



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 42

**An Act respecting the
implementation of certain
provisions of the Code of Penal
Procedure and amending various
legislative provisions**

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

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EXPLANATORY NOTES

The object of this bill is to complete the reform of the penal procedure.

The first part of the bill deals with the provisions of the Code of Penal Procedure and their application. In addition, a certain number of amendments to the Code are made and transitional measures that will ensure a harmonious transition from the former to the new procedural regime are provided.

The bill also includes series of amending provisions designed to remove from public Acts and municipal charters provisions that have become inconsistent, obsolete or redundant owing to the introduction of the provisions of the Code of Penal Procedure. These amendments concern essentially the clarification of the jurisdiction of certain justices of the peace, the right to prosecute, the rules governing prescription, the removal of the various methods of prosecution, the disposal of the things seized and the determination of the ownership of the fines and costs.

LIST OF ACTS AMENDED BY THIS BILL:

- 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 respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)
- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1)
- Travel Agents Act (R.S.Q., chapter A-10)

- Act respecting financial assistance for students (R.S.Q., chapter A-13.3)
- Legal Aid Act (R.S.Q., chapter A-14)
- Act respecting family assistance allowances (R.S.Q., chapter A-17)
- Act respecting pressure vessels (R.S.Q., chapter A-20.01)
- Architects Act (R.S.Q., chapter A-21)
- Archives Act (R.S.Q., chapter A-21.1)
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001)
- Automobile Insurance Act (R.S.Q., chapter A-25)
- Deposit Insurance Act (R.S.Q., chapter A-26)
- Health Insurance Act (R.S.Q., chapter A-29)
- Crop Insurance Act (R.S.Q., chapter A-30)
- Act respecting farm income stabilization insurance (R.S.Q., chapter A-31)
- Act respecting insurance (R.S.Q., chapter A-32)
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1)
- Building Act (R.S.Q., chapter B-1.1)
- Cultural Property Act (R.S.Q., chapter B-4)
- Act respecting tear bombs (R.S.Q., chapter B-6)
- Act respecting the Bureau de la statistique (R.S.Q., chapter B-8)
- Registry Office Act (R.S.Q., chapter B-9)
- Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1)
- Savings and Credit Unions Act (R.S.Q., chapter C-4)
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1)
- Act respecting truck transportation (R.S.Q., chapter C-5.1)

- Charter of the French language (R.S.Q., chapter C-11)
- Charter of human rights and freedoms (R.S.Q., chapter C-12)
- Colonization Roads Act (R.S.Q., chapter C-13)
- Railway Act (R.S.Q., chapter C-14)
- Professional Chemists Act (R.S.Q., chapter C-15)
- Non-Catholic Cemeteries Act (R.S.Q., chapter C-17)
- Cinema Act (R.S.Q., chapter C-18.1)
- Cities and Towns Act (R.S.Q., chapter C-19)
- Highway Safety Code (R.S.Q., chapter C-24.1)
- Highway Safety Code (R.S.Q., chapter C-24.2)
- Code of Penal Procedure (R.S.Q., chapter C-25.1)
- 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)
- General and Vocational Colleges Act (R.S.Q., chapter C-29)
- Act respecting the bread trade (R.S.Q., chapter C-32)
- Act respecting the marketing of marine products (R.S.Q., chapter C-32.1)
- 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 the Communauté urbaine 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)
- Companies Act (R.S.Q., chapter C-38)

- Timber-Driving Companies Act (R.S.Q., chapter C-42)
- Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44)
- Telegraph and Telephone Companies Act (R.S.Q., chapter C-45)
- Extra-Provincial Companies Act (R.S.Q., chapter C-46)
- Act respecting the Conseil métropolitain de transport en commun (R.S.Q., chapter C-59.001)
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1)
- Cooperatives Act (R.S.Q., chapter C-67.2)
- Act respecting security fund corporations (R.S.Q., chapter C-69.1)
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)
- Act respecting racing (R.S.Q., chapter C-72.1)
- Real Estate Brokerage Act (R.S.Q., chapter C-73)
- Forestry Credit Act (R.S.Q., chapter C-78)
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1)
- Public Curator Act (R.S.Q., chapter C-81)
- Companies and Partnerships Declaration Act (R.S.Q., chapter D-1)
- Act respecting collective agreement decrees (R.S.Q., chapter D-2)
- Deposit Act (R.S.Q., chapter D-5)
- Act respecting municipal debts and loans (R.S.Q., chapter D-7)
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1)

- Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1)
- Gas Distribution Act (R.S.Q., chapter D-10)
- Territorial Division Act (R.S.Q., chapter D-11)
- Business Concerns Records Act (R.S.Q., chapter D-12)
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1)
- Amusement Tax Act (R.S.Q., chapter D-14)
- Mining Duties Act (R.S.Q., chapter D-15)
- Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1)
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)
- Act respecting school elections (R.S.Q., chapter E-2.3)
- Election Act (R.S.Q., chapter E-3.3)
- Public Officers Act (R.S.Q., chapter E-6)
- Fire Investigations Act (R.S.Q., chapter E-8)
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01)
- Act respecting the examination of complaints from customers of electricity distributors (R.S.Q., chapter E-17.1)
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1)
- Act respecting explosives (R.S.Q., chapter E-22)
- Expropriation Act (R.S.Q., chapter E-24)
- Act respecting municipal taxation (R.S.Q., chapter F-2.1)
- Public Service Act (R.S.Q., chapter F-3.1.1)
- Forest Act (R.S.Q., chapter F-4.1)
- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5)

- Grain Act (R.S.Q., chapter G-1.1)
- Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1)
- Bailiffs Act (R.S.Q., chapter H-4)
- Tobacco Tax Act (R.S.Q., chapter I-2)
- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1)
- Engineers Act (R.S.Q., chapter I-9)
- Forest Engineers Act (R.S.Q., chapter I-10)
- Burial Act (R.S.Q., chapter I-11)
- Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1)
- Act respecting piping installations (R.S.Q., chapter I-12.1)
- Act respecting electrical installations (R.S.Q., chapter I-13.01)
- Education Act (R.S.Q., chapter I-13.3)
- Act respecting market intermediaries (R.S.Q., chapter I-15.1)
- Newspaper Declaration Act (R.S.Q., chapter J-1)
- Jurors Act (R.S.Q., chapter J-2)
- Freedom of Worship Act (R.S.Q., chapter L-2)
- Winding-up Act (R.S.Q., chapter L-4)
- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6)
- Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1)
- Master Electricians Act (R.S.Q., chapter M-3)
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4)
- Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5)

- Stationary Enginemen Act (R.S.Q., chapter M-6)
- Veterinary Surgeons Act (R.S.Q., chapter M-8)
- Mining Act (R.S.Q., chapter M-13.1)
- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14)
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19)
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28)
- Act respecting the Ministère du Loisir, de la Chasse et de la Pêche (R.S.Q., chapter M-30.1)
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1)
- Act respecting the mode of payment for electric and gas service in certain buildings (R.S.Q., chapter M-37)
- Act respecting labour standards (R.S.Q., chapter N-1.1)
- Notarial Act (R.S.Q., chapter N-2)
- Act respecting the payment of certain fines (R.S.Q., chapter P-2)
- Act respecting payment of certain crown witnesses (R.S.Q., chapter P-2.1)
- Parks Act (R.S.Q., chapter P-9)
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01)
- Act respecting beer and soft drink distributors' permits (R.S.Q., chapter P-9.2)
- Pesticides Act (R.S.Q., chapter P-9.3)
- Police Act (R.S.Q., chapter P-13)

- 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)
- Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30)
- Public Protector Act (R.S.Q., chapter P-32)
- Youth Protection Act (R.S.Q., chapter P-34.1)
- Public Health Protection Act (R.S.Q., chapter P-35)
- Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01)
- Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1)
- Consumer Protection Act (R.S.Q., chapter P-40.1)
- Act to preserve agricultural land (R.S.Q., chapter P-41.1)
- Animal Health Protection Act (R.S.Q., chapter P-42)
- Act respecting the artificial inducement of rain (R.S.Q., chapter P-43)
- Roadside Advertising Act (R.S.Q., chapter P-44)
- 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'assurance-maladie du Québec (R.S.Q., chapter R-5)
- Act respecting the Régie du gaz naturel (R.S.Q., chapter R-8.02)
- 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 supplemental pension plans (R.S.Q., chapter R-17)
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)
- Act respecting real estate tax refund (R.S.Q., chapter R-20.1)
- Companies Information Act (R.S.Q., chapter R-22)
- 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)
- Public Buildings Safety Act (R.S.Q., chapter S-3)
- Act respecting safety in sports (R.S.Q., chapter S-3.1)
- Act respecting income security (R.S.Q., chapter S-3.1.1)
- Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3)
- 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)
- Sheriffs' Act (R.S.Q., chapter S-7)
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13)
- Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1)
- Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2)
- Agricultural Societies Act (R.S.Q., chapter S-25)

– Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1)

– Butter and Cheese Societies Act (R.S.Q., chapter S-29)

– Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01)

– Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01)

– Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1)

– Act respecting Attorney General's prosecutors (R.S.Q., chapter S-35)

– Cooperative Syndicates Act (R.S.Q., chapter S-38)

– Fuel Tax Act (R.S.Q., chapter T-1)

– Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1)

– Marine Products Processing Act (R.S.Q., chapter T-11.01)

– Act respecting transportation by taxi (R.S.Q., chapter T-11.1)

– Transport Act (R.S.Q., chapter T-12)

– Courts of Justice Act (R.S.Q., chapter T-16)

– Securities Act (R.S.Q., chapter V-1.1)

– Act respecting the sale of unclaimed goods (R.S.Q., chapter V-3)

– Auditor General Act (R.S.Q., chapter V-5.01)

– Roads Act (R.S.Q., chapter V-8)

– Interior Decorators Act (R.S.Q., 1964, chapter 270)

– Act to favour the pursuit of the objects of la Ligue de taxis de Montréal Inc. (1982, chapter 24)

- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42)
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32)
- Tourist Establishments Act (1987, chapter 12)
- Act respecting the use of petroleum products (1987, chapter 80)
- Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85)
- Act respecting municipal courts and amending various legislation (1989, chapter 52)
- Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure (1990, chapter 4)
- Real Estate Brokerage Act (1991, chapter 37)
- Act respecting health services and social services and amending various legislation (1991, chapter 42)
- Act to amend the Building Act and other legislation (1991, chapter 74)
- Charter of the town of Arthabaska
- Charter of the city of Beaconsfield
- Charter of the town of Berthierville
- Charter of the city of Chambly
- Charter of the city of Côte Saint-Luc
- Charter of the city of Dorval
- Charter of the city of Hull
- Charter of the town of Ile Perrot
- Charter of the city of Lachine
- Charter of the city of LaSalle
- Charter of the town of LeMoyne
- Charter of the city of Longueuil

- Charter of the town of Richmond
- Charter of the town of Sainte-Agathe des Monts
- Charter of the city of Saint-Hubert
- Charter of the city of Saint-Léonard
- Charter of the town of Sainte-Thérèse
- Charter of the town of Scotstown
- Charter of the city of Westmount
- Charter of the city of Laval
- Charter of the city of Montréal
- Charter of the city of Québec

Bill 42

An Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The object of the provisions of this Act is to permit the implementation of articles 8 to 16, the third paragraph of article 55, the provisions of articles 62 and 63 respecting statements of offence, the third paragraph of article 66, the words "statement of offence or" in paragraph 2 of article 71, article 87, the second paragraph of article 90, article 91, articles 129 to 142, 144 to 149 and 156 to 168, the third paragraph of article 169, paragraph 5 of article 174, article 180, subparagraph 4 of the first paragraph of article 184, the reference to subparagraph 4 of article 184 in article 185, the first paragraph of article 187, article 188, the first and third paragraphs of article 222, article 230, the words "or under article 165" in article 246, article 261, the first paragraph of article 262, articles 263 and 264, the words "or the proceeds of the sale thereof" in paragraph 6 of article 266, the words "or, even if he was not a party to the proceedings, the Attorney General" in article 268, the words "and the Attorney General, even if he was not a party to the proceedings," in article 291, and articles 363 and 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), as amended by this Act.

CODE OF PENAL PROCEDURE

2. Article 20 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended

(1) by replacing the words "or certified" in the second line of the first paragraph by the words ", certified or priority";

(2) by replacing the words “Service by mail” in the first line of the second paragraph by the words “In the case of registered or certified mail, service”;

(3) by adding, at the end of the second paragraph, the following sentence: “In the case of priority mail, service is deemed to be made on the date of delivery to the person for whom it is intended or to any other person to whom the proceeding may be delivered under article 21.”

3. Article 27 of the said Code is amended

(1) by replacing the words “by mail” in the first line by the words “by registered or certified mail”;

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

“Where service is made by priority mail, a copy of the bill of lading attached to the document transmitted electronically to the sender by the Canada Post Corporation replaces the attestation of service if both documents bear the same priority mail number and if the document transmitted electronically also includes

(1) the date of delivery of the proceeding;

(2) the name of the person who received the document served;

(3) an attestation that the information transmitted to the sender conforms with the information entered in the data bank of the Corporation, signed by a person authorized by the Corporation.”

4. Article 66 of the said Code is amended by striking out the words “if that fact is not recorded in a register kept by the person having the authority to grant such authorization” in the fourth and fifth lines of the third paragraph.

5. Article 69 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

“In the case of a conviction under article 165, proof of the judgment may be established by the prosecutor by means of a document attesting receipt of the plea of guilty or payment, by the defendant, of the whole amount of the fine and costs requested.”

6. Article 70 of the said Code is amended by inserting the words “of a person designated by virtue of an Act by the National Assembly or” after the word “behalf” in the second line of the second paragraph.

7. Article 142 of the said Code is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) committed the offence according to the statement of offence;

“(2) has his residence or has its head office or one of its places of business;”.

8. Article 146 of the said Code is amended by replacing paragraph 4 by the following paragraphs:

“(4) the date of service of the statement if it is delivered at the time of the commission of the offence; if it is delivered after the commission of the offence, the date may be added on the statement by the peace officer, the bailiff or the person who has effected the service; if service is made by mail, the statement shall refer to the document which indicates the date;

“(4.1) the date of interruption of prescription if it is different from the date of service of the statement;”.

9. Article 147 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

“An authorization to issue a statement which may be given by the prosecutor shall be given generally or specially and in writing. In addition, it shall indicate the offences or classes of offences for which it is given.”

10. The said Code is amended by inserting, after article 166, the following article:

“166.1 Notwithstanding articles 165 and 166, the clerk shall give notice to the defendant of the pronouncement of the sentence where the prosecutor requests a term of imprisonment or the issue of a probation order, except where the parties are in the presence of a judge.”

11. Article 237 of the said Code is amended by replacing the figures “350 to 353” in the last line by the figures “348 to 351”.

12. Article 243 of the said Code is amended by inserting the words “, except the judgment referred to in article 165,” after the word “Code” in the first line.

13. Article 246 of the said Code is amended by striking out the words “or under article 165” in the last line of the first paragraph.

14. Article 261 of the said Code is amended by replacing the words “a parking offence after a duplicate of the statement of offence was served on him by being affixed in a conspicuous place on his vehicle” in the first, second and third lines by the words “an offence”.

15. Article 326 of the said Code is amended

(1) by replacing the words “Articles 45 to 47” in the fourth line by the words “The first paragraph of article 45, articles 46 and 47”;

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

“A warrant of arrest which is not executed within two years of its issue is null.”

16. Article 330 of the said Code is amended by replacing the words “or certified” in the second line of paragraph 3 by the words “, certified or priority”.

17. Article 348 of the said Code is amended by striking out the second sentence of the first paragraph.

18. Article 363 of the said Code is amended by replacing the second paragraph by the following paragraph:

“When an agreement is made with the defendant, the collector shall, in respect of the judgments which are executed by him, see to it that the sums remitted to him and the work the defendant undertakes to perform serve to satisfy the judgment most likely to be the subject of an application for the issue of a warrant of committal against the defendant.”

19. Article 367 of the said Code is amended by inserting, after paragraph 13, the following paragraph:

“(14) determine the costs and fees payable under paragraphs 2, 3, 4, 8 to 11 and 13 which apply to a person under 18 years of age, the amounts payable by such a person and the costs and fees from which he is exempted.”

20. Article 375 of the said Code is amended by inserting the words “or the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions (1992, chapter (*insert here the chapter number of the said*

Act))” after the figures and word “(1990, chapter 4)” in the fifth line of the first paragraph.

21. Article 376 of the said Code is amended by inserting the words “or until (*insert here the date fixed by the Government*) at the latest” after the word “replaced” in the seventh line of the second paragraph.

22. Article 377 of the said Code is amended by inserting the words “or by the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions” after the word “Procedure” in the fourth line.

23. Article 378 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“Every act begun before (*insert here the date of coming into force of this paragraph*) which did not conflict with any provision amended, replaced or repealed by the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions is continued, unless otherwise specially provided, in accordance with the Code of Penal Procedure.”

24. Article 379 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“The same applies to every pleading drawn up before (*insert here the date of coming into force of this paragraph*) which did not conflict with any provision amended, replaced or repealed under the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions.”

25. Article 386 of the said Code is replaced by the following articles:

“386. A prosecutor whose right to prosecute has been repealed or replaced under the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions may continue, in accordance with this Code, penal proceedings already begun, until final judgment is rendered.

“387. Where a person wishes to institute penal proceedings under paragraph 3 of article 9 and article 10 of this Code, he shall apply to a judge for authorization, even though the person previously obtained another authorization required under a legislative provision

amended, replaced or repealed by the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions.

“388. The rules governing the prescription of penal proceedings provided in this Code or under the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions apply even to an offence committed before (*insert here the date of coming into force of this article*), unless the proceedings have already been instituted.

However, penal proceedings which, on (*insert here the date of coming into force of this article*) or within the following six months, would have been prescribed under a provision amended, replaced or repealed by the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions remain subject to the prescription period provided in such provision.

“389. Where, before (*insert here the date of coming into force of this article*), a person has custody of a thing seized, he shall continue to assume custody thereof until the thing is disposed of in accordance with the law, unless it is submitted in evidence in which case, except where otherwise specially provided by law, the clerk becomes the custodian of the thing.

