

THIRD SESSION  
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

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**Bill 4**

**An Act to amend the Cultural Property Act**

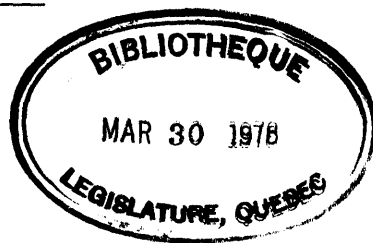
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First reading .....

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*The proposed amendments to the Cultural Property Act mainly concern:*

*(a) certain operating procedures of the Commission des biens culturels;*

*(b) the procedure concerning the recognition and classification of cultural property as regards notices and delays;*

*(c) the authorizations required from the Minister to subdivide a lot or execute certain works in historic or natural districts, on classified historic sites, or in the protected area within a perimeter extending one hundred and fifty-two metres around a historical monument or a classified historic site;*

*(d) the right of a municipal corporation, county corporation or urban community to dispense, within its territory, with the obligation of obtaining the required authorizations from the Minister for certain operations contemplated by the act, by adopting regulatory provisions for such operations and having them approved by the Minister;*

*(e) the regulatory power of the government in historic or natural districts, on historic sites and in protected areas;*

*(f) the powers conferred on the Ministre des affaires culturelles to acquire property in historic or natural districts, to grant subsidies and contributions and to enter into agreements with municipal corporations;*

*(g) the penalties applicable for contraventions to the act and the regulations.*

*The provisions dealing with the authorizations required in historic or natural districts, on classified historic sites and in protected areas, as well as the provisions dealing with penalties, take effect from the day of the tabling of this bill.*

Sec. 1. *Sections 2 to 7 of the act are replaced by sections 2, 3, 4, 7d, 7e, 7f, 7i and 7k, respectively, proposed in section 1 of the bill. Sections 5 to 7, 7a to 7c, 7g, 7h and 7j are new sections.*

*Sections 2 to 7 of the act, as they now exist, read as follows:*

**“2.** An advisory body is established under the name of “Cultural Property Commission of Québec” with its corporate seat at Québec.

**“3.** The Commission shall consist of twelve members including a chairman, appointed by the Lieutenant-Governor in Council for a fixed period not exceeding three years; he shall fix the salary or, if need be, the additional salary, fees or allowances of each of them.

## Bill 4

### An Act to amend the Cultural Property Act

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

**1.** Sections 2 to 7 of the Cultural Property Act (1972, chapter 19) are replaced by the following: 1972, c. 19, ss. 2-7, replaced.

**“2.** An advisory body is established under the name of “Commission des biens culturels du Québec”. Commission established.

**“3.** The Commission has its corporate seat at the place determined by the Lieutenant-Governor in Council; notice of the location or of any change of location of the corporate seat is published in the *Gazette officielle du Québec*. Corporate seat.

The Commission may hold its sittings anywhere in Québec. Sittings.

**“4.** The Commission is composed of twelve members, including a chairman and two vice-chairmen, appointed by the Lieutenant-Governor in Council, who shall fix the salary, additional salary, fees or allowances, as the case may be, of each of them. Composition.

**“5.** The term of office of the members of the Commission shall not be over three years, except that of the chairman, which shall not be over five years. Term of office of members.

The term of office of the chairman and vice-chairmen may be renewed for periods of not over three years. Renewal.

The term of office of the other members of the Commission shall not be renewed more than once. Idem.

**“6.** Notwithstanding the expiry of their terms, the members of the Commission remain in office until they are re-appointed or replaced. Continuance in office.

**“4.** Five members of the Commission shall constitute a quorum. The Commission may form, from among its members, sub-committees or committees to study matters within its scope.

**“5.** The Commission must give its advice to the Minister on any question referred to it by him. It may also make recommendations to the Minister on any matter relating to the conservation of cultural property.

Any vacancy occurring among the members of the Commission is filled in accordance with the mode of appointment prescribed for their appointment, but only for the unexpired period of the term of office of the member to be replaced. Vacancy.

