

Bill 82

Cultural Heritage Act

Section 1

AMENDMENT:

Replace "promote the knowledge, protection, enhancement and transmission of cultural heritage in the public interest and from a sustainable development perspective" in the first paragraph by "promote, in the public interest and from a sustainable development perspective, the knowledge, protection, enhancement and transmission of cultural heritage, which is a reflection of a society's identity".

Alto
9B

Bill 82

Cultural Heritage Act

Section 1

AMENDMENT:

Replace "historic figures, events and sites" in the second paragraph by "deceased persons of historical importance and historic events and sites" and "historic figures, sites and events" in the third paragraph by "deceased persons of historical importance, historic events and sites".

A handwritten signature in black ink, appearing to read "Adapted GB".

Bill 82

Cultural Heritage Act

Section 2

AMENDMENT:

Insert "itself, including archives" after "or the information" in the definition of "heritage document".

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Bill 82

Cultural Heritage Act

AMENDMENT:

Remove and rename AM i.

Bill 82

Cultural Heritage Act

Section 2

AMENDMENT:

Insert "identity," after "historical," in the definition of "heritage site".

A handwritten signature in black ink, appearing to read "Alte" with a flourish underneath.

Bill 82

Cultural Heritage Act

Section 2

AMENDMENT:

Replace the definition of "intangible heritage" by:

"intangible heritage": the skills, knowledge, expressions, practices and representations handed down from generation to generation and constantly recreated, in conjunction with any cultural objects or spaces associated with them, that a community or group recognizes as part of its cultural heritage, the knowledge, protection, transmission or enhancement of which is in the public interest; and

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Bill 82

Cultural Heritage Act

Section 20

AMENDMENT:

Replace "the economic" by "its economic" in the second sentence and strike out "authorized" in that sentence.

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Not EB*

Bill 82

Cultural Heritage Act

Section 23

AMENDMENT:

Insert "or its metropolitan land use and development plan" after "land use planning and development plan".

Adopted

Bill 82

Cultural Heritage Act

Section 18

AMENDMENT:

- (1) Insert “; the demonstration must include a consultation of the citizens and groups present in the community” after “concerned” in subparagraph *c* of paragraph 2.
- (2) Add the following paragraphs at the end:

Before the heritage designation application is made and not later than 30 days before the meeting of the local heritage council referred to in section 117, at which all interested persons may make representations, the clerk or the secretary-treasurer of each municipality must give public notice of the place, date and time of the meeting. For that purpose, the second paragraph of section 123 applies.

Sixty days after the date of the public notice and after obtaining the opinion of the local heritage council, the council of the municipality may adopt a resolution regarding the application for the heritage designation of the cultural landscape in question.

A handwritten signature in black ink, appearing to read "Albert Li" with a stylized "GB" or similar initials below it.

Bill 82

Cultural Heritage Act

Section 24

AMENDMENT:

Replace the second paragraph by:

The local municipality must also inform the Minister of its intention to make a change to the conservation plan at least 60 days before the change is adopted.

A handwritten signature in black ink, appearing to read "Adopted" with a flourish and the initials "SB" below it.

Bill 82

Cultural Heritage Act

Title of Division IV of Chapter III

AMENDMENT:

Replace "CULTURAL" by "HERITAGE".

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Bill 82

Cultural Heritage Act

Section 27

AMENDMENT:

Replace by:

27. A person who acquires ownership of a classified heritage document or object must give notice of it to the Minister within 90 days after the property is acquired by or put in the possession of the person.

A handwritten signature in black ink, appearing to read "Alpti GB". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Bill 82

Cultural Heritage Act

Section 30

AMENDMENT:

Replace "cultural" in the first paragraph by "heritage".

Adopted
EB

Bill 82

Cultural Heritage Act

Section 31

AMENDMENT:

Replace "cultural" in the first paragraph by "heritage".

*Adopted
EB*

Bill 82

Cultural Heritage Act

Section 36

AMENDMENT:

- (1) Insert "and after obtaining the opinion of the council," after "a heritage property is sent," in the second paragraph.

- (2) Insert "of declassification" after "notice" in the third paragraph.

Adopted
AB

Bill 82

Cultural Heritage Act

Section 41

AMENDMENT:

Strike out the second sentence of the first paragraph.

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9/8

AM 17
s. 43

Bill 82

Cultural Heritage Act

Section 43

AMENDMENT:

Strike out section 43.

