

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 1
**AN ACT RESPECTING ASSISTANCE FOR
THE DEVELOPMENT OF COOPERATIVES**

Bill 87

Introduced by Mr Gérald Tremblay, Minister of Industry, Trade and Technology

Introduced 25 October 1990

Passage in principle 5 December 1990

Passage 14 March 1991

Assented to 19 March 1991

Coming into force: 1 April 1991

Act amended:

Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01)

Act repealed:

Act respecting the Société de développement des coopératives (R.S.Q., chapter S-10.001)





CHAPTER 1

An Act respecting assistance for the development of cooperatives

[Assented to 19 March 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

Objective

1. The objective of this Act is to foster the creation, maintenance and development of cooperative undertakings by granting financial or technical assistance that fosters greater participation by the population in economic activities, the economic development and the creation of jobs in the regions.

“cooperative
under-
taking”

2. For the purposes of this Act, “cooperative undertaking” means a cooperative or a federation or confederation of cooperatives governed by the Cooperatives Act (R.S.Q., chapter C-67.2).

CHAPTER II

FINANCIAL AND TECHNICAL ASSISTANCE

Assistance
programs

3. The Government may establish any program of financial or technical assistance for the purposes of this Act.

Financial
assistance

4. Financial assistance may be in any of the following forms:

(1) a guarantee of repayment of all or a part of a financial commitment;

(2) a guarantee of redemption of all or some of the preferred shares of a cooperative undertaking;

- (3) an assumption of liability for part or the whole of the interest on the loans or on the preferred shares of a cooperative undertaking;
- (4) a loan, with or without interest;
- (5) a partial exemption from repayment of a loan;
- (6) an acquisition of preferred shares of a cooperative undertaking;
- (7) any other form of assistance determined by the Government.

CHAPTER III

ADMINISTRATION

Administra-
tion of
programs

5. Subject to section 13, the Société de développement industriel du Québec, incorporated under the Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01), shall administer any program of financial assistance established pursuant to this Act. It shall advise undertakings on their financing.

Other
mandates

It shall also carry out any other mandate entrusted to it by the Government.

Technical
assistance

6. The Minister shall grant any technical assistance required by an undertaking to carry out its project.

Application

7. Any cooperative undertaking wishing to obtain financial assistance must make an application therefor to the Corporation in the form determined by the Minister.

Required
documents

8. Applications for financial assistance must be accompanied with the required documents and contain the information prescribed by the Minister.

Examination
and assess-
ment

9. The Minister shall determine whether the application is eligible for the program of assistance and shall assess the advisability of granting assistance.

Result

The Minister shall transmit to the Corporation the result of his examination and assessment.

Form and
amount of
assistance

10. The Corporation, after ascertaining that the undertaking has financial prospects allowing it to fulfill its commitments, and that its management has the competence required to achieve its objectives, and after verifying the financial viability of the project, shall determine the form and amount of assistance that may be granted.

Recommendations The Corporation shall submit its recommendations to the Minister.

Decision of Minister **11.** Financial assistance is granted by a decision of the Minister, with the prior authorization of and subject to the conditions determined by the Government.

Authorization However, the Minister may, subject to the conditions he determines, grant assistance without such authorization in such cases as may be determined by the Government.

Regulations **12.** Financial assistance may also be granted by the Corporation in such cases and on such conditions as the Government may determine by regulation.

Payment **13.** Authorized financial assistance shall be paid to the undertaking by the Corporation. However, where the assistance is in the form of an assumption of liability for interest, the financial assistance shall be paid by the Minister.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Transfer of rights and obligations **14.** The Société de développement industriel du Québec acquires the rights and shall assume the obligations of the Société de développement des coopératives.

Assistance granted before April 1991 **15.** The rights and obligations arising from assistance granted by the Société de développement des coopératives before 1 April 1991 in the form of assumption of liability for interest shall be assumed by the Minister.

