

FOURTH SESSION

THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 55

**An Act respecting liquor permits**

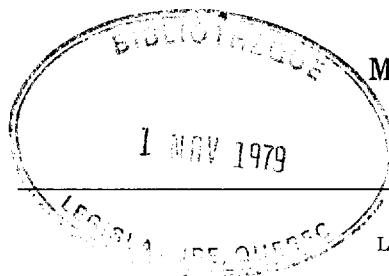
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First reading .....

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Third reading .....

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M. MARC-ANDRÉ BÉDARD

Ministre de la justice

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L'ÉDITEUR OFFICIEL DU QUÉBEC



## EXPLANATORY NOTES

*This bill provides for the creation of the Régie des permis d'alcool du Québec, replacing the existing Commission de contrôle des permis d'alcool du Québec.*

*The Régie will consist of six directors appointed by the Government, and its function will be to issue, renew, suspend and cancel liquor permits and supervise their use. In this connection the bill specifically provides the conditions on which permits will be issued and the grounds on which they may be cancelled, suspended or not renewed, and the procedure to be followed before the Régie.*

*Further, the bill reclassifies the permits obtainable, reducing the number of classes from fourteen to ten. The permits issued henceforth will be the following: public house or "pub" permits, tavern, restaurant, bar, club, grocery, cider seller's and reunion permits, and "Man and his World" and "Olympic Grounds" permits. The bill also sets out the conditions attached to permits, particularly in regard to the times and days when they may be used.*

*Finally, the bill makes several amendments, mostly for concordance, to the existing Act respecting the Commission de contrôle des permis d'alcool, which becomes the Act respecting offences relating to alcoholic beverages.*

Sec. 1 to 117: *These sections are new law.*

# Bill 55

## An Act respecting liquor permits

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

### CHAPTER I

#### INTERPRETATION

Interpre-  
tation.

**1.** In this act and the regulations hereunder, unless otherwise required by the context, the words and expressions defined in section 2 of the Act respecting offences relating to alcoholic beverages (R.S.Q., c. *insert here the new chapter number of chapter C-33*) have the same meaning as in the latter act.

### CHAPTER II

#### ESTABLISHMENT AND FUNCTIONS OF THE RÉGIE DES PERMIS D'ALCOOL DU QUÉBEC

Creation.

**2.** A body is established under the name of “Régie des permis d'alcool du Québec”.

Functions.

**3.** The functions of the Régie are to issue, renew, suspend or cancel the permits contemplated in this act and to control their use.

Directors.

**4.** The Régie is composed of six directors, including a chairman and a vice-chairman, appointed by the Government for a term of not over five years.

Supple-  
mentary  
director.

The Government may, if it considers that the carrying on of the affairs of the Régie so requires, appoint any supplementary director for the time it determines.

Remuneration.

**5.** The Government shall determine the remuneration of the directors, their social benefits and their other conditions of employment. Once fixed, their remuneration cannot be reduced.

Retirement plan.

The retirement plan of a full time director who is not a judge is that provided by the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

Replacement.

**6.** If a director is temporarily absent or unable to act, the Government may appoint a person to replace him for the time being.

Continuance.

**7.** A director remains in office at the expiry of his term until he is reappointed or replaced.

Chairman.

**8.** The chairman is responsible for the administration and the general direction of the affairs of the Régie.

Vice-chairman.

If the chairman is temporarily absent or unable to act, the vice-chairman shall replace him for the time being.

Conflict of interest.

**9.** No director may, under pain of forfeiture of office, hold an office incompatible with the exercise of the functions assigned to him by this act.

Conflict of interest.

**10.** No director may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking likely to make his personal interest conflict with his duties of office.

Conflict of interest.

However, such forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with all possible dispatch.

Immunity.

**11.** A director, as well as a member of the personnel designated in accordance with section 17, has the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., c. C-37), except the power to impose imprisonment.

Immunity.

**12.** The Régie, a director or a member of the personnel designated in accordance with section 17 cannot be prosecuted for official acts done in good faith in the exercise of their functions.

Offices.

**13.** The Régie has two offices, one serving the judicial districts forming the division of the Court of Appeal sitting in Montreal and the other, the division of the Court of Appeal sitting in Québec.

Location.

The Government shall determine the location of these offices and which of them constitutes the head office of the Régie.

Notice of these decisions or of any amendments to them must be published in the *Gazette officielle du Québec*.

Appoint-  
ment.

**14.** The secretary and the other members of the personnel of the Régie are appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

Divisions.

**15.** The Régie may simultaneously sit in divisions consisting of at least two directors designated by the chairman. In the case of a tie-vote, the matter is referred to the Régie sitting in plenary session.

Quorum.

When sitting in plenary session, four directors, including the chairman, are a quorum of the Régie. In the case of a tie-vote, the chairman has a casting vote.

Sittings.

The Régie may sit at any place in Québec.

Decision  
by one  
director.

**16.** Notwithstanding section 15, a director may decide alone any question of procedure and he may himself authorize an application contemplated in sections 79 and 84 relating to the temporary use of a permit or the temporary change of the place where a permit is used.

Decision  
by a mem-  
ber of the  
personnel.

**17.** A member of the personnel designated by the chairman may decide alone, for the Régie, an application for a reunion permit or an application for a grocery permit or a cider seller's permit made by reason of the alienation of the establishment or the retaking of possession of the establishment following the execution of a clause of giving in payment or another similar agreement.

Referral.

If the application is refused, the record is referred to the Régie, upon request. Similarly, the person hearing the application must refer the record to the Régie, if he finds that the Régie has discretion in the matter.

Assistance.

**18.** The members of the personnel of the Régie must assist every person who so requests in drawing up an application for a permit.

Minutes.

**19.** The minutes of sittings of the Régie are authentic if they are approved by the Régie and signed by the chairman or the secretary, or by any person designated by the Régie.

Docu-  
ments.

The chairman or the secretary or any other person designated by the Régie may, in addition, certify, by signing it, that a document is the original or a true copy of a document emanating from the Régie or forming part of its records.

Record  
office.

**20.** The Régie shall keep, in each of its offices, a record office for the filing of the records relating to all applications for permits and to all permits in force.

Examina-  
tion.

Any person may examine these records and obtain a copy of them upon payment of the duties prescribed by regulation.

Inquiries.

The reports of inquiries and the documents supporting these reports must be kept in a separate file and may be examined only with the authorization of a director of the Régie.

Annual  
report.

**21.** Not later than 30 June each year, the Régie shall send to the Ministre de la justice a report of its activities for the preceding fiscal period.

Tabling.

Within thirty days after it is received, that report shall be tabled before the Assemblée nationale if it is in session; if it is not in session, it shall be tabled within thirty days of the opening of the next session or resumption, as the case may be.

Informa-  
tion.

**22.** The chairman shall furnish to the Ministre de la justice any information and any report he may require on the activities of the Régie.

Fiscal  
period.

**23.** The fiscal period of the Régie ends on 31 March each year.

Internal  
manage-  
ment.

**24.** The Régie may, in plenary session, adopt rules for its internal management, determine the form and tenor of permits, and prescribe any form designed to facilitate the application of this act and the regulations.

Approval.

These rules, permits and forms have effect only if they are approved by the Ministre de la justice.

## CHAPTER III

### PERMITS

#### DIVISION I

##### CLASSES OF PERMITS

Permits.

**25.** The permits issued under this act are the public house or "pub" permit, the tavern, restaurant, bar, club, grocery, cider seller's and reunion permits, and the "Man and his World" and "Olympic Grounds" permits.



Public house permit. **26.** A public house or "pub" permit entitles the holder to sell beer, wine on tap and weak cider for consumption on the premises.

Tavern permit. **27.** A tavern permit entitles the holder to sell beer and weak cider for consumption on the premises.

Restaurant permit. **28.** A restaurant permit entitles the holder to sell alcoholic beverages, except draught beer, for consumption on the premises at a meal.

Bar permit. **29.** A bar permit entitles the holder to sell alcoholic beverages, except draught beer and wine on tap, for consumption on the premises.

Club permit. **30.** A club permit entitles the holder to sell alcoholic beverages, except draught beer and wine on tap, for consumption on the premises by the members of a club and their guests.

Grocery permit. **31.** A grocery permit entitles the holder to sell cider, designated wines and beer, except draught beer, for consumption at a place other than the establishment and its dependencies.

Cider seller's permit. **32.** A cider seller's permit entitles the holder to sell cider for consumption at a place other than the establishment and its dependencies.

