

1990, chapter 54

AN ACT TO AMEND THE ACT RESPECTING THE BARREAU DU QUÉBEC

Bill 57

Introduced by Mr Raymond Savoie, Minister responsible for the administration of legislation respecting the professions

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Assented to 21 November 1990

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Act amended:

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)



CHAPTER 54

An Act to amend the Act respecting the Barreau du Québec

[Assented to 21 November 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. B-1,
s. 1, am.

1. Section 1 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the words “Canadian province” in the first line of paragraph *g* by the words “province or a territory of Canada”.

c. B-1,
s. 5, am.

2. Section 5 of the said Act is amended by replacing the words “Trois-Rivières” in the second line of subsection 3 by the words “the Mauricie”, by replacing the words “the Laurentides” in the fifth and sixth lines of the said subsection by the words “Laurentides—Lanaudière”, and by replacing the words “and The Bar of Longueuil” in the seventh line of the said subsection by the words “, The Bar of Longueuil and The Bar of Laval”.

c. B-1,
s. 7, am.

3. Section 7 of the said Act is amended

(1) by replacing the word “by-law” in the second line of subsection 2 by the word “resolution”;

(2) by striking out subsection 3.

c. B-1, s. 8,
replaced

4. Section 8 of the said Act is replaced by the following section:

Proceedings

“8. All proceedings brought against the Bar must be served at its corporate seat.

Proceedings

Proceedings brought against a section must be served either at its corporate seat or upon the bâtonnier or the secretary of that section, either personally or at his office.”

c. B-1,
s. 10, am. **5.** Section 10 of the said Act is amended by replacing the words “Trois-Rivières” in the fourth line of subsection 3 by the words “the Mauricie”.

c. B-1,
s. 12, am. **6.** Section 12 of the said Act is amended

(1) by replacing the word “within” in the second line of subsection 3 by the words “for at least one year during”;

(2) by replacing the word “by” in the second line of subsection 6 by the word “under”.

c. B-1,
s. 13, am. **7.** Section 13 of the said Act is amended

(1) by striking out the words “in June,” in the second line of subsection 1;

(2) by striking out the words “, the secretary” in the second line of subsection 4.

c. B-1, s. 14,
replaced
Quorum **8.** Section 14 of the said Act is replaced by the following section:

“14. A majority of the members of the General Council shall constitute a quorum; its decisions shall be taken in accordance with section 84 of the Professional Code.”

c. B-1,
s. 15, am. **9.** Section 15 of the said Act is amended

(1) by inserting, after paragraph *j* of subsection 1, the following paragraphs:

“(k) prescribe the fees exigible from any person filing an application to the Executive Committee, the Committee on applications or, pursuant to section 88, the professional inspection committee, for the opening of a file;

“(l) on such conditions as it determines, allow the signature of the executive director or bâtonnier to be affixed by means of an automatic device to such documents as it determines; it may also, by such resolution, allow a facsimile of the signature to be engraved, lithographed or printed on such documents as it determines.”;

(2) by replacing the words “authorize law students and articulated students to engage in activities of a judicial or quasi-judicial nature” in the first and second lines of paragraph *a* of subsection 2 by the words “determine what professional acts may be performed by a law student or articulated student”;

(3) by striking out paragraph *d* of subsection 3;

(4) by inserting, after paragraph *e* of subsection 3, the following paragraph:

“(f) prescribe the terms, conditions and standards for the acceptance, custody and disposition of sums of money and securities entrusted to advocates, and those for the keeping and auditing of advocates’ trust accounts, books and registers.”

c. B-1,
s. 19, am.

10. Section 19 of the said Act is amended

(1) by replacing the word “nine” in the first line of subsection 2 by the word “ten”;

(2) by striking out the word “and” in the second line of paragraph *c* of subsection 2;

(3) by inserting, after paragraph *d* of subsection 2, the following paragraph:

“(e) one member selected from among those appointed by the Office des professions du Québec.”;

(4) by striking out subsection 3.

c. B-1,
s. 20, am.

11. Section 20 of the said Act is amended by replacing subsection 2 by the following subsection:

Quorum

“(2) Six members of the Executive Committee shall constitute a quorum; its decisions shall be taken in accordance with the third paragraph of section 100 of the Professional Code.”

c. B-1,
s. 22.1, am.

12. Section 22.1 of the said Act is amended by inserting the figure “48,” after the word “sections” in the first line of the first paragraph, by replacing the figure “73” in the same line by the figure “72” and by replacing the word “ten” in the seventh line of the said paragraph by the figure “25”.

c. B-1,
s. 23, am.

