

Gazette officielle du Québec

(English Edition)

Part 2

Laws and
Regulations

Volume 120

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Gazette officielle du Québec

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22 June 1988
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NOTICE TO READERS

The *Gazette officielle du Québec* (Laws and Regulations) is published under the authority of the Act respecting the Ministère des Communications (R.S.Q., c. M-24) and the Regulation respecting the *Gazette officielle du Québec* (O.C. 3333-81 dated 2 December 1981 amended by O.C. 2856-82 dated 8 December 1982 and O.C. 1774-87 dated 24 November 1987).

Part 2 of the *Gazette officielle du Québec* is published at least every Wednesday under the title "LOIS ET RÈGLEMENTS". If a Wednesday is a legal holiday, the Official Publisher is authorized to publish on the preceding day or on the Thursday following such holiday.

1. Part 2 contains:

1° Acts assented to, before their publication in the annual collection of statutes;

2° proclamations of Acts;

3° regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

4° Orders in Council of the Government, decisions of the Conseil du trésor and ministers' orders whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

5° regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by laws;

6° rules of practice made by judicial courts and quasi-judicial tribunals;

7° drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

2. The English edition

The English edition of the *Gazette officielle du Québec* is published at least every Wednesday under the title "Part 2 — LAWS AND REGULATIONS". When Wednesday is a holiday, the Official Publisher is authorized to publish it on the preceding day or on the Thursday following such holiday.

The English version contains the English text of the documents described in paragraphs 1, 2, 3, 5, 6 and 7 of section 1.

3. Rates

1. Subscription rates

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2. Rates for sale separate numbers

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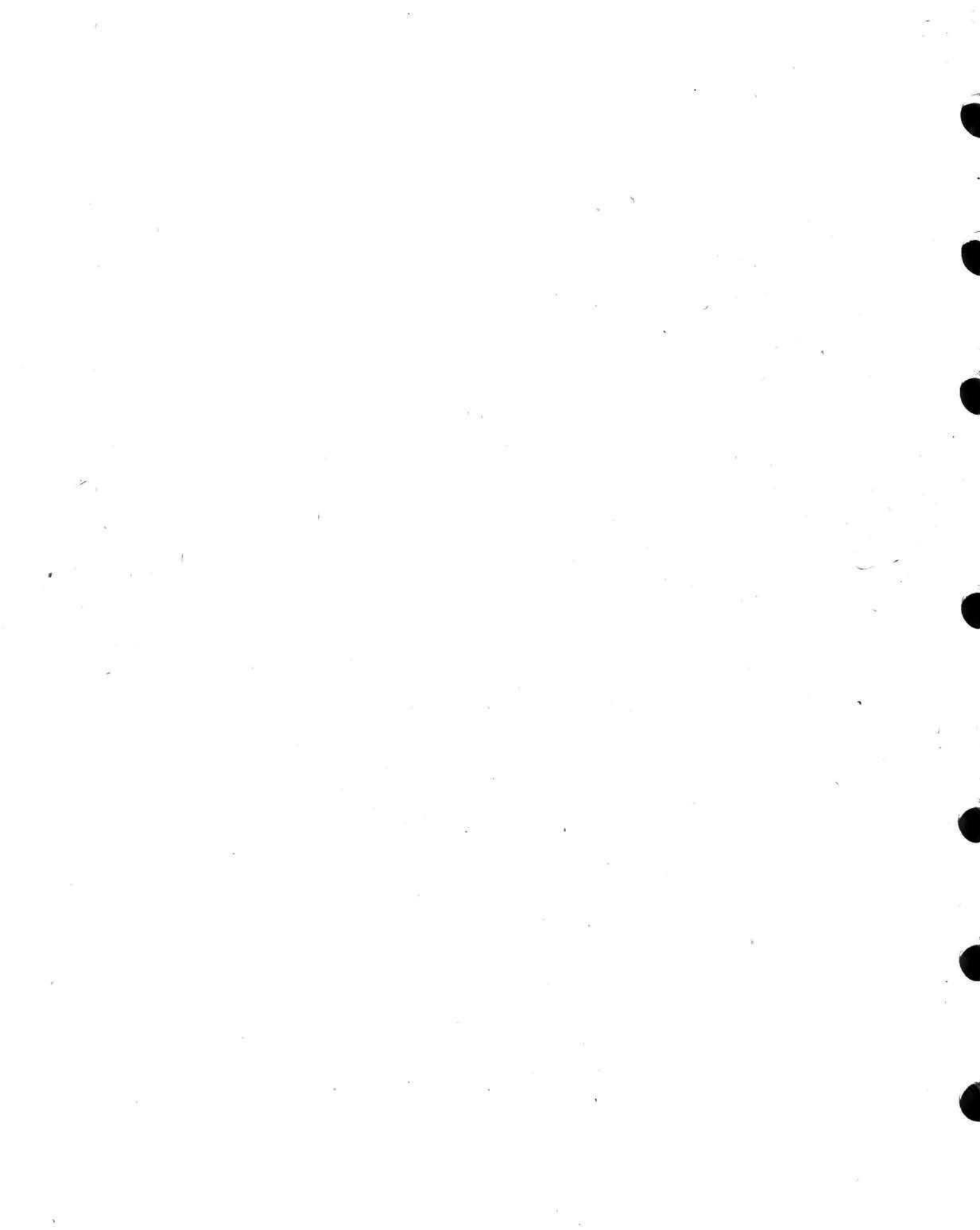
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Coming into force of Acts

Gouvernement du Québec

O.C. 873-88, 8 June 1988

Pesticides Act (1987, c. 29)

— **Coming into force**

COMING INTO FORCE of the Pesticides Act

WHEREAS the Pesticides Act (1987, c. 29) was assented to on 18 June 1987;

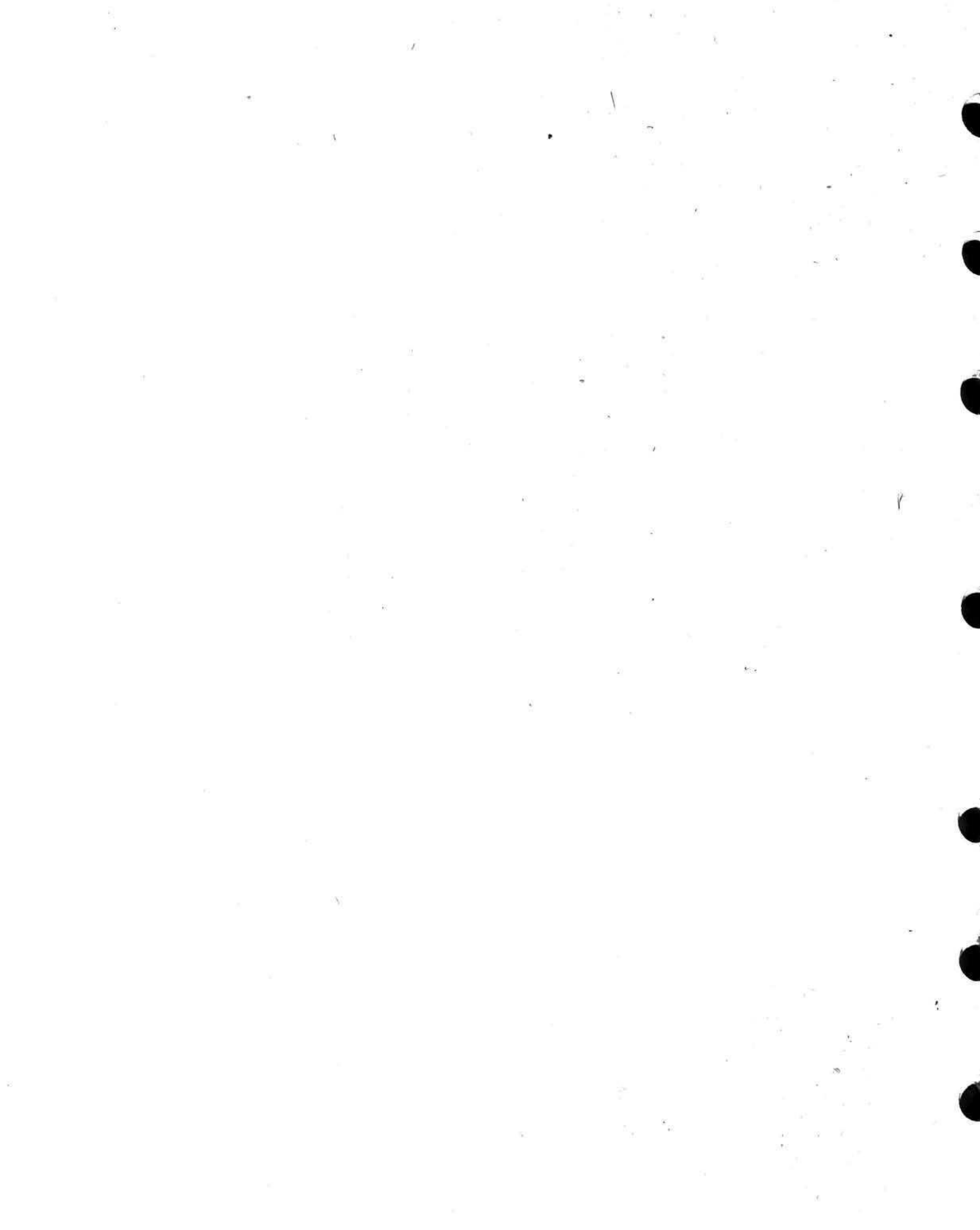
WHEREAS under section 134 of the Act, the provisions of the Act shall come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix at 7 July 1988 the date of coming into force of all sections of this Act except for sections 11 to 13, for paragraph 2 of section 63 and for sections 105 and 107 which will come into force on a later date;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the date of 7 July 1988 be fixed as the date for the coming into force of all sections of the Pesticides Act (1987, c. 29) except for sections 11 to 13, for paragraph 2 of section 63 and for sections 105 to 107, which will come into force on a later date fixed by the Government.

BENOÎT MORIN,
Clerk of the Conseil exécutif



Regulations

Gouvernement du Québec

O.C. 866-88, 8 June 1988

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

Diplomas issued by designated teaching establishments giving access to permits or specialist's certificates

— Amendments

Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations (Amendment)

WHEREAS under subparagraph *a* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), the Government, after consultation with the Office des professions, the Conseil des universités, the teaching establishments and the professional corporation in question, may, by regulation, determine which diplomas issued by the teaching establishments it indicates give access to a permit or a specialist's certificate;

WHEREAS the Government made the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations made by Order in Council 1139-83 date 1 June 1983 and replacing the Revised Regulation (R.R.Q., c. C-26, r. 1) and amended by the Regulations made by Orders in Council 1592-84 dated 4 July 1984, 1645-84 dated 11 July 1984, 2193-84 and 2194-84 dated 3 October 1984, 2755-84 dated 12 December 1984, 672-85 dated 3 April 1985, 268-86 dated 12 March 1986 and 737-87 dated 13 May 1987;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulation Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* dated 16 September 1987 with a notice that it could be made by the Government at the expiry of a 45-day period following publication;

WHEREAS the consultation required by the Act have been held;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation concerning the professions:

THAT the Regulation attached to this Order in Council be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates or professional corporations (Amendment)

Professional Code
(R.S.Q., c. C-26, s. 184, subpar. *a*)

1. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations, made by Order in Council 1139-83 date 1 June 1983 and replacing the Revised Regulation (R.R.Q., 1981, c. C-26, r. 1) and amended by the Regulations made by Orders in Council 1592-84 dated 4 July 1984, 1645-84 by Orders in Council 1592-84 dated 4 July 1984, 1645-84 dated 11 July 1984, 2193-84 and 2194-84 dated 3 October 1984, 2755-84 dated 12 December 1984, 672-85 dated 3 April 1985, 268-86 dated 12 March 1986 and 737-87 dated 13 May 1987 is further amended by inserting the following after paragraph *e* of section 1.15:

“(f) Maîtrise ès sciences (service social) M. Sc. (service social) from the Université de Montréal;

(g) Maîtrisè en service social M.S.S. (type A) from Université Laval;

(h) Master of Social Work (M.S.W.) from McGill University.”

2. This Regulation comes into force on the fifteenth day following its date of publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 867-88, 8 June 1988

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

**Respiratory therapists
— Procedure of the professional inspection
committee**

Regulation respecting the procedure of the professional inspection committee of respiratory therapists

WHEREAS under section 90 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Corporation professionnelle des inhalothérapeutes du Québec must determine, by regulation, the procedure of the professional inspection committee of the corporation;

WHEREAS under that section, the Bureau made the Regulation respecting the procedure of the professional inspection committee of respiratory therapists;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 July 1987 with a notice that it could be submitted to the Government for approval at the expiry of 45 days from this publication;

WHEREAS in accordance with the second paragraph of section 12 of the Professional Code, the Office des professions du Québec has made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation concerning the professions:

THAT the Regulation attached to this Order in Council be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

**Regulation respecting the procedure of
the professional inspection committee of
respiratory therapists**

Professional Code
(R.S.Q., c. C-26, s. 90)

**DIVISION I
GENERAL**

1. In this Regulation, unless the context indicates otherwise:

“record” means the records, books and registers kept by a respiratory therapist in the practice of his profession and the documents or reports in which he collaborated in the records, books and registers kept by his colleagues or his employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5), and any property that has been entrusted to him by a client.

“investigator” means the professional inspection committee, one of its members, or a person authorized to assist the committee in the performance of its duties.

2. The sending of a document, pursuant to sections 14, 23 and 30, shall be made by registered or certified mail, by delivery directly to the addressee or by bailiff, in accordance with the Code of Civil Procedure (R.S.Q., c. C-25).

**DIVISION II
COMMITTEE**

3. A professional inspection committee shall be formed and constituted of at least 3 members appointed by the Bureau. The term of office of the members of the committee shall be two years and may be renewed. They shall take office as soon as they are appointed and continue in office until their death, resignation, replacement or striking off the roll.

4. The members of the committee shall designate one of their number as secretary.

5. The committee shall sit on the dates and at the places determined by it or by its chairman.

6. The office of the committee shall be located at the head office of the Corporation. All the documents, minutes, reports and other writings relative to the inspections and inquiries held by an investigator shall be kept in the said office.

DIVISION III DRAWING UP OF A PROFESSIONAL RECORD

7. The committee shall draw up and keep up-to-date a professional record for each respiratory therapist who is subject to inspection under this Regulation.

8. The professional record shall contain a summary of the respiratory therapist's academic qualifications, as well as his experience and all the documents pertaining to an inspection to which he was subject under this Regulation.

9. A respiratory therapist is entitled to consult his professional record at the office of the Corporation and may, at his own expense, make a copy of any document in the record.

10. Subject to section 9, the respiratory therapist's record may be consulted only by the members of the committee or by the members of the Bureau.

11. The committee shall keep a register in which shall be entered, in chronological order, the date of each verification or inquiry made into a member, the name of his employer and the name of the investigator who made the verification or the inquiry.

DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION

12. Every year, the committee shall draw up and submit to the Bureau for approval a programme for the supervision of the practice of the profession.

13. Every year, the Bureau shall publish in the journal of the Corporation a report on the activities of the committee, without identifying any respiratory therapists who were the subject of an inspection or other persons involved.

14. At least fifteen days before the date fixed for the professional inspection, the committee shall send to each respiratory therapist in question, a notice of inspection in accordance with the form in Schedule I.

Where the inspection takes place in an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) employing a general manager, a notice in accordance with the form in Schedule II shall be given to the general manager.

15. If a respiratory therapist to whom the notice was sent cannot receive the investigator on the prescribed date, he must, upon receipt of the notice, notify the

secretary of the committee and decide on another date with him.

16. An investigator must produce a certificate attesting to his capacity, signed by the secretary of the committee.

17. When an investigator ascertains that the respiratory therapist was unable to take cognizance of the notice referred to in section 14, he shall so inform the committee, which shall fix a new date for the verification and notify the respiratory therapist thereof.

18. A respiratory therapist whose records are the subject of a verification may be present or be represented by an agent.

19. If there are reasons to believe that the committee should subject a respiratory therapist to a special inquiry, the investigator shall draw up a verification report and forward it to the committee for study within fifteen days following his verification.

20. Where a record is held by a third party, the respiratory therapist must, at the investigator's request, authorize the latter to take cognizance or make a copy thereof.

21. Within thirty days following the professional inspection visit, the investigator shall submit a written report to the committee.

DIVISION V SPECIAL INQUIRY INTO PROFESSIONAL COMPETENCE

22. At the request of the Bureau or the committee, an investigator shall make a special inquiry into the competence of a respiratory therapist.

23. At least five days before the date of the special inquiry, the committee shall send the respiratory therapist in question a notice of inspection in accordance with the form in Schedule III.

Where the inspection takes place in an establishment employing a general manager, a copy of such notice shall be given to the general manager.

24. An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

25. If the respiratory therapist refuses to receive an investigator, or to comply with section 25, or transgresses section 114 of the Professional Code, the investigator shall notify the syndic of the Corporation thereof.

26. When an inquiry has been made within the scope of this Division, the investigator must draw up a report and immediately forward it to the committee.

27. Sections 15, 16, 18 and 21 shall apply, *mutatis mutandis*, to an inspection held under this Division.

**DIVISION VI
RECOMMENDATIONS OF THE COMMITTEE**

28. Decisions and recommendations of the committee shall be made by a majority of its members.

29. Where the committee has reason to believe that it is not expedient to recommend to the Executive Committee that a member be required to serve a period of refresher training and that the right of such member to

engage in professional activities be limited, it shall notify the Executive Committee and the member in question within 15 days following its decision.

30. Where the committee, after preliminary study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a respiratory therapist be required to serve a period of refresher training and that the right of such respiratory therapist to engage in professional activities during such period be limited, it must permit the respiratory therapist in question to be heard relative to the report of the committee and the appraisal of his competence.

31. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

**SCHEDULE I
(s. 14)**

CORPORATION PROFESSIONNELLE DES INHALOTHÉRAPEUTES DU QUÉBEC

PROFESSIONAL INSPECTION COMMITTEE

NOTICE OF INSPECTION

Mr., Mrs., Miss _____

Address: _____

Notice is hereby given that, within the framework of the programme for general supervision of the practice of the profession of respiratory therapist, an investigator or investigators will make a professional inspection visit to your establishment, on the

of 19.....

at a.m.
p.m.

Signed at

this 19.....

The professional inspection committee

Per:
Secretary of the committee

SCHEDULE II

(s. 14)

CORPORATION PROFESSIONNELLE DES INHALOTHÉRAPEUTES DU QUÉBEC

General Manager,
Dear Sir (Madam):

Establishment: _____

Address: _____

Notice is given that, within the framework of the programme for general supervision of the practice of the profession of respiratory therapist, an investigator or investigators will make a professional inspection visit to your establishment, on the day of

19 at a.m.
p.m.

Please post up the notice in a conspicuous place in your establishment.

Signed at

this 19

The professional inspection committee

Per:
Secretary of the committee

Signed at

this 19

The professional inspection committee

Per:
Secretary of the committee

SCHEDULE III

(s. 23)

CORPORATION PROFESSIONNELLE DES INHALOTHÉRAPEUTES DU QUÉBEC

NOTICE OF SPECIAL INQUIRY

Mr., Mrs., Miss _____

Address: _____

Notice is hereby given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator or investigators to make an inquiry into your professional competence, on the.....

day of..... 19..... at..... a.m.

p.m.

Signed at.....

this..... 19.....

The professional inspection committee

Per:.....

Secretary of the committee.