Reunion permit. **33.** A reunion permit entitles the holder, for the period determined by the Régie, to sell or serve alcoholic beverages, except draught beer or wine on tap, for consumption at the place indicated by it at events determined by regulation.

"Man and his World" and "Olympic Grounds" permits. **34.** A "Man and his World" permit and an "Olympic Grounds" permit authorize, for consumption on the premises, the sale of alcoholic beverages specified in the permit.

"Man and his World" permit. A "Man and his World" permit authorizes the sale of alcoholic beverages at the place specified in the permit situated on any part of the site of the Universal and International Exhibition of 1967 where the manifestations and activities called "Man and his World" take place.

"Olympic Grounds" permit. An "Olympic Grounds" permit authorizes the sale of alcoholic beverages at the place specified in the permit when it is situated on any part of the site contemplated in the first paragraph of section 13 of the Act to incorporate the Régie des installations olympiques (R.S.Q., c. R-7).

## DIVISION II

## ISSUE OF PERMITS

**Holder.** **35.** The Régie may, in accordance with this act, issue a permit to a natural person, a corporation or a partnership.

**Holder.** That permit is issued in the name of the person who intends to use it.

**Qualifications.** **36.** To obtain a permit, a natural person must be of full age; if he is not a Canadian citizen, he must have been residing in Québec for at least one year, unless he is applying for a reunion permit or a "Man and his World" permit as the authorized representative of a government, a country, a province or a state.

**Indictable offence.** He must, in addition, if he has been condemned for an indictable offence punishable by imprisonment for five years or over, have completed his sentence.

**Indictable offence.** **37.** To obtain a permit, a corporation must, if it has been condemned for an indictable offence contemplated in the second paragraph of section 36, have completed its sentence.

**Partnership or corporation.** **38.** A partnership or a corporation which is not registered with a Canadian stock exchange may obtain a permit only if each of the partners or directors of the corporation and of the shareholders holding ten per cent or over of the shares with full voting rights fulfils the conditions provided in section 36. If one of these shareholders is a corporation, it must meet the condition provided in section 37, where applicable.

**Requirements.** **39.** To obtain a permit, a person must

(1) be the owner or the lessee of the establishment or be specially authorized by the owner or the lessee of the establishment to use the permit or, in the case of a "Man and his World" permit or an "Olympic Grounds" permit, have obtained a concession from, respectively, the City of Montreal or the Régie des installations olympiques;

(2) have arranged the establishment in accordance with the standards prescribed by this act and the regulations;

(3) hold, where such is the case, a permit issued under the Hotels Act (R.S.Q., c. H-3);

(4) post, in the manner and at the time indicated by the Régie and at the place where the permit will be used, a notice of the application, and

(5) pay the duties prescribed by regulation.

Require-  
ments.

**40.** A person must, when applying for a permit,

(1) show that he fulfils the conditions provided in this division and, in the case of a reunion permit, "Man and his World" permit or "Olympic Grounds" permit, every other condition fixed by regulation,

(2) indicate the place where the establishment is situated and the room or terrace where he intends to use the permit, and

(3) produce, at the request of the Régie and within the delay fixed by it, any other relevant document.

Refusal.

**41.** The Régie must refuse to issue a permit if it considers that

(1) the use of the permit will be contrary to the public interest or will disturb public tranquility, or that

(2) the establishment does not comply with the standards prescribed by an act respecting safety, hygiene or sanitation in public buildings or respecting the quality of the environment, or by a regulation made under such an act.

Refusal.

**42.** The Régie may refuse to issue a permit, if a delay of five years has not elapsed since the date when the applicant or a person contemplated in section 38

(1) was found guilty of an offence against this act or the regulations, the Act respecting offences relating to alcoholic beverages, an act respecting safety, hygiene or sanitation in public buildings or respecting the quality of the environment, or a regulation made under such an act, section 44 of the Public Health Protection Act (R.S.Q., c. P-35), section 135 of the Youth Protection Act (1977, c. 20) or section 33 of the Juvenile Delinquents Act (Revised Statutes of Canada, 1970, c. J-3); or

(2) completed his sentence or, where such is the case, began his probation period, in the case of an indictable offence contemplated in the second paragraph of section 36.

Club  
permit.

**43.** The Régie shall not issue a club permit except to a corporation having at least one hundred members which operates an establishment for them without profit motive.

Grocery  
permit.

**44.** The Régie shall not issue a grocery permit intended to be used in a grocery store forming part of a chain of stores including five stores or more.

Chain of stores.

Stores with multiple subsidiaries or branches and their subsidiaries and branches, whether or not the latter form separate legal entities, are considered a chain of stores. However, stores operated by various cooperative associations are not a chain from the sole fact that these associations are members of the same federation.

Exception.

The first paragraph does not apply if the permit applied for is intended to be used by a person who held a grocery permit on 1 August 1974 or by a partnership or a corporation for the benefit of which a permit was issued on that date.

Exception.

**45.** The Régie may, even if one of the conditions provided in paragraphs 1, 2 and 3 of section 39 and paragraph 2 of section 41 are not fulfilled, decide to issue a permit if, at the time of the application, the applicant, as the case may be,

(1) is the holder of a promise to purchase or to lease the establishment conditional to obtaining the permit and undertakes to become the owner or the lessee of the establishment within the period fixed by the Régie;

(2) produces a detailed plan of the projected arrangement of the establishment and furnishes a sufficient undertaking to comply with the standards prescribed within the period fixed by the Régie; or

(3) undertakes to obtain the permit required under the Hotels Act within the period fixed by the Régie.

Under-taking.

However, the permit is then issued only if the applicant complies with his undertaking to the satisfaction of the Régie.

Reunion permit.

**46.** The Régie may issue a reunion permit notwithstanding the prohibitions or restrictions of any municipal by-law, except a by-law made under the Temperance Act (Revised Statutes, 1964, c. 45).

Indications.

**47.** The Régie shall indicate, in a permit issued by it, the place where the establishment is situated, in which room or on which terrace that permit may be used, its date of expiry and the number of persons who may be admitted to the premises.

Indications.

The Régie shall also indicate in the permit, where such is the case,

(1) if the presentation of shows, the projection of films or dancing is authorized there;

(2) if the permit is used in a theatre, an amphitheatre, at a race-track, in a sports centre or a hunting or fishing lodge; and

(3) on which date the permit may be used.

Signature. **48.** A permit must bear the signature of the secretary.

Facsimile. The Government may, however, on the conditions it determines, permit that the required signature be affixed by means of an automatic device or that a facsimile of the required signature be affixed to the permit, that facsimile having the value of the signature itself.

Duration. **49.** A permit is valid for two years, except the reunion permit, which is valid for only the period determined by the Régie.

Duration. The "Man and his World" and "Olympic Grounds" permits are valid for the period determined by the Régie, which cannot exceed two years.

Applicability. **50.** The second paragraph of section 36, sections 37 and 38, paragraphs 1 to 4 of section 39, paragraph 1 of section 41, sections 42 and 45 and the second paragraph of section 47 do not apply to an application for a reunion permit.

Applicability. Paragraph 4 of section 39 and paragraph 1 of section 41 do not apply to an application for a grocery permit or a cider seller's permit.

Applicability. Paragraphs 2 to 4 of section 39, sections 41 and 45 and the second paragraph of section 47 do not apply to an application for a "Man and his World" permit or an "Olympic Grounds" permit.

### DIVISION III

#### RENEWAL OF PERMITS

Every two years. **51.** A permit may be renewed by the Régie every two years, on the same date as it was obtained.

Reunion permit. However, the reunion permit is not renewable.

Notice. **52.** Not less than sixty days before the date of expiry of a permit, the Régie shall send a notice to the holder informing him of the date of expiry of the permit and of the duties he must pay to renew it.

Application. The holder must send to the Régie, not less than thirty days before the date of expiry of the permit, his application for renewal accompanied with the duties prescribed by regulation. Failure to receive the notice does not discharge the holder from that obligation.

- 53.** If a holder does not comply with section 52, his permit is cancelled of right. However, that cancellation has effect only from the date of expiry of the permit.
- Exception.** Notwithstanding the first paragraph, the Régie may renew the permit of a holder who, on reasonable ground, has not complied with the second paragraph of section 52, if that holder sends to the Régie an application for renewal accompanied with the duties prescribed by regulation before the date of expiry of the permit.
- Hearing.** **54.** The Régie may convene the holder of a permit who has sent to it an application for the renewal of a permit, to decide upon the renewal. If, on the date provided for the renewal, the Régie has not yet decided it, the permit remains in force until the decision of the Régie.
- Refusal.** **55.** The Régie shall not refuse to renew a permit except on one of the grounds provided for in section 86. It may also, in the cases provided for in sections 87 to 89, renew the permit but attach to its renewal an order to take corrective measures, refuse to renew an authorization, or accept a voluntary undertaking.
- Applicability.** Sections 91, 92 and 94 apply if the Régie refuses to renew a permit.