13. Section 23 of the said Act is amended

(1) by replacing the words “manage the administrative affairs of the Bar” in the second line of subsection 1 by the words “act as secretary of the corporation”;

(2) by adding, after subsection 2, the following subsection:

Secretary “(3) The executive director or the person designated by resolution of the Executive Committee shall act as secretary of the General Council and of the Executive Committee.”

c. B-1,
s. 24, am. **14.** Section 24 of the said Act is amended by adding, after the period at the end of subsection 1, the following: “He shall act under the authority of the Executive Committee and be responsible for the administration and operation of the Bar. He shall, in particular,

(a) see that the resolutions of the General Council and of the Executive Committee are carried out;

(b) prepare the organization and staffing plan of the corporate seat of the Bar and submit it to the Executive Committee for approval;

(c) prepare the annual budget, submit it to the Executive Committee for approval and see to its application;

(d) select and hire the personnel of the staff of the corporate seat of the Bar;

(e) make recommendations to the Executive Committee on the hiring and appointment of the executive officers of the staff of the corporate seat of the Bar.”

c. B-1,
s. 26, am. **15.** Section 26 of the said Act is amended by replacing the words “, the syndic and his assistants and the editor in chief of law reports and his assistant” in the first and second lines by the words “and the syndic and his assistants”.

c. B-1,
s. 31, am. **16.** Section 31 of the said Act is amended by replacing the word “three” in the fourth line by the words “not fewer than three nor more than eight”.

c. B-1,
s. 34, am. **17.** Section 34 of the said Act is amended

(1) by replacing the words “the majority vote of the members present” in the first and second lines of subsection 2 by the words “a majority of the members present or of those members who express their opinion on the decisions through a means of communication determined by by-law under paragraph c of subsection 1 of section 38 and subject to the conditions prescribed thereby”;

(2) by replacing subsection 3 by the following subsection:

Voting “(3) The members must vote or express their opinion on a decision in accordance with the by-law passed under paragraph c of

subsection 1 of section 38, unless prevented by the by-law or for reasons of recusation deemed sufficient by the chairman."

c. B-1,
s. 38, am. **18.** Section 38 of the said Act is amended by inserting, after paragraph *b* of subsection 1, the following paragraph:

"(c) determine the means of communication through which the members of the council of a section who are not present or physically in attendance at the place where a meeting of the council is being held may express their opinion for the purpose of making a decision, prescribe conditions for the use of such means of communication and, for the purposes of subsection 3 of section 34, determine what constitutes an impediment."

c. B-1,
s. 41, am. **19.** Section 41 of the said Act is amended by replacing subsection 3 by the following subsection:

Disallowance **"(3)** A decision of the General Council disallowing a by-law of a section must be made by at least two-thirds of the members present or of the members who express their opinion on the decision."

c. B-1,
Div. V,
heading,
am. **20.** The heading of Division V of the said Act is amended by adding, at the end, the words "AND ENTRY ON THE ROLL".

c. B-1,
s. 43, am. **21.** Section 43 of the said Act is amended

(1) by replacing the words "the Government" in the first and second lines of paragraph *c* by the words "by regulation of the Government made under subparagraph *a* of the first paragraph of section 184 of the Professional Code" and by adding the words "in a regulation made pursuant to paragraph *c* of section 93 of the said Code" after the word "Council" in the second line of the said paragraph;

(2) by replacing the word "received" in the first line of paragraph *d* by the words "successfully undergone";

(3) by striking out paragraphs *e*, *f* and *g*;

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

Oath of
allegiance **"The person so admitted may be entered on the Roll only after taking the oaths of allegiance and office prescribed by the Act and the by-laws and paying the exigible contributions."**

c. B-1,
s. 44, am. **22.** Section 44 of the said Act is amended by inserting the letter "*g*," before the letter "*h*" in the second line and by replacing the word "by-law" in the fifth line by the word "resolution".

c. B-1,
s. 45,
replaced **23.** Section 45 of the said Act is replaced by the following section:

Examining
committee **“45. (1) The General Council shall establish an examining committee composed of ten members, one of whom it shall appoint chairman. The committee may sit in several divisions, each composed of not fewer than three members appointed by the chairman, who shall designate one of them as divisional chairman.**

Examination
of record **(2) The committee shall examine the record of every candidate for professional training, evaluation and entry on the Roll; it shall inquire as to whether the candidate has the required moral character, conduct, skills, knowledge and qualifications to practise the profession, and shall decide on his admission.**

