

ment 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.

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Gouvernement du Québec

O.C. 1068-2001, 12 September 2001

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

WHEREAS, under article 3024 of the Civil Code of Québec (1991, c. 64), the Government may make regulations respecting the matters set forth therein, in particular to take all the necessary steps for the implementation of the provisions of the Book “Publication of rights”;

WHEREAS, under section 5 of the Act respecting registry offices (R.S.Q., c. B-9), the Government may make regulations respecting certain elements of form of documents requiring publication;

WHEREAS, under section 240 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), the Government may make regulations respecting the matters set forth therein,

in particular to take any measure necessary for the purposes of the Act to amend the Civil Code and other legislative provisions relating to land registration;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS, following that publication, comments were made;

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 Provisional Regulation respecting the land register, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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:

“PRELIMINARY PROVISION

This Regulation applies only to registry offices established for registration divisions of Québec that, on 9 October 2001, have not been the subject, pursuant to section 237 of the Act to amend the Civil Code and other

* 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).

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 :

“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 request 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 shall state the nature and registration number of the document in question and the former and current references in the registration number of the address.

The notice of entry of a reference omitted in the registration number of an address shall state the registration number of the document in question and the reference to the registration number of the address. In addition, it shall specify the right in respect of which the registration number of address will be entered, except for a hypothec.

Two copies of the notice of amendment or of entry must 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, modification 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 will come into force on the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration, stating that a first registry office is fully computerized for land registration purposes.