

Gazette officielle du Québec

(English Edition)

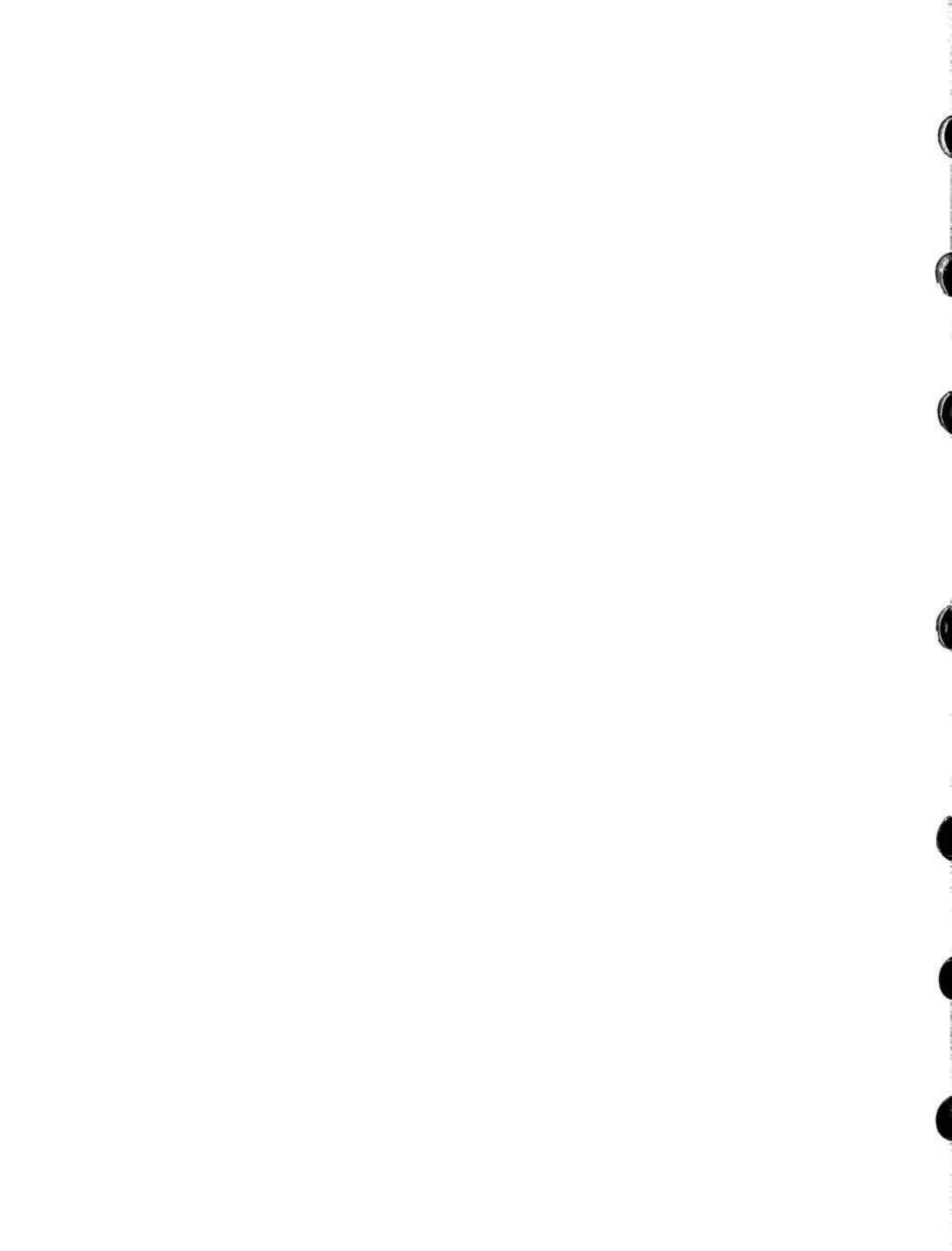
Part 2
Laws and
Regulations

Volume 114

3 February 1982
No. 5



Éditeur officiel
Québec



Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 114
3 February 1982
No. 5

Summary

Table of contents.....	179
Order(s) in Council	181
Draft Regulation(s)	215
Index	217

NOTICE TO READERS

The *Gazette officielle du Québec* (Laws and Regulations) is published under the authority of the Legislature Act (R.S.Q., c. L-1) and the Regulation respecting the *Gazette officielle du Québec* (O.C. 3333-81, dated 2 December 1981).

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 ministerial 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 law;
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

Subscription rates are as follows:

Part 2 (French)	65 \$ per year
English edition	65 \$ per year

2. Special rates

The annual subscription does not include the Drug List whose publication is required under the Health Insurance Act (R.S.Q., c. A-29).

The said publication is sold separately by number at a maximum rate of 30 \$ a copy.

3. Rates for sale separate numbers

Separate numbers of the *Gazette officielle du Québec*, except the publication mentioned in paragraph 2, sell for 4 \$ a copy.

4. Publication rates

The publication rate is 0,60 \$ per agate line regardless of the number of insertions;

For information concerning the publication of notices, please call:

Georges Lapierre
Gazette officielle du Québec
Tél.: (418) 643-5195

Offprints or subscription rates only:

Service de la diffusion des publications
Tél.: (418) 643-5150

All correspondence should be sent to the following address:

Gazette officielle du Québec
1283, boul. Charest ouest
Québec, QC G1N 2C9

L'Éditeur officiel du Québec

Table of contents**Page****Order(s) in Council**

15-82	Hydro-Québec retirement plan	181
77-82	Tariff of court costs in civil matters and of court office fees	196
86-82	Cartage — Québec (Amend)	200
87-82	Hairdressers — Chicoutimi <i>et al.</i> (Amend)	203
144-82	Taxation Act — Regulation (Amend.)	204
147-82	Rules of practice and rules for the internal management of the Commission des transports du Québec	205

Draft Regulation(s)

Highway Safety Code — Duties payable to obtain information or documents	215
---	-----

Order(s) in Council

O.C. 15-82, 6 January 1982.

Hydro-Québec Act
(R.S.Q., c. H-5)

Hydro-Québec Retirement Plan

CONCERNING the authorization given to Hydro-Québec to make By-law No. 278 regarding the Hydro-Québec retirement plan.

WHEREAS Hydro-Québec By-law No. 83, as amended by By-laws Nos. 106, 119, 123, 258, 259, 260 and 265 deals with the retirement plan of the enterprise;

WHEREAS the Board of Directors of Hydro-Québec made, at its meeting of 11 March 1981, By-law No. 278 regarding the Hydro-Québec retirement plan and intended to replace By-law No. 83;

WHEREAS By-law No. 278 is in fact an administrative up-dating of the Hydro-Québec retirement plan, which has not undergone any major modification since its implementation on 1 January 1966;

WHEREAS By-law No. 278 includes in particular the provisions respecting the retirement plan contained in An Act to ensure the maintaining of electrical services and to provide the conditions of employment of the employees of Hydro-Québec (1979, c. 62) as well as measures for raising and revaluating pensions in order to increase the level of pensions of present and future pensioners of the enterprise;

WHEREAS the text of By-law No. 278 attached hereto is composed of three parts the general tenor of which is as follows:

— The first part contains for all practical purposes the provisions of the basic plan of the enterprise (definitions; contributions; mandatory and voluntary retirement; indexation of pensions; provisions applicable to the Retirement Committee; and, breaking up of the separate accounting applicable to the retirement fund);

— The second part deals with the complementary provisions to the basic plan and, as such, covers the guaranteed pension formula (1.66%), the pension-credit purchase formula, and the minimum pension;

— The third part regroups a series of miscellaneous provisions (payment of benefits; transferability; agreement to participation in the plan, etc.);

WHEREAS Hydro-Québec By-law No. 278 has already been approved by the Régie des rentes du Québec on 19 March 1981 (Certificate of Registration No. 20004);

WHEREAS it is now necessary to obtain the approval of the Government for the purposes mentioned above.

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

THAT Hydro-Québec By-law No. 278, the text of which is attached hereto, be approved.

THAT it be published in the *Gazette officielle du Québec*.

LOUIS BERNARD,
Clerk of the Conseil exécutif.

By-law No. 278 regarding the Hydro-Québec retirement plan

PART I GENERAL PROVISIONS

ARTICLE 1 DEFINITIONS

In the present By-law, unless the context requires a different meaning, the following terms shall mean:

1.1 "temporary absence": any leave authorized by the employer;

1.2 "actuary": a person qualified under the By-laws of the Supplemental Pension Plans Act to fulfill this function;

1.3 "year": the calendar year;

1.4 "contribution year": a year in which an employee has contributed to the Hydro-Québec Retirement Fund, with any fraction of a year being reckoned proportionately;

1.5 "certified year": a year in which an employee has participated in a supplementary plan, with any fraction of a year being reckoned proportionately;

1.6 "credited years": the total number of contribution years and certified years;

1.7 "termination of service": any interruption in the period of continuous service not due to retirement or death;

1.8 "committee": the Hydro-Québec Retirement Committee;

1.9 "spouse": any person joined to an employee or pensioner by a marriage legally contracted in Québec or elsewhere and recognized by the laws of Québec, and not dissolved by divorce or annulment; or failing this, any unmarried person who can establish to the satisfaction of the committee that he or she has lived permanently for more than three years with an employee or pensioner of the opposite sex who publicly claims to be his or her spouse, and from whom he or she has not been separated in fact for more than three months;

1.10 "employee": any person working for Hydro-Québec or one of its subsidiaries as a probationary, permanent or regular employee, and carried on the payroll of Hydro-Québec, or a subsidiary that is bound by a participatory agreement with the plan under Article 21;

1.11 "employer": Hydro-Québec or any subsidiary joined to the plan by a participatory agreement under Article 21;

1.12 "child": a child of an employee or pensioner, whatever the relation, who meets one of the following conditions:

- a) is under 18 years of age;
- b) is over 18 but under 25 years of age, and is a full time student at an educational institution;
- c) regardless of age, has been afflicted with total incapacity before reaching his or her 18th birthday, and has since remained totally disabled;
- d) regardless of age, has been afflicted with total incapacity incurred at 18 or after but before 5 years of age, while a full time student at an educational institution, and who has since remained totally disabled;

1.13 "subsidiary": a company in which Hydro-Québec holds at least 90% of the shares, and which includes, for purposes of this By-law, any electricity cooperative whose property has been acquired by Hydro-Québec;

1.14 "annual consumer price index": the arithmetical average for the 12-month period terminating October 31 of the year in question, of the monthly consumer price indices for all goods in Canada, as published by Statistics Canada;

1.15 "pension index": the ratio in percentage between the consumer price index of one year as compared with that of the previous year;

1.16 "interest": the simple interest provided for in the previous plan, and for each year after January 1, 1980, the interest compounded annually at a rate to be set from time to time by Hydro-Québec after consultation with the actuary, and which shall not be less than 4%.

1.17 "maximum pensionable earnings": the maximum income set for the year in question, according to the Québec Pension Plan Act;

1.18 "member": an employee or former employee other than a pensioner, who is eligible to contribute to the plan or who is entitled to benefits under the plan;

1.19 "period of continuous service": the period of time during which a person works without interruption with the employer or a subsidiary, or is assigned tasks by one or other of them, without regard to temporary absences;

1.20 "pay period": a period of time, or part of this period, as determined by the Hydro-Québec pay system;

1.21 "plan": all the provisions of the present By-law and any changes made to it; the plan is designated as the HYDRO-QUÉBEC RETIREMENT PLAN;

1.22 "previous plan": the retirement plan established by Hydro-Québec By-law No. 83, as amended;

1.23 "supplementary plan": any retirement plan of a subsidiary in which an employee, former employee or pensioner has participated;

1.24 "pensioner": a former employee who receives benefits under the previous plan or the plan;

1.25 "salary": the basic hourly, daily, weekly, monthly or annual remuneration of an employee who is on his employer's payroll, excluding any additional remuneration such as bonuses, premiums, indemnities, lump sum payments, gratuities, allowances of any kind,

payment for overtime work, and any other compensation of similar kind;

1.26 "average salary": the average of an employee's salary expressed as an annual amount for the five contribution years in which the salary was the highest, or if the employee has fewer than five contribution years, for the contribution years. If one or more fractions of contribution years are taken into account, the complementary fraction and the corresponding salary are determined on the basis of the years in which the salary, expressed as an annual amount, was the highest.

ARTICLE 2 MEMBERSHIP IN THE PLAN

2.1 Every employee who was participating in the previous plan on December 31, 1979, must join the plan from the date it comes into force, if he is then under 65 years of age.

2.2 Every employee engaged after December 31, 1979, must join the plan from the time he enters on duty, if he is then under 55 years of age.

2.3 Every employee engaged before January 1, 1980, who on that date was not participating in the previous plan or in a supplementary plan, must join the plan as of that date, if he is then under 55 years of age.

2.4 Every employee of a subsidiary who does not participate in a supplementary plan must join the plan as of the entry into force of the participatory agreement concluded under Article 21, or as of the date he begins working for Hydro-Québec, if he is then under 55 years of age.

2.5 Every employee of a subsidiary who participates in a supplementary plan must join the plan from the date of the entry into force of the participatory agreement concluded under Article 21, or as of the date he begins working for Hydro-Québec, if he is then under 65 years of age.

2.6 The members of the Québec Hydro-Electric Commission appointed between June 30, 1973 and September 30, 1978 under the Hydro-Québec Act (R.S. 1964, c. 86 as amended), are deemed to have been participating in the previous plan as of the date of their appointment.