**"7.** The offices of chairman and vice-chairman are incompatible with any other function. No plurality of offices.

**"7a.** If the chairman is unable to act, he is replaced by one of the vice-chairmen designated for that purpose by the Commission, for as long as the chairman is unable to act. Chairman unable to act.

**"7b.** The chairman presides the meetings of the Commission and directs the work thereof; he represents it in its relations with the Minister and third parties. Chairman.

The vice-chairmen assist the chairman and carry out the functions entrusted to them by the chairman. Vice-chairmen.

**"7c.** No member of the Commission shall, under pain of forfeiture of office, take part in any deliberation on a question in which he has a personal interest. Deliberation on personal interest.

**"7d.** A majority of the members of the Commission including the chairman or one of the vice-chairmen shall be a quorum. In case of a tie-vote, the chairman has a casting vote. Quorum.

**"7e.** The Commission may form committees presided by the chairman or a member designated by him for that purpose to study matters determined by the said Commission. Committees.

The functions conferred on the Commission under sections 31, 32, 35 and 48 to 51 are exercised on its behalf by a committee composed of three persons designated by the Commission. Two of such persons are chosen from among the chairman and one of the vice-chairmen of the Commission. Functions exercised by committee.

Such committees may include persons referred to in section 7g. Composition.

**"7f.** The Commission must give its advice to the Minister on any question he refers to it. It may also make recommendations to the Minister on any matter relating to the conservation of cultural property. Advice to Minister.

**"7g.** The Commission may, with the authorization of the Minister, retain the services of specialists to study matters within its competence. Specialists.

Such persons are entitled to such fees and allowances as are determined by regulation of the Lieutenant-Governor in Council. Fees, etc.

“6. The Commission shall adopt by-laws for its internal management. Such by-laws must be submitted for the approval of the Lieutenant-Governor in Council and shall come into force on the day of their publication in the *Québec Official Gazette*.

“7. The Commission shall, not later than the 1st of July each year, send an annual report of its activities to the Minister who shall communicate it to the National Assembly.”

Sec. 2. *The list of the recognized or classified cultural property will have to be published annually instead of quarterly.*

Sec. 3. *The proposed amendment adds to the existing text the requirement that notice is to be served on the clerk or the secretary-treasurer of a municipality that an immovable situated in his municipality has been entered in the register of recognized immoveables.*



**"7h.** The Commission shall sit at least once every month. Sittings.

**"7i.** The Commission may, by by-law:

(a) provide for the organization of its internal management; By-laws of the Commission.

(b) delegate the exercise of functions conferred on it by this act to committees established pursuant to section 7e.

Such by-laws must be submitted to the Lieutenant-Governor in Council for approval; the by-laws provided for in subparagraph *a* of the first paragraph come into force from that approval and those provided for in subparagraph *b* of the first paragraph come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein. Approval and coming into force.

**"7j.** The minutes of the sittings of the Commission and of its committees duly approved and certified by the chairman or either of the vice-chairmen are authentic. The same rule applies to documents or copies emanating from the Commission or forming part of its records if they are signed by the chairman, either of the vice-chairmen or any member of the staff designated by the Commission. Minutes.

**"7k.** The Commission shall, not later than 1 July each year, send an annual report of its activities for the preceding fiscal year to the Minister, who shall communicate it to the Assemblée nationale; such report must also contain all such information as may be required by the Minister. Annual report.

The Minister shall table the report of the Commission before the Assemblée nationale if he receives it during a session; if he receives it between sessions or after an adjournment, he shall table it within thirty days of the opening of the next session or of resumption." Tabling.

**2.** Section 14 of the said act is replaced by the following: 1972, c. 19, s. 14, replaced.

**"14.** The Minister shall cause to be published in the *Gazette officielle du Québec*, once every year, a list of the cultural property recognized and classified since the last publication." List of recognized or classified property.

**3.** Section 16 of the said act is replaced by the following: 1972, c. 19, s. 16, replaced.

**"16.** The recognition of cultural property is made by an entry in the register contemplated in section 11. Notice of such entry must be served on the custodian of the cultural property in the case of a moveable, and, in the case of an immoveable, on the person indicated as owner in the register in the registry office of the division where it is situated and to the clerk or the secretary- Recognition procedure.

