

designation of ISO/IEC 9594: 1995, for the management of the directory containing the information relating to the certificates and public keys that form an integral part of key pairs;

— ITU Recommendation X.509 (11/93), in particular, adopted as an international standard by ISO and IEC under the designation ISO/IEC 9594-8: 1995 Information Technology—Open systems interconnection (OSI)—The Directory: Authentication framework, for the issue and storage of key pairs and signature verification and encryption certificates; and

— the United States government's National Institute of Standards and Technology (NIST) Standard FIPS 140-1 for the DES, DSA and SHA-1 algorithms used in cryptography.

4375

Draft Regulation

Civil Code of Québec
(1991, c. 64)

An Act respecting registry offices
(R.S.Q., c. B-9)

An Act to amend the Civil Code and other legislative provisions relating to land registration
(2000, c. 42)

Land register — Provisional regulation — Amendments

Regulation to amend the Provisional Regulation respecting the land register

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Provisional Regulation respecting the land register, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to establish rules applying to non-computerized registry offices. It will be inoperative once all registry offices are computerized.

The draft Regulation proposes in particular to introduce certain new rules as a complement to those enacted by the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42)

including the rules related to the manner of drawing up certified statements.

Moreover, the draft Regulation proposes to harmonize the provisions of the provisional regulation with those introduced by the Act to amend the Civil Code and other legislative provisions relating to land registration, in particular with respect to the abandonment of phase II of the land registration initial reform and with respect to solutions found to correct certain difficulties encountered in the application and interpretation of publication law.

To date, study of the matter has shown no other impact on the public and on businesses than that resulting from the Act to amend the Civil Code and other legislative provisions relating to land registration.

Further information on the draft Regulation to amend the Provisional Regulation respecting the land register may be obtained by contacting Odette Lacombe, 150, boulevard René-Lévesque Est, 7^e étage, Québec (Québec) G1R 2B2, by telephone at (418) 646-9606 or by fax at (418) 646-9687.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Regulation to amend the Provisional Regulation respecting the land register*

Civil Code of Québec
(1991, c. 64, art. 3024)

An Act respecting registry offices
(R.S.Q., c. B-9, s. 5)

An Act to amend the Civil Code and other legislative provisions relating to land registration
(2000, c. 42, s. 240)

1. The Provisional Regulation respecting the land register is amended by inserting the following heading and provision before the heading of Chapter One:

* The Provisional Regulation respecting the land register, made by Order in Council 1596-93 dated 17 November 1993 (1993, G.O. 2, 6239), was amended once by the Regulation made by Order in Council 1067-95 dated 9 August 1995 (1995, G.O. 2, 2626).

“PRELIMINARY PROVISION

This Regulation applies only to registry offices established for registration divisions of Québec that, on (*enter the date of coming into force of sections 238, 241, 242 and 245 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42)*), have not been the subject, pursuant to section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), of a notice of the Minister of Natural Resources stating that they are fully computerized for land registration purposes or with respect to which the date fixed in the notice has not occurred.

This Regulation remains applicable, for each of those offices, until the date fixed in the notice of the Minister of Natural Resources stating that that office is fully computerized for land registration purposes; as of that date, the Regulation respecting land registration made pursuant to article 3024 of the Civil Code becomes applicable to that office.”.

2. The following is substituted for section 1 of the Provisional Regulation respecting the land register:

“1. The registers kept in registry offices of registration divisions shall be established either according to the corresponding model attached to this Regulation or according to the model referred to in section 8, 10, 11 or 16.”.

3. Section 2 is revoked.

4. Section 3 is amended by substituting the words “of the index of immovables, of the register of real rights of State resources development and of the register of public service networks and immovables situated in territory without a cadastral survey” for the words “of a register serving as a land register” in the first paragraph.

5. Section 4 is revoked.

6. Section 6 is amended

(1) by adding the following sentence at the end of the first paragraph: “Any omitted mention or entry shall be added in the margin of a document along with the date, hour and minute of the addition.”;

(2) by substituting the words “in an entry or a certificate for registration in the register or in a mention or entry in the margin of a document” for the words “in an entry” in the second paragraph; and

(3) by substituting the words “Notwithstanding the first and second paragraphs” for the words “Notwithstanding the foregoing” at the beginning of the third paragraph.

