



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 18

(2009, chapter 40)

An Act respecting the Compilation of Québec Laws and Regulations

**Introduced 17 March 2009
Passed in principle 9 April 2009
Passed 30 September 2009
Assented to 6 October 2009**

**Québec Official Publisher
2009**

EXPLANATORY NOTES

This Act institutes the Compilation of Québec Laws and Regulations and provides for its publication in an official technological version. It gives the Minister of Justice the power to determine which laws and regulations are to be included in the compilation, and requires the Minister to ensure that the compilation is regularly updated. The Minister is also granted the power, in certain circumstances, to initiate a full consolidation of the laws and regulations or a partial consolidation involving specific texts.

The Act specifies the powers that the Minister may exercise in the course of updating or consolidation activities. It requires the Minister to report annually to the National Assembly on updating and consolidating operations; the National Assembly may make recommendations, give general directions on the matter or request that the Minister reconsider a decision concerning the updating of laws or a consolidation.

The Act makes publication by the Québec Official Publisher the sole requisite for the enactment and coming into force of updates. It also provides that published updates and consolidations must include documents which explain the nature and scope of the operations carried out.

Finally, the Act recognizes the official status of any edition produced by the Québec Official Publisher from documents it receives from the Minister.

LEGISLATION REPLACED BY THIS ACT:

- Act respecting the consolidation of the statutes and regulations (R.S.Q., chapter R-3).

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1).

Bill 18

AN ACT RESPECTING THE COMPILATION OF QUÉBEC LAWS AND REGULATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

COMPILATION OF QUÉBEC LAWS AND REGULATIONS AND UPDATING

1. The Compilation of Québec Laws and Regulations brings together the laws and regulations in force that are of a general and permanent nature, as well as those that, although not of a general and permanent nature, are nonetheless in regular use.

The compilation is updated regularly and made available to the public as an official publication.

2. The Minister of Justice determines which laws and regulations are of such a nature as to justify their inclusion in the compilation and provides for their regular updating.

The Minister formulates a policy setting out rules for the inclusion, identification, classification and citation of laws and regulations, particulars for the preparation of information notes, rules for the preservation of the historical record of updated provisions or the removal of certain texts and directions as to the frequency of updates; the Minister may also give instructions on any other subject relating to updating activities.

Such a policy must be published as a notice in the *Gazette officielle du Québec* and included in the compilation.

3. Updating the compilation consists in incorporating into the text of the laws and regulations the repeals, replacements, additions and other amendments that are in force among those made by Parliament, the Government or another competent regulatory authority; it also involves removing expired provisions and provisions whose purpose has been achieved, while ensuring the compilation's overall consistency.

Updating includes the power to proceed with the following operations, without changing the substance of any text:

(1) making such alterations as are necessary to ensure terminological uniformity and a high quality of language, particularly with regard to grammar;

(2) correcting obvious errors of reference, data-entry and transcription, and errors of a similar nature;

(3) eliminating needless repetition, and clarifying phrases by means of references;

(4) if the intended meaning is otherwise clear, making minor corrections with a view to reconciling, among other things, the French and English versions; and

(5) updating amounts, rates and other figures whose indexation according to a predetermined index is expressly provided for in the law or regulation in which they appear.

4. Updates of the compilation become official as soon as they are published on an information technology-based medium by the Québec Official Publisher, and come into force on the date set in that publication.

Published updates must include an information note explaining the nature and scope of the updating operations carried out. The note must be posted on the website of the Québec Official Publisher at least five days prior to publication of the updated compilation.

5. As of the date they come into force, updates replace earlier provisions of the concerned laws and regulations by new provisions. If the new provisions differ from the earlier provisions, the new provisions prevail for events occurring on or after the date on which the update comes into force, and the former provisions, for events occurring before that date.

DIVISION II

PUBLICATION AND DISSEMINATION OF COMPILATION OF QUÉBEC LAWS AND REGULATIONS

6. In accordance with a publishing agreement entered into with the Minister and on the basis of the documents provided by the Minister, the Québec Official Publisher publishes and disseminates the compilation. The publishing agreement may provide for the use of any process or tool that facilitates access to the laws and regulations, makes them easier to read or understand, or helps preserve earlier versions.

