

However, the rate of adjustment of the coinsurance may not exceed zero where the percentage set out in section 27 if the Act respecting prescription drug insurance is more than 35%.

6.2.1. Notwithstanding the provisions of section 6.2, the rates of adjustment of the maximum contribution and deductible may not exceed the rate of increase in the Pension index established under the Act respecting the Québec Pension Plan (chapter R-9) applicable on January 1 of the year where the adjustment takes place, which rate is:

(1) for the maximum contribution:

(a) reduced by 0.5% in regard to the persons referred to in the first paragraph of section 28 of the Act respecting prescription drug insurance (chapter A-29.01);

(b) increased by 0.5%, in regard to the persons referred to in the second paragraph of section 28 of the Act respecting prescription drug insurance;

(2) for the deductible, increased by 0.5%.

The rate of adjustment of the deductible may however be less than that established in accordance with the provisions of the first paragraph of this section and the first paragraph of section 6.2, where the amount of the deductible is equivalent to more than 20% of the amount of the maximum contribution in the case of the persons referred to in the second paragraph of section 28 of the Act respecting prescription drug insurance.”

2. The following is inserted before section 6.3:

“DIVISION IV.2

SPECIAL RULES APPLYING FOR THE PERIOD OF 1 JULY 2020 TO 30 JUNE 2021”.

3. Section 6.3 is amended by replacing, in the first and second paragraphs, “and 6.2” by “to 6.2.1”.

4. For the period of 1 January 2021 to 30 June 2021, the Board has fixed the rates of adjustment of the maximum amount of the annual premium, deductible and maximum contribution, as well as the percentage of the coinsurance, in accordance with the rules derived from this Regulation.

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

104747

Notice

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure

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

Notice is hereby given that the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure, appearing below, was entered into on 4 December 2020.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the Agreement has force of law and takes effect on the date of its publication in the *Gazette officielle du Québec*.

SIMON JOLIN-BARRETTE,
Minister of Justice

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure

An Act respecting legal aid and the provision of certain other legal services (chapter A-14, s. 83.21)

1. This Agreement establishes the tariff of fees applicable to advocates in private practice who render services in criminal and penal matters to persons who receive legal aid or other legal services under the Act respecting legal aid and the provision of certain other legal services (chapter A-14), except advocates who have entered into a professional services contract with the Commission des services juridiques.

The Agreement also establishes rules dealing with expenses and dispute settlement.

PART I
TARIFF OF FEES

CHAPTER I
GENERAL

2. A day comprises a maximum of three work periods, one in the morning, one in the afternoon and one in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

A preparation period, a period of participation in a conference ordered or convened by a judge and a hearing period are work periods.

3. For the purposes of this Agreement,

(1) a trial begins with the presentation of the prosecutor's evidence when it is held before judge only, and a trial held before a jury begins by jury selection; and

(2) a trial ends with a decision on a conviction.

4. The fees applicable to services rendered by an advocate are as follows:

(1) if the court refuses or is unable to proceed in the presence of the parties on the very day set for the hearing: \$106;

(2) services related to an application to extend the time limits for execution of a sentence or an order of the court: \$84;

(3) if, to cease representing, the advocate must file a motion: \$65;

(4) if the advocate is replaced at a hearing: \$65.

5. For services rendered during a facilitation conference or a case management conference in criminal and penal matters, the fees are \$290 per period.

6. The Commission determines the fees applicable to services not included in the tariff taking into account, if applicable, the fees set in this Agreement for similar services.

CHAPTER II
SPECIAL RULES

DIVISION I
FEES APPLICABLE UNDER THE LEGAL AID PLAN AND FOLLOWING A COURT DESIGNATION ORDER ISSUED PURSUANT TO THE CRIMINAL CODE (R.S.C., 1985, c. C-46) OR FOLLOWING A DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

§1. General

7. Subject to section 27, a flat fee includes up to two hearing periods on the same day, one in the morning and one in the afternoon.

If, once under way, the hearing or conference is unable to end before 6:00 p.m. on the same day, an advocate is entitled, for the evening and for each additional work period, to fees of,

(1) in first instance, \$290; and

(2) in appeal, \$300.

8. An advocate who receives a mandate during the proceedings and who sees a case through is entitled to full remuneration where a flat fee is provided for and no other advocate has rendered services in the case.