Gouvernement du Québec

O.C. 874-88, 8 June 1988

Pesticides Act
(1987, c. 29)

Pesticides

Regulation respecting pesticides

WHEREAS under the first paragraph of section 32 of the Pesticides Act (1987, c. 29), the Government, by regulation, shall designate, among the classes of pesticides it establishes, those for which a permit or certificate is required and, for the purposes of the second paragraph of section 34, classes of household pesticides;

WHEREAS under the second paragraph of section 32 and section 101 of the Act, the content of the regulations may vary according to the nature, importance and extent of the activities carried on, the classes of persons carrying them on, the environment in which the activities are carried on, the means or system used, the pesticides or classes of pesticides or the classes or subclasses of permits or certificates;

WHEREAS under paragraph 1 of section 109 of the Act, the Government may, by regulation, establish classes of pesticides;

WHEREAS under paragraph 2 of section 109 of the Act, the Government may, by regulation, exempt any pesticide from the application of all or part of the provisions of Chapter IV or the Regulations thereunder, on the conditions it may determine;

WHEREAS under paragraph 3 of section 109 of the Act, the Government may, by regulation, establish classes and subclasses of permits and certificates, and fix for each the date from which the permits or certificates become exigible;

WHEREAS under paragraph 4 of section 109 of the Act, the Government may, by regulation, determine conditions applicable to the issue or renewal of a permit or certificate and the documents and information to be furnished;

WHEREAS under paragraph 5 of section 109 of the Act, the Government may, by regulation, fix the fees exigible for the issue, the renewal and, in such cases as it may determine, the modification of a permit or certificate which may vary according to the term, class or subclass of permit or certificate, or according to the extent or importance of the activities;

WHEREAS under paragraph 6 of section 109 of the Act, the Government may, by regulation, prescribe a

charge for the issue of duplicates of permits or certificates;

WHEREAS under paragraph 7 of section 109 of the Act, the Government may, by regulation, require, as a condition prior to issue or renewal of a permit and in such cases as it may determine, that a person provide a guarantee to enable the Minister to take or cause to be taken measures required under section 24, 26 or 27, the cost of which may be payable by the person, fix the nature and the amount of the guarantee and the conditions on which the guarantee may be used by the Minister and on which it may be released;

WHEREAS under paragraph 8 of section 109 of the Act, the Government may, by regulation, prescribe the requirements to be observed by the holder of a permit or certificate;

WHEREAS under paragraph 9 of section 109 of the Act, the Government may, by regulation, require, as a condition prior to issue of a permit, that a person take out civil liability insurance and maintain it in force during the term of his permit, prescribe the kind, coverage and the amount thereof and the other applicable conditions;

WHEREAS under paragraph 10 of section 109 of the Act, the Government may, by regulation, indicate the records to be kept and the statements to be prepared and transmitted to the Minister by all or certain permit holders, and prescribe the applicable requirements and the time for transmitting the statements;

WHEREAS under paragraph 11 of section 109 of the Act, the Government may, by regulation, indicate the records or other documents to be preserved by all or certain permit holders and prescribe the applicable requirements and the time for which they must be preserved;

WHEREAS under paragraph 12 of section 109 of the Act, the Government may, by regulation, prescribe that contravention of the provisions of the regulations which it indicates constitutes an offence;

WHEREAS under paragraph 13 of section 109 of the Act, the Government may, by regulation, prescribe any other measure required to facilitate the carrying out of this Act;

WHEREAS under paragraph 1 of section 126 of the Act, the Government may, by regulation, prescribe classes and subclasses of registration and for each such

class or subclass, the time within which registration is required;

WHEREAS under paragraph 2 of section 126 of the Act, the Government may, by regulation, prescribe the registration formalities and the information required for the issue of an attestation of registration;

WHEREAS under section 104 of the Act, no provision of a regulation that could affect the immovables comprised in a reserved area or agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1) applies to that area or zone unless the regulation expressly indicates it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation respecting pesticides was published in Part 2 of the *Gazette officielle du Québec* of 16 March 1988 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient that the Government make the Regulation respecting pesticides, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting pesticides, attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting pesticides

Pesticides Act
(1987, c. 29)

DIVISION I SCOPE

1. This Regulation applies to pesticides belonging to one of the classes established in Schedule I.

2. This Regulation does not apply to pesticides that are:

(1) devices intended to control, destroy, mitigate, attract or repel any organism that is injurious to or noxious or troublesome for humans, animal life, vegetation, crops or any other object;

(2) algicides or bactericides for swimming pools or aquariums or for the treatment of drinking water;

(3) air cleansers;

(4) disinfectants; or

(5) detergent additives.

3. Pesticides for domestic use in Classes 4 and 5 established in Schedule I are designated for domestic use for the purposes of the second paragraph of section 34 of the Pesticides Act (1987, c. 29).

DIVISION II PERMITS

4. The classes and subclasses of permits are those established in Schedule II.

5. Permits become exigible from 7 July 1988, except for Subclass "B.2" permits, which will become exigible from 30 November 1988.

6. Any application for a permit or for the modification of a permit must be made on a form provided by the Minister of the Environment.

An application for a permit or for the modification of a permit must include:

(1) the name, address and telephone number of the applicant and, where the applicant is a partnership or a legal person, a true copy of the resolution authorizing the submission of an application;

(2) a statement identifying, in the list appearing in Schedule II, the class and any subclasses of permits covered by the application;

(3) a statement identifying, in the list appearing in Schedule I, the classes of pesticides that the applicant proposes to sell or use in his activities; and

(4) the name and address of the place of business or the establishment for which the application is made or, for a Class "A", "B" or "C" permit, the names and addresses of each of the establishments in Québec covered by the application which will be used to carry on the activities for which the application is made.

7. The fees exigible for the issue of a permit shall be:

(1) for a Class "A" permit: 300 \$;

(2) for a Subclass "B.1" permit: 300 \$;

(3) for a Subclass "B.2" permit: 100 \$;

(4) for a Class "C" permit: 300 \$;

(5) for a Class "D" permit: 50 \$;

8. The fees exigible for the issue of a temporary permit shall be:

for a Class "A" permit: 150 \$;

(2) for a Subclass "B.1" permit: 150 \$;

(3) for a Subclass "B.2" permit: 50 \$;

(4) for a Class "C" permit: 150 \$;

(5) for a Class "D" permit: 50 \$.

9. Any person who applies for a Class "A", "B" or "C" permit and has more than one establishment in Québec must pay the fees exigible under section 7 for each of the establishments covered by the application that will be used to carry on the activities for which the application is made.

The holder of a Class "A", "B" or "C" permit may apply for a modification of his permit so as to allow a new establishment in Québec to be used to carry on the activities authorized by the permit.

He must pay the fees exigible under section 7 for each of the establishment covered by an application for the modification of a permit. However, if the application occurs during the second year of the term of the permit, the fees are set at one half of those prescribed in section 7.

10. The fees prescribed in sections 7, 8 and 9 apply in the case of an application for the modification of a permit, where the permit holder applies to change the class of permit or to change a Subclass "B.2" permit into a Subclass "B.1" permit.

11. The fees exigible for the issue of a duplicate of a permit shall be 5 \$.

12. An application for the renewal of a permit must be made not less than 30 days before it expires on a form provided by the Minister.

The application must include the information mentioned in the second paragraph of section 6 as well as the number of the permit and its expiry date.

13. An application for renewal must include the fees exigible under section 7, 8 or 9.

14. A temporary Class "C" permit shall be issued or renewed on the condition that the applicant provide a guarantee in the amount of 50 000 \$ in the form of:

(1) a certified cheque to the order of the Minister of Finance;

(2) bearer bonds issued by the Gouvernement du Québec, the Government of Canada, a municipality or the government of the applicant's province of origin;

(3) bonds guaranteed by the Gouvernement du Québec, the Government of Canada or the government of the applicant's province of origin; or

(5) a deed, jointly and severally binding, in the form of a security, guarantee policy or letter of credit, with a waiver of the benefit of discussion and the benefit of division, issued by a banking institution, a savings and credit union or an insurer holding a licence issued under the Act respecting insurance (R.S.Q., c. A-32).

15. Except in the cases prescribed in section 26 of the Pesticides Act, the Minister shall give prior notice of 15 days to the permit holder or the person referred to in paragraph 4 of section 14 of his intent to use the guarantee.

16. The Minister shall remit the guarantee at the expiry of 6 months after the date of the receipt of the statement of transactions referred to in section 38.

17. The holder of a Class "A" or Subclass "B.1" permit may not sell pesticides in Classes 1 to 3 or offer them for sale except to persons who fulfil any of the following conditions:

(1) for a Class 1 pesticide:

(a) the purchaser must hold a permit authorizing him to sell that pesticide;

(b) the purchaser must hold a permit authorizing him to carry out work involving the use of that pesticide and a certificate of authorization issued by the Deputy Minister of the Environment under section 22 of the Environment Quality Act (R.S.Q., c. Q-2); or

(c) from 2 November 1988, the purchaser must, in the case of a forest manager or a farmer referred to in paragraphs 2 and 3 of section 35 of the Act, hold a certificate authorizing him to perform work involving the use of that pesticide and a certificate of authorization issued by the Deputy Minister of the Environment under section 22 of the Environment Quality Act (R.S.Q., c. Q-2);

(2) for a Class 2 pesticide:

(a) the purchaser must hold a permit authorizing him to sell that pesticide;

(b) the purchaser must hold a permit authorizing him to carry out work involving the use of that pesticide; or

(c) from 2 November 1988, the purchaser must, in the case of a forest manager or a farmer referred to in paragraphs 2 and 3 of section 35 of the Act, hold a certificate authorizing him to perform work involving the use of that pesticide;

(3) for a Class 3 pesticide:

(a) the purchaser must hold a permit authorizing him to sell that pesticide; or

(b) with the exception of a forest manager or a farmer referred to in paragraphs 2 and 3 of section 35 of the Act, the purchaser must hold a permit authorizing him to carry out work involving the use of that pesticide.

From 30 November 1988, the holder of a Class "A" permit may not sell Class 4 pesticides or offer them for sale except to persons holding a permit authorizing them to sell those pesticides.

For the purposes of section 17, an attestation of registration shall take the place of the certificate until the day on which the certificate becomes exigible.

DIVISION III CERTIFICATES

18. The classes and subclasses of certificates are those established in Schedule III.

19. Certificates become exigible from 30 April 1989, with the exception of certificates of the following subclasses:

(1) "C.9" and "D.9" which will become exigible from 30 April 1990;

(2) "B.2" and "D.7" which will become exigible from 30 April 1991.

20. Any application for a certificate or for the modification of a certificate must be made on a form provided by the Minister.

An application for a certificate or for the modification of a certificate must include:

(1) the name, address and telephone number of the applicant;

(2) a statement identifying, in the list appearing in Schedule III, the class and any subclasses of certificates covered by the application; and

(3) a statement identifying, in the list appearing in Schedule I, the classes of pesticides that the applicant proposes to sell or use in his activities.

An application for a certificate must include an attestation that the applicant has successfully passed an examination prescribed or recognized by the Minister or, where the applicant is not domiciled in Québec or has no residence therein, any document showing that he possesses knowledge equivalent to that required for the issue of the certificate.

An application for the modification of a certificate must also include the attestation or the documents referred to in the third paragraph, where the permit holder is applying to change the class of certificate or to have a subclass changed or added in his certificate.

21. The fees exigible for the issue of a certificate shall be 75 \$.

22. The fees exigible for the issue of a duplicate of a certificate shall be 5 \$.

23. An application for the renewal of a certificate must be made not less than 30 days before it expires on a form provided by the Minister.

The application must include the information mentioned in the second paragraph of section 20 as well as the number of the certificate and its expiry date.

24. An application for renewal must include the fees exigible under section 21.

DIVISION IV RECORDS AND STATEMENTS OF TRANSACTIONS

25. A Class «A» permit holder must keep account books and a record of his purchases and sales, and for each transaction involving the purchase or sale of a pesticide in Classes 1 to 3, must conserve all supporting documents containing:

(1) his name, address and permit number;

(2) the name, address and permit number of the customer and the name, address and, where applicable, the permit number of the supplier;

(3) the name, class, federal registration number and quantity of pesticide purchased or sold; and

(4) the date of the transaction.

26. A Subclass «B.1» permit holder must keep account books and a record of his purchases, and for each transaction involving the purchase of a pesticide in Classe 1 to 3, must conserve all supporting documents containing:

(1) his name, address and permit number;

(2) the name, address and permit number of the supplier;

(3) the name, class, federal registration number and quantity of pesticide purchased; and

(4) the date of the transaction.

27. A Subclass «B.1» permit holder must keep account books and a record of his sales, and for each transaction involving the sale of a pesticide in Classes 1 to 3, must conserve all supporting documents containing:

- (1) his name, address and permit number;
- (2) the name and address of the customer as well as the number of the permit, or in the case of the sale of a Class 1 or Class 2 pesticide to a forest manager or farmer referred to in paragraphs 2 and 3 of section 35 of the Act, the number of the certificate or attestation of registration, as the case may be, or in the case of the sale of a Class 3 pesticide, the number of the «forest management permit» for sugar bush management for acericultural purposes or for the supply of wood processing plants or the number of the «carte de producteur forestier» card issued by the Minister of Energy and Resources or the number of the «carte d'enregistrement d'une exploitation agricole» card issued by the Minister of Agriculture, Fisheries and Food, as the case may be;
- (3) the name, class, federal registration number and quantity of pesticide sold;
- (4) the date of the transaction; and
- (5) in the case of the sale of a Class 1 pesticide, the file number of the customer's certificate of authorization issued under section 22 of the Environment Quality Act.

28. A Class «C» or «D» permitholder must keep account books and a record of his purchases, and for each transaction involving the purchase of a pesticide in Classes 1 to 3, must conserve all supporting documents containing:

- (1) his name, address and permit number;
- (2) the name, address and permit number of the supplier;
- (3) the name, class, federal registration number and quantity of pesticide purchased;
- (4) the date of the transaction; and
- (5) in the case of the purchase of a Class 1 pesticide, the file number of his certificate of authorization issued under section 22 of the Environment Quality Act.

29. A Class «C» permit holder must keep account books and a record of use, and for each transaction related to work involving the use of a pesticide in Classes 1 to 4, must conserve all supporting documents containing:

- (1) his name, address and permit number;
- (2) the name and address of the customer;
- (3) the reasons for the work and the site where it was performed;
- (4) identification of what the treatment was applied to, including the surface area, volume or quantity;
- (5) the name, class, federal registration number and quantity of pesticide used;
- (6) the date of the work; and
- (7) the signature of the certificate holder who carried out the work or supervised at the work site and his certificate number.

30. A Class «D» permit holder must keep account books and a record of use, and for each transaction related to work involving the use of a pesticide in Classes 1 to 3, must conserve all supporting documents containing the information prescribed in paragraphs 1 and 3 to 7 of section 29.

31. A permit holder must conserve the account books, records and supporting documents referred to in sections 25 to 30 for not less than 5 years.

32. A Class «A» permit holder must forward to the Minister, not later than 31 January 1990, and, thereafter, not later than 31 January of each year, a statement of transactions occurring between 1 January and 31 December of the preceding year, indicating, for pesticides in Classes 1 to 3, the name, class, federal registration number and quantity of each pesticide sold to each of his customers, as well as their permit number.

A Class «A» permit holder who purchases Class 4 and Class 5 pesticides directly from a manufacturer, producer or wholesaler not having a place of business in Québec must forward to the Minister the statement of transactions prescribed in the first paragraph, indicating the name, class, federal registration number and quantity of each pesticide sold during that period in the territory of Québec.

33. A Subclass «B.1» permit holder must forward to the Minister, not later than 31 January 1989, a statement of transactions occurring between 7 July 1988 and 31 December 1988 indicating, for pesticides in Classes 1 to 3, the name, class, federal registration number and quantity of each pesticide in stock on 31 December 1988.

34. A Subclass «B.1» permit holder must forward to the Minister, not later than 31 January 1990 and, thereafter, not later than 31 January of each year, a statement of transactions occurring between 1 January and 31 December of the preceding year, indicating, for pesticides in Classes 1 to 3:

(1) the name, class, federal registration number and quantity of each pesticide sold:

(a) to each Class «C» permit holder or each Subclass «D.3» or «D.7» permit holder, as well as their permit number;

(b) in the territory of each municipality, to all forest managers who are not permit holders, to all farmers authorized to perform work involving the use of those pesticides, and to all Class «D» permit holders, excluding Subclass «D.3» and «D.7» permit holders; and

(2) the name, class, federal registration number and quantity of each pesticide in stock on 31 December of each year.

35. A Class «C» permit holder must forward to the Minister, not later than 31 January 1989, a statement of transactions occurring between 7 July 1988 and 31 December 1988, indicating, for pesticides in Classes 1 to 3, the name, class, federal registration number and quantity of each pesticide in stock on 31 December 1988.

36. A Class «C» permit holder must forward to the Minister, not later than 31 January 1990, and, thereafter, not later than 31 January of each year, a statement of transactions occurring between 1 January and 31 December of the preceding year, indicating, for pesticides in Classes 1 to 3:

(1) the name, class, federal registration number and quantity of each pesticide that he used in the territory of each municipality; and

(2) the name, class, federal registration number and quantity of each pesticide in stock on 31 December of each year.

37. A Subclass «D.3» or «D.7» permit holder must forward to the Minister, not later than 31 January 1990, and, thereafter, not later than 31 January of each year, a statement of transactions occurring between 1 January and 31 December of the preceding year, indicating, for pesticides in Classes 1 to 3, the information prescribed in paragraph 1 of section 36.

38. With the exception of paragraph 2 of each of section 34 and 36, sections 32, 34, 36 and 37 apply to a temporary permit holder, but the statement of transac-

tions must be forwarded to the Minister within 30 days following the expiry of the permit and must cover transactions occurring between the issue date and the expiry date of the permit.

Where a temporary permit expires during the year following the year in which it is issued, the permit holder must forward to the Minister a statement of transactions occurring between the issue date and 31 December of the current year, as well as a second statement of transactions occurring up to the expiry date of the permit.

39. the statements of transactions referred to in sections 32 to 38 must also include:

(1) the name, address and telephone number of the permit holder;

(2) the permit number and the class or subclass of the permit; and

(3) except in the case of a temporary permit holder, the names and addresses of the establishments for which the statement of transactions is submitted.

The statements of transactions must be forwarded to the Minister by registered or certified mail.

DIVISION V INTERIM SYSTEM

40. Any natural person who carries out activities for which a certificate will become exigible must register with the Minister before 2 September 1988.

From that date, any natural person who intends to carry out an activity referred to in the first paragraph must register with the Minister before beginning that activity.

In the case of activities for which a Subclass «B.2» certificate will become exigible, registration with the Minister is required only from 1 November 1990.

41. An application to register must be made on a form provided by the Minister.

That application must include the information prescribed in subparagraphs 1 and 3 of the second paragraph of section 20 as well as a statement identifying, in the list appearing in Schedule III, the class and any subclasses of certificates for which the applicant is required to obtain an attestation of registration.

DIVISION IV FINAL

42. A contravention of section 17 or 40 constitutes an offence.

43. This Regulation applies to immovables included in a reserved area and in an agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

44. This Regulation comes into force on 7 July 1988.

SCHEDULE I (s. 1)

CLASSES OF PESTICIDES

Class 1 pesticides

(1) Every pesticide the registration of which is not required by the Pest Control Products Act (R.S.C., 1970, c. P-10);

(2) Every pesticide made up of a mixture containing any of the following active substances:

- (a) Aldicarb;
- (b) Aldrin;
- (c) Chlordane;
- (d) Dieldrin;
- (e) Endrin;
- (f) Heptachlor.

Class 2 pesticides

Every pesticide which, under the Pest Control Products Act, must bear on the principal part of the label of its container an indication that it is a pest control product for restricted use, and which is not specifically covered by another class in this Schedule.

Class 3 pesticides

(1) Every pesticide which, under the Pest Control Products Act, must bear on the principal part of the label of its container an indication that it is a pest control product for commercial, agricultural or industrial use, and which is not specifically covered by another class in this Schedule.

(2) Every pesticide made up of *Bacillus thuringiensis* Berliner var *Kurstaki* intended for use in forests or on wooded land.

Class 4 pesticides

Every pesticide which, under the Pest Control Products Act, must bear on the principal part of the label of its container an indication that it is a pest control product for domestic use, and which is not specifically covered by another class in this Schedule.

