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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 92

**An Act to amend various legislation  
having regard to the Charter of human  
rights and freedoms**

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**Introduction**

Introduced by  
Mr Herbert Marx  
Minister of Justice

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## EXPLANATORY NOTES

*Sections 1 to 38 of the Charter of human rights and freedoms have precedence over all existing Québec legislation from 1 January 1986, by the effect of section 52 of the Charter.*

*This bill proposes legislative amendments to ensure that the human rights acknowledged by the Charter are fully respected, including the right to freedom, whether freedom of assembly, of association, of expression or of religion, the right to dignity, privacy, the inviolability of one's home and the respect of one's private property, the right to a public hearing by an independent and impartial tribunal, the right to be treated with humanity and respect and to be represented by an advocate, the right to be presumed innocent, to a full and complete defence and to protection against self-incrimination, and the right to protection against unreasonable search or seizure.*

*The bill also contains amendments to eliminate discrimination based on sex, religion, previous convictions, language or civil status. The following Acts are amended accordingly:*

- Bees Act (R.S.Q., chapter A-1);*
- Agricultural Abuses Act (R.S.Q., chapter A-2);*
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);*
- Workmen's Compensation Act (R.S.Q., chapter A-3);*
- Act governing the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1);*
- Travel Agents Act (R.S.Q., chapter A-10);*
- Social Aid Act (R.S.Q., chapter A-16);*
- Family Allowances Plan (R.S.Q., chapter A-17);*

- *Act to promote farm improvement (R.S.Q., chapter A-18);*
- *Land Surveyors Act (R.S.Q., chapter A-23);*
- *Automobile Insurance Act (R.S.Q., chapter A-25);*
- *Publishers Loss Insurance Act (R.S.Q., chapter A-27);*
- *Health Insurance Act (R.S.Q., chapter A-29);*
- *Crop Insurance Act (R.S.Q., chapter A-30);*
- *Act respecting insurance (R.S.Q., chapter A-32);*
- *Act respecting the Barreau du Québec (R.S.Q., chapter B-1);*
- *Cultural Property Act (R.S.Q., chapter B-4);*
- *Act respecting tear bombs (R.S.Q., chapter B-6);*
- *Registry Office Act (R.S.Q., chapter B-9);*
- *Savings and Credit Unions Act (R.S.Q., chapter C-4);*
- *Railway Act (R.S.Q., chapter C-14);*
- *Act respecting the cinema (R.S.Q., chapter C-18);*
- *Cinema Act (R.S.Q., chapter C-18.1);*
- *Cities and Towns Act (R.S.Q., chapter C-19);*
- *Amusement Clubs Act (R.S.Q., chapter C-23);*
- *Highway Safety Code (R.S.Q., chapter C-24.1);*
- *Code of Civil Procedure (R.S.Q., chapter C-25);*
- *Professional Code (R.S.Q., chapter C-26);*
- *Labour Code (R.S.Q., chapter C-27);*
- *Municipal Code of Québec (R.S.Q., chapter C-27.1);*
- *Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);*
- *Act respecting the Commission municipale (R.S.Q., chapter C-35);*
- *Act respecting public inquiry commissions (R.S.Q., chapter C-37);*

- *Act respecting the Communauté régionale de l'Outaouais* (R.S.Q., chapter C-37.1);
- *Act respecting the Communauté urbaine de Montréal* (R.S.Q., chapter C-37.2);
- *Act respecting the Communauté urbaine de Québec* (R.S.Q., chapter C-37.3);
- *Act respecting the conservation and development of wildlife* (R.S.Q., chapter C-61.1);
- *Act respecting security fund corporations* (R.S.Q., chapter C-69.1);
- *Real Estate Brokerage Act* (R.S.Q., chapter C-73);
- *Insurance Brokers Act* (R.S.Q., chapter C-74);
- *Farm Credit Act* (R.S.Q., chapter C-75);
- *Act to promote long term farm credit by private institutions* (R.S.Q., chapter C-75.1);
- *Act to promote credit to farm producers* (R.S.Q., chapter C-77);
- *Forestry Credit Act* (R.S.Q., chapter C-78);
- *Act to promote forest credit by private institutions* (R.S.Q., chapter C-78.1);
- *Act respecting collective agreement decrees* (R.S.Q., chapter D-2);
- *Amusement Tax Act* (R.S.Q., chapter D-14);
- *Mining Duties Act* (R.S.Q., chapter D-15);
- *Fire Investigations Act* (R.S.Q., chapter E-8);
- *Act respecting explosives* (R.S.Q., chapter E-22);
- *Act respecting manpower vocational training and qualification* (R.S.Q., chapter F-5);
- *Grain Act* (R.S.Q., chapter G-1.1);
- *Act respecting offences relating to alcoholic beverages* (R.S.Q., chapter I-8.1);
- *Act respecting the Inspector General of Financial Institutions* (R.S.Q., chapter I-11.1);

- *Education Act (R.S.Q., chapter I-14);*
- *Interpretation Act (R.S.Q., chapter I-16);*
- *Newspaper Declaration Act (R.S.Q., chapter J-1);*
- *Freedom of Worship Act (R.S.Q., chapter L-2);*
- *Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., chapter L-6);*
- *Mining Act (R.S.Q., chapter M-13);*
- *Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);*
- *Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1);*
- *Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);*
- *Farm Products Marketing Act (R.S.Q., chapter M-35);*
- *Electricity Municipalization Act (R.S.Q., chapter M-38);*
- *Act respecting labour standards (R.S.Q., chapter N-1.1);*
- *Notarial Act (R.S.Q., chapter N-2);*
- *Sunday Observance Act (R.S.Q., chapter O-1);*
- *Act respecting liquor permits (R.S.Q., chapter P-9.1);*
- *Police Act (R.S.Q., chapter P-13);*
- *Summary Convictions Act (R.S.Q., chapter P-15);*
- *Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1);*
- *Farm Producers Act (R.S.Q., chapter P-28);*
- *Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29);*
- *Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);*
- *Bicycle Ownership Act (R.S.Q., chapter P-31);*
- *Youth Protection Act (R.S.Q., chapter P-34.1);*

- *Public Health Protection Act (R.S.Q., chapter P-35);*
- *Plant Protection Act (R.S.Q., chapter P-39);*
- *Consumer Protection Act (R.S.Q., chapter P-40.1);*
- *Act to preserve agricultural land (R.S.Q., chapter P-41.1);*
- *Environment Quality Act (R.S.Q., chapter Q-2);*
- *Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);*
- *Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);*
- *Act respecting the Régie de l'électricité et du gaz (R.S.Q., chapter R-6);*
- *Act respecting the Régie du logement (R.S.Q., chapter R-8.1);*
- *Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);*
- *Watercourses Act (R.S.Q., chapter R-13);*
- *Act respecting labour relations in the construction industry (R.S.Q., chapter R-20);*
- *Act respecting ecological reserves (R.S.Q., chapter R-26);*
- *Act respecting the salaries of officers of justice (R.S.Q., chapter S-2);*
- *Act respecting occupational health and safety (R.S.Q., chapter S-2.1);*
- *Act respecting safety in sports (R.S.Q., chapter S-3.1);*
- *Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2);*
- *Act respecting child day care (R.S.Q., chapter S-4.1);*
- *Act respecting health services and social services (R.S.Q., chapter S-5);*
- *Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);*
- *Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);*

- *Fuel Tax Act (R.S.Q., chapter T-1);*
- *Lands and Forests Act (R.S.Q., chapter T-9);*
- *Act respecting public agricultural lands (R.S.Q., chapter T-9.1);*
- *Transport Act (R.S.Q., chapter T-12);*
- *Public Works Act (R.S.Q., chapter T-15);*
- *Courts of Justice Act (R.S.Q., chapter T-16);*
- *Forest Resources Utilization Act (R.S.Q., chapter U-2);*
- *Securities Act (R.S.Q., chapter V-1.1);*
- *Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);*
- *Roads Act (R.S.Q., chapter V-8);*
- *Civil Code of Lower Canada;*
- *Civil Code of Québec;*
- *Act respecting commercial fisheries and aquaculture and amending other legislation (1984, chapter 16);*
- *Aquaculture Credit Act (1984, chapter 21);*
- *Building Act (1985, chapter 34).*





# Bill 92

## **An Act to amend various legislation having regard to the Charter of human rights and freedoms**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### BEES ACT

**1.** Section 3 of the Bees Act (R.S.Q., chapter A-1) is replaced by the following section:

**“3.** The Minister of Agriculture, Fisheries and Food may, if he believes, on reasonable grounds, that a contagious disease infects certain apiaries, appoint an inspector to enter the apiaries at any reasonable time and inspect them.

The inspector shall, if so required, identify himself and show the certificate bearing the signature of the Minister and attesting his capacity.”

### AGRICULTURAL ABUSES ACT

**2.** Section 3 of the Agricultural Abuses Act (R.S.Q., chapter A-2) is repealed.

**3.** Section 4 of the said Act is amended by striking out subsections 2 and 3.

**4.** Section 9 of the said Act is amended

(1) by striking out the word “,occupation” in the second line of the second paragraph;

(2) by inserting, before the word “information” in the third line of the second paragraph, the word “relevant”.

ACT RESPECTING ACCESS TO DOCUMENTS  
HELD BY PUBLIC BODIES AND THE  
PROTECTION OF PERSONAL INFORMATION

**5.** The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by inserting, after section 88, the following sections:

**“88.1** A public body must refuse to release nominative information concerning a minor to the person having parental authority where the release of such information is contrary to the interests of the minor.

**“88.2** A public body must refuse to release nominative information to the heir or successor of the person to whom the information relates unless the information pertains directly to his interests or rights as an heir or successor.”

**6.** The said Act is amended by inserting, after section 89, the following sections:

**“89.1** A public body must refuse to accept a request for correction of nominative information concerning a minor filed by the person having parental authority if the correction is contrary to the interests of the minor.

**“89.2** A public body must refuse to accept a request for correction of nominative information filed by the heir or successor of the person to whom the information relates, unless the correction pertains directly to his interests or rights as an heir or successor.”

**7.** Section 94 of the said Act is amended by replacing the words “A request for release or correction is not receivable” in the first line of the first paragraph by the words “No request for release or correction may be considered”.

WORKMEN'S COMPENSATION ACT

**8.** Section 54 of the Workmen's Compensation Act (R.S.Q., chapter A-3), amended by section 482 of chapter 6 of the statutes of 1985, is again amended by replacing the words “he shall also furnish to the Commission such reports as the Commission may require of him in respect of such worker” in the fifth, sixth and seventh lines by the

words “he shall also furnish to the Commission the reports that it requires of him in respect of the worker and that are, in the opinion of the Commission, relevant to the determination of a claim”.

**9.** Section 55 of the said Act is amended by replacing the words “when the beneficiary applies to the Commission for a benefit under this act” in the fourth and fifth lines of the third paragraph by the words “if it is, in the opinion of the Commission, relevant to the determination of a claim”.

**10.** Section 63 of the said Act, amended by section 483 of chapter 6 of the statutes of 1985, is again amended by inserting, after the words “functionaries as it may designate” in the third line of subsection 5, the words “for a term specified in the instrument of designation”.

#### ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

**11.** Section 14 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended by replacing the first paragraph by the following paragraph:

**“14.** The commission must give the applicant and every interested person the opportunity to be heard.”

#### TRAVEL AGENTS ACT

**12.** Section 35 of the Travel Agents Act (R.S.Q., chapter A-10) is replaced by the following sections:

**“35.** Every inspector may, in the performance of his duties, enter at any reasonable time the establishment of a travel agent, examine any document, book, register or account containing information relating to the activities of a travel agency and make a note or a copy of it.

Every person having the custody, possession or control of a document, book, register or account contemplated in the first paragraph must, if so required, give communication of it to the inspector and facilitate his examination of it.

**“35.1** Every inspector and every person making an inquiry at the request of the president may, in the performance of his duties, require of a travel agent or of any person representing that he is a travel agent any information relating to the administration of this Act.

**“35.2** The inspector or investigator shall, if so required, identify himself and show a certificate bearing the signature of the president and attesting his capacity.”

#### SOCIAL AID ACT

**13.** Section 37 of the Social Aid Act (R.S.Q., chapter A-16) is amended by replacing the words “Notwithstanding any other act” in the first line by the words “Subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”.

#### FAMILY ALLOWANCES ACT

**14.** Section 2 of the Family Allowances Act (R.S.Q., chapter A-17) is replaced by the following sections:

**“2.** In accordance with the rules established under this Act, a family allowance shall be granted for each month either to the mother of every child or to his father, according to who applies for it; if both parents apply, either jointly or separately, the allowance shall be granted and paid to both parents jointly.

Notwithstanding the first paragraph, the Court may, in the interest of the child and the family and at the request of the father or mother, designate which parent shall be granted the allowance.

**“2.1** If there is neither father nor mother and unless otherwise provided by regulation, the allowance shall be granted to the individual who wholly or substantially maintains the child.

**“2.2** An allowance under section 2 or 2.1 may be paid to an administrator in the cases determined by regulation.”

**15.** Section 22 of the said Act is amended

(1) by inserting, after the word “given” in the first line of the second paragraph, the words “in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”;

(2) by replacing the words “on such conditions as it may determine” in the first and second lines of the third paragraph by the words “in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information”.

## ACT TO PROMOTE FARM IMPROVEMENT

**16.** Section 18 of the Act to promote farm improvement (R.S.Q., chapter A-18) is amended

(1) by replacing the words “at any time visit or inspect property serving as security for a loan” in the second and third lines by the words “visit or inspect property serving as security for a loan at any reasonable time or at any time if, owing to the circumstances, immediate action is required to protect a claim or the property serving as security for a loan or to ensure that the borrower’s operation is carried on”;

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

“The representative or employee designated by the Office or by the lender shall, if so required, identify himself and show a certificate issued by the Office or by the lender and attesting his capacity.”

## LAND SURVEYORS ACT

**17.** Section 39 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by replacing the words “, and is domiciled in Québec” in the last line by the words “, and if he has his professional domicile in Québec”.

## AUTOMOBILE INSURANCE ACT

**18.** Section 70 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by adding, after the word “whenever”, in the sixth line of the third paragraph, the words “such communication is”.

**19.** Section 71 of the said Act is amended by adding, after the word “whenever” in the second line, the words “such communication is”.

## PUBLISHERS LOSS INSURANCE ACT

**20.** Section 8 of the Publishers Loss Insurance Act (R.S.Q., chapter A-27) is amended

(1) by inserting, after the word “access” in the third line of the third paragraph, the words “, at any reasonable time,”;

(2) by adding, at the end of the third paragraph, the following sentence: “The representatives shall, if so required, identify themselves and show the certificate bearing the signature of the Minister or the Auditor-General and attesting their capacity.”

## HEALTH INSURANCE ACT

**21.** Section 64 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting, after the word “Canada” in the third line of the second paragraph, the words “, to the extent that such communication is necessary for the administration of an Act whose administration is under the responsibility of either of them,”.

**22.** Section 65 of the said Act is amended by replacing the words “on such conditions as it may determine” in the first and second lines of the fourth paragraph by the words “in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”.

**23.** Section 66 of the said Act is amended by replacing the words “in section 65” in the second line of the first paragraph by the words “in the first paragraph of section 65”.

## CROP INSURANCE ACT

**24.** Section 12 of the Crop Insurance Act (R.S.Q., chapter A-30) is replaced by the following section:

“**12.** The Régie may, of its own initiative or on the application of the producer, review or cancel any decision it has rendered which has not been appealed from to the Court

(a) where a new fact arises which, if it had been known in due time, might have justified a different decision;

(b) where a substantial or procedural defect is likely to invalidate the decision.

Decisions of the Régie shall be rendered in writing and shall state the reasons on which they are based; they shall form part of the records of the Régie.”

