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# NATIONAL ASSEMBLY

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THIRD SESSION

THIRTY-FOURTH LEGISLATURE

Bill 25

## **An Act to amend the Public Curator Act**

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**Introduction**

**Introduced by  
Mr Roger Lefebvre  
Minister of Justice**



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**Québec Official Publisher  
1994**

#### EXPLANATORY NOTES

*This bill amends the Public Curator Act in order to provide for the financing of the activities of the Curator in respect of which expenses and fees are not recoverable or for which no fee is prescribed.*

*In addition, the bill defines the administrative powers of the Public Curator with respect to property belonging to the State.*

*This bill also allows the Public Curator to constitute several joint portfolios.*

*Finally, the bill contains concordance provisions.*

## Bill 25

### An Act to amend the Public Curator Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 40 of the Public Curator Act (R.S.Q., chapter C-81), amended by section 561 of chapter 57 of the statutes of 1992, is again amended

(1) by replacing the words “or, if not, ten years after” in the third line of subparagraph 3 of the first paragraph by the words “within ten years from”;

(2) by replacing the words “or, if not, ten years after the Public Curator has taken possession of the proceeds of the insurance policy” in the first, second and third lines of subparagraph 4 of the first paragraph by the words “within ten years from the beginning of possession of the proceeds of the insurance policy by the Public Curator”;

(3) by replacing the words and figure “devolved to the State under section 24” in subparagraph 5 of the first paragraph by the words “belonging to the State”;

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

“The Public Curator has the full administration of property belonging to the State from the date on which the State becomes the owner of the property.”

**2.** Section 44 of the said Act, amended by section 562 of chapter 57 of the statutes of 1992, is again amended by replacing the words “a single portfolio from” in the first line of the first paragraph by the words “joint portfolios out of”.

**3.** Section 45 of the said Act is amended by replacing the word “portfolio” in the second line by the word “portfolios” and by replacing the words “the interest of the account” in the third line by the words “the person’s interest in each portfolio”.

**4.** Section 56 of the said Act is amended by replacing the words “a joint portfolio” in the first and second lines by the words “joint portfolios” and by replacing the word “portfolio” in the second line by the word “portfolios”.

**5.** Section 59 of the said Act is replaced by the following section :

**“59.** Property belonging to the State and under the management of the Public Curator on 31 December of a year shall be remitted to the Minister of Finance within the time prescribed by regulation.

The Public Curator shall deduct from the property he is required to remit to the Minister of Finance the fees and expenses that are not recoverable, according to the criteria determined by regulation, and the cost of activities determined by regulation for which no fee is prescribed. The amount so deducted shall be paid into the general fund of the Public Curator.

Revenues produced by property belonging to the State from the date on which the State becomes the owner of the property to the date on which it is remitted to the Minister of Finance shall also be paid into the general fund.”

**6.** Section 60 of the said Act is amended by replacing the words and figures “amounts paid into the reserve fund under sections 58 and 59 that, in particular, are remitted to” in the second and third lines by the words “proportion of the amounts paid into the reserve fund that is remitted to”.

**7.** Section 62 of the said Act, amended by section 565 of chapter 57 of the statutes of 1992, is replaced by the following section:

**“62.** The activities of the Public Curator shall be financed out of the general fund and, to the extent determined by the Government, on the recommendation of the Minister of Justice and the Minister of Finance, out of the reserve fund.”

**8.** Section 68 of the said Act, amended by section 566 of chapter 57 of the statutes of 1992, is again amended

by replacing the words “the property devolved” in the first paragraph 10 by the words “property belonging”;

by inserting, after paragraph 10, the following paragraphs:

.1) establish the criteria according to which fees and expenses of the Public Curator are not recoverable;

.2) determine the activities for which no fee is prescribed;”.

The said Act is amended by adding, after section 75, the following section:

**1** The Public Curator may enter into agreements with the Ministry of Finance relating to the management of property belonging to the State.”

This Act comes into force on *(insert here the date of assent to the Act)*.