



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 49

(2007, chapter 32)

**An Act to amend the Act respecting
Services Québec and other legislative
provisions**

**Introduced 14 November 2007
Passed in principle 29 November 2007
Passed 7 December 2007
Assented to 13 December 2007**

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EXPLANATORY NOTES

This bill amends the Act respecting Services Québec to facilitate the conclusion of agreements between Services Québec and public bodies by allowing Services Québec to take over functions and activities related to the delivery of services to citizens and businesses, as well as vesting Services Québec with all the powers required to exercise or engage in those functions and activities.

The bill also provides for the transfer of the registrar of civil status and the registrar's personnel to Services Québec. It states that the Minister of Government Services is responsible for the register of civil status and appoints the registrar of civil status. The bill repeals the sections in the Act respecting the Ministère de la Justice that relate to the civil status fund.

Lastly, the bill includes transitional provisions to transfer the registrar of civil status and the registrar's personnel to Services Québec and abolish the civil status fund.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1);
- Act respecting Services Québec (R.S.Q., chapter S-6.3).

Bill 49

AN ACT TO AMEND THE ACT RESPECTING SERVICES QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SERVICES QUÉBEC

1. Section 5 of the Act respecting Services Québec (R.S.Q., chapter S-6.3) is amended by replacing “carries out operations for” in the first line of subparagraph 3 of the first paragraph by “exercises functions or engages in activities related to”.

2. Section 7 of the Act is amended

(1) by replacing “carry out specific operations” in the second line of the first paragraph by “exercise specific functions or engage in specific activities”;

(2) by inserting “or engage in an activity” after “function” in the third paragraph.

3. Section 8 of the Act is amended by replacing “for the carrying out of specific operations” in the second and third lines of the first paragraph by “when exercising specific functions or engaging in specific activities”.

4. The Act is amended by inserting the following section after section 9:

“9.1. When exercising functions or engaging in activities provided for in subparagraph 3 of the first paragraph of section 5 or in sections 7 and 8, Services Québec is vested with all the necessary powers.

When a function or activity entrusted to Services Québec is exercised or engaged in by a public officer, the officer becomes a member of the personnel of Services Québec if so provided for in an agreement or order. Otherwise, Services Québec appoints persons responsible for exercising the function or engaging in the activity and causes the appointments to be published in the *Gazette officielle du Québec*.”

5. The Act is amended by inserting the following sections after section 30:

“30.1. The registrar of civil status is a public officer and a member of the personnel of Services Québec. The registrar exercises the functions provided for by law, attending exclusively to the work and duties of the office of registrar of civil status. However, at the request and in lieu of the Minister of Justice, the registrar may also grant the special exemptions provided for in articles 63 and 67 of the Civil Code of Québec and the authorizations provided for in article 366 of that Code.

If no designation is made under article 151 of the Civil Code of Québec and the registrar of civil status is absent or unable to act, the president and director general designates one of Services Québec’s public servants to exercise the functions of office and has the designation published in the *Gazette officielle du Québec*.

“30.2. The registrar of civil status must

(1) inform the Attorney General, as soon as possible, of any case that could raise questions of general interest or require the intervention of the Minister of Justice or Attorney General; and

(2) when constitutional questions are raised before the courts, see to it that article 95 of the Code of Civil Procedure (chapter C-25) is respected.”

6. Section 31 of the Act is amended by adding the following paragraph at the end:

“Subject to the provisions of the Civil Code of Québec relating to the acts and the registers of civil status, a document or copy of a document emanating from a public officer who is a member of the personnel of Services Québec is authentic when certified by the public officer. The public officer may also, in lieu of Services Québec, designate public servants authorized to certify such documents, in which case the officer has the designations published in the *Gazette officielle du Québec*.”

7. Section 33 of the Act is amended by adding the following sentence at the end: “However, deeds, documents or writings emanating from a public officer who is a member of the personnel of Services Québec may be attributed to the public officer provided they are signed by the public officer or by a public servant authorized by the public officer for that purpose.”

CIVIL CODE OF QUÉBEC

8. Article 63 of the Civil Code of Québec (1991, chapter 64) is amended by replacing “minister responsible for civil status” in the first paragraph by “Minister of Justice”.

9. Article 67 of the Code is amended by replacing “minister responsible for civil status” in the second paragraph by “Minister of Justice”.

10. Article 366 of the Code is amended

(1) by replacing “the minister responsible for civil status” at the end of the second paragraph by “the latter”;

(2) by replacing “minister responsible for civil status” in the third paragraph by “Minister of Justice”.

11. Article 377 of the Code is amended

(1) by replacing “The minister responsible for civil status and the Minister of Justice keep the registrar of civil status” at the beginning of the first paragraph by “Unless the Minister of Justice has already delegated to the registrar of civil status the power to grant the authorizations and make the designations provided for in article 366, the Minister of Justice keeps the registrar”;

(2) by replacing “they give, make or take part in” in the first paragraph by “the Minister of Justice gives, makes or takes part in”.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

12. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by striking out subparagraph *f.1* of the second paragraph.

13. Division III.3 of the Act, comprising sections 32.23 to 32.32, is repealed.

ACT RESPECTING THE MINISTÈRE DES SERVICES
GOUVERNEMENTAUX

14. The Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1) is amended by inserting the following section after section 7:

“7.1. The Minister is also responsible for the register of civil status and appoints the registrar of civil status. The registrar of civil status works for Services Québec.”

TRANSITIONAL AND FINAL PROVISIONS

15. The registrar of civil status of the Ministère de la Justice and the members of the registrar’s personnel in office on (*insert the date of coming into force of this section*) become, without further formality, members of the personnel of Services Québec. The assets and liabilities of the civil status fund, as well as the rights and obligations attached to them, are transferred to Services Québec without further formality.

16. This Act comes into force on the date or dates to be set by the Government.