

the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, shall designate by order published in the *Gazette officielle du Québec* any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in the Act;

WHEREAS under the same section, the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS by Order in Council 649-98 dated 13 May 1998, the Government designated the Republic of Georgia as a State to which the Act respecting the civil aspects of international and interprovincial child abduction applies;

WHEREAS that Order in Council provides that the Act will take effect, with regard to the Republic of Georgia, on a later date fixed by the Government;

WHEREAS it is expedient to fix the date of taking of effect of the Act with regard to that State;

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

THAT the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01) take effect on 1 November 1999 with regard to the Republic of Georgia.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 203-2000, 1 March 2000**

Public Curator Act  
(R.S.Q., c. C-81)

#### **Regulation — Amendments**

Regulation to amend the Regulation respecting the application of the Public Curator Act

WHEREAS under the second paragraph of section 41, the second paragraph of section 55 and paragraph 7 of section 68 of the Public Curator Act (R.S.Q., c. C-81), amended by Chapter 80 of the Statutes of 1997 and by

Chapters 30, 40 and 43 of the Statutes of 1999, the Government may make regulations in respect of the matters provided for therein;

WHEREAS the Regulation respecting the application of the Public Curator Act was made by Order in Council 361-90 dated 21 March 1990;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the application of the Public Curator Act was published in Part 2 of the *Gazette officielle du Québec* of 29 December 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 Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the application of the Public Curator Act, the text of which is attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the application of the Public Curator Act<sup>1</sup>**

Public Curator Act  
(R.S.Q., c. C-81, ss. 41, 2nd par., 55, 2nd par., 68,  
par. 7; 1997, c. 80; 1999, c. 30, 40, and 43)

1. The Regulation respecting the application of the Public Curator Act is amended in section 6.1

(1) by adding, “and in all other cases of a retirement plan governed by an act in force in Québec” to subparagraph 1 of the first paragraph after the reference “(R.S.Q., c. R-15.1)”;

<sup>1</sup> The Regulation respecting the application of the Public Curator Act, made by Order in Council 361-90 dated 21 March 1990 (1990, *G.O.* 2, 633), was last amended by the Regulation made by Order in Council 594-99 dated 26 May 1999 (1999, *G.O.* 2, 1583). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

(2) by substituting the following for clause *a* of subparagraph 1 of the first paragraph:

“(a) if the pension payments have begun, the sum of the payments owing but not paid, with interest accrued at the rate of return of the retirement fund up to the date of each transfer or, as the debtor chooses, that sum plus the residual value of the pension on the date of the transfer; the residual value must be assessed on the basis of the hypotheses used to calculate the liabilities of the retired participant on a solvency basis;”;

(3) by substituting the following for clause *a* of subparagraph 3 of the first paragraph:

“(a) if the pension payments have begun, the sum of the payments owing but not paid and, if any, the interest accrued at the rate provided for in the contract up to the date of each transfer or, as the debtor chooses, that sum plus the residual value of the pension on the date of the transfer;”;

(4) by substituting the following for the second paragraph:

“The values referred to in subparagraphs 1, 3 and 4 of the first paragraph shall be established without regard as to whether or not the benefits or pension credits are unclaimed property.”;

(5) by substituting, “sums referred to in subparagraphs 1, 3 and 4 of the first paragraph” for “sums referred to in clause *b* of subparagraphs 1 and 3, and subparagraph 4 of the first paragraph” in the third paragraph.

2. The following is inserted after section 6.5:

**“DIVISION II.3  
PROVISIONAL ADMINISTRATION OF  
PROPERTY**

**6.6.** For the purposes of paragraph 11 of section 24.1 of the Act, the following constitute unclaimed property: funds, securities and other property part of a registered education savings plan referred to in section 146.1 et seq. of the Income Tax Act (R.S.C., 1985, c. 1 (5th suppl.)) for which the interested party has made no claim, engaged in no transaction or given no instruction within three years following the expiry date of the registered education savings plan.”.

3. Section 8 is amended by striking out the words “the representation of persons,” after the words “which the Public Curator may charge for”.

