

Bill 15

**Anti-Corruption Act**

Section 9

**AMENDMENT:**

Replace "determined by law" in subparagraph 4 of the first paragraph by  
"determined by an Act".

*Adopté*  
*ll*

Bill 15

**Anti-Corruption Act**

Section 12

**AMENDMENT:**

Strike out “, unless the person has obtained a pardon” in subparagraph 2 of the second paragraph.

*Adopted*  
*tl*

AM 3  
s. 18

Bill 15

**Anti-Corruption Act**

Section 18

**AMENDMENT:**

Replace "may request" by "request".

*Adopted*  
*te*

AM 4

Bill 15

**Anti-Corruption Act**

**AMENDMENT:**

**Withdrawn (renamed AM g)**

AM 5  
s. 29

Bill 15

**Anti-Corruption Act**

Section 29

**AMENDMENT:**

Replace "In the latter case" in the second sentence of the first paragraph by "In that case".

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Bill 15

**Anti-Corruption Act**

Section 22

**AMENDMENT:**

Replace the first paragraph of section 22 by:

**22.** The Commissioner reports to the public on the status of the Commissioner's activities at least twice yearly and within an interval of not more than eight months. The Commissioner may, in particular, report on recommendations made under subparagraphs 4 and 5 of the first paragraph of section 9.

*Adapted to  
the*

Bill 15

**Anti-Corruption Act**

Section 43

**AMENDMENT:**

Replace section 43 by the following section:

**43.** Section 3.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding the following paragraph at the end:

“Subparagraph 7 of the first paragraph of section 122 and, where they relate to a recourse under that subparagraph, the other sections of Division II of Chapter V also apply to all employees and to all employers.”

*Adopté*  
*ll*

AM 8  
s. 42 (27.3)

Bill 15

**Anti-Corruption Act**

Section 42

**AMENDMENT:**

Strike out proposed section 27.3 of the Act respecting contracting by public bodies.

*Adopte*  
*ll*



AM 9  
s. 47 (15)

Bill 15  
**Anti-Corruption Act**

Section 47

**AMENDMENT:**

Strike out section 47 and the heading preceding it.

*Adopted*

AM 10  
s. 53

Bill 15

**Anti-Corruption Act**

Section 53

**AMENDMENT:**

Replace "Commissaire" in the French text by "commissaire".

*Adopté*  
*tt*

Bill 15

**Anti-Corruption Act**

Sections 39.6 and 39.7

**AMENDMENT:**

Insert the following before section 40:

**39.6.** Section 1 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1) is replaced by the following section:

“1. The purpose of this Act is to determine the conditions that are to govern the contracts that a public body may enter into with a contractor who is a for-profit legal person established for a private interest, a general, limited or undeclared partnership, a natural person who operates a sole proprietorship or an enterprise most of whose employees are handicapped persons.

The purpose of this Act is also to determine certain conditions that are to govern the contracts that a body described in section 7 may enter into with such a contractor.

Moreover, this Act determines certain conditions that are to govern subcontracts related to a contract described in the first or second paragraph.”

**39.7.** The Act is amended by inserting the following chapter after section 21:

**“CHAPTER V.1**

**“INELIGIBILITY FOR PUBLIC CONTRACTS**

**“DIVISION 1**

**“CRITERIA FOR INELIGIBILITY AND OVERSIGHT MEASURES**

“21.1. A contractor described in section 1 who is convicted, by a final judgment, of any offence determined by regulation is ineligible for public contracts, as of the recording of the conviction in the register provided for in section 21.5, for the period specified by regulation for that offence, which cannot exceed five years.

A contractor who is ineligible for public contracts may not submit a bid to obtain a contract described in section 3 with a public body or a body described in

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section 7, enter into such a contract by mutual agreement or enter into a subcontract that is directly related to such a contract.

"21.2. If an associate of a contractor described in section 1 is convicted, by a final judgment, of any offence referred to in section 21.1 committed in exercising functions for the contractor, the contractor is ineligible for public contracts, as of the recording of that situation in the register provided for in section 21.5, for the period specified by regulation for that offence, which cannot exceed five years.

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For the purposes of this Act, "associate" means, in the case of a legal person, a director or any other officer of the legal person and, in the case of a general, limited or undeclared partnership, a partner or any other officer of the partnership.

