherwise in this Regulation, the standards herein apply to all public highways of the ordinary class and of the special class and do not apply to the parts of public highways of the exempted class.”

3. Section 3 is amended by adding the following paragraph at the end:

“For the purposes of this Regulation, the distance between the axes or the centres of 2 axles is the distance between the rotation centre of the axis of one axle in relation to the rotation centre of the axis of the other axle.”

4. The following is substituted for section 4:

“4. The maximum length of any road vehicle or combination of road vehicles, load included, shall be:

(1) 12.5 metres for any motor vehicle where the rear overhang is 4 metres or less;

(2) 14 metres for any bus where the rear overhang is 4 metres or less;

(3) 18.5 metres for an articulated bus;

* The Vehicle Load and Size Limits Regulation was made by Order in Council 1299-91 dated 18 September 1991 (1991, *G.O.* 2, 3630).

(4) 23 metres for any combination of road vehicles consisting of a farm tractor and of 2 trailers;

(5) 23 metres for any combination of road vehicles consisting of a tractor and of no more than 3 motorized road vehicles or chassis of motor vehicles coupled to the tractor according to the saddle-back method;

(6) 23 metres for any combination of road vehicles consisting of a towing vehicle and a single trailer equipped with a dolly or consisting of a towing vehicle and a single trailer where the rear overhang of the trailer is 4 metres or less;

(7) 23 metres for any combination of road vehicles consisting of a tractor and a single semi-trailer that meet the following specifications:

(a) the tractor has a wheelbase of 6.2 metres or less;

(b) the tractor has an interaxle spacing of 3 metres or more;

(c) the distance between the rear end of the semi-trailer, load included, and the centre of its single, tandem or triple axle is at the most 35 % of the distance between the centre of that axle and the centre of the king pin;

(8) 25 metres for any Type B or C double train that meets the following specifications:

(a) in the case of Type B, it is composed of a tractor and a semi-trailer equipped at the rear with a fifth wheel on which the front of the second semi-trailer rests;

(b) in the case of Type C, it is composed of a tractor, a semi-trailer and a double drawbar dolly, which converts the second semi-trailer into a trailer;

(c) the tractor is not provided with load space and has a wheelbase of 6.2 metres or less;

(d) the tractor has an interaxle spacing of 3 metres or less;

(e) the distance between the front of the first semi-trailer and the rear end of the second semi-trailer is 20 metres or less;

(9) 25 metres for any Type A double train that meets the following specifications:

(a) it is composed of a tractor, a semi-trailer and a single drawbar dolly, which converts the second semi-trailer into a trailer;

(b) the tractor is not provided with load space and has a wheelbase of 6.2 metres or less;

(c) the tractor has an interaxle spacing of 3 metres or more;

(d) the distance between the front of the first semi-trailer and the rear end of the second semi-trailer is 18.5 metres or less;

(10) 11 metres for any motor vehicle not covered by subparagraphs 1 and 2;

(11) 19 metres for any combination of road vehicles not covered by subparagraphs 4, 5, 6, 7, 8 and 9;

(12) 36.5 metres for any combination of road vehicles on a public highway belonging to the special class described in Schedule C.

For the purposes of subparagraphs 7, 8 and 9, the interaxle spacing of the tractor shall be measured from the axis of rotation of the front axle to the axis of rotation of the first axle of the group of rear axles and the wheelbase of the tractor shall be measured from the axis of rotation of the front axle to the centre of the group of rear axles, or as the case may be, to the axis of rotation of the single rear axle.

For the purposes of subparagraphs 1, 2 and 6, the rear overhang shall be measured from the centre of the single, tandem or triple rear axle to the rear end of the vehicle including loading.

For the purposes of subparagraphs 8 and 9, the distance between the front of the first semi-trailer and the rear end of the second semi-trailer does not include auxiliary equipment located in front of the first semi-trailer, provided they do not increase the load volume of the road vehicle.”.

5. The following is substituted for section 5:

“5. The maximum length for any trailer shall be 12.5 metres.

The maximum length for any semi-trailer converted into a trailer by a dolly shall be 14.65 metres.

The dimension prescribed by the second paragraph does not include the coupling device of the dolly.”.

6. Section 6 is amended

(1) by substituting the number “16.2” for the number “15.5” in the first line of paragraph 1;

(2) by striking out “, or with a combination of axles of class B.44 or B.45” at the end of subparagraph *a* of paragraph 1;

(3) by deleting subparagraph *b* of paragraph 1;

(4) by inserting the following paragraph after paragraph 1:

“(1.1) 15.5 metres for those equipped with a combination of axles of class B.44 or B.45 that meet the specifications covered by subparagraphs *c* and *d* of paragraph 1;”;

(5) by deleting “*b*” in paragraph 2; and

(6) by adding the following at the end:

“Subparagraph *c* of paragraph 1 of the first paragraph does not apply to lowered semi-trailers with a removable gooseneck.”.

7. The following is substituted for section 7:

“7. The dimensions prescribed by sections 5 and 6 do not include auxiliary equipment located in front of the semi-trailer or trailer, provided they do not increase the load volume of the road vehicle.”.

8. The following paragraph is substituted for paragraph 5 of section 8:

“(5) one tractor hauling 1, 2 or 3 motorized road vehicles or chassis of motor vehicles coupled according to the saddle-back method.”.

9. The following paragraphs are substituted for the first paragraph of section 10:

“10. The maximum width of any single unit road vehicle, any towing vehicle and any tractor, load included, shall be 2.6 metres. That of any farm trailer, load included, owned by a farmer within the meaning of section 16 of the Highway Safety Code shall be 2.6 metres and that of any other trailer or semi-trailer, load included, shall be 2.5 metres.

The dimension of 2.5 metres covered by the first paragraph shall be increased to 2.6 metres where the length of each axle, including tires, under a semi-trailer or trailer is 2.5 metres or more. That dimension shall be increased to 3.75 metres in the case of a trailer carrying grains and travelling unloaded.”.

10. Section 11 is amended

(1) by inserting the following after paragraph 2:

“(2.1) the securing system and tarpaulin covering prescribed by section 11 of the Regulation respecting standards for the securing of loads”, provided they do not extend more than 100 millimetres beyond either side of a road vehicle;”;

(2) by substituting the following paragraphs for paragraph 3:

“(3) equipment for grading, clearing or marking roads, except where the vehicle is used for purposes other than public highway construction or maintenance;

(3.1) a device used for the automatic loading of bales of hay;”;

(3) by substituting the dimension of “3.75 metres” for “3 metres” in paragraph 4.

11. Section 13 is amended

(1) by substituting “10 kilograms” for “11 kilograms” in paragraph 1;

(2) by substituting “B.57” for “B.55” in paragraphs 1 and 3;

(3) by adding the following at the end of paragraph 3:

“moreover, the maximum load shall be decreased, as the case may be, for classes B.31, B.32 and B.33 by 1 000 kilograms where the class of axles is made up of a group of axles equivalent to a triple axle;”.

12. The following is substituted for section 14:

“14. The maximum load of an axle or combination of axles belonging to a class in Schedule B shall be as follows:

Class	Axle load
B.1	9 000 kilograms
B.2	16 000 kilograms
B.3	15 000 kilograms
B.10	10 000 kilograms
B.20	10 000 kilograms

“ The Regulation respecting standards for the securing of loads was made by Order in Council 284-86 dated 12 March 1986 (1986, G.O. 2, 333).

Class	Axle load
B.21	18 000 kilograms
B.25	13 500 kilograms
B.26	10 000 kilograms
B.30	18 000 kilograms
B.31	21 000 kilograms
B.32	24 000 kilograms
B.33	26 000 kilograms
B.33.1	18 000 kilograms
B.34	18 000 kilograms
B.35	18 000 kilograms
B.36	18 000 kilograms
B.37	18 000 kilograms
B.38	18 000 kilograms
B.39	18 000 kilograms
B.40	23 000 kilograms
B.41	26 000 kilograms
B.42	26 000 kilograms
B.43	28 000 kilograms
B.44	32 000 kilograms
B.45	32 000 kilograms
B.50	18 000 kilograms
B.51	18 000 kilograms
B.52	18 000 kilograms
B.53	18 000 kilograms
B.54	18 000 kilograms
B.55	18 000 kilograms
B.56	17 000 kilograms
B.57	23 000 kilograms”.

13. The following is substituted for section 17:

“17. Where the load of a road vehicle or combination of road vehicles is raw timber carried from the felling site to a primary processing plant, the maximum loads prescribed for classes B.21, B.31 to B.39., B.41 to B.43 of section 14 shall be increased until 31 December 1999 as follows:

Class	Axle load
B.21	20 000 kilograms
B.31	23 000 kilograms
B.32	25 000 kilograms
B.33	27 000 kilograms
B.33.1	27 000 kilograms
B.34	29 000 kilograms
B.35	30 000 kilograms
B.36	22 000 kilograms
B.37	24 000 kilograms
B.38	26 000 kilograms
B.39	29 000 kilograms
B.41	28 000 kilograms
B.42	30 000 kilograms
B.43	30 000 kilograms”.

14. Section 18 is amended

(1) by substituting the words “the maximum load prescribed for class B.21 of section 14 shall be increased until 31 December 1999,” for the words “the maximum loads prescribed for classes B.22 and B.23 of section 14 shall be increased” in the first paragraph;

(2) by substituting “That maximum load shall also be increased, until 31 December 1999,” for the words “Those maximum loads shall also be increased” in the second paragraph.

