

Regulation to amend the Bus Transport Regulation*

Transport Act
(R.S.Q., c. T-12, s. 5, pars. c and d)

1. The Bus Transport Regulation is amended by deleting subparagraph 3 of section 5.
2. Section 10 is revoked.
3. Section 11 is amended by replacing “an artificial person shall have had its corporate seat or a place of business in Québec” by “a person’s corporate seat or place of business must be in Québec”.
4. This Regulation comes into force on 1 November 2004.

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Gouvernement du Québec

O.C. 787-2004, 10 August 2004

Public Curator Act
(R.S.Q., c. C-81)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Public Curator Act

WHEREAS, under paragraphs 6 and 7 of section 68 of the Public Curator Act (R.S.Q., c. C-81), the Government may, by regulation, determine the information to be entered in the registers and fix the tariff of fees which the Public Curator may charge, in particular for the representation of persons and the administration of the property entrusted to the Public Curator;

WHEREAS the Government made the Regulation respecting the application of the Public Curator Act by Order in Council 361-90 dated 21 March 1990;

WHEREAS it is expedient to amend the Regulation in order to enter in the register of unclaimed property the net values, the amount of the fees and the balance, to

specify what information is not required and to establish a tariff of fees payable for the activities of the Public Curator respecting the protection of a person and the administration or liquidation of a person’s property entrusted to the Public Curator;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the application of the Public Curator Act 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 45 days following that publication;

WHEREAS the Public Protector has made comments on the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the application of the Public Curator Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Public Curator Act*

Public Curator Act
(R.S.Q., c. C-81, s. 68, pars. 6 and 7)

1. Section 7 of the Regulation respecting the application of the Public Curator Act is amended

(1) by adding “, the deceased” after “owners” in subparagraph *d* of paragraph 3;

(2) by adding the following at the end of paragraph 3:

* The Bus Transport Regulation, made by Order in Council 1991-86 dated 19 December 1986 (1987, *G.O.* 2, 24), was last amended by the regulation made by Order in Council 671-2001 dated 30 May 2001 (2001, *G.O.* 2, 2652). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

* The Regulation respecting the application of the Public Curator Act, made by Order in Council 361-90 dated 21 March 1990 (1990, *G.O.* 2, 633), was last amended by the regulation made by Order in Council 488-2002 dated 24 April 2002 (2002, *G.O.* 2, 2287). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

“(f) the net value of the property, the fees and taxes payable and the balance.

No information shall be entered in the register if the amount of the applicable fees and taxes is equal to or greater than the net value of the property, or if the owner or assign has indicated a refusal to recover the property or its value;”.

2. Section 7.1 is amended by adding the following paragraph:

“The entry of the property in the register may be removed if the amount of the fees and applicable taxes is equal to or greater than the value of the property, or if the owner or assign has indicated a refusal to recover the property or its value.”.

3. Section 8 is amended by replacing “the administration of property entrusted to him and the supervision of tutorships and curatorships” by “the protection and representation of a person, the administration of a person’s property and the administration of property entrusted to the Public Curator”.

4. Section 9 is amended in the first paragraph

(1) by replacing “0.75” by “1.5”;

(2) by adding the following sentence: “The fees may not, however, exceed the rate of return of the funds.”

5. Schedule II is replaced by the following:

“SCHEDULE II
(s. 8)

FEES OF THE PUBLIC CURATOR

CHAPTER I
PERSONS REPRESENTED

1. The fees that the Public Curator may, as applicant, charge for activities relating to the institution of protective supervision are \$1,000. The sum is payable at the end of the supervision if public protective supervision is instituted, or on the rendering of the judgment if private protective supervision is instituted.

2. The fees that the Public Curator may charge for activities relating to the protection of a person are \$800 per year. That sum is payable only after the death of the person represented if the death occurs while the person is under public protective supervision.

3. The fees that the Public Curator may charge in relation to the administration of property belonging to persons represented are as follows:

(1) for the collection of information for the purposes of an inventory of the property of the person represented: a lump sum of \$75 to which a tariff of \$75 per hour is added;

(2) for an inquiry: \$75 per hour;

(3) for the planning of the initial administration of the patrimony: \$75 per hour;

(4) for the planning and administration of the annual budget and the administration of movables: \$25 per month;

(5) for the recovery of a hypothecary loan or other receivable: \$315 per year;

(6) for the payment of a hypothecary loan or other debt: \$80 per year;

(7) for the disposal of a share: 2% of the transaction value;

(8) for the alienation of a movable other than a security: 25% of the transaction value;

(9) for the administration of an immovable: \$75 per month;

(10) for the alienation of an immovable: the lesser of \$3,000 and 5% of the transaction amount;

(11) for the administration of insurance: \$70 per policy, per year;

(12) for the filing of a fiscal return: \$50 per return;

(13) for the rendering of an account and transfer after the death of the person represented: \$1,700;

(14) for the rendering of an account and transfer during the lifetime of the person represented: \$300;

(15) for an intervention of a legal nature: \$100 per hour; and

(16) for the settlement of a succession in favour of the person represented: \$75 per hour.

