



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 169

(1997, chapter 89)

An Act to amend the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons

Introduced 13 November 1997
Passage in principle 4 December 1997
Passage 19 December 1997
Assented to 19 December 1997

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EXPLANATORY NOTES

The object of this bill is to facilitate the implementation of a single business number for enterprises operating in Québec. To that end, the Inspector General of Financial Institutions is given the power to register not only legal persons, but natural persons, partnerships and groups as well.

The Inspector General is also authorized to make agreements with government departments or bodies for the delegation, subject to stipulated conditions and limits, of the power to register a natural person, partnership, group or legal person. All government departments and bodies are empowered to enter into such an agreement.

This bill also withdraws the legislative provisions which concern the powers of the clerk of the Superior Court as regards registration.

Bill 169

AN ACT TO AMEND THE ACT RESPECTING THE LEGAL PUBLICITY OF SOLE PROPRIETORSHIPS, PARTNERSHIPS AND LEGAL PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 8 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) is replaced by the following section :

“8. The registration of a natural person, a partnership, a group or a legal person shall be effected by the Inspector General of Financial Institutions upon presentation of a declaration of registration or, in the case of a legal person constituted in Québec under the Act applicable to legal persons of its kind, upon the deposit of its constituting act in the register of sole proprietorships, partnerships and legal persons.”

2. Section 9 of the said Act is amended by replacing the words “to the clerk of the Superior Court or to the Inspector General, as the case may be,” in the first and second lines of the first paragraph by the words “to the Inspector General”.

3. Section 17 of the said Act is amended by replacing paragraph 2 by the following paragraph :

“(2) be drawn up in duplicate;”.

4. Section 18 of the said Act is amended by replacing the words “The clerk of the Superior Court or the Inspector General, as the case may be,” at the beginning of the first paragraph by the words “The Inspector General”.

5. Section 20 of the said Act is replaced by the following section :

“20. The Inspector General, when refusing to register a registrant pursuant to section 18 or 19, shall inform the registrant of the reasons for refusal.”

6. Section 21 of the said Act is amended by replacing the words “The clerk of the Superior Court or the Inspector General, as the case may be,” at the beginning of the first paragraph by the words “The Inspector General”.

7. Section 22 of the said Act is replaced by the following section :

“22. The Inspector General shall, after registering a registrant upon presentation of a declaration of registration, return to the registrant a copy of the declaration and deposit the second copy in the register.”

8. The said Act is amended by inserting, after section 73, the following section :

“73.1. The Inspector General may enter into a written agreement to delegate to a government department or body all or part of the Inspector General’s power to register a natural person, a partnership, a group or a legal person. The delegation may, in particular, pertain to the exercise of the Inspector General’s powers and duties under sections 74, 78 and 80.

The exercise of the Inspector General’s power delegated under the agreement is subject to the conditions and limits stipulated in the agreement.

Any government department or body is competent to enter into such an agreement with the Inspector General.”

9. Section 74 of the said Act is amended by striking out the words “at the offices of the clerks of the Superior Court or” in the first and second lines of the second paragraph.

10. Section 78 of the said Act is amended by replacing the words “The clerk of the Superior Court or the Inspector General” at the beginning by the words “The Inspector General”.

11. Section 80 of the said Act is amended by replacing the words “The clerk of the Superior Court or the Inspector General” at the beginning by the words “The Inspector General”.

12. Section 90 of the said Act is amended by striking out the words “the clerk of the Superior Court or” in the first line of the second paragraph.

13. Section 91 of the said Act is amended by striking out the words “ and, where applicable, on the clerk of the Superior Court” in the fourth and fifth lines of the first paragraph.

14. Section 96 of the said Act is amended by striking out the words “and, where applicable, to the clerk of the Superior Court” at the end of the first paragraph.

15. This Act comes into force on 1 January 1998, except for section 8 which comes into force on 19 December 1997.