ARTICLE 3 CONTRIBUTIONS

3.1 Employee contributions

(a) Every employee who participates in the plan pays each pay period a contribution withheld from his salary which is equal to the total of the following elements:

i. 6.3% of his salary up to the basic exemption established for the year in question under the Québec Pension Plan Act;

ii. 4.5% of that part of his salary between the basic exemption and the maximum pensionable earnings;

iii. 6.3% of that part of his salary above the maximum pensionable earnings.

(b) An employee who receives a salary during a period of temporary absence must continue to pay his contributions.

(c) An employee who receives compensation during a period of temporary absence on maternity leave must continue to pay her contributions. These will be calculated on the salary rate as it appears on the employer's payroll during the temporary absence, with benefits being calculated, if appropriate, on the basis of the assessed salary.

(d) Subject to the provisions of Article 9, no contributions will be withheld for periods of temporary absence without pay, and such periods will not enter into the calculation of benefits.

3.2 Employer contributions

The employer will pay for each employee participating in the plan, before the 15th day following the end of each pay period, an employer's contribution equal to the total of the following elements:

i. 11.34% of the salary up to the basic exemption established for the year in question by the Québec Pension Plan Act;

ii. 9.54% of that portion of the salary between the basic exemption and the maximum pensionable earnings;

iii. 11.34% of that part of the salary above the maximum pensionable earnings.

3.3 Equalizing contributions

The employer must cover any actuarial deficit of the retirement fund through one or more contributions in ways which he shall determine, in accordance with the

provisions then in force of the Hydro-Québec Act and the Supplemental Pension Plans Act.

ARTICLE 4

CALCULATION OF PENSION

4.1 The annual pension is the total of the following amounts:

(a) 2% of the average salary multiplied by the number of contribution years before January 1, 1966;

(b) 2.25% of the average salary multiplied by the number of contribution years after December 31, 1965.

4.2 The annual pension, calculated in accordance with 4.1 above and augmented if applicable by pensions due the pensioner from supplementary plans and under 5.2 d, and Articles 15 and 16, shall not, prior to the application of indexation provided for in Article 11 below, exceed 80% of the average salary.

However, in calculating this maximum, any pension purchased by the employee through supplementary or voluntary contributions to a supplementary plan, or any option exercised by the beneficiary regarding means of payment, shall not be taken into account.

4.3 Beginning with the minimum age at which a retirement pension may be paid under the Québec Pension Plan Act, the annual pension provided for in 4.1 and 4.2 shall be reduced by an amount equal to 0.7% of the average salary, up to the average of the maximum pensionable earnings established for each of the five years preceding retirement, multiplied by the number of contribution years after December 31, 1965.

The reduction, however, cannot exceed 25% of the average salary.

ARTICLE 5

RETIREMENT

5.1 Mandatory retirement

(a) The date for mandatory retirement shall be the first day of the month following the 65th birthday. The employee must retire on that date.

(b) The employee will receive a retirement pension as determined under Article 4, provided he has at least 10 credited years.

However, any employee who has participated in a supplementary plan under which he was entitled to a pension without regard to the number of his certified years, must retire on the mandatory retirement date, and will be paid a pension.

5.2 Voluntary retirement

(a) Any employee who has 15 credited years may retire on the first day of any month following his 60th birthday. However, a female employee working on December 31, 1979 may retire on the first day of any month following her 60th birthday once she has 10 credited years.

(b) The employee is then entitled to a pension in accordance with the provisions of 4.1 and 4.2.

(c) The reduction provided for in 4.3 shall apply as soon as the pensioner receives a retirement or disability pension under the Québec Pension Plan Act, but at the latest beginning with the minimum age at which a retirement pension is payable under the said Act.

(d) If the retirement date of an employee taking advantage of this Article is prior to the normal retirement date of a supplementary plan in which he is participating, he is then entitled, under the circumstances noted below, to a pension supplement as of the date of his voluntary retirement:

i. if the employee takes early retirement under a supplementary plan, the amount of the pension supplement is equal to the reduction in the pension accrued under the supplementary plan, and is paid for the entire period of the reduction;

ii. if the employee does not have the right to early retirement under a supplementary plan, the amount of the pension supplement is equal to the amount of the pension accrued under the supplementary plan, and is paid until the latter becomes payable.

5.3 Early retirement at the request of the employer

(a) The employer may retire an employee under the following conditions:

i. the employee has at least 10 credited years, and
ii. in the opinion of the employer, the retirement is based on:

1. the requirements of sound administration, or
2. a physical or mental disability that makes it impossible for the employee to work for the employer.

In such event, the employee must retire on the date set by the employer.

(b) The employee is then entitled to a pension in accordance with the provisions of 4.1 and 4.2.

(c) The reduction provided for in 4.3 will apply as soon as the pensioner receives a retirement or disability pension under the Québec Pension Plan Act, but at the latest as of the minimum age at which a retirement pension is payable under the said Act.

5.4 Early retirement at the request of the employee

(a) As soon as he has 15 credited years, any employee may retire on the first day of any month following his 55th birthday.

(b) The employee is then entitled to a retirement pension as determined under 4.1 and 4.2, but reduced by 0.25% for each month prior to the date on which he would be entitled to voluntary retirement.

(c) The reduction provided for in 4.3 will apply as soon as the pensioner receives a retirement or disability pension under the Québec Pension Plan Act, but at the latest as of the minimum age at which a retirement pension is payable under the said Act.

(d) An employee who is discharged cannot take advantage of the provisions of this Article.

**ARTICLE 6
DEATH BENEFITS**

6.1 If an employee with 10 credited years dies after December 31, 1979, his spouse is paid, until death, half of the accrued pension as of the date of the employee's death, as determined by the provisions of 4.1 and 4.2.

The reduction provided for in 4.3 will apply as soon as the spouse receives a pension under the Québec Pension Plan Act.

6.2 On the death of a pensioner who is receiving a pension on January 1, 1980, the spouse is paid, until death, half the pension calculated under the provisions of the previous plan and before the application of Articles 38 and following of the said plan, and revised according to the provisions of Article 11.

If the retirement pension drawn up according to the above first paragraph has not been reduced under Article 7 of the previous plan, this reduction will apply as soon as the spouse receives a pension under the Québec Pension Plan Act.

6.3 On the death of a pensioner who begins to receive a pension after January 1, 1980, the spouse is paid, until death, half the pension as determined under the provisions of 4.1, 4.2 and 5.2 d and revised according to the provisions of Article 11.

If the retirement pension established under the above first paragraph has not been reduced in keeping with 4.3, the reduction will apply as soon as the spouse receives a pension under the Québec Pension Plan Act.

6.4 If the employee or pensioner dies without a spouse after December 31, 1979, or if the surviving spouse dies after this date, the half pension provided for under 6.2 and 6.3 is paid to the children.

6.5 On termination of the pension or half pension provided for under the plan and the previous plan, or if no pension is payable, any excess of the contributions paid by the employee plus interest to the said plans over the amount of pensions or half pensions already paid out, is then payable to the estate. For the purposes of this paragraph, benefits paid out under Articles 38 and following of the previous plan, and of Part II of this plan, are not taken into account.

6.6 For the purposes of this Article, the premiums and pensions paid out under Article 16 are not taken into account.

**ARTICLE 7
BENEFITS IN THE EVENT OF
TERMINATION OF SERVICE**

7.1 An employee who leaves his employer or who ceases to participate in the plan between the age of 45 and the date of mandatory retirement is not entitled to a refund of the contributions paid after January 1, 1966:

(a) if he has a period of continuous service of 10 years, or

(b) if he has been participating in the plan or the previous plan for 10 years.

In this event, the employee will receive a deferred pension payable on the date and under the conditions of the mandatory retirement pension, but of which the amount will be equal to the pension accrued on the date of termination of service, taking into account the contribution years after December 31, 1965, and calculated in accordance with Article 4. But in the case of a female employee working on December 31, 1979, that part of the deferred pension deriving from the contribution years between January 1, 1966 and January 1, 1980 will be adjusted in accordance with the actuarial equivalence so that it will be payable on the date and under the conditions of mandatory retirement pensions. However, this pension must be at least equal to the pension based on the contributions of the employee to the plan or the previous plan after January 1, 1966.

Added to this pension will be the refund of the employee contributions paid before January 1, 1966 under the Hydro-Québec retirement plan then in effect, plus interest.

7.2 In the case of termination of service, an employee not meeting the conditions under 7.1 receives a lump sum payment equal to the amount of his contributions to the Hydro-Québec Retirement Fund, plus interest, up to the date of his termination of service.

7.3 The provisions regarding voluntary retirement and early retirement do not apply to deferred pensions.

7.4 The provisions regarding half pensions apply to deferred pensions only when the member dies after the date of mandatory retirement.

7.5 If a member who is eligible for deferred pension dies before the mandatory retirement date, the contributions he has paid after January 1, 1966, plus interest, are refunded to his estate in a lump sum payment.

7.6 When a refund of contributions is made under the plan, the beneficiary may authorize Hydro-Québec in writing to transfer to any other registered plan and to be credited to him, any or all amounts owed him by the retirement fund.

ARTICLE 8

CALCULATION OF INTEREST

8.1 Interest is calculated as though all employee contributions made during the year had been paid in a single payment at the end of the year.

8.2 No interest shall be credited after the retirement date or after the death of the member.

8.3 All employee contributions credited to a member on January 1, 1966 will bear interest only as from this date.

8.4 Employee contributions paid after January 1, 1966, and credited to a member entitled to a deferred pension, will bear interest under the conditions in 8.1 and 8.2 above.

ARTICLE 9

RETURN TO WORK

9.1 An employee who has begun to receive benefits under his employer's long-term disability plan after January 6, 1982, and who returns to work before the date of mandatory retirement, may have all or part of the period of absence counted as a contribution year, provided he pays the employee contributions, plus interest, in accordance with the following conditions:

(a) The contributions are calculated on the basis of the salary rate, expressed as an annual amount, received on the date of return to work, on the maximum pensionable earnings for the year of the return to work, and on the rate of contributions to the plan in effect during the period of temporary absence.

(b) The employee can exercise his option and select his method of reimbursement in accordance with the provisions of 10.3.

9.2 If an employee has part of his period of temporary absence counted as a contribution year, the contribution years thus credited are presumed to be those closest to his return to work.

9.3 An employee on temporary absence as the result of his election to the Assemblée nationale du Québec or the House of Commons, who returns to work before the date of his mandatory retirement, can have all or part of his years as a deputy counted as contribution years, provided he pays the employee contributions, plus interest, in accordance with 9.1 *a* and *b* and 9.2. This provision does not apply if for this period of absence the employee is eligible for a pension under a retirement plan for deputies of the Assemblée nationale du Québec or of the House of Commons.

ARTICLE 10

RE-EMPLOYMENT

10.1 An employee who received a refund for contributions under Article 7 above, or under Article 18 of the previous plan may, if he is re-employed, have the contribution years before the termination of service counted, on condition of returning the amount refunded, plus interest for the period between the date of the refund and the date he exercised his option to repurchase, according to the conditions of 10.3.

10.2 Any person who is eligible for a deferred pension or who receives a retirement pension under the plan or the previous plan loses his rights to this deferred pension, or will no longer be paid a retirement pension if he is rehired as an employee before the age of 65. However, he will retain all contribution years prior to the date of his termination of service or of his retirement for which he has not received a refund of contributions under 7.1.

10.3 An employee may exercise the option provided for under 9.1 and 10.1 only once, and must choose the method of refund within 60 days of January 6, 1982, and afterwards within 60 days of his return to work or of his re-employment. Refund may be made:

(a) in a lump sum payment within 30 days of the exercise of the option;

(b) by means of withholdings from his salary each pay period, the amount of which, plus interest, to be established by Hydro-Québec, with the total refund not to exceed five contribution years from the date of the exercise of the option, nor to continue after the date of retirement.

10.4 Any employee who had to take early retirement under the provisions of 5.3 *a ii 2* and who before

reaching his 60th birthday is capable of carrying out functions equivalent to those he held before his retirement, may be rehired by the employer. If he refuses the position offered him, the pension he receives will be replaced by a deferred pension in accordance with the provisions of Article 7, even if he has not met all the conditions laid down in 7.1.

ARTICLE 11 INDEXATION

11.1 Beginning January 1, 1980, and on January 1st of each year thereafter, the amount of the pensions or half pensions paid under the plan, the previous plan and under the supplementary plans will be revised in accordance with the pension index in the following manner:

(a) The amount of the pension or half pension expressed in annual figures and paid on December 31 of the preceding year is multiplied by the pension index for the said year. Any pension or half pension, with the exception of the half pension paid to the spouse of a deceased pensioner, on which payment has begun during the year, is revised on the following January 1st and pro-rated according to the number of months that have elapsed since payment of the pension or half pension began;

(b) For 1980 and subsequent years, the pension index cannot exceed 102%;

(c) If the method for calculating the consumer price index for any year is changed, Hydro-Québec will determine the method of calculating the pension index for the said year.

11.2 Pensions paid under a supplementary plan are indexed according to this Article only when the adjustment provided for in the plan is above that of the supplementary plans, and in this event the indexation is based only on the difference between those rates of adjustment.

11.3 Indexation of deferred pensions applies only as of January 1st of the year following the date they are paid.

ARTICLE 12 ADMINISTRATION OF THE PLAN

12.1 Administration of the plan is entrusted to the committee; however, Hydro-Québec as trustee is responsible for management of the retirement fund.

