

“(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*.

106786

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:

THAT the Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

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

Code of Civil Procedure
(chapter C-25.01, s. 273)

Code of Penal Procedure
(chapter C-25.1, s. 367, par. 7)

Act respecting payment of certain witnesses
(chapter P-2.1, s. 2, par.1)

1. The Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5) is amended in section 2

(1) in paragraph 1

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “the necessary leave of absence from his home” by “the loss of time of the witness”;

(2) in paragraph 2

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “absence from his home” by “the witness’s loss of time”;

(3) by replacing “necessary day of absence from their home” in the second subparagraph of paragraph 2 by “day of absence”.

2. The following is added after section 2:

“2.1. Calculation of the loss of time:

(1) The loss of time of a witness who appears remotely from his or her home or place of work is calculated from the time the witness is called to attend at court to the time the witness receives permission to leave.

(2) The loss of time of a witness who appears in person at a hearing or of a witness who appears remotely from a place other than his or her home or place of work is calculated from the time the witness leaves his or her home to the time the witness returns to his or her home.

(3) The loss of time of a witness who appears remotely may not exceed the loss of time the witness would have incurred if he or she had appeared in person at the hearing.”

3. Section 3 is amended

(1) by replacing “(C.T. 202754, 2005-08-30)” by “(C.T. 227502, 2022-12-13) and its subsequent amendments”;

(2) by adding the following paragraph at the end:

“In the case of a witness who appears remotely from a place other than his or her home or place of work, allowances are calculated on the basis of a trip of a distance not greater than that between the home of the witness and the courthouse to which the witness would have been summoned if he or she had appeared in person at the hearing.”

4. Section 4 is replaced by the following:

“4. A witness who appears remotely from his or her home or place of work receives no allowance.”

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

106788

M.O., 2024

Order 2024-08 of the Minister of Transport and Sustainable Mobility dated 19 February 2024

Highway Safety Code
(chapter C-24.2)

Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de