

1983, chapter 54 AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS

Bill 50

Introduced by Mr Marc-André Bédard, Minister of Justice

First reading: 15 November 1983

Second reading: 13 December 1983

Third reading: 21 December 1983

Assented to: 22 December 1983

Coming into force: 22 December 1983, except

- (1) the fourth paragraph of section 78 of the Professional Code replaced by section 21, section 44, and paragraph 3 of section 53 of the Act respecting the sociétés d'entraide économique enacted by section 81, which will come into force on the date fixed by proclamation of the Government
- (2) sections 65 and 113, which came into force on 1 January 1984
- (3) section 13, which will come into force on the day of the coming into force of section 67 of the Act respecting the Société immobilière du Québec (1983, chapter 40)

Acts amended:

Civil Code of Lower Canada

Act respecting assistance for tourist development (R.S.Q., chapter A-13.1)

Legal Aid Act (R.S.Q., chapter A-14)

Land Surveyors Act (R.S.Q., chapter A-23)

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting insurance (R.S.Q., chapter A-32)

Colonization Roads Act (R.S.Q., chapter C-13)

Code of Civil Procedure (R.S.Q., chapter C-25)

Professional Code (R.S.Q., chapter C-26)

Companies Act (R.S.Q., chapter C-38)

Trust Companies Act (R.S.Q., chapter C-41)

Chartered Accountants Act (R.S.Q., chapter C-48)

Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1)

Referendum Act (R.S.Q., chapter C-64.1)

Acts amended:

Companies and Partnerships Declaration Act (R.S.Q., chapter D-1)
Dental Act (R.S.Q., chapter D-3)
Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1)
Public Officers Act (R.S.Q., chapter E-6)
Roman Catholic Bishops Act (R.S.Q., chapter E-17)
Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5)
Hotels Act (R.S.Q., chapter H-3)
Engineers Act (R.S.Q., chapter I-9)
Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1)
Education Act (R.S.Q., chapter I-14)
Medical Act (R.S.Q., chapter M-9)
Mining Act (R.S.Q., chapter M-13)
Act to promote the development of agricultural operations (R.S.Q., chapter M-36)
Notarial Act (R.S.Q., chapter N-2)
Optometry Act (R.S.Q., chapter O-7)
Pharmacy Act (R.S.Q., chapter P-10)
Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1)
Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)
Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)
Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11)
Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)
Companies Information Act (R.S.Q., chapter R-22)
Act respecting the salaries of officers of justice (R.S.Q., chapter S-2)
Act respecting health services and social services (R.S.Q., chapter S-5)
Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12)
Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1)
Professional Syndicates Act (R.S.Q., chapter S-40)
Courts of Justice Act (R.S.Q., chapter T-16)
Forest Resources Utilization Act (R.S.Q., chapter U-2)
Act to amend the Mining Act (1977, chapter 31)
Act to amend the Companies Act and the Companies and Partnerships Declaration Act (1980, chapter 28)
Act to favour early retirement and improve the surviving spouse's pension (1983, chapter 12)
Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (1983, chapter 58)



CHAPTER 54

An Act to amend various legislative provisions

[Assented to 22 December 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF LOWER CANADA

C.C., a.
1979*c*, am. **1.** Article 1979*c* of the Civil Code of Lower Canada, enacted by section 1 of chapter 69 of the statutes of 1940 and amended by section 4 of chapter 79 of the statutes of 1974 and by section 65 of chapter 32 of the statutes of 1982, is again amended by adding, at the end of subparagraph 2 of the first paragraph, the following: “without being required, in the case of publication of the notice in a newspaper, to request the judge or prothonotary to designate the newspaper”.

C.C., a.
1979*i*, am. **2.** Article 1979*i* of the said Code, enacted by section 2 of chapter 57 of the statutes of 1962 and amended by section 69 of chapter 32 of the statutes of 1982, is again amended by adding, at the end of paragraph 2, the following: “without being required, in the case of publication of the notice in a newspaper, to request the judge or prothonotary to designate the newspaper”.

ACT RESPECTING ASSISTANCE FOR TOURIST DEVELOPMENT

c. A-13.1,
Div. V, ss.
16-36,
repealed **3.** Division V of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1), comprising sections 16 to 36, is repealed.

c. A-13.1, s.
37, am. **4.** Section 37 of the said Act is amended by repealing subparagraph *p* of the first paragraph.

c. A-13.1, s.
38, am. **5.** Section 38 of the said Act is amended

(1) by striking out the words “, with the exception of those required under sections 16 to 36,” in the first and second lines;

(2) by striking out the words “, for the fiscal period 1979/1980, out of the consolidated revenue fund and for subsequent fiscal periods,” in the second, third and fourth lines.

LEGAL AID ACT

c. A-14, Div.
III, subdiv.
1, heading
repealed

6. The Legal Aid Act (R.S.Q., chapter A-14) is amended by striking out before section 11, the heading of subdivision 1 of Division III.

c. A-14,
heading
added

7. The said Act is amended by inserting, before section 22, the following heading:

“§ 1.—*General provisions*”.

LAND SURVEYORS ACT

c. A-23, s.
13, am.

8. Section 13 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by repealing paragraph *a*.

HEALTH INSURANCE ACT

c. A-29, s.
15, am.

9. Section 15 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “outside Canada” in the second line of the fifth paragraph by the words “outside Québec”.

c. A-29, s.
21, replaced

10. The said Act is amended by replacing section 21 by the following section:

Professionals
bound by
agreement

“**21.** An agreement under section 19 shall bind all professionals in the field of health who are members of the body which made the agreement and those whose field of professional activities is the same as that of such members and who are contemplated by the agreement.

Interns and
resident
physicians

An agreement under section 19.1 shall bind all the interns and resident physicians who are members of the body which made the agreement and those whose field of professional activities is the same as that of such members and who are contemplated in the agreement.”

