

## Regulations and Other Acts

Gouvernement du Québec

### O.C. 1198-97, 17 September 1997

End of effect of the publication of a draft Order in Council respecting the declaration of a special planning zone for the Mirabel-Thurso rail corridor

WHEREAS the Minister of Municipal Affairs published in the *Gazette officielle du Québec* of 11 October 1995 a draft Order in Council concerning the declaration of a special planning zone for the Mirabel-Thurso rail corridor;

WHEREAS under section 162 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), from the date of that publication the following were prohibited in the perimeter to which the Order in Council applies, that is, the zone that the Mirabel-Thurso railway segment occupies, the width of which varies from 18 to 30 metres: any cadastral operation and parcelling out of a lot by alienation, any alteration to the buildings or new use of land or buildings;

WHEREAS the decision to proceed with establishing a special planning zone was made in such circumstances as to maintain the Mirabel-Thurso rail corridor, because it constitutes an essential link between Montréal and the Outaouais and Basses-Laurentides regions;

WHEREAS that objective should be met when the owner of the segment, Canadian Pacific Limited transfers ownership of the property in the next few days to Les Chemins de fer Québec-Gatineau inc., which should begin using it on 10 November 1997;

WHEREAS that sale requires that the practices prohibited by section 162 of the Act respecting land use planning and development be allowed, and in particular, the parcelling out of a lot by alienation, since the sale does not include the entire territory subject to section 162 and referred to in the draft Order in Council, but excludes an extremely small portion of the railway segment and a heritage railway station;

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

THAT the draft Order in Council published on 11 October 1995 not be implemented and, as a result, a special planning zone for the Mirabel-Thurso rail corri-

dor not be declared, and the practices prohibited for those purposes by section 162 of the Act respecting land use planning and development be allowed.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### O.C. 1200-97, 17 September 1997

An Act respecting financial assistance for students (R.S.Q., c. A-13.3)

#### Financial assistance fo students — Amendments

Regulation to amend the Regulation respecting financial assistance for students

WHEREAS under section 57 of the Act respecting financial assistance for students (R.S.Q., c. A-13.3), the Government may make regulations for the purposes of the Act;

WHEREAS the Government made the Regulation respecting financial assistance for students by Order in Council 844-90 dated 20 June 1990;

WHEREAS it is expedient to further amend the Regulation so as to take into account the conditions for the allocation of the family allowance provided for in the Act respecting family benefits (1997, c. 57);

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement in section 8 of the Act, if the authority making it is of the opinion that the urgency of the situation requires it;

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

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

WHEREAS the Government is of the opinion that the absence of prior publication and such coming into force are justified by the urgency due to the following circumstances:

— the allowable expenses for the purposes of calculating financial assistance, as a student's living expenses and as child support expenses, must be amended so as to take into account the amount of family allowance paid;

— the amendments made to the Regulation respecting financial assistance for students must apply for the current year of allocation so as to take into account the particular financial situation of students who have minor children;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting financial assistance for students, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting financial assistance for students\*

An Act respecting financial assistance for students (R.S.Q., c. A-13.3, s. 57)

**1.** Section 34 of the Regulation respecting financial assistance for students is amended by adding the following paragraph after the second paragraph:

“In the case provided for in subparagraph 1 of the first paragraph, the additional amount allocated to a student is brought up to \$1995 where custody of the child is shared under a judgment and where the student is not the one who receives the family allowance granted under the Act respecting family benefits (1997, c. 57).”.

**2.** Section 39 is amended by adding the following paragraph after the second paragraph:

“A student who, under a judgment, has shared custody of a minor child is also entitled to the amount allocated as child support expenses, where the student is not the one who receives the family allowance granted under the Act respecting family benefits (1997, c. 57).”.

**3.** The Regulation is amended by adding the following after section 39:

“**39.1.** A student who receives the family allowance granted under the Act respecting family benefits (1997, c. 57) shall be allocated, as child support expenses, if the child is minor, the amount corresponding to the difference between the maximum amount of family allowance which, if it had not been for his income, could have been paid to him and the amount actually received, where he is in one of the following situations:

(1) he was not pursuing studies during the trimester preceding the year of allocation and he has no spouse or his spouse is pursuing full-time studies; or

(2) his spouse receives benefits under the “financial support” or “work and employment incentives” programs established under the Act respecting income security (R.S.Q., c. S-3.1.1).”.