12.2 The Hydro-Québec Retirement Fund

(a) The retirement fund consists of:

i. funds from the previous plan, employer and employee contributions, as well as income derived from them;

ii. funds paid as a result of an agreement to participate in the plan provided for in Article 21.

(b) The Hydro-Québec Retirement Fund can receive any money transferred from a registered plan in discharge of obligations deriving from the application of Articles 9, 10 and 16.

(c) All expenses related to the administration of the plan and the management of the fund are to be borne by the employer.

(d) Retirement pensions granted by the Montreal Light, Heat and Power Consolidated before April 15, 1944 and by Hydro-Québec after this date, under the pensions By-law No. 17 of the Montreal Light, Heat and Power Consolidated are paid from the retirement fund.

(e) Payment of pensions and benefits are debited from the retirement fund.

12.3 Accounting

Separate accounts will be kept for the premiums and contributions resulting from the application of Part II of the plan and of Articles 38 and following of the previous plan, and for the income deriving from them, as well as for related benefits and indexation of said benefits.

12.4 Management of the retirement fund

Subject to the provisions of the Supplemental Pension Plans Act, which apply at all times, Hydro-Québec has the necessary powers to manage the retirement fund, specifically:

(a) to keep a precise and accurate accounting of the assets and liabilities of the fund, its income and expenditures, and to have them audited once a year by persons appointed by the Gouvernement du Québec to audit the accounts of Hydro-Québec, under Chapter H-5 of the Revised Statutes of Québec;

(b) to determine the nature and extent of investments to be made and to ensure that they are done in accordance with applicable laws.

12.5 Obligations of the employer

The employer must:

(a) allow a member or a pension beneficiary who so requests, or their agents, to consult at the principal place of business of the employer and during normal office hours, within 30 days following receipt of such

request, the documents prescribed by the Supplemental Pension Plans Act and by the by-laws adopted under the said Act, or to furnish copies of these documents.

The request, which cannot be made more than once in any period of 12 consecutive months, must be made in writing and list the documents which the member, the beneficiary or their agents wish to consult;

(b) provide every employee within 90 days of his joining the plan with a copy of the relevant provisions of the plan and its amendments, as well as a description of the rights and obligations of the member. If any change is made in the plan, the employer must furnish every employee or pensioner with such documents within 90 days of the approval of the change by the Régie des rentes du Québec;

(c) furnish the employee, the beneficiary or their agents or assigns, in the form and at the times and within the time periods prescribed by the Supplemental Pension Plans Act and by the by-laws adopted under the said Act, with a statement including the information prescribed at all times by the said Act and by-laws.

12.6 Obligations of Hydro-Québec

Hydro-Québec must:

(a) have all the commitments of the plan evaluated by the actuary at least once every three years;

(b) provide the committee with all information the latter deems necessary for the sound administration of the plan, especially the annual financial reports and a copy of the actuarial evaluation report sent to the Régie des rentes du Québec.

12.7 Hydro-Québec Retirement Committee

(a) The committee is made up of 11 members of which six are appointed by Hydro-Québec and five are elected by the employees and pensioners, that is, three from the unionized employees, one from the non-unionized employees, and one from the pensioners.

(b) the elected members are chosen from among the employees who are not on temporary absence without pay at the time the candidacies are proposed, and from the pensioners; they are elected in accordance with a procedure set up by the committee.

(c) The committee elects its chairman from among the members appointed by Hydro-Québec. The committee will appoint a secretary who may be chosen from outside the committee.

(d) Representatives of employees on the retirement committee of the previous plan who are in office on January 6, 1982 will remain in office until they have been replaced by members elected in accordance with

this Article, which election must take place within nine months of this date.

(e) The chairman presides at the meetings, ensures the execution of the decisions of the committee, and signs documents requiring his signature.

(f) The secretary keeps the minutes of the meetings and enters them in the record book. He is responsible for keeping records and books as required by the committee.

(g) A quorum at meetings of the committee shall consist of five members and all decisions will be taken by a majority of members present. In case of an equal vote, the chairman shall have the deciding vote.

(h) Representatives of members and pensioners on the committee are elected for a term of three years and take office at the time of their election.

(i) Representatives of Hydro-Québec on the committee will serve until the appointment of their successors.

(j) In the event of a vacancy or the end of the term of a committee member, the members still serving, if they make up a quorum, may alone exercise the powers and rights of the committee until the appointment or election of a replacement.

12.8 Functions of the committee

The functions of the committee are:

(a) to ensure application of the provisions of the plan;

(b) to decide on the interpretation of this By-law in case of doubt;

(c) to authorize payment of benefits by Hydro-Québec;

(d) to draw up internal rules in those areas falling within its jurisdiction;

(e) to hold meetings at least once a month;

(f) to prepare an annual report on its activities for Hydro-Québec;

(g) to transmit to Hydro-Québec its recommendations for improving administration of the plan or for increasing its efficiency.

12.9 Vacancy

(a) A person ceases to be a member of the committee through one of the following eventualities:

- i. death;
- ii. termination of service;

iii. absence from more than six meetings of the committee in the course of one year;

iv. resignation, or in the case of a representative of Hydro-Québec, revocation of his mandate.

(b) Any member may resign by giving the committee prior written notice of 30 days.

12.10 Replacement

A vacancy on the committee will be filled as follows:

(a) in the case of a representative of Hydro-Québec, a replacement will be appointed by Hydro-Québec within 60 days of the date of the vacancy;

(b) in the case of a representative of unionized employees, non-unionized employees or pensioners, the replacement shall be, depending on the vacancy, the defeated unionized employee, non-unionized employee or pensioner who received the highest number of votes at the most recent election held by the group concerned, and he will serve to the end of the term of the person whom he replaces.

PART II COMPLEMENTARY PROVISIONS

ARTICLE 13 DEFINITIONS

Unless the context requires a different meaning, the following shall mean:

13.1 "earned pension": one or the other of the following amounts:

(a) the amount of pension payable under the supplementary plans, assuming that it is paid to the beneficiary as soon as he has become eligible for it;

(b) the amount of pension calculated according to the provisions of 4.1, 4.2 and 5.2 d.

13.2 "credited pension": the total of the earned pensions.

ARTICLE 14 CONTRIBUTIONS

Subject to paragraph 16.4 d, the employer is solely responsible for contributions required for the entire capitalization and for the indexation of benefits provided for in this Part, and under Articles 38 and following of the previous plan.

ARTICLE 15 GUARANTEED PENSION FORMULA

15.1 Eligibility

The following are deemed to be eligible under the guaranteed pension formula, with the exception of beneficiaries of pensions or half pensions derived from deferred pensions:

(a) the employee who was employed by a subsidiary before January 1, 1966 and who retires under the plan after January 1, 1980;

(b) the employee who on January 1, 1966 exercised the option to continue membership in a supplementary plan, and who retires after January 1, 1980;

(c) the spouse of any pensioner referred to in a or b deceased after January 1, 1980;

(d) the spouse of any employee who was employed by a subsidiary before January 1, 1966, who was still employed at the time of death after January 1, 1980, and who has at least 10 credited years at the time of death.

15.2 Method of calculation

The guaranteed pension formula is designed to ensure:

(a) the eligible employee, at the time of retirement, a pension equal to at least 1.66% of the average salary multiplied by the total number of years, calculated in days, of continuous service with Hydro-Québec or a subsidiary from the date of entry upon service recognized by Hydro-Québec for the purposes of the plan.

If the total number of contribution years is less than five, the average salary for the purposes of this Article is calculated according to 1.26, reckoning the certified years as contribution years, and the base salary received during these years as salary for the purposes of this Article.

If the credited pension is less than the amount calculated as above, the pensioner receives the difference.

(b) the eligible spouse, on the death of an employee or a pensioner, a pension equal to the greater of the following amounts:

i. 50% of the amount referred to in the first paragraph of a above;

ii. 50% of the credited pension.

If the pension payable to the eligible spouse under supplementary plans and under the plan before application of this Part is less than the greater of the two

above amounts, the eligible spouse receives the difference.

15.3 Methods of implementation

(a) If an eligible employee with service with Southern Canada Power Company, Limited receives a separation allowance on his retirement, the guaranteed pension formula will apply only from the end of the number of weeks that served as the basis for calculating the allowance.

If the allowance is less than the amount determined according to the third paragraph of 15.2 a, the guaranteed pension formula will not apply during the number of years resulting from the division of A by B below:

A - representing the amount of the separation allowance;

B - representing the annual amount of the supplement resulting from the application of the guaranteed pension formula.

If an eligible employee dies before the expiration of the number of weeks which are the basis for calculating the allowance or the number of years which are the result of dividing A by B above, whichever applies, the guaranteed pension formula will apply to the eligible spouse only at the end of the period already established above for the eligible employee.

(b) The method provided for in the first and second paragraphs of a above apply to the eligible spouse who receives a separation allowance following the death of an eligible employee with service with Southern Canada Power Company, Limited, but using as the basis for calculation the amount arrived at in the second paragraph of 15.2 b.

(c) If the pension of an eligible spouse under the supplementary plans and under the plan before the application of this Part is greater than the amount according to the first paragraph of 15.2 b only for a specified period, the guaranteed pension formula will apply at the end of this period.

When the second paragraph 15.2 b applies, the pension under this paragraph is recalculated when the pension under the supplementary plans terminates.

(d) If the eligible spouse elects to receive the pension provided for under the supplementary plans in a lump sum, it will be considered that the spouse has received the pension for the period provided for in the supplementary plan, and the guaranteed pension formula will apply in accordance with c above.

(e) If a refund of contributions is payable to an eligible spouse under the supplementary plans, the

guaranteed pension formula will not apply during the years resulting from the division of A by B below:

A — representing the total amount of refund of contributions;

B — representing the annual amount of supplement deriving from application of the guaranteed pension formula.

(f) In applying 15.2 b, any amount payable on the death of an eligible employee under the supplementary plans is deemed to be paid to the eligible spouse.

(g) The guaranteed pension formula applicable to the spouse mentioned in 15.1 d is calculated according to 15.2 b, taking into account the date of employment and the date of the death of the employee.

15.4 Pensioners on January 1, 1980

(a) On the death of a pensioner receiving a pension on January 1, 1980, the spouse will receive, until death, half the pension payable to the pensioner under the supplementary plans and under Articles 38 and following of the previous plan, less the amount of the half pension paid under the supplementary plans.

(b) The pension under a above is subject to the following conditions:

i. If a pensioner who has received a separation allowance from Southern Canada Power Company, Limited, dies before the end of the number of years postponing the pension supplement calculated on the guaranteed pension formula of the previous plan, half of the supplement will be payable to the spouse only at the end of the period referred to above.

ii. If a pensioner with a pension guarantee for a specific number of years under the supplementary plans dies before the end of this period, the spouse will be paid any positive difference between half of the total of the following amounts:

(1) the supplement of the guaranteed pension formula of the previous plan;

(2) the pension payable under the supplementary plans when the said plan makes no provision for payment of a half pension

and the pension payable under the supplementary plans, up to the end of the said period. At the end of the period, the spouse will be paid, until death, a pension calculated according to a above.

iii. If a spouse elects to take the pension provided for under the supplementary plans in a lump sum, it will be considered that the spouse has received the said pension, and the spouse will be paid any positive difference between half of the total of the following amounts:

(1) the supplement under the guaranteed pension formula of the previous plan;

(2) the pension payable under the supplementary plans when the said plan makes no provision for payment of a half pension

and the pension payable under the supplementary plans, up to the end of the period provided for in the supplementary plan. At the end of this period, the spouse will be paid, until death, a pension calculated according to *a* above.

iv. If a pensioner who has received a refund of contributions dies before the end of the number of years postponing the pension supplement calculated on the guaranteed pension formula of the previous plan, the half of this amount will be paid to the spouse only at the end of the period mentioned above.

v. In implementing this Article, any amount payable on the death of the pensioner under the supplementary plans is deemed to have been paid to the spouse.

ARTICLE 16

PENSION-CREDIT PURCHASE FORMULA

16.1 Definition

For the purposes of this Article, the words "years of service" mean: a period of continuous service, calculated in days, performed by the employee at a subsidiary from the date of entry upon service recognized by Hydro-Québec for the purposes of the plan.

16.2 Eligibility

(a) An employee as of January 1, 1979, may take advantage of the pension-credit purchase formula if he was in the service of a subsidiary before January 1, 1966. The eligible employee may exercise this option only once, by informing Hydro-Québec within six months of January 6, 1982, even if the employee is retired on that date.

(b) A beneficiary who on January 6, 1982 was receiving a half pension as a consequence of the death of a pensioner referred to in *a* above, or of the death of an eligible employee under the pension-credit purchase formula, may also take advantage of the formula if the death occurred when the employee was entitled to early retirement under 5.4, or to voluntary retirement under 5.2.

16.3 Method of calculation

The pension-credit purchase formula allows the acquisition of a pension credit based on the number of

years of service before January 1, 1966. For each of these years, the pension credit may, at the option of the eligible person, reach a maximum of 0.34% of the salary rate on January 1, 1979, expressed as an annual amount.

16.4 Method of implementation

(a) The pension credit is payable to the employee from the date of mandatory retirement. However, if the employee retires before the date of mandatory retirement, he has a choice between the following options:

i. a deferred pension paid on the date of mandatory retirement, the amount being proportional to the amount of capital he will have paid as of the date of his retirement to discharge his part of the single premium he must assume under this Article;

ii. a pension paid on the date of his retirement, the amount being equal to the purchased pension credit, but reduced during its duration by 0.5% a month for each month between the date of his retirement and the date of mandatory retirement; the purchased pension credit is proportional to the amount of capital he will have paid as of the date of his retirement in discharge of the part of the single premium he must assume under this Article.