ACT RESPECTING INSURANCE

c. A-32, s.
109, am.

11. Section 109 of the Act respecting insurance (R.S.Q., chapter A-32), amended by sections 79 and 80 of chapter 52 of the statutes of 1982, is amended by replacing the first paragraph by the following paragraph:

Change of
corporate
name by
Minister

“**109.** After requesting the advice of the Inspector General, the Minister may change any corporate name identical to another already existing one, any corporate name resembling another already existing one to such an extent that in his opinion they can easily be confused or again any corporate name likely to mislead the public as to the nature of the activities of the association it designates.”

c. A-32, s.
411, re-
placed

12. Section 411 of the said Act, amended by section 75 of chapter 52 of the statutes of 1982, is replaced by the following section:

Prosecution

“411. Prosecution of any offence against this Act or a regulation is instituted by the Attorney General or by a person generally or specially authorized by him for that purpose.

Proof

In any such proceeding, it shall not be necessary to produce the original of a book, document, order or register in the possession of the Inspector General, but a copy or extract certified by him shall be sufficient proof of the content of the original.”

COLONIZATION ROADS ACT

c. C-13, s.
16, am.

13. Section 16 of the Colonization Roads Act (R.S.Q., chapter C-13), replaced by section 67 of chapter 40 of the statutes of 1983, is amended by adding the following paragraphs:

Ownership
of roads and
bridges

“Notwithstanding the foregoing, the Minister, by ministerial order, in the cases and on the conditions he determines, may assign to any municipality or any other person the ownership of colonization roads and bridges, and the ownership of lands contemplated in section 12, subject to the following:

(1) the roads must have been the subject of the declaration contemplated in section 4;

(2) in the case of an assignment to a municipality, the roads, bridges and lands must be situated inside the limits of the municipality;

(3) in the case of an assignment to another person, the roads, bridges and lands must be adjacent to the lands that are the property of the person.

Deed of
assignment

The ministerial order constitutes the deed of assignment. It may be registered by deposit. Where the order is registered, it must be entered in the index of immovables in respect of the lots mentioned in the order. The roads, bridges and lands must be described in accordance with article 2168 of the Civil Code of Lower Canada.”

CODE OF CIVIL PROCEDURE

c. C-25, a. 4,
am.

14. Article 4 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “in council” in the second and third lines of paragraph *k* by the words “of the Minister of Justice”.

PROFESSIONAL CODE

c. C-26, s.
12, am.

15. Section 12 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing the word “the” in the first line of paragraph *v* of the third paragraph by the word “certain”.

c. C-26, s.
61, am.

16. Section 61 of the said Code is amended by replacing the first paragraph by the following paragraph:

Composition
of the
Bureau

“61. A corporation shall be administered by a Bureau consisting of a president and the following number of directors:

(a) eight directors if the corporation has less than 500 members;

(b) eight or sixteen directors as determined by regulation under paragraph *a* of section 94 if the corporation has between 500 and 1 500 members;

(c) sixteen or twenty-four directors as determined by regulation under paragraph *a* of section 94 if the corporation has between 1 500 and 5 000 members;

(d) twenty-four directors if the corporation has more than 5 000 members.”

c. C-26, s.
66, replaced,
s. 66.1,
added
Election of
directors

17. Section 66 of the said Code is replaced by the following sections:

“66. Where the Bureau consists of eight directors, six directors shall be elected in accordance with the regulations made under section 65.

Election of
directors

Where the Bureau consists of sixteen directors, thirteen shall be elected in accordance with the regulations made under section 65.

Election of
directors

Where the Bureau consists of twenty-four directors, twenty shall be elected in accordance with the regulations made under section 65.

Eligibility

“66.1 Only those members of the corporation who are entered on the roll 45 days or more before the date fixed for the closing of the poll may be candidates.”

c. C-26, s.
70, am.

18. Section 70 of the said Code is amended by replacing the second paragraph by the following paragraph:

Ballot-paper

“Each ballot shall contain a small space on the right of the name of each candidate in the form of a square reserved for voting.”

c. C-26, s.
71, replaced

19. Section 71 of the said Code is replaced by the following section:

Vote

“71. Only the persons who were members of the corporation 45 days before the date fixed for the closing of the poll may vote.

Voting

They shall cast their vote by making a cross, an “X”, a check or a line on the ballot-paper within one or more of the squares reserved for voting, according to whether there are one or more candidates to be elected.”

c. C-26, s.
72, am.

20. Section 72 of the said Code is amended by replacing the words “Each professional” in the first line by the words “The voter”.

c. C-26, s.
78, replaced

21. Section 78 of the said Code is replaced by the following section:

Appointment
by the Office

“**78.** Where the Bureau consists of eight directors, two directors of whom at least one is not a member of a professional corporation shall be appointed by the Office after consultation with the Interprofessional Council and the different socio-economic groups.

Appointment
by the Office

Where the Bureau consists of sixteen directors, three directors of whom at least two are not members of a professional corporation shall be appointed by the Office after similar consultation.

Appointment
by the Office

Where the Bureau consists of twenty-four directors, four directors of whom at least two are not members of a professional corporation shall be appointed by the Office after similar consultation.

Term,
remunera-
tion, powers

The directors appointed by the Office by virtue of this Code or of the incorporating act of a corporation shall be appointed for the same term as the elected directors and shall perform the same duties, have the same powers and be subject to the same obligations as the latter. The directors appointed by the Office shall be entitled, to the extent and on the conditions prescribed by regulation of the Government, to an expense allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

Integral part
of the
Bureau

Notwithstanding any inconsistent provision, the directors appointed by the Office shall form an integral part of the Bureau as and when they take office.”

c. C-26, s.
86, am.