#### DIVISION IV

##### CONDITIONS ATTACHED TO A PERMIT

##### § 1.—*Hours and days of use*

- “holiday”.** **56.** For the application of sections 57 and 58, “holiday” means Sunday, 1 January and 25 December.
- Public house permit.** **57.** A public house or “pub” permit may be used every day, from eight o’clock in the morning to one o’clock the following morning, except on a holiday.
- Holiday.** However, when the period contemplated in this section ends during a holiday, a permit may be used during that part of the holiday.
- Tavern permit.** **58.** A tavern permit may be used every day, from eight o’clock in the morning to midnight, except on a holiday.
- Other permits.** **59.** A permit authorizing alcoholic beverages to be sold or served for consumption on the premises, except a public house or “pub” permit or a tavern permit, may be used every day, from

eight o'clock in the morning until three o'clock the following morning.

Other  
permits.

However, the Régie shall fix within these hours the hours during which each reunion permit may be used, and, by regulation, fix the days and hours during which a "Man and his World" permit and an "Olympic Grounds" permit may be used.

Grocery  
and cider  
seller's  
permits.

**60.** A grocery permit and a cider seller's permit may be used every day within the period comprised between eight o'clock in the morning and eleven o'clock in the evening during which a patron may be admitted to that establishment in accordance with the Act respecting commercial establishments business hours (R.S.Q., H-2).

Exception.

**61.** The Régie may, upon application and exceptionally, change the hours during which a permit may be used as provided in sections 57, 58 and 59, for a cultural, social, sporting or tourist event.

Admit-  
tance.

**62.** No holder of a permit may admit a person to a room or a terrace where a permit is used outside the hours during which the permit may be used, nor tolerate a person's remaining there for more than thirty minutes after the time the permit must cease to be used, unless the person is an employee of the establishment.

Exception.

The first paragraph does not apply to a room or terrace where a restaurant permit is used if a device complying with the standards prescribed by regulation prevents, from the time the restaurant permit must cease to be used, access to the place where the alcoholic beverages are kept. In that case, no alcoholic beverage may be consumed after the expiry of thirty minutes following the time the permit must cease to be used.

Good  
Friday.

**63.** No permit may be used on Good Friday.

General  
elections.

**64.** No permit may be used before closing time for the polling stations on the day of a general election held under the Election Act (R.S.Q., c. E-3) or of a referendum held under the Referendum Act (1978, c. 6).

Municipal  
elections.

However, a permit may be used on the day of a municipal or school polling-day, notwithstanding any general law or special act.

Airports.

**65.** Notwithstanding sections 59 and 63, at the Dorval and Mirabel international airports, a restaurant permit and a bar permit may be used at any time. The same rule applies to the device contemplated in the second paragraph of section 76.

§ 2.—*Posting*

- 66.** A permit holder must keep his permit posted, in public view, in the room or on the terrace where the permit is used.
- 67.** The holder of a permit entitling him to sell alcoholic beverages for consumption on the premises must, if he imposes a minimum charge giving the right to one drink or an admission fee, keep posted, in public view, at the entrance to the room or terrace where he uses his permit, a notice indicating the amount of that charge or fee.
- 68.** The holder of a restaurant permit, bar permit, public house or "pub" permit or tavern permit who allows, in a room or on a terrace of his establishment, the holding of a reception, access to which is restricted to a group of persons, must post at the entrance to that room or terrace, in public view, a notice indicating the holding of the reception. Furthermore, he must refuse to admit there any person who is not a member of the group having access to the reception.
- 69.** The holder of a tavern permit must post, at the entrance to his establishment, in public view, a notice indicating, where such is the case, that it is a tavern to which paragraph 7 of section 110 of the Act respecting offences relating to alcoholic beverages does not apply.

§ 3.—*Miscellaneous provisions*

- 70.** A permit holder must keep books respecting his purchases and sales of alcoholic beverages and indicate, for each purchase, the quantity, price, date and supplier; he must keep the vouchers of these purchases.
- 71.** The holder of a permit entitling him to sell alcoholic beverages for consumption on the premises must notify the Régie in writing of the surname, given name, address and social in-



surance number of the person entrusted to manage his establishment, within ten days of the beginning of his employment.

Partners  
or direc-  
tors.

**72.** A partnership or a corporation contemplated in section 38, holding a permit, must make known to the Régie, on the form prescribed by the Régie, all the relevant information relating to a change among the persons contemplated in that section, within ten days of the change.

Entertain-  
ment.

**73.** The holder of a permit entitling him to sell alcoholic beverages for consumption on the premises, other than a reunion permit, a "Man and his World" permit or an "Olympic Grounds" permit, shall not allow, in a room or on a terrace where he uses his permit, the presentation of a show, the projection of a film, or dancing, unless he is authorized to do so by the Régie.

Entertain-  
ment.

However, that authorization is not required for the presentation of a show in a theatre or an amphitheatre, a race at a race-track, or a sports event in a sports centre.

Interpreta-  
tion.

This section does not have the effect of preventing the use, in a room or on a terrace where a permit is used, of the radio, television or a device for the reproduction of sound.

Authori-  
zation.

**74.** The Régie shall grant the authorization provided for by section 73, upon payment of the duties prescribed by regulation, if it considers that the activity it authorizes will not disturb public tranquility and that the room or terrace where that activity will take place is arranged in accordance with the standards prescribed for that purpose by regulation.

Renewal.

That authorization is renewable at the same time as the permit, upon payment of the duties prescribed by regulation.

Distur-  
bance.

**75.** The holder of a permit entitling him to sell alcoholic beverages for consumption on the premises must not use that permit in a manner that will disturb public tranquility.

Hotel or  
motel.

**76.** The holder of a bar permit or of a restaurant permit may, during the hours when he uses his permit, sell alcoholic beverages in a room of his establishment, if it is a hotel establishment for which he is entitled under the Hotels Act and the regulations to use the appellation "hotel" or "motel".

Hotel  
room.

He may also, with the authorization of the Régie, instal a device conforming to the standards prescribed by regulation, from which a person may at all times serve himself, in a room of that hotel establishment.

**Mingling.** **77.** It is forbidden for the members of the personnel of the holder of a bar permit and for every person who participates in a show in a bar to mingle with the patrons, drink and dance with them or sit at the same table or counter with them.

**Exception.** This section does not apply to the holder of a permit, his consort or his children of full age nor to the person entrusted to manage the establishment.

## DIVISION V

### TEMPORARY USE AND CHANGE OF PLACE

#### § 1.—*Temporary use of a permit*

**Holder.** **78.** No permit may be used by a person other than its holder.

**Executor or trustee.** **79.** The Régie may, upon production of the relevant documents it may require and upon payment of the duties prescribed by regulation, temporarily authorize a person other than the holder to use a permit, if that person is the testamentary executor of the permit holder, a trustee in bankruptcy, a judicial or conventional sequestrator or a trustee who is provisionally administering an establishment in which a permit is in use.

**Hearing.** **80.** An application for authorization to use a permit temporarily is heard and decided by preference.

**Renewal.** It may be renewed for the period fixed by the Régie.

**Presumption.** **81.** The holder of an authorization to use a permit temporarily is deemed to be a permit holder.

#### § 2.—*Change of place of the use of a permit*

**Restriction.** **82.** A permit holder shall not, without the authorization of the Régie, use his permit in a place other than that specified in his permit.

**Conditions.** **83.** A permit holder who applies for the definitive change of the place where he uses his permit must comply with the conditions provided in section 39 and paragraphs 2 and 3 of section 40.

**Exception.** **84.** Under exceptional circumstances, the Régie, upon production of the relevant documents it may require and upon payment of the duties prescribed by regulation, may authorize the temporary change of place of use of a permit.

Hearing;  
renewal.

That application is heard and decided by preference. The authorization may be renewed for the period fixed by the Régie.

## DIVISION VI

### CANCELLATION AND SUSPENSION OF PERMITS

Applicants.

**85.** The Régie may cancel a permit or suspend it for such period as it may determine, of its own initiative or on the application of the permit holder, the Attorney-General, the municipal corporation in whose territory the permit is used or any other interested person.

Grounds.

