

1986, chapter 95

AN ACT TO AMEND VARIOUS LEGISLATION HAVING REGARD TO THE CHARTER OF HUMAN RIGHTS AND FREEDOMS

Bill 92

Introduced by Mr Herbert Marx, Minister of Justice

Introduced 19 June 1986

Passage in principle 21 October 1986

Passage 19 December 1986

Assented to 19 December 1986

Coming into force: on the date or dates fixed by the Government, except section 303 which will come into force on the date of coming into force of section 35 of the Act respecting safety in sports, section 354 which will come into force on the date of coming into force of section 36 of the Aquaculture Credit Act and sections 355, 356 and 357 which will come into force, respectively, on the date of coming into force of sections 58, 60 and 61 of the Building Act

- 15 February 1987: ss. 1 to 30, 32, 34 to 68, 70, 71, 75, 79 to 120, 121 (par. 1), 122 to 229, 231 to 302, 304 to 353, 358
G.O., 1987, Part 2, p. 1003
- 1 April 1987: s. 230
G.O., 1987, Part 2, p. 1003

Acts amended:

Bees Act (R.S.Q., chapter A-1)

Agricultural Abuses Act (R.S.Q., chapter A-2)

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Workmen's Compensation Act (R.S.Q., chapter A-3)

Act governing the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1)

Travel Agents Act (R.S.Q., chapter A-10)

Social Aid Act (R.S.Q., chapter A-16)

Family Allowances Act (R.S.Q., chapter A-17)

Act to promote farm improvement (R.S.Q., chapter A-18)

Automobile Insurance Act (R.S.Q., chapter A-25)

Publishers Loss Insurance Act (R.S.Q., chapter A-27)

Health Insurance Act (R.S.Q., chapter A-29)

Crop Insurance Act (R.S.Q., chapter A-30)

Act respecting insurance (R.S.Q., chapter A-32)

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

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Acts amended (Cont'd):

Cultural Property Act (R.S.Q., chapter B-4)
Act respecting tear bombs (R.S.Q., chapter B-6)
Registry Office Act (R.S.Q., chapter B-9)
Savings and Credit Unions Act (R.S.Q., chapter C-4)
Railway Act (R.S.Q., chapter C-14)
Cinema Act (R.S.Q., chapter C-18-1)
Cities and Towns Act (R.S.Q., chapter C-19)
Amusement Clubs Act (R.S.Q., chapter C-23)
Highway Safety Code (R.S.Q., chapter C-24.1)
Code of Civil Procedure (R.S.Q., chapter C-25)
Professional Code (R.S.Q., chapter C-26)
Labour Code (R.S.Q., chapter C-27)
Municipal Code of Québec (R.S.Q., chapter C-27.1)
Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34)
Act respecting the Commission municipale (R.S.Q., chapter C-35)
Act respecting public inquiry commissions (R.S.Q., chapter C-37)
Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)
Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)
Trust Companies Act (R.S.Q., chapter C-41)
Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1)
Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-69)
Act respecting security fund corporations (R.S.Q., chapter C-69.1)
Real Estate Brokerage Act (R.S.Q., chapter C-73)
Insurance Brokers Act (R.S.Q., chapter C-74)
Farm Credit Act (R.S.Q., chapter C-75)
Act to promote long term farm credit by private institutions (R.S.Q., chapter C-75.1)
Act to promote credit to farm producers (R.S.Q., chapter C-77)
Forestry Credit Act (R.S.Q., chapter C-78)
Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1)
Act respecting collective agreement decrees (R.S.Q., chapter D-2)
Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1)
Amusement Tax Act (R.S.Q., chapter D-14)
Mining Duties Act (R.S.Q., chapter D-15)
Fire Investigations Act (R.S.Q., chapter E-8)
Act respecting explosives (R.S.Q., chapter E-22)
Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5)
Grain Act (R.S.Q., chapter G-1.1)
Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1)
Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1)
Education Act (R.S.Q., chapter I-14)
Interpretation Act (R.S.Q., chapter I-16)
Newspaper Declaration Act (R.S.Q., chapter J-1)
Freedom of Worship Act (R.S.Q., chapter L-2)
Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., chapter L-6)
Mining Act (R.S.Q., chapter M-13)
Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14)
Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1)
Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)
Farm Products Marketing Act (R.S.Q., chapter M-35)
Electricity Municipalization Act (R.S.Q., chapter M-38)
Act respecting labour standards (R.S.Q., chapter N-1.1)

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Acts amended (Cont'd):

Notarial Act (R.S.Q., chapter N-2)
Sunday Observance Act (R.S.Q., chapter O-1)
Act respecting liquor permits (R.S.Q., chapter P-9.1)
Police Act (R.S.Q., chapter P-13)
Summary Convictions Act (R.S.Q., chapter P-15)
Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1)
Farm Producers Act (R.S.Q., chapter P-28)
Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29)
Bicycle Ownership Act (R.S.Q., chapter P-31)
Youth Protection Act (R.S.Q., chapter P-34.1)
Public Health Protection Act (R.S.Q., chapter P-35)
Plant Protection Act (R.S.Q., chapter P-39)
Consumer Protection Act (R.S.Q., chapter P-40.1)
Act to preserve agricultural land (R.S.Q., chapter P-41.1)
Environment Quality Act (R.S.Q., chapter Q-2)
Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2)
Act respecting the collection of certain debts (R.S.Q., chapter R-2.2)
Act respecting the Régie de l'électricité et du gaz (R.S.Q., chapter R-6)
Act respecting the Régie du logement (R.S.Q., chapter R-8.1)
Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)
Watercourses Act (R.S.Q., chapter R-13)
Act respecting labour relations in the construction industry (R.S.Q., chapter R-20)
Act respecting ecological reserves (R.S.Q., chapter R-26)
Act respecting the salaries of officers of justice (R.S.Q., chapter S-2)
Act respecting occupational health and safety (R.S.Q., chapter S-2.1)
Act respecting safety in sports (R.S.Q., chapter S-3.1)
Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2)
Act respecting child day care (R.S.Q., chapter S-4.1)
Act respecting health services and social services (R.S.Q., chapter S-5)
Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8)
Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13)
Fuel Tax Act (R.S.Q., chapter T-1)
Act respecting public agricultural lands (R.S.Q., chapter T-9.1)
Transport Act (R.S.Q., chapter T-12)
Public Works Act (R.S.Q., chapter T-15)
Courts of Justice Act (R.S.Q., chapter T-16)
Forest Resources Utilization Act (R.S.Q., chapter U-2)
Securities Act (R.S.Q., chapter V-1.1)
Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)
Roads Act (R.S.Q., chapter V-8)
Civil Code of Lower Canada
Civil Code of Québec
Act respecting commercial fisheries and aquaculture and amending other legislation (1984, chapter 16)
Aquaculture Credit Act (1984, chapter 21)
Building Act (1985, chapter 34)



CHAPTER 95

An Act to amend various legislation having regard to the Charter of human rights and freedoms

[Assented to 19 December 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BEES ACT

c. A-1, s. 3,
replaced **1.** Section 3 of the Bees Act (R.S.Q., chapter A-1) is replaced by the following section:

Inspector **“3.** The Minister of Agriculture, Fisheries and Food may, if he believes, on reasonable grounds, that a contagious disease infects certain apiaries, appoint an inspector to enter the apiaries at any reasonable time and inspect them.

Identifica-
tion The inspector shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

AGRICULTURAL ABUSES ACT

c. A-2, s. 3,
repealed **2.** Section 3 of the Agricultural Abuses Act (R.S.Q., chapter A-2) is repealed.

c. A-2, s. 4,
am. **3.** Section 4 of the said Act is amended by striking out subsections 2 and 3.

c. A-2, s. 9,
am. **4.** Section 9 of the said Act is amended

(1) by striking out the word “,occupation” in the second line of the second paragraph;

(2) by inserting, before the word “information” in the third line of the second paragraph, the word “relevant”.

ACT RESPECTING ACCESS TO DOCUMENTS
HELD BY PUBLIC BODIES AND THE
PROTECTION OF PERSONAL INFORMATION

c. A-2.1, s. 88.1, added **5.** The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by inserting, after section 88, the following section:

Refusal **“88.1** A public body must refuse to release nominative information to the heir or successor of the person to whom the information relates unless the information pertains directly to his interests or rights as an heir or successor.”

c. A-2.1, s. 89.1, added **6.** The said Act is amended by inserting, after section 89, the following section:

Refusal **“89.1** A public body must refuse to accept a request for correction of nominative information filed by the heir or successor of the person to whom the information relates, unless the correction pertains directly to his interests or rights as an heir or successor.”

c. A-2.1, s. 94, am. **7.** Section 94 of the said Act is amended by replacing the words “A request for release or correction is not receivable” in the first line of the first paragraph by the words “No request for release or correction may be considered”.

WORKMEN'S COMPENSATION ACT

c. A-3, s. 54, am. **8.** Section 54 of the Workmen's Compensation Act (R.S.Q., chapter A-3), amended by section 482 of chapter 6 of the statutes of 1985, is again amended by replacing the words “he shall also furnish to the Commission such reports as the Commission may require of him in respect of such worker” in the fifth, sixth and seventh lines by the words “he shall also furnish to the Commission the reports that it requires of him in respect of the worker and that are, in the opinion of the Commission, relevant to the rendering of a decision in respect of a claim”.

c. A-3, s. 55, am. **9.** Section 55 of the said Act is amended by replacing the words “when the beneficiary applies to the Commission for a benefit under

this act” in the fourth and fifth lines of the third paragraph by the words “if it is, in the opinion of the Commission, relevant to the rendering of a decision in respect of a claim”.

c. A-3, s.
63, am.

10. Section 63 of the said Act, amended by section 483 of chapter 6 of the statutes of 1985, is again amended by inserting, after the words “functionaries as it may designate” in the third line of subsection 5, the words “for a term specified in the instrument of designation”.

ACT RESPECTING THE ACQUISITION OF FARM
LAND BY NON-RESIDENTS

c. A-4.1, s.
14, am.

11. Section 14 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended by replacing the first paragraph by the following paragraph:

Hearing

“14. The commission must give the applicant and every interested person the opportunity to be heard.”

TRAVEL AGENTS ACT

c. A-10, s.
35,
replaced;
ss. 35.1 and
35.2, added

12. Section 35 of the Travel Agents Act (R.S.Q., chapter A-10) is replaced by the following sections:

Powers

“35. Every inspector may, in the performance of his duties, enter at any reasonable time the establishment of a travel agent, examine any document, book, register or account containing information relating to the activities of a travel agency and make a note or a copy of it.

Communica-
tion of
documents

Every person having the custody, possession or control of a document, book, register or account contemplated in the first paragraph must, if so required, give communication thereof to the inspector and facilitate his examination of the same.

Information

“35.1 Every inspector and every person making an inquiry at the request of the president may, in the performance of his duties, require of a travel agent or of any person representing that he is a travel agent any information relating to the administration of this Act.

Identifica-
tion

“35.2 The inspector or investigator shall, on request, identify himself and produce a certificate of his capacity signed by the president.”

SOCIAL AID ACT

c. A-16, s.
37, am.

13. Section 37 of the Social Aid Act (R.S.Q., chapter A-16) is amended by replacing the words “Notwithstanding any other act” in the first line by the words “Subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”.

FAMILY ALLOWANCES ACT

c. A-17, s.
22, am.

14. Section 22 of the Family Allowances Act (R.S.Q., chapter A-17) is amended

(1) by inserting, after the word “given” in the first line of the second paragraph, the words “in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”;

(2) by replacing the words “on such conditions as it may determine” in the first and second lines of the third paragraph by the words “in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information”.

ACT TO PROMOTE FARM IMPROVEMENT

c. A-18, s.
18, am.

15. Section 18 of the Act to promote farm improvement (R.S.Q., chapter A-18) is amended

(1) by replacing the words “at any time visit or inspect property serving as security for a loan” in the second and third lines by the words “visit or inspect property serving as security for a loan at any reasonable time or at any time if it is required, in the circumstances, to protect a claim or the property serving as security for a loan or to ensure that the borrower’s operation is carried on”;

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

Identifica-
tion

“The representative or employee designated by the Office or by the lender shall, on request, identify himself and produce a certificate of his capacity issued by the Office or by the lender.”

AUTOMOBILE INSURANCE ACT

c. A-25, s.
70, am.

16. Section 70 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by adding, after the word “whenever”, in the sixth line of the third paragraph, the words “such communication is”.

c. A-25, s.
71, am.

17. Section 71 of the said Act is amended by adding, after the word “whenever” in the second line, the words “such communication is”.

PUBLISHERS LOSS INSURANCE ACT

c. A-27, s.
8, am.

18. Section 8 of the Publishers Loss Insurance Act (R.S.Q., chapter A-27) is amended

(1) by inserting, after the word “access” in the third line of the third paragraph, the words “, at any reasonable time,”;

(2) by adding, at the end of the third paragraph, the following sentence: “The representatives shall, on request, identify themselves and produce a certificate of capacity signed by the Minister or the Auditor-General.”

HEALTH INSURANCE ACT

c. A-29, s.
64, am.

19. Section 64 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting, after the word “Canada” in the third line of the second paragraph, the words “, to the extent that such communication is necessary for the administration of an Act whose administration is under the responsibility of either of them,”.

c. A-29, s.
65, am.

20. Section 65 of the said Act is amended

(1) by replacing the words “on such conditions as it may determine” in the second line of the third paragraph by the words “in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”;

(2) by replacing the words “on such conditions as it may determine” in the first and second lines of the fourth paragraph by the words “in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information”.

c. A-29, s.
66, am.

21. Section 66 of the said Act is amended

(1) by replacing the words “in section 65” in the second line of the first paragraph by the words “in the first paragraph of section 65”;

(2) by replacing the words “in section 65” in the fourth line of the second paragraph by the words “in the first paragraph of section 65”.

CROP INSURANCE ACT

c. A-30, s.
12, replaced

22. Section 12 of the Crop Insurance Act (R.S.Q., chapter A-30) is replaced by the following section:

Review of
decision

“**12.** The Régie may, of its own initiative or on the application of the producer, review or cancel any decision it has rendered which has not been appealed from to the Court

(a) where a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(b) where a substantial or procedural defect is likely to invalidate the decision.

Decisions in
writing

Decisions of the Régie shall be rendered in writing and shall state the reasons on which they are based; they shall form part of the records of the Régie.”

INSURANCE ACT

c. A-32, s.
10, replaced

23. Section 10 of the Insurance Act (R.S.Q., chapter A-32) is replaced by the following section:

Access to
documents

“**10.** The Inspector General or the representative designated by him in writing may, for the purposes of an inspection,

(1) enter, at any reasonable time, the establishment of a person who acts in Québec as an insurer, insurance agent or claims adjuster, or the establishment of a professional syndicate authorized to exercise the powers provided for in subparagraph 1 of the second paragraph of section 9 of the Professional Syndicates Act (R.S.Q., chapter S-40) relating to the establishment and administration of special indemnity funds, special funds for assistance and other funds of the same nature;

(2) examine and make copies of the books, registers, accounts, records and other documents relating to insurance;

(3) require any information relating to the administration of this Act and the production of any document relating thereto.

Communica-
tion of
documents

Every person having the custody, possession or control of such books, registers, accounts, records and other documents must, if so required, give communication thereof to the Inspector General or his representative and facilitate his examination of the same."

c. A-32, s.
12, am.

24. Section 12 of the said Act is amended by replacing the first paragraph by the following paragraph:

Seizure of
documents

"12. The Inspector General or the representative designated by him in writing may, in exercising his powers of inspection and if he believes, on reasonable grounds, that an offence has been committed against this Act or any other Act the administration of which is entrusted to the Inspector General, seize any document relating to the offence, provided that he leaves a copy with the person from whom he seizes such document; the Inspector General shall have custody of the seized document."

c. A-32, s.
12.1, added

25. The said Act is amended by inserting, after section 12, the following section:

Identifica-
tion

"12.1 The Inspector General or the representative designated by him in writing shall, if so requested when exercising the powers referred to in sections 10 to 12, identify himself and produce a certificate of his capacity."

c. A-32, s.
93.267, am.

26. Section 93.267 of the said Act is amended by replacing the words "at all times" in the second line of the first paragraph by the words "at any reasonable time".

c. A-32, s.
360, am.

27. Section 360 of the said Act is amended by adding, at the end of paragraph *c*, the words "in connection with the occupation of insurance agent or claims adjuster, as the case may be".

