

Regulations and other Acts

Gouvernement du Québec

O.C. 44-2020, 29 January 2020

Program authorizing articulated students to act as agent for the purposes of section 802.1 of the Criminal Code

WHEREAS, under section 802.1 of the Criminal Code, as replaced by section 317.1 of the Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts (S.C. 2019, c. 25), despite subsection 2 of section 800 and subsection 2 of section 802 of the Criminal Code, a defendant may not appear or examine or cross-examine witnesses by agent if he or she is liable, on summary conviction, to imprisonment for a term of more than six months, unless the defendant is an organization, the defendant is appearing to request an adjournment of the proceedings, or the agent is authorized to do so under a program approved — or criteria established — by the lieutenant governor in council of the province;

WHEREAS section 802.1 of the Criminal Code, as replaced, came into force on 19 September 2019;

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Professional Code, the board of directors of a professional order may, by regulation, determine the other terms and conditions for issuing permits or specialist's certificates, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines;

WHEREAS, under paragraph *a* of subsection 2 of section 128 of the Act respecting the Barreau du Québec (chapter B-1), the act of pleading or acting before any tribunal, performed for others, is the exclusive prerogative of the practising advocate and not of the solicitor, with some exceptions;

WHEREAS, under the second paragraph of section 25 of the By-law respecting the professional training of advocates (chapter B-1, r. 14), an articulated student may engage in the professional activities reserved for advocates under the close supervision and responsibility of the articling supervisor and the articulated student must comply with the laws and regulations applicable to the practice of the profession of advocate;

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

THAT the provisions of the Professional Code (chapter C-26), the Act respecting the Barreau du Québec (chapter B-1) and the By-law respecting the professional training of advocates (chapter B-1, r. 14) constitute a program authorizing articulated students who complete their articling period under this By-law to act as an agent for the purposes of section 802.1 of the Criminal Code (R.S.C. 1985, c. C-46).

YVES OUELLET,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 66-2020, 29 January 2020

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Register, monthly report, notices from employers and the designation of a representative — Amendment

Regulation to amend the Regulation respecting the register, monthly report, notices from employers and the designation of a representative

WHEREAS, under subparagraph *a.1* of the first paragraph of section 82 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the Commission de la construction du Québec may, by regulation approved by the Government and published in the *Gazette officielle du Québec*, impose a retention period on any employer