Transfer of personnel members **16.** The members of the personnel of the Société de développement des coopératives who, under the Règlement sur les effectifs ainsi que sur la nomination et la rémunération des employés de la Société de développement des coopératives (C.T. 158658, dated 8 October 1985, 117 G.O. 2, 6631) as amended, have permanent status and are in office on 31 March 1991, become, in accordance with the terms and conditions determined by the Conseil du trésor, permanent members of the personnel of the Ministère de l'Industrie, du Commerce et de la Technologie or of the Société de développement industriel du Québec and are, from that date, deemed to be appointed and remunerated under the Public Service Act (R.S.Q., chapter F-3.1.1).

- 17.** The immovable situated at 430, chemin Ste-Foy, Québec, described in Schedule I and belonging to the Société de développement des coopératives, becomes the property of the Société immobilière du Québec, incorporated under the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1).
- 18.** The Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39) does not apply to the transfer provided for by section 17.
- 19.** The rights and obligations arising from the leases in force on immovables leased by the Société de développement des coopératives are transferred to the Société immobilière du Québec.
- 20.** All movable property, records, documents and archives of the Société de développement des coopératives become the movable property, records, documents and archives of the Société de développement industriel du Québec or of the Ministère de l'Industrie, du Commerce et de la Technologie, as determined by the Minister.
- 21.** Proceedings to which the Société de développement des coopératives is a party are continued without continuance of suit by the Société de développement industriel du Québec or by the Minister, according to the rights acquired and the obligations assumed by each.
- 22.** From 1 April 1991, the Société de développement industriel du Québec shall reimburse to the Government and to the subscribing cooperators the advances made to the Société de développement coopératif incorporated pursuant to the Act respecting the Société de développement coopératif (R.S.Q., chapter S-10) in proportion to their claims and out of the reimbursements of financial assistance granted by the Société de développement coopératif before 6 June 1984.
- 23.** The Act respecting the Société de développement des coopératives (R.S.Q., chapter S-10.001) is repealed.
- 24.** Section 20 of the Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01) is amended by adding, at the end, the words “, and one other shall be appointed from the cooperative sector”.
- 25.** The Minister of Industry, Trade and Technology is responsible for the administration of this Act.
- 26.** This Act will come into force on 1 April 1991.

SCHEDULE I

DESCRIPTION OF THE IMMOVABLE

(Section 17)

A. The eastern part of subdivision NINE of original lot TWENTY-TWO (22-9 pt. E.) in the official plan and book of reference for the official cadastre of the parish of Notre-Dame de Québec, Banlieue, registration division of Québec, measuring seventy-eight feet (78') wide by an average depth of approximately one hundred and sixty-three feet (163'); the said part being bounded to the south by Chemin Ste-Foy, without cadastral designation, to the north by a part of lot 22-24 (lane), to the east by a part of lot 22-8 (Avenue Désy) and to the west by the remaining part of the said lot 22-9, belonging to François Morisset or his assigns, excepting that part ceded to the City of Québec for the widening of Chemin Ste-Foy, mentioned in a deed of sale made before Paul LaRue, notary, registered at the registry office of Québec on 30 August 1964 under registration number 550535, this latter part measuring 22.5 feet in its northeast line bounded by a part of lot 22-8 (Avenue Désy), 22.4 feet in its southwest line bounded by a part of lot 22-9, 78.5 feet in its northwest line bounded by a part of lot 22-9 and 78 feet in its southeast line bounded by Chemin Ste-Foy, without cadastral designation, containing an area of 1756.7 feet, English measure.

With the house thereon erected, bearing civic number 430 Chemin Ste-Foy, Québec, and appurtenances.

B. A strip of land seven and a half feet (7.5') wide over the whole width of the part of lot 22-9 described above and presently sold, being the undivided half of subdivision TWENTY-FOUR of original lot TWENTY-TWO (22-24 pt.) in the official plan and book of reference for the official cadastre of the parish of Notre-Dame de Québec, Banlieue, registration division of Québec, bounded to the north and to the west by the remaining part of the said lot 22-24, to the south by the eastern part of lot 22-9 described above and to the east by a part of lot 22-8 (Avenue Désy), the said strip of land serving as a common passage for all the owners of land bounded by the said lane, including any owner of the said strip of land.