

1991, chapter 27

**AN ACT AMENDING THE EDUCATION  
ACT AND AMENDING THE ACT RESPECTING  
PRIVATE EDUCATION**

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**Bill 139**

Introduced by Mr Michel Pagé, Minister of Education

Introduced 15 May 1991

Passage in principle 10 June 1991

Passage 17 June 1991

**Assented to 20 June 1991**

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**Coming into force: 20 June 1991, except sections 1 and 10 and paragraph 2 of section 12 which will come into force on 31 December 1991, and section 4, which will come into force on the date of the coming into force of section 137 of the Education Act**

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**Acts amended:**

Act respecting private education (R.S.Q., chapter E-9)

Education Act (R.S.Q., chapter I-13.3)



## CHAPTER 27

### An Act amending the Education Act and amending the Act respecting private education

[Assented to 20 June 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. I-13.3,  
s. 117.1,  
added

**1.** The Education Act (R.S.Q., chapter I-13.3) is amended by inserting, after section 117, the following section:

Order

**“117.1** The Government may, of its own motion and, where expedient, without the consent referred to in section 117, issue an order under section 116 or 117.”

c. I-13.3,  
s. 118, am.

**2.** Section 118 of the said Act is amended by replacing the first paragraph by the following paragraph:

Name of  
new  
school board

**“118.** Any order issued under section 116, 117 or 117.1 shall, where applicable, determine the name of the new school board.”

c. I-13.3,  
ss. 118.1  
to 118.3,  
added

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

Amalgama-  
tion

**“118.1** Where the territories of school boards are amalgamated, the commissioners of such school boards shall, from the publication of the order, establish the provisional council of the new school board resulting from the amalgamation of those territories.

Provisional  
council of  
new school  
board

**“118.2** Where the territory of a school board is divided to allow for the establishment of new school boards, the provisional council of a new school board shall, from the publication of the order, consist of every commissioner whose electoral division has been totally integrated into the territory of the new school board and of every commissioner whose electoral division has been integrated in part

where that part includes the place of residence of a majority of his electors.

Provisional council

**“118.3** The provisional council shall be responsible for taking the preliminary measures necessary to put the new school board into operation in its territory from the coming into force of the order as well as the measures required for the organization of the first school year which begins on the same date.

Functions and powers

For such purposes, it shall exercise the functions and powers of the new school board as if it were the council of commissioners. However, the representatives of a parents’ committee who are members of a provisional council are not entitled to vote at sittings of the council.”

c. I-13.3, s. 137, am.

**4.** Section 137 of the said Act is amended by inserting the words “and, where expedient, without the consent referred to in section 136” after the word “motion” in the first line.

c. I-13.3, s. 138, am.

**5.** Section 138 of the said Act is amended by replacing the first paragraph by the following paragraph:

Order

**“138.** Any order issued under section 135, 136 or 137 shall, where applicable, determine the name of the new dissentient school board.”

c. I-13.3, ss. 138.1 to 138.3, added

**6.** The said Act is amended by inserting, after section 138, the following sections:

Amalgamation

**“138.1** Where the territories of dissentient school boards are amalgamated, the commissioners of such school boards shall, from the publication of the order, establish the provisional council of the new dissentient school board resulting from the amalgamation of those territories.

Provisional council of new school board

**“138.2** Where the territory of a dissentient school board is divided to allow for the establishment of new dissentient school boards, the provisional council of a new dissentient school board shall, from the publication of the order, consist of every commissioner whose electoral division has been totally integrated into the territory of a new dissentient school board and of every commissioner whose electoral division has been integrated in part where that part includes the place of residence of a majority of his electors.

Provisional council

**“138.3** The provisional council shall be responsible for taking the preliminary measures necessary to put the new dissentient school

board into operation in its territory from the coming into force of the order as well as the measures required for the organization of the first school year which begins on the same date.

Functions  
and powers

For such purposes, it shall exercise the functions and powers of the new dissentient school board as if it were the council of commissioners. However, the representatives of a parents' committee and, where applicable, the parents of the minority of students contemplated in section 146 are not entitled to vote at sittings of the council."

c. I-13.3,  
s. 219, am.

**7.** Section 219 of the said Act, replaced by section 1 of chapter 28 of the statutes of 1990 and amended by section 8 of chapter 78 of the statutes of 1990, is again amended by striking out the second and third paragraphs.

c. I-13.3,  
s. 300, am.

**8.** Section 300 of the said Act, amended by section 10 of chapter 78 of the statutes of 1990, is again amended by striking out the sixth and seventh paragraphs.

c. I-13.3,  
s. 366, am.

**9.** Section 366 of the said Act is amended

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

Disconti-  
nuation of  
regional  
board

**"366.** On application therefor by the school boards which are members of a regional school board, the Government may, by order, discontinue the regional school board.";

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

Rights and  
obligations

"Section 120 applies to the apportionment of the rights and obligations of the regional school board among the school boards which are members thereof on the date of the order."

c. I-13.3,  
s. 366.1,  
added

**10.** The said Act is amended by inserting, after section 366, the following section:

Order

**"366.1** The Government may, of its own motion, issue an order under section 362 or 366."

c. I-13.3,  
s. 367, am.

**11.** Section 367 of the said Act is amended by replacing the words "the sole school board" in the first line by the words "any school board which is a member of a regional school board on the date of the order referred to in section 366".

c. I-13.3,  
s. 496, am.

**12.** Section 496 of the said Act is amended

(1) by replacing the words “in force on 1 July 1989” in the second line of the first paragraph by the words “which are in force”;

(2) by replacing the word and figure “and 117” in the third line of the second paragraph by the figures and word “, 117 and 117.1”.

c. I-13.3,  
s. 498, am. **13.** Section 498 of the said Act is amended by adding, after the second paragraph, the following paragraph:

Vote “The representatives of the parents of the minority of students contemplated in section 146 who are members of a provisional council referred to in section 118.3 shall not be entitled to vote at sittings of the council.”

c. E-9,  
s. 56, am. **14.** Section 56 of the Act respecting private education (R.S.Q., chapter E-9), amended by section 55 of chapter 78 of the statutes of 1990, is again amended by striking out the second and third paragraphs.

c. E-9,  
s. 59.3, am. **15.** Section 59.3 of the said Act, amended by section 56 of chapter 78 of the statutes of 1990, is again amended by striking out the sixth and seventh paragraphs.

Coming into  
force **16.** This Act comes into force on 20 June 1991, except sections 1 and 10 and paragraph 2 of section 12 which will come into force on 31 December 1991, and section 4, which will come into force on the date of the coming into force of section 137 of the Education Act.