"21.3. A contractor who becomes ineligible for public contracts while a contract described in section 3 with a public body or a body described in section 7 is in process may continue to perform the contract provided the contractor agrees to the implementation, at the contractor's expense, of oversight and monitoring measures determined by regulation.

213.1

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"21.4. Despite sections 21.1 and 21.2, a public body or a body described in section 7 may, with the authorization of the minister responsible, enter into a contract with a contractor who is ineligible for public contracts under either of those sections if the public body or body finds itself in one of the situations described in subparagraphs 2 to 4 of the first paragraph of section 13, provided the contractor agrees to the implementation, at the contractor's expense, of oversight and monitoring measures determined by regulation.

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As well, if a public body or a body described in section 7 finds itself in a situation described in subparagraph 1 of the first paragraph of section 13, it may enter into a contract with a contractor who is ineligible for public contracts under section 21.1 or 21.2, provided it obtains the authorization of the chief executive officer of the public body or body, who must inform the minister responsible on an annual basis.

## "DIVISION II

### "ESTABLISHMENT, PURPOSE AND EFFECTS OF REGISTER

"21.5. The Chair of the Conseil du trésor keeps a register of enterprises ineligible for public contracts.

"21.6. The register must contain the following information concerning each contractor referred to in section 21.1 or 21.2:

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(1) in the case of a natural person who operates a sole proprietorship, his or her name, the name of the proprietorship, the address of its principal establishment in Québec and, if it is registered, its Québec business number;

(2) in the case of a legal person or a general, limited or undeclared partnership, its name, the address of its principal establishment in Québec and, if it is registered, its Québec business number;

(3) the offence of which the contractor was convicted or the offence of which an associate of the contractor was convicted, resulting in the application of section 21.2;

(4) the date of the end of the period of ineligibility for public contracts; and

(5) any other information determined by regulation.

"21.7. Every public body and every body described in section 7 that is designated in a regulation must provide the information referred to in section 21.6 to the Chair of the Conseil du trésor, in the cases, on the conditions and in the manner determined by regulation.

"21.8. The Chair of the Conseil du trésor may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec or a department or body of such a government to provide for the recording of information referred to in section 21.6 in the register.

"21.9. The information contained in the register is public information and must be made available by the Chair of the Conseil du trésor, including by posting it on the Conseil du trésor website.

"21.10. Before entering into a contract described in section 3, public bodies and bodies described in section 7 must make sure the bidders, or the successful bidder, are not named in the register or, if they are named in the register, that their period of ineligibility for public contracts has ended.

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### "DIVISION III "INFORMATION AND RECTIFICATION

"21.11. When a contractor is named in the register, the Chair of the Conseil du trésor informs the contractor without delay, specifying the grounds for the registration and the contractor's period of ineligibility for public contracts.

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The contractor must provide to the Chair of the Conseil du trésor, within the time determined by the Chair, the name of every public body and of every

body described in section 7 with which a contract described in section 3 is in process.

A contractor who fails to provide information required under the second paragraph commits an offence and is liable, for each day the offence continues, to a fine of \$100 to \$200 in the case of an individual and \$200 to \$400 in the case of a legal person.

21.11.1

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21.12.2

"21.12. A contractor who may have been mistakenly named in the register or in respect of whom inaccurate information is recorded in the register may ask the Chair of the Conseil du trésor to make the necessary rectifications in the register.

The Chair verifies the accuracy of the entry in the register by contacting the body that provided the information, and takes any appropriate action.

"21.13. The Chair of the Conseil du trésor may, on the Chair's own initiative or following a request, remove any unlawful entry from the register."

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le qu'amendé

AM 11  
SUBAM 1  
s. 39.7 (21.1)

Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

Add the following sentence to the first paragraph of proposed section 21.1:

The conviction must be recorded in the register within 30 days after the final judgment.

*Adopté*  
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Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

Replace proposed section 21.2 by the following section:

"21.2. If an associate of a contractor described in section 1 is convicted, by a final judgment, of any offence referred to in the first paragraph of section 21.1, the contractor is ineligible for public contracts, as of the recording of the conviction in the register provided for in section 21.5, for the period specified by regulation for that offence, which cannot exceed five years. The conviction must be recorded in the register within 30 days after the final judgment.

For the purposes of this Act, "associate" means, in the case of a legal person, a director or any other officer of the legal person or a person holding shares carrying more than 50% of the voting rights attached to the shares of the capital stock of the legal person that may be exercised under any circumstances and, in the case of a general, limited or undeclared partnership, a partner or any other officer of the partnership.

