



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 121

**An Act to increase the autonomy and
powers of Ville de Montréal, the
metropolis of Québec**

Introduction

**Introduced by
Mr. Martin Coiteux
Minister of Municipal Affairs and Land Occupancy**

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EXPLANATORY NOTES

This bill proposes various legislative amendments respecting Ville de Montréal.

The title of the Charter of Ville de Montréal is changed to “Metropolis of Québec Act”.

Under the bill, the mayor of the city may designate the chair and vice-chair of the executive committee, and that committee is granted new powers in connection with granting subsidies and acquiring and alienating property.

The quorum of the city council is set at the majority of its members, including the mayor, and the use of technological means to convene special sittings is authorized.

The bill removes provisions from the Charter of Ville de Montréal that expressly create certain advisory committees, but maintains the city’s power to keep these committees. The city may, with respect to any matter within its jurisdiction, constitute a non-profit body whose purpose is to provide any service, advice, substance, material and equipment or to administer programs.

The city contributes, in compliance with government policy directions and policies and through the support services it offers in its territory, to the full participation of immigrants, in French, in the community life of the metropolis and to consolidating harmonious intercultural relations.

The city is granted all necessary powers to give effect to an agreement entered into with the Government. It may adopt business assistance programs, and its powers regarding commercial development associations are broadened.

Under the bill, the city council may, despite a borough by-law, authorize a project involving an establishment with a floor area greater than 15,000 m² rather than 25,000 m². In addition, the city may exercise, under certain conditions, a pre-emptive right to acquire any immovable offered for sale in its territory and may take measures to promote the construction of affordable or family housing units. The bill also further clarifies certain powers allowing the city to intervene with respect to the maintenance of deteriorated buildings.

The bill modifies the role of the public safety committee set out in the Charter of Ville de Montréal by removing provisions such as those requiring the city council to obtain the advice of the committee before exercising certain powers. It also removes the city's obligation to reserve at least 1% of its budget for unexpected expenditures, claim settlements, and payments entailed by court sentences.

The bill enables the city's electrical services commission to exercise its powers with respect to certain underground conduits situated in the territory of a reconstituted municipality.

The city is granted the power to apply, provided it enters into a delegation agreement with the Minister of Culture and Communications, the policy to integrate the arts with the architecture and environment of government buildings and sites. In addition, the Cultural Heritage Act is amended to allow the city to exercise some of that minister's authorization powers under that Act.

Lastly, the city may determine, in its territory, legal periods of admission applicable to commercial establishments as well as hours of use for permits authorizing alcoholic beverages to be sold or served for consumption on the premises.

LEGISLATION AMENDED BY THIS BILL:

- Charter of Ville de Montréal (chapter C-11.4);
- Municipal Powers Act (chapter C-47.1);
- Act respecting hours and days of admission to commercial establishments (chapter H-2.1);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Cultural Heritage Act (chapter P-9.002);
- Act respecting liquor permits (chapter P-9.1).

Bill 121

AN ACT TO INCREASE THE AUTONOMY AND POWERS OF VILLE DE MONTRÉAL, THE METROPOLIS OF QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE MONTRÉAL

1. The title of the Charter of Ville de Montréal (chapter C-11.4) is replaced by the following title:

“METROPOLIS OF QUÉBEC ACT”.

2. Section 23 of the Charter is amended by replacing “council” by “mayor” and by striking out “on the recommendation of the mayor”.

3. Section 34.1 of the Charter is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) granting a subsidy or any other form of assistance the amount or value of which does not exceed \$150,000;”;

(2) by replacing “\$25,000” in subparagraph 3 of the first paragraph by “\$150,000”.

4. Divisions X to XIII of Chapter II of the Charter, comprising sections 83.1 to 83.22, are repealed.

5. Section 89 of the Charter is amended by replacing “25,000” in subparagraph 3 of the first paragraph by “15,000”.

6. Sections 116, 117 and 122 of the Charter are repealed.

7. Schedule C to the Charter is amended by inserting the following sections after section 10:

“**10.1.** The city may, in connection with any matter within its jurisdiction, constitute a non-profit body whose purpose is to provide any service, advice, substance, material and equipment or to administer programs. Sections 227 and 231.1 of this schedule apply to such a body.