ACT RESPECTING THE BARREAU DU QUÉBEC

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

28. Section 45 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the first sentence of subsection 2 by the following sentence:

Inquiry

"(2) The committee shall inquire as to whether the candidate has the required moral character, knowledge and qualifications to practise the profession."

c. B-1, s. 70, am. **29.** Section 70 of the said Act is amended by replacing subsection 4 by the following subsection:

Hearing “(4) The Executive Committee shall hear the parties and their witnesses, and inquire as to whether the applicant has the required moral character, qualifications, conduct and competence to practise the profession.”

c. B-1, s. 84, am. **30.** Section 84 of the said Act is amended by striking out the last sentence.

c. B-1, s. 103, replaced **31.** Section 103 of the said Act is replaced by the following section:

Public hearing “**103.** Every hearing shall be public.

In camera hearing Notwithstanding the first paragraph, the Committee on Discipline may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to preserve professional secrecy or to protect a person’s privacy or reputation.

Contempt of court Every person who, by performing or omitting to perform an act, infringes an order to hold a hearing *in camera* or an order banning publication or release is guilty of contempt of court.”

c. B-1, s. 104, am. **32.** Section 104 of the said Act is amended by replacing the words “the assistance of” in the second line of subsection 7 by the words “be assisted or represented by”.

c. B-1, s. 105, am. **33.** Section 105 of the said Act is amended by inserting, at the beginning of subsection 2, the words “Where an order to hold a hearing *in camera* has been issued,”.

c. B-1, s. 121, am. **34.** Section 121 of the said Act is amended by replacing subsection 2 by the following subsection:

Hearing and inquiry “(2) The Executive Committee shall hear the petitioner. It shall inquire as to whether he has the required moral character, qualifications, conduct and competence to practise the profession. It shall also examine his disciplinary record.”

CULTURAL PROPERTY ACT

c. B-4, s. 49, am. **35.** Section 49 of the Cultural Property Act (R.S.Q., chapter B-4), enacted by section 32 of chapter 24 of the statutes of 1985 is amended

by adding, at the end of the first paragraph, the following sentence:
 “For that purpose, the Minister has authority over the appearance of, materials used for and support structures of signs and billboards and their effect on the premises.”

ACT RESPECTING TEAR BOMBS

c. B-6, s. 8,
am.

36. Section 8 of the Act respecting tear bombs (R.S.Q., chapter B-6) is amended by replacing the word “shall” in the first line by the word “may”.

REGISTRY OFFICE ACT

c. B-9, s.
50, am.

37. Section 50 of the Registry Office Act (R.S.Q., chapter B-9) is amended by replacing the words “, address and occupation” in the seventh and eight lines of the first paragraph by the words “and address”.

c. B-9, form
1, am.

38. Form 1 of the said Act is amended by replacing the words “Her Majesty the Queen” by the words “the constituted authorities”.

SAVINGS AND CREDIT UNIONS ACT

c. C-4, s.
90, am.

39. Section 90 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is amended

(1) by replacing the words “at all times” in the first line by the words “at any reasonable time”;

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

Identifica-
tion

“The inspector shall, on request, identify himself and produce a certificate of his capacity issued by the federation or Confederation.”

RAILWAY ACT

c. C-14, s.
130, am.

40. Section 130 of the Railway Act (R.S.Q., chapter C-14) is amended by striking out subsection 3.

c. C-14, s.
218,
repealed

41. Section 218 of the said Act is repealed.

c. C-14, s.
231, am.

42. Section 231 of the said Act is amended by replacing the words “I will well and truly serve Our Sovereign Lady the Queen” in the fifth line of the first paragraph of subsection 2 by the words “I will be faithful and bear true allegiance to the constituted authorities”.

CINEMA ACT

c. C-18.1, s.
173, am. **43.** Section 173 of the Cinema Act (R.S.Q., chapter C-18.1) is amended

(1) by inserting, after the word “enter” in the second line, the words
“, at any reasonable time,”;

(2) by inserting, after the word “enter” in the fourth line, the words
“, at any reasonable time,”.

c. C-18.1, s.
176, am. **44.** Section 176 of the said Act is amended by replacing the words
“require the issue of a search warrant under” in the first line of the
first paragraph by the words “conduct a search in accordance with”.

CITIES AND TOWNS ACT

c. C-19, s.
69, am. **45.** Section 69 of the Cities and Towns Act (R.S.Q., chapter C-19)
is amended by striking out the second paragraph.

c. C-19, s.
116, am. **46.** Section 116 of the said Act is amended

(1) by inserting, at the end of the second paragraph of paragraph
6, the words “unless the person has obtained a pardon”;

(2) by inserting, at the end of paragraph 7, the words “, unless
the person has obtained a pardon for either of such indictable offences”;

(3) by adding, after the first paragraph, the following paragraph:

Disqualifica-
tion “Disqualification from municipal office or employment under
subparagraph 6 or 7 of the first paragraph shall be incurred only if
the offence is in connection with such an office or employment.”

c. C-19, s.
332, am. **47.** Section 332 of the said Act is amended by replacing the second
sentence by the following sentence: “He may order that any person
disturbing a sitting of the council be removed from the place where
the sitting is held.”

c. C-19, s.
412.22, am. **48.** Section 412.22 of the said Act is amended

(1) by adding, after the word “may” in the fourth line, the words
“, at any reasonable time,”;

(2) by inserting, after the second sentence, the following sentence:
“The officer or employee shall, on request, identify himself and produce a certificate of his capacity issued by the municipality.”

c. C-19, s.
414, am.

49. Section 414 of the said Act is amended

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

Public
performan-
ces

“(5) To regulate circuses, theatres, spectacles, exhibitions and other public performances; to license them upon such conditions as may be considered fit;”;

(2) by striking out the words “or prohibit” in the first line of subparagraph 6 of the first paragraph;

(3) by replacing the word “prohibit” in the first line of subparagraph 9 of the first paragraph by the word “regulate”;

(4) by striking out subparagraph 11 of the first paragraph.

c. C-19, s.
415, am.

50. Section 415 of the said Act is amended

(1) by replacing paragraph 20 by the following paragraph:

Circulars

“(20) To regulate the distribution of circulars, advertisements, prospectuses or other similar printed matters, on the streets, avenues, lanes, sidewalks, public lands and places as well as in private dwellings, and to authorize such distribution, upon issuance of a permit on the conditions determined by the by-law and, where such is the case, upon payment of the fee determined by the by-law;”;

(2) by striking out the words “or prohibit” in the first line of paragraph 36;

(3) by striking out paragraph 37.

c. C-19, s.
441, am.

51. Section 441 of the said Act is amended

(1) by inserting, after the word “may” in the second line of the first paragraph, the words “, at any reasonable time,”;

(2) by inserting, after the first paragraph, the following paragraph:

Identifica-
tion

“Every such officer or employee shall, on request, identify himself and produce a certificate of his capacity issued by the municipality.”

c. C-19, s.
452, am.

52. Section 452 of the said Act is amended

(1) by inserting, after the word “may” in the second line of the first paragraph, the words “, at any reasonable time,”;

(2) by inserting, after the first paragraph, the following paragraph:

Identifica-
tion

“Every such officer or employee shall, on request, identify himself and produce a certificate of his capacity issued by the municipality.”

c. C-19, s.
506, am.

53. Section 506 of the said Act is amended

(1) by replacing the words “signed by the mayor” in the first and second lines of the first paragraph by the words “prepared by the mayor and signed and issued by the clerk of the Provincial Court or the prothonotary of the Superior Court, according to the amount claimed”;

(2) by replacing the words “giving and signing” in the first line of the second paragraph by the word “preparing”;

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

Certificate

“The clerk or the prothonotary shall issue the warrant upon the filing of a certificate of the mayor establishing that the debt is exigible in the amount indicated therein.”

c. C-19, s.
507, am.

54. Section 507 of the said Act is amended by replacing the word “mayor” in the fourth line by the words “clerk of the Provincial Court, of the prothonotary of the Superior Court”.

c. C-19, s.
508, am.

55. Section 508 of the said Act is amended by adding, at the end, the following paragraph:

Competent
court

“In addition to the grounds mentioned in article 596 of the Code of Civil Procedure, opposition to annul a seizure may be taken to the competent court for any cause likely to affect the claim of the municipality.”

c. C-19, s.
518, am.

56. Section 518 of the said Act is amended by adding, at the end, the following paragraph:

Competent
court

“In addition to the grounds mentioned in article 596 of the Code of Civil Procedure, opposition to annul a seizure may be taken to the competent court for any cause likely to affect the claim of the municipality.”

AMUSEMENT CLUBS ACT

c. C-23, s.
9, am.

57. Section 9 of the Amusement Clubs Act (R.S.Q., chapter C-23) is amended by adding, at the end of the first paragraph, the words “if the documents are required as evidence of an offence against an Act applicable in Québec”.

HIGHWAY SAFETY CODE

c. C-24.1, s.
95.1, am.

58. Section 95.1 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended

(1) by adding the words “, unless he has obtained a pardon for that indictable offence” at the end of the first paragraph;

(2) by adding the words “, unless he has obtained a pardon for that indictable offence” at the end of the third paragraph.

c. C-24.1, s.
485, am.

59. Section 485 of the said Code is amended by replacing the second paragraph by the following paragraphs:

Conviction

“If, on the day fixed for appearance, no payment has been received, the judge or the clerk authorized by order of the Minister of Justice may, if the contravener pleads guilty, convict him of the infraction described in the infraction ticket or the summons.

Conviction

If, on the day fixed for appearance, no payment has been received and the contravener fails to appear, the judge or the clerk may proceed by default and convict him after he has ascertained that the summons was duly served and the infraction ticket was duly completed and signed, in which case the infraction ticket is proof of its contents.

Matter
referred

The clerk may refer to the judge any matter submitted to him, if he considers that the interests of justice require it.”

c. C-24.1,
s. 556,
replaced

60. Section 556 of the said Code is replaced by the following section:

Powers of
peace
officer

“556. Any peace officer who, in the exercise of the functions conferred on him under this Code, has reasonable cause to believe that an offence has been committed against this Code and that the circumstances so require may, without the owner’s permission, take possession of a road vehicle, drive it and impound it.”

CODE OF CIVIL PROCEDURE

c. C-25, a.
4, am. **61.** Article 4 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) “affidavit”: a written statement supported by the oath of the deponent or by his solemn affirmation, administered and attested by any person so authorized by law;”.

c. C-25, a.
18, am. **62.** Article 18 of the said Code is amended by striking out the words “, if the person required to make oath refuses to do so on the grounds that he has no religious belief or that his religious belief forbids it”.

c. C-25, a.
298, am. **63.** Article 298 of the said Code is amended by striking out the word “, occupation” in the second line.

c. C-25, a.
299,
replaced **64.** Article 299 of the said Code is replaced by the following article:

“**299.** Saving the case described in article 301, no one may testify, under penalty of the nullity of his deposition, unless he has taken the oath or made the solemn affirmation that he will tell the truth, the whole truth and nothing but the truth.

A witness may take the oath according to the formalities prescribed by his religious belief, unless the judge sees some practical objection to his doing so, in which case the witness makes a solemn affirmation.

In all cases the judge must see that the form of the oath or solemn affirmation is read to the witness in such a way as to be well understood by him.”

c. C-25, a.
904, am. **65.** Article 904 of the said Code is amended

(1) by striking out the word “, occupation” in the first line of paragraph 2;

(2) by replacing the word “occupation” in the first line of paragraph 8 by the word “residence”.

c. C-25, a.
912, am. **66.** Article 912 of the said Code is amended by replacing the words “, residence and occupation” in the first line of paragraph 2 by the words “and residence”.

c. C-25, a.
917, am. **67.** Article 917 of the said Code is amended by striking out the word “, occupations” in the third line.

c. C-25, a.
958.1, am. **68.** Article 958.1 of the said Code is amended by striking out the word “, occupation” in the third line of the first paragraph.

PROFESSIONAL CODE

c. C-26, s.
12, am. **69.** Section 12 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing the words “the names, however,” in the third line of subparagraph *v* of the third paragraph by the words “, however, where an order banning publication so provides, the names”.

c. C-26, s.
135, am. **70.** Section 135 of the said Code is amended by replacing the words “the assistance of” in the second line by the words “be assisted or represented by”.

c. C-26, s.
139, am. **71.** Section 139 of the said Code is amended by inserting the words “and to his attorney, if any,” after the word “respondent” in the second line.

c. C-26, s.
142,
replaced **72.** Section 142 of the said Code is replaced by the following section:

“142. Every hearing shall be public.

Public
hearing

In camera
hearing

Notwithstanding the first paragraph, the committee on discipline may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to preserve professional secrecy or to protect a person’s privacy or reputation.

Contempt of
court **Every person who, by performing or omitting to perform an act, infringes an order to hold a hearing *in camera* or an order banning publication or release is guilty of contempt of court.”**

c. C-26, s.
149, am. **73.** Section 149 of the said Code is amended by replacing the words “Except where the hearing is public” in the first line of the second paragraph by the words “Where *in camera* proceedings are ordered”.

c. C-26, s.
154, am. **74.** Section 154 of the said Code is amended by inserting, after the word “conclusions,” in the third line, the words “an indication, where such is the case, that the publication or release of certain information or documents is banned and”.

c. C-26, s.
170, am. **75.** Section 170 of the said Code is amended by inserting, after the word “assisted”, the words “or represented”.

c. C-26, s.
173,
replaced **76.** Section 173 of the said Code is replaced by the following section:

Public
hearing **“173.** Every hearing shall be public.

In camera
hearing Notwithstanding the first paragraph, the tribunal may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to preserve professional secrecy or to protect a person’s privacy or reputation.

Contempt of
court Every person who, by performing an act or omitting to perform an act, infringes an order to hold a hearing *in camera* or an order banning publication or release is guilty of contempt of court.”

c. C-26, s.
176, am. **77.** Section 176 of the said Code is amended by inserting, after the word “conclusions,” in the third line, the words “an indication, where such is the case, that the publication or release of certain information or documents is banned and”.

c. C-26, s.
192, am. **78.** Section 192 of the said Code is amended

(1) by striking out the words “, while sitting *in camera*,” in the fifth and sixth lines;

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

Examination
of record “For the purposes of this section, the professional shall, on request, allow the examination of such record or document.”

LABOUR CODE

c. C-27, s.
49, am. **79.** Section 49 of the Labour Code (R.S.Q., chapter C-27) is amended by adding, at the end of the first paragraph, the following sentence: “Notwithstanding the foregoing, no decision or order of a labour commissioner may be reconsidered and revised by reason of error of law.”

c. C-27, s.
109.4, am. **80.** Section 109.4 of the said Code is amended

(1) by inserting, after the word “work” in the first line of the second paragraph, the words “at any reasonable time”;

(2) by inserting, after the second paragraph, the following paragraph:

Identification

“The investigator shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

MUNICIPAL CODE OF QUÉBEC

c. C-27.1, a.
25, am.

81. Article 25 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out paragraph 34.

c. C-27.1, a.
159, am.

82. Article 159 of the said Code is amended by replacing the second paragraph by the following paragraph:

“He may order that any person disturbing a sitting of the council be removed from the place where the sitting is held.”

c. C-27.1, a.
269, am.

83. Article 269 of the said Code is amended

(1) by inserting, at the end of the second paragraph of paragraph 5, the words “, unless the person has obtained a pardon”;

(2) by inserting, at the end of paragraph 6, the words “, unless the person has obtained a pardon for either of such indictable offences”;

(3) by adding, after the first paragraph, the following paragraph:

“Disqualification from municipal office or employment under subparagraph 5 or 6 of the first paragraph shall be incurred only if the offence is in connection with such office or employment.”

c. C-27.1, a.
491, am.

84. Article 491 of the said Code is amended by striking out subparagraph 1 of the first paragraph.

c. C-27.1, a.
516, am.

85. Article 516 of the said Code is amended

(1) by inserting, after the word “may” in the fourth line, the words “, at any reasonable time,”;

(2) by inserting, after the second sentence, the following sentence:
“The officer or employee shall, on request, identify himself and produce the certificate of his capacity issued by the municipality.”

c. C-27.1, a.
544, am.