Class 5 pesticides

Every pesticide which, under the Pest Control Products Act, must bear on the principal part of the label of its container an indication that it is a pest control product for domestic use, and which:

(1) is sold in the form of a ready-to-use preparation, with a volume or weight equal to or less than one litre or one kilogram and is intended solely for any of the following purposes:

(a) fabric protection if the product is made up of paradichlorobenzene or naphthalene;

(b) use as bait for ants if the contents of the product do not present a risk of contact with the human body;

(c) animal repellent if it is not a polymeric butene-based product;

(d) flea-repellent collar or tag for cats and dogs;

(e) insect repellent for application to the human body;

(f) herbicide for localized spraying;

(2) is sold in the form of a ready-to-use preparation, with a volume or weight equal to or less than one litre or one kilogram and is made up of a mixture containing exclusively any of the following active substances:

(a) allethrin;

(b) D-Trans allethrin;

(c) cypermethrin;

(d) tetramethrin;

(e) resmethrin;

(f) pyrethrin;

(g) piperonyl butoxide;

(h) 2, 3, 4, 5-bis (2-butylene) tetrahydro-2 furfural;

(i) n-octyl bicycloheptene dicarboximide;

(j) di-n-propyl isocinchomerate;

(k) 2-hydroxyethyl n-octyl sulfide; or

(3) is made up of a mixture containing exclusively any of the following active substances:

- (a) *Bacillus thuringiensis* Berliner var *Kurstaki*;
- (b) diatomaceous earth;
- (c) soap.

SCHEDULE II

(s. 4)

CLASSES AND SUBCLASSES OF PERMITS

Class «A»: Wholesale permit

the permit issued to a person who, as a wholesaler, sells pesticides in Classes 1 to 5 or offers them for sale;

Class «B»: Retail permit

Subclass «B.1»: Retail

(Classes 1 to 4)

the permit issued to a person who, as a retailer, sells pesticides in Classes 1 to 4 or offers them for sale;

Subclass «B.2»: Retail

(Class 4)

the permit issued to a person who, as a retailer, sells Class 4 pesticides or offers them for sale;

Class «C»: Commercial use permit

Subclass «C.1»: Aerial application

the permit issued to a person who, as an aerial pesticide applicator, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.2»: Aquatic application

the permit issued to a person who, as an aquatic pesticide applicator, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.3»: Application for maintenance of road, rail and energy transportation corridors

the permit issued to a person who, as a pesticide applicator for maintenance of road, rail and energy transportation corridors, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.4»: Application for landscape maintenance

the permit issued to a person who, as a pesticide applicator for landscape maintenance, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.5»: Application for extermination

the permit issued to a person who, as a pesticide applicator for extermination, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.6»: Application by fumigation

the permit issued to a person who, as a fumigation pesticide applicator, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.7»: Forest application

the permit issued to a person who, as a forest pesticide applicator, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.8»: Agricultural application

the permit issued to a person who, as an agricultural pesticide applicator, performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Subclass «C.9»: Application not referred to in Subclasses «C.1» to «C.8»

the permit issued to a person who, as a pesticide applicator for an application not referred to in Subclasses «C.1» to «C.8», performs or offers to perform for others, for remuneration, work involving the use of pesticides in Classes 1 to 4;

Class «D»: Private use permit

Subclass «D.1»: Aerial application

the permit issued to a person who, as an aerial pesticide applicator, performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3;

Subclass «D.2»: Aquatic application

the permit issued to a person who, as an aquatic pesticide applicator, performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3;

Subclass «D.3»: Application for maintenance of road, rail, and energy transportation corridors

the permit issued to a person who, as a pesticide applier for maintenance of road, rail and energy transportation corridors, performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3;

Subclass «D.4»: Application for landscape maintenance

the permit issued to a person who, as a pesticide applier for landscape maintenance, performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3;

Subclass «D.5»: Application for extermination

the permit issued to a person who, as a pesticide applier for extermination, performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3;

Subclass «D.6»: Application by fumigation

the permit issued to a person who, as a fumigation pesticide applier, performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3;

Subclass «D.7»: Forest application

the permit issued to a forest manager who is not covered by paragraph 2 of section 35 of the Act and who, as a forest pesticide applier, performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3;

Subclass «D.9»: Application not referred to in Subclasses «D.1» to «D.7»

the permit issued to a person other than a forest manager or farmer referred to in paragraphs 2 and 3 of section 35 of the Act and who, as a pesticide applier for an application not referred to in Subclasses «D.1» to «D.7», performs or offers to perform, otherwise than through a permit holder, work involving the use of pesticides in Classes 1 to 3.

SCHEDULE III

(s. 18)

CLASSES OR SUBCLASSES OF CERTIFICATES

Class «A»: Wholesaler's certificate

the certificate issued to a natural person who carries out an activity for which a Class «A» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Class «B»: Retailer's certificate

Subclass «B.1»: Retail
(Classes 1 to 4)

the certificate issued to a natural person who carries out an activity for which a Subclass «B.1» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «B.2»: Retail
(Class 4)

the certificate issued to a natural person who carries out an activity for which a Subclass «B.2» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Class «C»: Commercial user's certificate

Subclass «C.1»: Aerial application

the certificate issued to a natural person who carries out an activity for which a Subclass «C.1» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.2»: Aquatic application

the certificate issued to a natural person who carries out an activity for which a Subclass «C.2» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.3»: Application for maintenance of road, rail and energy transportation corridors

the certificate issued to a natural person who carries out an activity for which a Subclass «C.3» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.4»: Application for landscape maintenance

the certificate issued to a natural person who carries out an activity for which a Subclass «C.4» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.5»: Application for extermination

the certificate issued to a natural person who carries out an activity for which a Subclass «C.5» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.6»: Application for fumigation

the certificate issued to a natural person who carries out an activity for which a Subclass «C.6» permit is required

red or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.7»: Forest application

the certificate issued to a natural person who carries out an activity for which a Subclass «C.7» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.8»: Agricultural application

the certificate issued to a natural person who carries out an activity for which a Subclass «C.8» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «C.9»: Application not referred to in Subclasses «C.1» to «C.8»

the certificate issued to a natural person who carries out an activity for which a Subclass «C.9» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Class «D»: Private user's certificate

Subclass «D.1»: Aerial application

the certificate issued to a natural person who carries out an activity for which a Subclass «D.1» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «D.2»: Aquatic application

the certificate issued to a natural person who carries out an activity for which a Subclass «D.2» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «D.3»: Application for maintenance of road, rail and energy transportation corridors

the certificate issued to a natural person who carries out an activity for which a Subclass «D.3» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «D.4»: Application for landscape maintenance

the certificate issued to a natural person who carries out an activity for which a Subclass «D.4» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «D.5»: Application for extermination

the certificate issued to a natural person who carries out an activity for which a Subclass «D.5» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «D.6»: Application by fumigation

the certificate issued to a natural person who carries out an activity for which a Subclass «D.6» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «D.7»: Forest application

the certificate issued to a natural person who carries out an activity for which a Subclass «D.7» permit is required or who is responsible for supervision at a site where such an activity is carried out;

Subclass «D.9»: Application not referred to in Subclasses «D.1» to «D.7»

the certificate issued to a natural person who carried out an activity for which a Subclass «D.9» permit is required or who is responsible for supervision at a site where such an activity is carried out.

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Gouvernement du Québec

O.C. 875-88, 8 June 1988

Pesticides Act
(1987, c. 29)

Pesticides on farms

Regulation respecting the application of pesticides on farms

WHEREAS under the first paragraph of section 32 of the Pesticides Act (1987, c. 29), the Government, by regulation, shall designate, among the classes of pesticides it establishes, those for which a permit or certificate is required and, for the purposes of the second paragraph of section 34, classes of household pesticides;

WHEREAS under the second paragraph of section 32 and section 101 of the Act, the content of the regulations may vary according to the nature, importance and extent of the activities carried on, the classes of persons carrying them on, the environment in which the activities are carried on, the means or systems used, the pesticides or classes of pesticides or the classes or subclasses of permits or certificates;

WHEREAS under paragraph 1 of section 109 of the Act, the Government may, by regulation, establish classes of pesticides;

WHEREAS under paragraph 3 of section 109 of the Act, the Government may, by regulation, establish classes and subclasses of permits and certificates, and fix for each the date from which the permits or certificates become exigible;

WHEREAS under paragraph 4 of section 109 of the Act, the Government may, by regulation, determine conditions applicable to the issue or renewal of a permit or certificate and the documents and information to be furnished;

WHEREAS under paragraph 5 of section 109 of the Act, the Government may, by regulation, fix the fees exigible for the issue, the renewal and, in such cases as it may determine, the modification of a permit or certificate, which may vary according to the term, class or subclass of permit or certificate, or according to the extent or importance of the activities;

WHEREAS under paragraph 6 of section 109 of the Act, the Government may, by regulation, prescribe a charge for the issue of duplicates of permits or certificates;

WHEREAS under paragraph 12 of section 109 of the Act, the Government may, by regulation, prescribe that contravention of the provisions of the regulations which it indicates constitutes an offence;

WHEREAS under paragraph 13 of section 109 of the Act, the Government may, by regulation, prescribe any other measure required to facilitate the carrying out of the Act;

WHEREAS under paragraph 1 of section 126 of the Act, the Government may, by regulation, prescribe classes and subclasses of registration and for each such class or subclass, the time within which registration is required;

WHEREAS under paragraph 2 of section 126 of the Act, the Government may, by regulation, prescribe the registration formalities and the information required for the issue of an attestation of registration;

WHEREAS under the first paragraph of section 108 of the Act, the regulations applicable to farmers, to their employees or to persons authorized to act on their behalf and referred to in paragraphs 2 and 3 of section 50, and which are enacted under section 32 or paragraphs 3 to 12 of section 109, are regulations separate from any other regulation under the Act;

WHEREAS under section 104 of the Act, no provision of a regulation that could affect the immovables comprised in a reserved area or agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1) applies to that area or zone unless the regulation expressly indicates it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation entitled "Regulation respecting the application of pesticides on farms" was published in Part 2 of the *Gazette officielle du Québec* of 16 March 1988 with a notice that it could be made by the Government at the expiry of 45 days from that publication;

WHEREAS it is expedient that the Government make, with amendments, the Regulation respecting the application of pesticides on farms;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting the application of pesticides on farms, attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the application of pesticides on farms

Pesticides Act
(1987, c. 29)

DIVISION I SCOPE

1. This Regulation applies to any natural person who, as a farmer or as an employee of or person authorized to act on behalf of a farmer, is exempted from the requirement to hold a permit and who carries on work involving the use of pesticide in Classes 1 and 2 established in Schedule I.

This Regulation also applies to any natural person who is responsible for supervision at a site where such an activity is carried on.

SECTION II CERTIFICATES

2. A natural person referred to in section 1 who carries on work involving the use of a Class 1 or Class 2 pesticide or who is responsible for supervision at a site where such an activity is carried on must hold a certificate.

3. The certificates become exigible from 30 April 1991.

4. Any application for a certificate or for the modification of a certificate must be made on a form provided by the Minister of the Environment.

An application for a certificate or for the modification of a certificate must include:

(1) the name, address and telephone number of the applicant; and

(2) a statement identifying, in the list appearing in Schedule I, the classes of pesticides that the applicant proposes to use in his activities.

An application for a certificate must include an attestation that the applicant has successfully passed an examination prescribed or recognized by the Minister or, where the applicant is not domiciled in Québec or has no residence therein, any document showing that he possesses knowledge equivalent to that required for the issue of the certificate.

5. The fees exigible for the issue of a certificate shall be 75 \$.

6. The fees exigible for the issue of a duplicate of a certificate shall be 5 \$.

7. An application for the renewal of a certificate must be made not less than 30 days before it expires on a form provided by the Minister.

The application must include the information mentioned in the second paragraph of section 4 as well as the number of the certificate and its expiry date.

8. An application for renewal must include the fees exigible under section 5.

DIVISION III INTERIM SYSTEM

9. Any natural person referred to in section 1 who carries on an activity for which a certificate will become exigible must register with the Minister before 2 November 1988.

Effective from that date, any natural person referred to in section 1 who intends to carry on an activity referred to in the first paragraph must register with the Minister before beginning that activity.

10. An application to register must be made on a form provided by the Minister.

That application must include the information prescribed in the second paragraph of section 4 and, where applicable, the number of the "carte d'enregistrement d'une exploitation agricole" card issued by the Minister of Agriculture, Fisheries and Food.

DIVISION IV FINAL

11. A contravention of section 9 constitutes an offence.

12. This Regulation applies to immovables included in a reserved area and in an agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

13. This Regulation comes into force on 7 July 1988.

SCHEDULE I

(s. 1)

CLASSES OF PESTICIDES

Class 1 pesticides

(1) Every pesticide the registration of which is not required by the Pest Control Products Act (R.S.C., 1970, c. P-10);

(2) Every pesticide made up of a mixture containing any of the following active substances:

- (a) Aldicarb;
- (b) Aldrin;
- (c) Chlordane;
- (d) Dieldrin;
- (e) Endrin;
- (f) Heptachlor.

Class 2 pesticides

Every pesticide which, under the Pest Control Products Act, must bear on the principal part of the label of its container an indication that it is a pest control product *for restricted use*, and which is not specifically covered by Class 1 in this Schedule.

Gouvernement du Québec

O.C. 876-88, 8 June 1988

Pesticides Act
(1987, c. 29)

Pesticides in forests

Regulation respecting the application of pesticides in forests

WHEREAS under the first paragraph of section 32 of the Pesticides Act (1987, c. 29), the Government, by regulation, shall designate, among the classes of pesticides it establishes, those for which a permit or certificate is required and, for the purposes of the second paragraph of section 34, classes of household pesticides;

WHEREAS under the second paragraph of section 32 and section 101 of the Act, the content of the regulations may vary according to the nature, importance and extent of the activities carried on, the classes of persons carrying them on, the environment in which the activities are carried on, the means or systems used, the pesticides or classes of pesticides or the classes or subclasses of permits or certificates;

WHEREAS under paragraph 1 of section 109 of the Act, the Government may, by regulation, establish classes of pesticides;

WHEREAS under paragraph 3 of section 109 of the Act, the Government may, by regulation, establish classes and subclasses of permits and certificates, and fix for each the date from which the permits or certificates become exigible;

WHEREAS under paragraph 4 of section 109 of the Act, the Government may, by regulation, determine conditions applicable to the issue or renewal of a permit or certificate and the documents and information to be furnished;

WHEREAS under paragraph 5 of section 109 of the Act, the Government may, by regulation, fix the fees exigible for the issue, the renewal and, in such cases as it may determine, the modification of a permit or certificate, which may vary according to the term, class or subclass of permit or certificate, or according to the extent or importance of the activities;

WHEREAS under paragraph 6 of section 109 of the Act, the Government may, by regulation, prescribe a charge for the issue of duplicates of permits or certificates;

WHEREAS under paragraph 12 of section 109 of the Act, the Government may, by regulation, prescribe that contravention of the provisions of the regulations which it indicates constitutes an offence;

WHEREAS under paragraph 13 of section 109 of the Act, the Government may, by regulation, prescribe any other measure required to facilitate the carrying out of the Act;

WHEREAS under paragraph 1 of section 126 of the Act, the Government may, by regulation, prescribe classes and subclasses of registration and for each such class or subclass, the time within which registration is required;

WHEREAS under paragraph 2 of section 126 of the Act, the Government may, by regulation, prescribe the registration formalities and the information required for the issue of an attestation of registration;

WHEREAS under the second paragraph of section 108 of the Act, the regulations applicable to forest managers, to their employees or to persons authorized to act on their behalf and referred to in paragraphs 2 and 3 of section 50, and which are enacted under section 32 or paragraphs 3 to 12 of section 109, are regulations separate from any other regulation under the Act;

WHEREAS under section 104 of the Act, no provision of a regulation that could affect the immovables comprised in a reserved area or agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1) applies to that area or zone unless the regulation expressly indicates it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation entitled "Regulation respecting the application of pesticides in forests" was published in Part 2 of the *Gazette officielle du Québec* of 16 March 1988 with a notice that it could be made by the Government at the expiry of 45 days from that publication;

WHEREAS it is expedient that the Government make, with amendments, the Regulation respecting the application of pesticides in forests;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the *Règulation* respecting the application of pesticides in forests, attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the application of pesticides in forests

Pesticides Act
(1987, c. 29)

DIVISION I SCOPE

1. This Regulation applies to any natural person who, as a forest manager or as an employee of or person authorized to act on behalf of a forest manager, is exempted from the requirement to hold a permit and who carries on work involving the use of a pesticide in Classes 1 and 2 established in Schedule I.

This Regulation also applies to any natural person who is responsible for supervision at a site where such an activity is carried on.

SECTION II CERTIFICATES

2. A natural person referred to in section 1 who carries on work involving the use of a Class 1 and Class 2 pesticide or who is responsible for supervision at a site where such an activity is carried on must hold a certificate.

3. The certificates become exigible from 30 April 1991.

4. Any application for a certificate or for the modification of a certificate must be made on a form provided by the Minister of the Environment.

An application for a certificate or for the modification of a certificate must include:

(1) the name, address and telephone number of the applicant; and

(2) a statement identifying, in the list appearing in Schedule I, the classes of pesticides that the applicant proposes to use in his activities.

An application for a certificate must include an attestation that the applicant has successfully passed and examination prescribed or recognized by the Minister or, where the applicant is not domiciled in Québec or has no residence therein, any document showing that he possesses knowledge equivalent to that required for the issue of the certificate.

5. The fees exigible for the issue of a certificate shall be 75 \$.

6. The fees exigible for the issue of a duplicate of a certificate shall be 5 \$.

7. An application for the renewal of a certificate must be made not less than 30 days before it expires on a form provided by the Minister.

The application must include the information mentioned in the second paragraph of section 4 as well as the number of the certificate and its expiry date.

8. An application for renewal must include the fees exigible under section 5.

DIVISION III INTERIM SYSTEM

9. Any natural person referred to in section 1 who carries on an activity for which a certificate will become exigible must register with the Minister before 2 November 1988.

Effective from that date, any natural person referred to in section 1 who intends to carry on an activity referred to in the first paragraph must register with the Minister before beginning that activity.

10. An application to register must be made on a form provided by the Minister.

That application must include the information prescribed in the second paragraph of section 4 and, where applicable, the number of the "forest management permit" for sugar bush management for acericultural purposes or for the supply of wood processing plants or a "carte de producteur forestier" card issued by the Minister of Energy and Ressources.

DIVISION IV FINAL

11. A contravention of section 9 constitutes an offence.

12. This Regulation applies to immovables included in a reserved area and in an agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

13. This Regulation comes into force on 7 July 1988.

SCHEDULE I

(s. 1)

CLASSES OF PESTICIDES**Class 1 pesticides**

(1) Every pesticide the registration of which is not required by the Pest Control Products Act (R.S.Q., 1970, c. P-10);

(2) Every pesticide made up of a mixture containing any of the following active substances:

- (a) Aldicarb;
- (b) Aldrin;
- (c) Chlordane;
- (d) Dieldrin;
- (e) Endrin;
- (f) Heptachlor.

Class 2 pesticides

Every pesticide which, under the Pest Control Products Act, must bear on the principal part of the label of its container an indication that it is a pest control product for restricted use, and which is not specifically covered by Class 1 in this Schedule.

3621

Gouvernement du Québec

O.C. 877-88, 8 June 1988

Environment Quality Act
(R.S.Q., c. Q-2)

Administration of the Environment Quality Act — Amendments

Regulation respecting the administration of the Environment Quality Act (Amendment)

WHEREAS paragraph *b* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2) provides that the Government may make regulations to withdraw classes of contaminants or sources of contamination from the application of that Act or from any part of it;

WHEREAS paragraph *f* of section 31 of the Act provides that the Government may make regulations to determine the terms and conditions whereunder an application for a certificate of authorization of plans and specifications or projects must be made to the Deputy Minister for the Environment under sections 22 and 24, classify for that purpose the structures and industrial processes, industries, works, activities and projects and, as the case may be, withdraw certain classes of them from all or part of that Act;

WHEREAS section 124.1 of the Act provides that no provision of a regulation, the coming into force of which is later than 9 November 1978, likely to affect the immovables comprised in a reserved area or in an agricultural zone established in accordance with the Act to preserve agricultural land (R.S.Q., c. P-41.1) applies to that area or zone unless the regulation provides it expressly;

WHEREAS the first paragraph of section 124 of the Act provides that before making a regulation, the Minister shall publish in the *Gazette officielle du Québec* any draft regulation prepared under the Act, with a notice stating that it may be adopted by the Government, with or without amendment, at the expiry of sixty days following the publication;

WHEREAS in accordance with the first paragraph of section 124 of the Act, a draft Regulation respecting the administration of the Environment Quality Act (Amendment) was published in Part 2 of the *Gazette officielle du Québec* of 16 March 1988 with a notice that it could be made by the Government at the expiry of sixty days following the publication;

WHEREAS it is expedient to amend the Regulation respecting the administration of the Environment Quality Act (R.R.Q., 1981, c. Q-2, r. 1) amended by the

Regulation made by Order in Council 1001-85 dated 29 May 1985, in particular to take into account the coming into force of the Pesticides Act (1987, c. 29);

WHEREAS it is expedient that the Government make the draft Regulation with amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting the administration of the Environment Quality Act (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the administration of the Environment Quality Act (Amendment)

Environment Quality Act
(R.S.Q., c. Q-2, ss. 22, 23, 31 and 124.1)

1. The Regulation respecting the administration of the Environment Quality Act (R.R.Q., 1981, c. Q-2, r. 1), amended by the Regulation made by Order in Council 1001-85 dated 29 May 1985, is further amended by substituting the following for paragraph *c* of section 1:

“(c) “pesticide”: a substance, matter or microorganism referred to in section 1 of the Pesticides Act (1987, c. 29);”.

