Regulations and other acts

Gouvernement du Québec

O.C. 140-2000, 16 February 2000

Code of Penal Procedure (R.S.Q., c. C-25.1)

Form of statements of offence

Regulation to amend the Regulation respecting the form of statements of offence

WHEREAS under paragraph 1 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1), the Government may, by regulation, prescribe the form of statements of offence;

WHEREAS the Government made the Regulation respecting the form of statements of offence by Order in Council 1211-97 dated 17 September 1997;

WHEREAS it is expedient to make amendments to the statements issued for offences relating to the control of highway transportation and highway safety in order to take into account the Act respecting owners and operators of heavy vehicles (1998, c. 40);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published as a draft in the *Gazette officielle du Québec* of 1 September 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 amendments;

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

THAT the Regulation to amend the Regulation respecting the form of statements of offence, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the form of statements of offence*

Code of Penal Procedure (R.S.Q., c. C-25.1, a. 367, par.1)

- **1.** Section 33 of the Regulation respecting the form of statements of offence is amended by deleting paragraphs 1 and 3.
- **2.** Section 34 of the Regulation is amended:
- (1) by inserting "if any" after the word "notice" in subparagraph b of paragraph 1;
- (2) by adding the words "or a transport services intermediary" at the end of subparagraph *a* of paragraph 2;
- (3) by inserting the words "recorded size and allowed size" after "authorized weight" in subparagraph *d* of paragraph 4;
- (4) by substituting "operator" for "carrier" in sub-paragraph c of paragraph 6.
- (5) by adding the following subparagraphs at the end of paragraph 6:
- "d) mention of whether the driver is the vehicle operator:
- e) the reference to the Act respecting owners and operators of heavy vehicles (1998, c. 40) for the identification of penalty that must be considered for the application of this act;".
- **3.** The appended model for the front of the Statement of Offence replaces the model of Schedules III and V to the Regulation.
- **4.** The appended model of Schedule V for the back of the Statement of Offence is amended by adding "R = Identification on CTQ no" in the section concerning the confirmation of identity.

^{*} The Regulation respecting the form of statements of offence was made by Order in Council 1211-97 dated 17 September 1997 (1997, *G.O.* 2, 5074) and had not yet been amended.

- **5.** Statement of offence forms printed in accordance with the provisions of Division IV of Chapter II of the Regulation respecting the form of statements of offence, made by Order in Council 1211-97 dated 17 September 1997, may continue to be used.
- **6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE III (s. 23, par. 1, subpar. 3)

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