15. The following is substituted for section 20:

“20. The total loaded mass of a road vehicle or combination of road vehicles belonging to a class in Schedule A shall be as follows:

Class	Total loaded mass
A.1	17 250 kilograms
A.2	25 250 kilograms
A.3	32 000 kilograms
A.4	31 000 kilograms minus 1 000 kilograms per 500 millimetres under the 3.0 metre length prescribed for this class
A.9	23 500 kilograms
A.10	25 500 kilograms
A.11	35 500 kilograms
A.12	41 500 kilograms
A.13	40 500 kilograms minus 1 000 kilograms per 500 millimetres under the 4.0 metre length prescribed for this class
A.19	41 500 kilograms
A.20	43 500 kilograms
A.21	42 500 kilograms minus 1 000 kilograms per 500 millimetres under the 8.0 metre length prescribed for this class
A.22	51 500 kilograms
A.23	50 500 kilograms minus 1 000 kilograms per 500 millimetres under the 12.0 metre length prescribed for this class
A.24	49 500 kilograms
A.25	48 500 kilograms minus 1 000 kilograms per 500 millimetres under the 9.5 metre length prescribed for this class
A.26	55 500 kilograms
A.27	54 500 kilograms minus 1 000 kilograms per 500 millimetres under the 14.0 metre length prescribed for this class
A.30	50 000 kilograms

Class	Total loaded mass
A.31	49 000 kilograms minus 1 000 kilograms per 500 millimetres under the 15.0 metre length prescribed for this class
A.32	53 500 kilograms
A.33	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 16.5 metre length prescribed for this class
A.34	53 500 kilograms
A.35	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 16.5 metre length prescribed for this class
A.40	44 500 kilograms
A.41	43 500 kilograms minus 1 000 kilograms per 500 millimetres under the 4.0 metre length prescribed for this class
A.42	47 500 kilograms
A.43	46 500 kilograms minus 1 000 kilograms per 500 millimetres under the 4.5 metre length prescribed for this class
A.44	49 500 kilograms
A.45	48 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.5 metre length prescribed for this class
A.46	41 500 kilograms
A.47	40 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.0 metre length prescribed for this class
A.48	41 500 kilograms
A.49	40 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.0 metre length prescribed for this class
A.50	41 500 kilograms

Class	Total loaded mass	Class	Total loaded mass
A.51	40 500 kilograms minus 1 000 kilograms per 500 millimetres under the 4.0 metre length prescribed for this class	A.69	54 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.5 metre length prescribed for this class
A.52	41 500 kilograms	A.70	45 500 kilograms
A.53	40 500 kilograms minus 1 000 kilograms per 500 millimetres under the 4.0 metre length prescribed for this class	A.71	44 500 kilograms minus 1 000 kilograms per 500 millimetres under the 10.0 metre length prescribed for this class
A.54	41 500 kilograms	A.72	53 500 kilograms
A.55	40 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.0 metre length prescribed for this class	A.73	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 13.5 metre length prescribed for this class
A.56	41 500 kilograms	A.74	53 500 kilograms
A.57	40 500 kilograms minus 1 000 kilograms per 500 millimetres under the 4.0 metre length prescribed for this class	A.75	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 14.0 metre length prescribed for this class
A.60	49 500 kilograms	A.76	53 500 kilograms
A.61	48 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.5 metre length prescribed for this class	A.77	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 15.5 metre length prescribed for this class
A.62	49 500 kilograms	A.78	53 500 kilograms
A.63	48 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.0 metre length prescribed for this class	A.79	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 15.5 metre length prescribed for this class
A.64	51 500 kilograms	A.80	53 500 kilograms
A.65	50 500 kilograms minus 1 000 kilograms per 500 millimetres under the 5.0 metre length prescribed for this class	A.81	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 15.5 metre length prescribed for this class
A.66	55 500 kilograms	A.82	53 500 kilograms
A.67	54 500 kilograms minus 1 000 kilograms per 500 millimetres under the 6.0 metre length prescribed for this class	A.83	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 15.5 metre length prescribed for this class
A.68	55 500 kilograms	A.84	53 500 kilograms

Class	Total loaded mass
A.85	52 500 kilograms minus 1 000 kilograms per 500 millimetres under the 15.5 metre length prescribed for this class
A.86	55 500 kilograms
A.87	58 500 kilograms
A.90	59 000 kilograms
A.91	58 000 kilograms minus 1 000 kilograms per 500 millimetres under the 16.5 metre length prescribed for this class
A.92	59 000 kilograms
A.93	58 000 kilograms minus 1 000 kilograms per 500 millimetres under the 16.5 metre length prescribed for this class
A.94	58 000 kilograms
A.95	57 000 kilograms minus 1 000 kilograms per 500 millimetres under the 16.5 metre length prescribed for this class
A.96	53 000 kilograms
A.97	52 000 kilograms minus 1 000 kilograms per 500 millimetres under the 16.0 metre length prescribed for this class

The maximum load prescribed for the combination of road vehicles belonging to class A.90 or A.91 shall be increased by 3 500 kilograms on autoroutes numbers 5, 10, 13, 15, 19, 20, 25, 30, 31, 35, 40, 50, 55, 73, 410, 440, 520, 540, 573, 640, 720, 740 and 955 on a divided public highway consisting of two lanes, each constituting the extension of one of those autoroutes and on the access roads of those autoroutes over a distance of not more than 2 kilometres, measured from the exit from or entry to the autoroute as well as route 185.”

16. The following is substituted for section 24:

“24. During a period of thaw or rain, the maximum axle load prescribed by sections 14, 17 and 18 shall be replaced by the following:

Class	Axle load
B.1	9 000 kilograms
B.2	16 000 kilograms
B.3	15 000 kilograms
B.10	8 000 kilograms
B.20	8 000 kilograms
B.21	15 500 kilograms
B.25	11 000 kilograms
B.26	8 000 kilograms
B.30	15 500 kilograms
B.31	18 000 kilograms
B.32	21 000 kilograms
B.33	22 000 kilograms
B.33.1	15 500 kilograms
B.34	15 500 kilograms
B.35	15 500 kilograms
B.36	15 500 kilograms
B.37	15 500 kilograms
B.38	15 500 kilograms
B.39	15 500 kilograms
B.40	20 000 kilograms
B.41	22 000 kilograms
B.42	22 000 kilograms
B.43	24 000 kilograms
B.44	27 500 kilograms
B.45	27 500 kilograms
B.50	15 500 kilograms
B.51	15 500 kilograms
B.52	15 500 kilograms
B.53	15 500 kilograms
B.54	15 500 kilograms
B.55	15 500 kilograms
B.56	16 000 kilograms
B.57	23 000 kilograms

The maximum load for axles of classes B.10 to B.57 shall be decreased by 1 000 kilograms per axle equipped with only two tires. Moreover, that maximum load shall be decreased, as the case may be, for classes B.31, B.32 and B.33, by 1 000 kilograms where the class of axles is made up of a group of axles equivalent to a triple axle.”.

17. Section 25 is amended by substituting the following for the last sentence: “It shall in no case exceed that prescribed by section 19 nor exceed 59 000 kilograms and 58 000 kilograms for the combinations of road vehicles belonging respectively to classes A.90 and A.91.”.

18. Section 26 is amended by inserting the following paragraph at the end:

“Sections 24 and 25 do not apply to tow trucks hauling another vehicle that has been in an accident or has broken down, been seized or abandoned and, in any case, without a load.”.

19. The following is substituted for section 33:

“**33.** Up to 31 December 2001, sections 13 to 25 shall not apply to the axles of a single unit road vehicle of a model year prior to 1992 that has not undergone, after 1 October 1991, any alteration covered by section 214 of the Highway Safety Code and that meets one of the following conditions:

(1) it is equipped with a non-detachable dumping mechanism and carries sand, earth, gravel, stone, sodium chloride, snow, ice or hot mix asphalt;

(2) it is assigned to the maintenance of a public highway;

(3) it is a back loading refuse-compacting truck.

The maximum total loaded mass of that road vehicle shall be the least of:

(1) the total loaded mass computed by adding the load maximums indicated by the manufacturer of tires for each class of axle up to 7 250 kilograms in the case of axles of class B.1, 14 000 kilograms in the case of axles of class B.2, 13 000 kilograms in the case of axles of class B.3, 10 000 kilograms in the case of axles of class B.10 or B.26, 18 000 kilograms in the case of axles of class B.21, 13 500 kilograms in the case of axles of class B.25, 18 000 kilograms in the case of axles of class B.50 without exceeding, for classes B.1, B.2 and B.3, the load maximum indicated by the road vehicle manufacturer;

(2) the load indicated by the person that made the alterations to the vehicle, before 1 October 1991, with the approval of the Société de l'assurance automobile du Québec in accordance with paragraph 1 of section 214 of the Highway Safety Code;

(3) 17 250 kilograms where the road vehicle belongs to class A.1, 25 250 kilograms where it belongs to class A.2 or A.9, 32 000 kilograms where it belongs to class A.3 and 31 000 kilograms where it belongs to class A.4;

(4) during a period of thaw or rain, 15 250 kilograms where the road vehicle belongs to class A.1, 22 750 kilograms where it belongs to class A.2 or A.9, 29 500 kilograms where it belongs to class A.3 and 28 500 kilograms where it belongs to class A.4. Those maximums shall be decreased by 1 000 kilograms where the vehicle is equipped with an axle of class B.3.

Where the load maximums indicated by the manufacturer or the load capacities indicated by the person that made alterations to vehicles may not be established for the purposes of applying subparagraphs 1 and 2 of the second paragraph, the maximums prescribed by subparagraph 3 shall be reduced to 15 500 kilograms where the road vehicle belongs to class A.1, to 23 500 kilograms where it belongs to class A.2 or A.9, to 29 000 kilograms where it belongs to class A.3 and to 28 000 kilograms where it belongs to class A.4.

Up to 31 December 1999, the maximum provided for in subparagraph 1 of the second paragraph for class B.21 and those provided for in subparagraph 3 of the second paragraph for classes A.2, A.3, A.4 and A.9 shall be increased to 2 000 kilograms.

For the purposes of this section, any maximum expressed in pounds shall be divided by 2.2046.”.

20. Section 34 is amended by adding the following paragraph at the end:

“The dimensions prescribed by the first paragraph do not include auxiliary equipment located in front of the semi-trailer, provided they do not increase the load volume of the road vehicle.”.

21. Section 35 is amended by substituting the date “31 December 2009” for the date “31 December 1999”.

22. Section 37 is deleted.

23. The Regulation is amended by inserting the following sections after section 37:

37.1 Up to 31 December 1999, where the load of road vehicles of classes A.2, A.3 and A.4 is covered by section 18, the maximum loads prescribed in the first paragraph of section 20 shall be increased by 2 000 kilograms.

37.2 Up to 31 December 1999, where the load of a road vehicle or a combination of road vehicles is raw timber, within the meaning of section 16, carried from the felling site to a primary processing plant, the maximums covered by the first paragraph of section 20 shall be increased by 2 000 kilograms for class A.2, 4 000 kilograms for classes A.12, A.13, A.60, A.61, A.64 and A.65, 3 750 kilograms for classes A.24 and A.25, 3 000 kilograms for classes A.42 to A.45, 13 000 kilograms for classes A.46, A.47, A.56 and A.57, 14 000 kilograms for classes A.48 and A.49, 6 000 kilograms for classes A.50, A.51, A.62 and A.63, 8 000 kilograms for classes A.52 and A.53 and 10 000 kilograms for classes A.54 and A.55.

37.3 Up to 31 December 1999, the maximum load prescribed by section 20 for classes A.24 and A.25 shall be increased by 1 750 kilograms in respect of the combinations of road vehicles not covered by section 37.2, where the trailer was assembled prior to November 1998.

