



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 178

An Act to amend the Charter of the French language

Introduction

**Introduced by
Mr Guy Rivard
Minister for Cultural Affairs**

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EXPLANATORY NOTES

The object of this bill is to follow up two decisions rendered by the Supreme Court of Canada declaring certain sections of the Charter of the French language to be inoperative.

First, it lays down the rule that public signs and posters and commercial advertising, outside or intended for the public outside, must be solely in French.

It also provides that this rule applies inside public means of transport and certain establishments, particularly commercial centres.

Secondly, it requires public signs and posters and commercial advertising inside establishments to be in French. On the other hand, it allows them to be both in French and in another language, provided they are intended only for the public inside the establishments and that French is markedly predominant. It provides, further, that public signs and posters, outside, respecting cultural activities or the sale of the specialities of a particular ethnic group may be in both French and the language of that ethnic group.

In addition, it contains provisions designed to harmonize the language used in a firm name with that used in the public signs and posters or the commercial advertising in which the name appears.

This bill also contains a transitional provision, designed to give the owner of any advertising material a certain period of time to comply with the new rules respecting public signs and posters and commercial advertising.

Lastly, the bill contains a provision designed to ensure that certain of the rules it lays down are on a secure legal footing.

Bill 178

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 58 of the Charter of the French language (R.S.Q., chapter C-11) is replaced by the following sections:

“58. Public signs and posters and commercial advertising, outside or intended for the public outside, shall be solely in French.

Similarly, public signs and posters and commercial advertising shall be solely in French

(1) inside commercial centres and their access ways, except inside the establishments located there;

(2) inside any public means of transport and its access ways;

(3) inside the establishments of business firms contemplated in section 136, unless they hold a francization certificate and comply with the provisions of section 58.1 and with such terms and conditions as the Office de la langue française may prescribe by regulation.

“58.1 Inside establishments, public signs and posters and commercial advertising shall be in French.

They may also be both in French and in another language, provided they are intended only for the public inside the establishments and that French is markedly predominant.

“58.2 Public signs and posters and commercial advertising may be both in French and in another language or solely in another language in the cases and under the conditions or circumstances prescribed by regulation of the Office de la langue française.”

2. Section 59 of the said Charter is replaced by the following section:

“59. Sections 58 to 58.2 do not apply to advertising carried in news media that publish in a language other than French, or to messages of a religious, political, ideological or humanitarian nature if not for a profit motive.”

3. Section 60 of the said Charter is repealed.

4. Section 61 of the said Charter is replaced by the following section:

“61. Public signs and posters, outside, respecting the cultural activities of a particular ethnic group in any way may be in both French and the language of that ethnic group.”

5. Section 62 of the said Charter is amended

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

“62. Outside but on the premises of commercial establishments specializing in foreign national specialties or the specialties of a particular ethnic group, public signs and posters may be both in French and in the relevant foreign national language or the language of that ethnic group.”;

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

6. Section 68 of the said Charter is amended

(1) by inserting, at the beginning, the following paragraph:

“68. Except as otherwise provided in this section, only the French version of a firm name may be used in Québec.”;

(2) by adding, at the end, the following paragraph:

“On public signs and posters and in commercial advertising,

(1) a firm name may be accompanied with a version in another language, if they are both in French and in another language;

(2) a firm name may appear solely in its version in another language, if they are solely in a language other than French.”

7. Section 69 of the said Charter is repealed.

8. Every owner of a public sign or poster, advertisement, illuminated sign, billboard or other advertising material that conforms with the provisions of the Charter of the French language relating to public signs and posters and commercial advertising as they read on 14 December 1988, and every person who has placed any of them or caused any of them to be placed, has until (*insert here the date occurring two years from the date of assent to this Act*) to bring it into conformity with the new provisions enacted by this Act respecting public signs and posters and commercial advertising.

9. The provisions of the Regulation respecting the language of commerce and business (R.R.Q., 1981, C-11, r.9) made pursuant to section 58 of the Charter of the French language, as they read on 14 December 1988, are deemed made pursuant to section 58.2 enacted by section 1 of this Act.

10. The provisions of section 58 and those of the first paragraph of section 68, enacted by sections 1 and 6, respectively, of this Act, shall operate notwithstanding the provisions of paragraph *b* of section 2 or section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and apply despite sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

11. The provisions of this Act come into force on (*insert here the date of assent to this Act*).