

THIRD SESSION  
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

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**Bill 5**

**An Act to amend the Act respecting the  
consolidation of the statutes**

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First reading .....

Second reading .....

Third reading .....

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**M. MARC-ANDRÉ BÉDARD**

**Ministre de la justice**

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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### EXPLANATORY NOTES

*This bill proposes a number of amendments to the Act respecting the consolidation of the statutes. The proposed amendments are set out in the paragraphs which follow.*

*The bill amends the name and the composition of the Commission in addition to making the personnel of the Commission subject to the Civil Service Act.*

*The bill fixes 31 December 1977 as the final date of consolidation, and provides that the Ministre de la justice is to fix the date for the presentation of the preliminary work.*

*The bill establishes that the Commission is to consolidate the statutes in such a manner as to provide for their continuing consolidation; it also provides for a mechanism for their yearly keeping up to date. Finally, it provides for the consolidation and keeping up to date of the regulations.*

Sec. 1. *The intent of the proposed amendment is to replace the title of the Act respecting the consolidation of the statutes.*

Sec. 2. *The intent of the proposed amendment is to replace the title of Division I of the said act.*

Sec. 3. *The proposed amendment is to replace the name "Commission de refonte des lois" by the name "Commission de refonte des lois et des règlements".*

Sec. 4. *Section 2 of the act presently reads as follows:*

**"2.** The Commission shall be composed of a law officer of the Department of Justice assisted by the Law Clerk of the Legislature, a representative of the Québec Official Publisher and three other members.

The members of the Commission, except the Law Clerk, shall be appointed by the Lieutenant-Governor in Council."

## Bill 5

An Act to amend the Act respecting the  
consolidation of the statutes

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

**1.** The title of the Act respecting the consolidation of the statutes (1976, chapter 11) is replaced by the following:

1976, c. 11,  
tit.,  
replaced.

“An Act respecting the consolidation of the  
statutes and regulations”.

**2.** The title of Division I of the said act is replaced by the following:

Id., Div. I,  
tit.,  
replaced.

“THE COMMISSION DE REFONTE DES LOIS ET DES RÈGLEMENTS”.

**3.** Section 1 of the said act is replaced by the following section:

Id., s. 1,  
replaced.

**1.** A body, hereinafter called “the Commission”, is established under the name of “Commission de refonte des lois et des règlements”.

Establish-  
ment and  
name.

**4.** Section 2 of the said act is replaced by the following section:

1976, c. 11,  
s. 2,  
replaced.

**2.** The Commission is composed of not fewer than seven members, including a chairman, appointed by the Lieutenant-Governor in Council. One of the members shall be an officer of the Ministère des communications, representing the Éditeur officiel du Québec.

Composi-  
tion.

Four members of the Commission, including the chairman or, if he is absent, a member designated by him, are a quorum.

Quorum.

In case of a tie-vote, the chairman, or, if he is absent, the member designated by him, has a casting vote.

Casting  
vote.

Sec. 5. *The proposed amendment stipulates that henceforth the personnel of the Commission are to be appointed and remunerated in accordance with the Civil Service Act. Under the existing act, the personnel of the Commission are appointed by the Ministre de la justice and their conditions of employment are fixed by the Government.*

Sec. 6. *Section 6 of the act presently reads as follows:*

**"6.** The Commission has the mandate to consolidate the statutes enacted to 31 December 1975, with the exception of the Civil Code and the Municipal Code, having a general and permanent nature, as well as the statutes indicated by the Minister of Justice having a local or provisional nature and currently in use."

Sec. 7. *Section 7 repeals the provisions dealing with the supplement to the Revised Statutes which has become superfluous since the consolidation is to be a continuing consolidation.*

Sec. 8. *The last two paragraphs of section 8 presently read as follows:*

"The Commission shall consolidate the statutes in such a manner as to allow the consolidation to be permanent and to be brought up to date annually.

In addition, the alphanumerical nomenclature is to be used in the consolidation of the statutes, except for the statutes contained in the supplement to the Revised Statutes."

*The proposed amendment is for concordance.*

Sec. 9. *Section 10 of the act presently reads as follows:*

**"10.** The Commission must submit the results of its work to the Minister of Justice not later than 1 September 1977 with the exception of the supplement to the Revised Statutes, the concordance table, the table of contents and the index to the Revised Statutes, which shall be submitted on 31 December 1977 or on any other date fixed by the Minister."

Sec. 10. *Section 15 of the act presently reads as follows:*

If a member of the Commission is temporarily absent or unable to act, the Ministre de la justice may appoint another member to replace him.” Chairman replaced.

**5.** Section 4 of the said act is replaced by the following section: 1976, c. 11, s. 4, replaced.

**“4.** The personnel of the Commission, including the secretary, are appointed and remunerated in accordance with the Civil Service Act (1965, 1st session, chapter 14). Remuneration of personnel.

The Sous-ministre de la justice exercises, in respect of the personnel of the Commission, the powers conferred on the deputy-head of a department by the said act.” Powers of a deputy-head.

**6.** Section 6 of the said act is replaced by the following section: 1976, c. 11, s. 6, replaced.

**“6.** The Commission has the mandate to consolidate the statutes of a general and permanent nature in force on 31 December 1977, except those indicated by the Ministre de la justice, as well as those of a local or provisional nature and in current use designated by the Minister. Consolidation of statutes to 31 December, 1977.

**7.** Section 7 of the said act is repealed. 1976, c. 11, s. 7, repealed.

**8.** Section 8 of the said act is amended by replacing the last two paragraphs by the following paragraphs: Id., s. 8, am.