## INSURANCE ACT

**25.** Section 10 of the Insurance Act (R.S.Q., chapter A-32) is replaced by the following section:

“**10.** The Inspector General or the representative designated by him in writing may, for the purposes of an inspection

(1) enter, at any reasonable time, the establishment of a person who acts in Québec as an insurer, insurance agent or claims adjuster, or the establishment of a professional syndicate authorized to exercise the powers provided for in subparagraph 1 of the second paragraph of section 9 of the Professional Syndicates Act (R.S.Q., chapter S-40) relating to the establishment and administration of special indemnity funds, special funds for assistance and other funds of the same nature;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information relating to the matters referred to in subparagraph 1;

(3) require any information relating to the administration of this Act and the production of any document relating thereto.

Every person having the custody, possession or control of such books, registers, accounts, records and other documents must, if so required, give communication thereof to the Inspector General or his representative and facilitate his examination of the same."

**26.** Section 12 of the said Act is amended by replacing the first paragraph by the following paragraph:

**"12.** The Inspector General or the representative designated by him in writing may, in exercising his powers of inspection and if he believes, on reasonable grounds, that an offence has been committed against this Act or any other Act the administration of which is entrusted to the Inspector General, seize any document relating to the offence, provided that he leaves a copy with the person from whom he seizes such document; the Inspector General shall have custody of the seized document."

**27.** The said Act is amended by inserting, after section 12, the following section:

**"12.1** The Inspector General or the representative designated by him in writing shall, if so required when exercising the powers referred to in section 10 or 12, identify himself and show a certificate attesting his capacity."

**28.** Section 360 of the said Act is amended by adding, at the end of paragraph *c*, the words "in connection with the occupation of insurance agent or claims adjuster, as the case may be".

## ACT RESPECTING THE BARREAU DU QUÉBEC

**29.** Section 45 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the first sentence of subsection 2 by the following sentence:

“(2) The committee shall inquire as to whether the candidate has the required moral character, knowledge and qualifications.”

**30.** Section 70 of the said Act is amended by replacing subsection 4 by the following subsection:

“(4) The Executive Committee shall hear the parties and their witnesses, and inquire as to whether the applicant has the required moral character, qualifications, conduct and competence.”

**31.** Section 84 of the said Act is amended by striking out the last sentence.

**32.** Section 103 of the said Act is replaced by the following section:

“**103.** Every hearing shall be public.

Notwithstanding the first paragraph, the Committee on Discipline may order that a hearing be held *in camera* in the interest of morality or public order. It may also, if it considers it in the public interest or necessary for the protection of a person's privacy or reputation, prohibit the publication or release of any information or document it indicates.”

**33.** Section 104 of the said Act is amended by replacing the words “the assistance of” in the second line of subsection 7 by the words “be assisted or represented by”.

**34.** Section 121 of the said Act is amended by replacing subsection 2 by the following subsection:

“(2) The Executive Committee shall hear the petitioner. It shall inquire as to whether he has the required moral character, qualifications, conduct and competence. It shall also examine his disciplinary record.”

## CULTURAL PROPERTY ACT

**35.** Section 49 of the Cultural Property Act (R.S.Q., chapter B-4), enacted by section 32 of chapter 24 of the statutes of 1985 is amended by adding, at the end of the first paragraph, the following sentence: “For that purpose, the Minister shall have authority over the appearance,



materials used for and support structures of signs and billboards and their effect on the district or site.”

#### ACT RESPECTING TEAR BOMBS

**36.** Section 8 of the Act respecting tear bombs (R.S.Q., chapter B-6) is amended by replacing the word “shall” in the first line by the word “may”.

#### REGISTRY OFFICE ACT

**37.** Section 50 of the Registry Office Act (R.S.Q., chapter B-9) is amended by replacing the words “, address and occupation” in the seventh and eight lines of the first paragraph by the words “and address”.

**38.** Form 1 of the said Act is amended by replacing the words “Her Majesty the Queen” by the words “the constituted authorities”.

#### SAVINGS AND CREDIT UNIONS ACT

**39.** Section 90 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is amended

(1) by replacing the words “at all times” in the first line by the words “at any reasonable time”;

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

“The inspector shall, if so required, identify himself and show a certificate issued by the federation or Confederation and attesting his capacity.”

#### RAILWAY ACT

**40.** Section 130 of the Railway Act (R.S.Q., chapter C-14) is amended by striking out subsections 2, 3 and 4.

**41.** Section 218 of the said Act is repealed.

**42.** Section 231 of the said Act is amended by replacing the words “I will well and truly serve Our Sovereign Lady the Queen” in the fifth line of the first paragraph of subsection 2 by the words “I will be faithful and bear true allegiance to the constituted authorities”.

## CINEMA ACT

**43.** Section 8 of the Act respecting the cinema (R.S.Q., chapter C-18) is repealed.

**44.** Section 173 of the Cinema Act (R.S.Q., chapter C-18.1) is amended

(1) by inserting, after the word “enter” in the second line, the words “, at any reasonable time,”;

(2) by inserting, after the word “enter” in the fourth line, the words “, at any reasonable time,”.

**45.** Section 176 of the said Act is amended by replacing the words “require the issue of a search warrant under” in the first line of the first paragraph by the words “conduct a search in accordance with”.

## CITIES AND TOWNS ACT

**46.** Section 69 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out the second paragraph.

**47.** Section 116 of the said Act is amended

(1) by inserting, at the end of the second paragraph of paragraph 6, the words “unless the person has obtained a pardon”;

(2) by inserting, at the end of paragraph 7, the words “, unless the person has obtained a pardon for either of such indictable offences”;

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

“For the application of subparagraphs 6 and 7 of the first paragraph with respect to the office of a municipal officer or employee, only a conviction for an indictable offence in connection with that office shall be considered.”

**48.** Section 332 of the said Act is amended by replacing the second sentence by the following sentence: “He may order that any person who disturbs the council during a sitting be removed from the place where the sitting is held.”

**49.** Section 412.22 of the said Act is amended

(1) by adding, after the word “may” in the fourth line, the words “, at any reasonable time,”;

(2) by inserting, after the second sentence, the following sentence:  
 “The officer or employee shall, if so required, identify himself and show the certificate issued by the municipality and attesting his capacity.”

**50.** Section 414 of the said Act is amended

(1) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) To regulate circuses, theatres, spectacles, exhibitions and other public performances; to license them upon such conditions as may be considered fit;”;

(2) by striking out the words “or prohibit” in the first line of subparagraph 6 of the first paragraph;

(3) by striking out subparagraph 11 of the first paragraph.

**51.** Section 415 of the said Act is amended

(1) by inserting, after the word “prohibit” in the first line of paragraph 20, the words “, only insofar as is required to maintain public order and general welfare,”;

(2) by striking out the words “or prohibit” in the first line of paragraph 36;

(3) by striking out paragraph 37.

**52.** Section 441 of the said Act is amended

(1) by inserting, after the word “may” in the second line of the first paragraph, the words “, at any reasonable time,”;

(2) by inserting, after the first paragraph, the following paragraph:

“Every such officer or employee shall, if so required, identify himself and show the certificate issued by the municipality and attesting his capacity.”

**53.** Section 452 of the said Act is amended

(1) by inserting, after the word “may” in the second line of the first paragraph, the words “, at any reasonable time,”;

(2) by inserting, after the first paragraph, the following paragraph:

“Every such officer or employee shall, if so required, identify himself and show the certificate issued by the municipality and attesting his capacity.”

**54.** Section 506 of the said Act is amended

(1) by replacing the words “signed by the mayor” in the first and second lines of the first paragraph, by the words “prepared by the mayor and signed by the clerk of the Provincial Court or the prothonotary of the Superior Court, according to the amount claimed”;

(2) by replacing the words “giving and signing” in the first line of the second paragraph by the word “preparing”.

**55.** Section 507 of the said Act is amended by replacing the word “mayor” in the fourth line by the words “clerk of the Provincial Court, of the prothonotary of the Superior Court”.

**56.** Section 508 of the said Act is amended by adding, at the end, the following paragraph:

“In addition to the reasons mentioned in article 596 of the Code of Civil Procedure, opposition to annul a seizure may be taken before the competent court for any cause likely to affect the claim of the municipality.”

**57.** Section 512 of the said Act is amended by replacing the words “sell such immoveables” in the second line by the words “have the sheriff sell the immovables”.

**58.** Section 514 of the said Act is amended by striking out the words “in charge of such sale” in the second and third lines of the fourth paragraph.

**59.** The said Act is amended by inserting, after section 516, the following section:

**“516.1** The sheriff of the judicial district where an immovable advertized for sale is situated or any of his officers shall be in charge of the sale of the immovable.

An immovable situated partly in one district and partly in another may be sold by the sheriff of either district or any of his officers.”

**60.** Section 517 of the said Act is amended by replacing the words “the clerk or some other person acting for him,” in the first and second lines by the words “the officer in charge of the sale”.

**61.** Section 518 of the said Act is amended by adding, at the end, the following paragraph:

“In addition to the reasons mentioned in article 596 of the Code of Civil Procedure, opposition to annul a seizure may be taken before the competent court for any cause likely to affect the claim of the municipality.”

**62.** Section 520 of the said Act is amended by replacing the word “clerk” in the second line by the words “officer in charge of the sale”.

**63.** Section 522 of the said Act is amended

(1) by replacing the word “clerk” in the first line of the first paragraph by the words “officer in charge of the sale”;

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

**64.** Section 523 of the said Act is amended by inserting, after the word “deposited” in the second line of the first paragraph, the words “by the officer in charge of the sale”.

#### AMUSEMENT CLUBS ACT

**65.** Section 9 of the Amusement Clubs Act (R.S.Q., chapter C-23) is amended by adding, at the end of the first paragraph, the words “if the documents are required as evidence of an offence against an Act applicable in Québec”.

#### HIGHWAY SAFETY CODE

**66.** Section 95.1 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended

(1) by adding the words “, unless he has obtained a pardon for that indictable offence” at the end of the first paragraph;

(2) by adding the words “, unless he has obtained a pardon for that indictable offence” at the end of the third paragraph.

**67.** Section 485 of the said Code is amended by replacing the second paragraph by the following paragraphs:

“If, on the day fixed for appearance, no payment has been received, the judge or the clerk authorized by order of the Minister of Justice

may, if the contravener pleads guilty, find him guilty of the infraction described in the infraction ticket or the summons.

If, on the day fixed for appearance, no payment has been received and the contravener fails to appear, the judge or the clerk may proceed by default and find him guilty after he has ascertained that the summons was duly served and the infraction ticket was duly completed and signed, in which case the infraction ticket is proof of its contents.

The clerk may refer to the judge any matter submitted to him, if he considers that the interests of justice require it."

**68.** Section 556 of the said Code is replaced by the following section:

**"556.** Any peace officer who, in the exercise of the functions conferred on him under this Code, believes, on reasonable grounds, that an offence has been committed against this Code and that the circumstances so require may, without the driver's permission, take possession of a vehicle, drive it and impound it."

#### CODE OF CIVIL PROCEDURE

**69.** Article 4 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing subparagraph *h* of the first paragraph by the following subparagraph:

**"(h)** "affidavit": a written statement supported by the oath of the deponent or by his solemn affirmation, administered and attested by any person so authorized by law;"

**70.** Article 18 of the said Code is amended by striking out the words " , if the person required to make oath refuses to do so on the grounds that he has no religious belief or that his religious belief forbids it".

**71.** Article 298 of the said Code is amended by striking out the word " , occupation" in the second line.

**72.** Article 299 of the said Code is replaced by the following article:

**"299.** Saving the case described in article 301, no one may testify, under penalty of the nullity of his deposition, unless he has taken the oath or made the solemn affirmation that he will tell the truth, the whole truth and nothing but the truth.

A witness may take the oath according to the formalities prescribed by his religious belief, unless the judge sees some practical objection to his doing so, in which case the witness makes a solemn affirmation.

In all cases the judge must see that the form of the oath or solemn affirmation is read to the witness in such a way as to be well understood by him."

**73.** Article 904 of the said Code is amended

(1) by striking out the word " , occupation" in the first line of paragraph 2;

(2) by replacing the word "occupation" in the first line of paragraph 8 by the word "residence".

**74.** Article 912 of the said Code is amended by replacing the words " , residence and occupation" in the first line of paragraph 2 by the words "and residence".

**75.** Article 917 of the said Code is amended by striking out the word " , occupations" in the third line.

**76.** Article 958.1 of the said Code is amended by striking out the word " , occupation" in the third line of the first paragraph.

PROFESSIONAL CODE

**77.** Section 12 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing the words "the names, however," in the third line of subparagraph *v* of the third paragraph by the words " , however, where an order banning publication has been issued, the names".

**78.** Section 44 of the said Code is amended by replacing, at the end, the words " , and if he is domiciled in Québec", by the words " , and if he has his professional domicile in Québec".

**79.** Section 135 of the said Code is amended by replacing the words "the assistance of" in the second line by the words "be assisted or represented by".

**80.** Section 142 of the said Code is replaced by the following section:

**"142.** Every hearing shall be public.

Notwithstanding the first paragraph, the committee may order that a hearing be held *in camera* in the interest of morality or public order. It may also, if it considers it in the public interest or necessary for the protection of a person's privacy or reputation, prohibit the publication or release of any information or document it indicates."

**81.** Section 149 of the said Code is amended by replacing the words "Except where the hearing is public" in the first line of the second paragraph by the words "Where *in camera* proceedings are ordered".

**82.** Section 170 of the said Code is amended by inserting, after the word "assisted", the words "or represented".

**83.** Section 173 of the said Code is replaced by the following section:

**"173.** Every hearing shall be public.

Notwithstanding the first paragraph, the tribunal may order that a hearing be held *in camera* in the interest of morality or public order. It may also, if it considers it in the public interest or necessary for the protection of a person's privacy or reputation, prohibit the publication or release of any information or document it indicates."

**84.** Section 192 of the said Code is amended

(1) by striking out the words " , while sitting *in camera*," in the fifth and sixth lines;

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

"For the purposes of this section, the professional shall, if so required, allow the examination of such record or document."

#### LABOUR CODE

**85.** Section 49 of the Labour Code (R.S.Q., chapter C-27) is amended by adding, at the end of the first paragraph, the following sentence: "Notwithstanding the foregoing, no decision or order of a labour commissioner may be reconsidered and revised by reason of error of law."

**86.** Section 109.4 of the said Code is amended

(1) by inserting, after the word "work" in the first line of the second paragraph, the words "at any reasonable time";



(2) by inserting, after the second paragraph, the following paragraph:

“The investigator shall, if so required, identify himself and show the certificate bearing the signature of the Minister and attesting his capacity.”

MUNICIPAL CODE OF QUÉBEC

**87.** Article 25 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out paragraph 34.

**88.** Article 159 of the said Code is amended by replacing the second paragraph by the following paragraph:

“He may order that any person disturbing a sitting of the council be removed from the place where the sitting is held.”

**89.** Article 269 of the said Code is amended

(1) by inserting, at the end of the second paragraph of paragraph 5, the words “, unless the person has obtained a pardon”;

(2) by inserting, at the end of paragraph 6, the words “, unless the person has obtained a pardon for either of such indictable offences”;

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

“For the application of subparagraphs 5 and 6 of the first paragraph with respect to the office of a municipal officer or employee, only a conviction for an indictable offence in connection with that office shall be considered.”

**90.** Article 491 of the said Code is amended by striking out subparagraph 1 of the first paragraph.

**91.** Article 516 of the said Code is amended

(1) by inserting, after the word “may” in the fourth line, the words “, at any reasonable time,”;

(2) by inserting, after the second sentence, the following sentence: “The officer or employee shall, if so required, identify himself and show the certificate issued by the municipality and attesting his capacity.”

