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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 34

**An Act to modernize the notarial  
profession and to promote access  
to justice**

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**Introduction**

**Introduced by  
Mr. Simon Jolin-Barrette  
Minister of Justice**

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## **EXPLANATORY NOTES**

*The purpose of this bill is to provide for the use of information technologies in the context of the practice of the notarial profession. The bill therefore amends the Notaries Act in order to provide, among other things, for the execution and preservation of notarial acts en minute on a technological medium, subject to the possibility, in certain cases, of executing or temporarily preserving them in paper form until it is possible to transfer them to a technological medium. It provides that an act must be closed using a technological solution authorized by the board of directors of the Chambre des notaires du Québec. In addition, it constitutes digital central notarial records administered and financed by the Chambre des notaires du Québec and establishes the rules that apply to such records. The bill also provides for the preservation of notarial records in the central notarial records until they are deposited with Bibliothèque et Archives nationales du Québec.*

*Moreover, the bill provides for the creation of a retired notaries category.*

*The bill grants new regulatory powers to the board of directors of the Chambre des notaires du Québec, including those resulting from the establishment, administration and financing of the digital central notarial records, those concerning the transfer of the information contained in a notarial act en minute to another medium and those concerning the transfer of notarial records to Bibliothèque et Archives nationales du Québec.*

*The bill adds to the purposes of the notarial studies fund and the fund for legal studies that of financing measures designed to promote access to justice.*

*The Government is given the power to provide, by regulation, for a procedure for the forced execution of the payment of a debt resulting from the non-performance of a contractual obligation recorded in a notarial act en minute, and the terms and conditions of such a forced execution.*

*The Courts of Justice Act is amended with respect to the Supplementary benefits plan for judges of the Court of Québec, judges of municipal courts that are under the authority of a presiding judge*

*and presiding justices of the peace, so that judges' contributions can be paid into a retirement compensation arrangement trust. It also makes it mandatory for the Government to pay, into that trust, an annual contribution at least equal to the contributions made by judges.*

*The bill provides for the transfer of the rights acquired by judges of the Municipal Court of Montréal within the pension plan in effect in Ville de Montréal to one of the pension plans provided for by the Courts of Justice Act and to one of the supplementary benefits plans referred to therein as well as the terms and conditions relating to the judges' participation in those plans.*

*Lastly, the bill contains transitional provisions and a final provision.*

**LEGISLATION AMENDED BY THIS BILL:**

- Civil Code of Québec;
- Act respecting the Barreau du Québec (chapter B-1);
- Code of Civil Procedure (chapter C-25.01);
- Notaries Act (chapter N-3);
- Courts of Justice Act (chapter T-16);
- Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters (1998, chapter 51).

**LEGISLATION REPEALED BY THIS BILL:**

- Notarial Act (chapter N-2).

**REGULATION AMENDED BY THIS BILL:**

- Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act (chapter T-16, r. 6).



## Bill 34

### AN ACT TO MODERNIZE THE NOTARIAL PROFESSION AND TO PROMOTE ACCESS TO JUSTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

**1.** Article 441 of the Civil Code of Québec is amended

- (1) by striking out both occurrences of “de la minute” in the French text;
- (2) by replacing “original” in the French text by “d’origine”;
- (3) by replacing “on the original and on” by “on the contract and on”;
- (4) by replacing “the number of his minute” by “its minute number”;
- (5) by adding the following sentence at the end: “The notation of the change may be made on the contract or, if applicable, on a copy of it or on a writing attached to the contract or copy, directly or by a reference.”

**2.** Article 521.16 of the Code is amended, in the second paragraph,

- (1) by replacing both occurrences of “dépositaire de la minute” in the French text by “dépositaire”;
- (2) by replacing “original” in the French text by “d’origine”;
- (3) by striking out “established by the original contract”;
- (4) by striking out “original of the”;
- (5) by inserting the following sentence after the second sentence: “Such a notation of the reference may be made on the contract or, if applicable, on a copy of it or on a writing attached to the contract or copy, directly or by a reference.”

**3.** The Code is amended by inserting the following subdivision after article 1603:

“§4.1. — *Forced execution of a contractual obligation recorded in a notarial act*

“**1603.1.** The creditor may obtain forced execution of the payment of a claim resulting from the non-performance of a contractual obligation recorded in a notarial act *en minute* by following the procedure established by government regulation and according to the terms and conditions the regulation determines.

The regulation may exclude certain contracts or categories of contracts or certain persons or categories of persons from the application of this article.”

**4.** Article 2176 of the Code is amended

(1) in the second paragraph,

(a) by replacing “mention sur” in the French text by “mention à”;

(b) by replacing “depository of the original” by “depository of the act”;

(c) by replacing “on the original and on” by “on the act and on”;

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

“Such a notation may be made on the mandate or, if applicable, on a copy of it or in a writing attached to the mandate or copy, directly or by a reference.”

**5.** Article 3110 of the Code is amended by replacing “or if one of the parties is domiciled in Québec” by “, if it is entered into in the ordinary course of business of an enterprise in Québec or if one of the parties is domiciled in Québec or was constituted there”.

## ACT RESPECTING THE BARREAU DU QUÉBEC

**6.** Section 15 of the Act respecting the Barreau du Québec (chapter B-1) is amended by replacing paragraph *h* of subsection 2 by the following paragraph:

“(h) establish and administer a fund for legal studies constituted by the sums voted by the board of directors, by gifts and legacies made for such purpose, by the proceeds of accounts held in trust by advocates in the exercise of their profession and by the proceeds of the fund, in order to

i. promote the quality of professional services, the reform of law, professional training, refresher training, legal research and information and the creation and maintenance of law libraries; and

ii. finance measures designed to promote access to justice.”

## CODE OF CIVIL PROCEDURE

**7.** Article 86 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing “in non-contentious proceedings and in the other cases specified in paragraph 7 of section 15 of the Notaries Act (chapter N-3)” by “in connection with any application that may be dealt with according to the procedure for non-contentious proceedings”.

**8.** Article 456 of the Code is amended

(1) by striking out both occurrences of “of the original” in the first paragraph;

(2) by replacing “refer to the original or a copy of such a contract” in the second paragraph by “consult the contract or a copy of it”.

**9.** Article 484 of the Code is replaced by the following article:

**“484.** Notaries are required, on payment of their professional fees and expenses, to issue a copy of or an extract from the acts forming part of their records and required to be published to the parties to the act, their heirs or their representatives, or to otherwise give them access to those acts.

They are also required, on receipt of such a payment, to issue a copy of or an extract from the acts that are not required to be published, or to otherwise give access to those acts,

(1) to the parties to the act;

(2) in the case of a protection mandate that has not been revoked, if it is established to the notary’s satisfaction that the incapacity of the mandator is such that the mandator may need to be represented in the exercise of his civil rights, to the mandator’s spouse or to close relatives and persons closely connected to the mandator by marriage or civil union as well as to any person who shows a special interest in the mandator;

(3) in the case of an act containing testamentary provisions that have not been revoked, to the liquidator of the succession, an heir, a successor, an heir by particular title or to a person who, in the absence of testamentary provisions, would have been called to the succession, on proof of the death of the testator or donor; and

(4) to any other person, where provided for by law.