The first paragraph does not allow the constitution of a body for any of the purposes for which a body may be constituted under Chapter V of this schedule.

“10.2. To support economic development, the city may, by by-law, adopt a business assistance program.

The assistance may be granted in any form, including subsidies, tax credits or bonds or the transfer or rental of an immovable.

A program adopted under the first paragraph must be consistent with the city’s economic development plan.

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under a program adopted under the first paragraph, to the extent that the assistance

(1) results from integrated planning by the city and the Minister of Economic Development, Innovation and Export Trade;

(2) does not contravene the trade agreements to which Québec has declared itself bound;

(3) is not intended for the transfer of activities carried on in the territory of another local municipality in Québec; and

(4) is paid to a person who, in the territory of the city, operates a business and is the owner or occupant of an immovable.

A by-law under the first paragraph determines the total value of the assistance that may be granted under the program.

Such a by-law, and any by-law or resolution adopted under section 92.1 of the Municipal Powers Act (chapter C-47.1), must be approved by the eligible voters of the city if the annual average of the total value of the assistance that may be granted exceeds 1% of the total appropriations provided for in the budget for its operating expenses for the fiscal year during which the by-law or resolution is adopted. If the average exceeds 5% of the total appropriations, the by-law or the resolution must also be approved by the Minister. To determine the average, the total value of the assistance that may be granted under the adopted by-law or resolution is taken into account, along with that of the assistance that may be granted under any other by-law adopted under the first paragraph or under section 92.1 of the Municipal Powers Act, if it is or will soon be in force, and any resolution adopted under the second paragraph of that section since the beginning of the fiscal year during which the by-law or resolution is adopted.”

8. Schedule C to the Charter is amended by inserting the following sections after section 12.1:

“**12.2.** Within the limits prescribed by law and in compliance with the policy directions and policies of the Gouvernement du Québec regarding immigration, the city contributes, through the support services it offers in its territory, to the full participation of immigrants, in French, in the community life of the metropolis and to consolidating harmonious intercultural relations.

“**12.3.** The city has all the powers required to fulfil its duties and obligations under any agreement between the city and the Gouvernement du Québec or any of its departments, agencies or mandataries, or the Government of Canada or any of its departments or agencies in the case of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (chapter M-30), to the extent that the powers required for carrying out the duties are included in those the Gouvernement du Québec may delegate to a municipality.”

9. Section 38 of Schedule C to the Charter is repealed.

10. Section 40 of Schedule C to the Charter is amended by adding the following paragraph at the end:

“The notice of meeting may also be notified to each council member by a technological means in accordance with articles 133 and 134 of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications.”

11. Section 50.2 of Schedule C to the Charter is amended by adding the following paragraph at the end:

“No notice of deterioration may be registered with respect to an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

12. Schedule C to the Charter is amended by inserting the following section after section 50.5:

“**50.6.** The city may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously and on which the work required in the notice has not been carried out. Such an immovable may then be alienated to any person by onerous title or to any person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19) by gratuitous title.”

13. Schedule C to the Charter is amended by inserting the following subdivision after section 79:

“§7.1.—*Commercial development associations*

“**79.1.** The city may, by by-law, define the limits of a zone within which a single district may be formed and provide for the establishment of a commercial development association having jurisdiction in that district. Such an association must mainly promote the economic development of its district and comply with all economic development strategies adopted by the city.

“**79.2.** The establishment, dissolution and merger of associations, as well as modifications to the limits of a zone or a district, are carried out on the city’s initiative or at the request of the persons described under section 79.3.

Except for the merger of associations, any initiative or request referred to in the first paragraph must be submitted for consultation, through a register and, if applicable, a poll, to the operators or occupants of a taxable business establishment or the owners of a taxable non-residential immovable located in the district concerned. The city shall send those persons a notice informing them that a register will be open and, if applicable, that a poll will be held.