“390. The following written proceedings remain valid if they were issued before (*insert here the date of coming into force of this article*):

- (1) informations and summons;
- (2) prior, preliminary or summary notices;
- (3) notices of summons or offence or infraction tickets;

(4) 48-hour notices issued under sections 577 and 578 of the Highway Safety Code (R.S.Q., chapter C-24.2) or section 79 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1), or 72-hour notices issued under section 90 of the Act respecting truck transportation (R.S.Q., chapter C-5.1) or section 77.1 of the Transport Act (R.S.Q., chapter T-12);

(5) notices of mechanical inspection issued under sections 524 and 531 of the Highway Safety Code.

However, if, on that date, prosecution has not begun, a statement of offence must be served before prosecution may begin.

“391. Any summons, notice of summons or other written proceeding under which a defendant has been summoned to appear is equivalent to a statement of offence on the date fixed for the first appearance before a judge, where the prosecutor requests only the minimum sentence prescribed by law and the written proceeding indicates such sentence.

Payments in full discharge prescribed by any Act or regulation constitute a minimum sentence.

“392. Any defendant who appears upon summons shall, subject to articles 393 and 394, enter a plea of guilty or not guilty.

“393. At the time of the appearance, the judge may allow

(1) that a statement of offence be served forthwith on the defendant, where the sentence requested by the prosecutor is not indicated on the notice of summons or on the summons or where the prosecutor intends to request a greater sentence than the minimum sentence prescribed by law; or

(2) that the prosecutor serve forthwith on the defendant and file in the court’s record a document including any additional information required to cause the notice of summons or the summons to be equivalent to a statement of offence.

The request for sentence need not be entered in a separate section of the notice of summons or summons, if the prosecutor requests only the minimum sentence.

“394. The judge shall give every defendant on whom a statement of offence or its equivalent referred to in subparagraph 2 of the first paragraph of article 393 is served an opportunity to plead guilty or not guilty. However, the defendant is entitled to a period of thirty days before entering his plea.

If the defendant pleads guilty at the time of appearance, the judge shall convict him of the offence and impose a sentence on him within the limits prescribed by law. If the defendant pleads not guilty, the judge shall set a date for the trial.

“395. The hearing of a preliminary application or the trial of a case which is pending, in first instance or in appeal, begun before *(insert here the date of coming into force of this article)*, may be continued and the written proceeding which instituted the proceedings need not be replaced by a statement of offence.

“396. Written proceedings introductive of suit need not be replaced by a statement of offence to allow judgments, even judgments by default, to be rendered.

“397. When rendering judgment, the judge may issue an order for the disposal of things seized at the time of an inspection or search carried out before (*insert here the date of coming into force of this article*).

“398. Where notice must be given within 30 days after (*insert here the date of coming into force of this article*) under a provision amended or replaced by the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions prior to the judgment to a person by reason of an order issued at the time of the judgment, the judge shall grant, without costs, the application for adjournment necessary to permit that such notice be given.

“399. Article 230 of this Code applies only in the case of proceedings in respect of which no judgment has been rendered on (*insert here the date of coming into force of this article*).

“400. Provisions relating to the reduction of costs apply even in respect of judgments rendered before (*insert here the date of coming into force of this article*).

“401. Warrants of arrest issued under article 326 of this Code in the year preceding (*insert here the date of coming into force of this article*) are valid for a period of two years from their date of issue without the need for renewal.

“402. Any portion of a term of imprisonment to which the second sentence of the first paragraph of article 348 of this Code applies is cancelled on (*insert here the date of coming into force of this article*) even if the defendant has begun to serve his sentence.

“403. The provisions of this Code will come into force on the dates fixed by the Government.”

AGRICULTURAL ABUSES ACT

26. The heading preceding section 21 of the Agricultural Abuses Act (R.S.Q., chapter A-2) is replaced by the following heading: “*Penal Provisions*”.

27. Section 25 of the said Act is replaced by the following section:

“25. Any action for damages arising from the commission of the offence must be instituted within three months after the commission of the offence.”

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

28. Section 164 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is replaced by the following section:

“164. The Commission may, in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), institute penal proceedings for an offence under this division.”

WORKMEN'S COMPENSATION ACT

29. Section 119.10 of the Workmen's Compensation Act (R.S.Q., chapter A-3), introduced by section 68 of chapter 57 of the statutes of 1978 and amended by section 32 of chapter 4 of the statutes of 1990, is again amended by striking out the words “within two years” in the first lines of the first and second paragraphs.

30. Section 119.13 of the said Act, introduced by section 68 of chapter 57 of the statutes of 1978, is repealed.

31. Section 119.14 of the said Act, introduced by section 68 of chapter 57 of the statutes of 1978 and amended by section 33 of chapter 4 of the statutes of 1990, is replaced by the following section:

“119.14 The Commission may institute penal proceedings for an offence under a provision of this Act or the regulations thereunder.”

32. Section 119.15 of the said Act, introduced by section 68 of chapter 57 of the statutes of 1978, is repealed.

33. Section 120 of the said Act is replaced by the following section:

“120. The fines belong to the Commission and form part of the accident fund, except where the Attorney General instituted the penal proceedings.

The same rule applies to costs which are transmitted to the Commission with the defendant's plea.”

34. Section 124 of the said Act, introduced by section 69 of chapter 57 of the statutes of 1978, amended by section 269 of chapter 63 of the statutes of 1979, section 3 of chapter 66 of the statutes of 1988 and section 2 of chapter 35 of the statutes of 1991, is again amended by striking out paragraph *x*.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

35. The heading of Chapter XV of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is replaced by the following heading: "PENAL PROVISIONS".

36. Sections 470, 471 and 472 of the said Act are repealed.

37. Section 473 of the said Act, amended by section 52 of chapter 85 of the statutes of 1987, is again amended by replacing the second paragraph by the following paragraphs:

"The Commission may institute penal proceedings for offences under this chapter.

Proceedings shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence."

38. Section 474 of the said Act is replaced by the following section:

"474. The fines belong to the Commission, except where the Attorney General instituted the penal proceedings.

The same rule applies to costs which are transmitted to the Commission with the defendant's plea."

39. Section 572 of the said Act is replaced by the following section:

"572. Penal proceedings may be instituted or continued for an offence under a provision of the Workmen's Compensation Act (R.S.Q., chapter A-3) or the regulations thereunder."

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

40. Section 31 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended by striking out the third paragraph.

TRAVEL AGENTS ACT

41. Section 20 of the Travel Agents Act (R.S.Q., chapter A-10) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

42. The heading of Division VII of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

43. Section 41 of the said Act is repealed.

ACT RESPECTING FINANCIAL ASSISTANCE FOR STUDENTS

44. Section 55 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3) is repealed.

LEGAL AID ACT

45. Section 28 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

46. The heading of Division VIII of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

47. Section 83 of the said Act is repealed.

ACT RESPECTING FAMILY ASSISTANCE ALLOWANCES

48. Section 24 of the Act respecting family assistance allowances (R.S.Q., chapter A-17) is amended by striking out the second paragraph.

49. Section 27 of the said Act is amended by inserting the words “, on an application by the prosecutor which is attached to the statement of offence,” after the word “also” in the second line of the second paragraph.

ACT RESPECTING PRESSURE VESSELS

50. The heading of Division VI of the Act respecting pressure vessels (R.S.Q., chapter A-20.01) is replaced by the following heading: “PENAL PROVISIONS”.

51. Section 34 of the said Act is repealed.

52. Sections 35 and 36 of the said Act are repealed.

53. Section 37 of the said Act is replaced by the following section:

“37. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.”

ARCHITECTS ACT

54. Section 19 of the Architects Act (R.S.Q., chapter A-21) is repealed.

ARCHIVES ACT

55. The heading of Chapter V of the Archives Act (R.S.Q., chapter A-21.1) is replaced by the following heading: “PENAL PROVISIONS”.

56. Section 45 of the said Act is replaced by the following section:

“45. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date of opening of the investigation record relating to the offence.

The certificate of the Keeper indicating the date of the beginning of the investigation is, failing any evidence to the contrary, conclusive proof of such fact.”

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

57. The heading of Division III of Chapter VI of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is replaced by the following heading: “PENAL PROVISIONS”.

58. Section 78 of the said Act is repealed.

AUTOMOBILE INSURANCE ACT

59. The heading of Title VIII of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the word “OFFENCES” by the words “PENAL PROVISIONS”.

60. Sections 184, 185, 187, 190 and 191 of the said Act, amended by sections 6, 7, 9, 10 and 11 of chapter 33 of the statutes of 1991, respectively, and section 193 of the said Act, amended by section 13 of chapter 33 of the statutes of 1991, are again amended by striking out the words “guilty of an offence and” wherever they appear.

61. Section 188 of the said Act is amended

(1) by replacing the word “court”, with the necessary changes, wherever it appears, by the word “judge”;

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

“Prior notice of the application for suspension shall be given to the person by the prosecutor, except where the parties are in the presence of the judge.”

62. Section 189 of the said Act is repealed.

63. Section 192 of the said Act, amended by section 12 of chapter 33 of the statutes of 1991, is again amended by striking out the words “guilty of an offence and” in the fourth and fifth lines.

64. Section 194 of the said Act is repealed.

DEPOSIT INSURANCE ACT

65. Section 17 of the Deposit Insurance Act (R.S.Q., chapter A-26) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

66. The heading of Division IX of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

67. Section 49 of the said Act is repealed.

HEALTH INSURANCE ACT

68. The heading of Division IX of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “OFFENCES, PENALTIES” by the words “PENAL PROVISIONS”.

CROP INSURANCE ACT

69. Section 15 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING FARM INCOME STABILIZATION INSURANCE

70. Section 30 of the Act respecting farm income stabilization insurance (R.S.Q., chapter A-31) is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING INSURANCE

71. Section 12 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing the words “a complaint is made” in the second line of the second paragraph by the words “proceedings are instituted”.

72. Section 15 of the said Act is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

73. Section 368 of the said Act is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

74. The heading of Chapter XII of Title IV of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

75. Section 409 of the said Act is repealed.

76. Section 411 of the said Act is amended by striking out the first paragraph.

ACT RESPECTING THE BARREAU DU QUÉBEC

77. Section 140 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is replaced by the following section:

“140. Penal proceedings for an offence under a provision of this Act may be instituted, in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), by the Bar, upon a resolution of the Executive Committee, or by the section in whose

territory the offence has been committed, upon a resolution of the council of that section."

BUILDING ACT

78. Section 60 of the Building Act (R.S.Q., chapter B-1.1), amended by section 32 of chapter 74 of the statutes of 1991, is again amended by replacing the words "convicted of or has pleaded guilty to" in the first and second lines of paragraph 6 by the words "convicted of".

79. Section 203 of the said Act, amended by section 119 of chapter 52 of the statutes of 1989, is again amended by replacing the second paragraph by the following paragraph:

"The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code."

80. Section 204 of the said Act, replaced by section 101 of chapter 74 of the statutes of 1991, is repealed.

81. Section 209 of the said Act, amended by section 102 of chapter 74 of the statutes of 1991, is replaced by the following section:

"209. Penal proceedings for an offence under a provision of this Act may be instituted by a local municipality if an agreement has been entered into under section 132."

82. Section 211 of the said Act, amended by section 103 of chapter 74 of the statutes of 1991, is repealed.

83. Section 212 of the said Act, amended by section 104 of chapter 74 of the statutes of 1991, is again amended by adding, at the end, the following sentence: "However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence."

CULTURAL PROPERTY ACT

84. Section 58.4 of the Cultural Property Act (R.S.Q., chapter B-4) is repealed.

85. Section 110 of the said Act is replaced by the following section:

“110. Penal proceedings for an offence under a provision of section 106 may be instituted by a local municipality when the offence is committed within its territory.”

ACT RESPECTING TEAR BOMBS

86. Section 7 of the Act respecting tear bombs (R.S.Q., chapter B-6) is repealed.

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

“8. The Minister of Public Security shall see to the disposal of forfeited tear bombs.”

ACT RESPECTING THE BUREAU DE LA STATISTIQUE

88. Section 18 of the Act respecting the Bureau de la statistique (R.S.Q., chapter B-8) is amended by replacing the words “be compelled, in any proceeding, to” in the fifth line of the first paragraph by the words “, in any proceeding,”.

REGISTRY OFFICE ACT

89. Section 43 of the Registry Office Act (R.S.Q., chapter B-9), amended by section 4 of chapter 20 of the statutes of 1991, is again amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING CERTAIN CAISSES D'ENTRAIDE ÉCONOMIQUE

90. The heading of Chapter X of the Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1) is replaced by the following heading: “PENAL PROVISIONS”.

91. Section 101 of the said Act is repealed.

SAVINGS AND CREDIT UNIONS ACT

92. The heading of Division XXV of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is replaced by the following heading: “PENAL PROVISIONS”.

93. Section 147 of the said Act is replaced by the following section:

“147. Every person convicted of an offence under this Act is liable to a fine of \$50 to \$1 000 and, in the case of a subsequent offence, to a fine of \$200 to \$5 000.”

SAVINGS AND CREDIT UNIONS ACT

94. Section 534 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is repealed.

ACT RESPECTING TRUCK TRANSPORTATION

95. Section 89 of the Act respecting truck transportation (R.S.Q., chapter C-5.1) is amended by replacing the word “avis” in the second line of the French text by the word “avertissement”.

96. Section 90 of the said Act is replaced by the following section:

“90. Where a peace officer ascertains the commission of such an offence, he may serve a statement of offence on the driver with a notice enjoining the defendant to remedy the offence within 72 hours.

The statement of offence becomes null when the required proof is furnished to a peace officer within the time prescribed. It is incumbent upon the defendant to establish that he has remedied the offence within that time.

Where a notice is attached to the statement of offence, the time prescribed in article 160 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) begins to run only from the expiry of the time indicated in the notice.”

97. Section 91 of the said Act is repealed.

98. Section 92 of the said Act is repealed.

CHARTER OF THE FRENCH LANGUAGE

99. Section 134 of the Charter of the French language (R.S.Q., chapter C-11) is repealed.

100. The heading of Title V of the said Act is amended by replacing the words “OFFENCES, PENALTIES” by the words “PENAL PROVISIONS”.

CHARTER OF HUMAN RIGHTS AND FREEDOMS

101. Section 136 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is replaced by the following section:

“136. Penal proceedings for an offence under a provision of this Act may be instituted by the Commission.

The costs transmitted to the Commission by the defendant with the plea belong to the Commission, where the proceedings are instituted by the Commission.”

COLONIZATION ROADS ACT

102. Section 15 of the Colonization Roads Act (R.S.Q., chapter C-13) is amended by striking out the words “suits or” in the first line.

RAILWAY ACT

103. Section 6 of the Railway Act (R.S.Q., chapter C-14) is amended by replacing paragraph 7 by the following paragraph:

“(7) The word “sheriff” shall include the deputy sheriff, the under-sheriff, or other legal competent delegate; and where a provision requires that something be done in relation to lands by a sheriff, the word “sheriff” shall be construed to mean the sheriff of the district where the lands are situated; and, if the lands in question, being the property of the same person, are not situated wholly in one district, the word shall mean the sheriff of any district where any part of such lands is situated;”.

104. Section 10 of the said Act is amended by inserting the words “on an application by the prosecutor which is attached to the statement of offence,” after the words “neglect, and” in the third line of the eighth paragraph.

105. Section 130 of the said Act is amended by striking out subsection 4.

106. Section 159 of the said Act is amended by striking out subsections 6 and 7.

107. Section 228 of the said Act is amended by striking out subsection 2.

108. Section 231 of the said Act is amended by striking out the words “or clerk of the peace,” in the second line of subsection 1.

109. Section 233 of the said Act is amended by striking out the words “or clerk of the peace,” in the second line of subsection 1.

110. Section 234 of the said Act is amended by replacing

(1) the word “peace” in the second line of subsection 1 by the words “Court of Québec”;

(2) the word “peace” in the first line of subsection 2 by the words “Court of Québec”.

PROFESSIONAL CHEMISTS ACT

111. Section 19 of the Professional Chemists Act (R.S.Q., chapter C-15) is repealed.

NON-CATHOLIC CEMETERIES ACT

112. Section 3 of the Non-Catholic Cemeteries Act (R.S.Q., chapter C-17) is amended by inserting the words “, on an application by the prosecutor which is attached to the statement of offence,” after the figure and word “\$300 and” in the third line.

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

“**4.** Penal proceedings may be instituted by the local municipality in whose territory the offence is committed.”

CINEMA ACT

114. Section 176 of the Cinema Act (R.S.Q., chapter C-18.1), amended by section 56 of chapter 21 of the statutes of 1991, is replaced by the following section:

“**176.** On conviction for an offence under a provision of this Act, a judge may, on the application of the prosecutor, order the forfeiture of prints of the films seized under this Act, the destruction of pirated prints or of video material for which no filing certificate has been issued.

Prior notice of the application for forfeiture or destruction shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.”

115. Section 181 of the said Act is repealed.

CITIES AND TOWNS ACT

116. Section 68 of the Cities and Towns Act (R.S.Q., chapter C-19) is repealed.

117. The heading preceding section 411 of the said Act is amended by striking out the words "*and Confiscations*".

118. Section 411 of the said Act is amended by replacing the words "the confiscation" in the first line of paragraph 3 by the words ", at the time of an inspection, the seizure".

119. Section 412 of the said Act is amended

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

"(20) To prescribe that a police officer or a constable may issue a statement of offence at the time of the commission of an offence under a provision of a municipal by-law relating to traffic, parking or public safety, and that a person whose services are retained by the council for such purpose may issue such a statement at the time of the commission of an offence under a provision of a municipal parking by-law.

The person thus authorized to issue a statement of offence shall also be empowered to move or cause to be moved a motor vehicle for snow removal or in cases of emergency determined by by-law.

The fine requested on the statement of offence shall not exceed \$10 for a parking infraction and \$25 for an offence under a provision of any other by-law referred to in this paragraph, except an offence under a provision adopted under paragraph 4, 5 or 8 of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2), in which case the fine must be equal to the minimum provided for in the said Code for an offence in respect of the same matter;"

(2) by striking out paragraph 20.1.

120. Section 415 of the said Act is amended by replacing the word "impose" in the third line of paragraph 27 by the word "prescribe".

121. Section 449 of the said Act is amended by replacing the word "impose" in the second line of paragraph 2 by the word "prescribe".

122. Section 456 of the said Act is amended by replacing the word “impose” in the first line of paragraph 6 by the word “prescribe”.

123. Section 457 of the said Act is amended by replacing

(1) the words “the power of confiscating” in the third and fourth lines of paragraph 8 by the words “, at the time of an inspection, the power to seize”;

(2) the word “confiscated” in the sixth line of paragraph 8 by the word “seized”.