Sec. 4. *The proposed amendment requires every person who intends to do any of the operations mentioned in section 18 of the act, in the case of an immovable, to transmit copy of the prior notice of his intention to the clerk or the secretary-treasurer of the municipality where it is situated.*

*Furthermore, the period before which the prior notice of intention is to be given is increased from thirty to sixty days.*

Sec. 5. *The proposed amendment requires any person who intends to alienate a recognized cultural property, in the case of an immovable, to transmit copy of the notice of his intended alienation to the clerk or the secretary-treasurer of the municipality where it is situated.*

*Furthermore, the period before which the notice of alienation is to be given is increased from thirty to sixty days.*

Sec. 6. *The delay within which persons who become owners of recognized cultural property by succession must notify the Minister is extended from thirty to sixty days.*

Sec. 7. *The delay within which the Minister must notify his intention to acquire a cultural property by preference to any other purchaser is extended from thirty to sixty days.*

treasurer of the municipality where it is situated. The recognition shall take effect from the date of entry in the register contemplated in section 11 in the case of a moveable and, in the case of an immovable, from the deposit of the notice of entry in the registry office of the division where it is situated."

**4.** Section 18 of the said act is replaced by the following: 1972, c. 19, s. 18, replaced.

**"18.** No person, even in the exercise of a power granted him by the Legislature, shall destroy, alter, restore, repair or change in any manner recognized cultural property and, in the case of an immovable, use it as a backing for a construction, without giving the Minister at least sixty days' previous notice of his intention and, in the case of an immovable, transmitting a copy thereof to the clerk or the secretary-treasurer of the municipality where the cultural property is situated."

**5.** Section 20 of the said act is amended by replacing the first paragraph by the following: 1972, c. 19, s. 20, am.

**"20.** No person shall alienate recognized cultural property without giving the Minister at least sixty days' previous written notice and, in the case of an immovable, without having given copy of such notice to the clerk or the secretary-treasurer of the municipality where the cultural property is situated."

**6.** Section 21 of the said act is replaced by the following section: 1972, c. 19, s. 21, replaced.

**"21.** Every person who becomes the owner of recognized cultural property by legal or testamentary succession must give a notice of it to the Minister within sixty days of his being put in possession."

**7.** Section 22 of the said act, amended by section 99 of chapter 14 of the statutes of 1975, is replaced by the following section: 1972, c. 19, s. 22, replaced.

**"22.** If the recognized cultural property which one wishes to alienate has existed for more than fifty years at the time it is offered for sale, the Minister may acquire it by preference over any other purchaser at the price it is offered for sale. To exercise this right of preemption, the Minister must within the delay of sixty days provided for in section 20 signify in writing his intention to acquire the cultural property on the person who offers it for sale."

In the case of a photographic, cinematographic, audiovisual, radio or television document which, at the time it is offered for sale, has existed for more than ten years, the Minister may acquire it

Notice of intention to destroy or alter.

Notice of alienation.

Notice of seisin.

Minister's right of preemption.

Preferential right to acquire document.

Sec. 8. *The delay provided to notify the Minister of the alienation of cultural property is extended from fifteen to thirty days if the Minister has not signified his intention to exercise his right of preemption.*

Sec. 9. *The proposed amendment provides that the Minister will have to signify his intention to classify an immoveable to the clerk or secretary-treasurer of the municipality where it is situated.*

*Furthermore, any interested person will be entitled to make representations to the Commission.*

Sec. 10. *The proposed addition provides that a notice to signify the Minister's intention to classify a cultural property becomes null if an entry to that effect in the department's registry is not made within a delay of one year from such notice. It provides, however, for the possible extension of the delay in extraordinary circumstances.*

Sec. 11. *The proposed amendment provides that in the case of an immoveable, the entry must also be notified to the clerk or the secretary-treasurer of the municipality where it is situated.*

by preference over any other purchaser at the price it is offered for sale. To exercise this right of preemption, the Minister must within the delay of sixty days provided for in section 20 signify in writing his intention to acquire such document to the person who offers it for sale."