This article also applies to the assignee of notarial records or of part of notarial records, to the provisional custodian of such records, to any other legal depositary and to the mandatory referred to in section 89 of the Notaries Act (chapter N-3).”

**10.** Article 485 of the Code is amended

(1) by replacing “to give access to or issue a copy of or extract from an act” in the first paragraph by “to issue a copy of an act or an extract from an act or to otherwise give access to it”;

(2) by replacing “access must be given or the copy or extract issued” in the second paragraph by “access is to be given”.

**11.** Article 486 of the Code is amended by striking out “the minute or” in the first paragraph.

NOTARIAL ACT

**12.** The Notarial Act (chapter N-2) is repealed.

NOTARIES ACT

**13.** The Notaries Act (chapter N-3) is amended by inserting the following section after section 2:

**“2.1.** For the purposes of this Act, unless otherwise provided in the Act or unless the context indicates a different meaning, “notary” includes “retired notary”.”

**14.** Section 4 of the Act is amended by inserting “, excluding a retired notary,” after “notary” in the second paragraph.

**15.** Section 6 of the Act is replaced by the following section:

**“6.** The board of directors may, by regulation,

(1) provide for professional training, determine the form the training is to take, provide the appropriate instruction and, for such purposes, establish a school of professional training;

(2) establish, and set the rules governing the administration of, a notarial studies fund, made up of the gifts and legacies made for that purpose, any sums paid into it by the Order and the income from the general accounts held in trust by notaries, for the purposes of

(a) promoting the quality of professional services, including the preservation of the acts in the notarial records preserved in the digital central notarial records, law reform, legal research, education and information, and the establishment and maintenance of law library services, and

(b) financing measures to promote access to justice and the digitization and preservation of notarial records and, in accordance with paragraph 5 of section 8, the indemnity fund of the Order;



(3) establish mandatory standards of professional practice, including special standards of practice for notaries practising outside Québec;

(4) determine what constitutes a vacancy on the board of directors; and

(5) determine the conditions that a notary must meet to be certified as regards the institution or review of a tutorship to a person of full age and as regards protection mandates.

Section 95.2 of the Professional Code (chapter C-26) applies to a regulation made under subparagraphs 2 and 4 of the first paragraph.

No regulation may be adopted by the board of directors under subparagraph 5 of the first paragraph unless the secretary of the Order has sent a draft of it to every member of the Order at least 30 days before its adoption by the board of directors. The regulation shall be submitted to the Government, which may approve it with or without amendment.”

**16.** Section 7 of the Act is amended

(1) by replacing “shall” in the first paragraph by “may”;

(2) by striking out the third paragraph.

**17.** Section 8 of the Act is amended

(1) by striking out “, by resolution,” in the introductory clause;

(2) by replacing “and content of the notarial seal, and the cases in which a notary is required to use a seal, subject to the right of notaries practising on 1 March 1969 to continue to use the seal in their possession at that time” in paragraph 2 by “of the notarial seal and the information that it must bear, according to the medium used for the act, and the cases in which a notary is required to use it”.

**18.** Sections 10 and 11 of the Act are replaced by the following sections:

**“10.** A notary is a legal adviser and takes part in the administration of justice.

A notary, excluding a retired notary, is also a public officer.

**“11.** In his or her capacity as a public officer, a notary’s mission is to execute acts which the parties wish or are required to endow with the authenticity attaching to acts of public authority. To that end, the notary shall, in particular, fix the date of such acts, verify the identity, quality and capacity of the parties and ensure that they express therein their consent in a free and enlightened manner. The notary must also advise the parties and act impartially towards them.

In the context of this mission, the notary keeps in his or her notarial records the notarial acts *en minute* that he or she executes in order to give access to them, including by issuing copies of or extracts from those acts.”

**19.** The heading of Division II of Chapter II of the Act is amended by replacing “AND RESUMPTION OF RIGHT TO PRACTISE” by “, RESUMPTION OF RIGHT TO PRACTISE AND EXERCISE OF OTHER POWERS”.

**20.** Section 12 of the Act is replaced by the following sections:

**“12.** The board of directors shall constitute a committee to decide applications for admission to the professional training program, for entry on the roll of the Order, whether as notary or retired notary, or, subject to section 12.1, for resumption of the right to practise. The committee members shall take the oath set out in Schedule II to the Professional Code (chapter C-26); however, the oath is not to be construed as prohibiting the sharing of information or documents within the Order for the protection of the public.

To that end, the committee shall ascertain whether a candidate has the moral character and the conduct, competence and qualifications required to practise the notarial profession.

The committee exercises its functions with regard to both candidates to the practice of the profession and members. It may hear the candidate, the member or any other person. However, it may not refuse to grant the candidate’s or the member’s application before giving the candidate or member an opportunity to be heard.

In the exercise of its functions, the committee has the powers provided for in sections 45 to 45.3, 46.0.1, 48 to 52.1, 55, 55.0.1 to 55.3, 56, 159, 161 and 161.0.1 of the Professional Code. Chapter VIII of the Code applies to the committee, to its members and to the secretary of the Order.

The committee has the powers needed to carry out its mandate; it exercises, in particular, the powers of the Superior Court to compel, by summons signed by a member of the committee or the secretary of the Order, a candidate, a member or any other person to appear, to answer under oath and to produce any information or document. The Code of Civil Procedure (chapter C-25.01) applies, with the necessary modifications, for the purposes of this paragraph.

Authorization to be entered on the roll or to resume practice may be made subject to any condition that the committee considers necessary for the protection of the public.

**“12.1.** A candidate who applies for resumption of the right to practise after having been struck off the roll under paragraph 1 or 2 of section 85.3 of the Professional Code (chapter C-26) or a regulation made under subparagraph *o* of the first paragraph of section 94 of that Code shall be re-entered on the roll of the Order provided the candidate remedies the defect that led to the striking off within three months of being struck off.”

**21.** The Act is amended by inserting the following sections after section 13:

**“13.1.** A notary 55 years of age or over may be entered on the roll as a retired notary, on an application to the secretary of the Order.

A retired notary may use the prefix “Me” or “Mtre” before his or her name, provided it is followed by the title “retired notary”; he or she may not, however, use the title of notary, verbally or otherwise, or practise the profession of notary. Nevertheless, a retired notary may, within a legal person referred to in section 26.1 and in accordance with the regulation made under that section, perform the acts mentioned in paragraphs 3 to 5 of section 15 as well as those mentioned in paragraph 7 of that section, with the exception of representing clients in connection with any application that may be dealt with according to the procedure for non-contentious proceedings set out in Book III of the Code of Civil Procedure (chapter C-25.01).

**“13.2.** A retired notary must no longer keep notarial records or be the holder, user, signatory or mandatary of a trust account related to the notarial profession.”

**22.** Section 14 of the Act is replaced by the following sections:

**“14.** The secretary of the Order shall keep a notarial register in which the following information in respect of each notary shall be entered:

- (1) the notary’s name followed by “practising notary” or “retired notary”, as the case may be;
- (2) the notary’s fields of practice, specifying which of them constitutes his or her main field of professional practice;
- (3) honorary notaries’ contact information; and
- (4) any other information determined by regulation of the board of directors.

