

THAT this Order in Council replace Order in Council 635-2003 dated 4 June 2003.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7541

Gouvernement du Québec

O.C. 239-2006, 29 March 2006

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)

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**

Tariff of fees for the recording and transcription of depositions of witnesses, Regulation to amend the Tariff of court costs in penal matters and Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age

WHEREAS, under the fourth paragraph of section 224 of the Courts of Justice Act (R.S.Q., c. T-16) and section 4 of the Stenographers' Act (R.S.Q., c. S-33), the Government may establish, amend and replace a tariff for the taking down and copying or transcription of the depositions which have been stenographed or recorded in any other manner it authorizes before a court or a judicial officer and determine the manner in which such fees shall be paid;

WHEREAS, under the second paragraph of section 81 of the Legal Aid Act (R.S.Q., c. A-14), notwithstanding any general law or special Act, the Government may make regulations, failing an agreement, to establish the tariffs of fees applicable for the purposes of the Act;

WHEREAS consequential amendments are also made to 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 and to the Tariff of court costs in penal matters made by Order in Council 1412-93 dated 6 October 1993;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Tariff of fees for the recording and transcription of depositions of witnesses, the Regulation to amend the Tariff of court costs in penal matters and the Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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 1 May 2006.

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 1 May 2006.

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)

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 239-2006 dated 29 March 2006”.

2. This Regulation comes into force on 1 May 2006.

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)

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 239-2006 dated 29 March 2006”.

2. This Regulation comes into force on 1 May 2006.

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Gouvernement du Québec

O.C. 240-2006, 29 March 2006

An Act respecting the Barreau du Québec
(R.S.Q., c. B-1)

Stenographers — Training, skill and knowledge evaluation, accreditation and discipline

Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers

WHEREAS, under subparagraphs 1 and 2 of the first paragraph of section 140.4 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1), the Comité sur la sténographie shall, by regulation, establish the rules and the terms and conditions related to the training, skill and knowledge evaluation, accreditation and discipline of stenographers, fix the amount of the fee payable by candidates for the examinations they must take and the amount of the annual assessment that practising stenographers must pay to the Barreau du Québec, determine

* 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 September 2005

** 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).