(b) The single premium required to discharge the pension credit is determined according to the rates on the table below:

Exact age of employee on January 1, 1979*	Rate per 1\$ of annual pension	
	Male employee	Female employee
65	10 893 \$	11 140 \$
64	9 982	10 265
63	9 162	9 468
62	8 422	8 741
61	7 750	8 076
60	7 140	7 468
59	6 584	6 910
58	6 077	6 399
57	5 613	5 926
56	5 189	5 489
55	4 800	5 085
54	4 443	4 711
53	4 116	4 367
52	3 812	4 050
51	3 532	3 757
50	3 273	3 487
49	3 034	3 237
48	2 813	3 006
47	2 609	2 792
46	2 421	2 594

Exact age of employee on January 1, 1979*	Rate per 1 \$ of annual pension	
	Male employee	Female employee
45	2 247 \$	2 410 \$
44	2 086	2 239
43	1 938	2 081
42	1 800	1 934
41	1 672	1 797
40	1 554	1 670
39	1 444	1 553
38	1 342	1 444
37	1 247	1 342
36	1 159	1 248
35	1 078	1 160
34	1 002	1 078
33	0 931	1 003
32	0 866	0 932
31	0 805	0 867
30	0 748	0 806

* The rate is pro-rated for the intermediate ages.

(c) The part of the employer in payment of the single premium is set as follows:

i. in the case of an eligible person who buys more than 50% of the maximum pension credit, the employer pays 75% of the cost relating to the first half of the maximum pension credit provided for in 16.3, and 25% of the cost relating to the pension credit purchased above this half;

ii. in the case of an eligible employee who buys 50% or less of the maximum pension credit, the employer pays 75% of the cost of the purchased pension credit.

(d) The part of the premium borne by the eligible person is paid as follows:

i. either in a single payment within 30 days of the exercise of the option. This method is the only one applicable if it involves an employee who has retired before January 6, 1982 or a beneficiary eligible for a half pension; but in these cases, the payment must be made within the 12 months from the date of exercising the option;

ii. or in installments, by means of withholdings from the salary at each pay period, of which the amounts, with interest compounded annually at 7½%, is set by Hydro-Québec; the maximum period for full reimbursement of the premium is 120 months from the date of exercising the option, with payments in no case allowed after the date of retirement.

iii. If for any reason, payments cannot be made by salary withholdings, the eligible employee may choose:

(1) either to pay off the balance of his part of the single premium in one payment within 30 days of the last withholding;

(2) or to continue payments in accordance with conditions set by Hydro-Québec.

If an eligible employee fails to meet a payment within 30 days of the due date, the employee is entitled to a deferred pension calculated according to *h* below. However, such eligible employee on his retirement can take advantage of the option provided for in 16.4 *a ii*.

(e) If an eligible employee who has exercised the option provided for in 16.2 dies before the date of his retirement, his estate is entitled to a refund of the part of the single premium he has paid, plus interest. However, if the death occurs when the eligible employee is entitled to early retirement provided for in 5.4, or to voluntary retirement under 5.2, the employee will be deemed to have retired on the date of his death, and to have availed himself of the provisions of 16.4 *a ii*.

(f) On the death of a pensioner, the spouse receives, until death, half of the pension paid to the pensioner on his death under this Article.

(g) Upon termination of the pensions provided for in *f*, or if no half pension is due, any excess of the part of the single premium paid by the eligible person, plus interest, over the amount of pension or half pension paid, is payable to the estate.

(h) An eligible employee who leaves his employer or who ceases to participate in the plan between the age of 45 and the date of mandatory retirement, cannot withdraw that part of the single premium he has paid:

i. if he has a period of continuous service of 10 years, or

ii. if he has been participating in the plan or in the previous plan for 10 years

In this case, the employee receives a deferred pension payable on the date of his mandatory retirement, the amount being proportional to the amount of capital he has paid as of the date of his termination of service in discharging his part of the single premium required to purchase pension credit.

(i) In the case of termination of service, an employee not meeting the conditions provided for in *h* receives a lump sum payment equal to the part of the single premium he has paid, plus interest.

(j) If a member entitled to a deferred pension under this Article dies before the date of mandatory retirement, the part of the single premium he has paid, plus interest, is refunded to his estate in a single lump sum payment.

(k) When a member who receives a deferred pension under this Article dies after the date of mandatory retirement, the spouse receives a half pension in accordance with the provisions of f.

ARTICLE 17 MINIMUM PENSION

17.1 Eligibility

The following are eligible for increases under implementation of the minimum pension, excluding those beneficiaries who receive pensions or half pensions based on deferred pensions:

(a) the beneficiary on December 31, 1979 of a pension or half pension under the previous plan or the supplementary plans;

(b) the pensioner who begins receiving his pension after December 31, 1979;

(c) the spouse of a pensioner referred to in b who dies after December 31, 1979;

(d) the spouse of an employee who dies after December 31, 1979, and who has at least 10 credited years at the time of death.

17.2 Method of calculation

The total pension paid to an eligible pensioner or the half pension paid to the eligible spouse under the plan, the previous plan and the supplementary plans, is increased, as necessary, in order to ensure a minimum annual pension of 2 200 \$.

17.3 Method of implementation

(a) If the total pension of an eligible person under 17.1 is above the amount of a minimum pension for only a given period of time, the minimum pension will be paid at the end of this period of time.

(b) The amount of the supplement is calculated on the assumption that the pension received by the employee under the supplementary plans is paid as soon as he becomes eligible.

(c) In reckoning the minimum pension for the eligible spouse, any amount payable under the supplementary plans is deemed to have been paid to the eligible spouse.

ARTICLE 18 SPECIFIC PROVISIONS

18.1 In calculating the earned pension and the credited pension, as well as in calculating the

supplements established under the guaranteed pension formula, and the minimum pension, no account shall be taken of the following:

(a) the amounts the pensioner receives under the Old Age Security Act and the Québec Pension Plan Act;

(b) pensions purchased through additional or voluntary contributions of the employee under a supplementary plan;

(c) pension derived from the application of the pension-credit purchase formula under Article 16;

(d) any option exercised by the beneficiary with respect to payment methods;

(e) amounts resulting from the application of Article 11.

18.2 If the employee or pensioner dies without a spouse after December 31, 1979, or if the surviving spouse dies after this date, the half pension provided for in this Part is paid to the children.

18.3 Upon the death of a pensioner who receives a pension under supplementary plans, Articles 38 and following of the previous plan, or this Part, there shall be added to the half pension of the spouse half of the amount of the indexation to these pensions to which the pensioner is entitled at the time of death.

PART III MISCELLANEOUS PROVISIONS

ARTICLE 19 PAYMENT OF BENEFITS

19.1 Retirement pension is payable as of the date of retirement. Half pensions are payable from the first day of the month following the death of the employee, the pensioner or the spouse.

19.2 Retirement pension is payable by cheque, at the end of each month. It is paid until the first day of the month following the death of the pensioner, with the estate being entitled to the balance of the monthly payment due.

19.3 The half pension of the spouse is paid in the same manner as described in 19.2. It is paid until the first day of the month following the death of the spouse, the estate being entitled to the balance of the monthly payment due.

19.4 On the death of the surviving spouse, the half pension is divided equally among each of the children and is paid as described in 19.2. It is paid until the first

day of the month following the date on which the last of the children is entitled to it.

19.5 The provisions of 19.2 notwithstanding, Hydro-Québec can decide on different methods of payment.

19.6 On retirement, a member is entitled to a pension as provided by the plan, and not to a refund of contributions.

19.7 No pension credit, benefit or refund resulting from this plan shall be capable of assignment or alienation.

19.8 Before receiving any pension or benefit under the plan, the member or the beneficiary must supply proof of age and any other information the committee may deem necessary.

ARTICLE 20 **TRANSFERABILITY**

Hydro-Québec can conclude with the Gouvernement du Québec an agreement aimed at promoting mutual transfers of their employees, and determine the conditions of these transfers for the purpose of retirement.

ARTICLE 21 **AGREEMENT TO PARTICIPATE IN THE PLAN**

21.1 The plan applies also to companies of which Hydro-Québec holds at least 90% of the shares, and with which it has concluded an agreement for participating in the plan, from the date agreed to between Hydro-Québec and the company.

21.2 The participation agreement may provide for turning over to the Hydro-Québec Retirement Fund the money accumulated under the retirement plans of a subsidiary, and for payment by the Hydro-Québec Retirement Fund of pensions already granted by these plans.

ARTICLE 22 **RETENTION OF ACQUIRED RIGHTS**

The present By-law does not in any way modify the rights of persons who receive pensions or half pensions on the date of entry into force of the plan, nor of any persons who before this date acquired rights to deferred pensions as a result of their termination of service.

ARTICLE 23 **SPECIAL PROVISIONS**

23.1 This By-law replaces for all legal purposes Hydro-Québec By-law No. 83, as amended.

23.2 The undertakings contracted by present employees for the repurchase of their years of service before April 15, 1944, under Hydro-Québec By-law No. 12 as adopted in 1946, remain in force until full payment of the arrears, regardless of any amendments to the said By-law.

23.3 With the exception of Article 16, the provisions of the plan regarding employees who were in the service of a subsidiary apply to any person who became an employee after January 1, 1966 as a result of Hydro-Québec's acquisition of any installation for the production or distribution of electricity, in accordance with the conditions set up in the plan.

23.4 Any pension plan in which an employee referred to in 23.3 was participating while he was employed by a firm or a body of which Hydro-Québec acquired all or part of the installations for the production or distribution of electricity, is a supplementary plan for the purposes of the plan.

23.5 If an employee referred to in 23.3 is entitled to a deferred pension under an individual pension contract issued as the result of a partial termination of a supplementary plan in which he was participating, in accordance with the provisions of the Supplemental Pension Plans Act, the said pension is deemed to be a pension under the supplementary plan.

23.6 If an employee referred to in 23.3 receives before retirement a refund of contributions to a supplementary plan in which he was participating, the corresponding certified years are considered to have been cancelled.

The guaranteed pension formula does not apply during the number of years obtained by dividing A by B below:

A — representing the total amount of refund of contributions;

B — representing the annual supplement resulting from the application of the guaranteed pension formula.

If the eligible employee dies before the end of the number of years obtained by dividing A by B above, the guaranteed pension formula applies to the eligible spouse only at the end of this period.

23.7 In applying the guaranteed pension formula to employees referred to in 23.3, the date of January 1, 1966 wherever it appears in Article 15 is replaced by the date on which the employee is entered on the Hydro-Québec payroll.

23.8 All payments made under the plan are made in Canadian funds.

ARTICLE 24 **ENTRY INTO FORCE**

24.1 This By-law comes into force on January 6, 1982, but takes effect from January 1, 1980.

24.2 The Hydro-Québec Retirement Committee established under the previous plan will act as committee for the plan until a new committee is established in accordance with Article 12.

24.3 This By-law replaces Hydro-Québec By-laws Nos. 83, 106, 119, 123, 258, 259, 260 and 265.

1303-o

O.C. 77-82, 13 January 1982

Civil Code of Québec
(1980, c. 39)

Stamp Act
(R.S.Q., c. T-10)

Courts of Justice Act
(R.S.Q., c. T-16)

**Tariff of court costs in civil matters
and of court office fees**

CONCERNING the Tariff of court costs in civil matters
and of court office fees.

WHEREAS under section 224 of the Courts of Justice Act (R.S.Q., c. T-16), the Lieutenant-Governor may by order in council impose such tax or duty as he sees fit on any proceedings or upon insinuations or registrations in the offices of the courts;

WHEREAS under Article 420 of the Civil Code of Québec, enacted by section 1 of An Act to establish a new Civil Code and to reform family law (1980, c. 39) the Government may, by order, impose a duty on the intended spouses for the solemnization of civil marriage;

WHEREAS under section 32 of the Stamp Act (R.S.Q., c. T-10) the Lieutenant-Governor may, by order in council, provide the use of stamps for any money payments therein designated;

WHEREAS under section 32 of the Stamp Act the Lieutenant-Governor must give at least one month's notice in the *Gazette officielle du Québec* of any money payments by stamp;

WHEREAS it is advisable to replace:

— the Tariff of fees for the Courts having jurisdiction in civil matters, made by Order in Council 2656 dated 28 July 1971;

— the Tariff of court fees in divorce matters, made by Order in Council 4370-76 dated 22 December 1976;

— Order in Council 1023-81 dated 30 March 1981 concerning fees payable for the solemnization of civil marriage;

WHEREAS it is advisable to make the Tariff of court costs in civil matters and of court office fees, attached hereto;

IT IS ORDERED, upon the recommendation of the Minister of Justice:

THAT the following be revoked:

— the Tariff of fees for the Courts having jurisdiction in civil matters, made by Order in Council 2656 dated 28 July 1971;

— the Tariff of court fees in divorce matters, made by Order in Council 4370-76 dated 22 December 1976;

— Order in Council 1023-81 dated 30 March 1981 concerning fees payable for the solemnization of civil marriage;

THAT the Tariff of court costs in civil matters and of court office fees, attached hereto, be made and come into force on the thirty-second day following the day of its publication in the *Gazette officielle du Québec*;

THAT a stamp impressed or attached be proof of any money payments due or payable pursuant to the Tariff attached hereto.

LOUIS BERNARD,
Clerk of the Conseil exécutif.

