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# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

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Bill 14

**An Act to amend certain fiscal legislation**

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First reading

Introduced by  
Mr Alain Marcoux  
Minister of Revenue

## EXPLANATORY NOTES

*The main object of this bill is to amend various fiscal laws for their better administration. The bill is designed particularly to give Québec manufacturers and merchants a better competitive position on external markets, to make relations between the Ministère du Revenu and ordinary taxpayers more humane, and to improve the local environment by promoting the salvage and recycling of aluminum containers.*

*Firstly, this bill amends the Retail Sales Tax Act to specify cases where goods purchased or manufactured in Québec that are taken or shipped out of or delivered outside Québec for use or consumption there entail either full exemption from or total or partial repayment of the tax imposed by the Act. It specifies also that the tax exemption granted by the Act on the purchase of an aircraft used for the purposes specified in the Act applies if that use begins within 12 months of delivery, not purchase.*

*This bill, secondly, amends the Taxation Act in order to clarify the definition of the expression "eligible child" for the purposes of application of the provisions regarding the availability allowance, and it abolishes the additional interest payable by a taxpayer on the amount due according to a notice of assessment, if he pays it within 30 days of receiving the notice. It incidentally corrects a clerical error in section 26 of chapter 56 of the statutes of 1982.*

*Thirdly, this bill amends the Act respecting the Ministère du Revenu in order to permit certification of a true copy of a document of the revenue department by an officer authorized by regulation or the person authorized to sign the original, and to provide that henceforth interest will be exigible on any overpayment of a refund by the Minister if the overpayment was made on the basis of inaccurate or incomplete information provided by the taxpayer.*

*Lastly, this bill proposes that breweries and soft drink distributors be exempted from the \$0.02 tax imposed by the Licenses Act for non-refillable containers of a capacity of 454 millilitres or less, if these are suitable for recycling.*

**ACTS AMENDED BY THIS BILL**

- (1) the Retail Sales Tax Act (R.S.Q., chapter I-1)
- (2) the Taxation Act (R.S.Q., chapter I-3)
- (3) the Licenses Act (R.S.Q., chapter L-3)
- (4) the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)



# Bill 14

An Act to amend certain fiscal legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 10 of the Retail Sales Tax Act (R.S.Q., chapter I-1) is amended by adding the following paragraph:

“However, this section does not apply if the property produced has not been used in Québec and has been taken or shipped out of Québec for use or consumption as part of the carrying on of the person’s undertaking.”

**2.** (1) Section 17 of the said Act, amended by section 5 of chapter 56 of the statutes of 1982, is again amended

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

“(*r*) Sales made by any person carrying on business in Québec, when the merchandise thus sold is delivered outside Québec, for use or consumption outside Québec;”;

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

“(*af*) The sale of an aircraft which, within twelve months of delivery, is used by the purchaser under a licence issued to him for that purpose under the Aeronautics Act (Statutes of Canada) for tests or experiments or to operate a commercial air service, the leasing of an aircraft which the lessee operates under a licence issued to him for that purpose under the said Act, the sale of a component part of such an aircraft and the sale of a spare part used for the maintenance or repair of an aircraft;”.

(2) Paragraph 1 of subsection 1 is declaratory, except in respect of cases pending on (*insert here the date of tabling of Bill 14*), and paragraph 2 of subsection 1 has effect from 1 January 1980.

**3.** The said Act is amended by inserting, after section 20.2, the following sections:

**“20.3** A person carrying on an undertaking is entitled to the reimbursement of the tax paid by him on the purchase of movable property if, after such purchase, the property has not been used in Québec and the person has taken or shipped it out of Québec for use or consumption as part of carrying on his undertaking.

**“20.4** A person carrying on an undertaking is entitled to the reimbursement of the tax paid by him on the purchase of property or materials which would be contemplated in paragraph y of section 17 were the property intended for sale if, after being manufactured, the property produced has not been used in Québec and the person has taken or shipped it out of Québec for use or consumption as part of carrying on his undertaking.

**“20.5** A person who is neither resident nor doing business in Québec is entitled to the reimbursement, to the extent prescribed by regulation, of the tax paid by him on the purchase of property determined by regulation if, after such purchase, the property has not been used in Québec, the person has taken or shipped it definitively out of Québec for use or consumption, and the application for reimbursement is made within the time fixed by regulation.”

**4.** Section 776.2 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this title, an “eligible child” is a child under six years of age on 31 December of a year in respect of whom the individual receives an amount as family allowance under the Family Allowances Act (chapter A-17).”

**5.** Section 1030 of the said Act is amended by adding the following paragraph:

“(4) For the purposes of computing the exigible interest, where a taxpayer, within the time provided in subsection 1 or 3, pays to the Minister or to a financial institution authorized by the Minister, all or part of the amount he is required to pay following a notice of assessment, the date of payment is deemed to be the date of mailing of the notice of assessment.

The same rule applies where the payment is made by remittance of a negotiable instrument to the Minister within thirty days of the date of mailing of the notice of assessment.”

**6.** (1) Section 1132 of the said Act, amended by section 26 of chapter 56 of the statutes of 1982, is again amended by replacing the word “or”, in the third line of the second paragraph, by the word “and”.

(2) This section has effect from 16 December 1982.

**7.** Section 79.2 of the Licenses Act (R.S.Q., chapter L-3) is amended

(1) by striking out the word “or” at the end of subparagraph ii of paragraph *b*;

(2) by replacing the period at the end of subparagraph iii of paragraph *b* by a semicolon;

(3) by adding, after subparagraph iii of paragraph *b*, the following subparagraph:

“iv. containers of a capacity of 454 millilitres or less made exclusively of aluminum and for which a deposit is required at the time of the retail sale.”

**8.** Section 79.3 of the said Act is amended

(1) by striking out the word “or” at the end of subparagraph ii of paragraph *b*;

(2) by replacing the period, at the end of subparagraph iii of paragraph *b*, by a semicolon;

(3) by adding, after subparagraph iii of paragraph *b*, the following subparagraph:

“iv. containers of a capacity of 454 millilitres or less made exclusively of aluminum and for which a deposit is required at the time of the retail sale.”

**9.** Section 8 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is replaced by the following section:

“**8.** Any copy of a document forming part of the records of the department, certified as true by a functionary authorized by regulation or by a person authorized to sign the document under the first paragraph of section 7, shall be authentic and have the same force as the original.”

**10.** Section 32 of the said Act, amended by section 33 of chapter 56 of the statutes of 1982, is replaced by the following section:

“**32.** Where the Minister, by error or on the basis of inaccurate or incomplete information, has refunded to a person an amount greater than that which should have been refunded to him, the excess amount

is exigible from the date on which it was paid by the Minister, and the Minister may at any time assess that person the amount of the excess.

However, where the Minister considers that his refunding of the excess amount was not on the basis of inaccurate or incomplete information provided by the person, the excess amount is exigible from the date of mailing of the notice of assessment.”

**11.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**12.** This Act comes into force on the day of its sanction, except sections 5, 7 and 8, which will come into force on any later date or dates fixed by proclamation of the Government.