The information entered in the register under subparagraphs 1 and 2 of the first paragraph, together with the information provided for in the Professional Code (chapter C-26), shall constitute the roll of the Order.

**“14.1.** The names of honorary notaries and the date on which their title was conferred constitute information that is to be kept by the secretary of the Order in the directory provided for in section 46.2 of the Professional Code (chapter C-26).”

**23.** Section 15 of the Act is replaced by the following sections:

**“15.** Subject to the provisions of sections 15.1 and 16, no person other than a notary may, on behalf of another person:

(1) prepare or draw up acts which, under the Civil Code or any other legislative provision, require execution in notarial form;

(2) prepare or draw up acts under private signature and notarial acts, other than those referred to in paragraph 1, relating to immovables and requiring registration in the land register or the cancellation of such registration;

(3) prepare or draw up an agreement, application, by-law, resolution or other similar document relating to the constitution, organization, reorganization, dissolution or voluntary winding-up of a legal person or the amalgamation of legal persons;

(4) prepare, draw up, sign and send the administrative declarations and applications prescribed by the legislative provisions relating to the legal publicity of enterprises;

(5) give legal advice or opinions;

(6) send a demand letter arising from an act he or she has executed, provided there is no charge to the person to whom it is addressed;

(7) represent clients in connection with any application that may be dealt with according to the procedure for non-contentious proceedings set out in Book III of the Code of Civil Procedure (chapter C-25.01), or prepare, draw up or present any related application on their behalf;

(8) prepare and draw up the documents required in connection with applications presented before him or her under article 312 of the Code of Civil Procedure; or

(9) perform the operations preliminary to the Public Curator’s recognition of an assistant to a person of full age.

**“15.0.1.** Except as provided by law, no person other than a notary may

(1) when drawing up or preparing a notarial act, ascertain or enter, in the act, the parties’ statements of facts and declarations relating directly to the juridical act the notarial act contains, or verify and validate such ascertainments or entries; or

(2) perform any other action intrinsically linked to the notary's role as a public officer.”

**24.** Section 15.1 of the Act is amended by inserting “, excluding a retired notary” at the end of subparagraph 3 of the first paragraph.

**25.** Section 16 of the Act is amended

(1) by inserting “and retired advocates” after “conferred upon advocates” in paragraph 2;

(2) by replacing paragraph 4 by the following paragraphs:

“(4) the right of secretaries or assistant secretaries of legal persons to draw up the minutes of meetings of directors or shareholders and all other documents which they are authorized to draw up under federal or provincial laws; or

“(5) the right of a retired notary to perform the acts mentioned in section 13.1.”

**26.** Section 19 of the Act is amended by inserting “, subject to section 13.1,” after “and” in the first paragraph.

**27.** Section 20 of the Act is amended by adding the following paragraph at the end:

“The notary may also, in accordance with the terms determined by regulation of the board of directors, practise his or her profession under another name.”

**28.** Section 21 of the Act is replaced by the following section:

**“21.** A notary's official signature shall be handwritten or affixed by means of a technological process.

The official handwritten signature shall consist of the notary's signature followed by the title “notary” or “notaire” or, where applicable, “retired notary” or “notaire à la retraite”.

A notary must obtain the authorization of the secretary of the Order to use the notary's official signature affixed by means of a technological process.

The procedure for authorizing the use of an official signature affixed by means of a technological process and that for revoking such an authorization shall be determined by regulation of the board of directors. The regulation shall identify a technological process that must be used to affix it and the minimal conditions a certification service provider must comply with.

The provisions of a regulation made under the fourth paragraph shall be submitted to the Government, which may, on the recommendation of the ministers responsible for the Act respecting registry offices (chapter B-9) made after consultation with the Office des professions, approve them, with or without amendment.”

**29.** Section 22 of the Act is amended by replacing “on” in the second paragraph by “to”.

**30.** Section 23 of the Act is amended by replacing all occurrences of “official written” and “written” by “official handwritten” and “handwritten”, respectively.

**31.** Section 26 of the Act is replaced by the following sections:

**“26.** In addition to property declared by law to be exempt from seizure, technological media and property related to a notary’s professional practice, such as notarial records, safes, filing cabinets, files, law books as well as trust accounting documents, where they belong to the notary or, as the case may be, to the partnership or non-profit legal person within which the notary practises, are also exempt from seizure.

However, subject to the conditions determined by regulation of the board of directors, technological media may be seized and sold to recover the balance owing on the price of such property or seized and sold by a creditor holding a hypothec on such property.

**“26.0.1.** Where a technological medium related to the practice of the notarial profession is seized but does not belong to the notary or, as the case may be, to the partnership or non-profit legal person within which the notary practises, articles 727 and 728 of the Code of Civil Procedure (chapter C-25.01) apply as if the notary were the debtor or the garnishee.

The first paragraph does not apply if the object of the seizure is the technological medium that supports the digital central notarial records.”

**32.** Section 26.1 of the Act is amended by inserting the following paragraph after the second paragraph:

“The regulatory standards determined under this section may vary according to the category of members to which the notary belongs.”

**33.** Section 26.4 of the Act is amended by striking out “is guilty of an offence and” in the second paragraph.

**34.** Section 30 of the Act is replaced by the following section:

**“30.** A notary who wishes to cease being entered on the roll must so advise the secretary of the Order and decide with the secretary the date of his or her removal from the roll. The notary ceases to be entered on the roll as of that date and must no longer be the holder, user, signatory or mandatory of a trust account related to the notarial profession.”

**35.** Section 32 of the Act is amended

(1) by inserting “and retired advocates” after “conferred on advocates” in paragraph 5;

(2) by inserting the following paragraph after paragraph 5:

“(6) performs an action exclusively linked to a notary’s function as a public officer provided for in section 15.0.1 or proposes to perform such an action or seeks or contributes to have a notary not perform the mandatory actions linked to the notary’s function as a public officer.”.

**36.** The Act is amended by inserting the following section after section 32:

**“32.1.** Any person other than a member of the Order who, acting as an intermediary between a third person and a notary,

(1) grants or promises or causes to be granted or promised, to the third person, a reduction in the fees or disbursements of the notary;

(2) gets a notary or, as the case may be, the partnership or non-profit legal person within which the notary practises, to forego part of his or her fees or disbursements; or

(3) procures, or promises or agrees to procure, professional services for the third person, without any liability on the person’s part towards the notary for the notary’s disbursements,

shall be presumed to usurp the functions of a notary.”

**37.** Section 33 of the Act is amended by replacing “is guilty of an offence and” by “or retired notary who contravenes the second paragraph of section 13.1 or section 13.2”.

**38.** Section 35 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“A notarial act *en minute* is an act that a notary must deposit in his or her notarial records in order that it be preserved therein and that access be given to it, including by issuing authentic copies of or extracts from that act.”;

(2) by striking out the first two sentences of the second paragraph;

(3) by replacing “in the notarial records” in the third paragraph by “in his or her notarial records”.

**39.** The Act is amended by inserting the following section after section 35:

**“35.1.** Notarial acts *en minute* must be executed in and preserved on a technological medium according to the procedure determined by a regulation of the board of directors and in a format authorized by the board.