**8.** Section 23 of the said act is replaced by the following section: 1972, c. 19,  
s. 23,  
replaced.

**"23.** At the expiry of the delay provided for in section 20, the recognized cultural property may be alienated to any person if the Minister has not signified the intention to exercise the right of preemption contemplated in section 22. Notice in writing of the alienation must however be given to the Minister within thirty days of its occurrence." Alienation  
when  
preem-  
ption not  
exercised.

**9.** Section 25 of the said act is replaced by the following section: 1972, c. 19,  
s. 25,  
replaced.

**"25.** The Minister shall, before obtaining the advice of the Commission, serve notice of his intention to proceed with classification, in the case of a moveable, on the owner of the cultural property or on the custodian of the cultural property that he wishes to classify and, in the case of an immoveable, on the person indicated as the owner in the register in the registry office of the division where the property he wishes to classify is situated, and on the clerk or the secretary-treasurer of the municipality where the cultural property is situated. Notice of  
classi-  
fication.

Such notice must contain the description of the cultural property affected, a statement of the reasons for classification and a notice that such person may, within thirty days from the service of the notice, make representations to the Commission." Content.

**10.** Section 26 of the said act is amended by adding, at the end, the following paragraphs: 1972, c. 19,  
s. 26, am.

"The notice given by the Minister pursuant to section 25 becomes null and void if the entry referred to in the first paragraph is not made within a delay of one year from the date of service of the notice. Notice  
null.

Such delay may, however, be extended by the Minister in cases where that is justified by extraordinary circumstances." Delay  
extended.

**11.** Section 27 of the said act is replaced by the following section: 1972, c. 19,  
s. 27,  
replaced.

**"27.** The owner or custodian of the classified cultural property must be notified without delay of such entry and, in the case Notice of  
entry.

Sec. 12. *The proposed amendment would make historic sites and protected areas subject to section IV of the act (s. 19).*

*Section 31 of the act at present reads as follows:*

**“31.** Notwithstanding any authorization granted by legislative act, classified property shall not be destroyed, altered, deteriorated, restored, repaired, changed, or, in the case of an immoveable, used as a backing for construction without the authorization of the Minister, who shall obtain the advice of the Commission. The same shall apply to property situated in whole or in part in the protected area of the classified immoveable.”

Sec. 13. *The proposed amendment would require the Minister to obtain the advice of the Commission before issuing an archaeological research permit.*

Sec. 14. *The proposed addition would exempt a person applying for an archaeological research permit for survey purposes on private land to attach the written consent of the owner to the application.*

Sec. 15. *The proposed amendment suppresses the existing allowance of fifteen days in which to notify the Minister of the discovery of an archaeological property or site.*

Sec. 16. *The proposed amendment extends, from seven to fifteen, the number of days during which work may be suspended when an archaeological discovery is made during excavation or construction work for purposes other than archaeological, to allow proper examination of the place by experts.*

Sec. 17. *The proposed amendment would extend from fifteen to thirty days the delay during which the Government may continue suspension of the work, in cases where the property discovered would have been classified had it been discovered before the work was begun (s. 42, par. a).*

of an immovable, the entry must also be notified to the clerk or the secretary-treasurer of the municipality where it is situated.”

**12.** Section 31 of the said act is replaced by the following: 1972, c. 19, s. 31, replaced.

**“31.** Notwithstanding any authorization granted by legislative act, no classified property, with the exception of a historic site, shall be destroyed, altered, deteriorated, restored, repaired, changed, or, in the case of an immovable, used as a backing for a construction without the authorization of the Minister, who shall obtain the advice of the Commission.”

Preservation of classified property.

**13.** Section 35 of the said act is replaced by the following: 1972, c. 19, s. 35, replaced.

**“35.** No person may make on an immovable owned by him or others excavations or surveys to find archaeological property or sites without having previously obtained an archaeological research permit from the Minister, who shall obtain the advice of the Commission.”

