



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 79

**An Act to amend the Act respecting
the Ministère du Revenu in order to
counter the misappropriation by
intermediaries of tax collected and
income tax deducted at source**

Introduction

**Introduced by
Mr Michel Gratton
Minister of Revenue**

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EXPLANATORY NOTES

The object of this bill amending the Act respecting the Ministère du Revenu is to put an end to a form of misappropriation by intermediaries of tax collected and income tax deducted at source.

For that purpose, the bill provides that the directors of a corporation become joint and several debtors for the amounts that are due, in cases where they have allowed or otherwise acquiesced in the non-remittance to the Minister of an amount deducted, withheld or collected under a fiscal law.

The bill also amends the Act to allow the Deputy Minister to obtain an injunction ordering, for instance, the ceasing of an activity in respect of which a registration certificate or another document is required when that activity is carried on without such a certificate or document and when the offender has no establishment in Québec.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. (1) The Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting, after section 24, the following sections:

“24.0.1 Where a corporation has omitted to remit to the Minister an amount referred to in section 24, its directors in office on the date on which it was required to remit the amount shall become joint and several debtors with the corporation for that amount and for interest and penalties related thereto in the following cases:

(a) where the writ of execution in respect of the corporation is returned unfulfilled in whole or in part following a judgment rendered in favour of the Deputy Minister under section 13;

(b) where the corporation, within one year from the day on which the amount has become exigible, is subject to a winding-up order or becomes bankrupt within the meaning of the Bankruptcy Act (Statutes of Canada) and where a claim is filed.

Sections 1005 to 1014, 1030, 1051 to 1062 and 1066 to 1079 of the Taxation Act (R.S.Q., chapter I-3) apply, adapted as required.

“24.0.2 Section 24.0.1 does not apply to a director who acted with reasonable care, dispatch and skill under the circumstances.

Moreover, in no case may the Minister assess a director in respect of an amount referred to in section 24.0.1 after the expiry of two years from the date on which that director last ceased to be a director of the corporation.”

(2) This section applies in respect of an amount collected, deducted or withheld after *(insert here the date of assent to this Act)*.

2. Section 68.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

“68.1 In addition to any recourse specially provided for any contravention of a fiscal law, the Deputy Minister may apply to a judge of the Superior Court to pronounce, against any person who keeps an establishment or carries on an activity for which a registration certificate, licence or permit is required, without holding such a certificate, licence or permit still in force, an injunction ordering the closing of the establishment, the ceasing of the activity or the ceasing of the activity and the closing of any establishment in which that person carries on that activity, until such time as a registration certificate, licence or permit is issued to him and all the costs are paid.”

3. This Act comes into force on *(insert here the date of assent to this Act)*.