Where a mandate is assigned following an order issued pursuant to the Criminal Code, an advocate is entitled to the full flat-rate remuneration on completion of the mandate.

9. Where a flat fee is set for services and more than one advocate has rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services personally rendered, subject to sections 81.1 and 104 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4).

10. Where a recipient's legal aid is suspended or withdrawn or a recipient ceases to be eligible for legal aid or waives it, an advocate is remunerated for the services rendered until receipt of the notice referred to in section 74 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) and for the legal

services rendered subsequently for the performance of conservatory acts necessary to safeguard the recipient's rights or required by the court.

11. Services rendered on a finding or a plea of guilty to a lesser and included offence are remunerated according to the tariff applicable in respect of the charge as laid.

12. Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to full remuneration for the highest paid information and to one-half of the set tariff for each other information.

13. An advocate who represents two or more persons charged with the same offence or with a like offence arising from the same course of events and for which the proceedings are held in the same court at or about the same time is entitled to the remuneration applicable to a mandate, increased by the following percentage according to the number of persons represented:

- (1) two persons: 50%;
- (2) three persons: 100%;
- (3) four persons: 150%;
- (4) five persons or more: 200%.

14. Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case, an advocate may submit an application for special consideration to have the Commission determine the excess fees.

15. The fees of an advocate who renders services in a region or locality served on an itinerant basis in the judicial district of Abitibi or Mingan are increased by 5%.

16. Where an advocate must, at the director general's request, justify in writing an application for a legal aid mandate, fees in the amount of \$80 are payable to the advocate if the mandate is assigned.

17. For all services rendered under a consultation mandate, a mandate that ends with a consultation or a mandate related to a proposal to participate in the program for the non-judicial treatment of certain criminal offences, the fees are \$70.

18. To represent, for appearance, a person arrested under a warrant issued in another judicial district, regardless of the technological means used, the fees are \$106.

19. To represent a detained person for the purposes of section 503 of the Criminal Code, where the appearance is held using technological means, outside regular court house hours and under a presiding justice of the peace, the fees are \$158.

20. For a release hearing actually held, the fees are \$158.

21. For all services related to a granted request to change location, if the advocate subsequently ceases to act, the fees are \$84.

22. Where an advocate pleads in writing, at the court's request or under its authorization, the fees are \$290.

23. An advocate rendering services to a beneficiary taking part in the Alternative Measures Program or the Alternative Measures Program in Aboriginal communities is entitled to additional fees of \$200.

24. An advocate rendering services to a beneficiary taking part in the Court of Québec Addiction Treatment Program or the Justice and Mental Health Support Program is entitled to additional fees of \$400.

§2. Fees for certain services in first instance

25. For all services rendered to persons charged with a summary conviction offence under Part XXVII of the Criminal Code, until sentencing, where applicable, the fees are \$400.

26. For all services rendered to persons charged with an indictable offence under section 553 of the Criminal Code or charged with an offence that may be prosecuted by indictment or by summary conviction, the fees are \$415.

27. For all services rendered to persons charged with an indictable offence other than an offence referred to in section 26 or in section 239 of the Criminal Code, or within the exclusive jurisdiction of the Superior Court under section 469 of that Code, until sentencing, where applicable, the fees are \$600.

The tariff includes up to two hearing periods for the preliminary inquiry and up to two hearing periods for the trial, where in each case, the hearings are held on the same day and before the evening. For the other hearing periods, the fees are \$290 each for the preliminary inquiry and for trial before judge only and \$420 each for trial before judge and jury.

By exception, the tariff set in this section is also applicable to the services referred to in section 26 when they are rendered to a person liable to a minimum term of imprisonment or charged with a sexual offence.

§3. Fees for services rendered to persons charged with indictable offences under section 239 of the Criminal Code or offences within the exclusive jurisdiction of the Superior Court under section 469 of that Code

28. Sections 13, 14 and 20 do not apply to this subdivision.

29. For preparation of hearings and pre-trial conferences, and during the hearings and conferences, the fees are \$290 per period.

The number of preparation periods payable to an advocate is limited to five periods per application heard by the court.

30. For preparation of the trial, the fees are \$290 per period.

The number of preparation periods for the trial payable to an advocate is limited

(1) to three periods for each day of hearing scheduled for presentation of the prosecution's evidence, as established at the pre-trial conference or as indicated in the court record; and

(2) to one period for each day of hearing during the trial.