Archaeological research permit.

**14.** Section 38 of the said act is amended by adding at the end, the following paragraph: 1972, c. 19, s. 38, am.

**“In the case of surveys on any land other than public land, the written consent of the owner is not required.”** Exception.

**15.** Section 40 of the said act is replaced by the following section: 1972, c. 19, s. 40, replaced.

**“40.** Whoever discovers an archaeological property or site must inform the Minister of it without delay.”

Discovery notified.

**16.** Section 41 of the said act is amended by replacing the first paragraph by the following paragraph: 1972, c. 19, s. 41, am.

**“41.** Whoever, during excavation or construction work undertaken for other than archaeological purposes, discovers an archaeological property or site must inform the Minister of it without delay. The latter may, to permit the examination of the place by experts, order the suspension, for a period not exceeding fifteen days, of any excavation or construction that might compromise the integrity of the property or site discovered.”

Accidental discovery notified, work suspended.

**17.** Section 42 of the said act is replaced by the following section: 1972, c. 19, s. 42, replaced.

Sec. 18. *The title of Division IV is amended for concordance purposes.*

Sec. 19. *The proposed amendments extend the existing provisions of Division IV dealing with historic and natural districts to classified historic sites and protected areas.*

*These amendments also enable a municipal corporation, a county corporation or an urban or regional community to dispense, within its territory, with the obligation of obtaining the required authorizations from the Minister for certain operations contemplated by the act, by adopting regulatory provisions for such operations and having them approved by the Minister.*

*They would make certain operations on immoveables not presently contemplated by the act subject to the authorization of the Minister.*

*Section 48, as proposed, amends the existing section 48 of the act, which reads as follows:*

**"48.** Notwithstanding any general law or special act, no construction, repair, alteration or demolition of an immovable may be made in a historic or natural district without the authorization of the Minister, who shall obtain the advice of the Commission.

Such authorization shall be given in accordance with the conditions determined by regulation of the Lieutenant-Governor in Council.

In the case of construction, repair, alteration or demolition made for agricultural purposes on lands under cultivation, such authorization shall not be required in municipalities which have adopted a conformable by-law approved by the Minister."

*Section 49, as proposed by section 19 of the bill, contains entirely new provisions.*



**"42.** When the discovery contemplated in section 41 reveals property which would have been classified if discovered before the beginning of the work, the Lieutenant-Governor in Council may, on the recommendation of the Minister, who shall obtain the advice of the Commission:

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regarding  
discovered  
property.

(a) order continuance of the suspension of work until the expiry of thirty days from the date of its suspension;

(b) allow the making of excavations necessary to recover the discovered property or site;

(c) order any change that he considers necessary to the plans for excavation or construction to ensure the integrity or the value of the property or site discovered."

**18.** The said act is amended by replacing the title of Division IV by the following:

1972, c. 19,  
title  
replaced.

"HISTORIC DISTRICTS, NATURAL DISTRICTS,  
CLASSIFIED HISTORIC SITES AND PROTECTED AREAS".

**19.** Sections 48, 49 and 50 of the said act are replaced by the following sections:

1972, c. 19,  
ss. 48-50,  
replaced.

**"48.** Notwithstanding any general law or special act, no person shall, in any historic or natural district, on any classified historic site or in any protected area, divide or subdivide, redivide or parcel out any lot or change the arrangement, ground plan, destination or utilization of an immoveable or make any construction, repairs, alteration or demolition involving, in particular, the dimensions, the architecture, the materials or the exterior appearance of an immoveable without previous authorization of the Minister, who shall obtain the advice of the Commission.

Authoriza-  
tion for  
division,  
etc.

If, in the whole or in any part of a historic or natural district, classified historic site or protected area, any of the operations referred to in the first paragraph is the subject of a regulation of the Lieutenant-Governor in Council, the Minister shall authorize such operation in accordance with the standards and conditions provided for by regulation, and the advice of the Commission is not required.

Regula-  
tions.