**Tariff of court costs in civil matters
and of court office fees**

Civil Code of Québec
(1980, c. 39, s. 420)

Stamp Act
(R.S.Q., c. T-10, s. 32)

Courts of Justice Act
(R.S.Q., c. T-16, s. 224)

1. Actions are classed as follows:

1. Class I: actions in which the value of the fee at issue is between 0,01 \$ and 999,99 \$;

2. Class II: actions in which the value of the fee at issue is between 1 000 \$ and 9 999,99 \$;

3. Class III: actions in which the value of the fee at issue is between 10 000 \$ and 99 999,99 \$;

4. Class IV: actions in which the value of the fee at issue is 100 000 \$ or more;

5. Class V: actions for separation from bed and board or for divorce.

2. Any actions in which the value of the fee at issue is undetermined are included in Class II.

3. The value of the fee claimed determines the class of the action.

4. This tariff groups proceedings into three stages, and the following costs are payable for those proceedings:

1. Stage I:

Proceedings instituting an action and similar proceedings:

(a) for issuance of a first writ in an action, and for an opposition or an intervention, one of the following amounts, according to the class of the action:

Class I: 20 \$

Class II: 40 \$

Class III: 80 \$

Class IV: 100 \$

(b) for any proceeding instituting an action or any non-contentious matter not specified in this tariff, the following amount:

15 \$, for any class.

(c) for any proceeding instituting an action in class V: 60 \$.

2. Stage II:

Defence and similar proceedings:

(a) for a defence or similar contestation, one of the following amounts, according to the class of the action:

Class I: 10 \$

Class II: 20 \$

Class III: 40 \$

Class IV: 50 \$

(b) for contestation of any introductory proceeding or for any non-contentious matter not specified in this tariff, the following amount:

15 \$, for any class.

(c) for defence or contestation of any proceeding instituting an action in class V:

30 \$.

3. Stage III:

Execution:

one of the following amounts, according to the class of the action:

Class I: 15 \$

Class II: 30 \$

Class III: 60 \$

Class IV: 75 \$

Class V: 45 \$.

The value of the fee which the opposition referred to in item *a* of subparagraph 1 of the first paragraph is intended to protect determines the class. However, where the value of the fee is unspecified, the amount set in the judgment determines the class of the proceeding.

If a writ must be issued following upon a proceeding referred to in item *b* of subparagraph 1 of the first paragraph, the costs provided for in item *a* of subparagraph 1 of that paragraph are payable.

In the cases referred to in subparagraph 3 of the first paragraph, the class is determined according to the value of the obligation whose compulsory performance is required.

Costs are payable only for the first proceeding included in a stage described in this section.

5. For a seizure of immovable property, the following costs are payable:

1. for the performance of the duties of the sheriff, from receipt of the file up to the sale, the following amount:

50 \$, for any class;

2. for the performance of the duties of the prothonotary, from receipt of the file up to the judgment of homologation inclusively, one of the following amounts, according to the class of the action:

Class I: 50 \$

Class II: 75 \$

Class III: 100 \$

Class IV: 125 \$

Class V: 90 \$;

3. for contestation of a scheme of collocation, one of the following amounts, according to the class of the action:

Class I: 10 \$

Class II: 20 \$

Class III: 40 \$

Class IV: 50 \$

Class V: 30 \$;

Payment of the costs provided for in subparagraph 2 of the first paragraph entitles each person concerned to a copy of the judgment of homologation.

The class of the action is determined according to the proceeds of the sale in the case referred to in subparagraph 2 of the first paragraph, and according to the amount assigned to the contestant in the scheme of collocation in the case referred to in subparagraph 3 of that paragraph.

6. For a judgment of distribution, a fee of 1% of the aggregate of the sums levied or deposited is payable.

7. For proceedings related to action in Class IV, on each additional amount of 100 000 \$, the following additional costs are payable:

1. 20 \$ in the cases provided for in item *a* of subparagraph 1 of the first paragraph of section 4 and in the third paragraph of that section;

2. 10 \$ in the cases referred to in item *a* of subparagraph 2 of the first paragraph of section 4 and in subparagraph 3 of the first paragraph of section 5;

3. 15 \$ in the cases referred to in subparagraph 3 of the first paragraph of section 4;

4. 25 \$ in the cases referred to in subparagraph 2 of the first paragraph of section 5.

This section does not apply to actions governed by Book Nine of the Code of Civil Procedure (R.S.Q., c. C-25).

8. For a garnishment claim or a voluntary deposit claim in accordance with Articles 652 to 659 of the Code of Civil Procedure, the cost is 5 \$, which is the only amount payable until the claim is fully paid.

9. Sections 4, 5, 7 and 8 do not apply to proceedings concerning payment of an alimentary pension.

10. Where a sum is deposited, the following costs are payable:

1. if the sum is 10 000 \$ or less, 3% of that sum;

2. if the sum is over 10 000 \$, 3% of the first 10 000 \$ and 0,25% of the amount in excess of 10 000 \$.

This section also applies where a person furnishes security instead of depositing a sum.

However, this section does not apply to sums deposited for a garnishment or for a voluntary deposit, or to the sums referred to in section 6.

11. For a petition for tutorship or curatorship, the following costs are payable:

1. for presentation of the petition: 35 \$;

2. for contestation of the petition: 30 \$.

This section applies to a petition for probate of will.

12. A cost of 35 \$ is payable for homologation of the report of a family council which deliberated on a subject other than the choice of a tutor or a curator.

13. for an appeal, the following costs are payable:

1. for the filing of an inscription in appeal at the office of the Court of first instance, examination and

preparation of the file and transmission of the file to the Court of Appeal, one of the following amounts:

(a) 50 \$, for a final judgment;

(b) 20 \$, for an interlocutory judgment;

2. for appearance before the Court of Appeal, the following amounts:

(a) 60 \$, for the appellant;

(b) 50 \$, for the respondent;

3. for inscription at the Superior Court or the Provincial Court where that Court has an appellate jurisdiction, the following amounts, unless otherwise specified:

(a) 15 \$, for the appellant;

(b) 10 \$, for the respondent.

The costs provided for in subparagraphs 2 and 3 of the first paragraph are the only amounts payable up to taxation on the bill of fees inclusively.

14. The costs provided for in sections 1 to 13 may be paid in a district other than that in which the action or petition was brought or is to be brought.

15. The following court office fees are payable:

1. for registration of a declaration referred to in the Companies and Partnerships Declaration Act (R.S.Q., c. D-1) or other document required to be registered by any other Act: 15 \$;

2. for an extract or condensed extract from the registers of civil status: 5 \$;

3. for a copy of any document not referred to in subparagraph 2: 0,50 \$ a page, except for a copy of a judgment to each of its parties.

Subparagraph 1 of the first paragraph does not apply where the document required to be registered is an order rendered pursuant to sections 10 or 11 of the Divorce Act (R.S.Q., 1970, c. D-8) by another Superior Court of Canada and where registration is required for the purposes of execution.

Despite subparagraph 3 of the first paragraph, a copy of any judgment ordering payment of support may be obtained free of charge.

16. For the solemnization of a civil marriage, the following fees are payable:
90 \$.

If the prothonotary or clerk must travel to solemnize the marriage, an amount equal to the living and transportation expenses, reimbursable to him by the Government, is added to the fees prescribed in the first paragraph.

In this section the word "clerk" has the same meaning as in the Rules respecting the solemnization of civil marriage prescribed by Order of the Minister of Justice dated 30 March 1981 and published in the *Gazette officielle du Québec* of 15 April 1981.

17. A stamp impressed or attached in accordance with the Stamp Act (R.S.Q., c. T-10) is proof of payment of an amount prescribed in this tariff.

18. This tariff applies to the Government, and to its agents and all its agencies.

19. The following are revoked:

1. The Tariff of fees for the Courts having jurisdiction in civil matters, made by Order in Council 2656 dated 28 July 1971 and published in the *Gazette officielle du Québec* of 14 August 1971;

2. The Tariff of court fees in divorce matters, made by Order in Council 4370-76 dated 22 December 1976 and published in the *Gazette officielle du Québec* of 29 December 1976;

3. Order in Council 1023-81 dated 30 March 1981 concerning fees payable for the solemnization of civil marriage, published in the *Gazette officielle du Québec* of 29 April 1981.

20. This tariff applies to any new proceeding in cases begun before its coming into force. A person who pays a fee payable for a proceeding included in a stage described in section 4, in a case referred to in this section, pays no other fees for any other proceedings in the same stage.

21. This tariff comes into force on the thirty-second day following the day of its publication in the *Gazette officielle du Québec*.

O.C. 86-82, 13 January 1982

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

Cartage**— Québec****— Amendments**

CONCERNING the Decree amending the Decree respecting the cartage industry in the Québec region.

WHEREAS, pursuant to 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, Manpower and Income Security;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting the cartage industry in the Québec region, adopted by Order in Council 952 of 11 March 1970 have petitioned the Minister to submit to the Government for consideration and decision certain amendments to this Decree;

WHEREAS this petition was published in the *Gazette officielle du Québec* of 2 September 1981 on page 2993;

WHEREAS no objection was brought forward against the approval of the proposed amendments;

IT IS ORDERED, therefore, upon the recommendation of the acting Minister of Labour, Manpower and Income Security:

THAT the "Decree amending the Decree respecting the cartage industry in the Québec region", attached hereto, be adopted.

LOUIS BERNARD,
Clerk of the Conseil exécutif.

Decree amending the Decree respecting the cartage industry in the Québec region

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

1. The Decree respecting the cartage industry in the Québec region, adopted by Order in Council 952 of 11 March 1970 is again amended by replacing the contracting party of the second part by the following:

"Teamsters du Québec et ouvriers de diverses industries, local 69"

2. This Decree is amended by replacing subsection 1.01 by the following:

"1.01 In this part, unless the context indicates otherwise, the following expressions mean:

(1) "helper": employee who helps the driver in the supervision and handling of the load, without driving the truck, even from time to time;

(2) "assistant-mechanic": employee who works under the constant supervision of a qualified mechanic;

(3) "class 1 truck": truck with 2 axles;

(4) "class 2 truck": truck having more than 2 axles;

(5) "train driver": driver of a tractor pulling more than one trailer;

(6) "driver": employee holding a licence issued in accordance with the Highway Safety Code (1981, c. 7);

(7) "dockman": employee assigned to the loading or unloading of products or merchandise and who usually works in the warehouse;

(8) "mechanic": employee whose main duty consists in maintaining his employer's vehicles;

(9) "packer": employee assigned to the packing of furniture, merchandise or any other effect;

(10) "secretary or shorthand typist": employee whose main duty consists in preparing or transmitting correspondence, documents or vouchers necessary to the operation of an enterprise in the cartage industry;

(11) "checker": employee whose duties consist in the checking and registration of merchandise, acknowledgement of receipts including the clerical work connected with the said functions but excluding the work of an office clerk;

(12) "office clerk": employee whose work consists, among other things, in taking orders, answering telephone calls and invoicing;

(13) "labourer": employee who performs all the work subject to the professional jurisdiction of the Decree, excluding the work performed by the employees governed by paragraphs 1 and 2 and by paragraphs 5 to 11;

(14) "vehicle for snow removal": vehicle used for snow removal, except for the truck used to transport the snow;

(15) "cartage industry": industry in which persons, partnerships or corporations perform, for others and for payment, the transport of merchandise or of any other transportable products or objects."

3. This Decree is amended by replacing subsection 2.01 by the following:

"**2.01** Territorial jurisdiction: this part applies to municipalities listed in Schedule I."

4. This Decree is amended by replacing subsection 7.01 by the following:

"**7.01** Minimum hourly wages are the following:

(1) Helper, labourer	5,39 \$
(2) Assistant-mechanic	5,92
(3) Driver, class I truck driver, mover driver	5,78
(4) Tank-truck driver and class II driver	5,83
(5) Float driver, automotive trailer driver	6,11
(6) Tank-trailer driver, train driver	5,94
(7) Tractor semi-trailer driver	5,89
(8) Snow removal vehicle driver	6,66
(9) Towmotor operator, dockman, checker	5,71
(10) Piano mover	5,92
(11) Packer	5,61
(12) Mechanic	6,77"

5. This Decree is amended by replacing subsection 7.03 by the following:

"**7.03** The employee whose usual and regular duties consist in travelling more than 80 km from his employer's business place may be paid by the kilometre rather than by the hour, on the following conditions:

(1) an employer may not validly, during the term of a personal service contract with an employee, simultaneously or successively pay him using an hourly rate or a rate per kilometre travelled, at his own discretion. The method of payment by the hour or by the kilometre travelled, as established at the time of the hiring, remains in force for its complete duration and can be changed only with the Parity Committee's authorization;

(2) for every kilometre travelled, the chauffeur receives 0,101/4 \$ and the helper 0,084 \$;

(3) when computing pay for paid general holidays, the employer considers the standard workday as determined in subsection 4.02 and the hourly rate provided for employees performing the type of work carried out by the employee paid by the kilometre;

(4) the employee paid by the kilometre is entitled to all other benefits mentioned in the Decree that are not incompatible with his method of payment."

6. This Decree is amended by replacing subparagraph ii of the first paragraph of subsection 9.04 by the following:

"ii. he has worked at least 15 days during such period, unless his absence is due to sickness or to an accident preventing him from doing his work or due to an Act of God. In cases of sickness, the employee notifies the employer at the time of his absence;"

7. This Decree is amended by adding after subsection 11.03, the following sections:

"**11.04** Wedding, birth or adoption leave:

(1) an employee may be absent from work for one day, without a loss in wages, on his wedding day;

(2) an employee may be absent from work, without wages on the wedding day of one of his children and for 2 days on the occasion of the birth or adoption of a child.