22. Section 86 of the said Code is amended

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

“(1) strike off the roll the members who

i. do not pay within the fixed time limit the assessment owing by them to the corporation;

ii. within the fixed time limit have not furnished security against professional liability or, who within the scope of a collective plan, have not paid the sum prescribed to meet the cost thereof;”;

(2) by adding, at the end of the first paragraph, the following subparagraph:

“(o) prescribe the dues exigible from candidates wishing to practise the profession or obtain a specialist’s certificate.”

c. C-26, s.
94, am.

23. Section 94 of the said Code is amended by replacing paragraph *a* by the following paragraph:

“(a) fix in accordance with section 61, the number of members of the Bureau, establish rules for the carrying on of its business, the administration of its property and the remuneration of its elected members, and determine the offices within the corporation whose holders shall not be dismissed except in accordance with section 85;”.

c. C-26, s.
156, am.

24. Section 156 of the said Code is amended by inserting, after the second paragraph, the following paragraph:

Conditions
and modal-
ities

“The committee on discipline may fix the conditions and modalities of the penalties that it imposes.”

c. C-26, a.
158, replac-
ed

25. Section 158 of the said Code is replaced by the following section:

Execution

“**158.** The decision of the committee on discipline imposing one or more penalties provided in section 156 shall be executory upon the expiry of the period for appeal in accordance with the conditions and modalities indicated therein, unless the committee orders provisional execution of the decision upon its service on the respondent.

Exception

However, the committee may order that the decision be executory at a period other than that referred to in the first paragraph.”

c. C-26, s.
182, am.

26. Section 182 of the said Code is amended by adding, at the end, the following paragraph:

Publication
of decision

“It shall also cause a notice of every decision of the Bureau to re-enter on the roll the name of a member who had been permanently struck off the roll, where he applies therefor, to be published in the *Gazette officielle du Québec*.”

COMPANIES ACT

c. C-38, s.
219, am.

27. Section 219 of the Companies Act (R.S.Q., chapter C-38), amended by sections 137 and 138 of chapter 52 of the statutes of 1982, is again amended by replacing what precedes paragraph *a* of subsection 1 by the following:

Application

“**219.** (1) The applicants for such letters patent, who must be at least eighteen years of age, shall file with the Inspector General an

application drawn up according to the form prescribed by him, setting forth”.

TRUST COMPANIES ACT

c. C-41, s. 2, **28.** Section 2 of the Trust Companies Act (R.S.Q., chapter C-41) is amended by repealing paragraph 9.
am.

CHARTERED ACCOUNTANTS ACT

c. C-48, s. **29.** Section 10 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by repealing paragraph *b*.
10, am.

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

c. C-52.1, s. **30.** The English text of section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by replacing the word “annually” wherever it appears in that section by the words “on an annual basis”.
7, am.

c. C-52.1, s. **31.** The said Act is amended by inserting, after section 11, the following section:
11.1, added

“§ 3.1—*Special Provisions*

Reduction of
indemnity of
imprisoned
member **“11.1** The expense allowance and the indemnity, within the meaning of section 20, of a Member serving a prison term are reduced on an annual basis proportionately to the number of days during which the Member is imprisoned in a house of detention.

Transition
allowance The period of imprisonment is not included in computing the transition allowance contemplated in section 13 or in computing, for the purposes of section 89 of the Legislature Act (R.S.Q., chapter L-1), the number of months during which the Member holds a mandate as such.”

REFERENDUM ACT

c. C-64.1, **32.** Section 97 of Division 2 of Appendix 2 of the Referendum Act (R.S.Q., chapter C-64.1) is replaced by the following section:
App. 2, Div. 2, s. 97,
replaced

“97. Replace the words and figures “45, 54, 62 to 67, 69 to 71 or 73 to 76” by the words and figures “64, 66, 69 to 71 and 73 to 75” in the first and second lines of the first paragraph.

Strike out the second paragraph.”

c. C-64.1, App. 2, Div. 2, s. 108, am. **33.** Section 108 of Division 2 of Appendix 2 of the said Act is amended by replacing the figure “2” in the second line of the first paragraph by the figure “3”.

COMPANIES AND PARTNERSHIPS DECLARATION ACT

c. D-1, s. 3, am. **34.** Section 3 of the Companies and Partnerships Declaration Act (R.S.Q., chapter D-1) is amended by repealing the fourth paragraph.

DENTAL ACT

c. D-3, s. 21, am. **35.** Section 21 of the Dental Act (R.S.Q., chapter D-3) is amended by repealing paragraph *a*.

c. D-3, s. 38, am. **36.** Section 38 of the said Act is amended by adding, after paragraph *b* of the second paragraph, the following paragraph:

“(c) by students within the framework of a training program for persons other than dentists and contemplated in the regulation passed under subparagraph *a* of the first paragraph of section 19 or under section 20.”

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

c. D-8.1, s. 16, replaced, ss. 16.2-16.6, added **37.** Section 16 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is replaced by the following sections:

Eligible persons **“16.** Every natural person is eligible for accreditation if he is a Canadian citizen and domiciled in Québec.

Eligible corporations **“16.1** Every joint stock corporation is eligible for accreditation if all the shares of its capital stock are the property of persons who are Canadian citizens domiciled in Québec and if all its directors and executive officers are Canadian citizens domiciled in Québec.

Eligible corporations **“16.2** Notwithstanding section 16.1, every joint stock corporation the shares of the capital stock of which are listed on a Canadian stock exchange is eligible for accreditation if, for the purposes of its activities, its principal establishment is situated in Québec.

“principal establishment” **“16.3** For the purposes of section 16.2, “principal establishment” means the place where the centre of decision making and actual management of the undertaking is situated.