For the purposes of this section, an offence committed by an associate other than a shareholder described in the second paragraph must have been committed in exercising functions for the contractor.

*Adopted*  
*H.*



Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

Add the following paragraph at the end of proposed section 21.10:

Similarly, a contractor who has entered into a contract described in section 3 with a public body or a body described in section 7 must, before entering into any subcontract required for the performance of the contract, make sure the subcontractors are not named in the register or, if they are named in the register, that their period of ineligibility for public contracts has ended.

*Aderké*  
*ll*

AM 11  
SUBAM 4

Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

**Withdrawn (renamed Subam C)**

Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

Replace proposed section 21.3 by the following sections:

**"21.3.** If a contractor who has entered into a contract described in section 3 with a public body or a body described in section 7 becomes ineligible for public contracts while the contract is in process, the public body or body must obtain the authorization of the minister responsible so that the contractor may continue to perform the contract.

The minister responsible may make this authorization subject to certain conditions, including the condition that the contractor agree to the implementation, at the contractor's own expense, of oversight and monitoring measures determined by regulation.

**"21.3.1.** A contractor who is convicted, by a final judgment, of an offence under section 21.11.2 after having been convicted, by a final judgment, of the same offence in the preceding two years is ineligible for public contracts for a period of two years after the recording of that fact in the register provided for in section 21.5.

*Adopté*  
*ll*

Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

In proposed section 21.11,

- (1) insert "in writing" after "informs the contractor" in the first paragraph;
- (2) insert "in writing" after "provide" in the second paragraph;
- (3) add "for each of the first five days of delay, and to a fine of \$200 to \$400 in the case of an individual and \$400 to \$800 in the case of a legal person for each additional day of delay" at the end of the third paragraph.

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Bill 15

Anti-Corruption Act

Section 39.7

**AMENDMENT:**

Insert the following sections after proposed section 21.11:

**"21.11.1.** A contractor who has entered into a contract described in section 3 with a public body or a body described in section 7 must provide a list to the body, before performance of the contract begins, indicating the following information for each subcontract, if any, that the contractor has entered into:

- (1) the name and address of the principal establishment of the subcontractor;
- (2) the amount and date of the subcontract.

A contractor who, while a contract entered into with a public body or a body described in section 7 is in process, enters into a subcontract must notify the public body of such fact by providing it with a modified list before performance of the subcontract begins.

A contractor who fails to provide the information required under this section commits an offence and is liable, for each day the offence continues, to a fine of \$100 to \$200 in the case of an individual and \$200 to \$400 in the case of a legal person for each of the first five days of delay, and to a fine of \$200 to \$400 in the case of an individual and \$400 to \$800 in the case of a legal person for each additional day of delay.

**"21.11.2.** A contractor who, in the context of performing a contract with a public body or a body described in section 7, enters into a subcontract with an ineligible contractor commits an offence and is liable to a fine of \$1,000 to \$10,000 in the case of an individual and \$2,000 to \$20,000 in the case of a legal person.

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Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

Proposed section 21.4 is amended

- (1) by replacing "and 21.2" in the first paragraph by ", 21.2 and 21.3.1";
- (2) by replacing the second paragraph by the following paragraph:

As well, if a public body or a body described in section 7 finds itself in a situation described in subparagraph 1 of the first paragraph of section 13, it may enter into a contract with a contractor who is ineligible for public contracts under section 21.1, 21.2 or 21.3.1, provided it obtains the authorization of the chief executive officer of the public body or body, who must inform the minister responsible within 30 days after granting the authorization.

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AM 11  
SAM 9  
s. 39.7 (21.6)

Bill 15

**Anti-Corruption Act**

Section 39.7

**AMENDMENT:**

Proposed section 21.6 is amended

1. by replacing the portion before paragraph 1 by the following:

“21.6. The register must contain the following information concerning each contractor referred to in section 21.1, 21.2 or 21.3.1:

2. by adding “and, in the latter case, the name of the associate and the municipality in whose territory the associate is domiciled” at the end of paragraph 3.