**92.** Article 544 of the said Code is amended

(1) by replacing the words “prohibit circuses, theatres, or other public exhibitions from being held; to regulate them upon such conditions as may be deemed proper” in the first, second and third lines of the first paragraph of paragraph 1 by the words “to regulate, upon such conditions as may be considered proper, circuses, theaters or other public exhibitions”;

(2) by replacing the second paragraph by the following paragraph:

“Every tax imposed by a by-law made under this article, if it is not paid on demand, may be levied with costs by way of the seizure and sale of the debtor’s movable property. Articles 1014 to 1018 shall apply to such seizure and sale; however, for the application of article 1018, the words “amounts which appear on the collection roll” shall mean “tax claimed by the corporation”.;”;

(3) by striking out the words “or prohibit” in the first paragraph of paragraph 2;

(4) by striking out paragraph 3.

**93.** Article 627 of the said Code is amended

(1) by striking out paragraph 9;

(2) by inserting, after the word “prohibit” in the first line of paragraph 10, the words “only insofar as is required to maintain public order and general welfare,;”.

**94.** Article 629 of the said Code is repealed.

**95.** Article 1014 of the said Code is amended

(1) by replacing the words “signed by the mayor or by the warden, as the case may be” in the first and second lines of the first paragraph by the words “prepared by the mayor or the warden, as the case may be, and signed and issued by the clerk of the Provincial Court or the prothonotary of the Superior Court, according to the amount claimed”;

(2) by replacing the words “giving and signing” in the first line of the third paragraph by the word “preparing”.

**96.** Article 1016 of the said Code is amended by replacing the word “mayor” in the fourth line by the words “clerk of the Provincial Court, of the prothonotary of the Superior Court”.

**97.** Article 1017 of the said Code is amended by adding, at the end, the following paragraph:

“In addition to the reasons mentioned in article 596 of the Code of Civil Procedure, opposition to annul the seizure may be taken before the competent court for any cause likely to affect the claim of the corporation.”

**98.** Article 1027 of the said Code is amended by striking out the words “in charge of such sale” in the second and third lines of the fifth paragraph.

**99.** The said Code is amended by inserting, after article 1029, the following article:

**“1029.1** The sheriff of the judicial district where the immovable advertised for sale is situated or any of his officers shall be in charge of the sale of the immovable.

An immovable situated partly in one district and partly in another may be sold by the sheriff of either district or any of his officers.”

**100.** Article 1030 of the said Code is amended by replacing the words “secretary-treasurer of the county corporation, or some other person acting for him,” in the first and second lines of the first paragraph by the words “officer in charge of the sale”.

**101.** Article 1031 of the said Code is amended by adding, at the end, the following paragraph:

“In addition to the reasons mentioned in article 596 of the Code of Civil Procedure, opposition to annul the seizure may be taken before the competent court for any cause likely to affect the claim of the corporation.”

**102.** Article 1032 of the said Code is amended by replacing the word “secretary-treasurer” in the first line of the second paragraph by the words “officer in charge of the sale”.

**103.** Article 1034 of the said Code is amended by replacing the word “secretary-treasurer” in the first line of the second paragraph by the words “officer in charge of the sale”.

**104.** Article 1036 of the said Code is amended by replacing the word “secretary-treasurer” in the second line of the first paragraph by the words “officer in charge of the sale”.

**105.** Article 1042 of the said Code is amended

(1) by replacing the word “secretary-treasurer” in the first line of the first paragraph by the words “officer in charge of the sale”;

(2) by replacing the word “secretary-treasurer” in the third line of the third paragraph by the words “officer in charge of the sale”.

**106.** Article 1048 of the said Code is amended by striking out the words “, whose duty it is to make such sale,” in the fourteenth and fifteenth lines of the first paragraph.

**107.** Article 1051 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**1051.** In no case may the officer in charge of the sale sell an immovable under this chapter if it is otherwise advertised for sale by the sheriff; the secretary-treasurer of the regional county municipality must without delay transmit to the sheriff a statement of the sums due for taxes and costs of advertising on account of such immovable, which sums are paid out of the proceeds of the sale made by the sheriff.”

**108.** Article 1052 of the said Code is amended by replacing the words “on the sheriff’s sale have been discontinued, the secretary-treasurer” in the third and fourth lines by the words “otherwise taken on the sheriff’s sale have been discontinued, the officer in charge of the sale under this chapter”.

**109.** Article 1053 of the said Code is amended by replacing the words “any immovable might be sold by the secretary-treasurer of the county, may, in case such immovable is advertised to be sold” in the first, second and third lines by the words “an immovable is to be sold by the officer in charge of the sale under this chapter may, where the immovable is otherwise advertised for sale”.

ACT RESPECTING THE COMMISSION  
DES AFFAIRES SOCIALES

**110.** Section 10 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by replacing the words “decided by the president or the vice-president he designates ” in the second line of the second paragraph by the words “referred to the president or the vice-president he designates so that he may decide the matter according to law”.

**111.** Section 17 of the said Act is replaced by the following section:

**“17.** The president is responsible for the general policies of the Commission relating to its jurisdictional functions.

He shall coordinate, distribute and supervise the work of the members and assessors of the Commission who shall comply, in that regard, with his orders and directives.”

**112.** Section 24 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“24.** The Commission may revise or revoke any decision or order it has made

(1) where a new fact arises which, if it had been known in due time, might have justified a different decision;

(2) where a party interested in the issue was, for reasons considered sufficient, prevented from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision.”

#### ACT RESPECTING THE COMMISSION MUNICIPALE

**113.** Section 11 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is repealed.

**114.** Section 61 of the said Act is replaced by the following section:

**“61.** In the case of a municipality in default, the Commission may order the clerk or the secretary-treasurer of the municipality to have the sheriff sell such immovables as it indicates on which the taxes exigible before the date stated in the notice of sale have not been paid at the time of the sale, with interest and costs.”

**115.** Section 63 of the said Act is amended by replacing the words “person designated” in the first line of the first paragraph by the words “clerk or the secretary-treasurer”.

**116.** Section 64 of the said Act is amended

(1) by replacing the words “person in charge of the sale” in the first and second lines of the second paragraph by the words “clerk or the secretary-treasurer”;

(2) by replacing the words “person in charge of the sale” in the first line of the fourth paragraph by the words “clerk or the secretary-treasurer”.

**117.** Section 65 of the said Act is amended

(1) by replacing the words “person in charge of the sale” in the second line of the first paragraph by the words “clerk or the secretary-treasurer”;

(2) by replacing the second paragraph by the following paragraph:

“The corporation receiving such notice may file a claim for the taxes due to it with the clerk or the secretary-treasurer, who is authorized to add such amount to that owing for taxes to the municipality in default.”

**118.** The said Act is amended by inserting, after section 66, the following section:

“**66.1** The sheriff of the judicial district where the immovable for sale is situated or any of his officers shall be in charge of the sale of the immovable.

An immovable situated partly in one judicial district and partly in another may be sold by the sheriff of either district or any of his officers.”

**119.** Section 67 of the said Act is amended by replacing the words “designated by the Commission” in the first and second lines by the words “in charge of the sale”.

**120.** The said Act is amended by inserting, after section 67, the following section:

“**67.1** The sale cannot be suspended except by an opposition taken in the Provincial Court of the district or in the Superior Court of the district, according to their respective jurisdiction, determined by the value of the immovable as entered on the valuation roll in force.

The provisions of articles 678 and following of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required, apply to such opposition.

In addition to the reasons mentioned in article 596 of the said Code, opposition to annul the seizure may be taken before the competent court for any cause likely to affect the claim of the municipality.”

**121.** Section 91 of the said Act is amended

(1) by inserting, before the words “Have access” in the first line of subparagraph 1 of the first paragraph the words “At any reasonable time,”;

(2) by inserting, after the first paragraph, the following paragraph:

“The member of the Commission or his delegate shall, if so required, identify himself and show the certificate issued by the Commission and attesting his capacity.”

#### ACT RESPECTING PUBLIC INQUIRY COMMISSIONS

**122.** Section 11 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37) is amended by replacing the second paragraph by the following paragraph:

“No answer given by any person so heard as a witness may be used against him in any prosecution under any Act, except in the case of prosecution for perjury or for the giving of contradictory evidence.”

#### ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

**123.** Section 64 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by striking out the second paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**124.** Section 85 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is repealed.

**125.** Section 134 of the said Act is amended by inserting, after the word “enter” in the third line of the first paragraph, the words “, at any reasonable time,”.

**126.** Section 135 of the said Act is amended by inserting, before the word “produce” in the first line of the second paragraph, the words “identify himself and”.

**127.** Section 151.3 of the said Act is amended by inserting, after the word “enter” in the third line of the first paragraph, the words “, at any reasonable time,”.

**128.** Section 151.4 of the said Act is amended by inserting, before the word “produce” in the first line of the second paragraph, the words “identify himself and”.

**129.** Section 153.3 of the said Act is amended by replacing the words “at any time” in subparagraph 1 of the first paragraph by the words “, at any reasonable time,”.

**130.** Section 153.4 of the said Act is amended by inserting, after the word “shall” in the first line of the second paragraph, the words “identify himself and”.

ACT RESPECTING THE COMMUNAUTÉ  
URBAINE DE QUÉBEC

**131.** Section 70 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by striking out the second paragraph.

TRUST COMPANIES ACT

**132.** Section 35 of the Trust Companies Act (R.S.Q., chapter C-41) is amended by striking out the words “with hard labour” in the fourteenth line of subsection 1.

ACT RESPECTING THE CONSERVATION  
AND DEVELOPMENT OF WILDLIFE

**133.** Section 15 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended

(1) by replacing that which precedes subparagraph 1 of the first paragraph by the following:

“**15.** A conservation officer or a deputy conservation officer, if so authorized by a warrant issued by a justice of the peace, may enter and search any premises, including a vehicle, boat or aircraft, and open or cause to be opened any receptacle, if he has reasonable and probable cause to believe that it contains”;

(2) by replacing the second paragraph by the following paragraphs:

“A justice of the peace may issue a warrant, subject to such conditions as he may specify therein, if he is satisfied, on the basis of a sworn statement by the conservation officer or deputy, that there is reasonable and probable cause to believe that such an offence is being or has been committed and that there is in the premises or receptacle



contemplated in the first paragraph an animal, fish, dog, pelt or object referred to in subparagraph 1 or 2 of the first paragraph.

The warrant, whether executed or not, shall be returned to the justice of the peace who issued it, not later than fifteen days after its issue."

**134.** The said Act is amended by inserting, after section 15, the following section:

**"15.1** A conservation officer or a deputy conservation officer may, without a warrant, exercise the powers conferred on him by section 15, if the conditions for obtaining the warrant exist and if, owing to the urgency of the situation, the delay necessary to obtain the warrant may result in danger to human or animal health or to the safety of persons, animals or property or in the loss, disappearance or destruction of evidence."

**135.** Section 74 of the said Act is replaced by the following section:

**"74.** The Minister may order the inspection, at any reasonable time, of a fishing pond, a breeding pond, a fish-tank for baitfish or a fish-breeding plant.

The person in charge of the inspection shall, if so required, identify himself and show the certificate bearing the signature of the Minister and attesting his capacity."

**136.** Section 168 of the said Act is replaced by the following section:

**"168.** A judge who imposes a penalty for an offence against a provision of this Act or the regulation may, where a seizure has been made pursuant to section 16 of this Act or pursuant to the Summary Convictions Act (R.S.Q., chapter P-15), confiscate the seized property. However, he must confiscate any animal, pelt or fish that has been seized."

#### ACT RESPECTING SECURITY FUND CORPORATIONS

**137.** Section 57 of the Act respecting security fund corporations (R.S.Q., chapter C-69.1) is amended

(1) by replacing the words "has, at all times, access" in the first line by the words "has access at any reasonable time";

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

“The inspector shall, if so required, identify himself and show the certificate bearing the signature of the Inspector General and attesting his capacity.”

REAL ESTATE BROKERAGE ACT

**138.** Section 16 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) is amended by replacing subparagraph c of the first paragraph by the following subparagraph:

“(c) has been convicted of an offence described in the Criminal Code (R.S.C., 1970, chapter C-34) against

- section 290 in relation to theft by a person required to account;
- section 291 in relation to theft by a person holding power of attorney;
- section 292 in relation to misappropriation of money held under direction;
- section 296 in relation to unauthorized conversion of property held in trust;
- section 300 in relation to destroying documents of title for fraudulent purposes;
- section 301 in relation to fraudulent concealment;
- section 302 in relation to robbery;
- section 305 in relation to extortion;
- section 320 in relation to false pretence or false statement;
- section 321 in relation to obtaining execution of valuable security by fraud;
- section 324 in relation to forgery;
- section 326 in relation to uttering forged documents;
- section 329 in relation to sending messages in a false name;
- subsection 1 of section 330 in relation to conveying false messages;
- section 332 in relation to drawing documents without authority;

- section 338 in relation to fraud;
- section 339 in relation to using the mails to defraud;
- section 343 in relation to fraudulent concealment of title documents;
- section 344 in relation to fraudulent registration of titles;
- section 345 in relation to fraudulent sale of real property;
- section 355 in relation to destruction or falsification of documents;
- section 360 in relation to failure by a trader to keep accounts;
- section 361 in relation to personation with intent;
- section 362 in relation to personation at examinations, or;
- section 383 in relation to offering or accepting secret commissions, or”.

**139.** Section 21 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“The Superintendent or the representative designated by him in writing may, to ascertain compliance with this Act and the regulations,

(1) enter, at any reasonable time, the establishment of a broker or real estate agent;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information relating to his activities as a broker or real estate agent;

(3) require any information relating to the administration of this Act and the production of any document relating thereto.

Every person having the custody, possession or control of such books, registers, accounts, records and other documents must, if so required, give communication thereof to the Superintendent or authorized person and facilitate his examination of the same.”

**140.** The said Act is amended by inserting, after section 21, the following section:

“**21.1** The Superintendent or the representative designated by him in writing shall, if so required when exercising his powers of inspection, identify himself and show a certificate attesting his capacity.”

## INSURANCE BROKERS ACT

**141.** Section 6 of the Insurance Brokers Act (R.S.Q., chapter C-74) is amended by replacing paragraph *c* by the following paragraph:

“(c) to be found guilty, by final judgment, of an indictable offence in connection with the practice of the profession of insurance broker.”

**142.** Section 25 of the said Act is amended

(1) by replacing the words “his wife” in the twelfth line of subsection 2 by the words “the accused’s spouse”;

(2) by inserting the words “Where an order requires the hearing to be held *in camera*,” before the word “Every” in the fourth line of subsection 3;

(3) by adding, at the end of subsection 3, the words “The committee on discipline may, if it considers it in the public interest or necessary for the protection of a person’s privacy or reputation, prohibit the publication or release of any information or document it indicates.”

## FARM CREDIT ACT

**143.** Sections 27 and 28 of the Farm Credit Act (R.S.Q., chapter C-75) are replaced by the following sections:

**“27.** A representative or an employee designated by the Bureau may, at any reasonable time, inspect the immovables hypothecated or the property pledged. He may do so at any time if, owing to the circumstances, immediate action is required to protect a claim or the property securing the loan or to ensure that the borrower’s operation is carried on.

Moreover, in the absence of maintenance or in case of deterioration entailing a depreciation of the security, he may do, at the borrower’s expense, any work and repairs and take any step he considers necessary to ensure that they are kept in good condition and that the operation is carried on.

The representative or the employee designated by the Bureau shall, if so required, identify himself and show the certificate issued by the Bureau and attesting his capacity.

**“28.** A representative or an employee designated by the Bureau may also, at any reasonable time, or at any time if, owing to the circumstances, immediate action is required to protect a claim or the

property securing a loan or to ensure that the borrower's operation is carried on, for the purposes of this Act, of any other Act under the administration of the Bureau or of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) or for the purposes of any plan, programme or project the direction or execution of which may be entrusted to it, enter or pass on any immovable, inspect and appraise such immovable, any livestock and any other movable property.

The representative or the employee designated by the Bureau shall, if so required, identify himself and show the certificate issued by the Bureau and attesting his capacity.

**“28.1** The Bureau may also, for the purposes of the Acts referred to in section 28 or any plan, programme or project the direction or execution of which may be entrusted to it, conduct any investigation it considers necessary. For that purpose, every member of the Bureau and every investigator it designates shall have the powers and duties conferred on a commissioner by the Act respecting public inquiry commissions (R.S.Q., chapter C-37).”

