



CHAPTER 11

An Act to establish the Public Service Board

[Assented to, the 22nd of June, 1940]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

TITLE

1. This act may be cited as: "Public Service Board Act". Short title.

2. In this act, the word: "Board" designates the "Board".
Public Service Board established by this act.

CONSTITUTION OF THE BOARD

3. An arbitration, supervisory and controlling body Creation of
for public services and public utility enterprises is Board.
established under the name of "Public Service Board". Name.

4. The Board shall consist of five members ap- Composi-
pointed during good conduct. tion.

5. One of the members shall be appointed president President,
and another vice-president. etc.

The quorum is fixed at three. The Board shall not Quorum.
be dissolved by reason of vacancy among the members. Vacancy.

6. The Board shall have its chief place in the city Chief place.
of Quebec, and may, with the authorization of the
Lieutenant-Governor-in-Council, establish offices at Offices.
any other place.

- Remuneration of members.** **7.** The president, the vice-president and the other members shall respectively receive an annual remuneration of ten thousand dollars, eight thousand five hundred dollars and eight thousand dollars.
- Secretary, etc.** The Lieutenant-Governor-in-Council shall appoint a secretary and the necessary technicians, accountants, clerks and other employees and fix their remuneration.
- Pension.** Division 1 of the Pension Act (Revised Statutes, 1925, chapter 11) shall apply to all such persons.
- Payment of remuneration, etc.** Such remuneration and the general expenses of the Board shall be paid out of the consolidated revenue fund.
- Annual report.** **8.** Each year, in the month of September, the Board shall transmit to the Attorney-General, for the year expiring on the preceding 31st of March, a report containing summarily:
- a.* the applications made to the Board and the orders issued by it since the beginning of its functions or, as the case may be, since its last report;
- b.* the number, nature and result of the investigations made during the same period.
- Information supplied.** The Board shall, in addition, supply the Attorney-General with any other information he may require.
- Report before Legislative Assembly.** This report shall be laid before the Legislative Assembly during the first three weeks of the ensuing session.
- Carrying out of act.** **9.** The Attorney-General shall have charge of the carrying out of this act.
- Provisions of this act to prevail.** **10.** In case of incompatibility, the provisions of this act shall prevail over those of any other law applying to the Board.

ATTRIBUTIONS OF THE BOARD

- Board substituted for Provincial Transportation and Communication Board.** **11.** The Board is substituted for the Provincial Transportation and Communication Board, which is abolished, as likewise all the offices connected therewith. It shall exercise all the powers and assume all the obligations thereof, whether they arise out of the Provincial Transportation and Communication Board Act (3 George VI, chapter 16) or out of any other act, regulation, order-in-council, contract or instrument whatsoever.

Any reference in any act, regulation, order-in-council or other instrument, to the Provincial Transportation and Communication Board, or to its president, its vice-president or its controllers, shall apply, with the same effect, to the Board, its president, its vice-president or its members. Application.

12. The Board, its president, vice-president and members are likewise substituted for the Quebec Public Service Commission, its president, vice-president and commissioners for the purposes of any law or regulation in force and of any contract or other instrument relating thereto. Board substituted for Quebec Public Service Commission.

13. The act 1 George VI, chapter 25, as amended by the act 3 George VI, chapter 23, is repealed. The Provincial Electricity Board, created by the said act, is abolished, as likewise all the offices connected therewith, and the act 25-26 George V, chapter 24, repealed by the said act, shall again come into force as well as all legislative provisions incorporated therewith by reference. 1 Geo. VI, c. 25, repealed. Provincial Electricity Board abolished. 25-26 Geo. V, c. 24, re-enacted.

The Board, however, is substituted for the Quebec Electricity Commission contemplated by the said act 25-26 George V, chapter 24. It shall exercise all the powers and assume all the obligations of the latter, whether they arise out of the said act or out of any other act, regulation, order-in-council, contract or instrument whatsoever. Board substituted for Quebec Electricity Commission.

