

WHEREAS, when no fine is imposed, it is expedient to establish that the victim surcharge is payable within 45 days of the conviction or discharge pronounced by the court;

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

THAT the time allotted to an offender who is convicted or discharged of an offence under the Criminal Code or the Controlled Drugs and Substances Act to pay the required victim surcharge be 45 days from the conviction or discharge pronounced by the court, where no fine is imposed;

THAT this Order in Council take effect on the date of coming into force of section 20 of the Act to amend the Criminal Code (victims of crime) and another Act in consequence (S.C., 1999, c. 25).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1266-99, 17 November 1999

Forest Act
(R.S.Q., c. F-4.1)

Forests in the domain of the State — Scaling of timber harvested

Regulation respecting the scaling of timber harvested in forests in the domain of the State

WHEREAS under section 26 of the Forest Act (R.S.Q., c. F-4.1), the holder of a forest management permit who harvests timber shall scale it according to the scaling standards prescribed by regulation of the Government;

WHEREAS under that section, the scaling method selected must first be approved by the Minister;

WHEREAS under paragraph 4 of section 172 of the Forest Act amended by section 140 of Chapter 40 of the Statutes of 1999, the Government may, by regulation, establish the scaling standards for timber harvested in forests in the domain of the State;

WHEREAS under paragraph 19 of the same section, the Government may, in the same way, prescribe which of the regulations under that section carry a penalty pursuant to section 181 of the Forest Act in the event of contravention;

WHEREAS the Government made the Regulation respecting the scaling standards for timber harvested in forests in the domain of the State by Order in Council 654-94 dated 4 May 1994;

WHEREAS it is expedient to replace that Regulation;

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 scaling of timber harvested in forests in the public domain was published in Part 2 of the *Gazette officielle du Québec* of 17 February 1999 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 with certain amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation respecting the scaling of timber harvested in forests in the domain of the State, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the scaling of timber harvested in forests in the domain of the State

Forest Act
(R.S.Q., c. F-4.1, ss. 26 and 172, pars. 4 and 19;
1999, c. 40, s. 140)

DIVISION I GENERAL

1. In this Regulation, unless the context indicates otherwise,

“apparent volume” means the volume of the space occupied by a pile of timber; (*volume apparent*)

“cutting area” means the territory within the limits of which timber is harvested or the territory within the limits of which the holder of a forest management permit issued for the supply of a wood processing plant whose source of supply is timber harvested in forests in the domain of the State; (*parterre de coupe*)

“solid volume” means the actual volume of a piece of timber; (*volume solide*)

“volume table” means a table that makes it possible to determine the volume of a piece of timber, using one or more of its other known dimensions; (*tarif de cubage*)

“working day” means a day other than those enumerated in article 6 of the Code of Civil Procedure (R.S.Q., c. C-25), Saturdays and 24 and 31 December. (*jour ouvrable*)

2. Division II applies to any person harvesting timber in a forest in the domain of the State, as well as to any holder of a forest management permit issued for the supply of a wood processing plant whose source of supply is timber harvested in forests in the domain of the State.

Divisions III to VI apply to any holder of a forest management permit issued for the supply of a wood processing plant who harvests timber or whose source of supply is timber harvested in forests in the domain of the State.

DIVISION II SCALING METHODS AND APPROVAL OF THE SCALING METHOD

3. A culler who holds a permit issued under the Cullers Act (R.S.Q., c. M-12.1) shall scale timber according to species or group of species and quality, using one of the following methods or a combination of them:

(1) scaling by the piece, which consists in calculating the solid volume of each piece of sawn timber from its length and diameter;

(2) scaling by apparent volume, which consists in calculating the apparent volume of sawn and piled timber from the height, width and length of each pile;

(3) scaling of unsawn timber, which consists in calculating the solid volume of unsawn and piled trunks from the measurement of the diameter of the widest cut on the trunks and in establishing, by sampling, a stump volume table that makes it possible to calculate the average volume of the trunks based on their diameter;

(4) mass/volume scaling, which consists in calculating the volume of a quantity of timber from its total mass converted into a solid volume using the mass/volume conversion factor; that factor is the ratio between the total mass of the samples taken at random from the aggregate of the mass and the solid volume of those same samples.