37.4 Up to 31 December 2000, the maximum load prescribed by section 24 of axles of class B.32 shall be increased by 1 000 kilograms and that of axles of classes B.44 and B.45 shall be increased by 2 500 kilograms.

37.5 Up to 31 December 2009, the maximum length dimension of any trailer assembled before November 1998 shall be 14.65 metres.

37.6 Up to 31 December 2009, the width dimension provided for in the first paragraph of section 10 shall be increased to 2.6 metres for trailers and semi-trailers assembled prior to November 1998.

37.7 Up to 31 December 2009, the following provisions of this Regulation do not apply to a vehicle assembled before January 1999:

- (1) subparagraph *a* of paragraph 7 of section 4;
- (2) subparagraph *c* of paragraph 8 of section 4;
- (3) subparagraph *b* of paragraph 9 of section 4.

37.8 Up to 31 December 2009, the maximums provided for in paragraphs 1 and 2 of section 4 shall apply to motor vehicles and buses assembled before November 1998 where the distance measured between the centre of rotation of the axis of the last axle and the rear end of the vehicle, load included, is 5 metres or less.

37.9 Up to 31 December 2009, the distance of 4 metres provided for in paragraph 6 of section 4 does not apply to a road vehicle consisting of a towing vehicle and a single trailer assembled before November 1998.

37.10 Up to 31 December 2009, the load maximum prescribed by sections 14 and 24 for the axles of classes B.34, B.35 and B.39 of a road vehicle assembled before November 1998 shall be increased by 8 000 kilograms in a normal period and by 6 500 kilograms in a period of thaw.

Up to 31 December 2009, the load maximum prescribed by sections 14 and 24 for axles of class B.38 of a road vehicle assembled before November 1998 shall be increased by 6 000 kilograms in a normal period and by 5 500 kilograms in a period of thaw.

Up to 31 December 2004, the load maximum prescribed by sections 14 and 24 for axles of class B.35 shall be increased by 12 000 kilograms in a normal period and by 9 000 kilograms in a period of thaw in the case of tank semi-trailers and semi-trailers equipped with a non-detachable dumping mechanism.

The period of increase referred to in the third paragraph shall be extended to 31 December 2009 in the case of tank semi-trailers carrying liquids.

37.11 Up to 31 December 2009, the load maximum prescribed by section 20 for classes A.46 to A.49, A.56 and A.57 shall be increased by 8 000 kilograms in respect of the combinations of road vehicles where the semi-trailer was assembled prior to November 1998.

Up to 31 December 2009, the load maximum prescribed by section 20 for classes A.54 and A.55 shall be increased by 6 000 kilograms in respect of the combinations of road vehicles where the semi-trailer was assembled prior to November 1998.

Up to 31 December 2004, the load maximum prescribed by section 20 for classes A.48 and A.49 shall be increased by 12 000 kilograms in the case of tank semi-trailers and semi-trailers equipped with a non-detachable dumping mechanism.

The increasing period referred to in the third paragraph shall be extended to 31 December 2009 in the case of tank semi-trailers carrying liquids.

37.12 Up to 31 December 2009, the load maximum prescribed by sections 14 and 24 for class B.37 of a road vehicle assembled before November 1998 shall be increased by 4 000 kilograms in a normal period and by 3 500 kilograms in a period of thaw.

37.13 Up to 31 December 2009, the load maximum prescribed by section 20 for classes A.52 and A.53 shall be increased by 4 000 kilograms for a road vehicle assembled before November 1998.

37.14 Up to 31 December 2009, the 4.0 metre length provided for in section 20 and in Schedule A for classes A.12 and A.13 shall be reduced to 3.0 metres for a trailer or semi-trailer assembled before November 1998.

37.15 Up to 31 December 2009, the 5.5 metre length provided for in section 20 and in Schedule A for classes A.44 and A.45 shall be reduced to 4.0 metres for a semi-trailer assembled before November 1998.”.

24. Schedule A is amended

(1) by substituting the distance of “4.0 metres” for “4.5 metres” in classes A.12 and A.13;

(2) by substituting the distance of “8.0 metres” for “9 metres” in classes A.20 and A.21;

(3) by substituting the distance of “12.0 metres” for “13 metres” in classes A.22 and A.23;

(4) by substituting the distance of “9.5 metres” for “11 metres” in classes A.24 and A.25;

(5) by substituting the distance of “14.0 metres” for “13.6 metres” in classes A.26 and A.27;

(6) by substituting the distance of “4.0 metres” for “5 metres” in classes A.40 and A.41;

(7) by substituting the distance of “4.5 metres” for “5.3 metres” in classes A.42 and A.43;

(8) by substituting the distance of “5.5 metres” for “5.7 metres” in classes A.44 and A.45;

(9) by inserting “or B.33.1” after “B.33” in classes A.44 and A.45;

(10) by substituting the distance of “5.0 metres” for “6.2 metres” in classes A.46 and A.47;

(11) by substituting the distance of “5.0 metres” for “6.3 metres” in classes A.48 and A.49;

(12) by substituting the distance of “4.0 metres” for “5.1 metres” in classes A.50 and A.51;

(13) by substituting the distance of “4.0 metres” for “5.4 metres” in classes A.52 and A.53;

(14) by substituting the distance of “5.0 metres” for “5.8 metres” in classes A.54 and A.55;

(15) by substituting the distance of “4.0 metres” for “6.3 metres” in classes A.56 and A.57;

(16) by substituting the distance of “5.5 metres” for “6.2 metres” in classes A.60 and A.61;

(17) by substituting the distance of “5.0 metres” for “6.5 metres” in classes A.62 and A.63;

(18) by substituting the distance of “5.0 metres” for “6.3 metres” in classes A.64 and A.65;

(19) by substituting the distance of “6.0 metres” for “6.3 metres” in classes A.66 and A.67;

(20) by substituting the distance of “5.5 metres” for “5.8 metres” in classes A.68 and A.69;

(21) by substituting the distance of “10.0 metres” for “10.5 metres” in classes A.70 and A.71;

(22) by substituting the distance of “16.5 metres” for “16.9 metres” in classes A.90, A.91, A.92, A.93, A.94 and A.95;

(23) by substituting the distance of “16.0 metres” for “16.3 metres” in classes A.96 and A.97;

(24) by inserting the following after class A.85:

“A.86 Any combination of road vehicles forming a Type C double train with 7 axles, 4 of which form 2 tandem axles, composed of a tractor, a semi-trailer and a trailer with a double drawbar dolly and meeting the following specifications, belongs to this class:

(1) the tractor has 2 axles or, as the case may be, 3 axles, 2 of which form a tandem axle;

(2) the distance between the axes of the axles of the tandems, including that included in class B.57, is not more than 1.85 metres;

(3) the distances between the centre of interaxle spacings belonging to various groups of axles on the combination of road vehicles shall be at least:

(a) 5 metres between the tandem of the tractor and that under the first semi-trailer;

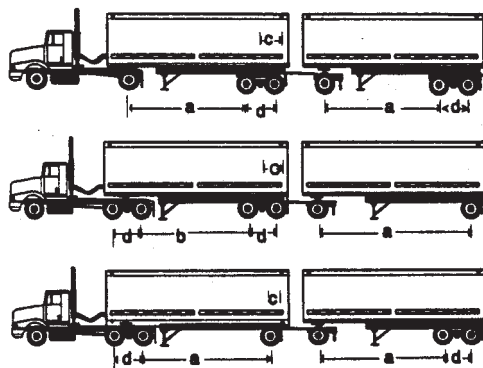
(b) 3 metres in other cases;

(4) the distance between the centre of the single axle or the tandem axle of the semi-trailer and the centre of the pintle hooks is not more than 1.8 metres;

(5) the distance between the centre of the king pin and the centre of their single axle or the centre of their tandem axle is not less than 6.25 metres;

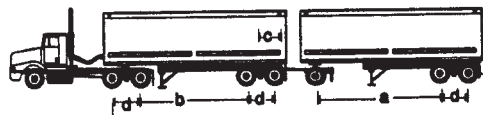
(6) the dolly is equipped with a single axle and meets the requirements of section 903 of the Motor Vehicle Safety Regulations***;

(7) attachment to the semi-trailer with the lowest loaded mass, determined by the sum of axle loads measured under the wheels of the combination of vehicles which distribute their respective mass of semi-trailers, form a trailer with the dolly, as shown below:



a is 3.0 metres or more
b is 5.0 metres or more
c is 1.8 metres or less
d is 1.85 metres or less

A.87 Any combination of road vehicles forming a Type C double train with 8 axles, 6 of which form 3 tandem axles, composed of a tractor, a semi-trailer and a trailer with a double drawbar dolly and meeting the specifications of class A.86, as shown below, belongs to this class:



a is 3.0 metres or more
b is 5.0 metres or more
c is 1.8 metres or less
d is 1.85 metres or less

(25) by striking out the words “identical pneumatic and” in the second paragraph;

(26) by substituting “A.87” for “A.85” in the third paragraph.

25. Schedule B is amended

(1) by substituting “1.2 metres” for “1 metre” in classes B.20, B.25 and B.30;

(2) by substituting the following for class B.21:

“B.21 Any tandem axle not belonging to another class where the distance between the axes of the axles is 1.2 metres or more belongs to this class.”;

(3) by deleting classes B.22, B.23 and B.24;

(4) by substituting the words “less than or equal to 3.7 metres” for the words “less than 4.2 metres” in class B.33;

(5) by inserting the following after class B.33:

“B.33.1 Any triple axle or group of equivalent axles where the distance between the axes of the rear axles of the combination is more than 3.7 metres but less than 4.2 metres belongs to this class.”;

(6) by inserting the words “under a single unit vehicle, under a towing vehicle or” after the word “located” in classes B.36 to B.39, B.41 to B.45 and B.51 to B.54;

(7) by substituting the words “of a self-steering axle which, until the year 2015, can be replaced by a single axle on vehicles assembled before January 2003” for the words “of a single axle” in paragraph 1 of classes B.44 and B.45;

(8) by inserting the words “or equal to” after the words “less than” in paragraph 2 of class B.45;

(9) by substituting the following for class B.55:

“B.55 Any combination of 2 or more single axles under a single unit road vehicle, under a towing vehicle, under a semi-trailer or under a trailer not equipped with a dolly where the distance between the axes of the rear axles is 2.4 metres or more belongs to this class.

B.56 Any combination of 2 single axles where one is located at the rear of the first semi-trailer of a Type C double train referred to in class A.86 and the other one under the dolly of the trailer, and where the distance between the axes is less than 3 metres belongs to this class.