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*Adopté*  
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Bill 15

**Anti-Corruption Act**

Sections 41.1 and 41.2

**AMENDMENT:**

Insert the following sections after section 41:

**41.1.** Section 23 of the Act is amended

(1) by adding the following subparagraphs after subparagraph 7 of the first paragraph:

“(8) determine the offences under a federal or a Québec law or under a regulation under such a law in respect of which a conviction entails ineligibility for public contracts;

“(9) establish, for each of the offences determined pursuant to subparagraph 8, the period of ineligibility for public contracts;

“(10) designate the public bodies and the bodies described in section 7 that must provide the information referred to in section 21.6 to the Chair of the Conseil du trésor and determine the cases, conditions and manner in which the information must be communicated;

“(11) determine the other information that must be recorded in the register of enterprises ineligible for public contracts;

“(12) establish oversight and monitoring measures for contractors to be applied by the persons accredited by the Chair of the Conseil du trésor and determine the cases, other than those specified in this Act, conditions, period and manner – including the sanctions for non-compliance – in which these measures apply to a contractor, who must in all cases assume the expenses;

“(13) establish the procedure and conditions for the issue of accreditation to persons responsible for the application of the oversight and monitoring measures under subparagraph 12, and fix the conditions for the renewal, suspension or cancellation of accreditation and the related fees.”;



(2) by inserting "or by bodies described in section 7" after "section 4" in subparagraph 1 of the second paragraph.

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

(1) by inserting "or a body described in section 7" after "public body" in the first paragraph;

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

"The minister responsible for a public body or a body described in section 7 may authorize the body to enter into a contract on conditions different from those applicable to it under a regulation under this Act, and determine the conditions for such a contract."

*Adopté*  
*ll*

Bill 15

**Anti-Corruption Act**

Section 5

**AMENDMENT:**

Section 5 of the bill is replaced by the following section:

5. The Government appoints a Commissioner, chosen from a list of at least three persons declared qualified to hold the office by a selection committee formed for that purpose. The Commissioner must, in particular, meet the conditions set out in subparagraphs 1 and 2 of the second paragraph of section 12.

The Government determines the remuneration, employee benefits and other conditions of employment of the Commissioner.

The Commissioner is appointed for a fixed term that cannot exceed five years. On expiry of the term, the Commissioner remains in office until reappointed or replaced.

*Aderste  
to*

AM 14

Bill 15  
**Anti-Corruption Act**

**AMENDMENT:**

**Withdrawn (renamed Am i)**

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Bill 15

**Anti-Corruption Act**

Section 17

**AMENDMENT:**

1. Replace “pursuant to this Act” by “in the exercise of their functions”;
2. Strike out “to the extent that the information is necessary to exercise their functions,”.

*Adopted*

Bill 15  
**Anti-Corruption Act**  
Section 33

**AMENDMENT:**

1. Replace "\$10,000" in subparagraph 1 of the first paragraph by "\$20,000";
2. Replace "\$50,000" in subparagraph 2 of the first paragraph by "\$250,000".

*Adept*  
*ll*

Bill 15

Anti-Corruption Act

Section 33.1

**AMENDMENT:**

Insert the following section after section 33:

**33.1.** Any person, such as a director or an officer of a legal person or of an employer, who, by an act or omission, helps a person to commit an offence under section 33 or who, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is guilty of the same offence.

*Adopté*

Bill 15

Anti-Corruption Act

Section 2

**AMENDMENT:**

1. Insert “, for example,” after “peddling in,” in paragraph 1;
2. Replace paragraph 2 by the following paragraph:

“(2) a misuse of public funds or public property or a gross mismanagement of contracts within the public sector; or

*Adapted*  
*tt*

Bill 15

**Anti-Corruption Act**

Section 38

**AMENDMENT:**

Insert the following section after section 38:

**CITIES AND TOWNS ACT**

**38.1.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following section after section 573.3.3.1:

**"573.3.3.2.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any municipal contract for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.7, the contracts referred to in the first paragraph are deemed to be public contracts, and every municipality is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.4 of that Act."

*Adopté  
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AM 20  
ss. 39.1 to 39.5 (938.3.2, 118.1.1, 111.1.1, 111.2)

Bill 15

**Anti-Corruption Act**

Sections 39.1 to 39.5

**AMENDMENT:**

Insert the following after section 39:

**MUNICIPAL CODE OF QUÉBEC**

**39.1.** The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 938.3.1:

**“938.3.2.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any municipal contract for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.7, the contracts referred to in the first paragraph are deemed to be public contracts, and every municipality is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.4 of that Act.”

**ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL**

**39.2.** The Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by inserting the following section after section 118.1:

**“118.1.1.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any contract awarded by the Community for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.7, the contracts referred to in the first paragraph are deemed to be public contracts, and the Community is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.4 of that Act.”