**86.** The Régie may cancel or suspend a permit, if

(1) the permit has been obtained following false representations;

(2) the natural person who is the holder of the permit no longer fulfils one of the conditions provided by section 36;

(3) the corporation which holds the permit has been condemned for an offence contemplated in the second paragraph of section 36;

(4) in the case where the permit holder is a partnership or a corporation contemplated in section 38, a person mentioned in that section no longer fulfils one of the conditions provided therein;

(5) the permit holder no longer fulfils one the conditions provided by paragraphs 1, 2 and 3 of section 39;

(6) in the case of a club permit the holder no longer fulfils one of the conditions provided by section 43;

(7) the establishment no longer fulfils the conditions established by regulation to be considered as a grocery, in the case of a grocery permit;

(8) the permit holder contravenes section 71, 72, 73, 75, 78 or 82;

(9) the permit holder or, where the holder is a partnership or corporation contemplated in section 38, a person mentioned in that section has been found guilty of an offence against this act or the regulations, the Act respecting offences relating to alcoholic beverages, an act respecting safety, hygiene or sanitation in public buildings or respecting the quality of the environment or a regulation made under such an act, section 44 of the Public Health Protection Act, section 135 of the Youth Protection Act or section 33 of the Juvenile Delinquents Act;

(10) the permit holder does not comply with an order given under section 87 or does not comply with a voluntary undertaking made under section 89.

Corrective  
measures.

**87.** The Régie may, instead of cancelling or suspending a permit for a reason provided in paragraphs 3 to 8 of section 86, order the permit holder to take the necessary corrective measures within the delay it fixes.

Entertain-  
ment.

**88.** The Régie may, instead of cancelling or suspending a permit, cancel the authorization to present a show, to project a film or to dance, if the permit holder has such an authorization and if he contravenes section 75 or a standard prescribed by regulation concerning the arrangement of the establishment.

Voluntary  
under-  
taking.

**89.** The Régie, if it has reasonable ground to believe that a permit holder is contravening an act or a regulation contemplated in paragraph 9 of section 86, may accept a voluntary undertaking from the holder to comply with that act or regulation.

Alienation.

**90.** A permit is cancelled of right in the case of alienation of the establishment or retaking possession of the establishment following the execution of a clause of giving in payment or a similar agreement.

Effective  
date.

**91.** The cancellation or suspension of a permit has effect from the date of service of the decision of the Régie on the permit holder or on a reasonable person working in his establishment.

Confisca-  
tion.

**92.** When a permit is cancelled, the Régie shall seize and confiscate the permit and the alcoholic beverages and their receptacles in the possession of the person who held the permit, and hand them over to the Société des alcools du Québec.

Compen-  
sation.

The Société shall establish the value of the alcoholic beverages so seized and confiscated and pay to the person who held the permit the value of these beverages, less transportation costs and an amount of 10% of the first \$50 000 and 7.5% of the excess.

Exception.

**93.** Section 92 does not apply if the cancellation of a permit is made of right and if a new permit is issued for that establishment.

Remission.

In that case, the Régie shall remit to the person who held the cancelled permit the portion of the duties paid corresponding to the period during which the permit is not used following its cancellation.

Restriction. **94.** A person whose permit has been cancelled by the Régie shall not make a new application before the expiry of a period of one year from the cancellation, unless he himself had applied for the cancellation.

## CHAPTER IV

### PROCEDURE AND PROOF

Costs. **95.** An application for a permit except a reunion permit, an application contemplated in section 96 and an application for a temporary authorization must be accompanied with the payment of the costs prescribed by regulation for their examination. No such costs may be reimbursed.

Notice. **96.** Upon receiving an application for a permit, an application to change the place where a permit is used, an application to increase the number of persons who may be admitted to that place or an application to obtain the authorization to present a show, project a film or dance in that place, the Régie shall

(1) cause a notice of the application to be published in at least one newspaper circulated in the municipality where the establishment is to be situated;

(2) notify the secretary-treasurer or the clerk of the municipal corporation in whose territory the applicant intends to use his permit; and

(3) notify the Attorney-General, except in the case of an application for a grocery permit or a cider seller's permit.

Applicability. **97.** Section 96 does not apply to an application for a reunion permit, a "Man and his World" permit, an "Olympic Grounds" permit or an application for a temporary authorization. Nor does it apply to an application for a permit made by reason of the alienation of the establishment or the retaking of possession of the establishment following the execution of a clause of giving in payment or another similar agreement, if the permit applied for is the same class as that which was being used and if there is no application for an additional permit.

Content. **98.** The notice provided for in section 96 must indicate the name of the applicant, the nature of the application and the place where the permit will be used. The notice must substantially reproduce the first paragraph of section 99 and indicate the address of the office of the Régie where objections and interventions are to be sent.

**Objection.** **99.** Any person, partnership or group of persons contemplated in article 60 of the Code of Civil Procedure may, in a substantiated and sworn writing sent to the Régie, object to an application contemplated in section 96 within fifteen days of the publication of the notice contemplated in paragraph 1 of that section or intervene in favour of that application, if an objection has been made, within thirty days of the publication of that notice.

**Attorney-General.** The Attorney-General may, within the same period, intervene of right in an application contemplated in section 96.

**Other cases.** **100.** The Régie may follow the procedure provided in sections 96, 98 and 99 in other cases where it deems it expedient.

**Hearing.** **101.** Except in the cases provided for in section 102, the Régie shall not render a decision without having given the interested persons the opportunity to be heard.

**Hearing.** However, the Régie may require a group of persons to establish its representative quality before being heard.

**Mere examination.** **102.** The Régie may, upon mere examination of the record,

(1) grant an application contemplated in section 96, if there is no objection;

(2) renew a permit;

(3) grant an application for a temporary authorization;

(4) cancel, suspend or not renew a permit, upon the application of its holder.

**Evidence.** **103.** At a hearing, the Régie may admit any relevant evidence that may serve the interests of justice.

**Procedure.** **104.** The Régie may, if there are no provisions applicable to a particular case, provide any procedure therefor that is not inconsistent with this act or the regulations.

**Document.** **105.** A document filed is proof of its content, except on proof to the contrary.

**Deposition.** **106.** At a hearing, depositions are taken down in the manner authorized by regulation.

**Transcription.** They are transcribed only if a party requests it and pays the cost of it.

**Decision.** **107.** A decision of the Régie is final and without appeal. It must be in writing and substantiated, and a copy of it served

on the parties without delay in the manner provided by regulation.

**Correction.** **108.** The Régie may correct its decision in the case of an error in writing or calculation or other clerical error.

**Revocation.** It may also revoke its decision in the case of an application for a permit where there was no objection if, since the decision, new evidence has been discovered and it appears that if it had been brought forward in time, the decision would probably have been different.

**Immunity.** **109.** No extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure may be exercised and no injunction granted against the Régie, or against one of its directors or a member of its personnel designated under section 17, if he is acting in his official capacity.

**Annulment of writ.** A judge of the Court of Appeal may, on motion, annul summarily any writ, order or injunction issued or granted contrary to the first paragraph.

## CHAPTER V

### INVESTIGATION AND INSPECTION

**Information.** **110.** The Régie may require a permit holder to provide any information relating to the application of this act and the regulations, and to produce any document relating thereto.

**Transactions.** It may also require a permit holder to furnish to it, within the time it indicates and in respect of the period it determines, a report of his purchases and sales of alcoholic beverages. In the case of the holder of a grocery permit, that report may deal with any product purchased or sold in the grocery.

**Powers of inspector.** **111.** An inspector or an investigator of the Régie may, during the business hours of an establishment, enter the establishment and its dependencies and inspect them; he may, in particular, examine the products found there, require the production of the books and other documents relating to the purchase and sale of alcoholic beverages or, in the case of a grocery, of any product, and require any other information useful for the application of this act or the regulations.

**Prohibition.** **112.** Every person is prohibited from hindering the activities of an investigator or inspector of the Régie in the exercise of his duties, from misleading him by concealment or false declarations, from refusing to furnish him with information or a docu-

ment he is entitled to require or examine under this act or the regulations, or to conceal or destroy a document or property relating to an investigation.

Proof of  
office.

**113.** An investigator or an inspector of the Régie must, on demand, present a certificate signed by the chairman or the secretary of the Régie, attesting his capacity.

## CHAPTER VI

### REGULATIONS

Regula-  
tions.