31. If the trial is interrupted for more than three consecutive weeks, a maximum of eight additional preparation periods to be worked during the interruption are payable to the advocate.

32. Where an advocate represents more than one accused in the same trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 30, increased by 50%, regardless of the number of accused the advocate represents.

33. The Commission must, at an advocate's request, reconsider the number of preparation periods to which the advocate was entitled under subparagraph 1 of the second paragraph of section 30 or section 32 if the number of hearing days actually held for the trial is greater than one and one-half the number of hearing days scheduled for presentation of the prosecution's evidence.

The advocate submits the request in the final statement of fees.

34. Where during the proceedings an advocate replaces an advocate whose remuneration is governed by this subdivision, the advocate must provide the Commission with an application detailing the preparation time the advocate considers necessary to represent the client.

The Commission examines the application taking into account the circumstances of the case and determines the maximum number of preparation periods available to the advocate in place of the preparation periods provided for in subparagraph 1 of the second paragraph of section 30 or in section 32.

35. During the trial, the fees are \$420 per hearing period.

36. For services rendered during representations on sentence, the fees are \$290 per period.

§4. Fees for services other than in criminal and penal matters

37. Where a judgment orders an attorney be appointed, the fees are \$158.

38. For all services rendered before the Review Board under sections 672.38 et seq. of the Criminal Code, the fees are \$525.

39. For all services rendered until sentencing, where applicable, the fees are as follows for hearings held

(1) under section 742.6 of the Criminal Code: \$210; and

(2) under sections 110, 111, 112, 810.01(5) and 810.2(5) of the Criminal Code: \$210.

40. In matters of extraordinary remedies provided for in the Criminal Code, the fees are as follows:

(1) for preparation and service of the proceeding: \$315;

(2) per hearing period: \$290.

41. For services rendered following an order made under section 486.3 of the Criminal Code, the fees are \$290 per work period. An advocate is entitled to three preparation periods per day of hearing already held at the time the mandate is assigned to the advocate and to a maximum of four additional preparation periods.

For all services rendered following an order made under section 672.24 of the Criminal Code, the fees are \$400.

42. For all services rendered for an application for release from custody or for review of the decision rendered on release addressed to a judge of the Superior Court, the fees are \$210.

43. In matters of preventive detention,

(1) for preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code, including interviews and other necessary services, the fees are \$1,050; and

(2) per hearing period, the fees are \$290.

44. For all services rendered for an application for a change to a probation order under section 732.2(5) of the Criminal Code, the fees are \$158.

45. For all services rendered for an application for the issue of a warrant of committal or an order of imprisonment for default of payment of fines under section 734.7 of the Criminal Code or article 346 of the Code of Penal Procedure (chapter C-25.1), the fees are \$232.

46. For all services rendered until sentencing, where applicable, under the Youth Criminal Justice Act (S.C. 2002, c. 1), the fees are as follows:

(1) on an application for review under subsection 59(1) of that Act: \$195;

(2) on an application under subsection 64(1) of that Act: \$450.

§5. Fees for services rendered in appeal

47. For an appeal on extraordinary remedies, an appeal in matters of preventive detention or an appeal from the decision on a conviction, sentence or both, the fees are as follows:

(1) preparation of all proceedings preliminary to the appeal, including drafting and filing of the notice of appeal: \$630;

(2) hearing of the application for leave to appeal: \$232;

(3) motion for extension of the time to appeal: \$210\$;

(4) preparation of the factum: \$840;

(5) hearing of the appeal: \$840.

48. For all services rendered for an application for release from custody until a decision on the appeal, the fees are \$285.

49. For services rendered following an order made under section 684 of the Criminal Code, the fees are \$840 for the hearing at the Court of Appeal. An advocate is entitled to a maximum of four preparation periods remunerated at \$300 each.

50. For an appeal to the Supreme Court, the fees are as follows:

(1) preparation of all proceedings preliminary to the appeal, including drafting and filing of the notice of appeal or the application for leave to appeal: \$3,150;

(2) preparation of the factum: \$3,150;

(3) hearing of the appeal: \$4,200.

