

Gouvernement du Québec

O.C. 189-2006, 22 March 2006

An Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., c. M-22.1)

Signing of certain documents
— Amendments

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales, du Sport et du Loisir

WHEREAS, under section 18 of the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., c. M-22.1), the Government may, by regulation, determine the cases in which the signature of a document by a public servant is binding on the Minister and may be attributable to the Minister;

WHEREAS the Government made the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole by Order in Council 589-2000 dated 17 May 2000;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales, du Sport et du Loisir, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales, du Sport et du Loisir*

An Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., c. M-22.1, s. 18)

1. The title of the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales, du Sport et du Loisir is amended by replacing “, du Sport et du Loisir” by “et des Régions”.

2. Section 1 is amended

(1) by replacing “, du Sport et du Loisir” by “et des Régions” and “, Sports and Recreation” by “and Regions” in the first paragraph;

(2) by inserting “or is temporarily replacing an assistant or associate deputy minister” in the second paragraph after “position”.

3. Section 2 is amended

(1) by replacing “from the Greater Montréal Development Fund, the Regional Development Fund or any other fund or program” in subparagraph *d* of paragraph 1 by “under programs”;

(2) by inserting “, the Government” in subparagraph *d* of paragraph 1 after “Trésor”;

(3) by replacing “and local development” in the part preceding subparagraph *a* of paragraph 5 by “and development”;

(4) by striking out “(R.S.Q., c. C-37.01)” and “(R.S.Q., c. C-37.02)” in subparagraph *c* of paragraph 5;

(5) by striking out paragraph 5.3;

(6) by replacing “regional operations” in paragraph 6 by “the coordination of regional interventions”;

* The Regulation respecting the signing of certain documents of the Ministère des Affaires municipales, du Sport et du Loisir, made by Order in Council 589-2000 dated 17 May 2000 (2000, *G.O.* 2, 2307), was last amended by the regulation made by Order in Council 813-2003 dated 11 August 2003 (2003, *G.O.* 2, 2671). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

(7) by replacing “administrative services” in the part preceding subparagraph *a* of paragraph 7 by “administration”;

(8) by replacing subparagraph *a* of paragraph 7 by the following:

“(a) the following documents, provided that they include expenditures or receipts not exceeding \$100,000:

- i. services contracts;
- ii. concession contracts; and
- iii. public calls for tenders and invitations to tender, and any document relating to those calls for tenders;”;

(9) by adding the following after subparagraph *b* of paragraph 8:

“(c) service agreements with other departments and public bodies;”;

(10) by replacing “auxiliary services” in the part preceding subparagraph *a* of paragraph 9 by “material resources” and by replacing “\$25,000” by “\$100,000”;

(11) by adding the following after subparagraph *c* of paragraph 9:

“(d) service agreements with other departments and public bodies;

(e) concession contracts; and

(f) public calls for tenders and invitations to tender, and any document relating to those calls;”;

(12) by replacing paragraph 11 by the following:

“(11) the director of a direction, for the objects within the jurisdiction of the direction, of

(a) the following documents, provided that they include expenditures or receipts not exceeding \$100,000:

i. documents pertaining to the promise or granting of subsidies under programs for which the norms, terms and conditions of awarding, approved by the Conseil du trésor, the Government or the Cabinet, provide for the signature of a memorandum of understanding; and

ii. memoranda of understanding pertaining to the granting of subsidies under programs for which the norms, terms and conditions of awarding are approved by the Conseil du trésor, the Government or the Cabinet;

(b) the following documents, provided that they include expenditures or receipts not exceeding \$25,000:

i. services contracts;

ii. supply contracts;

iii. service agreements with other departments and public bodies; and

iv. memoranda of understanding; and

(c) documents pertaining to the promise or granting of subsidies under programs for which the norms, terms and conditions of awarding, approved by the Conseil du trésor, the Government or the Cabinet, do not provide for the signature of a memorandum of understanding;”;