*Adopted
9/13*

Bill 82

Cultural Heritage Act

Sections 46 and 46.1

AMENDMENT:

Replace by:

46. The Minister may, by order and after obtaining the opinion of the council, abolish the protection area established to protect a classified heritage immovable.

The abolition of the protection area comes into effect on the date of the order.

The registrar must then enter a note in the cultural heritage register on the abolition of the protection area for the classified heritage immovable concerned.

The order is published in the *Gazette officielle du Québec* and at least once in a newspaper in the place or region concerned.

46.1. At the Minister's behest, a copy of the order abolishing the protection area must be sent to each person entered in the land register as the owner of an immovable situated in the protection area and to the clerk or the secretary-treasurer of the local municipality in whose territory the protection area was situated.

Adopté
2005

Bill 82

Cultural Heritage Act

Section 49

AMENDMENT:

Replace by:

49. No person may divide, subdivide, redivide or parcel out a lot, make a construction, as defined by regulation of the Minister, or demolish all or part of an immovable in a protection area without the Minister's authorization.

Adopted
EB


Bill 82

Cultural Heritage Act

Section 52

AMENDMENT:

Replace "give a classified heritage document or object away" by "give away a classified heritage document or object".

A handwritten signature in cursive script, appearing to read "Alexei ER". The signature is written in black ink and is located in the lower right quadrant of the page.

Bill 82

Cultural Heritage Act

Sections 54 and 55

AMENDMENT:

Replace by:

54. No person may, without giving the Minister at least 60 days' prior written notice, sell

(1) a classified heritage document or object; or

(2) a classified heritage immovable or an immovable situated on a classified heritage site.

The prior written notice must contain a description of the property, state the name and domicile of its owner and the name of the person interested in acquiring it. The notice must also contain the price the person interested in acquiring it is willing to pay and the owner is willing to accept.

55. In the case of the public sale of an object, document or immovable mentioned in section 54, the notice required under section 54 must be given to the Minister once the bid has been made and the name of the person interested in making the acquisition and the price that person is willing to pay are known.

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EB*

Bill 82

Cultural Heritage Act

Section 56

AMENDMENT:

- (1) Replace "55" by "54" wherever it appears;
- (2) Replace "90" by "60".

A handwritten signature in black ink, appearing to read "Albert E. B." with a stylized flourish at the end.

Bill 82

Cultural Heritage Act

Section 56

AMENDMENT:

Replace "cultural" by "heritage".

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EB

Bill 82

Cultural Heritage Act

Section 57

AMENDMENT:

Replace "55" by "54".

Adopted
EB

Bill 82

Cultural Heritage Act

Section 64

AMENDMENT:

Replace "affecting" in the first paragraph by "related to".

*Adopted
EB*

Bill 82

Cultural Heritage Act

Section 69

AMENDMENT:

Replace subparagraph 2 of the first paragraph by:

(2) whose skills, research methods and professional, material and financial resources, as well as the expected duration of the research, in the opinion of the Minister, make the full and satisfactory completion of the research project possible.

A handwritten signature in cursive script, appearing to read "Adelle", with a stylized flourish or initial below it.

Bill 82

Cultural Heritage Act

Section 73

AMENDMENT:

Insert after subparagraph 2 of the third paragraph:

(3) to a Native community that may be concerned with the results of the archaeological research.

Handwritten signature and initials, possibly "Alp. Li." and "EB".

Bill 82

Cultural Heritage Act

Section 75

AMENDMENT:

Replace "on the lands" by "in or on the lands".

A handwritten signature in black ink, appearing to read "Alte" with a flourish underneath.

Bill 82

Cultural Heritage Act

Section 78

AMENDMENT:

Replace paragraph 5 by:

(5) grant subsidies to promote the knowledge, protection, transmission or enhancement of elements of intangible heritage, historic figures, events and sites, heritage cultural landscapes, heritage property and property situated on a site classified, declared or recognized as a heritage site;

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SB*

SAM 1
AM 29
s. 78

Bill 82

Cultural Heritage Act

Section 78

SUBAMENDMENT:

Replace "historic figures," by "deceased persons of historical importance, historic".

A handwritten signature in black ink, appearing to read "Alexei" with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 97

AMENDMENT:

Replace by:

97. The council meets as often as necessary.

SAM I

*Adopted amended
SJR*

SAM 1
AM 30
s. 97

Bill 82

Cultural Heritage Act

Section 97

AMENDMENT:

Add "and not less than 10 times a year" after "necessary".

A handwritten signature in black ink, appearing to read "N. Li." with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 107

AMENDMENT:

Replace "modified" by "changed".