#### ACT TO PROMOTE LONG TERM FARM CREDIT BY PRIVATE INSTITUTIONS

**144.** Section 30 of the Act to promote long term farm credit by private institutions (R.S.Q., chapter C-75.1) is replaced by the following section:

**“30.** The representative or the employee designated by the Office or by the lender may, at any reasonable time, or at any time if, owing to the circumstances, immediate action is required to protect a claim or the property securing the loan or to ensure that the borrower's operation is carried on, inspect the immovable or movable property securing a loan, enter or pass on any immovable, inspect and appraise such immovable, any livestock and any other movable property.

He may also conduct any investigation he considers necessary for the purposes of the administration of this Act.

The representative or the employee designated by the Office or by the lender shall, if so required, identify himself and show a certificate issued by the Office or by the lender and attesting his capacity.”

#### ACT TO PROMOTE CREDIT TO FARM PRODUCERS

**145.** Section 21 of the Act to promote credit to farm producers (R.S.Q., chapter C-77) is amended

(1) by replacing the words “visit or inspect at any time” in the second and third lines by the words “and may, at any reasonable time, or at any time if, owing to the circumstances, immediate action is required to protect a claim or the property securing a loan or to ensure that a borrower’s operation is carried on, visit or inspect”;

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

“The representative or the employee designated by the Bureau or by the lender shall, if so required, identify himself and show a certificate issued by the Bureau or by the lender and attesting his capacity.”

#### FORESTRY CREDIT ACT

**146.** Section 9 of the Forestry Credit Act (R.S.Q., chapter C-78) is replaced by the following section:

“**9.** A representative or an employee designated by the Bureau may, at any reasonable time, inspect hypothecated immovables, or, as the case may be, movable property securing a loan granted under this subdivision. He may do so at any time if, owing to the circumstances, immediate action is required to protect a claim or the property securing a loan or to ensure that the borrower’s operation is carried on.

Moreover, in the absence of maintenance or in the case of deterioration entailing a depreciation of the security, he may do, at the borrower’s expense, any work or repairs and take any step he considers necessary to ensure that the property is kept in good condition and that forest management is carried on.

The representative or the employee designated by the Bureau shall, if so required, identify himself and show a certificate issued by the Bureau and attesting his capacity.”

**147.** Section 21 of the said Act is amended

(1) by replacing the words “at any time” in the third line by the words “, at any reasonable time, or at any time if, owing to the circumstances, immediate action is required to protect a claim or the property securing a loan or to ensure that a borrower’s operation is carried on,”;

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

“The representative or the employee designated by the Bureau or by the lender shall, if so required, identify himself and show a certificate issued by the Bureau and attesting his capacity.”

#### ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

**148.** Section 41 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is replaced by the following section:

“**41.** A representative or an employee designated by the Office or by the lender may, at any reasonable time, or at any time if, owing to the circumstances, immediate action is required to protect a claim or the property securing a loan or to ensure that the borrower’s operation is carried on, inspect the immovable or movable property securing a loan, enter or pass on any immovable, inspect and appraise such immovable and any other movable property.

He may also conduct any investigation he considers necessary for the purposes of the administration of this Act.

The representative or the employee designated by the Office or by the lender shall, if so required, identify himself and show a certificate issued by the Office or by the lender and attesting his capacity.”

#### ACT RESPECTING COLLECTIVE AGREEMENTS

**149.** Section 22 of the Act respecting collective agreements (R.S.Q., chapter D-2) is amended

(1) by replacing the words “at any time” in the second line of the second paragraph of subparagraph *e* by the words “at any reasonable time”;

(2) by inserting, after the second paragraph of subparagraph *e*, the following paragraph:

“The general manager, the secretary or any inspector shall, if so required, identify himself and show the certificate issued by the committee and attesting his capacity.”

#### AMUSEMENT TAX ACT

**150.** Section 10 of the Amusement Tax Act (R.S.Q., chapter D-14) is amended by adding, at the end, the following paragraph:

“Notwithstanding the first paragraph, no judgment may be executed against the members of the firm or the officers of the corporation unless

they were personally summoned or accused and were given the opportunity to be heard.”

#### MINING DUTIES ACT

**151.** Section 75 of the Mining Duties Act (R.S.Q., chapter D-15) is amended

(1) by striking out the words “, in his opinion,” in the second line of subparagraph *b* of the second paragraph;

(2) by replacing the words “it appears to him” in the first and second lines of subparagraph *d* of the second paragraph by the words “he believes on reasonable grounds”;

(3) by inserting, after the word “documents” in the fourth line of subparagraph *d* of the second paragraph, the words “required as evidence of the offence”.

**152.** The said Act is amended by inserting, after section 75, the following section:

“**75.1** Every person exercising a power of inspection under this Act shall, if so required, identify himself and show a certificate bearing the signature of the Minister and attesting his capacity.”

**153.** Section 76 of the said Act is replaced by the following section:

“**76.** The Minister may designate in writing any functionary of the Ministère de l'Énergie et des Ressources or any person to exercise the powers contemplated in the second paragraph.

The person designated under the first paragraph may, in accordance with the Summary Convictions Act (R.S.Q., chapter P-15), enter and search any premises or receptacle to seek therein for documents, books, registers, papers or other things that may be used as evidence of an offence against this Act or the regulations and seize them.

He may ask a peace officer to accompany him.

The seizing officer shall have custody of the thing he seizes until it is produced in judicial proceedings.”

**154.** Section 77 of the said Act is amended by replacing the word “approved” in the third line by the words “issued the warrant”.



## FIRE INVESTIGATIONS ACT

**155.** Section 12 of the Fire Investigations Act (R.S.Q., chapter E-8) is replaced by the following sections:

**“12.** For the purposes of his investigation, the investigation commissioner may, with the written authorization of a justice of the peace who is not a fire investigation commissioner, visit the premises where the fire or explosion occurred, examine any objects found there and take possession of any objects which may be useful for the purposes of such investigation.

The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, where he is satisfied, on the basis of a sworn statement by the fire investigation commissioner, that there is reasonable cause to believe that the fire or explosion occurred in the circumstances described in section 11 and that visiting the premises, examining or taking possession of the objects found there may be useful for the purposes of the investigation. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it, not later than fifteen days after its issue.

No authorization is required, however, if the conditions for obtaining it exist and if, owing to the urgency of the situation, the delay necessary to obtain the authorization may result in danger to human health or to the safety of persons or property or in the disappearance, destruction or loss of anything that may be useful for the purposes of the investigation.

**“12.1** The investigation commissioner shall have custody of any object of which he takes possession.

He shall return the object to the person who establishes his right to it, unless it is required for the purposes of this Act or the administration of justice.”

**156.** Section 17 of the said Act is amended by replacing the words “the second paragraph of section 12” in the second and third lines of the third paragraph by the words “sections 12 and 12.1”.

**157.** Section 18 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the foregoing, the investigation commissioner may direct, in the interest of public order, that the inquiry or any part thereof be held *in camera*.”

**158.** Section 21 of the said Act is replaced by the following section:

**“21.** Where the investigation commissioner believes, on reasonable grounds, that a person whom he intends to summon as a witness in an investigation will evade service of the summons or will not attend in response to the summons, he may apply to a judge of the Court of the Sessions of the Peace for a warrant enjoining a peace officer to arrest the person and cause him to appear.

Where the investigation commissioner is satisfied that another person believes, on reasonable grounds, that a witness in the investigation will evade service of a summons or will not attend in response to a summons, he may authorize that person to apply to a judge of the Court of the Sessions of the Peace for a warrant enjoining a peace officer to arrest the witness and cause him to appear.

The person arrested shall appear without delay before a judge of the Court of the Sessions of the Peace. The person arrested and the person who applied for the warrant shall then be given the opportunity to be heard before a ruling is made as to detention or release.”

**159.** The said Act is amended by inserting, after section 21.1, the following sections:

**“21.2** The judge before whom the person arrested appears may

(1) order that the person be released on recognizance, unconditionally or subject to reasonable conditions, with or without sureties, that he will attend and give evidence at the investigation; or

(2) order that the person be detained in a house of detention for a period not exceeding eight days or, if the person is under 18 years of age, that he be entrusted to the director of youth protection designated by the judge.

A ruling made under the first paragraph may, on a motion, be revised by a judge of the Superior Court.

**“21.3** The person detained by order of the judge before whom he appeared must be called to give evidence at the investigation within eight days of his appearance.

**“21.4** The powers conferred by this Act on a judge of the Court of the Sessions of the Peace shall be exercised by a judge of the Youth Court in cases relating to a person under 18 years of age. They may be exercised by a judge of the Provincial Court or by a justice of the peace appointed under section 186 of the Courts of Justice Act, if no

judge of the Court of the Sessions of the Peace or the Youth Court is available in the judicial district.”

#### ACT RESPECTING EXPLOSIVES

**160.** Section 13.1 of the Act respecting explosives (R.S.Q., chapter E-22) is amended

(1) by adding, at the end of paragraph *a*, the words “for which he has not obtained a pardon”;

(2) by adding, at the end of paragraph *b*, the words “for which he has not obtained a pardon”.

**161.** Section 19 of the said Act is replaced by the following sections:

“**19.** An inspector of explosives may seize the explosives in respect of which he believes, on reasonable grounds, that the standards applicable to them under this Act or the regulations are not complied with.

“**19.1** A justice of the peace may entrust the seizer with the custody of explosives seized under this Act or the Summary Convictions Act (R.S.Q., chapter P-15) or order that they be sold without delay subject to the conditions he determines, and that the proceeds of the sale be deposited with a financial institution in accordance with the Deposit Act (R.S.Q., chapter D-5).

In no case may the seized explosives or the proceeds of their sale be detained for more than ninety days unless proceedings are brought within that time or a judge issues an order to prolong, by no more than ninety days, the time prescribed for detention.

Where proceedings are brought, the judge may, on rendering judgment, confiscate the explosives or, as the case may be, the proceeds of their sale or order, subject to the conditions he determines, that they be returned to the person entitled thereto. The Minister shall prescribe the manner of disposing of the confiscated explosives.

“**19.2** Notwithstanding section 19.1, an inspector who believes, on reasonable grounds, that the keeping or handling of an explosive presents immediate danger to human health or to the safety of persons or property may destroy the explosive without obtaining the authorization of a judge.”

## ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

**162.** Section 5 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by replacing the words “he deems expedient” in the second and third lines by the words “which he deems expedient and which is relevant for making a decision on the application”.

## GRAIN ACT

**163.** Section 45 of the Grain Act (R.S.Q., chapter G-1.1) is replaced by the following section:

“**45.** Failing any proof to the contrary, every person having possession of a quantity of grain in excess of the needs of his own consumption is presumed to intend it for sale.”

## ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

**164.** Section 81 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is repealed.

**165.** Section 109 of the said Act is amended by striking out paragraph 4.

**166.** Section 110 of the said Act is amended by striking out

(1) the words “employs therein as a clerk any woman who is not his wife, or” in the second line of paragraph 7;

(2) the words “or, while the tavern is open, permits a female person other than his wife to be present there” in the third and fourth lines of paragraph 7.

**167.** Section 110.1 of the said Act is repealed.

**168.** Section 110.2 of the said Act is replaced by the following section:

“**110.2** The Régie may, on the application of the holder of a tavern permit and subject to such conditions as it may specify therein, exempt an establishment from certain standards of equipment.

An establishment contemplated in the first paragraph is deemed, for the application of any other general law or special Act, to meet the standards of equipment from which it has been exempted.”

**169.** Section 123 of the said Act is amended by striking out the fifth paragraph.

**170.** Section 125 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, the authorization to make searches or seizures does not allow a person to enter premises or to open or cause to be opened receptacles to search for evidence of an offence against this Act, except in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).”

**171.** Section 126 of the said Act is amended

(1) by inserting, after the word “may” in the first line, the words “in exercising the powers provided therein,”;

(2) by replacing the word “whenever” in the first line of paragraph 1 by the words “where he believes, on reasonable grounds, that”;

(3) by replacing subparagraph *a* of paragraph 1 by the following subparagraph:

“(a) if he believes on reasonable grounds that such alcoholic beverages, by reason of their quantity, are being so transported to be sold;”;

(4) by replacing the words “it is suspected on reasonable grounds,” in the second and third lines of subparagraph *b* of paragraph 1 by the words “there are reasonable grounds to believe”;

(5) by replacing subparagraph *c* of paragraph 1 by the following subparagraph:

“(c) if, according to the circumstances under which the beverages are transported, he has reasonable grounds to believe that they are being so transported to be sold without a permit”;

(6) by replacing the word “suspects” in the first line of paragraph 2 by the words “believes, on reasonable grounds,”;

(7) by replacing the words “such measures as he may deem expedient” in the third line of paragraph 2 by the words “any measure necessary”;

(8) by striking out the words “, without a warrant,” in the first line of paragraph 3;

(9) by striking out the words “, without a warrant,” in the first line of paragraph 4;

(10) by replacing the words “seize, without a warrant, any alcoholic beverages which to his knowledge or that of the Régie” in the first and second lines of paragraph 5 by the words “seize any alcoholic beverages in respect of which he or the Régie believes, on reasonable grounds, that they”.

**172.** Section 127 of the said Act is amended by striking out the words “under section 126” in the first and second lines.

**173.** Section 134 of the said Act is replaced by the following section:

**“134.** The owner or lessee of premises where an offence against this Act is committed, or the holder of a permit issued for such premises who authorizes or allows such an offence to be committed therein is guilty of an offence and liable, in addition to costs, to the penalty prescribed for the offence he authorized or allowed.

Failing any proof to the contrary, in any proceedings under the first paragraph, proof that an offence against this Act was committed by a person in the employ of the owner, lessee or permit holder is proof that that person has committed the offence with the authorization or consent of the owner, lessee or permit holder.

If the person who has committed an offence against this Act, the owner or lessee of the premises where the offence was committed or the holder of a permit issued for such premises is a partnership or a corporation, each partner or each director of the corporation who authorized or allowed the commission of the offence is deemed to be a party thereto.”

**174.** Section 163 of the said Act is amended by replacing the words “must order” in the second line of paragraph c by the words “has ordered”.

**175.** Section 172 of the said Act is amended

(1) by replacing the word “must” in the second line of the first paragraph by the word “may”;

(2) by inserting, after the first paragraph, the following paragraph:

“Notwithstanding the first paragraph, the court must order the confiscation of seized alcoholic beverages that are unfit for human consumption.”

**176.** Section 173 of the said Act is repealed.

ACT RESPECTING THE INSPECTOR GENERAL  
OF FINANCIAL INSTITUTIONS

**177.** Section 8 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended by replacing the first paragraph by the following paragraph:

“**8.** The Inspector General may, to ascertain compliance with an Act under his administration or any regulation or rule under such an Act, enter, at any reasonable time, premises where activities governed by such an Act are carried on, question any person, require any information and examine any document or writing relating to the administration of such an Act, regulation or rule.”

**178.** Section 9 of the said Act is amended

(1) by replacing the first line of the first paragraph by the following:

“**9.** If, in the course of an inspection, the Inspector General has reasonable cause for believing”;

(2) by striking out the second paragraph.

**179.** The said Act is amended by inserting, after section 9, the following section:

“**9.1** The Inspector General may make any inquiry to ascertain whether or not a fraudulent act or an offence against an Act under his administration or against a regulation or a rule made under such an Act has been committed or is about to be committed.”

**180.** The said Act is amended by inserting, after section 13, the following sections:

“**13.1** The Inspector General or any person authorized by him to make an inspection or an inquiry shall, if so required, identify himself and show a certificate attesting his capacity.

“**13.2** The Inspector General shall, on request, allow the owner of any seized document, record, book, paper or thing, or the person having possession of it at the time of seizure, to examine it.”