86. Article 544 of the said Code is amended

(1) by replacing the words “to prohibit circuses, theatres, or other public exhibitions from being held; to regulate them upon such conditions

as may be deemed proper" in the first, second and third lines of the first paragraph of paragraph 1 by the words "to regulate, upon such conditions as may be considered proper, circuses, theatres or other public exhibitions";

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

"Every tax imposed by a by-law made under this paragraph, if it is not paid on demand, may be levied with costs by way of the seizure and sale of the debtor's movable property. Articles 1014 to 1018 shall apply to such seizure and sale; however, for the application of article 1018, the words "amounts which appear on the collection roll" shall mean "tax claimed by the corporation".";

(3) by striking out the words "or prohibit" in the first paragraph of paragraph 2;

(4) by striking out paragraph 3.

c. C-27.1, a.
627, am.

87. Article 627 of the said Code is amended

(1) by striking out paragraph 9;

(2) by replacing paragraph 10 by the following paragraph:

"(10) to regulate the distribution of circulars, advertisements, prospectuses or other similar printed matters, on the roads, and in public places, as well as in private dwellings, and to authorize such distribution upon issuance of a permit on the conditions determined by the by-law, where such is the case, upon payment of the fee determined by the by-law;"

c. C-27.1, a.
629,
repealed

88. Article 629 of the said Code is repealed.

c. C-27.1, a.
1014, am.

89. Article 1014 of the said Code is amended

(1) by replacing the words "signed by the mayor or by the warden, as the case may be" in the first and second lines of the first paragraph by the words "prepared by the mayor or the warden, as the case may be, and signed and issued by the clerk of the Provincial Court or the prothonotary of the Superior Court, according to the amount claimed";

(2) by replacing the words "giving and signing" in the first line of the third paragraph by the word "preparing";

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

"The clerk or the prothonotary shall issue the warrant upon the filing of a certificate of the mayor or the warden, as the case may be, establishing that the debt is exigible in the amount indicated therein."

c. C-27.1, a.
1016, am. **90.** Article 1016 of the said Code is amended by replacing the word "mayor" in the fourth line by the words "clerk of the Provincial Court, of the prothonotary of the Superior Court".

c. C-27.1, a.
1017, am. **91.** Article 1017 of the said Code is amended by adding, at the end, the following paragraph:

"In addition to the grounds mentioned in article 596 of the Code of Civil Procedure, opposition to annul the seizure may be taken to the competent court for any cause likely to affect the claim of the corporation."

c. C-27.1, a.
1031, am. **92.** Article 1031 of the said Code is amended by adding, at the end, the following paragraph:

"In addition to the grounds mentioned in article 596 of the Code of Civil Procedure, opposition to annul the seizure may be taken to the competent court for any cause likely to affect the claim of the corporation."

ACT RESPECTING THE COMMISSION
DES AFFAIRES SOCIALES

c. C-34, s.
10, am. **93.** Section 10 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by replacing the words "decided by the president or the vice-president he designates" in the second line of the second paragraph by the words "referred to the president or the vice-president he designates who shall decide the matter according to law".

c. C-34, s.
17, replaced **94.** Section 17 of the said Act is replaced by the following section:

President **"17.** The president is responsible for the general policies of the Commission relating to its jurisdictional functions.

Supervision He shall coordinate, apportion and supervise the work of the members and assessors of the Commission who shall comply, in that regard, with his orders and directives."

c. C-34, s.
24, am. **95.** Section 24 of the said Act is amended by replacing the first paragraph by the following paragraph:

Revision or
revocation

“24. The Commission may revise or revoke any decision or order it has made

(1) where a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(2) where a party interested in the issue was, for reasons considered sufficient, prevented from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision.”

ACT RESPECTING THE COMMISSION MUNICIPALE

c. C-35, s.
11, repealed

96. Section 11 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is repealed.

c. C-35, s.
67.1, added

97. The said Act is amended by inserting, after section 67, the following section:

Suspension
of sale

“67.1 The sale cannot be suspended except by an opposition taken to the Provincial Court of the district or to the Superior Court of the district, according to their respective jurisdiction, determined by the value of the immovable as entered on the valuation roll in force.

Opposition

The provisions of articles 678 and following of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required, apply to such opposition.

Competent
court

In addition to the grounds mentioned in article 596 of the said Code, opposition to annul the seizure may be taken to the competent court for any cause likely to affect the claim of the municipality.”

c. C-35, s.
90, repealed

98. Section 90 of the said Act is repealed.

c. C-35, s.
91, am.

99. Section 91 of the said Act is amended

(1) by inserting, before the words “Have access” in the first line of subparagraph 1 of the first paragraph the words “At any reasonable time,”;

(2) by inserting, after the first paragraph, the following paragraph:

Identifica-
tion

“The member of the Commission or his delegate shall, on request, identify himself and produce a certificate of his capacity issued by the Commission.”;

(3) by replacing the word and figure “section 90” in the first line of the third paragraph by the words and figure “the first paragraph of section 23”.

ACT RESPECTING PUBLIC INQUIRY COMMISSIONS

c. C-37, s.
11, am. **100.** Section 11 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37) is amended by replacing the second paragraph by the following paragraph:

Protection
of witnesses “No answer given by any person so heard as a witness may be used against him in any prosecution under any Act, except in the case of prosecution for perjury or for the giving of contradictory evidence.”

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE
DE L'OUTAOUAIS

c. C-37.1, s.
64, am. **101.** Section 64 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by striking out the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE
DE MONTRÉAL

c. C-37.2, s.
85, repealed **102.** Section 85 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is repealed.

c. C-37.2, s.
134, am. **103.** Section 134 of the said Act is amended by inserting, after the word “enter” in the third line of the first paragraph, the words “, at any reasonable time,”.

c. C-37.2, s.
135, am. **104.** Section 135 of the said Act is amended by inserting, before the word “produce” in the first line of the second paragraph, the words “identify himself and”.

c. C-37.2, s.
151.3, am. **105.** Section 151.3 of the said Act is amended by inserting, after the word “enter” in the third line of the first paragraph, the words “, at any reasonable time,”.

c. C-37.2, s.
151.4, am. **106.** Section 151.4 of the said Act is amended by inserting, before the word “produce” in the first line of the second paragraph, the words “identify himself and”.

c. C-37.2, s.
153.3, am. **107.** Section 153.3 of the said Act is amended by replacing the words “at any time” in subparagraph 1 of the first paragraph by the words “, at any reasonable time,”.

- c. C-37.2, s.
153.4, am. **108.** Section 153.4 of the said Act is amended by inserting, after the word “shall” in the first line of the second paragraph, the words “identify himself and”.

ACT RESPECTING THE COMMUNAUTÉ
URBAINE DE QUÉBEC

- c. C-37.3, s.
70, am. **109.** Section 70 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by striking out the second paragraph.

TRUST COMPANIES ACT

- c. C-41, s.
35, am. **110.** Section 35 of the Trust Companies Act (R.S.Q., chapter C-41) is amended by striking out the words “with hard labour” in the fourteenth line of subsection 1.

ACT RESPECTING THE CONSERVATION
AND DEVELOPMENT OF WILDLIFE

- c. C-61.1, s.
15, am. **111.** Section 15 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended

(1) by replacing that which precedes subparagraph 1 of the first paragraph by the following:

- Search with
warrant **“15.** A conservation officer or a deputy conservation officer, if so authorized by a warrant issued by a justice of the peace, may enter and search any premises, including a vehicle, boat or aircraft, and open or cause to be opened any receptacle, if he believes, on reasonable and probable grounds, that it contains”;

(2) by replacing the second paragraph by the following paragraphs:

- Issue of
warrant **“A justice of the peace may issue a warrant, subject to such conditions as he may specify therein, if he is satisfied, on the basis of a sworn statement by the conservation officer or deputy, that there are reasonable and probable grounds for believing that such an offence is being or has been committed and that there is in the premises or receptacle contemplated in the first paragraph an animal, fish, dog, pelt or object referred to in subparagraph 1 or 2 of the first paragraph.**

- Warrant
returned **The warrant, whether executed or not, shall be returned to the justice of the peace who issued it, not later than fifteen days after its issue.”**

c. C-61.1, s. 15.1, added **112.** The said Act is amended by inserting, after section 15, the following section:

Search without warrant **“15.1** A conservation officer or a deputy conservation officer may, without a warrant, exercise the powers conferred on him by section 15, if the conditions for obtaining the warrant exist and if, owing to exigent circumstances, the delay necessary to obtain the warrant may result in danger to human or animal health or to the safety of persons, animals or property or in the loss, disappearance or destruction of evidence.”

c. C-61.1, s. 74, repealed **113.** Section 74 of the said Act is replaced by the following section:

Inspection **“74.** The Minister may order the inspection, at any reasonable time, of a fishing pond, a breeding pond, a fish-tank for baitfish or a fish-breeding plant.

Identification The person in charge of the inspection shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

c. C-61.1, s. 168, replaced **114.** Section 168 of the said Act is replaced by the following section:

Confiscation **“168.** A judge who imposes a penalty for an offence against a provision of this Act or the regulations may, where a seizure has been made pursuant to section 16 or pursuant to the Summary Convictions Act (R.S.Q., chapter P-15), confiscate the seized property. However, he must confiscate any animal, pelt or fish that has been seized.”

ACT RESPECTING ROMAN CATHOLIC
CEMETERY CORPORATIONS

c. C-69, s. 36, am. **115.** Section 36 of the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-69) is amended by replacing the words “at any time” in the first line by the words “at any reasonable time”.

ACT RESPECTING SECURITY FUND CORPORATIONS

c. C-69.1, s. 57, am. **116.** Section 57 of the Act respecting security fund corporations (R.S.Q., chapter C-69.1) is amended

(1) by replacing the words “has, at all times, access” in the first line by the words “has access at any reasonable time”;

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

Identifica-
tion

“The inspector shall, on request, identify himself and produce a certificate of his capacity signed by the Inspector General.”

REAL ESTATE BROKERAGE ACT

c. C-73, s.
16, am.

117. Section 16 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) has been convicted of a criminal offence in connection with the occupation of broker, real estate agent or builder; or”.

c. C-73, s.
21, am.

118. Section 21 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Examination
of
documents

“The Superintendent or the representative designated by him in writing may, to ascertain compliance with this Act and the regulations,

(1) enter, at any reasonable time, the establishment of a broker or real estate agent;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information relating to his activities as a broker or real estate agent;

(3) require any information relating to the administration of this Act and the production of any document relating thereto.

Communica-
tion

Every person having the custody, possession or control of such books, registers, accounts, records and other documents must, if so required, give communication thereof to the Superintendent or authorized person and facilitate his examination of the same.”

c. C-73, s.
21.1, added

119. The said Act is amended by inserting, after section 21, the following section:

Identifica-
tion

“**21.1** The Superintendent or the representative designated by him in writing shall, if so requested when exercising his powers of inspection, identify himself and produce a certificate of his capacity.”

INSURANCE BROKERS ACT

c. C-74, s.
6, am.

120. Section 6 of the Insurance Brokers Act (R.S.Q., chapter C-74) is amended by replacing paragraph *c* by the following paragraph:

“(c) to be found guilty, by final judgment, of an indictable offence in connection with the practice of the profession of insurance broker.”

c. C-74, s.
25, am.

121. Section 25 of the said Act is amended

(1) by replacing the words "his wife" in the twelfth line of subsection 2 by the words "the spouse of the accused";

(2) by inserting the words "Where an order requires the hearing to be held *in camera*," before the word "Every" in the fourth line of subsection 3;

(3) by adding, at the end of subsection 3, the words "The committee on discipline may, of its own initiative or upon request, order that a hearing be held *in camera* or prohibit the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to preserve professional secrecy or to protect a person's privacy or reputation. Every person who, by performing or omitting to perform an act, infringes an order to hold a hearing *in camera*, or an order banning publication or release, is guilty of contempt of court."

FARM CREDIT ACT

c. C-75, ss.
27 and 28,
replaced

122. Sections 27 and 28 of the Farm Credit Act (R.S.Q., chapter C-75) are replaced by the following sections:

Inspection

"27. A representative or an employee designated by the Bureau may, at any reasonable time, inspect the immovables hypothecated or the property pledged. He may do so at any time if it is required, in the circumstances, to protect a claim or the property securing the loan or to ensure that the borrower's operation is carried on.

Deteriora-
tion of prop-
erty

Moreover, in the absence of maintenance or in case of deterioration entailing a depreciation of the security, he may do, at the borrower's expense, any work and repairs and take any step he considers necessary to ensure that the property is kept in good condition and that the operation is carried on.

Identifica-
tion

The representative or the employee designated by the Bureau shall, on request, identify himself and produce a certificate of his capacity issued by the Bureau.

Appraisal of
property

"28. A representative or an employee designated by the Bureau may also, at any reasonable time, or at any time if it is required, in the circumstances, to protect a claim or the property securing a loan or to ensure that the borrower's operation is carried on, for the purposes of this Act, of any other Act under the administration of the Bureau or of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) or for the purposes of any plan, programme or project the direction or execution of which may be entrusted to it,

enter or pass on any immovable, inspect and appraise such immovable, any livestock and any other movable property.

Identifica-
tion

The representative or the employee designated by the Bureau shall, on request, identify himself and produce a certificate of his capacity issued by the Bureau.

Investiga-
tion

“28.1 The Bureau may also, for the purposes of the Acts referred to in section 28 or any plan, programme or project the direction or execution of which may be entrusted to it, conduct any investigation it considers necessary. For that purpose, every member of the Bureau and every investigator it designates shall have the powers and attributions conferred on a commissioner by the Act respecting public inquiry commissions (R.S.Q., chapter C-37).”

ACT TO PROMOTE LONG TERM FARM CREDIT BY
PRIVATE INSTITUTIONS

c. C-75.1, s.
30, replaced

123. Section 30 of the Act to promote long term farm credit by private institutions (R.S.Q., chapter C-75.1) is replaced by the following section:

Inspection

“30. The representative or the employee designated by the Office or by the lender may, at any reasonable time, or at any time if it is required, in the circumstances, to protect a claim or the property securing the loan or to ensure that the borrower’s operation is carried on, inspect the immovable or movable property securing a loan, enter or pass on any immovable, inspect and appraise such immovable, any livestock and any other movable property.

Investiga-
tion

He may also conduct any investigation he considers necessary for the purposes of the administration of this Act.

Identifica-
tion

The representative or the employee designated by the Office or by the lender shall, on request, identify himself and produce a certificate of his capacity issued by the Office or by the lender.”

ACT TO PROMOTE CREDIT TO FARM PRODUCERS

c. C-77, s.
21, am.

124. Section 21 of the Act to promote credit to farm producers (R.S.Q., chapter C-77) is amended

(1) by replacing the words “visit or inspect at any time” in the second and third lines by the words “may, at any reasonable time, or at any time if it is required, in the circumstances, to protect a claim or the property securing a loan or to ensure that a borrower’s operation is carried on, visit or inspect”;

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

Identifica-
tion

“The representative or the employee designated by the Bureau or by the lender shall, on request, identify himself and produce a certificate of his capacity issued by the Bureau or by the lender.”

FORESTRY CREDIT ACT

c. C-78, s.
9, replaced

125. Section 9 of the Forestry Credit Act (R.S.Q., chapter C-78) is replaced by the following section:

Inspection

“**9.** A representative or an employee designated by the Bureau may, at any reasonable time, inspect hypothecated immovables, or, as the case may be, movable property securing a loan granted under this subdivision. He may do so at any time if it is required, in the circumstances, to protect a claim or the property securing a loan or to ensure that the borrower’s operation is carried on.

Deteriora-
tion of prop-
erty

Moreover, in the absence of maintenance or in the case of deterioration entailing a depreciation of the security, he may do, at the borrower’s expense, any work or repairs and take any step he considers necessary to ensure that the property is kept in good condition and that forest management is carried on.

Identifica-
tion

The representative or the employee designated by the Bureau shall, on request, identify himself and produce a certificate of his capacity issued by the Bureau.”

c. C-78, s.
21, am.

126. Section 21 of the said Act is amended

(1) by replacing the words “at any time” in the third line by the words “, at any reasonable time, or at any time if it is required, in the circumstances, to protect a claim or the property securing a loan or to ensure that the borrower’s operation is carried on,”;

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

Identifica-
tion

“The representative or the employee designated by the Bureau or by the lender shall, on request, identify himself and produce a certificate of his capacity issued by the Bureau or, as the case may be, the lender.”