“**79.3.** A person who, in an association’s district, operates or occupies a taxable business establishment within the meaning of the Act respecting municipal taxation (chapter F-2.1) or owns a taxable immovable entered on the property assessment roll as a non-residential immovable may be a member of the association.

“**79.4.** The city may, by by-law,

(1) determine the classes of business establishments or immovables whose operators, occupants or owners, as applicable, are required to be members of the association;

(2) set the minimum number of establishments or immovables by district;

(3) determine the activities an association may carry on;

(4) prescribe any particulars concerning the formalities for establishing, dissolving, modifying and merging associations;

(5) prescribe any particulars concerning the composition of an association’s board of directors, the respective responsibilities of the general meeting of the members and of the board of directors and any matter relating to the organization, operation or dissolution of an association, in particular the distribution of the association’s assets in the case of dissolution; and

(6) prescribe any other matter relating to the association, including the terms governing exemption from or the establishment, collection and repayment of

assessments, the transitional rules applicable where the territory in which the association exercises its jurisdiction is modified, and the rules of succession if a member must be replaced during the fiscal year.

“79.5. The city shall approve the association’s internal management rules and authorize any loan to finance a project involving capital expenditures that exceed the percentage of the association’s budget prescribed by a by-law of the city. The city may, by by-law, determine the nature of any other project for which financing by loan requires such authorization.

“79.6. For collection purposes, an assessment ordered under this subdivision from a business establishment is deemed to be a special business tax, while an assessment ordered under this subdivision from an owner entered on the property assessment roll is deemed to be a property tax. In that respect, the clerk and the treasurer have all the powers vested in them by this Act, the Cities and Towns Act (chapter C-19) and the Act respecting municipal taxation (chapter F-2.1). The assessments collected, minus collection costs, and the list of the members who have paid them must be remitted to the association.

“79.7. Despite the Municipal Aid Prohibition Act (chapter I-15), the city may, on the conditions it determines, grant subsidies to an association established under section 79.1.

“79.8. This subdivision applies in lieu of subdivision 14.1 of Division XI of the Cities and Towns Act (chapter C-19), except sections 458.5, 458.7 to 458.10, 458.13 to 458.18, 458.21, 458.23 and 458.25, the first paragraph of section 458.26, and sections 458.27, 458.28, 458.33 to 458.35, 458.38, 458.40, 458.41, 458.43 and 458.44 of that Act, which apply with the necessary modifications and with the exception that section 458.35 does not apply to a merger of associations.”

14. Section 80 of Schedule C to the Charter is amended

(1) by replacing the first occurrence of “by-law” in the first paragraph by “resolution”;

(2) by inserting “, which may be increased to take into account any reasonable accessory expenses incurred by the city for work on its equipment or infrastructures made necessary by an intervention under the first paragraph,” after “The expense” in the second paragraph;

(3) by adding the following paragraph at the end:

“The city may not exercise its power under the first paragraph with respect to an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

15. Section 94 of Schedule C to the Charter is repealed.

16. Section 144 of Schedule C to the Charter is amended by striking out the fifth paragraph.

17. Schedule C to the Charter is amended by inserting the following subdivision after section 151:

“§15.1. — *Pre-emptive right*

“**151.1.** In accordance with the provisions of this subdivision, the city may, in all or part of its territory as determined by the by-law provided for in section 151.2, exercise a pre-emptive right to acquire any immovable, excluding immovables owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

The city’s pre-emptive right may only be exercised to acquire an immovable for which a notice of the city’s pre-emptive right has been registered.

“**151.2.** The city shall determine, by by-law, the territory in which its pre-emptive right may be exercised and the municipal purposes for which immovables may be acquired in this manner.

“**151.3.** The notice of the city’s pre-emptive right must identify the immovable concerned and describe the purpose for which it may be acquired.

The notice must be notified to the owner of the immovable and takes effect on being registered in the land register. It is valid for a period of 10 years from the registration date.

