

1985, chapter 8

AN ACT TO AMEND THE EDUCATION ACT AND VARIOUS LEGISLATION

Bill 29

Introduced by Mr François Gendron, Minister of Education

Introduced 21 March 1985

Passage in principle 7 May 1985

Passage 4 June 1985

Assented to 4 June 1985

Coming into force: 4 June 1985 except sections 33, 35 and 45, which come into force on 1 July 1986

Acts amended:

Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Education Act (R.S.Q., chapter I-14)





CHAPTER 8

An Act to amend the Education Act and various legislation

[Assented to 4 June 1985]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

c. I-14,
s. 1, am. **1.** Section 1 of the Education Act (R.S.Q., chapter I-14) is amended by inserting in the first paragraph, after subparagraph 3, the following subparagraph:

“confession-
al school
board” “(3.1) The words “confessional school board” mean the Commission des écoles catholiques de Montréal, the Protestant School Board of Greater Montréal, the Commission des écoles catholiques de Québec and the School Board of Greater Québec;”.

c. I-14,
s. 15.1,
replaced
Grants **2.** Section 15.1 of the said Act is replaced by the following section:

“**15.1** The Minister shall each year, after consultation with the school boards, the corporations of trustees, the regional boards and the confessional school boards, make and submit to the approval of the Conseil du trésor budgetary rules to determine the amount of expenses allowable for grants to be paid to school boards, to corporations of trustees, to regional boards, to confessional school boards and to the Conseil scolaire de l'Île de Montréal. These budgetary rules shall be made in such a manner as to provide for an equitable, non-discriminatory distribution of grants.

Equalization
grants The Minister must, in the budgetary rules contemplated in the first paragraph, provide for the payment of equalization grants to school boards, corporations of trustees, regional boards, confessional school

boards or the Conseil scolaire de l'Île de Montréal. These equalization grants shall be paid according to the difference between the standardized assessment of taxable property per student of a school board, of a corporation of trustees, of a regional board, of a confessional school board or of the Conseil scolaire de l'Île de Montréal, as the case may be, and that per student of the aggregate of the school boards, of the corporations of trustees, of the regional boards, of the confessional school boards or of the Conseil scolaire de l'Île de Montréal, as the case may be, taking into account the size of the revenue from real estate taxes collected within the limits fixed by section 354.1, 558.1 or 567.12."

c. I-14,
s. 39.1,
added

3. The said Act is amended by inserting, after section 39, the following section:

Right to
vote

"39.1 Notwithstanding section 39, no person of a different religious confession than that of a confessional school board where he has enrolled his children or of which he is a ratepayer may vote at an election of commissioners of the confessional school board or on the occasion of a referendum."

c. I-14,
s. 52.1, am.

4. Section 52.1 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "Section 39.1 applies *mutatis mutandis* to the election."

c. I-14,
ss. 55.1,
55.2, 55.3,
added

Dissentient
trustee cor-
poration

5. The said Act is amended by inserting, after section 55, the following sections:

"55.1 Before sending the notice provided for in section 55, the persons wishing to form a dissentient trustee corporation shall request the school commissioners to recognize that they profess a religious belief different from that of the majority of the ratepayers of the municipality.

Enumera-
tion

"55.2 Where the school commissioners do not recognize that the persons wishing to make a declaration of dissent profess a religious belief different from that of the majority of the ratepayers of the municipality, they shall without delay make an enumeration of the electors who are natural persons and who are domiciled in the territory of the school board.

Religious
confessions

The enumerators shall ask each elector if he is Catholic, Protestant or of another religious confession.

Results

As soon as the results of the enumeration are known, the school commissioners shall inform the persons wishing to make a declaration of dissent of the results.

Notice of
dissent

"55.3 The notice of dissent may be sent when the school commissioners have recognized that the persons wishing to make a declaration of dissent profess a religious belief different from that of the majority of the ratepayers of the municipality or, as the case may be, when the results of the census indicate such a fact."

c. I-14,
s. 57,
replaced
Effect

6. Section 57 of the said Act is replaced by the following section:

"57. Except in the case provided for in section 63, the dissent shall take effect, for election purposes, 15 days before the date fixed for the election of the school commissioners and, for all other purposes, on the 1st of July following the date of the election."

c. I-14,
s. 58,
replaced

7. Section 58 of the said Act is replaced by the following section:

Conditions

"58. When a notice of dissent is served in conformity with section 56, the same conditions as before the service of such notice shall be maintained until the date of election of three school trustees.