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

c. C-78.1, s.
41, replaced

127. Section 41 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is replaced by the following section:

Inspection “**41.** A representative or an employee designated by the Office or by the lender may, at any reasonable time, or at any time if it is required, in the circumstances, to protect a claim or the property securing a loan or to ensure that the borrower’s operation is carried on, inspect the immovable or movable property securing a loan, enter or pass on any immovable, inspect and appraise such immovable and any other movable property.

Investigation He may also conduct any investigation he considers necessary for the purposes of the administration of this Act.

Identification The representative or the employee designated by the Office or by the lender shall, on request, identify himself and produce a certificate of his capacity issued by the Office or by the lender.”

ACT RESPECTING COLLECTIVE AGREEMENTS

c. D-2, s. 22, am. **128.** Section 22 of the Act respecting collective agreements (R.S.Q., chapter D-2) is amended

(1) by replacing the words “at any time” in the second line of the second paragraph of subparagraph *e* of the second paragraph by the words “at any reasonable time”;

(2) by inserting, after the second paragraph of subparagraph *e* of the second paragraph, the following paragraph:

Identification “The general manager, the secretary or any inspector shall, on request, identify himself and produce a certificate of his capacity issued by the committee.”

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

c. D-8.1, s. 19, am. **129.** Section 19 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by adding, at the end, the words “in connection with the occupation of bookseller and for which he has not obtained a pardon”.

AMUSEMENT TAX ACT

c. D-14, s. 10, am. **130.** Section 10 of the Amusement Tax Act (R.S.Q., chapter D-14) is amended by adding, at the end, the following paragraph:

Execution of judgment “Notwithstanding the first paragraph, no judgment may be executed against the members of the firm or the officers of the corporation unless

they were personally summoned or accused and were given the opportunity to be heard.”

MINING DUTIES ACT

c. D-15, s.
75, am. **131.** Section 75 of the Mining Duties Act (R.S.Q., chapter D-15) is amended

(1) by striking out the words “, in his opinion,” in the second line of subparagraph *b* of the second paragraph;

(2) by replacing the words “it appears to him” in the first and second lines of subparagraph *d* of the second paragraph by the words “he believes on reasonable grounds”;

(3) by inserting, after the word “documents” in the fourth line of subparagraph *d* of the second paragraph, the words “required as evidence of the offence”.

c. D-15, s.
75.1, added **132.** The said Act is amended by inserting, after section 75, the following section:

Identifica-
tion **“75.1** Every person exercising a power of inspection under this Act shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

c. D-15, s.
76, replaced **133.** Section 76 of the said Act is replaced by the following section:

Designation **“76.** The Minister may designate in writing any functionary of the Ministère de l'Énergie et des Ressources or any person to exercise the powers contemplated in the second paragraph.

Search and
seizure The person designated under the first paragraph may, in accordance with the Summary Convictions Act (R.S.Q., chapter P-15), enter and search any premises or receptacle to seek therein for documents, books, registers, papers or other things that may be used as evidence of an offence against this Act or the regulations and seize them.

Peace
officer He may ask a peace officer to accompany him.

Custody The seizer shall have custody of the thing he seizes until it is produced in judicial proceedings.”

c. D-15, s.
77, am. **134.** Section 77 of the said Act is amended by replacing the words “approved it” in the third line by the words “issued the warrant”.

FIRE INVESTIGATIONS ACT

c. E-8, s. 12, replaced **135.** Section 12 of the Fire Investigations Act (R.S.Q., chapter E-8) is replaced by the following sections:

Visit and examination **“12.** For the purposes of his investigation, the investigation commissioner may, with the written authorization of a justice of the peace who is not a fire investigation commissioner, visit the premises where the fire or explosion occurred, examine any objects found there and take possession of any objects which may be useful for the purposes of such investigation.

Authoriza-
tion
required The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, where he is satisfied, on the basis of a sworn statement by the fire investigation commissioner, that there is reasonable cause to believe that the fire or explosion occurred in the circumstances described in section 11 and that visiting the premises, examining or taking possession of the objects found there may be useful for the purposes of the investigation. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it, not later than fifteen days after its issue.

No authori-
zation
required No authorization is required, however, if the conditions for obtaining it exist and if, owing to exigent circumstances, the delay necessary to obtain the authorization may result in danger to human health or to the safety of persons or property or in the disappearance, destruction or loss of anything that may be useful for the purposes of the investigation.

Custody **“12.1** The investigation commissioner shall have custody of any object of which he takes possession.

Object
returned He shall return the object to the person who establishes his right to it, unless it is required for the purposes of this Act or the administration of justice.”

c. E-8, s. 17, am. **136.** Section 17 of the said Act is amended by replacing the words “the second paragraph of section 12” in the second and third lines of the third paragraph by the words “sections 12 and 12.1”.

c. E-8, s. 18, am. **137.** Section 18 of the said Act is amended by replacing the second paragraph by the following paragraph:

In camera
inquiry **“Notwithstanding the foregoing, the investigation commissioner may direct, in the interest of public order, that the inquiry or any part thereof be held *in camera*.”**

c. E-8, s.
21, replaced

138. Section 21 of the said Act is replaced by the following section:

Arrest of
witness

“21. Where the investigation commissioner has reasonable cause to believe that a person whom he intends to summon as a witness in an inquiry will evade service of the summons or will not attend in response to the summons, he may apply to a judge of the Court of the Sessions of the Peace for a warrant enjoining a peace officer to arrest the person and cause him to appear.

Arrest of
witness

Where the investigation commissioner is satisfied that another person has reasonable cause to believe that a witness in the inquiry will evade service of a summons or will not attend in response to a summons, he may authorize that person to apply to a judge of the Court of the Sessions of the Peace for a warrant enjoining a peace officer to arrest the witness and cause him to appear.

Appearance

The person arrested shall appear promptly before a judge of the Court of the Sessions of the Peace. The person arrested and the person who applied for the warrant shall then be given the opportunity to be heard before a ruling is made as to detention or release.”

c. E-8, ss.
21.2 to 21.4,
added

139. The said Act is amended by inserting, after section 21.1, the following sections:

Powers of
judge

“21.2 The judge before whom the person arrested appears may

(1) order that the person be released on recognizance, unconditionally or subject to reasonable conditions, with or without sureties, that he will attend and give evidence at the inquiry; or

(2) order that the person be detained in a house of detention for a period not exceeding eight days or, if the person is under 18 years of age, that he be entrusted to the director of youth protection designated by the judge.

Revision

A ruling made under the first paragraph may, on a motion, be revised by a judge of the Superior Court.

Time limit

“21.3 The person detained by order of the judge before whom he appeared must be called to give evidence at the inquiry within eight days of his appearance.

Jurisdiction

“21.4 The powers conferred by this Act on a judge of the Court of the Sessions of the Peace shall be exercised by a judge of the Youth Court in cases relating to a person under 18 years of age. They may be exercised by a judge of the Provincial Court or by a justice of the peace appointed under section 186 of the Courts of Justice Act, if no

judge of the Court of the Sessions of the Peace or the Youth Court is available in the judicial district.”

ACT RESPECTING EXPLOSIVES

c. E-22, s.
13.1, am.

140. Section 13.1 of the Act respecting explosives (R.S.Q., chapter E-22) is amended

(1) by adding, at the end of paragraph *a*, the words “for which he has not been pardoned”;

(2) by adding, at the end of paragraph *b*, the words “for which he has not been pardoned”.

c. E-22, s.
19, replaced

141. Section 19 of the said Act is replaced by the following sections:

Seizure

“19. An inspector of explosives may seize the explosives in respect of which he has reasonable cause to believe that the standards applicable to them under this Act or the regulations are not complied with.

Custody

“19.1 A justice of the peace may entrust the seizer with the custody of explosives seized under this Act or the Summary Convictions Act (R.S.Q., chapter P-15) or order that they be sold without delay subject to the conditions he determines, and that the proceeds of the sale be deposited with a financial institution in accordance with the Deposit Act (R.S.Q., chapter D-5).

Detention

In no case may the seized explosives or the proceeds of their sale be detained for more than ninety days unless proceedings are brought within that time or a judge issues an order to prolong, by no more than ninety days, the time prescribed for detention.

Confiscation

Where proceedings are brought, the judge may, on rendering judgment, confiscate the explosives or, as the case may be, the proceeds of their sale or order, subject to the conditions he determines, that they be returned to the person entitled thereto. The Minister shall prescribe the manner of disposing of the confiscated explosives.

Destruction

“19.2 Notwithstanding section 19.1, an inspector who has reasonable cause to believe that the keeping or handling of an explosive presents immediate danger to human health or to the safety of persons or property may destroy the explosive without obtaining the authorization of a judge.”

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

c. F-5, s. 5, am. **142.** Section 5 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by replacing the words “he deems expedient” in the second and third lines by the words “which he deems expedient and which is relevant for making a decision on the application”.

GRAIN ACT

c. G-1.1, s. 45, replaced **143.** Section 45 of the Grain Act (R.S.Q., chapter G-1.1) is replaced by the following section:

Presumption **“45.** In the absence of any evidence to the contrary, every person having possession of a quantity of grain in excess of the needs of his own consumption is presumed to intend it for sale.”

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

c. I-8.1, s. 81, repealed **144.** Section 81 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is repealed.

c. I-8.1, s. 109, am. **145.** Section 109 of the said Act, amended by section 47 of chapter 58 of the statutes of 1986, is again amended by striking out paragraph 4.

c. I-8.1, s. 110, am. **146.** Section 110 of the said Act, amended by section 48 of chapter 58 of the statutes of 1986, is again amended by striking out

(1) the words “employs therein as a clerk any woman who is not his wife, or” in the second line of paragraph 7;

(2) the words “or, while the tavern is open, permits a female person other than his wife to be present there” in the third and fourth lines of paragraph 7.

c. I-8.1, s. 110.1, repealed **147.** Section 110.1 of the said Act is repealed.

c. I-8.1, s. 110.2, replaced **148.** Section 110.2 of the said Act is replaced by the following section:

Standards of equipment **“110.2** The Régie may, on the application of the holder of a tavern permit and subject to such conditions as it may specify therein, including as to duration, exempt an establishment from certain standards of equipment.

- Exemption** An establishment contemplated in the first paragraph is deemed, for the application of any other general law or special Act, to meet the standards of equipment from which it has been exempted.”
- c. I-8.1, s. 123, am. **149.** Section 123 of the said Act is amended by striking out the fifth paragraph.
- c. I-8.1, s. 125, am. **150.** Section 125 of the said Act is amended by adding, at the end, the following paragraph:
- Restriction** “Notwithstanding the foregoing, the authorization to make searches or seizures does not allow a person to enter premises or to open or cause to be opened receptacles to search for evidence of an offence against this Act, except in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).”
- c. I-8.1, s. 126, am. **151.** Section 126 of the said Act is amended
- (1) by inserting, after the word “may” in the first line, the words “in exercising the powers provided therein”;
 - (2) by replacing the word “whenever” in the first line of paragraph 1 by the words “where he has reasonable cause to believe that”;
 - (3) by replacing subparagraph *a* of paragraph 1 by the following subparagraph:

“(a) if he has reasonable cause to believe that such alcoholic beverages, by reason of their quantity, are being so transported to be sold;”;
 - (4) by replacing the words “it is suspected on reasonable grounds,” in the second and third lines of subparagraph *b* of paragraph 1 by the words “there is reasonable cause to believe”;
 - (5) by replacing subparagraph *c* of paragraph 1 by the following subparagraph:

“(c) if, according to the circumstances under which the beverages are transported, he has reasonable cause to believe that they are being so transported to be sold without a permit;”;
 - (6) by replacing the word “suspects” in the first line of paragraph 2 by the words “has reasonable cause to believe”;
 - (7) by replacing the words “such measures as he may deem expedient” in the third line of paragraph 2 by the words “any measure necessary”;

(8) by striking out the words “, without a warrant,” in the first line of paragraph 3;

(9) by striking out the words “, without a warrant,” in the first line of paragraph 4;

(10) by replacing the words “seize, without a warrant, any alcoholic beverages which to his knowledge or that of the Régie” in the first and second lines of paragraph 5 by the words “seize any alcoholic beverages if he or the Régie has reasonable cause to believe that they”.

c. I-8.1, s.
127, am.

152. Section 127 of the said Act is amended by striking out the words “under section 126” in the first and second lines.

c. I-8.1, s.
134,
replaced

153. Section 134 of the said Act is replaced by the following section:

Owner or
lessee

“134. The owner or lessee of premises where an offence against this Act is committed or the holder of a permit issued for such premises who authorizes or allows such an offence to be committed therein is guilty of an offence and liable, in addition to costs, to the penalty prescribed for the offence he authorized or allowed.

Proof of
offence

In the absence of any evidence to the contrary, in any proceedings under the first paragraph, proof that an offence against this Act was committed by a person in the employ of the owner, lessee or permit holder is proof that that person has committed the offence with the authorization or consent of the owner, lessee or permit holder.

Persons
party to
offence

If the person who has committed an offence against this Act, the owner or lessee of the premises where the offence was committed or the holder of a permit issued for such premises is a partnership or a corporation, each partner or each director of the corporation who authorized or allowed the commission of the offence is deemed to be a party thereto.”

c. I-8.1, s.
163, am.

154. Section 163 of the said Act is amended by replacing the words “must order” in the second line of paragraph *c* by the words “has ordered”.

c. I-8.1, s.
172, am.

155. Section 172 of the said Act is amended

(1) by replacing the word “must” in the second line of the first paragraph by the word “may”;

(2) by inserting, after the first paragraph, the following paragraph:

Beverages
unfit for
consumption

“Notwithstanding the first paragraph, the court must order the confiscation of seized alcoholic beverages that are unfit for human consumption.”

c. I-8.1, s.
173,
repealed

156. Section 173 of the said Act is repealed.

ACT RESPECTING THE INSPECTOR GENERAL
OF FINANCIAL INSTITUTIONS

c. I-11.1, s.
8, am.

157. Section 8 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended by replacing the first paragraph by the following paragraph:

Powers

“**8.** The Inspector General may, to ascertain compliance with an Act under his administration or any regulation or rule made under such an Act, enter, at any reasonable time, premises where activities governed by such an Act are carried on, question any person, require any information and examine any document or writing relating to the administration of such an Act, regulation or rule.”

c. I-11.1, s.
9, am.

158. Section 9 of the said Act is amended

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

Seizure of
documents

“**9.** If, in the course of an inspection, the Inspector General believes on reasonable grounds”;

(2) by striking out the second paragraph.

c. I-11.1, s.
9.1, added

159. The said Act is amended by inserting, after section 9, the following section:

Inquiry

“**9.1** The Inspector General may make any inquiry to ascertain whether or not a fraudulent act or an offence against an Act under his administration or against a regulation or rule made under such an Act has been committed or is about to be committed.”

c. I-11.1, ss.
13.1 and
13.2, added

160. The said Act is amended by inserting, after section 13, the following sections:

Identifica-
tion

“**13.1** The Inspector General or any person authorized by him to make an inspection or an inquiry shall, on request, identify himself and produce a certificate of his capacity.

Examination
of
documents

“**13.2** The Inspector General shall, on request, allow the owner of any seized document, record, book, paper or thing, or the person having possession of it at the time of seizure, to examine it.”

EDUCATION ACT

c. I-14, s.
78, am.

161. Section 78 of the Education Act (R.S.Q., chapter I-14) is amended by striking out the words “or is the representative of the parents’ committee” in the second and third lines of the second paragraph.

c. I-14, s.
81, am.

162. Section 81 of the said Act is amended by adding, at the end, the following paragraph:

Pardon

“The disqualification shall cease if the person obtains a pardon for the offence.”

c. I-14, s.
85.1, am.

163. Section 85.1 of the said Act is amended by striking out the second paragraph.

c. I-14,
s.167,
repealed

164. Section 167 of the said Act is repealed.

c. I-14, s.
372,
replaced

165. Section 372 of the said Act is replaced by the following section:

Warrant

“**372.** The seizure and sale shall be made under a warrant prepared by the chairman of the school board and signed and issued by the clerk of the Provincial Court or the prothonotary of the Superior Court, according to the amount claimed.

Issue of
warrant

The clerk or the prothonotary shall issue the warrant on the filing of a certificate of the chairman of the school board establishing that the debt is exigible in the amount indicated therein.”

c. I-14, s.
373, am.