## EDUCATION ACT

**181.** Section 78 of the Education Act (R.S.Q., chapter I-14) is amended by striking out the words “or is the representative of the parents’ committee” in the second and third lines of the second paragraph.

**182.** Section 81 of the said Act is amended by adding, at the end, the following paragraph:

“The disqualification shall cease if the person obtains a pardon for the offence.”

**183.** Section 85.1 of the said Act is amended by striking out the second paragraph.

**184.** Section 167 of the said Act is repealed.

**185.** Section 372 of the said Act is replaced by the following section:

“**372.** The seizure and sale shall be made under a warrant prepared by the chairman of the school board and signed and issued by the clerk of the Provincial Court or the prothonotary of the Superior Court, according to the amount claimed.”

**186.** Section 373 of the said Act is amended by replacing the word “issuing” in the first line of the second paragraph by the word “preparing”.

**187.** Section 375 of the said Act is amended by replacing the words “chairman of the school board or of” in the fourth line by the words “clerk of the Provincial Court, the prothonotary of the Superior Court or”.

**188.** Section 376 of the said Act is amended by adding, at the end, the following paragraph:

“In addition to the reasons mentioned in article 596 of the Code of Civil Procedure, opposition to annul a seizure may be taken to the competent court for any cause likely to affect the claim of the school board.”

**189.** Section 385 of the said Act is amended by replacing the words “proceed to the sale” in the fourth and fifth lines of the second paragraph by the words “have the sheriff proceed to the sale”.



**190.** Section 386 of the said Act is replaced by the following section:

**“386.** Whenever the taxes to be collected relate to properties situated in a city or town, any procedure which is under the responsibility of the secretary-treasurer of the municipality or of the county council may also be carried out by the secretary-treasurers of the school corporations concerned.”

**191.** Section 387 of the said Act is amended by replacing the words “secretary-treasurer of the county council” in the eleventh and twelfth lines by the words “officer in charge of the sale”.

**192.** Section 388 of the said Act is amended by inserting the word “other” before the word “sheriff’s” in the eighth line.

**193.** Section 476 of the said Act is repealed.

**194.** Section 616 of the said Act is amended

(1) by adding the words “, unless the person has obtained a pardon” at the end of paragraph *b*;

(2) by adding the words “, unless the person has obtained a pardon for either of such indictable offences” at the end of paragraph *c*.

**195.** Form 15, appearing in the schedule to the said Act, is repealed.

#### INTERPRETATION ACT

**196.** Section 58 of the Interpretation Act (R.S.Q., chapter I-16) is amended by inserting, at the beginning, the following paragraph:

**“58.** That which is expressed by an oath may be expressed by way of a solemn affirmation; any form of oath prescribed by an Act or a regulation shall be adapted accordingly.”

**197.** Section 61 of the said Act is amended by striking out paragraph 26.

#### NEWSPAPER DECLARATION ACT

**198.** Section 14 of the Newspaper Declaration Act (R.S.Q., chapter J-1) is repealed.

## FREEDOM OF WORSHIP ACT

**199.** Section 2 of the Freedom of Worship Act (R.S.Q., chapter L-2) is replaced by the following section:

**“2.** No person may make abusive or insulting attacks against the practice of a religious profession or the religious beliefs of any portion of the population of Québec, distribute a publication containing such attacks or broadcast such attacks by any means of communication whatever if they are likely to result in a breach of public order.”

**200.** Section 5 of the said Act is amended by replacing the words “and, upon the oath of any such churchwarden, constable or peace officer, or of any one credible witness, that such person has caused any such disturbance or conducted himself indecently or irreverently or otherwise misdemeaned himself as aforesaid, or on confession of the offender, the said justice of the peace shall” by the words “the justice of the peace may”.

**201.** Section 6 of the said Act is amended by replacing the words “and on oath made by one of such churchwardens or by such constable or peace officer, or of one or more credible witness or witnesses, that such person has loitered near any such church, or has refused, in manner aforesaid, to retire or to enter such church, or on confession of the offender, such justice of the peace shall” by the words “the justice of the peace may”.

**202.** Section 8 of the said Act is repealed.

**203.** Section 11 of the said Act is replaced by the following sections:

**“11.** Every person who contravenes section 2 is guilty of an offence and is liable to a fine of not less than \$100 nor more than \$200 for the first offence, of not less than \$200 nor more than \$400 for a second offence and of not less than \$400 nor more than \$1000 for each subsequent offence, with costs in each case.

When the offence consists in distributing a publication, the copies that are in the possession of the distributor may be seized without warrant and all other copies in Québec may be seized with warrant. In case of a conviction, the judge pronouncing it may order the destruction of the copies of such publication.

**“11.1** Section 11 does not apply to a person who expresses or broadcasts an opinion with respect to a practice of worship or religious

belief if that person proves his good faith or proves that he acted in the public interest or if he establishes the truth of the declarations attributed to him.”

**204.** Section 12 of the said Act is amended by striking out the words “the last paragraph of” in the third line of the first paragraph and in the fourth line of the second paragraph.

ACT RESPECTING LOTTERIES, RACING,  
PUBLICITY CONTESTS AND AMUSEMENT MACHINES

**205.** Section 13 of the Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., chapter L-6) is replaced by the following sections:

“**13.** The decisions of the board shall be in writing and substantiated; they form part of the records of the board.

“**13.1** The board may, of its own initiative or on the application of any interested person, revise or revoke any decision it has made

(1) where a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(2) where a substantial or procedural defect is likely to invalidate the decision;

(3) where the applicant, being a party to the issue, was, for sufficient reasons, prevented from being heard.”

**206.** Section 46 of the said Act is amended by inserting the words “and taking an active part in racing” after the word “licence” in the fourth line.

**207.** Section 68 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**68.** A person authorized by the board may, for an audit or examination, enter at any reasonable time any place in which registers and books must be kept under this Act, the regulations or the rules or a place where activities for which a licence is prescribed or registration is required under this Act, the regulations or the rules are carried on.”;

(2) by replacing the words “it appears to him” in the first line of subparagraph *c* of the second paragraph by the words “he believes, on reasonable grounds,”;

(3) by adding, after the second paragraph, the following paragraph:

“The authorized person shall, if so required, identify himself and show the certificate issued by the board and attesting his capacity.”

**208.** Section 73 of the said Act is replaced by the following section:

“**73.** In the matter of racing, a person authorized in writing by the board and a peace officer that such person calls to his assistance may, at any time, without a warrant, exercise the powers conferred by section 72 if the conditions for obtaining the warrant exist and if, owing to the urgency of the situation, the delay necessary to obtain the warrant may result in danger to the health or safety of animals or in the destruction, disappearance or loss of evidence.”

#### MINING ACT

**209.** Section 337 of the Mining Act (R.S.Q., chapter M-13) is amended

(1) by replacing the words “at any time” in the second line by the words “at any reasonable time”;

(2) by replacing the words “private and public land” in the third line by the words “land on which activities governed by this Act or by regulations made for the application of this Act are carried on”;

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

“Every person exercising the powers referred to in the first paragraph shall, if so required, identify himself and show a certificate attesting his capacity.”

#### ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

**210.** Section 14 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is replaced by the following section:

“**14.** The officer authorized by the Minister for that purpose may, at any reasonable time, enter any place where an activity subject to this Act or the regulations is carried on and inspect such place; for that purpose, he may pass over any private property if the circumstances so require but the owner shall be indemnified when material damage has been caused to him thereby.

The officer shall, if so required, identify himself and show the certificate bearing the signature of the Minister and attesting his capacity.”

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

**211.** Section 15 of the Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1) is amended by inserting the words “, at any reasonable time,” after the word “visit” in the second line of the first paragraph.

**212.** Section 17 of the said Act is amended by inserting the words “identify himself” after the word “municipality” in the third line.

ACT RESPECTING THE MINISTÈRE DU REVENU

**213.** Section 38 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by replacing the words “it appears to him” in the first line of subparagraph *d* of the second paragraph by the words “he has reasonable grounds for believing”;

(2) by inserting, after the second paragraph, the following paragraph:

“The person so authorized shall, if so required, identify himself and show the document bearing the signature of the Deputy Minister and attesting his capacity.”

**214.** Section 40 of the said Act is replaced by the following sections:

**“40.** With the written authorization of a judge of the Sessions which may be granted on demand *ex parte* following an information made under oath, the Minister may, for all purposes respecting the application of a fiscal law, authorize in writing any functionary of the Ministère du Revenu or any other person whom he designates to enter and search, by force, if need be, any building, receptacle or place to seek therein for documents, books, registers, papers or other things that may be used as evidence of an offence against a fiscal law or a regulation made by the Government under such law, to seize and remove such documents, books, registers, papers or other things and keep them until they have been produced in judicial proceedings; the person authorized by the Minister under this section may be assisted by a peace officer.

The person who makes an information under subsection 1 must have reasonable cause for believing that the offence is being or has been committed and that there are in the building, receptacle or place documents, books, registers, papers or other things that may be used as evidence of the offence.

The judge may grant his authorization, subject to such conditions as he may specify therein, if he is satisfied that there is reasonable cause for believing that such an offence is being or has been committed and that there are in the building, receptacle or place such things as may be used as evidence of the offence.

No search may be made before 7 a.m. or after 8 p.m., or on a non-judicial day, except under written authorization of the judge who authorized it.

**“40.1** The designated functionary or person who enters and searches a building, receptacle or place in accordance with section 40 may seize and remove, in addition to that which is referred to in the said section, the documents, books, registers, papers or other things he believes, on reasonable grounds, to constitute evidence of the commission of an offence against a fiscal law.

The designated functionary or person shall, with reasonable dispatch, bring such things before the judge who granted the written authorization provided for in section 40 or, in his absence, before a judge of the same court, or present a report thereon to him.

The judge may authorize the Minister to retain the things for the purposes of an inquiry until they are produced in judicial proceedings, if he is satisfied that they may constitute evidence of an offence against a fiscal law and that they were seized in accordance with this section.

Otherwise, the judge shall order that the things be returned to the person from whom they were seized or to the person legally entitled to them.

**“40.2** The Minister shall, upon request, allow the examination of any document, book, register, paper or other thing seized, under section 40 or 40.1, by the person from whom it was seized or the person legally entitled to it, or furnish a copy of it to him at his expense.

In no case may the costs exceed the costs of reproduction and transmission of the documents.”

**215.** Section 71 of the said Act is amended by striking out the words “and subject to section 64 of the Health Insurance Act (chapter A-29)” in the second and third lines.

FARM PRODUCTS MARKETING ACT

**216.** Section 89 of the Farm Products Marketing Act (R.S.Q., chapter M-35) is replaced by the following section:

“**89.** Any interested person may apply to the Board for a review of a decision it has made

(1) to present a new fact which, if it had been known in due time, might have justified a different decision;

(2) where, being a party to the issue, he was, for reasons deemed sufficient, prevented from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision.”

**217.** The heading of Division XV of the said Act is replaced by the following heading:

“INQUIRIES AND INSPECTIONS”.

**218.** Section 95 of the said Act is amended by striking out the words “or inspection” in the first line.

**219.** Section 96 of the said Act is amended

(1) by striking out the words “inquiry or” in the second line of the first paragraph;

(2) by inserting the words “, at any reasonable time,” after the word “enter” in the first line of subparagraph *b* of the first paragraph;

(3) by striking out the words “inquiry or” in the third line of the second paragraph.

**220.** Section 97 of the said Act is replaced by the following section:

“**97.** Failing any proof to the contrary, every person in possession of a farm product in a quantity that exceeds the needs of his own consumption is presumed to intend it for sale.”

**221.** Section 98 of the said Act is amended by inserting the words “or an inspection” after the word “inquiry” in the second line.

**222.** Section 99 of the said Act is amended

(1) by inserting the words “or an inspection” after the word “inquiry” in the third line of the first paragraph;

(2) by inserting the words “or an inspection” after the word “inquiry” in the first line of the second paragraph.

**223.** Section 116.1 of the said Act is amended by striking out the words “subsection 1 of section 33 of the Summary Convictions Act (chapter P-15) does not apply and,” in the third, fourth and fifth lines.

#### ELECTRICITY MUNICIPALIZATION ACT

**224.** Section 10 of the Electricity Municipalization Act (R.S.Q., chapter M-38) is amended

(1) by inserting, after the word “enter” in the second line of the first paragraph, the words “, at any reasonable time,”;

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

“Every officer exercising the powers provided for in the first paragraph shall, if so required, identify himself and show a certificate bearing the signature of a person designated by the municipal corporation and attesting his capacity.”

#### ACT RESPECTING LABOUR STANDARDS

**225.** Section 54 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by striking out paragraph 1.

**226.** Section 77 of the said Act is amended by striking out paragraph 1.

#### NOTARIAL ACT

**227.** Section 16 of the Notarial Act (R.S.Q., chapter N-2) is replaced by the following section:

“**16.** A notary who wishes to resign as an officer or member of the Bureau or any of its committees shall do so in writing. His resignation



shall take effect on the date agreed upon with the Bureau or the Administrative Committee.”

**228.** Section 160 of the said Act is replaced by the following section:

“**160.** Any practising notary who wishes to resign shall notify the Bureau thereof. The resignation shall take effect on the date agreed upon by the notary and the Bureau.”

**229.** Section 161 of the said Act is amended by replacing the words “is accepted” in the first line by the words “takes effect”.

#### SUNDAY OBSERVANCE ACT

**230.** The Sunday Observance Act (R.S.Q., chapter O-1) is repealed.

#### ACT RESPECTING LIQUOR PERMITS

**231.** Section 36 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by inserting the words “in relation to the activities he may carry on under his permit, which is” after the word “offence” in the second line of the second paragraph.

**232.** Section 42 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, in no case may the Régie refuse to issue a permit if the applicant or the person referred to in the first paragraph has obtained a pardon for such offence or such indictable offence.”

**233.** Section 69 of the said Act is repealed.

**234.** Section 114 of the said Act is amended by replacing the figure “69” in the first line of paragraph 9 by the figure “68”.

#### POLICE ACT

**235.** Section 3 of the Police Act (R.S.Q., chapter P-13) is amended by replacing the word “never” in the first line of subparagraph c of the first paragraph, by the word “not”.

**236.** Section 23 of the said Act is replaced by the following section:

**“23.** For the purposes of an inquiry contemplated in section 20, a member of the Commission or any other person designated by the Commission may, with the authorization of a justice of the peace who is not a member of the Commission, enter in the place indicated in the authorization to search for, in order to examine it or seize it, any thing that may be useful to the inquiry.

The justice of the peace may grant the authorization, subject to such conditions as he may specify therein if he is satisfied on the basis of a sworn statement by a member of the Commission or the person designated by the Commission that there are reasonable grounds to believe that there is such a thing in the place indicated.

The authorization must be acted upon between 7 a.m. and 10 p.m., unless the judge authorizes that it be acted upon at another time. It must be returned, whether acted upon or not, to the justice of the peace who granted it within fifteen days after its issue.

No authorization is required, however, if the conditions for obtaining it exist and if, owing to the urgency of the situation, the delay necessary to obtain the authorization may result in the disappearance, destruction or loss of any thing that may serve the purposes of the inquiry.”

**237.** Section 24 of the said Act is amended

(1) by replaing the words “executing a warrant contemplated in” in the first line by the words “exercising the powers conferred on him by”;

(2) by replacing the word “search” in the third line by the words “enter into”.

**238.** Section 28 of the said Act is amended by replacing the last paragraph by the following paragraph:

“A witness or a person contemplated in section 29 is entitled to be assisted or represented by an advocate.”

**239.** Section 29 of the said Act is replaced by the following section:

**“29.** Any person whose name or activities are mentioned at a hearing may testify or produce witnesses at the hearing to explain his conduct or report a fact that he believes will enlighten the Commission.

Any witness who believes himself aggrieved as a result of his testimony may testify again and produce witnesses.

Any witness may be examined by his advocate or cross-examined by the advocate of a person whose name or activities have been mentioned by that witness or his advocate.”