**"49.** If, in regard to the whole or any part of a historic or natural district, classified historic site or protected area, a municipal corporation, a county corporation or an urban or regional community makes or amends regulatory provisions in relation to an operation referred to in the first paragraph of section 48, such corporation may, before or after their coming into force, submit such

Regulatory  
provisions  
approved  
by  
Minister.

*Finally, section 50 combines and amends existing sections 49 and 50, which read as follows:*

**“49.** The Lieutenant-Governor in Council may, on the recommendation of the Minister, make regulations as to the posting, alteration and demolition of signs and billboards visible on the exterior of the immoveables situated in a historic or natural district.

**“50.** Notwithstanding any general law or special act, no posting of a sign or billboard may be made in a historic or natural district without the approval of the Minister.”

Sec. 20. *As proposed, the new section 51 retains paragraphs b and c of section 51 of the act, amends paragraphs a, d, e and f and adds paragraph g.*

*The existing text of the provisions to be amended reads as follows:*

“(a) acquire by agreement or by expropriation any recognized or classified cultural property or any property necessary to isolate, clear, improve or otherwise enhance a historic monument, a classified historic or archaeological site, or any property situated in the protected area of a historic monument or classified historic or archaeological site;

regulatory provisions for approval to the Minister, who shall obtain the advice of the Commission.

Where the Minister considers that the regulatory provisions submitted provide for the minimum standards and conditions required for the attainment of the objectives of this act, he may notify his approval of such regulatory provisions to the clerk, the secretary-treasurer or the secretary of the corporation concerned.

Approval  
notified.

From the date provided in such notice, an operation subject to any of the regulatory provisions approved by the Minister shall not be undertaken in the whole or the part of the historic or natural district, classified historic site or protected area in question except in accordance with the terms and conditions provided for therein. Such an operation, in such a case, does not require the authorization of the Minister; no permit shall, however, be issued by a municipal corporation, a county corporation or an urban or regional community, if such operation is not conformable to the regulatory provisions approved by the Minister.

Terms and  
conditions  
to be  
respected.

Every municipal corporation, county corporation or urban or regional community which avails itself of this section shall see to the carrying out of the regulatory provisions approved by the Minister in accordance with the second paragraph, or cause them to be carried out, on its territory.

Carrying  
out of  
regulatory  
provisions.

**"50.** Notwithstanding any general law or special act, no posting or alteration or demolition of any sign or billboard shall be made in any historic or natural district, on any classified historic site or in any protected area without the authorization of the Minister, who shall obtain the advice of the Commission.

Authoriza-  
tion for  
posting.

The second paragraph of section 48 and section 49 apply *mutatis mutandis* to the operations referred to in the first paragraph."

Provisions  
to apply.

**20.** Section 51 of the said act is replaced by the following:

1972, c. 19,  
s. 51,  
replaced.

**"51.** The Minister may, after obtaining the advice of the Commission:

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Minister.

(a) acquire by agreement or by expropriation any recognized or classified cultural property or any property necessary to isolate, clear, improve or otherwise enhance a historic monument, or a classified historic or archaeological site, or any property situated in a historic or natural district or in a protected area;

(b) in the case of historic monuments or historic or archaeological sites, lease, hypothecate, restore, alter, demolish or transport them or reconstruct them elsewhere;

(d) contribute to the maintenance, restoration, alteration or transport of classified property or property situated in a historic or natural district or on an archaeological site, and the reconstruction of a building on a classified immoveable;

(e) make grants to bodies pursuing the conservation and development of cultural property;

(f) make, with the approval of the Lieutenant-Governor in Council, agreements with any government or person respecting cultural property.”

Sec. 21. *As proposed, the new section 53 retains subparagraphs a, b, c, f and g of the first paragraph of section 53 of the act, amends subparagraphs d and e and adds subparagraph h. It also amends the second and third paragraphs of the said section.*

*The amended provisions, at present, read as follows:*

“(d) regulate the erection of posters in historic districts and natural districts;

(e) regulate the occupation of the land and the construction, repair, alteration and demolition of immoveables in historic districts and natural districts, and determine the conditions for conservation and restoration of recognized or classified immoveables;”.