A handwritten signature in black ink, appearing to read "Alex Te-5B". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Bill 82

Cultural Heritage Act

Section 117

AMENDMENT:

Replace “or, if no such committee is established, the council mentioned in section 154 of this Act” by “or the council established under section 154 of this Act, as determined by the council of the local municipality”.

Adopted
EB

Bill 82

Cultural Heritage Act

Section 122

AMENDMENT:

Insert "element of" after "describes the" in the first paragraph.

A handwritten signature in black ink, appearing to read "A. J. [unclear]" with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 98

AMENDMENT:

Replace by:

98. The council may, by by-law,

- (1) provide for its internal management; and
- (2) delegate the exercise of functions assigned to it under this Act to committees established under the first paragraph of section 95.

Adopté
SR

Bill 82

Cultural Heritage Act

Section 102

AMENDMENT:

Strike out “; the report must also contain any information the Minister may require”.

A handwritten signature in black ink, appearing to read "A. J. G. B.", is located in the lower right quadrant of the page.

Bill 82

Cultural Heritage Act

Section 124

AMENDMENT:

Replace "a by-law" in the first paragraph by "the by-law".

A handwritten signature in black ink, appearing to read "Alte" with a flourish below it.

Bill 82

Cultural Heritage Act

Section 128

AMENDMENT:

Replace "interior of a" in the second paragraph by "interior of the".

Handwritten signature in black ink, appearing to read "Al Steiner" with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 141

AMENDMENT:

Add "on such a site" at the end of subparagraph 2 of the first paragraph.

A handwritten signature in black ink, appearing to be "A. J. [unclear]". The signature is written in a cursive style with a large initial "A" and a smaller "J".

Bill 82

Cultural Heritage Act

Section 148

AMENDMENT:

- (1) Strike out the second sentence of the second paragraph.
- (2) Insert the following paragraph after the third paragraph:

Simultaneously with notification of prior notice or service of an order, the council of the municipality must send a copy of the prior notice or order to the Minister who will carry out any consultations with a Native community required in order for the council to take the community's concerns into account. The council must review the order to that end, if need be.

- (3) Replace "the order" in the fourth paragraph by "an order".

A handwritten signature in black ink, appearing to read "Alonzo" with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 151

AMENDMENT:

Replace the second paragraph by:

A municipality may also grant financial or technical assistance in respect of a heritage cultural landscape designated as such by the Government, a classified heritage property or an immovable situated in an area that is declared a heritage site, or an element designated as cultural heritage by the Minister, if that landscape, property, immovable or element is situated in the municipality's territory or is connected to its territory.

A handwritten signature in black ink, appearing to read "Adopté" with a flourish below it.

Bill 82

Cultural Heritage Act

Section 151

AMENDMENT:

Replace "to ensure" in the first paragraph by "to promote".

Adopted
EB

Bill 82

Cultural Heritage Act

Section 154

AMENDMENT:

Replace by:

154. A municipality may, by by-law, establish a local heritage council to perform the duties entrusted to local heritage councils by this Act.

Adopted
ES

Bill 82
Cultural Heritage Act
Section 164

AMENDMENT:

Add the following paragraph:

For the application of this chapter to Ville de Montréal, the city council may determine the cases in which the Conseil du patrimoine de Montréal, established under section 83.11 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), exercises the functions of the local heritage council.

Bill 82

Cultural Heritage Act

Section 168

AMENDMENT:

Insert "amendment or" after "make a note of the" in the second sentence of the third paragraph.

A handwritten signature in black ink, appearing to read "A. J. [unclear] SR". The signature is written in a cursive style with a large initial 'A' and a distinct 'SR' at the end.

Bill 82

Cultural Heritage Act

Section 171

AMENDMENT:

Replace "cultural" by "heritage".

Adopted
EB

Bill 82

Cultural Heritage Act

Section 174

AMENDMENT:

Replace by:

174. When an immovable is situated on a recognized heritage site or when a recognized heritage immovable is situated in a protection area, section 49 and the special provisions concerning a recognized heritage immovable apply. However, the decisions made by the Minister under section 49 prevail over those made by the local municipality with respect to the immovable.

A handwritten signature in black ink, appearing to read "Alte" with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 175

AMENDMENT:

Replace by:

175. When a recognized heritage immovable is situated on a land area declared a heritage site, sections 137, 139 and 141 to 144 apply only in respect of the recognized interior of the immovable, to the exclusion of the excavation of the ground, which remains subject to the Minister's authorization.

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Bill 82

Cultural Heritage Act

Section 187

AMENDMENT:

Replace "and expert" in the first paragraph by "or expert".

