

Gouvernement du Québec

O.C. 1211-96, 25 September 1996

Legal Aid Act
(R.S.Q., c. A-14)

**Regulation
— Amendments**

Regulation to amend the Regulation respecting the application of the Legal Aid Act

WHEREAS subparagraphs *c, d, e, f, g, i, j, k, m, n* and *p* of the first paragraph and the second, fourth and fifth paragraphs of section 80 of the Legal Aid Act (R.S.Q., c. A-14), amended by section 42 of Chapter 23 of the Statutes of 1996, confer upon the Commission des services juridiques the power to make regulations on the matter described therein and prescribe that every regulation made by the Commission is subject to the approval of the Government, which may approve it with or without amendment;

WHEREAS at its meeting of 26 July 1996, the Commission des services juridiques made the Regulation to amend the Regulation respecting the application of the Legal Aid Act;

WHEREAS in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), and with paragraph 2 of section 59 of the Act to amend the Legal Aid Act (1996, c. 23), the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 21 August 1996, on page 3879, with a notice that it could be submitted to the Government for approval upon the expiry of 15 days following that publication;

WHEREAS the 15-day period has expired and no comment has been received concerning the Regulation;

WHEREAS it is expedient to approve the Regulation with amendment.

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

THAT the Regulation to amend the Regulation respecting the application of the Legal Aid Act, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Legal Aid Act

Legal Aid Act
(R.S.Q., c. A-14, s. 80, 1st par., subpars. *c, d, e, f, g, i, j, k, m, n* and *p*, and 2nd, 4th and 5th pars.; 1996, c. 23, s. 42)

1. The Regulation respecting the application of the Legal Aid Act (R.R.Q., 1981, c. A-14, r. 1), amended by the Regulations approved by Orders in Council 2416-82 dated 20 October 1982, 2873-82 dated 8 December 1982, 941-83 and 942-83 dated 11 May 1983, 1721-86 dated 19 November 1986 and 41-94 dated 10 January 1994, is further amended, in section 1, by substituting the following for paragraph *a*:

“(a) “general manager”: the general manager of a regional legal aid centre and the persons to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act;”.

2. Section 2 is amended by substituting the words “head office” for the words “corporate seat”, wherever they appear.

3. Section 8 is amended by deleting the words “in writing”.

4. Section 11 is amended by substituting the words “The administrative committee, in addition to the functions assigned to it by the Act:” for the words “The administrative committee:”.

5. Section 15 is amended

(1) in the French text, by deleting the words “en corporation” after the word “constituées”; and

(2) by deleting the words “officers or other” before the word “persons”.

6. Section 17 is revoked.

7. Section 18 is amended by substituting the following for subparagraphs *a* and *b* of the first paragraph:

“(a) its name;

(b) its head office;”.

8. Section 20 is amended by substituting the numeral “3” for the numeral “4”.

9. Section 22 is amended by substituting the words “no later than 15 May each year” for the words “during the month of April” after the word “meeting”.

10. Section 27 is amended by substituting the word “inability” for the word “incapacity”.

11. Section 32 is amended by deleting the second sentence.

12. Section 35 is amended by substituting the numeral and words “15 May each year” for the numeral and word “30 April”.

13. Section 39 is amended by deleting the word “corporate” in paragraph *b*.

14. Section 40 is amended by substituting the word “established” for the word “incorporated” in paragraph *a*.

15. Section 50 is amended by substituting the numeral “30” for the numeral “15”.

16. The following is inserted after section 51:

“**51.1** Every legal aid centre shall, where so requested by the chairman of the Commission, send to the Commission any information or document pertaining to the administration of the Act and required by the chairman.”.

17. Section 53 is amended by substituting the words “or the person to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act” for the words “or director”.

18. Section 54 is amended by substituting the words “or a person to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act” for the words “or a director”.

19. Section 70 is amended by striking out subsection 4.

20. Section 72 is amended

(1) by inserting the following after paragraph *b*:

“(b.1) an indication that the recipient qualifies for free legal aid or for contributory legal aid and, in the latter case, an indication of the maximum contribution payable, less the administrative costs paid by the recipient in accordance with the Regulation respecting legal

aid made by Order in Council 1073-96 dated 28 August 1996 and the right of the recipient to apply for a review as to the amount of the contribution;”;

(2) by substituting the word “conditional” for the word “temporary” in paragraph *g*.

21. The following is substituted for section 73:

“**73.** Refusal: A notice of the refusal, suspension or withdrawal of legal aid shall give the reasons therefor. In the case of a refusal or a withdrawal, the notice shall indicate that the applicant or, as the case may be, the recipient is entitled to apply for a review of the decision and shall state the deadline by which such application must be filed.”.

22. The French version of section 74 is amended by substituting the words “l’officier de la publicité des droits” for the words “le registrateur”.

23. Section 77 is amended in the third sentence of the first paragraph by inserting the words “, less any contribution payable by the recipient,” after the word “fees”.

24. Sections 83 to 87 are revoked.

25. The following is substituted for section 88:

“**88.** The committee shall keep minutes of its meetings.”.

26. Section 89 is revoked.

27. The following is substituted for section 90:

“**90.** The committee shall immediately send a copy of its decisions to the Commission chairman.”.

28. Section 91 is revoked.

29. The following is substituted for section 92:

“**92.** Where the general manager issues a conditional certificate of qualification within the scope of an application for review, he shall immediately send a copy thereof to the review committee.”.

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