

Draft Regulation

An Act respecting registry offices
(R.S.Q., c. B-9)

Tariff of fees

— Register of personal and movable real rights

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

The purpose of the draft Regulation is to amend the Tariff of fees respecting the register of personal and movable real rights made by Order in Council 1595-93 dated 17 November 1993.

The amendment provides for the implementation of the remote consultation service and for the adjustment of the tariff to the cost for using the service by reviewing the basic tariff. Thus, the fee exigible for the search made in the register is based on search keys rather than according to an hourly rate of examination. The tariff thus adjusted according to the services offered will be comparable to the tariffs in force for similar registers.

The fee exigible to enter a right on the register or to obtain a certified statement or any other output remains unchanged, with the exception, namely, of the rights to obtain a copy, or an extract of memorials of presentation. It is necessary to specify that the fee of \$42.00 prescribed in section 1 applies to any application for the registration of rights whether it is made as a notice or not. The amendment made to section 2 is intended to harmonize it with the amendment to section 30 of the Regulation respecting the register of personal and movable real rights which allows the sending of a notice by fax to creditors.

Further information may be obtained by contacting Lise Cadoret, advocate, 255, boulevard Crémazie Est, 5^e étage, Montréal (Québec) H2M 2V3; telephone (514) 864-4931; fax (514) 864-9774.

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

SERGE MÉNARD,
Minister of Justice

Regulation to amend the Tariff of fees respecting the register of personal and movable real rights(*)

An Act respecting registry offices
(R.S.Q., c. B-9, s. 8)

1. The Tariff of fees respecting the register of personal and movable real rights is amended by substituting the following for section 1:

“**1.** The fee for the registration of the rights mentioned in an application is \$42.00 per application.”

2. The following is substituted for section 2 of the Regulation:

“**2.** The fee for the registration of an address or change or alteration of the address, fax number or name of the beneficiary is \$42.00 per application.

Notwithstanding the foregoing, no fee is exigible to add, in the year following (*enter the date of the coming into force of this Regulation*), a fax number in the registration of an address already listed in the list of addresses on that date.”

3. The following is substituted for section 3 of the Regulation:

“**3.** Notwithstanding section 1, no fee is exigible for the registration of:

(1) a notice of judgment given by the clerk under article 817.2 of the Code of Civil Procedure (R.S.Q., c. C-25);

(2) a marriage contract referred to in article 442 of the Civil Code of Québec (1991, c. 64);

(3) a correction concerning the rights referred to in paragraphs 1 and 2; and

(4) a cancellation or reduction of a registration.”

4. Sections 4 and 5 of this Regulation are revoked.

5. This Regulation is amended in section 7 by substituting the following for paragraph 2:

* The Tariff of fees respecting the register of personal and movable real rights was made by Order in Council 1595-93 dated 17 November 1993 (1993, G.O. 2, 6238) and has not been amended.

“(2) if the statement is made under a name other than that of a natural person, \$12.00 per name;”.

6. Section 8 of the Regulation is amended by substituting the following for the first paragraph:

“The fee for each copy or extract from a registration application or from memorials of presentation issued by the registrar is \$5.00 per copy or extract.”.

7. The Regulation is amended by inserting the following after section 8:

“**8.1.** Notwithstanding sections 6 and 8, no fee is exigible for the issue of a statement or certified copy by the registrar under section 46.1 of the Regulation respecting the register of personal and movable real rights introduced by section 21 of the Regulation to amend the Regulation respecting the register of personal and movable real rights.”.

8. The following is substituted for section 10 of the Regulation:

“**10.** A fee of \$5.00 per document is added to the one provided for in sections 6, 7 and 8 where a statement, copy or extract is sent by fax.”.

9. Sections 12 and 13 of the Regulation are revoked.

10. The Regulation is amended by inserting the following after section 13:

“**13.1.** The fee exigible for consulting the register for a name is \$8.00 per name searched for or, in the case of a natural person, \$8.00 per name coupled to a given date of birth.

13.2. The fee exigible for consulting the register using the identification number of a road vehicle is \$5.00 per number.

13.3. The fee exigible for consulting a particular entry listed in the register using its number or form number of the application on the basis of which that entry was made is \$3.00 per number.

13.4. The fee exigible for consulting the list of addresses using a name is \$3.00 per name under which the search is made or, in the case of a natural person, \$3.00 per name coupled to a given date of birth.

The fee exigible for consulting the list using the notice of address number is \$3.00 per number.

13.5. The fee exigible under sections 13.1 to 13.4 is increased by \$3.00 per name, under which the search is made, or per number, where the consultation of the list of addresses is made by telephone.”.

11. This Regulation comes into force 30 days after its publication in the *Gazette officielle du Québec*.

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