



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 56

**An Act to amend the Act respecting
the Société des alcools du Québec
and other legislation**

Introduction

**Introduced by
Mr Gérald Tremblay
Minister of Industry, Trade and Technology**



**Québec Official Publisher
1990**

EXPLANATORY NOTES

The purpose of this bill is to confer on the Régie des permis d'alcool du Québec powers relating to the issue of industrial permits and small-scale production permits and the control of the activities of the holders of those permits.

The bill also contains other provisions relating to the rules governing the issue, suspension or cancellation of a permit and the rules of evidence applicable during penal proceedings under the Act respecting the Société des alcools du Québec.

OTHER ACTS AMENDED BY THIS BILL:

- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- Act respecting liquor permits (R.S.Q., chapter P-9.1).

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 24 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended

(1) by replacing the words “Minister of Industry, Trade and Technology” in the third line of the first paragraph by the words “Régie des permis d’alcool du Québec established under the Act respecting liquor permits (R.S.Q., chapter P-9.1)”;

(2) by inserting the words “by the Régie” after the word “issued” in the second paragraph.

2. Section 24.1 of the said Act is amended by striking out the fifth paragraph.

3. Section 30 of the said Act is replaced by the following sections:

“30. The Régie des permis d’alcool du Québec may issue any permit referred to in section 24 or authorize the transfer thereof if it considers that the issue or transfer is not contrary to the public interest and if the applicant

(1) has obtained a notice of approval from the Minister of Industry, Trade and Technology in respect of his application;

(2) undertakes to fulfil the conditions fixed in that notice;

(3) has not, during the five years preceding the application, been convicted of an indictable offence connected with the activities he may carry on under the permit applied for and punishable by imprisonment for five years or more or, if he has been so convicted, has obtained a pardon;

(4) has completed his sentence or, as the case may be, has begun his probation period, where more than five years have elapsed since he was convicted of an indictable offence referred to in subparagraph 3 for which he has not obtained a pardon;

(5) pays the annual duties prescribed by regulation;

(6) holds an industrial permit or a small-scale production permit, where the application is for a warehouse permit;

(7) produces, at the request of the Régie and within the time fixed by it, any relevant information or document.

Where the applicant is a corporation, a permit may be issued or transferred to it only if all the directors of the corporation and any shareholder holding 10 % or more of the shares with full voting rights fulfil the conditions set out in subparagraphs 3 and 4 of the first paragraph. If any such shareholder is a corporation, it must also satisfy the same conditions.

“30.1 The Régie may refuse to issue or transfer a permit where the applicant or any person mentioned in the second paragraph of section 30 has, during the five years preceding the application, been convicted of an offence under the provisions of this Act or a regulation thereunder, the Act respecting offences relating to alcoholic beverages or the Act respecting interprovincial and international traffic in intoxicating liquors (R.S.C., 1985, chapter I-3), unless a pardon was obtained.

“30.2 The relevant provisions of the Act respecting liquor permits and the regulations thereunder governing the procedure and proof applicable before the Régie apply, adapted as required, to the issue and transfer of a permit contemplated by this Act.”

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

“33. A permit holder shall, in accordance with the regulation, keep up-to-date any register, book or other document indicated therein.

He shall send to the Régie des permis d'alcool du Québec, in accordance with the regulation and within the time indicated therein, any register, book or other document indicated by regulation.”

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

“34. At the request of the president of the Régie des permis d'alcool du Québec, a member of the Sûreté du Québec, a member of a police force authorized for that purpose by the Minister of Public Security or any other person may carry out an inspection during which he may

(1) enter, at any reasonable time, any establishment or other place where an activity requiring a small-scale production permit, an industrial permit or a warehouse permit is carried on;

(2) examine the facilities, the products made, bottled or stored and anything else found in that place and connected with an activity requiring a permit;

(3) take samples;

(4) examine and obtain copies of the registers, books and any other document respecting an activity requiring a permit;

(5) demand any information in respect of the activities relating to an activity requiring a permit;

(6) require any person on the premises to grant him reasonable assistance.

Any person authorized to make an inspection must, on request, identify himself and produce a certificate of his capacity.”

6. Section 34.1 of the said Act is replaced by the following section :

“34.1 The Régie des permis d'alcool du Québec may impart any information and transmit any register, book or other document obtained by it under section 33 or 34 to the Minister of Industry, Trade and Technology.”

7. Section 35 of the said Act, amended by section 1 of chapter 10 of the statutes of 1989, is again amended

(1) by replacing the words “At the request of the Minister of Industry, Trade and Technology, the” in the first and second lines of the first paragraph by the word “The”;

(2) by replacing the word “Minister” in the second line of subparagraph 3 of the first paragraph by the word “Régie”;

(3) by replacing the word “Minister” in the third line of subparagraph 3 of the first paragraph by the word “Régie”;

(4) by striking out subparagraph 5 of the first paragraph;

(5) by inserting, after subparagraph 7 of the first paragraph, the following subparagraphs:

“(8) the permit holder or, where the holder is a corporation, a director of the corporation or a shareholder holding 10 % or more of the shares with full voting rights is convicted of an indictable offence relating to the use of the permit and punishable by imprisonment for five years or more or of an offence under a provision of this Act, a regulation thereunder, the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) or the Act respecting interprovincial and international traffic in intoxicating liquors (R.S.C., 1985, chapter I-3);

“(9) an agent or employee of the permit holder is convicted of an offence under a provision of this Act, the Act respecting offences relating to alcoholic beverages or the Act respecting interprovincial and international traffic in intoxicating liquors (R.S.C., 1985, chapter I-3), where the offence relates to an alcoholic beverage made or bottled by the permit holder;

“(10) the holder does not comply with an order made pursuant to section 35.2 or does not abide by a voluntary undertaking made pursuant to section 35.3.”