124. Section 460 of the said Act is amended by replacing the words “and confiscation” in the first line of paragraph 19 by the words “, at the time of an inspection,”.

125. Section 461 of the said Act is amended

(1) by replacing the words “which are unclaimed within two months and which have been abandoned or are the proceeds of theft or have been seized or confiscated by its police officers or” in the fourth, fifth, sixth and seventh lines of the first paragraph by the words “whose owner cannot be found or which have been abandoned and are not claimed within two months or which”;

(2) by striking out the words “or by reason of the illegality of their possession or use” in the first and second lines of the fourth paragraph.

126. Section 463 of the said Act is amended by replacing the third paragraph of paragraph 2 by the following paragraphs:

“A judge may, within the time he prescribes, order that the nuisances which are the subject of the offence be removed by the owner, lessee or occupant convicted of the offence. Where the person fails to comply within the prescribed time, the nuisances may be removed by the municipality at the expense of that person.

Prior notice of the application for an order shall be given by the prosecutor to the person who could be compelled, under such an order, to remove the nuisances, except where the parties are in the presence of the judge.”

127. Section 576 of the said Act is replaced by the following section:

“576. Penal proceedings for an offence under a provision of this Act, the charter, a by-law, a resolution or an order of the council may be instituted by the municipality.”

128. Section 577 of the said Act is replaced by the following section:

“577. Where a municipality institutes penal proceedings before any court other than a municipal court, the fines imposed for an offence under a provision of this Act, the charter, a by-law, a resolution or an order of the council belong to the municipality.”

HIGHWAY SAFETY CODE

129. The English text of section 500 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended by replacing the second paragraph by the following paragraph:

“In the case of an infraction against any of sections 32, 33, 65, 66, 67, 84, 85, 87 to 90, 100, 132, 145, 146, 275 to 280, 282 to 301, 303 to 306, 313, 314, 318, 325 to 363, 373 to 375, 378 to 382, 384, 385, 387 to 401, 404, 407, 409, 419, 428, 436, 439, the fifth paragraph of section 440, section 441, the second and third paragraphs of section 442, sections 453, 456 and 459 to 464, or under any municipal by-law to the same effect, the owner cannot be convicted unless it is shown that he was the driver of the vehicle at the time of the infraction or was in the vehicle then driven by his agent. In the latter case, the court may convict either or both of them.”

This section has effect from 1 October 1990.

130. The heading of Division VII of Chapter VIII of the said Code is replaced by the following heading: “PENAL PROVISIONS”.

HIGHWAY SAFETY CODE

131. Section 110 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by inserting the words “, including a person deemed to be convicted of such an offence” after the word “prescribed” in the second line;

(2) by striking out the second sentence.

132. Section 111 of the said Code is amended by striking out the words “, in respect of convicted persons,” in the first line of the first paragraph.

133. Section 112 of the said Code is replaced by the following section:

“112. The collector of fines, the clerk of a court, the clerk, secretary or secretary-treasurer of a municipality, the Attorney General or the director of a police department, as the case may be, shall inform the Société of any conviction in respect of which demerit points are prescribed.

The same applies to a person who accepts payment for an offence which, under this Code, entails the entry of demerit points.”

134. Section 113 of the said Code is replaced by the following section:

“113. Upon being informed of a conviction in accordance with section 112 or from the time it is in possession of such a judgment or proof thereof, the Société shall open a file, which it shall keep up to date, and enter therein the number of demerit points which corresponds to the offence committed.”

135. Section 116 of the said Code is amended by replacing the words “conviction or payment in respect of the offence in question” in the second and third lines by the words “the judgment of conviction”.

136. Section 519.54 of the said Code is amended

(1) by inserting the words “including a carrier deemed to be convicted of such an offence” after the word “prescribed” in the second line;

(2) by striking out the second sentence.

137. Section 519.55 of the said Code is amended by striking out the words “, in respect of convicted persons,” in the first and second lines of the first paragraph.

138. Section 519.56 of the said Code is replaced by the following section:

“519.56 The collector of fines, the clerk of a court, the clerk, secretary or secretary-treasurer of a municipality, the Attorney General or the director of a police department, as the case may be, shall inform the Société of any conviction in respect of which demerit points are prescribed.

The same applies to a person who accepts payment for an offence which, under this Code, entails the entry of demerit points.”

139. Section 519.57 of the said Code is replaced by the following section:

“519.57 Upon being informed of a conviction in accordance with section 519.56 or from the time it is in possession of such a judgment or proof thereof, the Société shall open a file, which it shall keep up to date, and enter therein the number of demerit points which corresponds to the offence committed.”

140. Section 519.60 of the said Code is amended by replacing the words “conviction or payment in respect of the offence in question” in the second and third lines by the words “the judgment of conviction”.

141. Section 524 of the said Code is amended by replacing the third paragraph by the following paragraph:

“Failure by the owner or driver to comply within the time prescribed constitutes an offence under the provisions of section 523.”

142. Section 532 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Failure to furnish such proof constitutes an offence under the provisions of the first paragraph of section 531.”

143. Section 545.1 of the said Code is amended by striking out the words “, in addition to costs,” in the second line.

144. Chapter I of Title X of the said Act is amended by inserting, after Division II, the following division:

“DIVISION III

“RECOVERY

“573.1 Proceedings for the recovery of duties or fees prescribed by this Code shall be instituted by the Société.”

145. The heading of Division I of Chapter II of Title X of the said Code is replaced by the following: “STATEMENTS OF OFFENCE AND NOTICES”.

146. Section 574 of the said Code is repealed.

147. Section 575 of the said Code is repealed.

148. Section 577 of the said Code is replaced by the following section:

“577. Where a peace officer ascertains that an offence under a provision of section 35 or 97, the second paragraph of section 100 or section 523 has been committed, he or, in the case referred to in section 523, the Société may serve a statement of offence on the driver with a notice enjoining the defendant to furnish, within 48 hours, proof that he was the holder of the required document when the offence was ascertained.

The peace officer may serve on the holder of an illegible or damaged licence or registration certificate a statement of offence with a notice enjoining the defendant to furnish, within 48 hours, proof that he has replaced, as required, the said licence or certificate.

The statement of offence becomes null if the required proof is furnished to a peace officer or, as the case may be, the Société within the time prescribed.

Where a notice is attached to the statement of offence, the time prescribed in article 160 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) begins to run only from the expiry of the time indicated in the notice.”

149. Section 578 of the said Code is replaced by the following section:

“578. Where a peace officer ascertains an offence under sections 30, 31, the second paragraph of section 32, sections 34, 210.1, 212, 213, 215 to 223, 230 to 237, 242, 243 to 247, 254, 258, 261 to 265, 268 to 270, 272, 273 or section 274, he may serve a statement of offence on the driver with a warning enjoining the defendant to make or cause to be made, within 48 hours, the necessary repairs or corrections.

The statement of offence becomes null if the required proof is furnished to a peace officer or, as the case may be, the Société within the time prescribed.

Where a warning is attached to the statement of offence, the time prescribed in article 160 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) begins to run only from the expiry of the time indicated in the warning.”

150. Sections 579, 580, 581, 582 and 584 of the said Code are repealed.

151. Section 583 of the said Code is amended by replacing the words “in the infraction ticket or preliminary notice” in the first and second lines by the words “in a statement of offence”.

152. Section 585 of the said Code is amended by adding, after the first paragraph, the following paragraph:

“The payment is deemed to have been made by the defendant in respect of whom the statement of offence has been served.”

153. Section 586 of the said Code is amended by striking out the words “an entry of demerit points or” in the second line.

154. Section 587 of the said Code is amended by striking out the words “the entry of demerit points or” in the third line of the first paragraph.

155. Section 588 of the said Code is amended by replacing

(1) the figure and word “586 and” in the first line of the first paragraph by the figures and word “112, 519.56, 586 and”;

(2) the words “acceptance of payment or of conviction” in the second line of the first paragraph by the words “date of the judgment of conviction”.

156. Section 590 of the said Code is amended by inserting the figures “112, 519.56,” after the word “sections” in the second line.

157. The heading of Division II of Chapter II of Title X of the said Code is amended by striking out the words “PROCEEDINGS AND”.

158. Section 591 of the said Code is repealed.

159. Section 594 of the said Code is amended by striking out the words “under section 591” in the first and second lines of the first paragraph.

160. Section 595 of the said Code is replaced by the following section:

“595. The filing of a document containing information transmitted electronically and attested by the Société which states that the defendant is the owner of the vehicle the registration number of which is indicated on the statement of offence constitutes, failing any evidence to the contrary, proof of such ownership in penal proceedings for an offence under a provision of this Code.”

161. Section 596 of the said Code is repealed.

162. Section 597 of the said Code is replaced by the following section:

“597. Penal proceedings for an offence under a provision of this Code may be instituted by the municipality when the offence is committed within its territory.”

163. Section 600 of the said Code is repealed.

164. Section 601 of the said Code is repealed.

165. Section 623 of the said Code is repealed.

166. Section 624 of the said Code is amended by inserting the words “, in accordance with this Code,” after the word “taken” in the second line of paragraph 13.

167. Section 635 of the said Code is repealed.

168. Section 648 of the said Code is amended

(1) by replacing the words “collected by” in the first line of paragraph 1 by the words “belonging to”;

(2) by inserting, after paragraph 3.1, the following paragraph:

“(3.2) the part of the costs remitted to a prosecuting party under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) and the costs remitted to the defendant under article 223 of the said Code;”.

PROFESSIONAL CODE

169. Section 165 of the Professional Code (R.S.Q., chapter C-26) is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

170. The heading of Chapter VII of the said Code is replaced by the following heading: “PENAL PROVISIONS”.

171. Section 189 of the said Code is replaced by the following section:

“189. A professional corporation may, on a resolution of its Bureau and in accordance with article 10 of the Code of Penal

Procedure (R.S.Q., chapter C-25.1), institute penal proceedings for the unlawful practice of a profession or the unauthorized use of a reserved title, or for an offence under the incorporating Act of the corporation.”

172. Section 190 of the said Code is replaced by the following section:

“**190.** The fine imposed for an offence under section 188 belongs to the corporation, where it has taken charge of the penal proceedings.”

LABOUR CODE

173. Section 19.1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing the word “such” in the eighth line of the fourth paragraph by the word “these”.

174. Section 20.4 of the said Code is amended by striking out the second sentence.

175. Section 33 of the said Code is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

176. Section 109.4 of the said Code is amended by adding, at the end of the fifth paragraph, the following words: “, except the power to order imprisonment”.

177. Section 122 of the said Code is amended by inserting the words “, except the power to order imprisonment” after the words “(chapter C-37)” in the fourth line.

178. Section 125 of the said Code is amended by replacing the word “peace” in the second line of the second paragraph by the words “Court of Québec”.

179. Section 126 of the said Code is amended by replacing the word “Peace” in the second line by the words “Court of Québec”.

180. Section 128 of the said Code is amended

(1) by replacing the words “The case” in the first line of the first paragraph by the words “Except in penal matters, the case”;

(2) by striking out the second paragraph.

181. Section 148 of the said Code is replaced by the following section:

“148. Penal proceedings for an offence under a provision of section 20.2 or 20.3, instituted in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), may be instituted only by a member of the certified association included in the bargaining unit.”

MUNICIPAL CODE OF QUÉBEC

182. Article 25 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out paragraph 13.

183. Article 115 of the said Code is repealed.

184. Article 193 of the said Code is repealed.

185. Article 264 of the said Code is amended by striking out the words “the fine and” in the third line.

186. Article 266 of the said Code is amended by replacing the words “, and are liable” in the third line by the word “and”.

187. Article 267 of the said Code is amended by replacing the word “penalties,” in the sixth line of the first paragraph by the word “penalties”.

188. Article 491 of the said Code is amended by striking out the words “or fines” in the second line of subparagraph 4 of the first paragraph.

189. Article 520 of the said Code is amended by replacing the words “the confiscation” in the second line by the words “, at the time of an inspection, the seizure”.

190. Article 546 of the said Code is amended by replacing the second paragraph of paragraph 2 by the following paragraphs:

“A judge may, within the time he prescribes, order that the nuisances which are the subject of the offence be removed by the owner, lessee or occupant convicted of the offence. Where the person fails to comply within the prescribed time, the nuisances may be removed by the municipality at the expense of that person.

Prior notice of the application for an order shall be given by the prosecutor to the person who could be compelled, under such an order,

to remove the nuisances, except where the parties are in the presence of the judge.”

191. Article 565 of the said Code is replaced by the following article:

“565. A local municipality may adopt, amend or repeal a by-law to prescribe that a police officer or a constable may issue a statement of offence at the time of the commission of an offence under a provision of a municipal by-law relating to traffic, parking or public safety, and that a person whose services are retained by the council for such purpose may issue such a statement at the time of the commission of an offence under a provision of a municipal parking by-law.

The person thus authorized to issue a statement of offence shall also be empowered to move or cause to be moved a motor vehicle for snow removal or in cases of emergency determined by by-law.

The fine requested on the statement of offence shall not exceed \$10 for a parking infraction and \$25 for an offence under a provision of any other by-law referred to in this article, except an offence under a provision adopted under paragraph 4 of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2), in which case the fine must be equal to the minimum provided for in the said Code for an offence in respect of the same matter.”

192. Article 566 of the said Code is repealed.

193. Article 693 of the said Code is amended by

(1) replacing the words “which are unclaimed within two months and which have been abandoned or are the proceeds of theft or have been seized or confiscated by its police officers” in the fourth, fifth, sixth and seventh lines of the first paragraph by the words “whose owner cannot be found or which have been abandoned or are not claimed within two months”;

(2) striking out the words “or by reason of the illegality of their possession or use” in the first and second lines of the fourth paragraph.

194. The heading of Division VIII of Chapter IX of Title XIX of the said Code is replaced by the following heading: “PENAL PROVISIONS”.

195. Article 1107 of the said Code is repealed.

196. Article 1108 of the said Code is replaced by the following article:

“1108. Penal proceedings for an offence under a provision of this Code or of the municipal by-laws may be instituted by the municipality.”

197. Article 1110 of the said Code is replaced by the following article:

“1110. Where a municipality institutes penal proceedings before any court other than a municipal court, the fines imposed for an offence under a provision of this Code or of the municipal by-laws belong to the municipality.”

GENERAL AND VOCATIONAL COLLEGES ACT

198. Section 29 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING THE BREAD TRADE

199. The heading of Division V of the Act respecting the bread trade (R.S.Q., chapter C-32) is replaced by the following heading: “PENAL PROVISIONS”.

200. Section 19 of the said Act is repealed.

ACT RESPECTING THE MARKETING OF MARINE PRODUCTS

201. Section 7 of the Act respecting the marketing of marine products (R.S.Q., chapter C-32.1) is amended by replacing the word “fines” in the second line of subparagraph 7 of the second paragraph by the word “penalties”.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

202. Section 36 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

ACT RESPECTING THE COMMISSION MUNICIPALE

203. Section 23 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

204. Section 235 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1), amended by section 128 of chapter 52 of the statutes of 1989, is again amended by replacing the second paragraph by the following paragraphs:

“The fine belongs to the Community, where it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

205. Section 236 of the said Act is replaced by the following section:

“**236.** The Community may institute penal proceedings for an offence under a provision of any of its by-laws.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

206. Division X of Title I of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following:

“DIVISION X

“PENAL PROVISIONS

“**204.** The Communauté urbaine de Montréal may institute penal proceedings for an offence under paragraph 11 of section 133, section 151.5 or paragraph 8 of section 153.1 or under any provision of a by-law or order of the Community.

“**205.** Any municipal court in the territory of the Community shall have jurisdiction in respect of any offence under a provision of this Act or of the by-laws or orders of the Community.

“206. The fine belongs to the Community, where it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

207. Sections 306.49 to 306.52 of the said Act are replaced by the following sections:

“306.49 The Société de transport de la Communauté urbaine de Montréal may institute penal proceedings for an offence under section 306.46 or 306.47 or a provision of a by-law of the corporation.

“306.50 The board of directors of the corporation shall designate specifically the officers of the corporation who shall enforce the by-laws referred to in subparagraph 1, 2 or 3 of the first paragraph of section 291.17.

“306.51 Any municipal court in the territory of the Société de transport de la Communauté urbaine de Montréal shall have jurisdiction in respect of an offence under section 306.46 or 306.47 or any other offence under a provision of a by-law of the corporation.

When the offence is committed outside the territory of the corporation, the municipal court of the locality where the offence was committed shall have jurisdiction in respect of the offence.

“306.52 The fine belongs to the corporation, where it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

208. Section 329 of the said Act is repealed.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

209. Section 221 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 132 of

chapter 52 of the statutes of 1989, is again amended by replacing the second paragraph by the following paragraphs:

“The fine belongs to the Community, where it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

210. Section 222 of the said Act is replaced by the following section:

“222. The Community may institute penal proceedings for an offence under a provision of any of its by-laws.”

COMPANIES ACT

211. Section 61 of the Companies Act (R.S.Q., chapter C-38) is amended by striking out

- (1) the words “one year’s imprisonment or to” in the sixth line;
- (2) the words “, or to both” at the end.

212. The heading of Division XXXI of Part I of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

213. Section 123 of the said Act is amended by striking out the words “; provided that no proceeding shall be taken under this section without the consent in writing of the Inspector General” in the seventh, eighth and ninth lines.

214. Section 123.148 of the said Act is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

215. The heading of Division XXIII of Part II of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

216. Section 215 of the said Act is amended by striking out the words “; provided that no proceeding shall be taken under this section without the consent in writing of the Attorney-General” in the seventh, eighth and ninth lines.

TIMBER-DRIVING COMPANIES ACT

217. The heading of Division X of the Timber-Driving Companies Act (R.S.Q., chapter C-42) is replaced by the following heading: "PENAL PROVISIONS".

218. Section 62 of the said Act is repealed.

219. Section 63 of the said Act is repealed.

GAS, WATER AND ELECTRICITY COMPANIES ACT

220. Section 90.1 of the Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44) is repealed.

TELEGRAPH AND TELEPHONE COMPANIES ACT

221. Section 15 of the Telegraph and Telephone Companies Act (R.S.Q., chapter C-45) is amended by striking out the words "which belongs to the person or persons whose despatch has been sent out of its order and who is or are aggrieved thereby" in the fourth, fifth, sixth and seventh lines.