“**151.4.** The owner of an immovable for which a notice of the city’s pre-emptive right has been issued may not, on pain of nullity, alienate the immovable for the benefit of a person other than a person to whom the owner is related within the meaning of the Taxation Act (chapter I-3) if the owner has not notified a notice to the city of the owner’s intention to alienate the immovable.

The owner’s notice must state the price of the proposed alienation, the conditions to which it is subject, and the name of the person who intends to acquire the immovable. If the immovable is to be alienated, in whole or in part, for non-monetary consideration, the notice must include a reliable and objective estimate of the value of that consideration.

“**151.5.** The city may, not later than 60 days following notification of the notice of intention to alienate, notify a notice to the owner of its intention to exercise its pre-emptive right and to acquire the immovable at the price and on the conditions stated in the notice of intention to alienate, subject to any modifications subsequently agreed on with the owner. If the notice of intention

to alienate contains an estimate of the value of a non-monetary consideration, the price must be increased by an equal amount.

The city may, during that period, require from the owner any information allowing it to assess the condition of the immovable. It may also, after giving 48 hours' prior notice, access the immovable to conduct, at its own expense, any study or analysis it considers useful.

If the city does not notify the notice provided for in the first paragraph to the owner within that 60-day period, it is deemed to have decided not to exercise its pre-emptive right.

If the city decides not to exercise its pre-emptive right and the proposed alienation comes into effect, the city must have the notice of its pre-emptive right removed from the land register.

“151.6. If the city exercises its pre-emptive right, it must pay the price of the immovable within 60 days after notifying the notice of its intention to acquire the immovable. If the city cannot pay the amount to the owner, it may deposit it, on the owner's behalf, at the office of the Superior Court.

Sections 53.15 to 53.17 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

In the absence of a notarial contract, the city becomes the owner of the immovable by registering a notice of transfer of ownership in the land register; the notice must include a description of the immovable, the price and conditions of its acquisition, and the date on which the city will take possession of the immovable.

The notice of transfer must be served on the owner at least 30 days before it is registered in the land register.

To be registered, the notice must be accompanied by documents confirming that the price has been paid to the owner or deposited at the office of the Superior Court and proof that the notice has been served on the owner.

“151.7. If the city exercises its pre-emptive right, it must compensate the person who intended to acquire the immovable for reasonable expenses incurred during negotiation of the price and conditions of the proposed alienation.”

18. Schedule C to the Charter is amended by inserting the following subdivision after section 177:

“§16.1.—Affordable or family housing

“177.1. The city may, by by-law and in accordance with the policy directions, objectives, strategies and targets defined for that purpose in the planning program, make the issue of a building permit for the construction of

residential units subject to the signing of an agreement between the applicant and the city to increase the supply of affordable or family housing.

The agreement may, in compliance with the rules set out in the by-law, stipulate the construction of affordable or family housing units, the payment of an amount of money or the transfer of an immovable in favour of the city.

All amounts and immovables obtained in this manner must be used by the city for the implementation of an affordable or family housing program.

“177.2. The by-law must establish the rules for determining the number and type of affordable or family housing units that may be required, the method for calculating the amount of money to be paid or the specifications of the immovable to be transferred.

It may also prescribe minimum standards for the particulars of the agreement listed in the first paragraph of section 177.3.

“177.3. The agreement may prescribe standards for the dimensions of the affordable or family housing units concerned, the number of rooms they comprise, their location in the housing project or elsewhere in the territory of the city and their design and construction.

The agreement may also establish rules to ensure the affordable nature of the housing units for the time it determines.”

19. Schedule C to the Charter is amended by inserting the following section after section 204:

“204.1. If a reconstituted municipality of the urban agglomeration of Montréal manifests, by a resolution of its council, its intention to transfer responsibility to the commission for any existing or proposed underground conduit situated in its territory, the commission may, by resolution, accept that responsibility.

On the date the commission adopts its resolution accepting the transfer, the city becomes the owner of the existing underground conduits covered by the resolution of the council of the reconstituted municipality. The city is also the owner of any conduit built by the commission in accordance with a resolution of the council of such a municipality identifying it as a proposed conduit or in accordance with the third paragraph to connect a building to an existing conduit.

