



CHAPTER 43

An Act to amend the Act to promote the development
of agricultural exploitations

[Assented to 22 December 1978]

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

1969, c. 44,
s. 2, am.

1. Section 2 of the Act to promote the development of agricultural exploitations (1969, chapter 44), amended by section 29 of chapter 85 of the statutes of 1971 and replaced by section 2 of chapter 38 of the statutes of 1975, is amended by replacing the first three lines of the first paragraph by the following:

Grant for
general
farm im-
prove-
ments.

“2. The Minister may, on the recommendation of the Bureau, make a grant not exceeding two thousand dollars.”

1969, c. 44,
s. 5, am.

2. Section 5 of the said act, amended by section 30 of chapter 85 of the statutes of 1971 and replaced by section 3 of chapter 38 of the statutes of 1975, is amended by replacing the first four lines of the first paragraph by the following:

Grant for
land im-
prove-
ment.

“5. The Minister may also, on the recommendation of the Bureau, make a grant not exceeding six thousand dollars.”

1969, c. 44,
s. 6a,
added.

3. The said act is amended by inserting, after section 6, the following section:

Lease
presumed.

“6a. For the purposes of subparagraph *a* of the first paragraph of each of sections 2 and 5, and of sections 10, 13a, 13b and 13c, every person or partnership or other group of persons who or which, from 1 October 1971 but before 1 November 1975, leased an economic farm to establish himself or itself thereon is considered to have leased that farm on 1 November 1975. If, on the date the Bureau receives the application of such lessee for a grant, such lessee is a farmer or an aspiring farmer, he is deemed

to be of the same age on the said date of receipt as on the actual date of that lease, and if that lessee is an artificial person, a partnership or a group of persons eligible for benefits under this act, the farm operator contemplated in section 10, 13a or 13c or, as the case may be, the farmer contemplated in section 13b or 13c is deemed to be of the same age on the said date of receipt as he was at the time of that lease.”

1969, c. 44,
s. 7, am. **4.** Section 7 of the said act, replaced by section 4 of chapter 38 of the statutes of 1975, is amended by replacing the first six lines of the first paragraph by the following:

Grant for
land
improve-
ment. **“7.** The Minister may, on the recommendation of the Bureau, make a grant not exceeding four thousand dollars to any farmer who applies therefor and submits a programme of land improvement to the Bureau and:”

1969, c. 44,
s. 9,
replaced. **5.** Section 9 of the said act is replaced by the following section:

Limit of
grant in
cases of
consolida-
tion. **“9.** A farmer who benefits or has already benefited by a grant for the consolidation of a farm under section 30 of the Agriculture Department Act, as it read before 22 December 1969, is entitled to the grant provided for in section 7 up to the amount which, added to the amount of the grant for the consolidation of a farm, attains four thousand dollars.”

1969, c. 44,
s. 10, am. **6.** Section 10 of the said act, amended by section 31 of chapter 85 of the statutes of 1971, section 2 of chapter 34 of the statutes of 1972 and by section 6 of chapter 38 of the statutes of 1975, is again amended by replacing the second paragraph by the following paragraph:

Limit of
grant in
certain
cases. **“However, where an agricultural operations corporation or an agricultural operations partnership has more than one farm operator not less than eighteen nor more than forty years of age among its shareholders or members each owning twenty per cent or more of the shares of each class issued by the corporation, or among whom the interests of each in the partnership represent, in the opinion of the Bureau, at least twenty per cent of all the interests in such partnership, the maximum grants for which it may qualify under the preceding paragraph may exceed the maximums provided for in sections 2 and 5, but without exceeding the maximums of two thousand dollars and six thousand dollars, respectively, multiplied by the number of such operators.”**

1969, c. 44,
s. 11,
replaced.

7. Section 11 of the said act, amended by section 3 of chapter 34 of the statutes of 1972 and replaced by section 7 of chapter 38 of the statutes of 1975, is again replaced by the following section:

Conditions
for other
grant.

“11. An agricultural operations corporation, an agricultural operations cooperative or an agricultural operations partnership may also benefit by the grant provided for in section 7, on the same conditions as a farmer, except that the maximum grant in that case may amount to a sum equal to the product of four thousand dollars multiplied by the number of farm operators who each own twenty per cent or more of the issued shares of each class, in the case of an agricultural operations corporation, by the number of shareholder-producers or of members, as the case may be, who each own twenty per cent or more of the issued ordinary shares or of the common shares, in the case of an agricultural operations cooperative, or by the number of partners among whom the interest of each in the partnership represents, in the opinion of the Bureau, not less than twenty per cent of the aggregate of the interests in such partnership, in the case of an agricultural operations partnership.”

1969, c. 44,
s. 13c,
replaced.

8. Section 13c of the said act, enacted by section 5 of chapter 34 of the statutes of 1972 and replaced by section 12 of chapter 38 of the statutes of 1975, is again replaced by the following section:

Maximum.

“13c. When a group of persons contemplated in section 13a or 13b includes more than one farm operator or farmer who meets the conditions required to render the group eligible for the grants provided for in sections 2 and 5, the maximum grants provided for in those sections may amount to two thousand dollars and six thousand dollars, respectively, multiplied by the number of such farm operators or farmers, as the case may be.”