Powers **(3) The committee shall have, for its examination, all the powers of the Superior Court to compel, by summons signed by one of its members, the candidate, the witnesses for the candidate or any other person to appear, to answer under oath or solemn affirmation or to produce any document. The provisions of the Code of Civil Procedure apply, adapted as required, for the purposes of this subsection.”**

c. B-1,
s. 46, am. **24.** Section 46 of the said Act is amended by striking out the words “except those prescribed in paragraphs *f* and *g* of section 43,” in the third and fourth lines.

c. B-1,
s. 47, am. **25.** Section 47 of the said Act is amended by replacing the words “paragraph *f* of section 43” in the first line by the words “the second paragraph of section 43 and the second paragraph of section 50”, by replacing the word “Bâtonnier” in the third line by the words “bâtonnier of a section” and by replacing the words “of the section in which the candidate is enrolled,” in the third and fourth lines by the words “of a section”.

c. B-1,
s. 48, am. **26.** Section 48 of the said Act is amended

(1) by replacing the words “examination for admission” in the third line by the words “professional training” and by replacing the words “Court mentioned in section 162 of the Professional Code” in the fifth and sixth lines by the word “Tribunal”;

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

Applicable
provisions **“The provisions of subdivision 5 of Division VII of Chapter IV of the Professional Code, adapted as required, apply to an appeal from such a decision before the Professions Tribunal.”**

c. B-1,
s. 50, am.

27. Section 50 of the said Act is amended

(1) by inserting the words “or a territory of Canada” after the word “province” in the first line of what precedes paragraph *a*;

(2) by replacing the words “the examination contemplated in paragraph *e*” in the second and third lines of paragraph *c* by the words “that he has successfully undergone the professional training referred to in paragraph *d*”;

(3) by replacing the semicolon at the end of paragraph *d* by a period;

(4) by striking out paragraphs *e* and *f*;

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

Oath of
allegiance

“The member so admitted may be entered on the Roll only after making the oaths of allegiance and office prescribed by the Act and the by-laws and paying the exigible contributions.”

c. B-1,
s. 51, am.

28. Section 51 of the said Act is amended by inserting the words “for admission” after the word “application” in the first line and by inserting the words “or a territory of Canada” after the word “province” in the fourth line.

c. B-1,
s. 52,
repealed

29. Section 52 of the said Act is repealed.

c. B-1,
ss. 53 and
54, replaced

30. Sections 53 and 54 of the said Act are replaced by the following sections:

Admission
dues

“53. The admission dues contemplated in paragraph *d* of the first paragraph of section 50 shall be determined by resolution passed under subparagraph *o* of the first paragraph of section 86 of the Professional Code.

Permit
upon
compliance

“54. When the applicant has complied with the provisions of the first paragraph of section 50, the executive director shall issue a permit to him.”

c. B-1,
s. 55, am.

31. Section 55 of the said Act is amended by inserting the words “or a territory of Canada” after the word “province” in the first line of subsection 1 and in the third line of paragraph *a* of the said subsection.

c. B-1,
s. 57,
replaced

32. Section 57 of the said Act is replaced by the following section:

Restrictive permit **“57.** If the petition is granted, the executive director shall issue a restrictive permit to the petitioner.

Oath of allegiance The person so admitted may be entered on the Roll only after making the oaths of allegiance and office prescribed by the Act and the by-laws and paying the exigible contributions.”

c. B-1, s. 59, replaced **33.** Section 59 of the said Act is replaced by the following section:

Members of the bar of other provinces **“59.** Upon a written application to the executive director and upon proof considered sufficient by the latter that the advocates of Québec are granted the same privileges in another province or in a territory of Canada, the members of the bar of that other province or of that territory may appear and act occasionally before any court sitting in Québec without being entered on the Roll.

Dues The General Council may, by resolution, fix the dues payable for occasional practice.”

c. B-1, s. 61, am. **34.** Section 61 of the said Act is amended by inserting the words “is entered on the Roll and” after the word “member” in the second line.

c. B-1, s. 64, am. **35.** Section 64 of the said Act is amended

(1) by replacing the words “, to the sheriffs and to the registrars, prothonotaries and clerks of the courts” in the second and third lines of subsection 1 by the words “and to the director of judicial services of every court-house”;

(2) by replacing the words “judges of all” in the first line of subsection 2 by the words “chief justices of”.

c. B-1, s. 65, am. **36.** Section 65 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