Once the conduits described in this section have been built or in order to build them, the commission shall exercise the jurisdiction and powers conferred on it by this chapter, with the necessary modifications. The commission is not, however, authorized to extend such conduits, except to connect a building to them.

In addition, with the owner's consent and to ensure that those conduits are fully functional, the commission may carry out any operation on an adjacent installation."

MUNICIPAL POWERS ACT

20. Section 92.1 of the Municipal Powers Act (chapter C-47.1) is amended by inserting "Subject to the sixth paragraph of section 10.2 of Schedule C to the Charter of Ville de Montréal (chapter C-11.4)," at the beginning of the second sentence of the sixth paragraph.

ACT RESPECTING HOURS AND DAYS OF ADMISSION TO COMMERCIAL ESTABLISHMENTS

21. The Act respecting hours and days of admission to commercial establishments (chapter H-2.1) is amended by inserting the following section after section 4.1:

"4.2. Ville de Montréal may, by by-law and with respect to commercial establishments situated in its territory, prescribe legal periods of admission that are different from any period prescribed in section 2, 3 or 3.1 or in a regulation made under section 4.1. Such periods may vary according to the time of year, by category of establishment or by part of the city's territory."

22. Section 37 of the Act is amended

(1) by inserting ", including the provisions of a regulation made under this Act," after the first occurrence of "Act";

(2) by inserting "other" after "over any".

ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

23. Section 13 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by adding the following paragraph at the end:

"An agreement entered into between the Minister and Ville de Montréal may provide for the delegation to the city of all or part of the implementation of the policy in its territory, to the extent, on the conditions and with the modifications stipulated in the agreement."

24. Section 22.3 of the Act is amended by replacing "under section 193 of that Act" in paragraph 4.1 by "in accordance with that Act".

CULTURAL HERITAGE ACT

25. Section 164 of the Cultural Heritage Act (chapter P-9.002) is amended by striking out the second paragraph.

26. The Act is amended by inserting the following chapter after section 179:

“CHAPTER VI.1

“EXERCISE OF CERTAIN POWERS BY VILLE DE MONTRÉAL

“**179.1.** In a protection area situated in its territory, Ville de Montréal exercises the Minister’s powers under section 49 in relation to the division, subdivision, redivision or parcelling out of a lot and to the making of a construction, other than the building or erection of an immovable.

Moreover, in a land area declared a heritage site and on a classified heritage site situated in its territory, Ville de Montréal exercises the Minister’s powers under section 64, except as regards the demolition of all or part of an immovable, the erection of a new construction and the excavation of ground, even inside a building, when it is incidental to such demolition or erection work. Ville de Montréal also exercises the Minister’s powers under section 65.

In exercising those powers, Ville de Montréal is bound by the conservation plans established by the Minister under sections 37 and 61.

“**179.2.** Despite section 179.1, Ville de Montréal may not exercise the powers conferred by this chapter as regards interventions by the Government, a government department or a body that is a mandatary of the State. The Minister exercises all the powers conferred by sections 49, 64 and 65 with respect to such interventions.

“**179.3.** For the purposes of the exercise, by Ville de Montréal, of the powers conferred by this chapter, sections 11, 50, 51, 66 and 67, subparagraphs 2 and 3 of the first paragraph and the second paragraph of section 80, and sections 180, 181, 183 to 192, 195 to 197, 201, 202 and 261 apply to Ville de Montréal, with the necessary adaptations, including replacing “Government”, “government” and “Minister” by “Ville de Montréal”.

“**179.4.** Ville de Montréal may institute penal proceedings for an offence under this Act arising from the exercise of the powers conferred by this chapter.

The fine belongs to Ville de Montréal if it instituted the proceedings.

“**179.5.** The council of Ville de Montréal may, by by-law and to the extent it determines, delegate to the city’s executive committee the exercise of all or some of the powers provided for in this Act that the city exercises under this chapter, except the regulatory powers provided for in subparagraphs 2 and 3 of the first paragraph and in the second paragraph of section 80.

The by-law may, among other things, provide that a power relating to a particular intervention may be excluded when such powers are delegated.

