

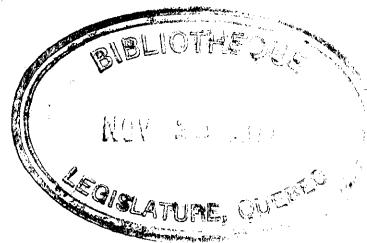
SECOND SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 79

**An Act to facilitate conversion to the international system
of units (SI) and to other customary units**

First reading



M. RODRIGUE TREMBLAY
Ministre de l'industrie et du commerce

CHARLES-HENRI DUBÉ, ÉDITEUR OFFICIEL DU QUÉBEC

1977

Bill 79

An Act to facilitate conversion to the international system of units (SI) and to other customary units

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

1. Section 3 of the Watercourses Act (Revised Statutes, 1964, chapter 84) is amended by replacing the first paragraph by the following:

“3. Any sale, transfer or definitive alienation of hydraulic power forming part of the public domain and having a natural force of two hundred and twenty-five kilowatts or over at its ordinary flow during six months is prohibited.”

2. Section 18 of the said act is replaced by the following:

“18. No expropriation under this division shall take place except in the case of a water-power of an average natural force of at least one hundred and fifty kilowatts and large enough for industrial purposes, nor shall such right in any case be exercised to the prejudice of an industry already established or of water-works supplying a municipality wholly or in part.”

3. Section 54 of the said act is amended by replacing the first paragraph by the following:

“54. Every owner of logs or other merchantable timber who drives the same has it driven down the floatable rivers of this Province, shall station a sufficient number of men at every bridge, built one metre or less than one metre above highwater mark, under which the said timber must pass, or shall take other precautions necessary to prevent any damage which might be caused.”

EXPLANATORY NOTES

This act is intended to amend certain legislative provisions in order to facilitate conversion to the international system of units (SI), by substituting, in the legislation, units of the international system of measurement for units of the imperial or Canadian system of measurement.

Section 104 authorizes the Government to amend any statutory instrument for the same objects, and section 105 provides that the Government, by regulation, may identify the standards to be followed by the government departments and agencies to ensure the correct use of the international system of units in their operations, and fix the date from which these standards are to apply.

4. Section 62 of the said act is amended by replacing the second paragraph by the following:

“No expropriation may be held under this section, save for the construction or maintenance of a work which is intended, either alone or with other works, to supply a fall or a rapid giving a natural power of at least one hundred and fifty kilowatts, or a water-works system for domestic or industrial purposes, and may not, in any case, be held to the prejudice of any industry already established, of a water-works system supplying, either wholly or partially, a municipality, nor of any privilege granted by a special act.”

5. Section 68 of the said act is amended by replacing the second paragraph by the following:

“The provisions of paragraphs *a* and *b* shall not apply to municipal corporations nor to electricity cooperatives formed in virtue of the Rural Electrification Act (1945, chapter 48), nor to any organization acting as an agent of the Crown, nor to any holder or proprietor of water-powers of a natural output of less than seven thousand five hundred kilowatts per six months.”

6. Section 6 of the Electric Power Exportation Act (Revised Statutes, 1964, chapter 85) is replaced by the following:

“**6.** Notwithstanding any provision prohibiting the exportation, outside of Canada, of electric power, contained, under section 1 of this act, in a sale, lease or grant respecting water-powers belonging to the Province or in which it has rights of ownership or other rights, the Lieutenant-Governor in Council may, for the period or periods of time that he may fix and on such terms and conditions as he may determine, suspend the effect of such prohibition; provided, however, that the quantity of electric power the exportation whereof may be thus authorized shall not exceed in all two hundred and twenty-five thousand kilowatts, and provided also that the sale price of the electric power so exported be not below that for which it is sold in the Province of Québec.”

7. Section 7 of the said act is amended by replacing subsection 3 by the following:

“(3) Nevertheless, if the quantity of electric power does not exceed fifty-two thousand kilowatts, the Lieutenant-Governor in Council, on such conditions as he may determine, may authorize the exportation or transmission thereof.”

8. Section 1 of the Unwrought Metal Sales Act (Revised Statutes, 1964, chapter 90) is amended by replacing paragraph 1 by the following:

“(1) Ore the value whereof exceeds fifty cents per kilogram;”.

9. Section 4 of the said act is amended by replacing paragraph 2 by the following:

“(2) The person who sells less than one hundred grams of unwrought metal per month.”

10. Section 21 of the Lands and Forests Act (Revised Statutes, 1964, chapter 92), amended by section 6 of chapter 28 of the statutes of 1974, is again amended by replacing the first two paragraphs by the following:

“**21.** No such grant shall be for more than four hectares in any one instance, for any one of the purposes aforesaid, except for a model or industrial farm, a site for the construction of a chapel, church, teaching establishment, establishment within the meaning of the Act respecting health services and social services (1971, chapter 48), dump, sedimentation basin for used water or cemetery, and in such case such grant shall not exceed forty hectares.

If the grant be for the construction of a chapel or church or for a cemetery, it shall not be for more than twenty hectares in any one parish, if there be, at the time of making such grant, but one religious denomination in such parish sufficiently numerous to benefit by such grant, and forty hectares to be apportioned between the several denominations where there are more than one, sufficiently numerous as aforesaid.