*** The Motor Vehicle Safety Regulations was made by Order in Council SOR/91-258 and amended by Order in Council SOR/93-146.

B.57 Any combination of 3 axles, 2 of which form a tandem axle located at the rear of the first semi-trailer of a Type C double train referred to in class A.86 or A.87 and the other one under the dolly of the trailer, and where the distance between the axes of the last axle of the tandem axle and the axle of the dolly is less than 3 metres belongs to this class.”;

(10) by striking out the words “identical pneumatic and” in the second paragraph; and

(11) by adding the following paragraphs at the end:

“For the purposes of this Schedule, the wheels that are not attached to an axle but that are attached under the vehicle in a common axis of rotation shall be included in the classes of axles.

On the vehicles assembled after June 1998, the axle referred to in paragraph 1 of B.44 or B.45 shall, in addition, be attached by a suspension designed to distribute evenly within 1 000 kilograms when the lift axle is lowered, without any possible adjustment, the mass that can be measured under the wheels of each axle. On the vehicles assembled after December 2002, that axle shall, in addition, be a self-steering axle.

From 1 January 2015, only the self-steering axle will remain prescribed by paragraph 1 of classes B.44 and B.45.”.

26. The Regulation is amended by adding the following at the end:

“SCHEDULE D

Exempted class

The following belongs to this class:

(1) the intersection of Chemin Manouane and Chemin DesAulnaies in the municipality of Saint-Michel-des-Saints.”.

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

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Gouvernement du Québec

O.C. 1413-98, 28 October 1998

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

**Safety Code for the construction industry
— Amendments**

Regulation to amend the Safety Code for the construction industry

WHEREAS under subparagraphs 3, 7, 9, 10, 19, 21 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters mentioned therein;

WHEREAS under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS under the third paragraph of section 223 of that Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS under section 224 of the Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 13 December 1995, with a notice that, at the expiry of 60 days following that notice, it would be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS at its meeting of 21 May 1998, the Commission adopted the Regulation to amend the Safety Code for the construction industry with amendments;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Safety Code for the construction industry, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry^(*)

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 3, 7, 9, 10, 19, 21, 42, 2nd and 3rd pars.)

1. Section 1.1. of the Safety Code for the construction industry is amended:

(1) by inserting the following after paragraph 25:

“(25.1) “protective wall”: an unbroken partition made of plywood at least 9 millimetres thick or made of another rigid material of an equivalent or greater resistance, that is at least 1.8 metres high and that is installed at not more than 100 millimetres above the ground;”;

(2) by renumbering paragraph 32 as “31.01”; and

(3) by inserting the following after paragraph 31.1:

“(32) “hazard signs”: a yellow, orange or red rigid strip, such as a trestle, or flexible strip, at least 70 millimetres wide and installed, according to the configuration of the land or of the structure, at a height varying between 0.7 metres and 1.2 metres;”.

2. Section 2.4.2. is amended by substituting the words “other accidents” for the words “other accident” in subparagraph *iii* of paragraph *f*.

3. Section 2.7.1. is amended by substituting the words “a protective wall” for the words “a fence or a wall at least 1.8 metres high” in paragraph *b*.

4. Section 2.7.3. is amended by substituting the words “protective wall” for the words “barricade or a fence not less than 1.8 metres high” at the end.

5. Section 2.10.12. is amended by substituting the words “une corde d’assurance horizontale” for the words “un câble de secours horizontal” in the French version of paragraph *c* of subsection 5.

6. The following is inserted after section 2.13.3.:

“2.13.3.1. All the extensible parts of a scaffold shoring, including adjustment screws, shall comply with one of the following requirements:

(a) bear a mark indicating that, beyond that mark, they are extended beyond the manufacturer’s requirements;

(b) be equipped with a locking device that prevents their extension beyond the manufacturer’s requirements.

A table of the allowable loads and corresponding extension heights shall be available on the construction site premises.”.

7. Section 2.15.7.2. is amended by adding the following after the first paragraph:

“A mobile crane log book shall be kept up-to-date in accordance with that standard and shall comply with Schedule 9.”.

8. Section 2.15.7.4. is amended by inserting the following after the first paragraph:

“A tower crane log book shall be kept up-to-date in accordance with that standard and shall comply with Schedule 10.”.

9. The following is inserted after section 2.15.7.6.:

“2.15.7.7. A digger derrick manufactured after 1 January 1987 shall comply with ANSI A10.31-1987 Standard “Digger Derricks - Safety Requirements, Definitions and Specifications”.

It is prohibited to use a digger derrick for purposes other than the purposes for which it was specifically designed and especially to use it to hoist materials.

For the purposes of this section, a digger derrick is an apparatus equipped with a knuckle-boom, mounted on a carrier vehicle and designed specifically to drill holes into the ground and to install posts therein and the material they support.”.

10. The following is substituted for section 2.19.1.:

“2.19.1. It is prohibited to use a liquified gas to freeze a water pipe unless the gas is physiologically inert and nonflammable.

2.19.2. When freezing a water pipe in a trench or in an obstructed space by using a liquified, physiologically inert and nonflammable gas, the following measures shall be taken:

(a) the trench or the obstructed space shall be ventilated by an exhaust ventilation system so that the concentration of oxygen in the air is at all times equal to or

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) was last amended by the Regulation approved by Order in Council 1279-98 dated 30 September 1998 (1998, G.O. 2, 4259). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

greater than 19.5 % at the place occupied by the worker to carry out his work;

(b) a device to measure the concentration of oxygen in the air shall be available on the work site at all times.

For the purposes of this section, an obstructed space is a space marked off by a wall, a partition wall, a ceiling or any other physical obstacle where the circulation of air with the outside is insufficient to maintain a percentage of oxygen in the obstructed space equal to or greater than 19.5 % in air volume.

2.19.3. A worker freezing a water pipe shall wear mittens or gloves as a protection against chilblain.”.

11. Section 3.2.4. is amended by adding the following after paragraph *h*:

“(i) have no opening at floor or roof level, unless the opening is surrounded by guardrails or closed by a load resistant cover for any loads to which it may be subjected. If they interfere with the carrying out of the work, the cover or the guardrails may be removed and replaced, for the duration of the work, by installing a continuous barricade or trestle of a minimum height of 0.7 metres, at a distance varying between 0.9 metres and 1.2 metres from the opening.”.

12. The following is substituted for section 3.2.5.:

“**3.2.5. Hazard Signs:** A danger zone shall be marked off by hazard signs:

(a) below an outrigger scaffolding, a suspended scaffolding or a boatswain’s chair; and

(b) at any place where a mobile crane, concrete pump, derrick, jib crane, derrick crane, mechanically raised aerial platform apparatus or an aerial basket is used.”.

13. Section 3.7.1. is amended by substituting the word “Soudage” for the word “Soudure” in the French version of paragraph *g*.

14. Section 3.7.2. is amended by substituting the word “escalier” for the word “acier” in the French version of subsection 2.

15. Section 3.8.1. is amended

(1) by striking out the words “or any opening in a floor,” in subsection 1; and

(2) by substituting the words “of a continuous barricade or trestle of a minimum height of 0.7 metres” for the words “of a rope, barricade or fence” in subsection 2.”.

16. Section 3.9.21. is amended by substituting “and *c*” for “, *b*, *c* and *i*” in paragraph *b*.

17. The following is inserted after section 3.10.3.1.:

“3.10.3.2. Loader used for handling purposes

Subject to section 3.10.3.3., the use of a loader to handle materials, other than earthwork materials, is allowed under the following conditions:

(a) the handling of materials shall be carried out with equipment, excluding the bucket, designed by the manufacturer for the handling of materials; and

(b) the handling of materials shall be carried out in accordance with a method prepared in writing by the employer and indicating that no worker may be located under the load arms, any other part of the loader equipment being used for lifting, or under the load during handling.

3.10.3.3. Earth-moving machinery used for lifting purposes

The use of a hydraulic shovel, backhoe loader or loader for lifting purposes is allowed only for water, sewer or culvert works, if the following conditions are complied with:

(a) the lifting shall be carried out in accordance with a work method prepared in writing by the employer, available on the work site and indicating that no worker may be located under the boom, arm, load arm or bucket of the machine or under the load during lifting; and

(b) the hydraulic shovel, backhoe loader or loader shall also be equipped with a load hook-up device designed to avoid any accidental unhooking. The device shall be designed by the equipment manufacturer or be approved by an engineer.

The use of a sling or a mooring rope attached to the bucket teeth to lift a load is prohibited.”

3.10.3.4. Earth-moving machinery used for installing posts

The use of a hydraulic shovel or of a backhoe loader for the installation of posts is allowed if the following conditions are complied with:

(a) the lift cylinders of the boom, arm or bucket of the machine are provided with load lowering control devices complying with ISO Standard 8643, 1988 "Earth-moving machinery - Hydraulic excavator and backhoe loader boom lowering control device - Requirements and tests", *mutatis mutandis*; and

(b) the outriggers are provided with control devices installed in accordance with section 5.6 of that standard."

18. The following is substituted for section 3.10.8.:

"3.10.8. Vehicle-mounted aerial device:

(1) A vehicle-mounted aerial device manufactured before 1 January 2000 shall meet one of the following requirements:

(a) comply with CSA Standard C225-1976 "Vehicle-Mounted Aerial Devices";

(b) comply with ANSI A92.2-1979 Standard "Vehicle-Mounted Elevating and Rotating Aerial Devices" and be submitted to non-destructive testing of load bearing parts by a certified body before 1 January 2000; or

(c) comply with ANSI/SIA A92.2-1990 Standard "Vehicle-Mounted Elevating and Rotating Aerial Devices";

(2) A vehicle-mounted aerial device manufactured as of 1 January 2000 shall meet one of the following requirements:

(a) comply with CAN/CSA Standard C225-M88 "Vehicle-Mounted Aerial Devices"; or

(b) comply with ANSI/SIA A92.2-1990 Standard "Vehicle-Mounted Elevating and Rotating Aerial Devices" and have been manufactured by an enterprise certified in compliance with ISO 9001;

(3) A worker in an aerial device shall wear a safety belt complying with CSA Standard Z259.1-1976 "Fall-Arresting Safety Belts and Lanyards for the Construction and Mining Industries" and equipped with a lanyard attached to an anchoring point independent of the aerial device;

(4) Mobile cranes are not governed by this section;

(5) For the purposes of this section,

"non-destructive testing" means testing, other than visual, carried out and interpreted by a Level II inspec-

tor certified by the Canadian General Standards Board in compliance with the certification standards for personnel assigned to non-destructive inspection of materials;

"certified organization" means an organization certified by the Canadian Welding Bureau to the requirements of CSA Standard W178.1-1996 "Certification of Welding Inspection Organizations"; and

"load bearing device" means a device that carries or supports loads relative to the use of an aerial device."