4. The following is substituted for section 9:

“9. The Public Curator may charge, for the management of common trust funds whose portfolios are made up of fixed income investments maturing in less than two years, an amount corresponding to 0.75 % per year of the average assets under administration, payable monthly.

He may charge, for the management of all the other common trust funds, an amount corresponding to 2 % per year of the average assets under administration, payable monthly.”.

5. Schedule I.1 is amended by adding the words “including the date of birth and the social insurance number.” at the end of the second column of paragraph B.

6. The following is substituted for Schedule II:

**“SCHEDULE II  
(s. 8)**

**FEEES OF THE PUBLIC CURATOR**

**CHAPTER I  
GENERAL**

1. The fees that the Public Curator may charge for the services outlined below are as follows:

(1) for the publication of a notice at the registry office stating that the Public Curator is acting as the administrator of an immovable: \$37 per notice;

(2) except with respect to unclaimed property referred to in paragraph 7 of section 24 and in section 24.1 of the Act: \$5 for the preparation of any notice, call for tenders or other document that must be posted in a public place or published in a newspaper in order to establish the capacity of the Public Curator;

(3) for the administration of income property: 5 % of the gross income from the rental;

(4) for the direct sale of vacant land: 10 % of the sale price;

(5) for the direct sale of another immovable: 5 % of the price.

2. The fees that the Public Curator may charge for the search for assigns and other successors of property under provisional administration under section 24 of the Act or for a service not expressly identified in this

Schedule shall be established on the basis of the hourly rate of the person who rendered the service:

— Director	\$134/hour
— Service head	\$103/hour
— Physician	\$173/hour
— Legal adviser	\$113/hour
— Professional	\$86/hour
— Technician or investigator	\$57/hour
— Clerk or secretary	\$42/hour

Subject to the first paragraph, the Public Curator may not charge fees for services related to the protection of persons or of property referred to in paragraph 7 of section 24 or in section 24.1 of the Act.

3. The fees established in accordance with paragraphs 1 and 2 of section 1, paragraphs 2 to 4 of section 4, paragraphs 1 to 12 of section 5 and paragraphs 1 and 2 of section 6, and the hourly rates provided for in section 2 shall be indexed on 1 April of each year, according to the increase of the all-item Consumer Price Index for Canada, during the preceding year. The increase shall be calculated based on the ratio of the previous year's index over the index for the year preceding that one. The index for one year shall be the average of the monthly indexes published by Statistics Canada.

Those rates and fees, indexed in the prescribed manner 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 variations in the indexed hourly rate and fees shall be published by the Public Curator in Part I of the *Gazette officielle du Québec*.

## CHAPTER II ADMINISTRATION OF PROPERTY BELONGING TO PERSONS REPRESENTED

4. The fees that the Public Curator may charge with respect to the administration of property belonging to persons represented are as follows:

(1) for all services related to the collection of information for the inventory of the property of the person represented, the fees shall correspond to the hourly rate charged for a technician or an investigator, in accordance with section 2, subject however, to a minimum charge of \$25 per service;

(2) for the receipt of an amount of money, a negotiable instrument or another payment order related to a non-capital transaction: \$5, except with respect to income security and the old age pension;

(3) for the receipt of an amount of money, a negotiable instrument or another payment order related to a capital transaction: \$10;

(4) for a disbursement related to a non-capital transaction: \$5, except in the case of basic expenses related to the person.

## CHAPTER III PROVISIONAL ADMINISTRATION AND UNCLAIMED PROPERTY

5. The fees that the Public Curator may charge with respect to provisional administration and to unclaimed property are as follows:

(1) for services related to the opening of a file related to unclaimed successions under articles 696 to 702 of the Civil Code of Québec, including the successions covered by paragraph 4 of section 24 of the Public Curator Act: \$117;

(2) for services related to the opening of a file for the unclaimed succession of a person who was under protective supervision under articles 256 to 267 of the Civil Code of Québec: \$38;

(3) for services related to the opening of a file respecting dissolved legal persons or a file referred to in paragraph 10 of section 24 of the Public Curator Act replaced by section 8 of Chapter 80 of the Statutes of 1997: \$25;