“179.6. The Minister communicates to Ville de Montréal all documents and information, including personal information, enabling the city to ensure compliance with this Act as regards the powers it exercises under this chapter.

Ville de Montréal communicates to the Minister all documents and information, including personal information, arising from the exercise, by the city, of the powers conferred by this chapter and enabling the Minister to ensure compliance with this Act.

“179.7. Ville de Montréal must, not later than *(insert the date that is 24 months after the date of coming into force of section 26 of this Act, to the extent that it enacts section 179.1)* and subsequently every five years, report to the Minister on the carrying out of the provisions of this chapter.

The Minister tables the report within the next 30 days in the National Assembly or, if the Assembly is not sitting, within 30 days of resumption.”

27. The Act is amended by inserting the following sections after section 261:

“261.1. The processing of an application for authorization filed for an intervention referred to in section 179.1 and submitted to the Minister before *(insert the date of coming into force of section 26 of this Act, to the extent that it enacts section 179.1)* is continued by the Minister until an authorization is issued or denied.

“261.2. Ville de Montréal may not, under the powers conferred on it by Chapter VI.1, issue an authorization for an intervention for which authorization was denied by the Minister on or after *(insert the date that is five years before the date of coming into force of section 26 of this Act, to the extent that it enacts section 179.1)*, or for which authorization was denied under section 261.1.

“261.3. Ville de Montréal is responsible for the administration of sections 180, 183 to 192, 195 to 197, 201, 202 and 261 in relation to an authorization referred to in section 261.1 or an authorization issued by the Minister before *(insert the date of coming into force of section 26 of this Act, to the extent that it enacts section 179.1)* for an intervention referred to in section 179.1. The same applies in the case of contraventions of section 49, 64 or 65 concerning interventions referred to in section 179.1 that occurred or began before that date.

To that end, the city may, among other things, institute penal proceedings before the competent municipal court for an offence under this Act. In such a case, any fine belongs to the city.

Despite the first two paragraphs, civil proceedings, brought either as plaintiff or defendant, in all contestations for or against the State, as well as penal proceedings in progress on (*insert the date of coming into force of section 26 of this Act, to the extent that it enacts section 179.1*) in relation to an intervention referred to in section 179.1, are continued by the Attorney General of Québec or the Director of Criminal and Penal Prosecutions for the State, as applicable.”

ACT RESPECTING LIQUOR PERMITS

28. Section 61 of the Act respecting liquor permits (chapter P-9.1) is amended by inserting “Subject to section 61.1,” at the beginning.

29. The Act is amended by inserting the following section after section 61:

“**61.1.** Ville de Montréal may, by by-law and with respect to any permit referred to in the first paragraph of section 59 that is used in its territory, fix hours of use that are different from those prescribed in that paragraph. Such hours may vary according to the time of year, by category of permit or by part of the city’s territory.

The city may also, by resolution, exercise in its territory the power provided for in section 61 with respect to the hours of use specified in the first paragraph of section 59 or the hours it fixes under the first paragraph.”

TRANSITIONAL PROVISIONS

30. The Conseil interculturel de Montréal, Conseil du patrimoine de Montréal, Conseil des Montréalaises and Conseil jeunesse de Montréal, established by provisions repealed by section 4, are continued in their current form as long as the city council does not modify or dissolve them.

31. A commercial development association established under subdivision 14.1 of Division XI of the Cities and Towns Act (chapter C-19) and having jurisdiction in a commercial district in the territory of Ville de Montréal remains subject to that subdivision as long as it is not dissolved in accordance with sections 458.17 to 458.18 of that Act or on the initiative of Ville de Montréal in accordance with subdivision 7.1 of Division II of Chapter III of Schedule C to the Charter of Ville de Montréal (chapter C-11.4), enacted by section 13.

FINAL PROVISION

32. This Act comes into force on (*insert the date of assent to this Act*), except section 26 to the extent that it enacts sections 179.1 to 179.5 and 179.7 of the Cultural Heritage Act (chapter P-9.002), which comes into force on the day that is six months after that date.