

(b) quarterly by a qualified mechanic ;

(6) undergo every year a visual examination of its welds by a welding inspector holding a certificate issued by the Canadian Welding Bureau ;

and

(7) undergo every three years a non-destructive examination of the bearing parts by an organization certified by the Canadian Welding Bureau in compliance with the requirements of CSA Standard W178.1 Certification of Welding Inspection Organizations.

In addition, a complete instruction manual for every motorized scaffolding, written in French, must be at the disposal of users to allow for safe use of the scaffolding.”.

8. The Regulation respecting occupational health and safety** is amended in the second paragraph of section 2,

(1) by inserting “42,” after “40,”;

(2) by striking out “61,”;

(3) by replacing “121 to 124” by “121 to 124 and 144”.

9. 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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Draft Regulation

Stenographers’ Act
(R.S.Q., c. S-33)

Courts of Justice Act
(R.S.Q., c. T-16)

Legal Aid Act
(R.S.Q., c. A-14)

Code of Penal Procedure
(R.S.Q., c. C-25.1 ; 2003, c. 5)

Tariff of fees for the recording and transcription of depositions of witnesses

Tariff of court costs in penal matters — Amendment

Certain court costs in penal matters applicable to persons under 18 years of age — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of fees for the recording and transcription of depositions of witnesses, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The Regulation respecting the Tariff of fees for the recording and transcription of depositions of witnesses has not been amended since it came into force on 16 November 1983. Since it no longer reflects the value of the services delivered, the current Tariff is a source of unfairness for the party against whom costs have been awarded because that party cannot recover the stenography costs provided for in the Tariff and included in the bill of costs allowed by the taxing officer.

Accordingly, the draft Tariff proposes an increase in the fees payable to stenographers. It modifies the method for calculating the fees of stenographers for the recording of depositions to introduce an hourly rate which will replace the rate by page. The change will make for simpler and fairer application considering the availability required of stenographers. It also modifies the cost for transcription copies which will be \$0.30 per page for the person who paid for the transcription. All other persons will pay \$15.00 for a copy of a transcription plus \$0.60 per page from the twenty-sixth page on. The increase in the Tariff will enable the lawyer of the party awarded costs to recover the totality of stenography costs and afford the client a reduction in court costs.

** The Regulation respecting occupational health and safety approved by Order in Council 885-2001 dated 4 July 2001(2001, G.O. 2, 3888) has not been amended since its approval.

Lastly, consequential amendments are made to section 12 of the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age, made by Order in Council 40-94, and to section 15 of the Tariff of court costs in penal matters made by Order in Council 1412-93.

Further information may be obtained by contacting Anne Richard, Direction générale des services de justice, 1200, route de l'Église, 7^e étage, Sainte-Foy (Québec) G1V 4M1; telephone: (418) 644-7700, extension 20191; fax: (418) 644-9968.

Any interested person having comments to make on the matter is asked to send them in writing to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

YVON MARCOUX,
Minister of Justice

Tariff of fees for the recording and transcription of depositions of witnesses

Stenographers' Act
(R.S.Q., c. S-33, s. 4)

Courts of Justice Act
(R.S.Q., c. T-16, s. 224)

Legal Aid Act
(R.S.Q., c. A-14, s. 81)

1. This Tariff applies to the recording of depositions by a stenographer in stenotypy, stenography or by means of a device known by the name "stenomask". It also applies to the recording of depositions by means of sound only or sound and picture recording apparatus where the recording is done by a stenographer.

The Tariff also applies to the transcription of depositions recorded as described in the first paragraph and to depositions recorded by means of sound only or sound and picture recording apparatus supplied by the Ministère de la Justice.

2. A stenographer is entitled to fees of \$70.00 per hour for the recording of depositions. The fees are calculated taking into account any period of time during which the stenographer remains available to record depositions. Any fractions of an hour are calculated in proportion to a full hour. In all cases, a stenographer is entitled to the minimum fees equal to the fees payable for one hour.

3. Depositions must be transcribed as provided in Schedule I.

4. Subject to sections 5 and 6, a stenographer is entitled to fees of \$2.90 per page for the transcription of depositions in the case of an ordinary witness and \$3.50 per page in the case of an expert witness. In all cases, a stenographer is entitled to minimum fees of \$17.00.

The fees for the transcription of depositions of expert witnesses apply to the transcription of pleadings and judgments.

5. Subject to section 6, a stenographer is entitled to fees of \$3.70 per page for the transcription of depositions when the recording is done by means of sound only or sound and picture recording apparatus supplied by the Ministère de la Justice and the stenographer did not record the depositions.

