

Regulations and other acts

Gouvernement du Québec

O.C. 201-2001, 7 March 2001

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

Fees, nature and amount of expenses relating to certain property under the administration of the Public Curator

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WHEREAS, under the second paragraph of section 55 of the Public Curator Act (R.S.Q., c. C-81), replaced by section 30 of chapter 80 of the Statutes of 1997, the Government may, by order, on the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister of Finance, establish the fees and the nature and amount of expenses relating to property the administration of which terminates in the circumstances described in the second paragraph of section 40 of the Act, replaced by section 23 of chapter 80 of the Statutes of 1997;

WHEREAS the second paragraph of section 40 of the Act applies to property the Public Curator's administration of which ceases in the absence of any beneficiary of the administration as well as to property administered by the Public Curator on behalf of the State;

WHEREAS the fees and the nature and amount of expenses relating to such property were established by Order in Council 773-99 dated 23 June 1999;

WHEREAS, under the second paragraph of section 41 of the Act, amended by section 24 of chapter 80 of the Statutes of 1997, where the administration of the Public Curator ceases in circumstances described in the second paragraph of section 40 of the Act, the rendering of account shall be effected, and the sums of money remaining upon the termination of the administration shall be transferred, to the Minister of Finance in the manner prescribed by regulation;

WHEREAS, under the first paragraph of section 58 of the Act, replaced by section 31 of chapter 80 of the Statutes of 1997 and by section 8 of chapter 30 of the

Statutes of 1999, expenditures made by the Public Curator for the purposes of the Act shall be charged to the appropriations voted each year for such purposes by Parliament;

WHEREAS it is expedient to replace Order in Council 773-99 to cancel the fees relating to property the administration of which terminates in the circumstances described in the second paragraph of section 40 of the Act, except the fees relating to property the administration of which ceases in the absence of any beneficiary;

WHEREAS it is expedient to replace Order in Council 773-99 so that expenses incurred by the Public Curator to gather the property referred to in section 40 of the Act and to search for assigns may also be charged;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister of Finance:

THAT the fees relating to property the Public Curator's administration of which ceases in the absence of any beneficiary of the administration shall be those prescribed in Schedule II of the Regulation respecting the application of the Public Curator Act, as it reads at the time of its application;

THAT the nature and amount of the expenses that may be charged in connection with property the Public Curator's administration of which terminates in the circumstances described in section 40 of the Public Curator Act, replaced by section 23 of chapter 80 of the Statutes of 1997, shall be those relating to the gathering, administration, conservation, liquidation and restitution of the property and, in particular, expenses incurred for taxes, search for assigns, publications or any public notice or any other notice that the Public Curator is acting as administrator, legal costs, bank charges, brokerage fees, bailiff fees, as well as expenses incurred for maintenance, safekeeping, appraisals and investigations;

THAT this Order in Council replace Order in Council 773-99 dated 23 June 1999;

THAT this Order in Council come into force on 1 April 2001.

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