4. No harvesting of or supplying with timber harvested in forests in the domain of the State may be

carried out before the Minister has approved the selected scaling method.

The application for approval of the scaling method shall be made on the form provided therefor by the Minister.

5. Timber harvested in a forest in the domain of the State shall be scaled in the cutting area before it is transported, or outside the cutting area after it is transported according to the terms of the approval of the scaling method and in accordance with that method.

The timber scaling data must appear on a scaling form complying with the model drawn up by the Minister for the scaling method applied.

Any scaling form shall be duly completed, dated and signed by a culler who holds a permit issued under the Cullers Act.

DIVISION III SCALING IN THE CUTTING AREA BEFORE TRANSPORTATION

6. A paper copy of the scaling forms shall be deposited, for verification purposes, in a sealed container located where the timber was scaled as soon as the forms are completed, dated and signed by the culler.

7. Scaled timber may not be transported outside the cutting area, unless the driver of the road vehicle in which timber was loaded is in possession of a transport voucher on which the following information appears:

(1) the source and destination of the timber;

(2) the date and time of departure from the loading point;

(3) the registration number of the vehicle; and

(4) the scaling project number, as well as the compilation unit number under which the timber was scaled, as indicated on the approval of the scaling method.

8. During transportation, a copy of the transport voucher shall be deposited in a sealed container at the place indicated.

The transport voucher shall be handed over on arrival at the unloading point.

9. The transport voucher handed over on arrival shall be completed by a person in charge of unloading timber by indicating the date and hour of arrival.

A copy of the voucher shall be kept and filed in a register kept for that purpose by the holder of the forest management permit.

DIVISION IV SCALING OUTSIDE THE CUTTING AREA AFTER TRANSPORTATION

10. Unscaled timber may not be transported outside the cutting area unless the driver of the road vehicle in which timber was loaded is in possession of a timber transportation authorization and loading registration form complying with the model drawn up for that purpose by the Minister and in which the following information appears:

(1) the information referred to in paragraphs 1 to 3 of section 7;

(2) the scaling project number, as well as the compilation unit number under which timber will be scaled, as indicated on the approval of the scaling method; and

(3) the species or group of species of the timber to be transported.

11. During transportation, a copy of the form referred to in section 10 shall be deposited in a sealed container at the place indicated.

The form shall be handed over on arrival at the unloading site.

12. The form handed over on arrival shall be completed by indicating the date and hour of arrival and, where applicable, the weighing data. It shall be signed by a culler who holds a permit issued under the Cullers Act.

A copy of the form shall be kept and filed in a register kept for that purpose by the holder of the forest management permit.

13. Scaling forms shall be completed, dated and signed by the culler no later than the fifth working day following the day the timber is received. That time limit is reduced to two working days where the mass/volume scaling method is carried out with grapple samples.

A paper copy of the scaling forms, as well as a summary of the registrations of the timber transportation authorization and loading registration forms complying with the model drawn up for that purpose by the Minister shall be deposited, for verification purposes, in a sealed container where the timber was scaled as soon as the documents are completed, dated and signed by the culler.

DIVISION V TRANSMISSION OF CERTAIN FORMS CONTAINING SCALING OR INVENTORY DATA

14. Scaling forms, duly completed, dated and signed by the culler, shall be transmitted by the holder of the forest management permit to the Minister so that the Minister receives them no later than the fifth working day following the day on which the paper copy of the forms was deposited in the sealed container.

The timber transportation authorization and loading registration forms shall be transmitted by the holder of the forest management permit to the Minister so that the Minister receives them no later than the fifth working day following the day on which they were duly completed in accordance with section 12.

15. An inventory estimating the volume of the timber felled but not yet scaled or declared on the last day of a calendar month shall be transmitted by the holder of the forest management permit to the Minister every month so that the Minister receives it no later than the fifth working day of the month following the month for which the inventory was made.