Election of
school
trustees

The election of school trustees shall be held on the date fixed for the election of school commissioners."

c. I-14,
s. 61, am.

8. Section 61 of the said Act is amended by replacing, in the third paragraph, the words "In the month of June following" by the words "On the date fixed for the election of school commissioners".

c. I-14,
s. 82, am.

9. Section 82 of the said Act is amended by adding, after the second paragraph, the following paragraph:

Electoral
list

"No person contemplated in section 39.1 may be entered on the electoral list of a confessional school board."

c. I-14,
s. 339, am.

10. Section 339 of the said Act is amended by adding, after the second paragraph, the following paragraph:

Approval

"In the case of confessional school boards and corporations of school trustees, approval of the budget by the Minister is not required."

c. I-14,
s. 494, am.

11. Section 494 of the said Act is amended by replacing paragraphs *a* and *b* by the following paragraphs:

"island of
Montréal"

"(a) "island of Montréal": all the school municipalities established under section 1 of the Act to promote school development on the island of Montréal (1972, chapter 60), except school municipalities under the authority of confessional school boards;

“school
board”

“(b) “school board”: any school corporation contemplated in section 2 of the Act to promote school development on the island of Montréal, except confessional school boards;

“confession-
al school
board”

“(b.1) “confessional school board”: the Commission des écoles catholiques de Montréal and the Protestant School Board of Greater Montréal;”.

c. I-14,
s. 496, am.

12. Section 496 of the said Act is amended by adding, at the end of the first paragraph, the words “and the confessional school boards”.

c. I-14,
s. 498, am.

13. Section 498 of the said Act is amended

(1) by inserting, after the words “school board” in the first line of the second paragraph, the words “or confessional school board”;

(2) by inserting, after the words “school board” in the third line of the second paragraph, the words “or that confessional school board”.

c. I-14,
s. 498.1,
added

14. The said Act is amended by inserting, after section 498, the following section:

Right to
vote

“**498.1** The representatives designated by the confessional school boards shall not vote except on matters for which this Part confers jurisdiction on the Council in respect of confessional school boards.”

c. I-14,
s. 504, am.

15. Section 504 of the said Act is amended

(1) by striking out the second paragraph;

(2) by inserting, after the fourth paragraph, the following paragraph:

Rate of
taxes

“The Council shall, in fixing its rate of taxes, take into account the sums it is required to levy for the account of the confessional school boards pursuant to section 567.11. These sums shall be paid to them within thirty days following the receipt by the Council of the proceeds of the taxes.”

c. I-14,
ss. 504.1,
504.2,
added

16. The said Act is amended by inserting, after section 504, the following sections:

Under-
privileged
areas

“**504.1** The Council shall adopt, by by-law, measures calculated to ensure upgrading instruction in underprivileged areas of school boards and confessional school boards.

Powers

“**504.2** The Council, after an agreement with the confessional school boards, shall have jurisdiction to exercise in their respect any other power provided in section 504.”

c. I-14,
s. 535, am.

17. Section 535 of the said Act is amended by striking out, in the first paragraph, the words « ; however, the Protestant School Board of Greater Montréal shall consist of at least eleven and not more than fifteen school commissioners and La Commission des écoles catholiques de Montréal shall consist of at least fifteen and not more than nineteen school commissioners”.

c. I-14,
s. 557, am.

18. Section 557 of the said Act is amended by replacing, in the first paragraph, the words “on the island of Montréal” by the words “in a school municipality established under section 1 of the Act to promote school development on the island of Montréal”.

c. I-14,
s. 558, am.