11. Section 22 of the said act is amended:

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

“**22.** Every sale or grant of public land adjacent to the boundary line between Canada and the United State of America or to the interprovincial boundaries between Québec and the Province of Ontario or New Brunswick, entered into or made after 15 February 1924, shall carry with it, as of right, in favour of the Crown, the reservation of ownership in that part of such land lying within eighteen metres and two hundred and eighty-eight thousandths of any such boundary line, and, in addition, the prohibition of erecting or executing on such piece of land any buildings or works whatever, saving the exception hereinafter mentioned.”;

(b) by adding, after the first paragraph, the following paragraph:

“The reservation contemplated in the first paragraph is of eighteen metres in the case of a sale or grant entered into or made after (*indicate here the date of the coming into force of this bill*).”

12. The title of Division IIa of Part II of the said act, enacted by section 83 of chapter 58 of the statutes of 1969, is replaced by the following:

“RESERVES BORDERING RIVERS AND LAKES”.

13. Section 41a of the said act, enacted by section 83 of chapter 58 of the statutes of 1969, is amended by replacing the first two paragraphs by the following:

“**41a.** From and after 1 June 1884, the sales, concessions and free grants of public lands are subject to a reserve, in full ownership in favour of the public domain of Québec, of sixty metres and three hundred and fifty thousandths in depth of the land bordering on the non-navigable rivers and lakes of Québec.

From January 1970, the sales, concessions and free grants of public lands are subject to a reserve, in full ownership in favour of the public domain of Québec, of sixty metres and three hundred and fifty thousandths in depth of the lands bordering on all the rivers and all the lakes of Québec.

From the (*insert here the date of the coming into force of this bill*), the sales, concessions and free grants of public lands are subject to a reserve in full ownership in favour of the public domain of Québec, of sixty metres in depth of the lands bordering on all the rivers and all the lakes of Québec.”

14. Section 66 of the said act is replaced by the following:

“**66.** The extent of such public lands shall not exceed, in all, one hundred and thirty-three thousand, five hundred and fifty hectares in superficies.”

15. Section 91 of the said act is replaced by the following:

“**91.** All timber cut without licence not more than sixteen kilometres from the boundary line dividing this Province from the United States or from any neighbouring Province, as soon as it shall have been established that the said timber has been cut unlawfully and that the due seizure thereof has been made, may be at once sold by the person duly authorized for that purpose, without his being obliged to give the notice and delay required, under similar circumstances, for any other part of the Province.”

16. Section 95 of the said act, amended by section 1 of chapter 37 of the statutes of 1966/1967, is again amended by replacing the first two paragraphs by the following:

“95. The Ministre des terres et forêts is, however, authorized to issue, without public auction and without previous notice, special permits effective for a period of twelve months from the date of their issue, to cut timber on vacant Crown lands to an extent not exceeding eight thousand five hundred cubic metres per permit, in consideration of the payment of stumpage dues and according to the usual and special conditions specified by law and in the regulations in force and in the order-in-council authorizing the issuing of such special permit.

The quantity may be increased to twenty-eight thousand three hundred cubic metres when the timber cut is intended to be sawn in a sawmill the operating of which is an economic necessity for a neighbouring locality.”

17. Section 97 of the said act is replaced by the following:

“97. (1) The Lieutenant-Governor in Council may authorize the Ministre des terres et forêts to concede to small industrialists, for their forest exploitation, wooded lands of the Crown domain, at the minimum price of two hundred dollars per square kilometre and subject to the conditions he may deem it expedient to determine.

(2) The area of the domain conceded shall not exceed five thousand two hundred square kilometres in all, nor one hundred and thirty square kilometres per timber limit holder.”

18. Section 104 of the said act is replaced by the following:

“104. Every person who exports timber cut upon Crown lands contrary to law or the regulations shall be liable to a fine of two dollars and seventy-five cents per apparent cubic metre of wood exported and, failing payment of the fine and costs, to an imprisonment of not less than thirty days and not more than one year.”

19. Section 116 of the said act is replaced by the following:

“116. The Lieutenant-Governor in Council may, upon the recommendation of the Ministre des terres et forêts, establish special forest reserves for forest settlements. All the provisions relating to township reserves shall apply to such reserves, as regards both their establishment and their administration, but the maximum per annum under licence to cut timber for each settler established in a settlement of such kind shall be twenty-five apparent cubic metres of pulpwood or one hundred and fifteen cubic metres of sawn timber.”

20. Section 117 of the said act is replaced by the following:

“117. The Lieutenant-Governor in Council may, whenever it shall be deemed advisable, reserve in Crown lands, upon the recommendation of the Ministre des terres et forêts, a zone of sixty metres in width on each side of any salmon river which is or may be under lease from the Province, within which no trees shall be cut without a special permit from the Ministre des terres et forêts. This reserve shall apply only to that part of the main rivers where the salmon run, and shall not apply to the tributaries thereof.”

21. Section 118 of the said act is amended:

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

“118. All cutting of timber done within such zone of sixty metres without the authorization required under section 117 shall be an offence against these provisions, and every person who commits the same shall be liable to the penalties enacted by section 87.”;

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

“In the case of lands submerged through the erection of dams, the zone of sixty metres shall start from the border of the ground where the trees have perished as a result of the submersion.”

22. Section 129 of the said act, replaced by section 44 of chapter 28 of the statutes of 1974, is amended by replacing subsection 3 by the following:

“(3) This section applies also to every owner of a private forest of a continuous expanse of at least eight hundred hectares and, if the Minister considers it expedient, to every owner of private forest, whatever its size.”

