

Regulations and other acts

Gouvernement du Québec

O.C. 569-2001, 16 May 2001

An Act respecting family benefits
(R.S.Q., c. P-19.1)

Family benefits — Amendments

Regulation to amend the Regulation respecting family benefits

WHEREAS, under section 7 of the Act respecting family benefits (R.S.Q., c. P-19.1), family benefits shall be granted only on application, except where an exemption is provided for by government regulation;

WHEREAS, under the second and third paragraphs of section 12 of that Act, the Government may prescribe by regulation cases in which benefits are to be paid in advance and rules for the payment of benefits otherwise than monthly;

WHEREAS, under section 19 of that Act, the Government may prescribe by regulation the terms and conditions according to which an amount owed must be repaid and fix the percentage or amount up to which the Régie des rentes du Québec may deduct the amount owed from any family benefit;

WHEREAS it is expedient to amend the Regulation respecting family benefits, made by Order in Council 1018-97 dated 13 August 1997;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting family benefits was published as a draft in Part 2 of the *Gazette officielle du Québec* of 28 February 2001, 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, on the recommendation of the Minister of State for Child and Family Welfare and Minister of Child and Family Welfare:

THAT the Regulation to amend the Regulation respecting family benefits, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the regulation respecting family benefits*

An Act respecting family benefits
(R.S.Q., c. P-19.1, s. 7, 12 par. 2 and 3 and 19 par. 2)

1. The Regulation respecting family benefits is amended by inserting the following after section 5:

“5.1. A new application for family benefits is not required where, no later than 12 months after entitlement to such benefits ceased because of failure to respect the conditions related to the contribution mentioned in subparagraph 1 of the first paragraph of section 1 with respect to a child institutionalized or placed under authority of law, the Régie is informed that the institutionalization or placement has ended or where the said conditions have been met.”.

2. The Regulation is amended by inserting the following subdivision after section 12:

“§4. *Provisional amount of the family allowance*

“12.1. Where a person who is entitled to a family allowance for July in a given year and his spouse have duly provided the statement of income required under section 10 of the Act, but the said statement is being processed at the Ministère du Revenu, the Régie may, in order to provisionally set the amount of the allowance for the following months of August, September and October, substitute for the missing income the income of the reference year that was used to calculate the family allowance for the said month of July.

* The last amendment to the Regulation respecting family benefits, approved by Order in Council 1018-97, dated 13 August 1997 (1997, *G.O.* 2, 5587), was made by the regulation approved by Order in Council 890-2000, dated 13 July 2000 (2000, *G.O.* 2, 4729). For the preceding amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

A provisional allowance is granted only where the amount of such allowance is at least \$10.

The amount of a family allowance shall be revised where the income to be used pursuant to section 7 is known; where such income is not known in July of the following year, the provisional allowance is, as of that month, recoverable.”

3. Section 16 of the Regulation is replaced with the following sections:

“16. Where the monthly amount of a family allowance, after taking into account the deduction referred to in section 17, if any, is less than \$10, payment shall be made:

(1) where no more than three monthly payments are required to reach a sum of 10 \$, quarterly, in January, April, July and October;

(2) where no more than six monthly payments are required to reach a sum of \$10, twice a year, in January and July;

(3) in all other cases, once a year, in July.

Where payment is made by cheque and the monthly amount is no more than the minimum family allowance provided for in the third paragraph of section 9, the payment shall be made quarterly, in January, April, July and October, unless a longer interval results from the application of the first paragraph. However, this paragraph does not apply where the person who is entitled to a family allowance is likewise entitled to an allowance for handicapped children.

No amount less than \$2 may be paid. Nevertheless, such an amount shall be paid at a later date where, added to another amount paid pursuant to the Regulation, the total of the two is not less than \$2.

16.1. A person who is entitled to a family allowance may request that such allowance be paid at one or the other of the intervals referred to in the first paragraph of section 16 or at a monthly interval. However, where the interval chosen results in payments less than \$2, the Régie shall apply the shortest interval among those mentioned in the first paragraph of section 16.

16.2. A change in the payment interval takes effect in the month following the one in which the the conditions related to the new interval have been met.”

4. Section 17 of the Regulation is amended:

(1) by replacing the second paragraph with the following paragraph:

“Where an allowance is paid at intervals other than monthly, the maximum referred to in subparagraphs 1 and 2 of the first paragraph is multiplied by the number of months covered by the payment.”;

(2) by striking out the words “in writing” in subparagraph 4 of the third paragraph.

5. Section 3 and subparagraph 1 of section 4 shall apply to allowances that are payable from 29 June 2001.

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

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Gouvernement du Québec

O.C. 576-2001, 16 May 2001

An Act respecting health services and social services for Cree Native persons
(R.S.Q., c. S-5)

An Act respecting health services and social services
(R.S.Q., c. S-4.2)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services

WHEREAS, under sections 159 to 161.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), the Government shall determine, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution and may, in such a regulation, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, in accordance with the Pension Index established in conformity with section 117 of the Québec Pension Plan (R.S.Q., c. R-9);

WHEREAS under section 512, amended by section 160 of chapter 39 of the Statutes of 1998, and paragraph 1 of section 515 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government shall determine, by regulation, the contribution that may be required of users lodged in a facility maintained by a