19. Section 558 of the said Act is amended by striking out, in the third paragraph, the words “situated on the island of Montréal”.

c. I-14,
ss. 558.1,
558.2,
replaced

20. Sections 558.1 and 558.2 of the said Act are replaced by the following sections:

Approval of
electors

“558.1 Where the total amount of expenses provided for the attainment of the objects of the council and of the school boards, and the carrying out of the obligations of the council set forth in section 567.11, for the payment of which a tax must be levied under section 504, exceeds six per cent of the net expense of the council, or the taxation rate of that tax exceeds 25 cents per hundred dollars of the standardized assessment of the taxable property, the tax must be submitted to the approval of the electors in accordance with sections 567 and following.

“net ex-
pense”

“558.2 For the purposes of section 558.1, the “net expense” is the total amount of operating expenses allowable for purposes of grants, by the council, the school boards and the confessional school boards, under the budgetary rules contemplated in section 15.1, without regard to the debt service of the capitalization fund.”

c. I-14,
s. 558.5,
added

21. The said Act is amended by inserting, after section 558.4, the following section:

Tax limit

“558.5 Where a tax is approved by the electors in accordance with sections 567 to 567.4, the tax levied on the immovables contemplated in section 567.13 is the limit prescribed in section 567.12.”

c. I-14,
s. 567.3,
replaced
Ballot
papers

22. Section 567.3 of the said Act is replaced by the following section:

“567.3 The following shall be printed on the ballot papers:

Do you approve the levy of a tax at the rate of (x) cents per hundred dollars of the standardized assessment of the taxable property?

1	YES
2	NO

NOTE: That rate corresponds to (y) per cent of the net expenses of the Conseil scolaire de l'île de Montréal, of the school boards of the island of Montréal and of the confessional school boards for the school year (*insert here the school year*)."

c. I-14,
ss. 567.5 to
567.15,
added

23. The said Act is amended by inserting, after section 567.4, the following division:

"DIVISION V

"CONFESSIONAL SCHOOL BOARDS

Protestant
School
Board of
Greater
Montréal

"567.5 The Protestant School Board of Greater Montréal shall consist of at least eleven and not more than fifteen school commissioners and the Commission des écoles catholiques de Montréal shall consist of at least fifteen and not more than nineteen school commissioners. In addition, each school board shall consist of one representative elected for each of the elementary and secondary levels in accordance with section 52.1 or the second paragraph of section 544.

Electoral
list

"567.6 To be entered on the electoral list of a confessional school board, a person must:

(1) be of full age on polling day;

(2) on the last juridical day before the date of deposit of the electoral list, be a Canadian citizen domiciled in the school municipality and have full legal capacity; and

(3) be of the same religious confession as the school board.

Agreement

"567.7 A confessional school board may enter into any agreement with the council for school purposes.

Application

"567.8 Subject to any inconsistent provision of this Part and notwithstanding any provision to the contrary of any special Act, the provisions of this Act apply *mutatis mutandis* to confessional school boards, except sections 48, 108, 111, 144, 146, 226, 231, 250 to 254, 358, 366, 367, 391 to 395, 423 to 449, 487 to 493, the first paragraph of section 535 and sections 537, 543 and 545 to 567.4.

Bonds and securities

“567.9 The bonds or other evidences of indebtedness or securities forming part of the debt of the council on 4 June 1985 constitute a direct, general and unconditional undertaking of the council, the school boards and the confessional school boards; the bonds or other evidences of indebtedness or securities issued by a confessional school board must rank concurrently and *pari passu* with all other undertakings of the Conseil scolaire de l’île de Montréal and of the school boards of the island of Montréal in respect of loans of money not secured by hypothec or other encumbrance.

Budget

“567.10 Every confessional school board shall, before the date fixed by the council, adopt its budget for the ensuing school year and transmit it to the council.

Taxes

“567.11 The council shall collect for the confessional school boards, out of the proceeds of its taxes the rate of which is to be fixed in accordance with section 504, and remit to them the amount of taxes payable to them up to an amount equal to six per cent of their net expenses or to a taxation rate of 25 cents per hundred dollars of the standardized assessment of the taxable property included in the real estate base of each confessional school board.