Unpaid contributions **“65.** (1) A person whose name is not entered on the Roll for the reason that he failed to pay his contributions or the amount fixed for the purpose of the group plan or the professional liability insurance fund for the current fiscal year may apply for re-entry on the Roll on paying such contributions or amount in addition to the dues determined by resolution passed under subparagraph o of the first paragraph of section 86 of the Professional Code.”;

(2) by replacing the words “and penalties, if any” in the first line of subsection 2 by the words “or amount and the fees”;

(3) by replacing subsection 3 by the following subsection:

Unpaid
insurance
contributions

“(3) A person whose name is not entered on the Roll for the reason that he owes contributions or an amount fixed for the purpose of the group plan or the professional liability insurance fund for more than one fiscal year, or a person who has assigned his property or who is under a receiving order by virtue of the Bankruptcy Act (Revised Statutes of Canada (1985), chapter B-3) after ceasing to be entered on the Roll may apply for re-entry by complying with the requirements of section 70.”

c. B-1,
ss. 66 and
67, replaced

37. Sections 66 and 67 of the said Act are replaced by the following sections:

Reinstatement

66. A person may, at the termination of any disbarment for three months or less, apply for the certificate referred to in section 61, on payment of the dues determined by resolution passed under subparagraph o of the first paragraph of section 86 of the Professional Code and the contributions, if any, payable for the current year.

Delayed
entry on
the Roll

67. A person wishing to be entered on the Roll more than one year after the date on which he was issued a permit must apply therefor by complying with the requirements of section 70.”

c. B-1,
Div. VII,
heading, am.

38. The heading of Division VII of the said Act is amended by replacing the words “CESSATION AND RESUMPTION OF PRACTICE” by the words “WITHDRAWAL OF ENTRY AND RE-ENTRY ON THE ROLL”.

c. B-1,
s. 68, am.

39. Section 68 of the said Act is amended

(1) by adding the words “belonging to each category of members or to certain classes of members, as determined in the resolution” after the word “members” in the third line of subsection 1;

(2) by replacing the words “date fixed by by-law” in the third line of subsection 2 by the words “dates fixed by resolution”, by replacing the word “advocate” in the fourth line of the said subsection by the word “member” and by adding, at the end of the said subsection, the following sentence: “The General Council may, by by-law, determine the terms and conditions of payment of these contributions, as well as any related costs of administration.”;

(3) by replacing the words “Within fifteen days from” in the first line of subsection 4 by the words “Upon expiry of the 15 days following”;

(4) by adding, after subsection 7, the following subsection:

Payment
of contri-
butions

“(8) Every payment of contributions accompanied with the dues determined by resolution passed under subparagraph *o* of the first paragraph of section 86 of the Professional Code is considered to have been made on the scheduled date of payment if it is made within 15 days from that date.”

c. B-1,
ss. 69 and
70, replaced

40. Sections 69 and 70 of the said Act are replaced by the following sections:

Cessation
of practice

“**69.** An advocate wishing to cease to practise his profession may be relieved of payment of his contributions by giving written notice to the executive director and the secretary of the section to which he belongs of his intention to be no longer entered on the Roll and of the effective date of withdrawal of his name.

Resumption
of practice

“**70.** (1) A person who ceases to be entered on the Roll may apply for re-entry by filing out the form furnished by the Bar and sending it to the executive director 45 days before the date on which he intends to resume practice. He shall also deposit the amount of the contributions exigible for the current year, and the dues determined by resolution passed under subparagraph *o* of the first paragraph of section 86 of the Professional Code, at the corporate seat of the Bar.

Notification

(2) The executive director shall immediately notify the syndic, the secretary of the Professional Inspection Committee, the secretary of the last section to which the applicant belonged and the secretary of the section where he intends to practise.

Objection

(3) The executive director shall refer to the Executive Committee any objection to such application filed in writing that he receives before the expiry of the 45 days.

Examination
and hearing

(4) The Executive Committee shall examine the record of the applicant; it shall inquire as to whether the applicant has the required moral character, conduct, skills, knowledge and qualifications to practise the profession and it shall decide on his admission. It shall hear the applicant, the witnesses for the applicant or any other person.

Powers

The Executive Committee shall have, for its examination, all the powers of the Superior Court to compel, by summons signed by one of its members, the applicant, the witnesses for the applicant or any other person to appear, to answer under oath or solemn affirmation and to produce any document. The provisions of the Code of Civil Procedure apply, adapted as required, for the purposes of this subsection.

Conditions
imposed

The Executive Committee, in rendering its decision, may impose on the applicant any conditions relating to the practice of the

profession which it considers reasonable for the protection of the public.