An act must be closed using a technological solution authorized by the board of directors.

However, an act may be executed and temporarily preserved in paper form, according to the procedure determined by a regulation of the board of directors, where the notary considers that executing it in a technological medium is not possible or is inconvenient and that it is in the interest of the parties to promptly close the act or where the act is intended for use outside Québec. The information contained in such an act must be transferred to a technological medium as soon as possible. The act in its original medium may be destroyed after the transfer.

The Order shall, according to the procedure determined by a regulation of the board of directors, enter into a written agreement with any service provider of a technological solution authorized under the second paragraph.”

**40.** Section 36 of the Act is replaced by the following section:

**“36.** Notarial acts *en minute* forming part of notarial records must be executed separately and then numbered consecutively beginning with the number one at the time of their deposit in the notarial records.”

**41.** Section 37 of the Act is repealed.

**42.** Section 38 of the Act is amended by replacing “An act” and “an act” in the first paragraph by “A notarial act” and “a notarial act”, respectively.

**43.** Section 39 of the Act is amended by replacing the first paragraph by the following paragraph:

“Notarial acts *en brevet* must be executed according to the procedure determined by a regulation of the board of directors and in a format authorized by the board.”

**44.** Section 43 of the Act is amended by replacing “second paragraph of section 50” in the second paragraph by “fourth paragraph of section 46”.



**45.** Divisions II to IV of Chapter IV of the Act, comprising sections 45 to 92, are replaced by the following divisions:

**“DIVISION II**

**“FORM OF NOTARIAL ACTS**

**“§1. — *General provisions***

**“45.** Notarial acts must be written without abbreviations; amounts, dates, numbers and other figures, other than simple references that are not absolutely essential, are to be written out in full and entries written out in full take precedence over figures, should there be a difference.

**“46.** A notarial act is closed by the signatures of the parties and of the witnesses required, as the case may be, in the physical presence of the officiating notary and by the officiating notary’s signature, which must be affixed immediately after the last of the parties has signed the act and at the place where that party signed.

The notary may exceptionally, if the circumstances so require and if it may be done in keeping with the rights and interests of the parties, authorize a party or a witness who so requests to sign the act remotely. The authorization may be revoked at any time.

When the signing of an act is carried out remotely, the notary must make sure that the conditions are such as to ensure the quality of his or her professional services, the parties’ clear understanding and the confidentiality of the information exchanged, and that they are not derogatory to the honour or dignity of the profession.

The remote act is closed at the place where the notary signs it and according to the procedure determined by a regulation of the board of directors. The regulation may also prohibit or limit remote signing in certain cases or for certain acts or types of acts.

The signature of any party to a notarial act may, at the request of the officiating notary or a party to the act, be affixed before a notary other than the officiating notary either in the other notary’s physical presence or remotely, subject to the conditions provided for in the second paragraph, provided that the last signature is affixed before the officiating notary. A signature may also be affixed before a notary who is authorized to practise in a State which has a professional order belonging to the Union internationale du notariat and who is designated by the board of directors, provided that the signature is affixed within the territorial boundaries of the State in which that notary practises. In such cases, after the party signs, the notary before whom the signature is affixed must enter and sign an attestation, immediately below the party’s signature, that the signature was affixed before him or her, indicating the date on which it was affixed.

**“47.** Before it is signed, a notarial act must be read aloud to each of the parties by the notary or by a third person appointed by the notary. The act need not be read to parties who have themselves read the act or where the parties declare to the notary that they have taken cognizance of it and exempt the notary from reading it. Mention of the declarations and exemption must be made in the act, above the signatures.

The inclusion in the act of the words “After due reading hereof” constitutes a simple presumption that the act has been read in accordance with the provisions of this Act.

**“48.** A notarial act must indicate:

- (1) the date of its execution;
- (2) the name, official capacity and place of the professional domicile of the notary who executes the act;
- (3) the name, quality and address of the parties and a designation of the powers of attorney or the mandates produced;
- (4) the presence, name, quality and address of the required witnesses;
- (5) the place where the act is executed;
- (6) the fact that the act is executed *en brevet*, where applicable; and
- (7) a mention of the fact that the act was read to the parties or, where applicable, the mention required in the cases described in section 47.

**“49.** A notarial act must contain the signatures of the parties or their declaration that they are unable to sign, the signatures of the witnesses and the official signature of the notary or notaries.

The official signature of any notary, other than the officiating notary, before whom one of the parties signs constitutes a sufficient designation of the notary.

Where a party signed a notarial act in the presence of a notary other than the officiating notary and such notary entered in it and signed the attestation in accordance with the fifth paragraph of section 46, the party is deemed to have appeared before the officiating notary for the purposes of that act.

**“50.** A notarial act is declared to be executed at the place where it is closed. If that place is situated in Québec, it is sufficiently described by specifying the name of the municipality. In any other case, the name of the State must also be specified in the act.

**“51.** Where a notarial act between several parties is signed or consented to by the parties on different days or at different places, the notary may express the plurality of dates or places by mentioning the day on which and the place where each party signed the act or consented to it.

**“52.** A notarial act *en minute* under the authority of which a notarial act is executed must be sufficiently described in such act by the nature and date of the notarial act, the name of the notary who executed it, the minute number given to it and, where applicable, its registration number in the appropriate register for the publication of rights. No copy of a notarial act *en minute* is to be appended to the act.

Any other documents under the authority of which a notarial act is executed must be appended, by being attached directly or by reference, and be sufficiently identified, acknowledged as true and signed in the presence of the notary by the party or parties who produce them and countersigned by the notary.

All other documents that the parties wish to append to a notarial act may be so appended by complying with the formalities prescribed in the second paragraph.

Documents appended to a notarial act form an integral part of it. They must be in the same medium as the act.

**“53.** A notary may not alter or change a notarial act after a party has signed it unless the party agrees to the alteration or change.

Nor may a notary destroy or alter a notarial act after it is closed, unless authorized by law. Should it be necessary to make changes to the act, the parties may do so only by means of another act.

Any change, destruction or alteration must be done according to the procedure determined by a regulation of the board of directors.

**“54.** Any transfer of the information contained in a notarial act *en minute* to another medium or another format must be made according to the procedure determined by a regulation of the board of directors, which must specify the standards applicable to verifying the integrity of the information transferred. The regulation may also, in the cases it determines, make it mandatory to transfer such information from paper form to a technological medium.

Such a transfer does not affect the authentic nature of the act.

**“§2.** — *Special provisions*

**“55.** Every act executed by a notary in paper form and signed by him or her, but which does not bear that notary’s official handwritten signature as filed with the secretary of the Order, is nevertheless authentic and has the same effect as if it had been signed with the notary’s official signature.

**“56.** Notarial acts in paper form must comply with the following formalities:

(1) the acts must be written in good-quality ink, typewritten, or printed legibly and permanently;

(2) the body of the act and the insertions or additions to insertions must not contain any overwriting, interlineation or added word; any overwritten, interlineated or added words, letters, figures or signs are deemed unwritten;

(3) the crossing out of words, letters or figures must be done in such manner that the crossed-out words, letters and figures may be counted;

(4) insertions and additions to insertions must, under pain of nullity, be made in accordance with the procedure determined by a regulation of the board of directors;

(5) the acts must not contain any blanks, gaps or intervening spaces, other than the usual spaces, that are not crossed out; and

(6) the number of insertions and additions to insertions, as well as the number of crossed-out words, letters and figures and the fact that they are null, must be mentioned at the end of the act, above the signatures.