222. Section 23 of the said Act is amended by striking out the words "which belongs to the prosecutor" in the last line.

EXTRA-PROVINCIAL COMPANIES ACT

223. Section 12 of the Extra-Provincial Companies Act (R.S.Q., chapter C-46) is repealed.

ACT RESPECTING THE CONSEIL MÉTROPOLITAIN DE TRANSPORT EN COMMUN

224. Section 60 of the Act respecting the Conseil métropolitain de transport en commun (R.S.Q., chapter C-59.001) is amended by

(1) striking out the words "or by a person generally or specially authorized in writing for that purpose" in the third and fourth lines of the first paragraph;

(2) replacing the word "are" in the fifth line of the first paragraph by the words "may be";

(3) striking out the second paragraph.

225. Section 62 of the said Act is replaced by the following section:

“62. The fine belongs to the transit corporation, where it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

226. Section 18 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by inserting, at the end of the first paragraph, the following sentence: “In addition, the conservation officer is entrusted with the custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”

227. The heading of Division I of Chapter VII of the said Act is repealed.

228. Section 168 of the said Act is replaced by the following section:

“168. Upon pronouncing a conviction for an offence under any of the provisions of this Act or the regulations thereunder, a judge may order the confiscation of the property seized under section 16 of this Act.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the property was seized and to the defendant, except where they are in the presence of the judge.

However, such conviction entails the confiscation of the seized animal, pelt or fish.”

229. Section 169 of the said Act, amended by section 29 of chapter 33 of the statutes of 1991, is again amended by inserting the words “on an application by the prosecutor which is attached to the statement of offence,” after the word “liable,” in the fourth line.

230. The said Act is amended by adding, after section 171.5, the following section:

“171.6 Penal proceedings for an offence under a provision of this Act shall be prescribed by two years from the date of the commission of the offence.”

231. Division II of Chapter VII of the said Act becomes Chapter VII.1.

232. Section 172 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“Prior notice of the application for suspension shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.”

233. Section 178.1 of the said Act is renumbered as 171.7.

234. Division III of Chapter VII of the said Act is repealed.

COOPERATIVES ACT

235. The heading of Title VI of the Cooperatives Act (R.S.Q., chapter C-67.2) is replaced by the following heading: “PENAL PROVISIONS”.

ACT RESPECTING SECURITY FUND CORPORATIONS

236. The heading of Division X of the Act respecting security fund corporations (R.S.Q., chapter C-69.1) is replaced by the following heading: “PENAL PROVISIONS”.

237. Section 75 of the said Act is repealed.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

238. The heading of Chapter VI of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is replaced by the following heading: “PENAL PROVISIONS”.

239. Section 108 of the said Act is repealed.

240. Section 109 of the said Act is replaced by the following section:

“109. Penal proceedings for an offence under a provision of this Act may be instituted before any municipal court having jurisdiction over the territory under the jurisdiction of the corporation.

The corporation may institute penal proceedings and, in such a case, the fine belongs to the corporation.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code."

ACT RESPECTING RACING

241. Section 97 of the Act respecting racing (R.S.Q., chapter C-72.1) is amended by replacing

(1) the words "proceedings have been instituted before a justice of the peace" in the second line of subparagraph 1 of the first paragraph by the words "penal proceedings have been instituted";

(2) in the French text, the word "intentée" in the third line of subparagraph 1 of the first paragraph by the word "portée".

242. Section 98 of the said Act is amended by

(1) replacing the words "justice of the peace" in the second line of the first paragraph by the word "judge";

(2) inserting the word "penal" before the word "proceedings" in the first line of the second paragraph.

243. Section 99 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"99. Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, a judge may order the confiscation of the thing seized at the time of an inspection.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the thing was seized and to the defendant, except where they are in the presence of the judge."

244. Section 112 of the said Act is repealed.

245. Section 113 of the said Act is repealed.

REAL ESTATE BROKERAGE ACT

246. The heading of Division V of the Real Estate Brokerage Act (R.S.Q., chapter C-73) is replaced by the following heading: "PENAL PROVISIONS".

247. The heading of Division VI of the said Act is replaced by the following heading: "ADMINISTRATIVE AND PENAL SANCTIONS".

248. Section 18 of the said Act is repealed.

249. Section 21 of the said Act is amended by inserting the words ", except the power to order imprisonment," after the words "(chapter C-37)" in the third line of the first paragraph.

FORESTRY CREDIT ACT

250. Section 45 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by striking out the second sentence of the fourth paragraph.

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

251. Section 36 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by striking out the second paragraph.

PUBLIC CURATOR ACT

252. Section 71 of the Public Curator Act (R.S.Q., chapter C-81) is repealed.

COMPANIES AND PARTNERSHIPS DECLARATION ACT

253. Section 6 of the Companies and Partnerships Declaration Act (R.S.Q., chapter D-1) is amended

(1) by replacing the words "Notwithstanding any provision of law concerning prescription, an" in the first line of the second paragraph by the word "An";

(2) by striking out the words ", within two years from the last day on which the company carried on such enterprise, trade or business" in the fifth and sixth lines of the third paragraph.

254. The heading of subdivision 4 of Division II of the said Act is replaced by the following heading: "*Penal provisions*".

255. Section 14 of the said Act is amended by striking out the second paragraph.

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

256. Section 30 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by replacing the words “or accusation” in the first line of paragraph *b* by the words “, information or statement of offence”.

257. Section 52 of the said Act is replaced by the following section:

“**52.** The committee may, in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), institute penal proceedings for an offence under a provision of this Act.

The fine imposed for such an offence belongs to the committee, when it has taken charge of the proceedings.”

258. Section 53 of the said Act is repealed.

DEPOSIT ACT

259. Section 8 of the Deposit Act (R.S.Q., chapter D-5) is amended by striking out the words “, clerk of the peace” in the second line of the first paragraph.

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

260. Section 33 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is amended by striking out the words “, upon prosecution in the name of the Attorney General in any court having competent jurisdiction,” in the fourth, fifth and sixth lines.

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

261. The heading of Division VIII of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is replaced by the following heading: “PENAL PROVISIONS”.

262. Section 43 of the said Act is repealed.

ACT TO PROMOTE THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY IN QUÉBEC

263. The heading of Chapter V of the Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1) is replaced by the following heading: "PENAL PROVISIONS".

264. Section 100 of the said Act is repealed.

GAS DISTRIBUTION ACT

265. Section 9 of the Gas Distribution Act (R.S.Q., chapter D-10) is amended by inserting the words ", except the power to order imprisonment" after the words "(chapter C-37)" in the second line.

TERRITORIAL DIVISION ACT

266. Section 15 of the Territorial Division Act (R.S.Q., chapter D-11) is amended by replacing the figure "188" in the first line of the third paragraph by the figure "163".

BUSINESS CONCERNS RECORDS ACT

267. Section 5 of the Business Concerns Records Act (R.S.Q., chapter D-12) is amended by striking out

(1) the words "and liable to the sentences described in article 51 of the Code of Civil Procedure (R.S.Q., chapter C-25)" at the end of the first paragraph;

(2) the words "and liable to the sentences described in article 51 of the Code of Civil Procedure" after the word "court" in the third line of the second paragraph.

ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

268. The heading of Chapter XV of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is replaced by the following heading: "PENAL PROVISIONS".

269. Section 100 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"100. Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, a judge may order

the confiscation of the game, fish, fur, arms or any other object seized at the time of an inspection.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the things were seized and to the defendant, except where they are in the presence of the judge.”

AMUSEMENT TAX ACT

270. Section 12 of the Amusement Tax Act (R.S.Q., chapter D-14) is replaced by the following section:

“**12.** A municipality may institute penal proceedings for an offence under this Act when the offence is committed in its territory.

The fine imposed belongs to the municipality, when it has instituted the penal proceedings.”

MINING DUTIES ACT

271. Section 75 of the Mining Duties Act (R.S.Q., chapter D-15) is amended by replacing the words “produced in any judicial proceedings” in the last two lines of subparagraph *d* of the second paragraph by the words “submitted in evidence in judicial proceedings, in which case the clerk becomes the custodian thereof”.

272. Section 76 of the said Act is amended

(1) by replacing the words “exercise the powers contemplated in the second paragraph” in the second and third lines of the first paragraph by the words “make a search in accordance with the Code of Penal Procedure”;

(2) by striking out the second and fourth paragraphs.

273. Section 77 of the said Act is repealed.

274. Section 78 of the said Act is amended by striking out the word and figure “or 76” in the third line.

275. The heading of Division IV of Chapter VII of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

ACT RESPECTING THE CONSERVATION OF ENERGY IN BUILDINGS

276. The heading of Division V of the Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1) is replaced by the following heading: "PENAL PROVISIONS".

277. Section 23 of the said Act is amended by replacing the first paragraph by the following paragraph:

"23. Penal proceedings for an offence under a provision of this Act or the regulations thereunder may be instituted, if section 7 applies, by the delegated municipal corporation."

278. Section 24 of the said Act is replaced by the following section:

"24. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the date of the commission of the offence."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

279. Section 270 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding, at the end of the second paragraph, the following words: ", except the power to order imprisonment".

280. Section 647 of the said Act is amended by replacing the words "Only the chief electoral officer, the Attorney General or the person generally or specially authorized by one of them for that purpose may bring" in the first three lines by the words "The chief electoral officer may institute".

281. Section 648 of the said Act is replaced by the following section:

"648. Penal proceedings for an offence referred to in section 647 of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence."

ACT RESPECTING SCHOOL ELECTIONS

282. Section 153 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

283. Section 224 of the said Act is repealed.

ELECTION ACT

284. Section 138 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing the words “found guilty or convicted” in the first line by the words “convicted or held to be guilty”.

285. Section 390 of the said Act is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

286. Section 569 of the said Act is replaced by the following section:

“569. The chief electoral officer may institute penal proceedings for an offence under this title.

Such proceedings shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

PUBLIC OFFICERS ACT

287. Section 1 of the Public Officers Act (R.S.Q., chapter E-6) is amended by striking out the words “clerk of the Peace,” in the fourth line of the second paragraph.

FIRE INVESTIGATIONS ACT

288. Section 4 of the Fire Investigations Act (R.S.Q., chapter E-8) is amended by replacing the word “peace” in the second line of the third paragraph by the words “Court of Québec”.

289. Section 6 of the said Act is amended by striking out the words “, a clerk of the peace” in the third line of the second paragraph.

290. Section 7 of the said Act is amended

(1) by striking out the words “subject to section 174 of the Courts of Justice Act (chapter T-16),” in the third line;

(2) by adding, after the first paragraph, the following paragraphs:

“No fire investigation commissioner may act as a justice of the peace in cases arising from facts that were the subject of his investigation or inquiry.

Any act performed in contravention of the provision of the second paragraph is absolutely null.”

291. Section 13 of the said Act is amended by replacing the word “peace” in the fifth line of the first paragraph by the words “Court of Québec”.

292. Section 18 of the said Act is amended by striking out the words “and is liable to the penalties provided for in article 51 of the Code of Civil Procedure (chapter C-25)” after the word “court” in the second and third lines of the fourth paragraph.

293. Section 21.4 of the said Act is amended by replacing the figure “186” in the third line by the figure “158”.

294. Section 29 of the said Act is amended by replacing the word “peace” in the first line of the second paragraph by the words “Court of Québec”.

295. The heading of Division VI of the said Act is replaced by the following heading: “MISCELLANEOUS AND PENAL PROVISIONS”.

ACT RESPECTING THREATENED OR VULNERABLE SPECIES

296. Section 32 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) is repealed.

297. Section 34 of the said Act is amended by adding, at the end of the first paragraph, the following words: “In addition, he is entrusted with the custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”

298. Section 38 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“Prior notice of the motion shall be given to the person from whom the thing was seized and to the other person who may file the motion.”

299. Section 47 of the said Act is replaced by the following section:

“47. Penal proceedings for a false or misleading declaration made to the Minister of the Environment or to an inspector of plant life shall be prescribed, where applicable, by one year from the date of the inspection which led to the discovery of the offence or after the date on which the investigation record relating to the offence was opened.

The certificate of the Minister or the inspector, as the case may be, indicating the date on which the investigation or inspection began constitutes, failing any evidence to the contrary, conclusive proof of such fact.”

300. Section 48 of the said Act is repealed.

301. Section 49 of the said Act is amended by replacing the words “Notwithstanding section 48, a” in the first line by the word “A”.

ACT RESPECTING THE EXAMINATION OF COMPLAINTS FROM CUSTOMERS OF ELECTRICITY DISTRIBUTORS

302. Section 32 of the Act respecting the examination of complaints from customers of electricity distributors (R.S.Q., chapter E-17.1) is repealed.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

303. The heading of Chapter V of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is replaced by the following heading: “PENAL PROVISIONS”.

304. Section 77 of the said Act is repealed.

ACT RESPECTING EXPLOSIVES

305. Section 19.1 of the Act respecting explosives (R.S.Q., chapter E-22) is amended

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

“19.1 The seizer is entrusted with the custody of the explosives seized under this Act, even when they are submitted in evidence in penal proceedings.

A judge may order the sale of such explosives on the application of the person having custody thereof. The sale is carried out on such conditions as the judge may determine, and the proceeds of the sale are deposited with a financial institution in accordance with the Deposit Act (R.S.Q., chapter D-5).”;

(2) by replacing the words “Where proceedings are brought, the judge may, on rendering judgment, confiscate” in the first and second lines of the third paragraph by the words “Upon conviction for an offence under a provision of this Act, a judge may, on the application of the prosecutor, order the confiscation of”;

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

“Prior notice of the application for sale or confiscation shall be given, as the case may be, by the seizer or the prosecutor to the person from whom the explosives were seized, to the defendant and to the persons who claim to be entitled to the explosives, except where they are in the presence of the judge.”

EXPROPRIATION ACT

306. Section 5 of the Expropriation Act (R.S.Q., chapter E-24) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

ACT RESPECTING MUNICIPAL TAXATION

307. Section 96 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

PUBLIC SERVICE ACT

308. The heading of Chapter VII of the Public Service Act (R.S.Q., chapter F-3.1.1) is replaced by the following heading: “PENAL PROVISIONS”.

309. The heading of Chapter I of Title VI of the Forest Act (R.S.Q., chapter F-4.1) is replaced by the following heading: "PENAL PROVISIONS".

310. Section 173 of the said Act, amended by section 42 of chapter 33 of the statutes of 1991, is again amended

(1) by replacing the words "maximum fine of" in the first line of the second paragraph by the words "fine of \$5 to" and the words "maximum fine of" in the second line of the second paragraph by the words "fine of \$10 to";

(2) by replacing the words "the judge who imposes a fine" in the first line of the third paragraph by the words "the judge";

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

"Prior notice of the application for an order shall be given by the prosecutor to the person who could be compelled, under such an order, to reforest the site, except where the parties are in the presence of the judge."

311. Section 175 of the said Act, amended by section 44 of chapter 33 of the statutes of 1991, is again amended

(1) by replacing the words "Le juge" in the first line of the second paragraph of the French text by the words "Un juge";

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

"Prior notice of the application for an order shall be given by the prosecutor to the person who could be compelled, under such an order, to remove the waste, except where the parties are in the presence of the judge."

312. Section 175.1 of the said Act, amended by section 45 of chapter 33 of the statutes of 1991, is again amended by replacing the second paragraph by the following paragraphs:

"Penal proceedings for such offence shall be prescribed by one year from the date on which the investigation record relating to the offence was opened.

The certificate of the Minister indicating the date on which the investigation began constitutes, failing any evidence to the contrary, conclusive proof of such fact."

313. The said Act is amended by adding, after section 185, the following section:

"185.1 Except where otherwise specially provided, penal proceedings for an offence under this Act shall be prescribed by two years from the date of the commission of the offence."

314. Section 202 of the said Act is repealed.

315. Section 203 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"203. Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, the judge may, on the application of the prosecutor, order the confiscation of the timber seized under sections 187 and 197.

Prior notice of the application shall be given by the prosecutor to the person from whom the timber was seized and to the defendant, except where they are in the presence of the judge."

316. Section 206 of the said Act becomes section 195.1 and is amended

(1) by striking out the words "search or" in the second line;

(2) by replacing the word "chapter" in the fourth line by the word "division".

317. The said Act is amended by adding, after section 256, the following section:

"256.1 The Minister may designate from among the officers the persons who shall be entrusted with the enforcement of this Act."

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

318. Section 25 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by adding, at the end of the second paragraph, the following words: "except the power to order imprisonment".

319. The heading of Chapter VI of the said Act is replaced by the following heading: “PENAL PROVISIONS AND OTHER SANCTIONS”.

320. Section 46 of the said Act is repealed.

321. The said Act is amended by adding, after section 51, the following section:

“**51.1** Penal proceedings for an offence under subparagraph *e* of the first paragraph of section 47 shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

GRAIN ACT

322. The heading of Division XI of the Grain Act (R.S.Q., chapter G-1.1) is replaced by the following heading: “PENAL PROVISIONS”.

323. Section 64 of the said Act is repealed.

ACT RESPECTING HOURS AND DAYS OF ADMISSION TO COMMERCIAL ESTABLISHMENTS

324. Section 27 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1) is amended

(1) by inserting the words “by the municipality” after the word “brought” in the second line of the first paragraph;

(2) by adding, at the end of the second paragraph, the following words “and the costs remitted to the defendant under article 223 of the Code of Penal Procedure (R.S.Q., chapter C-25.1).”

BAILIFFS ACT

325. Section 29.5 of the Bailiffs Act (R.S.Q., chapter H-4) is amended

(1) by replacing the words “proceedings have been instituted before a justice of the peace” in the third and fourth lines of the first paragraph by the words “penal proceedings have been instituted”;

(2) by replacing the words "justice of the peace" in the first line of the third paragraph by the word "judge".

326. Section 34 of the said Act is repealed.

TOBACCO TAX ACT

327. The heading of Division IV of the Tobacco Tax Act (R.S.Q., chapter I-2) is replaced by the following heading: "PENAL PROVISIONS".

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

328. The heading of Division XIV of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is replaced by the following heading: "PENAL PROVISIONS".