The inventory must indicate the location of the timber included in the inventory, be entered on a form complying with the model drawn up for that purpose by the Minister and be signed by a culler who holds a permit issued under the Cullers Act. It is used to determine the volume harvested until the timber is scaled and declared to the Minister.

DIVISION VI VERIFICATION OF SCALING AND CORRECTION

16. Timber must be left undisturbed at the place where it was scaled for at least two clear working days after the paper copy of the scaling forms containing the data relating to scaled timber is deposited in the sealed container, where scaling is carried out according to one of the methods provided for in paragraph 1, 2 or 3 of section 3, or for at least one clear working day after the paper copy of those forms is deposited in the sealed container, where scaling is carried out according to the method provided for in paragraph 4 of section 3.

The first paragraph also applies where a correction to the scaling modifies the duties to be paid. Notwithstanding the foregoing, the prescribed time periods are calculated from the date of the transmission to the Minister of the new form indicating the correction.

17. Timber shall be re-scaled or the scaling corrected, as the case may be, upon the request of the

Minister, where the verification carried out by the Minister shows discrepancies greater than 3 %.

Where re-scaling is required, the re-scaled timber must be left undisturbed at the place where it was scaled until the expiry of one of the time periods provided for in the first paragraph of section 16, as the case may be.

DIVISION VII STANDARDS APPLICABLE TO SEALED CONTAINERS

18. Any sealed container required for the purpose of this Regulation shall

- (1) be made of a hard structure;
- (2) have a volume of no less than 0.2 m³;
- (3) be waterproof and impervious enough to shelter the documents deposited therein from bad weather;
- (4) be equipped with a padlocked door allowing the persons in charge of the application of this Regulation to have access to the documents deposited therein;
- (5) bear the notice “scaling”, in the case of a sealed container referred to in section 6 or 13, or the notice “transportation”, in the case of a sealed container referred to in section 8 or 11; and
- (6) be located in an accessible place.

DIVISION VIII PENAL PROVISIONS

19. Any person harvesting timber in a forest in the domain of the State who contravenes any of the provisions of the first paragraph of section 4 or of the first and second paragraphs of section 5 commits an offence punishable under section 181 of the Forest Act (R.S.Q., c. F-4.1).

Any holder of a forest management permit issued for the supply of a wood processing plant whose source of supply is timber harvested in forests in the domain of the State who contravenes any of the provisions referred to in the first paragraph also commits an offence punishable under section 181 of the Forest Act.

20. Any holder of a forest management permit issued for the supply of a wood processing plant who harvests timber or whose source of supply is timber harvested in forests in the domain of the State and who contravenes any provision of sections 6 to 17 commits an offence punishable under section 181 of the Forest Act.

21. Any driver of a road vehicle who contravenes any provision of section 7, 8, 10 or 11 commits an offence punishable under section 181 of the Forest Act.

Where an offence referred to in the first paragraph is committed by the driver of a heavy vehicle, within the meaning of the Act respecting owners and operators of heavy vehicles (1998, c. 40), any owner or operator of that vehicle, within the meaning of that Act, who did not take the measures necessary to ensure that the driver of the vehicle complies with the provisions referred to in the first paragraph commits an offence punishable under section 181 of the Forest Act.

DIVISION IX MISCELLANEOUS

22. This Regulation replaces the Regulation respecting the scaling standards for timber harvested in forests in the public domain, made by Order in Council 654-94 dated 4 May 1994.

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

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Gouvernement du Québec

O.C. 1271-99, 17 November 1999

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Bread distributors – Montréal — Amendments

Decree amending the Decree respecting bread distributors in the Montréal region

WHEREAS the Government made the Decree respecting bread distributors in the Montréal region (R.R.Q., 1981, c. D-2, r.28);

WHEREAS the contracting parties within the meaning of that Decree have petitioned the Minister of State for Labour and Employment and Minister of Labour to make certain amendments to that Decree;

WHEREAS sections 2, 6.1 and 6.2 of of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to order the extension of a collective agreement and to amend an extension decree at the request of the contracting parties by making, where applicable, the amendments it deems appropriate;