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Bill 82

Cultural Heritage Act

Section 189

AMENDMENT:

- (1) Replace “that the offence was committed without the person’s knowledge or consent and despite measures taken to prevent its commission” in the first paragraph by “that the person exercised due diligence, taking all the necessary precautions to prevent the commission of the offence”.
- (2) Insert “who authorized or allowed the commission of the offence” after “director of the legal person” in the second paragraph.

Handwritten signature in cursive script, appearing to read "Algoti" with "ER" written below it.

Bill 82

Cultural Heritage Act

Section 196

AMENDMENT:

Insert "49 or" after "in contravention of section".

Adopted
EB

Bill 82

Cultural Heritage Act

Section 198

AMENDMENT:

Replace "55" by "54".

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EB

Bill 82

Cultural Heritage Act

Section 199

AMENDMENT:

Replace "55" by "54".

Adopted
EB

Bill 82

Cultural Heritage Act

Section 207

AMENDMENT:

Replace by:

207. Penal proceedings for an offence under this division or Division I of this chapter may be instituted by

(1) a municipality if the offence concerns cultural heritage protected by the municipality and was committed on its territory. Penal proceedings may be instituted before the competent municipal court;

(2) a Native community described in section 118, represented by its band council, if the offence concerns cultural heritage protected by the community and is committed on the lands of the reserve or on the lands to which the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18) applies.

Fines collected under this section belong to the prosecutor.

A handwritten signature in black ink, appearing to read 'Alpente' with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 220

AMENDMENT:

Replace by:

220. Section 220 of Schedule C to the Act is amended

(1) by replacing “historical district” in the first paragraph by “declared heritage site”;

(2) by replacing “with respect to that borough” in the first paragraph by “with respect to that heritage site”.

A handwritten signature in black ink, appearing to be 'Alp te' with a flourish underneath.

Bill 82

Cultural Heritage Act

Section 224

AMENDMENT:

Replace by:

224. Section 124 of Schedule C to the Act is amended by replacing “In a historic district within the meaning of the Cultural Property Act (chapter B-4),” in the fourth paragraph by “On a heritage site declared as such within the meaning of the Cultural Heritage Act (*insert the year and chapter number of this Act*)”.

A handwritten signature in black ink, appearing to read "Adrienne" followed by a stylized monogram or initials.

Bill 82

Cultural Heritage Act

Section 210

AMENDMENT:

Replace by:

210. Section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing “historical, cultural, aesthetic or ecological interest” in subparagraph 6 of the first paragraph by “historical interest, cultural interest, including heritage interest within the meaning of the Cultural Heritage Act (*insert the year and chapter number of this Act*), aesthetic interest or ecological interest”.

Alp
38

Bill 82

Cultural Heritage Act

Section 241

AMENDMENT:

Replace "2011" wherever it appears by "2012".

*Adopted
9/8*

Bill 82

Cultural Heritage Act

Section 241

AMENDMENT:

Replace the first two paragraphs by:

241. For the municipal fiscal year 2012, a classified heritage property not used for commercial purposes may be exempted from property tax to the extent and under the conditions provided by regulation of the Government up to one half of the value entered on the assessment roll of the local municipality in whose territory it is situated.

For a heritage property exempted from property tax under the first paragraph, the Minister shall, for the municipal fiscal year 2012, pay the local municipality on whose assessment roll the heritage property is entered an amount equal to the amount of the reduction granted, at the times and on the conditions determined by regulation of the Government.

A handwritten signature in black ink, appearing to read "Alpente" with a stylized flourish below it.

Bill 82

Cultural Heritage Act

Section 242

AMENDMENT:

Add the following sentence at the end:

However, archaeological sites classified before 22 March 1978 both as such and as historic sites become classified heritage sites.

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Bill 82

Cultural Heritage Act

Section 252

AMENDMENT:

Strike out the second paragraph.

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JB*

Bill 82

Cultural Heritage Act

Section 260

AMENDMENT:

Replace by:

260. Regulations made under the Cultural Property Act, including the by-laws of the Commission des biens culturels du Québec approved by the Government, remain, with the necessary modifications, in force to the extent that they are consistent with this Act, until they are replaced or repealed by a regulation under this Act. The by-laws of the Commission des biens culturels du Québec apply to the Conseil du patrimoine culturel.

Adopté
SB

Bill 82

Cultural Heritage Act

Section 256

AMENDMENT:

Strike out “, to the extent determined by the Government”.

*Adopted
GR*