Presumption In the absence of contrary proof established to the satisfaction of the Minister, the principal establishment of a corporation is deemed to be situated outside Québec

(1) if the majority of the members of the board of directors are not domiciled in Québec; or

(2) if the corporation is controlled in fact or in law by one or several natural persons who are not domiciled in Québec, or by one or several corporations the principal establishment of which is situated outside Québec.

Eligible corporations “**16.4** Every corporation without capital stock is eligible for accreditation if all its members are Canadian citizens domiciled in Québec.

Refusal “**16.5** The Minister may refuse accreditation to a legal person if he is of opinion that it is directly or indirectly controlled by one or several persons who are not eligible for accreditation.

Legal person “**16.6** Where the shares of the capital stock of the person applying for accreditation are held by a legal person, the legal person must be eligible for accreditation in accordance with sections 16.1 to 16.5.”

PUBLIC OFFICERS ACT

c. E-6, s. 1, am. **38.** Section 1 of the Public Officers Act (R.S.Q., chapter E-6) is amended by replacing the second paragraph by the following paragraph:

Joint-officers “Whenever two persons have been appointed jointly by order of the Minister of Justice to hold the office of clerk of appeals, prothonotary of the Superior Court, clerk of the Provincial Court, clerk of the Crown, clerk of the Peace, sheriff or registrar, and one of the two persons ceases to perform his duties, the other shall remain alone in office and shall continue, in his own name, to perform the duties of the office.”

ROMAN CATHOLIC BISHOPS ACT

c. E-17, s. 19, am. **39.** Section 19 of the Roman Catholic Bishops Act (R.S.Q., chapter E-17) is amended

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

Charter “**19.** The Inspector General of Financial Institutions may also, upon petition by a bishop, grant by letters patent issued over his signature and seal, a charter incorporating, for any of the purposes mentioned in section 9 and upon the conditions contained in the petition, any council, committee, organization or association.”;

(2) by replacing the words “Lieutenant-Governor” in the first line of the fourth paragraph by the words “Inspector General of Financial Institutions”;

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

Effect “The letters patent issued by the Inspector General of Financial Institutions over his signature and seal have the same effect as if they had been issued by the Lieutenant-Governor under the Great Seal.”

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

c. F-5, s. 30, am. **40.** Section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by repealing paragraph *f* of the first paragraph.

HOTELS ACT

c. H-3, s. 9, replaced **41.** Section 9 of the Hotels Act (R.S.Q., chapter H-3) is replaced by the following section:

Lodging in private house **“9.** No person shall furnish a traveller, in consideration of payment, with lodging or food in a private house or in premises other than a hotel establishment, unless such house is or premises are situated in a municipality where there is no hotel establishment or restaurant, unless the hotel establishments or restaurants in the municipality are not provided with sufficient space and accommodation for all the travellers, or unless, at the time of large-scale regional public events, the private house is or the premises are certified.

Large-scale events The Minister shall determine which regional public events are large-scale within the meaning of this Act and he may designate, on conditions determined by him, a body responsible for granting the certification.”

c. H-3, s. 11, am. **42.** Section 11 of the said Act is amended by adding, at the end of the first paragraph, the following paragraph:

“(o) to determine the conditions according to which a private house or premises other than a hotel establishment may be certified when large-scale regional public events are held, define the regions where the certified house or premises may furnish a traveller, in consideration of payment, with lodging or food and determine the maximum prices that may then be charged.”

ENGINEERS ACT

c. I-9, s. 11, am. **43.** Section 11 of the Engineers Act (R.S.Q., chapter I-9) is amended by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) to establish and administer in the interests of the members of the Order a retirement fund and group insurance plans;”.

ACT RESPECTING THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS

c. I-11.1, s. 23, replaced, s. 23.1, added **44.** Section 23 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is replaced by the following sections:

Superintendents “**23.** The Inspector General shall be assisted by superintendents and such other persons as he may require.

Conditions of employment The Government shall appoint each of the superintendents for a period of not more than five years and fix his remuneration, social benefits and other conditions of employment.

Titles One of the superintendents shall be called the “Superintendent of Insurance”, and another, the “Superintendent of Deposit Institutions”.

Continuance in office At the end of their term, they remain in office until they are reappointed or replaced.

Personnel “**23.1** The other members of the personnel of the Inspector General shall be appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1).

Powers The Inspector General has in their regard the powers conferred by the said Act on the chief executive officer of an agency.”

c. I-11.1, s. 234, repealed **45.** Section 234 of the said Act is repealed.

EDUCATION ACT

c. I-14, s. 15.1, am. **46.** Section 15.1 of the Education Act (R.S.Q., chapter I-14) is amended by replacing the word “admissibles”, in the fourth line of the first paragraph of the French text, by the word “admissible”.

Effect The first paragraph has effect from 1 April 1982.

c. I-14, s. 330, am. **47.** Section 330 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Auditor “The school board may so appoint as auditor

(1) any person who, in accordance with section 85 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), has first obtained authorization in writing granted by the Commission municipale du Québec under the said section, unless the authorization has been withdrawn;

(2) any member of a professional corporation of accountants listed in the Professional Code (R.S.Q., chapter C-26).”

Declaratory provision The first paragraph is declaratory.

c. I-14, s. 657, am. **48.** Section 657 of the said Act is amended by replacing the sixth and seventh paragraphs by the following paragraphs:

School committee “In Povungnituk and Ivujivik, if there is no education committee, the parents may establish a school committee and determine its composition and modalities for its implementation and operation.

Delegation
of powers

The school board may, by an ordinance of its Council previously approved by the Minister, make an agreement with a school committee to delegate to the committee the rights, powers and obligations mentioned in the agreement in respect of the management of a school. The agreement may be made for a period not exceeding two years.