19. Section 3.11.7. is amended

(1) by striking out the word "natural" in that part preceding subparagraph *a* of the first paragraph; and

(2) by substituting the following for subparagraph *a* of the first paragraph:

(a) comply with the CAN/CGA Standard B.149.1-M91 "Natural Gas Installation Code", if it is fired with natural gas, and with CAN/CGA Standard B.149.2-M91 "Propane Installation Code", if it is fired with propane gas; and"

20. The following is substituted for sections 3.13.1. to 3.13.5.:

3.13.1. The piping through which compressed air or gas circulates shall be protected against any shock or shall be clearly identified as to the nature of its content.

3.13.2. Before disconnecting or repairing a connection or a section of piping through which compressed gas circulates, the piping supply shall be cut off and that piping shall be completely depressurized.

3.13.3. Air piping: Connections for flexible piping sections through which compressed air circulates shall be equipped with one of the following devices:

(a) a chain or steel rope attached to each side of the connection;

(b) a self-locking device; or

(c) a locking device.

3.13.4. It is prohibited to store oxygen cylinders less than 6 metres from a flammable gas cylinder or a combustible such as oil or grease, unless the oxygen cylinder is separated from it by a wall made of non-combustible material, of a minimum height of 1.5 metres and of a fire resistance of not less than 30 minutes.

3.13.5. Any compressed gas cylinder shall:

(a) comply with the Act respecting pressure vessels (R.S.Q., c. A-20.01) and its regulations, as well as with any future provision amending them;

(b) be kept away from any heat source liable to increase the temperature of the contents above 55 °C;

(c) be used only for the purposes for which it is intended; and

(d) be handled in such a way as not to damage it.

3.13.6. A compressed gas cylinder shall be used only under the following conditions:

(a) it shall be placed upright so that the pressure limiting device is in constant and direct contact with the gaseous phase; and

(b) it shall be fastened to a rigid structure or held on a cart designed for the transportation of such cylinder, or on the vehicle it supplies.

3.13.7. Where a compressed gas cylinder is not in use;

(a) it shall be held in place upright, with the valves on top;

(b) the protective cap shall be in place.

3.13.8. Compressed gas cylinders connected in series by a manifold shall be supported and maintained together, forming a unit, with the use of a rack or another installation designed for that purpose and the valves and safety devices shall be protected against shock.

3.13.9. It is prohibited to lift compressed gas cylinders by the collar or the protective cap.

3.13.10. Any propane gas cylinder that is not connected for use, shall be stored outside and protected from unauthorized handling:

(a) in a place where no vehicles or mobile equipment are used or moved; or

(b) in an area protected by a continuous barricade or trestles of a minimum height of 0.7 metres.”.

21. The following is substituted for section 3.14.2.:

“**3.14.2.** Any electric or gas welding or cutting operation and the installation, handling and maintenance of the equipment used for such operations shall comply

with CAN/CSA Standard W117.2-M87 “Safety in Welding, Cutting, and Allied Processes”, except for section 7.8.2.2.”.

22. Section 3.14.3. is amended by substituting the words “in accordance with subdivision 9.8 of CAN/CSA Standard W117.2-M87 “Safety in Welding, Cutting, and Allied Processes” for the words “to ensure the safety of workers” in paragraph *b*.

23. The following are substituted for sections 3.14.4. and 3.14.5.:

“**3.14.4** Protective screens against radiation shall be installed where electric arc welding or cutting operations are liable to constitute a danger to the health, safety and physical well-being of persons other than the welder.

3.14.5. A welding torch using oxygen and a combustible gas shall be equipped with a gas-check valve and with a flame arrester at the combustible gas supply point and the oxygen supply point located in the torch handle.

3.14.6. The chassis or hood of a welding machine supplied by a public power utility shall be grounded in accordance with CSA Standard C22.10-1992 “Canadian Electrical Code”, Part I, 16th Edition plus the Québec Amendments approved by Order in Council 1674-91 dated 4 December 1991, and any future provision amending it.

3.14.7. A portable welding machine supplied by an internal combustion engine shall be grounded if it is provided with auxiliary outlets of 120 V or 240 V and if those outlets are used simultaneously with the welding process.

3.14.8. It is prohibited to use electrical conductors or a pipeline containing flammable gases or liquids as a welding or cutting current neutral circuit.”.

24. Section 3.18.2. is amended by substituting the word “doivent” for the word “doit” in the French version of subsection 3.

25. The following is substituted for paragraph *c* of section 3.18.3.:

“(c) if the public has access to the part to be demolished, a protective wall shall be placed around the building at a distance at least equal to 1.5 times the height of the part to be demolished or, if the public does not have access thereto, a demolition zone shall be marked off around the building by hazard signs placed at a distance equivalent to that prescribed for the protective wall;”.

26. Section 3.18.5. is amended by substituting the words “protective walls” for the word “fences” in paragraph *a*.

27. The following is substituted for section 6.1.3.:

“6.1.3. The shoring drawing shall specifically mention all the information respecting the installation of the shoring; the drawing shall contain the following information in particular:

- (1) spacing of load bearing elements;
- (2) bracing;
- (3) size of the parts;
- (4) design loads;
- (5) resistance of the materials;
- (6) bearing surface;
- (7) method for pouring the concrete; and
- (8) any other information taken into account by the engineer who signed the drawing.”.

28. The following is substituted for subsection 1 of section 6.6.2.:

“(1) the minimum length of the protrusion of a joist supported on a stringer shall not be less than 300 millimetres, unless the joist is affixed by ties, in which case the joist shall be supported at least on the full width of the stringer;

(1.1) on a same linear section of the perimeter of the shoring of the framework of a slab, the length of the protrusion of the joists and stringers shall be equal.”.

29. Schedules 9 and 10 attached hereto shall be added after Schedule 8.

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

M.O., 1998**Order of the Minister of Health and Social Services dated 27 October 1998**

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING that it is expedient to designate breast cancer detection centre under subparagraph b.3 of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c. A-29);

ORDERS:

THAT the following breast cancer detection centre be designated for the Montréal-Centre region:

Hôpital Royal-Victoria
687, avenue des Pins Ouest
Montréal (Québec)
H3A 1A1

Québec city, 27 October 1998

JEAN ROCHON

2582

Notice of adoption

Transport Act
(R.S.Q., c. T-12)

**Commission des transports du Québec
— Procedure**

Regarding the Regulation respecting the procedure of the Commission des transports du Québec

Take notice that the Commission des transports du Québec, in accordance with section 48 of Transport Act (R.S.Q., c. T-12), has adopted a regulation on procedure for the processing of applications submitted, attached hereto.

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a project of the Regulation respecting the rules of procedure of the Commission des transports du Québec was published in Part 2 of the *Gazette officielle du Québec* of August 12, 1998, with mention that it may be made by the Commission upon the expiry of 45 days following this publication.

In accordance with section 17 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation respecting the procedure of the Commission des transports du Québec attached hereto comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

LOUIS GRAVEL,
*President of the Commission
des transports du Québec*

**Regulation respecting the procedure
of the Commission des transports
du Québec**

Transport Act
(R.S.Q., c. T-12, a. 48)

**DIVISION I
PRELIMINARY PROVISIONS**

1. The purpose of these rules is to insure the prompt and simple processing of an application in keeping with the duty to act fairly.

2. If the means of exercising a right has not been provided for within these rules, it may be compensated by any means not inconsistent with them or with any provision of the law.

3. At any time, any defect of form or procedural irregularity may be remedied upon permission of the Commission.

4. The Commission may release a person from his failure to act within the time prescribed by law if that person establishes that he was unable, for serious and valid reason, to act sooner and if the Commission considers that no other person concerned suffers serious prejudice.

**DIVISION II
DEFINITIONS**

5. In these rules, unless the context indicates otherwise, the following definitions apply:

“application”: any application, including a procedure by filing, and a question treated at the Commission’s own initiative;

“special permit”: permit issued in answer to an emergency where no permit holder is able to ensure the required services;

“temporary permit”: permit issued in case of an exceptional and unforeseeable emergency.

DIVISION III GENERAL APPLICATION PROVISIONS

§1. Delays

6. If a delay expires on a day when the offices of the Commission are closed, such delay is extended to the following working day.

7. In the computation of any delay, the starting day is not counted but the expiry day is.

8. Unless the law to which these rules apply contains contrary provisions, the delay to present observations is of at least ten days.

It is determined either in the notice published according to section 17, in the notice prescribed by section 5 of the Act respecting administrative justice or in any other notice given by the Commission.

§2. Transmission of a document

9. The transmission of a document may be made, among others, by electronic mail, regular or registered mail, certified mail, bailiff, fax, or any other means providing proof of expedition or reception.

However, an application for a temporary permit may be forwarded by any written communication, by telegram or fax among others.

10. Where circumstances require, the Commission may authorise another means of transmission.

11. Any transmission by the Commission to a carrier or a person registered with the Commission, to the last recorded address, is deemed to have been validly made to this carrier or person.

12. A preliminary application or an application accessory to a main application must be forwarded to the Commission and to the persons concerned at least five days prior to its presentation date, failing which it will be processed on the date and in the manner that the Commission sets.

§3. Representation

13. The attorney who represents a person must notify the Commission of the fact, in writing.

14. The attorney who ceases to represent a person must notify the Commission of the fact, as well as the other persons in the record, in writing, indicating the date of termination of his mandate.

DIVISION IV PROCESSING OF APPLICATIONS AND OBSERVATIONS

§1. General rules

15. An application is forwarded to the Commission on the form provided, if any, to its offices in Québec or Montreal, duly signed and accompanied by the required documents, and the costs and fees prescribed by regulation.

16. The application forwarded by electronic mail must be completed within 10 days by the transmission by fax or otherwise of a duly signed specimen of the application, failing which it will be deemed to have never been forwarded.

§2. Publication of an application

17. In the cases where these rules demand it or when the Commission orders it, a notice of the application is published by the Commission, at the applicant's expense, in at least one daily newspaper circulating in the territory to which the application refers.

