



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 43

**An Act respecting Apostilles
for documents to be produced
in a foreign State party to the Hague
Convention of 5 October 1961
Abolishing the Requirement
of Legalisation for Foreign Public
Documents**

Introduction

**Introduced by
Madam Martine Biron
Minister of International Relations
and La Francophonie**

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EXPLANATORY NOTES

This bill recognizes the Apostille as a means of certifying the origin of a document to be produced in a foreign State party to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.

The bill empowers the Minister of Justice to issue Apostilles and provides for the keeping of a register of Apostilles.

Lastly, the bill authorizes the Government to determine, by regulation, standards for Apostilles and contains transitional provisions.

Bill 43

AN ACT RESPECTING APOSTILLES FOR DOCUMENTS TO BE PRODUCED IN A FOREIGN STATE PARTY TO THE HAGUE CONVENTION OF 5 OCTOBER 1961 ABOLISHING THE REQUIREMENT OF LEGALISATION FOR FOREIGN PUBLIC DOCUMENTS

AS the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents aims to facilitate the circulation of public documents around the world;

AS this Convention promotes the Apostille to replace the process of legalising documents for circulation;

AS Québec subscribes to the principles and rules set forth in the Convention;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Minister of Justice is the competent authority to issue Apostilles for the following documents:

- (1) authentic acts and certified true copies of such an act;
- (2) the official certificates referred to in section 3; and
- (3) any other documents determined by government regulation.

2. An Apostille may be issued for any document specified in section 1 if the document is to be produced in a foreign State that requires it and that is party to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents where the Convention is applicable between that State and Canada.

3. If a document, other than a document referred to in paragraphs 1 and 3 of section 1, emanating from a person or body that has an establishment in Québec is to be produced in a foreign State that requires it and that is party to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents where the Convention is applicable between that State and Canada, it must be the subject of an official certificate that complies with the standards prescribed by government regulation, produced by a lawyer or notary.

4. The form and content of the Apostille are determined by the Minister.

5. The Minister keeps a register of Apostilles in which the following information is recorded for each Apostille issued:

- (1) the sequential number of the Apostille;
- (2) the nature of the document bearing the Apostille;
- (3) the date of the Apostille;
- (4) the name and capacity of the person signing the document bearing the Apostille, if applicable;
- (5) for unsigned documents bearing a seal or a stamp, the name of the body or person from whom emanates the seal or stamp; and
- (6) the State of destination of the document bearing the Apostille.

However, the Minister may, by agreement, delegate the management of the register to another Minister.

6. The Government may, by regulation, prescribe the other standards governing the Apostille. The standards may in particular prescribe a fee for any request for or issue of an Apostille and, if applicable, the method for indexing the fee.

The fee may be established on the basis of any distinction considered useful, including on the basis of categories of documents or on the basis of categories of persons who request an Apostille.

7. The Minister of Justice is responsible for the administration of this Act.

TRANSITIONAL AND FINAL PROVISIONS

8. Until the coming into force of the first regulation made under paragraph 3 of section 1, the Minister may issue an Apostille for any document, or for any certified true copy of a document, emanating from

- (1) a public body within the meaning of the first and second paragraphs of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- (2) a court within the meaning of the Courts of Justice Act (chapter T-16); or
- (3) any other body referred to in the first paragraph of section 2 of the Financial Administration Act (chapter A-6.001).

9. Until the coming into force of the first regulation made under section 3, the official certificate of the lawyer or notary must contain the name and signature of the person who has signed the certificate, the date and place of the signing of the certificate, the name of the person requesting the certificate and a brief description of any document that is the subject of the official certificate.

In addition, the lawyer or notary states, for any document that is the subject of the official certificate, whether the document is the document submitted by the person requesting the certificate or whether the lawyer or notary has made a copy of it. In the latter case, the lawyer or notary states that they have made the copy themselves and that they have initialed all the pages of the copy. They also state that they understand any documents that are not in English or French or that they have obtained a translation of those documents made by a translator who is a member of the Ordre professionnel des traducteurs, terminologues et interprètes agréés du Québec.

10. Until the coming into force of the first regulation made under the first paragraph of section 6, the fee for an Apostille is \$65.

11. This Act comes into force on 11 January 2024.