166. Section 373 of the said Act is amended by replacing the word “issuing” in the first line of the second paragraph by the word “preparing”.

c. I-14, s.
375, am.

167. Section 375 of the said Act is amended by replacing the words “chairman of the school board or of” in the fourth line by the words “clerk of the Provincial Court, the prothonotary of the Superior Court or”.

c. I-14, s.
376, am.

168. Section 376 of the said Act is amended by adding, at the end, the following paragraph:

Competent
court

“In addition to the grounds mentioned in article 596 of the Code of Civil Procedure, opposition to annul a seizure may be taken to the competent court for any cause likely to affect the claim of the school board.”

c. I-14, s.
476,
repealed

169. Section 476 of the said Act is repealed.

c. I-14, s.
616, am.

170. Section 616 of the said Act is amended

(1) by adding the words “, unless the person has obtained a pardon” at the end of paragraph *b*;

(2) by adding the words “, unless the person has obtained a pardon for either of such indictable offences” at the end of paragraph *c*.

c. I-14, form
15, repealed

171. Form 15, appearing in the schedule to the said Act, is repealed.

INTERPRETATION ACT

c. I-16, s.
58, am.

172. Section 58 of the Interpretation Act (R.S.Q., chapter I-16) is amended by inserting, at the beginning, the following paragraph:

Solemn
affirmation

“**58.** That which is expressed by an oath may be expressed by way of a solemn affirmation; any form of oath prescribed by an Act or a regulation shall be adapted accordingly.”

c. I-16, s.
61, am.

173. Section 61 of the said Act is amended by striking out paragraph 26.

NEWSPAPER DECLARATION ACT

c. J-1, s. 14,
repealed

174. Section 14 of the Newspaper Declaration Act (R.S.Q., chapter J-1) is repealed.

FREEDOM OF WORSHIP ACT

c. L-2, s. 2,
repealed

175. Section 2 of the Freedom of Worship Act (R.S.Q., chapter L-2) is repealed.

c. L-2, s. 5,
am.

176. Section 5 of the said Act is amended by replacing the words “and, upon the oath of any such churchwarden, constable or peace officer, or of any one credible witness, that such person has caused any such disturbance or conducted himself indecently or irreverently or otherwise misdemeaned himself as aforesaid, or on confession of the offender, the said justice of the peace shall” by the words “the justice of the peace may”.

c. L-2, s. 6,
am.

177. Section 6 of the said Act is amended by replacing the words “and on oath made by one of such churchwardens or by such constable or peace officer, or of one or more credible witness or witnesses, that

such person has loitered near any such church, or has refused, in manner aforesaid, to retire or to enter such church, or on confession of the offender, such justice of the peace shall” by the words “the justice of the peace may”.

c. L-2, s. 8,
repealed

178. Section 8 of the said Act is repealed.

c. L-2, s.
11, repealed

179. Section 11 of the said Act is repealed.

c. L-2, s.
12, repealed

180. Section 12 of the said Act is repealed.

c. L-2, s.
13, repealed

181. Section 13 of the said Act is repealed.

ACT RESPECTING LOTTERIES, RACING,
PUBLICITY CONTESTS AND AMUSEMENT MACHINES

c. L-6, s.13,
replaced

182. Section 13 of the Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., chapter L-6) is replaced by the following sections:

Decisions

“13. The decisions of the board shall be in writing and shall state the reasons on which they are based; they form part of the records of the board.

Revision or
revocation

“13.1 The board may, of its own initiative or on the application of any interested person, revise or revoke any decision it has made

(1) where a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(2) where a substantial or procedural defect is likely to invalidate the decision;

(3) where the applicant, being a party to the issue, was, for sufficient reasons, prevented from being heard.”

c. L-6, s.
46, am.

183. Section 46 of the said Act is amended by inserting the words “and taking an active part in racing” after the word “licence” in the fourth line.

c. L-6, s.
68, am.

184. Section 68 of the said Act is amended

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

Access

“68. A person authorized by the board may, for an audit or examination, enter at any reasonable time any place in which registers and books must be kept under this Act, the regulations or the rules

or any place where activities for which a licence is prescribed or registration is required under this Act, the regulations or the rules are carried on.”;

(2) by replacing the words “it appears to him” in the first line of subparagraph *c* of the second paragraph by the words “he believes, on reasonable grounds,”;

(3) by adding, after the second paragraph, the following paragraph:

Identifica-
tion

“The authorized person shall, on request, identify himself and produce a certificate of his capacity issued by the board.”

c. L-6, s.
73, replaced

185. Section 73 of the said Act is replaced by the following section:

Search with-
out warrant

“**73.** In the matter of racing, a person authorized in writing by the board and a peace officer that such person calls to his assistance may, at any time, without a warrant, exercise the powers conferred by section 72 if the conditions for obtaining the warrant exist and if, owing to exigent circumstances, the delay necessary to obtain the warrant may result in danger to the health or safety of animals or in the destruction, disappearance or loss of evidence.”

MINING ACT

c. M-13, s.
337, am.

186. Section 337 of the Mining Act (R.S.Q., chapter M-13) is amended

(1) by replacing the words “at any time” in the second line by the words “at any reasonable time”;

(2) by replacing the words “private and public land” in the third line by the words “land on which activities governed by this Act or by regulations made for the application of this Act are carried on”;

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

Identifica-
tion

“Every person exercising the powers referred to in the first paragraph shall, on request, identify himself and produce a certificate of his capacity.”

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

c. M-14, s.
14, replaced

187. Section 14 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is replaced by the following section:

Access

“14. The officer authorized by the Minister for that purpose may, at any reasonable time, enter any place where an activity subject to this Act or the regulations is carried on and inspect such place; for that purpose, he may pass over any private property if the circumstances so require but the owner shall be indemnified when material damage has been caused to him thereby.

Identification

The officer shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

c. M-22.1,
s. 15, am.

188. Section 15 of the Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1) is amended by inserting the words “, at any reasonable time,” after the word “visit” in the second line of the first paragraph.

c. M-22.1,
s. 17, am.

189. Section 17 of the said Act is amended by inserting the words “identify himself and” after the word “municipality,” in the third line.

ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31, s.
38, am.

190. Section 38 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by replacing the words “it appears to him” in the first line of subparagraph *d* of the second paragraph by the words “he believes on reasonable grounds”;

(2) by inserting, after the second paragraph, the following paragraph:

Identification

“The person so authorized shall, on request, identify himself and produce the document attesting his capacity signed by the Deputy Minister.”

c. M-31, s.
40, replaced

191. Section 40 of the said Act is replaced by the following sections:

Search and
seizure
authorized

“40. With the written authorization of a judge of the Sessions which may be granted on demand *ex parte* following an information made under oath, the Minister may, for all purposes respecting the application of a fiscal law, authorize in writing any functionary of the Ministère du Revenu or any other person whom he designates to enter and search, by force, if need be, any building, receptacle or place to seek therein for documents, books, registers, papers or other things that may be

used as evidence of an offence against a fiscal law or a regulation made by the Government under such law, to seize and remove such documents, books, registers, papers or other things and keep them until they have been produced in judicial proceedings; the person authorized by the Minister under this section may be assisted by a peace officer.

Information The person who makes an information under subsection 1 must have reasonable grounds for believing that the said offence is being or has been committed and that there are in the building, receptacle or place documents, books, registers, papers or other things that may be used as evidence of the offence.

**Authoriza-
tion** The judge may grant his authorization, subject to such conditions as he may specify therein, if he is satisfied that there are reasonable grounds for believing that such an offence is being or has been committed and that there are in the building, receptacle or place such things as may be used as evidence of the offence.

Hours No search may be made before 7 a.m. or after 8 p.m., or on a non-judicial day, except under written authorization of the judge who authorized it.

Seizure “**40.1** The designated functionary or person who enters and searches a building, receptacle or place in accordance with section 40 may seize and remove, in addition to that which is referred to in the said section, the documents, books, registers, papers or other things he believes, on reasonable grounds, to constitute evidence of the commission of an offence against a fiscal law.

**Transmis-
sion to
judge** The designated functionary or person shall, with reasonable dispatch, bring such things before the judge who granted the written authorization provided for in section 40 or, in his absence, before a judge of the same court, or present a report thereon to him.

Retention The judge may authorize the Minister to retain the things for the purposes of an inquiry until they are produced in judicial proceedings, if he is satisfied that they may constitute evidence of an offence against a fiscal law and that they were seized in accordance with this section.

Return Otherwise, the judge shall order that the things be returned to the person from whom they were seized or to the person legally entitled to them.

Examination “**40.2** The Minister shall, on request, allow the examination of any document, book, register, paper or other thing seized, under section 40 or 40.1, by the person from whom it was seized or the person legally entitled to it, or furnish a copy of it to him at his expense.

Costs

In no case may the costs exceed the costs of reproduction and transmission of the documents.”

c. M-31, s.
71, am.

192. Section 71 of the said Act is amended by striking out the words “and subject to section 64 of the Health Insurance Act (chapter A-29)” in the second and third lines.

FARM PRODUCTS MARKETING ACT

c. M-35, s.
89, replaced

193. Section 89 of the Farm Products Marketing Act (R.S.Q., chapter M-35) is replaced by the following section:

Review of
decision

“89. Any interested person may apply to the Board for a review of a decision it has made

(1) to present a new fact which, if it had been known in due time, might have justified a different decision;

(2) where, being a party to the issue, he was, for reasons considered sufficient, prevented from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision.”

c. M-35,
heading,
div. XV,
replaced

194. The heading of Division XV of the said Act is replaced by the following heading:

“INQUIRIES AND INSPECTIONS”.

c. M-35, s.
95, am.

195. Section 95 of the said Act is amended by striking out the words “or inspection” in the first line.

c. M-35, s.
96, am.

196. Section 96 of the said Act is amended

(1) by striking out the words “inquiry or” in the second line of the first paragraph;

(2) by inserting the words “, at any reasonable time,” after the word “enter” in the first line of subparagraph *b* of the first paragraph;

(3) by striking out the words “inquiry or” in the third line of the second paragraph.

c. M-35, s.
97, replaced

197. Section 97 of the said Act is replaced by the following section:

Presumption

“97. In the absence of any evidence to the contrary, every person in possession of a farm product in a quantity that exceeds the needs of his own consumption is presumed to intend it for sale.”

c. M-35, s. 98, am. **198.** Section 98 of the said Act is amended by inserting the words “or an inspection” after the word “inquiry” in the second line.

c. M-35, s. 99, am. **199.** Section 99 of the said Act is amended

(1) by inserting the words “or an inspection” after the word “inquiry” in the third line of the first paragraph;

(2) by inserting the words “or an inspection” after the word “inquiry” in the first line of the second paragraph and the words “identify himself and” after the word “required” in the second line of the same paragraph.

c. M-35, s. 116.1, am. **200.** Section 116.1 of the said Act is amended by striking out the words “subsection 1 of section 33 of the Summary Convictions Act (chapter P-15) does not apply and,” in the third, fourth and fifth lines.

ELECTRICITY MUNICIPALIZATION ACT

c. M-38, s. 10, am. **201.** Section 10 of the Electricity Municipalization Act (R.S.Q., chapter M-38) is amended

(1) by inserting, after the word “enter” in the second line of the first paragraph, the words “, at any reasonable time,”;

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

Identification “Every officer exercising the powers provided for in the first paragraph shall, on request, identify himself and produce a certificate of his capacity signed by a person designated by the municipal corporation.”

ACT RESPECTING LABOUR STANDARDS

c. N-1.1, s. 54, am. **202.** Section 54 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by striking out paragraph 1.

c. N-1.1, s. 77, am. **203.** Section 77 of the said Act is amended by striking out paragraph 1.

NOTARIAL ACT

c. N-2, s. 16, replaced **204.** Section 16 of the Notarial Act (R.S.Q., chapter N-2) is replaced by the following section:

Resignation “**16.** A notary who wishes to resign as an officer or member of the Bureau or any of its committees shall do so in writing. His resignation

shall take effect on the date agreed upon with the Bureau or the Administrative Committee.”

c. N-2, s.
160,
replaced

205. Section 160 of the said Act is replaced by the following section:

Resignation

“**160.** Any practising notary who wishes to resign shall notify the Bureau thereof. The resignation shall take effect on the date agreed upon by the notary and the Bureau.”

c. N-2, s.
161, am.

206. Section 161 of the said Act is amended by replacing the words “is accepted” in the first line by the words “takes effect”.

SUNDAY OBSERVANCE ACT

c. O-1,
repealed

207. The Sunday Observance Act (R.S.Q., chapter O-1) is repealed.

ACT RESPECTING LIQUOR PERMITS

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

208. Section 36 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by inserting the words “in connection with the activities he may carry on under his permit, which is” after the word “offence” in the second line of the second paragraph.

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

209. Section 42 of the said Act is amended by adding, at the end, the following paragraph:

Pardon

“Notwithstanding the foregoing, in no case may the Régie refuse to issue a permit if the applicant or the person referred to in the first paragraph has obtained a pardon for such offence or such indictable offence.”

c. P-9.1, s.
69, repealed

210. Section 69 of the said Act is repealed.

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

211. Section 114 of the said Act is amended by replacing the figure “69” in the first line of paragraph 9 by the figure “68”.

POLICE ACT

c. P-13, s.
3, am.

212. Section 3 of the Police Act (R.S.Q., chapter P-13) is amended by replacing the word “never” in the first line of subparagraph *c* of the first paragraph, by the word “not”.

c. P-13, s.
23, replaced

213. Section 23 of the said Act is replaced by the following section:

Search and
seizure

“23. For the purposes of an inquiry contemplated in section 20, a member of the Commission or any other person designated by the Commission may, with the written authorization of a justice of the peace who is not a member of the Commission, enter the place indicated in the authorization to search for, in order to examine it or seize it, any thing that may be useful to the inquiry.

Authoriza-
tion

The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn statement by a member of the Commission or the person designated by the Commission that there is reasonable cause to believe that there is such a thing in the place indicated.

Hours

The authorization must be acted upon between 7 a.m. and 10 p.m., unless the judge authorizes that it be acted upon at another time. It must be returned, whether acted upon or not, to the justice of the peace who granted it within fifteen days after its issue.

No authori-
zation
required

No authorization is required, however, if the conditions for obtaining it exist and if, owing to exigent circumstances, the delay necessary to obtain the authorization may result in the disappearance, destruction or loss of any thing that may be useful to the inquiry.”

c. P-13, s.
24, am.

214. Section 24 of the said Act is amended

(1) by replacing the words “executing a warrant contemplated in” in the first line by the words “exercising the powers conferred on him by”;

(2) by replacing the word “search” in the third line by the words “enter into”;

(3) by replacing the words “the objects, books, writings and other documents” in the sixth line by the words “any thing”.

c. P-13, s.
28, am.

215. Section 28 of the said Act is amended by replacing the last paragraph by the following paragraph:

Assistance
by advocate

“A witness or a person contemplated in section 29 is entitled to be assisted or represented by an advocate.”

c. P-13, s.
29, replaced

216. Section 29 of the said Act is replaced by the following section:

Hearing

“29. Any person whose name or activities are mentioned at a hearing may ask to testify or produce witnesses at the hearing to explain his conduct or report a fact that he believes will enlighten the Commission.

New testimony Any witness who believes himself aggrieved as a result of his testimony may ask to testify again and produce witnesses.

Examination of witnesses Any witness may be examined by his advocate or cross-examined by the advocate of a person whose name or activities have been mentioned by that witness or his advocate."

c. P-13, s. 31, repealed **217.** Section 31 of the said Act is repealed.

c. P-13, s. 32.1, am. **218.** Section 32.1 of the said Act is amended by adding the words "provided that the filing of the declaration does not deprive a person of his right to be heard on the matter" at the end of the first paragraph.

c. P-13, s. 32.3, am. **219.** Section 32.3 of the said Act is amended by striking out the words "testimony given at a private hearing or," in the second line.

c. P-13, s. 44, replaced **220.** Section 44 of the said Act is replaced by the following section:
Director General **"44.** The Government shall appoint the Director General of the Police Force and fix his salary.

Place of residence The Director General shall reside in the locality where the Police Force headquarters are situated or in the immediate vicinity of that locality."

c. P-13, s. 49, am. **221.** Section 49 of the said Act is amended by striking out the second paragraph.

c. P-13, s. 53, repealed **222.** Section 53 of the said Act is repealed.

c. P-13, s. 54, am. **223.** Section 54 of the said Act is amended by adding the words "where he has reasonable cause to believe that such conduct may adversely affect the performance of the duties of that cadet or member" at the end of the first paragraph.