Appeal (5) An appeal lies to the Professions Tribunal from the decision of the Executive Committee. The provisions of subdivision 5 of Division VII of Chapter IV of the Professional Code, adapted as required, apply to the appeal from the decision.

Certificate (6) If no objection is made within the 45 days or if the objection is dismissed by a final decision, the executive director shall issue to the applicant the certificate referred to in section 61 and inform the secretary of the section to which the applicant wishes to belong. The executive director may also issue the certificate before the expiry of the 45 days if he receives a notice in writing from the persons notified under subsection 2 to the effect that no objection will be made."

c. B-1,
s. 71, am.

41. Section 71 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

Resumption
after
cessation
without
notice

"71. (1) A person having ceased to practise the profession without giving the notice prescribed by section 69 whose name is no longer entered on the Roll pursuant to section 65 may apply for re-entry by following the requirements of section 70 and paying his arrears of contributions.";

(2) by replacing the word "advocate" in the third line of subsection 2 by the word "person" and by replacing the words "such arrears, including the portion accruing to the General Council" in the third and fourth lines of the said subsection by the words "any arrears or any part thereof";

(3) by replacing subsection 3 by the following subsection:

Dues
payable

"(3) Such person remains liable for payment of the dues determined by resolution passed under subparagraph o of the first paragraph of section 86 of the Professional Code."

c. B-1,
ss. 72 and
73, replaced

42. Sections 72 and 73 of the said Act are replaced by the following section:

Resumption
after
disbarment

"72. A person may, at the end of any period of disbarment for more than three months, apply for re-entry by following the requirements of section 70. He may make an application under subsection 1 of that section to the executive director 45 days before the end of his period of disbarment.

Proof of
restitution
for damage

Where the person has been disbarred by the Committee on Discipline or the Professions Tribunal, he shall furnish proof to the Executive Committee that he has made restitution for any damage he has caused as a result of the infraction for which he was disbarred, or has made every effort to do so. No appeal lies from the decision of the Executive Committee in this regard.

Costs

He must also have paid all the costs to which he has been condemned, the dues determined by resolution passed under subparagraph *o* of the first paragraph of section 86 of the Professional Code and, if such is the case, the fine adjudged against him by the Committee on Discipline or the Professions Tribunal."

c. B-1,
s. 74,
replaced

43. Section 74 of the said Act is replaced by the following section:

Readmission
of former
judge

"74. A person who has ceased to hold the office of judge may apply for re-entry by following the requirements of section 70."

c. B-1,
s. 75, am.

44. Section 75 of the said Act is amended

(1) by inserting the words "any person," after the words "request of" in the first line of subsection 1;

(2) by inserting the words "or entry or re-entry on the Roll" after the word "Bar" in the second line of subsection 2;

(3) by inserting the words ", books and registers" after the word "accounts" in the first line of subsection 4.

c. B-1,
s. 81, am.

45. Section 81 of the said Act is amended by inserting the words "or re-entry" after the word "readmission" in the second line.

c. B-1,
s. 84, am.

46. Section 84 of the said Act is amended by replacing the words "written and sworn reports of the physicians, which reports" in the third line by the words "opinions of the three physicians constituting the report of the medical examination, which".

c. B-1,
s. 85, am.

47. Section 85 of the said Act is amended

(1) by replacing the part preceding paragraph *a* by the following:

Incompatible
physical
or mental
condition

"85. Where according to the report of the medical examination, the person's physical or mental condition is incompatible with the practice of the profession, or where the person has refused to undergo a medical examination, the Professional Inspection Committee may,";

(2) by replacing paragraph *a* by the following paragraph:

“(a) if such person is a member of the Bar, restrict or suspend his right to engage in professional activities or strike him off the Roll;”;

(3) by replacing the word “roll” in the second line of paragraph b by the word “Roll” and by inserting the words “or suspend” after the word “restrict” in the same line.

c. B-1,
s. 86,
repealed

48. Section 86 of the said Act is repealed.

c. B-1,
ss. 88 and
89, replaced

49. Sections 88 and 89 of the said Act are replaced by the following sections:

Written
application
for re-entry

“88. No person whose right to practise has been restricted or suspended or who has been disbarred by a decision of the professional inspection committee under section 85 may resume his full right to practise, in the case of restriction or suspension, or be re-entered on the Roll, in the case of disbarment, without making a written application therefor to the Executive Committee.

Decision

The Executive Committee shall decide the application according to the medical report furnished to it by the person on the compatibility of his physical or mental condition, as the case may be, with the practice of the profession.

