

NATIONAL ASSEMBLY

FIRST SESSION

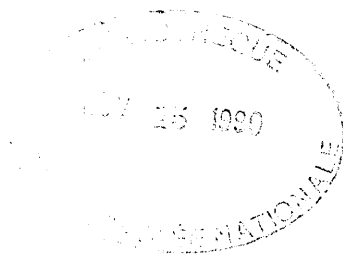
THIRTY-FOURTH LEGISLATURE

Bill 95

An Act to repeal the Stamp Act and amending various legislative provisions

Introduction

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



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EXPLANATORY NOTES

This bill repeals the Stamp Act.

It removes the obligation to affix a stamp to proceedings and documents filed in court offices or issued by them and documents presented in registry offices to attest that costs or fees due to the Government for the deposit or issue have been paid.

The bill re-enacts a provision of the Stamp Act by adding a provision to the Registry Office Act and to the Courts of Justice Act which provides that no proceeding or other document may be filed in a court office or registry office unless the costs or fees prescribed by the Government have been paid.

In addition, it amends the Registry Office Act in order to maintain the exemption from payment of fees for the registration of deeds evidencing loans made under the Act respecting farm financing and the Farm Credit Act (Canada), and for searches made in registry offices for the purposes of such loans.

Finally, the bill amends the Registry Office Act and the Courts of Justice Act to grant the Government the power to determine, in the tariffs of fees, of court costs or of court office fees established under these Acts, the cases where payment of such fees or costs is not required.

ACT REPEALED BY THIS BILL:

- Stamp Act (R.S.Q., chapter T-10)

ACTS AMENDED BY THIS BILL:

- Legal Aid Act (R.S.Q., chapter A-14)
- Registry Office Act (R.S.Q., chapter B-9)
- Code of Civil Procedure (R.S.Q., chapter C-25)

- Act respecting farm financing (R.S.Q., chapter F-1.2)
- Special Corporate Powers Act (R.S.Q., chapter P-16)
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1)
- Courts of Justice Act (R.S.Q., chapter T-16)

Bill 95

An Act to repeal the Stamp Act and amending various legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 5 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by striking out the words “under the Stamp Act (chapter T-10)” in the third line of subparagraph *b* of the first paragraph.

2. Section 37 of the Registry Office Act (R.S.Q., chapter B-9) is amended by adding, at the end of the first paragraph, the following: “He may, in a tariff:

(1) determine what persons, departments or bodies are exempt from the payment of fees or which documents or services are covered by an exemption;

(2) prescribe, for the services he designates, the terms and conditions of payment of such fees and determine what persons, departments or bodies may benefit therefrom.”

3. The said Act is amended by inserting, after section 37, the following sections:

“37.1 Where a tariff made in accordance with section 37 prescribes that fees must be paid for the registration of a document or the performance of a service in a registry office, no such document may be presented to the registrar and, subject to the terms and conditions of payment prescribed under subparagraph 2 of the first paragraph of section 37, no such service may be performed by the registrar unless the prescribed fees have been paid.

“37.2 No fees shall be exigible

(1) for the registration of deeds evidencing a loan, a line of credit or a special loan made under the Act respecting farm financing (R.S.Q., chapter F-1.2) or a loan made under the Farm Credit Act (R.S.C., [1985] chapter F-2) or for the registration of address notices related thereto;

(2) for searches made in registry offices for the purposes of such loans;

(3) for the issue by a registrar, for the purposes of such loans, of certificates, extracts from or copies of the index of immovables, the register of farm and forest pledges or the register kept pursuant to section 45 of the Act respecting bills of lading, receipts and transfers of property in stock (R.S.Q., chapter C-53).”

4. Section 43 of the said Act is amended by replacing the words “that the registration stamps are duly affixed to the deeds, copies, certificates and books of searches” in the third, fourth and fifth lines of the first paragraph by the words “that the fees for registration and for services performed have been paid”.

5. Article 111 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “upon payment of the judicial stamps” in the third and fourth lines of the first paragraph by the words “after payment of the court costs”.

6. Article 112 of the said Code is replaced by the following article:

“112. In cases of urgency, the writ may be issued, without a seal, outside office hours and even on a non-juridical day, provided that the court costs be paid forthwith to the prothonotary, or to the person designated by him under the third paragraph of article 44, who must as soon as possible affix the seal to the duplicate left with him for the court record, after having entered thereon the date of payment of the costs and the amount thereof.”

7. Section 64 of the Act respecting farm financing (R.S.Q., chapter F-1.2) is amended by striking out paragraph 1.

8. Section 39 of the Special Corporate Powers Act (R.S.Q., chapter P-16) is replaced by the following section:

“39. The tariff made pursuant to section 37 of the Registry Office Act (R.S.Q., chapter B-9) shall apply to the deposit of the deed

made, under the foregoing provisions, at the office of the Inspector General of Financial Institutions.”

9. Section 8 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by striking out the words “or the Stamp Act (chapter T-10)” in the fourth and fifth lines.

10. The Stamp Act (R.S.Q., chapter T-10) is repealed.

11. Section 224 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the first paragraph by the following paragraphs:

“224. The Government shall fix the tariff of court costs and court office fees. It may, in a tariff, determine what persons, departments or bodies are exempt from the payment of costs or fees or which proceedings, documents or services are covered by an exemption.

Where a tariff established in accordance with the first paragraph prescribes that court costs or court office fees must be paid for the filing or issue of a proceeding or other document or for the performance of a service, no such proceeding or document may be filed with a court or a judicial officer or issued by the latter and no such service may be performed unless the costs or fees have been paid.

The date of filing and, where applicable, the date of payment and the amount of the costs and fees must be entered on the proceeding or document filed.”

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