Joint
committee

At the beginning of the period, a joint committee composed of representatives of the school committee and of the school board is established to find a permanent solution within the jurisdiction of the school board in respect of the educational services in each municipality contemplated."

MEDICAL ACT

c. M-9, s.
23, am.

49. Section 23 of the Medical Act (R.S.Q., chapter M-9) is amended by repealing paragraph *a*.

MINING ACT

c. M-13, s.
129, am.

50. Section 129 of the Mining Act (R.S.Q., chapter M-13) is amended by adding, at the end of the second paragraph, the following: "However, the hypothec securing the payment of the sum of money is extinguished. The hypothec is cancelled upon the filing of an application therefor, in authentic form en minute, made by any interested person."

c. M-13, s.
223,
replaced

51. Section 223 of the said Act is replaced by the following section:

Sale or
transfer of
rights

"223. The holder of any mining concession, mining lease, development licence, claim, special exploration licence, exploration licence or operating lease may sell or otherwise transfer his rights.

Registration
and fees

After the signing of the deed, a certified copy or a duplicate must be transmitted to the Minister who shall summarily register the same in a special register upon payment of the fees fixed by regulation."

c. M-13, s.
296, am.

52. Section 296 of the said Act is amended by adding the following paragraph:

"(v) fix the duties and fees payable under sections 223 and 332."

c. M-13, s.
303,
replaced

53. Section 303 of the said Act is replaced by the following section:

Fine

"303. Every person who contravenes this Act or any regulation, or makes a false declaration, is guilty of an offence and, where no other penalty is provided, is liable in addition to costs, for each day on which the offence continues, to a fine of not less than \$100 nor more than \$1 000."

c. M-13, s.
305.1, added

54. The said Act is amended by inserting, after section 305, the following section:

Interest

“305.1 Any claim of the Crown exigible under this Act bears interest at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).”

c. M-13, s.
332, am.

55. Section 332 of the said Act is amended by replacing the words “of twenty-five cents for each entry” in the last line by the words “fixed by regulation”.

ACT TO PROMOTE THE DEVELOPMENT OF AGRICULTURAL OPERATIONS

c. M-36, ss.
2, 5, 7, am.

56. Sections 2, 5 and 7 of the Act to promote the development of agricultural operations (R.S.Q., chapter M-36) are amended by replacing the year “1984” in their last lines by the following: “1986.”

NOTARIAL ACT

c. N-2, s. 93,
am.

57. Section 93 of the Notarial Act (R.S.Q., chapter N-2) is amended by adding, after subparagraph 8 of the first paragraph, the following subparagraph:

“(9) determine the criteria according to which, upon the recommendation of the Administrative Committee, it may confer the title of honorary notary on a notary, or withdraw such title from him, and prescribe the conditions and modalities of its use and the rights and privileges related thereto.”

c. N-2, s.
127, am.

58. Section 127 of the said Act is amended by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

“(a) the surname, given name and elected domicile of all practising notaries, in accordance with sections 17 and 18;

“(b) the surname, given name and address of honorary notaries;

“(c) the surname and given name of all notaries who have ceased to practise, with the name of the assignee of their records or the place where they have been deposited.”

OPTOMETRY ACT

c. O-7, s. 12,
am.

59. Section 12 of the Optometry Act (R.S.Q., chapter O-7) is amended by repealing paragraph *a*.

PHARMACY ACT

c. P-10, s.12,
am.

60. Section 12 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by repealing paragraph *a*.

ACT RESPECTING THE PROTECTION OF PERSONS AND
PROPERTY IN THE EVENT OF DISASTER

c. P-38.1, s.
1, am. **61.** Section 1 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended by replacing the words “director of the Bureau” in the first line of paragraph *a* by the words “director general of the Bureau”.

c. P-38.1, s.
3, am. **62.** Section 3 of the said Act is amended by striking out the words “of the Bureau” in the first line.

c. P-38.1, s.
12, am. **63.** Section 12 of the said Act is amended by replacing paragraph *d* by the following paragraph:

“(d) shall set up or organize training programs in emergency measures or approve training programs prepared and organized by a department, a governmental agency or a municipal corporation and programs prepared and organized by a person from whom a plan or program of disaster prevention and emergency measures has been required;”.

c. P-38.1, s.
13.1, added **64.** The said Act is amended by adding, after section 13, the following section:

Notification **“13.1** The person responsible for carrying out the plan or program of disaster prevention and emergency measures of any department, governmental agency, municipal corporation or any other person from whom such a plan or program has been required shall notify the director, as soon as possible, of any disaster that has occurred.”

ACT RESPECTING THE QUÉBEC PENSION PLAN

c. R-9, s.
134.4,
replaced **65.** Section 134.4 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), enacted by section 20 of chapter 12 of the statutes of 1983, is replaced by the following section:

Indexing **“134.4** The average of the Maximum Pensionable Earnings contemplated in paragraph *b* of each of sections 134.1 to 134.3 is adjusted in accordance with section 120.1 to take into account the age of the surviving spouse at the time of retirement.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10, s.
198, am. **66.** The English text of section 198 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), replaced by section 1 of chapter 24 of the statutes of 1983, is amended by replacing the words “at least” in the first line of the first paragraph by the words “less than”.

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11, s.
37, am.

67. The English text of section 37 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), enacted by section 2 of chapter 24 of the statutes of 1983, is amended by replacing the words “for its term”, in the second line, by the words “for its duration”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12, s.
55, am.

68. Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 220 of chapter 52 of the statutes of 1982 and by section 113 of chapter 23 of the statutes of 1983, is again amended by adding the following paragraph:

“(21) the superintendents appointed under the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1).”

COMPANIES INFORMATION ACT

c. R-22, s.2,
am.