**“57.** In addition to the particulars provided for in section 48, a notarial act *en minute* executed in paper form must also specify the date and time of signing for each of the signatories.

**“58.** In addition to the items provided for in section 52, the documents appended to a notarial act in a technological medium must be so appended by means of the technological solution used for the closing of the act and must be in the same format as the act or in any other format authorized by the board of directors.

Any transfer of the information contained in an appendix to another medium or another format must be made according to the procedure determined by a regulation of the board of directors, which must specify the standards applicable to verifying the integrity of the transfer to be made by the notary.

**“59.** The information contained in a notarial act *en minute* on a technological medium may be transferred from one format to another to the extent that the other format is authorized by the board of directors.

### “DIVISION III

#### “PRESERVATION OF NOTARIAL ACTS *EN MINUTE*

##### “§1. — *Keeping of notarial records*

“**60.** All notarial records must, according to the procedure determined by a regulation of the board of directors, be preserved in the digital central notarial records.

“**61.** Notarial records must include a repertory of the notarial acts executed *en minute* and an index to the repertory, in which the information prescribed by regulation of the board of directors must be entered.

The repertory and the index must be kept, safeguarded and preserved on a technological medium, according to the procedure determined by a regulation of the board of directors.

Any transfer of the information contained in a repertory or an index to another medium or another format must be made according to the procedure determined by a regulation of the board of directors, which must specify the standards applicable to verifying the integrity of the information transferred.

The repertory and the index whose information has been transferred may be destroyed, according to the procedure determined by a regulation of the board of directors.

“**62.** Possession of all or part of notarial records may not be surrendered except in the cases provided by law or by a regulation of the board of directors. In the latter case, the regulation determines the terms applicable to the surrendering of possession.

Before possession of a notarial act *en minute* may be surrendered, the notary shall make a true copy of the act which, after being signed by the judge ordering the filing of the act or, where section 192 of the Professional Code (chapter C-26) applies, by the person requiring the production of the act in the exercise of his or her functions, is substituted for and stands in lieu of the act until it is re-deposited in the notary’s notarial records.

Where an act was executed in a technological medium, a true copy of the act shall be delivered to the judge ordering the filing of the act or, where section 192 of the Professional Code applies, to the person requiring the production of the act in the exercise of his or her functions.

The same obligation applies to any person who, in particular as provisional custodian or assignee, is the depositary of the notarial records.

**“63.** The Minister of Justice, in his or her capacity as Notary General for Québec, may keep, according to the terms the Minister determines, one or more sets of notarial records in order to preserve the notarial acts executed *en minute* by notaries to whom the Public Service Act (chapter F-3.1.1) applies.

When establishing a set of notarial records, the Minister shall notify the secretary of the Order.

*“§2.—Digital central notarial records*

**“64.** The Order is responsible for the administration and financing of the digital central notarial records.

The central notarial records group together, for preservation purposes, all the notarial records kept or safeguarded on a technological medium until they are transferred to Bibliothèque et Archives nationales du Québec.

However, the Order may, under a written agreement entered into according to the procedure determined by a regulation of the board of directors, entrust a part of the administration of the central notarial records to any person or to any body.

**“65.** A notary may only access his or her own notarial records as well as the notarial records for which he or she is the assignee, provisional custodian or mandatary under section 92.2.

**“66.** The Order may access a notary’s notarial records only according to the terms provided for by government regulation.

**“67.** The Order must ensure the security of the information contained in the digital central notarial records.

To that end, the Order must, every five years, submit to an external audit aimed at ensuring compliance with the highest standards and best practices in matters of information security and it must communicate the audit’s findings to the Minister of Justice.

The Minister may require that the Order take corrective measures, make adequate follow-ups, and comply with any other measure the Minister determines, including monitoring or support measures.

**“68.** The digital central notarial records must be hosted in Québec. However, the Government may, according to the terms it determines, authorize that the records be hosted outside Québec.

**“69.** Where the technological medium on which the digital central notarial records are based is the object of a seizure, the bailiff is required to notify the Order of the right to transfer any documents that must be preserved from the medium seized to another.

**“70.** The board of directors may, by regulation, determine the costs, duties or fees for using the digital central notarial records or for providing any related service, in particular those payable for the issuing of copies of and extracts from acts or for the custody, assignment, surrender and reinstatement of notarial records.

*“§3. — Assignment, surrender and provisional custody of notarial records*

**“71.** Notarial records may, subject to the conditions determined by regulation of the board of directors and with its authorization, be assigned, in whole or in part, to any notary. Notarial records may also, according to the terms provided for by regulation of the board of directors, be surrendered, in whole or in part, to the Order.

**“72.** The files relating to assigned records must be handed over to the assignee notary.

**“73.** The liquidator of the succession of a deceased notary must notify the Order without delay of the death and see to it that the notary’s notarial records and all notarial records assigned to or under custody of the notary and the related files remain confidential until they are handed over to a provisional custodian.

**“74.** As soon as a notary who keeps notarial records is removed from the roll or is entered on the roll as a retired notary, the notary shall, subject to the terms determined by regulation of the board of directors, assign the notarial records or surrender them to the Order.

**“75.** The assignee of notarial records shall surrender the records to the Order at the expiry of the maximum period, determined by regulation of the board of directors, for which the records were assigned.

**“76.** The surrender of notarial records, where it is mandatory, must be made within 30 days from the event that gives rise to it. However, if the board of directors considers it warranted by the circumstances, the board may grant any extension it deems appropriate.

**“77.** A person who surrenders notarial records must, before the surrender, destroy, in their original medium, the acts whose information was transferred to a technological medium.

The obligation to destroy referred to in the first paragraph does not apply to acts executed before 1 January 1950, which must be preserved in their original medium.

**“78.** The fees collected for searches of, copies of or extracts from acts belong to the Order, as the depositary.

**“79.** The board of directors or, in urgent cases, the president may, in the absence of a mandate referred to in section 80, appoint a provisional custodian for the notarial records, files or trust accounting documents, as well as for the sums and other property entrusted to a practising notary and held in trust, in any of the following cases:

- (1) the notary’s right to practise is limited or suspended;
- (2) in a proceeding before the court, the notary is the subject of an application for the institution of tutorship to a person of full age, for homologation of a protection mandate or for confinement in an institution pursuant to article 30 of the Civil Code;
- (3) a medical report issued in the circumstances described in sections 48 to 51 of the Professional Code (chapter C-26) shows that the notary cannot practise for health reasons;
- (4) the notary is deceased;
- (5) the notary has ceased to be entered on the roll and has not assigned or surrendered his or her notarial records or disposed of his or her files, trust accounting documents or the sums and other property held in trust;
- (6) the notary has not, contrary to that which is required under section 92.2, appointed a mandatary to issue copies of or extracts from the acts in his or her notarial records or in the notarial records assigned to him or her or under his or her provisional custody where the notary is unable to do so within a reasonable time;
- (7) the notary is the subject of a decision finding him or her guilty of a criminal offence which, in the reasoned opinion of the committee constituted under section 12, is closely related to the practice of the profession;
- (8) the notary is under investigation by a syndic of the Order or the subject of a complaint, or a syndic’s request, filed with the disciplinary council; and
- (9) the safekeeping of the notary’s notarial records, files, trust accounting documents or the sums and other property held in trust is compromised, in the opinion of the board of directors or, as the case may be, the president.