**240.** Section 31 of the said Act is repealed.

**241.** Section 32.1 of the said Act is amended by adding the words “provided that the filing of the declaration does not deprive a person of his right to be heard on the matter” at the end of the first paragraph.

**242.** Section 32.3 of the said Act is amended by striking out the words “testimony given at a private hearing or,” in the second line.

**243.** Section 44 of the said Act is replaced by the following section:

**“44.** The Government shall appoint the Director General of the Police Force and fix his salary.

The Director General shall reside in the locality where the Police Force headquarters are situated or in the immediate vicinity of that locality.”

**244.** Section 49 of the said Act is amended by striking out the second paragraph.

**245.** Section 53 of the said Act is repealed.

**246.** Section 54 of the said Act is amended by adding the words “where he believes, on reasonable grounds, that his conduct is likely to put his personal interest in conflict with the duties of his office” at the end of the first paragraph.

#### SUMMARY CONVICTIONS ACT

**247.** The Summary Convictions Act (R.S.Q., chapter P-15) is amended by inserting, after section 9, the following section:

**“9.1** No person entrusted with the enforcement of an Act may, without a warrant, exercise the powers conferred on him under section 8 of this Act, unless the conditions for obtaining the warrant exist and unless, owing to the urgency of the situation, the delay necessary to obtain the warrant may result in danger, in particular, to human health or to the safety of persons or property or in the disappearance, destruction or loss of evidence.”

**248.** Section 10 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: "However, where a seizure is made under section 9.1, the seizing officer shall have custody of the thing seized until it is produced as evidence in any proceedings or until it is disposed of according to law."

**249.** Section 11 of the said Act is amended by replacing the first sentence of subsection 1 by the following sentence: "A thing seized under section 8 or section 9.1 shall not be detained for a period of more than ninety days unless a complaint following the seizure is made before the expiry of such ninety-day period."

**250.** Section 12 of the said Act is amended by replacing subsection 5 by the following subsection:

"(5) When a defendant is liable to separate penalties according to whether the offence is a first offence or a subsequent offence, the complaint must not contain any reference indicating whether the proceedings are instituted for a first or a second offence."

**251.** The said Act is amended by adding, after section 46, the following section:

"**46.1** In no case may an accused who pleads guilty to or is convicted of an offence be imposed a greater punishment by reason of a previous conviction unless the prosecutor notified the accused before he made his plea, that a greater punishment would be sought by reason of the previous conviction.

Proof of a previous conviction and of the transmission of the notice is incumbent upon the prosecutor, and shall not be brought forth before the accused pleads guilty or is convicted."

**252.** Section 63.8 of the said Act is amended

(1) by striking out the words "and *ex parte*" in the third line of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

"The collector shall, before presenting the application, notify the defendant of the nature of the application and of the time and place it will be presented. The justice of the peace may, however, hear the application against the defendant if it has been impossible to notify him despite reasonable efforts to do so and the collector proves that the defendant cannot be found or is eluding justice."

ACT RESPECTING PREVENTION OF  
DISEASE IN POTATOES

**253.** Section 22 of the Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1) is amended by replacing the word “place” in the first line of paragraph 1 by the words “agricultural, commercial or industrial establishment”.

**254.** Section 30 of the said Act is amended

(1) by replacing the word “shall” in the fourth line of the first paragraph by the word “may”;

(2) by adding, at the end of the first paragraph, the following sentence: “Notwithstanding the foregoing, the court shall order the confiscation of seized potatoes that are unfit for human consumption.”

**255.** Section 38 of the said Act is replaced by the following section:

“**38.** In any proceedings for an offence under section 7, paragraph 2 of section 9 or section 10 or 16, the producer, dealer, carrier or consignee, as the case may be, who was in possession of potatoes which have been the object of a notice under section 5 or 8 is presumed, failing any proof to the contrary, to have intended them for planting.”

## FARM PRODUCERS ACT

**256.** Section 41 of the Farm Producers Act (R.S.Q., chapter P-28) is amended by inserting the word “relevant” after the word “other” in the sixth line.

**257.** Section 43 of the said Act is amended by striking out the words “and investigators” in the first and second lines of the first paragraph and by inserting the words “, at any reasonable time,” after the word “enter” in the second line.

**258.** Section 44 of the said Act is repealed.

**259.** Section 45 of the said Act is amended

(1) by striking out the words “or investigator” in the first line of the first paragraph;

(2) by striking out the words “or investigator” in the first line of the second paragraph.

**260.** Section 48 of the said Act is amended by striking out subparagraph *a* of the first paragraph.

AGRICULTURAL PRODUCTS, MARINE PRODUCTS  
AND FOOD ACT

**261.** Section 33 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is replaced by the following sections:

**“33.** Every authorized person who believes, on reasonable grounds, that there are products or other objects to which this Act applies in premises where a product is prepared, packed, processed, packaged, stored, unloaded, offered for sale or sold, kept for sale or for providing services for remuneration and in premises where a stamp referred to in section 6 is manufactured, reproduced, kept or used may, in the performance of his duties,

- (1) enter such premises at any reasonable time;
- (2) inspect the premises, equipment and any product or other object to which this Act applies and take samples free of charge;
- (3) stop any vehicle in which such a product is transported and inspect it;
- (4) take photographs of the product, object, premises or equipment;
- (5) require communication of any book, shipment bill, bill of lading or any other document or record if he believes, on reasonable grounds, that they contain information relevant to the administration of this Act or the regulations for examination, reproduction or for obtaining extracts therefrom;
- (6) use any appropriate technical device to prevent operations by any permit holder outside the operating hours fixed under section 34.

**“33.1** Every authorized person may seize any product or other object to which this Act applies if he believes, on reasonable grounds, that an offence against this Act or the regulations has been committed in relation to or by means of such product or object.

**“33.2** The owner or person who had possession of the thing seized shall have custody of the thing. Every authorized person may, however, if he considers it advisable, remove it to other premises for purposes of safekeeping.

The thing seized shall be detained until a decision is made under section 33.3, 33.4, 33.5, 33.7, 33.8 or 33.9 or, if proceedings are instituted, until a court has decided by judgment.

**“33.3** The thing seized shall be returned to the owner or person who had possession of it

(1) after the expiration of ninety days from the date of seizure, unless proceedings have been instituted; or

(2) when the authorized person is of opinion, after verification during that time, that no offence against this Act or the regulations has been committed or that the owner or person who had possession of the thing seized has, since the seizure, complied with the provisions of this Act or the regulations.

**“33.4** The owner or person who had possession of the thing seized may, at any time, apply to a justice of the peace to obtain the release of the thing.

The application shall be served on the seizing officer or, if proceedings have been instituted, on the prosecutor.

The justice of the peace shall grant the application if he is satisfied that the applicant will suffer serious or irreparable damage if detention of the seized thing is maintained and its release will not hinder the course of justice.

**“33.5** Every thing that has been seized shall be confiscated ninety days after the day it was seized if its owner or the person who had possession of it is unknown or cannot be found, and shall be disposed of as the Minister may direct.

**“33.6** A justice of the peace may, on the application of the seizing officer, order that the period of detention be prolonged for a maximum of ninety days.

**“33.7** The judge who imposes a penalty for an offence against this Act or the regulations may, on the application of one of the parties, order that any thing seized under section 33.1 be confiscated.

The Minister shall prescribe the manner of disposing of the thing confiscated under this section.

**“33.8** Every authorized person who believes, on reasonable grounds, that a product is unfit for human consumption or deteriorated so that it is unfit for human consumption may, whether or not the product

has been seized, require that it be destroyed by the person having possession of it by giving that person notice to that effect by way of a writing given to him or to his representative or employee or sent to him by registered mail at his business address.

The destruction must be carried out under the supervision of the authorized person.

Any product unfit for human consumption or deteriorated so that it is unfit for human consumption which has not been destroyed in accordance with this section shall be confiscated by the authorized person and disposed of at the expense of the person having possession of the product in accordance with the instructions of the Minister.

**“33.9** Every authorized person who believes, on reasonable grounds, that a product does not comply with this Act or the regulations in another respect may apply to a judge or court for an order requiring the person having custody of the product to destroy it under his supervision, whether the product has been seized or not.”

**262.** Section 53 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Proof that the offence was committed by a person, identified or not, in the employ of such operator shall be, failing any proof to the contrary, conclusive evidence that the offence was committed with the authorization and under the direction of the latter.”

**263.** Section 54 of the said Act is replaced by the following section:

**“54.** Failing any proof to the contrary, the person having possession of a product in a quantity that exceeds the needs of his own consumption is presumed to intend it for sale or for the furnishing of services for remuneration.”

**264.** Section 55 of the said Act is replaced by the following section:

**“55.** Nothing in this Act shall be interpreted as prohibiting the transportation of products in transit in Québec; however, failing any proof to the contrary, the transportation of a product, without a bill of lading or way bill indicating the names and addresses of the sender and consignee, is proof that such product is to be delivered in Québec.”



**265.** Section 48 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is replaced by the following sections:

**“48.** Every person authorized by the Minister to act as an inspector for the purposes of this Act who believes, on reasonable grounds, that there are products or other articles to which this Act applies in an establishment where dairy products or substitutes are manufactured, and its dependancies, or in premises used for trading in or storing such products or for their direct delivery for consumption, may, in the performance of his duties

(1) enter and inspect such establishment or premises at any reasonable time;

(2) stop and inspect any vehicle used for the transportation of dairy products or substitutes;

(3) inspect any dairy product or substitute;

(4) require any document relating to such products if he believes, on reasonable grounds, that it contains information relevant to the administration of this Act or the regulations, for inspection or for the purpose of obtaining extracts therefrom.

The owner or person in charge of the establishment, premises or vehicle is required to assist the inspector in the performance of his duties and to place at his disposal all the books, invoices and other relevant documents that he wishes to examine.

**“48.1** The inspector may seize any dairy product or substitute and any article capable of being used for its manufacture if he believes, on reasonable grounds, that an offence against this Act or the regulations has been committed in relation to or by means of the dairy product, substitute or article.

**“48.2** The owner or the person who had possession of the thing seized under section 48.1 shall have custody of it. The inspector may, however, if he considers it advisable, remove the seized thing to other premises for purposes of safekeeping.

The thing seized shall be detained until a decision is made under section 48.3, 48.4, 48.5 or 48.7 or, if proceedings are instituted, until the court has decided by judgment.

**“48.3** The thing seized shall be returned to its owner or to the person who had possession of it

(1) after the expiration of ninety days from the date of seizure, unless proceedings have been instituted; or

(2) when the inspector is of opinion, after verification during that time, that no offence against this Act or the regulations has been committed or that the owner or the person who had possession of the thing seized has, since the seizure, complied with the provisions of this Act or the regulations.

**“48.4** The owner or the person who had possession of the thing seized may, at any time, apply to a justice of the peace to obtain the release of the thing.

The application shall be served on the seizer or, if proceedings have been instituted, on the prosecutor.

The justice of the peace shall grant the application if he is satisfied that the applicant will suffer serious or irreparable damage if detention of the property is maintained and the release of the property will not hinder the course of justice.

**“48.5** Every thing that has been seized shall be confiscated ninety days after the day it was seized if its owner or the person who had possession of it is unknown or cannot be found, and shall be disposed of as the Minister may direct.

**“48.6** A justice of the peace may, on the application of the seizer, order that the period of detention be prolonged for a maximum of ninety days.

**“48.7** The judge who imposes a penalty for an offence against this Act or the regulations may, on the application of one of the parties order that the thing seized under section 48.1 be confiscated.

The Minister shall prescribe the manner of disposing of the thing confiscated under this section.”

#### BICYCLE OWNERSHIP ACT

**266.** Section 4 of the Bicycle Ownership Act (R.S.Q., chapter P-31) is replaced by the following section:

**“4.** A peace officer may, at any reasonable time, enter any establishment where the trade or the storing of used bicycles or cycles is carried on and visit the premises to inspect the bicycles and cycles found therein. He may also require that the register prescribed by section 3 be furnished to him.

The owner or any person in charge of such an establishment is bound to allow the peace officer to exercise the powers referred to in the first paragraph.”

#### YOUTH PROTECTION ACT

**267.** Section 25 of the Youth Protection Act (R.S.Q., chapter P-34.1) is replaced by the following section:

“**25.** A member of the Comité or any person in its employment may, with the written authorization of a justice of the peace, enter premises in which he believes, on reasonable grounds, there is a child whose security or development is or may be considered to be in danger and where entry is necessary for the purposes of an inquiry of the Comité.

The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn statement by the member of the Comité or the person in the employment of the Comité that there are reasonable grounds to believe that there is therein a child whose security or development is or may be considered to be in danger and if entry therein is necessary for the purposes of an inquiry. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it, within fifteen days after its issue.

No authorization is required, however, if the conditions for obtaining it exist and if, owing to the urgency of the situation, the delay necessary to obtain the authorization may result in danger to the security of a child.”

**268.** Section 26 of the said Act is replaced by the following section:

“**26.** Notwithstanding section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5), a member of the Comité or a person in its employment may, at any reasonable time, enter any establishment to consult on the premises the record relating to the case of a child and make copies thereof.

If so required, the establishment shall transmit a copy of the record to the Comité.”

**269.** The said Act is amended by inserting, after section 26, the following section:

“**26.1** Every person acting under section 25 or 26 shall, if so required, identify himself and show a certificate attesting his capacity.”

**270.** Section 35.1 of the said Act is replaced by the following section:

**“35.1** The director or any person acting under section 32 or 33 may inquire into any matter within the competence of the director.

A person referred to in the first paragraph or a peace officer may, with the written authorization of a justice of the peace, enter premises to search for a child and bring him before the director if he believes, on reasonable grounds, that the child whose situation has been reported or whose security or development is or may be considered to be in danger is to be found there.

The justice of the peace may grant the authorization, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn statement by the director, the person acting under section 32 or 33 or the peace officer, that there are reasonable grounds to believe that there is therein a child whose situation has been reported or whose security or development is or may be considered to be in danger and that entry therein is necessary to search for the child and bring him before the director. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it, within fifteen days after its issue.

No authorization is required, however, if the conditions for obtaining it exist and if, owing to the urgency of the situation, the delay necessary to obtain the authorization may result in danger to the safety of a child.”

**271.** Section 36 of the said Act is replaced by the following section:

**“36.** Notwithstanding section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5), where the director is acting pursuant to a report on the situation of a child who is the victim of sexual abuse or subject to physical ill-treatment or whose physical health is threatened by the lack of appropriate care, he and any person acting under section 32 or 33, may, at any reasonable time, enter an establishment to examine on the premises the record kept on the child and make copies thereof.

If so required, the establishment shall transmit a copy of the record to the director.”

**272.** The said Act is amended by inserting, after section 36, the following section:

**“36.1** The director or every person acting under section 32 or 33 shall, if so required when exercising the powers provided for in section 35.1 or 36, identify himself and show a certificate attesting his capacity.”

PUBLIC HEALTH PROTECTION ACT

**273.** Section 12 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by inserting, after the first paragraph, the following paragraph:

“Moreover, the judge may, if he believes on reasonable grounds that the person will not undergo immunization, examination or treatment or that it is required for the protection of public health, order that the person be taken to an establishment for immunization, examination or treatment.”

**274.** Section 15 of the said Act is repealed.

**275.** The heading of Division X of the said Act is replaced by the following heading:

“INSPECTION.”

**276.** Section 65 of the said Act is amended by replacing the words “inquire into any matter within his competence or within what he delegated to a regional council in accordance with section 2” in the third, fourth and fifth lines by the words “carry out an inspection to ascertain whether or not this Act and the regulations, including those that may be made by a regional council in accordance with the delegation provided under section 2 of this Act, are being complied with”.

**277.** Section 66 of the said Act is amended

(1) by replacing the words “make an inquiry” in the first line of the first paragraph by the words “carry out an inspection”;

(2) by inserting, before the word “time” in the second line of the first paragraph, the word “reasonable”;

(3) by inserting, after the word “plant” in the first line of the second paragraph the words “at any reasonable time”;

(4) by striking out the third and fourth paragraphs.