69. The English text of section 2 of the Companies Information Act (R.S.Q., chapter R-22), amended by section 222 of chapter 52 of the statutes of 1982, is again amended by replacing what precedes paragraph *a* of subsection 1, by the following:

Prospectus

“**2.** (1) A prospectus containing the information mentioned in section 4 and also all other information that may from time to time be required by the Government, verified as the Inspector General may direct, together with the fee prescribed, shall be filed with the Inspector General by every company and syndicate,—”.

ACT RESPECTING THE SALARIES OF OFFICERS OF JUSTICE

c. S-2, Div.
I, heading
replaced

70. The Act respecting the salaries of officers of justice (R.S.Q., chapter S-2) is amended by replacing the heading of Division I by the following heading:

“DEPUTIES AND CLERKS OF OFFICERS OF JUSTICE”.

c. S-2, s.2,
am.

71. Section 2 of the said Act is amended by replacing the words, “by the Government”, in the second line of the first paragraph, by the words “by order of the Minister of Justice.”

ACT RESPECTING HEALTH
SERVICES AND SOCIAL SERVICESc. S-5, s.
18.1, am.

72. Section 18.1 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended by adding, after the first paragraph, the following paragraph:

General system of admissions and transfers “Every regional council designated under the first paragraph shall establish a regional system of admissions and transfers for recipients of long-stay care, shelter and rehabilitation, except recipients of services from rehabilitation centres for physically handicapped persons or from rehabilitation centres for persons addicted to drugs.”

c. S-5, s. 79, am. **73.** Section 79 of the said Act is amended by replacing the word “extended” in the first line of paragraph *a* by the word “long-stay”.

c. S-5, s. 105, am. **74.** Section 105 of the said Act is amended by replacing the words “an extended-care” in the first line of paragraph *h* of the second paragraph by the words “a long-stay care”.

c. S-5, s. 118.1, am. **75.** Section 118.1 of the said Act is amended by replacing the word “extended-care” in the first line of the first paragraph by the words “long-stay care”.

c. S-5, s. 173, am. **76.** Section 173 of the said Act is amended

(1) by replacing subparagraph *c* by the following subparagraph:

“(c) determine the modalities of registration for hospitalization or for diagnostic purposes, admission, transfer and discharge of recipients in an establishment or of their taking in charge by a foster family, depending, if necessary, on the category, class or kind of establishment or the category of the foster family and the necessity of establishing a program of intervention;”;

(2) by inserting, after subparagraph *c*, the following paragraph:

“(c.1) provide for the creation of admissions committees by regional establishments and councils and establish their function and minimum composition requirements;”;

(3) by replacing subparagraph *j* by the following subparagraph:

“(j) determine the status that the board of directors of hospital centres may grant to physicians, dentists and pharmacists and the privileges that it may grant to a physician or a dentist;”.

c. S-5, s. 173.2, added **77.** The said Act is amended by adding, after section 173.1, the following section:

Required approval **“173.2** The Minister, in a regulation made under section 173.1, may determine the cases in which the approval of the Minister or regional council is required.

Standard forms The Minister may also prescribe, for the carrying out of regulations contemplated in section 173.1, the use of standard contract forms or other standard documents issued by the Minister of Social Affairs.”

ACT RESPECTING THE SOCIÉTÉ DE
RÉCUPÉRATION, D'EXPLOITATION ET
DE DÉVELOPPEMENT FORESTIERS
DU QUÉBEC

c. S-12, s.
18, repealed **78.** The Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12) is amended by repealing section 18.

ACT RESPECTING THE SOCIÉTÉS
D'ENTRAIDE ÉCONOMIQUE

c. S-25.1, s.
45, replaced **79.** Section 45 of the Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1) is replaced by the following section:

Exemption
from Part I **“45.** The Government may, by regulation, exempt a company from the application of a provision of Part I of the Companies Act or change the manner in which such provision applies to a company.”

c. S-25.1, s.
49, am. **80.** Section 49 of the said Act is amended by inserting, after the figure “52” in the second line, the following: “, 53.1,”.

c. S-25.1, s.
53, replaced **81.** Section 53 of the said Act is replaced by the following section:

Conditions **“53.** In no case, however, may the company pay for shares it has acquired under section 52 if there are reasonable grounds to believe that by reason of that fact

(1) it would not be able to discharge its liabilities when due;

(2) the book value of its assets would be less than the aggregate of its liabilities and the sums representing the consideration for the issued shares of its share capital; and

(3) its deposit liability would no longer be within the limits applicable to the company pursuant to Division II of Chapter XI.”

c. S-25.1, s.
53.3,
replaced **82.** Section 53.3 of the said Act is replaced by the following section:

Payment of
shares **“53.3** In no case, however, may the company pay for shares it has acquired under section 53.1 if there are reasonable grounds to believe that after that payment, it would not be able to discharge its liabilities when due.”

c. S-25.1, s.
55, am. **83.** Section 55 of the said Act is amended by inserting after the figure “33” in the second last line, the following: “and those contemplated in section 36 of the Act respecting certain caisses d'entraide économique”.

c. S-25.1, s.
205, am. **84.** Section 205 of the said Act is amended by repealing the second paragraph.

c. S-25.1, s. 206, am. **85.** Section 206 of the said Act is amended by repealing the second paragraph.

PROFESSIONAL SYNDICATES ACT

c. S-40, s. 9, am. **86.** The English text of section 9 of the Professional Syndicates Act (R.S.Q., chapter S-40), amended by section 258 of chapter 52 of the statutes of 1982, is amended by striking out the words “on the recommendation of the Superintendent of Insurance” in the last two lines of paragraph 1 of the second paragraph.