51. For services rendered following an order made under section 694.1 of the Criminal Code, the fees are \$2,100 for the hearing at the Supreme Court. An advocate is entitled to a maximum of eight preparation periods remunerated at \$300 each.

DIVISION II

FEES APPLICABLE IN A LENGTHY AND COMPLEX CASE, FOLLOWING A DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

52. Section 14 does not apply to this Division.

53. For preparation of hearings and pre-trial conferences, and at the hearings or conferences, the fees are \$290 per period.

The number of preparation periods payable to an advocate is limited to five periods per application heard by the court.

54. For preparation of the trial, the fees are \$290 per period.

The number of preparation periods payable to an advocate is limited

(1) to three periods for each day of hearing scheduled for presentation of the prosecution's evidence, as established at the pre-trial conference or as indicated in the court record; and

(2) to one period for each day of hearing during the trial.

55. If the trial is interrupted for more than three consecutive weeks, a maximum of eight additional preparation periods to be worked during the interruption are payable to the advocate.

56. Where an advocate represents more than one accused in the same trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 54, increased by 50%, regardless of the number of accused the advocate represents.

57. The Commission must, at the advocate's request, reconsider the number of preparation periods to which the advocate was entitled under subparagraph 1 of the second paragraph of section 54 or section 56 if the number of hearing days actually held for the trial is greater than one and one-half the number of hearing days scheduled for presentation of the prosecution's evidence.

The advocate submits the request in the final statement of fees.

58. Where an advocate replaces an advocate whose remuneration was governed by this Division, or where an advocate's remuneration becomes governed by this Division during the proceedings, the advocate must provide the Commission with an application detailing the preparation time the advocate considers necessary to represent the client.

The Commission examines the application taking into account the circumstances of the case and determines the maximum number of preparation periods available to the advocate in place of the preparation periods provided for in subparagraph 1 of the second paragraph of section 54 or in section 56.

59. During the trial, the fees are \$420 per hearing period.

60. Where an advocate pleads in writing, at the court's request or under its authorization, the fees are \$290 per work period, for a maximum of ten periods.

61. For preparation and hearings of representations on sentence, the fees are \$290 per period.

The number of preparation periods is limited to 15 periods.

62. Subdivision 5 of Division I of this Chapter applies to appeals, with the necessary modifications.

PART II EXPENSES

63. Expenses include travel allowances and costs authorized by the director general or the Commission, as applicable, in particular expert fees and other costs pertaining to the cases and proceedings incidental to the mandate.

The fees of legal counsel are treated as expert fees. The same applies to fees pertaining to the professional services of an advocate assisting during hearing of the trial, which are limited to \$185 per hearing period and are eligible only for the services rendered for mandates assigned in accordance with Chapter II of the Act respecting legal aid and the provision of certain other legal services (chapter A-14).

64. An advocate is entitled to reimbursement of \$0.10 per page for photocopies made during written proceedings or to reproduce authorities.

65. At the end of a legal aid mandate, an advocate who sees a case through receives \$50 as reimbursement of administrative overhead costs, except for consultation mandates and mandates that end with a consultation.

66. An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from the advocate's office.

When using a personal motor vehicle, an advocate is entitled to the travel allowance per kilometre provided for in section 8 of the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 216155 dated 22 March 2016) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

(1) based on the distance actually travelled, if the travel is within the boundaries of the judicial district of the advocate's office;

(2) based on the distance actually travelled up to a maximum of 200 km, if the travel is outside the boundaries of the judicial district of the advocate's office;

(3) based on the distance actually travelled if the travel is to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court, tribunal or body having jurisdiction outside the boundaries of the judicial district of the advocate's office. If an advocate's office is in a judicial district other than the district where

the legal aid centre that issued the mandate is located, the advocate receives either the allowance under subparagraph 2, or an allowance established on the basis of the distance between the place where the mandate was issued and the place where the relevant court, tribunal or body sits, at the advocate's option; and

(4) based on the distance actually travelled, with the authorization of the director general of the legal aid centre, if the travel is outside the boundaries of the judicial district of the advocate's office and the nature or complexity of the matter requires that the mandate be assigned to that advocate.

An advocate entitled to a kilometric allowance is also entitled to reimbursement of any parking expenses incurred.

67. Subject to sections 64 and 65, expenses cannot exceed the actual amount incurred by the advocate; they are paid on presentation of supporting documents.