1969, c. 44,
s. 13d,
replaced.

9. Section 13d of the said act, enacted by section 5 of chapter 34 of the statutes of 1972 and replaced by section 13 of chapter 38 of the statutes of 1975, is again replaced by the following section:

Joint
benefit.

“13d. Several natural persons operating an economic farm they hold in undivided ownership, among whom at least sixty per cent of the rights of ownership in the farm are held by one or more farm operators, and joint operators, may benefit jointly by the grant provided for in section 7 on the same conditions as a farmer, except that the maximum grant in such cases may amount to a sum equal to the product of four thousand dollars multiplied by the number of farm operators or farmers, as the case may be, who each own twenty per cent or more of the

aggregate of the rights held in undivided ownership of the farm or, as the case may be, of the aggregate of the interests in the economic farm composed of the aggregate of the farms of which the joint operators are the owners or lessees.”

1969, c. 44,
s. 15,
replaced;
ss. 15a,
15b, added.

10. Section 15 of the said act, amended by section 6 of chapter 34 of the statutes of 1972 and by section 16 of chapter 38 of the statutes of 1975, is replaced by the following sections:

Grants
to be
obtained
only once.
Maximum
amount.

15. No person may obtain a grant under section 2 or 5 more than once.

No person may obtain under section 7 a grant the amount of which would increase beyond \$4 000 the amount already received by a person under such section or beyond \$20 000 the sums already received under section 11 or 13*d* by an agricultural operations corporation, an agricultural operations cooperative, an agricultural operations partnership or by a group of persons contemplated in section 13*d*.

Reim-
bursement.

15a. Every person, including his legal representatives, who, within ten years from the obtaining of a grant made on or after 15 March 1979, uses or allows to be used for purposes other than agriculture, without the authorization of the Bureau, the farm or the land in respect of which such a grant has been made, must immediately reimburse to the Bureau every amount received in respect of that grant.

Declara-
tion.

15b. Every owner of an immoveable in respect of which a grant is made, is subject, for ten years from the making of such a grant, to the obligation mentioned in section 15*a*. To avail against persons other than the person to whom the grant has been made, the said obligation must be set out in a declaration mentioning each immoveable to which it applies and the name of its owner. Such an immoveable is described by its cadastral number, if any, mentioning, in the case of an immoveable comprising only a part of a lot, that it is a part of the cadastral number concerned, without the obligation of further describing the parts of the lot, notwithstanding article 2168 of the Civil Code. Where there is no cadastral number for that immoveable, it must be designated by indicating the seignory or township in which it is situated, the range, if such is the case, the metes and bounds and the name of the person to whom it belongs.

Registra-
tion.

The declaration contemplated in the first paragraph is made unilaterally by the Bureau and it constitutes proof *prima facie* of the existence of the obligation mentioned in section 15*a*. It must be registered by deposit in the registry office of the regis-

tration division where the immovable in respect of which the grant has been made is situated and mention of the registration must be entered in the index of immovables.

Cancellation.

The total or partial cancellation of the registration of the declaration contemplated in the first paragraph is made by an application to that effect by the Bureau. The original of that application, when made by notarial deed *en brevet* or by a private writing, or an authentic copy of such an application, when it is made in the notarial form *en minute*, must be kept in the registry office to form part of its records.

Maximum amount.

“**15c.** Notwithstanding sections 2, 5, 7, 9, 10, 11 and 13a to 13d, where the acquisition or lease of the economic farm in respect of which an application for a grant is made occurs before 15 March 1979, the maximum grants provided for in sections 2, 5, 7, 10, 11, 13c and 13d and the maximum amount contemplated in section 9 must be the same as those existing under the said sections before that date and, in such case, sections 15a and 15b do not apply.

Formalities of leases.

“**15d.** Where a person applying for a grant is a lessee, or a lessee by emphytheutic lease, of the farm in respect of which such application for a grant is made, such lease must be attested by a notarial instrument or a private writing, which must be registered in the registry office of the registration division in which the farm is situated, and the time remaining to run in the term of the lease must be at least ten years, calculated from the date on which the bureau receives such application, except in the case of a lease obtained by the lessee of a farm contemplated in section 6a or 15c, where the time remaining to run in the term of the lease must be at least equal to the term foreseen for the carrying out of the plan or work contemplated in section 17.

Criteria to be considered.

In the case of the lease of the lessee of a farm, the period of renewal stipulated therein at the option of the lessee, where such is the case, shall also be considered, for the purposes of fixing the term contemplated in the first paragraph, provided that the lessee binds himself in writing to exercise such option, to fulfil within the provided delays, where such is the case, all the formalities required for the exercise of such option, and to register, before the expiry of the initial term of the lease or of the renewed term of the lease, as the case may be, a statement of these facts containing a description of that farm in conformity with article 2168 of the Civil Code.”

Coming into force (15 March 1979, G.O., p. 2345).

11. This act will come into force on the date to be fixed by proclamation of the Government.