329. Section 117 of the said Act is amended by replacing the figure "125" in the second line by the figure "126".

330. Section 125 of the said Act is repealed.

331. Section 126 of the said Act is amended

(1) by replacing the words "Any person authorized under section 125 may, in exercising the powers provided therein" in the first and second lines by the words "Any member of a police force authorized to do so by the Minister of Public Security or a member of the Sûreté du Québec may, at the time of an inspection";

(2) by replacing the word "elle" in the first line of paragraph 1 of the French text by the word "il";

(3) by replacing the words "si elle" in the first lines of subparagraphs *a* and *c* of paragraph 1 of the French text by the words "s'il";

(4) by striking out paragraphs 2 and 3;

(5) by replacing the words "si elle" in the first line of paragraph 5 of the French text by the words "si lui".

332. Section 127 of the said Act is replaced by the following section:

"127. The Corporation shall have custody of the alcoholic beverages and receptacles seized under section 126, even if they are

submitted as evidence, unless the judge to whom they were submitted in evidence decides otherwise.

The Corporation may retain the things seized or see to it that they are retained in such a manner as to ensure their preservation until a judge decides otherwise by judgment."

333. Section 128 of the said Act is renumbered as 177.1 and is amended by replacing the word "court" in the last line by the word "judge".

334. The heading of Division XVI of the said Act is replaced by the following heading: "PROOF AND PENAL PROCEDURE".

335. Section 129 of the said Act is repealed.

336. Section 130 of the said Act is repealed.

337. Section 132 of the said Act is repealed.

338. Section 144 of the said Act is amended by replacing

(1) the word "condamnation" in the first line of the French text by the words "déclaration de culpabilité";

(2) the word "information" in the second line by the words "statement of offence".

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

"153. Where a person is convicted of an offence relating to illegal posting outside the establishment, the poster illegally placed shall be removed or destroyed, at the expense of the person, within eight days of service, on that person, of the notice of the judgment."

340. Division XVIII of the said Act is repealed.

341. Section 172 of the said Act is replaced by the following section:

"172. Upon pronouncing a conviction for an offence under a provision of this Act, a judge may, on the application of the prosecuting party, order the confiscation

(1) of any seized alcoholic beverages the possession of which is illegal;

(2) of any receptacle, vehicle or other thing seized that is used to transport such beverages.

However, the judge shall order, at all times, on the application of the prosecuting party, the confiscation of alcoholic beverages that are unfit for human consumption.

Prior notice of the application for confiscation shall be given by the prosecuting party to the person from whom the things were seized and to the defendant, except where they are in the presence of the judge."

342. Section 174 of the said Act is repealed.

343. Section 177 of the said Act is amended by replacing the word "court" in the first line by the word "judge".

344. Section 178 of the said Act is amended by replacing

(1) the words "proceedings to have it declared confiscated have been commenced" in the second and third lines of the second paragraph by the words "an application to have it declared confiscated has been filed";

(2) the words "court before which such proceedings are taken a petition" in the third and fourth lines of the second paragraph by the words "judge to whom the application is made a motion";

(3) the words "court seized of such petition" in the first line of the third paragraph by the words "court seized of the motion" and the word "it" in the second line of the third paragraph by the word "he".

345. Division XX of the said Act is repealed.

ENGINEERS ACT

346. The heading of Division V of the Engineers Act (R.S.Q., chapter I-9) is replaced by the following heading: "PENAL PROVISIONS".

347. Section 23 of the said Act is repealed.

FOREST ENGINEERS ACT

348. Section 11 of the Forest Engineers Act (R.S.Q., chapter I-10) is amended by striking out the first paragraph.

349. Section 12 of the said Act is repealed.

BURIAL ACT

350. The heading of Division III of the Burial Act (R.S.Q., chapter I-11) is replaced by the following heading: "GENERAL AND PENAL PROVISIONS".

351. Section 22 of the said Act is replaced by the following section:

"22. Penal proceedings may be instituted by the municipal corporation of the locality in which the offence has been committed."

ACT RESPECTING THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS

352. Section 9 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended by replacing the words "produced in judicial proceedings" in the last line by the words "submitted in evidence in legal proceedings, in which case the clerk becomes the custodian thereof."

353. The heading of Division IV of the said Act is replaced by the following heading: "PENAL PROVISIONS".

ACT RESPECTING PIPING INSTALLATIONS

354. Section 15.3 of the Act respecting piping installations (R.S.Q., chapter I-12.1) is repealed.

355. Section 19 of the said Act is amended

(1) by striking out subsection 1;

(2) by replacing subsection 4 by the following subsection:

"(4) Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence."

ACT RESPECTING ELECTRICAL INSTALLATIONS

356. Section 36 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended

(1) by striking out subsection 1;

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

“(3) Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

357. Section 36.1 of the said Act is repealed.

EDUCATION ACT

358. Section 491 of the Education Act (R.S.Q., chapter I-13.3) is replaced by the following section:

“**491.** The school board or the Conseil scolaire de l’île de Montréal may, in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), institute penal proceedings for an offence under a provision of section 16 or of this chapter.”

359. Section 492 of the said Act is replaced by the following section:

“**492.** The fine imposed for an offence referred to in section 491 belongs to the school board or the Conseil where it has taken charge of the prosecution.”

ACT RESPECTING MARKET INTERMEDIARIES

360. Section 188 of the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is amended by replacing the words “an information is filed” in the second line of the second paragraph by the words “proceedings are instituted”.

361. Section 213 of the said Act is amended by replacing the words “by the Attorney General or” in the fourth line by the words “, in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1),”.

362. Section 214 of the said Act is replaced by the following section:

“**214.** The fine for an offence described in section 213 belongs to the council where it has taken charge of the penal proceedings.”

NEWSPAPER DECLARATION ACT

363. The Newspaper Declaration Act (R.S.Q. chapter J-1) is amended by replacing the words “clerk of the peace” by the words “clerk of the Court of Québec” wherever they appear

- (1) in the seventh line of section 1;
- (2) in the second line of section 7;
- (3) in the third and eleventh lines of the second paragraph of section 8;
- (4) in the second line of section 10;
- (5) in the first line of section 11.

JURORS ACT

364. Section 50 of the Jurors Act (R.S.Q., chapter J-2) is repealed.

FREEDOM OF WORSHIP ACT

365. Section 4 of the Freedom of Worship Act (R.S.Q., chapter L-2) is amended by replacing the words “the provisions of this act, have the same carried out and prosecute persons offending against the same” in the last two lines by the words “and have carried out the provisions of this Act”.

366. Section 10 of the said Act is amended by striking out the words “, and may prosecute persons offending” in the last line.

367. Division V of the said Act is repealed.

WINDING-UP ACT

368. Section 26 of the Winding-up Act (R.S.Q., chapter L-4) is amended by inserting the word “civil” before the word “action” in the fourth line.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

369. The heading of Chapter VII of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is replaced by the following heading: “PENAL PROVISIONS”.

370. Section 121.1 of the said Act is repealed.

ACT TO ENSURE THAT ESSENTIAL SERVICES ARE MAINTAINED IN THE HEALTH AND
SOCIAL SERVICES SECTOR

371. The heading of subdivision 1 of Division III of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1) is amended by replacing the word "*proceedings*" by the word "*provisions*".

372. Section 10 of the said Act, amended by section 74 of chapter 33 of the statutes of 1991, sections 11 and 12 and section 13 of the said Act, amended by section 75 of chapter 33 of the statutes of 1991, are amended by striking out the words ", in addition to costs," wherever they appear.

373. Section 16 of the said Act is amended by striking out the second paragraph.

374. Section 20 of the said Act is amended in the French text by replacing the words "le constat d'une contravention à l'article 2, la durée de cette contravention" in the ninth and tenth lines of the third paragraph by the words "qu'une infraction à une disposition de l'article 2 a été commise, la durée de cette infraction".

MASTER ELECTRICIANS ACT

375. The heading preceding section 21 of the Master Electricians Act (R.S.Q., chapter M-3) is replaced by the following heading: "PENAL PROVISIONS".

376. Sections 21.3 to 21.6 of the said Act are repealed.

377. Section 22 of the said Act is replaced by the following section:

"**22.** The Corporation may, on resolution of the council and in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), institute penal proceedings for an offence under a provision of this Act."

378. Section 22.1 of the said Act is amended by replacing

(1) the first paragraph by the following paragraph:

"**22.1** The fines belong to the Corporation where it has taken charge of the penal proceedings.";

(2) the words “condamnations prononcées” in the second line of the second paragraph of the French text by the words “déclarations de culpabilité”.

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

“23. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

MASTER PIPE-MECHANICS ACT

380. The heading preceding section 20 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is replaced by the following heading: “PENAL PROVISIONS”.

381. Sections 20.3 to 20.6 of the said Act are repealed.

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

“21. The Corporation may, on resolution of the council and in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), institute penal proceedings for an offence under a provision of this Act.”

383. Section 21.1 of the said Act is amended by replacing

(1) the first paragraph by the following paragraph:

“21.1 The fines belong to the Corporation where it has taken charge of the penal proceedings.”;

(2) the words “condamnations prononcées” in the second line of the second paragraph of the French text by the words “déclarations de culpabilité”.

384. Section 21.2 of the said Act is replaced by the following section:

“21.2 Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the

prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

ACT RESPECTING STUFFING AND UPHOLSTERED AND STUFFED ARTICLES

385. Section 28 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

386. The heading of Division VII of the said Act is replaced by the following heading: “PENAL AND REGULATORY PROVISIONS”.

STATIONARY ENGINEMEN ACT

387. The heading of Division V of the Stationary Enginemen Act (R.S.Q., chapter M-6) is replaced by the following heading: “PENAL PROVISIONS”.

388. Section 15 of the said Act is replaced by the following section:

“**15.** Penal proceedings for an offence under a provision of this Act or the regulations thereunder shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

389. Section 17 of the said Act is repealed.

VETERINARY SURGEONS ACT

390. The heading of Division VI of the Veterinary Surgeons Act (R.S.Q., chapter M-8) is replaced by the following heading: “PENAL PROVISIONS”.

391. Section 33 of the said Act is repealed.

MINING ACT

392. The Mining Act (R.S.Q., chapter M-13.1) is amended by adding, after section 322, the following section:

“**322.1** Penal proceedings for an offence under this Act shall be prescribed by two years from the date of the commission of the offence.”

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

393. Section 4 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

394. Section 4 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by inserting, after paragraph *b*, the following paragraph:

“(b.1) may, in particular, institute penal proceedings for any offence under the Acts and regulations of Québec or, for such purpose, generally or specially authorize any person in writing to act on behalf of the Attorney General,”.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

395. Sections 12.5, 12.6 and 12.7 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) are repealed.

396. Section 12.8 of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DU LOISIR, DE LA CHASSE ET DE LA PÊCHE

397. Section 13 of the Act respecting the Ministère du Loisir, de la Chasse et de la Pêche (R.S.Q., chapter M-30.1) is amended by inserting, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING THE MINISTÈRE DU REVENU

398. The heading of Division VII of Chapter III of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by replacing the word “OFFENCES” by the words “PENAL PROVISIONS”.

399. Section 61 of the said Act, replaced by section 592 of chapter 4 of the statutes of 1990, is again replaced by the following section:

“61. Every person who contravenes section 20, subsection 1 or 2 of section 34, any of sections 35 to 35.5, 38, 39 and 43, section 1015

of the Taxation Act (R.S.Q., chapter I-3) or sections 59 and 63 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is guilty of an offence and, in addition to any penalty prescribed by this Act, is liable to a fine of not less than \$200 nor more than \$10 000 or, notwithstanding article 231 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), to both the fine and a term of imprisonment not exceeding six months."

400. Section 61.1 of the said Act, introduced by section 591 of chapter 67 of the statutes of 1991, is amended by adding, after the first paragraph, the following paragraph:

"Prior notice of the application for an order shall be given by the prosecutor to the person who could be compelled, under such an order, except where the person is in the presence of the judge."

401. Section 72 of the said Act is replaced by the following sections:

"72. Penal or civil proceedings and actions instituted under a fiscal law, and any appeal brought pursuant to a fiscal law or under the Code of Penal Procedure or any fiscal law shall be instituted in the name of the Deputy Minister notwithstanding any provision inconsistent with this Act.

Subject to article 34 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), no person may intervene in first instance or in appeal, or replace the Deputy Minister in any penal proceedings instituted in his name under a fiscal law.

"72.1 Notwithstanding section 72, the Attorney General may, of his own motion and as if he were party to the proceedings, appeal from any judgment rendered on penal proceedings instituted under a fiscal law, or intervene in any appeal brought against such a judgment, where the appeal or the intervention concerns solely a question of law.

"72.2 The Attorney General shall, before ordering the stay of penal proceedings instituted under a fiscal law, inform the Minister thereof who, where expedient, makes any comment he considers appropriate.

Where the stay of penal proceedings is ordered, any continuation of the proceedings is authorized by the Deputy Minister within six months of such stay of proceedings.

"72.3 Sections 72.1 and 72.2 do not confer on the Attorney General the quality of a person legally entitled to information obtained

under a fiscal law, and no proceedings instituted by the Attorney General pursuant to any of such provisions constitute proceedings between the interested party and the Deputy Minister within the meaning of the fourth paragraph of section 69.

“72.4 Where penal proceedings are instituted under a fiscal law, it is not necessary for the Deputy Minister to sign or attest the statement of offence or to prove his appointment or continuance in office.

The statement of offence shall be signed and issued by a public servant authorized by the Deputy Minister and proof of his quality, signature or authorization is not necessary, except where the defendant contests it and the judge considers it necessary to furnish such proof.”

402. Section 73 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the provisions of the Code of Penal Procedure concerning offence reports shall apply to any offence report under a fiscal law which must be made in the form prescribed by the Minister.”

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

“77. The Deputy Minister shall be sufficiently designated by his official title, without mentioning his name, and any proceedings in which he is designated by name may be continued by his successor without continuance of suit or change in designation.

The Deputy Minister shall be represented, for all purposes, by the advocate appearing in his name and the latter need not prove his quality to act in the name of the Deputy Minister.”

404. Section 94 of the said Act is amended by replacing the words “the informer or prosecutor” in the last line of the first paragraph by the words “a prosecutor”.

ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

405. The heading of Title V of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is replaced by the following heading: “PENAL PROVISIONS”.

406. Section 200 of the said Act is amended by

- (1) striking out the first paragraph;
- (2) inserting the word "penal" before the word "remedy" in the first line of the second paragraph.

ACT RESPECTING THE MODE OF PAYMENT FOR ELECTRIC AND GAS SERVICE IN CERTAIN BUILDINGS

407. Section 23 of the Act respecting the mode of payment for electric and gas service in certain buildings (R.S.Q., chapter M-37) is repealed.

ACT RESPECTING LABOUR STANDARDS

408. Section 123.3 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding, at the end of the second sentence of the third paragraph, the following words: ", except in penal matters, where the court considers that such proof is necessary for a full and complete defence".

409. The heading of Chapter VII of the said Act is replaced by the following heading: "PENAL PROVISIONS".

410. Section 143 of the said Act is repealed.

411. Section 144 of the said Act is replaced by the following section:

"144. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence."

412. Section 145 of the said Act is repealed.

413. Section 147 of the said Act is replaced by the following section:

"147. The Commission may designate from among the members of its personnel the persons who shall be entrusted with the carrying out of this Act."

NOTARIAL ACT

414. Section 123 of the Notarial Act (R.S.Q., chapter N-2) is amended by striking out the first and second paragraphs of subsection 2.

415. The heading of Division XIV of the said Act is replaced by the following heading: "PENAL PROVISIONS".

ACT RESPECTING THE PAYMENT OF CERTAIN FINES

416. Section 3 of the Act respecting the payment of certain fines (R.S.Q., chapter P-2) is amended by replacing the words "the justices of the peace, either *ex officio* or by virtue of appointment as such in conformity with the provisions of section 195 of the Courts of Justice Act (chapter T-16)" in the second, third, fourth and fifth lines by the words "a justice of the peace".

417. Section 4 of the said Act, amended by section 134 of chapter 52 of the statutes of 1989, is again amended

(1) by striking out the words ", the clerk of the peace" in the first line;

(2) by replacing the words "the justices of the peace" in the second and third lines by the words "a justice of the peace".

ACT RESPECTING PAYMENT OF CERTAIN CROWN WITNESSES

418. Section 2 of the Act respecting payment of certain Crown witnesses (R.S.Q., chapter P-2.1) is amended by replacing the word "peace" in the third line of subsection 2 by the words "Court of Québec".

PARKS ACT

419. The heading of Division V of the Parks Act (R.S.Q., chapter P-9) is replaced by the following heading: "PENAL PROVISIONS".

420. Section 11.4 of the said Act is replaced by the following section:

"11.4 Any conviction for an offence under a provision of subparagraph *a* of the first paragraph of section 7 entails the confiscation of the thing seized.

Upon pronouncing a conviction for an offence under a provision of subparagraph *b* of the first paragraph of section 7, section 8 or 8.1 or a provision of any regulation the contravention of which constitutes an offence under paragraph *p* of section 9, a judge may, on the application of the prosecutor, order the confiscation of the thing seized. However, where fish is seized, the conviction entails the confiscation thereof.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the thing was seized or to the offender, except where they are in the presence of the judge.”

421. Section 11.6 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“Prior notice of the application for suspension shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.”

ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE

422. Section 40 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended by

(1) striking out the words “has been produced in a judicial proceeding or until it” in the second and third lines;

(2) adding, at the end, the following sentence: “In addition, the inspector or officer shall have custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”

423. Section 44 of the said Act is amended by replacing the words “the justice of the peace” in the second line of the first paragraph by the words “a judge”.

424. Section 52 of the said Act is amended

(1) by replacing the words “the judge who imposes a penalty for any offence against section 11, 12 or 13 may” in the first and second lines of the first paragraph by the words “a judge may, upon conviction for an offence under a provision of section 11, 12 or 13, and on the application of the prosecuting party,”;

(2) by replacing the words “the judge shall declare” in the second line of the second paragraph by the words “the conviction entails”;

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

“Prior notice of the application for confiscation shall be given by the prosecuting party to the person from whom the property was seized and to the defendant, except where they are in the presence of the judge.”

ACT RESPECTING BEER AND SOFT DRINK DISTRIBUTORS' PERMITS

425. Section 6 of the Act respecting beer and soft drink distributors' permits (R.S.Q., chapter P-9.2) is amended by replacing the word “described” in the last line of the second paragraph by the words “provided for”.

PESTICIDES ACT

426. Section 89 of the Pesticides Act (R.S.Q., chapter P-9.3) is amended

(1) by striking out the words “or the Code of Penal Procedure (chapter C-25.1)” in the second line of the first paragraph;

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

“In addition, the inspector shall have custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”

427. Sections 91, 93, and 95 of the said Act are amended by replacing the words “justice of the peace” wherever they appear by the word “judge”.