**114.** The Régie may make regulations

(1) establishing the conditions which an establishment must fulfil to be considered a grocery;

(2) determining the other conditions relating to the issue and use of a reunion permit, a "Man and his World" permit or an "Olympic Grounds" permit and the events for which a reunion permit may be issued;

(3) determining the conditions relating to the use of a reunion permit issued to a person who uses a permit in a hotel establishment contemplated in section 76, depending on whether the reunion takes place inside or outside that establishment;

(4) prescribing the amounts of costs and duties payable under this act and determining, where such is the case, the terms and conditions of payment;

(5) determining the form and tenor of the notice provided for by paragraph 4 of section 39;

(6) prescribing, particularly in respect of the surface area, lighting and furnishings, standards of arrangement applicable to establishments and their rooms and terraces, and the standards of arrangement required to allow the presentation of shows, the projection of films, or dancing;

(7) prescribing the standards it must apply to fix the number of persons who may be admitted at one time to an establishment or to a room or a terrace thereof;

(8) determining the factors which it must particularly consider to see whether public tranquility will not be disturbed in the cases contemplated in paragraph 1 of section 41 and in section 74;



(9) determining, for the application of sections 66 to 69, the form and tenor of notices and of price lists;

(10) prescribing the standards with which the devices contemplated in the second paragraph of section 62 and of section 76 must comply;

(11) determining the form and tenor of the reports it may require from a permit holder under the second paragraph of section 110;

(12) governing any advertising respecting the sale of alcoholic beverages;

(13) prohibiting or governing the granting of an advantage calculated to encourage the sale of alcoholic beverages;

(14) determining, in the case of a permit used in a means of public transportation or in a trading post, which provisions of this act, of the regulations and of the Act respecting offences relating to alcoholic beverages do not apply and, where that is the case, the rules then applicable;

(15) determining the procedure applicable before it;

(16) providing any other measure useful to the application of this act.

Approval.

**115.** Any regulation made by the Régie must be submitted to the approval of the Government, which may then amend it.

Plenary session.

**116.** When making a regulation, the Régie shall sit in plenary session.

Draft.

It shall publish the regulation in the *Gazette officielle du Québec* at least thirty days before the Government approves it.

Coming into force.

**117.** The regulation comes into force on the day when the Government publishes notice of its approval in the *Gazette officielle du Québec*, or on any later date indicated in the notice. If the Government has amended the regulation, the text of the amendments or the final text of the regulation must accompany the notice.

Sec. 118: *This section replaces the title of the Act respecting the Commission de contrôle des permis d'alcool by the title, "Act respecting offences relating to alcoholic beverages", in view of the suppression of the Commission de contrôle des permis d'alcool du Québec under section 120 of the bill.*

Sec. 119: *This section provides amendments of concordance.*

Sec. 120: *This section provides for the repeal, in two stages, of sections 3 to 79 of the Act respecting the Commission de contrôle des permis d'alcool. Under section 177 of the bill, the first stage, provided for in paragraph 1, will be effective on 1 April 1980, and the second, provided for in paragraph 2, on 1 January 1981.*

Sec. 121: *This section provides amendments of concordance necessitated by section 128 of the bill.*

## CHAPTER VII

ACT RESPECTING OFFENCES RELATING  
TO ALCOHOLIC BEVERAGES

R.S.Q.,  
c. C-33,  
title  
replaced.

**118.** The title of the Act respecting the Commission de contrôle des permis d'alcool (R.S.Q., c. C-33) is replaced by the following title: "Act respecting offences relating to alcoholic beverages".

R.S.Q.,  
c. C-33,  
s. 2, am.

**119.** Section 2 of the said act is amended:

(1) by striking out paragraphs 3, 6, 11, 12, 14 and 15;

(2) by replacing paragraph 17 by the following paragraph:

"hunting  
or fishing  
lodge";

"(17) "hunting or fishing lodge": an establishment erected in a hunting or fishing territory, equipped for lodging and meals and kept by the holder of a hunting or fishing outfitter's licence under section 66 of the Wild-life Conservation Act (R.S.Q., c. C-61);";

(3) by replacing paragraph 18 by the following paragraph:

"permit";

"(18) "permit": a permit the issuance of which is authorized by the Act respecting liquor permits (1979, c. *insert here the chapter number of Bill 55*);";

(4) by replacing paragraph 19 by the following paragraph:

"person";

"(19) "person": a natural person, corporation or partnership;";

(5) by striking out paragraphs 21 and 22;

(6) by inserting after paragraph 23 the following paragraph:

"Régie";

"(23.1) "Régie": the Régie des permis d'alcool du Québec;";

(7) by striking out paragraphs 25, 28, 30, 34 and 35.

R.S.Q.,  
c. C-33,  
am.

**120.** The said act is amended by repealing

(1) sections 3 to 9, 11 and 13 and the fourth and fifth paragraphs of section 36; and

(2) sections 10, 12, 14 to 35, the first, second and third paragraphs of section 36 and sections 37 to 79.

R.S.Q.,  
c. C-33,  
s. 81, am.

**121.** Section 81 of the said act is amended:

(1) by striking out subparagraph *a* of the first paragraph;

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

Sec. 122: *This section provides an amendment of concordance necessitated by section 128 of the bill.*

Sec. 123: *This section provides an amendment of concordance necessitated by the suppression of reception permits.*

Sec. 124: *This section corresponds to section 76 of the existing act, repealed by section 120 of the bill, but will apply to all containers rather than to bottles alone.*

Sec. 125: *This section provides an amendment of concordance necessitated by sections 47, 68 and 76 of the bill.*

Sec. 126: *This section provides an amendment of concordance necessitated by section 76 of the bill.*

Sec. 127: *This section provides that the rule prescribed in section 87 of the existing act will apply to all containers rather than to bottles alone.*

Good  
faith.

“The vendor may clear himself and avoid conviction by establishing that he acted in good faith and did not know the person affected by the prohibition.”

R.S.Q.,  
c. C-33,  
s. 82, re-  
pealed.  
R.S.Q.,  
c. C-33,  
s. 84, am.

**122.** Section 82 of the said act is repealed.

**123.** Section 84 of the said act is amended by replacing the second paragraph by the following paragraph:

Exception.

“The rule provided in the first paragraph does not apply to the holder of a reunion permit, unless he is also the holder of another permit entitling him to sell alcoholic beverages for consumption on the premises, nor to the holder of a grocery permit.”

R.S.Q.,  
c. C-33,  
s. 84.1,  
added.

**124.** The said act is amended by inserting after section 84 the following section:

Recep-  
tacles.

**“84.1** The alcoholic beverages which the holder of a permit for the sale thereof procures for distribution to his customers or guests must, while in the establishment where he carries on his business, be kept in the receptacles in which they were delivered to him.

Recep-  
tacles.

While these receptacles bear the marks or labels which they bore when delivered, it is forbidden to put therein any other substance, and the holder of the permit, when a receptacle has been breached, shall not fill it completely or partially in order to serve any alcoholic beverage.”

R.S.Q.,  
c. C-33,  
s. 85,  
replaced.

**125.** Section 85 of the said act is replaced by the following section:

Prohibition.

**“85.** In any establishment where a permit is used, it is forbidden, subject to sections 68 and 76 of the Act respecting liquor permits, to sell or serve alcoholic beverages elsewhere than in the room or on the terrace designated by the Régie.”

R.S.Q.,  
c. C-33,  
s. 86,  
repealed.

**126.** Section 86 of the said act is repealed.

R.S.Q.,  
c. C-33,  
s. 87,  
replaced.

**127.** Section 87 of the said act is replaced by the following section:

Labels.

**“87.** It is forbidden to use or allow the use of any mark or label, on a receptacle in which alcoholic beverages are kept for sale in any place, which does not precisely indicate the nature of the contents of that receptacle, or which might in any way deceive any customer or guest as to the nature, composition or quality of such contents.”

Sec. 128: *This section is new law.*

R.S.Q.,  
c. C-33,  
Div. XI.1,  
ss. 103.1-  
103.9,  
added.

**128.** The said act is amended by inserting after section 103 the following:

“DIVISION XI.1

“MINORS

**Prohibition.** “**103.1** A permit holder shall not sell alcoholic beverages to a minor. Nor shall he sell them to a person of full age if he knows that that person is buying them for a minor.

**Admit-  
tance.** “**103.2** The holder of a public house or “pub” permit, tavern permit or bar permit shall not admit a minor to or allow his presence, employ him, or allow him to present or to participate in a show, in a room or on a terrace of his establishment where alcoholic beverages may be sold.

**Exceptions.** However, the holder of one of these permits may admit a minor to or allow his presence

(1) on a terrace, before eight o'clock in the evening, if the minor is accompanied by his father or mother or the person having parental authority;

(2) in a room or on a terrace, only so that the minor may cross it;

(3) in a room or on a terrace access to which is restricted to a group of persons at a reception, if the minor is a member of that group.