11.05 Maternity leave: a female employee is entitled to the maternity leave provided for in the Regulation respecting labour standards, adopted by Order in Council 873-81 of 11 March 1981, under the Act respecting labour standards (1979, c. 45) or under any further regulation that could amend or replace it.

11.06 Advance notice:

(1) Except in the case of a contract with a specific duration or for a special enterprise, an employee who has 3 months of continuous service with the same employer is entitled to a written advance notice before he is dismissed or laid off for at least 6 months.

(2) This advance notice consists of 1 week if the employee has less than 1 year of continuous service; 2 weeks if he has from 1 year to 5 years of continuous service; 4 weeks if he has from 5 to 10 years of continuous service and 8 weeks if he has 10 years of continuous service or more.

(3) Except in case of serious error by the employee or a fortuitous case, the employer who neglects to give this prior notice grants the employee when he leaves, a monetary compensation equal to the latter's wages for a period equal to that of the prior notice.

(4) For the purposes of enforcement of this section, "continuous service" means the uninterrupted period during which an employee is bound to the employer by a work contract, even if the carrying out of the work was interrupted without cancelling the contract."

8. This Decree is amended by adding, after subsection 32.01 the following schedule:

SCHEDULE 1**REGION 03 — QUÉBEC****Subregion 03 (Québec)**

Ancienne-Lorette, Armagh, Baie-Saint-Paul Paroisse, Baie-Saint-Paul, Beauport, Beaupré, Bernières, Berthier-sur-Mer, Cap-à-l'Aigle, Cap-Saint-Ignace, Cap-Santé, Charlesbourg, Charny, Château-Richer, Clermont, Deschambault, Donnacona, Fossambault-sur-le-Lac, Honfleur, L'Ange-Gardien, L'Islet, L'Islet-sur-Mer, La Baleine, La Durantaye, La Malbaie, La Pocatière, Lac-Delage, Lac-Frontière, Lac-Saint-Charles, Lac-Saint-Joseph, Lac-Sergeant, Laurier-Station, Lauzon, Leclercville, Les Éboulements, Lévis, Lorette, Loretteville, Lotbinière, Lyster, Montmagny, Montminy, Nelson, Neuville, Notre-Dame-Auxiliatrice-de-Buckland, Notre-Dame-des-Anges, Notre-Dame-des-Monts, Notre-Dame-de-Bon-Secours-de-L'Islet, Notre-Dame-de-Portneuf, Notre-Dame-du-Rosaire, Notre-Dame-du-Sacré-Coeur-d'Issoudun, Pointe-aux-Trembles, Pointe-au-Pic, Pont-Rouge, Portneuf, Québec, Rivière-à-Pierre, Rivière-du-Gouffre, Rivière-Malbaie, Rivière-Ouelle, Sainte-Agathe Paroisse, Sainte-Agathe Village, Sainte-Agnès, Sainte-Anne-de-Beaupré, Sainte-Anne-de-la-Pocatière, Sainte-Apolline-de-Patton, Sainte-Brigitte-de-Laval, Sainte-Catherine, Sainte-Christine, Sainte-Claire, Sainte-Croix Paroisse, Sainte-Croix Village, Sainte-Emmélie, Sainte-Euphémie-sur-Rivière-du-Sud, Sainte-Famille, I.O., Sainte-Félicité, Sainte-Foy, Sainte-Hélène-de-Breakeyville, Sainte-Hénédine, Sainte-Jeanne-de-Pont-Rouge, Sainte-Louise, Sainte-Lucie-de-Beauregard, Sainte-Marguerite, Sainte-Marie, Sainte-Perpétue, Sainte-Pétronille, Saints-Gervais-et-Protais, Saint-Adalbert, Saint-Agapit, Saint-Aimé-des-Lacs, Saint-Alban Paroisse, Saint-Alban Village, Saint-Anselme Paroisse, Saint-Anselme Village, Saint-Antoine-de-l'Isle-aux-Grues, Saint-Antoine-de-Tilly, Saint-Apollinaire, Saint-Aubert, Saint-Augustin-de-Desmaures, Saint-Basile, Saint-Basile-Sud, Saint-Bernard Paroisse, Saint-Bernard Village, Saint-Bernard-de-l'Île-aux-Coudres, Saint-Cajetan-d'Armagh, Saint-Casimir Paroisse, Saint-Casimir Village, Saint-Casimir-Est, Saint-Charles, Saint-Charles-Borromée, Saint-Charles-des-Grondines Paroisse, Saint-Charles-des-Grondines Village, Saint-Cyrille-de-Lessard, Saint-Damase-de-L'Islet, Saint-Damien-de-Buckland, Saint-David-de-l'Auberivière, Saint-Dunstan-du-Lac-Beauport, Saint-Édouard-de-Lotbinière, Saint-Elzéar, Saint-Elzéar-de-Beauce, Saint-Émile, Saint-Étienne, Saint-Étienne-de-Beaumont, Saint-Eugène, Saint-Fabien-de-Panet, Saint-Félix-du-Cap-Rouge, Saint-Ferréol-les-Neiges, Saint-Fidèle-de-Mont-Murray, Saint-Firmin, Saint-Flavien Paroisse, Saint-Flavien Village, Saint-François-de-Sales-de-la-Rivière-du-Sud, Saint-François-Xavier-de-

la-Petite-Rivière, Saint-François, I.O., Saint-Gabriel-de-Valcartier, Saint-Gabriel-Lallemant, Saint-Gabriel-Ouest, Saint-Gilbert, Saint-Gilles, Saint-Henri, Saint-Hilarion, Saint-Irénée, Saint-Isidore Paroisse, Saint-Isidore Village, Saint-Janvier-de-Joly, Saint-Jean-Chrysostome, Saint-Jean-de-Boischatel, Saint-Jean-Port-Joli, Saint-Jean, I.O., Saint-Joachim, Saint-Joseph-de-Deschambault, Saint-Joseph-de-la-Pointe-de-Lévy, Saint-Joseph-de-la-Rive, Saint-Juste-de-Bretenières, Saint-Lambert-de-Lauzon, Saint-Laurent, I.O., Saint-Lazare, Saint-Léonard-de-Portneuf, Saint-Louis-de-Gonzague-du-Cap-Tourmente, Saint-Louis-de-l'Isle-aux-Coudres, Saint-Louis-de-Pintendre, Saint-Malachie, Saint-Marcel, Saint-Marc-des-Carrières, Saint-Michel, Saint-Narcisse-de-Beaurivage, Saint-Nazaire-de-Dorchester, Saint-Nérée, Saint-Nicolas, Saint-Octave-de-Dosquet, Saint-Omer, Saint-Onésime-d'Ixworth, Saint-Pacôme, Saint-Pamphile, Saint-Patrice-de-Beaurivage Paroisse, Saint-Patrice-de-Beaurivage Village, Saint-Philémon, Saint-Pierre-de-la-Rivière-du-Sud, Saint-Pierre, I.O., Saint-Raphaël Paroisse, Saint-Raphaël Village, Saint-Raymond Paroisse, Saint-Raymond, Saint-Rédempteur, Saint-Roch-des-Aulnaies, Saint-Romuald-d'Etchemin, Saint-Siméon Paroisse, Saint-Siméon Village, Saint-Sylvestre Paroisse, Saint-Sylvestre Village, Saint-Thuribe, Saint-Tite-des-Caps, Saint-Ubalde, Saint-Urbain, Saint-Vallier Paroisse, Saint-Vallier Village, Scott, Shannon, Sillery, Stoneham et Tewkesbury, Taschereau-Fortier, Tourville, Val-Alain, Val-Bélair, Vanier.

9. This Decree comes into force the date of its publication in the *Gazette officielle du Québec*.

1305-o

O.C. 87-82, 13 January 1982

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

Hairdressers

— Chicoutimi *et al.*

— Amendments

CONCERNING the Decree amending the Decree respecting hairdressers in the Chicoutimi, Roberval and Lac-Saint-Jean regions.

WHEREAS, pursuant to 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, Manpower and Income Security;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting hairdressers in the Chicoutimi, Roberval and Lac-Saint-Jean regions, adopted by Order in Council 977 of 14 June 1960, have petitioned the acting Minister of Labour, Manpower and Income Security, to submit to the Government for consideration and decision amendments to this Decree;

WHEREAS this petition was published in the *Gazette officielle du Québec* of 21 October 1981;

WHEREAS no objection was brought forward against the approval of the proposed amendments;

IT IS ORDERED, therefore, upon the recommendation of the acting Minister of Labour, Manpower and Income Security:

THAT the "Decree amending the Decree respecting hairdressers in the Chicoutimi, Roberval and Lac Saint-Jean regions", attached hereto, be adopted.

LOUIS BERNARD,

Clerk of the Conseil exécutif.

Decree amending the Decree respecting hairdressers in the Chicoutimi, Roberval and Lac-Saint-Jean regions

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

1. The Decree respecting hairdressers in the Chicoutimi, Roberval and Lac-Saint-Jean regions, adopted by Order in Council 977 of 14 June 1960, is further amended by abrogating subsection 10.05.

2. This Decree is amended by replacing paragraph 2 of subsection 14.04 by the following:

"(2) From 15 June to 15 September, opening hours in hairdressing salons in zone I, on Saturdays, are from 8 h to 12 noon."

3. This Decree is amended by abrogating subsection 14.05.

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

1305-o

O.C. 144-82, 20 January 1982

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

Regulation
— Amendments

CONCERNING the Regulation further amending the Regulation respecting the Taxation Act.

WHEREAS pursuant to paragraph *f* of section 1086 of the Taxation Act (R.S.Q., c. I-3), the Government may make regulations to prescribe the measures required for the application of the Act;

WHEREAS pursuant to section 776.2 of the Act, an individual having an eligible child is entitled to an availability allowance, the amount of which is determined by regulation;

WHEREAS the Regulation respecting the Taxation Act was made pursuant to that Act on 25 June 1980 by Order in Council 1981-80;

WHEREAS it is advisable to amend the Regulation in order to provide for the amounts of availability allowance that an individual may receive for the 1981 taxation year.

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

THAT the Regulation attached hereto, entitled: "Regulation further amending the Regulation respecting the Taxation Act", be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif.

**Regulation further amending the
Regulation respecting the Taxation Act**

Taxation Act
(R.S.Q., c. I-3, ss. 776.2 and 1086)

1. The Regulation respecting the Taxation Act, made by Order in Council 1981-80 dated 25 June 1980 and amended by the Regulations made by Orders in Council 1983-80 dated 25 June 1980, 2456-80 dated 13 August 1980, 3190-80 dated 8 October 1980, 3832-80 dated 9 December 1980, 3926-80 dated 17 December 1980, 871-81 dated 11 March 1981, 1535-81 dated 3 June 1981, 2241-81 dated 19 August 1981, 3211-81 dated 25 November 1981, 3348-81 dated 2 December 1981 and 3438-81 dated 9 December 1981, is further amended by inserting after section 772R9, the following line and section:

"TITLE XXI.1
AVAILABILITY ALLOWANCE

776.2R1 The amount of the availability allowance to which an individual described in section 776.2 of the Act is entitled is equal to:

(a) 300 \$, if the individual has only one eligible child;

(b) 500 \$, if the individual has only two eligible children; and

(c) 500 \$, plus 100 \$ for each additional child, if the individual has more than two eligible children."

2. Section 1 applies to the 1981 taxation year and to subsequent taxation years.

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

1307-o

O.C. 147-82, 20 January 1982

Transport Act
(R.S.Q., c. T-12)

Rules of practice and rules for the internal management of the C.T.Q.

CONCERNING the Rules of practice and rules for the internal management of the Commission des transports du Québec.

WHEREAS the procedure before the Commission des transports du Québec is prescribed by Regulation 2 (1976) respecting the rules of practice and rules for the internal management of the Commission des transports du Québec;

WHEREAS to achieve the aims of An Act to amend the Transport Act and other legislation (1981, c. 8), it is advisable to review that Regulation which governs the operation of the Commission;

WHEREAS the Regulation attached to this Order in Council contains suitable measures to ensure that the objectives of the said Act are met;

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

THAT the Regulation entitled "Rules of practice and rules for the internal management of the Commission des transports du Québec", attached hereto, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif.

Rules of practice and rules for the internal management of the Commission des transports du Québec

Transport Act
(R.S.Q., c. T-12, s. 5, subpar. c.1, d, e.1, g and i and ss. 24, 34.1, 37, 38, 48 and 48.1)

**TITLE I
RULES OF PRACTICE****CHAPTER I
DEFINITIONS**

1. In this Title, unless the context indicates otherwise, the following words mean:

"intervention": the procedure whereby a person supports an application or objects thereto;

"opposition": the procedure whereby a person objects to an application because of the permit he holds.

**CHAPTER II
GENERAL RULES**

2. If the means of exercising a right has not been provided for in this Regulation, it may be compensated for by any other procedure not inconsistent with these Rules of Practice or with any other provisions of the Act.

3. A period that expires on a Saturday, Sunday or statutory holiday is extended to the next juridical day.

4. Any service must be made by bailiff or by recommended or certified mail.

5. The return of service, card of its receipt or notice of its delivery, as the case may be, constitute proof of that service.