The Québec Official Publisher and the Minister may also agree with a third party to include in the compilation data held by that party, provided the integrity of the data is assured.

7. Publication of the compilation, or of any extract from it, by the Québec Official Publisher, whatever the medium used, confers official status on the texts.

The Québec Official Publisher may also develop and publish any derivative edition it considers conducive to disseminating the laws and regulations included in the compilation.

Hard copies of extracts from the compilation may be obtained from the Québec Official Publisher in accordance with the terms and conditions prescribed under the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1).

8. Once every year, a copy of the Compilation of Québec Laws and Regulations in force on 1 April is filed for archival purposes with the office of the Secretary General of the National Assembly and with Bibliothèque et Archives nationales du Québec.

9. Government departments and bodies that provide public access to the laws and regulations they administer must only use texts taken from the official versions published by the Québec Official Publisher, unless otherwise authorized by the Minister of Justice and the Québec Official Publisher.

DIVISION III

CONSOLIDATION OF TEXTS IN COMPILATION OF QUÉBEC LAWS AND REGULATIONS

10. The Minister may initiate a full or partial consolidation of the laws and regulations when necessary to ensure consistency or to prevent or correct a serious problem of accessibility or intelligibility.

The Minister's decision to carry out a full consolidation or a consolidation by subject or sector of activity of the laws and regulations the Minister determines, together with any necessary instructions concerning such operations, must be published as a notice in the *Gazette officielle du Québec*.

11. Consolidation involves no change to the substance of the texts. It may entail, among other things, the reordering of texts, the revision of law and regulation titles, text divisions and text numbering, the simplification of the organization of the texts, the incorporation of provisions of one text into another or the regrouping of texts in some useful way.

As of its coming into force, a consolidation operates to repeal earlier provisions of the laws and regulations that have been consolidated.

12. Laws and regulations that have been consolidated are enacted, as consolidated texts, by a Government order made on the basis of a summary of the consolidation, and come into force on the date set in the order. Unless the

consolidation is limited to regulations, a copy of the consolidated texts is delivered to the Lieutenant Governor for certification and signature, then deposited in the office of the Secretary-General of the National Assembly.

The Government order and the summary must be published in the *Gazette officielle du Québec* at least 15 days before the date set for the coming into force of the consolidated texts, and included in the compilation when the first update following the coming into force of the consolidated texts is made.

DIVISION IV

ANNUAL REPORT AND NATIONAL ASSEMBLY'S OVERSIGHT ROLE

13. Under a separate heading in the annual report tabled in the National Assembly under the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19), the Minister must report on activities carried out with regard to the updating of laws and regulations and, if applicable, with regard to their consolidation.

The competent committee of the National Assembly examines the report within 60 days after its being tabled in the Assembly. The committee may make the recommendations it believes appropriate with regard to those activities, give general directions concerning them or request that the Minister reconsider a decision made with regard to the updating of laws or a consolidation.

DIVISION V

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

14. The Minister of Justice is responsible for the administration of this Act.

15. This Act replaces the Act respecting the consolidation of the statutes and regulations (R.S.Q., chapter R-3).

16. Section 41 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended

(1) by replacing the part before paragraph 1 by “The Official Publisher publishes or commissions the publishing of”;

(2) by striking out “print or” in paragraph 3.

17. The laws published by the Québec Official Publisher on its website, including the Civil Code and the Act respecting the implementation of the Civil Code, are the laws of the compilation and have official status as of 1 January 2010.

Within 24 months following that date, the Minister is to review the administrative version of all regulations, published on that website, with a view to identifying those which, in the Minister's opinion, are of such a nature as to justify their inclusion in the compilation, and to carrying out any updating and consolidation activities the Minister judges appropriate. All regulations published on that website on 1 January 2012 have official status as of that date; the Minister may, however, before that date, indicate upon the publication of certain regulations that they have been revised and that they have official status as of the date of that publication.

A regulation which, prior to being revised, should have been published in French and English but was not so published in an adequate manner is deemed to have been so published on publication of its revised text in French and English.

18. This Act comes into force on 1 January 2010.