**Exception.** “**103.3** Section 103.2 does not apply when the permit is used in a theatre or amphitheatre, at a race-track, in a sports centre or in a hunting or fishing lodge.

**Reason-  
able  
diligence.** “**103.4** In proceedings for contravention of section 103.1 or 103.2, the permit holder shall incur no penalty if he proves that he used reasonable diligence to ascertain the age of the person and that he had reasonable ground for believing that that person was of full age or if he proves that he had reasonable ground for believing that it was a case contemplated in the second paragraph of section 103.2.

**Proof of  
age.** “**103.5** Any person may be required to prove that he is of full age when he wishes to purchase alcoholic beverages, to be admitted to a public house or “pub”, tavern or bar other than those mentioned in section 103.3, or to remain on a terrace of one of those establishments after eight o'clock in the evening.

Sec. 129: *This section provides an amendment of concordance necessitated by paragraph 12 of section 114 of the bill.*

Sec. 130: *This section provides an amendment of concordance necessitated by paragraphs 12 and 13 of section 114 of the bill.*

Sec. 131: *This section provides an amendment of concordance necessitated by sections 110 to 113 of the bill.*

Sec. 132: *This section provides various amendments of concordance. That in paragraph 1 is necessitated by sections 56 to 65 of the bill. Those in paragraphs 2, 4 and 5 are necessitated by section 128 of the bill, and those in paragraph 3, by sections 66, 47, 114 and 62 of the bill, respectively.*



Parental  
authority.

**"103.6** Any person who wishes that a minor be admitted with him to the terrace of a public house or "pub", of a tavern or of a bar other than those mentioned in section 103.3 may be required to prove that he or she is the father or the mother of that minor or the person having parental authority over him.

Proof.

**"103.7** The proof contemplated in sections 103.5 and 103.6 may be made by means of a passport, a copy of an act of birth, a motor vehicle driver's licence or an identity card.

False  
represen-  
tation.

**"103.8** No person may falsely represent that he or she is the father or the mother of a minor or the person having parental authority over him.

Prohibition.

**"103.9** A minor shall not

(1) purchase alcoholic beverages for himself or for another person;

(2) be found, without a legitimate excuse, in a public house or "pub", tavern or bar, in contravention of section 103.2; or

(3) falsely represent that he is a person of full age to purchase alcoholic beverages, to be admitted to a public house or "pub", tavern or bar, or to remain on the terrace of one of these establishments after eight o'clock in the evening.

Burden of  
proof.

In proceedings for contravention of this section, the burden is on the defendant to prove that he was then of full age."

R.S.Q.,  
c. C-33,  
s. 104, am.

**129.** Section 104 of the said act is amended by replacing paragraph *b* by the following paragraph:

"(b) to advertise an alcoholic beverage by a means not in conformity with the regulations made under paragraph 12 of section 114 of the Act respecting liquor permits."

R.S.Q.,  
c. C-33,  
s. 105,  
repealed.

**130.** Section 105 of the said act is repealed.

R.S.Q.,  
c. C-33,  
Div. XIII,  
s. 106,  
repealed.

**131.** Division XIII of the said act, comprising section 106, is repealed.

R.S.Q.,  
c. C-33,  
s. 109, am.

**132.** Section 109 of the said act is amended:

(1) by replacing paragraph 2 of the first paragraph by the following paragraph:

"(2) being the holder of a permit, sells alcoholic beverages that his permit authorizes him to sell, but outside the days or hours when he may use that permit;"

Sec. 133: *This section provides various amendments of concordance. That in paragraph 1 is necessitated by paragraph 6 of section 114 of the bill, and those in paragraphs 2, 3 and 4, by sections 124, 128 and 120 of the bill, respectively.*

Sec. 134: *This section is new law.*

(2) by striking out subparagraphs *b* and *d* in paragraph 3 of the first paragraph;

(3) by replacing paragraphs 5 to 8 of the first paragraph by the following paragraphs:

“(5) being the holder of a permit, does not keep that permit constantly posted in view of the public in the room or on the terrace where he uses it;

“(6) being the holder of a permit, allows or tolerates the presence in the room or on the terrace where he uses it of a number of persons exceeding that determined by the Régie;

“(7) being the holder of a permit, contravenes a regulation made under this act;

“(8) being the holder of a permit, contravenes section 62 of the Act respecting liquor permits; or”;

(4) by inserting, in the first paragraph, after paragraph 8, the following paragraph:

“(9) being the holder of a permit, contravenes section 103.1,”;

(5) by striking out the second paragraph.

R.S.Q.,  
c. C-33,  
s. 110, am.

**133.** Section 110 of the said act is amended:

(1) by replacing paragraph 5 by the following paragraph:

“(5) being the holder of a permit, does not equip his establishment in conformity with the regulations made under paragraph 6 of section 114 of the Act respecting liquor permits;”;

(2) by replacing the figure “76” by the figure “84.1” at the end of paragraph 6;

(3) by striking out the words “a minor, or” in the second line of paragraph 7;

(4) by striking out paragraph 9.

R.S.Q.,  
c. C-33,  
ss. 110.1,  
110.2,  
added.  
Women.

**134.** The said act is amended by inserting after section 110 the following sections:

**“110.1** Paragraph 7 of section 110 does not apply in respect of the holder of a tavern permit who uses it in an establishment where no tavern permit was in use on (*insert here the date of the tabling of Bill 55*) and for which no application for a tavern permit was pending on that date.

Women.

Nor does it apply in respect of the holder of a tavern permit who uses it in an establishment where a tavern permit was in use

Sec. 135: *This section provides various amendments of concordance necessitated by the sections of the bill mentioned therein.*

Sec. 136: *This section provides an amendment of concordance necessitated by section 110 of the bill.*

Sec. 137: *This section provides an amendment of concordance necessitated by section 128 of the bill, while taking account of the Youth Protection Act.*

on (*insert here the date of the tabling of Bill 55*) or for which an application for a tavern permit was pending on that date, if

(1) that permit was cancelled, unless it was cancelled for one of the grounds provided in section 90 of the Act respecting liquor permits and a new tavern permit was then issued;

(2) the permit holder complies with section 69 of the Act respecting liquor permits, or

(3) that establishment is or has been exempted by the Régie from the application of certain standards of equipment in accordance with section 110.2.

Equip-  
ment.

**"110.2** The Régie may, on the application of the holder of a tavern permit, exempt an establishment contemplated in the second paragraph of section 110.1 from the application of certain standards of equipment. The Régie shall then determine the duration of the exemption and the manner in which the holder must bring his establishment into conformity with these standards of equipment.

Presump-  
tion.

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, so long as that exemption is in force."

R.S.Q.,  
c. C-33,  
s. 112, am.

**135.** Section 112 of the said act is amended by replacing paragraphs 9 and 10 by the following paragraphs:

"(9) contravenes a provision of a regulation made under paragraph 12 or 13 of section 114 of the Act respecting liquor permits, or

"(10) contravenes any other provision of this act or the Act respecting liquor permits, except sections 52, 71 to 73, 75, 87 and 89 of that act,".

R.S.Q.,  
c. C-33,  
s. 118,  
replaced.

**136.** Section 118 of the said act is replaced by the following section:

Offence  
and  
penalty.

**"118.** Whosoever, being the holder of a permit for the sale of certain alcoholic beverages, refuses or neglects to make to the Régie, within the time determined by it, a report contemplated in the second paragraph of section 110 of the Act respecting liquor permits, is guilty of an offence and liable to a fine of fifty dollars per day for each day's delay after the expiry of that time."

R.S.Q.,  
c. C-33,  
s. 119,  
replaced.

**137.** Section 119 of the said act is replaced by the following section:

Sec. 138: *This section provides that the penalty imposed by section 122 of the existing act will apply not only to joint stock companies, but to all corporations and partnerships.*

Sec. 139: *This section provides an amendment of concordance necessitated by the fact that the Act respecting offences relating to alcoholic beverages will not provide regulation making powers.*

Sec. 140: *This section is new law.*

Sec. 141: *This section provides that henceforth a certificate may be signed by a member of the Régie or the secretary.*

Sec. 142: *This section provides an amendment of concordance necessitated by section 130 of the bill.*

Sec. 143: *This section provides an amendment of concordance necessitated by the fact that specific provisions regarding "Man and his World" and the Olympic Stadium in Montreal have been included in sections 25, 34 to 50, 59, 73 and 97, paragraph 2 of section 114 and sections 150, 152 and 158 of the bill.*

Offence  
and  
penalty.