(13) by replacing “the person responsible for the coordination of land development” in the portion of subparagraph *a* before paragraph 12 by “the Head of the Service des ressources matérielles et immobilières”;

(14) by adding the following after subparagraph *d* of paragraph 13:

“(e) memoranda of understanding pertaining to the granting of subsidies under programs for which the norms, terms and conditions of awarding are approved by the Conseil du trésor, the Government or the Cabinet;”;

(15) by adding the following after paragraph 13:

“(14) the department’s secretary, for the administrative unit and for the Deputy Minister’s office, of the following documents, provided that they include expenditures or receipts not exceeding \$25,000:

(a) services contracts;

(b) supply contracts;

(c) service agreements with other departments and public bodies;

(d) memoranda of understanding; and

(e) documents pertaining to the promise or granting of subsidies under programs for which the norms, terms and conditions of awarding need not be approved by the Conseil du trésor, the Government or the Cabinet;

(15) the Head of the Service des opérations comptables et de l'approvisionnement, of the following documents, provided that they include expenditures or receipts not exceeding \$5,000:

- (a) auxiliary services contracts; and
- (b) supply and construction contracts.”.

4. 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. 193-2006, 22 March 2006

Tobacco Tax Act
(R.S.Q., c. I-2; 2005, c. 1)

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

Fuel Tax Act
(R.S.Q., c. T-1)

Various regulations of a fiscal nature — Amendments

Various regulations to amend regulations of a fiscal nature

WHEREAS the Regulation respecting the application of the Tobacco Tax Act was made by Order in Council 1929-86 dated 16 December 1986 under the Tobacco Tax Act (R.S.Q., c. I-2), the Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r.1) was made under the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) and the Regulation respecting the application of the Fuel Tax Act (R.R.Q., 1981, c. T-1, r.1) was made under the Fuel Tax Act (R.S.Q., c. T-1);

WHEREAS, under section 19 of the Tobacco Tax Act, for the purpose of carrying into effect the provisions of that Act according to their true intent or of supplying any deficiency therein, the Government may make such regulations, not inconsistent with that Act, as are considered necessary;

WHEREAS paragraph *h* of section 6.1 of that Act, amended by section 10 of chapter 1 of the Statutes of 2005, provides that to obtain a permit, a person shall fulfil such other conditions and furnish such other documents as may be required by law or by regulation;

WHEREAS subparagraph *q* of the first paragraph of section 1 of the Fuel Tax Act provides that “regulation” means any regulation made by the Government under that Act;

WHEREAS paragraph *h* of section 27.1 of that Act provides that to obtain a permit, a person shall fulfil such other conditions and furnish such other documents as may be required by law or by regulation;

WHEREAS, under the first paragraph of section 96 of the Act respecting the Ministère du Revenu, the Government may make regulations, in particular to prescribe the measures required to carry out that Act;

WHEREAS, under the first paragraph of section 7 of that Act, no deed, document or writing shall bind the Ministère or be attributed to the Minister unless it is signed by the Minister, by the Deputy Minister or by a public servant authorized by regulation;

WHEREAS it is expedient to amend the Regulation respecting the application of the Tobacco Tax Act and the Regulation respecting the application of the Fuel Tax Act so that, for the purposes of obtaining a permit, a person, its officers, its directors or, in the case of a partnership, its members must, at the request of the Minister and on the terms and conditions the Minister determines, obtain any attestation the Minister considers relevant from a federal, provincial, municipal or local authority or body, and provide it to the Minister;

WHEREAS it is expedient to amend the Regulation respecting fiscal administration to update the delegations of signature to designate the public servants authorized to sign the documents required for the purposes of paragraph *h* of section 6.1 of the Tobacco Tax Act and paragraph *h* of section 27.1 of the Fuel Tax Act;

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 fiscal nature of the norms established, amended or revoked in the regulation warrants 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 fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established or amended by the Regulations warrants the absence of prior publication and such coming into force;