Additional
medical
examination

Where the report does not establish to the satisfaction of the Executive Committee the compatibility of the physical or mental condition, as the case may be, of the person with the practice of the profession, the Executive Committee may order another medical examination, and sections 81 to 85 apply.

Appeal

“89. An appeal lies to the Professions Tribunal from decisions made under section 85 and the second paragraph of section 88; the provisions of subdivision 5 of Division VII of Chapter IV of the Professional Code, adapted as required, apply to an appeal from any such decision.”

c. B-1,
s. 91, am.

50. Section 91 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

Jurisdiction

“91. (1) The discipline of advocates is under the jurisdiction of the Committee on Discipline and the Professions Tribunal.”;

(2) by replacing the words “exhibits accompanying” in the third line of subsection 4 by the words “documents supporting” and by striking out the words “and his assistants as assistant clerks” in the fourth and fifth lines of the said subsection.

c. B-1,
s. 92, am. **51.** Section 92 of the said Act is amended by replacing subsection 4 by the following subsection:

Deputy clerk “(4) The Executive Committee shall designate the deputy clerk.”

c. B-1,
s. 93, am. **52.** Section 93 of the said Act is amended by replacing the words “The members and the secretary” in the first line by the words “The clerk, the deputy clerk and the members”.

c. B-1,
s. 95, am. **53.** Section 95 of the said Act is amended by adding, at the end, the words “; they shall indicate, where applicable, the information or documents which are banned from publication or distribution” after the word “complaint” in the fourth line.

c. B-1,
s. 96, am. **54.** Section 96 of the said Act is amended by striking out the words “or the Council of Revision” in the third line and in the sixth line.

c. B-1,
s. 97, am. **55.** Section 97 of the said Act is amended by replacing the words “one of his assistants” in the first and second lines of subsection 2 by the words “the deputy clerk”.

c. B-1,
s. 98, am. **56.** Section 98 of the said Act is amended

(1) by replacing subsection 3 by the following subsection:

Appeal “(3) An appeal lies to the Professions Tribunal from such an order; the provisions of subdivision 5 of Division VII of Chapter IV of the Professional Code, adapted as required, apply to an appeal from such an order.”;

(2) by adding, after subsection 5, the following subsection:

Notice of temporary disbarment or re-entry “(6) The executive director shall send to every member of the Bar and to every person mentioned in section 64 a notice of the temporary disbarment of a member and, where such is the case, of his re-entry.”

c. B-1,
s. 101, am. **57.** Section 101 of the said Act is amended by replacing the words “or the secretary of the committee” in the first line of subsection 2 by the words “of the Committee on Discipline or the deputy clerk”.

c. B-1,
s. 105, am. **58.** Section 105 of the said Act is amended by replacing the words “appeal tribunal” in the third and fourth lines of subsection 2 by the words “Professions Tribunal”.

c. B-1,
s. 106, am. **59.** Section 106 of the said Act is amended by striking out the words “and of the secretary” in the third line of subsection 5.

c. B-1,
s. 108, am.

60. Section 108 of the said Act is amended

(1) by replacing the words “secretary of the Committee on Discipline” in the first line of subsection 1 by the words “clerk of the Committee on Discipline, the deputy clerk or a person designated by either of them”;

(2) by replacing the words “secretary shall file the minutes and the decision with the clerk who shall enter them” in the second and third lines of subsection 3 by the words “clerk or the deputy clerk shall enter the minutes and the decision”.

c. B-1,
s. 109, am.

61. Section 109 of the said Act is amended by replacing the words “executive director” in the second and third lines by the words “clerk or the deputy clerk”.

c. B-1,
s. 110, am.

62. Section 110 of the said Act is amended by replacing the words “executive director” in the second line of subsection 2 by the word “clerk”.

c. B-1,
s. 111, am.

63. Section 111 of the said Act is amended by inserting the word “final” after the word “every” in the second line of subsection 1.

c. B-1,
s. 112, am.

64. Section 112 of the said Act is amended by replacing the words “when an advocate of Québec has been convicted by a foreign court” in the first and second lines by the words “to any final decision of a foreign court finding a member guilty”.

c. B-1,
s. 113, am.

