

In the municipalit  regionale de comt  de L' le-d'Orl ans: paroisse de Sainte-Famille, village de Sainte-P tronille, paroisse de Saint-Fran ois, paroisse de Saint-Jean, Saint-Laurent-de-l' le-d'Orl ans, Saint-Pierre-de-l' le-d'Orl ans.

R GION DE CHAUDI RE-APPALACHES

Ville de L vis.

In the municipalit  regionale de comt  de Bellechasse: Saint-Henri.

In the municipalit  regionale de comt  de La Nouvelle-Beauce: paroisse de Saint-Lambert-de-Lauzon.”.

2. This Decree comes into force on the date of its publication in the *Gazette officielle du Qu bec*.

5766

Draft Regulation

Code of Penal Procedure
(R.S.Q., c. C-25.1)

Form of statements of offence

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 Regulation respecting the form of statements of offence, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this draft Regulation is to amend the form of statements of offence to add a contribution of \$10 to the amount of the fine and costs in respect of each statement of offence issued under the Code of Penal Procedure for an offence under the laws of Qu bec, except in the case of a statement of offence issued for the contravention of a municipal by-law.

The draft Regulation will have no significant impact on businesses. It will inform the defendant that the contribution becomes payable when the defendant pleads guilty or is convicted or deemed convicted of an offence.

Further information may be obtained by contacting Pierre Reid, 1200, route de l' glise, 9   tage, Sainte-Foy (Qu bec) G1V 4M1; telephone: (418) 643-4090; fax: (418) 643-3877.

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 Minister of Justice, 1200, route de l' glise, 9   tage, Sainte-Foy (Qu bec) G1V 4M1.

MARC BELLEMARE,
Minister of Justice

Regulation to amend the Regulation respecting the form of statements of offence*

Code of Penal Procedure
(R.S.Q., c. C-25.1, a. 367, par. 1)

1. The Regulation respecting the form of statements of offence is amended by striking out “relative to the penal proceeding” in the first paragraph of section 4.

2. Section 5 is amended by substituting “optional or compulsory particulars prescribed by an act or this Regulation” for “particulars relative to the penal proceeding” in the first paragraph.

3. Section 24 is amended

(1) by substituting the following for paragraph 8:

“(8) the date and time of service of the statement of offence by a bailiff or a peace officer or, for service by mail, the reference to the document stating that date;”;

(2) by substituting “the sentence, the costs and, where applicable, the amount of the contribution provided for in article 8.1 of the Code of Penal Procedure” for “the sentence and the costs requested” in paragraph 10.

4. Section 28 is amended

(1) by substituting “the total amount of the fine, the costs and, where applicable, the contribution, or the” for “either the total amount of the fine and the costs requested or” in subparagraph 3 of the first paragraph;

(2) by substituting “the total amount of the fine, the costs and, where applicable, the contribution, or the” for “either the total amount of the fine and the costs requested or” in subparagraph 4 of the first paragraph;

* The Regulation respecting the form of statements of offence, made by Order in Council 1211-97 dated 17 September 1997 (1997, *G.O.* 2, 5074), was amended by the regulation made by Order in Council 140-2000 dated 16 February 2000 (2000, *G.O.* 2, 985).

(3) by substituting “total amount of the fine, the costs and, where applicable, the contribution” for “total amount of the fine and the costs requested” in subparagraph 5 of the first paragraph.

5. Section 29 is amended by substituting the following for paragraph 5:

“(5) in the section concerning the sentence:

(a) the amount of the minimum sentence, the minimum costs prescribed by law for the offence and, where applicable, the contribution; and

(b) the total amount of the fine, the costs and, where applicable, the contribution requested by the prosecutor;”.

6. Section 31 is amended

(1) by substituting the following for paragraph 4:

“(4) the sentence indicating the minimum sentence and costs prescribed by law and, where applicable, the contribution as well as the total amount of the fine, the costs and, where applicable, the contribution;”;

(2) by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in paragraph 5;

(3) by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in paragraph 6.

7. Section 33 is amended by deleting paragraphs 5 and 6.

8. Section 34 is amended by substituting the following for subparagraphs *a* and *b* of paragraph 7:

“(a) the minimum fine and costs prescribed by law and, where applicable, the amount of the contribution;

(b) the total amount of the fine, the costs and, where applicable, the contribution requested by the prosecutor; and”.

9. Section 36 is amended

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

“(a) the minimum fine and costs prescribed by law and, where applicable, the amount of the contribution and the total amount of the fine, the costs and, where applicable, the contribution;”;

(2) by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in subparagraph *c* of paragraph 3.

10. Section 38 is amended by substituting the following for subparagraphs *a* and *b* of paragraph 5:

“(a) the minimum fine and costs prescribed by law and, where applicable, the amount of the contribution;

(b) the total amount of the fine, the costs and, where applicable, the contribution claimed by the prosecutor; and”.

11. Section 40 is amended by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in subparagraph *d* of paragraph 2.

12. Schedule I is amended

(1) by substituting, on the front of the statement of offence,

(a)

“Date of service of statement

▶ When served by mail, the date indicated on the notice of receipt or delivery or the date indicated on the envelope.