18. A notice must be published in the following cases:

1° the application for a permit, for the modification, the maintaining and the transfer of a permit:

a) for bulk trucking except for the application for a forest rental permit and the authorisation to use a rented truck;

b) for bus transport except that for a permit for a period of less than 60 days;

2° the permit, modification, maintaining, transfer and specialisation application for transport by taxi;

3° the application for a bulk trucking brokerage permit and that for the modification or renewal of such, apart from the exception provided for in the third paragraph of section 20;

4° the application for reinstatement of a bulk trucking permit and of a transportation by bus permit concerned by sections 22.3 of the Regulation respecting bulk trucking and 15.2 of the Regulation respecting transportation by bus;

5° the application for a certificate of aptitude relating to rail transportation;

6° the application for a special permit except:

a) that concerning the transport of snow during a period of less than seven months;

b) that concerned by section 34 of the Regulation respecting bulk trucking;

c) that concerning the bulk transport of a material referred to in section 63 of the Regulation respecting bulk trucking;

d) that concerning bulk trucking where the applicant demonstrates he has the support of the brokerage permit holders of the zone and that of the recognised regional corporation, if any, to which his permit and his application relate;

7° the application for particular fixing of tariffs as well as the application for modification or revocation of filed tariffs;

8° the application to discontinue, partly or totally, urban or interurban bus transport;

9° in the case of urban or interurban bus transport, the filing of a modification of schedule, frequency or route when treated as an application in accordance with section 22;

10° a filing of tariffs when treated as an application in accordance with section 21;

11° any other application that the Commission could designate in its policies and practices.

19. The application for a temporary permit as well as any territorial modification to a permit resulting from the decision of an administrative authority other than the Commission are not subject to the publication of a notice.

20. In the case of an application for a brokerage permit or of an application for modification of a brokerage permit, in addition to the publication of the notice referred to in paragraph 3 of section 18, the Commission notifies each bulk trucking permit holder of the region or the zone concerned and the brokers of that region and zone, if any, of the nature of the application, of the date, time and place where they may present observations.

In the case of an application to renew a brokerage permit, no notice is required other than the one that must be published according to paragraph 3 of section 18.

However, upon reading the record, if the applicant establishes that he represents at least 40 % of the bulk trucking permit holders of his brokering zone, or 40 % of the interested holders of said zone, and if the previous time, the brokerage permit had been renewed after publication of a notice, then no publication of a notice is required and the decision is rendered on record.

21. The Commission may refuse the filing of tariffs; in that case, the filing is treated as an application requiring publication of a notice at the expense of the applicant, as provided for in section 44 of the Rules of practice and rules for the internal management of the Commission des transports du Québec (Decree 147-82, 20 January, 1982).

Sections 42 to 45.3 of the Rules of practice and rules for the internal management of the Commission des transports du Québec or any other regulation taken by the Government in accordance with the third paragraph of section 46 of the Transport Act (R.S.Q., c. T-12) determine the forms of filing and terms of coming into force of tariffs.

22. In the case of bus transport, the modification of schedule, frequency or route which will have been posted in the applicant's buses for ten consecutive days prior to its filing comes into force on the 15th day following its filing with the Commission or at any other later date indicated by the applicant.

A proof of posting and a specimen or a copy of the sign must accompany the filing.

The Commission may refuse a filing; in that case, the filing is treated as an application requiring publication of a notice at the expense of the applicant in the case provided for in paragraph 9 of section 18.

23. Notice of an application to discontinue, partly or totally, urban or interurban bus transport services must be posted in the applicant's buses for ten consecutive days prior to transmission of the application to the Commission.

A proof of posting and a specimen or a copy of the sign must accompany the application.

24. The sign referred to in sections 22 and 23 must indicate that any interested person may present observations to the Commission within at least ten days following the last day of posting.

§3. Observations

25. A person may, within the time indicated in the notice or in the notice prescribed by section 5 of the Act

respecting administrative justice, published or transmitted to him, as the case may be, present observations to support or oppose an application.

26. To be admissible, the observations must:

1° have been transmitted to the Commission and the applicant, if any, within the time indicated;

2° be useful for the making of the decision;

3° be accompanied by a proof of transmission to the applicant, if any, and the fees prescribed by regulation.

The observations transmitted to the Commission by an applicant or a permit holder who received the notice prescribed by section 5 of the Act respecting administrative justice are made without costs.

27. The Minister of Transport and the Attorney General may, at any time, without notice or costs, present observations to the Commission, in any matter submitted to the Commission.

DIVISION V DECISIONS OF THE COMMISSION

§1. *General rules*

28. Where there are observations opposing an application, the Commission makes its decision after having given them the opportunity to present, without costs, additional observations if it deems so necessary.

29. The president or the vice-president he designates, if he deems it necessary, may decide that many applications submitted to the Commission be processed simultaneously and decided based on the same elements of information or that those provided relative to one application be used for the other.

He may also decide that one application be processed first, the others being suspended until a decision is made relative to the first application.

30. The president or the vice-president he designates may replace with another member, with the consent of the persons concerned, a member who has processed an application, where the latter is ill, becomes incapable of acting as such, resigns, retires or dies before a decision is rendered.

31. The president or the member he designates may decide that an application is processed in priority or immediately, according to the terms he determines.

32. Applications accessory to a main application are processed in priority by the member designated by the president, which member also decides any question raised to him.

33. The designated member may dispose of such applications upon reading of the record or after having met with the persons concerned at the date indicated in the application or at any other time agreed upon with them, or refer them to the member who is treating the related main application.

34. The Commission may, in its policies and practices, provide for the terms of processing of these applications, in particular the time and place of the meetings referred to in the preceding section.

§2. *Hearings*

35. The Commission holds hearings each time a person concerned indicates he wishes to present observations at a hearing, unless it appears in the record that it is not necessary to resolve the question.

It also holds hearings each time it deems it necessary, whether there are observations or not.

36. The Commission notifies the persons concerned or their representative, with reasonable delay, in a way it deems appropriate, of the date, time and place of the hearing.

37. If, at the date set for the hearing, a person concerned is absent, the Commission may proceed without further notice or delay.

38. The person who requires the presence of a witness may summon him by way of an appearance notice issued by the Commission and served at least five days prior to the hearing date.

A person may, in the same way, be summoned to produce documents.

39. The Commission may postpone the hearing to another date or adjourn it.

It may set conditions to the postponement or adjournment.

No postponement is granted solely based on the consent of the persons concerned.

The petition for postponement made before the set date is filed in writing to the president or the designated vice-president.

40. The hearings of the Commission may be recorded on audio or video magnetic tapes. The recording is part of the record.

Any recording by any person is forbidden unless previously authorised by the Commission.

41. Where circumstances demand or allow it, the Commission may hold hearings by means of telephone or video conferencing. The hearing is then considered to have been held in the Commission's offices in Québec or Montreal.

42. Each of the persons concerned may present observations.

43. An interpreter under solemn declaration may assist any person, at his expense.

44. Minutes of all hearings are drawn up; these minutes must contain the names of the persons concerned, attorneys and witnesses, mention of all documents produced and reference to any decision made during the hearing.

DIVISION VI ELEMENTS OF INFORMATION

45. The Commission bases its decision on the elements of information and documents contained in the record.

46. The Commission may accept or request any element of information or document it deems useful to resolve the questions at hand.

47. The expert witness gives an opinion on a question within the scope of his expertise; he may be declared expert when his competence or experience has been established or has been recognised by the persons concerned.

DIVISION VII CORRECTION AND REVIEW OF A DECISION

48. The Commission forwards a copy of the decision to the persons concerned and their attorney, by mail or any other means.

49. A decision of the Commission containing an error in writing or in calculation or any other clerical error may be corrected by the Commission.

50. An application for review of a decision is notified to the Commission within 30 days following the coming into force of the decision and is referred to the president, or to the member he designates, who determines the terms of processing.

51. A person whose application has been rejected may not reapply within six months of this reject, unless within this period, new facts occur which, had they existed at the time of the application, could have changed the decision.

DIVISION VIII MISCELLANEOUS PROVISIONS

52. An applicant may, at any time, withdraw his application by written declaration. Upon receiving the declaration, the Commission or the member processing the application closes the record.

53. The Commission may declare an application abandoned if a year has elapsed since the date of transmission of the last document or of the observations on record.

It must notify the persons concerned or their representative of its intention.

54. Where the Commission notes that a permit has become obsolete, it may cancel such without other formality, having insured that no right is affected and no one suffers any prejudice.

55. Unless decided otherwise by the Commission, the recognition regarding a league of taxi owners or a regional corporation of truckers is automatically renewed yearly.

DIVISION IX FINAL PROVISIONS

56. This regulation replaces:

1° the Rules of practice and rules for the internal management of the Commission des transports du Québec, prescribed by Order in council 147-82, of January 20, 1982, with the exception of sections 22 and 35, of section 40 as fees are concerned, of sections 42 to 45.3, of sections 90 to 116, of sections 120 to 123 and of annex I, which continue to apply with the necessary adaptations.

2° sections 56 to 64 of the Rules of practice and rules for the internal management of the Commission des transports du Québec (R.R.Q., 1981, c. T-12, r.14) issued in accordance with the Transport Act (R.S.Q., c. T-12).

57. This regulation comes into force on the 15th day following its publication in the *Gazette officielle du Québec*.

M.O., 98018**Order of the Minister of the Environment and
Wildlife dated 30 October 1998**

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

Delimiting areas on land in the public domain in view
of increased utilization of wildlife resources

THE MINISTER OF THE ENVIRONMENT AND WILDLIFE,

CONSIDERING that under section 85 of the Act
respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1), amended by section 13 of Chap-
ter 29 of the Acts of 1998, the Minister of the Environ-
ment and Wildlife may delimit, after consultation with
the Minister of Natural Resources, areas on land in the
public domain in view of increased utilization of wild-
life resources;

CONSIDERING that it is expedient to delimit the areas
on land in the public domain specified in Schedules 1, 2,
3 and 4 of this Order in view of increased utilization of
wildlife resources;

CONSIDERING that the Minister of Natural Resources
has been consulted on the issue;

ORDERS that:

