

A provisional statement may be submitted for professional services rendered

(1) in a case ready for hearing at 30 June of a given year;

(2) more than 12 months before;

(3) in matters of immigration, for the preparation of personal information forms for the applicant or for each of the other family members in the same file;

(4) in a long trial for indictable offences under the exclusive jurisdiction of the Superior Court of criminal jurisdiction under section 469 of the Criminal Code, rendered during the 30 days before the statement is sent.

5. An advocate who renders services under Chapter III of the Act may send the Commission a statement of fees and expenses every month.

Despite the first paragraph, an advocate to whom a contribution is paid under the first paragraph of section 83.14 of the Act sends a statement of fees to the Commission every month for as long as that contribution is payable.

6. An advocate or notary submits a statement of fees within 3 years of the end of the mandate. Where the mandate ends with a judgment, prescription runs from the 30th day following the date of the judgment.

A claim for excess fees must be submitted with the statement of fees or, at the latest, within the 6 months that follow.

7. The Commission pays the fees and expenses to the advocate or notary within 30 days of receiving the statement.

8. The Commission may refuse to pay fees or expenses where it considers that the statement is not in compliance or that its content is not warranted.

The Commission must then send a notice giving reasons to the advocate or notary.

9. Any amount due and unpaid on a statement of fees and expenses completed in accordance with this Regulation bears annual interest 30 days after it is received.

The interest rate is the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus 1.5%. The rate thus fixed is in force for the 6 months that follow.

10. Where an advocate or notary is replaced under sections 81.1 and 104 of the Regulation respecting the application of the Legal Aid Act (R.R.Q., 1981, c. A-14, r. 1), as amended by the regulation made by Order in Council 702-2010 dated 18 August 2010, the advocate or notary to whom the mandate was entrusted sends the statement of fees to the Commission and fees and expenses are paid as if there had been no replacement.

In any other case of replacement, the advocate or notary sends a statement of fees and expenses as soon as the advocate or notary is informed in writing that the record was entrusted to another advocate or notary.

TRANSITIONAL AND FINAL

11. An advocate to whom a legal aid mandate was entrusted before the coming into force of the Act to provide a framework for mandatory state financing of certain legal services (2010, c. 12) and for which the Commission decided to render Chapter III of the Act applicable must, within 30 days of the Commission's decision made under section 61.1 of the Act, send the Commission a statement of fees and expenses for services rendered under Chapter II of the Act.

12. This Regulation comes into force on 7 September 2010.

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Gouvernement du Québec

O.C. 701-2010, 18 August 2010

An Act respecting legal aid and the provision of certain other legal services
(R.S.Q., c. A-14)

Regulation respecting the application of certain provisions of Chapter III of the Act

Regulation respecting the application of certain provisions of Chapter III of the Act respecting legal aid and the provision of certain other legal services

WHEREAS, under section 83.17 of the Act respecting legal aid and the provision of certain other legal services (R.S.Q., c. A-14), as amended by section 30 of chapter 12 of the Statutes of 2010, the Government may, by regulation, determine what the cost of the legal services referred to in section 83.16 of the Act includes;

WHEREAS, under section 35 of the Act to provide a framework for mandatory state financing of certain legal services (2010, c. 12), the Regulation, provided it is made in the year 2010, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and it comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date set in the Regulation, and its provisions may have effect from any date not prior to 4 June 2010;

WHEREAS it is expedient to make the Regulation;

WHEREAS it is advisable that the Regulation come into force on 7 September 2010;

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

THAT the Regulation respecting the application of certain provisions of Chapter III of the Act respecting legal aid and the provision of certain other legal services, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the application of certain provisions of Chapter III of the Act respecting legal aid and the provision of certain other legal services

An Act respecting legal aid and the provision of certain other legal services (R.S.Q., c. A-14, s. 83.17; 2010, c. 12, ss. 30 and 35)

1. The cost of a legal service provided for in section 83.16 of the Act respecting legal aid and the provision of certain other legal services (R.S.Q., c. A-14) includes

(a) the fees of an advocate;

(b) the fees of any bailiff or any stenographer who acts as such on behalf of the person to whom the legal service is rendered;

(c) the fees and costs of any expert who, with the prior authorization of the director general, acts for the person to whom the legal service is rendered; and

(d) other expenses.

2. This Regulation comes into force on 7 September 2010.

Gouvernement du Québec

O.C. 702-2010, 18 August 2010

An Act respecting legal aid and the provision of certain other legal services (R.S.Q., c. A-14)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Legal Aid Act

WHEREAS, under subparagraphs *c, d, e, g, i, j, k, m, n,* and *p* of the first paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (R.S.Q., c. A-14), as amended by section 27 of chapter 12 of the Statutes of 2010, the Commission des services juridiques may make regulations on the various matters set out therein;

WHEREAS, under the second paragraph of section 83.12 of the Act, as introduced by section 30 of chapter 12 of the Statutes of 2010, the Commission may, by regulation, establish the main criteria on which a decision under the first paragraph of that section is to be based;

WHEREAS, under section 83.18 of the Act, as introduced by section 30 of chapter 12 of the Statutes of 2010, the Commission may, by regulation, determine the cases in which the fees and expenses of advocates not in the employ of a centre or the Commission, whose services are retained following a court order referred to in section 83.1 applies, are paid by a centre or by the Commission, the place where a person wishing to obtain legal services must send an application and prescribe rules in that regard, and the manner in which the list provided for in section 83.10 is drawn up and kept up to date, as well as the information it must contain;

WHEREAS, under section 36 of the Act to provide a framework for mandatory state financing of certain legal services (2010, c. 12), provided they are made in the year 2010, the first regulations made under those legislative provisions are made by the Government and are not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, despite section 17 of that Act, they come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date set in the regulations and their provisions may have effect from any date not prior to 4 June 2010;

WHEREAS it is expedient to make the Regulation;