

AMENDMENT

Bill 34

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

SECTION 71

1. Insert “, including the contributions from which they were exempt,” after “benefit” in the first paragraph.
2. Insert “, excluding the contributions from which those judges were exempt,” after “contributions” in the second paragraph.

Adopte'
DB

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SECTION 3 (concerning the Civil Code of Québec)

In proposed subdivision 4.1 of Division II of Chapter VI:

1. Replace both occurrences of “a contractual obligation” by “an obligation”.
2. Replace “certain contracts or categories of contracts” by “certain obligations or categories of obligations”.

*Adopte
RB*

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SECTION 6.1 (concerning the Act respecting the Barreau du Québec)

Insert after section 6:

6.1. Section 129 of the Act is amended by inserting the following paragraph after paragraph f:

“(g) the right of a retired notary to perform, within a legal person referred to in section 26.1 of the Notaries Act (chapter N-3) and in accordance with the regulation made under that section, the acts referred to in paragraphs 3 to 5 of section 15 of that Act as well as those referred to 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)”.

*Adopté
PB*

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SECTION 36 (concerning section 32.1 of the Notaries Act)

In proposed section 32.1:

1. Strike out "or, as the case may be, the partnership or non-profit legal person within which the notary practises," in paragraph 2.
2. Insert "fees and" after "notary's" in paragraph 3.

Adopte'
T63

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SECTION 44 (concerning section 43 of the Notaries Act)

Replace "fourth" by "seventh".

*Adopted
RB*

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SECTION 45 (concerning section 46 of the Notaries Act)

Replace the second paragraph of proposed section 46 by the following paragraphs:

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 who so requests to sign the act remotely.

The notary may also, if circumstances permit, authorize a witness to sign the act remotely.

The authorization to sign remotely may be revoked at any time.

*Adopte
PB*

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SECTION 45 (concerning section 49 of the Notaries Act)

Replace "fifth" in the third paragraph of proposed section 49 by "seventh".

*Adopte'
PS*

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SECTION 45 (concerning section 79 of the Notaries Act)

In proposed section 79:

1. Strike out "where the notary is unable to do so within a reasonable time" in subparagraph 6 of the first paragraph.
2. Replace "8" in the third paragraph by "7".

*Adopte
BB*

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SECTION 45 (concerning section 85 of the Notaries Act)

Replace "and of the other documents relating to the notarial records" in proposed section 85 by "or trust accounting documents, as well as of the sums and other property held in trust".

Adopte'
BB

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SECTION 45 (concerning section 86 of the Notaries Act)

Replace "ordered under subparagraph 2 or 3" in the first paragraph of proposed section 86 by "instituted under subparagraph 2 or 8".

Adopte'
PBS

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SECTION 45 (concerning section 91 of the Notaries Act)

Replace "determines" in the third paragraph of proposed section 91 by "may determine".

*Adopted
PBR*

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SECTION 45 (concerning section 92 of the Notaries Act)

In proposed section 92:

1. Replace "of the minutes" in the first paragraph by "of the acts".
2. Strike out the last paragraph.

*Adopte'
PB*

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SECTION 45 (concerning section 92.2 of the Notaries Act)

In proposed section 92.2:

1. In the first paragraph:

(a) Replace "within a reasonable time, the notary must, according to the procedure prescribed by regulation of the board of directors, give a temporary mandate" by ", the notary must give a mandate";

(b) Strike out ", in accordance with this paragraph".

2. Insert the following paragraph at the end:

The board of directors may, by regulation, determine terms and conditions according to which a notary is to give a mandate referred to in the first paragraph.

*Adopte
PB*

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SECTION 45 (concerning section 92.4 of the Notaries Act)

Replace "files and other documents pertaining to a matter which has been entrusted to the notary" in the second paragraph of proposed section 92.4 by "the documents of a file that pertain to a professional services mandate entrusted to him or her".

Adopte'
BB

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SECTION 62

Replace "91" by "90".

*Adopte'
PB*

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SECTION 66

Replace the first paragraph by:

The measures for closing a notarial act *en minute* in a technological medium, including remotely, enacted by Order 2020-4304 (2020, G.O. 2, 2333B) and by Order 2023-5041 (2023, G.O. 2, 2001), are maintained in force beyond 31 August 2024 until the Government repeals those orders.

*Adopté
P3*

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SECTION 69.1

Insert after section 69:

69.1. All notarial records and parts of notarial records that have been entrusted to provisional custody under Order 2020-4304 (2020, G.O. 2, 2333B) and Order 2023-5041 (2023, G.O. 2, 2001) or in accordance with section 68 are to be surrendered to the Ordre des notaires du Québec.

*Adopté
P/B*

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SECTION 74

In paragraph 2:

1. Replace "fourth paragraph of section 46" by "sixth paragraph of section 46".
2. Replace "sections 90, 91 and 92.2" by "section 90".
3. Replace "and 69," by ", 69 and 69.1,".

*Adopte
PB*

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SECTION 20 (concerning section 12 of the Notaries Act)

Replace the fourth paragraph of proposed section 12 by the following paragraph:

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, 55.0.1 to 55.3, 56, 159, 161 and 161.0.1 of the Professional Code. The committee also exercises the powers provided for in section 55 of that Code unless a regulation made under section 90 of the Code provides that they are to be exercised by the professional inspection committee. Chapter VIII of the Code applies to the committee, to its members and to the secretary of the Order.

Adopte'
P02