

1991, chapter 51

**AN ACT TO AMEND THE ACT RESPECTING LIQUOR
PERMITS AND THE ACT RESPECTING THE
SOCIÉTÉ DES ALCOOLS DU QUÉBEC**

Bill 182

Introduced by Mr Claude Ryan, Minister of Public Security

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Assented to 5 December 1991

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G.O., 1992, Part 2, p. 221

Acts amended:

Act respecting liquor permits (R.S.Q., chapter P-9.1)

Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13)



CHAPTER 51

An Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec

[Assented to 5 December 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LIQUOR PERMITS

c. P-9.1,
s. 3, am.

1. Section 3 of the Act respecting liquor permits (R.S.Q., chapter P-9.1), amended by section 1 of chapter 67 of the statutes of 1990, is again amended by striking out the word “renew,” in the first line of the first paragraph.

c. P-9.1,
s. 15, am.

2. Section 15 of the said Act is amended by inserting the words “, including an advocate,” after the word “directors” in the second line of the first paragraph.

c. P-9.1,
s. 16,
replaced
Decision by
one director

3. Section 16 of the said Act is replaced by the following section:

“16. A director may decide alone, for the Régie, any question of procedure as well as cases and applications other than those which may involve the public interest or public tranquility, and other than those arising from the functions exercised by the Régie under the Act respecting the Société des alcools du Québec.”

c. P-9.1,
s. 17, am.

4. Section 17 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Decision by
a member of
the person-
nel

“17. A member of the personnel designated by the chairman may decide alone, for the Régie, an application

(1) for a reunion permit, a grocery permit or a cider seller’s permit;

(2) for a permit of another class where, in accordance with the fourth paragraph of section 50, the Régie is not required to assess the public interest or public tranquility in respect of the application;

(3) for an authorization for the temporary use or the renewal of a permit, except in the case described in the fourth paragraph of section 79.”;

(2) by adding, at the end of the second paragraph, the following sentence: “In addition, the chairman may, at any time, remove from a case the member of the personnel he designated in order that the application be decided in accordance with section 15 or 16.”

c. P-9.1,
s. 39, am.

5. Section 39 of the said Act, amended by section 51 of chapter 12 of the statutes of 1987, is again amended

(1) by striking out paragraph 4;

(2) by replacing the words “prescribed by regulation” in paragraph 5 by the words “determined in accordance with the regulations”;

(3) by adding, at the end, the following paragraphs:

Reduction

“If the applicant already holds a permit for the same establishment, the Régie shall, upon issuing the permit, reduce the amount of the duties referred to in paragraph 5 in proportion to the fraction of the year elapsed since the anniversary date of the permit already held by the applicant.

Exemption

If the application for a permit is made by reason of the alienation or leasing of the establishment, or retaking of possession of the establishment following the execution of a clause of giving in payment or a similar agreement, the applicant need not pay the amount of duties referred to in paragraph 5 before the anniversary date of the issue of the permit previously held. However, if, in relation to the permit previously held, the permit issued involves additional cost, the applicant shall pay, upon such issue, that part of the additional cost which corresponds to the fraction of the year remaining until the anniversary date of the issue of the permit previously held.”

c. P-9.1,
s. 45, am.

6. Section 45 of the said Act, amended by section 52 of chapter 12 of the statutes of 1987, is again amended by inserting, after the first paragraph, the following paragraph:

Permit
issued

“The Régie may also decide to issue a permit even if, at the time of the application, the applicant did not establish that he fulfils the

conditions applicable to him under section 36 or 38, provided that he undertakes to file with the Régie, within the time it prescribes, any document it considers relevant.”

c. P-9.1,
s. 46.1,
added

7. The said Act is amended by inserting, after section 46, the following section:

Number of
persons
present

“46.1 Upon issuing a permit for consumption on the premises, the Régie shall determine the number of persons who may be present simultaneously in a room or on a terrace of the establishment where the permit is to be used.”

c. P-9.1,
s. 47, am.

8. Section 47 of the said Act is amended by replacing the words “its date of expiry” in the third line of the first paragraph by the words “the date of payment of the annual duties”.

c. P-9.1,
s. 49,
repealed

9. Section 49 of the said Act is repealed.

c. P-9.1,
s. 50, am.