**"119.** A minor who contravenes section 103.9 is guilty of an offence. If he is condemned to a fine, it shall not exceed one hundred dollars."

R.S.Q.,  
c. C-33,  
s. 122,  
replaced.

**138.** Section 122 of the said act is replaced by the following section:

Corpora-  
tion or  
partner-  
ship.

**"122.** Whenever the penalty for an offence committed consists of imprisonment only and the offender is a corporation or a partnership, that penalty is replaced by a fine of five thousand dollars, in addition to the costs."

R.S.Q.,  
c. C-33,  
s. 129,  
replaced.

**139.** Section 129 of the said act is replaced by the following section:

Prosecu-  
tion.

**"129.** The Attorney-General is entrusted with the prosecution of offences against this act."

R.S.Q.,  
c. C-33,  
s. 134, am.

**140.** Section 134 of the said act is amended by adding at the end the following paragraph:

Presump-  
tion of  
guilt.

**"If** the real offender, the owner, the lessee or the holder of a permit is a partnership or a corporation, each partner or each director of the corporation who prescribes or authorizes the commission of the offence, consents to it or participates in it, is deemed to be a party thereto."

R.S.Q.,  
c. C-33,  
s. 146,  
replaced.

**141.** Section 146 of the said act is replaced by the following section:

Evidence.

**"146.** If, in any prosecution under this act, evidence be required respecting a permit, a certificate signed by a member or by the secretary of the Régie or, as the case may be, by the Ministre des finances, shall be evidence of the existence of such permit and of the identity of the person to whom it was issued. Such certificate shall be sufficient evidence of its contents and of the power of the Régie or the Ministre des finances to issue it."

R.S.Q.,  
c. C-33,  
s. 153, am.

**142.** Section 153 of the said act is amended by replacing the second paragraph by the following paragraph:

Order to  
remove.

**"The** court rendering a conviction in proceedings for an offence respecting illegal posting outside the establishment shall order that the poster that was the basis of the conviction be removed or destroyed, at the cost of the offender, within a delay of eight days from the judgment."

R.S.Q.,  
c. C-33,  
ss. 183-192,  
repealed.

**143.** Sections 183 to 192 of the said act are repealed.

Sec. 144: *This section provides an amendment of concordance necessitated by section 21 of the bill.*

Sec. 145: *This section provides an amendment of concordance in view of the fact that the object of section 195 of the existing act has been attained.*

Sec. 146: *This section provides various amendments of concordance.*

Sec. 147: *This section provides various amendments of concordance.*



R.S.Q.,  
c. C-33,  
s. 194,  
repealed.

**144.** Section 194 of the said act is repealed.

R.S.Q.,  
c. C-33,  
s. 195,  
repealed.

**145.** Section 195 of the said act is repealed.

R.S.Q.,  
c. C-33,  
am.

**146.** The said act is amended:

(1) by inserting the words “or the Act respecting liquor permits” at the end of the first sentence of the second paragraph of section 80;

(2) by inserting the words “or the Act respecting liquor permits” after the word “act” in the last line of paragraph *d* of section 91, the second line of paragraph 3 of section 113 and the second line of section 121;

(3) by replacing the words “secretary-general” by the word “Régie” in sections 100, 102 and 103, paragraph 1 of section 112 and paragraph 1 of section 114;

(4) by replacing the word “applies” by the words “and the Act respecting liquor permits apply” in the last line of the second paragraph of section 103;

(5) by inserting after the word “act” in the second line of section 107 the following: “, the Act respecting liquor permits”;

(6) by replacing the words “secretary-general of the Commission” by the word “Régie” in section 115;

(7) by striking out the words “granted under this act” in the last line of section 121;

(8) by striking out the words “under this act” in the second line of subparagraph *b* of paragraph 1 of section 126;

(9) by striking out the words “under this act” in the second line of section 138 and in the second line of section 161;

(10) by striking out the words “under this act” in the second line of the first paragraph of section 145.

R.S.Q.,  
c. C-33,  
am.

**147.** In the said act, the expression “this act” is replaced

(1) by the words “the Act respecting liquor permits” in the second line of paragraph *b* of section 91 and in the sixth line of section 115;

(2) by the following: “the Temperance Act (Revised Statutes, 1964, c. 45)”, in the third line of section 130.

Sec. 148 to 160: *These sections provide various amendments of concordance to provide for the transition from the existing legislation to that proposed in the bill.*

## CHAPTER VIII

## TRANSITIONAL AND FINAL PROVISIONS

**Rights and obligations.** **148.** The Régie acquires the rights of the Commission de contrôle des permis d'alcool du Québec and assumes the obligations thereof.

**Documents and identification.** The Régie is authorized, from 1 April 1980, to use any document or means of identification already drawn up in the name of the Commission de contrôle des permis d'alcool du Québec, until it is able to replace it by documents or means of identification drawn up in the name of the Régie des permis d'alcool du Québec.

**Personnel.** **149.** The secretary-general and the members of the personnel of the Commission de contrôle des permis d'alcool du Québec in office on 1 April 1980 become, respectively, the secretary and the members of the personnel of the Régie.

**Applicability.** **150.** This act and the Act respecting offences relating to alcoholic beverages apply in respect of a permit issued before 1 January 1981, as if it were a permit issued by the Régie under this act.

**Exception.** However, the rules respecting the conditions of use of an Olympic Stadium permit, a hunting or fishing lodge permit, a public carrier permit, a trading post permit or a reception permit, which were in force before 1 January 1981, continue to apply until the date provided for in section 151.

**Renewal.** **151.** A permit issued by the Commission de contrôle des permis d'alcool du Québec or by the Régie is, in 1981, renewable by the Régie in accordance with this act on the first day of the month of birth of the holder of the permit.

**Exception.** Notwithstanding the first paragraph, a reception permit or a reunion permit remains in force until its date of expiry and shall not be renewed.

**Conversion.** **152.** Upon a renewal contemplated in section 151,

(1) a hunting or fishing lodge permit, a public carrier permit or a trading post permit is converted by the Régie to a permit of the appropriate class provided for by this act, according to what the permit authorizes;

(2) a permit held by a natural person for the benefit of a third person is renewed in the name of the person who intends to use it;

(3) an Olympic Stadium permit is converted to an "Olympic Grounds" permit.

Renewal  
date.

**153.** The date on which a permit is renewed in accordance with section 151 is deemed to be the date on which it was obtained.

Duration.

That permit is renewed for two years if the permit holder was born in an odd year and for one year if the holder was born in an even year.

Duties.

**154.** The Government shall determine by regulation the duties payable upon a renewal provided for by section 151. That regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Duties.

**155.** The Régie shall compute the duties payable by each holder whose permit is renewed in accordance with section 151 in proportion to the duration of renewal of the permit.

Notice.

**156.** At least two months before the date provided for in section 151 but not later than 1 March 1981, the Régie shall send a notice to a permit holder informing him of the date and duration of renewal of his permit, of the duties he must pay and of his obligation to do so at least ten days before the date of renewal.

Duties.

Furthermore, if the renewal of a permit takes place

(1) on 1 January, February, March or April 1981, the Régie shall credit to the permit holder the amount he has already paid upon the issue or the last renewal of the permit for the period comprised between the date of renewal and 30 April 1981;

(2) on 1 June, July, August, September, October, November or December 1981, the Régie shall indicate the supplementary duties the holder must pay to maintain his permit in force for the period from 1 May 1981 to the date of renewal of the permit, and his obligation to pay these duties at least ten days before 1 May 1981, under pain of cancellation of the permit on that date.

Cancellation.

Section 53 applies, *mutatis mutandis*, if a permit holder does not pay the prescribed duties within the allotted time. The date of expiry of the permit is then deemed to be the date provided for the renewal, or 1 May 1981 in the case contemplated in paragraph 2 of the second paragraph.

Manager.

**157.** The holder of a permit authorizing the sale of alcoholic beverages for consumption on the premises must, before 1 February 1981, forward in writing to the Régie the information

prescribed by section 71 if a person is entrusted with the management of his establishment.

Matters  
pending.

**158.** Matters pending on 1 January 1981 are continued and decided by the Régie in accordance with this act.

Amend-  
ment of  
application.

Within thirty days after the sending of a notice of the Régie to that effect, an application for a permit must, under pain of being dismissed, be amended in the following manner:

(1) in the case of an application for a hunting or fishing lodge permit, a trading post permit or a public carrier permit, the applicant must amend so as to make it conform with the classes established by section 25;

(2) in the case of an application made by a natural person for the benefit of a third person, the latter person must take the place of the applicant.