Surtax

“567.12 Where the total amount of expenses of a confessional school board exceeds six per cent of the net expense of the confessional school board, or the taxation rate of that tax exceeds 25 cents per hundred dollars of the standardized assessment of the taxable property included in the real estate base of the confessional school board, the confessional school board shall itself collect the excess amount by means of a surtax.

Approval of electors

Before collecting the surtax, the confessional school board shall submit it to the approval of its electors. Sections 354.1 to 355 and sections 396 to 399.5 apply *mutatis mutandis* to the levy of the surtax. The electoral list shall be prepared in accordance with section 567.6.

Immovables

“567.13 The surtax shall be levied by a confessional school board on every taxable immovable situated in its territory, except on immovables whose owners, according to an enumeration made by a confessional school board, have elected to be taxed by another school board having jurisdiction over the same territory.

Immovables

Where an immovable is owned by a legal person, a partnership or an owner who has not made the election, the tax shall be levied by the confessional school board on part of the standardized assessment of the taxable immovable established in proportion to the number of students who, on 30 September of the preceding school year, are under

the jurisdiction of the confessional school board in relation to the number of students, under the jurisdiction of another school board, who attend schools situated in the common territory of that school board and of the confessional school board.

Application Section 226 applies *mutatis mutandis* to the levy of the surtax.

Collection of surtaxes **“567.14** Confessional school boards shall collect the surtaxes they impose. Such a board may, however, enter into an agreement with the municipal corporation having jurisdiction over the sending of municipal tax accounts in the territory or part of the territory of the confessional school board in order to have the surtax collected on its behalf by the municipal corporation.

Agreement Where an agreement has been made, the municipal corporation shall collect, on behalf of the school board, the amount of the surtax in the manner it sees fit and with the same rights and obligations as for the collection of the municipal real estate taxes. In such a case, section 367 applies.

Payment of surtax Notwithstanding the foregoing, the payment of the surtax of a confessional school board shall be demanded in one payment and there is no obligation to demand payment of it in the same account as the municipal tax where the surtax is collected by a municipal corporation.

Powers In the case of a suit for recovery of the surtaxes, the clerk of the Provincial Court and the prothonotary of the Superior Court have the same powers as in the case of a suit for recovery of municipal taxes.

Application **“567.15** The surtax levied pursuant to section 567.13 applies to the school year for which it was levied.

Prescription The delays for prescription, the charges attached to the surtax and the rights and obligations of persons with respect to the surtax shall be the same as those attached to municipal real estate taxes.”

c. I-14,
Form 7,
am. **24.** Form 7, which appears in a schedule to the said Act, is amended by striking out the words “who will be elected in June next” in the sixteenth line.

c. I-14,
Form 8,
am. **25.** Form 8, which appears in a schedule to the said Act, is amended by replacing the words “in the month of June next” in the sixteenth line by the words “on the date of election”.

Revised statutes **26.** The texts of sections 226, 354.1 to 354.3, 396 to 399.5, 441 to 443, 558.3, 558.4, 567 to 567.2 and 567.4 of the said Act, are replaced,

respectively, by the texts of each of those sections as published in the Revised Statutes of Québec on 20 December 1984.

Printing
and distri-
bution

Formalities relating to the printing and distribution of Acts do not apply to the texts of the said sections since they have already been complied with in respect of those sections.

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
s. 495,
replaced

27. The Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing section 495 by the following section:

Taxation
power

“495. No school board or regional board may exercise a taxation power except within the limits provided by this Act and the Education Act (R.S.Q., chapter I-14), notwithstanding any general law or special Act or any charter conferring such power upon it.”

ACT RESPECTING PUBLIC ELEMENTARY AND SECONDARY EDUCATION

1984, c. 39,
s. 118, am.

28. Section 118 of the Act respecting public elementary and secondary education (1984, chapter 39) is amended by replacing the sentence introducing the second paragraph by the following:

Additional
number of
wards

“Notwithstanding the foregoing, on the application of the council of commissioners, the Government, by order, may authorize a school board to establish two, four or six electoral wards more than the number prescribed in this section, where it considers the application justified by reason of”.

1984, c. 39,
s. 120, am.