(4) for the research on and receipt of an amount of money, a negotiable instrument or another payment order: \$9, except if it concerns property referred to in section 24.1 of the Act or if it concerns the alienation of property sold by the Public Curator;

(5) for the approval of a claim from a creditor in a succession: \$37 per claim;

(6) for the preparation of a notice of closure of the inventory of an unclaimed succession in accordance with article 795 of the Civil Code of Québec: \$37 per succession;

(7) for the preparation of a notice at the end of the liquidation of an unclaimed succession under article 700 of the Civil Code of Québec and for the preparation of a notice of closure of an account for an unclaimed succession under article 822 of the Civil Code of Québec: \$45 per succession;

(8) for the activities required to obtain homologation by the court of a payment proposal for the creditors of an

unclaimed succession in accordance with article 811 of the Civil Code of Québec: \$59 per homologation;

(9) for the activities required to obtain authorization of the court in accordance with section 37 of the Public Curator Act amended by section 22 of Chapter 80 of the Statutes of 1997 and by section 13 of Chapter 43 of the Statutes of 1999: \$59 per authorization;

(10) for the activities required to close a file for an unclaimed succession or a succession referred to in paragraph 4 of section 24 of the Act: \$25 per succession;

(11) for the provisional administration of an unclaimed motor vehicle entrusted to the Public Curator under sections 209.11 to 209.16 of the Highway Safety Code (R.S.Q., c. C-24.2): \$120 per vehicle;

(12) for the sale of motor vehicles abandoned on public roads and entrusted to the provisional administration of the Public Curator under sections 380 to 394 of the Highway Safety Code: \$100 per vehicle;

(13) for the direct sale of movable property or vehicles, with the exception of motor vehicles whose administration is entrusted to the Public Curator under the Highway Safety Code: 15 % of the gross proceeds of the sale of each movable property or vehicle;

(14) for the provisional administration of property referred to in paragraph 7 of section 24 and of unclaimed property referred to in section 24.1 of the Act and subsequently transferred to an interested party or to a succession: 10 % of the amount transferred to the assign, without exceeding \$200, per unclaimed property in administration.

#### CHAPTER IV PRIVATE TUTORS AND CURATORS

6. The fees that the Public Curator may charge with respect to the supervision of tutorships and curatorships are as follows:

(1) in cases where the assets and income of a minor are entirely frozen: \$25 at the time of the freeze;

(2) to locate the legal representative of a person represented: \$25 per investigation;

(3) to obtain and audit the annual reports, the hourly rate of a technician or an investigator as provided for in section 2, except in the following cases:

— 25 % of the hourly rate, if the audit is automatic and causes no rejection or correction;

— 50 % of the rate for a sight review of the audit that causes no rejection or correction.”

7. This Regulation comes into force on 1 April 2000.

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Gouvernement du Québec

### O.C. 206-2000, 1 March 2000

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

#### Road vehicle supply remission

##### Road Vehicle Supply Remission Regulation

WHEREAS according to the administrative policy on Indians under the Québec sales tax, an Indian is exempt, when he provides proof of his status, from paying the tax payable under section 16 of the Act respecting the Québec Sales Tax (R.S.Q., c. T-0.1) for a road vehicle supplied outside a reserve, if that road vehicle is delivered into a reserve by the seller or his mandatary;

WHEREAS following pressure tactics, certain members of the Indian community were unable to have a road vehicle they had purchased outside a reserve delivered into a reserve and, consequently, they had to pay the tax payable for such a transaction;

WHEREAS under section 94 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government, whenever it considers it in the public interest, and to save the public from serious inconvenience or individuals from hardship or injustice, may remit any amount payable or refund any amount paid to the State relating to any matter within the powers of the Parliament;

WHEREAS in the circumstances, it would be beneficial to remit any amount paid under Title I of the Act respecting the Québec Sales Tax by an Indian for the purchase of a road vehicle not delivered into a reserve between 1 December 1998 and 31 January 2000 inclusively;

WHEREAS it is expedient to make a regulation for that purpose;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act if the authority making it is of the