2. In section 2:

(1) the following is substituted for paragraph *d*:

“(d) subject to paragraph *o*, the maintenance, restoration, repair or withdrawal from service of any equipment, machinery, vehicle or immovable;”;

(2) the following is substituted for paragraph *o*:

“(o) work involving the use of pesticides for all purposes except those related to the application of pesticides for the maintenance of road, rail and energy transportation corridors, those involving the use of pesticides belonging to Class I establish in Schedule I to the Regulation respecting pesticides made by Order in Council 874-88, dated 8 June 1988, those related to aerial application of pesticides for non-agricultural pur-

poses, as well as those involving the use of pesticides in an aquatic environment provided with a surface outlet to a drainage basin;”.

3. This Regulation applies to immoveables included in a reserve area and in an agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

4. This Regulation comes into force on 7 July 1988.

3621

Gouvernement du Québec

O.C. 878-88, 8 June 1988

Environment Quality Act
(R.S.Q., c. Q-2)

Use of DDT — Amendements

Regulation respecting the use of DDT (Amendment)

WHEREAS section 65 of the Public Health Protection Act (1972, c. 42) provides, among others things, that the Regulations made under the Public Health Act (R.S.Q., 1964, c. 161) remain in force, to the extent that they are consistent with the Public Health Protection Act, until repealed, amended or replaced by the regulations made under that Act or the Environment Quality Act (R.S.Q., c. Q-2);

WHEREAS paragraph *c* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2) provides that the Government may make regulations to prohibit, limit and control sources of contamination as well as the emission, deposit, issuance or discharge into the environment of any class of contaminants throughout all or part of the territory of Québec;

WHEREAS paragraph *l* of section 31 of the Act provides that the Government may make regulations to regulate or prohibit the use of any contaminant and the presence of any contaminant in products sold, distributed or utilized in Québec;

WHEREAS section 109.1 of the Act provides that the Government may, by regulation, prescribe that an offence against provisions of a regulation makes the offender liable, on summary proceedings, in the case of a natural person, to a minimum fine of not more than five thousand dollars and to a maximum fine of not more than ten thousand dollars in the case of the first offence, and to a minimum fine of not more than ten thousand dollars and to a maximum fine of not more than twenty-five thousand dollars in the case of a subsequent offence, or, in all those cases, to imprisonment for not more than six months or to both the imprisonment and fine, and, in the case of a corporation, to a minimum fine of not more than ten thousand dollars and to a maximum fine of not more than fifty thousand dollars in the case of the first offence and to a minimum fine of not more than twenty-five thousand dollars and to a maximum fine of not more than one hundred thousand dollars in the case of any subsequent offence;

WHEREAS section 124.1 of the Act provides that no provision of a regulation, the coming into force of which is later than 9 November 1978, likely to affect the immoveables comprised in a reserved area or in an agricultural zone established in accordance with the Act to preserve agricultural land (R.S.Q., c. P-41.1) applies to that area or zone unless the regulation provides it expressly;

WHEREAS the first paragraph of section 124 of the Act provides that before making a regulation, the Minister shall publish in the *Gazette officielle du Québec* any draft regulation prepared under the Act, with a notice stating that it may be adopted by the Government, with or without amendment, at the expiry of sixty days following the publication.

WHEREAS in accordance with the first paragraph of section 124 of the Act, a draft Regulation respecting the use of DDT (Revocation) was published in Part 2 of the *Gazette officielle du Québec* of 16 March 1988 with a notice that it could be made by the Government at the expiry of 60 days following the publication;

WHEREAS it is expedient instead to amend the Regulation respecting the use of DDT (R.R.Q., 1981, c. Q-2, r. 24), in particular to continue to prohibit its use;

WHEREAS it is expedient that the Government make the Regulation respecting the use of DDT (Amendment);

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting the use of DDT (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the use of DDT (Amendment)

Environment Quality Act
(R.S.Q., c. Q-2, ss. 31, 109.1 and 124.1)

1. Section 3 of the Regulation respecting the use of DDT (R.R.Q., 1981, c. Q-2, r. 24) is revoked.

2. The following is substituted for section 4:

4. An offence against this Regulation makes the offender liable, on summary proceedings:

(1) in the case of a natural person, to a fine not less than 5 000 \$ and not more than 10 000 \$ in the case of the first offence and to a fine not less than 10 000 \$ and not more than 25 000 \$ in the case of a subsequent offence or, in all those cases, to imprisonment for not more than six months or to both the imprisonment and the fine;

(2) in the case of a corporation, to a fine of not less than 10 000 \$ and not more than 50 000 \$ in the case of the first offence and to a fine of not less than 25 000 \$ and not more than 100 000 \$ in the case of a subsequent offence.”.

3. This Regulation applies to immoveables comprised in a reserved area and in an agricultural zone established in accordance with the Act to preserve agricultural land (R.S.Q., c. P-41.1).

4. This Regulation comes into force on 7 July 1988.

Gouvernement du Québec

O.C. 879-88, 8 June 1988

Environment Quality Act
(R.S.Q., c. Q-2)

Environmental impact assessment and review — Amendments

Regulation respecting environmental impact assessment and review (Amendment)

WHEREAS section 31.1 of the Environment Quality Act (R.S.Q., c. Q-2) provides that no person may undertake any construction, work, activity or operation, or carry out work according to a plan or programme, in the cases provided for by regulation of the Government without following the environmental impact assessment and review procedure prescribed in Division IV.1 of the Act and obtaining an authorization certificate from the Government;

WHEREAS paragraph *a* of section 31.9 of the Act provides that the Government may make regulations to determine the classes of construction, works, plans, programmes, operations, works or activities to which section 31.1 applies;

WHEREAS section 124.1 of the Act provides that no provision of a regulation, the coming into force of which is later than 9 November 1978, likely to affect the immoveables comprised in a reserved area or in an agricultural zone established in accordance with the Act to preserve agricultural land (R.S.Q., c. P-41.1), applies to that area or zone unless the regulation provides it expressly;

WHEREAS the first paragraph of section 124 of the Act provides that before making a regulation, the Minister shall publish in the *Gazette officielle du Québec* any draft regulation prepared under that Act, with a notice stating that it may be adopted by the Government, with or without amendment, at the expiry of sixty days following the publication;

WHEREAS in accordance with the first paragraph of section 124 of the Act, a Draft Regulation respecting environmental impact assessment and review (Amendment) was published in Part 2 of the *Gazette officielle du Québec* of 16 March 1988 with a notice that it could be made by the Government at the expiry of sixty days following the publication;

WHEREAS it is expedient to amend the Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r. 9), amended by the Regulation made by Order in Council 1002-85 dated 29 May

1985, in particular to take into account the coming into force of the Pesticides Act (1987, c. 29);

WHEREAS it is expedient that the Government make that Draft Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting environmental impact assessment and review (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting environmental impact assessment and review (Amendment)

Environment Quality Act
(R.S.Q., c. Q-2, ss. 31, 31.1, 31.3, 31.9 and 124.1)

1. The Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r. 9), amended by the Regulation made by Order in Council 1002-85 dated 29 May 1985, is further amended by substituting the following for paragraph *c* of section 1:

“(c) “pesticide”: a substance, matter or microorganism referred to in section 1 of the Pesticides Act (1987, c. 29);”.

2. This Regulation applies to immoveables included in a reserved area and in an agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

3. This Regulation comes into force on 7 July 1988.

3621

Gouvernement du Québec

O.C. 880-88, 8 June 1988

An Act respecting the Ministère de l'Environnement
(R.S.Q., c. M-15.2)

**Signing of certain documents of the Minister
— Amendment**

Regulation respecting the signing of certain documents of the ministère de l'Environnement (Amendment)

WHEREAS under section 7 of the Act respecting the ministère de l'Environnement (R.S.Q., c. M-15.2), no deed, document or writing shall bind the department or be attributed to the Minister unless it is signed by him, by the Deputy Minister or by an officer and only, as regards the latter, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS it is expedient to authorize certain officers to sign, for the Minister of the Environment, all authorizations issued pursuant to section 79 of the Pesticides Act (1987, c. 29) as well as decisions made pursuant to section 66 of the Act;

WHEREAS it is expedient to amend the Regulation respecting the signing of certain documents of the ministère de l'Environnement, made by Order in Council 1553-83 dated 2 August 1983, in particular to take into account the coming into force of the Pesticides Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting the signing of certain document of the ministère de l'Environnement (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

**Regulation respecting the signing of
certain documents of the ministère de
l'Environnement (Amendment)**

An Act respecting the Ministère de l'Environnement
(R.S.Q., c. M-15.2, s. 7)

1. The Regulation respecting the signing of certain documents of the ministère de l'Environnement, made by Order in Council 1553-83 dated 2 August 1983 is amended by adding the following after paragraph 5 of section 1:

“(6) all authorizations issued pursuant to section 79 of the Pesticides Act (1987, c. 29) as well as decisions made pursuant to section 66 of the Act.”.

2. This Regulation comes into force on 7 July 1988.

3621

Gouvernement du Québec

O.C. 881-88, 8 June 1988

An Act respecting the Ministère de l'Environnement
(R.S.Q., c. M-15.2)

**Signing of permits, temporary permits, certificates
or attestations of registration issued by the Minister
of the Environment under the Pesticides Act**

Regulation respecting the signing of permits, temporary permits, certificates or attestations of registration issued by the Minister of the Environment under the Pesticides Act

WHEREAS under section 7 of the Act respecting the Ministère de l'Environnement (R.S.Q., c. M-25.2), the Government may, upon the conditions it fixes, allow the signature of the Minister to be affixed by means of an automatic device to such documents as it determines;

WHEREAS under section 7 of that Act, the Government may also allow a facsimile of the Minister's signature to be engraved, lithographed or printed on such documents as it determines; in such case the facsimile shall have the same force as the signature itself, if the document is countersigned by a person authorized by the Minister;

WHEREAS it is expedient to allow the Minister's signature to be affixed by means of an automatic device to permits, temporary permits, certificates or attestations of registration issued under sections 34, 40, 50 and 125 of the Pesticides Act;

WHEREAS it is expedient to also allow a facsimile of the Minister's signature to be engraved, lithographed or printed on permits, temporary permits, certificates or attestations of registration issued under sections 34, 40, 50 and 125 of the Pesticides Act;

WHEREAS it is expedient that the Government make the Regulation respecting the signing of permits, temporary permits, certificates or attestations of registration issued by the Minister of the Environment under the Pesticides Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting the signing of permits, temporary permits, certificates or attestations of registration issued by the Minister of the Environment under the Pesticides Act, attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

**Regulation respecting the signing of
permits, temporary permits, certificates
or attestations of registration issued by
the Minister of the Environment under
the Pesticides Act**

An Act respecting the Ministère de l'Environnement
(R.S.Q., c. M-15.2, s. 7)

1. The signature of the Minister of the Environment may be affixed by means of an automatic device to permits, temporary permits, certificates or attestations of registration which the Minister of the Environment issues under sections 34, 40, 50 and 125 of the Pesticides Act (1987, c. 29).

2. A facsimile of the signature of the Minister of the Environment may also be engraved, lithographed or printed on permits, temporary permits, certificates or attestations of registration which the Minister of the Environment issues under sections 34, 40, 50 and 125 of that Act.

However, the facsimile of the Minister's signature, engraved, lithographed or printed on permits, temporary permits, certificates or attestations of registration must be countersigned by a person authorized by the Minister.

3. This Regulation comes into force on 7 July 1988.

3621

Gouvernement du Québec

O.C. 883-88, 8 June 1988

An Act respecting Québec business investment companies
(R.S.Q., c. S-29.1)

Regulation

— Amendments

Québec Business Investment Companies Regulation (Amendment)

WHEREAS under section 16 of the Act respecting Québec business investment companies (R.S.Q., c. S-29.1), the Government made the Québec Business Investment Companies Regulation by Order in Council 1627-85 dated 14 August 1985;

WHEREAS that Regulation was amended by Order in Council 453-87 dated 25 March 1987 and it is expedient to amend it further;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without being published as prescribed in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the amendment to the Regulation serve to implement the Budget Speech of 30 April 1987 and the Minister's Statement of 18 June 1987;

— Section 11 of the Act to amend the Act respecting Québec business investment companies (1987, c. 106), which allows certain regulatory provisions to take effect from 1 May 1987, ceases to have effect on 1 July 1988;

IT IS ORDERED, on the recommendation of the Minister of Industry and Commerce:

THAT the Québec Business Investment Companies Regulation (Amendment), attached to this Order in Council, be made.

BENOÎT MORIN,

Clerk of the Conseil exécutif

Québec Business Investment Companies Regulation (Amendment)

An Act respecting Québec business investment companies
(R.S.Q., c. S-29, s. 16)

1. The Québec Business Investment Companies Regulation made by Order in Council 1627-85 dated 14 August 1985 and amended by Order in Council 453-87 dated 25 March 1987 is further amended by inserting the following after section 3:

"3.1 For the purposes of section 12.1 of the Act, a fledgling corporation is a corporation that fulfils the following requirements:

- (1) it is beginning to operate a qualified business;
- (2) it has never operated another business; and
- (3) it is not a corporation resulting from an amalgamation or merger of two or more corporations."

2. The following is substituted for section 13:

"13. The expression "related person," "related corporation" and "deal at arm's length" have the meaning assigned to them by section 17 to 21 of the Taxation Act (R.S.Q., c. I-3), *mutatis mutandis*."

3. The following is substituted for section 14:

"14. For the purposes of section 12 of the Act, a company is deemed not to be dealing at arm's length with a qualified corporation where that company, another company, a corporation related to either of them, and a shareholder of such corporations or any other person related to such shareholder owns, directly or indirectly, 50 % or more of the voting shares of the share capital of that qualified corporation.

For the purposes of computing the percentage contemplated in the first paragraph, the voting shares of the share capital of the qualified corporation held by a shareholder of such companies or such related corporation or by a person related to such shareholder shall not be taken into account, where, in relation to the total voting rights, the aggregate of the voting rights held in the company or, where applicable, in the related corporation by a shareholder holding directly or indirectly shares in the qualified corporation related to a person holding directly or indirectly such shares is less than 50 % of the total voting rights held in the company or, where applicable, in the related corporation.”

4. The following is substituted for section 15:

“15. Notwithstanding section 13, a qualified corporation is deemed to be dealing at arm’s length with a company where each of the shareholders of the qualified corporation, except that company, holds alone or with any person related to it, directly or indirectly, less than 5 % of the voting shares of the share capital of that qualified corporation.”

5. The following is added after section 4 of the Schedule:

“5. A business whose main activities are related to marine aquaculture.”

6. Sections 1 to 4 of this Regulation apply to any investment of a company made after 30 April 1987.

7. Section 5 has effect from 18 June 1987.

8. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 904-88, 8 June 1988

An Act respecting collective agreement decree
(R.S.Q., c. D-2)

Men's and boy's shirt — Amendments

CONCERNING the Decree amending the Decree respecting the men's and boys' shirt industry

WHEREAS, under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a decree upon the recommendation of the Minister of Labour;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r. 11), amended by Order in Council 1841-82 of 12 August 1982, corrected by Order in Council 2239-82 of 29 September 1982 and amended by Orders in Council 673-84 of 21 March 1984 and 2611-85 of 4 December 1985, have petitioned the Minister of Labour to submit to the Government for consideration and decision the following amendments to this Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the amending Decree attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 5 August 1987, with a notice stating that it might be adopted by the Government at the expiry of a 45-day time limit from this publication;

WHEREAS no objection was expressed against the approval of the proposed amendments;

WHEREAS there is reason to adopt this petition as amended and to adopt for this purpose the attached Decree;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree amending the Decree respecting the men's and boys' shirt industry, attached hereto, be adopted.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Decree amending the Decree respecting the men's and boys' shirt industry

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r. 11), amended by Order in Council 1841-82 of 12 August 1982, corrected by Order in Council 2239-82 of 29 September 1982 and amended by Orders in Council 673-84 of 21 March 1984 and 2611-85 of 4 December 1985, is further amended by adding to section 3.03, after the second paragraph, the following:

"Notwithstanding section 11.01, the new schedule is used to establish the number of working hours to be compensated with a holiday."

2. Section 3.06 of this Decree is amended:

1° by replacing the first paragraph of subparagraph *b* by the following:

"(b) working hours shall not exceed 36½ hours per week in Zone I and 39 hours per week in Zone II. The second shift shall not be more than 7½ hours per day in Zone I and 8 hours per day in Zone II and work shall not start before 16 h. Despite the foregoing, working hours for the second shift, on Friday, shall be 6½ hours in Zone I and 7 hours in Zone II."

2° by replacing, in subparagraph *d*, the percentage "10 %" by the following:

"5 %".

3. Section 6.01 of this Decree is amended by replacing subparagraph *g* by the following:

"(g) "regulation rate": the minimum rate determined for employees for the regular hours of the week, according to the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3) or to any other further regulation which could amend or replace it;"

4. Section 7.02 of this Decree is replaced by the following:

"7.02 Guaranteed minimum hourly wage rates for the following various occupations, except for garments made of knitted fabrics:

Catégories	Trades	As of the enforcement of this Decree		As of 1 January 1989	
		Zones		Zones	
		I	II	I	II
1	Unskilled worker	7,85 \$	7,68 \$	8,15 \$	7,98 \$
2	Operator	7,85	7,68	8,15	7,98
3	Presser, folder	7,85	7,68	8,15	7,98
4	Examiner	7,85	7,68	8,15	7,98
5	Divider	7,95	7,73	8,25	8,03
6	Section head	7,95	7,73	8,25	8,03
7	General hand	8,87	8,65	9,17	8,95
8	Spreader	8,87	8,65	9,17	8,95
9	Cutter	9,45	9,21	9,75	9,51
10	Cutter with die (clicker)	9,20	8,96	9,50	9,26
11	Hand-knife cutter	9,57	9,31	9,87	9,61
12	Marker	9,57	9,31	9,87	9,61."

5. Section 7.03.1 of this Decree is amended by replacing the schedule by the following:

Catégories	Trades	As of the enforcement of this Decree		As of 1 January 1989	
		Zones		Zones	
		I	II	I	II
1° first 750 hours in the industry	0,00 \$	0,00 \$	0,00 \$	0,00 \$	
2° 751 to 1 500 hours	1,80	1,55	2,10	1,85	
3° 1 501 to 2 250 hours	3,85	3,70	4,15	4,00	
4° 2 251 to 3 000 hours	4,30	4,10	4,60	4,40	
5° 3 001 to 3 750 hours	4,75	4,50	5,05	4,80	
6° as of 3 751 hours	5,32	5,02	5,62	5,32."	

6. Section 7.04 of this Decree is amended by replacing, in the first and second paragraphs, the words "one year's" by the following:

"1 500 hours".

7. Section 7.07 of this Decree is amended by replacing, in the second paragraph, the words "the weeks" by the following:

"the hours".

8. Section 10.04 of this Decree is amended by adding, after subparagraph *e*, the following:

(*f*) employees having at least 19 years' continuous service with the same employer, receive 9 % of total wages earned and indemnities or other privileges received or earned during the qualifying period.

However, all employees having worked at least 120 days during the qualifying period may claim an amount equal to average hourly earnings in accordance with paragraph (e) of section 6.01 for the 3-month period immediately preceding the paid annual vacation, multiplied by 3 times the number of hours of the regular working week, if such amount is higher than the indemnity provided for in this paragraph."