6. Where circumstances require, the Commission may authorize another means of service.

7. An incidental application must be served upon the parties at least 5 days before the date on which it is submitted.

8. A document pertaining to a matter brought before the Commission must be signed by:

- (1) the applicant, opposant or intervening party, where applicable;
- (2) his attorney; or
- (3) a person authorized by resolution where the mandator is a corporation.

9. An application, opposition or intervention must be accompanied by the documents and costs prescribed.

10. To be eligible for representing a party in a matter, an advocate must enter a written summons in the record.

11. An advocate must notify the Commission and the parties to the record in writing in order to cease representing a party.

12. To revoke the mandate of an attorney, a party must enter a writ to that effect in the record; in that case, the Administrator notifies the other parties to the record.

CHAPTER III**MATTERS BROUGHT BEFORE THE COMMISSION****DIVISION 1****RULES APPLICABLE TO ALL APPLICATIONS**

13. A person who wishes to bring a matter before the Commission must do so by means of a written application submitted to the office of the Commission in Québec City or Montréal.

14. A refused applicant may not reapply before the expiry of a 6-month period after the refusal unless, in the meantime, new facts are produced which, had they existed at the time of the application, could have changed the Commission's decision.

However, in a decision refusing an application in whole or in part, the Commission may allow the application to be renewed before the 6-month period expires.

DIVISION 2**STANDARD PROCEDURE**

15. The standard procedure established in this Division may be used in all applications to the Commission, except for applications for temporary permits, for changes of schedule, route or tariffs for the transportation of persons in buses, and for bulk-trucking brokerage permits.

16. The summary of an application submitted in accordance with standard procedure is published in the Bulletin de la Commission.

17. A person may submit an opposition or intervention within 21 days of the date on which the summary of an application is published.

18. To be admissible, an opposition must:

(1) be submitted within 21 days of the date on which the summary of the application it pertains to is published;

(2) have been served upon the applicant, and include a document attesting to the service;

(3) refer to the number of the Bulletin in which the application is published; and

(4) state the reasons for the opposition, referring to the pertinent item in the opposant's permit.

19. To be admissible, an intervention must:

(1) be submitted within 21 days of the date on which the summary of the application it pertains to is published;

(2) have been served upon the applicant, and include a document attesting to the service;

(3) refer to the number of the Bulletin de la Commission in which the application is published;

(4) state the reasons for the intervention.

20. The Minister of Transport and the Attorney-General may *ex officio*, at any time and without notice or cost, intervene in any matter brought before the Commission, take part in the matter as if they were a party thereto and examine any witness.

21. Any substantive defect, delay or irregularity in following procedure before the Commission may be remedied immediately. The practice division may also allow such a substantive defect, delay or irregularity to be remedied.

DIVISION 3**SPECIAL PROCEDURES****§1. Publication in newspapers****A. Application for special permits**

22. A special permit is granted in an emergency where no permit holder is able to ensure the services especially required; a special permit may be converted into a regular permit after an application to that effect has been submitted in accordance with standard procedure.

23. An application for a special permit may be submitted with or without publication in the Bulletin de la Commission.

It is introduced without publication in the Bulletin de la Commission where the applicant has published, at his expense, a notice of the application submitted for 2 consecutive days in a French-language newspaper with a circulation in the territory to which the permit is related.

24. The notice of an application for a special permit submitted must specify:

(1) the permit applied for; and

(2) the possibility for any interested party to submit an opposition or intervention within 5 days of the date of the second publication of the notice in the newspapers.

25. Each publication must specify whether it is the first or second publication.

26. To be admissible, an application for a special permit submitted after being published in at least one newspaper beforehand must:

(1) be submitted within 6 days of the first publication; and

(2) include proof of publication consisting of a copy or photocopy of the pages of the newspaper in which the two notices are published.

B. Application for haulway transportation permits

27. A haulway transportation permit and a brokerage transport permit relating thereto may be applied for in the same way as a special permit.

C. Application for permits for the seasonal transport of persons

28. A permit for the seasonal transport of persons may be applied for in the same way as a special permit.

D. Application for authorization of partial discontinuation of services and application for the suspension of services

29. Authorization of partial discontinuation of services other than public transport, whether such discontinuation is temporary or permanent, and the suspension of services other than public transport may be applied for in the same way as a special permit.

E. Application for the transfer of a permit and application for maintaining a permit for intended acquisitions

30. The transfer of a permit may be applied for in the same way as a special permit.

31. The maintenance of a permit for a person intending to acquire, directly or indirectly, by purchase, lease, merger, consolidation or otherwise, an interest in the business or undertaking of a person whose main occupation is transport, may be applied for in the same way as a special permit.

F. Application for the fixing of rates and tariffs

32. The fixing of rates and tariffs may be applied for in the same way as a special permit.

§2. Publication in newspapers and posting of signs

Application for change of schedule, route or tariffs for public transport, and application for authorization of discontinuation of public transport services.

33. A change of schedule, route or tariffs for public transport and authorization of total or partial discontinuation of public transport services, whether such discontinuation is temporary or permanent, are applied for in the same way as a special permit.

Before such applications are made, signs indicating the changes applied for on the services affected, and on which day any interested party may submit an opposition or intervention with regard to publication in newspapers, are posted in all the carrier's vehicles for 10 consecutive days.

34. An application for a change of schedule, route or tariffs for group transport, or for authorization of total or partial discontinuation of public transport services, whether such discontinuation is temporary or permanent, must be accompanied by proof that a sign has been posted and a photocopy or copy of the signs posted in the vehicles.

§3. Unpublished applications

A. Application for temporary permits

35. A temporary permit is issued in unusual and unforeseeable emergencies. It may be converted into a special permit after an application to that effect has been submitted in the same way as an application for a special permit.

36. A temporary permit is applied for by telegram, teleprinter, telecopier, telex or any other means of written communication. Such an application need not be published.

37. The costs prescribed for an application for a temporary permit and the duties prescribed for its issue may be paid by any means of communication for the transfer of funds.

B. Application for permits for the transport of stated products

38. A permit for the transport of stated products may be applied for in the same way as a special permit.

C. Application for bulk-trucking permits of the "extra-provincial" class

39. A bulk-trucking permit of the "extra-provincial" class may be applied for in the same way as a temporary permit.

D. Application for authorization of total discontinuation of services

40. Authorization of total discontinuation of services other than public transport services, whether such discontinuation is temporary or permanent, may be applied for in the same way as a temporary permit.

§4. Special rules

A. Application for bulk-trucking brokerage permits

41. When a matter pertaining to bulk-trucking brokerage is brought before the Commission, the Administrator notifies each bulk-trucking permit holder in the region or zone concerned, where applicable, at the station and substations of the region, of the nature of the matter and the place, date and time of the sitting or public hearing. The notice states that any interested person may be present and heard at the sitting or public hearing without being required to submit an opposition or intervention in writing beforehand.

In addition, the administrator publishes a notice stating the date, place and time of the sitting or public hearing in a French-language newspaper with a circulation in the region to which the matter is related.

B. Filing of rates and tariffs

42. In the cases provided for in the Regulation respecting tariffs, rates and costs made by Order in Council 148-82 of 20 January 1982, a permit holder may file rates and tariffs for the services he is authorized to provide.

43. Rates and tariffs are filed by service upon the Commission.

44. A filing of rates and tariffs may be refused by the Commission; if so, the filing introduces a suit and the Commission decides if standard procedure or the procedure for special permits is to be followed according to the urgency of the situation.

45. Except where they are refused by the Commission, the rates and tariffs filed come into force on the 30th day after the date on which they are filed or

on any later date specified by the applicant. That period may, however, be shortened by the Commission according to the urgency of the situation.

DIVISION 4

Matters submitted by the Commission in its own right

§1. Matters submitted with publication

46. Where the Commission intends to render a decision in its own right, it must give notice thereof in the Bulletin de la Commission, specifying the period during which any interested person must make his intention to be heard known.

The period must consist of no less than 10 days beginning with the date on which the notice is published.

§2. Matters submitted with publication and special notice

47. Where the Commission intends to render a decision in its own right in order to revise or revoke a decision granting a permit for cause, it must give notice thereof in the Bulletin de la Commission, specifying the period during which any interested person must make his intention to be heard known.

The period referred to above must consist of no less than 10 days beginning with the date on which the notice is published.

At that time, the Administrator must serve the permit holder the notice published in the Bulletin de la Commission.

§3. Matters submitted through summons

48. A summons relates the facts that may give rise to a decision of the Commission. It orders the person summoned to appear before the Commission on the date and at the place and time specified therein, to hear the proof of the facts he is accused of and to plead any arguments he may have in his defence.

49. Where a summons is issued at the request of the Minister or subsequent to the denunciation of a person, the Administrator serves the request or denunciation, where applicable, with the summons.

50. The Administrator publishes an issued summons in the Bulletin de la Commission.

CHAPTER IV HEARINGS

DIVISION I GENERAL RULES PERTAINING TO HEARINGS

51. Where there is no opposition or intervention, an application is considered and decided upon at a sitting.

During the sitting, the Commission may refer an application to a public hearing.

52. Where there is an objection or intervention, the Commission may not render a decision in a matter submitted in accordance with standard procedure without having called the parties to a public hearing and allowed them to be heard.

53. In all cases, the Commission must hold a public hearing at the request of the Minister.

54. Two or several matters submitted by the same applicant, in which the questions to be decided upon are substantially the same or could suitably be combined into one, may be consolidated by the President or a Vice-President designated by the President.

55. The President or a member designated by him may order that several applications be heard at the same time and decided upon using the same proof, or that the proof used for one be used for the others, or that one be heard and decided upon first and the others suspended until that time.

56. The President or a Vice-President designated by him may decide in practice division if a matter is to be heard by preference.

57. The President may replace a member who has sat to hear a matter where the member is sick or becomes incapable of acting as such, resigns, retires or dies before a decision in that matter is rendered.

58. The Commission sits on the dates and at the places set by the President who determines, where he deems it appropriate, that a matter will be heard by a greater number of members than that prescribed in the Act.

The President designates the member who is to preside.

59. The powers of the President provided for in sections 57 and 58 may be exercised by each Vice-President designated for that purpose by the President in writing.

DIVISION 2 RULES OF PROOF BEFORE THE COMMISSION

60. The parties must produce the best proof possible in the circumstances.

61. The parties must not prove the content of a valid written instrument by testimony.

62. The parties must not contradict a valid written instrument by testimony.

63. A writing may be produced by its signatory, its addressee or, upon the consent of all the parties, by another person.

64. Proof by testimony is accepted only if testimony is given under oath or by solemn declaration.

65. An ordinary witness is summoned to declare what he has seen or heard or to file and attest to the documents he bears.

66. An expert witness is summoned to give an opinion within the scope of his competence or experience; he may be declared an expert witness where his competence or experience has been established or is recognized by the parties.

DIVISION 3 SITTINGS

67. Before partially or totally refusing an uncontested application, the Commission must give the applicant the opportunity to be heard at a sitting, with the exception of applications for permits for the transport of stated products, for authorization of total discontinuation of services other than public transport, whether such discontinuation is temporary or permanent, for the suspension of services other than public transport, for bulk-trucking permits of the "extra-provincial" class, for special permits and for temporary permits.

DIVISION 4 PUBLIC HEARINGS

§1. Notice of hearing

68. The administrator serves a notice giving the date, time and place of the public hearing during which a matter will be considered upon all the parties to the matter; where a notice of hearing is served by mail, it must be mailed no less than 15 days before the public hearing; where it is served by bailiff, it must be given at least 10 days before the public hearing.

§2. Summoning of witnesses

69. A party to a matter may request that a person be summoned where he wishes to examine that person as a witness during a public hearing.

70. An appearance notice may order the person summoned as a witness to bring any exhibit, document or object to the hearing.

71. An appearance notice must be served upon the witness not less than 5 days before the date set for his appearance at the hearing.

§3. Course of hearing

72. The applicant must produce his proof and examine his witnesses first; each of the applicant's witnesses may be cross-examined by opposants and intervening parties who are seeking the same conclusions as the applicant.

73. The opposant must produce his proof after the applicant has produced his; each of the opposant's witnesses may be cross-examined by the applicant and by intervening parties who are seeking different conclusions from those of the applicant.

74. The intervening party produces his proof after the opposants have produced theirs; each of the intervening party's witnesses may be cross-examined by the applicant and the opposants, provided that the conclusions sought by the cross-examiner are different from those sought by the intervening party.

75. The Commission may alter the course of the hearing *ex officio* or with the consent of all parties.

76. Questions suggesting the answer are permitted only under cross-examination or where they are asked to persons seeking contrary conclusions.

77. Public hearings are recorded by tape-recorder, any other similar device, stenography or stenotype; the tapes on which public hearings are recorded are kept for two years following the date on which the final decision is reached on the matter to which the recording is related.

78. The Administrator, Secretary or civil servant acting as Court Clerk draws up the minutes of all public hearings. The minutes must contain the names of the parties, attorneys and witnesses, and specify any document produced and any decision rendered during the hearing.

DIVISION 5

HEARINGS IN PRACTICE DIVISION

79. The Commission may rule on any preliminary interlocutory or incidental procedure in practice division.

80. Hearings are recorded in the same way as public hearings.

81. The Administrator, Secretary or civil servant acting as Court Clerk draws up the minutes of a hearing; the minutes must contain a reference to a decision rendered at the hearing.

82. Witnesses are not heard in practice division.

CHAPTER V DECISIONS

DIVISION 1

NOTIFICATION AND PUBLICATION

83. Every decision is mailed to all the parties and their attorneys, where applicable. However, where an addressee attests in writing that he has received a copy of a decision, the decision is deemed to have been sent in accordance with this section.