The board of directors or, in urgent cases, the president may also appoint a provisional custodian in respect of property referred in the first paragraph where a notary mandated to act as provisional custodian under section 80 ceases to be a practising notary, does not properly exercise his or her function or renounces exercising it.

In the cases referred to in subparagraphs 1 to 8 of the first paragraph, the appointment of a provisional custodian may also be made by any other person designated by regulation of the board of directors.



The clerk of the court shall, as soon as possible, notify the secretary of the Order of any proceeding referred to in subparagraph 2 of the first paragraph.

The board of directors shall determine by regulation the terms and conditions relating to provisional custody.

**“80.** A notary may mandate, by a notarial act *en minute*, another notary to be a provisional custodian in anticipation of the occurrence of any of the cases mentioned in subparagraphs 1 to 9 of the first paragraph of section 79.

A statement describing the case giving rise to the mandate and indicating the name of the mandatary, the period and the part of the notarial records covered by the mandate, as well as the name of the officiating notary and the number of the minute of the mandate must be filed immediately with the Order.

The mandator must notify the Order of any change to or revocation of the mandate.

The mandated notary must notify the Order of the effective date of the mandate and of the date on which it ends.

The board of directors may, by regulation, determine other terms and conditions relating to provisional custody.

**“81.** Where a provisional custodian of the notarial records of a notary who is in one of the cases provided for in subparagraphs 1 to 9 of the first paragraph of section 79 must effect the surrender or assignment of the notarial records, the provisional custodian must first notify in writing the notary or, where applicable, the liquidator of the notary’s succession.

At the written request of the notary or the liquidator, the provisional custodian must provide a written estimate of the value of the notarial records. If the provisional custodian does not receive such a request within 10 days of the notary or liquidator receiving the notice referred to in the first paragraph, he or she may effect the surrender or assignment of the notarial records.

The notary or the liquidator may, within 10 days of receiving the estimate, require the provisional custodian to effect, within a reasonable time, the assignment of the notarial records. The proceeds from the assignment are remitted to the notary or to the notary’s succession. The provisional custodian may offset out of the proceeds from the assignment any sums owed to him or her for disbursements and fees.

Where the provisional custodian is unable to find an assignee within a reasonable time, he or she may, after so notifying in writing the notary or the liquidator of the notary’s succession, effect the surrender of the notarial records.

**“82.** The board of directors or the president may require that all files relating to notarial records that may be placed under provisional custody be sealed until a provisional custodian is appointed or until the notarial records are assigned or surrendered. The application shall be made to the Superior Court of the judicial district in which the notary who deposited his or her acts in the notarial records last practised. The judge or, in the judge’s absence, the special clerk has full and complete jurisdiction in the matter.

**“83.** Any person in possession of the notarial records or any other document referred to in section 79 for which a provisional custodian has been appointed shall deliver the notarial records or document to the provisional custodian on being notified a notice of the latter’s appointment in accordance with the Code of Civil Procedure (chapter C-25.01). The person is liable to a fine of \$100 for each day’s delay, beginning from notification of the notice. Every person required to surrender notarial records who refuses or neglects to do so is liable to the same fine upon the expiry of the time given to surrender the notarial records. A notary who contravenes the provisions of this section is liable, in addition, to the disciplinary penalties prescribed by the Professional Code (chapter C-26).

**“84.** Where a person required to comply with the provisions of section 83 refuses or neglects to do so or where it is impossible to notify the notice of appointment of the provisional custodian, any person designated by the president may, with the authorization of a judge of the Superior Court, take possession of the notarial records or of any other document subject to provisional custody or of the notarial records to be surrendered and either deliver them to the provisional custodian or surrender them to the Order.

The application may not be presented to the judge unless it has been served on the party concerned at least one clear day beforehand. The judge may, by way of exception, exempt the applicant from serving the application on the person concerned where the judge considers that it would compromise the preservation of the notarial records and other documents, or in urgent cases. The application is heard and decided on an urgent basis.

The judge may, subject to the conditions the judge specifies, authorize the applicant to enter, in the presence of a bailiff, any premises where the notarial records or other documents concerned are kept and, if necessary, cause any locked door, filing cabinet or safe to be opened by any necessary means.

**“85.** The provisional custodian is, for the duration of the provisional custody, the legal depositary of the notarial records under provisional custody, and the custodian of the files and of the other documents relating to the notarial records.

**“86.** In addition to disbursements, the provisional custodian is entitled to the fees established in the mandate mentioned in section 80 or, if no fees are established in the mandate, to those fixed by the board of directors, which shall be charged to the person whose records are under provisional custody.

However, in the case of provisional custody ordered under subparagraph 2 or 3 of the first paragraph of section 79, the board of directors shall, after a decision is rendered by the court or, as the case may be, by the disciplinary council, determine which of the notary or the Order is to pay the costs.

The provisional custodian is also entitled to fees for making searches and for issuing copies of or extracts from acts.

“§4.—*Transfer of notarial records to Bibliothèque et Archives nationales du Québec*

“**87.** The Order shall transfer to Bibliothèque et Archives nationales du Québec, at the expiry of the period determined by a regulation of the board of directors, the notarial records of which it is the depositary.

The regulation determines the other terms of the transfer.

Notarial records transferred under this section are deemed to be public archives within the meaning of the Archives Act (chapter A-21.1).

Regulatory provisions made under the first paragraph must be submitted to the Government, which may, after consultation with the Office des professions and Bibliothèque et Archives nationales du Québec, approve them, with or without amendment.

#### “DIVISION IV

##### “COPIES OF OR EXTRACTS FROM NOTARIAL ACTS *EN MINUTE*

“**88.** The right to issue copies of or extracts from a notarial act *en minute* belongs exclusively to the notary who executed the act, to the assignee of that notary’s notarial records, to a person authorized by the depositary of that notary’s notarial records or to the mandatary referred to in section 80.

The provisional custodian of notarial records, alone and to the exclusion of any other person referred to in the first paragraph, may issue copies of or extracts from the acts in the notarial records that are under provisional custody.

“**89.** Regulatory provisions made under this division must be part of the same regulation.

“**90.** Copies of or extracts from notarial acts *en minute*, regardless of the medium used for the act, may, in accordance with the procedure determined by a regulation of the board of directors, be issued in a technological medium or in paper form. The copies or extracts issued in a technological medium must be issued in a format authorized by the board of directors.

The choice of the medium of a copy or extract belongs to the person requesting its issue.

The copies or extracts issued under this section are authentic.

**“91.** A notary may not issue a copy of or extract from acts that are part of his or her notarial records and whose publication is not required, or otherwise give access to them, except on an order of the court or in the cases provided for in the second paragraph of article 484 of the Code of Civil Procedure (chapter C-25.01).