9. Section 21.01 of this Decree is replaced by the following:

"**21.01** This Decree remains in force until 31 December 1989. It is then automatically renewed from year to year thereafter, unless one of the contracting parties is opposed and gives a written notice to the Minister of Labour and to any other contracting party during November of 1989 or of any subsequent year."

10. This Decree comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 905-88, 8 June 1988

An Act respecting collective agreement decrees
(R.S.Q., c. D-2),

Non-structural metalwork

- Montréal
- Amendments

Decree amending the Decree respecting the non-structural metalwork industry in the Montréal region

WHEREAS, under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a decree upon the recommendation of the Minister of Labour;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 35), amended by Order in Council 660-82 of 17 March 1982 (Suppl., p. 444), corrected by Order in Council 2828-82 of 1 December 1982 and amended by Order in Council 918-85 of 15 May 1985, have petitioned the Minister of Labour to submit to the Government for consideration and decision the following amendments to this Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations ct (R.S.Q., c. R-18.1), the text of the amending Decree attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 14 October 1987, with a notice stating that it might be made by the Government at the expiry of a 45-day time limit from this publication;

WHEREAS no objection was expressed against the approval of the proposed amendments;

WHEREAS there is reason to approve this Petition without amendments and to adopt for this purpose the attached Decree;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree amending the Decree respecting the non-structural metalwork industry in the Montréal region, attached hereto, be adopted.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Decree amending the Decree respecting the non-structural metalwork industry in the Montréal region

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 35), amended by Order in Council 660-82 of 17 March 1981 (Suppl., p. 444), corrected by Order in Council 2828-82 of 1 December 1981 and amended by Order in Council 918-85 of 15 May 1985, is further amended by replacing, in the English version of section 13.03, the words "The employee" by the following:

"The employer".

2. Sections 14.01 and 14.02 of this Decree are replaced by the following:

"14.01 Any employer shall contribute to the social security plan the sum of 0,20 \$ for every hour worked by his employees.

14.02 Any employer shall deduct from the pay of each of his employees the sum of 0,20 \$ for each hour worked."

3. Section 14.05 of this Decree is amended by replacing *b* by the following:

"(b) the employee solely or jointly with his employer, if the employer so agrees, subject to prior agreement, pays to the Building Materials Joint Committee on or before the 15th of each month, a sum equal to 0,40 \$ per each hour of the standard workweek provided for in Division 3.00."

4. This Decree comes into force on the 15th day following the date of its publication in the *Gazette officielle du Québec*.

3623

Gouvernement du Québec

O.C. 906-88, 8 June 1988

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Metal trades

— Québec

— Amendments

CONCERNING the Decree amending the Decree respecting the metal trades industry in the Québec region

WHEREAS, under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a decree upon the recommendation of the Minister of Labour;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting the metal trades industry in the Québec region (R.R.Q., 1981, c. D-2, r. 36), amended by Orders in Council 1003-84 of 25 April 1984, 2333-84 of 17 October 1984 and 2334-84 of 17 October 1984, have petitioned the Minister of Labour to submit to the government for consideration and decision the following amendments to the Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the amending decree attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 23 December 1987, with a notice stating that it might be adopted by the government at the expiry of a 45-day time limit from this publication;

WHEREAS the objections expressed were considered in accordance with the Act;

WHEREAS there is reason to approve this petition as amended and to adopt for this purpose the attached Decree;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree amending the Decree respecting the metal trades industry in the Québec region, attached hereto, be adopted.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Decree amending the Decree respecting the metal trades industry in the Québec region

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree respecting the metal trades industry in the Québec region (R.R.Q., 1981, c. D-2, r. 36), amended by Orders in Council 1003-84 of 25 April 1984, 2333-84 of 17 October 1984 and 2334-84 of 17 October 1984, is further amended, in the English version of section 1.01:

1° by replacing, in subsection 2, the words "in the fabrication of" by the following:

"who makes";

2° by replacing, in subsection 3, the words "who marks metal plates" by the following:

"who marks on the metal plates the changes to be made";

3° by replacing, in subsection 4, the words "in a machine shop" by the following:

"in a mechanical shop";

4° by replacing, in subsections 4, 5, 7 and 13, the word "skilled" by the following:

"qualified";

5° by replacing, in subsection 6, the words "any skilled qualified employee" by the following:

"any qualified employee";

6° by replacing, in subsection 8, the words "any skilled employee competent to work from drawings and to perform" by the following:

"any qualified employee who works from drawings to perform";

7° by replacing subsection 9 by the following:

"(9) "sheet metal mechanic": any qualified employee who reads plans and works from drawings to perform all operations with sheet metal superior to 1,5 millimetres";

8° by replacing, in subsection 10, the words "any employee competent to work from plans and specifications and to perform all operations" by the following:

"any qualified employee who works from plans and specifications to perform all operations";

9° by replacing, in subsection 13, the words "any skilled employee capable of forging metal" by the following:

"any qualified employee capable of forging metal parts";

10° by replacing, in subsection 14, the words "any qualified employee competent to work from plans and specifications and to temper" by the following:

"any qualified employee capable of working from plans and specifications to temper";

11° by replacing subsection 16 by the following:

"(16) "assembler": any employee who performs any operation on an assembling line for the fabrication of metallic or mechanical products";

12° by replacing, in subsection 19, the words "to experienced workmen" by the following:

"to qualified workmen".

2. The French version of section 1.01 of the Decree is amended by replacing subsection 17 by the following:

"(17) "pièce métallique": toute pièce en métal de tout genre qui ne constitue pas en soi une machine ou partie de machine ou qui n'est pas destinée à une machine;"

3. Section 2.01. of the Decree is replaced by the following:

"**2.01** Territorial: The territorial jurisdiction of the Decree includes the city of Québec and the territories located in a 40,225-kilometre radius of its limits."

4. Section 2.02 of the Decree is amended:

1° by adding the following paragraph:

"The manufacture of storage tanks is also excluded.";

2° in the English version:

(a) by replacing, in the second paragraph, the words "whenever such work is performed" by the following:

"when such work is performed";

(b) by replacing, in the third paragraph, the words "whose annual output exceeds 10 000 similar units." by the following:

"whose annual output exceeds 10 000 units of similar parts."

5. The English version of section 2.03 of the Decree is amended by replacing, in subsection a of subsection 2, the words "foremen and superintendents who do no manual work," by the following:

"foremen and superintendents who do not perform manual work,".

6. Section 4.01 of the Decree is replaced by the following:

"**4.01.** Minimum wage rates are as follows:

Trades	As of the coming into force of this Decree
1° Journeyman A (journeyman-trade):	
Toolmaker	16,26 \$
Mechanical tracer	15,80
General welder (acetylene and electric arc) and general machinist	
Acetylene and electric arc welder, sheet metal mechanic, lathe or milling machine operator, marine mechanic, fitter machinist, caster, boilermaker, pipe mechanic, temperer, pantographer and painter	15,07 \$
Machine shop joiner and blacksmith	14,45
(1) Apprentice-all trades:	
1 st years	9,23
2 nd year	9,49
3 rd year	9,93
4 th year	10,40
5 th year	10,85
after 54 months	11,58
after 66 months	12,27
2° Journeyman B (journeyman-training):	
Assembler and cutter	14,45
Machine operator	13,00
Storeman in charge	13,68
Checker, storeman and shipper	13,46

As of the coming

Trades	into force of this Decree
(1) Trainee:	
(a) Assembler, machine operator and cutter:	
1 st year:	
1 st six months	9,23
2 nd six months	9,49
2 nd year	9,93
3 rd year	10,40
4 th year	11,05
5 th year	11,96
(b) Storeman, checker, shipper:	
1 st year	9,23
2 nd year	9,49
2 nd year	9,93
3 rd year	10,19
4 th year	11,17
5 th year	11,98
(c) Miscellaneous:	
Truck driver	12,95
Helper	12,64
Labourer	11,96."

7. The English version of section 6.03 of the Decree is amended by adding the following words after the words "in section 6.01":

"is equal to the standard wage for a workday and".

8. The English version of section 8.02 is amended by adding the following words, at the end of subsection 1:

"; the total wages include such vacation pay".

9. Section 12.01 of the Decree is replaced by the following:

"**12.01** The Decree remains in force until 31 May 1989. It is then automatically renewed from year to year thereafter, unless one of the contracting parties is opposed and gives a written notice to the Minister of Labour and to any other contracting party, during April of 1989 or of any subsequent year."

10. This Decree comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 907-88, 8 June 1988

An Act respecting collective employees
(R.S.Q., c. D-2)

Building service employees

- Québec
- Extension

CONCERNING the Decree extending the Decree respecting building service employees in the Québec region

WHEREAS, under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may, by regulation, extend a decree:

WHEREAS the Government adopted the Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r. 40), amended by Order in Council 382-84 of 15 February 1984, 2280-84 of 11 October 1984 and 1755-87 of 18 November 1987;

WHEREAS, under section 13.01 of this Decree, the Decree remains in force until 30 June 1988;

WHEREAS there is reason to extend the Decree;

WHEREAS, under section 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may not be made or submitted for approval before the expiry of a 45-day time limit from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which the proposed regulation may be made or approved, where the notice or the Act provides for a longer period;

WHEREAS, under section 12 of this Act, a draft regulation may be made or approved at the expiry of a shorter period than the period applicable to it, or without having been published, if the authority making or approving it is of the opinion that a reason provided for in the Act under which the proposed regulation may be made or approved, or one of the following circumstances, warrants it:

- 1° the urgency of the situation requires it;
- 2° the proposed regulation is designed to establish, amend or repeal norms of a fiscal nature;

WHEREAS this Decree could not be adopted and come into force before 30 June 1988 if the attached Draft Decree were to be published in accordance with the Regulation Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THATS the Decree extending the Decree respecting building service employees in the Québec region, attached hereto, be adopted.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Decree extending the Decree respecting building service employees in the Québec region

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree building service employees in the Québec region (R.R.Q., 1981, c. D-2, r. 40), amended by Orders in Council 382-84 of 15 February 1984, 2280-84 of 11 October 1984 and 1755-87 of 18 November 1987, is extended until 31 July 1988.

2. This Decree comes into force on the date of its adoption by the Government.

3623

Gouvernement du Québec

O.C. 908-88, 8 June 1988

Forest Act
(1986, c. 108)

Operating permits for wood processing plants

Regulation respecting operating permits for wood processing plants

WHEREAS under paragraph 16 of section 172 of the Forests Act (1986, c. 108), the Government may, by regulation, establish classes of wood processing plants;

WHEREAS under paragraph 17 of section 172 of the Forest Act, the Government may, by regulation, prescribe the conditions to be met by an applicant for the issue or renewal of a wood processing plant operating permit, the dues payable by him for the issue or renewal and the form of the register he must keep pursuant to section 168;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* dated 26 August 1987 with a notice that it could be made by the Government at the expiry of a 45-day period following such publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Energy and Resources and of the Minister for Forests:

THAT the Regulation respecting operating permits for wood processing plants, attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting operating permits for wood processing plants

Forest Act
(1986, c. 108, s. 172, pars. 16, 17 and 19)

1. For the application of Title IV of the Forest Act (1986, c. 108), the classes of wood processing plants are:

(1) plants manufacturing pulp, paper and cardboard, except those not using rough lumber or partially processed wood as raw material;

(2) plants manufacturing rough sawings from logs and other saw or shaped products, such as laths or turneries from logs and bolts;

(3) plants manufacturing shingles;

(4) plants manufacturing products derived from slicing or peeling such as veneer, from logs and bolts;

(5) plants manufacturing panels derived from wood;

(6) plants manufacturing posts;

(7) plants manufacturing charcoal;

(8) plants manufacturing firewood having an authorized annual consumption exceeding 500 cubic metres of unprocessed timber;

(9) plants used for the preparation or processing of any part of a tree for purposes of energy or metallurgic production other than those prescribed in paragraphs 7 and 8; and

(10) plants using any part of a tree for energy or metallurgic production other than those prescribed in paragraphs 7, 8 and 9.

2. Any person applying for the issue of a permit to operate a wood processing plant may obtain it on the following conditions:

(1) the plant covered by the application belongs to a class of plant mentioned in section 1;

(2) the building of the plant covered by an application for a permit was authorized by the Minister responsible for the application of the Act;

(3) the plant has installations capable of processing wood.

3. The holder of an operating permit for a wood processing plant may renew his permit on 1 June of each year on the following conditions:

(1) the plant covered by the permit renewal has installations capable of processing wood;

(2) he has complied with the conditions in his permit during the preceding year; and

(3) he has sent to the Minister not later than 1 May of each year the register prescribed by section 168 of the Act and the fees prescribed in section 4.

4. Every person shall pay the following fees for the issue or renewal of an operating permit for a wood processing plant:

(1) where the authorized annual consumption is less than 1 000 cubic metres, 25 \$;

(2) where the authorized annual consumption is 1 000 cubic metres or more, an amount determined in accordance with the following formula:

$$F = 25 \$ + (n \times 10 \$);$$

F = fees payable in dollars to a maximum of 1 000 \$;

n = authorized annual use under the plant operating permit expressed in entire blocks of 1 000 cubic metres.

5. The holder of an operating permit for a wood processing plant shall keep a register in the following form:

(1) the register shall consist of four parts: Part I entitled "identification of the holder of a permit for a wood processing plant"; Part II entitled "wood consumption"; Part III entitled "quantities of manufactured products"; Part IV entitled "Statement of the holder of a plant permit on the accuracy of the information given in the register".

(a) Part II shall contain the following divisions:

- i. timber for industrial production;
- ii. chips for industrial production;
- iii. sawdust, shavings, bark, pulp and recycled fiber for industrial production; and
- iv. ligneous matter for energy production;

(b) each part and each division shall be listed on a separate page 21,5 cm by 35,5 cm; the holder shall use the form or a computer data base provided by the Minister and containing the particulars mentioned in this section;

(2) the register kept by the holder of an operating permit for a wood processing plant shall only contain parts and divisions applying to his plant.

6. Any person contravening paragraphs 2 and 3 of section 3 or section 5 of this Regulation shall be liable under section 181 of the Act.

7. For the year 1988-1989, the fees prescribed in section 4 shall be sent to the Minister at the latest on 1 September 1988.

8. This Regulation replaces the Décret sur les catégories d'usines visées par la partie IV de la Loi sur les terres et forêts (R.R.Q., 1981, c. T-9, r. 3).

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3624

Gouvernement du Québec

M.O., 1988

An Act respecting elections and referendums in municipalities
(1987, c. 57)

Order of the Minister of Municipal Affairs dated 9 June 1988

Models of ballot papers and the form of the template for municipal elections and referendums

REGULATION respecting models of ballots papers and the form of the template for municipal elections and referendums

WHEREAS under the first paragraph of section 582 of the Act respecting elections and referendums in municipalities (1987, c. 57), the Minister of Municipal Affairs may prescribe, by regulation, the form or minimum content of or a model for any document prescribed by this Act except a document prescribed by Chapter XIII of Title I, or the information that any such document must contain;

WHEREAS under section 585 of the Act, categories of municipalities or cases, and appropriate rules for each category or combination of categories may be established by regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Draft Regulation entitled "Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums" was published in Part 2 of the *Gazette officielle du Québec* dated 23 March 1988, on page 1429, together with a Notice that it may be made by the Minister of Municipal Affairs at the expiry of 45 days from that publication and that any person may transmit his comments in writing to the Minister before the expiry of the 45-day period;

WHEREAS no comment on the Draft Regulation has been received before the expiry of the time period;

WHEREAS it is expedient to make the Regulation without amendment;

THEREFORE, the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums, attached hereto, is made.

Québec, 9 June 1988

ANDRÉ BOURBEAU,
Minister of Municipal Affairs

Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums

An Act respecting elections and referendums in municipalities (1987, c. 57, s. 582)

DIVISION I MODELS OF BALLOT PAPERS

1. The model of the obverse of the ballot paper for a municipal election is that prescribed:

- (1) in Schedule I where the candidates do not belong to any authorized party or to any recognized ticket;
- (2) in Schedule II where a candidate is that of an authorized party or a recognized ticket;
- (3) in Schedule III where independent candidates for the same office have the same name.

2. The model of the reverse of the ballot paper for a municipal election is that prescribed:

- (1) in Schedule IV for an election to the office of mayor;
- (2) in Schedule V for an election to the office of councillor of an electoral district;
- (3) in Schedule VI for an election to the office of councillor of a ward;
- (4) in Schedule VII for an election to a numbered office of councillor of a ward;
- (5) in Schedule VIII for an election to a numbered office of councillor.

3. The model of the obverse of the ballot paper for a municipal referendum is that prescribed:

- (1) in Schedule IX for a consultative referendum;
- (2) in Schedule X for another referendum.

4. The model of the reverse of the ballot paper for a municipal referendum is that prescribed in Schedule XI.

DIVISION II FORM OF THE TEMPLATE

5. The form of the template for a municipal election is that prescribed in Schedule XII.

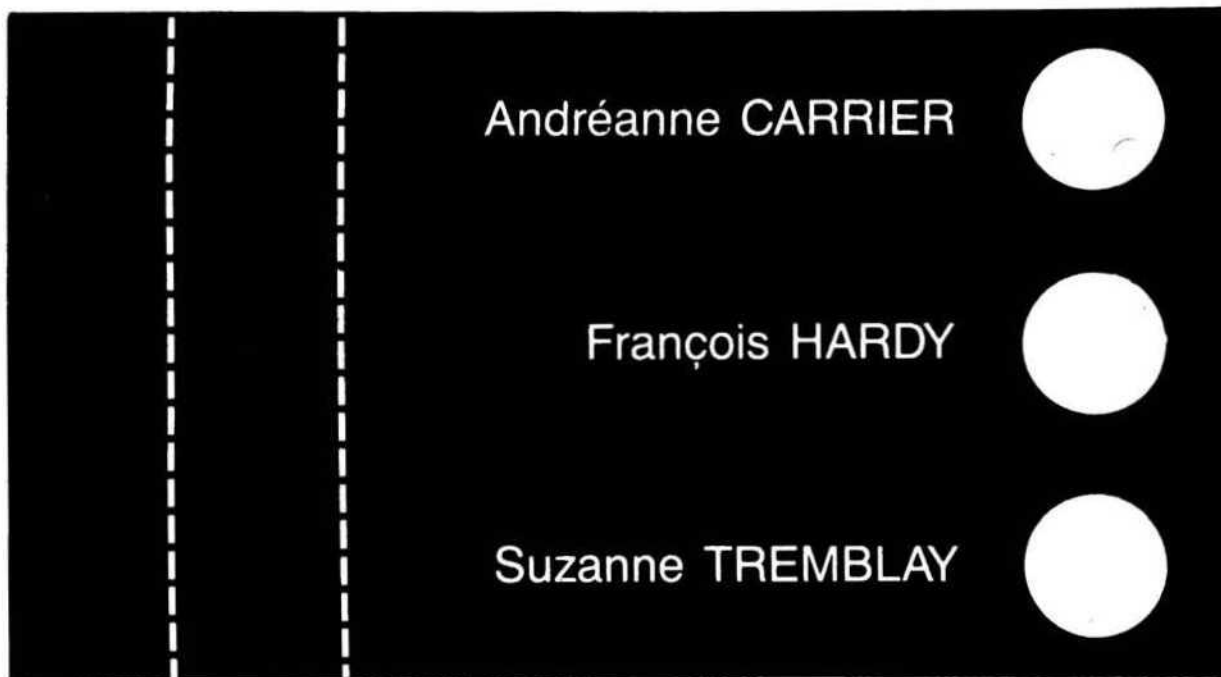
6. The form of the template for a referendum is that prescribed in Schedule XIII.