(c) administer personally or entrust to other persons, on conditions he considers expedient, the custody and administration of cultural property he has acquired;

(d) contribute to the maintenance, restoration, alteration or transport of classified cultural property or property situated in a historic or natural district or on a classified archaeological or historic site or in a protected area, and the reconstruction of a building on a classified immoveable;

(e) grant subsidies to conserve and enhance cultural property or property situated in a historic or natural district, on a classified historic site or in a protected area;

(f) make, in accordance with the act, agreements with any government respecting cultural property;

(g) enter into agreements with municipal corporations or any other person for the purposes of the application of this act."

**21.** Section 53 of the said act is replaced by the following:

**"53.** The Lieutenant-Governor in Council may, upon the recommendation of the Minister, who shall obtain the advice of the Commission, make regulations to:

1972, c. 19,  
s. 53,  
replaced.  
Regula-  
tions.

(a) determine the form of the register contemplated in section 11 and the costs exigible for the issue of certified extracts;

(b) prescribe the forms to be used in the application of this act;

(c) determine the conditions under which archaeological research permits are issued;

(d) regulate or prohibit permanently or temporarily the posting, alteration and demolition of signs and billboards in an historic or natural district, on a classified historic site or in a protected area;

(e) regulate or prohibit, permanently or temporarily, division, subdivision, redivision or any other form of parcelling out of land, land use, arrangement, ground plan, destination, utilization, construction, repair, alteration and demolition, involving, in particular, the dimensions, architecture, materials or exterior appearance of immoveables, and the density of occupation, in or on a historic or natural district, classified historic site or protected area; for such purposes, divide a historic or natural district, classified historic site or protected area into zones;

(f) determine, for all or part of a historic or natural district, a classified historic site or a protected area, the operations contemplated in subparagraph e which do not require the authorization of the Minister;

Sec. 22. *The proposed amendment would broaden the scope of an authorization of the Minister to carry out excavations, and works required for expertise, to include protected areas and the application of the regulations.*

Sec. 23. *The existing section 57 reads as follows:*

**“57.** When cultural property which is classified or situated in a historic or natural district is changed, altered, deteriorated or destroyed without the permission of the Minister, he may have all the work done to restore the property to its former condition, or to make it comply with the prescriptions of the authorization contemplated in section 48, at the expense of the owner or the person having custody of it if it is moveable property or at the expense of the person indicated as owner in the register of the registry office of the division in which it is situate, in the case of an immoveable.”

(g) establish, for each historic or natural district, a plan of protection and enhancement;

(h) determine the conditions on and the extent to which a classified cultural immoveable property may be exempt from real estate tax under section 33;

(i) determine the conditions of conservation and restoration of recognized or classified immoveables.

The Minister shall publish a draft of every regulation made under subparagraphs *c* to *i* of this section in the *Gazette officielle du Québec* with a notice that on the expiry of thirty days from that publication it will be submitted to the Lieutenant-Governor in Council for approval. Publication of the draft.

The regulations made by the Lieutenant-Governor in Council under this act shall come into force on the date of their publication in the *Gazette officielle du Québec* and any inconsistent provision of a regulation made under any other general law or special act of the Legislature shall be inoperative in or on a historic or natural district, classified historic site or protected area.” Coming into force of the regulations.

**22.** Section 54 of the said act is replaced by the following: 1972, c. 19, s. 54, replaced.

“**54.** To apply this act and the regulations, the Minister may authorize a functionary or an expert to enter at any reasonable hour a place where cultural property is situated, or an immoveable situated in a historic or natural district, or a protected area, and there to carry out excavations and works required for expertise, subject to indemnity for any damage caused.” Right of access.