6. When a transcription is required within five working days, a stenographer is entitled to one and one-half times the amount of fees provided for in section 4 or 5, as the case may be.

When a transcription is required within 24 hours of the recording of depositions, a stenographer is entitled to twice the amount of fees provided for in section 4 or 5, as the case may be.

7. A stenographer is entitled to fees of \$2.00 for the preparation of each of the following when they are required:

- (1) a title page;
- (2) a table of contents;
- (3) a list of exhibits;
- (4) a list of witnesses;
- (5) a list of objections; and
- (6) a list of commitments.

8. A person who pays transcription fees may obtain a copy of the transcription, in addition to the original, at a cost of \$0.30 per page. On payment of that cost, the person may also obtain a copy of the transcription in an information technology-based medium at a cost of \$6.00 per unit.

Any other person may obtain a copy of a transcription at a cost of \$15.00 plus \$0.60 per page beginning with the twenty-sixth page of the copy. On payment of the cost, the person may also obtain a copy of the transcription in an information technology-based medium at a cost of \$11.00 per unit.

9. Nothing in this Tariff prevents an agreement between a stenographer and the party retaining the services of the stenographer that relates to travel expenses, the retaining of services or any services not referred to in this Tariff. The amounts paid to stenographers pursuant to such an agreement cannot, however, be taxed against the opposing party.

10. When depositions are recorded by means of sound only or sound and picture recording apparatus supplied by the Ministère de la Justice, the court office fees payable for a recording extract, including the technical recording medium, are \$8.00 and \$0.30 per minute beginning with the twenty-sixth minute of recording. The duration is calculated on the basis of the minutes of the hearing.

11. The fees and costs relating to the transcription of the depositions provided for in sections 4 to 8 apply to transcriptions required as of (*insert the date of coming into force of the Tariff*).

12. This Tariff replaces the Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses made by Order in Council 2253-83 dated 1 November 1983.

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

SCHEDULE I

(s. 3)

DESCRIPTION OF A STANDARD PAGE OF TRANSCRIPTION

(1) The transcription of depositions must be on Bond quality paper measuring 21.5 centimetres x 28 centimetres and weighing 60 or 75 grams per square metre.

(2) Only one side of the sheet is to be used.

(3) A standard page of transcription must have one margin on the left-hand side measuring approximately 44 millimetres and one margin on the right-hand side measuring approximately 16 millimetres denoted by a vertical line and 25 double-spaced lines numbered consecutively in the left-hand or right-hand margin.

(4) The transcription of depositions must start at the right of the left-hand side vertical line and extend for 14 centimetres except for the last line of the deposition or where the meaning calls for a new line.

(5) A line of text is made up of words in 12-point type corresponding to “Courier” or “Courier New” type or the equivalent.

(6) The record number and the date of the examination are to be written in the space between the upper left corner of the page and the first line.

The name of the person examined is to be written in the space between the upper right corner of the page and the first line. Under the name of the person examined, the stenographer must specify whether it is an examination, a re-examination or a cross-examination and write the name of the examining party.

The pages are to be numbered consecutively. The page number must appear in the space before the first line or after the last line of the transcription.

(7) Questions are to be preceded by the letter Q and answers by the letter A.

Regulation to amend the Tariff of court costs in penal matters*

Code of Penal Procedure

(R.S.Q., c. C-25.1, arts. 261 and 367, pars. 2 to 13; 2003, c. 5, s. 25)

1. The Tariff of court costs in penal matters is amended in section 15 by replacing “Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses, made by Order in Council 2253-83 dated 1 November 1983” by “Tariff of fees for the recording and transcription of depositions of witnesses, made by Order in Council (*insert the number and date of the Order in Council*)”.

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

* The Tariff of court costs in penal matters, made by Order in Council 1412-93 dated 6 October 1993 (1993, *G.O.* 2, 5554), was last amended by the regulation made by Order in Council 811-2002 dated 26 June 2002 (2002, *G.O.* 2, 3801). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age**

Code of Penal Procedure

(R.S.Q., c. C-25.1, arts. 261 and 367, pars. 2 to 4, 8 to 11, 13 and 14; 2003, c. 5, s. 25)

1. The Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age is amended in section 12 by replacing “Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses, made by Order in Council 2253-83 dated 1 November 1983” by “Tariff of fees for the recording and transcription of depositions of witnesses, made by Order in Council (insert the number and date of the Order in Council)”.

2. 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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* The Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age, made by Order in Council 40-94 dated 10 January 1994 (1994, *G.O.* 2, 657), has been amended once, by the regulation made by Order in Council 1283-96 dated 9 October 1996 (1996, *G.O.* 2, 4307).