**39.3.** Section 118.2 of the Act is amended by replacing “118.1” in the first paragraph by “118.1.1”.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**39.4.** The Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by inserting the following section after section 111.1:

“**111.1.1.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any contract awarded by the Community for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.7, the contracts referred to in the first paragraph are deemed to be public contracts, and the Community is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.4 of that Act.”

**39.5.** Section 111.2 of the Act is amended by replacing “111.1” in the first paragraph by “111.1.1”.

*Adopté*  
*H*

212

Bill 15

**Anti-Corruption Act**

Sections 51.1 and 51.2

**AMENDMENT:**

**ACT RESPECTING PUBLIC TRANSIT AUTHORITIES**

**51.1.** The Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by inserting the following section after section 108.1:

**“108.1.1.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any contract awarded by a transit authority for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.7, the contracts referred to in the first paragraph are deemed to be public contracts, and every transit authority is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.4 of that Act.”

**51.2.** Section 108.2 of the Act is amended by replacing “108.1” in the first paragraph by “108.1.1”.

*Adopté*

Bill 15

**Anti-Corruption Act**

Section 6

**AMENDMENT:**

Replace section 6 by the following section:

6. If the Commissioner is absent or unable to act, the Minister may appoint a person to replace the Commissioner for the period the Commissioner is absent or unable to act.

If the office of Commissioner is vacant following a resignation or otherwise, the Minister may appoint an interim Commissioner for a period which cannot exceed 18 months.

*Adopté*  
*tt*

AM 23  
s. 26

Bill 15

**Anti-Corruption Act**

Section 26

**AMENDMENT:**

Replace "Any person may disclose any" by "Any person who wishes to disclose a wrongdoing may do so by disclosing" in the first line.

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*tt*

AM 24  
s. 32

Bill 15

**Anti-Corruption Act**

Section 32

**AMENDMENT:**

Strike out the second paragraph.

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&*

AM 25  
s. 32.1

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Anti-Corruption Act

Section 32.1

**AMENDMENT:**

Insert the following section after section 32:

**32.1.** The demotion, suspension, termination of employment or transfer of a person referred to in section 32 or any disciplinary or other measure that adversely affects the employment or working conditions of such a person is presumed to be a reprisal.

*Adopted*  
*ll*

AM 26  
s. 14

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Anti-Corruption Act

Section 14

**AMENDMENT:**

Strike out the last sentence of the second paragraph.

*Adapted  
to*



AM 27  
s. 49 (15.2)

Bill 15

Anti-Corruption Act

Section 49

**AMENDMENT:**

Replace "conducting investigations" in proposed section 15.2 by "conducting audits".

*Adapted  
it*

AM 28  
s. 49 (15.4)

Bill 15

**Anti-Corruption Act**

Section 49

**AMENDMENT:**

Replace "Minister of Public Security" in the second paragraph of proposed section 15.4 by "Anti-Corruption Commissioner".

*Adopted*  
*tt*

Bill 15

**Anti-Corruption Act**

Section 49

**AMENDMENT:**

Amend proposed section 15.6

1. by replacing “against the appropriations granted to the Ministère de la Sécurité publique” by “against the appropriations granted to the Anti-Corruption Commissioner”;
2. by replacing the last sentence by “, in the manner determined in the agreement referred to in section 15.5.”

*Adopté*  
*ll*

AM 30  
s. 51 (85.0.1)

Bill 15

Anti-Corruption Act

Section 51

**AMENDMENT:**

Strike out “, unless the employee has obtained a pardon” in paragraph 2 of proposed section 85.0.1.

*Adopted*  
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AM 31  
s. 19

Bill 15

**Anti-Corruption Act**

Section 19

**AMENDMENT:**

Replace "cease" by "suspend".

*Adapté  
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Bill 15

**Anti-Corruption Act**

Section 61

**AMENDMENT:**

Replace section 61 by the following section:

**61.** This Act comes into force on (*insert the date of assent to this Act*), except

(1) sections 25 to 33.1, 35, 36, 39, 42 to 45, 48 to 51 and 55 to 59, which come into force on 1 September 2011, unless the Government sets an earlier date or earlier dates for the coming into force of these provisions; and

(2) sections 38.1, 39.1 to 39.5, 39.7, 51.1 and 51.2, which come into force on the date or dates to be set by the Government, which may not be later than 1 June 2012.

*Adepti*  
*ll*