

1990, chapter 58

AN ACT RESPECTING THE COMPUTATION OF INTEREST APPLICABLE TO TAX CLAIMS

Bill 64

Introduced by Mr Raymond Savoie, Minister of Revenue

Introduced 15 May 1990

Passage in principle 6 November 1990

Passage 13 December 1990

Assented to 14 December 1990

Coming into force: 14 December 1990

Acts amended:

Taxation Act (R.S.Q., chapter I-3)

Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)





CHAPTER 58

An Act respecting the computation of interest applicable to tax claims

[Assented to 14 December 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. I-3,
s. 1030, am. **1.** Section 1030 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing subsection 4 by the following subsection:

Computa-
tion of
interest “(4) For the purposes of computing the exigible interest, where a taxpayer pays to the Minister or to a financial institution authorized by the Minister all or part of the amount he is required to pay following a notice of assessment, the date of payment is deemed to be the date of mailing of the notice of assessment if the payment is made before the twenty-first day of the month following the month in which the notice of assessment was mailed.

Date of
payment The same rule applies where the payment is made by remittance to the Minister, before the day referred to in the first paragraph, of a negotiable instrument falling due within such time.”

c. M-31,
s. 28.2,
replaced **2.** Section 28.2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is replaced by the following section:

Date of
payment “**28.2** For the purposes of section 28, where a taxpayer pays to the Minister or to a financial institution authorized by the Minister, after the expiry of the time prescribed in subsection 4 of section 1030 of the Taxation Act (R.S.Q., chapter I-3) but before the twenty-first day of a subsequent month, all or part of the amount he is required to pay following a notice of assessment, the Minister may decide not to exact payment of the exigible interest on that amount for the period extending from the first day of that month to the day of payment.

Date of payment The same rule applies where the payment is made by remittance to the Minister, before the twenty-first day of a month, of a negotiable instrument falling due within such time.

Applicability This section also applies in respect of an amount claimed under section 12.2.”

Provisions not applicable **3.** Sections 1 and 2 do not apply in the case of a payment made to the Minister by an individual following a notice of assessment issued pursuant to the following provisions:

(a) the Succession Duty Act (R.S.Q., chapter D-13.2) as it read before being repealed by section 6 of chapter 15 of the statutes of 1986, in respect of successions opened before 28 May 1986;

(b) sections 220.2 to 220.13 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) Part I of the Taxation Act, except section 1034, and Parts II to VII of the said Act, where the individual is required to pay the amount otherwise than as mandatary of the Minister;

(d) Part VIII of the Taxation Act as it read before being repealed by section 208 of chapter 15 of the statutes of 1986, in respect of a gift made before 24 April 1985;

(e) the Act respecting real estate tax refund (R.S.Q., chapter R-20.1);

(f) the Act respecting work income supplement (R.S.Q., chapter S-37.1) as it read before being repealed by section 188 of chapter 4 of the statutes of 1988.

Effect **4.** Sections 1 to 3 have effect from 12 November 1990.

Coming into force **5.** This Act comes into force on 14 December 1990.