

Gouvernement du Québec

O.C. 1280-2013, 4 December 2013

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

Legal aid
—Amendment

Regulation to amend the Regulation respecting legal aid

WHEREAS, under subparagraphs *a.4* and *a.5* of the first paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the Government may, by regulation, fix the level of income below which a person is financially eligible for gratuitous legal aid or contributory legal aid, and determine the contribution payable;

WHEREAS the Government made the Regulation respecting legal aid (chapter A-14, r. 2), which fixes the financial eligibility thresholds for gratuitous legal aid or contributory legal aid;

WHEREAS it is expedient to amend the Regulation in order to increase the thresholds;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting legal aid was published in Part 2 of the *Gazette officielle du Québec* of 9 October 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting legal aid

An Act respecting legal aid and the provision of certain other legal services (chapter A-14, s. 80, 1st par., subpars. *a.4* and *a.5*)

1. The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 18 by replacing paragraph 1 by the following:

“(1) his annual income, within the meaning of section 17, and that of the other persons whose income is considered under this Regulation does not exceed, among the following levels, the level corresponding to the class applicable to the applicant:

Class of applicants	Maximum annual level
In the case of a single person	\$16,306
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$19,948
– an adult and 2 children or more	\$21,296
– spouses without children	\$22,691
– spouses with 1 child	\$25,389
– spouses with 2 children or more	\$26,737.”

2. Section 20 is replaced by the following:

“**20.** An applicant who is not financially eligible for gratuitous legal aid under section 18, but whose annual income within the meaning of section 17 and that of the other persons whose income is considered under this Regulation, including their deemed income under section 19, does not exceed, among the following levels, the level corresponding to the class applicable to the applicant, is financially eligible for contributory legal aid:

Class of applicants	Maximum annual level
In the case of a single person	\$26,309
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$32,185
– an adult and 2 children or more	\$34,360
– spouses without children	\$36,616
– spouses with 1 child	\$40,965
– spouses with 2 children or more	\$43,141.”

3. Section 21 is replaced by the following:

“21. Subject to the provisions of section 23, an applicant who is financially eligible for legal aid under section 20 is required to pay the contribution established in the following table that corresponds to the class applicable to the applicant and to the income considered for eligibility purposes pursuant to section 20:

Class of applicants	Income	Level of contribution
Single person	\$16,307 to \$17,556	\$100
	\$17,557 to \$18,806	\$200
	\$18,807 to \$20,057	\$300
	\$20,058 to \$21,307	\$400
	\$21,308 to \$22,557	\$500
	\$22,558 to \$23,807	\$600
	\$23,808 to \$25,058	\$700
	\$25,059 to \$26,309	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 1 child	\$19,949 to \$21,478	\$100
	\$21,479 to \$23,007	\$200
	\$23,008 to \$24,537	\$300
	\$24,538 to \$26,066	\$400
	\$26,067 to \$27,596	\$500
	\$27,597 to \$29,125	\$600
	\$29,126 to \$30,655	\$700
	\$30,656 to \$32,185	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 2 children or more	\$21,297 to \$22,929	\$100
	\$22,930 to \$24,562	\$200
	\$24,563 to \$26,195	\$300
	\$26,196 to \$27,828	\$400
	\$27,829 to \$29,460	\$500
	\$29,461 to \$31,093	\$600
	\$31,094 to \$32,726	\$700
	\$32,727 to \$34,360	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses without children	\$22,692 to \$24,432	\$100
	\$24,433 to \$26,172	\$200
	\$26,173 to \$27,913	\$300
	\$27,914 to \$29,653	\$400
	\$29,654 to \$31,394	\$500
	\$31,395 to \$33,134	\$600
	\$33,135 to \$34,875	\$700
	\$34,876 to \$36,616	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 1 child	\$25,390 to \$27,335	\$100
	\$27,336 to \$29,282	\$200
	\$29,283 to \$31,229	\$300
	\$31,230 to \$33,176	\$400
	\$33,177 to \$35,123	\$500
	\$35,124 to \$37,070	\$600
	\$37,071 to \$39,017	\$700
	\$39,018 to \$40,965	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 2 children or more	\$26,738 to \$28,787	\$100
	\$28,788 to \$30,837	\$200
	\$30,838 to \$32,888	\$300
	\$32,889 to \$34,938	\$400
	\$34,939 to \$36,989	\$500
	\$36,990 to \$39,039	\$600
	\$39,040 to \$41,090	\$700
	\$41,091 to \$43,141	\$800.”

4. Section 21.0.1 is revoked.

5. The following is inserted after section 21.0.1:

“**21.0.2.** Where the general rate of the minimum wage referred to in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3) is increased, the maximum annual levels of income provided for in paragraph 1 of section 18 and section 20 and the income provided for in section 21 are increased by the same percentage as the percentage of increase in the general rate of the minimum wage.

Such increase takes effect on the 30th day following the day of the effective increase in the general rate of the minimum wage.

The amounts thus increased are rounded up to the nearest dollar.

The Minister of Justice is to inform the public of the result of the increase by publishing a notice in the *Gazette officielle du Québec* showing, in a table, the financial eligibility thresholds thus increased and giving the date on which they take effect. The Minister may also make that information available using any other means the Minister considers appropriate.”

6. On 1 June 2015, each of the maximum annual levels of income provided for in paragraph 1 of section 18 of the Regulation respecting legal aid is increased by the percentage corresponding to the percentage of the difference between \$16,306 and the annual income earned by a single person working 35 hours a week for 52 weeks at the minimum wage in force on 1 June 2015.

The amounts thus increased are rounded up to the nearest dollar.

The Minister of Justice is to inform the public of the result of the increase by publishing a notice in the *Gazette officielle du Québec* showing, in a table, the financial eligibility thresholds thus increased and giving the date on which they take effect. The Minister may also make that information available using any other means the Minister considers appropriate.”

7. On 1 June 2015, each of the maximum annual levels of income provided for in section 20 of the Regulation respecting legal aid and the income provided for in section 21 of that Regulation are increased by the percentage corresponding to the percentage of the last effective increase in the general rate of the minimum wage.

The amounts thus increased are rounded up to the nearest dollar.

The Minister of Justice is to inform the public of the result of the increase by publishing a notice in the *Gazette officielle du Québec* showing, in a table, the financial eligibility thresholds thus increased and giving the date on which they take effect. The Minister may also make that information available using any other means the Minister considers appropriate.”

8. The Regulation to amend the Regulation respecting legal aid, made by Order in Council 438-2012 dated 2 May 2012 is revoked.

9. The provisions of this Regulation come into force on the following dates:

—sections 1 to 3: 1 January 2014;

—section 5: 1 May 2016;

—sections 4, 6, 7 and 8: on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.