DIVISION III
COMING INTO FORCE

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I
(s. 1)

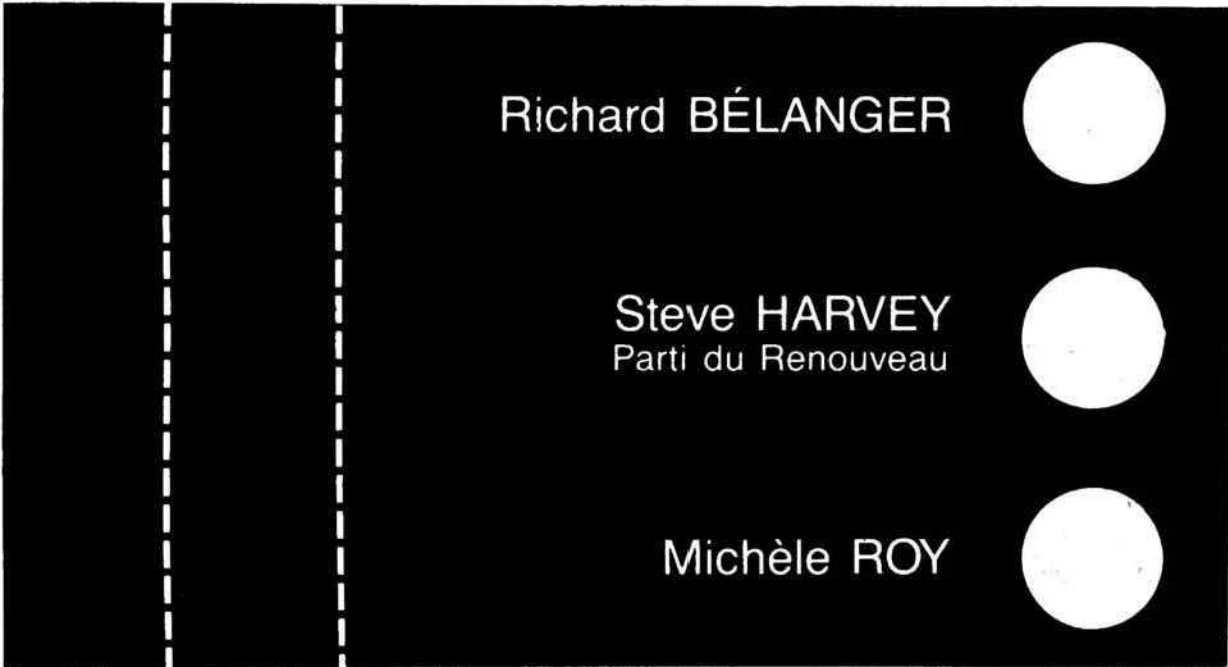
MODEL OF THE OBVERSE OF THE BALLOT
PAPER FOR AN ELECTION WHERE THE
CANDIDATES DO NOT BELONG TO ANY
AUTHORIZED PARTY OR TO ANY RECOGNIZED
TICKET



SCHEDULE II

(s. 1)

MODEL OF THE OBVERSE OF THE BALLOT
PAPER FOR AN ELECTION WHERE A
CANDIDATE IS THAT OF AN AUTHORIZED
PARTY OR A RECOGNIZED TICKET



SCHEDULE III

(s. 1)

MODEL OF THE OBVERSE OF THE BALLOT
PAPER FOR AN ELECTION WHERE
INDEPENDENT CANDIDATES FOR THE SAME
OFFICE HAVE THE SAME NAME

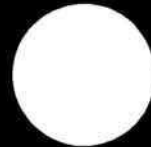
Michel VALLÉ
648, rue de Verchères



Michel VALLÉ
830, avenue du Nord



Laura WELCHINSKI
1120, avenue du Parc
Équipe Lavallée



SCHEDULE IV

(s. 2)

**MODEL OF THE REVERSE OF THE BALLOT
PAPER FOR AN ELECTION TO THE OFFICE OF
MAYOR**

001
001
<p>Initials of the deputy returning officer <input style="width: 100px; height: 20px;" type="text"/></p> <p>Village of L'Isle-Blanche</p> <p>Election to the office of mayor</p> <p>6 November 1988</p> <p>Maxime Tremblay, printer 122, rue Notre-Dame Est Montréal</p>

SCHEDULE V

(s. 2)

**MODEL OF THE REVERSE OF THE BALLOT
PAPER FOR AN ELECTION TO THE OFFICE OF
COUNCILLOR OF AN ELECTORAL DISTRICT**

002
002
<p>Initials of the deputy returning officer <input style="width: 100px; height: 20px;" type="text"/></p> <p>Parish of Val-Paradis</p> <p>Election to the office of councillor of the electoral district of Champigny</p> <p>6 November 1988</p> <p>Suzanne Roy, printer 122, rue Notre-Dame Est Montréal</p>

SCHEDULE VI

(s. 2)

MODEL OF THE REVERSE OF THE BALLOT
PAPER FOR AN ELECTION TO THE OFFICE OF
COUNCILLOR OF A WARD

003	

003	

Initials of the deputy returning officer	<input type="text"/>
City of Montreuil	
Election to the office of councillor of ward # 3	
6 November 1988	
Jacques Hardy, printer 122, rue Notre-Dame Est Montréal	

SCHEDULE VII

(s. 2)

MODEL OF THE REVERSE OF THE BALLOT
PAPER FOR AN ELECTION TO A NUMBERED
OFFICE OF COUNCILLOR OF A WARD

004	

004	

Initials of the deputy returning officer	<input type="text"/>
City of Milton	
Election to the office of councilor # 1 of ward # 3	
6 November 1988	
Lilianne Tremblay, printer 122, rue Notre-Dame Est Montréal	

SCHEDULE VIII

(s. 2)

**MODEL OF THE REVERSE OF THE BALLOT
PAPER FOR AN ELECTION TO A NUMBERED
OFFICE OF COUNCILLOR**

005

005

Initials of the deputy returning officer <input data-bbox="440 862 663 972" type="text"/>
United-Townships of Wapetec
Election to the office for councillor # 6
6 November 1988
François Gagnon, printer 122, rue Notre-Dame Est Montréal

SCHEDULE IX

(s. 3)

MODEL OF THE OBVERSE OF THE BALLOT PAPER FOR A CONSULTATIVE REFERENDUM

Are you of the opinion
that the municipality
must regulate on the
display of erotic
objects and printed
matter?

YES

NO

The image shows a ballot paper with a black background and white text. On the left, there are two vertical dashed lines. The question is centered. To the right of the question, there are two radio buttons, one for 'YES' and one for 'NO'.

SCHEDULE X

(s. 3)

MODEL OF THE OBVERSE OF THE BALLOT PAPER FOR A REFERENDUM OTHER THAN A CONSULTATIVE REFERENDUM

Do you approve By-law No. 88-01
entitled "By-law ordering works
and a 500 000 \$ loan"?

YES

NO

The image shows a ballot paper with a black background and white text. On the left, there are two vertical dashed lines. The question is centered. To the right of the question, there are two radio buttons, one for 'YES' and one for 'NO'.

SCHEDULE XI

(s. 4)

**MODEL OF THE REVERSE OF THE BALLOT
PAPER FOR A REFERENDUM**

001

001

Initials of the
deputy returning
officer

Municipality of Val-Amour

Referendum

11 September 1988

Maxime Tremblay, printer
122, rue Notre-Dame Est
Montréal

SCHEDULE XII

(s. 5)

FORM OF THE TEMPLATE FOR AN ELECTION***An Act respecting elections and referendums in municipalities, section 227***

The template, containing a maximum number of 10 candidates, allows visually handicapped electors to mark their ballot paper without assistance.

GENERAL DIRECTIVES TO THE DEPUTY RETURNING OFFICER

Visually handicapped electors are not obliged to take the oath of an elector unable to vote without assistance where they use the template.

PROCEDURES FOR THE HANDLING OF THE BALLOT PAPER

- Detach the ballot paper from the pad and fold it in the appropriate manner.
- Unfold it and place it in the template so that the first circle on the ballot paper is exactly under the first circle of the template.
- Indicate to the elector the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.
- Offer assistance to the elector in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.
- Where an elector prefers to act alone, ask him to fold his ballot paper again, after having marked it, by folding it in the same way you did when you folded it.



SCHEDULE XIII

(s. 6)

FORM OF THE TEMPLATE FOR A REFERENDUM***An Act respecting elections and referendums in municipalities, sections 227 and 567***

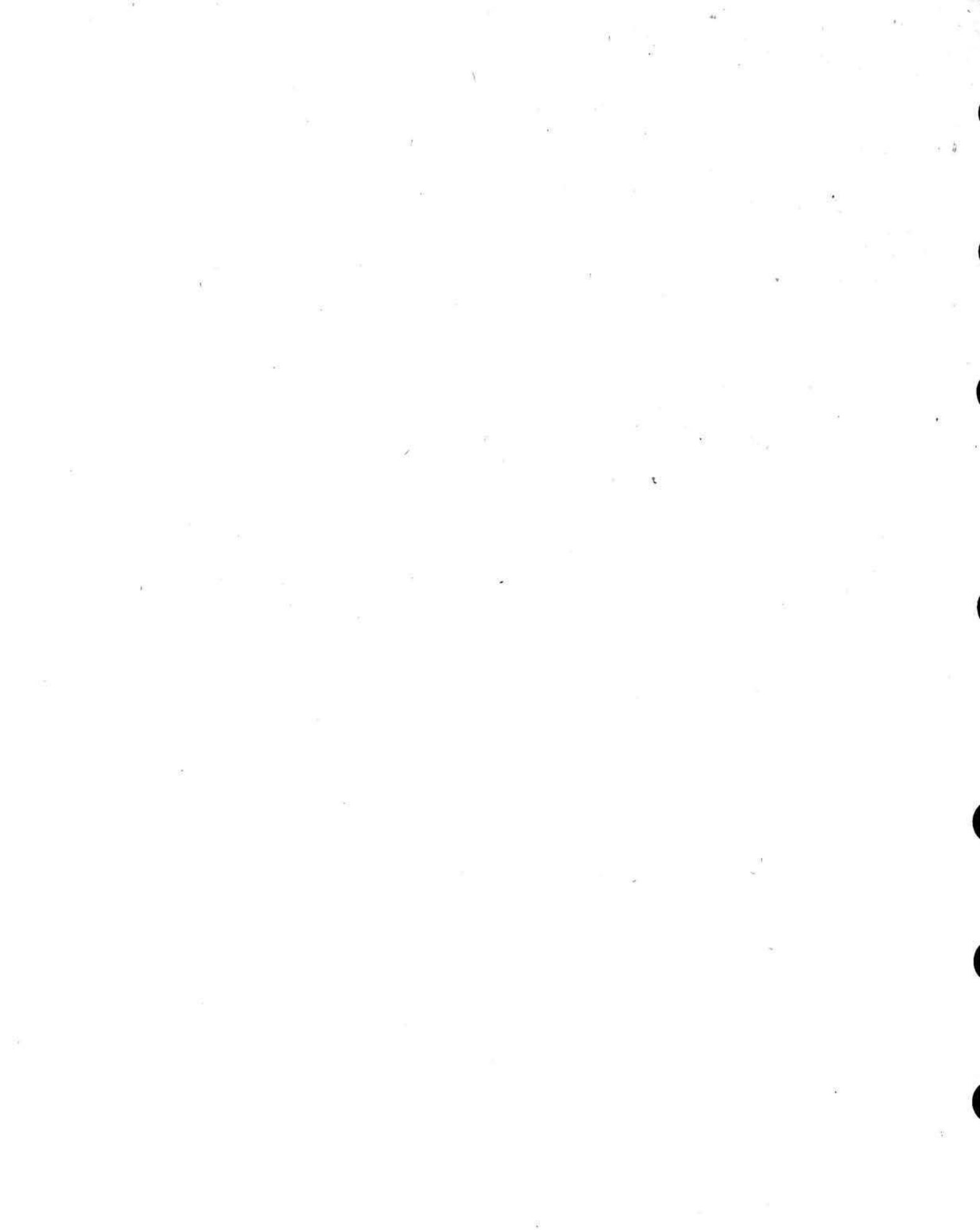
The template allows qualified voters that are visually handicapped to mark their ballot paper without assistance.

GENERAL DIRECTIVES TO THE DEPUTY RETURNING OFFICER

Qualified voters that are visually handicapped are not obliged to take the oath of an elector unable to vote without assistance where they use the template.

PROCEDURES FOR THE HANDLING OF THE BALLOT PAPER

- Detach the ballot paper from the pad and fold it in the appropriate manner.
- Unfold it and place it in the template so that the first circle on the ballot paper is exactly under the first circle of the template.
- Indicate to the qualified voter that a mark in the first circle constitutes an affirmative vote and a mark in the second, a negative vote.
- Offer assistance to the qualified voter in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.
- Where a qualified voter prefers to act alone, ask him to fold his ballot paper again, after having marked it, by folding it in the same way you did when you folded it.



Draft Regulations

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Fees payable for commercial tourist information signs

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulation Act (R.S.Q., c. D-18.1) that the Regulation respecting fees payable for commercial tourist information signs (Amendment), the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any person having comments to make concerning the Draft Regulation is asked to send them in writing to the Minister of Transport, before the expiry of the 45-day period following this publication, at the following address: 700, boulevard Saint-Cyrille Est, 29^e étage, Québec (Québec), G1R 5H1.

MARC-YVAN CÔTÉ,
Minister of Transport

Regulation respecting fees payable for commercial tourist information signs (Amendment)

Highway Safety Code
(R.S.Q., c. C-24.2, ss. 290 and 620 par. 6)

1. The Regulation respecting fees payable for commercial tourist information signs made by Order in Council 581-88 dated 20 April 1988 is amended in section 2 by substituting:

(1) in paragraph 1, the figure "900,00 \$" for the figure "800,00 \$";

(2) in paragraph 2, the figure "300,00 \$" for the figure "250,00 \$";

(3) in paragraph 3, the figure "275,00 \$" for the figure "225,00 \$";

(4) in paragraph 4, the figure "250,00 \$" for the figure "175,00 \$".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3627

Draft Regulation

An Act Respecting prevention of disease in potatoes
(R.S.Q., c. P-23.1)

Prevention of disease in potatoes

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting prevention of disease in potatoes, the text of which appears below, may be made by the Government at the expiry of 45 days following this publication.

An person having comments to make is asked to transmit them in writing, before the expiry of the 45-day period, to Mr. Michel Pagé, Minister of Agriculture, Fisheries and Food, 200-A, Chemin Sainte-Foy, Québec, QC, G1R 4X6.

MICHEL PAGÉ,
*Minister of Agriculture,
Fisheries and Food*

Regulation respecting prevention of disease in potatoes

An Act respecting prevention of disease in potatoes (R.S.Q., c. P-23.1, s. 31)

DIVISION 1 DISEASED POTATOES AND CONTAMINATED FIELDS

1. Where an inspector ascertains that potatoes are infected with a disease described in section 3 of the Act respecting prevention of disease in potatoes (R.S.Q., c. P-23.1) or determined by the Government or that a field is contaminated, he shall so notify, as the case may be, the producer, the dealer or the carrier by way of the notice prescribed in Schedule 1.

2. On receiving the results of the analysis of suspect potatoes or samples of soil or other substances from a suspect field, the inspector shall inform the producer, dealer or carrier thereof by way of the notice prescribed in Schedule 2.

3. The document to be used to evidence the sale or delivery of diseased potatoes pursuant to the obligation prescribed in paragraph 3 of section 9 of the Act is prescribed in Schedule 3.

4. A producer, dealer or carrier may only eliminate potato culls by incineration, sanitary landfill or destruction by means of a chemical process.

DIVISION 2 POTATOES PLANTED IN PROTECTED TERRITORY

5. A producer, to plant in a protected territory seed potatoes produced by him in that territory and that are not of the grade required under the Seeds Act (R.S.C., 1970, c. S-7) shall meet the following conditions:

(1) submit his application for authorization to an inspector before 1 July of the year preceding the planting, in accordance with the Form prescribed in Schedule 4;

(2) use for planting potatoes that come from a planting made in the year of the application;

(3) have used for such planting seed potatoes graded "Elite" or "Foundation" within the meaning of the Seeds Act;

(4) prove to the inspector that the percentage of seed potato plants of different varieties in that planting does not exceed 1,0 %;

(5) provide for purposes of laboratory analysis or for verification by means of pre-seeding tests, a sample of 400 tuber potatoes intended for seeding for each 5 hectares with the same variety, up to and including 1 000 tubers per field for the same variety;

(6) prove to the inspector that the percentage of seed potato plants of that planting showing symptoms of disease does not exceed that set out in the following table for such diseases:

Diseases	Maximum percentage of plants infected
1. Spindle tuber	0 %
2. Bacterial ring rot	0 %
3. Any one virus	0,5 %
4. Total viruses	1,0 %
5. Total wilts, blackleg and viruses	2,0 %

DIVISION 3 SANITARY RULES APPLICABLE TO THE HANDLING AND TRANSPORTATION OF SEED POTATOES IN PROTECTED TERRITORY

6. Any person who enters a protected territory to take delivery of potatoes shall ensure that the inside walls of a container and the parts of a vehicle likely to have been in direct or indirect contact with potatoes have been cleaned by vapour or by means of a pressurized jet of water and have been disinfected with a germicide before reaching the place where he shall take delivery of the potatoes.

7. Any person who delivers potatoes in a commercial establishment shall avoid any contact with potatoes already in that establishment and may not take possession of potatoes or containers of potatoes having stayed in that establishment, before returning, in protected territory, to a place where potatoes are produced.

8. In a protected territory, no person may introduce, to a place where potatoes are produced, potatoes acquired from outside that territory for purposes of resale.

DIVISION 4 PENALTY

9. Any person who contravenes any of sections 4, 6, 7 and 8 commits an offence and is liable to the penalties prescribed in section 33 of the Act respecting prevention of disease in potatoes (R.S.Q., c. P-23.1).

**DIVISION 5
FINAL**

date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

10. After adoption by the Government, this Regulation comes into force on the fifteenth day following the

**SCHEDULE 1
(s. 1)**

NOTICE OF ASCERTAINMENT OF SUSPECT POTATOES OR CONTAMINATED FIELDS

Notice is given to _____
(name and address of producer, dealer or carrier)

that following inspection, we _____
(name of inspector)

inspector at the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, have reason to believe that:

- potatoes in your possession are infected with:
 - (1) name of disease: _____
 - (2) identification of lot infected: _____
- a field which you are using is infected with:
 - (1) name of disease: _____
 - (2) identification of field infected: _____

Therefore, upon receipt of this notice, you must:

- segregate the diseased potatoes from the other potatoes in your possession;
- not use, sell or deliver, for planting, any of the diseased potatoes;
- where diseased potatoes are sold or delivered, evidence the sale or delivery on the document prescribed in Schedule 3 to the Regulation respecting prevention of disease in potatoes;
- clean and disinfected the premises, machinery, vehicles, implements, containers and clothing that have been in contact with diseased potatoes, under the supervision of _____

, inspector, within a time limit of _____ days of receipt of this notice and in accordance with the following method:

take the following measures to control or eradicate contamination of the field: _____

under the supervision of _____, inspector,
for a period of _____, effective from
the receipt of this notice and under the following conditions: _____

dispose of any potato culls by eliminating them through incineration, sanitary landfill or destruction by means of a chemical process.

Signed at _____

On _____

(Signature of inspector)

SCHEDULE 2

(s. 2)

NOTICE RESPECTING THE RESULT OF THE ANALYSIS OF POTATOES OR SAMPLES OF SOIL OR OTHER SUBSTANCES

We _____, inspector at the Ministère de
l'Agriculture, des Pêcheries et de l'Alimentation, give notice that following a laboratory analysis, it has been
ascertained that:

potatoes in your possession are infected with:

(1) name of disease: _____

(2) identification of lot infected: _____

a field which you are using is infected with:

(1) name of disease: _____

(2) identification of field infected: _____

Therefore, upon receipt of this notice, you must:

segregate the diseased potatoes from the other potatoes in your possession;

not use, sell or deliver, for planting, any of the diseased potatoes;

where diseased potatoes are sold or delivered, evidence the sale or delivery on the document prescribed in Schedule 3 to the Regulation respecting prevention of disease in potatoes;

clean and disinfect the premises, machinery, vehicles, implements, containers and clothing that have been in contact with diseased potatoes, under the supervision of _____, inspector, within a time limit of _____ days of receipt of this notice and in accordance with the following method:

take the following measures to control or eradicate contamination of the field: _____

 under the supervision of _____, inspector, for a period of _____ effective from the receipt of this notice and under the following conditions: .

dispose of any potato culls by eliminating them through incineration, sanitary landfill or by destruction by means of a chemical process.

