

on 1 January of each year, based on the percentage change in the All-Items Consumer Price Index for Canada, for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada. The adjustment rate may not be less than zero.

The adjusted duties and fees are rounded off as follows:

(1) where the annual increase resulting from the adjustment is between \$0.01 and \$0.25, they are increased by \$0.25;

(2) where the annual increase resulting from the adjustment is between \$0.25 and \$0.50, they are increased by \$0.50;

(3) where the annual increase resulting from the adjustment is between \$0.50 and \$1, they are increased by \$1; and

(4) where the annual increase resulting from the adjustment is greater than \$1,

(a) they are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; or

(b) they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The board informs the public of the results of the adjustments under this section by publishing them in Part 1 of the *Gazette officielle du Québec* and, if the board considers it appropriate, by any other means.

DIVISION IV FINAL AND TRANSITIONAL

12. The licences issued pursuant to the Lottery Schemes Regulation (chapter L-6, r. 11) remain in force until the date on which they would have expired in accordance with that Regulation and the holders may, until that date, carry on the operations authorized by those licences.

13. This Regulation replaces the Lottery Schemes Regulation (chapter L-6, r. 11).

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

105958

Gouvernement du Québec

O.C. 1480-2022, 3 August 2022

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2)

Financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

WHEREAS, under section 168.1 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), a government regulation may be made to determine the amounts, the eligibility requirements and the terms and conditions of payment of the financial assistance the Chief Coroner may grant to members of a deceased person's family under section 125.1 of that Act to cover expenses incurred for legal assistance and representation during a coroner's inquest following an independent investigation conducted by the Bureau des enquêtes indépendantes in accordance with section 289.1 of the Police Act (chapter P-13.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner was published in Part 2 of the *Gazette officielle du Québec* of 20 April 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 Public Security:

THAT the Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2, s. 168.1)

CHAPTER I ELIGIBILITY REQUIREMENTS

1. A member of the deceased person's family who has been recognized, under section 136 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), as an interested person by the coroner conducting the inquest is eligible for financial assistance.

For the purposes of this Regulation, the spouse of the deceased person, the children of the deceased person or the deceased person's spouse, the parent of the deceased person or the persons acting in their stead, the brothers and sisters of the deceased person, and the person who had custody of the deceased person under a court judgment, except a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), are members of the deceased person's family.

2. A member of the family who is eligible for the legal aid system established under the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is not eligible for the financial assistance provided for in this Regulation.

3. Only 1 member of the deceased person's family may obtain financial assistance for the inquest conducted by the coroner.

Another member of the family may be declared eligible if they establish to the coroner's satisfaction that their interests and those of the member of the family who has been declared eligible for financial assistance are divergent, opposed or irreconcilable.

CHAPTER II APPLICATION FOR FINANCIAL ASSISTANCE

4. A member of the family who wishes to obtain financial assistance must apply to the Chief Coroner, before the end of the inquest, using the form prescribed for that

purpose. The application must contain in particular a brief description of the legal assistance and representation required, as well as relevant grounds in support of the application.

The application must be accompanied by proof that the applicant is a member of the deceased person's family and that the applicant meets the other eligibility requirements provided for in this Regulation. Where applicable, the application is accompanied by other supporting documents that is relevant or required by the Chief Coroner.

5. On receiving an application for financial assistance, the Chief Coroner informs the coroner conducting the inquest and provides the coroner with the relevant information to make a recommendation.

If the Chief Coroner has already declared another member of the deceased person's family eligible for financial assistance for the same inquest, the Chief Coroner informs the applicant, who may provide any information to demonstrate eligibility for financial assistance under the second paragraph of section 3. The recommendation of the coroner conducting the inquest must then cover the existence or absence of divergent, opposed or irreconcilable interests between the applicant and the member of the family who has been declared eligible for financial assistance.

6. After analysis of the application for financial assistance, on the recommendation of the coroner conducting the inquest, the Chief Coroner informs the applicant of the decision in writing and, if the applicant is eligible, indicates the legal assistance and representation that may be reimbursed under Chapter III.

CHAPTER III AMOUNTS AND TERMS AND CONDITIONS OF PAYMENT OF THE FINANCIAL ASSISTANCE

7. An eligible member of the family is entitled, up to an amount of \$20,000 per inquest, to the reimbursement of the following expenses incurred for legal assistance and representation:

(1) to the extent provided for in section 10, advocate fees related to the preparation of the inquest, including the interviews with witnesses and the visit to the place of death, and the advocate's participation in the inquest or a meeting requested by the coroner conducting the inquest or the Chief Coroner;

(2) the expenses for service by bailiff and notification by registered mail;

(3) expert fees;

(4) the reasonable expenses of an advocate, including the cost of reproducing documents, travel, meals, and other expenses for participating in a coroner's inquest.

An advocate referred to in subparagraphs 1 and 4 of the first paragraph must be a member of the Barreau du Québec or be legally authorized to practise in Québec.

8. No financial assistance may be granted for fees, costs and other expenses that are, as the case may be,

(1) related to the negotiation of the service contract between the advocate and the member of the family;

(2) related to secretarial work or time spent on travel and meals;

(3) related to representations for obtaining the status of interested person;

(4) incurred as part of judicial proceedings that may result from the direction and decisions of the coroner conducting the inquest; or

(5) incurred to contest the decision of the Chief Coroner on an application for financial assistance filed under this Regulation.

9. An eligible member of the family may obtain the reimbursement of advocate fees paid for each period of work carried out, according to the tariff set for a coroner's inquest pursuant to section 83.21 of the Act respecting legal aid and the provision of certain other legal services.

The number of periods of preparation is limited to 1 per day of hearing during the inquest. A work period is a period of preparation, a period of participation in a meeting called by the coroner conducting the inquest or by the Chief Coroner, or a hearing period. A day comprises a maximum of 3 work periods, 1 in the morning, 1 in the afternoon and 1 in the evening; morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

10. The eligible member of the family sends to the Chief Coroner an application for reimbursement accompanied by the supporting documents detailing the fees paid and establishing their payment where the fees are at least \$2,000 and, subsequently, for each additional \$3,000, except the last application for reimbursement, which may be for a lesser amount.

Despite the first paragraph and at the request of the eligible member of the family, different terms and conditions of payment may be agreed to with the Chief Coroner.

11. After analysis of the application for reimbursement, the Chief Coroner determines the amount that may be reimbursed to the member of the family and makes the payment within 30 days.

CHAPTER IV TRANSITIONAL AND FINAL

12. Despite section 4, a member of the family who wishes to obtain financial assistance for the reimbursement of expenses incurred during a coroner's inquest that has ended may, if the inquest was held after 1 January 2020 and before 1 September 2022, apply to the Chief Coroner in accordance with this Regulation within 2 years following the end of the inquest.

In addition, the application must specify any amount paid as part of the inquest, to the benefit of a member of the deceased person's family, for the payment or reimbursement of expenses incurred for legal assistance and representation. The maximum amount that may be granted under this Regulation must be reduced by that amount.

13. Until the tariff referred to in section 9 is set, advocate fees that a member of the family has paid are reimbursed at a tariff of \$290 per work period.

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

105959

Gouvernement du Québec

O.C. 1490-2022, 3 August 2022

Act respecting owners, operators and drivers of heavy vehicles
(chapter P-30.3)

Regulation —Amendment

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles

WHEREAS, under paragraph 1 of section 3 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), the Government may, by regulation and subject to the conditions it determines, exempt certain drivers of heavy vehicles, certain heavy vehicles or certain classes of heavy vehicles from the application of all or part of the Act;