Any reference in the said act to the Quebec Electricity Commission, its president, its vice-president or its commissioners shall apply, with the same effect, to the Board, its president, vice-president or members. Idem.

14. The Board, its president, vice-president and members, for the purposes of any law or regulation in force and of any contract or other instrument relating thereto, are likewise substituted for the Provincial Electricity Board. Board substituted for Quebec Electricity Board.

15. The repeal of the act 1 George VI, chapter 25, and of the act amending the same, shall not affect the penalties incurred or infringements committed which shall be liable to prosecution in the manner provided for under the provisions re-enacted. Repeal not to affect penalties, etc.

1 Geo. VI, c.
26, repealed.

25-26 Geo. V,
c. 49, re-
enacted.

R.S., c. 102A,
am.

Id., Board
substituted.

Id., s. 5, par.
replaced.

Id., s. 19, am.

Id., ss. 21, 22,
added.

Making of
regulations.

Municipality
entering into
a contract
with a public
service.

R.S., c. 46A,
am.

16. The act 1 George VI, chapter 26, is repealed, and the Electricity Municipalization Act, as enacted by the act 25-26 George V, chapter 49, shall again come into force, as well as all other acts repealed by the former.

17. Notwithstanding the preceding section, the following changes are made in chapter 102A of the Revised Statutes, 1925, as enacted by section 1 of the act 25-26 George V, chapter 49:

a. The Board is substituted for the Quebec Electricity Commission for all the purposes of the said act, as well as for all other purposes;

b. The first paragraph of section 5 is replaced by the following:

“**5.** Such by-law must be approved by the majority in number and in value of the votes given by the elector-proprietors. No other approval is required.”;

c. Section 19 is amended:

1. By replacing the words: “Quebec Streams Commission or of the Electricity Commission”, in the first and second lines of the first paragraph thereof, by the words: “Public Service Board”;

2. By inserting therein, after the first paragraph thereof, the following:

“The Provincial Treasurer may, furthermore and upon the same conditions, lend to such municipality an additional sum not exceeding twenty-five per cent of such capital cost, for a period of thirty years, with interest at four per cent.”;

d. By adding to the said chapter the following sections:

“**21.** The Public Service Board may make regulations to determine the conditions upon which the grant and loan contemplated in section 19 may be allowed.

22. Any rural municipality, which has availed itself of the provisions of section 19, is authorized, with the approval of the Board, to enter into a contract with any public service for the purchase of power, the erection of lines, the exploitation, maintenance and administration of the system, the collection of the accounts or all other services.”

18. Notwithstanding section 13, the following amendments are made to chapter 46A of the Revised

Statutes, 1925, as enacted by the act 25-26 George V, chapter 25, section 1:

a. Subsection 2 of section 31 is amended by inserting therein, after the word: "increase", in the first line thereof, the words: "or reduce", and by inserting after the word: "increase", in the third and fifth lines thereof, the words: "or reduction"; R. S., c. 46A, s. 31, am.

b. Section 36 of the said act is amended by replacing the words: "Minister of Lands and Forests", in the first line thereof, by the words: "Attorney-General"; Id., s. 36, am.

c. The following paragraph is added to section 40: Id., s. 40, am.

"Likewise, there shall be submitted, for the prior approval of the Board, any acquisition by a public service of shares, bonds or securities affecting the undertaking of another public service, any issue of evidences of indebtedness whereof the term of maturity exceeds twelve months, and any modification of already-existing securities, as well as any investment of sums assigned to the reserve fund for depreciation, stabilization of rates, annuities, pension funds or benefits in favour of the employees.";

d. Sections 19, 20, 22, 48, 50, 51 and 53 are repealed. Id., sections repealed.

19. Sections 1 to 10 of this act shall come into force on the day of its sanction; the other sections shall come into force upon such date as the Lieutenant-Governor may be pleased to fix by proclamation. Coming into force, ss. 1 to 10. Id., proclamation (Aug. 1st, 1940, O. G., 1940, p. 2158)

