

Regulations and other Acts

Gouvernement du Québec

O.C. 1444-2022, 3 August 2022

Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1)

Authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec — Amendment

Regulation to amend the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec

WHEREAS, under subparagraph 6.3 of the first paragraph of section 80 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the Government may, by regulation, determine the cases and circumstances in which all or part of a lot may be alienated in favour of producers without the authorization of the Commission de protection du territoire agricole du Québec;

WHEREAS, under subparagraph 7 of the first paragraph of section 80 of the Act, the Government may, by regulation, identify the municipal and public service purposes to which section 41 of the Act applies;

WHEREAS, under subparagraphs 1 and 2 of the second paragraph of section 80 of the Act, the Government may, by regulation, determine the cases and circumstances in which a use ancillary to an agricultural operation, or a farm tourism-related use or a use related to farm product processing on a farm are in particular allowed without the authorization of the Commission de protection du territoire agricole du Québec;

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 authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec was published in Part 2 of the *Gazette officielle du Québec* of 4 May 2022 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 Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec

Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1, s. 80)

1. The Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec (chapter P-41.1, r. 1.1) is amended in section 2 by replacing “a bank or shore” in paragraph 2 by “a slope”.

2. Section 4 is amended by replacing “a bank or shore” by “a slope”.

3. Section 5 is amended

(1) by replacing “ditch” by “watercourse, ditch or body of water”;

(2) by inserting “or, in the case of a body of water, the boundary” after “route”;

(3) by adding “to their former condition” after “restored”.

4. Section 6 is amended

(1) in the first paragraph

(a) by replacing “less of an” in the portion before subparagraph 1 by “less of a cable.”;

(b) by inserting “of the cable,” after “within the right of way” in subparagraph 1;

(c) by inserting “of the cable,” after “part” in subparagraph 5;

(d) by inserting “the cable,” at the beginning of subparagraph 6;

(e) by replacing “to be cultivated” at the end of subparagraph 6 by “to its former condition”;

(2) in the second paragraph

(a) by inserting “an aerial cable or” after “maintenance of”;

(b) by replacing “to 3 of the first paragraph” at the end by “and 3 of the first paragraph, and provided that the topsoil is rehabilitated to its former condition at the end of the work”;

(3) by adding “, or 18 months if the work ends in winter” at the end of the third paragraph.

5. Section 7 is amended

(1) in the first paragraph

(a) by inserting “a cable,” after “The installation of”;

(b) by striking out the words “natural gas distribution” wherever they appear;

(c) by inserting “the cable,” after “where”;

(2) by striking out “natural gas distribution” in the second paragraph.

6. Section 8 is amended

(1) by replacing “to be cultivated” in paragraph 4 by “to its former condition”;

(2) by adding “, or 18 months if the work ends in winter” at the end of paragraph 5.

7. Section 9 is amended

(1) by replacing “replacement” by “dismantling, replacement, repair or maintenance”;

(2) by replacing “the structure” by “the right of way”.

8. Section 11 is amended

(1) by replacing “acercultural operation or an equestrian centre” in paragraph 1 by “agricultural operation”;

(2) by replacing paragraph 2 by “a use related to farm tourism or the processing of a farm product on a farm”.

9. The heading of subdivision 1 is amended by replacing “acercultural operation or an equestrian centre” by “agricultural operation”.

10. Section 13 is amended

(1) by inserting “or by a person who holds a quota issued for the lot by the Producteurs et productrices acéricoles du Québec” after “producer” in the portion before paragraph 1;

(2) by replacing “20” in paragraph 3 by “30”.

11. The following is added after section 13:

“**13.1.** The ancillary use by a producer of a portion of the producer’s agricultural operation for the purposes of receptions is allowed in the following circumstances:

(1) the receptions showcase the products of the agricultural operation and, for that purpose, the menu offered mainly contains food products that are derived from the agricultural operation;

(2) the receptions are held not more than 20 times in a fiscal year, not more than once during a same day and must not be held more than 3 consecutive days;

(3) the maximum number of guests present at a reception is 50;

(4) the date of each reception and the number of guests present are recorded in a register held by the producer; the register must be kept for the 2 fiscal years after the fiscal year in which the receptions were held and be made available on request during that period;

(5) the receptions are held at least 300 m from a livestock building that is neither owned nor operated by the producer;

(6) the receptions are held at least 75 m from a cultivated field that is neither owned nor operated by the producer;

(7) the receptions do not require the use of a space, building, vehicle or equipment other than those usually used as part of the agricultural operation, except

(a) a temporary facility to provide protection from bad weather;

(b) the furnishings necessary for the reception;

(c) a temporary parking space occupying a maximum area of 1,000 m²;

(d) temporary sanitary facilities;

(8) the holding of receptions does not alter the soil capability;

(9) the holding of receptions does not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours.

