

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*, *a.2* and *s*, and 2nd and 3rd pars.)

1. The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 2 by inserting “or one of the parents” after “mother”.

2. Section 5 is replaced by the following:

“**5.** For the purposes of section 1.2 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), a minor child or a child of full age who meets any of the following conditions is considered to cease to be part of the family and to be an adult:

(1) no longer attends an educational institution on a full-time basis, holds employment and does not depend on the family for livelihood;

(2) holds an undergraduate university degree and attends an educational institution;

(3) met his or her own needs and did not reside with the family for at least 2 years, excluding any period of full-time attendance in an educational institution;

(4) held remunerated employment on a full-time basis or received, in respect of such employment, benefits under the Employment Insurance Act (S.C. 1996, c. 23), for at least 2 years;

(5) is or was married;

(6) lives or lived with another person in a de facto union and cohabits or cohabited at a given time with that person for at least 1 year;

(7) is or was the father or mother or parent of a child;

(8) has been pregnant for at least 20 weeks; or

(9) the child’s father or mother or parent cannot be found or they refuse to meet the child’s needs or the child is in the custody of a person referred to in section 2 who cannot be found or refuses to meet the child’s needs, as the case may be.”

3. Section 6.1 is amended by striking out the second paragraph.

4. Section 7 is replaced by the following:

“**7.** Notwithstanding section 6.1, the financial eligibility of an applicant is determined not taking into consideration the income and assets of the applicant’s spouse where

(1) they have opposed interests in a case or recourse; or

(2) the applicant files an application for legal aid for the benefit of a minor child of whom the applicant has custody as the father or mother or parent or as a person referred to in section 2, as the case may be.”

5. Section 39 is amended by replacing the first paragraph by the following:

“Once the legal aid services rendered to a minor child are completed, the father and mother or parents of that child or the person referred to in section 2, as the case may be, must repay to the legal aid centre, upon request, all the costs of the legal aid obtained by the child, without exceeding the contribution that would be exigible from them under Division III. Where such repayment is incumbent upon the father and mother or parents, they are jointly responsible for making it.”

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

106104

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Mediation of small claims — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the mediation of small claims, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to maintain the application of certain provisions of the Regulation to amend the Regulation respecting the mediation of small claims, made by Order in Council 586-2021 dated 21 April 2021 and amended by Order in Council 1700-2022 dated 2 November 2022, that promote the use of mediation of small claims, in particular provisions respecting the number of hours of mediation and the mediator’s fee. It also sets out certain rules applicable where a mediation session is not held.

Study of the matter has shown no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Mtre. Jessica Trottier, Direction du développement de l'accès à la justice, Ministère de la Justice, 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; email: jessica.trottier@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the mediation of small claims

Code of Civil Procedure
(chapter C-25.01, arts. 556 and 570)

1. The Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6) is amended by inserting the following after section 13:

“**13.0.1.** Where a mediation session cannot be held by reason of a failure by one party, the mediator is entitled to fees for the work performed outside the sessions.”.

2. The following is inserted after section 13.1:

“**14.** A mediator who goes to a courthouse at the court's request and to whom no mediation mandate is assigned is entitled to fees equal to 1 hour of mediation.”.

3. Section 11 of the Regulation to amend the Regulation respecting the mediation of small claims, made by Order in Council 586-2021 dated 21 April 2021 and amended by Order in Council 1700-2022 dated 2 November 2022, is revoked.

4. This Regulation comes into force on 1 June 2023.

106106