

Regulations and other acts

Gouvernement du Québec

O.C. 270-2004, 24 March 2004

Forest Act
(R.S.Q., c. F-4.1)

Forestry fund

— Contribution of holders of certain contracts and agreements — Amendments

Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund

WHEREAS, under the first paragraph of section 73.4 of the Forest Act (R.S.Q., c. F-4.1), every timber supply and forest management agreement holder must, at such intervals as are determined by regulation of the Government, pay to the Minister of Natural Resources a contribution for the financing of activities related to forest management;

WHEREAS, under the second paragraph of that section, such contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in the agreement and is determined on the date or dates fixed by the regulation;

WHEREAS, under subparagraph 18.2 of the first paragraph of section 172 of the Act, the Government may, by regulation, fix the rate referred to in section 73.4, the date or dates on which the volume allotted to an agreement holder under an agreement must be determined for the purposes of the contribution, and determine the intervals, dates and methods of payment of the contribution;

WHEREAS, under section 176 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), amended by section 58 of chapter 16 of the Statutes of 2003, the provisions of sections 73.4 to 73.6 of the Forest Act concerning the contributions to be paid into the forestry fund apply to forest management agreements and forest management contracts taking effect or renewed after 26 June 2001, the date of the day preceding the date of coming into force of the provisions of section 176;

WHEREAS, under paragraph 1 of section 58 of the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, c. 16), no contribution into the forestry fund is payable, however, by a contract holder that is a municipality or a Native band council;

WHEREAS, under section 95.2.1 of the Forest Act, sections 73.4 and 73.5 of that Act apply to a holder of a wood processing plant operating permit who has entered into an auxiliary timber supply guarantee agreement as if the holder were the holder of a timber supply and forest management agreement. However, section 184 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6) provides that the provisions relating to the contributions paid into the forestry fund do not apply to auxiliary timber supply guarantee agreements in force on 27 June 2001;

WHEREAS, under sections 95.2.1 and 104.5 of the Forest Act, a clarification is made in respect of the holder of an auxiliary timber supply guarantee agreement or forest management agreement by an indication that the rate per cubic metre of timber is applicable, in the former case, to the auxiliary volume specified in the auxiliary timber supply guarantee agreement and, in the latter case, to the volume authorized under the holder's forest management contract permit;

WHEREAS, by Order in Council 328-2002 dated 20 March 2002, the Government made the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund;

WHEREAS it is expedient to amend that Regulation to fix, as of 1 April 2004, the rate per cubic metre of timber on which the contribution to the forestry fund is established;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund was published in Part 2 of the *Gazette officielle du Québec* of 3 March 2004 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS the 15-day period has expired;

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under that section, the reason justifying such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that it is urgent that the Regulation come into force on 1 April 2004 since the contribution to the forestry fund is used to fund the activities related to forest management and it is essential, considering the importance of the activities, that a rate become effective on that date to ensure that the funding of the activities of the forestry fund is not affected;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund*

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4, 95.2.1, 104.5 and 172,
1st. par., subpar. 18.2)

1. The Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund is amended in section 1

(1) by striking out “within a fiscal year” after “forestry fund”;

(2) by adding “of a fiscal year” after “1 January”;

(3) by further adding “according to the rate applicable on the payment date” at the end of the sentence before the period.

2. Section 2 is replaced by the following:

“**2.** The rate applicable on the payment contribution dates provided for in section 1 is \$0.1725 per cubic metre of timber.”

3. Section 3 is amended by striking out “quarterly” and by inserting “payment” before “contribution dates” in the first paragraph.

4. This Regulation comes into force on 1 April 2004.

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Gouvernement du Québec

O.C. 298-2004, 29 March 2004

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Energy produced by cogeneration — Amendment

Regulation to amend the Regulation respecting energy produced by cogeneration

WHEREAS, under subparagraphs 2.1 and 2.2 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government made the Regulation respecting energy produced by cogeneration by Order in Council 1319-2003 dated 10 December 2003;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

* The Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund, made by Order in Council 328-2002 dated 20 March 2002 (2002, *G.O.* 2, 1673), has been amended once, by the regulation made by Order in Council 438-2003 dated 21 March 2003 (2003, *G.O.* 2, 1320).