

## Regulations and Other Acts

Gouvernement du Québec

### O.C. 147-98, 4 February 1998

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

#### Transport of passengers by water

Regulation respecting the transport of passengers by water

WHEREAS under section 89 of the Transport Act (R.S.Q., c. T-12), the General Order respecting the transport of passengers and goods by water, passed by the Régie des transports du Québec on 1 August 1961, continues to be in force and may be amended by regulation of the Government;

WHEREAS under paragraph *d* of section 5 of the Act, the Government may, by regulation, determine the nature and classes of permits and prescribe the conditions on which a permit may be issued;

WHEREAS it is expedient to revise the regulatory provisions respecting the transport of passengers by water;

WHEREAS it is expedient to fix 1 January 1999 as the date of revocation of the General Order respecting the transport of passengers and goods by water;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the transport of passengers by water was published in Part 2 of the *Gazette officielle du Québec* of 3 April 1996 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were sent to the Minister of Transport;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the transport of passengers by water, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

#### Regulation respecting the transport of passengers by water

Transport Act  
(R.S.Q., c. T-12, s. 5, pars. *c, d, e* and *f*)

**1.** To carry on the remunerated transport of passengers by water, a person shall hold a permit for the transport of passengers by water.

A person who rents out any means of transportation to be used to transport persons by water shall also hold a permit for the transport of passengers by water, except where the lessee or charterer holds such a permit.

**2.** No permit is required to provide the following services:

(1) the rental of a pleasure craft without crew; and

(2) white-water rafting in a non-motorized craft, or any other water sport.

For the purposes of subparagraph 2 of the first paragraph, “water sport” means any physical activity involving the use of a craft on various bodies of water under the supervision of a qualified instructor and entailing some form of training, observance of certain rules, and technical skills or a period of practice.

**3.** The Commission shall issue or transfer a permit for the transport of passengers by water to a person who applies therefor on the form used by the Commission, where it considers that the person meets the following criteria:

(1) he attests that he has a crew possessing the knowledge and experience required for proficiency in the activity for which a permit is applied for;

(2) he submits to the Commission a certificate of insurance attesting that each of the ships for which he is applying for a permit is covered, for the period of valid-

ity of the permit, by a marine civil liability insurance policy (protection and indemnity coverage) with a minimum guarantee limit of \$5 000 000 for ships whose gross tonnage is greater than 5 tons or whose capacity is greater than 12 passengers or a minimum guarantee limit of \$1 000 000 in the case of other ships;

(3) he provides the Commission with a certified true copy of a rider to the insurance policies stipulating that the policies may not be cancelled and that the coverage may not be reduced except where 30 days' notice is officially given in writing to the secretariat of the Commission at its head office;

(4) he establishes that each of the ships to be used in providing the service meets the requirements of the Canadian Steamship Inspection Service. He shall do so by providing a ship inspection certificate issued by Transport Canada in the case of a ship whose gross tonnage is greater than 5 tons or whose capacity is greater than 12 passengers or, in the case of any other ship, a letter of compliance issued by a Transport Canada shipping officer or by a marine expert recognized by Transport Canada, confirming compliance with the regulations respecting small craft and including a notice in respect of the ship's capacity and the crew's ability to carry on the commercial activity in the territory in question; and

(5) he establishes the real and urgent necessity for an additional service for each of the ships to be used, if applicable, where he offers passengers a ferry service competing with another ferry service.

**4.** A permit for the transport of passengers by water authorizes the holder, in accordance with its content, to carry on the remunerated transport of passengers by water and to rent out any means of transportation to be used to transport persons by water.

A ferry service may not be offered to passengers unless it is expressly authorized by the permit.

For the purposes of paragraph 5 of section 3 and the second paragraph of this section, "ferry service" means a transportation service by water for passengers that includes the roll-on/roll-off loading of motor vehicles by the passengers.

**5.** A permit for the transport of passengers by water shall be issued for a maximum period of one year and shall expire on 31 May each year.

**6.** A permit for the transport of passengers by water may be renewed in accordance with section 37.3 of the Transport Act, in the manner in which it was issued and on the same conditions.