428. Section 97 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“97. Upon pronouncing a conviction for an offence under section 110 or 111, a judge may, on the application of the prosecutor and where a seizure has been made under this Act, order the confiscation of the things seized or the proceeds of the sale thereof.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the things were seized and to the defendant, except where they are in the presence of the judge.”

429. Section 121 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“However, where a false or misleading declaration is made to the Minister or an inspector, penal proceedings must be instituted within two years from the date on which the investigation record was opened or from the date on which the inspection which led to the discovery of the offence began.

The certificate of the Minister, investigator or inspector, as the case may be, indicating the date on which the investigation or inspection began constitutes, failing any evidence to the contrary, conclusive proof of such fact.”

430. Section 123 of the said Act is repealed.

POLICE ACT

431. Section 5 of the Police Act (R.S.Q., chapter P-13) is amended by inserting the words “under the Criminal Code” after the word “capacity” in the second line of the second paragraph.

432. Section 54 of the said Act is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

433. Section 98.4 of the said Act is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

434. The heading of Division VII.2 of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

435. Section 98.9 of the said Act is repealed.

ACT RESPECTING PREVENTION OF DISEASE IN POTATOES

436. Section 25 of the Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1) is amended by adding, at the end of the first paragraph, the following sentence: “In addition, the inspector shall have custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”

437. Sections 27 and 28 of the said Act are amended by replacing the words “justice of the peace” wherever they appear by the word “judge”.

438. Section 30 of the said Act is amended

(1) by replacing the words “of a person guilty of” in the first line of the first paragraph by the word “for”;

(2) by replacing the words “court may” in the fourth line of the first paragraph by the words “judge may, on the application of the prosecutor,”;

(3) by replacing the word “court” in the fifth line of the first paragraph by the word “judge”;

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

“Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the potatoes were seized and to the defendant, except where they are in the presence of the judge.”

FARM PRODUCERS ACT

439. The heading of Division XII of the Farm Producers Act (R.S.Q., chapter P-28) is replaced by the following heading: “PENAL PROVISIONS”.

AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

440. Section 20 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

441. Section 33.2 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “In addition, the custodian shall have custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”;

(2) by replacing the word “court” in the third line of the second paragraph by the word “judge”.

442. Sections 33.4 and 33.6 of the said Act are amended by replacing the words “justice of the peace” wherever they appear by the word “judge”.

443. Section 33.7 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“33.7 Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, a judge may, on the application of either party and where a seizure has been made under section 33.1, order the confiscation of the thing seized.

Prior notice of the application for confiscation shall be given to the other party and to the person from whom the thing was seized, except where they are in the presence of the judge.”

444. Section 45 of the said Act, amended by section 98 of chapter 33 of the statutes of 1991, is again amended by striking out the second paragraph.

445. Section 48 of the said Act, amended by section 100 of chapter 33 of the statutes of 1991, is again amended by striking out the second paragraph.

446. Section 49 of the said Act, amended by section 101 of chapter 33 of the statutes of 1991, is again amended

(1) by inserting the words “on an application by the prosecutor which is attached to the statement of offence,” after the word “liable,” in the first line of the first paragraph;

(2) by striking out the second paragraph.

447. Section 51 of the said Act is repealed.

448. Section 52 of the said Act is repealed.

DAIRY PRODUCTS AND DAIRY PRODUCTS SUBSTITUTES ACT

449. Section 44 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

450. Section 48.2 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “In addition, the custodian shall have custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”;

(2) by replacing the word “court” in the third line of the second paragraph by the word “judge”.

451. Sections 48.4 and 48.6 of the said Act are amended by replacing the words “justice of the peace” wherever they appear by the word “judge”.

452. Section 48.7 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**48.7** Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, a judge may, on the application of the prosecutor and where a seizure has been made under section 48.1, order the confiscation of the thing seized.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the thing was seized and to the defendant, except where they are in the presence of the judge.”

453. Section 51 of the said Act, amended by section 104 of chapter 33 of the statutes of 1991, is again amended

(1) by inserting the words “on the application of the prosecutor,” after the word “liable,” in the second line of the first paragraph;

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

“A conviction for an offence under a provision of section 3, 21 or 23 also entails the closing of the factory, establishment or premises in which such offence was committed, unless, within eight days from the service of the notice of judgment, the person convicted complies with the requirements of the law.”

454. Section 52 of the said Act is amended by inserting the words “, on an application by the prosecutor which is attached to the statement of offence,” after the word “shall” in the third line of the first paragraph.

455. Section 52.1 of the said Act is amended by inserting the words “, on an application by the prosecutor which is attached to the statement of offence,” after the word “is,” in the first line.

456. Section 53 of the said Act is replaced by the following section:

“**53.** The permit of a holder is cancelled when he is convicted of an offence under a provision of subsection 3 of section 2.”

457. Section 56 of the said Act is repealed.

PUBLIC PROTECTOR ACT

458. Section 33.2 of the Public Protector Act (R.S.Q., chapter P-32) is repealed.

YOUTH PROTECTION ACT

459. Section 97 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by striking out the words "and the tribunal may condemn him to the penalties provided by article 51 of the Code of Civil Procedure (chapter C-25)" in the second, third and fourth lines of the second paragraph.

460. The heading of Chapter VII of the said Act is replaced by the following heading: "PENAL PROVISIONS".

PUBLIC HEALTH PROTECTION ACT

461. The heading of Division XII of the Public Health Protection Act (R.S.Q., chapter P-35) is replaced by the following heading: "PENAL PROVISIONS".

ACT RESPECTING THE PROTECTION OF NON-SMOKERS IN CERTAIN PUBLIC PLACES

462. The heading of Chapter VI of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01) is replaced by the following heading: "PENAL PROVISIONS".

463. Sections 30 to 32 of the said Act are repealed.

464. Section 34 of the said Act is replaced by the following section:

"34. A local municipality may institute penal proceedings for an offence under a provision of this Act which is committed in its territory.

The fine belongs to the local municipality, where it instituted the penal proceedings."

465. Section 35 of the said Act, amended by section 135 of chapter 52 of the statutes of 1989, is again amended by replacing the second paragraph by the following paragraph:

"The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court,

except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

ACT RESPECTING THE PROTECTION OF PERSONS AND PROPERTY IN THE EVENT OF
DISASTER

466. Section 53 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is repealed.

CONSUMER PROTECTION ACT

467. The heading of Chapter III of Title IV of the Consumer Protection Act (R.S.Q., chapter P-40.1) is replaced by the following heading: “PENAL PROVISIONS”.

468. Section 284 of the said Act is repealed.

469. Section 285 of the said Act is repealed.

470. Section 288 of the said Act is amended

(1) by replacing the words “The court convicting a person accused of an offence provided for in section 278, may in addition, on the motion of the person suing, order that the offender” in the first, second and third lines by the words “A judge may, on the application of the prosecutor, order that a person convicted of an offence under a provision of section 278”;

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

“Prior notice of the application for an order shall be given by the prosecutor to the person who could be compelled, under such an order, to distribute certain information, except where they are in the presence of the judge.”

471. The said Act is amended by inserting, after section 290, the following section:

“290.1 Penal proceedings for an offence under a provision of this Act shall be prescribed by two years from the date of the commission of the offence.”

472. Section 305 of the said Act is amended by adding, at the end of the first paragraph, the following words: “, except the power to order imprisonment”.

ACT TO PRESERVE AGRICULTURAL LAND

473. Section 19 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by adding, at the end of the first sentence of the first paragraph, the following words: “, except the power to order imprisonment”.

474. The heading of subdivision 2 of Division VII of the said Act is replaced by the following heading: “*Penal provisions*”.

475. Section 91 of the said Act is replaced by the following section:

“91. Penal proceedings for an offence under a provision of section 26, 27 or 70 shall be prescribed by one year from the date on which the inspection which led to the discovery of the offence began.

The certificate of the inspector indicating the date on which the inspection began constitutes, failing any evidence to the contrary, conclusive proof of such fact.”

476. Section 92 of the said Act is repealed.

ANIMAL HEALTH PROTECTION ACT

477. Section 55.9 of the Animal Health Protection Act (R.S.Q., chapter P-42), amended by section 19 of chapter 61 of the statutes of 1991, is again amended by replacing the words “seizure or confiscation” in the first line of subparagraph 9 of the first paragraph by the words “and of seizure or confiscation at the time of an inspection”.

478. Section 55.15 of the said Act, replaced by section 25 of chapter 61 of the statutes of 1991, is amended by inserting the words “, at the time of an inspection,” after the word “confiscation” in the third line.

479. Section 55.18 of the said Act, amended by section 27 of chapter 61 of the statutes of 1991, is again amended

(1) by adding, at the end of the first paragraph, the following sentence: “In addition, the custodian shall have custody of the things

seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”;

(2) by replacing the word “court” in the fourth line of the second paragraph by the word “judge”.

480. Section 55.21 of the said Act, amended by section 30 of chapter 61 of the statutes of 1991, and section 55.23 of the said Act are amended by replacing the words “justice of the peace” wherever they appear by the word “judge”.

481. Section 55.24 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“55.24 Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, a judge may, on an application by either party and where a seizure has been made under section 55.14, order the confiscation of what has been seized.

Prior notice of the application for confiscation shall be given to the person from whom it was seized and to the other party, except where they are in the presence of the judge.”

ACT RESPECTING THE ARTIFICIAL INDUCEMENT OF RAIN

482. Section 15 of the Act respecting the artificial inducement of rain (R.S.Q., chapter P-43) is repealed.

ROADSIDE ADVERTISING ACT

483. The heading of Chapter VII of the Roadside Advertising Act (R.S.Q., chapter P-44) is replaced by the following heading: “PENAL PROVISIONS”.

484. Section 32 of the said Act is repealed.

ENVIRONMENT QUALITY ACT

485. Section 6.5 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

486. Section 79 of the said Act is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

487. The heading of Division XIII of the said Act is replaced by the following heading: “PENAL PROVISIONS AND OTHER SANCTIONS”.

488. Section 108.1 of the said Act is repealed.

489. Section 109.1.1 of the said Act is amended

(1) by replacing the words "A court which finds a person or a municipality guilty of an offence under this Act" in the first and second lines of the first paragraph by the words "Where a person or a municipality is convicted of an offence under a provision of this Act, a judge";

(2) by replacing the word "court" in the second line of the second paragraph by the word "judge";

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

"Prior notice of the application for restoration of things to their former state or reimbursement shall be given by the prosecutor to the offender, except where the parties are in the presence of the judge."

490. Section 109.1.2 of the said Act is amended by replacing the words "A court which finds a person guilty of an offence under this Act may" in the first and second lines by the words "Where a person is convicted of an offence under a provision of this Act, a judge may, on an application by the prosecutor which is attached to the statement of offence".

491. Section 110.1 of the said Act, amended by section 10 of chapter 80 of the statutes of 1991, is again amended

(1) by replacing the words "from the time those persons become aware of the facts giving rise to the proceedings" in the sixth and seventh lines of the second paragraph by the words "from the date on which the investigation record was opened or from the date on which the inspection carried out by the functionary or the person exercising his powers which led to the discovery of the offence began";

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

"The certificate of the Minister, functionary or person referred to in the second paragraph indicating the date on which the investigation or inspection began constitutes, failing any evidence to the contrary, conclusive proof of such fact."

492. Section 112.1 of the said Act is repealed.

493. Section 116 of the said Act is repealed.

494. Section 120.3 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: "In addition, the functionary shall have custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise."

495. Sections 120.5 and 120.6 of the said Act are repealed.

496. Section 120.7 of the said Act is amended by inserting the words "relating to an inspection" after the word "tag" in the second line.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

497. Section 122 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by replacing the figure "186" in the third line by the figure "158".

498. Section 181 of the said Act is amended by striking out the word and figure "VI or" in the second line.

ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

499. The heading of Chapter VI of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is replaced by the following heading: "PENAL PROVISIONS".

500. Section 58 of the said Act is repealed.

501. Section 59 of the said Act is repealed.

502. Section 62 of the said Act is amended

(1) by replacing the words "The court convicting a person accused of an offence against this act or regulation may in addition, on the motion of the person suing, order that the offender" in the first, second and third lines by the words "A judge may, on an application by the prosecutor, order that a person convicted of an offence under a provision of this Act or the regulations thereunder";

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

"Prior notice of the application for an order shall be given by the prosecutor to the person who could be compelled, under such an order, to distribute certain information, except where they are in the presence of the judge."

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

503. Section 20 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

ACT RESPECTING THE RÉGIE DU GAZ NATUREL

504. The heading of Chapter V of the Act respecting the Régie du gaz naturel (R.S.Q., chapter R-8.02) is replaced by the following heading: “PENAL PROVISIONS”.

ACT RESPECTING THE RÉGIE DU LOGEMENT

505. Section 17 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

506. Section 112 of the said Act is amended by striking out the words “and articles 51 to 54 of the Code of Civil Procedure apply, *mutatis mutandis*” in the third and fourth lines of the first paragraph.

507. Section 112.1 of the said Act, amended by section 116 of chapter 33 of the statutes of 1991, is again amended by striking out the words “, in addition to costs,” in the fifth line.

508. Section 116 of the said Act is repealed.

ACT RESPECTING THE QUÉBEC PENSION PLAN

509. The heading of Division IX of Title III of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the word “OFFENCES” by the words “PENAL PROVISIONS”.

510. Section 84 of the said Act is amended by replacing the words “information giving rise to the conviction was laid” in the sixth line by the words “statement of offence which led to the conviction was served”.

511. The heading of Division VII of Title VI of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

512. Section 224 of the said Act is amended

(1) by replacing the word “guilty” in the first line by the word “convicted”;

(2) by striking out the words “and guilty of” in the fourth line.

513. Section 225 of the said Act is replaced by the following section:

“225. Offences under the provisions of sections 59 and 63 shall be prescribed by five years from the date of the commission of the offence.”

514. Section 226 of the said Act is repealed.

515. Section 227 of the said Act is repealed.

WATERCOURSES ACT

516. Section 55 of the Watercourses Act (R.S.Q., chapter R-13) is repealed.

517. Section 86 of the said Act is amended by replacing the word “provided” in the fourth line by the words “provided for”.

ACT RESPECTING SUPPLEMENTAL PENSION PLANS

518. The heading of Division X of the Act respecting supplemental pension plans (R.S.Q., chapter R-17) is replaced by the following heading: “PENAL PROVISIONS”.

519. Section 79 of the said Act is repealed.

520. Section 80 of the said Act is repealed.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

521. Section 7 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

522. Section 31 of the said Act is amended by replacing the word “provided” in the second line of the third paragraph by the words “provided for”.

523. Section 91 of the said Act is amended by replacing the third paragraph by the following paragraph:

“The amount of punitive damages to which the defendant may be sentenced is the amount provided for in section 117, not the amount provided for in article 840 of the Code of Civil Procedure.”

524. Section 109.1 of the said Act is replaced by the following section:

“109.1 Penal proceedings for an offence under a provision of subsection 4 of section 122 shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

525. Section 109.2 of the said Act is repealed.

526. The heading of Chapter XII of the said Act is transferred to precede section 112 and is replaced by the following heading: “PENAL PROVISIONS”.

527. Section 118 of the said Act is amended by replacing

- (1) the words “illegal acts” in the first line by the word “offences”;
- (2) the word “act” in the third line by the word “offence”;
- (3) the words “provided for such act” in the fourth line by the words “prescribed for such an offence”.

528. Section 121 of the said Act is amended by striking out

- (1) the words “; if he is of opinion that such infringement has occurred, he shall prosecute the offender as circumstances warrant” in the second, third and fourth lines of the first paragraph;
- (2) the second paragraph.

529. Section 121.1 of the said Act is repealed.

530. Section 122 of the said Act, amended by section 129 of chapter 33 of the statutes of 1991, is again amended by replacing the words “or accusation” in the first line of subparagraph b of subsection 2 by the words “; an information or penal proceedings”.

ACT RESPECTING REAL ESTATE TAX REFUND

531. The heading of Division VII of the Act respecting real estate tax refund (R.S.Q., chapter R-20.1) is replaced by the following heading: "PENAL PROVISIONS".

COMPANIES INFORMATION ACT

532. Section 15 of the Companies Information Act (R.S.Q., chapter R-22) is repealed.

ACT RESPECTING ECOLOGICAL RESERVES

533. The heading of Division IV of the Act respecting ecological reserves (R.S.Q., chapter R-26) is replaced by the following heading: "PENAL AND FINAL PROVISIONS".

534. Section 14 of the said Act is repealed.

ACT RESPECTING THE SALARIES OF OFFICERS OF JUSTICE

535. Division II of the Act respecting the salaries of officers of justice (R.S.Q., chapter S-2) is repealed.

536. Division III of the said Act is repealed.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

537. The heading of Chapter XIV of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is replaced by the following heading: "PENAL PROVISIONS".

538. Section 238 of the said Act is amended

(1) by replacing the words "In addition to the penalties provided for in sections 236 and 237, the court may order the offender" in the first and second lines by the words "The court may, on an application by the prosecutor, order a person convicted of an offence under a provision of section 236 or 237";

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

"Prior notice of the application for an order shall be given by the prosecutor to the defendant, except where the parties are in the presence of the judge."

539. Section 242 of the said Act is replaced by the following section:

“242. Penal proceedings for an offence under a provision of this Act may be instituted by the Commission.

A certified association may, in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), institute penal proceedings for an offence under a provision of this Act.”

540. Sections 243 to 243.2 of the said Act are repealed.

541. Section 245 of the said Act is repealed.

542. Section 246 of the said Act is replaced by the following section:

“246. The fines belong to the Commission, except when the Attorney General has instituted the penal proceedings.

The same rule applies to costs transmitted to the Commission with the defendant’s plea.”

PUBLIC BUILDINGS SAFETY ACT

543. The heading of Division VII of the Public Buildings Safety Act (R.S.Q., chapter S-3) is replaced by the following heading: “PENAL PROVISIONS”.

544. Section 37 of the said Act is replaced by the following section:

“37. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

545. Section 38 of the said Act is repealed.

ACT RESPECTING SAFETY IN SPORTS

546. The heading of Chapter VIII of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is replaced by the following heading: “PENAL PROVISIONS”.

547. Section 60 of the said Act is amended by striking out the words “, in addition to the costs,” in the third line of the first paragraph.