**23.** Section 57 of the said act is replaced by the following: 1972, c. 19, s. 57, replaced.

“**57.** Where a classified cultural property or a property situated in a historic or natural district or in a protected area is altered, changed, deteriorated, developed, set in place, built, repaired, transformed or demolished without the authorization required by virtue of this act or in a manner inconsistent with the prescriptions of an authorization given by the Minister by virtue of section 31, 48 or 50, the Superior Court may, on a motion by the Minister, order any work designed to return the property to its former condition or make it conformable to the prescriptions of the authorization given, at the expense of the owner or the person having custody of it if it is moveable property or at the expense of the person indicated as owner in the register in the registry office of the registration division where it is situated, in the case of an immoveable. Restoration at owner's expense.

The Superior Court may, in addition, on a motion of the Minister, order the cessation of a form of land use, the destination Motion to cease un-conformable uses.

*Sec. 24. The proposed addition deals with the validity of the registration of a division or subdivision plan or with any other form of parcelling out of land not conformable to the prescriptions of the law.*

*It also enables the Minister to revoke or amend, in certain cases, the authorizations he has granted, this amendment becomes effective from the date of the tabling of this bill. (s. 28).*

*Sec. 25. The proposed amendment increases the maximum fine for contravention of the act and the regulations from \$5,000 to \$25,000. This amendment becomes effective from the date of the tabling of this bill (s. 28).*

*Sec. 26. The proposed amendment provides concordance with section 21 of this bill, which reproduces the provisions contained in section 49 of the existing act in subparagraph d of the first paragraph of section 53 of the said act.*

*Sec. 27. The proposed amendment would render the chairman and the vice-chairmen of the Commission des biens culturels du Québec subject to the Government and Public Employees Retirement Plan.*



or utilization of an immovable made in or on a historic or natural district, classified historic site or protected area without the authorization required under this act or in a manner inconsistent with the prescription of such authorization and declare null any juridical act effected in contravention to section 48, 49, 50 or 53.

The motions of the Minister referred to in this section are heard by preference by the Superior Court and by the Court of Appeal.” Motions heard by preference.

**24.** The said act is amended by inserting, after section 57, the following sections: 1972, c. 19, ss. 57a, 57b, added.

**“57a.** No registration of a division or subdivision plan or any other form of parcelling out of land may be validly made in historic or natural districts, classified historic sites or in protected areas, unless it is conformable to the prescriptions of an authorization given under this act, nor in the absence of such an authorization. Registration of plan validly made.

**“57b.** Every authorization of the Minister required under this act may be revoked or amended by the Minister if it has been obtained on the basis of inaccurate or incomplete information. Authorization revoked.

The Minister shall substantiate his decision and notify it in writing to the interested person after giving him the opportunity to be heard.” Hearing and decision.

**25.** Section 58 of the said act is amended by replacing the first paragraph by the following: 1972, c. 19, s. 58, am.

**“58.** Every contravention of the provisions of this act and the regulations make the offender liable to a fine not exceeding \$25,000, with or without costs, without prejudice to the other recourses available to the Minister.” Offence and penalty.

**26.** Section 62 of the said act is replaced by the following: 1972, c. 19, s. 62, replaced.

**“62.** The Lieutenant-Governor in Council may make applicable any regulation made under subparagraph *d* of the first paragraph of section 53 to billboards or signs that have been in place in a historic or natural district for more than ten years.” Application of regulation.

**27.** Section 2 of the Government and Public Employees Retirement Plan (1973, chapter 12), amended by section 1 of chapter 9 of the statutes of 1974, section 47 of chapter 41 of the statutes of 1975, section 9 of chapter 51 of the statutes of 1976 and section 1 of chapter 21 and section 232 of chapter 68 of the statutes of 1977, is again amended by inserting, after paragraph 10 of the first paragraph, the following paragraph: 1973, c. 12, s. 2, am.

Sec. 28. *Sections 19, 23, 24 and 25 are retroactive to the date of the tabling of this bill.*

“(11) the chairman and vice-chairmen of the Commission des biens culturels du Québec.”

**28.** Sections 19, 23, 24 and 25 of this act become effective <sup>Effect.</sup> on (*insert here the date of the tabling of this bill*).

**29.** This act comes into force on the day of its sanction. <sup>Coming</sup>  
into force.