COURTS OF JUSTICE ACT

c. T-16, s. 4, am. **87.** Section 4 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended

(1) by striking out the words “in each district of Québec” in the first line of the first paragraph;

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

Appointment “The officers of justice shall be appointed by order of the Minister of Justice who may assign them jurisdiction in more than one district.”

c. T-16, s. 5, replaced **88.** Section 5 of the said Act is replaced by the following section:

Clerk of appeals **“5.** The Minister of Justice shall also, by order, appoint a clerk of appeals for Montréal, a clerk of appeals for Québec, and as many deputy-clerks of appeals as he may deem necessary.”

c. T-16, s. 15, am. **89.** Section 15 of the said Act is amended by replacing the second paragraph of subsection 2 by the following paragraph:

First deputy “In case of the death, dismissal, suspension, or resignation of the clerk, the deputy-clerk designated as the first deputy, in Québec, and the deputy-clerk designated in the same manner, in Montréal, shall, at each of such places respectively, discharge the duties assigned to the clerk, until a new clerk is appointed.”

c. T-16, s. 54, am. **90.** Section 54 of the said Act is amended by replacing the first paragraph by the following paragraph:

Duties of sheriffs and prothonotaries **“54.** Sheriffs and prothonotaries shall be officers of the Superior Court generally, and not merely of the judges sitting in the districts for which they have jurisdiction, and shall obey the lawful orders of the court and the judges thereof, in whatever district made, provided anything be required to be done under them by such sheriffs or prothonotaries in the district in which they have jurisdiction.”

c. T-16, s. 58, am. **91.** Section 58 of the said Act is amended by replacing the words “Government shall appoint” in the first line by the words “Minister of Justice shall appoint, by order,”.

c. T-16, s. 72, replaced **92.** Section 72 of the said Act is replaced by the following section:

Clerk of the Crown **“72.** Clerks of the Crown are clerks of the Superior Court, as to all things dependent on its jurisdiction in criminal matters.”

c. T-16, s. 73, am. **93.** Section 73 of the said Act is amended by replacing the first paragraph by the following paragraph:

Cumulation **“73.** Any prothonotary, or any clerk of the Provincial Court, may be appointed clerk of the Crown and of the peace.”

c. T-16, s. 92, am. **94.** Section 92 of the said Act is amended by replacing the word “Gouvernement” in the second line of the second paragraph by the words “Minister of Justice”.

c. T-16, s. 94, replaced **95.** Section 94 of the said Act is replaced by the following section:

Sheriffs **“94.** Sheriffs are also officers of the Court of the Sessions of the Peace and shall, in the districts in which they have jurisdiction, obey the orders of that court.”

c. T-16, s. 106, am. **96.** The English text of section 106 of the said Act is amended

(1) by replacing the word “his”, in the fourth line, by the word “the”;

(2) by replacing the words “for his lifetime while he remains a surviving spouse”, in the sixth and seventh lines, by the words “throughout the lifetime of the surviving spouse while in widowhood”.

c. T-16, s. 118, am. **97.** Section 118 of the said Act is amended by replacing the first paragraph by the following paragraph:

Clerks, deputy-clerks **“118.** The Minister of Justice shall appoint, by order, the clerks and deputy-clerks of the Youth Court. The Minister may assign them jurisdiction in more than one district.”

c. T-16, s. 121, am. **98.** Section 121 of the said Act is amended by replacing the first two lines by the words “The Minister of Justice may nevertheless, outside the judicial districts of Montréal and Québec, confer, under the conditions he may”.

c. T-16, s. 122, am. **99.** Section 122 of the said Act is amended by replacing the words “of the district to which he is attached” in the second line by the following words “of a district in which he has jurisdiction”.

c. T-16, s. 147, am. **100.** Section 147 of the said Act is amended by replacing the words “the Gouvernement” in the first and second lines of the second paragraph by the words “order of the Minister of Justice”.

c. T-16, s. 176, am. **101.** Section 176 of the said Act is amended by replacing the words “Government has, by commission under the Great Seal,” in the first and second lines by the words “Minister of Justice has, by order,”.

c., T-16, s. 177, replaced **102.** Section 177 of the said Act is replaced by the following section:

Extension **“177.** The Minister of Justice may confer upon any justice of the peace, in addition to the powers he may exercise within the boundaries of the territory under his jurisdiction, the power to administer to any person, in any part of Québec mentioned in the order appointing him, an oath for the making of any affidavit or a declaration in lieu thereof, required or exacted by, or which may be given in virtue of any law, except in criminal matters.”

c. T-16, s. 178, am. **103.** Section 178 of the said Act is amended by replacing, at the end, the word “Government” by the words “Minister of Justice”.

c. T-16, s. 179, replaced **104.** Section 179 of the said Act is replaced by the following section:

Special jurisdiction **“179.** The Minister of Justice may, by order, appoint justices of the peace whose jurisdiction shall extend outside the territorial limits assigned to any judicial district, and over such remote parts of Québec, even within those limits.”

c. T-16, s. 186, replaced **105.** Section 186 of the said Act is replaced by the following section:

Jurisdiction **“186.** The Minister of Justice may, by order, appoint justices of the peace whose jurisdiction shall extend over the whole of Québec or over such districts as he may indicate.

Limited jurisdiction The jurisdiction of any such justice of the peace may be limited to the purposes set forth in the order.”

c. T-16, s. 195, am. **106.** Section 195 of the said Act is amended

(1) by replacing the word “Gouvernement” in the second last line of the first paragraph of subsection 3 by the words “Minister of Justice”;

(2) by replacing the word “Gouvernement” in the first line of subsection 6 by the words “Minister of Justice” and by replacing the word “it” in the third line of the same subsection by the word “he”.

FOREST RESOURCES UTILIZATION ACT

c. U-2, s. 3,
am.