Signed at _____
 On _____

 (Signature of inspector)

SCHEDULE 3
 (s. 3)

EVIDENCE OF SALE OR DELIVERY OF DISEASED POTATOES

We, _____
 (name and address of producer, dealer or carrier)

inform the purchaser or consignee that the potatoes sold or delivered have been the subject of a notice by an inspector of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation to the effect that they are infected with the following disease:

- bacterial ring rot;
- spindle tuber;
- other: _____
 (specify the disease)

Therefore, you must not use, sell or deliver any of these potatoes for planting.

Signed at _____
 On _____

 (Signature of producer, dealer or carrier)

Note: A copy of this document shall be kept by the producer, dealer or carrier, another shall be given to the purchaser or consignee and a copy shall be sent within 48 hours to the inspector involved.

SCHEDULE 4

(s. 5, par. 1)

APPLICATION FOR AUTHORIZATION TO PLANT SEED POTATOES WHICH ARE NOT OF THE GRADE REQUIRED IN PROTECTED ZONES

Name of producer:	_____
Address:	_____ _____
Variety of potato:	_____
Grade:	_____
Seed certificate No.:	_____ _____
Date:	_____
Signature du producteur:	_____

For office use	Granted	Refused
Authorization:	_____	_____
Comments:	_____ _____ _____ _____	
Date:	_____	
Signature of inspector:	_____	

Draft Regulation

Watercourses Act
(R.S.Q., c. R-13)

Public Water

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), and with section 2 of the Watercourses Act (R.S.Q., c. R-13), that the Public Water Regulation, the text of which appears below, may be made by the Government at the expiry of 60 days following this publication.

Any person having comments to make is asked to transmit them in writing, before the expiry of the 60-day period, to the Minister of the Environment, 3900, rue Marly, 6^e étage, Sainte-Foy, (Québec), G1X 4E4.

CLIFFORD LINCOLN,
Minister of the Environment

Public Water Regulation

Watercourses Act
(R.S.Q., c. R-13, ss. 2, 2.1 and 89)

DIVISION I INTERPRETATION

1. Definitions: In this Regulation, unless otherwise indicated by the context:

“conventional elevation” means an indication of the vertical measurement of water from a conventional level identified by a permanent bench mark located by a survey on the land and appearing in a survey document with description in support thereof; (cote d'élévation conventionnelle);

“geodetic altitude” means the indication of the vertical measurement of water expressed by the setting up of permanent bench marks or the recognition and placing of other visible marks; (cote d'altitude géodésique);

“lease” means a lease that is not an emphyteutic lease; (bail);

“Minister” means the Minister of the Environment; (ministre);

“public water” means the public domain situated in the bed of the sea, of a watercourse or of a lake, including the shore and banks, namely the strip of land bounded by the natural low and high-water marks, excluding any overflow; (domaine hydrique public);

“real value” means the amount obtained by applying to each square metre of public water the unit rate for adjoining riparian or littoral land based on the assessment per square metre of a parcel of land as determined on the property valuation roll on the date on which the Minister fixes a new rent under section 14 or; failing such assessment, 0,15 \$ per square metre; (valeur réelle);

“unit rate” means the assessment per square metre of land as determined on the property valuation roll on the date of acceptance of the terms of sale or lease offered by the Minister, or in the absence of such assessment, 0,15 \$ per square metre; (taux unitaire);

“value” means the total amount obtained by applying the unit rate of the adjoining riparian or littoral land to each square metre of the public water. (valeur).

DIVISION II GENERAL

2. Purpose: The purpose of this Regulation is to facilitate management of public water by prescribing the terms on which the Minister is authorized to sell, lease or allow occupation of public water and to agree on its limits.

3. Exception: This Regulation does not apply where the use of public water is required by the Government of Canada or any of its departments or agencies.

4. Consent of adjoining riparian or littoral land owner: The Minister may not grant or renew a right over public water without the consent of the owner of the adjoining riparian or littoral land or the holder of a summer resort lease, except in the case of an occupation licence for non-apparent work or for aquaculture.

5. Compliance with regulations: Before granting a right over public water for any work that has not yet been constructed, the Minister shall:

(1) ensure that a certificate of authorization has been issued for the project under the Environment Quality Act (R.S.Q., c. Q-2) and its regulations to the extent that they apply;

(2) require the filing of an attestation by an authorized official of the municipality and of the regional county municipality, as the case may be, to the effect that the proposed works comply with the municipal by-laws applying thereto.

6. Registration: A deed of sale or a lease for more than 5 years for public water shall be registered by filing at the Registry Office in the case of cadastered land and in the terrier of the ministère de l'Énergie et des Ressources in the case of non-cadastered land, under section 26 of the Act respecting the lands in the public domain (1987, c. 23).

Registration expenses shall be borne by the purchaser or the lessee, as the case may be.

7. Supplementary conditions: A lease or an occupation licence for public water shall provide the following information:

(1) any preliminary or accessory works to be effected;

(2) the manner of constructing and operating the proposed works;

(3) in the case of a lease, the terms and conditions for payment of the rent, for transmission of the lease to legal representatives and for terminating or cancelling the lease.

8. Cancellation or revocation: The Minister may cancel a lease or revoke an occupation licence for public water where the lessee or licence holder does not comply with the Environment Quality Act and its regulations or the provisions of any authorization issued under the Environment Quality Act for the work covered by the lease or occupation licence.

9. Surveying and registration: On cadastered land, any part of the public water that does not bear a separate lot number and that is sold or leased for more than 5 years shall first be surveyed and registered; on non-cadastered land, the survey only is required unless other indication is given that registration is required.

Surveying and registration shall be carried out in accordance with the general and special instructions for land surveying established by the Minister of Energy and Resources under section 17 of the Act respecting the lands in the public domain (1987, c. 23), and at the purchaser's or the lessee's expense, as the case may be.

DIVISION III SALE

10. Sale: The Minister may sell the public water located in the following territories:

(1) lac Saint-Louis: the part of the public water located between the normal high-water mark and the limit of the encroachments permitted, as shown on the copies annotated in May 1974 of the plans bearing numbers 7693-1 to 7693-5 and 7693-7 to 7693-20 entitled "Master plan for developing the shore of lac Saint-Louis", prepared by the public water service of the ministère des Richesses naturelles;

(2) rivière des Prairies: the part of the public water being subdivisions and redivisions of lots 525 to 536 inclusive of the official cadastre of the parish of Sault-au-Récollet, Montréal Registration Division, town of Montréal-Nord, located between the natural high-water mark and the limit of the encroachments permitted, as shown on plans 7C-3032-1 and 7C-3032-2 dated 15 November 1963 and on plan 7C-3913 dated 2 November 1964 prepared by Gendron, Lefebvre et Associés, land surveyors;

(3) rivière Saguenay (baie des Ha! Ha!): the part of the public water known and designated as blocks 11 (block 1 cadastre), 13 (block 2 cadastre), 14 (block 3 cadastre), 15 (block 4 cadastre), 16 (block 5 cadastre), 17 (block 6 cadastre), 18 (block 7 cadastre), 19 (block 8 cadastre) and 20 (block 9 cadastre) of the cadastre of the village of Bagotville, as shown on plan 5329A of land surveyor Michel Corriveau, dated 28 January 1977, and entitled "Beach and deep water lots in the baie des Ha! Ha! of rivière Saguenay";

(4) rivière Saguenay: the part of the public water located between the high-water mark and the limit of the encroachments permitted, as shown on plan B-8389 prepared in October 1977 and revised on 25 March 1980 by the surveys service of the ministère des Richesses naturelles, and entitled "Rivière Saguenay Chicoutimi Nord, planimetric survey from the Club nautique du Saguenay to the bridge over ruisseau Tremblay".

11. Price: The selling price for public water shall be 50 % of its value.

DIVISION IV LEASING

12. Lease: The Minister may lease public water for the maximum term and the rent indicated in the following table, taking into account the kinds of use and the purposes:

Kind of use	Purpose	Profit	Non-profit	
			Private	Public
Work excluding earthwork		25 years and 10 % of value	25 years and 5 % of value	25 years and 5 % of value*
Without work		25 years and 10 % of value	1 year and 2 % of value	1 year and 2 % of value*
Earthwork, before and during construction		5 years and 10 % of value	5 years and 5 % of value	5 years and 37 \$ per hectare
Earthwork, after construction		25 years and 10 % of value	25 years and 5 % of value	25 years and 37 \$ per hectare

* In the absence of property assessment, the leasing rate is 37 \$ per hectare.

13. Minimum rent: Notwithstanding section 12, the annual rent for a part of the public water may not be less than 200 \$ in the case of a profit-making use or a marina, or not less than 25 \$ in all other cases.

14. Adjustment of rent: The annual rent shall remain unchanged for at least 3 years. The Minister may thereafter fix a new rent to take into account the real value of the adjoining riparian or littoral land.

The Minister shall inform the lessee of his intention at least 3 months in advance. In the month following the notice, the lessee may terminate the lease by sending to the Minister notice to that effect.

15. Maximum area: The Minister may not grant a lease for a profit-making use of public water of an area exceeding 5 hectares.

16. Promise to sell: The Minister may grant a lease containing a promise to sell for the land described in section 10.

Where the sale takes place before the expiry of the lease:

(1) the unit rate used to calculate the value of the land shall be that used for the lease;

(2) the area involved shall be, notwithstanding the terms of the lease, that calculated in accordance with section 9;

(3) the purchaser is entitled to a rebate equivalent to 2 years of rent paid.

17. Replacement of lease: When a lessee has finished construction of an earthwork complying with the provisions of the lease, he is entitled to the replacement of

the lease for construction of the earthwork by a lease for the constructed earthwork.

18. Multiple uses: Where a lease covers more than one kind of use, the annual rent is fixed in proportion to the parts of the land intended for each use.

The maximum term for the lease is the shortest of those prescribed for the kinds of use covered by the lease under the provisions of the table in section 12.

19. Marina: For the purposes of section 12, the use of public water for a marina is deemed to be private and non-profit, and the unit rate used to determine the value of the land may not exceed 11 \$ per square metre.

The maximum term for the lease is 25 years for a use without a work; the installation of a platform on piles or a floating platform with a movable anchor is not deemed a work for the purposes of this section.

20. The maximum unit rate prescribed by the first paragraph of section 19 is indexed on 1 January of each year in accordance with the last rate of increase of the annual general consumer price index for Canada determined by Statistics Canada.

The maximum unit rate so indexed applies from 1 May of each year.

The Minister shall give notice to the lessee of his new rent not later than 31 January of each year. In the month following the notice, the lessee may terminate the lease by sending a notice to the Minister to that effect.

The indexation of rent must not be considered an adjustment within the meaning of section 14.

21. Aquaculture: The Minister may lease a part of the public water for purposes of commercial aquaculture.

Sections 12 to 15, 17 and 18 do not apply to the lease.

The lease is subject to the following conditions:

- (1) the annual rent shall be 15,00 \$ per hectare;
- (2) the minimum annual rent shall be 40,00 \$;
- (3) the maximum term of the lease shall be 20 years;

(4) the validity of the lease is conditional on the lessee obtaining and subsequently keeping up the licence to operate a fish-breeding plant or to cultivate or harvest aquatic plants on a commercial basis in accordance with the Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01).

22. Lease for more than 5 years: A lease for more than 5 years granted to the owner of the adjoining riparian or littoral land shall contain a survey document establishing the limits.

23. Exception: This Division does not apply to the leasing of public water for the purposes of installing a water retaining work covered by section 37, 63 or 76 of the Watercourses Act (R.S.Q., c. R-13).

DIVISION V OCCUPATION

24. General authorization: The owner of riparian or littoral land adjoining the public water or the holder of a summer resort lease may occupy without consideration and without the authorization of the Minister of the Environment, under section 54 of the Act respecting the lands in the public domain (1987, c. 23), the part of the public water fronting on his property to install a platform on piles or a floating platform with a movable anchor, provided the area does not exceed 20 square metres and the platform does not occupy more than 1/10 of the width of the bed of the watercourse at that place.

25. Occupation licence: The Minister may, by occupation licence, permit the occupation of public water to install one of the following works:

(1) a platform on piles or a floating platform with a movable anchor the area of which exceeds 20 square metres or that occupies more than 1/10 of the width of the river at that place;

(2) work enabling water to be collected or evacuated;

(3) work to protect the shores or banks against erosion, subsidence, landslides or floods;

(4) a bridge whose foundations on the bed of public water do not occupy more than 1/10 of the width at that place;

(5) a cable, a pipe or a work other than a jetty, used to provide a link or communications between the two banks.

26. Cost: A licence to occupy public water costs 25 \$, except in the case of paragraphs 4 and 5 of section 25 where the cost of a licence shall be 1,50 \$ per linear metre of the length of the work in question on the public water, subject to a minimum of 25 \$.

A licence to occupy is gratuitous for non-profit public use in the case of paragraphs 2, 4 and 5 of section 25.

27. Duration: A licence to occupy public water is valid for one year. It is automatically renewed and is gratuitous from year to year unless the Minister revokes it after sending 90 days notice to the licence holder.

A licence to occupy public water for the installation of one of the works mentioned in paragraph 4 or 5 of section 25 may be granted for a term of no more than 25 years and the Minister shall not revoke the licence for the duration of the lease.

28. Cancellation: Any licence to occupy public water becomes void automatically where the occupation for which it was granted ceases.

DIVISION VI LIMITS

29. Limits: The Minister is authorized to come to an agreement with the owner of adjoining riparian or littoral land on the limits of the public water.

The limits deal with the placing of the dividing line between the public water and the adjoining riparian or littoral land as well as with the conventional elevation or geodetic altitude used to establish them.

Each party shall assume the costs of the professional services and other services they require for that purpose.

30. Registration: The limits shall be evidenced in writing and must be registered.

Registration expenses shall be borne by the party requesting the limits.

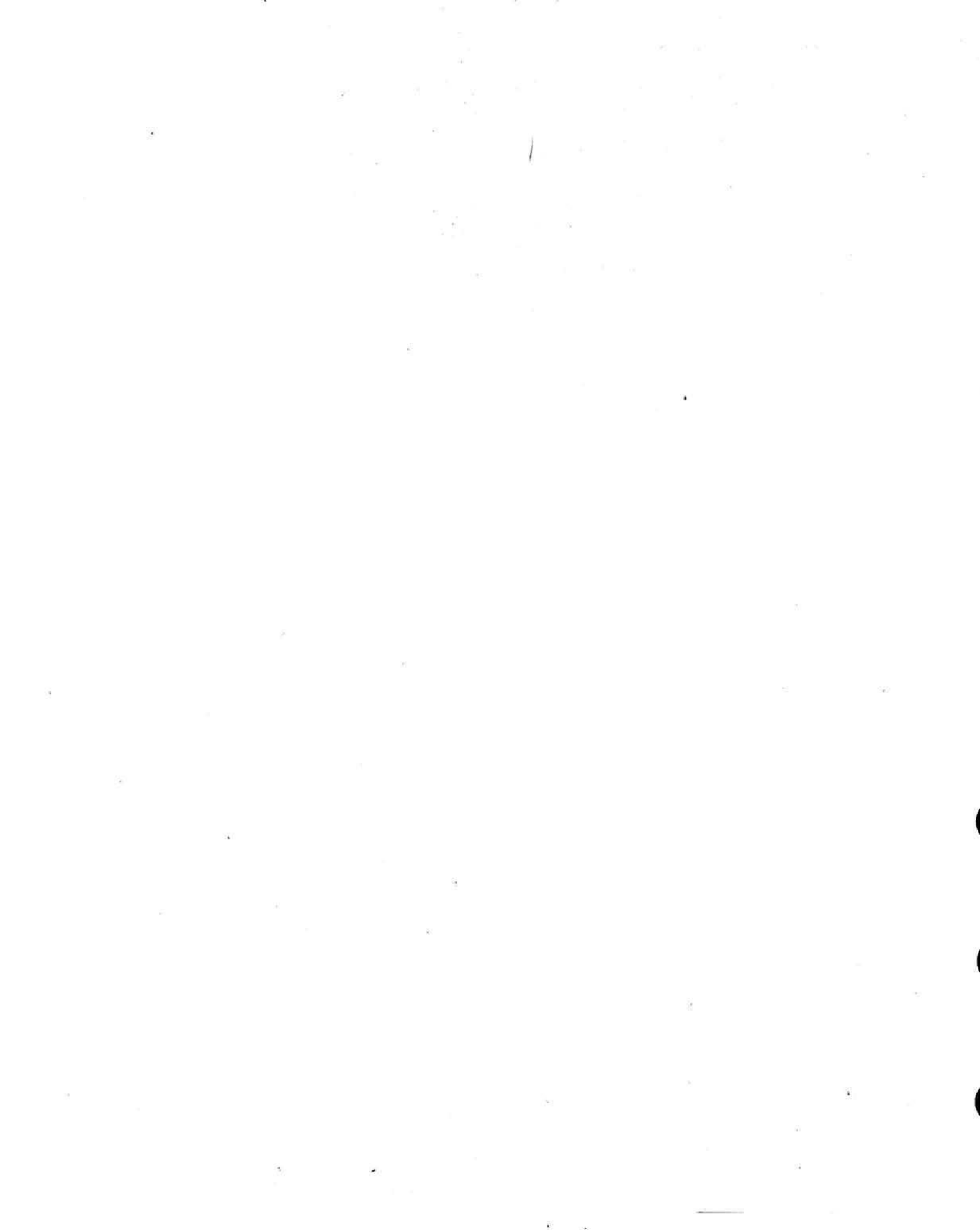
DIVISION VII
FINAL

31. Replacement: This Regulation replaces the Regulation respecting the application of section 2 of the Watercourses Act (R.R.Q., 1981, c. R-13, r. 1), and Orders in Council 33 dated 8 January 1964, 1184 dated 15 June 1965, 3516 dated 30 October 1968 and 3499-74 dated 2 October 1974.

32. Sections 10 and 11 shall cease to have effect on (enter the date corresponding to the first anniversary of the coming into force of this Regulation).

A promise of sale included in a lease signed under Orders in Council 3516 dated 30 October 1968, 3499-74 dated 2 October 1974, 2969-79 dated 31 October 1979, and 1664-80 dated 4 June 1980 and section 16 shall cease to have effect on (enter the date corresponding to the sixth anniversary of the coming into force of this Regulation) if, on that date, the purchaser has not paid the fees for the purpose of completing the sale.

33. Coming into force: This Regulation comes into force on (enter here the fifteenth day following the date of its publication in the *Gazette officielle du Québec*).