29. Section 120 of the said Act is amended

(1) by replacing the figure “7”, in the sentence introducing the second paragraph, by the figure “10”;

(2) by adding, at the end of the second paragraph, the following paragraphs:

“(6) four parents from the councils of elementary schools and four from the councils of secondary schools, if there are eighteen wards;

“(7) five parents from the councils of elementary schools and four from the councils of secondary schools, if there are twenty wards;

“(8) five parents from the councils of elementary schools and five from the councils of secondary schools, if there are twenty-two wards.”

1984, c. 39,
s. 137, am.

30. Section 137 of the said Act is amended by inserting, after the words “to vote for;” in the third line of the second paragraph, the words “in the territory of a confessional school board,”.

1984, c. 39,
s. 407.1,
added

31. The said Act is amended by inserting, after section 407, the following section:

Right to
vote

“407.1 The representatives designated by the confessional school boards on the Island of Montréal shall not vote except on matters for which this division confers jurisdiction on the Council in respect of confessional school boards.”

1984, c. 39,
s. 420, am.

32. Section 420 of the said Act is amended by inserting the word “language-based” before the words “school board” in the first line of the second paragraph.

1984, c. 39,
s. 421,
replaced

33. Section 421 of the said Act is replaced by the following section:

Amortiza-
tion

“421. The funds required for the amortization of the principal and the payment of interest on the bonds or other evidences of indebtedness or securities issued by the Council or that form part of the bonded debt of the Council on 1 July 1986 shall be derived from the general revenue of the Council and the language-based school boards of the Island of Montréal; those bonds or other evidences of indebtedness or securities constitute a direct, general and unconditional undertaking of the Council and of the language-based school boards ranking concurrently and *pari passu* with all other undertakings of the Council and of the language-based school boards in respect of loans of money not secured by hypothec or other encumbrance.

Bonds and
securities

The bonds or other evidences of indebtedness or securities that form part of the bonded debt of the Council on 4 June 1985 also constitute a direct, general and unconditional undertaking of the confessional school boards on the Island of Montréal; the bonds or other evidences of indebtedness or securities issued by a confessional school board must rank concurrently and *pari passu* with all other undertakings of the Conseil scolaire de l'île de Montréal and of the school boards of the island of Montréal in respect of loans of money not secured by hypothec or other encumbrance.”

1984, c. 39,
s. 425, am.

34. Section 425 of the said Act is amended by adding, at the end, the words “of language-based school boards and confessional school boards on the Island of Montréal”.

1984, c. 39,
s. 428, am.

35. Section 428 of the said Act is amended

(1) by inserting, before the words “school boards” in the second line of the first paragraph, the word “language-based”;

(2) by inserting, after the first paragraph, the following paragraph:

Confession-
al school
boards

“The Council shall also levy the tax to collect the sums that it is required to pay to the confessional school boards on the Island of Montréal in accordance with sections 504 and 567.11 of the Act respecting education in confessional school boards and northern communities (R.S.Q., chapter I-14).”;

(3) by inserting, before the words “school board” in the first line of the fourth paragraph, the word “language-based”.

1984, c. 39,
s. 432, am.

36. Section 432 of the said Act is amended by inserting, before the word “school” in the third line, the word “language-based”.

1984, c. 39,
s. 433, am.

37. Section 433 of the said Act is amended

(1) by replacing the words “school boards” in the second line by the words “language-based school boards and the obligations of the Council set out in the second paragraph of section 428”;

(2) by replacing, in the third and fourth lines, the words “subsidies to the Council and school boards” by the words “subsidies to the Council, language-based school boards and confessional school boards”.

1984, c. 39,
s. 447, am.

38. Section 447 of the said Act is amended by adding, after the third paragraph, the following paragraph:

Regulations

“The regulations on the official school policy may also allow the Minister to establish the modalities of application of the rules of certification of studies and to exempt a category of students he indicates from the application of some of those rules.”

1984, c. 39,
s. 468,
replaced

39. Section 468 of the said Act is replaced by the following section:

Rules

“**468.** The rules on the allocation of financial resources may provide that the allocation of financial resources may be made on the basis of general or specific standards and be subject to the authorization of the Minister. The rules shall also be established in such a manner as to provide a fair and non-discriminatory apportionment of grants and subsidies.”