23. Section 140 of the said act, amended by section 53 of chapter 28 of the statutes of 1974, is replaced by the following:

“140. Every person or company depositing wood in the neighbourhood or along the property of the right of way of a railway track shall comply with the instructions and regulations of the Ministère des terres et forêts with respect to the protection of forests, especially as regards the cleaning up of the ground, removal of bark, chips, shavings, logs and all other inflammable matter left on the ground for a maximum distance of ninety metres from the centre of the railway track.”

24. Section 141 of the said act, amended by section 54 of chapter 28 of the statutes of 1974, is again amended:

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

“141. Every holder of a licence to cut timber on public lands adjacent to land over which a right of way is exercised for railway purposes is bound to clear away the forest debris resulting from his operations to a depth of thirty metres from the boundary line of the right of way.”;

(b) by replacing the fifth paragraph by the following:

“The same duty, with the same consequences, shall be incumbent upon any person interested, either as owner or as holder of rights to cut timber in private forests of eight hundred hectares in area, should the Minister deem it necessary.”

25. Section 164 of the said act, replaced by section 124 of chapter 50 of the statutes of 1971, is again replaced by the following:

“164. As long as at least seven hundred and forty trees to the hectare are kept, lands replanted in trees except those situated in a city, town or village municipality, shall retain, for a period of thirty years, the assessment which they had before the planting; at the expiration of such period of thirty years, the municipal assessment of such plantations, provided they remain as wooded land, can only be changed every ten years.”

26. Section 2 of the Public Buildings Safety Act (Revised Statutes, 1964, chapter 149), amended by section 26 of chapter 22 of the statutes of 1966/1967, is replaced by the following:

“2. The words “public building” in this act mean churches and chapels, or buildings used as such, monasteries, novitiates, retreats, seminaries, colleges, convents, school-houses, kindergartens, day-nurseries, infant asylums, charity work-rooms (*ouvroirs*), orphan asylums, church guild buildings (*patronages*), fresh-air camps, hospitals, clinics, convalescent or rest homes, asylums, shelters, hotels, rooming-houses of ten or more rooms, apartment houses having more than two stories and more than eight apartments, clubs, cabarets, concert-café, music-halls, moving-picture theatres, theatres, or halls used for similar purposes, outdoor cinemas, halls for public meetings, lectures or public amusements, municipal halls, buildings used for exhibitions, fairs, kermesses, stands on race-courses or used for public amusements, arenas for wrestling, boxing or hockey, or used for other sports, buildings of more than two stories used as offices, stores having a floor area of over three hundred square metres, railway, tramway or autobus stations, registry offices and public libraries, museums and baths.”

27. Section 14 of the said act is replaced by the following:

“14. When the windows or other outlets opening upon the safety staircases are more than six hundred millimetres above the floor, steps shall be placed so as to enable the occupants of the building to easily reach such outlets.”

28. Section 17 of the said act is replaced by the following:

“17. Every building built or altered after 25 April 1908 to serve as a theatre, for dramatic or operatic entertainments, or for other like purposes requiring the use of a stage with moveable scenery, curtains and machines, shall be a first class building, that is to say, fireproof to the satisfaction of the inspector, and the upper part of the main floor of the hall must not be more than two metres and one-tenth above the level of the street or road where the exit doors are situated.”

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

“21. The stage of every theatre shall be separated from the auditorium by a brick wall at least four hundred millimetres thick extending the whole height and breadth of the building and six hundred millimetres above the roof.”

30. Section 22 of the said act is replaced by the following:

“22. The opening for the curtain in every theatre shall be provided with a curtain of incombustible material, approved of by the inspector, and sliding at each end in grooves solidly fixed in brick walls, and entering into such grooves at least one hundred and fifty millimetres on both sides. This curtain shall be raised at the beginning and lowered at the end of each performance. It shall also be worked by means of approved appliances.”

31. Section 24 of the said act is replaced by the following:

“24. There shall be at least two one hundred millimetre fire-pipes upon the stage of each theatre with all necessary hose and nozzles connected with the said pipes at the level of the stage on each side, and the water shall be kept circulating in the said pipes while there is an audience in the theatre. The inspector may order any other appliances for protection against fire that he may think proper.”

32. Section 16 of the Pressure Vessels Act (Revised Statutes, 1964, chapter 156) is replaced by the following:

“16. The installation of all pressure vessels in public buildings and industrial establishments must be inspected by an inspector before such vessels are used. The installation of every refrigerating plant using more than ten kilograms of refrigerant must be so inspected wherever the installation is made.

All pressure vessels installed in public buildings and industrial establishments must be inspected annually by an inspector or by a stationary engineman duly qualified for that kind of work and authorized by the chief inspector. Such inspection is required for every refrigerating plant run by a motor having a power of over three kilowatts, wherever it may be installed.”

33. Section 2 of the Stationary Enginemen Act (Revised Statutes, 1964, chapter 157) is amended:

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

“(c) Stationary internal combustion engines of over twenty kilowatts;”;

(b) by replacing subparagraph *d* of paragraph 1 of the first paragraph by the following:

“(d) Refrigerating apparatus operated by motors of a total power exceeding twenty kilowatts;”;

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

“(b) Boilers with safety-valves set at a pressure of not more than one hundred and three kilopascals, with a capacity not exceeding seven hundred and fifty kilowatts and a heating surface not exceeding one hundred square metres;”;

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

“(c) Boilers used elsewhere than at buildings under construction, with safety-valves set at a pressure of over one hundred and three kilopascals, but with a capacity not exceeding one hundred and fifty kilowatts and a heating surface not exceeding twenty square metres;”.