548. Section 62 of the said Act is amended by replacing the words “instituting penal proceedings against him” in the second line of the first paragraph by the words “penal proceedings have been instituted for such offences”.

549. Section 65 of the said Act is replaced by the following section:

“65. Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the investigation record relating to the offence was opened.

The certificate of the chairman or secretary of the board indicating the date on which the investigation record was opened constitutes, failing any evidence to the contrary, conclusive proof of such fact.”

ACT RESPECTING INCOME SECURITY

550. The Act respecting income security (R.S.Q., chapter S-3.1.1) is amended by adding, after section 89, the following section:

“89.1 Penal proceedings for an offence under a provision of section 84 shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

551. Section 90 of the said Act is repealed.

ACT TO ENSURE SAFETY IN GUIDED LAND TRANSPORT

552. Section 85 of the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3) is repealed.

ACT RESPECTING CHILD DAY CARE

553. The heading of Chapter V of the Act respecting child day care (R.S.Q., chapter S-4.1) is replaced by the following heading: “PENAL PROVISIONS”.

554. Section 75 of the said Act is repealed.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

555. Section 171 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

556. The heading of Division XI of the said Act is replaced by the following heading: “PENAL PROVISIONS”.

557. Section 181 of the said Act is repealed.

SHERIFFS' ACT

558. Section 6 of the Sheriffs' Act (R.S.Q., chapter S-7) is amended by striking out the words “, one-half of which shall go to the Crown for the public uses of the Province, and the other half to the person suing for the same” in the fourth, fifth and sixth lines.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

559. The heading of Division V of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is replaced by the following heading: “PENAL PROVISIONS”.

560. Section 39 of the said Act is amended by replacing the figure “40” in the second line by the figure “41”.

561. Section 40 of the said Act is repealed.

562. Section 41 of the said Act is amended by replacing the words “Any person authorized under section 40 may seize, in exercising the powers referred to therein,” in the first and second lines by the words “Any member of a police force authorized to do so by the Minister of Public Security and a member of the Sûreté du Québec may, at the time of an inspection, seize”.

563. Section 42 of the said Act is replaced by the following section:

“42. The Corporation shall have custody of the alcoholic beverages and receptacles seized under section 41, even if they are submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.

The Corporation may retain the things seized or see to it that they are retained in such a manner as to ensure their preservation until a judge decides otherwise by judgment."

564. Section 43 of the said Act is amended by replacing the word "court" in the last line by the word "judge".

565. Section 44 of the said Act is repealed.

566. Section 46 of the said Act is repealed.

567. Section 47 of the said Act is replaced by the following section:

"**47.** Upon pronouncing a conviction for an offence under a provision of this Act, a judge may, on the application of the prosecutor, order the confiscation

(1) of any seized alcoholic beverages the possession of which is illegal;

(2) of any receptacle, vehicle or other thing seized that is used to transport such beverages.

However, the judge shall order, at all times, on the application of the prosecutor, the confiscation of alcoholic beverages that are unfit for human consumption.

Prior notice of the application for confiscation must be given by the prosecutor to the person from whom the things were seized or to the defendant, except where they are in the presence of the judge."

568. Section 48 of the said Act is repealed.

569. Section 54 of the said Act is amended by replacing

(1) the words "proceedings to have it declared confiscated have been commenced," in the second and third lines of the first paragraph by the words "an application to have it declared confiscated has been filed";

(2) the words "court before which such proceedings are taken" in the third and fourth lines of the first paragraph by the words "judge seized of the application";

(3) the word "court" in the first line of the second paragraph by the word "judge" and the word "it" in the same line of the same paragraph by the word "he".

570. Section 55 of the said Act is repealed.

571. Section 55.5 of the said Act is amended by replacing

(1) in the French text, the word “condamnation” in the first line by the words “déclaration de culpabilité”;

(2) the word “information” in the second line by the words “statement of offence”.

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

572. Section 27 of the Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1) is repealed.

ACT RESPECTING THE SOCIÉTÉ NATIONALE DE L'AMIANTE

573. Section 41 of the Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2) is amended by striking out the words “, as if he had been summoned under that act” in the third and fourth lines.

AGRICULTURAL SOCIETIES ACT

574. Section 53 of the Agricultural Societies Act (R.S.Q., chapter S-25) is amended by adding, after the first paragraph, the following paragraphs:

“Penal proceedings for such an offence shall be prescribed by one year from the date of receipt of the report.

The certificate of the Minister indicating the date of receipt of the report constitutes, failing any evidence to the contrary, conclusive proof of such fact.”

ACT RESPECTING THE SOCIÉTÉS D'ENTRAIDE ÉCONOMIQUE

575. The heading of Title V of the Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1) is replaced by the following heading: “PENAL PROVISIONS”.

576. Section 195 of the said Act is repealed.

BUTTER AND CHEESE SOCIETIES ACT

577. The heading of Division III of the Butter and Cheese Societies Act (R.S.Q., chapter S-29) is replaced by the following heading: “PENAL PROVISIONS AND CIVIL REMEDIES”.

578. Section 9 of the said Act is amended by striking out the words “, in the discretion of the justice of the peace before whom such offence is tried” in the second and third lines of the fourth paragraph.

579. Section 10 of the said Act is repealed.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

580. Section 256 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

581. Section 309 of the said Act is amended by replacing the words “a complaint is filed” in the second line of the second paragraph by the words “proceedings are instituted”.

582. Section 312 of the said Act is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

583. Section 366 of the said Act is repealed.

ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS IN THE VISUAL ARTS, ARTS AND CRAFTS AND LITERATURE, AND THEIR CONTRACTS WITH PROMOTERS

584. The heading of Chapter IV of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01) is amended by replacing the word “VARIOUS” by the words “PENAL AND MISCELLANEOUS”.

585. Section 47 of the said Act is amended by striking out the words “within two years” in the fourth line.

ACT RESPECTING THE PROFESSIONAL STATUS AND CONDITIONS OF ENGAGEMENT OF PERFORMING, RECORDING AND FILM ARTISTS

586. Section 71 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1) is repealed.

ACT RESPECTING ATTORNEY GENERAL'S PROSECUTORS

587. Section 3 of the Act respecting Attorney General's prosecutors (R.S.Q., chapter S-35) is replaced by the following section:

"3. The prosecutors shall represent the Attorney General before the courts of criminal or penal jurisdiction."

588. Section 4 of the said Act is amended

(1) by replacing paragraph *e* by the following paragraphs:

"(e) he shall examine the written proceedings and the documents relating to the prosecution of offences under the Code of Penal Procedure or any other law of Québec, including a regulation made thereunder by the competent authority, in order to verify the validity and cogency of the charges to be brought;

"(e.1) he shall authorize the issue of a statement of offence or cause additional evidence of the offence to be collected;

"(e.2) he shall conduct the prosecution of such offences, and perform any act prior or accessory to the prosecution, whether in first instance, extraordinary remedy or appeal, except in the case of proceedings instituted by a municipality for an offence under a municipal by-law committed by a person 18 years of age or over;

"(e.3) he shall submit to the judge the representations he considers appropriate in the public interest when an application for the issue of a statement of offence is made by a private prosecutor, and he may conduct any prosecution thus instituted or act in an advisory capacity;

"(e.4) he may, in the name of the Attorney General, execute any proceeding provided for by law, in particular by the Code of Penal Procedure;"

(2) by inserting the words "and persons entrusted with law enforcement" after the word "officers" in the first line of paragraph *i*;

(3) by replacing the words "penal law" in the third line of paragraph *i* by the words "penal provision of a law or regulation of Québec".

589. Section 9 of the said Act is amended by replacing the words "jurisdiction and the courts of mixed jurisdiction when such courts

exercise their jurisdiction in criminal matters” in the third, fourth and fifth lines of the first paragraph by the words “or penal jurisdiction”.

COOPERATIVE SYNDICATES ACT

590. Section 60 of the Cooperative Syndicates Act (R.S.Q., chapter S-38) is amended by adding, at the end of the second paragraph, the following words: “, except the power to order imprisonment”.

FUEL TAX ACT

591. The heading of Division IX of the Fuel Tax Act (R.S.Q., chapter T-1) is replaced by the following heading: “PENAL PROVISIONS”.

ACT RESPECTING AGRICULTURAL LANDS IN THE PUBLIC DOMAIN

592. Section 52 of the Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1) is repealed.

MARINE PRODUCTS PROCESSING ACT

593. Section 38 of the Marine Products Processing Act (R.S.Q., chapter T-11.01) is amended

(1) by adding, at the end of the first paragraph, the following sentence: “In addition, the custodian shall have custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.”;

(2) by replacing the word “court” in the third line of the second paragraph by the word “judge”.

594. Sections 41 and 43 of the said Act are amended by replacing the words “justice of the peace” wherever they appear in those sections by the word “judge”.

595. Section 44 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**44.** Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, a judge may, on the application of either party and where a seizure has been made under section 34, order the confiscation of the things seized.

Prior notice of the application for confiscation must be given to the person from whom the marine product or object was seized and

to the other party, except where they are in the presence of the judge.”

596. Section 50 of the said Act is repealed.

ACT RESPECTING TRANSPORTATION BY TAXI

597. Section 73 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by replacing the first paragraph by the following paragraph:

“**73.** Penal proceedings for an offence under this Act may be instituted by a regional authority or by a municipality, where the offence is committed in its territory.”

598. Sections 74 to 77 and 77.2 of the said Act are repealed.

599. Section 77.3 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“Such payment is presumed to have been made by the defendant upon whom the statement of offence was served.”

600. Section 79 of the said Act is replaced by the following section:

“**79.** Where a peace officer or an employee of a regional authority or a municipality entrusted with the carrying out of this Act ascertains an offence under section 70, he may serve a statement of offence on the driver with a notice enjoining the defendant to remedy the offence and furnish proof thereof within 48 hours.

The statement of offence becomes null if the required proof is furnished, within the time prescribed, to a peace officer or, as the case may be, an employee of a regional authority or a municipality entrusted with the carrying out of this Act.

Where a notice is attached to the statement of offence, the time prescribed in article 160 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) begins to run only from the expiry of the time indicated in the notice.”

TRANSPORT ACT

601. The heading of Division VIII of the Transport Act (R.S.Q., chapter T-12) is replaced by the following heading: “PENAL PROVISIONS”.

602. Section 77.1 of the said Act is replaced by the following section:

“77.1 Where a peace officer ascertains the commission of an offence under a provision of this Act, a regulation or an order, he may serve a statement of offence on the driver with a notice enjoining the defendant to remedy the offence and to furnish proof thereof within 72 hours.

The statement of offence becomes null when the required proof is furnished to a peace officer within the time prescribed. It is incumbent upon the defendant to establish that he has remedied the offence within that time.

Where a notice is attached to the statement of offence, the time prescribed in article 160 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) begins to run only from the expiry of the time indicated in the notice.”

603. Section 78 of the said Act is repealed.

COURTS OF JUSTICE ACT

604. Section 1 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out the last line.

605. Section 2 of the said Act is amended by

(1) replacing the words “, the Court of Québec and the Court of Justices of the Peace” in the first and second lines by the words “and the Court of Québec”;

(2) adding, at the end, the following words: “and the jurisdiction of the justices of the peace is provided for by law or by their deed of appointment”.

606. Section 3 of the said Act is amended by replacing the words “members of the Court of Justices of the Peace” in the fourth and fifth lines by the words “justices of the peace”.

607. Section 4 of the said Act is amended by striking out the words “, the clerk of the peace” in the second and third lines of the first paragraph.

608. Section 73 of the said Act is amended by striking out the words “and of the peace” in the second line of the first paragraph and the words “or of the peace” in the first line of the second paragraph.

609. Part III.1 of the said Act is replaced by the following:

“PART III.1

“JUSTICES OF THE PEACE

“158. The Minister of Justice may, by order, appoint justices of the peace whose jurisdiction shall extend over the whole of Québec or over such districts as he indicates.

The jurisdiction of a justice of the peace may be limited to the purposes defined in the order.

“159. The oaths of allegiance and of office must be taken by a justice of the peace within six months after his appointment, failing which his appointment is considered to be cancelled.

“160. A justice of the peace who has taken the oaths of allegiance and of office must forthwith deposit, in the office of the Court of Québec for the district, a certificate attesting that the oaths have been taken. The certificate shall form part of the records of that office.

“161. Every justice of the peace appointed with unlimited jurisdiction under section 158 is vested with all the rights and powers of one or more justices of the peace, as the case may be, and is subject to the laws respecting the duties of justices of the peace, in so far as they apply to him.

“162. Section 95 and the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) apply to a justice of the peace appointed under section 158, provided that the deed of appointment indicates clearly that this section is applicable to him. Section 4 of the said Act shall then cease to apply to him.

“163. The Government fixes the salary of a justice of the peace to whom section 162 applies.

“164. The clerk of the Court of Québec is *ex officio* the clerk of the justices of the peace and each of his deputies is competent to act as such.

In a municipality served by a municipal court, the clerk of the municipal court is *ex officio* the clerk of the justices of the peace and each of his deputies is competent to act as such.

In the other municipalities, the clerk or the secretary-treasurer of the municipality is *ex officio* the clerk of the justices of the peace,

unless another clerk of the justices of the peace has been appointed for that municipality. In such municipalities, the assistant clerk or the assistant secretary-treasurer, as the case may be, is competent to act.

In territories that are not organized into municipalities, a justice of the peace may personally select a clerk and is required to inform the clerk of the Court of Québec of the chief-place of the judicial district comprising such territory of the name and address of the selected clerk.

Where, for any reason whatever, the clerk or a person authorized to replace the clerk is unable to act or refuses to act, the justice of the peace may appoint a clerk for the purposes of the cases he has to dispose of at that time. The clerk of the Court of Québec shall be informed without delay of such an appointment."

610. Section 219 of the said Act is amended by inserting the words "the councillors," after the word "mayor," in the first line of subparagraph c of the first paragraph.

611. The heading of Part V of the said Act is replaced by the following:

"OTHER JUDICIAL SERVICES

"CHAPTER I

"REGISTERS

"223.1 The clerk of a court or of a justice of the peace must enter in a register all proceedings executed by or brought before a judge or the justice of the peace in both criminal and penal matters.

If the clerk is absent, the judge or justice who executes such a proceeding must see that it is entered in the register.

If the proceeding comes under the jurisdiction of two justices of the peace, the senior justice of the peace shall see that the clerk enters the proceeding in the register.

"223.2 Separate registers shall be kept for criminal and penal matters. The Minister of Justice shall prescribe the content thereof.

"223.3 The clerk of a court or of a justice of the peace and the prosecutor referred to in paragraph 2 of article 9 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) shall keep books of account and make the returns required by law and by the Minister of Justice in respect of the records of penal and criminal proceedings.

“223.4 In addition, the clerk or the prosecutor referred to in paragraph 2 of article 9 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) shall, at the request of a person mandated by the Government or by the Minister of Justice, furnish, for examination and inspection by that person, all registers, books of account, records, vouchers and documents connected with the administration of his office or the records of proceedings.

“223.5 The Minister may, by order

(1) determine the manner in which the books of account are to be kept;

(2) determine the manner in which fines are to be accounted for by the clerk or, in penal matters, the collector;

(3) permit, if he considers it more advantageous, a rendering of accounts, with global payment, at fixed dates;

(4) ensure the carrying out of this Part.

“223.6 The Minister of Justice is authorized to supply the registers which must be kept by the clerks or the prosecutors and the forms for the returns they are required to make.

“CHAPTER II

“CONSTABLES AND COURT BAILIFFS

“223.7 Any judge or justice of the peace may appoint one or more constables, if need be, to execute his orders; he may also administer the required oaths and shall cause them to be recorded in the register in which the clerk enters the orders to be executed.

“223.8 Any court bailiff must, if required, act as a constable under the orders of a judge or a justice of the peace without any special appointment for that purpose.

“CHAPTER III

“TAXES UPON JUDICIAL PROCEEDINGS”.

612. Section 224 of the said Act, amended by section 11 of chapter 20 of the statutes of 1991, is again amended by replacing the word “The” in the first line of the first paragraph by the words “Except in penal matters, the”.

613. Section 273 of the said Act is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

SECURITIES ACT

614. Section 210 of the Securities Act (R.S.Q., chapter V-1.1) is replaced by the following section:

“210. Penal proceedings for an offence under a provision of this Act may be instituted by the Commission.”

615. Section 211 of the said Act, replaced by section 35 of chapter 77 of the statutes of 1990, is again replaced by the following section:

“211. Penal proceedings for an offence under a provision of sections 11, 12, 25, 26, 73, 74, 94 to 103, 148, 149, 163.1, 187 to 190 and 192 to 201 shall be prescribed by five years from the date on which the investigation record relating to the offence was opened.

The certificate of the secretary of the Commission indicating the date on which the investigation record was opened constitutes, failing any evidence to the contrary, conclusive proof of such fact.”

ACT RESPECTING THE SALE OF UNCLAIMED GOODS

616. Section 6 of the Act respecting the sale of unclaimed goods (R.S.Q., chapter V-3) is amended by striking out

(1) the words “, one-half of which shall belong to Her Majesty and the other half to the informer” in the third and fourth lines of the first paragraph;

(2) the second paragraph.

AUDITOR GENERAL ACT

617. Section 49 of the Auditor General Act (R.S.Q., chapter V-5.01) is amended by adding, at the end, the following words: “, except the power to order imprisonment”.

ROADS ACT

618. Section 15.2 of the Roads Act (R.S.Q., chapter V-8) is replaced by the following section:

“15.2 A person convicted of an offence under a provision of section 15 or 15.1 must remove or destroy the scrapped objects which are the subject of the offence within a period of eight days from service of the notice of judgment on that person, failing which the Minister may have the objects removed or destroyed at the person’s expense.”

619. Section 18 of the said Act is repealed.

INTERIOR DECORATORS ACT

620. Section 8 of the Interior Decorators Act (R.S.Q., 1964, chapter 270), amended by section 926 of chapter 4 of the statutes of 1990, is again amended by striking out the last sentence of the first paragraph.

ACT TO FAVOUR THE PURSUIT OF THE OBJECTS OF LA LIGUE DE TAXIS DE MONTRÉAL INC.

621. The heading of Chapter V of the Act to favour the pursuit of the objects of la Ligue de taxis de Montréal Inc. (1982, chapter 24) is replaced by the following heading: “PENAL PROVISIONS”.