65. Section 113 of the said Act, amended by section 92 of chapter 4 of the statutes of 1990, is again amended

(1) by adding the words “in respect of each count contained in the complaint” after the word “penalties” in the line immediately preceding paragraph *a* of subsection 1;

(2) by adding the words “, even if he has ceased to be entered on the Roll since the date of the offence” after the word “disbarment” in paragraph *b* of subsection 1;

(3) by replacing the figure “200” in paragraph *c* of subsection 1 by the figure “500”;

(4) by adding, after paragraph *e* of subsection 1, the following paragraph:

“(f) restriction or suspension of the right to engage in professional activities.”;

(5) by adding, after subsection 3, the following subsection:

Terms and
conditions
of penalties

“(4) The Committee on Discipline may attach terms and conditions to the penalties it imposes, such as publication of notice of the decision in a newspaper having general circulation in the place where the professional principally practises his profession and, consequently, exemption from publishing the notice provided for in the second paragraph of section 180 of the Professional Code.”

c. B-1,
s. 114, am.

66. Section 114 of the said Act, amended by section 93 of chapter 4 of the statutes of 1990, is again amended by replacing the words “an advocate” in the second line by the words “the respondent” and by inserting the words and figure “or Part X” after the figure “IX” in the third line.

c. B-1,
s. 115, am.

67. Section 115 of the said Act is amended

(1) by replacing the word “twenty-first” in the third line of subsection 1 by the word “thirty-first”, by inserting the words “or in cases of revocation of a permit” after the figure “114” in the fifth line of the said subsection and by replacing the words “a judge of the appeal tribunal contemplated in the Professional Code” in the seventh and eighth lines of the said subsection by the words “the chairman of the Professions Tribunal or a judge designated by him”;

(2) by inserting a comma after the word “cases” in the first line of subsection 2 and by striking out the words “of the trial” in the same line.

c. B-1,
s. 116, am.

68. Section 116 of the said Act is amended

(1) by replacing the words “of an advocate” in the third and fourth lines of subsection 1 by the words “or of the revocation of the permit of a member”;

(2) by replacing subsection 2 by the following subsection:

Posting
of notice

“(2) The director of judicial services of every court-house shall post the notice in a conspicuous place in his office and in the offices of the courts.”

c. B-1,
s. 118, am.

69. Section 118 of the said Act is amended

(1) by replacing the words “executive director” in the fourth line of subsection 1 by the words “clerk or the deputy clerk”;

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

Notice of
disbarment

“The executive director shall send to every member of the Bar and to every person mentioned in section 64 a notice of the disbarment of the member and, where such is the case, of his re-entry on the Roll.”

c. B-1,
s. 119,
replaced

70. Section 119 of the said Act is replaced by the following section:

Recommendation for
refresher
training

“**119.** The decision of the Committee on Discipline may include a recommendation to the General Council that it require the respondent to serve a period of refresher training or to take a refresher course or to do both, and that it restrict or suspend his right to engage in professional activities during the training period or course, or both, for the reason indicated therein by the Committee on Discipline.”

c. B-1,
s. 120, am.

71. Section 120 of the said Act is amended by replacing the first paragraph by the following paragraph:

Appeal

“**120.** An appeal lies to the Professions Tribunal from any decision rendered by the Committee on Discipline, in accordance with the provisions of subdivision 5 of Division VII of Chapter IV of the Professional Code, adapted as required.”

c. B-1,
s. 121, am.

72. Section 121 of the said Act is amended

(1) by replacing the words “disbarred may apply for his re-entry on the Roll before the expiration of his penalty” in the first and second lines of subsection 1 by the words “struck off the Roll or whose right to engage in professional activities has been restricted or suspended by the Committee on Discipline may, before the expiry of one of such penalties, apply to the Committee on Discipline for re-entry on the Roll in the case of disbarment, or for resumption of the full right to practise, in the case of restriction or suspension”;

(2) by replacing subsection 2 by the following subsection:

Record of
applicant

“(2) The Executive Committee shall examine the record of the applicant, including his disciplinary record; it shall inquire as to whether the applicant has the required moral character, conduct, skills, knowledge and qualifications to practise the profession and it shall decide on the application for re-entry or for resumption of the full right to practise. For its examination, it may summon and examine the applicant, the witnesses for the applicant or any other person whose testimony it considers useful; it may require the production of any document by ordinary summons signed by one of its members. It shall administer the oath or solemn affirmation to the applicant, the

witnesses for the applicant or any other person through the agency of one of its members.”;

(3) by replacing the words “, such re-entry shall not be made” in the seventh and eighth lines of subsection 4 by the words “or resumption of the full right to practise, such re-entry or resumption shall not be effected”.

c. B-1,
s. 122, am.