SUMMARY CONVICTIONS ACT

c. P-15, s. 9.1, added **224.** The Summary Convictions Act (R.S.Q., chapter P-15) is amended by inserting, after section 9, the following section:

Search without warrant **"9.1** A person entrusted with the enforcement of an Act may exercise the powers conferred on him under section 8 without a warrant only if the conditions for obtaining the warrant exist and if, owing to exigent circumstances, the delay necessary to obtain the warrant may result in danger, in particular, to human health or to the safety of persons or property or in the disappearance, destruction or loss of evidence."

c. P-15, s.
10, am. **225.** Section 10 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: "However, where a seizure is made under section 9.1, the seizer shall have custody of the thing seized until it is produced as evidence in judicial proceedings or until it is disposed of according to law."

c. P-15, s.
11, am. **226.** Section 11 of the said Act is amended by replacing the first sentence of subsection 1 by the following sentence: "A thing seized under section 8 or section 9.1 shall not be detained for a period of more than ninety days unless a complaint following the seizure is made before the expiry of such ninety-day period."

c. P-15, s.
12, am. **227.** Section 12 of the said Act is amended by replacing subsection 5 by the following subsection:

Separate
penalties "(5) When a defendant is liable to separate penalties according to whether the offence is a first offence or a subsequent offence, the complaint must not contain any reference indicating whether the proceedings are instituted for a first or a subsequent offence."

c. P-15, s.
29, am. **228.** Section 29 of the said Act is amended by replacing the words "if he thinks proper" in the second paragraph by the words "in the interest of morality or public order".

c. P-15, s.
46.1, added **229.** The said Act is amended by adding, after section 46, the following section:

Greater
punishment **"46.1** In no case may an accused who pleads guilty to or is convicted of an offence be imposed a greater punishment by reason of a previous conviction unless the prosecutor notified the accused before he made his plea that a greater punishment would be sought by reason of the previous conviction.

Previous
conviction Proof of a previous conviction and of the transmission of the notice is incumbent upon the prosecutor, and shall not be brought forth before the accused pleads guilty or is convicted."

c. P-15, s.
63.8, am. **230.** Section 63.8 of the said Act is amended

(1) by striking out the words "and *ex parte*" in the third line of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

Notification
of defendant "The collector shall, before presenting the application, notify the defendant of the nature of the application and of the time and place

it will be presented. The justice of the peace may, however, hear the application against the defendant if it has been impossible to notify him despite reasonable efforts to do so and the collector proves that the defendant cannot be found or is eluding justice.”

ACT RESPECTING PREVENTION OF
DISEASE IN POTATOES

c. P-23.1, s.
22, am.

231. Section 22 of the Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1) is amended by replacing the word “place” in the first line of paragraph 1 by the words “agricultural, commercial or industrial establishment”.

c. P-23.1, s.
30, am.

232. Section 30 of the said Act is amended

(1) by replacing the word “shall” in the fourth line of the first paragraph by the word “may”;

(2) by adding, at the end of the first paragraph, the following sentence: “Notwithstanding the foregoing, the court shall order the confiscation of seized potatoes that are unfit for human consumption.”

c. P-23.1, s.
38, replaced

233. Section 38 of the said Act is replaced by the following section:

Presumption

“38. In proceedings for an offence under section 7, paragraph 2 of section 9 or section 10 or 16, the producer, dealer, carrier or consignee, as the case may be, who was in possession of potatoes which have been the object of a notice under section 5 or 8 is presumed, in the absence of any evidence to the contrary, to have intended them for planting.”

FARM PRODUCERS ACT

c. P-28, s.
41, am.

234. Section 41 of the Farm Producers Act (R.S.Q., chapter P-28) is amended by inserting the word “relevant” after the word “other” in the sixth line.

c. P-28, s.
43, am.

235. Section 43 of the said Act is amended by striking out the words “and investigators” in the first and second lines of the first paragraph and by inserting the words “, at any reasonable time,” after the word “enter” in the second line.

c. P-28, s.
44, repealed

236. Section 44 of the said Act is repealed.

c. P-28, s.
45, am.

237. Section 45 of the said Act is amended

(1) by striking out the words “or investigator” in the first line of the first paragraph;

(2) by striking out the words “or investigator” in the first line of the second paragraph;

(3) by inserting, after the word “shall” in the first line of the second paragraph, the words “identify himself and”.

c. P-28, s.
48, am.

238. Section 48 of the said Act is amended by striking out subparagraph *a* of the first paragraph.

AGRICULTURAL PRODUCTS, MARINE PRODUCTS
AND FOOD ACT

c. P-29, s.
5, replaced

239. Section 5 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is replaced by the following section:

Deteriorated
products

“5. Every person operating a slaughter-house or packing-house, or engaged in the manufacture, preparation, conditioning, selling or storing of food must immediately discard every product that is unfit for human consumption or deteriorated so that it is unfit for human consumption.

Unfit
equipment

Every such person must also immediately discard any unfit or insalubrious equipment.”

c. P-29, s.
33, replaced

240. Section 33 of the said Act is replaced by the following sections:

Powers of
authorized
person

“33. Every authorized person who believes, on reasonable grounds, that there are products or other objects to which this Act applies in premises where a product is prepared, packed, processed, packaged, stored, unloaded, offered for sale or sold, kept for sale or for providing services for remuneration and in premises where a stamp referred to in section 6 is manufactured, reproduced, kept or used may, in the performance of his duties,

(1) enter such premises at any reasonable time;

(2) inspect the premises, equipment and any product or other object to which this Act applies and take samples free of charge;

(3) stop any vehicle in which such a product is transported and inspect it;

(4) take photographs of the product, object, premises or equipment;

(5) require communication of any book, shipment bill, bill of lading or any other document or record if he believes, on reasonable grounds, that it contains information relevant to the administration of this Act or the regulations for examination, reproduction or for obtaining extracts therefrom;

(6) use any appropriate technical device to prevent operations by any permit holder outside the operating hours fixed under section 34.

Seizure

“33.1 Every authorized person may seize any product or other object to which this Act applies if he believes, on reasonable grounds, that an offence against this Act or the regulations has been committed in relation to or by means of such product or object.

Custody

“33.2 The owner or person who had possession of the thing seized shall have custody of the thing. Every authorized person may, however, if he considers it advisable, remove it to other premises for purposes of safekeeping.

Detention

The thing seized shall be detained until a decision is made under section 33.3, 33.4, 33.5, 33.7, 33.8 or 33.9 or, if proceedings are instituted, until a court has decided by judgment.

Thing
returned

“33.3 The thing seized shall be returned to the owner or person who had possession of it

(1) after the expiration of ninety days from the date of seizure, unless proceedings have been instituted; or

(2) when the authorized person is of opinion, after verification during that time, that no offence against this Act or the regulations has been committed or that the owner or person who had possession of the thing seized has, since the seizure, complied with the provisions of this Act or the regulations.

Application
for release

“33.4 The owner or person who had possession of the thing seized may, at any time, apply to a justice of the peace to obtain the release of the thing.

Service

The application shall be served on the seizer or, if proceedings have been instituted, on the prosecutor.

Application
granted

The justice of the peace shall grant the application if he is satisfied that the applicant will suffer serious or irreparable damage if detention of the seized thing is maintained and its release will not hinder the course of justice.

Confiscation **“33.5** Every thing that has been seized shall be confiscated ninety days after the day it was seized if its owner or the person who had possession of it is unknown or cannot be found, and shall be disposed of as the Minister may direct.

Prolongation **“33.6** A justice of the peace may, on the application of the seizer, order that the period of detention be prolonged for a maximum of ninety days.

Confiscation **“33.7** The judge who imposes a penalty for an offence against this Act or the regulations may, on the application of one of the parties, order that any thing seized under section 33.1 be confiscated.

Disposal The Minister shall prescribe the manner of disposing of the thing confiscated under this section.

Destruction **“33.8** Every authorized person who believes, on reasonable grounds, that a product is unfit for human consumption or deteriorated so that it is unfit for human consumption may, whether or not the product has been seized, require that it be destroyed by the person having possession of it by giving that person notice to that effect by way of a writing given to him or to his representative or employee or sent to him by registered mail at his business address.

Supervision The destruction must be carried out under the supervision of the authorized person.

Confiscation Any product unfit for human consumption or deteriorated so that it is unfit for human consumption which has not been destroyed in accordance with this section shall be confiscated by the authorized person and destroyed at the expense of the person having possession of the product as the Minister may direct.

Application
for destruc-
tion **“33.9** Every authorized person who believes, on reasonable grounds, that a product is otherwise not in conformity with this Act or the regulations may apply to a judge or court for an order requiring the person having custody of the product to destroy it under his supervision, whether the product has been seized or not.”

c. P-29, s.
36, am. **241.** Section 36 of the said Act is amended by inserting, after the word “request,” in the first line of the second paragraph, the words “identify himself and”.

c. P-29, s.
53, am. **242.** Section 53 of the said Act is amended by replacing the second paragraph by the following paragraph:

Evidence

“Evidence that the offence was committed by a person, identified or not, in the employ of such operator shall be, in the absence of any evidence to the contrary, evidence that the offence was committed with the authorization and under the direction of the latter.”

c. P-29, s.
54, replaced

243. Section 54 of the said Act is replaced by the following section:

Presumption

“**54.** In the absence of any evidence to the contrary, the person having possession of a product in a quantity that exceeds the needs of his own consumption is presumed to intend it for sale or for the furnishing of services for remuneration.”

c. P-29, s.
55, replaced

244. Section 55 of the said Act is replaced by the following section:

Transportation of products

“**55.** Nothing in this Act shall be interpreted as prohibiting the transportation of products in transit in Québec; however, in the absence of any evidence to the contrary, the transportation of a product without a bill of lading or way bill indicating the names and addresses of the sender and consignee is evidence that such product is to be delivered in Québec.”

BICYCLE OWNERSHIP ACT

c. P-31, s.
4, replaced

245. Section 4 of the Bicycle Ownership Act (R.S.Q., chapter P-31) is replaced by the following section:

Inspection

“**4.** A peace officer may, at any reasonable time, enter any establishment where the trade or the storing of used bicycles or cycles is carried on and visit the premises to inspect the bicycles and cycles found therein. He may also require that the register prescribed by section 3 be furnished to him.

Access

The owner or any person in charge of such an establishment is required to allow the peace officer to exercise the powers referred to in the first paragraph.”

YOUTH PROTECTION ACT

c. P-34.1, s.
25, replaced

246. Section 25 of the Youth Protection Act (R.S.Q., chapter P-34.1) is replaced by the following section:

Access

“**25.** A member of the Comité or any person in its employment may, with the written authorization of a justice of the peace, enter premises in which he has reasonable cause to believe there is a child whose security or development is or may be considered to be in danger and where entry is necessary for the purposes of an inquiry of the Comité.

Authoriza-
tion granted The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn statement by the member of the Comité or the person in the employment of the Comité that there is reasonable cause to believe that there is therein a child whose security or development is or may be considered to be in danger and if entry therein is necessary for the purposes of an inquiry. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it, within fifteen days after its issue.

No authori-
zation
required No authorization is required, however, if the conditions for obtaining it exist and if, owing to exigent circumstances, the delay necessary to obtain the authorization may result in danger to the security of a child."

c. P-34.1, s.
26, replaced **247.** Section 26 of the said Act is replaced by the following section:

Consultation
of records **"26.** Notwithstanding section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5), a member of the Comité or a person in its employment may, at any reasonable time or at any time in an emergency, enter any establishment to consult on the premises the record relating to the case of a child and make copies thereof.

Transmis-
sion The establishment shall, on request, transmit a copy of the record to the Comité."

c. P-34.1, s.
26.1, added **248.** The said Act is amended by inserting, after section 26, the following section:

Identifica-
tion **"26.1** Every person acting under section 25 or 26 shall, on request, identify himself and produce a certificate of his capacity."

c. P-34.1, s.
35.1,
replaced **249.** Section 35.1 of the said Act is replaced by the following sections:

Inquiry **"35.1** The director or any person acting under section 32 or 33 may inquire into any matter within the competence of the director.

Authoriza-
tion for
search **"35.2** On the application of a person referred to in section 35.1 or of a peace officer, a justice of the peace may authorize in writing the director, any person acting under section 32 or 33 or any peace officer to search for a child and bring him before the director.

Authoriza-
tion granted The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn statement by the person applying for the authorization that the child's situation has been brought to the attention of the director

or that there is reasonable cause to believe that his security or development is or may be considered to be in danger and that it is necessary to search for him and bring him before the director.

Authoriza-
tion
returned

The authorization shall be returned to the justice of the peace who granted it.

Search

“35.3 A person referred to in section 35.1 or a peace officer may, with the written authorization of a justice of the peace, enter premises to search for a child and bring him before the director if he has reasonable cause to believe that the child is to be found there and that his situation has been brought to the attention of the director or his security or development is or may be considered to be in danger.

Authoriza-
tion granted

The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn statement by the director, the person acting under section 32 or 33 or the peace officer that there is reasonable cause to believe that there is therein a child whose situation has been brought to the attention of the director or whose security or development is or may be considered to be in danger and that entry therein is necessary to search for the child and bring him before the director. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it, within fifteen days after its issue.

No authori-
zation
required

No authorization is required, however, if the conditions for obtaining it exist and if, owing to exigent circumstances, the delay necessary to obtain the authorization may result in danger to the security of a child.”

c. P-34.1, s.
36, replaced

250. Section 36 of the said Act is replaced by the following section:

Sexual
abuse

“36. Notwithstanding section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5), where the director decides to act on a situation that has been brought to his attention regarding a child who is the victim of sexual abuse or subject to physical ill-treatment or whose physical health is threatened by the lack of appropriate care, he and any person acting under section 32 or 33, may, at any reasonable time or any time in an emergency, enter an establishment to examine on the premises the record kept on the child and make copies thereof.

Transmis-
sion of
record

The establishment shall, on request, transmit a copy of the record to the director.”

c. P-34.1, s.
36.1, added

251. The said Act is amended by inserting, after section 36, the following section:

Identifica-
tion

“36.1 The director or every person acting under section 32 or 33 shall, if so requested when exercising the powers provided for in section 35.1, 35.2, 35.3 or 36, identify himself and produce a certificate of his capacity.”

PUBLIC HEALTH PROTECTION ACT

c. P-35, s.
12, am.

252. Section 12 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by inserting, after the first paragraph, the following paragraph:

Order to
undergo
immuniza-
tion or
treatment

“Moreover, the judge may, if he believes on reasonable grounds that the person will not undergo immunization, examination or treatment or that it is required for the protection of public health, order that the person be taken to an establishment for immunization, examination or treatment.”

c. P-35, s.
15, repealed

253. Section 15 of the said Act is repealed.

c. P-35,
heading,
Div. X,
replaced

254. The heading of Division X of the said Act is replaced by the following heading:

“INSPECTION”.

c. P-35, s.
65, am.

255. Section 65 of the said Act is amended by replacing the words “inquire into any matter within his competence or within what he delegated to a regional council in accordance with section 2” in the third, fourth and fifth lines by the words “carry out an inspection to ascertain whether or not this Act and the regulations, including those that may be made by a regional council in accordance with the delegation provided under section 2 of this Act, are being complied with”.

c. P-35, s.
66, am.

256. Section 66 of the said Act is amended

(1) by replacing the words “make an inquiry” in the first line of the first paragraph by the words “carry out an inspection”;

(2) by inserting, before the word “time” in the second line of the first paragraph, the word “reasonable”;

(3) by inserting, after the word “plant” in the first line of the second paragraph, the words “at any reasonable time”;

(4) by striking out the third and fourth paragraphs.

c. P-35, s.
67, am.

257. Section 67 of the said Act is amended

(1) by replacing the words “An investigator shall at all times” in the first line of the first paragraph by the words “A person authorized to carry out an inspection shall at any reasonable time”;

(2) by replacing the word “investigator” in the last line of the first paragraph by the words “person authorized to carry out an inspection”;

(3) by replacing the words “an investigator” in the first line of the second paragraph by the words “a person authorized to carry out an inspection”.

c. P-35, s.
68, am.