“The Commission shall consolidate the statutes in such a manner as to provide for their continuing consolidation. Continuing consolidation.

In addition, it shall use the alphanumerical nomenclature in the consolidation of the statutes.” Alphanumerical nomenclature.

**9.** Section 10 of the said act is replaced by the following section: 1976, c. 11, s. 10, replaced.

**“10.** The Commission shall submit the results of its work to the Ministre de la justice on the date fixed by him, except the concordance table, the table of contents and the index to the Revised Statutes, which shall be submitted on a date subsequent to the date fixed by the Minister.” Final date to be fixed by Minister.

**10.** Section 15 of the said act is replaced by the following section: 1976, c. 11, s. 15, replaced.

**"15.** After the deposit of such copy, the Lieutenant-Governor, by proclamation, shall fix the date from which the text is to have force of law under the name of "Revised Statutes of Québec, 1975"."

*The proposed amendment is for concordance.*

Sec. 11. *The object of the proposed amendment is to provide a different manner of referring to the revised statutes according as the reference is to the bound edition or to the loose-leaf edition.*

Sec. 12. *The proposed amendment replaces section 20 of the act which has become inoperative due to the fact that the bill provides for a mechanism for the yearly keeping up to date of the statutes in force. It also proposes the consolidation and keeping up to date of the regulations.*



**"15.** After the deposit of such copy, the Lieutenant-Governor, by proclamation and according to such terms and conditions as he may determine, shall fix the date from which the text is to have force of law under the name of "Revised Statutes of Québec, 1977" in the case of the bound edition and of "Revised Statutes of Québec" in the case of the loose-leaf edition."

Date of the coming into force of the R.S.Q., 1977.

**11.** Section 16 of the said act is amended by replacing the first paragraph by the following paragraph:

1976, c. 11, s. 16, am.

**"16.** A statute contained in the Revised Statutes may be cited by indicating the number of the chapter, preceded by the words "Revised Statutes of Québec, 1977" or by the abbreviation "R.S.Q., 1977", and a statute contained in the loose-leaf edition may be cited by indicating the number of the chapter, preceded by the words "Revised Statutes of Québec" or by the abbreviation "R.S.Q."."

References and abbreviations.

**12.** Section 20 of the said act is replaced by the following:

1976, c. 11, s. 20, replaced.

#### "DIVISION IV

##### "KEEPING UP TO DATE OF THE STATUTES

**"20.** The Commission shall continually keep up to date the statutes in force.

Keeping up to date.

**"21.** The Éditeur officiel du Québec shall annually print and publish the up-to-date text of the Revised Statutes of Québec, in the loose-leaf edition only.

Printing and publication.

He may, when printing an amendment to a statute, reprint a part of the statute untouched by the amendment, if the loose-leaf technique makes it necessary.

Untouched part of statute reprinted.

**"22.** The provisions of the other divisions of this act that are not incompatible with this division apply to the keeping up to date of the statutes, *mutatis mutandis*.

Provisions applicable.

#### "DIVISION V

##### "CONSOLIDATION AND KEEPING UP TO DATE OF REGULATIONS

**"23.** In this act, unless otherwise indicated by the context, the word "regulation" includes an order, a decree or a rule.

Interpretation.

**"24.** The Commission also has the mandate to consolidate the regulations of a general and permanent nature as well as those

Consolidation of regulations.

Sec. 13. *The proposed amendment is for concordance.*

Sec. 14. *Section 24 of the act presently reads as follows:*

**"24.** The expenditures incurred for the application of this act shall be paid out of the consolidated revenue fund."

Sec. 15. *The proposed amendment is for concordance.*

Sec. 16. *The proposed amendment is a transitional provision designed to ensure the present employees of the Commission the status of civil servants.*

of a local or provisional nature and currently in use, indicated by the Ministre de la justice and adopted under the statutes that are in force on the date the consolidation of the regulations is completed.

**"25.** The Éditeur officiel du Québec shall, as soon as possible, print and publish a loose-leaf edition of the revised regulations indicated by the Ministre de la justice. Regulations published.

**"26.** The revised regulations are to be designated under the name of "Revised Regulations of Québec". "Revised Regulations of Québec".

A regulation contained in the Revised Regulations may be cited by indicating the number thereof, preceded by the words "Revised Regulations of Québec" or by the abbreviation "R.R.Q.". Reference: "R.R.Q.". "R.R.Q.".

**"27.** After completing its work, the Commission shall keep the regulations in force continually up to date. Regulations kept up to date.

**"28.** The Éditeur officiel du Québec shall print and publish twice yearly the up-do-date text of the regulations. Regulations published twice yearly.

**"29.** The provisions of the other divisions of this act that are not inconsistent with this division apply to the consolidation and the keeping up to date of the regulations, *mutatis mutandis*." Provisions applicable.

**13.** Division IV of the said act is renumbered "VI".

1976, c. 11, Div. IV, renumbered.

**14.** Section 24 of the said act is replaced by the following section: Id., s. 24, replaced.

[[**"24.** The expenditures necessary for the application of this act shall be paid, for the fiscal year 1978/1979, out of the consolidated revenue fund and, for subsequent fiscal years, out of the moneys voted annually for that purpose by the Legislature."]] Expenditures.

**15.** Sections 21 to 26 of the said act are renumbered 30 to 35, respectively. 1976, c. 11, ss. 21-26, renumbered.

**16.** The Civil Service Act (1965, 1st session, chapter 14), becomes, without any other formality, applicable to the personnel of the Commission de refonte des lois et des règlements, including the secretary, in office at the coming into force of this act. Civil Service Act applies to personnel.

**17.** This act comes into force on the day of its sanction. Coming into force.