73. Section 122 of the said Act, amended by section 158 of chapter 54 of the statutes of 1989, is again amended by replacing the first paragraph of subsection 2 by the following paragraphs:

Declara-
tion of
qualifica-
tion to
practise

“(2) In a case contemplated in paragraph *d* of subsection 1 and upon a petition addressed to the executive director, the Executive Committee may, after ascertaining that the protection of the public will not be jeopardized, declare the applicant qualified to practise and attach such conditions to his practice of the profession as it deems reasonable for such protection.

Resumption
of full
right

A person declared qualified to practise by the Executive Committee under the first paragraph resumes his full right to practise from his release under the Bankruptcy Act unless the Executive Committee has prescribed conditions under the said paragraph, in which case the person must comply with them.

Application
for re-entry

A person who has become disqualified from practising under paragraph *d* of subsection 1 and to whom the first two paragraphs do not apply may, after obtaining a release under the Bankruptcy Act, apply for re-entry on the Roll by following the requirements of section 70.”

c. B-1,
s. 127.1,
added

74. The said Act is amended by inserting, after section 127, the following section:

Cost-
sharing

“**127.1** An advocate may share his judicial and extra-judicial costs with a member of a bar established outside Québec.”

c. B-1,
s. 134, am.

75. Section 134 of the said Act is amended by adding, at the end, the following paragraph:

Exception

“The fact that a member of a bar established outside Québec associates himself for the practice of the profession with an advocate or shares with him in any way or by any means the benefit of professional fees or earnings does not constitute illegal practice of the profession of advocate within the meaning of section 133.”

c. B-1,
s. 139,
replaced

76. Section 139 of the said Act is replaced by the following section:

Illegal
practice

“139. A solicitor who exceeds the restrictions of his permit practises the profession of advocate illegally.”

c. B-1,
s. 142,
replaced

77. Section 142 of the said Act is replaced by the following section:

Applicable
provisions

“142. Chapter VIII of the Professional Code applies to the examining committee contemplated in section 45 and to its members.”

c. B-1,
Sched. I,
replaced

78. Schedule I to this Act is replaced by the following schedule:

“SCHEDULE I
(Section 5)

TERRITORIAL LIMITS OF THE SECTIONS

| <i>Sections</i> | <i>Judicial districts</i> |
|----------------------------|--|
| Abitibi-Témiscamingue | Abitibi Rouyn-Noranda Témiscamingue |
| Arthabaska | Arthabaska Drummond Frontenac |
| Bas-Saint-Laurent—Gaspésie | Bonaventure Gaspé Kamouraska Rimouski |
| Bedford | Bedford |
| Côte-Nord | Baie-Comeau Mingan |
| Hull | Hull Pontiac |
| Laurentides—Lanaudière | Joliette Labelle Terrebonne |
| Laval | Laval |
| Longueuil | Longueuil |
| Mauricie | Saint-Maurice Trois-Rivières |

| | |
|----------------------|--|
| Montréal | Montréal |
| Québec | Beauce Montmagny Québec |
| Richelieu | Beauharnois Iberville Richelieu Saint-Hyacinthe |
| Saguenay—Lac St-Jean | Alma Charlevoix Chicoutimi Roberval |
| Saint-François | Mégantic Saint-François”. |

TRANSITIONAL AND FINAL PROVISIONS

Rights and
obligations
uncharged

79. The change of name of the sections of the Bar contemplated in section 5 of the Act respecting the Barreau du Québec, amended by section 2 of this Act, shall nowise affect their rights and obligations.

Change of
name

80. In any proclamation, resolution, regulation, by-law, order in council, order, contract or other document, the names “Bar of Trois-Rivières” and “Bar of the Laurentides” shall be replaced by the names “Bar of the Mauricie” and “Bar of Laurentides—Lanaudière”, respectively.

Section of
Laval

81. The Executive Committee of the Bar shall see to the election of the first officers and councillors of the section of Laval and, for that purpose, it shall exercise the powers conferred on the council of a section by the Act respecting the Barreau du Québec, particularly the power to fix the annual sectional contribution payable by advocates wishing to be enrolled in this section.

Approval
not
required

Notwithstanding the second paragraph of section 86 of the Professional Code (R.S.Q., chapter C-26), the contribution fixed under the first paragraph need not be approved by the majority of the members of this section.

Effect

82. Paragraph *f* of subsection 3 of section 15 of the Act respecting the Barreau du Québec, enacted by subsection 4 of section 9, has effect from 19 September 1979.

Coming into
force

83. This Act comes into force on 21 November 1990, except sections 2, 43, 78 and 81 which will come into force on the date or dates fixed by the Government.