258. Section 68 of the said Act is amended

(1) by replacing the words “an investigator making an inquiry” in the first line by the words “a person carrying out an inspection”;

(2) by replacing the word “le” in the second line of the French text by the word “la”;

(3) by replacing the word “il” in the fifth line of the French text by the word “elle”.

c. P-35, s.
68.1, added

259. The said Act is amended by inserting, after section 68, the following section:

Identifica-
tion

“68.1 A person exercising the powers provided for in sections 66 and 67 shall, if so requested, identify himself and produce a certificate of his capacity.”

PLANT PROTECTION ACT

c. P-39, s.
4, replaced

260. Section 4 of the Plant Protection Act (R.S.Q., chapter P-39) is replaced by the following section:

Access

“4. The entomologist may, at any reasonable time, enter any garden, orchard, field, hothouse, nursery or establishment of a person holding a permit issued under section 18, in which he believes, on reasonable grounds, plants to which this Act applies may be found.

Identifica-
tion

The entomologist shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

CONSUMER PROTECTION ACT

c. P-40.1, s.
306,
replaced

261. Section 306 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is replaced by the following sections:

Inspection
and exami-
nation

“306. The president may, in the performance of his duties, enter at any reasonable time the establishment of a merchant, a manufacturer or an advertiser and inspect it and, in particular, examine the registers, books, accounts, vouchers and other documents and the goods offered for sale or sold by the merchant and take specimens for the purposes of expert appraisal.

Identifica-
tion

The president shall, on request, identify himself and produce a certificate of his capacity.

Information

“306.1 The president may require, for the purposes of an investigation or inspection, any information relevant to the administration of an Act or regulation the administration of which is under the supervision of the Office.

Copies

Every book, register or other document having been examined by the president or produced to him may be copied or photocopied and every copy or photocopy of such book, register or document certified by the president to be a copy or photocopy of the original is receivable as evidence and has the same probative value as the original.”

c. P-40.1, s.
319, am.

262. Section 319 of the said Act is amended by inserting, after the figure “306” in the second line, the figure “, 306.1”.

c. P-40.1, s.
325, am.

263. Section 325 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) in his opinion, there are reasonable grounds to believe that the permit must be refused to ensure, in the public interest, that the business activities contemplated in this chapter will be performed with honesty and competence;”.

c. P-40.1, s.
327, am.

264. Section 327 of the said Act is amended

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

“(a) an offence against any Act or regulation the administration of which is under the supervision of the Office and for which he has not obtained a pardon;”;

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

“(b) an indictable offence in connection with the occupation of merchant and for which he has not obtained a pardon.”

c. P-40.1, s.
328, am.

265. Section 328 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) an indictable offence in connection with the occupation of merchant.”

c. P-40.1, s. 329, am. **266.** Section 329 of the said Act is amended by replacing paragraph c by the following paragraph:

“(c) is unable to ensure, in the interest of the public, that his business activities will be performed with honesty and competence;”.

ACT TO PRESERVE AGRICULTURAL LAND

c. P-41.1, s. 18, am. **267.** Section 18 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by replacing the first paragraph by the following paragraph:

Review “**18.** The commission may, on the application of any interested party, review any decision or order

(1) when a new fact is discovered which, if it had been known in due time, might have justified a different decision or order;

(2) where the plaintiff, who is a party to the issue, was, for reasons considered sufficient, prevented from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision or order.”

c. P-41.1, s. 18.4, replaced **268.** Section 18.4 of the said Act is replaced by the following section:

Hearing “**18.4** Before ruling on an application for review, the commission shall give interested persons the opportunity to be heard.”

c. P-41.1, s. 19, am. **269.** Section 19 of the said Act is amended

(1) by replacing the words “at all times” in the first line of the second paragraph by the words “at any reasonable time”;

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

Access “An investigator may have access to the books, registers, accounts, records or other documents relating to his investigation of any owner or operator of a lot that is subject to this Act and require communication thereof for examination, reproduction or the drawing of extracts.”;

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

Identification “An investigator shall, on request, identify himself and produce a certificate of his capacity issued by the commission.”

c. P-41.1, s. 44, am. **270.** Section 44 of the said Act is amended by replacing the first paragraph by the following paragraph:

Hearing “**44.** Before rendering its decision, the commission must give the applicant or any interested person the opportunity to be heard.”

c. P-41.1, s. 60, am. **271.** Section 60 of the said Act is amended by replacing the first paragraph by the following paragraph:

Hearing “**60.** The commission must give the applicant and any interested person the opportunity to be heard.”

ENVIRONMENT QUALITY ACT

c. Q-2, s. 25, am. **272.** Section 25 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

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

Service of notice “The Deputy Minister shall, before issuing an order, serve on whoever is responsible for the source of contamination prior notice of not less than fifteen days setting out the reasons which appear to justify an order, the date on which it is to have effect and the fact that representations may be made by whoever is responsible for the contamination. The notice shall be accompanied with a copy of every analysis, study or other technical report considered by the Deputy Minister for the purposes of the proposed order.”;

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

Statement of grounds “The order shall include a statement of the grounds invoked by the Deputy Minister. It shall take effect on the date it is served on whoever is responsible for the source of contamination or on any later date indicated in the order.”

c. Q-2, s. 26, am. **273.** Section 26 of the said Act is amended by replacing the first two lines of the first paragraph by the following:

Exception “**26.** The Deputy Minister may, however, without prior notice but for a period of not over thirty days, order whoever is responsible for a source of”.

c. Q-2, s. 76, am. **274.** Section 76 of the said Act is amended by replacing the first sentence by the following sentence: “Every municipality may cause

any inquiry to be made by its officers to determine whether any nuisance or unsanitary condition exists in an immovable.”

c. Q-2, s. 76.1, added **275.** The said Act is amended by inserting, after section 76, the following section:

Inspection **“76.1** For the purposes of an inquiry, the officer may, at any reasonable time, enter an immovable and inspect it to determine whether any nuisance or unsanitary condition exists in the immovable.

Identification The officer shall, on request, identify himself and produce a certificate of his capacity issued by the municipality.”

c. Q-2, s. 78, am. **276.** Section 78 of the said Act is amended by striking out the words “have the premises visited and” in the first and second lines.

c. Q-2, s. 84, am. **277.** Section 84 of the said Act is amended by inserting, after the figure “76” in the third line, the figure “, 76.1”.

c. Q-2, s. 100, am. **278.** Section 100 of the said Act is amended by inserting the words “or represented” after the word “assisted” in the third line of the first paragraph.

c. Q-2, s. 110.2, repealed **279.** Section 110.2 of the said Act is repealed.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND
CIRCUMSTANCES OF DEATH

c. R-0.2, s. 49.1, added **280.** The Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by inserting, after section 49, the following section:

Presence of body suspected **“49.1** Every coroner having reasonable and probable grounds for believing that a dead body is to be found in a place may enter that place to take possession of it and, at the same time, inspect the place and examine or seize any object or document useful for the performance of his duties.”

c. R-0.2, s. 50, am. **281.** Section 50 of the said Act is amended by striking out the words “or the taking of possession of a dead body” in the second and third lines.

c. R-0.2, s. 56, am. **282.** Section 56 of the said Act is amended by inserting, at the beginning, the following words: “Subject to the conditions that may be specified by a justice of the peace in accordance with section 72,”.

c. R-0.2, s.
59, am. **283.** Section 59 of the said Act is amended by adding, at the end, the following:

“(7) the date of the authorization granted by a justice of the peace, where that is the case.”

c. R-0.2, s.
65, am. **284.** Section 65 of the said Act is amended by replacing the figure “50” in the fourth line of the first paragraph by the figure “49.1”.

c. R-0.2, s.
66, am. **285.** Section 66 of the said Act is amended by replacing the words “there is” in the first line of subparagraph 1 of the first paragraph by the words “he has”.

c. R-0.2, s.
68, am. **286.** Section 68 of the said Act is amended by replacing the figure “50” in the third line by the figure “49.1”.

c. R-0.2, s.
69, am. **287.** Section 69 of the said Act is amended by inserting, at the beginning, the following words: “Subject to the conditions that may be specified by a justice of the peace in accordance with section 72,”.

c. R-0.2, s.
72, replaced **288.** Section 72 of the said Act is replaced by the following section:

Right of
entry **“72.** The coroner or a person authorized under section 49, 65 or 68 may, with the written authorization of a justice of the peace, enter any place for the purposes contemplated in section 49, 49.1 or 50.

Authoriza-
tion granted The justice of the peace may grant the authorization, subject to such conditions he may specify therein, if he is satisfied, on the basis of a sworn statement by the coroner or the person authorized under section 49, 65 or 68, that there are reasonable and probable grounds for believing that entry into that place is useful for the performance of the coroner’s duties. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it, not later than fifteen days after its issue.

No authori-
zation
required The authorization of a justice of the peace is not required, however, to enter any place within 24 hours following the receipt of a notice given under Chapter II for the purposes contemplated in section 49.1. Nor is the authorization required if the conditions for obtaining it exist and if, owing to exigent circumstances, the delay necessary to obtain the authorization may result in danger to human health or to the safety of persons or property or in the disappearance, destruction or loss of what is useful for the performance of the coroner’s duties.”

c. R-0.2, s.
162.1,
added **289.** The said Act is amended by inserting, after section 162, the following section:

Consultation
of
documents

“162.1 Notwithstanding section 162, once the coroner has transmitted his report of inquest, the summons of the witnesses and the documents referred to in paragraphs 1 to 3 of section 161 are public and may be consulted by any person. However, the coroner may, if he considers it necessary in the public interest or for the protection of the privacy of a person, his reputation or his right to a just and fair trial, ban the publication or release of the summons or documents.”

ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

c. R-2.2, s.
11, am.

290. Section 11 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by replacing paragraph 2 by the following paragraph:

“(2) if he has reasonable grounds to believe that a refusal is necessary to ensure, in the interest of the public, honesty and competence in collection agents’ activities;”.

c. R-2.2, s.
12, am.

291. Section 12 of the said Act is amended

(1) by adding the words “and for which he has not obtained a pardon” at the end of paragraph 1;

(2) by replacing paragraphs 2 and 3 by the following paragraphs:

“(2) an indictable offence in connection with the activities of a collection agent and for which he has not obtained a pardon; or

“(3) an offence punishable on summary conviction described in Part VII or in section 381 or 383 of the Criminal Code and for which he has not obtained a pardon.”

ACT RESPECTING THE RÉGIE DE L'ÉLECTRICITÉ ET DU GAZ

c. R-6, s.
40, am.

292. Section 40 of the Act respecting the Régie de l'électricité et du gaz (R.S.Q., chapter R-6) is amended

(1) by replacing the words “he deems” in the fourth line of paragraph *a* by the words “it is”;

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

Identifica-
tion

“A controller exercising the powers provided in the first paragraph shall, on request, identify himself and produce a certificate of his capacity issued by the Régie.”

ACT RESPECTING THE RÉGIE DU LOGEMENT

c. R-8.1, s.
30.1, am. **293.** Section 30.1 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by adding the words “, and for a term specified in the instrument of appointment” at the end of the first paragraph.

ACT RESPECTING THE QUÉBEC PENSION PLAN

c. R-9, s.
208, am. **294.** Section 208 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the word “it” in the third line by the words “communication thereof”.

WATERCOURSES ACT

c. R-13, s.
84, replaced **295.** Section 84 of the Watercourses Act (R.S.Q., chapter R-13) is replaced by the following section:

Inspection **“84.** Any person specially authorized in writing by the Minister of the Environment may, at any reasonable time, enter upon and pass over any property where any construction or work referred to in section 80 is located to investigate any matter relating to the construction or work, or to any change in the flow of water resulting from such construction or work.

Identification Any person exercising the powers referred to in the first paragraph shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

ACT RESPECTING LABOUR RELATIONS IN THE CONSTRUCTION INDUSTRY

c. R-20, s.
57, am. **296.** Section 57 of the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20) is amended by striking out the second paragraph.

c. R-20, s.
58, am. **297.** Section 58 of the said Act is amended by striking out the second paragraph.

c. R-20, s.
81, am. **298.** Section 81 of the said Act is amended

(1) by replacing the words “at any time” by the words “at any reasonable time” in the first line of paragraph e;

(2) by replacing the words “at any time” by the words “at any reasonable time” in the first line of paragraph f;

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

Identifica-
tion

“Every person authorized by the board to exercise the powers referred to in paragraph *e* or *f* shall, on request, identify himself and produce a certificate of his capacity issued by the board.”

ACT RESPECTING ECOLOGICAL RESERVES

c. R-26, s.
13, am.

299. Section 13 of the Act respecting ecological reserves (R.S.Q., chapter R-26) is amended by replacing the third and fourth lines of the first paragraph by the following: “every person so arrested must be brought promptly before a justice of the peace for the purposes of an appearance.”

ACT RESPECTING THE SALARIES OF OFFICERS OF JUSTICE

c. S-2, s. 8,
am.

300. Section 8 of the Act respecting the salaries of officers of justice (R.S.Q., chapter S-2) is amended by striking out, at the end, the following: “, and in default of immediate payment of any sum of money so ordered to be paid, the judge may commit the offender to the house of detention of the district, there to be detained until such payment is made in full”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

c. S-2.1, s.
176.2, am.

301. Section 176.2 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by inserting, after the first paragraph, the following paragraph:

Term of
chairman

“The chairman shall be appointed for a term specified in the instrument of appointment.”

c. S-2.1, s.
179, am.

302. Section 179 of the said Act is amended

(1) by adding the words “, and inspect that place” at the end of the first paragraph;

(2) by striking out the fourth paragraph.

ACT RESPECTING SAFETY IN SPORTS

c. S-3.1, s.
35, am.

303. Section 35 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by adding, at the end, the words “for which he has not obtained a pardon”.

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND
TRAPPERS WHO ARE BENEFICIARIES UNDER THE AGREEMENT CONCERNING
JAMES BAY AND NORTHERN QUÉBEC

c. S-3.2, s.
29, am.

304. Section 29 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is amended by inserting, at the beginning, the words “Subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1),”.

ACT RESPECTING CHILD DAY CARE

c. S-4.1, s.
35, am.

305. Section 35 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended by replacing the words “at any time” in the first line of the first paragraph by the words “in the exercise of his powers”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

c. S-5, s. 7,
am.

306. Section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended

(1) by replacing the words “or in other cases provided for by the law or the regulations” in the fifth and sixth lines of the first paragraph by the words “or in cases where an Act or regulation provides that such communication is necessary for its administration”;

(2) by adding, at the end of the second paragraph, the words “, in accordance with the criteria established in section 125 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”.

c. S-5, s. 8,
am.

307. Section 8 of the said Act is amended by adding, at the end, the following paragraphs:

Communica-
tion of
record

“Notwithstanding the first paragraph, the heirs of a recipient shall not be given communication of the record of that recipient, except for the purposes of exercising their rights as heirs.

Communica-
tion of
record

Similarly, no person who is entitled to the payment of a benefit under an insurance policy on the life of a recipient may be given communication of the record of that recipient, except for the purposes of establishing his rights to the benefit.”

c. S-5, s.
142, am.

308. Section 142 of the said Act is amended by replacing the words “make an inquiry” in the first and second lines of the first paragraph by the words “carry out an inspection”.

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

c. S-8, s.
20, replaced

309. Section 20 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is replaced by the following section:

Powers of
members of
Corporation

“20. A member of the Corporation or any person authorized for such purpose by the Corporation may, to ascertain compliance with this Act, and the regulations,

(1) enter, at any reasonable time, an immovable owned by the municipality or by a person who applies for or receives assistance from the Corporation in the form of a loan or otherwise;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information related to the assistance provided by the Corporation;

(3) require any information related to the administration of this Act and the production of any relevant document.

Assistance

The member of the Corporation or the person authorized by the Corporation may require from the owner, lessee or occupant of the immovable the assistance necessary for the exercise of his functions.”