10. Section 50 of the said Act is amended

(1) by replacing the figures and words “4 of section 39” in the second line of the first paragraph by the figures and words “3 of section 39, the second and third paragraphs of the said section”;

(2) by replacing the words “Paragraph 4 of section 39 and paragraph 1 of section 41 do” in the first line of the second paragraph by the words “Paragraph 1 of section 41 does”;

(3) by replacing the word and figure “to 4” in the first line of the third paragraph by the word and figure “and 3”;

(4) by replacing the fourth paragraph by the following paragraph:

Applicabil-
ity

“Paragraph 1 of section 41 does not apply to an application for a permit made by reason of the alienation or leasing of the establishment or retaking of possession of the establishment following the execution of a clause of giving in payment or any other similar agreement if the permit applied for is of the same class as that which was used and there is no application for an additional permit or authorization, except if the Régie has initiated proceedings for the suspension or revocation of the permit or an application to that effect has been made to it in accordance with section 85.”

c. P-9.1,
Chap. III,
Div. III,
replaced

11. Division III of Chapter III of the said Act is replaced by the following division:

"DIVISION III

"DURATION OF PERMITS AND PAYMENT OF ANNUAL DUTIES

- Duration **"51.** A permit remains in force until it is cancelled.
- Exceptions However, a reunion permit, a "Man and his World" permit or an "Olympic Grounds" permit shall be in force only for the period determined by the Régie.
- Duties **"52.** The holder of a permit shall pay, each year, the duties determined in accordance with the regulations and applicable on the anniversary date of the issue of the permit.
- Presumption In the case of a permit to which the second or third paragraph of section 39 applies, the anniversary date of the issue of the permit is deemed to be the date of issue of the permit already or previously held.
- Notice **"53.** Not less than sixty days before the anniversary date of the issue of a permit, the Régie shall send to the holder a notice informing him of the date on which the annual duties become payable to maintain the permit in force, and the amount of such duties.
- Duties The holder shall send to the Régie, not less than thirty days before the anniversary date of the issue of his permit, the annual duties determined in accordance with the regulations for such permit.
- Obligation **"54.** Failure to receive the notice does not release the holder from the obligation to pay the annual duties.
- Costs and duties Similarly, where the anniversary date of the issue of a holder's permit falls on or after the date of coming into force of a regulation made under paragraph 4 of section 114, the holder shall pay the costs and duties payable under the regulation, despite any notice the Régie may have sent to him under section 53.
- Cancellation **"55.** If a holder does not comply with section 53 or 54, his permit is cancelled by operation of law. Such cancellation has effect from the anniversary date of the issue of the permit.
- Exception However, the Régie may decide that a permit is not cancelled if the holder proves, before cancellation by operation of law is officially acknowledged, that he had reasonable grounds for not complying with section 53 or 54 and he pays the annual duties and the additional costs determined in accordance with the regulations."
- c. P-9.1,
s. 61, am. **12.** Section 61 of the said Act is amended by adding, at the end, the following paragraph:

Change in
hours

“The Régie shall allow such a change if it considers that the change in the hours is not contrary to the public interest nor likely to disturb public tranquility.”

c. P-9.1,
s. 74, am.

13. Section 74 of the said Act is amended

(1) by replacing the words “prescribed by regulation” in the second line of the first paragraph by the words “determined in accordance with the regulations”;

(2) by replacing the words “will not disturb” in the third line of the first paragraph by the words “is not likely to disturb”;

(3) by replacing the second paragraph by the following paragraph:

Applicable
provisions

“The provisions of the second and third paragraphs of section 39 and those of Division III, adapted as required, apply to the authorization.”

c. P-9.1,
s. 75, am.

14. Section 75 of the said Act is amended by striking out the words “entitling him to sell or serve alcoholic beverages for consumption on the premises” in the first and second lines.

c. P-9.1,
s. 79, am.

15. Section 79 of the said Act is amended

(1) by replacing the words “prescribed by regulation” in the second and third lines of the first paragraph by the words “determined in accordance with the regulations”;

(2) by replacing the words “for a permit within 60 days of signing a promise of sale or rental of the establishment conditional on obtaining a permit, the alienation of the establishment” in the third, fourth and fifth lines of the second paragraph by the words “to that effect with an application for a permit by reason of the alienation, rental”;

(3) by adding, at the end, the following paragraphs:

Additional
charge

“Where the issuance of a permit is decided by the Régie in circumstances described in the second paragraph, it may impose, as an additional requirement, the payment of additional charge of \$500 if the applicant failed to apply for an authorization for the temporary use of a permit and should have done so.