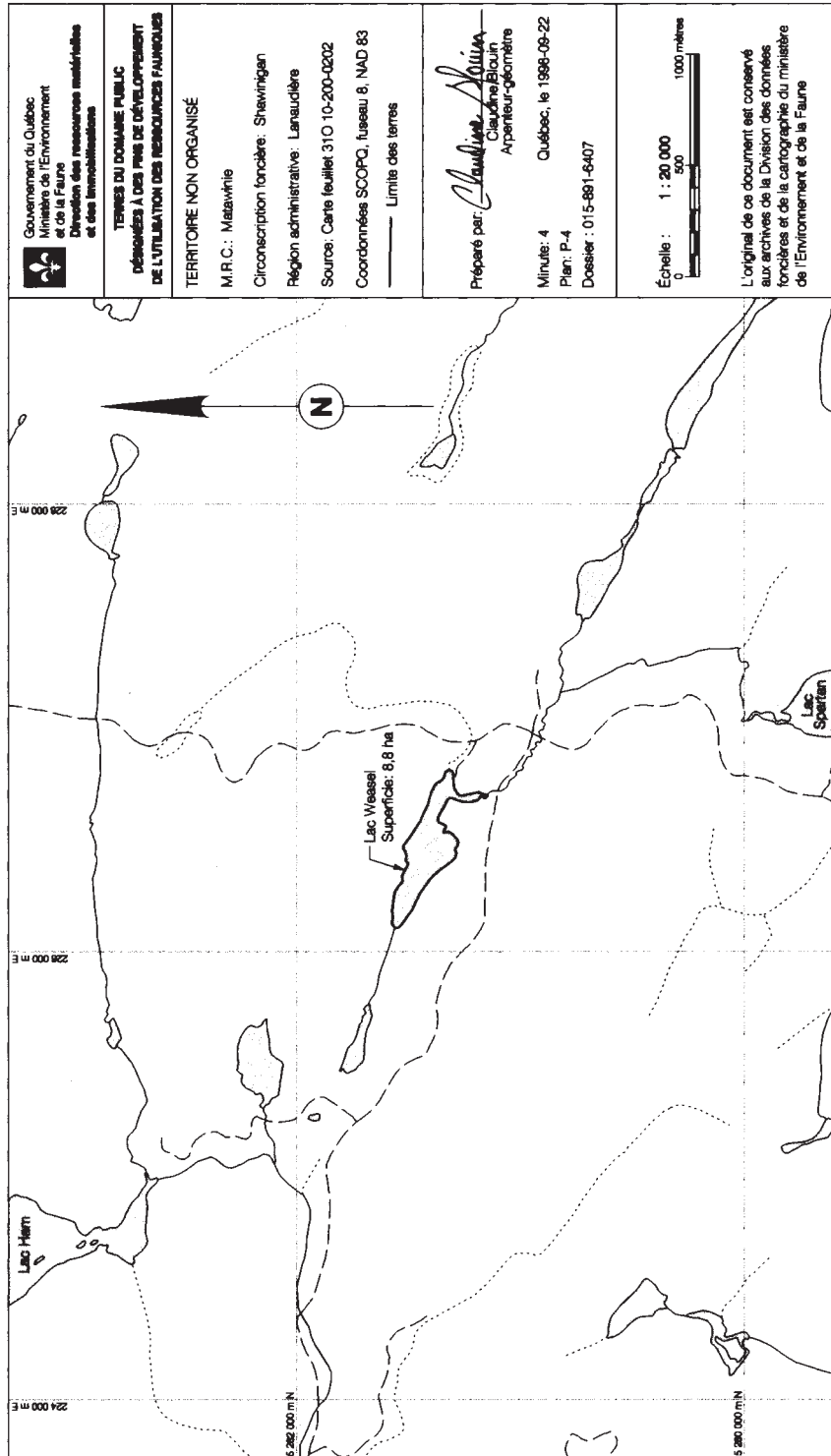
The areas on lands in the public domain specified in
Schedules 1, 2, 3 and 4 of this Order are delimited in
view of increased utilization of wildlife resources;

This Order comes into force on the day of its publica-
tion in the *Gazette officielle du Québec*.

