

Gouvernement du Québec

O.C. 973-2003, 17 September 2003

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

**Form of statements of offence
— Amendments**

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

WHEREAS, under paragraph 1 of the first paragraph of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1), the Government may, by regulation, prescribe the form of statements of offence;

WHEREAS the Government made the Regulation respecting the form of statements of offence by Order in Council 1211-97 dated 17 September 1997;

WHEREAS, under the first paragraph of article 8.1 of the Code of Penal Procedure (R.S.Q., c. C-25.1), inserted by section 1 of chapter 78 of the Statutes of 2002, a contribution of \$10 shall be added to the total amount of the fine and costs imposed on the issue of a statement of offence for an offence under the laws of Québec, except in the case of a statement of offence issued for the contravention of a municipal by-law;

WHEREAS it is expedient to amend the statement of offence form to add the particulars relating to the contribution;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 11 June 2003 with a notice that it could be made by the Government on the expiry of a 45-day period following that publication;

WHEREAS it is expedient to make the draft Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the form of statements of offence, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

**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;

(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.

* 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).

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, 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 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 requested 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”
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for

“Minimum sentence \$	+	Costs \$		= \$	◀ Amount requested”;
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(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”
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for

“Minimum sentence \$	+	Costs \$		= \$	◀ Amount requested”.
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14. Schedule III is amended

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

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

“PENALTY	Minimum fine \$	+	Costs \$		= \$	◀ Amount payable”;
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(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 Minimum sentence Costs Contribution
\$ + \$ + \$ = \$ ◀ Amount requested
 Towing costs of _____ have been added if this box is checked.”

for

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

for

“Sentence requested Minimum sentence Costs
\$ + \$ = \$ ◀ 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. Statement of offence forms printed in accordance with the provisions of the Regulation respecting the form of statements of offence, made by Order in Council 1211-97 dated 17 September 1997, may continue to be used taking into account, where applicable, the provisions of articles 146 and 148 of the Code of Penal Procedure, as amended by sections 2 and 3 of the Act to amend the Code of Penal Procedure (2002, c. 78).

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

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Gouvernement du Québec

O.C. 976-2003, 17 September 2003

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail
(R.S.Q., c. M-15.001)

An Act respecting the Ministère du Revenu
(R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan
(R.S.Q., c. R-9)

Agreement on Social Security between the Government of Québec and the Government of the Kingdom of the Netherlands

— Ratification — Implementation

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands and enactment of the Regulation respecting the implementation of that Agreement

WHEREAS Décret 1374-99 dated 8 December 1999 authorized the Minister of International Relations to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands;

WHEREAS the Agreement was signed at Québec on 4 December 2001;