The first paragraph also applies to the assignee of notarial records or of part of notarial records, to the provisional custodian and any other legal depository of such notarial records and to the mandatary referred to in section 92.2.

A regulation of the board of directors determines the procedure for issuing the copies or extracts. The regulation may also provide other cases in which the notary may give access to an act.

**“92.** Copies of notarial acts *en minute* that a person referred to in section 88 certifies as true copies must be faithful reproductions of the text of the minutes.

It is not necessary to mention in the copies the number of approved insertions and crossed-out words which appear in the act.

It is necessary, however, to mention in the copies the number of approved insertions and crossed-out words which appear in the copies.

**“92.1.** Copies of and extracts from notarial acts *en minute*, certified as true by a person referred to in section 88, are authentic and constitute proof of what is contained in the act provided, as regards annexed documents, that they were annexed pursuant to an Act or that they were acknowledged as true in accordance with section 52.

**“92.2.** Where a notary expects to not be able to issue copies of or extracts from the acts in his or her notarial records or in the notarial records assigned to him or her or under his or her provisional custody within a reasonable time, the notary must, according to the procedure prescribed by regulation of the board of directors, give a temporary mandate, by a notarial act *en minute*, to another notary to issue the copies or extracts. A notary may also, at any time, appoint a mandatary for a specified time, in accordance with this paragraph.

A statement specifying the name of the mandatary, the period and the part of the notarial records covered by the mandate, as well as the name of the officiating notary and the number of the minute of the mandate must be filed immediately with the Order.

The copies or extracts issued under this section are authentic, despite the provisions of articles 2815 and 2817 of the Civil Code.

**“92.3.** The copies of or extracts from acts signed by a notary in paper form with a signature other than the notary’s official handwritten signature are authentic and have effect as if they had been signed with the notary’s official signature.

**“92.4.** A notary is not required to issue a copy of or an extract from an act, or to give access to its content, except for the purpose of its registration in the appropriate register for the publication of rights, until the fees and disbursements for the preparation and execution of the act and, where applicable, the registration of the act, have been paid.

A notary may also withhold files and other documents pertaining to a matter which has been entrusted to the notary until all fees and disbursements have been paid.

**“92.5.** The delivery of copies, extracts, title-deeds or acts of any nature does not constitute a presumption that the notary’s fees and disbursements have been paid.”

**46.** Section 94 of the Act is amended

(1) by striking out “periodically”;

(2) by replacing “attorney, another notary depositing acts in the same joint notarial records, a partner in a general partnership having constituted shared notarial records” by “mandatary”.

**47.** Section 96 of the Act is amended

(1) by replacing “the manner in which entries are to be made in registers” in the first paragraph by “the procedure for making entries in those registers”;

(2) by striking out the third paragraph.

**48.** Section 98 of the Act is repealed.

**49.** Sections 105 and 106 of the Act are repealed.

#### COURTS OF JUSTICE ACT

**50.** Section 122 of the Courts of Justice Act (chapter T-16) is amended

(1) by inserting “as well as determine a fund within the plan into which the contributions are to be paid” after “of the contributions” in the second paragraph;

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

“The Chair of the Conseil du trésor is responsible for establishing an investment policy in respect of the fund referred to in the second paragraph.”

**51.** The Act is amended by inserting the following section after section 122:

**“122.0.0.1.** Where, in accordance with the second paragraph of section 122, the Government determines a fund into which the judges’ contributions to the plan providing for supplementary benefits are to be paid, it shall pay into that fund an annual contribution at least equal to the total of the contributions paid by the judges in the same year.”

**52.** Section 127 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph:  
“The sums required for the payment of the supplementary benefits may also be taken out of the fund determined under the second paragraph of section 122.”;

(2) by replacing the second paragraph by the following paragraph:

“The contribution of the municipalities to the supplementary benefits plan established under the second paragraph of section 122 shall be paid into the Consolidated Revenue Fund.”

**53.** Section 224.7 of the Act is amended by replacing “section 224.30” in subparagraph 3 of the first paragraph by “section 224.30 or 224.33”.

**54.** The Act is amended by inserting the following sections after section 224.32:

**“224.33.** With regard to a judge of the Municipal Court of Montréal who holds office on 31 March 2024, the years and parts of a year that, on that date, are credited under the equivalent pension plan in effect in Ville de Montréal shall be credited under this plan.

**“224.34.** Any contribution paid before 1 April 2024 by a judge of the Municipal Court of Montréal into the pension plan equivalent to that provided for in this Part in effect in Ville de Montréal and any contribution to that plan from which the judge was exempt before that same date are deemed to have been paid under section 224.2.

**“224.35.** A judge who, on 31 March 2024, is receiving a pension under the pension plan equivalent to that provided for in this Part in effect in Ville de Montréal is deemed to be a judge who receives a pension under this plan.

Moreover, a judge or any other person who, on that same date, is entitled to a benefit, advantage or reimbursement under the pension plan equivalent to that provided for in this Part in effect in Ville de Montréal continues to be entitled to it under this plan.”

**55.** The Act is amended by inserting the following section after section 244.13:

**“244.14.** A judge who, on 31 March 2024, is receiving a pension under the pension plan equivalent to that provided for in this Part in effect in Ville de Montréal is deemed to be a judge who receives a pension under this plan.

Moreover, a judge or any other person who, on that same date, is entitled to a benefit, advantage or reimbursement under the pension plan equivalent to that provided for in this Part in effect in Ville de Montréal continues to be entitled to it under this plan.”

**56.** Section 246.24 of the Act is amended by inserting “Before 1 April 2024,” at the beginning of the first paragraph.

#### ACT TO AMEND THE CODE OF CIVIL PROCEDURE AND OTHER LEGISLATIVE PROVISIONS IN RELATION TO NOTARIAL MATTERS

**57.** Section 28 of the Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters (1998, chapter 51) is repealed.

#### SUPPLEMENTARY BENEFITS PLAN FOR JUDGES COVERED BY THE PENSION PLAN PROVIDED FOR IN PART V.1 OF THE COURTS OF JUSTICE ACT

**58.** Section 10 of the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act (chapter T-16, r. 6) is amended by adding the following paragraph at the end:

“The contributions paid under this section shall be paid into a fund taking the form of a retirement compensation arrangement trust.”

#### TRANSITIONAL AND FINAL PROVISIONS

**59.** The information contained in a notarial act *en minute* executed in paper form before the date of coming into force of section 39 of this Act may be transferred to a technological medium. The act in its original medium may then be destroyed, provided that it was executed on or after 1 January 1950.

If such information has not been transferred, the act must be safeguarded or preserved in the notary’s notarial records according to the procedure determined by a regulation of the board of directors of the Ordre des notaires du Québec, and those records must be safeguarded or preserved in Québec or in any place that is authorized by the board of directors.

**60.** As regards a notarial act *en minute* executed before the date of coming into force of section 39 of this Act, if the notary finds that a mistake is made in numbering, the notary must immediately make a declaration under his or her oath of office, below the signatures, on any act that contains such an error, describing the nature of the error, and must enter in the repertory the number as it appears on the act. Such a declaration may also be made in a writing attached to the act, directly or by reference.