34. Section 244 of the Education Act (Revised Statutes, 1964, chapter 235) is replaced by the following:

“244. The school commissioners or trustees, as the case may be, may also, every year, with the authorization or upon the order of the Minister, exempt from school contributions any ratepayer living more than eight kilometres from the nearest school of his religious belief, provided he does not send children to such school. This provision shall not apply to the owners of unoccupied lots.”

35. Section 274 of the said act is amended by replacing paragraph 3 by the following:

“(3) Any child under ten years of age residing at a distance of more than three kilometres, by the shortest road, from the nearest public school to which he is entitled to be admitted, and any child who resides more than five kilometres, by the shortest road, from the nearest public school to which he is entitled to be admitted, if, in either case, the school board makes no provision for transporting children to school free of charge.”

36. Section 11 of the School Boards Grants Act (Revised Statutes, 1964, chapter 237), replaced by section 1 of chapter 70 of the Statutes of 1965 (1st session), amended by section 103 of chapter 55 of the statutes of 1972 and by section 30 of chapter 45 of the statutes of 1975, is again amended by replacing paragraph *a* of subsection 1 by the following:

“(a) in a city or town municipality, and the distance from the residence of the pupils to the school is one kilometre and one-half or more;”.

37. Section 3 of the Mortmain Act (Revised Statutes, 1964, chapter 276) is replaced by the following:

“3. No such corporation formed for the purpose of promoting art, science, religion, charity or any other like object, not involving the acquisition of gain by the corporation or by the individual members thereof, shall, without the sanction of the Lieutenant-Governor in Council, hold more than four hectares and five hundredths of land; but the Lieutenant-Governor in Council may, by licence under the hand of the Provincial Secretary, empower any such corporation to hold lands in such quantity and subject to such conditions as he shall think fit.”

38. Section 66 of the Gas, Water and Electricity Companies Act (Revised Statutes, 1964, chapter 285) is replaced by the following:

“66. When any such company has laid down main pipes for the supply of gas or water in or through any of the streets, squares or public places of any municipality, no other person or corporation shall, without the consent of such company first had and obtained, or otherwise than upon payment to such company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas or water within one hundred and eighty-two centimetres of any of such company's main pipes, or, if it be impracticable to cut drains for such other main pipes at a greater distance, then as near one hundred and eighty-two centimetres as the circumstances of the case will admit.”

39. Section 77 of the said act is replaced by the following:

“77. If it be found necessary or deemed proper to lay any of the pipes or to carry any of the works of the company through the lands of any person, lying within sixteen kilometres of any municipality for the supplying of which the company is incorporated, and the consent of such person cannot be obtained for that purpose, the company may institute expropriation proceedings.”

40. Section 9 of the Railway Act (Revised Statutes, 1964, chapter 290), amended by section 104 of chapter 55 of the statutes of 1972, is again amended:

(a) by replacing paragraph 6 by the following:

“(6) To survey, lay out, construct, make, complete, alter and keep in repair an iron or steel railway of a gauge of one hundred and forty-three centimetres and fifty-one hundredths, to be worked by the force and power of steam or of electricity, or of the atmosphere, or of animals, or by mechanical power, or by any combination thereof authorized by the special act, with double or single iron or steel tracks; and the said railway or any part thereof, as far as the same may be operated by electricity, or any power other than steam, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this act contained, and under and subject to any agreements between the company and the councils of the said corporations and between the company and the said companies, if any, interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this act, in the Municipal Code, in the Cities and Towns Act (Chap. 193), or in the charter of the town interested therein.”;

(b) by replacing paragraph 15 by the following:

“(15) To purchase, lease or acquire by donation, and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for any park or pleasure grounds, not exceeding forty hectares in any one municipality, and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreements with the municipal corporations of the municipalities where the same are situate or any of them, in respect thereto; but none of the provisions of this paragraph shall have any force or effect, unless the municipal council of the municipality wherein the lands proposed to be acquired by the company are situated, has by by-law assented to the company’s acquiring lands under, and for the purpose mentioned in this paragraph.”;

(c) by replacing paragraph 18 by the following:

“(18) To fell or remove any trees standing in any woods, lands or forests where the railway passes, to the distance of thirty-five metres from either side thereof;”;

(d) by replacing the first paragraph of paragraph 21 by the following:

“(21) Any railway company may, whenever a by-law sanctioning the same has been passed by the municipal council of the municipality within which such proposed branch is situate, construct a branch or branches, not exceeding ten kilometres in length, from any terminus or station of its railway;”;

(e) by replacing the first paragraph of paragraph 22 by the following:

“(22) For the purpose of connecting any city, town, village, manufactory, mine, or any stone or slate quarry, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company; and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, the company may build, make, construct, work and use, sidings, or branch lines of railway, not to exceed, in any one case, ten kilometres in length; but the company shall not proceed to locate or build any branch line of more than four hundred metres in length, under this section, until public notice shall have been given for six weeks, in some newspaper published in the counties through or in which such branch line is to be built, that it is the intention of the company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line, and to expropriate the necessary lands for that purpose, under the compulsory powers vested in them by this act, or by any act concerning such company; nor unless the company shall, prior to the first publication of such notice, have deposited in the registry office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company shall have submitted such maps and plans to, and until such maps and plans shall have been approved by the Lieutenant-Governor in Council, after the last publication of the notice; and provided that the order of the Lieutenant-Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line;”.