PART III DISPUTE SETTLEMENT PROCEDURE

CHAPTER I SUBMITTING OF A DISPUTE AND CONCILIATION

68. A dispute means any disagreement concerning the interpretation or application of this Agreement, including any disagreement concerning a claim for fees for a service not included in the tariff or an application for special consideration, and any disagreement concerning a statement of fees or expenses submitted pursuant to the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

A dispute must be submitted within six months after receipt of the notice referred to in section 8 of that Regulation.

69. A dispute is submitted by an advocate by means of a notice addressed to the regional centre or to the Commission, as applicable. The notice must contain a summary of the facts and the relief sought.

70. The regional centre or the Commission, as applicable, provides a written reply to the notice of dispute it receives.

71. Before submitting a dispute, an advocate may resort to conciliation by means of written notice to the director general of the regional centre, to the Commission and to the section of the Barreau du Québec to which the advocate belongs.

72. Resorting to conciliation interrupts the six-month prescription.

73. Within 15 days after receiving the notice referred to in section 71, the director general of the regional centre and the bâtonnier of the section each designate an advocate.

74. Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to come to an agreement.

CHAPTER II ARBITRATION

75. An advocate who submitted a dispute may, if no reply is received within 30 days after sending the notice, or the advocate is dissatisfied with the reply, refer the dispute to arbitration.

Resorting to arbitration is prescribed by six months.

An application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, and is also sent to the regional centre, to the Commission and to the Barreau du Québec.

The chief judge designates one of the judges of that court to act as arbitrator.

76. After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene or take up the defence of an advocate who refers a dispute to arbitration.

77. Stenography fees and fees to reproduce a recording of the hearings, if any, are borne by the regional centre or by the Commission, as applicable.

78. The arbitrator has jurisdiction, to the exclusion of any court or tribunal, to decide a dispute within the meaning of this Agreement. The arbitrator may uphold, vary or rescind the disputed decision and, under the terms of the arbitration award, order payment or determine compensation, restore a right or issue any order considered by the arbitrator to be fair in the circumstances.

The arbitration award is final and binding on the parties.

79. The arbitrator may issue an interim award at any time.

80. The arbitrator sends every arbitration award to the parties and to the Barreau du Québec.

PART IV
MISCELLANEOUS, TRANSITIONAL AND FINAL

81. This Agreement replaces the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (chapter A-14, r. 5.2).

It comes into force on the day of its publication in the *Gazette officielle du Québec* and applies to services rendered in connection with legal aid mandates assigned since 1 June 2019.

82. For mandates assigned between 1 October 2017 and 31 May 2019, the fees applicable are those set out in the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (chapter A-14, r. 5.2), increased by 5%

83. The maximum level of the fees payable to an advocate who renders services under the legal aid plan is set at \$140,000 for mandates assigned to the advocate between 1 April and 31 March of the years covered by this Agreement. Beyond that amount, the fees paid to the advocate are reduced by 35% for each mandate.

84. This Agreement ends on 30 September 2022. It remains in force after that date until it is replaced by a new agreement or by a regulation.

104754

Notice

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

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure

Notice is hereby given that the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure, appearing below, was entered into on 4 December 2020.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the Agreement has force of law and takes effect on the date of its publication in the *Gazette officielle du Québec*.

SIMON JOLIN-BARRETTE,
Minister of Justice

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure

An Act respecting legal aid and the provision of certain other legal services
(chapter A-14, s. 83.21)

1. This Agreement establishes the tariff of fees applicable to advocates in private practice to whom a legal aid mandate is assigned, except for services rendered in criminal and penal matters.

The Agreement also establishes rules dealing with expenses and dispute settlement.

PART I
TARIFF OF FEES

CHAPTER I
GENERAL

2. A day comprises a maximum of three work periods, one in the morning, one in the afternoon and one in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

Work periods are periods spent participating in prevention and dispute resolution processes and hearing periods.

3. Unless provided otherwise, a flat fee includes up to two work periods on the same day, one in the morning and one in the afternoon.

If, once under way, the hearing, conference or conciliation or mediation session is unable to end before 6:00 p.m. the same day, an advocate is entitled, for the evening and for each additional work period, to fees of,

- (1) in first instance: \$290; and
- (2) in appeal: \$300.