**278.** Section 67 of the said Act is amended

(1) by replacing the words “An investigator shall at all times” in the first line of the first paragraph by the words “A person authorized to carry out an inspection shall at any reasonable time”;

(2) by replacing the word “investigator” in the last line of the first paragraph by the words “person authorized to carry out an inspection”;

(3) by replacing the words “an investigator” in the first line of the second paragraph by the words “a person authorized to carry out an inspection”.

**279.** Section 68 of the said Act is amended

(1) by replacing the words “an investigator making an inquiry” in the first line by the words “a person carrying out an inspection”;

(2) by replacing the word “le” in the second line of the French text by the word “la”;

(3) by replacing the word “il” in the fifth line of the French text by the word “elle”.

**280.** The said Act is amended by inserting, after section 68, the following section:

“**68.1** A person exercising the powers provided for in sections 66 and 67 shall, if so required, identify himself and show a certificate attesting his capacity.”

PLANT PROTECTION ACT

**281.** Section 4 of the Plant Protection Act (R.S.Q., chapter P-39) is replaced by the following section:

“**4.** The entomologist may, at any reasonable time, enter any garden, orchard, field, hothouse or nursery in which he believes, on reasonable grounds, plants to which this Act applies may be found.

The entomologist shall, if so required, identify himself and show a certificate bearing the signature of the Minister and attesting his capacity.”

CONSUMER PROTECTION ACT

**282.** Section 306 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is replaced by the following sections:

**“306.** The president may, in the performance of his duties, enter, at any reasonable time, the establishment of a merchant, a manufacturer or an advertiser and inspect it and, in particular, examine the registers, books, accounts, vouchers and other documents and the goods offered for sale or sold by the merchant and to take specimens for the purposes of expert appraisal.

If so required, the president shall identify himself and show a certificate attesting his capacity.

**“306.1** The president may require, for the purposes of an investigation or inspection, any information relevant to the administration of an Act or regulation the administration of which is under the supervision of the Office.

Every book, register or other document having been examined by the president or produced to him may be copied or photocopied and every copy or photocopy of such book, register or document certified by the president to be a copy or photocopy of the original is receivable as evidence and has the same probative value as the original.”

**283.** Section 325 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) the applicant is unable to establish his ability to carry on his business with honesty and competence having regard to his declarations on applying for a permit or to his conduct in previous business activities;”.

**284.** Section 327 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) an offence against any Act or regulation the administration of which is under the supervision of the Office and for which he has not obtained a pardon;”;

(2) by replacing paragraph *b* by the following paragraph:

“(b) of an offence described in the Criminal Code (R.S.C., 1970, chapter C-34)

— against subparagraph *e* of section 189 in relation to lotteries schemes;

— against sections 283 and following in relation to theft;

- against section 302 in relation to robbery;
  - against section 305 in relation to extortion;
  - against section 320 in relation to false pretence;
  - against section 321 in relation to obtaining execution of valuable security by fraud;
  - against section 324 in relation to forgery;
  - against section 326 in relation to uttering forged documents;
  - against section 338 in relation to fraud;
  - against section 339 in relation to using mails to defraud;
  - against section 355 in relation to the destruction or falsification of documents;
  - against section 365 in relation to the forging of a trade mark;
  - against section 366 in relation to the passing off of wares or services;
  - against section 369 in relation to used goods sold without disclosure;
- or of an offence described in the Combines Investigation Act (R.S.C., 1970, chapter C-23)
- against sections 36 to 37.2 in relation to misleading advertising, double ticketing, pyramid selling, referral selling, bait and switch selling, sale above advertised price and promotional contests or any attempt to commit any of the offences referred to in this paragraph and for which he has not obtained a pardon.”

**285.** Section 328 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) an offence described in paragraph *b* of section 327.”

**286.** Section 329 of the said Act, replaced by section 130 of the Act to amend various legislation (1984, chapter 47), is amended by replacing paragraph *c* by the following paragraph:

“(c) does not exercise his business activities with honesty and competence;”.



## ACT TO PRESERVE AGRICULTURAL LAND

**287.** Section 18 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by replacing the first paragraph by the following paragraph:

“**18.** The commission may, on the application of any interested person, review any decision or order

(1) when a new fact arises which, if it had been known in due time, might have justified a different decision;

(2) where the plaintiff, who is a party to the issue, was prevented, for reasons deemed sufficient, from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision or order.”

**288.** Section 18.4 of the said Act is replaced by the following section:

“**18.4** Before ruling on an application for review, the commission shall give interested persons an opportunity to be heard.”

**289.** Section 19 of the said Act is amended

(1) by replacing the words “at all times” in the first line of the second paragraph by the words “at any reasonable time”;

(2) by replacing the third paragraph by the following paragraph:

“An investigator may have access to the books, registers, accounts, records or other documents relating to his investigation of any owner or operator of a lot that is subject to this Act and require communication thereof for examination, reproduction or the drawing of extracts.”;

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

“An investigator shall, if so required, identify himself and show a certificate issued by the commission and attesting his capacity.”

**290.** Section 44 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**44.** Before rendering its decision, the commission must give the applicant or any person interested the opportunity to be heard.”

**291.** Section 60 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**60.** The commission must give the applicant and any interested person the opportunity to be heard.”

ENVIRONMENT QUALITY ACT

**292.** Section 25 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by replacing the second paragraph by the following paragraph:

“The Deputy Minister shall, before issuing an order, serve on whoever is responsible for the source of contamination prior notice of not less than fifteen days setting out the reasons which appear to justify an order, the date on which it is to have effect and the fact that representations may be made by whoever is responsible for the contamination. The notice shall be accompanied with a copy of every analysis, study or other technical report considered by the Deputy Minister for the purposes of the proposed order.”;

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

“The order shall include a statement of the grounds invoked by the Deputy Minister. It shall take effect on the date it is served on whoever is responsible for the source of contamination or on any later date indicated in the order.”

**293.** Section 26 of the said Act is amended by replacing the first two lines of the first paragraph by the following:

“**26.** The Deputy Minister may, however, without prior notice but for a period of not over thirty days, order whoever is responsible for a source of”.

**294.** Section 76 of the said Act is amended by replacing the first sentence by the following sentence: “Every municipality may cause any inquiry to be made by its officers to determine whether any nuisance or unsanitary condition exists in an immovable.”

**295.** The said Act is amended by inserting, after section 76, the following section:

**“76.1** For the purposes of an inquiry, the officer may, at any reasonable time, enter an immovable and inspect it to determine whether any nuisance or unsanitary condition exists in the immovable.

The officer shall, if so required, identify himself and show the certificate issued by the municipality and attesting his capacity.”

**296.** Section 78 of the said Act is amended by striking out the words “have the premises visited and” in the first and second lines.

**297.** Section 84 of the said Act is amended by inserting, after the figure “76” in the third line, the figure “, 76.1”.

**298.** Section 100 of the said Act is amended by inserting the words “or represented” after the word “assisted” in the third line of the first paragraph.

**299.** Section 110.2 of the said Act is repealed.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND  
CIRCUMSTANCES OF DEATH

**300.** The Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by inserting, after section 49, the following section:

**“49.1** Every coroner having reasonable and probable cause to believe that a dead body is to be found in a place may enter that place to take possession of it and, at the same time, inspect the place and examine or seize any object or document useful for the performance of his duties.”

**301.** Section 50 of the said Act is amended by striking out the words “or the taking of possession of a dead body” in the second and third lines.

**302.** Section 56 of the said Act is amended by inserting, at the beginning, the following words: “Subject to the conditions that may be specified by a justice of the peace in accordance with section 72,”.

**303.** Section 59 of the said Act is amended by adding, at the end, the following:

“(7) the date of the authorization granted by a justice of the peace, where that is the case.”

**304.** Section 65 of the said Act is amended by replacing the figure “50” in the fourth line of the first paragraph by the figure “49.1”.

**305.** Section 66 of the said Act is amended by replacing the words “there is” in the first line of subparagraph 1 of the first paragraph by the words “he has”.

**306.** Section 68 of the said Act is amended by replacing the figure “50” in the third line by the figure “49.1”.

**307.** Section 69 of the said Act is amended by inserting, at the beginning, the following words: “Subject to the conditions that may be specified by a justice of the peace in accordance with section 72,”.

**308.** Section 72 of the said Act is replaced by the following section:

**“72.** The coroner or a person authorized under section 49, 65 or 68 may, with the written authorization of a justice of the peace, enter any place for the purposes contemplated in section 49, 49.1 or 50.

The justice of the peace may grant the authorization, subject to such conditions he may specify therein, if he is satisfied, on the basis of a sworn statement by the coroner or the person authorized under section 49, 65 or 68, that there is reasonable and probable cause to believe that entry to that place is useful for the performance of the coroner’s duties. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it not later than fifteen days after its issue.

The authorization of a justice of the peace is not required, however, to enter any place within 24 hours following the receipt of a notice given under Chapter II for the purposes contemplated in section 49.1. Nor is the authorization required where the conditions for obtaining it exist and where, owing to the urgency of the situation, the delay necessary to obtain the authorization may result in danger to human health or to the safety of persons or property or in the disappearance, destruction or loss of what may be useful for the performance of the duties of the coroner.”

**309.** The said Act is amended by inserting, after section 162, the following section:

**“162.1** Notwithstanding section 162, once the coroner has transmitted his report of inquest, the summons of the witnesses and

the documents referred to in paragraphs 1 to 3 of section 161 are public and may be consulted by any person. However, the coroner may, if he considers it in the public interest or necessary for the protection of the privacy of a person, his reputation or his right to a just and fair trial ban the publication or release of the summons or documents.”

#### ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

**310.** Section 11 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by replacing paragraph 2 by the following paragraph:

“(2) if he is of opinion that the applicant is unable to carry on his business activity with honesty and competence, having regard to his declaration on applying for a permit or to his conduct in the exercise of previous business activities;”.

**311.** Section 12 of the said Act is amended

(1) by adding the words “and for which he has not obtained a pardon” at the end of paragraph 1;

(2) by replacing paragraphs 2 and 3 by the following paragraph:

“(2) an offence described in Part VII or Part VIII or in section 387 or 388 of the Criminal Code (R.S.C., 1970, chapter C-34) and for which he has not obtained a pardon.”

#### ACT RESPECTING THE RÉGIE DE L'ÉLECTRICITÉ ET DU GAZ

**312.** Section 40 of the Act respecting the Régie de l'électricité et du gaz (R.S.Q., chapter R-6) is amended

(1) by replacing the words “he deems” in the fourth line of paragraph *a* by the words “it is”;

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

“A controller exercising the powers provided in the first paragraph shall, if so required, identify himself and show a certificate issued by the Régie and attesting his capacity.”

#### ACT RESPECTING THE RÉGIE DU LOGEMENT

**313.** Section 30.1 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by adding the words “, and for a

term specified in the deed of appointment” at the end of the first paragraph.

#### ACT RESPECTING THE QUÉBEC PENSION PLAN

**314.** Section 208 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the word “it” in the third line by the words “communication thereof”.

#### WATERCOURSES ACT

**315.** Section 84 of the Watercourses Act (R.S.Q., chapter R-13) is replaced by the following section:

“**84.** Any person specially authorized in writing by the Minister of the Environment may, at any reasonable time, enter upon and pass over any property where any construction or work referred to in section 80 is located to investigate any matter relating to the construction or work, or to any change in the flow of water resulting from such construction or work.

Any person exercising the powers referred to in the first paragraph shall, if so required, identify himself and show a certificate signed by the Minister and attesting his capacity.”

#### ACT RESPECTING LABOUR RELATIONS IN THE CONSTRUCTION INDUSTRY

**316.** Section 57 of the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20) is amended by striking out the second paragraph.

**317.** Section 58 of the said Act is amended by striking out the second paragraph.

**318.** Section 81 of the said Act is amended

(1) by replacing the words “at any time” by the words “at any reasonable time” in the first line of paragraph *e*;

(2) by replacing the words “at any time” by the words “at any reasonable time” in the first line of paragraph *f*;

(3) by inserting, at the end, the following paragraph:

“Every person authorized by the board to exercise the powers referred to in paragraph *e* or *f* shall, if so required, identify himself and show the certificate issued by the board and attesting his capacity.”

#### ACT RESPECTING ECOLOGICAL RESERVES

**319.** Section 13 of the Act respecting ecological reserves (R.S.Q., chapter R-26) is amended by replacing the third and fourth lines of the first paragraph by the following: “every person so arrested must be brought promptly before a justice of the peace for the purposes of an appearance.”

#### ACT RESPECTING THE SALARIES OF OFFICERS OF JUSTICE

**320.** Section 8 of the Act respecting the salaries of officers of justice (R.S.Q., chapter S-2) is amended by striking out, at the end, the following: “, and in default of immediate payment of any sum of money so ordered to be paid, the judge may commit the offender to the house of detention of the district, there to be detained until such payment is made in full”.

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**321.** Section 176.2 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by inserting, after the first paragraph, the following paragraph:

“The chairman shall be appointed for a term specified in the deed of appointment.”

**322.** Section 179 of the said Act is amended

(1) by adding the words “, and inspect that place” at the end of the first paragraph;

(2) by striking out the fourth paragraph.

#### ACT RESPECTING SAFETY IN SPORTS

**323.** Section 35 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by adding, at the end, the words “for which he has not obtained a pardon”.

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND  
TRAPPERS WHO ARE BENEFICIARIES UNDER THE AGREEMENT CONCERNING  
JAMES BAY AND NORTHERN QUÉBEC

**324.** Section 29 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is amended by inserting, at the beginning, the words “Subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1),”.

ACT RESPECTING CHILD DAY CARE

**325.** Section 35 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended by replacing the words “at any time” in the first line of the first paragraph by the words “in the performance of his duties”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**326.** Section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended

(1) by replacing the words “or in other cases provided for by the law or the regulations” in the fifth and sixth lines of the first paragraph by the words “or in cases where such communication is necessary for the administration of an Act or regulation”;

(2) by adding, at the end of the second paragraph, the words “, in accordance with the criteria established in section 125 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)”.

**327.** Section 8 of the said Act is amended by adding, at the end, the following paragraphs:

“Notwithstanding the first paragraph, the person having parental authority shall not be given communication of the record of a minor, except in cases where he is acting in the minor’s interest.

Similarly, the heirs or legal representatives of a recipient shall not be given communication of the record of that recipient, except for the purposes of exercising their rights as heirs or representatives.

Finally, no person who is entitled to the payment of a benefit under an insurance policy on the life of a recipient may be given communication



of the record of that recipient, except for the purposes of establishing his rights to the benefit.”

**328.** Section 142 of the said Act is amended by replacing the words “make an inquiry” in the first and second lines of the first paragraph by the words “carry out an inspection”.

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

**329.** Section 20 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is replaced by the following section:

“**20.** A member of the Corporation or any person authorized for such purpose by the Corporation may, to ascertain compliance with this Act, or the regulation,

(1) enter, at any reasonable time, an immovable owned by the municipality or by a person who applies for or receives assistance from the Corporation in the form of a loan or otherwise;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information related to the assistance provided by the Corporation;

(3) require any information related to the administration of this Act and the production of any relevant document.

The member of the Corporation or the person authorized by the Corporation may require from the owner, lessee or occupant of the immovable the assistance necessary for the exercise of his functions.”

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**330.** Section 34 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended

(1) by replacing the words “investigators delegated by the Minister may” in the first and second lines of the second paragraph by the words “any other person delegated by the Minister may, at any reasonable time,”;

(2) by replacing the third paragraph by the following paragraph:

“An inspector or any other person delegated by the Minister shall, if so required, identify himself and show the certificate bearing the signature of the Minister and attesting his capacity.”

**331.** Section 39 of the said Act is amended by replacing the words “a police officer, investigator or inspector duly authorized under this Act “in the first and second lines by the words” a person authorized under section 34 or 40”.