41. Section 69 of the said act is replaced by the following:

“**69.** No railway engine, motor, car or carriage shall pass in or through any thickly peopled portion of any city, town or village

faster than ten kilometres per hour, unless the track is properly fenced.”

42. Section 72 of the said act is replaced by the following:

“**72.** No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within eight hundred metres of the intersection of such highway with any railway on the level, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway, at such intersection.”

43. Section 86 of the said act is replaced by the following:

“**86.** No deviation of more than one thousand six hundred metres from the line of the railway or from the places assigned thereto in the said map or plan and book of reference, or plans or profiles, shall be made into, through, across, under or over any part of the lands not shown in such map or plan and book of reference, or plans or profiles, or within one thousand six hundred metres of the said line and place, except as provided for by the charter.”

44. Section 89 of the said act is amended by replacing subsection 1 by the following:

“**89.** (1) The lands which may be taken without the consent of the owner, shall not exceed thirty metres in breadth, except in places where the railway is raised more than one hundred and fifty-two centimetres higher, or cut more than one hundred and fifty-two centimetres deeper, than the surface of the line, or where a double track is established, or where stations, depots or other constructions are erected, or goods delivered, and then not more than two hundred and twenty-eight metres in length by one hundred and thirty-seven metres in breadth, without the consent of the person authorized to convey such lands.”

45. Section 130 of the said act is amended by replacing the third paragraph by the following:

“But in no case shall the rail itself, provided it does not rise above or sink below the surface of the road more than twenty-five millimetres, be deemed an obstruction.”

46. Section 131 of the said act is replaced by the following:

“**131.** Whenever any railway crosses any highway, without being carried over it by a bridge, or under it by a tunnel or bridge,

whether the level of the highway remains undisturbed, or is raised or lowered to conform to the grade of the railway, the top of the rails shall not, when the crossing is completed, rise above or sink below the level of the highway more than twenty-five millimetres."

47. Section 132 of the said act is replaced by the following:

"132. (1) The span of the arch of any bridge erected for carrying the railway over or across any highway shall at all times be and remain of the open and clear breadth and space of not less than six metres, and of a height from the surface of such highway to the centre of such arch of not less than three metres and one-half.

(2) The descent under any such bridge shall not exceed thirty centimetres in six metres."

48. Section 133 of the said act is replaced by the following:

"133. The ascent to all bridges erected to carry any highway over any railway shall not be more than thirty centimetres in six metres increase over the natural ascent of the highway, and a good and sufficient fence shall be built on each side of the bridge, which shall not be less than one hundred and twenty centimetres above the surface of the bridge."

49. Section 134 of the said act is replaced by the following:

"134. (1) Whenever an overhead bridge or any other erection or structure is constructed for the passage of a highway over a railway, or, whenever it shall become necessary to rebuild any highway bridge, or other erection or structure already built over a railway, or to make large repairs to the same, the lower beams or parts of the superstructure of any such bridge, or of any other structure, and the approaches thereto, shall be built at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained at a sufficient height, from the surface of the rails of the railway, to admit of an open and clear headway of not less than two metres between the top of the highest freight cars, then running on the railway, and the lower beams or parts of such bridge or other erection.

(2) Any railway company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or major repairs to such bridge or other erection or structure, shall, after having first obtained the consent of the municipality or of the owners of such highway, bridge or other

erection or structure, raise the said bridge, or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway, so as to admit a clear headway of not less than two metres between the top of the highest freight cars thereafter to be used on the railway, and the lower beams or parts of such bridge or other erection."

50. Section 135 of the said act is amended by replacing subsection 1 by the following:

"135. (1) Signboards, stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave four hundred and eighty-seven centimetres from the highway to the lower edge of the signboard, and the words "railway crossing" shall be painted on each side of the signboard, in letters not less than fifteen centimetres in length."

51. Section 138 of the said act, amended by section 108 of chapter 55 of the statutes of 1972, is again amended:

(a) by replacing paragraph *c* of subsection 1 by the following:

"(c) The railway company shall also, unless otherwise determined by the municipal council, at its own expense, keep clear and in proper repair the streets, between the rails, and for forty-five centimetres on each side of the rails; and, in default thereof, the council may cause the same to be done at the expense of the company;"

(b) by replacing paragraph *e* of subsection 1 by the following:

"(e) No car or train of cars shall be run on the travelled portion of any highway faster than fifteen kilometres per hour;"

52. Section 141 of the said act, amended by section 110 of chapter 55 of the statutes of 1972, is again amended by replacing subsection 2 by the following:

"(2) Such tolls may be either for the whole or for any particular portions of the railway; but all such tolls shall always, under substantially similar circumstances and conditions, be charged equally to all persons, and at the same rate, whether by weight, kilometre or otherwise, in respect of all traffic of the same description and carried in or upon a like kind of cars, passing over the same portion of the line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway."

53. Section 150 of the said act is amended by replacing subsection 1 by the following:

“150. (1) The fares to be taken by an electric railway company for each passenger shall not exceed five cents for any distance not exceeding five kilometres, and when the distance exceeds five kilometres, then not exceeding two cents per kilometre or portion thereof for the distance actually travelled. Children under ten years of age shall be carried for five kilometres for three cents, and for any additional distance for half fare, but children in arms shall in all cases be carried free.”

54. Section 153 of the said act is amended by replacing subsection 1 by the following:

“153. (1) Any fraction of the distance over which goods or passengers are transported on the railway shall in every case be considered as a whole kilometre.”