84. Every decision terminating a matter in whole or in part or its summary is published in the Bulletin de la Commission.

DIVISION 2

COMING INTO FORCE

85. To meet urgent cases, the Commission may prescribe that a decision relating to a temporary or a special permit, the transport of school children, the transfer of a permit, a permit of a foreign carrier, the acquisition of interest in a transport undertaking, a change of tariff, schedule or route or the first fixing of a tariff following the making of a regulation, becomes executory immediately upon being rendered or on any later date determined by it, provided, where applicable, that the duties have been paid.

DIVISION 3

RENUNCIATION OF A DECISION

86. The practice division may allow an applicant to renounce a decision before the decision becomes executory.

DIVISION 4**CORRECTION OF DECISIONS**

87. After notification of the decision to the interested parties, but prior to its publication, the signatory thereof may *ex officio*, or upon application by a party or the Administrator, correct an error of writing or computation or any other material error in the decision by sending a copy of the corrected decision to the parties.

88. After publication of the decision, the Commission may *ex officio*, or upon application by a party or the Administrator, correct a decision containing an error of writing or computation or any other material error which, due to obvious inadvertency, grants more than was applied for or omits ruling on part of the application. A 15-day notice must be served for that purpose to all interested parties.

The corrected decision is served to the parties and published in the Bulletin.

DIVISION 5**PEREMPTION OF A MATTER**

89. The practice division may, upon application by the Administrator or an interested party, declare an application perempted where one year has elapsed since the last useful proceeding. The application of the Administrator or an interested party must, however, be served to all parties and attorneys to the record, where applicable, at least 30 days before it is submitted.

TITLE II**RULES FOR INTERNAL MANAGEMENT****CHAPTER I****PLENARY SESSION****DIVISION 1****GENERAL RULES**

90. Plenary sessions are held at the times and places determined by the President.

91. Plenary sessions are convened by the Secretary.

92. The Secretary draws up and keeps the minutes and reports of the plenary sessions.

DIVISION 2**PRINCIPLES SET DOWN FOR THE
MANAGEMENT OF THE AFFAIRS OF THE
COMMISSION****§1. Provisional principles**

93. Provisional principles are set down in plenary session.

94. Provisional principles are published in the Bulletin de la Commission.

95. A provisional principle may be changed to a permanent principle by following the rules applicable for setting down permanent principles for the management of the affairs of the Commission.

§2. Permanent principles

96. Where the Commission proposes to set down a permanent principle for the management of its affairs, it publishes a draft principle in the Bulletin.

97. Within 30 days of that publication, any interested person may submit a brief to the Secretary who then ensures its distribution to the members of the Commission.

98. At the request of the Commission, the Secretary convenes the signatory of a brief to the plenary session.

99. The final text of a permanent principle set down for the management of the affairs of the Commission is published in the Bulletin de la Commission.

DIVISION 3**PRINCIPLES SET DOWN TO DETERMINE THE
SCOPE, WITHIN WHICH THE POWERS OF THE
COMMISSION PROVIDED FOR IN SECTION 32 OF
THE TRANSPORT ACT MAY BE EXERCISED**

100. Where the Commission proposes to set down a principle determining the scope within which the powers provided for in section 32 of the Transport Act may be exercised, it publishes in the Bulletin and in the daily French-language newspapers with circulation in Québec a draft of the principle set down and a notice indicating the time limit within which an interested person may submit a brief to the Commission.

101. Within 30 days of the publication of the Bulletin, any interested person may submit a brief to the Secretary who then ensures its distribution to the members of the Commission.

102. At the request of the Commission, the Secretary convenes the signatory of the brief to the plenary session.

103. The final text of a principle set down to determine the scope within which the powers of the Commission may be exercised, is published in the Bulletin de la Commission.

CHAPTER II

RECORDS OF THE COMMISSION

DIVISION 1

APPLICATION RECORDS

104. Upon receipt of an application, the Administrator assigns it a number and, if necessary, opens a record.

105. Numbers are assigned consecutively according to chronological order.

106. The Administrator keeps up-to-date, in Québec City and Montréal, a list of all applications submitted therein.

DIVISION 2

PERMANENT RECORDS

107. The Administrator sets up and maintains a permanent record system.

108. A permanent record contains all the decisions of the Commission concerning the person to which the record refers, and any other document pertaining to the management of the affairs of the Commission.

109. A document emanating from the Commission or forming part of its records, except a permit certificate, is authentic where it is certified and signed by the Administrator, Assistant Administrator, Secretary, a Director General, Director of Socioeconomic Research, a Regional Director or a legal advisor for the Commission.

DIVISION 3

CONSULTATION OF RECORDS BY THE PUBLIC

110. The public may consult, during normal working hours, the records of the Commission and the list of matters that have been submitted.

111. A person may, upon request, obtain a copy of any document forming part of the records of the Commission; however, the Commission may not provide copies of confidential documents.

112. The public may not consult the confidential section of the annual reports on operations that are completed by permit holders on the forms provided by the President. However, that confidential section is sent to the Minister where he makes a request therefor.

113. The public may not consult the yearly financial statement sent by a carrier of school children who effects transport of the "exclusive" type.

114. Where a person submits as evidence, in a public hearing, sitting or hearing in the practice division, the confidential section of his report on operations, or his yearly financial statements, their confidentiality is lifted. The Commission so indicates thereon and the public may then consult the document.

115. Photocopies of documents forming part of the records of the Commission may be provided on payment of the costs prescribed for that purpose in Schedule 1.

A person may obtain a cassette recording of a public hearing or hearing in the practice division of the Commission on payment of the costs prescribed for that purpose in Schedule 1.

Where a sitting was recorded, the recording may also be obtained under the same conditions.

116. However, any bureau, office, commission, board, department or agency under the jurisdiction of the Governments of Québec, Canada, a Province of Canada, or a Province or State of another country may obtain photocopies and cassettes at no cost.

CHAPTER III

VERIFICATION OF PERMITS

117. The Administrator may, upon application, take cognizance in writing of a permit holder's change of name provided that a certified copy of the deed by which the change is effected is furnished to him.

118. The Administrator may, upon application, take cognizance in writing of a permit holder's change of address.

119. The Administrator may not, however, take cognizance in writing of a change of name or address that modifies the tenor of a permit or that is consecutive to a transfer or acquisition of interest in an undertaking.

CHAPTER V

COSTS

120. The costs established in Schedule 1 to this Regulation are collected by the Administrator.

121. The practice division may, upon application by the Administrator or any interested person, rule on the application, nature or amount of a duty.

122. Duties must be paid within 30 days of the service of a decision.

123. Where duties have not been paid within that 30-day period, the Administrator refers the matter to the practice division which may then cancel the decision, give a new time limit, which may not, however, exceed 30 days, or render any other appropriate decision.

124. The costs established in Schedule 1 to this Regulation are increased by 10% per year as of the year 1983, except for the tariffs established in paragraph 12 of Schedule 1.

TRANSITIONAL AND FINAL PROVISIONS

125. This Regulation replaces Regulation 2 (1976) respecting the rules of practice and rules for the internal management of the Québec Transport Commission made by Order in Council 2308-76 dated 30 June 1976 amended by the Regulations made by Order in Council 3161-76 dated 15 September 1976, Order in Council 1978-77 dated 15 June 1977, Order in Council 434-78 dated 16 February 1978, Order in Council 1380-78 dated 26 April 1978, Order in Council 2621-78 dated 16 August 1978, Order in Council 144-79 dated 17 January 1979, Order in Council 829-79 dated 21 March 1979, Order in Council 1733-79 dated 13 June 1979, Order in Council 3160-79 dated 21 November 1979, Order in Council 251-80 dated 30 January 1980, Order in Council 1449-80 dated 22 May 1980, Order in Council 3033-80 dated 24 September 1980, Order in Council 3199-81 dated 20 November 1981, Order in Council 3479-81 dated 16 December 1981 and Order in Council 146-82 dated 20 January 1982, with the exception of sections 2.46 to 2.46.1, 2.48 to 2.50.1, 2.72.10 to 2.72.13 and Schedule "A" to the said Regulation.

126. This Regulation applies to pending matters; however, it does not invalidate whatever may validly be already in effect.

127. This Regulation comes into force upon its publication in the *Gazette officielle du Québec*.

SCHEDULE 1

TARIFF OF COSTS

1. For any application except an application for renewal of a permit and except if otherwise provided for in this Schedule: 25 \$

2. For an application for a permit for the transport of stated products: 20 \$
3. For an application for a bulk-trucking permit of the "extra-provincial" class: 20 \$
4. For an application for the fixing of rates or tariffs that is not accompanied by an application of a different nature: 25 \$
5. For an application for the fixing of rates or tariffs that is accompanied by an application of a different nature: 0 \$
6. For the filing of a rate or tariff that is not accompanied by an application of a different nature: 25 \$
7. For the filing of a rate or tariff that is accompanied by an application of a different nature: 0 \$
8. For an objection: 15 \$
9. For an intervention: 15 \$
10. For a motion relating to an interlocutory or incidental matter: 10 \$
11. For the issue or replacement of a registration marker or sticker issued by the Administrator: 5 \$
12. For the issue of a certified copy of any document emanating from the Commission, except in the case of service, per page: 0,25 \$
13. For the transcription of the recording of a public hearing, a sitting where recording took place, or a hearing in the practice division, per page: 4 \$
14. For the cassette recording of a public hearing, sitting or hearing in the practice division, on any portion of a 60-minute cassette: 5 \$
15. For the cassette recording of a public hearing, sitting or hearing in the practice division, on any portion of a 90-minute cassette: 7,50 \$
16. For any matter for which a fee or cost is prescribed in another transport regulation: That fee or cost

1304-o

Draft Regulation(s)

Draft Regulation

Highway Safety Code
(Bill 4, 1981)

Duties payable to obtain information or documents

The Minister of Transport gives notice, in accordance with the first paragraph of section 563 of the Highway Safety Code (Bill 4, 1981), that he will, at least 30 days following this Notice, recommend that the Government adopt the Draft Regulation entitled "Regulation respecting the duties payable to obtain information or documents" attached hereto.

MICHEL CLAIR,
Minister of Transport.

4. This Regulation replaces subsections 2, 3 and 4 of section 3.111 of Regulation 3 (1977) respecting registration made by Order in Council 4117-77 dated 30 November 1977, and subsections 2 and 3 of section 4.13 of Regulation 4 respecting driving permits made by Order in Council 3127-72 dated 25 October 1972.

5. This Regulation comes into force on the day of publication in the *Gazette officielle du Québec* of a Notice that it has been adopted by the Government or, if amended, the day of publication in the *Gazette officielle du Québec* of the Regulation as amended, or at any later date fixed in the Notice or Regulation.

1304-o

Regulation respecting the duties payable to obtain information or documents

Highway Safety Code
(Bill 4, 1981, s. 177)

1. The amount of the duty payable to obtain information or a document from the file of an individual is 5 \$ per file.

2. The amount of the duty payable to obtain information from an accident report or a copy of such a report is 5 \$ per report.

3. The amount of the duty payable to obtain information or a document requiring specific research by computer in several files, regardless of the means of transmitting the information, is computed as follows:

(1) 10 ¢ per file for research involving fewer than 10 000 files, 100 \$ minimum;

(2) 5 ¢ per file for research involving 10 000 files or more but fewer than 100 000 files, 500 \$ minimum;

(3) 2 ¢ per file for research involving 100 000 files or more but fewer than 2 000 000, 2 500 \$ minimum; or

(4) 15 ¢ per file for research involving 2 000 000 or more files, 5 000 \$ minimum.

In addition to the duties prescribed in the first paragraph, the amount of the duty payable must include 140 \$ per hour of computer time.

Index Statutory Instruments

Abbreviations: A: Abrogated, N: New, M: Modified

Regulations — Statutes	Page	Comments
Cartage — Québec (Act respecting collective agreement decrees, R.S.Q., c. D-2)	200	M
Civil Code of Québec — Tariff of court costs in civil matters and of court office fees.....	196	N
Commission des transports du Québec — Rules of practice and rules for the internal management of the C.T.Q. (Transport Act, R.S.Q., c. T-12)	205	N
Courts of Justice Act — Tariff of court costs in civil matters and of court office fees..... (R.S.Q., c. T-16)	196	N
Duties payable to obtain information or documents (Highway Safety Code, 1981, Bill 4)	215	Draft
Hairdressers — Chicoutimi <i>et al.</i> (Act respecting collective agreement decrees, R.S.Q., c. D-2)	203	M
Highway Safety Code — Duties payable to obtain information or documents (1981, Bill 4)	215	Draft
Hydro-Québec retirement plan (Hydro-Québec Act, R.S.Q., c. H-5)	181	N
Rules of practice and rules for the internal management of the C.T.Q. (Transport Act, R.S.Q., c. T-12)	205	N
Stamp Act — Tariff of court costs in civil matters and of court office fees..... (R.S.Q., c. T-10)	196	N
Tariff of court costs in civil matters and of court office fees..... (Courts of Justice Act, R.S.Q., c. T-16) (Stamp Act, R.S.Q., c. T-10)	196	N
Taxation Act — Regulation (R.S.Q., c. I-3)	204	M
Transport — Duties payable to obtain information or documents (Highway Safety Code, 1981, Bill 4)	215	Draft
Transport Act — Rules of practice and rules for the internal management of the C.T.Q. (R.S.Q., c. T-12)	205	N