107. Section 3 of the Forest Resources Utilization Act (R.S.Q., chapter U-2) is amended by replacing the first paragraph by the following paragraph:

Shipment
outside
Québec

“3. Notwithstanding section 2, the Government may authorize the shipment outside Québec of incompletely processed wood derived from the public domain of Québec if it seems to be contrary to the general interest to dispose thereof otherwise.

Tabling

Every order made under the first paragraph shall be tabled before the National Assembly within fifteen days of being made if it is in session, or, if it is not sitting, within fifteen days of the next session.”

ACT TO AMEND THE MINING ACT

1977, c. 31,
s. 9,
repealed

108. Section 9 of the Act to amend the Mining Act (1977, chapter 31) is repealed.

1977, c. 31,
s. 10,
repealed

109. Section 10 of the said Act is repealed.

1977, c. 31,
s. 22, am.

110. Section 22 of the said Act is amended by repealing paragraph *a*.

ACT TO AMEND THE COMPANIES ACT AND THE
COMPANIES AND PARTNERSHIPS DECLARATION ACT1980, c. 28,
s. 1,
repealed

111. Section 1 of the Act to amend the Companies Act and the Companies and Partnerships Declaration Act (1980, chapter 28) is repealed.

1980, c. 28,
s. 2,
repealed

112. Section 2 of the said Act is repealed.

ACT TO FAVOUR EARLY RETIREMENT AND IMPROVE THE SURVIVING SPOUSE'S PENSION

1983, c. 12,
s. 28.1,
added

113. The Act to favour early retirement and improve the surviving spouse's pension (1983, chapter 12) is amended by inserting, after section 28, the following section:

Effect of
lowering the
age of
eligibility

“28.1 In no case may the lowering of the age of eligibility for a retirement pension provided for in paragraph *a* of section 105 of the Act respecting the Québec Pension Plan, amended by section 10, or the payment of such a pension have the effect of reducing a pension or other benefit granted to a person under 65 years of age by a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) concluded before 20 June 1983 or by an arbitration award standing in lieu thereof and rendered before that date.”

ACT TO ESTABLISH THE FONDS DE SOLIDARITÉ DES TRAVAILLEURS DU QUÉBEC (F.T.Q.)

1983, c. 58,
s. 14,
replaced, s.
14.1, added

114. Section 14 of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (1983, chapter 58) is replaced by the following sections:

Interpre-
tation

“14. For the purposes of this Act, an undertaking is a company or legal person pursuing economic objects; investment includes any financial assistance granted to an undertaking in the form of a loan, security, guarantee, purchase of capital stock or any other form.

“Québec
undertaking”

“14.1 For the purposes of this Act, “Québec undertaking” means an undertaking in active operation the majority of whose employees are resident in Québec and whose assets are less than \$25 000 000 or whose net assets are less than \$10 000 000.

Assets and
net assets

For the purposes of this section, the assets or net assets of a Québec undertaking are the assets or net assets shown in the financial statements for its financial year ended before the date on which the investment is made, minus the write up surplus of its property and intangible assets. In the case of an undertaking which has not completed its first financial year, a chartered accountant is required to confirm in writing to the Fund that the assets or net assets, as the case may be, of the undertaking are, immediately before the investment, under the limits prescribed in this section.”

TRANSITIONAL AND FINAL PROVISIONS

c. S-3.2, s.
48,
applicability

115. Section 48 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) does not apply from 1 July 1982 to 30 June 1984.

Declaratory
provision

The first paragraph is declaratory.

Salary to
personnel of
the director
general of
elections

116. The salary paid from 1 January 1983 to the members of the personnel of the director general of elections, including, in particular, the persons contemplated in section 11 of the Act respecting the integration of the administration of the electoral system (1982, chapter 54), is in conformity with the conditions of employment applicable to them, to the extent that that salary is the object of a reduction equivalent to that applied to the members of the personnel of the civil service under the Act respecting conditions of employment in the public sector (1982, chapter 45).

Declaratory
provision

The first paragraph is declaratory.

Bureau of
professional
corporation

117. The Bureau of any professional corporation which on 22 December 1983 has at least 500 members and not more than 1 500

members may, if constituted under the Professional Code and administered by a president and 16 directors, determine by regulation the conditions and modalities according to which it may reduce the number of directors and, where such is the case, the term of office of the directors already in office.

Bureau of
professional
corporation

118. The Bureau of any professional corporation which on 22 December 1983 has more than 1 500 members and not more than 5 000 members may, if constituted under the Professional Code and administered by a president and 24 directors, determine by regulation the conditions and modalities according to which it may reduce the number of its directors and, where such is the case, the term of office of the directors already in office.

Regulations

119. Every regulation made under section 117 or 118 comes into force in accordance with section 95 of the Professional Code.

Regulations

120. The regulations made by a Bureau under provisions repealed by sections 8, 29, 35, 49, 59 and 60 of this Act remain in force until they are repealed by a resolution of the Bureau of the professional corporation passed under subparagraph *o* of section 86 of the Professional Code enacted by paragraph 2 of section 22 of this Act.

Effects of
amendments

121. The amendments made to sections 9 and 11 of the Hotels Act (R.S.Q., chapter H-3) by sections 41 and 42 of this Act cease to have effect from 31 December 1984.

Exception

122. 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

123. This Act comes into force on the day of its sanction, except

(1) the fourth paragraph of section 78 of the Professional Code replaced by section 21, section 44, and paragraph 3 of section 53 of the Act respecting the sociétés d'entraide économique enacted by section 81, which will come into force on the date fixed by proclamation of the Government with the exception of the provisions excluded from this proclamation, which will come into force on any later date which is to be fixed by proclamation of the Government;

(2) sections 65 and 113, which will come into force on 1 January 1984;

(3) section 13, which will come into force on the day of the coming into force of section 67 of the Act respecting the Société immobilière du Québec (1983, chapter 40).