55. Section 166 of the said act is replaced by the following:

“166. Every locomotive engine shall be furnished with a bell of at least thirteen kilograms and with a steamwhistle.”

56. Section 167 of the said act is amended by replacing subsection 1 by the following:

“167. (1) The bell shall be rung, or the whistle sounded, at least four hundred and sixty metres from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under penalty of a fine of eight dollars for every neglect thereof, to be paid by the company, which shall also be liable for all damages sustained by any person by reason of such neglect.”

57. Section 168 of the said act is replaced by the following:

“168. Every car which contains a motor, or which runs at the head of a train on an electric railway, shall be furnished with a gong of at least twenty-five centimetres in diameter.”

58. Section 169 of the said act is replaced by the following:

“169. The gong on the first or only car forming a train on an electric railway, shall be sounded at least four hundred and sixty metres from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals until the car has crossed such highway, under a fine of eight dollars for every neglect thereof, to be paid by the company, and the company shall further be liable for all damages sustained by any person by reason of such neglect; one-half of which fine and damages shall

be collected by the company from the motorman or other person having charge of such car and neglecting to sound the gong as aforesaid."

59. Section 246 of the said act is amended by replacing subsection 2 by the following:

"(2) The word "railway" shall include all stations and depots of the railway, and a railway shall be deemed to come near another when some part of the one is within one kilometre and one half of some part of the other."

60. Section 249 of the said act is amended by replacing subsection 1 by the following:

"249. (1) Every constable so appointed, and having taken such oath, shall have full power to act as a constable for the preservation of the peace, and for the security of persons and property against crimes and other unlawful acts, on such railway and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such company, whether the same be in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which may be operated or leased by such railway company, and in all places not more than four hundred metres distant from such railway."

61. Section 266 of the said act, amended by section 122 of chapter 55 of the statutes of 1972, is replaced by the following:

"266. Every railway company in this Province to which this act applies, shall, so soon as any portion thereof is in use, pay to the Ministre des transports an annual rate to be fixed by the Régie des services publics, not exceeding six dollars and twenty-five cents per kilometre of railway constructed and in use; such rate to be paid half-yearly on the 1st of January and 1st of July, in each year, and to form a special fund for the purposes of this act, to be called the "Railway Inspection Fund"."

62. Form 2 of the said act is amended by replacing the word "miles" in the sixth column of the first table and in the sixth column of the second table by the word "kilometres".

63. Section 7 of the Cemetery Companies Act (Revised Statutes, 1964, chapter 307) is replaced by the following:

“7. The corporation shall have the right to establish a cemetery, but the construction, maintenance and use of such cemetery shall be effected in accordance with the general laws concerning like matters. It may also, subject to the same general laws, change the site of the whole or part of such cemetery and enlarge it, provided that the total area shall never exceed twelve hectares.”

64. Section 23 of the Mining Act (1965, 1st session, chapter 34), replaced by section 2 of chapter 27 of the statutes of 1970, is again replaced by the following:

“23. The holder of a prospector’s licence may stake out for each licence a maximum of eighty hectares in unsurveyed territory and a maximum of ninety hectares in surveyed territory.”

65. Section 33 of the said act, amended by section 5 of chapter 27 of the statutes of 1970 and by section 6 of chapter (*insert here chapter number of Bill 27*) of the statutes of 1977, is again amended:

(a) by replacing the first nine lines by the following:

“33. In unsurveyed territory, every prospector’s licence shall entitle the holder to mark out on the ground one or more but no more than five claims, the sides of which shall be roughly four hundred metres in length and shall run astronomically northward and southward, eastward and westward, and the area of each of which shall be sixteen hectares, in the following manner:”;

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

“(h) The length of the stakes above ground must be approximately one metre and twenty-five centimetres and their diameter approximately ten centimetres; they must be squared on all four sides for a length of at least thirty centimetres starting from the head; stumps or trees of the required dimensions may be used in place of stakes;”.

66. Section 34 of the said act is replaced by the following:

“34. In unsurveyed territory where there is no wood from which stakes conformable to the requirements of section 33 can be made, the staker may mark the corners of the claims by means of wooden or metal stakes one metre and twenty-five centimetres high above the ground and at least two centimetres in diameter, on which he shall mark the date of the staking and to each of which he shall fasten securely a metal plate bearing the number of the stake, the number of the claim and the number of his prospector’s licence.

Such stakes shall be kept in place by a pile of stone or earth at least seventy-five centimetres in diameter and fifty centimetres high.

67. Section 35 of the said act, amended by section 6 of chapter 27 of the statutes of 1970, is again amended by replacing subsection 2 by the following:

“(2) Staked lands may be composed:

(a) of a whole lot or of several contiguous whole lots, the total area of which does not exceed twenty hectares;

(b) of whole lots or half-lots in the case of lots of more than twenty hectares but less than forty-five hectares in area;

(c) of whole lots, half-lots or quarter-lots in the case of lots of more than forty-five hectares but not more than ninety hectares in area.”

68. Section 37 of the said act is amended by replacing the first paragraph by the following:

“**37.** In unsurveyed territory, a parcel of land of less than sixteen hectares situated between claims may be staked by the holders of adjacent claims in such proportions as appear fair to the Minister.”

69. Section 42 of the said act is replaced by the following:

“**42.** If any claim is more than eighty kilometres in a straight line from the nearest mining recorder’s office, the delay for filing the notice of staking and the licence is increased by one day for every twenty-five kilometres or fraction of twenty-five kilometres above eighty kilometres, but it shall not exceed thirty days.”