622. Section 40 of the said Act, amended by section 933 of chapter 4 of the statutes of 1990, is repealed.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

623. Section 121 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by replacing the words “Proceedings for an offence contemplated in section 119 or for an offence against a by-law are” in the first and second lines by the words “Penal proceedings for an offence referred to in section 119 or 120 may be”.

624. Section 122 of the said Act is replaced by the following section:

“122. Penal proceedings for an offence referred to in section 119 or 120 of this Act may be instituted by the corporation.

The fines provided for in sections 119 and 120 belong to the corporation, where it instituted the proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q.,

chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

625. Section 148 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is replaced by the following section:

“**148.** Penal proceedings for an offence contemplated in section 146 or 147 may be instituted by the corporation.”

626. Section 149 of the said Act is amended by

(1) replacing the words “contemplated in section 145 or for an offence against a by-law are” in the first and second lines of the first paragraph by the words “referred to in section 146 or 147 may be”;

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

“The fines provided for in sections 146 and 147 belong to the corporation, where it instituted the proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.”

TOURIST ESTABLISHMENTS ACT

627. The heading of Division VI of the Tourist Establishments Act (1987, chapter 12) is replaced by the following heading: “PENAL PROVISIONS”.

ACT RESPECTING THE USE OF PETROLEUM PRODUCTS

628. Section 64 of the Act respecting the use of petroleum products (1987, chapter 80) is amended by striking out paragraph 20.

629. Sections 73, 74 and 75 of the said Act are repealed.

ACT TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND
VARIOUS LEGISLATION

630. Section 39 of the Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85) is amended

(1) by striking out the words “, according to the procedure provided in articles 53 and 54 of the Code of Civil Procedure,” in the fifth and sixth lines of the third paragraph of section 137.16 introduced by the said section 39;

(2) by replacing the word “injunction” in the ninth line of the third paragraph of section 137.16 introduced thereby by the word “decision”.

631. Section 47 of the said Act is repealed.

632. Sections 51 and 52 of the said Act and the heading preceding section 51 are repealed.

ACT RESPECTING MUNICIPAL COURTS AND AMENDING VARIOUS LEGISLATION

633. Section 67 of the Act respecting municipal courts and amending various legislation (1989, chapter 52) is amended by striking out the second clause of the sentence.

634. Section 83 of the said Act is amended by striking out the words “; it may also be brought by any other person with the authorization of the judge” in the second and third lines.

635. Section 84 of the said Act, replaced by section 980 of chapter 4 of the statutes of 1990, is amended by replacing the first paragraph by the following paragraphs:

“84. Where a municipality institutes penal proceedings before a municipal court, the fine imposed for an offence under a provision of an Act or the charter governing the municipality in whose territory the offence has been committed, or of a by-law, resolution or order of the municipality belongs to the municipality that instituted the penal proceedings and forms part of its general fund.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court,

except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of the said Code.

However, a municipality may enter into an agreement with another municipality or another prosecutor referred to in paragraph 1 or 2 of article 9 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) with respect to the ownership of the fines and costs belonging it under the first and second paragraphs."

636. Section 137 of the said Act is repealed.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING THE IMPLEMENTATION
OF THE CODE OF PENAL PROCEDURE

637. Section 293 of the Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure (1990, chapter 4) is repealed.

638. The English text of section 442 of the said Act is replaced by the following:

"442. Section 50 of the said Act is amended by replacing:

(1) the words "a complaint" in the second line by the words "an information";

(2) the word "complainant" at the end by the words "person supplying the information"."

This section has effect from 1 October 1990.

639. Section 591 of the said Act is repealed.

640. The English text of section 739 of the said Act is replaced by the following:

"739. Section 110.1 of the said Act is amended by replacing the word "instituted" in the first line of the first paragraph by the words "in view of imposing a penal sanction for offences."

This section has effect from 1 October 1990.

641. The English text of section 871 of the said Act is amended by inserting the words "in addition to costs," after the word "proceedings," in the first line of paragraph 1.

This section has effect from 1 October 1990.

642. The English text of section 876 of the said Act is amended by inserting the word “immediately,” before the words “when making” in the second line.

This section has effect from 1 October 1990.

REAL ESTATE BROKERAGE ACT

643. Section 161 of the Real Estate Brokerage Act (1991, chapter 37) is repealed.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND AMENDING VARIOUS LEGISLATION

644. Section 539 of the Act respecting health services and social services and amending various legislation (1991, chapter 42) is repealed.

ACT TO AMEND THE BUILDING ACT AND OTHER LEGISLATION

645. Section 170 of the Act to amend the Building Act and other legislation (1991, chapter 74) is repealed.

CHARTER OF THE TOWN OF ARTHABASKA

646. Article 41 of the Act to incorporate the town of Arthabaska (1903, chapter 70) is amended by replacing the last four lines by the words “in article 35 of this Act is liable to a fine not exceeding \$100.”

CHARTER OF THE CITY OF BEACONSFIELD

647. Section 429a of the Cities and Towns Act, added for the city of Beaconsfield to chapter 233 of the Revised Statutes of 1941 by section 28 of chapter 109 of the statutes of 1953-54 and amended by section 142 of chapter 52 of the statutes of 1989, is repealed.

CHARTER OF THE TOWN OF BERTHIERVILLE

648. Section 429a of the Cities and Towns Act, added for the town of Berthierville to chapter 233 of the Revised Statutes of 1941 by section 1 of chapter 96 of the statutes of 1947, is repealed.

CHARTER OF THE CITY OF CHAMBLY

649. The third subparagraph of paragraph 17 of section 426 of the Cities and Towns Act (R.S. 1964, chapter 193), replaced for the city of Chambly by section 1 of chapter 81 of the statutes of 1972 and amended by section 997 of chapter 4 of the statutes of 1990, is repealed.

650. Paragraph 17*a* of section 426 of the Cities and Towns Act, added for the city of Chambly to chapter 193 of the Revised Statutes of 1964 by section 1 of chapter 81 of the statutes of 1972 and amended by section 998 of chapter 4 of the statutes of 1990, is repealed.

CHARTER OF THE CITY OF CÔTE SAINT-LUC

651. Section 10 of the Act to amend the Charter of the city of Côte Saint-Luc (1955-56, chapter 109) is amended

(1) by replacing the words “such objects, effects or moveable property are the proceeds of theft or have been seized or confiscated by its police officers or were found in the possession of” in the ninth, tenth, eleventh and twelfth lines of the first paragraph by the words “the owner of such movable property cannot be found or such property was owned by”;

(2) by striking out the words “or by reason of the illegality of their possession or of their unlawful use” in the fourth, fifth and sixth lines of the third paragraph.

CHARTER OF THE CITY OF DORVAL

652. Section 429*a* of the Cities and Towns Act, added for the city of Dorval to chapter 233 of the Revised Statutes of 1941 by section 6 of chapter 97 of the statutes of 1953-54 and amended by section 149 of chapter 52 of the statutes of 1989, is repealed.

CHARTER OF THE CITY OF HULL

653. Paragraph 17 of section 426 of the Cities and Towns Act (R.S. 1964, chapter 193), replaced for the city of Hull by paragraph *b* of section 19 of chapter 94 of the statutes of 1975 and amended by section 1004 of chapter 4 of the statutes of 1990, is replaced by the following:

“(17) The council may make by-laws to prescribe that any police officer or constable may issue a statement of offence at the time of

the commission of an offence under a provision of a municipal by-law relating to traffic, parking or public safety, and that a person whose services are retained by the council for such purpose may issue such a statement at the time of the commission of an offence under a provision of a municipal parking by-law.

The person thus authorized to issue a statement of offence shall also be empowered to move a motor vehicle or cause it to be moved for snow removal or in cases of emergency determined by by-law.

The fine requested on the statement of offence shall not exceed the sum fixed by the council for an offence under a provision of any other by-law referred to in this paragraph, except an offence under a provision adopted under paragraph 4, 5 or 8 of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2), in which case the fine must be equal to the minimum prescribed in the said Code for an offence respecting the same matter."

CHARTER OF THE TOWN OF ÎLE PERROT

654. Section 429*a* of the Cities and Towns Act, added for the town of Île Perrot to chapter 233 of the Revised Statutes of 1941 by section 27 of chapter 96 of the statutes of 1954-55, is repealed.

CHARTER OF THE CITY OF LACHINE

655. The second paragraph of section 668 of the Cities and Towns Act, added for the city of Lachine to chapter 233 of the Revised Statutes of 1941 by section 8 of chapter 56 of the statutes of 1958-59, is repealed.

CHARTER OF THE CITY OF LASALLE

656. Paragraph 20.2 of section 412 of the Cities and Towns Act, added for the city of LaSalle to chapter C-19 of the Revised Statutes by section 1 of chapter 83 of the statutes of 1989 and amended by section 1008 of chapter 4 of the statutes of 1990, is again amended by replacing the words "notice of summons" by the words "statement of offence".

657. Section 415 of the said Act, amended for the city of LaSalle by section 3 of chapter 83 of the statutes of 1989 and by section 1009 of chapter 4 of the statutes of 1990, is again amended by replacing the words "notice of summons" by the words "statement of offence".

CHARTER OF THE TOWN OF LEMOYNE

658. Section 429a of the Cities and Towns Act, added for the town of LeMoyne to chapter 233 of the Revised Statutes of 1941 by section 14 of chapter 100 of the statutes of 1949 and replaced by section 14 of chapter 100 of the statutes of 1953-54, is repealed.

CHARTER OF THE CITY OF LONGUEUIL

659. Paragraph 17a of section 426 of the Cities and Towns Act, added for the city of Longueuil to chapter 193 of the Revised Statutes of 1964 by section 3 of chapter 101 of the statutes of 1971 and amended by section 1014 of chapter 4 of the statutes of 1990, is repealed.

660. The second paragraph of article 147 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), introduced by section 9 of the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions (1992, chapter (*insert here the chapter number of that Act*)), has effect, for the city of Longueuil, from the date of coming into force of section 1 of the Act to amend the charter of the city of Longueuil (1991, chapter 85).

CHARTER OF THE TOWN OF RICHMOND

661. Section 4 of the Act to amend the charter of the town of Richmond (1955-56, chapter 100) is amended by

(1) replacing the words “such objects, effects or moveables are the proceeds of a theft, or have been seized or confiscated by its police officers, or were” in the eighth, ninth, tenth and eleventh lines of the first paragraph by the words “the owner of such movable property cannot be found or such property was”;

(2) striking out the words “or because of the illegality of their possession or use” in the fourth and fifth lines of the third paragraph.

CHARTER OF THE TOWN OF SAINTE-AGATHE DES MONTS

662. Paragraph 19 of section 5680 of the Cities and Towns Act (R.S. 1909), replaced for the town of Sainte-Agathe des Monts by section 67 of chapter 103 of the statutes of 1915, is repealed.

CHARTER OF THE CITY OF SAINT-HUBERT

663. Section 3 of the Act to amend the charter of the town of Mackayville (1958-59, chapter 80) is amended by

(1) replacing the words "such objects, effects or moveable property are the proceeds of theft or have been seized or confiscated by its police officers or were found" in the ninth, tenth, eleventh and twelfth lines of the first paragraph by the words "the owner of such movable property cannot be found or such property was";

(2) striking out the words "or by reason of the illegality of their possession or unlawful use" in the fourth, fifth and sixth lines of the third paragraph.

664. Paragraph 17 of section 426 of the Cities and Towns Act (R.S. 1964, chapter 193), amended for the city of Saint-Hubert by section 2 of chapter 83 of the statutes of 1972 and by section 1027 of chapter 4 of the statutes of 1990, is repealed.

CHARTER OF THE CITY OF SAINT-LÉONARD

665. Section 461 of the Cities and Town Act (R.S.Q., chapter C-19), replaced for the city of Saint-Léonard by section 5 of chapter 68 of the statutes of 1983, is amended by

(1) replacing the words "which are unclaimed within two months and which have been abandoned or are the proceeds of theft or have been seized or confiscated by its police officers or" in the fourth, fifth and sixth lines of the first paragraph by the words "whose owner cannot be found or which have been abandoned or are unclaimed within two months or which";

(2) striking out the words "or by reason of the illegality of their possession or use" in the second line of the fourth paragraph.

CHARTER OF THE CITY OF SAINTE-THÉRÈSE

666. Section 24 of the Act to consolidate the charter of the town of Sainte Thérèse (1951-52, chapter 84), replaced by section 6 of chapter 112 of the statutes of 1971 and amended by section 1030 of chapter 4 of the statutes of 1990, is repealed.

CHARTER OF THE TOWN OF SCOTSTOWN

667. Section 13 of the Act to incorporate the town of Scotstown (1892, chapter 58) is repealed.

CHARTER OF THE CITY OF WESTMOUNT

668. The fourth paragraph of paragraph 20 of section 412 of the Cities and Towns Act (R.S.Q., chapter C-19), replaced for the city of

Westmount by section 1 of chapter 91 of the statutes of 1989 and amended by section 1071 of chapter 4 of the statutes of 1990, is replaced by the following:

“The fine requested on the statement of offence is determined by by-law. It shall not exceed \$30 in the case of a parking infraction and \$60 in the case of an offence under any other by-law referred to in this paragraph, except an offence under a provision adopted under paragraph 4, 5 or 8 of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2), in which case the fine must be equal to the minimum prescribed in the said Code for a fine relating to an offence under a provision of that Code respecting the same matter.”

669. Paragraph 20.2 of section 412 of the said Act, added for the city of Westmount to chapter C-19 of the Revised Statutes by section 1 of chapter 91 of the statutes of 1989 and amended by section 1072 of chapter 4 of the statutes of 1990, is again amended by replacing the words “notice of summons” by the words “statement of offence”.

670. Section 415 of the said Act, amended for the city of Westmount by section 2 of chapter 91 of the statutes of 1989 and by section 1073 of chapter 4 of the statutes of 1990, is again amended by replacing the words “notice of summons” by the words “statement of offence”.

CHARTER OF THE CITY OF LAVAL

671. Section 6 of the Act to amend the charter of the city of Laval (1991, chapter 83) is amended by replacing the figure “10” in the third line by the figure “11”.

672. The second paragraph of article 147 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), introduced by section 9 of the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions (1992, chapter (*insert here the chapter number of the said Act*)), has effect, for the city of Laval, from the date of coming into force of section 5 of the Act to amend the charter of the city of Laval (1991, chapter 83).

CHARTER OF THE CITY OF MONTRÉAL

673. Article 57 of the Act to revise and consolidate the charter of the city of Montréal (1959-60, chapter 102) is repealed.

674. Article 1140c of the said charter, introduced by section 77 of chapter 71 of the statutes of 1982, is repealed.

675. Article 1161 of the said charter, replaced by section 1138 of chapter 4 of the statutes of 1990, is amended by replacing the words “who incurred expenses related to the proceedings” in the sixth and seventh lines of the first paragraph by the words “under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), and the costs remitted to the defendant or imposed on the city under article 223 of the said Code.”

676. Article 1162 of the said charter, replaced by section 22 of chapter 76 of the statutes of 1972, amended by section 91 of chapter 77 of the statutes of 1973, section 173 of chapter 77 of the statutes of 1977, section 56 of chapter 40 of the statutes of 1980, section 80 of chapter 71 of the statutes of 1982 and by section 1139 of chapter 4 of the statutes of 1990, is again amended by striking out the first four paragraphs.

677. Article 1162.1 of the said charter, introduced by section 1139 of chapter 4 of the statutes of 1990, is repealed.

CHARTER OF THE CITY OF QUÉBEC

678. Section 23 of the Charter of the city of Québec (1929, chapter 95), amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

679. Section 27 of the said charter, replaced by section 5 of chapter 64 of the statutes of 1952-53 and amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

680. Section 185a of the said charter, introduced by section 12 of chapter 68 of the statutes of 1970, is amended by striking out

(1) the words “from a theft, a seizure or a confiscation by its police officers, or” in the tenth and eleventh lines of the first paragraph;

(2) the words “or by reason of the unlawful nature of the possession or use thereof” in the second, third and fourth lines of the third paragraph.

681. Section 188 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the second clause after the semi-colon, by the words “a judge who makes an investigation shall have all the powers conferred on an investigation commissioner under the Act respecting public inquiry commissions

(R.S.Q., chapter C-37), except the power to order imprisonment and he shall report the results of his investigation to the council with all possible diligence.”

682. Section 291 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, section 2 of chapter 85 of the statutes of 1966-67, section 1154 of chapter 4 of the statutes of 1990 and by section 9 of chapter 84 of the statutes of 1991, is again amended by striking out the words “; penal proceedings may be instituted by any elector of the city and the fine shall belong to the corporation, without reference to the personal responsibility hereinafter mentioned.”

683. Paragraph 98 of section 336 of the said charter, amended by section 4 of chapter 36 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the words “, or by fine or imprisonment or both” in the seventeenth and eighteenth lines of the first paragraph by the words “or fine”.

684. Section 632 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67 and replaced by section 1238 of chapter 4 of the statutes of 1990, is amended by replacing the words “who incurred expenses related to the proceedings” in the sixth and seventh lines by the words “under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) and the costs remitted to the defendant or imposed on the city under article 223 of the said Code”.

685. Section 634 of the said charter, replaced by section 23 of chapter 97 of the statutes of 1974, amended by section 55 of chapter 61 of the statutes of 1984, again replaced by section 1240 of chapter 4 of the statutes of 1990 and amended by section 50 of chapter 84 of the statutes of 1991, is repealed.

FINAL PROVISION

686. The provisions of this Act will come into force on the date or dates to be fixed by the Government, with the exception of sections 26, 35, 41, 42, 45, 46, 50, 55, 57, 59, 65, 66, 68 to 70, 72 to 74, 89, 90, 92, 100, 129, 130, 169, 170, 175 to 177, 194, 198, 199, 202, 203, 211, 212, 214, 215, 217, 235, 236, 238, 246, 247, 249, 254, 261, 263, 265, 268, 275, 276, 279, 282, 285, 295, 303, 306 to 309, 318, 319, 322, 327, 328, 334, 346, 350, 353, 369, 371, 375, 380, 385 to 387, 390, 393, 397, 398, 405, 409, 415, 419, 432 to 434, 439, 440, 449, 460 to 462, 467, 472 to 474, 483, 485 to 487, 499, 503 to 505, 509, 511, 518, 521, 526, 531, 533, 537, 543, 546, 553, 555, 556, 559, 575, 577, 580, 582, 584, 590, 591, 601,

613, 617, 621, 627, 638, 640 to 642, 660, 672 and 681, which will come into force on (*insert here the date of assent to this Act*).