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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

## Bill 19

(1996, chapter 22)

### **An Act to amend the Financial Administration Act as regards Québec savings products**

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**Introduced 15 May 1996**  
**Passage in principle 3 June 1996**  
**Passage 13 June 1996**  
**Assented to 20 June 1996**

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**Québec Official Publisher  
1996**

## EXPLANATORY NOTE

*This bill amends the Financial Administration Act to introduce new provisions concerning Québec savings products which allow the issue of new products in dematerialized form by means of a book based system. To that end, borrowing plans will be established by the Government and a regulatory framework will be devised to determine the conditions applicable to, and to regulate the management of, such new products.*

## Bill 19

### **An Act to amend the Financial Administration Act as regards Québec savings products**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Financial Administration Act (R. S.Q., chapter A-6) is amended by inserting, after section 69, the following:

“ DIVISION VII.01

“QUÉBEC SAVINGS PRODUCTS

**“69.01** The Government may, for the purposes contemplated in sections 60 and 61, authorize the issue and sale of savings products within the scope of a borrowing plan the terms and conditions and characteristics of which shall be established by the Government to the extent it deems necessary.

The borrowing plan may provide that the management, issue and sale of a savings product are to be effected by means of a book based system.

The borrowing plan may also provide for the sale of fixed-term annuities.

**“69.02** The Minister shall determine the amounts and characteristics of and the other terms and conditions applicable to each issue and sale of savings products within the scope of a plan established in accordance with section 69.01.

**“69.03** The Minister may effect any transaction for the purposes of a plan established in accordance with this division. He may also, if it is authorized by the plan, enter into contracts for the payment of fixed-term annuities.

For the purposes of this division, the funds making up an annuity shall be regarded as the principal of a loan.

The funds making up fixed-term annuities are exempt from seizure in the hands of the Minister as though they were fixed-term annuities transacted by insurers, provided that a beneficiary in the event of death is designated in the manner set out in the provisions of the Civil Code of Québec concerning insurance.

**“69.04** For the purposes of this division, the Government may, by regulation,

(1) define the book based system and determine its mode of operation and characteristics as well as ownership and evidentiary rules concerning entries made in the system;

(2) determine conditions for participation and classes of qualifying participants and purchasers;

(3) determine the terms and conditions of assignment, transfer and payment of the securities;

(4) determine prohibitions or restrictions concerning the assignment of or the right to dispose of the securities;

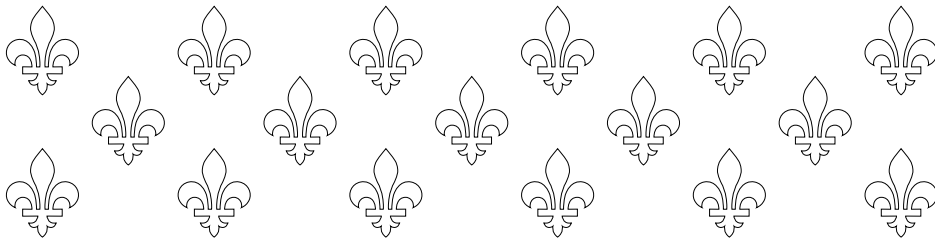
(5) determine prohibitions or restrictions concerning the granting of movable hypothecs on the securities and determine conditions for the granting of such hypothecs as well as conditions for the exercise of related rights or remedies.

**“69.05** A regulation under section 69.04 may specify which of its provisions may be made applicable, by decision of the Minister, to any of the savings products authorized and issued under this division.

**“69.06** The information to be furnished by participants in the book based system shall be determined by the Minister in the forms he prescribes.

**“69.07** Sections 63 to 68 apply to any borrowing effected under this division.”

**2.** This Act comes into force on 20 June 1996.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 20  
(1996, chapter 23)

## **An Act to amend the Legal Aid Act**

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**Introduced 14 May 1996**  
**Passage in principle 3 June 1996**  
**Passage 19 June 1996**  
**Assented to 20 June 1996**

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**Québec Official Publisher**  
**1996**

## EXPLANATORY NOTES

*This bill proposes a reform of the legal aid system.*

*Firstly, the object of legal aid is defined, which is to afford persons who are financially eligible for legal aid the benefit of legal services before the courts and in other circumstances specified by the bill. The bill also sets out the principles that are to guide the management and provision of legal aid services.*

*The Government is conferred the power to make regulations prescribing the rules whereby the financial eligibility of applicants for legal aid is to be determined. Furthermore, more people will have access to legal aid thanks to the introduction of a contributory form of legal aid, which will be available, on payment of a recipient's contribution, to individuals who do not qualify for gratuitous legal aid. As well, the administrative committee of the Commission des services juridiques is given discretionary power, in certain exceptional circumstances, to declare eligible for legal aid persons who would not otherwise qualify for any form of aid.*

*Moreover, the legal services for which legal aid is to be granted in criminal, penal and other matters are specified, as are the conditions on which it is to be granted in certain cases. The administrative committee of the Commission des services juridiques is allowed some discretion, in exceptional circumstances, concerning the services for which legal aid may be provided.*

*The Commission des services juridiques will be required to maintain a telephone help line to provide advice free of charge in criminal and penal matters. The functions of legal aid centres are specified as regards information programs and consultation services designed to apprise persons financially eligible for legal aid of their rights and obligations.*

*The bill proposes various other amendments to the Legal Aid Act.*

*Thus, a mechanism is introduced for the recovery of legal aid costs and, to that end, the Government is empowered to determine, by regulation, the cases in which a recipient will be required to repay the cost of legal aid.*

*Moreover, the Minister of Justice is authorized to make agreements regarding legal aid with other governments.*

*As well, the Commission des services juridiques and regional legal aid centres are authorized to determine, by agreement with associations of experts, the fees and expenses payable to experts who act as expert witnesses within the scope of the Legal Aid Act.*

*The bill also contains various rules designed to enhance administrative efficiency of the legal aid system. For example, the Commission des services juridiques and the legal aid centres are specifically prohibited from incurring expenditures or assuming obligations, during a fiscal year, in excess of the funds allocated to them for that year and from making commitments in excess of the authorized amount. The borrowings of the Commission des services juridiques will also be made subject to the authorization of the Government. In addition, in order to ensure sound management of public funds, certain areas of activity may, according to the circumstances, be reserved to advocates or notaries employed by legal aid centres or to advocates or notaries in private practice.*

*Lastly, terminological changes are made to harmonize the language of the Act with that introduced by the Civil Code of Québec.*