7. Section 7 is amended

(1) by striking out “where there is no land register within the meaning of article 2972 of the Code” at the end of the introductory sentence of the first paragraph; and

(2) by striking out “, which shall be called *Directory of holders of real rights*” at the end of subparagraph 5 of the first paragraph.

8. Section 8 is amended

(1) by substituting the following for the first paragraph:

“8. The memorial of presentation shall be numbered in consecutive order.”; and

(2) by substituting “In the offices” for “Notwithstanding the foregoing, in the offices” at the beginning of the second paragraph.

9. Section 10 is amended by substituting “It shall be kept in alphabetical order of the names of all holders and grantors of rights designated in the applications that are published in it.” for the second sentence.

10. Division II of Chapter One, entitled “Opening of leaves in registers” and comprising sections 17 and 18, is revoked.

11. Section 30 is amended by deleting the third paragraph.

12. Section 33 is revoked.

13. The following is substituted for section 36:

“36. A notice of renewal of the publication of a right shall specify the right in question and the place, date, registration number and nature of the document evidencing the right.

A notice of renewal of the registration of an address shall specify the registration number of the notice of address that a person wishes to renew, the registration number of the application pertaining to that notice, the right in question, except in the case of a hypothec, and the name of the registration division in which the immovable subject to the right is situated.

A notice of renewal of the publication of a right may apply to that renewal and to the renewal of the registration of an address recorded with respect to that right provided only that an application made especially for that purpose, referring to the notice of address in question, appears in the notice of renewal of publication of the right.”.

14. Section 39 is amended by substituting “A single copy of the notice may be filed.” for the last sentence of the first paragraph.

15. Section 40 is amended

(1) by substituting the words “A notice of a change in the address” for the words “A notice of a change of address or of a change in the address” at the beginning of the first paragraph; and

(2) by substituting “A single copy of the notice may be filed.” for the last sentence of the first paragraph.

16. The following is substituted for section 40.1:

“40.1. The notice of amendment to the reference to the registration number of an address, or the notice of entry of a reference omitted in the registration number of an address, shall state the nature and registration number of the document in question and the former and current reference, if necessary, to which the amendment or entry relates. Two copies of the notice shall be filed.”.

17. Section 41 is revoked.

18. Section 42 is amended

(1) by striking out “except in the case of the index of names” in the first paragraph; and

(2) by substituting “The notice of a change in the address” for “The notice of a change of address or of a change in the address” at the beginning of the second paragraph.

19. The following is added after section 42.1:

“42.2. In addition to the particulars required under article 2999.1 of the Code, the notice must contain, where applicable, the names of the lessees, whether assignors or assignees, and the nature of the modification made to the lease.

In case of transfer of, correction to or cancellation of the lease, the reference to the lease required under article 2999.1 of the Code is made by specifying the registration number of the lease or the number of the notice

governing the registration of the rights arising therefrom in the register.”.

20. Sections 48 and 48.1 are revoked.

21. Section 54 is amended by striking out the second sentence.

22. Section 56 is amended by substituting “Notwithstanding article 3014.1 of the Code, the hypothec of a claim secured by an immovable hypothec shall be mentioned in the margin of the application evidencing the claim.” for the second sentence.

23. The following is substituted for section 57:

“57. The reference in the register to the registration number of a complete acquittance or discharge shall be preceded by the letter *T*. Notwithstanding the foregoing, if the reduction concerns the amount registered or the *situs* of the security, that information shall be indicated by using the letter *P*.”.

24. The Regulation is amended by inserting the following after section 59:

“59.1. The certified statement issued pursuant to article 3019 of the Code must contain, in addition to the type of certified statement, the name of the person requesting it, the lot number given to the immovable and the name of the cadastre in which it is situated, or the serial number of the file relating to the real right, the network or the immovable and the name of the register in which the file is recorded, the name of the registration division in which the immovable is situated, the right or the network, the name of its owner or holder, as the case may be, the period for which the certified statement is issued and all registration numbers of the applications in question, if any.

The certified statement, dated and signed by the registrar issuing it, shall be completed, where applicable, by the copies of the applications for registration in question, with the accompanying documents where they are in the form of a summary and, where applicable, an extract from the complementary register related to each application.”.

25. This Regulation comes into force on (*enter the date of coming into force of sections 238, 241, 242 and 245 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42)*).