Refusal

The Régie may refuse to grant its authorization if it has initiated proceedings for the suspension or cancellation of the permit or if an application to that effect has been made to it under section 85.”

c. P-9.1,
s. 80, am. **16.** Section 80 of the said Act is amended by replacing the second paragraph by the following paragraph:

Renewal “Upon payment of the duties determined in accordance with the regulations, the Régie may renew the authorization for the period it fixes.”

c. P-9.1,
s. 81,
replaced **17.** Section 81 of the said Act is replaced by the following section:

Applicable
provisions **“81.** The provisions of this Act and any other Act and those of the regulations thereunder which apply to a permit and to its holder apply, adapted as required, to an authorization for temporary use of a permit and to its holder.”

c. P-9.1,
s. 84, am. **18.** Section 84 of the said Act is amended by replacing the words “prescribed by regulation” in the third line of the first paragraph by the words “determined in accordance with the regulations”.

c. P-9.1,
s. 86.1,
repealed **19.** Section 86.1 of the said Act is repealed.

c. P-9.1,
s. 87.1,
added **20.** The said Act is amended by inserting, after section 87, the following section:

Restriction **“87.1** The Régie may, instead of cancelling or suspending a permit on any of the grounds mentioned in subparagraph 8 of the first paragraph of section 86, restrict, for the period it determines, the hours during which the permit may be used.

Conditions Where such a restriction is imposed, the holder may admit a person to a room or terrace where his permit is used and tolerate his presence there during the hours determined in Division IV of Chapter III if

(1) no alcoholic beverage is sold or served during the hours subject to the restriction;

(2) no alcoholic beverage is consumed more than 30 minutes after the beginning of the hours subject to the restriction;

(3) a device which meets the standards prescribed by regulation is installed, during the hours subject to the restriction, to prevent access to the place where alcoholic beverages are kept.

Device Failing the device required by subparagraph 3 of the second paragraph, no person may be admitted to the room or terrace after the beginning of the hours subject to the restriction or be there more than 30 minutes after the beginning of such hours.

Restriction A restriction of the hours during which a permit may be used entails, for the same hours, a restriction of the use of an authorization granted under section 73, if any.”

c. P-9.1,
s. 93,
French
text,
am. **21.** The French text of section 93 of the said Act is amended by replacing the words “s’il l’a lui-même” in the third line by the words “si elle l’a elle-même”.

c. P-9.1,
s. 94, am. **22.** Section 94 of the said Act is amended

(1) by inserting the words “or rental” after the word “alienation” in the first line of the first paragraph;

(2) by replacing the words “In that case or if the” in the first line of the second paragraph by the words “Where a”;

(3) by renumbering the second paragraph of the said section which becomes section 94.1.

c. P-9.1,
s. 95,
replaced **23.** Section 95 of the said Act is replaced by the following section:

Costs **“95.** Every application for a permit, except a reunion permit, every application for a change in the number of persons who may be present in an establishment, every application for temporary authorization under the first paragraph of section 79 and every application under section 96 must, in order to be examined, be accompanied with payment of the costs determined in accordance with the regulations. These costs are not reimbursed.”

c. P-9.1,
s. 96, am. **24.** Section 96 of the said Act is amended

(1) by inserting the words “by more than one-half” after the word “increase” in the second line of the first paragraph;

(2) by replacing the word “or” in the third line of the first paragraph by a comma;

(3) by inserting the words “or an application for a change in hours,” after the word “place,” in the fifth line of the first paragraph;

(4) by striking out subparagraph 3 of the first paragraph.

c. P-9.1,
s. 97, am. **25.** Section 97 of the said Act is amended

(1) by inserting, after paragraph 1, the following paragraph:

“(1.1) an application for a grocery permit or a cider seller’s permit;”;

(2) by inserting the words “or rental” after the word “alienation” in the first line of paragraph 3.

c. P-9.1,
s. 102, am.