Presump-  
tion.

An application for a reception permit is deemed to be an application for a reunion permit, and an application for an Olympic Stadium Permit is deemed to be an application for an "Olympic Grounds" permit.

Effect.

Nothing in this section has the effect of shortening any period that may have begun to run nor of invalidating what may have already been validly done.

Existing  
regula-  
tions.

**159.** Regulations made under the Act respecting the Commission de contrôle des permis d'alcool in force on 1 January 1981 continue to be in force to the extent that they are not inconsistent with this act or a regulation made thereunder, until they are repealed or replaced in accordance with this act or, in the case of a regulation determining the duties to be collected by the Société, in accordance with the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13).

Interpre-  
tation.

**160.** In any act, regulation, order in council, contract or document,

(1) a reference to a provision of the Act respecting the Commission de contrôle des permis d'alcool is a reference to the equivalent provision of this act or the Act respecting offences relating to alcoholic beverages, if such a provision exists;

(2) the expressions "Commission de contrôle des permis d'alcool" and "Commission de contrôle des permis d'alcool du Québec" are replaced by the expression "Régie des permis d'alcool du Québec";

(3) the word "Commission", where it designates the Commission de contrôle des permis d'alcool du Québec, is replaced by the word "Régie";

Sec. 161 and 162: *These sections provide amendments of concordance necessitated by the fact that, under this bill, no permit may be sold.*

Sec. 163: *This section provides an amendment of concordance necessitated by the first paragraph of section 64 of the bill.*

Sec. 164: *This bill provides an amendment of concordance necessitated by the suppression of the Commission de contrôle des permis d'alcool du Québec under section 120 of the bill.*

Sec. 165: *The object of this section is to allow a judge of the Provincial Court or of the Sessions of the Peace to be a director of the Régie.*

Sec. 166: *The object of this section is to introduce section 50 of the existing act, with certain amendments, into the Temperance Act. Section 50 is repealed by section 120 of the bill.*

(4) the word "commissioner", where it designates a member of the Commission de contrôle des permis d'alcool du Québec, is replaced by the word "director"; and

(5) the expression "secretary-general", where it designates the secretary-general of the Commission de contrôle des permis d'alcool du Québec, is replaced by the word "secretary".

C.C.,  
a. 1569b,  
am.

**161.** Article 1569b of the Civil Code, enacted by section 1 of chapter 39 of the statutes of 1910 and amended by section 1 of chapter 63 of the statutes of 1914, is again amended by striking out, in the second and third lines of the first paragraph, the following: "including the transfer of a license certificate for the sale of intoxicating liquor,".

C.C.,  
a. 1569c,  
am.

**162.** Article 1569c of the said Code, enacted by section 1 of chapter 39 of the statutes of 1910 and replaced by section 2 of chapter 63 of the statutes of 1914, is amended by striking out, in the third and fourth lines of the first paragraph, the following: "including the transfer of a license certificate for the sale of intoxicating liquor,".

R.S.Q.,  
c. E-3,  
ss. 376 and  
377,  
repealed.

**163.** Sections 376 and 377 of the Election Act (R.S.Q., c. E-3) are repealed.

R.S.Q.,  
c. R-12,  
s. 55, am.

**164.** Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12) is amended by striking out subparagraph *i* of paragraph 5.

R.S.Q.,  
c. T-16,  
s. 82, am.

**165.** Section 82 of the Courts of Justice Act (R.S.Q., c. T-16) is amended by inserting after the word "foregoing", in the fifth line of the second paragraph, the following: ", as a director of the Régie des permis d'alcool du Québec,".

R.S.,  
c. 45, s. 43,  
added.

**166.** The Temperance Act (Revised Statutes, 1964, c. 45) is amended by adding after section 42 the following section:

Prohibition  
by-law.

**"43.** A prohibition by-law may, at any time and notwithstanding any inconsistent provision of this act, be revoked by the municipal council which passed it, or be amended by that council under a by-law specifying the nature of the permits which the Régie des permis d'alcool du Québec, established under section 2 of the Act respecting liquor permits (1979, c. *insert here the chapter number of Bill 55*), may issue in the municipality under the jurisdiction of that council.

Revoca-  
tion.

Any local municipal council may, by regulation, at any time and for the territory under its jurisdiction, revoke a prohibition by-law passed by a county municipal council, or amend it, spec-

Sec. 167: *This section provides an amendment of concordance necessitated by sections 118 and 119 of the bill.*

Sec. 168: *The object of this section is to insert a provision of power of the Government into the Act respecting the Société des alcools du Québec. This power is presently provided by section 67 of the existing act, repealed by section 120 of the bill.*

Sec. 169: *This section provides an amendment of concordance necessitated by the second paragraph of section 64 of the bill.*

Sec. 170: *This section provides an amendment of concordance necessitated by section 163 of the bill.*

Sec. 171: *This section introduces a provision to assure concordance with section 13 of the Parks Act.*

Sec. 172: *This section introduces a provision to assure concordance with section 164 of the bill.*



ifying the nature of the permits which the Régie des permis d'alcool du Québec may grant in the municipality under the jurisdiction of that local municipal council.

Approval. Every by-law passed under this section must be submitted to the approval of the electors of the county or local municipality concerned, in accordance with this act."

R.S.Q.,  
c. S-13,  
s. 1,  
replaced.

**167.** Section 1 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13) is replaced by the following section:

Interpre-  
tation.

"1. In this act, unless otherwise required by the context, "apple-grower" means every natural person who cultivates apple trees in Québec.

Interpre-  
tation.

The words "alcohol", "beer", "alcoholic beverages", "cider", "strong cider", "weak cider", "spirits", "to sell" and "wine" have the meaning assigned to them by the Act respecting offences relating to alcoholic beverages (R.S.Q., c. *insert here the new chapter number of chapter C-33*)."

R.S.Q.,  
c. S-13,  
s. 37, am.

**168.** Section 37 of the said act is amended by adding at the end of the first paragraph, the following subparagraph:

"(d) determine any other duty to be collected by the Société from the holder of a permit issued under this act or the Act respecting liquor permits."

1974, c. 14,  
s. 83,  
repealed.

**169.** Section 83 of the Act to amend the Liquor Permit Control Commission Act (1974, c. 14) is repealed.

1978, c. 6,  
App. 2, am.

**170.** Part 1 of Appendix 2 to the Referendum Act (1978, c. 6), respecting the provisions of the Election Act applicable to the holding of a referendum, is amended:

(1) by striking out the reference to section 368;

(2) by striking out the reference to section 369 and the amendment to that section.

Park.

**171.** A restaurant permit or a bar permit may be used in a park notwithstanding the inconsistent provisions of the Provincial Parks Act (Revised Statutes, 1964, c. 201) still applicable under section 13 of the Parks Act (R.S.Q., c. P-9).

Retire-  
ment plan.

**172.** Section 164 does not affect the right of a member of the Commission de contrôle des permis d'alcool du Québec who was contributing to the Government and Public Employees Retirement Plan on (*insert here the date of the tabling of Bill 55*) to continue to participate in that plan as a civil servant or to benefit by all the advantages provided by that plan.

Sec. 173: *This section contains a financial provision to provide for the application of the act in the fiscal periods 1980-1981 and 1981-1982.*

Sec. 174: *This section, which is similar to section 195 of the existing act, repealed by section 145 of the bill, is new law.*

Sec. 175 and 176: *These sections deal with the application of the bill.*

Sums  
required.

[[**173.** The sums required for the application of this act are taken for the fiscal periods 1980-1981 and 1981-1982 out of the consolidated revenue fund and, for subsequent fiscal periods, out of the moneys granted each year by the Legislature for that purpose.]]

Prohibition  
by-law.

**174.** Every prohibition by-law in force in a local or county municipality, at the coming into force of this section, ceases to be in force three months after the Régie sends to the municipal corporation a notice informing it of this section, unless a copy of the by-law is sent to the Régie by the municipal corporation within that time.

Canada  
Temperance  
Act.

**175.** The application of this act is suspended wherever Part II of the Canada Temperance Act (Revised Statutes of Canada, 1970, c. T-5) is in force.

Minister  
responsi-  
ble.

**176.** The Ministre de la justice is responsible for the application of this act.

Coming  
into force.

**177.** This act will come into force on 1 January 1981, except sections 2 to 15, 19 to 24, 114 to 118, paragraph 1 of section 120, section 144, paragraphs 1 and 6 of section 146, and sections 148, 149, 160, 164, 165, 172, 173 and 176, which will come into force on 1 April 1980.