

9. The following is added after section 37.3:

**“DIVISION V.2
REIMBURSEMENT OF THE COSTS OF LEGAL
AID**

37.3.1. Where the withdrawal of legal aid is notified to the parties in accordance with section 4.11.1 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), each of the parties is entitled to the reimbursement of either the contribution exigible from the party, or the amount that the party is required to pay under section 29.2, less half the advocate’s fees set pursuant to section 83.21 of the Act and, if legal aid is withdrawn after the agreement between the parties is filed with the court office, less half the court fees payable under the tariff applicable in civil matters.”.

10. Section 38 is amended

- (1) by striking out “all” in the first paragraph;
- (2) by striking out “all” in the third paragraph.

11. This Regulation comes into force on the date of coming into force of sections 29 to 41 of the Act to promote access to justice in family matters (2012, chapter 20) or, if those sections come into force on different dates, on the later of those dates.

2599

Draft Regulation

An Act respecting legal aid and the provision of certain other legal services (chapter A-14)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation falls within the scope of the amendments made to the legal aid system by the Act to promote access to justice in family matters (2012, chapter 20), assented to on 15 June 2012.

The draft Regulation makes amendments in relation to

- (1) the place where a person wishing to obtain legal aid must send his or her application and the rules prescribed in that regard;
- (2) the form and content of certificates of eligibility.

The Act to promote access to justice in family matters provides that the draft Regulation must be made by the Government rather than the Commission des services juridiques.

Study of the matter has shown no financial impact on enterprises.

Further information may be obtained by contacting Pierre Tanguay, Direction des orientations et politiques, Ministère de la Justice, 1200, route de l’Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 646-5580, extension 20197; fax: 418 646-4894.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l’Église, 9^e étage, Québec (Québec) G1V 4M1.

BERTRAND ST-ARNAUD,
Minister of Justice

Regulation to amend the Regulation respecting the application 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 (chapter A-14, s. 80, 1st par., subpars. *e* and *n*; 2012, chapter 20, s. 55)

1. The Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) is amended by replacing section 69 by the following:

“**69.** An application for legal aid must be made to the local centre certified under the Act or at the legal aid bureau nearest the applicant’s place of residence. It may also be made with any centre or legal aid bureau if the applicant gives reasons for not applying to the local centre or bureau nearest his or her place of residence. The certificate may then be given by the bureau or local centre to which application was made or by another bureau or local centre if the director general decides that it would be in the applicant’s best interest to do so.”.

2. The first paragraph of section 69.1 is replaced by the following:

“**69.1.** In the judicial districts of Montréal and Québec, the legal aid centres concerned must, in matters lying within the jurisdiction of the Court of Québec, Youth Division, examine the applications for legal aid pertaining thereto and rule in such matters on the eligibility of applicants at the actual premises where the Youth Division sits, during the office hours of the office of the court in the district of Montréal and from 9:00 a.m. to 3:00 p.m. in the district of Québec, unless the applicant elects to make his or her application at the local centre or legal aid bureau nearest his or her place of residence, or at any other centre or bureau in accordance with section 69.”.

3. Section 72 is amended

(1) by replacing subparagraphs *b* and *b.1* of the first paragraph by the following:

“(b) the name and address of the recipient or recipients;

(b.1) an indication that the recipient is eligible for free legal aid or for contributory legal aid and, in the latter case, an indication of the maximum contribution payable, less the administrative costs paid by the recipient in accordance with the Regulation respecting legal aid (chapter A-14, r. 2), and an indication of the recipient’s right to apply for a review of the amount of the contribution, unless the certificate is issued for the legal services described in paragraph 1.1 of section 4.7 of the Act, in which case only the fees referred to in section 5.1 of the Act are indicated;”;

(2) by replacing the second paragraph by the following:

“Where contributory legal aid is granted and the certificate of eligibility so indicates, the certificate also indicates that, should the recipient fail to pay the contribution payable, the aid may be suspended or withdrawn and reimbursement of the costs of legal aid may be required of the recipient.”.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.