



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 64

An Act respecting the computation of interest applicable to tax claims

Introduction

**Introduced by
Mr Yves Séguin
Minister of Revenue**

**Québec Official Publisher
1990**

EXPLANATORY NOTES

This bill amends section 1030 of the Taxation Act and section 28.2 of the Act respecting the Ministère du Revenu to provide for only one period for the computation of the interest applicable after the legal date for filing a document, where both a notice of assessment and a notice of collection are issued in respect of the same business.

The amendments do not apply in respect of a tax claim resulting from a notice of assessment issued following the filing, by an individual, of his personal fiscal return.

ACTS AMENDED BY THIS BILL:

- (1) Taxation Act (R.S.Q., chapter I-3);
- (2) Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

Bill 64

An Act respecting the computation of interest applicable to tax claims

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1030 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing subsection 4 by the following subsection:

“(4) For the purposes of computing the exigible interest, where a taxpayer pays to the Minister or to a financial institution authorized by the Minister all or part of the amount he is required to pay following a notice of assessment, the date of payment is deemed to be the date of mailing of the notice of assessment if the payment is made before the twenty-first day of the month following the month in which the notice of assessment was mailed.

The same rule applies where the payment is made by remittance to the Minister, before the day referred to in the first paragraph, of a negotiable instrument falling due within such time.”

2. Section 28.2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is replaced by the following section:

“**28.2** For the purposes of section 28, where a taxpayer pays to the Minister or to a financial institution authorized by the Minister, after the expiry of the time prescribed in subsection 4 of section 1030 of the Taxation Act (R.S.Q., chapter I-3) but before the twenty-first day of a subsequent month, all or part of the amount he is required to pay following a notice of assessment, the Minister may decide not to exact payment of the exigible interest on that amount for the period extending from the first day of that month to the day of payment.

The same rule applies where the payment is made by remittance to the Minister, before the twenty-first day of a month, of a negotiable instrument falling due within such time.

This section also applies in respect of an amount claimed under section 12.2.”

3. Sections 1 and 2 do not apply in the case of a payment made to the Minister by an individual following a notice of assessment issued pursuant to the following provisions:

(a) the Succession Duty Act (R.S.Q., chapter D-13.2) as it read before being repealed by section 6 of chapter 15 of the statutes of 1986, in respect of successions opened before 28 May 1986;

(b) sections 220.2 to 220.13 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) Part I of the Taxation Act, except section 1034, and Parts II to VII of the said Act, where the individual is required to pay the amount otherwise than as mandatory of the Minister;

(d) Part VIII of the Taxation Act as it read before being repealed by section 208 of chapter 15 of the statutes of 1986, in respect of a gift made before 24 April 1985;

(e) the Act respecting real estate tax refund (R.S.Q., chapter R-20.1);

(f) the Act respecting work income supplement (R.S.Q., chapter S-37.1) as it read before being repealed by section 188 of chapter 4 of the statutes of 1988.

4. This Act will come into force on the date fixed by the Government.