CHAPTER II
ADMINISTRATION, PROVISIONAL
ADMINISTRATION AND LIQUIDATION
OF A SUCCESSION OR OTHER UNCLAIMED
PROPERTY

4. The fees that the Public Curator may charge in relation to administration, to the provisional administration of property referred to in paragraphs 1 to 5 and 8 to 10 of section 24 of the Act or other property, or to the liquidation of a succession or other property are as follows:

- (1) for the opening of a file: \$455;
- (2) for the collection of information for the purposes of an inventory of the property: a lump sum of \$75 to which a tariff of \$75 per hour is added;
- (3) for an inquiry: \$75 per hour;
- (4) for the liquidation of an abandoned vehicle: \$280;
- (5) for the administration and liquidation of seized or abandoned property entrusted to the administration of the Public Curator by another statute: \$75 per hour;
- (6) for the liquidation of a movable other than a security or an abandoned vehicle: 25% of the transaction value;
- (7) for the collection and analysis of the information relating to an immovable: \$260;
- (8) for the sale of an immovable: 5% of the sale price, but not less than \$760 nor more than \$3,000;
- (9) for any other transfer of an immovable or for the settlement of an unmarketable immovable: \$220;
- (10) for the obtaining of judicial authorization to alienate or encumber property: \$175;
- (11) for the administration and liquidation of an enterprise: \$2,000;
- (12) for the filing of a fiscal return: \$50 per return;
- (13) for an intervention of a legal nature: \$100 per hour;
- (14) for the rendering of an account for management and transfer to the assign: \$700;
- (15) for the tracing of an owner or assign: \$75 per hour; and

(16) for the provisional administration and liquidation of a debt, receivable, bank account or insurance policy or any property other than property referred to in this section: \$1,300.

5. The fees that the Public Curator may charge in relation to the provisional administration of property referred to in paragraph 7 of section 24 or in section 24.1 of the Act are as follows:

- (1) for an inquiry: \$75 per hour;
- (2) for the liquidation of a security: \$50 for the sale of each series of securities of the same class issued by the same issuer and remitted to the broker at the same time;
- (3) for the administration and liquidation of property other than a security: 25% of the proceeds;
- (4) for the receipt, administration and transfer of property from a safety deposit box: \$155;
- (5) for the receipt, administration and transfer of property: 10% of the property value, but not less than \$2 nor more than \$1,000;
- (6) for the tracing of an owner or assign: \$75 per hour; and
- (7) for an intervention of a legal nature: \$100 per hour.

CHAPTER III
GENERAL

6. The hourly rate or lump-sum fees shall be indexed on 1 April each year according to the change in the All-Item Consumer Price Index for Canada for the preceding year. The change is calculated as the ratio that the index for the preceding year bears to the index for the second preceding year. The index for a year is the average of the monthly indexes published by Statistics Canada.

The fees, adjusted in the prescribed manner, shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50. The indexed fees shall be published by the Public Curator in Part 1 of the *Gazette officielle du Québec*.

7. The Public Curator may charge, for each copy requested under section 52 of the Act, the tariff provided for in the Regulation respecting fees for the transcrip-

tion, reproduction or transmission of documents or nominative information made by Order in Council 1856-87 dated 9 December 1987.”.

6. 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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M.O., 2004

Order number 2004-010 of the Minister of Health and Social Services dated 13 August 2004

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to revoke the Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the making, by Order in Council 23-95 dated 11 January 1995, of the Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre;

CONSIDERING sections 159 and 205 of the Act to amend the Act respecting health services and social services and other legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the amendment made to section 432 of the Act respecting health services and social services by section 69 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25) allowing the Minister of Health and Social Services, with the approval of the Conseil du trésor, to enter into an agreement with a body representing clinical biochemists working for institutions, concerning the terms of employment of such clinical biochemists;

CONSIDERING the approval obtained from the Conseil du trésor in accordance with that section to enter into such an agreement;

CONSIDERING the third paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with that section;

ORDERS:

THAT the Regulation to revoke the Regulation respecting terms and conditions of employment of clinical biochemists working for institutions operating a hospital centre be made.

Québec, 13 August 2004

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation to revoke the Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre *

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2, 1st par., subpar. 2)

1. The Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre is revoked.

2. This Regulation comes into force on 1 September 2004.

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* The Regulation respecting terms of employment of clinical biochemists working for institutions operating a hospital centre, made by Order in Council 23-95 dated 11 January 1995 (1995, *G.O.* 2, 155), has not been amended since it was made.