70. Section 57 of the said act is amended by replacing the second paragraph by the following:

“Nevertheless, the Minister may authorize him, on such conditions as he may prescribe, to extract and ship, each year, to any ore-treatment mill situated in the Province, a quantity of crude ore not exceeding three hundred metric tonnes.”

71. Section 60 of the said act is replaced by the following:

“**60.** The Crown reserves for itself, and does not consider as part of any claim, that part of any river or watercourse which, in its natural state, is capable of developing one hundred and ten kilowatts or more, with in addition twenty metres in width on each side and such additional area as the Lieutenant-Governor in Council may deem necessary for the development and use thereof.”

72. Section 63 of the said act is amended by replacing the second paragraph by the following:

“The total area comprised in a development licence shall not exceed ninety hectares.”

73. Section 65 of the said act, replaced by section 12 of chapter 27 of the statutes of 1970, is again replaced by the following:

“**65.** Every person who applies for a development licence must pay an annual rental of sixty cents per hectare. The same shall apply to every application for renewal.”

74. Section 73 of the said act, amended by section 15 of chapter 27 of the statutes of 1970, is replaced by the following:

“**73.** Such application shall be accompanied by payment of an annual rental of two dollars and fifty cents per hectare.”

75. Section 74 of the said act, amended by section 16 of chapter 27 of the statutes of 1970, is again amended by replacing subparagraph *a* of the first paragraph by the following:

“(a) grant to him, on payment of three dollars and seventy-five cents per hectare, a delay of six months to do the work and furnish evidence thereof; or”.

76. Section 78 of the said act, replaced by section 18 of chapter 27 of the statutes of 1970, is amended by replacing the first paragraph by the following:

“**78.** The holder of a group of contiguous claims the total area of which does not exceed four hundred and eighty hectares may concentrate his work on only a portion of such area and count it as required work with respect to any claim in the group.”

77. Section 79 of the said act, amended by section 19 of chapter 27 of the statutes of 1970, is again amended by replacing the second paragraph by the following:

“This provision shall only apply to an area under licence not exceeding four hundred and eighty hectares.”

78. Section 94 of the said act, amended by section 11 of chapter (*insert here chapter number of Bill 27*) of the statutes of 1977, is replaced by the following:

“**94.** The total area granted by lease to any one person during a twelve month period must not exceed ninety hectares.

The Lieutenant-Governor in Council may, however, authorize the Minister to increase such area to four hundred hectares."

79. Section 97 of the said act is amended by replacing the second paragraph by the following:

"Moreover, there shall be reserved, along any lake or river, a road ten metres in width which shall be included in the reserve of five per cent provided for in section 96."

80. Section 98 of the said act is replaced by the following:

"**98.** The annual rental of a mining lease shall be two dollars and fifty cents per hectare, payable in advance each year."

81. Section 102 of the said act is replaced by the following:

"**102.** When the Minister so allows a delay to commence operations, the annual rental shall be increased to five dollars per hectare for the third and fourth years, seven dollars and fifty cents per hectare for the fifth and sixth years, ten dollars per hectare for the seventh and eighth years, twelve dollars and fifty cents per hectare for the ninth and tenth years and fifteen dollars per hectare thereafter."

82. Section 103 of the said act is replaced by the following:

"**103.** When adjacent lands not exceeding two thousand hectares in all have been leased by separate mining leases to the same person and can be regarded as one and the same undertaking, the Minister may allow the required operations to be concentrated on one of such lands."

83. Section 116 of the said act is replaced by the following:

"**116.** Any person applying for a mining concession shall annex to his application the required documents and the price fixed, namely, seventy-five dollars per hectare."

84. Section 119 of the said act is amended:

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

"**119.** All mining concessions other than those the letters patent whereof were issued before 1 July 1911 shall be subject to an annual tax of two dollars and fifty cents per hectare.";

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

"The Minister shall remit such tax upon proof that exploration work or mining operations of a cost of twenty-five dollars per

hectare have been carried out on each concession, or according to section 103."

85. Section 123 of the said act is replaced by the following:

"**123.** From and after 15 March 1928, the water-powers capable of supplying one hundred and ten kilowatts, or over, comprised in a mining concession, with, in addition, from and after 27 May 1937, an allowance of twenty metres in width on each side of the said water-powers, and any additional area which the Lieutenant-Governor in Council may deem necessary for their development and utilization are reserved to the Crown."

86. Section 124 of the said act is amended by replacing the second paragraph by the following:

"Along the edge of such lakes or rivers, the Crown also reserves for itself a right for a road on a strip ten metres in width which is included in the reserve of five per cent."

87. Section 141 of the said act is replaced by the following:

"**141.** The land covered must be in one block and its area must not exceed twenty-five thousand hectares."

88. Section 142 of the said act is replaced by the following:

"**142.** The licensee shall pay to the Minister, before the beginning of each year, a rental of eight cents per hectare."

89. Section 143 of the said act, amended by section 9 of chapter 36 of the statutes of 1968 and by section 29 of chapter 27 of the statutes of 1970, is again amended by replacing subparagraphs *a* to *e* of the first paragraph by the following:

"(a) first year: fifty cents per hectare; minimum, three thousand dollars;

(b) second year: one dollar per hectare; minimum, six thousand dollars;

(c) third year: one dollar per hectare; minimum, nine thousand dollars;

(d) fourth year: two dollars per hectare; minimum, twelve thousand dollars;

(e) fifth year: two dollars and fifty cents per hectare; minimum, fifteen thousand dollars."