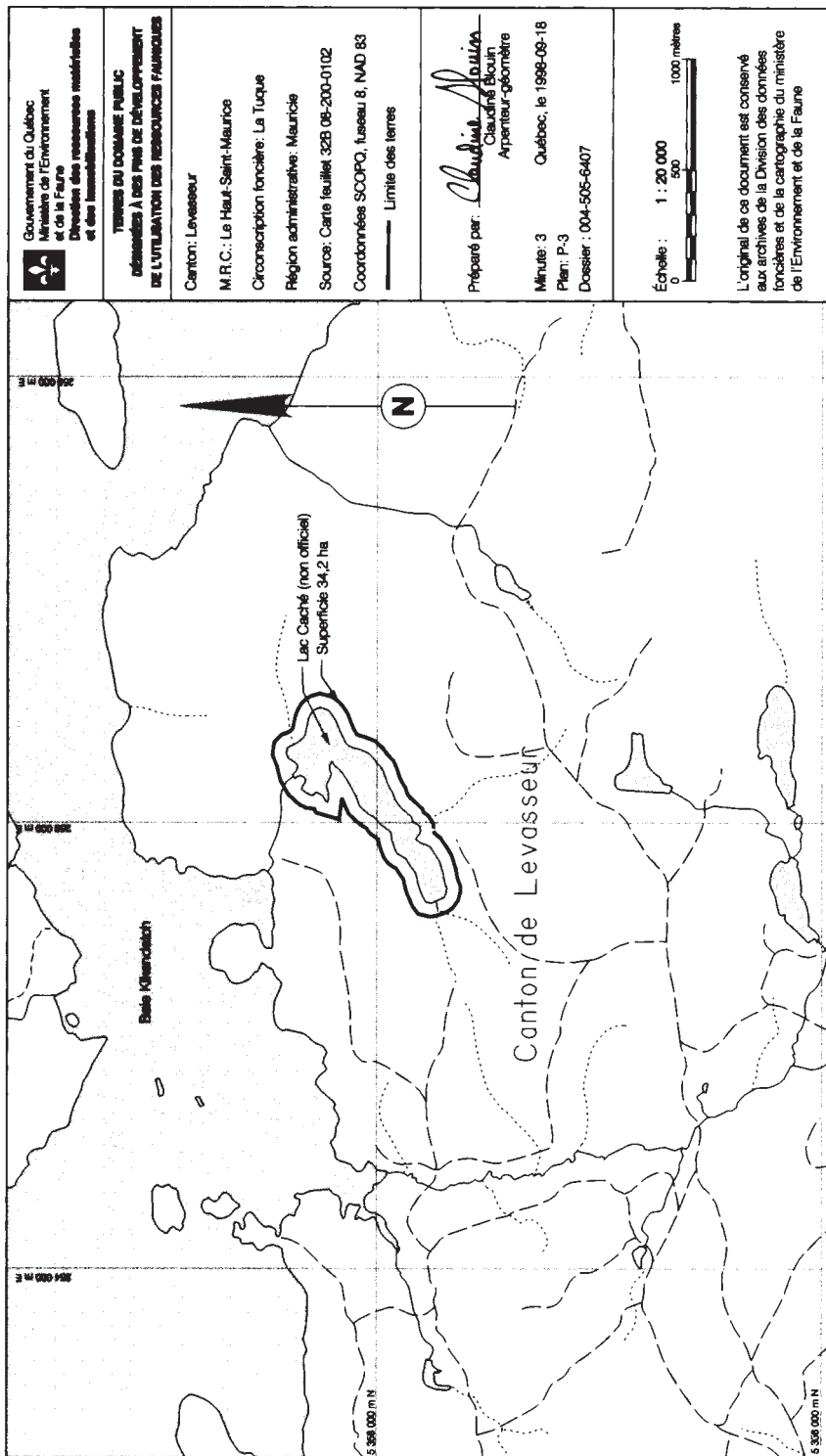
Québec, 30 October 1998

PAUL BÉGIN,
*Minister of the Environment
and Wildlife*

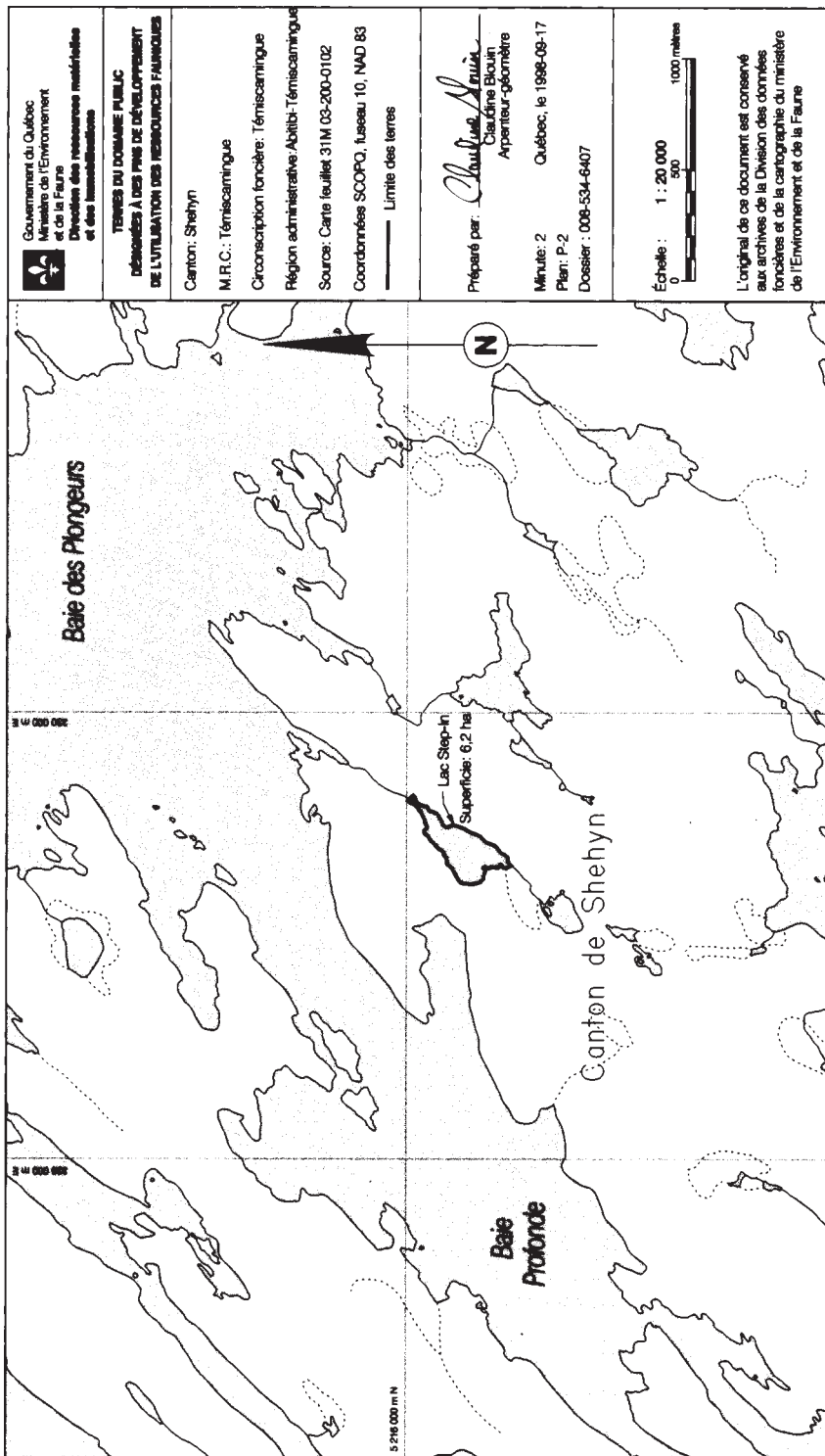
ANNEXE 1



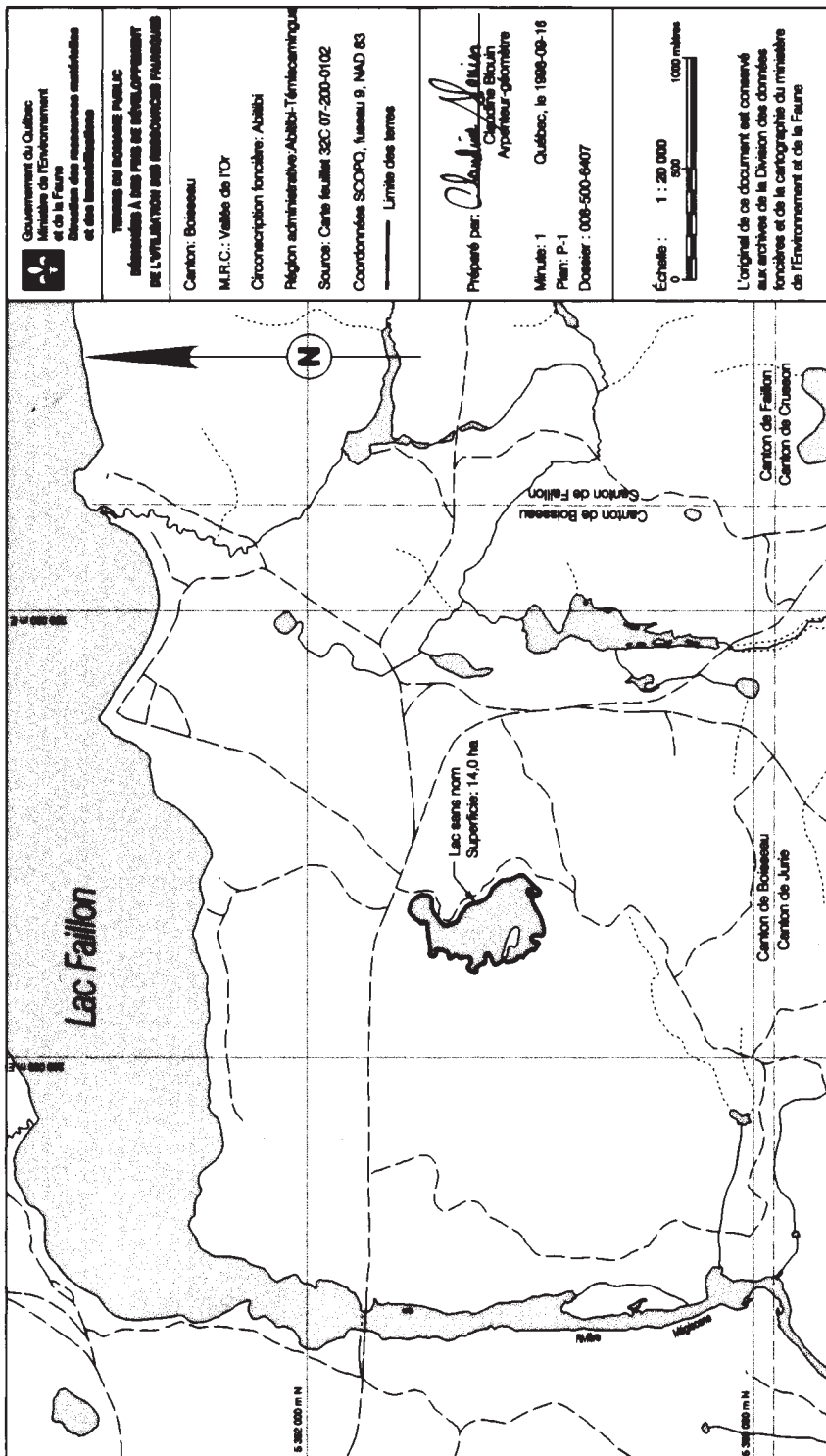
ANNEXE 2



ANNEXE 3



ANNEXE 4



M.O., 98017**Order of the Minister of the Environment and Wildlife dated 29 October 1998**

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

Replacing Schedule I of Order in Council 123-89 dated February 8, 1989 concerning the establishment of certain wildlife management areas for the development, harvesting or conservation of anadromous Atlantic salmon

THE MINISTER OF THE ENVIRONMENT AND WILDLIFE,

CONSIDERING that under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 17 of Chapter 29 of the Acts of 1998, the Minister of the Environment and Wildlife may establish, after consultation with the Minister of Natural Resources, wildlife management areas on lands in the public domain for the development, harvesting or conservation of wildlife or a species of wildlife and may also include in a wildlife management area any private land subject to agreement between the owner, including a municipality or an urban community, and the Minister;

CONSIDERING that under section 33 of the Act modifying the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29), every order in council made by the Government under section 104 of the Act respecting the conservation and development of wildlife before June 17, 1998 continues to be in force until it is replaced by an order of the Minister;

CONSIDERING that Order in Council 123-89 made on February 8, 1989 concerned the establishment of certain wildlife management areas for the development, harvesting or conservation of anadromous Atlantic salmon;

CONSIDERING that the Government, by Order in Council 123-89 dated February 8, 1989 and amended by Order in Council 1286-93 dated September 8, 1993, established the Rivière York wildlife management area;

CONSIDERING that private land not subjected to any agreement between its owner and the Minister has been included within the boundaries of the wildlife management area;

CONSIDERING that it is expedient to alter the territory of the Rivière York wildlife management area in order to exclude the private land not subjected to an agreement between its owner and the Minister;

ORDERS that:

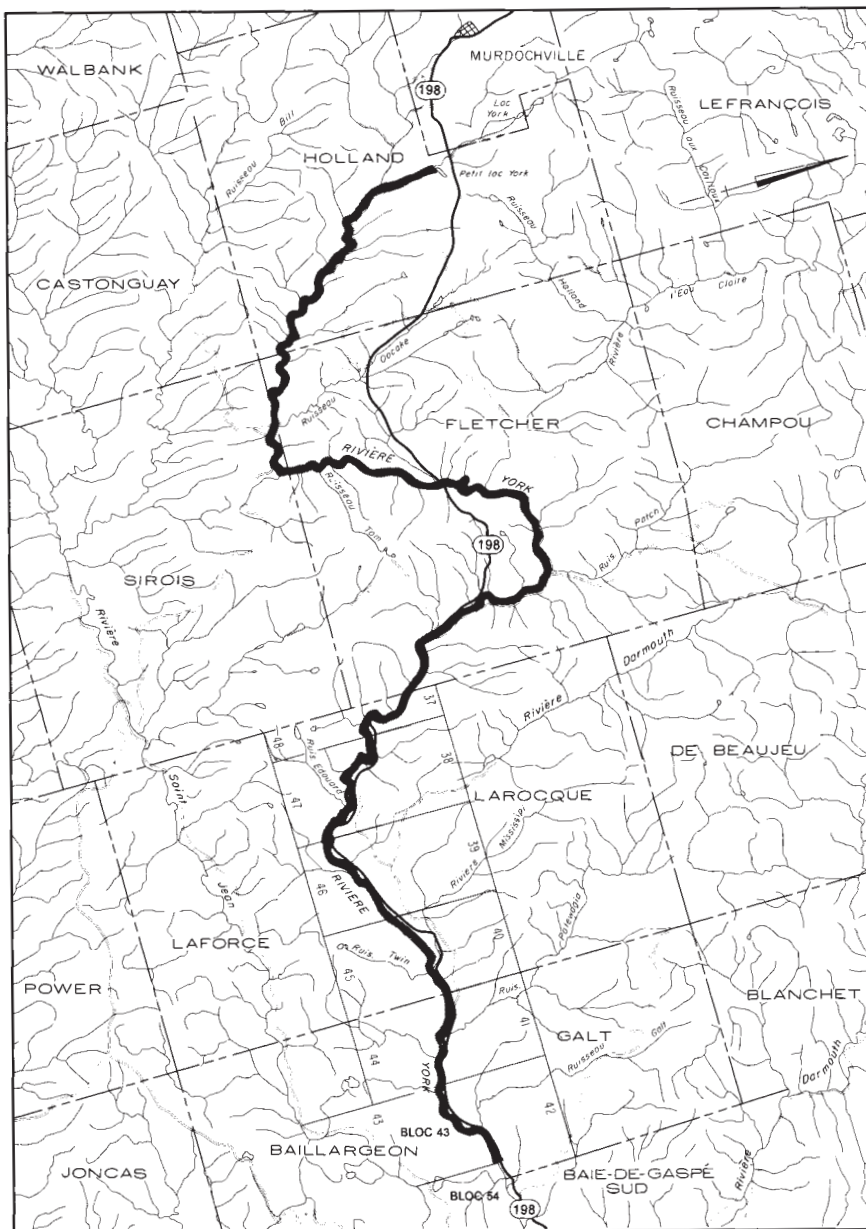
Order in Council 123-89 dated February 8, 1989 and amended by Order in Council 1286-93 dated September 8, 1993 be further amended by substituting Schedule I attached to this Order to the former Schedule I;


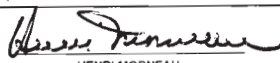
This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 29 October 1998

PAUL BÉGIN,
*Minister of the Environment
and Wildlife*

SCHEDULE I



 <p>Gouvernement du Québec Ministère de l'Environnement et de la Faune Division des données foncières et de la cartographie</p>	<p>ZEC DE LA RIVIÈRE-YORK</p>	
<p>Cadastré : Cantons de Baillargeon, Fletcher, Galt, Holland, Laforce, Larocque et Sirois</p>	<p>Région administrative : Gaspésie-Îles-de-la-Madeleine</p>	
<p>Circ. foncière : Gaspé</p>	<p>M.R.C. : Côte-de-Gaspé</p>	
<p>Préparé par :  HENRI MORNEAU arpenteur-géomètre</p>	<p>Minute : 9359</p>	<p>Plan no. : P-9359-1</p>
<p>Échelle :</p>	<p>Date : 1998-07-15 Dossier MEF : 0 2 4 6 8 10 km</p>	

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

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Scheme	4425	M
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(Forest Act, R.S.Q., c. F-4.1)		
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Vehicle Load and Size Limits	4430	M
(Highway Safety Code, R.S.Q., c. C-24.2)		