”

for

“Date and time of service of statement

▶ When served by mail, the date and time indicated on the notice of receipt or delivery or the date and time indicated on the envelope.”;

(b)

“

REQUEST FOR SENTENCE

Sentence: + Costs: + Contribution: = Total amount: ”

for

“

REQUEST FOR SENTENCE

Sentence requested: + Costs: = Whole amount requested: ”;

(2) by substituting, on the back of the statement of offence,

“ • pay the total amount of the fine, the costs and the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“• pay the whole amount of the fine and costs requested.”.

13. Schedule II is amended

(1) by substituting, on the front of the statement of offence,

“Minimum sentence	Costs	Contribution	
\$ +	\$ +	\$ =	\$ < Amount requested ”

for

“Minimum sentence	Costs	
\$ +	\$ =	\$ < Amount requested ”;

(2) by substituting, on the back of the statement of offence,

(a)

“— pay (in Canadian funds) the total amount of the fine, the costs and the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“— pay (in Canadian funds) the whole amount of the fine and costs requested.”;

(b)

“Unless the total amount of the fine, the costs and the contribution is transmitted together with this plea, additional costs may be imposed.”

for

“Unless the whole amount of the fine and costs requested is transmitted together with this plea, additional costs may be imposed.”;

(c)

“FAILURE TO TRANSMIT A PLEA AND THE AMOUNT OF THE FINE AND COSTS”

for

“FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED”;

(3) by substituting, on the return form of the statement of offence,

“Minimum sentence	Costs	Contribution
\$ +	\$ +	\$ =
		\$ < Amount requested ”

for

“Minimum sentence	Costs	
\$ +	\$ =	\$ < Amount requested ”.

14. Schedule III is amended

(1) by substituting, on the front of the statement of offence,

“SENTENCE	Minimum sentence	Costs	Contribution	
	\$	+\$	+\$	= \$ < Amount requested ”

for

“PENALTY	Minimum fine	Costs	< Amount payable
	\$	+\$	= \$ payable ”;

(2) by substituting, on the back of the statement of offence,

(a) in the section on the description of the transmission of plea, the letter “H” for the letter “G”;

(b)

“— pay (in Canadian funds) the total amount of the fine, the costs and the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“— pay (in Canadian funds) the whole amount of the fine and costs requested.”;

(c)

“Unless the total amount of the fine, the costs and the contribution is transmitted together with this plea, additional costs may be imposed.”

for

“Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.”;

(d)

“FAILURE TO TRANSMIT A PLEA AND THE AMOUNT OF THE FINE AND COSTS”

for

“FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED”;

(3) by substituting, on the return form of the statement of offence,

“Minimum sentence Costs Contribution
 \$ + \$ + \$ = \$ < Amount requested ”

for

“Minimum sentence Costs
 \$+ \$ = \$ < Amount requested ”.

15. Schedule IV is amended

(1) by substituting, on the front of the statement of offence,

“Sentence Costs Contribution
 Minimum sentence
 \$ + \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked. ”

for

“Sentence requested Costs
 Minimum sentence
 \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked off. ”;

(2) by substituting “, the costs and the contribution indicated on the front. The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”, in the third paragraph on the back of the statement of offence, for “and costs requested as indicated on the front or you may be liable

for an additional amount of costs. If you pay the whole amount of the fine and costs, you will be deemed to have transmitted a plea of guilty.”;

(3) by substituting, on the return form,

(a)

“ **Important**
 If you plead guilty to the alleged offence, you must pay the amount indicated in the section “Amount requested”, otherwise you will be liable for additional costs. ”

for

“ **Important**
 If you plead guilty to the offence alleged, you must pay the amount indicated in the section “Amount requested”, in which case you will be deemed to have transmitted a plea of guilty. ”;

(b)

“Sentence Costs Contribution
 Minimum sentence
 \$ + \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked.”

for

“Sentence requested Costs
 Minimum sentence
 \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked off.”.

16. Schedule V is amended

(1) by substituting, on the front of the statement of offence,

“SENTENCE Minimum sentence Costs Contribution
 \$ + \$ + \$ = \$ < Amount requested

for

“PENALTY Minimum fine Costs < Amount payable ”;

(2) by substituting, on the back of the statement of offence,

(a)

“— pay (in Canadian funds) the total amount of the fine, the costs and, where applicable, the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“— pay (in Canadian funds) the whole amount of the fine and costs requested.”;

(b)

“Unless the total amount of the fine, the costs and the contribution is transmitted together with this plea, additional costs may be imposed.”

for

“Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.”;

(c)

“FAILURE TO TRANSMIT A PLEA AND THE AMOUNT OF THE FINE AND COSTS”

for

“FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED”.

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

5769

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Chartered appraisers
— Code of ethics
— Amendments

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 Code of ethics of the members of the Ordre des évaluateurs agréés du Québec, adopted by the Bureau of the Ordre des évaluateurs agréés du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of appraisers to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence.

Those provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person’s representative, and to the persons who can come to that person’s aid.

The Order expects the proposed amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Céline Viau, Secretary General of the Ordre des évaluateurs agréés du Québec, 2075, rue University, bureau 1200, Montréal (Québec) H3A 2L1; telephone: (514) 281-9888 or 1 800 982-5387; fax: (514) 281-0120.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that made the Regulation, as well as to the interested persons, departments and bodies.

JEAN-K. SAMSON
*Chair of the Office des
professions du Québec*