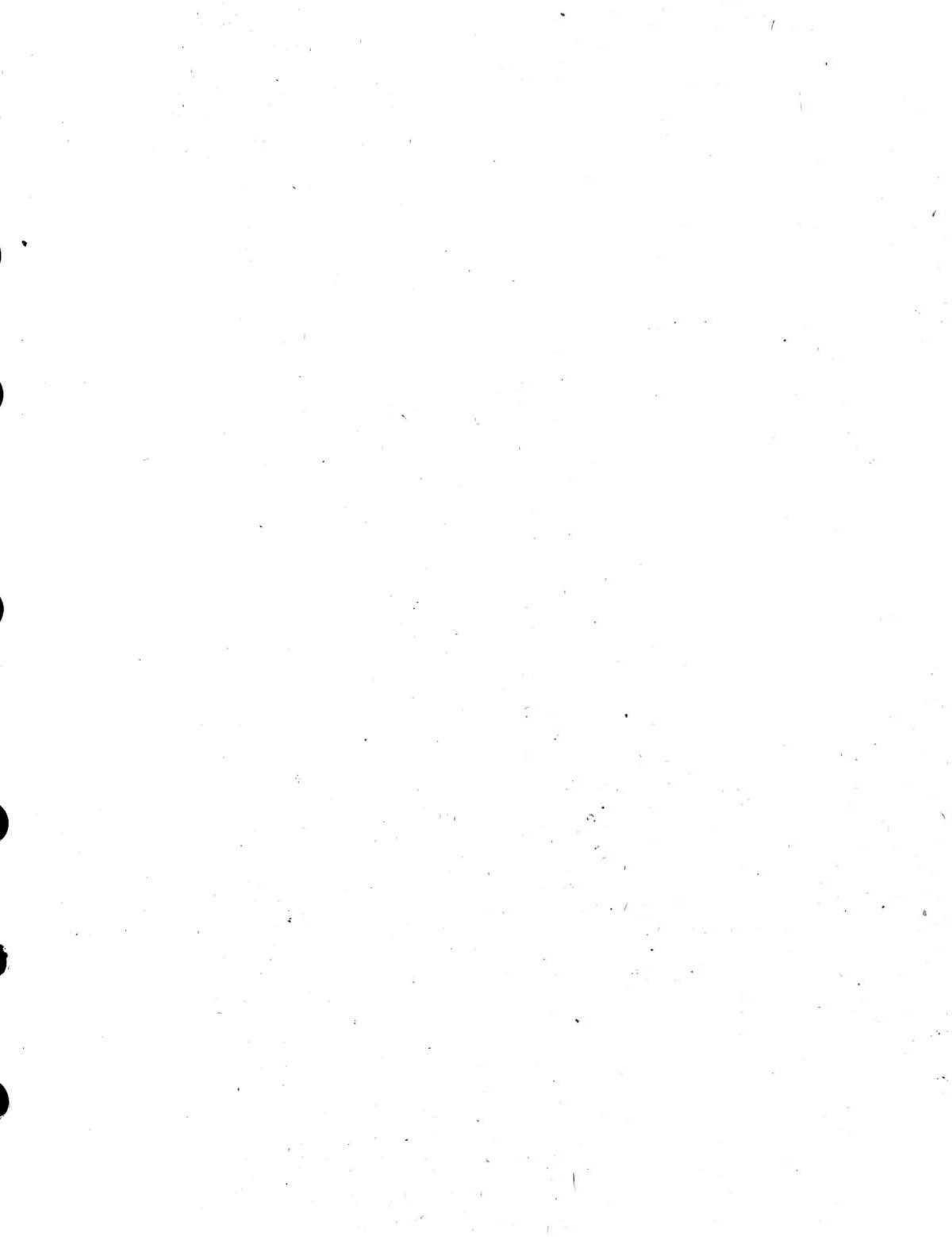


Index Statutory Instruments

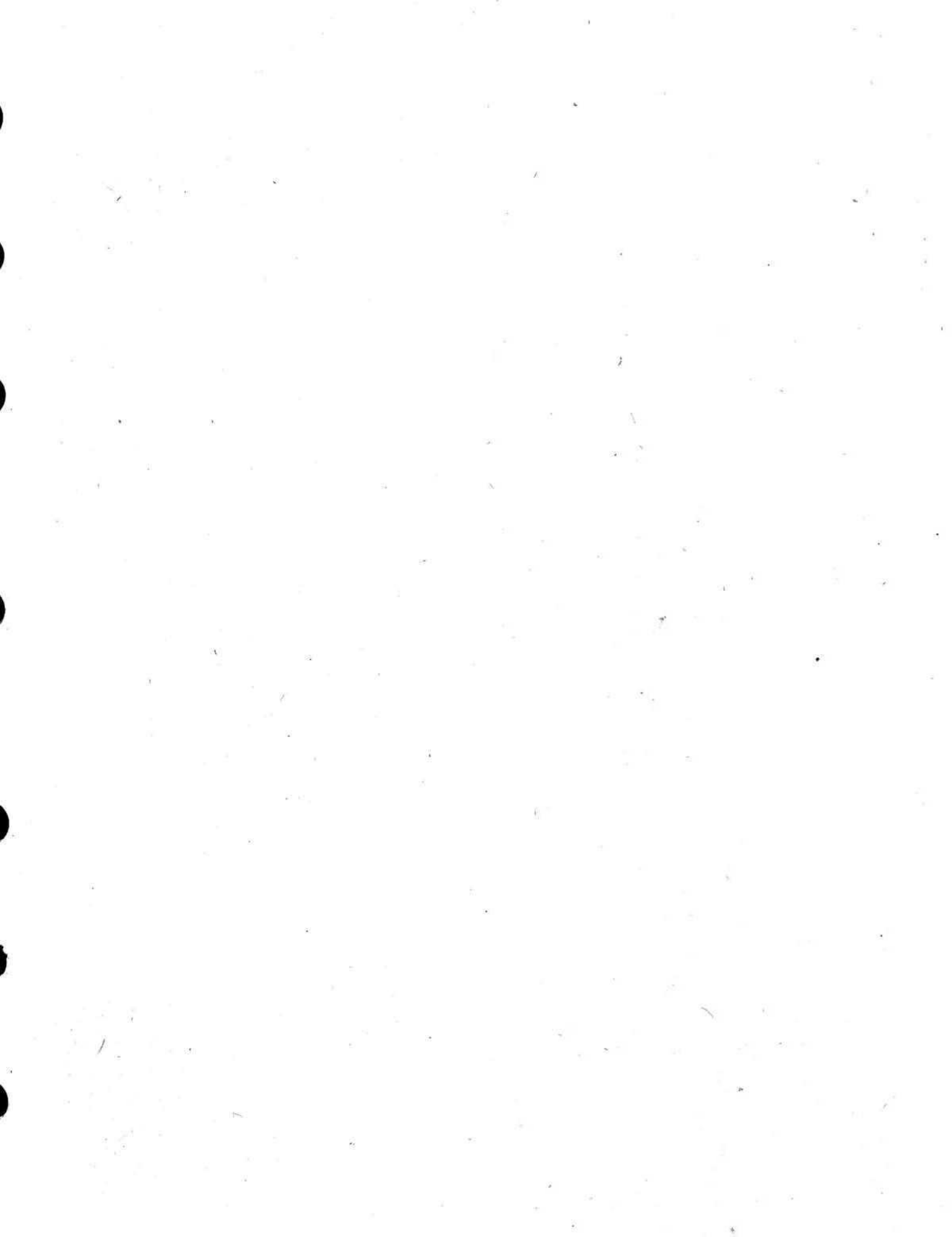
Abbreviations: A: Abrogated, N: New, M: Modified

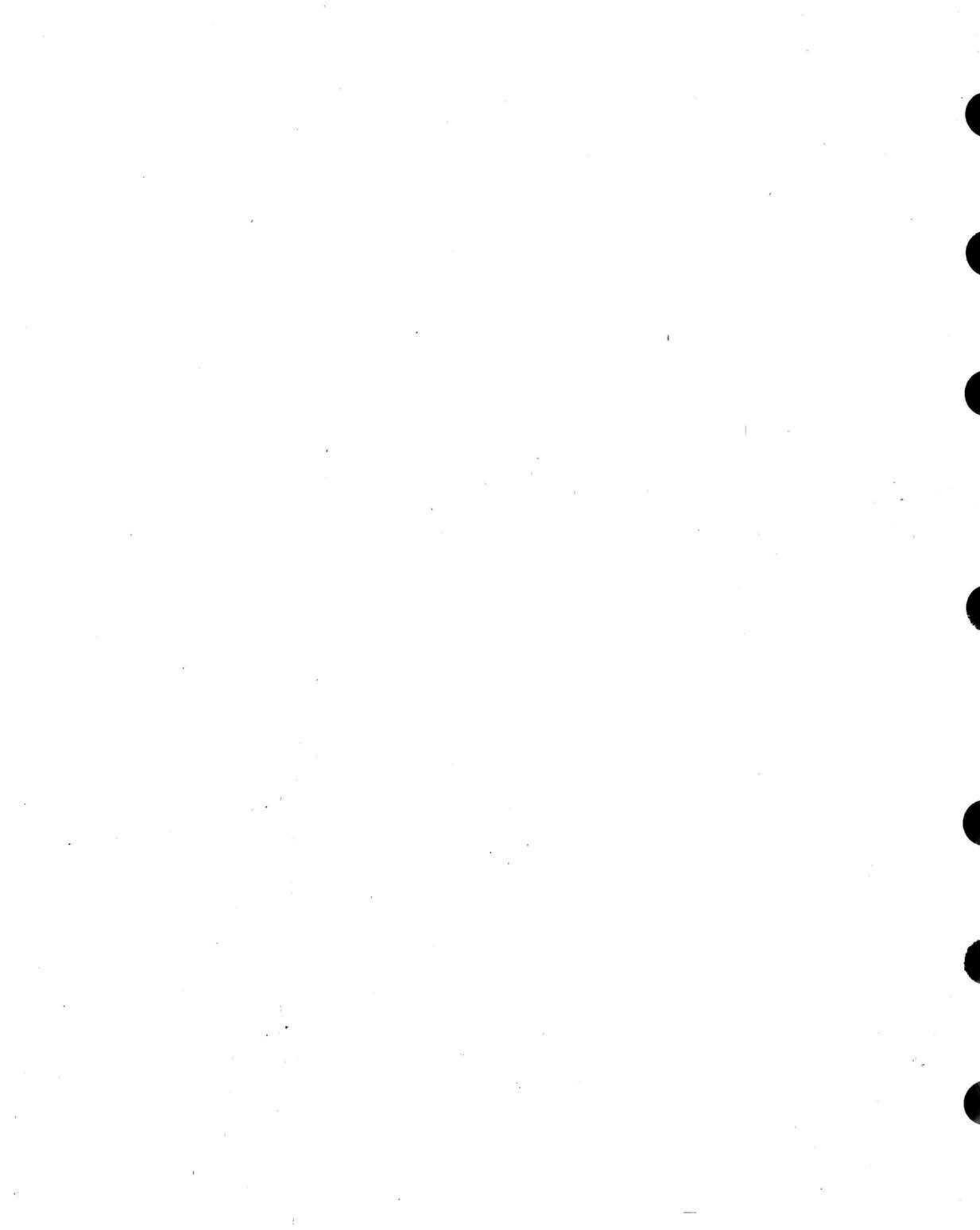
Regulations — Statutes	Page	Comments
Administration of the Environment Quality Act (Environment Quality Act, R.S.Q., c. Q-2)	2334	M
Building service employees — Québec— Extension (An Act respecting collective employees, R.S.Q., c. D-2)	2350	N
Collective agreement decrees, An Act respecting . . . — Building service employees — Québec — Extension (R.S.Q., c. D-2)	2350	N
Collective agreement decrees, An Act respecting . . . — Men's and boy's shirt . . . (R.S.Q., c. D-2)	2343	M
Collective agreement decrees, An Act respecting . . . — Metal trades — Québec . . . (R.S.Q., c. D-2)	2347	M
Collective agreement decrees, An Act respecting . . . — Non-structural metalwork — Montréal (R.S.Q., c. D-2)	2346	M
Diplomas issued by designated teaching establishments giving access to permits or specialist's certificates (Professional Code, R.S.Q., c. C-26)	2311	M
Elections and referendums in municipalities, An Act respecting . . . — Order of the Minister of Municipal Affairs dated 9 June 1988 (1987, c. 57)	2353	N
Environment Quality Act — Administration of the Environment Quality Act (R.S.Q., c. Q-2)	2334	M
Environment Quality Act — Environmental impact assessment and review (R.S.Q., c. Q-2)	2338	M
Environment Quality Act — Use of DDT (R.S.Q., c. Q-2)	2336	M
Fees payable for commercial tourist information signs (Highway Safety Code, R.S.Q., c. C-24.2)	2365	Draft
Forest Act — Operating permits for wood processing plants (1986, c. 108)	2351	N
Highway Safety Code — Fees payable for commercial tourist information signs (R.S.Q., c. C-24.2)	2365	Draft
Men's and boy's shirt (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	2343	M
Metal Trades — Québec (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	2347	M
Ministère de l'Environnement, An Act respecting the . . . — Signing of certain documents of the Minister (R.S.Q., c. M-15.2)	2339	M

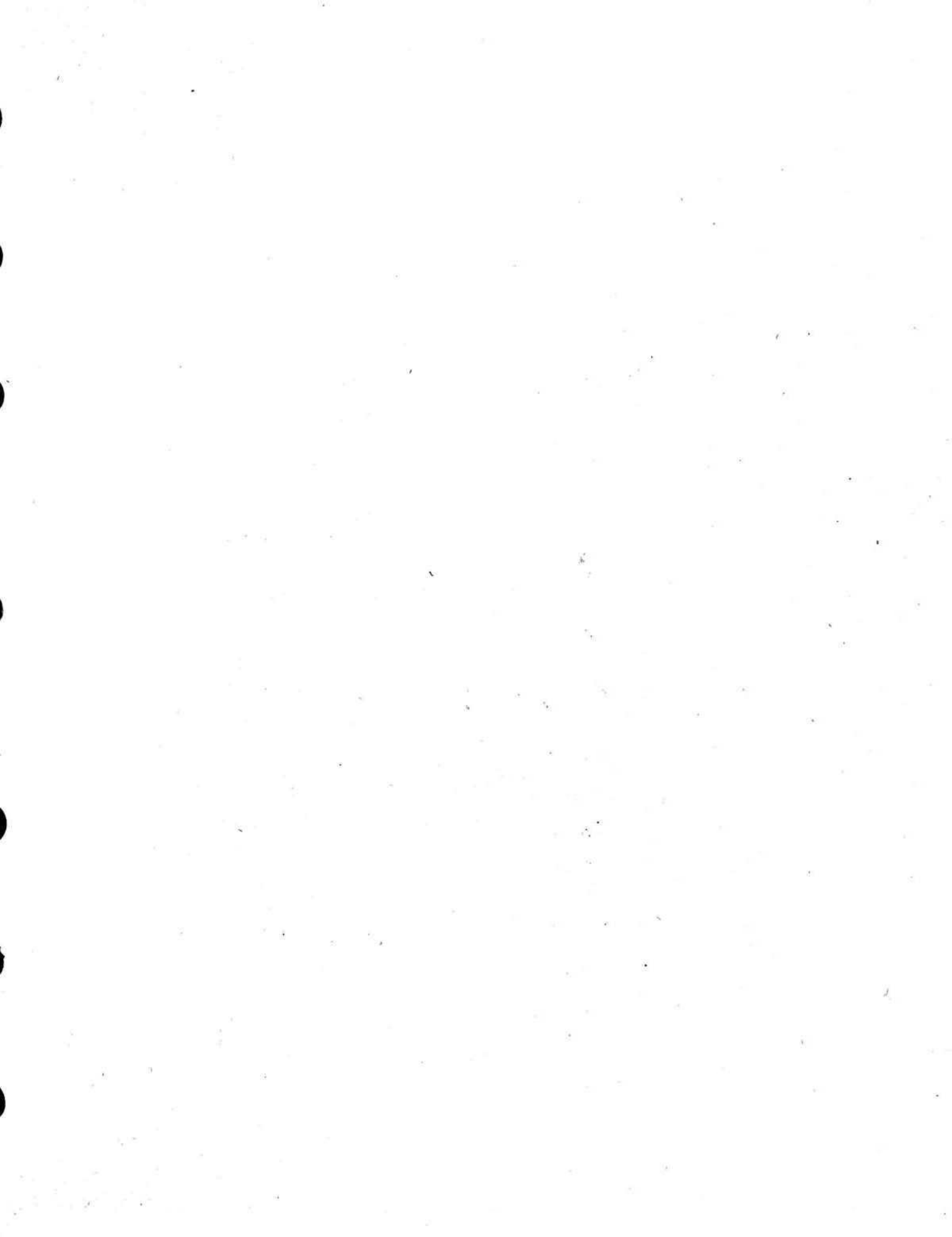
Ministère de l'Environnement, An Act respecting the... — Signing of permits, temporary permits, certificates or attestations of registration issued by the Minister of the Environment under the Pesticides Act (R.S.Q., c. M-15.2)	2340	N
Non-structural metalwork — Montréal (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	2346	M
Pesticides Act — Coming into force (1987, c. 29)	2309	N
Pesticides Act — Pesticides in forests (1987, c. 29)	2331	N
Pesticides Act — Pesticides on farms (1987, c. 29)	2328	N
Pesticides Act — Pesticides (1987, c. 29)	2318	N
Prevention of disease in potatoes, An Act respecting... — Prevention of disease in potatoes (R.S.Q., c. P-23.1)	2365	Draft
Professional Code — Diplomas issued by designated teaching establishments giving access to permits or specialist's certificates (R.S.Q., c. C-26)	2311	M
Professional Code — Respiratory therapists — Procedure of the professional inspection committee (R.S.Q., c. C-26)	2313	N
Public water (Watercourses Act, R.S.Q., c. R-13)	2371	Draft
Québec business investment companies, An Act respecting... — Regulation... (R.S.Q., c. S-29.1)	2341	M
Respiratory therapists — Procedure of the professional inspection committee ... (Professional Code, R.S.Q., c. C-26)	2313	N
Signing of permits, temporary permits, certificates or attestations of registration issued by the Minister of the Environment under the Pesticides Act (An Act respecting the Ministère de l'Environnement, R.S.Q., c. M-15.2)	2340	N
Use of DDT (Environment Quality Act, R.S.Q., c. Q-2)	2336	M
Watercourses Act — Public water (R.S.Q., c. R-13)	2371	Draft



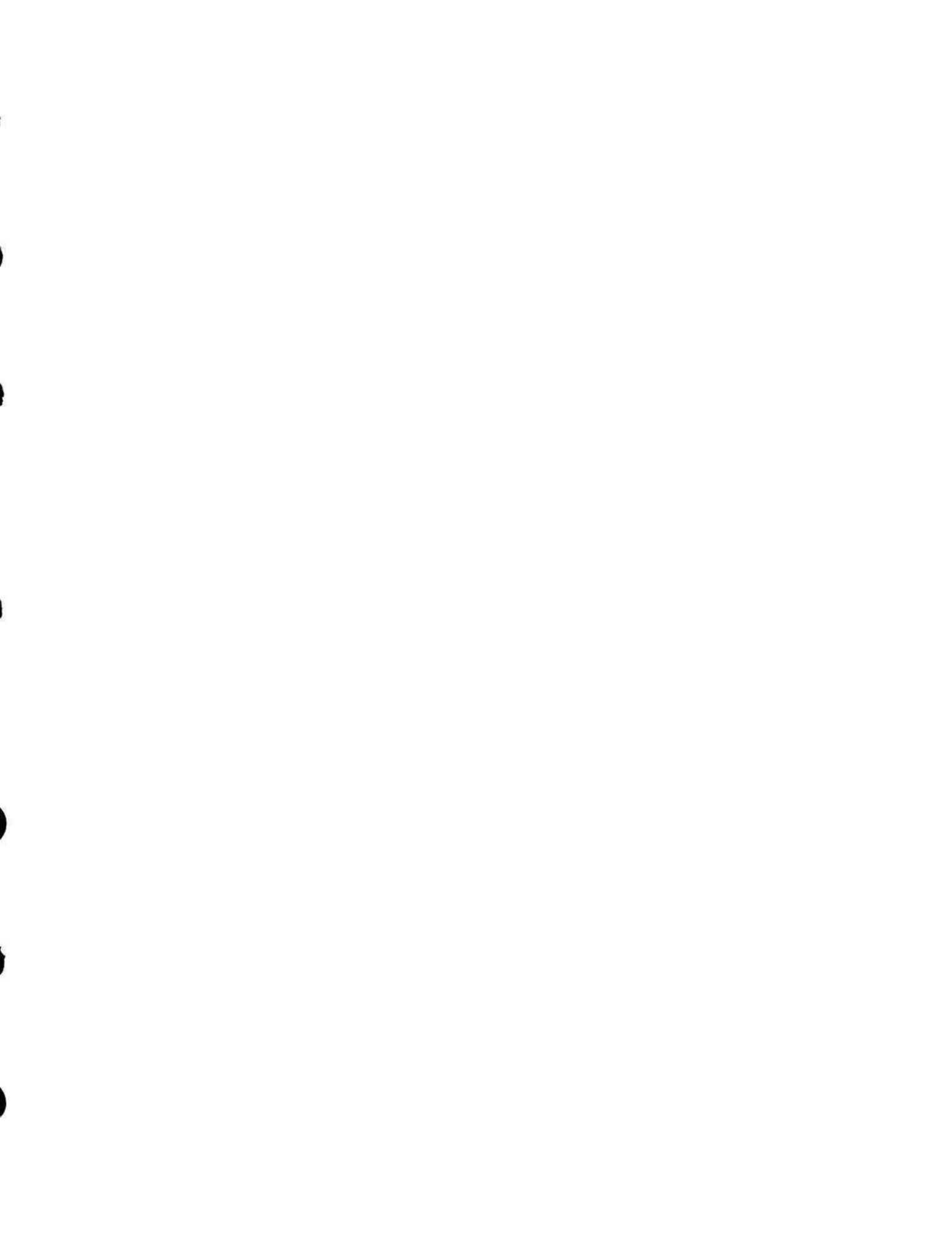












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