1984, c. 39,
s. 491.1,
added

40. The said Act is amended by inserting, after section 491, the following section:

Elections **“491.1** The election of the first commissioners of the confessional school boards contemplated in section 480 shall be held on the second Monday of December 1985 in the manner prescribed in section 495. Section 489 applies to the school boards in this section.

Parent-members The first parent-members of the council of commissioners of the confessional school boards in this section shall be designated by the first commissioners of these school boards. They shall remain in office until they are replaced by the parents elected before the third Sunday of October 1986 in accordance with section 121 of this Act.”

1984, c. 39,
s. 493, am. **41.** Section 493 of the said Act is amended by replacing the first paragraph by the following paragraph:

Provisional council **“493.** The commissioners of the existing school boards the territory of which includes all or part of the territory of a new school board shall, before 1 July 1985, agree upon the establishment and formation of a provisional council.”

1984, c. 39,
ss. 494.1,
494.2,
added **42.** The said Act is amended by inserting, after section 494, the following sections:

Election **“494.1** Where a provisional council has been established in accordance with section 493, the election of the first commissioners of the new school board shall be held on the second Monday of June 1986. Section 489 applies to the new school board.

Parent-members The seats reserved for the first parent-members of the council of commissioners of the new school board shall be filled not later than the second Monday of June 1986 in accordance with the second and third paragraphs of section 488. The parents elected shall remain in office until they are replaced by the parents elected before the third Sunday of October 1986 in accordance with section 121 of this Act.

Trustees **“494.2** The trustees of dissentient schools shall exercise the functions vested in a provisional council under Division II of this chapter, to the extent that they are necessary for the administration of this Act in their territories from 1 July 1986.

Election The election of the first commissioners of dissentient school boards contemplated in section 484 shall be held on the second Monday of June 1986. Section 489 applies to those school boards.

Election The election of the first parent-members of the council of commissioners of the dissentient school boards in this section shall be held not later than the second Monday of June 1986. The secretary-

general of the corporation of trustees shall convene the members of the school councils to designate their representatives to the council of commissioners.

Parent-
members

The first parent-members of the council of commissioners shall remain in office until they are replaced by the parents elected before the third Sunday of October 1986 in accordance with section 121 of this Act."

1984, c. 39,
s. 495, am.

43. Section 495 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following: "and the territories contemplated in section 491.1. The list of electors shall also be used for the poll held for the election of June 1986.";

(2) by replacing the fourth paragraph by the following paragraphs:

Applicable
provisions

"Without limiting the generality of the third paragraph, the provisions of this Act relating to the qualifications required to be a candidate and the drawing of the boundaries of the electoral wards apply. However, the Chief Electoral Officer may set aside the rule in respect of the boundaries of the electoral wards set out in the second paragraph of section 117 for exceptional considerations of a demographic or geographic nature such as the population density, the exceptional dimensions of a territory, the number of municipalities in a territory and the isolation of a municipality. Every Canadian citizen of full age who, on polling day, has been domiciled in Québec for twelve months, has been domiciled in the territory of the school board and who is not disqualified to vote in accordance with the Election Act (1984, chapter 51) shall be an elector in the election of commissioners. The elector, to be entitled to vote, shall be entered on the list of electors of the ward in which he is domiciled on the first day fixed for the revision of the list of electors.

Enumera-
tion

For purposes of preparation of the list of electors, the enumerators shall ask every elector for which school board he elects to vote. They shall also ask every elector in the territory of confessional school boards if he is Catholic, Protestant or of another religious confession.

List of
electors

For the election of December 1985, the list of electors of the school board shall be prepared from the data obtained at the time of the annual enumeration made under the Election Act or, as the case may be, of the enumeration made during the election period in accordance with section 64 of the said Act, to which shall be added the required additional information for the administration of the election.";

(3) by adding, at the end of the fifth paragraph, the following: “, as well as for the contestation of the election. These rules come into force on the date of their adoption and shall be published in the *Gazette officielle du Québec*.”;

(4) by inserting, after the fifth paragraph, the following paragraphs:

Offence “Every person who contravenes a provision of the rules established by the Chief Electoral Officer is guilty of an offence and liable, in addition to costs, to a fine of not more than \$2 000.

