

NATIONAL ASSEMBLY

FIRST SESSION

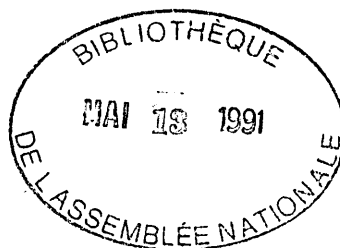
THIRTY-FOURTH LEGISLATURE

Bill 137

An Act to amend various legislative provisions respecting the establishment of the register fund of the Ministère de la Justice

Introduction

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



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EXPLANATORY NOTES

The object of this bill is to establish a special fund for the financing of various services related to the registration and publicity of documents.

The bill also provides for the modes of management, financing and operation of the fund and contains technical and concordance provisions.

ACTS AMENDED BY THIS BILL:

- Registry Office Act (R.S.Q., chapter B-9)
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19)
- Act respecting the reconstitution of civil status registers (R.S.Q., chapter R-2)

Bill 137

An Act to amend various legislative provisions respecting the establishment of the register fund of the Ministère de la Justice

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 27 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by striking out the second and third paragraphs.

2. The said Act is amended by inserting, after section 32, the following division:

“DIVISION III.1

“SPECIAL FUND

“32.1 The register fund of the Ministère de la Justice is hereby established for the purpose of financing the goods and services provided under the authority of the Minister which relate to the registration and publicity of:

(1) documents of the state;

(2) acts of civil status;

(3) personal rights;

(4) movable real rights;

(5) immovable real rights;

(6) any other document subject by law to registration in a register kept in a registry office.

The Government shall determine the date on which the fund begins to operate, the nature of the goods and services it shall serve to finance, its assets and liabilities and the nature of the costs to be charged thereto.

“32.2 The fund shall be constituted of the following sums, except interest:

(1) the sums collected for the goods and services financed by the fund;

(2) the sums paid by the Minister of Justice out of the appropriations allocated for that purpose by Parliament;

(3) the sums paid under section 32.5 or under the first paragraph of section 32.6.

However, the sums collected under section 8 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) are excluded.

“32.3 The sums required for the remuneration and expenses related to social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to activities related to the fund shall be paid out of the fund.

“32.4 The management of the sums paid into the fund shall be entrusted to the Minister of Finance. Such sums shall be paid to his order and deposited with the financial institutions he determines.

Notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), the Minister of Justice shall keep the books of account for and record the financial commitments chargeable to the fund. He shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply therewith.

“32.5 The Minister of Justice may, as manager of the special fund, borrow from the Minister of Finance sums which will be taken out of the financing fund of the Ministère des Finances.

[[**“32.6** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the special fund sums taken out of the consolidated revenue fund.

He may conversely advance to the consolidated revenue fund, on a short-term basis and subject to the conditions he determines, any

part of the sums paid into the special fund that is not required for its operation.

Any advance paid to the special fund or to the consolidated revenue fund shall be repayable out of the fund that received it.]]

“32.7 All surpluses accumulated by the special fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

“32.8 Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, take out of the special fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.

“32.9 Sections 22 to 27, 33, 35, 45, 47 to 49, 51, 57 and 70 to 72 of the Financial Administration Act apply to the special fund, adapted as required.

“32.10 The fiscal year of the fund shall end on 31 March each year.”

3. Sections 7, 10 and 12 of the Registry Office Act (R.S.Q., chapter B-9) are repealed.

4. Section 21 of the said Act is amended by replacing the words “any unappropriated moneys in the hands of the Minister of Finance” in the first and second lines of the second paragraph of subsection 1 by the words “the register fund of the Ministère de la Justice”.

5. Division X of the said Act is repealed.

6. Section 15 of the Act respecting the reconstitution of civil status registers (R.S.Q., chapter R-2) is repealed.

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