

Regulations and other Acts

Gouvernement du Québec

O.C. 694-2024, 3 April 2024

Revocation of certain orders in council relating to the requirement for prior authorization provided for under the Act respecting contracting by public bodies for certain contracts and subcontracts of Ville de Montréal involving an expenditure equal to or above the amount determined by the Government

WHEREAS, by Order in Council 1049-2013 dated 23 October 2013, the Government has determined that Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) applies to contracts for the construction, reconstruction, demolition, repair or renovation of roads, waterworks and sewer services of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and whose tendering or awarding process begins as of the date of coming into force of this Order in Council, as well as to subcontracts of the same nature directly or indirectly related to such contracts and involving an expenditure equal to or greater than \$25,000;

WHEREAS, by Order in Council 795-2014 dated 10 September 2014, the Government has determined that Chapter V.2 of the Act respecting contracting by public bodies applies to certain supply contracts and service contracts of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and to various subcontracts of the same nature involving an expenditure equal to or greater than \$25,000, which are provided for in the first paragraph of the operative part of that Order in Council;

WHEREAS, since the coming into force of those Orders in Council, the Act respecting the inspector general of Ville de Montréal (2014, chapter 3) and the Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers (2017, chapter 13) have come into force, which Acts provide, among other things, for mechanisms to oversee and govern contracting processes and the carrying out of contracts by Ville de Montréal;

WHEREAS it is expedient to revoke Order in Council 1049-2013 dated 23 October 2013 and Order in Council 795-2014 dated 10 September 2014;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor and the Minister of Municipal Affairs:

THAT Order in Council 1049-2013 dated 23 October 2013 concerning the application of Chapter V.2 of the Act respecting contracting by public bodies to contracts for the construction, reconstruction, demolition, repair or renovation of roads, waterworks and sewer services of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and to subcontracts of the same nature directly or indirectly related to such contracts and involving an expenditure equal to or greater than \$25,000 be revoked;

THAT Order in Council 795-2014 dated 10 September 2014 concerning certain supply contracts and service contracts of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and various subcontracts of the same nature involving an expenditure equal to or greater than \$25,000 be revoked.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 699-2024, 3 April 2024

Financial assistance for education expenses — Amendment

Act respecting financial assistance for education expenses
(chapter A-13.3)

Regulation to amend the Regulation respecting financial assistance for education expenses

WHEREAS, under subparagraphs 1, 2, 2.1, 6, 7 and 19 of the first paragraph of section 57 of the Act respecting financial assistance for education expenses (chapter A-13.3), the Government may, by regulation, on the recommendation of the Minister of Higher Education and after consultation with the Minister of Education for matters related to a level of education under the latter's jurisdiction, and for each financial assistance program, unless otherwise indicated,

— for the purpose of computing the amount of financial assistance which may be paid under a loans and bursaries program, determine the conditions and rules for establishing the contribution of the student and that of the student's parents, sponsor or spouse;

—for the purpose of establishing the contributions mentioned in subparagraph 1 of that section, define the student’s income and the income of the student’s parents, sponsor or spouse, determine the conditions of reduction and exemption which are applicable and prescribe the methods of computing these elements;

—determine, for the loans and bursaries program, the situations in which a student is deemed to pursue studies on a full-time basis;

—determine what constitutes a major functional deficiency;

—for the purpose of computing the amount of financial assistance which may be paid, establish the list of allowable expenses and determine, according to the classification of the educational institution attended, the maximum amounts allocated;

—for the purposes of sections 13 and 15 of the Act, determine the cases where a student is deemed to be enrolled;

WHEREAS, under the second paragraph of section 57 of the Act, the provisions of the regulations made under subparagraphs 1, 2, 7, 7.2 and 21 may vary, in particular,

—according to the situation of the student prior to the period covered by the application for financial assistance, as well as the situation of the student or the student’s spouse, parents or sponsor during that period;

—according to the number of months during which the student is pursuing studies or is employed, the studies pursued and the place of residence of the student and, where applicable, that of the student’s parents or sponsor, and depending on whether the student suffers from a major functional deficiency;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting financial assistance for education expenses was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2023, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 57 of the Act respecting financial assistance for education expenses, the Minister of Education was consulted on the draft Regulation;

WHEREAS, in accordance with the first paragraph of section 90 of the Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science

et de la Technologie (chapter M-15.1.0.1), the draft Regulation was submitted to the advisory committee on the financial accessibility of education for its advice;

WHEREAS it is expedient to make this Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation to amend the Regulation respecting financial assistance for education expenses, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting financial assistance for education expenses

Act respecting financial assistance for education expenses
(chapter A-13.3, s. 57, 1st par., subpars. 1, 2, 2.1, 6, 7 and 19, and 2nd par.)