**332.** Section 40 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, the authorization to make searches or seizures does not allow a person to enter a place or to open or cause to be opened receptacles to search for evidence of an offence against this Act or the regulations, except in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).”

**333.** Section 41 of the said Act is amended by replacing the words “without a warrant” in the first and second lines by the words “, in exercising the powers referred to therein,”.

**334.** Section 42 of the said Act is amended by striking out the words and figure “under section 41” in the first and second lines.

**335.** Section 47 of the said Act is amended by striking out the words “under this act” in the first and second lines.

#### FUEL TAX ACT

**336.** Section 45.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is replaced by the following section:

**“45.1** Every owner or lessee of a motor vehicle or propulsion engine who permits, authorizes, acquiesces or participates in the commission of an offence described in paragraph *a* or *b* of section 43.1 by means of that vehicle or engine is guilty of an offence and liable to the penalty prescribed by section 43.1.

In any proceedings under the first paragraph, proof that an offence described in paragraph *a* or *b* of section 43.1 has been committed by a person in the employ of the owner or lessee is proof, failing any contrary evidence, that the person has committed the offence with the authorization or permission of the owner or lessee.”

**337.** Section 45.2 of the said Act is amended by striking out the words “beyond all doubt” in the ninth line.

## LANDS AND FORESTS ACT

**338.** Section 13 of the Lands and Forests Act (R.S.Q., chapter T-9) is amended

(1) by inserting the words “, at any reasonable time,” after the word “may” in the third line of the first paragraph;

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

“Every person exercising a power referred to in the first paragraph shall, if so required, identify himself and show a certificate attesting his capacity.”

**339.** Section 48 of the said Act is amended

(1) by replacing the words “as aforesaid” in the second and third lines of the third paragraph by the words “for good reason”;

(2) by replacing the word “shall” in the fourth line of the third paragraph by the word “may”.

**340.** Section 95 of the said Act is amended

(1) by replacing the words “at all times” in the first line by the words “at any reasonable time”;

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

“Every person exercising a power provided for in the first paragraph shall, if so required, identify himself and show a certificate attesting his capacity.”

**341.** Section 147 of the said Act is amended by inserting the words “, if it is necessary to do so to fulfil an obligation under this division” after the word “vehicle” in the third line.

**342.** Section 154 of the said Act is repealed.

## ACT RESPECTING PUBLIC AGRICULTURAL LANDS

**343.** Section 20 of the Act respecting public agricultural lands (R.S.Q., chapter T-9.1) is amended by replacing the first paragraph by the following paragraph:

**“20.** On proof that the lease has been cancelled and that the lessee is wrongly in possession of the land, the judge may, if he is satisfied that the cancellation was made for good and valid reason, grant order on the lessee to leave the land and deliver up possession of it to the Minister.”

TRANSPORT ACT

**344.** Sections 6 and 7 of the Transport Act (R.S.Q., chapter T-12) are repealed.

**345.** Section 17.2 of the said Act is replaced by the following section:

**“17.2** Every interested person may apply to the Commission for a review of any decision rendered by the Commission which has not been appealed from to the Court of Appeal

(1) to present a new fact which, if it had been known in due time, might have justified a different decision;

(2) where, being a party to the issue, he was, for reasons deemed sufficient, prevented from being heard;

(3) where a substantial or procedural defect is likely to invalidate the decision.”

**346.** Section 17.3 of the said Act is amended by replacing the word “leave” in the first line by the word “review”.

**347.** Section 17.8 of the said Act is amended by replacing the words “The president may designate” in the first line by the words “The Minister may, after consultation with the president, designate, for such period as he may determine,”.

**348.** Section 17.9 of the said Act is replaced by the following section:

**“17.9** A decision rendered by a person designated by the Minister under section 17.8 is a decision of the Commission which may be reviewed on the same grounds and in the same manner as any other decision.”

**349.** Section 22 of the said Act is amended by striking out the third paragraph.

**350.** The heading of Division VI of the said Act is replaced by the following heading:

"INQUIRIES AND INSPECTIONS".

**351.** Sections 49 to 49.5 of the said Act are replaced by the following sections:

**"49.** In exercising its powers, the Commission, each of its members and any person designated by the Minister under section 17.8 may inquire into any matter within the competence of the Commission.

**"49.1** For the purposes of an inquiry under section 49, the Commission, each of its members and any person designated by the Minister under section 17.8 has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

**"49.2** The Minister or the Commission may authorize any person to act as an inspector to ascertain compliance with this Act and the regulations and any other Act which confers a competence upon the Commission.

Any person so authorized, any member of the Sûreté du Québec and any public servant of the Sûreté du Québec designated by the Director General of the Sûreté du Québec for the enforcement of this Act may, in the performance of his duties

(1) enter, at any reasonable time, the establishment of a carrier, a consignor or a consignee and inspect it;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information related to the activities of the persons referred to in subparagraph 1 of the second paragraph;

(3) require any information related to the administration of the Acts and regulations referred to in the first paragraph and the production of any relevant document.

Any person having custody, possession or control of such books, registers, accounts, records and other documents shall, if so required, give communication thereof to the person making the inspection and facilitate his examination thereof."

**352.** Section 50 of the said Act is amended by inserting the words “a person authorized to act as an inspector” after the word “person,” in the second line.

#### PUBLIC WORKS ACT

**353.** Section 21 of the Public Works Act (R.S.Q., chapter T-15) is amended by inserting the words “, for such period as he may determine,” after the word “appoint” in the second line of the first paragraph.

**354.** Section 28 of the said Act is amended by replacing the third paragraph by the following paragraph:

“In every case where the claim is referred to the three arbitrators, they shall receive the evidence, hear the parties and exercise all the powers preliminary or incident to the hearing and to the taking of evidence. The award of the majority shall be final and without appeal.”

**355.** Section 29 of the said Act is replaced by the following section:

**“29.** If, in any case where a claim has been referred to only one arbitrator, the claimant be not satisfied with the award, he may, by a notice in writing transmitted to the secretary of the board, within one month after notice of the award has been served on such claimant, appeal to the board of arbitration consisting, in that case, of only the other two arbitrators. The board shall hear the appellant, and give such award as may appear right to the board. The award shall be final and without appeal.”

#### COURTS OF JUSTICE ACT

**356.** Section 32 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended

(1) by inserting the words “or its immediate vicinity” in the second line of subparagraph 4 of the first paragraph after the name “Trois-Rivières”;

(2) by inserting the words “or in the immediate vicinity thereof” after the name “Rouyn” in the second line of subparagraph 5 of the first paragraph;

(3) by inserting the words “or in its immediate vicinity” after the name “Hull” in the second line of subparagraph 7 of the first paragraph;

(4) by inserting the words “or in the immediate vicinity thereof” after the name “Rivière-du-Loup” in the second line of subparagraph 9 of the first paragraph.

**357.** Section 81 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

“The chief judge, the senior associate chief judge and the associate chief judge may establish residence in the immediate vicinity of the city assigned to them, respectively, pursuant to this section.”

**358.** Section 112 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

“The chief judge, the senior associate chief judge and the associate chief judge may establish residence in the immediate vicinity of the city assigned to them, respectively, pursuant to this section.”

**359.** Section 126 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

“The chief judge, the senior associate chief judge and the associate chief judge may establish residence in the immediate vicinity of the city assigned to them, respectively, pursuant to this section.”

**360.** Section 141 of the said Act is amended by striking out the last sentence.

#### FOREST RESOURCES UTILIZATION ACT

**361.** Section 5 of the Forest Resources Utilization Act (R.S.Q., chapter U-2) is amended by replacing the word “shall” in the fifth line of the third paragraph by the word “may”.

#### SECURITIES ACT

**362.** Section 307 of the Securities Act (R.S.Q., chapter V-1.1) is amended by adding, at the end, the following paragraph:

“The delegation of a power to a member of the personnel of the Commission cannot be revoked except for reasonable cause after the person has been heard.”

**363.** Section 314 of the said Act is amended by striking out the figures and word “, 245 and 246” in the first line.

**364.** Section 321 of the said Act is amended by adding the words “, in the event of an error in law” at the end of the first paragraph.

ACT RESPECTING NORTHERN VILLAGES AND THE  
KATIVIK REGIONAL GOVERNMENT

**365.** Section 20 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended

(1) by inserting, at the end of subparagraph 6 of the first paragraph, the words “, unless the person has obtained a pardon”;

(2) by inserting, at the end of subparagraph 7 of the first paragraph, the words “, unless the person has obtained a pardon for either of such indictable offence”;

(3) by inserting, after the first paragraph, the following paragraph:

“For the application of subparagraphs 6 and 7 of the first paragraph to the office of an officer or employee of the corporation, only a conviction for an indictable offence in connection with that office shall be considered.”

**366.** Section 42 of the said Act is amended by striking out the second paragraph.

**367.** Section 184 of the said Act is amended

(1) by inserting the words “at any reasonable time” after the word “enter” in the second line of the first paragraph;

(2) by adding, after the second paragraph, the following paragraph:

“Any officer referred to in this section shall, if so required, identify himself and show a certificate issued by the municipality and attesting his capacity.”

**368.** Section 195 of the said Act is amended

(1) by inserting the words “, at any reasonable time,” after the word “enter” in the second line of the first paragraph;

(2) by adding, after the second paragraph, the following paragraph:

“An officer referred to in this section shall, if so required, identify himself and show a certificate issued by the corporation and attesting his capacity.”



## ROADS ACT

**369.** Section 17.2 of the Roads Act (R.S.Q., chapter V-8) is amended

(1) by replacing the words “at any time” in the second line by the words “, at any reasonable time,”;

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

“The representative shall, if so required, identify himself and show a certificate bearing the signature of the Minister and attesting his capacity.”

## CIVIL CODE OF LOWER CANADA

**370.** Article 17 of the Civil Code of Lower Canada, amended by section 1 of chapter 38 of the statutes of 1893, by section 1 of chapter 50 of the statutes of 1896/97, by section 3 of chapter 12 of the statutes of 1902, by section 1 of chapter 74 of the statutes of 1934, by section 1 of chapter 67 of the statutes of 1945, by section 2 of chapter 19 of the statutes of 1947, by section 1 of chapter 80 of the statutes of 1966/67, by section 10 of chapter 5 of the statutes of 1978, by section 35 of chapter 37 of the statutes of 1979 and by section 1 of chapter 46 of the statutes of 1984, is again amended by replacing paragraph 15 by the following paragraph:

“15. The word “oath” includes a solemn affirmation.”

**371.** Article 54 of the said Code, amended by section 1 of chapter 68 of the statutes of 1940 and by section 5 of chapter 39 of the statutes of 1980, is again amended by striking out the word “, occupation”.

**372.** Article 65 of the said Code, amended by section 1 of chapter 101 of the statutes of 1930-31 and by section 10 of chapter 82 of the statutes of 1968, is again amended by replacing paragraph 2 by the following paragraph:

“2. The names, given names and domicile of the spouses, the names of the father and mother of each, or the name of the former spouse;”.

**373.** Article 67 of the said Code is amended by replacing the words “, surnames, and quality or occupation of the deceased” by the words “and given names of the deceased and the place of his last domicile”.

**374.** Article 71 of the said Code, enacted by section 1 of chapter 79 of the statutes of 1969, is amended by striking out the words “, quality or occupation” in the first paragraph.

**375.** Article 2161*d* of the said Code, amended by section 1 of chapter 30 of the statutes of 1905, section 1 of chapter 76 of the statutes of 1915, section 3 of chapter 67 of the statutes of 1941 and by section 6 of chapter 71 of the statutes of 1947, is again amended by replacing the words “every secretary-treasurer or clerk in charge of such sale, or by the sheriff when he has charge of such sale,”, in paragraph 4, by the words “the secretary-treasurer, the clerk or the sheriff or any of his officers, who, according to law, gives notice of the sale,”.

**376.** Article 2161*i* of the said Code, amended by section 6 of chapter 30 of the statutes of 1905, section 3 of chapter 76 of the statutes of 1915, section 8 of chapter 71 of the statutes of 1947, section 25 of chapter 11 of the statutes of 1980 and by section 7 of chapter 14 of the statutes of 1981, is again amended by replacing the words “the secretary-treasurer of each county council, the secretary-treasurer or clerk of the municipality, as the case may be,”, in the first paragraph, by the words “the sheriff or that of his officers who is in charge of the sale”.

#### CIVIL CODE OF QUÉBEC

**377.** Article 414 of the Civil Code of Québec, enacted by section 1 of chapter 39 of the statutes of 1980, is amended by striking out the word “, occupation” in the first and second lines.

#### ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE AND AMENDING OTHER LEGISLATION

**378.** Section 35 of the Act respecting commercial fisheries and aquaculture and amending other legislation (1984, chapter 16) is replaced by the following sections:

**“35.** Any inspector or officer may, with a warrant issued by a justice of the peace, enter and search any premises including a vehicle, boat, fishing boat or aircraft and open or cause to be opened any receptacle if he believes, on reasonable and probable grounds, that it contains aquatic products obtained or held in contravention of this Act or the regulations or any other property which has been used to commit an offence against this Act or the regulations.

A justice of the peace may issue a warrant, subject to such conditions as he may specify therein, if he is satisfied on the basis of a sworn

statement by the inspector or officer that there are reasonable and probable grounds to believe that such an offence is being or has been committed and that products or property referred to in the first paragraph are present on such premises or in such receptacles.

The warrant, whether executed or not, shall be returned to the justice of the peace who issued it, not later than fifteen days after its issue.

**“35.1** Any inspector or officer may, without a warrant, exercise the powers conferred on him by section 35 if the conditions for obtaining it exist and if, owing to the urgency of the situation, the delay necessary to obtain the warrant may result in danger to the health of persons or animals or to the safety of persons, animals or property or in the destruction or loss of evidence.”

**379.** Section 47 of the said Act is replaced by the following section:

**“47.** Any inspector or officer may prescribe that all or part of the products of a fish breeding plant be isolated, quarantined or treated or, with the authorization of the Minister, destroyed within the time he indicates, if the products are unwholesome or affected by a contagious or parasitic disease determined by regulation.

A justice of the peace may on the application of an inspector or officer prescribe that all or part of the products of a fish-breeding plant be isolated, quarantined, treated or destroyed within the time and subject to the conditions indicated by him if the operator fails to comply with the standards applicable to his plant or his activities or with the conditions, restrictions or prohibitions affecting his licence or if he does not hold a licence authorizing him to engage in that production or breeding.”

#### AQUACULTURE CREDIT ACT

**380.** Section 36 of the Aquaculture Credit Act (1984, chapter 21) is replaced by the following section:

**“36.** A representative or an employee designated by the Office or by the lender may at any reasonable time or at any time if, owing to the circumstances, immediate action is required to protect a claim or the property securing a loan or to ensure that the borrower’s operation is carried on, inspect the immovable or movable property taken as security for a loan, enter or pass on any immovable, inspect and appraise such immovable and any other movable property.

A person referred to in the first paragraph may also conduct any inquiry he considers necessary within the scope of the administration of this Act.

The representative or the employee designated by the Office or by the lender shall, if so required, identify himself and show a certificate issued by the Office or by the lender and attesting his capacity."

#### BUILDING ACT

**381.** Section 58 of the Building Act (1985, chapter 34) is amended by adding the words ", or if he so has, has obtained a pardon" at the end of paragraph 8.

**382.** Section 60 of the said Act is amended by adding the words ", or if he so has, has obtained a pardon" at the end of paragraph 6.

**383.** Section 61 of the said Act is amended by adding the words "unless he has obtained a pardon" at the end of subparagraph 2 of the first paragraph.

**384.** This Act comes into force on (*insert here the date of assent to this Act*), except section 323 which will come into force on the date of coming into force of section 35 of the Act respecting safety in sports, and sections 381, 382 and 383, which will come into force, respectively, on the date of coming into force of sections 58, 60 and 61 of the Building Act.

Section 380 will come into force on the date fixed by the Government.