

DIVISION V FINAL

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except as concerns political parties, independent Members and independent candidates, for which it comes into force on 22 September 2023.

106051

Gouvernement du Québec

O.C. 1765-2022, 30 November 2022

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

Legal aid — Amendment

Regulation to amend the Regulation respecting legal aid

WHEREAS, under subparagraphs *a.3*, *b.1* and *h* to *h.3* of the first paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), regulations may be made for the purposes of Chapter II of the Act, unless the context requires a different meaning, in particular to

— determine what constitutes income, liquidities and other assets for the purpose of determining financial eligibility for legal aid and, to that end, determine what income, liquidities and other assets are to be considered or excluded, indicate the amounts deductible from income, prescribe calculation methods for determining income or the value of property and determine what is included in liquidities;

— determine, in addition to those already specified in chapter II, the legal services for which legal aid may be granted and, if expedient, specify on what conditions it may be granted therefor, and determine, in addition to those already excluded, the legal services for which legal aid may not be granted;

— determine the form and content of applications for legal aid and of declarations made under the first paragraph of section 64 of the Act, as well as the tenor of the undertakings to be made by applicants;

— determine the documents and information to be supplied by persons applying for legal aid and designate the classes of persons who are dispensed from supplying certain documents or information;

— define what is an applicant for legal aid and designate the persons or bodies that are not authorized to make an application for legal aid on behalf of another person;

— determine the documents and information relating to an application for legal aid that may be submitted to verification and the persons or bodies that may be contacted for the purpose of such verification and determine the authorizations which may be required to that effect;

WHEREAS, under the second paragraph of section 80 of the Act, the provisions of regulations under subparagraphs *a* to *a.8* of the first paragraph may in particular vary according to whether a person alone or a family is concerned;

WHEREAS, under the third paragraph of section 80 of the Act, regulations under subparagraphs *a.3*, *b.1* and *h* to *h.3* in particular are made by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting legal aid was published in Part 2 of the *Gazette officielle du Québec* of 13 July 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting legal aid

Act respecting legal aid and the provision of certain other legal services
(chapter A-14, s. 80, 1st par., subpars. *a.3*, *b.1*, *h* to *h.3*, 2nd par. and 3rd par.)

1. The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 12 by replacing “\$4,200” in subparagraph 2.1 by “\$6,000”.

2. Section 31 is amended by replacing “establish” in subparagraph 6 of the second paragraph by “indicate”.

3. Section 32 is amended by replacing “establish” in subparagraph 3 by “indicate”.

4. Section 32.1 is amended by replacing “establish” in subparagraph 2 of the second paragraph by “indicate”.

5. Section 34 is amended in the first paragraph

(1) by inserting “that the applicant must file” after “thereto”;

(2) by replacing “If those documents are not filed” by “If the applicant is unable to file those documents”;

(3) by replacing in the French text “doit fournir” by “fournit”.

6. Section 34.1 is amended

(1) by striking out “, to the extent prescribed by this Regulation,” in the first paragraph;

(2) by replacing in the French text “doit également produire” in the second paragraph by “produit également”.

7. The following is inserted after section 34.1:

“**34.1.1.** An applicant declared financially eligible for legal aid under section 64 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) shall not be required, in the 12 months following the declaration of eligibility, to disclose his or her financial situation if the applicant files another application for legal aid and files a declaration indicating that his or her financial situation and the financial situation of the other persons whose financial situation is considered and that affects the applicant’s legibility for legal aid have not changed since the same declaration of eligibility.”

8. Section 34.2 is amended

(1) by replacing in the French text “autorités, fiscales” in the first paragraph by “autorités fiscales”;

(2) by replacing “. Failing that, those other persons shall attach to the application their authorization in writing” in the second paragraph by “and attach to the application a written authorization from those persons”.

9. Section 35 is amended by replacing “legal aid centre” by “centre”.

10. The following is inserted after section 43.1:

“**43.1.1.** Legal aid is granted for the services of an advocate or a notary with respect to the recognition of an assistant to a person of full age by the Public Curator.”

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

106053

Gouvernement du Québec

O.C. 1766-2022, 30 November 2022

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

Regulation

—Amendment

Regulation to amend the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services

WHEREAS, under subparagraph *n* of the first paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), regulations may be made for the purposes of Chapter II of the Act, unless the context requires a different meaning, in particular to determine the place where a person wishing to obtain legal aid must send his or her application;

WHEREAS, under the fourth paragraph of section 80 of the Act, a regulation made by the Commission des services juridiques under subparagraph *n* of the first paragraph is subject to the approval of the Government, which may approve it with or without amendment;

WHEREAS the Commission made the Regulation to amend the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) on 16 May 2022;

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 application of the Act respecting legal aid and the provision of certain other legal services was published in Part 2 of the *Gazette officielle du Québec* of 13 July 2022 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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