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

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

310. Section 34 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended

(1) by replacing the words “investigators delegated by the Minister may” in the first and second lines of the second paragraph by the words “any other person delegated by the Minister may, at any reasonable time,”;

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

Identifica-
tion

“An inspector or any other person delegated by the Minister shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

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

311. Section 39 of the said Act is amended by replacing the words “a police officer, investigator or inspector duly authorized under this

Act "in the first and second lines by the words "a person authorized under section 34 or 40".

c. S-13, s.
40, am. **312.** Section 40 of the said Act is amended by adding, at the end, the following paragraph:

Restriction "Notwithstanding the foregoing, the authorization to make searches or seizures does not allow a person to enter a place or to open or cause to be opened receptacles to search for evidence of an offence against this Act or the regulations, except in accordance with the Summary Convictions Act (R.S.Q., chapter P-15)."

c. S-13, s.
41, am. **313.** Section 41 of the said Act is amended by replacing the words "without a warrant" in the first and second lines by the words ", in exercising the powers referred to therein,".

c. S-13, s.
42, am. **314.** Section 42 of the said Act is amended by striking out the words and figure "under section 41" in the first and second lines.

c. S-13, s.
47, am. **315.** Section 47 of the said Act is amended by striking out the words "under this act" in the first and second lines.

FUEL TAX ACT

c. T-1, s.
45.1,
replaced **316.** Section 45.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is replaced by the following section:

Participation
in
commission
of an
offence **"45.1** Every owner or lessee of a motor vehicle or propulsion engine who permits, authorizes, acquiesces or participates in the commission of an offence described in paragraph *a* or *b* of section 43.1 by means of that vehicle or engine is guilty of an offence and liable to the penalty prescribed by section 43.1.

Proof In any proceedings under the first paragraph, proof that an offence described in paragraph *a* or *b* of section 43.1 has been committed by a person in the employ of the owner or lessee is proof, in the absence of any evidence to the contrary, that the person has committed the offence with the authorization or permission of the owner or lessee."

c. T-1, s.
45.2, am. **317.** Section 45.2 of the said Act is amended by striking out the words "beyond all doubt" in the ninth line.

ACT RESPECTING PUBLIC AGRICULTURAL LANDS

c. T-9.1, s.
20, am. **318.** Section 20 of the Act respecting public agricultural lands (R.S.Q., chapter T-9.1) is amended by replacing the first paragraph by the following paragraph:

Order of
eviction

“20. On proof that the lease has been cancelled and that the lessee is wrongly in possession of the land, the judge may, if he is satisfied that the cancellation was made for good and valid reason, grant order on the lessee to leave the land and deliver up possession of it to the Minister.”

TRANSPORT ACT

c. T-12, ss.
6 and 7,
repealed

319. Sections 6 and 7 of the Transport Act (R.S.Q., chapter T-12) are repealed.

c. T-12, s.
17.2,
replaced

320. Section 17.2 of the said Act is replaced by the following section:

Review of
decision

“17.2 Every interested person may apply to the Commission for a review of any decision rendered by the Commission which has not been appealed from to the Court of Appeal

(1) to present a new fact which, if it had been known in due time, might have justified a different decision;

(2) where, being a party to the issue, he was, for reasons considered sufficient, prevented from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision.”

c. T-12, s.
17.3, am.

321. Section 17.3 of the said Act is amended by replacing the word “leave” in the first line by the word “review”.

c. T-12, s.
17.8, am.

322. Section 17.8 of the said Act is amended by replacing the words “The president may designate” in the first line by the words “The Minister may, after consultation with the president, designate, for such period as he may determine,”.

c. T-12, s.
17.9,
replaced

323. Section 17.9 of the said Act is replaced by the following section:

Decision

“17.9 A decision rendered by a person designated by the Minister under section 17.8 is a decision of the Commission which may be reviewed on the same grounds and in the same manner as any other decision.”

c. T-12, s.
22, am.

324. Section 22 of the said Act is amended by striking out the third paragraph.

c. T-12,
Heading,
Div. VI,
replaced

325. The heading of Division VI of the said Act is replaced by the following heading:

“INQUIRIES AND INSPECTIONS”.

c. T-12, ss.
49 to 49.5,
replaced

326. Sections 49 to 49.5 of the said Act are replaced by the following sections:

Powers of
inquiry

“**49.** In exercising its powers, the Commission, each of its members and any person designated by the Minister under section 17.8 may inquire into any matter within the competence of the Commission.

Immunity

“**49.1** For the purposes of an inquiry under section 49, the Commission, each of its members and any person designated by the Minister under section 17.8 has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Inspector

“**49.2** The Minister or the Commission may authorize any person to act as an inspector to ascertain compliance with this Act and the regulations and any other Act which confers a competence upon the Commission.

Powers of
authorized
persons

Any person so authorized, any member of the Sûreté du Québec and any public servant of the Sûreté du Québec designated by the Director General of the Sûreté du Québec for the enforcement of this Act may, in the performance of his duties

(1) enter, at any reasonable time, the establishment of a carrier, a consignor or a consignee and inspect it;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information related to the activities of the persons referred to in subparagraph 1;

(3) require any information related to the administration of the Acts and regulations referred to in the first paragraph and the production of any relevant document.

Communica-
tion of
documents

Any person having custody, possession or control of such books, registers, accounts, records and other documents shall, if so required, give communication thereof to the person making the inspection and facilitate his examination thereof.”

c. T-12, s.
50, am. **327.** Section 50 of the said Act is amended by inserting the words “a person authorized to act as an inspector,” after the word “person,” in the second line.

c. T-12, s.
50.1, am. **328.** Section 50.1 of the said Act is amended by replacing the words “show, if he is required to do so” in the second line by the words “, on request, identify himself and show”.

PUBLIC WORKS ACT

c. T-15, s.
21, am. **329.** Section 21 of the Public Works Act (R.S.Q., chapter T-15) is amended by inserting the words “, for such period as it may determine,” after the word “appoint” in the second line of the first paragraph.

c. T-15, s.
28, am. **330.** Section 28 of the said Act is amended by replacing the third paragraph by the following paragraph:

Three
arbitrators “In every case where the claim is referred to the three arbitrators, they shall receive the evidence, hear the parties and exercise all the powers preliminary or incident to the hearing and to the taking of evidence. The award of the majority shall be final and without appeal.”

c. T-15, s.
29, replaced
Appeal **331.** Section 29 of the said Act is replaced by the following section:

“**29.** If, in any case where a claim has been referred to only one arbitrator, the claimant be not satisfied with the award, he may, by a notice in writing transmitted to the secretary of the board, within one month after notice of the award has been served on such claimant, appeal to the board of arbitration consisting, in that case, of only the other two arbitrators. The board shall hear the appellant, and give such award as may appear right to the board. The award shall be final and without appeal.”

COURTS OF JUSTICE ACT

c. T-16, s.
32, am. **332.** Section 32 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended

(1) by inserting the words “or in its immediate vicinity” in the second line of subparagraph 4 of the first paragraph after the name “Trois-Rivières”;

(2) by inserting the words “or in the immediate vicinity thereof” after the name “Rouyn” in the second line of subparagraph 5 of the first paragraph;

(3) by inserting the words “or in its immediate vicinity” after the name “Hull” in the second line of subparagraph 7 of the first paragraph;

(4) by inserting the words “or in the immediate vicinity thereof” after the name “Rivière-du-Loup” in the second line of subparagraph 9 of the first paragraph.

c. T-16, s. 81, am. **333.** Section 81 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Place of residence “The chief judge, the senior associate chief judge and the associate chief judge may establish residence in the immediate vicinity of the city assigned to them, respectively, pursuant to this section.”

c. T-16, s. 112, am. **334.** Section 112 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Place of residence “The chief judge, the senior associate chief judge and the associate chief judge may establish residence in the immediate vicinity of the city assigned to them, respectively, pursuant to this section.”

c. T-16, s. 126, am. **335.** Section 126 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Place of residence “The chief judge, the senior associate chief judge and the associate chief judge may establish residence in the immediate vicinity of the city assigned to them, respectively, pursuant to this section.”

c. T-16, s. 141, am. **336.** Section 141 of the said Act is amended by striking out the last sentence.

FOREST RESOURCES UTILIZATION ACT

c. U-2, s. 5, am. **337.** Section 5 of the Forest Resources Utilization Act (R.S.Q., chapter U-2) is amended by replacing the word “shall” in the fifth line of the third paragraph by the word “may”.

SECURITIES ACT

c. V-1.1, s. 307, am. **338.** Section 307 of the Securities Act (R.S.Q., chapter V-1.1) is amended by adding, at the end, the following paragraph:

Revocation “The delegation of a power to a member of the personnel of the Commission cannot be revoked except for reasonable cause after the person has been heard.”

c. V-1.1, s. 314, am. **339.** Section 314 of the said Act is amended by striking out the figures and word “, 245 and 246” in the first line.

c. V-1.1, s. 321, am. **340.** Section 321 of the said Act is amended by adding the words “, except in the event of an error in law” at the end of the first paragraph.

ACT RESPECTING NORTHERN VILLAGES AND THE
KATIVIK REGIONAL GOVERNMENT

c. V-6.1, s. 20, am. **341.** Section 20 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended

(1) by inserting, at the end of subparagraph 6 of the first paragraph, the words “, unless the person has obtained a pardon”;

(2) by inserting, at the end of subparagraph 7 of the first paragraph, the words “, unless the person has obtained a pardon for either of such indictable offences”;

(3) by inserting, after the first paragraph, the following paragraph:

Disqualifica-
tion “Disqualification from holding office as an officer or employee of the corporation under subparagraph 6 or 7 of the first paragraph shall be incurred only if the offence is in connection with such an office.”

c. V-6.1, s. 42, am. **342.** Section 42 of the said Act is amended by replacing the second paragraph by the following paragraph:

Refusal to
appear “Any person who neglects or refuses to appear, or refuses to produce documents or to be examined in accordance with the first paragraph is liable, if found guilty by a court having jurisdiction on the recovery of fines imposed by the by-laws of the council, to the penalties prescribed under section 145.”

c. V-6.1, s. 184, am. **343.** Section 184 of the said Act is amended

(1) by inserting the words “at any reasonable time” after the word “enter” in the second line of the first paragraph;

(2) by adding, after the second paragraph, the following paragraph:

Identifica-
tion “An officer referred to in this section shall, on request, identify himself and produce a certificate of his capacity issued by the municipality.”

c. V-6.1, s. 195, am. **344.** Section 195 of the said Act is amended

(1) by inserting the words “at any reasonable time” after the word “enter” in the second line of the first paragraph;

(2) by adding, after the second paragraph, the following paragraph:

Identifica-
tion

“An officer referred to in this section shall, on request, identify himself and produce a certificate of his capacity issued by the corporation.”

ROADS ACT

c. V-8, s.
17.2, am.

345. Section 17.2 of the Roads Act (R.S.Q., chapter V-8) is amended

(1) by replacing the words “at any time” in the second line by the words “, at any reasonable time,”;

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

Identifica-
tion

“The representative shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.”

CIVIL CODE OF LOWER CANADA

C. C., a. 17,
am.

346. Article 17 of the Civil Code of Lower Canada, amended by section 1 of chapter 38 of the statutes of 1893, by section 1 of chapter 50 of the statutes of 1896/97, by section 3 of chapter 12 of the statutes of 1902, by section 1 of chapter 74 of the statutes of 1934, by section 1 of chapter 67 of the statutes of 1945, by section 2 of chapter 19 of the statutes of 1947, by section 1 of chapter 80 of the statutes of 1966/67, by section 10 of chapter 5 of the statutes of 1978, by section 35 of chapter 37 of the statutes of 1979 and by section 1 of chapter 46 of the statutes of 1984, is again amended by replacing paragraph 15 by the following paragraph:

“15. The word “oath” includes a solemn affirmation.”

C. C., a. 54,
am.

347. Article 54 of the said Code, amended by section 1 of chapter 68 of the statutes of 1940 and by section 5 of chapter 39 of the statutes of 1980, is again amended by striking out the word “, occupation”.

C. C., a. 65,
am.

348. Article 65 of the said Code, amended by section 1 of chapter 101 of the statutes of 1930-31 and by section 10 of chapter 82 of the statutes of 1968, is again amended by replacing paragraph 2 by the following paragraph:

“2. The names, given names and domicile of the spouses, the names of the father and mother of each, or the name of the former spouse;”.

C. C., a. 67, am. **349.** Article 67 of the said Code is amended by replacing the words “, surnames, and quality or occupation of the deceased” by the words “and given names of the deceased and the place of his last domicile”.

C. C., a. 71, am. **350.** Article 71 of the said Code, enacted by section 1 of chapter 79 of the statutes of 1969, is amended by striking out the words “, quality or occupation” in the first paragraph.

CIVIL CODE OF QUÉBEC

C. C. Q., a. 414, am. **351.** Article 414 of the Civil Code of Québec, enacted by section 1 of chapter 39 of the statutes of 1980, is amended by striking out the word “, occupation” in the first and second lines.

ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE AND AMENDING OTHER LEGISLATION

1984, c. 16, s. 35, replaced **352.** Section 35 of the Act respecting commercial fisheries and aquaculture and amending other legislation (1984, chapter 16) is replaced by the following sections:

Search **“35.** Any inspector or officer may, with a warrant issued by a justice of the peace, enter and search any premises including a vehicle, boat, fishing boat or aircraft and open or cause to be opened any receptacle if he has reasonable and probable cause to believe that it contains aquatic products obtained or held in contravention of this Act or the regulations or any other property which has been used to commit an offence against this Act or the regulations.

Warrant A justice of the peace may issue a warrant, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn statement by the inspector or officer that there is reasonable and probable cause to believe that such an offence is being or has been committed and that products or property referred to in the first paragraph are present on such premises or in such receptacles.

Return of warrant The warrant, whether executed or not, shall be returned to the justice of the peace who issued it, not later than fifteen days after its issue.

Search without warrant **“35.1** Any inspector or officer may, without a warrant, exercise the powers conferred on him by section 35 if the conditions for obtaining it exist and if, owing to exigent circumstances, the delay necessary

to obtain the warrant may result in danger to the health of persons or animals or to the safety of persons, animals or property or in the disappearance, destruction or loss of evidence.”

1984, c. 16,
s. 47,
replaced
Quarantine
or destruc-
tion

353. Section 47 of the said Act is replaced by the following section:

“**47.** Any inspector or officer may prescribe that all or part of the products of a fish breeding plant be isolated, quarantined or treated or, with the authorization of the Minister, destroyed within the time he indicates, if the products are unwholesome or affected by a contagious or parasitic disease determined by regulation.

Quarantine
or destruc-
tion

A justice of the peace may on the application of an inspector or officer prescribe that all or part of the products of a fish-breeding plant be isolated, quarantined, treated or destroyed within the time and subject to the conditions indicated by him if the operator fails to comply with the standards applicable to his plant or his activities or with the conditions, restrictions or prohibitions affecting his licence or if he does not hold a licence authorizing him to engage in that production or breeding.”

AQUACULTURE CREDIT ACT

1984, c. 21,
s. 36,
replaced

354. Section 36 of the Aquaculture Credit Act (1984, chapter 21) is replaced by the following section:

Inspection
of property

“**36.** A representative or an employee designated by the Office or by the lender may at any reasonable time or at any time if it is required, in the circumstances, to protect a claim or the property securing a loan or to ensure that the borrower’s operation is carried on, inspect the immovable or movable property securing a loan, enter or pass on any immovable, inspect and appraise such immovable and any other movable property.

Investiga-
tion

A person referred to in the first paragraph may also conduct any investigation he considers necessary within the scope of the administration of this Act.

Identifica-
tion

The representative or the employee designated by the Office or by the lender shall, on request, identify himself and produce a certificate of his capacity issued by the Office or by the lender.”

BUILDING ACT

1985, c. 34,
s. 58, am.

355. Section 58 of the Building Act (1985, chapter 34) is amended by adding the words “, or if he so has, has obtained a pardon” at the end of paragraph 8.

1985, c. 34,
s. 60, am.

356. Section 60 of the said Act is amended by inserting, after paragraph 6, the following paragraph:

“(6.1) it or any of its officers has, in the five years preceding the application, been convicted of or pleaded guilty to an offence contemplated in paragraph 6 and has obtained a pardon;”.

1985, c. 34,
s. 61, am.

357. Section 61 of the said Act is amended by adding the words “unless he has obtained a pardon” at the end of subparagraph 2 of the first paragraph.

Coming into
force

358. The provisions of this Act will come into force on the date or dates fixed by the Government, except section 303 which will come into force on the date of coming into force of section 35 of the Act respecting safety in sports, section 354 which will come into force on the date of coming into force of section 36 of the Aquaculture Credit Act and sections 355, 356 and 357 which will come into force, respectively, on the date of coming into force of sections 58, 60 and 61 of the Building Act.