Proceedings Proceedings for contravention of the rules established by the Chief Electoral Officer are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Chief Electoral Officer or any person generally or specially authorized by him for that purpose.”

1984, c. 39,
s. 504.1,
added **44.** The said Act is amended by inserting, after section 504, the following section:

Election “**504.1** The provisional council shall be responsible for holding the election of the first commissioners of the new school board.

Powers Sections 115 to 212 apply to that election and, for those purposes, the provisional council shall have the powers of the council of commissioners.

Returning officer The provisional council shall appoint one of its members to act as returning officer.”

1984, c. 39,
s. 592,
replaced **45.** Section 592 of the said Act is replaced by the following section:

c. F-2.1,
s. 495,
replaced “**592.** Section 495 of the said Act is replaced by the following section:

Taxation power “**495.** No school board may exercise a taxation power except within the limits provided by this Act, the Act respecting public elementary and secondary education and the Act respecting education in confessional school boards and northern communities (R.S.Q., chapter I-14), notwithstanding any general law or special Act or any charter conferring such power upon it.”

1984, c. 39,
s. 633.1,
added **46.** The said Act is amended by inserting, after section 633, the following section:

New school boards “**633.1** From 1 July 1986, every new school board the majority of pupils of which attended, during the school year 1985-86, a school under the jurisdiction of an existing school board which, on 30 June

1986, is a member of the Fédération des commissions scolaires catholiques du Québec, shall become a member of the Fédération des commissions scolaires catholiques du Québec and have the same rights and obligations as the existing school board.

Withdrawal Notwithstanding the foregoing, a new school board may, before 28 February 1987, withdraw at any time from the Fédération des commissions scolaires catholiques du Québec by sending by certified mail a written notice of thirty days to the head office of the Fédération des commissions scolaires catholiques du Québec.”

1984, c. 39,
s. 652, am. **47.** Section 652 of the said Act is amended by replacing the figures and word “1 January 1988” in the third paragraph by the figures and word “1 July 1986”.

1984, c. 39,
s. 655, am. **48.** Section 655 of the said Act is amended by replacing the figures “1 to 446, 478” by the figures “1 to 109, 111 to 117, 121 to 446, 479”.

Order No.
310-85 **Order No. 310-85** dated 21 February 1985, published in the *Gazette officielle du Québec* of 22 February 1985, providing for the establishment of the territory of certain new school boards, is deemed to have been passed under section 110 of the said Act.

Orders The orders passed under section 492 are deemed to have been passed under section 110 of the said Act. The existing school boards in the territories contemplated in those orders are subject to sections 493 and 494 of the said Act.

Effect This section has effect from 21 December 1984.

TRANSITIONAL AND FINAL PROVISIONS

**Consulta-
tions** **49.** The consultations on budget rules relating to the amount of expenses eligible for subsidies or grants, held by the Minister of Education from 1 January 1985, are deemed to have been held under section 15.1 of the Education Act, as replaced by section 2 of this Act, and are valid for the school year 1985-86.

**Continuance
in office** **50.** The commissioners of confessional school boards on the Island of Montréal, the chairman and vice-chairman thereof, the members of the executive committee thereof and the representatives elected for the elementary and secondary levels, in office at the time of the coming into force of this Act, shall remain in office until the day on which their terms of office were to expire.

- By-laws** **51.** The provisions of by-laws made by the confessional school boards contemplated in section 23 of this Act shall remain in force, to the extent that they are consistent with this Act, until they are replaced or repealed.
- Taxes** **52.** Taxes levied from and since 21 December 1979 under section 226 of the Education Act are deemed to have been levied pursuant to section 226 of the Education Act as enacted by section 26 of this Act.
- Validity** **The taxes that have been levied without following the formalities prescribed in the first paragraph of section 354.1 of the Education Act are valid.**
- Exception** **53.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).
- Coming into force** **54.** This Act comes into force on 4 June 1985, except sections 33, 35 and 45, which come into force on 1 July 1986.