If a number has been omitted, the notary must enter the omitted number in the repertory with a note to the effect that no act corresponds to the number.

The obligations imposed on notaries under this section are also incumbent on any person who, in particular as provisional custodian or assignee, is the depositary of the notarial records.

**61.** The first external audit to which the Ordre des notaires du Québec must submit under section 67 of the Notaries Act (chapter N-3), enacted by section 45 of this Act, must be carried out not later than one year after the date of coming into force of that section 67.

**62.** Despite the second paragraph of section 91 of the Notaries Act, as replaced by section 45 of this Act, the Superior Court may issue a copy of or extract from a notarial act *en minute* in paper form or, if the technological environment of the Court enables it, in a technological medium.

**63.** The fees collected by the Superior Court as depositary of notarial records forming part of its archives for searches of and the issue of copies of or extracts from acts belong to the State.

**64.** When the Superior Court deposits notarial records forming part of its archives with Bibliothèque et Archives nationales du Québec, the Court immediately notifies the secretary of the Ordre des notaires du Québec.

**65.** All notarial records not already surrendered to the Superior Court and in which the most recent notarial act was executed before 1 January 1950 must be transferred to Bibliothèque et Archives nationales du Québec. The notary who transfers them must inform the secretary of the Ordre des notaires du Québec without delay.

The other terms of the transfer are determined by the regulation of the board of directors of the Ordre des notaires du Québec referred to in the second paragraph of section 87 of the Notaries Act, as replaced by section 45 of this Act.

Notarial records transferred under this section are deemed to be public archives within the meaning of the Archives Act (chapter A-21.1).



**66.** Until the date of coming into force of section 39 of this Act, the measures for closing a notarial act *en minute* in a technological medium, including remotely, are those enacted by Order 2020-4304 (2020, G.O. 2, 2333B) and by Order 2023-5041 (2023, G.O. 2, 2001).

In addition, the standards established by the board of directors of the Ordre des notaires du Québec under those Orders, and the power of the board of directors to modify those standards, are also maintained in force until that same date.

**67.** Until the date of coming into force of paragraph 4 of section 56 of the Notaries Act, enacted by section 45 of this Act,

(1) no overwriting, interlineation or added words must appear in the body of a notarial act or in the insertions and additions to insertions; any overwritten, interlineated or added words, letters, figures or signs are deemed unwritten and the crossing out of words, letters or figures must be done in such manner that the crossed-out words, letters and figures may be counted;

(2) insertions and additions to insertions must only be written in the margin or at the end of the act; they must be initialled by all the signatories to the act, under pain of nullity of the insertions and additions to insertions;

(3) if the length of an insertion requires that it be continued at the end of the act, the insertion must be initialled by all the signatories to the act in the same manner as insertions in the margin, under pain of nullity of that part of the continued insertion. The same applies to additions to insertions at the bottom of the act and to other insertions which cannot be fully contained in the margin; and

(4) the number of insertions and additions to insertions, as well as the number of crossed-out words, letters and figures and the fact that they are null, must be mentioned at the end of the act, above the signatures.

**68.** Until the date of coming into force of section 71 of the Notaries Act regarding the possibility of surrendering notarial records or the obligation to do so, enacted by section 45 of this Act, any notarial records kept on a technological medium or any part of notarial records kept on such a medium that must be surrendered or that a notary requests to surrender are entrusted to provisional custody.

In addition, any notarial records kept in paper form or part of notarial records kept in paper form that must be surrendered or that a notary requests to surrender must be surrendered to the Superior Court. The provisions of the Notarial Act (chapter N-2), as they read on (*insert the date that precedes the date of assent to this Act*), apply to such a surrender.

**69.** All notarial records surrendered to the Superior Court after 31 March 2020 and before the date of coming into force of section 71 of the Notaries Act regarding the possibility of surrendering notarial records or the obligation to do so, enacted by section 45 of this Act, which contain an act in a technological medium are delivered free of charge to the Ordre des notaires du Québec as depositary.

**70.** Despite the first paragraph of section 10 of the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act (chapter T-16, r. 6), no contributions shall be paid into the Supplementary benefits plan from 20 May 2015 to 31 December 2023.

The application of the first paragraph does not affect the accumulation of years of service credited to the pension plan mentioned in that paragraph.

**71.** The contributions to be paid by judges of the Municipal Court of Ville de Montréal after 31 December 2023 and before 1 April 2024 to the supplementary benefits plan from which they benefit are deemed to have been paid into the fund referred to in the fifth paragraph of section 10 of the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, as enacted by section 58 of this Act.

[[A sum equal to those contributions is to be taken out of the Consolidated Revenue Fund and paid into the fund referred to in the first paragraph.]]

**72.** Not later than 1 June 2024, Ville de Montréal shall submit to the Chair of the Conseil du trésor a report on the actuarial value of the benefits accumulated in the pension plans in which the judges of the Municipal Court of Montréal participate on 31 March 2024, as well as the value of the benefits accumulated in the supplementary benefits plans to which those judges are entitled at that date. These values are calculated on the basis of the data as at 31 March 2024 and the actuarial assumptions established at that same date but using the actuarial methods that were used for the actuarial valuations prepared for each of those plans on the basis of the data as at 31 December 2019.

The report provided for in the first paragraph must also indicate the discount rate applicable to each of the actuarial values it states.

The report is to be produced by the actuaries designated by Ville de Montréal.

**73.** Not later than 30 days following the date on which the report referred to in section 72 of this Act is submitted to the Chair of the Conseil du trésor, Ville de Montréal shall pay the Government an amount equal to the sum of the actuarial values stated in the report, with interest accrued since 1 April 2024 and until the date of payment. The interest is calculated by adding the interest accrued during that period on each of those values according to the discount rate applicable to it.

The amount shall be paid into the pension plans sinking fund set up at Caisse de dépôt et placement du Québec under section 8 of the Financial Administration Act (chapter A-6.001).

**74.** The provisions of this Act come into force on (*insert the date of assent to this Act*), except

(1) section 3, which comes into force on the date of coming into force of the first regulation made under article 1603.1 of the Civil Code, enacted by section 3 of this Act;

(2) section 27, section 31 insofar as it enacts the second paragraph of section 26.0.1 of the Notaries Act, paragraph 2 of section 38, sections 39, 40 and 43, section 45 insofar as it enacts the fourth paragraph of section 46, the third paragraph of section 53, section 54, paragraph 4 of section 56, sections 58 and 60, the second, third and fourth paragraphs of section 61, sections 64 to 70, sections 71 and 74 regarding the possibility of surrendering notarial records or the obligation to do so, sections 75 and 77, subdivision 4 of Division III of Chapter IV and sections 90, 91 and 92.2 of the Notaries Act, the first paragraph of section 59 and sections 65 and 69, which come into force on the date or dates set by the Government;

(3) sections 50 and 51, paragraph 2 of section 52 and sections 58 and 70, which come into force on 1 January 2024;

(4) paragraph 1 of section 52, which comes into force on 1 January 2025;

(5) sections 53 to 56 and 71 to 73, which come into force on 1 April 2024.