1. The Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended in section 22 by replacing “has a major functional deficiency within the meaning of section 47” in the third paragraph by “is deemed to be pursuing full-time studies because of a major functional deficiency within the meaning of section 47 or another deficiency, attested to in a medical certificate.”.

2. Section 27 is amended by replacing paragraph 6 by the following:

“(6) cannot pursue full-time studies for more than one month due to episodic disorders resulting from a deficiency other than a major functional deficiency within the meaning of section 47, attested to in a medical certificate.”.

3. Section 38 is amended by replacing “and for each child aged 12 to 17 having a major functional deficiency within the meaning of section 47” at the end of the first paragraph by “and for each child aged 12 to 17 in respect of whom is paid a supplement for handicapped children within the meaning of the Taxation Act (chapter I-3)”.

4. Section 46 is amended

(1) by replacing subparagraph 5 of the first paragraph by the following:

“(5) cannot pursue full-time studies for more than one month due to episodic disorders resulting from a deficiency other than a major functional deficiency within the meaning of section 47, attested to in a medical certificate.”;

(2) by replacing “the child has a major functional deficiency within the meaning of section 47 or a mental disorder attested to in a medical certificate” in the second paragraph by “a supplement for handicapped children is paid in respect of the child under the Taxation Act (chapter I-3)”.

5. Section 47 is replaced by the following:

“47. Any deficiency that results in significant and persistent disability despite the means used to palliate it and that causes the student to encounter serious obstacles in pursuing full-time studies and in potentially entering the labour market is a major functional deficiency.”.

6. Section 48 is amended by replacing the second paragraph by the following:

“The evaluation of the disabilities and obstacles related to the deficiency must be made by a professional within the meaning of the Professional Code (chapter C-26) having the skills required for performing such an evaluation.

The evaluation must take into consideration the means used to palliate the disability or to mitigate its effects, as well as the medication, therapy and any other element used to correct or diminish the disability.”

7. Section 87 is amended by replacing subparagraph 2 of the first paragraph by the following:

“(2) the child is under 12 years of age or, if aged 12 to 17, a supplement for handicapped children is paid in respect of the child under the Taxation Act (chapter I-3)”.

8. The medical certificate attesting to a major functional deficiency within the meaning of section 47 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1), as it reads on 1 May 2024, is deemed to meet the requirements of section 48 of the Regulation if the major functional deficiency attested to in the certificate was recognized by the Minister for the purposes of an application for financial assistance that was granted for a year of allocation prior to 2024-2025.

9. This Regulation applies as of the 2024-2025 year of allocation.

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

Gouvernement du Québec

O.C. 704-2024, 3 April 2024

Code of Civil Procedure
(chapter C-25.01)

Code of Penal Procedure
(chapter C-25.1)

Act respecting payment of certain witnesses
(chapter P-2.1)

**Indemnities and allowances payable to witnesses
summoned before courts of justice
—Amendment**

Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice

WHEREAS, under article 273 of the Code of Civil Procedure (chapter C-25.01), a party that calls a witness, other than another party, sends with the subpoena an advance, covering the first day of attendance at court, on the loss of time indemnity and the travel, meal and overnight accommodation allowances prescribed by government regulation;

WHEREAS, under paragraph 7 of article 367 of the Code of Penal Procedure (chapter C-25.1), the Government may, by regulation, fix the allowances payable to witnesses;

WHEREAS, under paragraph 1 of section 2 of the Act respecting payment of certain witnesses (chapter P-2.1), the Government determines by regulation, for each district, the allowance which each prosecution witness must receive, according to such special circumstances as it may deem it should take into account;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice was published in Part 2 of the *Gazette officielle du Québec* of 22 November 2023 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 amendments;

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