In addition, the holding of an annual event with a maximum of 200 guests that takes place over a maximum period of 4 consecutive days is allowed in the circumstances provided for in subparagraphs 1 and 4 to 9 of the first paragraph.”

12. The heading of subdivision 2 is amended by replacing “Farm tourism-related use” by “A use related to farm tourism or the processing of a farm product on a farm”.

13. Section 14 is amended

(1) by inserting “or activities related to the processing of a farm product” after “farm tourism activities” in the portion before paragraph 1;

(2) by replacing “the producer’s agricultural operation” in the portion before paragraph 1 by “the producer’s farm”;

(3) by striking out “at the farm” in paragraph 1;

(4) by replacing paragraph 3 by the following:

“(3) the development and use of a booth for the sale of farm products, at least 25% of which are from the producer;

(4) guided visits;

(5) the processing of a farm product by a person or a partnership separate from the producer;

(6) the processing of farm products, at least 25% of which are from the producer.”

14. Section 15 is amended

(1) by replacing “dishes offered on the menu are mainly composed of products of the farm” in paragraph 1 by “the meal showcases the products of the farm and, for that purpose, the menu offered mainly contains food products that are derived from the farm”;

(2) by replacing “a maximum of” in paragraph 2 by “less than”.

15. The following is added after section 16:

“**16.1.** The development and use of a booth for the sale of farm products at the farm is allowed in the following circumstances:

(1) at least 25% of the products offered for sale at the booth are from the producer’s farm;

(2) the other products offered for sale are from Québec producers whose main production site is situated in the same administrative region or less than 150 km from the booth.”

16. The following is added after section 17:

“**17.1.** The processing of a farm product at the farm is allowed, even where it is carried out by a person or a partnership separate from the producer, in the following cases:

(1) where the producer is an entity formed by a natural person,

(a) the natural person owns at least 50% of the interests of the legal person carrying out the processing;

(b) the natural person is a partner holding at least 50% of the interests of the partnership carrying out the processing;

(2) where the producer is an entity formed by a legal person,

(a) a natural person holding at least 50% of the interests in the legal person is carrying out the processing;

(b) one or several persons or partnerships holding at least 50% of the interests in the legal person also hold 50% of the interests in the legal person carrying out the processing;

(c) one or several persons or partnerships holding at least 50% of the interests in the legal person are also partners holding at least 50% of the interests of the partnership carrying out the processing;

(3) where the producer is an entity formed by a partnership,

(a) a natural person holding at least 50% of the interests of the partnership carries out the processing;

(b) one or more partners holding at least 50% of the interests of the partnership also hold at least 50% of the interests of the legal person carrying out the processing;

(c) one or more partners holding at least 50% of the interests of the partnership are also partners holding at least 50% of the interests of the partnership carrying out the processing.

For the purposes of this section, “interests” means either the outstanding voting shares or, for a person or a partnership without share capital, the shares of the partners or members..

17.2. The processing of farm products from other producers is allowed at the farm in the following circumstances:

(1) at least 25% of the processed products are from the producer’s farm;

(2) the other processed products are from Québec producers whose main production site is situated in the same administrative region or less than 150 km from the processing site, insofar as the products are available at those production sites;

(3) the area dedicated to processing has a maximum floor area of 300 m² and includes the processing site, as well as any other related structure required for processing, but excludes the area dedicated to the transportation of persons and material.”.

17. 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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Gouvernement du Québec

O.C. 1445-2022, 3 August 2022

Animal Welfare and Safety Act
(chapter B-3.1)

Welfare and safety of domestic companion animals and equines

Regulation respecting the welfare and safety of domestic companion animals and equines

WHEREAS, under paragraph 2 of section 64 of the Animal Welfare and Safety Act (chapter B-3.1), the Government may, by regulation, determine the conditions on and manner in which a person, an animal species, subspecies or breed, a type of activity or establishment or a geographical region may be exempted from the application of the Act or the regulations;

WHEREAS, under paragraph 3 of section 64 of the Act, the Government may, by regulation, make compliance with provisions of animal care standards or codes of practice mandatory for persons determined by the Government and provide for the necessary adaptations and transitional provisions;

WHEREAS, under paragraph 4 of section 64 of the Act, the Government may, by regulation, determine the conditions on which an activity involving an animal may be carried on, restrict such an activity or prohibit certain classes of persons it determines from carrying on such an activity;

WHEREAS, under paragraph 5 of section 64 of the Act, the Government may, by regulation, determine the other animals which an owner or custodian must provide with stimulation, socialization and environmental enrichment that are consistent with their biological needs;

WHEREAS, under subparagraphs *a*, *b* and *e* of paragraph 6 of section 64 of the Act, the Government may, by regulation, in relation to permits and permit holders governed by Chapter III of the Act, determine in particular the classes of permits and the conditions and restrictions attached to each, prescribe the form in which an application for a permit is to be submitted and the documents the applicant must provide, and determine the conditions on and manner in which permits are to be issued or renewed and the fees payable for a permit application;