26. Section 102 of the said Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) grant an application for a reduction in the number of persons who may be admitted to an establishment;”;

(2) by replacing the words “, suspend or not renew” in the first line of paragraph 4 by the words “or suspend”;

(3) by adding, at the end, the following paragraph:

“(5) cancel a decision if the applicant fails to produce a document required by the Régie under section 45.”

c. P-9.1,
s. 108, am.

27. Section 108 of the said Act is amended by adding, at the end, the following paragraphs:

Revocation

“The Régie may also revoke a decision made under section 45 if, in relation to a condition considered in its decision, new evidence has been discovered and it appears that had such evidence been brought forward in time, the decision would have been different.

Cancellation

In addition, the Régie may cancel a decision made under section 45 if the applicant has failed to produce the relevant documents to the satisfaction of the Régie.”

c. P-9.1,
s. 114, am.

28. Section 114 of the said Act, amended by section 6 of chapter 67 of the statutes of 1990 and by section 3 of chapter 31 of the statutes of 1991, is again amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) determining the amount of the costs and duties that are payable under this Act or standards permitting to establish such amount and prescribing the terms and conditions of payment;”;

(2) by striking out paragraph 5;

(3) by replacing the word and figure “section 63” in the second line of paragraph 10 by the words and figures “sections 63 and 87.1”.

c. P-9.1,
s. 117.2,
repealed

29. Section 117.2 of the said Act is repealed.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

c. S-13,
s. 30, am.

30. Section 30 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended

(1) by replacing the first five lines of the first paragraph by the following:

Issue of
permits

“30. The Régie des permis d’alcool du Québec may issue a permit under section 24, allow the transfer thereof or authorize the temporary use thereof by a person other than the holder or a change of the place where it is used if it considers that the issue, transfer or authorization is not contrary to the public interest, if, in the case of the issue or transfer of a permit other than a warehouse permit, it has obtained, in respect of the application, a notice from the Minister of Industry, Trade and Technology, and if the applicant”;

(2) by adding the words “or upon the issue of the authorization” at the end of subparagraph 1 of the first paragraph;

(3) by adding, at the end, the following paragraph:

Provisions
applicable

“The provisions of this Act and of any other Act and those of the regulations thereunder which apply to a permit and to its holder apply, adapted as required, to an authorization for the temporary use of a permit and to its holder.”

c. S-13,
s. 30.1, am.

31. Section 30.1 of the said Act is amended

(1) by replacing the words “to issue or transfer a permit” in the first line by the words “any application under section 30”;

(2) by replacing the word and figure “section 30” in the second and third lines by the words “the said section”.

c. S-13,
s. 30.1.1,
added

32. The said Act is amended by inserting, after section 30.1, the following section:

Application

“30.1.1 An application for an authorization for the temporary use of a permit shall be heard and decided by preference.

Renewal

Upon receipt of the payment of the duties determined in accordance with the regulations, the Régie may renew such authorization for the period it fixes.”

c. S-13,
s. 30.2, am.

33. Section 30.2 of the said Act is amended by replacing the words “the issue and transfer of a permit contemplated by this Act”

in the fourth and fifth lines by the words “an application under section 30”.

c. S-13,
s. 37, am.

34. Section 37 of the said Act, amended by section 17 of chapter 67 of the statutes of 1990, is again amended by replacing paragraph 9 by the following paragraph:

“(9) determining the amount of the costs and duties that are payable under this Act or standards permitting to establish such amount and prescribing the terms and conditions of payment;”.

TRANSITIONAL AND FINAL PROVISIONS

Duration

35. A permit issued under the Act respecting liquor permits (R.S.Q., chapter P-9.1) before *(insert here the date of coming into force of section 11 of this Act)* remains in force until its expiry date unless it is cancelled or its holder is called to appear before the Régie. In the latter case, the permit remains in force until the Régie renders its decision.

New permit

On the date of expiry of the permit, the Régie shall issue to the holder of the permit, except in the case of a reunion permit, a “Man and his World” permit or an “Olympic Grounds” permit, a new permit upon payment of the annual duties and without any other formality. The new permit shall be governed by the Act respecting liquor permits as amended by this Act.

Coming into
force

36. This Act comes into force on the date or dates to be fixed by the Government.