Where a permit has not been renewed by 15 June by reason of incomplete documentary evidence in the record, the applicant shall pay to the Commission an additional fee of \$200 and shall complete the record within the time period indicated by the Commission.

Where the documentary evidence in the record is still incomplete at the expiry of the time period indicated, the Commission shall refuse the application for renewal.

**7.** Where the Commission issues, renews or transfers a permit for the transport of passengers by water, it shall indicate the name of each ship to be used for the transport, as well as any conditions or restrictions concerning operation under the permit.

Operation under the permit is conditional on maintaining the competence of the crew, the seaworthiness of the ship and the insurance policy. Those conditions need not be stipulated on the permit.

**8.** Where a change affects the ships used for the transport of passengers by water or the conditions or restrictions concerning operation under the permit, the holder shall have his permit corrected by the Commission prior to continuing with the authorized activities.

Where a change affects the competence of the crew or the insurance policy, the holder of the permit shall so inform the Commission and shall halt his activities until such time as the documentary evidence in the record makes it possible, in the opinion of the Commission, to maintain the permit's validity.

**9.** The holder of a permit for the transport of passengers by water shall at all times have a copy of his permit posted in the boarding area in full view of the public.

**10.** The General Order respecting the transport of passengers and goods by water (R.R.Q., 1981, c. T-12, r. 17) is amended

(1) by striking out the words "passengers and" in the title and sections 1 and 2;

(2) by striking out the words "passengers or" in sections 3, 4, 5, 9, 14, 26 and 33;

(3) by deleting Classes 1-A and 1-B in section 26; and

(4) by deleting paragraph *b* of section 27 and sections 28 and 31.

That Order shall be revoked on 1 January 1999.

**11.** The Commission may issue a permit authorizing an applicant to continue offering a service for transport by water in respect of which he has applied for a permit, and may do so without publication or formality pending its decision on the application, where

(1) the application for a permit pertains to a transport service for which no permit was prescribed before the coming into force of this Regulation;

(2) the applicant provided the service during the summer season preceding the coming into force of this Regulation; and

(3) the application was filed with the Commission within 90 days following the date of coming into force of this Regulation.

**12.** The holder of a Class 1-A or 1-B permit referred to in the General Order respecting the transport of passengers and goods by water may

(1) continue, up to the anticipated date of renewal of the permit, to provide the authorized transport without being required to hold a permit for the transport of passengers by water; or

(2) obtain, upon proof of operation, a new permit for the transport of passengers by water at the time of renewal of the former permit on the conditions set forth in paragraphs 1 to 4 of section 3.

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

2069

Gouvernement du Québec

## O.C. 148-98, 4 February 1998

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

### Commission des transports du Québec — Rules of practice and rules for the internal management — Amendments

Regulation to amend the Rules of practice and rules for the internal management of the Commission des transports du Québec

WHEREAS under paragraph *k* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may, by

regulation, make the rules of practice and the rules for the internal management of the Commission, after consulting it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 3 April 1996 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;

WHEREAS the Commission des transports du Québec was consulted;

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

THAT the Regulation to amend the Rules of practice and rules for the internal management of the Commission des transports du Québec, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Rules of practice and rules for the internal management of the Commission des transports du Québec

Transport Act  
(R.S.Q., c. T-12, s. 5, par. *k*, and s. 48)

**1.** The Rules of practice and rules for the internal management of the Commission des transports du Québec, made by Order in Council 147-82 dated 20 January 1982 (Suppl., p. 1254) and amended by the Regulations made by Orders in Council 1394-83 dated 22 June 1983, 1801-83 dated 1 September 1983, 2347-83 dated 16 November 1983, 2722-83 dated 21 December 1983, 1153-84 dated 16 May 1984, 833-85 dated 1 May 1985, 1543-85 dated 24 July 1985, 2006-85 dated 25 September 1985, 2157-85 dated 16 October 1985, 1325-86 dated 27 August 1986, 48-88 dated 13 January 1988, 847-88 dated 1 June 1988, 140-89 dated 8 February 1989, 1295-90 dated 5 September 1990, 238-92 dated 19 February 1992, 294-92 dated 26 February 1992 and 1078-95 dated 9 August 1995, are further amended by inserting the following after section 40.7: