

Regulations and other acts

Gouvernement du Québec

O.C. 1439-98, 27 November 1998

An Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01)

Fishing ponds — **Regulations** — **Amendments**

Regulation to amend various regulatory provisions respecting fishing ponds

WHEREAS under paragraphs 8, 9, 10 and 12 of section 49 of the Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01), the Government may make regulations on the matters mentioned therein;

WHEREAS under section 37 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29), various regulatory provisions made under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) respecting fishing pond licences remain in force until they are replaced by a regulation made under the Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 30 September 1998 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend various regulatory provisions respecting fishing ponds, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend various regulatory provisions respecting fishing ponds

An Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01, s. 49, pars. 8, 9, 10 and 12; 1998, c. 29, s. 37)

1. The Commercial Aquaculture Regulation^(*) is amended by substituting the following for section 1:

“1. The Minister of Agriculture, Fisheries and Food shall issue a licence to operate a fish-breeding plant, a licence to cultivate aquatic plants on a commercial basis or a licence to operate a fishing pond to a person or partnership who applies therefor in writing in a document containing the following information:

(1) in the case of a legal person, partnership or natural person who operates an individual business under a name not including his family name and first name:

(a) the registration number; and

(b) the telephone number and fax number, if any, of each place of business;

(2) in the case of a natural person who operates a business under his name:

(a) his registration number or his name and, in the latter case, the address of his domicile and that of his main place of business and of each place of business, including postal codes; and

(b) the telephone number and fax number, if any, of each place of business.

The application shall in addition be signed by the applicant or his duly authorized representative and specify, with respect to the category of licence applied for, the species of fish or aquatic plants for which the application is made.”.

2. Section 2 is amended by adding the following at the end:

“(4) fishing pond.”.

* The Commercial Aquaculture Regulation, made by Order in Council 1311-87 dated 26 August 1987 (1987, *G.O.* 2, 3368), has not been amended since it was made.

3. Section 3 is amended by substituting “\$100” for “\$50 \$”.

4. The following is inserted after section 3:

“3.1. As of 1 January 2000, the cost of licences provided for in section 3 shall be indexed on 1 January of each year according to the increase in the All-Item Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year. That increase shall be computed by dividing the index for the above-mentioned period by the index for the period preceding that period. The index for a period is the average of the monthly indexes published by Statistics Canada. The fees shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister shall inform the public, through Part 1 of the *Gazette officielle du Québec* and by any other means as he considers appropriate, of the indexing calculated under this section.”

5. The following division is inserted after section 13:

**“DIVISION 4.1
STANDARDS RELATING TO A FISHING POND
OPERATED FOR COMMERCIAL PURPOSES**

13.1. A person who applies for a licence to operate a fishing pond must provide, in his first application, the following information:

- (1) a copy of the deeds of ownership or lease;
- (2) an attestation from the municipality that the operation complies with the zoning by-laws in force;
- (3) a plan indicating the geographical location of the project and the size of the fishing pond.

13.2. In each subsequent application for a licence, the person must send, at the time of his application, the report on the operation for the year prior to the year for which the application is made and any change in the particulars required under section 13.1.

The report on the operation of a fishing pond shall contain the following information:

- (1) the holder’s name and address;
- (2) the category of licence held; and

(3) purchases, sales and end-of-year inventories for each fish species and age category.

13.3. The holder of a licence to operate a fishing pond shall post the licence or a copy of the licence in such a way that it can be read at all times from the entrance to each of the premises.

13.4. The holder of a licence to operate a fishing pond shall not keep fish in captivity or breed fish for any purpose other than angling.”

6. Section 15 is amended

(1) by inserting “, except for the holder of a licence to operate a fishing pond,” after the word “vouchers” in the second paragraph;

(2) by adding the following at the end:

“Such registers and vouchers must indicate, for the holder of a licence to operate a fishing pond:

(1) his purchases and sales of fish and end-of-year inventories;

(2) the names and addresses of the persons from whom he purchased fish.”

7. Section 17 is amended by inserting “, 13.3, 13.4” after the number “13”.

8. Schedule I to the Regulation is revoked.

9. Notwithstanding section 3, the cost of a licence to operate a fishing pond referred to by section 2 of this Regulation is \$75 for the holder of a licence to operate a fishing pond issued under the Act respecting the conservation and development of wildlife who makes a subsequent application for a licence for the year 1999.

**Regulation respecting aquaculture
and the sale of fish**

10. The Regulation respecting aquaculture and the sale of fish^(*) is amended by substituting “Breeding ponds and fish-tanks for baitfish” for the heading of Subdivision 1 of Division IV.

11. Section 6 is amended by striking out the words “a fishing pond,” after the words “to operate”.

* The Regulation respecting aquaculture and the sale of fish, made by Order in Council 1302-94 dated 17 August 1994 (1994, G.O. 2, 3951), was last amended by the Regulation made by Order in Council 706-97 dated 28 May 1997 (1997, G.O. 2, 2477).

12. Section 7 is amended by striking out the words “a fishing pond or” after the words “to operate” in paragraph 1.

13. Section 8 is amended by striking out the first paragraph.

14. Section 9 is amended

(1) by striking out the words “a fishing pond,” after the words “to operate” in the first line of the first paragraph;

(2) by striking out subparagraph 1 of the third paragraph.

15. Section 10 is amended by striking out the words “a fishing pond,” after the words “to operate”.

Regulation respecting the scale of fees and duties related to the development of wildlife

16. The Regulation respecting the scale of fees and duties related to the development of wildlife^(*) is amended by striking out paragraph 1 of section 4.2.

17. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* except for section 3 which will come into force on 1 January 1999.

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Gouvernement du Québec

O.C. 1453-98, 27 November 1998

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45)

Provision of compilations of information — Fees payable

Regulation respecting the fees for the provision of compilations of information

WHEREAS under section 77 of the Act respecting the legal publicity of sole proprietorships, partnerships and

legal persons (R.S.Q., c. P-45), the Inspector General of Financial Institutions may determine the fees payable by any person requesting a compilation of the information contained in the statements of information;

WHEREAS the Inspector General of Financial Institutions made the Regulation respecting the fees for the provision of compilations of information;

WHEREAS under section 77 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, such a regulation is subject to government approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation respecting the fees for the provision of compilations of information was published in Part 2 of the *Gazette officielle du Québec* of 26 August 1998 with a notice of the Minister of State for the Economy and Finance that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance:

THAT the Regulation respecting the fees for the provision of compilations of information, attached hereto, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the fees for the provision of compilations of information

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45, s. 77)

1. The fees payable by any person requesting a compilation of the information contained in statements of information are as follows:

(1) \$100 for each request for the compilation of information;

(2) \$0.10 for each registrant's record, where the data included in the statement of information was processed for compilation purposes;

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the Regulation made by Order in Council 1252-98 dated 30 September 1998 (1998, *G.O.* 2, 4260). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 September 1998.