90. Section 144 of the said act, amended by section 10 of chapter 36 of the statutes of 1968 and by section 30 of chapter 27

of the statutes of 1970, is again amended by replacing the second paragraph by the following:

“The Lieutenant-Governor in Council may by regulation reduce to the extent of 75% for the first year and 50% for each subsequent year the amount of the rental and the cost of the required work whenever a company or corporation duly authorized to carry on its operations in the province of Québec holds five or more contiguous licences of a total area of at least one hundred thousand hectares in the electoral districts of Rimouski, Matapédia, Matane, Gaspé, Bonaventure, Rivière-du-Loup, Témiscouata and Îles de la Madeleine (Magdalen Islands), the Island of Anticosti, the St Lawrence River and Gulf in front of such districts, the territory of Abitibi and New Québec.”

91. Section 146 of the said act is replaced by the following:

“**146.** The Minister shall grant the renewal on payment of the annual rental, which shall then be forty cents per hectare.”

92. Section 147 of the said act, amended by section 11 of chapter 36 of the statutes of 1968 and by section 31 of chapter 27 of the statutes of 1970, is replaced by the following:

“**147.** The licensee must, during the period of each renewal, carry out or cause to be carried out, to the satisfaction of the Minister, in the territory covered by his licence or in any neighbouring territory determined in accordance with section 138, exploration work consisting of geological or geophysical surveys, tests or the drilling of wells or test holes, in conformity with the regulations, at the following cost: two dollars and fifty cents per hectare; minimum, twenty-thousand dollars.”

93. Section 151 of the said act, amended by section 32 of chapter 27 of the statutes of 1970, is again amended by replacing the second paragraph by the following:

“However, a licensee who has not done the required work during the first year may, during the second year, do the required work for both years for an additional rental of fifteen cents per hectare.”

94. Section 154 of the said act is replaced by the following:

“**154.** Lands so grouped together must be contiguous or located partly within a radius of forty kilometres.”

95. Section 155 of the said act is replaced by the following:

“155. The total area must not exceed seventy-five thousand hectares except in a case contemplated in the second paragraph of section 144, when it must not exceed two hundred and fifty thousand hectares.”

96. Section 163 of the said act is replaced by the following:

“163. The holder of an exploration licence shall be entitled to obtain, when necessary, upon written application to the Minister and payment of forty cents per hectare, a sufficient extension so that his licence shall remain in force six months from the day of the discovery of petroleum or natural gas in commercial quantities.”

97. Section 168 of the said act is amended by replacing the second paragraph by the following:

“The area must not be less than two hundred hectares, except by consent of the Minister, nor shall it exceed two thousand hectares.”

98. Section 173 of the said act is replaced by the following:

“173. The holder shall pay to the Minister, before the beginning of each year of the lease, a rental of two dollars and fifty cents per hectare in addition to the royalties.”

99. Section 175 of the said act is replaced by the following:

“175. The Minister, on written application, may authorize in writing the holder of several operating leases to group them together for the carrying out of drilling on the following conditions:

(a) that the lands covered are located, in whole or in part, within a radius of twenty kilometres; and

(b) that the total area does not exceed four thousand hectares.”

100. Section 185 of the said act is amended by replacing paragraph *c* by the following:

“(c) the residual area is at least two hundred hectares, saving special authorization.”

101. Section 239 of the said act, amended by section 25 of chapter 54 of the statutes of 1972, is again amended by replacing the first paragraph by the following:

“239. The Ministre des transports is fully empowered to remove from the sites of mining roads and their vicinity the timber, stone, earth, gravel and sand necessary for the construction and maintenance thereof and to cut down all trees within a distance of ten metres from both sides of the site, without being obliged to pay any indemnity.”

102. Section 270 of the said act, amended by section 25 of chapter 36 of the statutes of 1968 and by section 24 of chapter (*insert here chapter number of Bill 27*) of the statutes of 1977, is again amended by replacing subparagraphs *a* and *b* of the first paragraph by the following:

“(a) in the territory of New Québec, with the following restrictions:

- i) the territory covered shall not be less than sixty-five nor more than four hundred square kilometres;
- ii) the duration of such licence shall not exceed ten years;
- iii) the annual rental shall not be less than sixty dollars per square kilometre;

(b) in alluvial deposits throughout the Province, with the same restrictions except with respect to the minimum area of the territory covered, which shall not be less than two square kilometres.”

103. Section 1 of the Cultural Property Act (1972, chapter 19), amended by section 98 of chapter 14 of the statutes of 1975, is again amended by replacing paragraph *j* by the following:

“(j) “protected area”: an area whose perimeter is one hundred and fifty-two metres from a classified historic monument or archaeological site;”.

104. The Government, by regulation, may amend any statutory instrument in order to substitute international units of measurement (SI) for Canadian units of measurement therein.

For the purposes of the first paragraph, a number may be added to or deducted from the unit of measurement substituted in order to obtain a whole number or a simple unit of measurement.

105. The Government, by regulation, may identify the standards to be applied to ensure the correct use in the government departments and agencies of the international system of units (SI) and other customary units, and may fix the date from which these standards are to apply.

106. Every regulation made under section 104 or 105 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

107. The Ministre de l'industrie et du commerce is responsible for the application of this act.

108. This act shall come into force on the day of its sanction, except sections 26 to 33, which shall come into force on 1 January 1978, and sections 16, 18 and 19, which shall come into force on the date fixed by proclamation of the Government.