**4.** For the year of allocation 1997-1998, the amount calculated in accordance with section 39.1 of the Regulation respecting financial assistance for students, introduced by section 3 of this Regulation, shall be reduced by one third and shall be allocated to any student who, if it had not been for his income or for his spouse's, could have received, for his minor child, the family allowance granted under the Act respecting family benefits (1997, c. 57).

For the same year of allocation, the following shall also be allocated to a student, as child support expenses, for each of the autumn and winter trimesters, if the child is minor and his custody is not shared:

(a) the amount of \$252, where the student has no spouse or where, during the summer or autumn trimester of the year of allocation, he receives benefits under the “financial support” or “work and employment incentives” programs established under the Act respecting income security (R.S.Q., c. S-3.1.1);

\* The Regulation respecting financial assistance for students, made by Order in Council 844-90 dated 20 June 1990 (1990, G.O. 2, 1685), was last amended by the Regulations made by Orders in Council 558-97 dated 30 April 1997 (1997, G.O. 2, 1859) and 1015-97 dated 13 August 1997 (1997, G.O. 2, 4356). For previous amendments, refer to the «Tableau des modifications et Index sommaire», Éditeur officiel du Québec, 1997, updated to 1 March 1997.

(b) the amount of \$92 for each child, excluding the first child, where, during the summer or autumn trimester of the year of allocation, the student receives benefits under one of the programs mentioned in subparagraph *a* of this paragraph;

(c) the amount of \$50, where the student with a spouse does not receive the amount allocated under subparagraph *a* of this paragraph.

**5.** 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. 1216-97, 17 September 1997**

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

### **Fiscal Administration — Amendments**

Regulation respecting fiscal administration (Amendment)

WHEREAS under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may make regulations to prescribe the measures required to carry out the Act;

WHEREAS under the second paragraph of section 2 of that Act, as amended by section 267 of Chapter 63 of the Statutes of 1995, the Minister of Revenue has charge of the application of the International Fuel Tax Agreement;

WHEREAS under the first paragraph of section 7 of that Act, subject to the fourth paragraph of that section, no deed, document or writing shall bind the Ministère du Revenu or be attributed to the Minister of Revenue unless it is signed by him, by the Deputy Minister or by a functionary authorized by regulation;

WHEREAS under section 9.0.6 of that Act, as enacted by section 268 of Chapter 63 of the Statutes of 1995, for the purposes of the International Fuel Tax Agreement, the Government may make regulations to enact any provision necessary to give effect to the Agreement and its amendments, specify the provisions of the Act respecting the Ministère du Revenu that do not apply, specify the provisions of the Agreement, including amendments, that apply and take any other measures necessary to implement the Agreement and the amendments;

WHEREAS under section 31.1.5 of that Act, as replaced by section 273 of Chapter 63 of the Statutes of 1995, the Government may make regulations to determine the terms and conditions governing the application of the second paragraphs of section 30.1 and section 31.1.1, the information required under section 31.1.2 and the terms and conditions respecting communication of the information;

WHEREAS the Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r. 1) was made under that Act;

WHEREAS the Minister of Revenue is responsible for the administration of the Act to facilitate the payment of support (1995, c. 18);

WHEREAS with a view to ensuring a better administration of the Acts of which the Minister of Revenue is in charge, it is expedient to amend the Regulation in order, on the one hand, to adapt it to the most recent legislative and structural changes affecting the Ministère du Revenu and, on the other hand, to facilitate the administration by the Minister of Revenue of the International Fuel Tax Agreement;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1) a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established, amended or repealed by the Regulation warrants the absence of prior publication and such a coming into force;

WHEREAS under section 27 of the Regulations Act, a regulation may take effect before the date of its publication in the *Gazette officielle du Québec* where the act under which it is made expressly provides therefor;

WHEREAS under the second paragraph of section 97 of the Act respecting the Ministère du Revenu, as amended by section 18 of Chapter 36 of the Statutes of 1995 and by section 278 of Chapter 63 of the Statutes of 1995, every regulation made under the Act may, if it so provides, apply to a period prior to its publication;