8. Section 35.1 of the said Act, enacted by section 2 of chapter 10 of the statutes of 1989, is repealed.

9. The said Act is amended by inserting, after section 35.1, the following sections:

“35.2 The Régie may, instead of cancelling or suspending a permit for a reason set out in subparagraph 1, 4 or 6 of the first paragraph of section 35, order the permit holder to take the necessary corrective measures within the time it fixes.

“35.3 The Régie may, if it has reasonable ground to believe that a permit holder is contravening an Act or a regulation referred to in subparagraph 8 of the first paragraph of section 35, accept a voluntary undertaking from the holder to comply with that Act or regulation.”

10. Section 36 of the said Act is amended by striking out the words “on the Minister of Industry, Trade and Technology and” in the fifth and sixth lines.

11. Section 37 of the said Act is amended

(1) by striking out the words “, after consultation with the Corporation,” in the first line of the first paragraph;

(2) by striking out the words “making, bottling, keeping, handling, storing,” in the first and second lines of subparagraph 1 of the first paragraph;

(3) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) determining the conditions or modalities applicable to the making, bottling, keeping, handling or storing of alcoholic beverages;”;

(4) by inserting, after subparagraph 9 of the first paragraph, the following subparagraph:

“(9.1) indicating the registers, books and other documents that must be kept up-to-date and those which must be sent to the Régie, and determining the conditions and modalities of keeping and sending them;”;

(5) by striking out the second paragraph.

12. Section 39 of the said Act is amended by inserting the words “or designated” after the word “authorized” in the second line.

13. Section 40 of the said Act is amended by striking out the word “, inspector” in the second line of the first paragraph.

14. The said Act is amended by inserting, after section 55, the following sections:

“55.1 Where a person is convicted of having made alcoholic beverages without a permit in any premises, the provisions of the Disorderly Houses Act (R.S.Q., chapter M-2), adapted as required, apply.

“55.2 To prove that alcoholic beverages have been sold in contravention of this Act, it shall not be necessary to prove that there

has been any actual handing over of money if the court is convinced that a transaction having the characteristics of an alienation has actually taken place.

“55.3 Where a person is convicted of an offence under this Act, the amount of the fine to which he is liable shall be doubled if, during the trial, it is proved that the alcoholic beverages made, transported or sold by that person were of bad quality or unfit for consumption, had been made fraudulently or were adulterated.

“55.4 In any prosecution for the sale of alcoholic beverages it shall not be necessary to prove the exact kind, or to mention the quantity of alcoholic beverages sold, unless the kind or quantity is essential to the nature of the offence.

“55.5 To obtain a conviction, it shall not be necessary that the date mentioned in the information as the date on which the offence was committed be exactly proved; it shall be sufficient to prove that the period of time allowed by law for the prosecution of the offence has not expired.

“55.6 If the court deems it necessary for the purposes of this Act, it may cause any beverage reputed to be alcoholic to be analysed. The costs of the analysis shall be included in the costs of the proceedings.

“55.7 In any prosecution under this Act, the certificate relating to the analysis of any beverage reputed to be alcoholic signed by the analyst of the Corporation shall be accepted as proof, *prima facie*, of the facts set out therein and of the authority of the person who signed it, without further evidence of his appointment or of his signature. The cost of the analysis shall also be included in the costs of the proceedings.”

15. Section 61 of the said Act is amended by adding, at the end, the words “, with the exception of sections 30 to 36.3, subparagraphs 1.1, 9 and 9.1 of the first paragraph of section 37 and sections 38 to 55.7, which come under the jurisdiction of the Minister of Public Security”.

16. Section 115 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1), amended by section 469 of chapter 4 of the statutes of 1990, is again amended by replacing the words “, and to the Minister of Industry, Trade and Technology if such offender is the holder of a permit issued under” in the sixth and seventh lines by the word “or”.

17. Section 3 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by replacing the words “to suspend or cancel permits issued under that Act” in the second and third lines of the second paragraph by the words “in particular, to issue, suspend or cancel permits contemplated by the said Act and to control their use”.

18. Any permit issued by the Minister of Industry, Trade and Technology shall remain in force.

19. Matters laid before the Régie des permis d'alcool du Québec pursuant to a request of the Minister of Industry, Trade and Technology shall be continued and decided before the Régie in accordance with this Act.

20. The appropriations granted to the Ministère de l'Industrie, du Commerce et de la Technologie relating to the powers granted under this Act to the Régie des permis d'alcool du Québec shall be transferred to the Régie to the extent determined by the Government.

21. The provisions of this Act come into force on the date or dates to be fixed by the Government.