

Gouvernement du Québec

O.C. 752-2019, 3 July 2019

Civil Code of Québec
(chapter CCQ-1991)

An Act respecting registry offices
(chapter B-9)

**Register of personal and movable real rights
— Amendment**

Regulation to amend the Regulation respecting the register of personal and movable real rights

WHEREAS, under the first paragraph of article 3024 of the Civil Code of Québec, the Government may, by regulation, take any measure necessary for the implementation of the provisions of Book Nine of the Code, Publication of Rights, and it may, in particular, establish the standards of presentation of applications for registration and determine the form and content thereof;

WHEREAS, under the third paragraph of article 3024 of the Civil Code of Québec, the Government may also, in particular, determine the form, medium and content of any register or file kept by a registrar, the medium in which applications are preserved and the manner of making various entries in the registers;

WHEREAS, under the third paragraph of article 3024 of the Civil Code of Québec, the Government may also fix the business days and business hours of the registry offices, the procedure for consulting registers and the formalities for the issuance of statements or certificates;

WHEREAS, under section 5 of the Act respecting registry offices (chapter B-9), the Government may, in particular, determine, by regulation, the quality and dimensions of the paper used for documents requiring publication;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the register of personal and movable real rights was published in Part 2 of the *Gazette officielle du Québec* of 27 February 2019 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the register of personal and movable real rights, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the register of personal and
movable real rights**

Civil Code of Québec
(chapter CCQ-1991, art. 3024)

An Act respecting registry offices
(chapter B-9, s. 5)

1. The Regulation respecting the register of personal and movable real rights (chapter CCQ, r. 8) is amended in section 15.7 by replacing “, withdrawn or deleted” in the second paragraph by “or withdrawn”.

2. Section 15.8 is amended by replacing “key pair holders” by “holders of key pairs that must be used to send applications for registration pursuant to this Regulation”.

3. Section 15.13 is amended by adding “That person shall generate his signing key pair within 15 days of receipt of the first part of the token and ensure the confidentiality thereof in the meantime.” at the end of the first paragraph.

4. Section 15.17 is amended by replacing “of unauthorized access to” in the second paragraph by “of usurpation of” in the second paragraph.

5. Section 15.18 is amended by striking out “, its deletion”.

6. Section 15.19 is amended by adding “The registrar shall then revoke the former signature verification certificate.” at the end of the third paragraph.

7. Section 15.21 is revoked.

8. Section 15.25 is amended by striking out “, the deletion of a certificate from a directory,”.

9. Section 15.26 is replaced by the following:

“**15.26.** The holder shall be notified of any correction, renewal, reactivation of a certificate following its suspension, withdrawal or revocation of a certificate. The holder shall also be notified of any refusal to issue a certificate and the grounds therefor.”

10. Section 20 is amended by inserting “to allow registration in a descriptive file” after “form” in the first paragraph.

11. Section 23 is amended by striking out “shall be as prescribed in the Schedules to this Regulation and”.

12. Section 23.3 is replaced by the following:

“**23.3.** An application for registration in paper form shall be submitted on paper measuring 215 mm wide × 279 mm or 355 mm long (8 ½ in. x 11 in. or x 14 in.), and weighing at least 75 g/m² per ream.”.

13. Section 30 is amended by striking out “It may also indicate the fax number of the beneficiary.” in the second paragraph.

14. Section 32 is amended by

(1) striking out “or to have a fax number added, changed or altered”;

(2) replacing “, the beneficiary’s former and new names or the former and new fax numbers” at the end by “or the beneficiary’s former and new names”.

15. Section 39 is amended by striking out “reduction or” in the second paragraph.

16. Section 43 is amended by striking out “, the fax number, if any,” in the third paragraph.

17. Section 44 is amended by replacing “to have the address or name of the beneficiary of the registration changed or altered, or to have a fax number added, changed or altered” by “and to have the address or name of the beneficiary changed or altered”.

18. Section 44.1 is revoked.

19. Section 45 is amended by replacing “by means of a display screen” by “by means of any information technology device made available by the registrar”.

20. Section 46.1 is amended by replacing “by means of a display screen” by “by means of any information technology device”.

21. Section 49 is amended by replacing “microfilm or on a non-rewritable optical medium” by “a medium that protects them from being altered”.

22. Section 49.1 is amended by replacing “a non-rewritable optical medium in order to protect the data received, in particular against accidental alterations” in the second paragraph by “a medium that protects them from being altered”.

23. Section 49.2 is amended by replacing “microfilm or optical disks” by “media on which the documents were reproduced or the data transferred”.

24. Section 50 is amended by replacing “a magnetic or non-rewritable optical medium” by “a medium that protects them from being altered”.

25. Section 52 is replaced by the following:

“**52.** The office at which the register is kept shall be open every day, except the days referred to in the first paragraph of article 82 of the Code of Civil Procedure (chapter C-25.01), on 24 and 31 December and on any non-working day to which those days are postponed pursuant to the labour agreements of Government employees in force. The registrar shall publish the closing days of the office on its website.

Applications may be presented from 9:00 a.m. to 3:00 p.m.

The register may be examined at the registry office, assisted by an office attendant, from 8:30 a.m. to 4 p.m. or through a telephone intermediary from 8:30 a.m. to 4:30 p.m. However, on Wednesdays, those hours are respectively from 10:00 a.m. to 4 p.m. and from 10:00 a.m. to 4:30 p.m.”.

26. Section 52.1 is replaced by the following:

“**52.1.** Despite section 52, the register may be examined remotely by means of an information technology device made available by the registrar Monday to Friday from 7:30 a.m. to 11 p.m. and Saturday and Sunday from 7:30 to 5:00 p.m.”.

27. Section 52.2 is revoked.

28. Schedules I to XVII are revoked.

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

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