



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 65

**An Act to replace and reconstitute the
notarial deeds *en minute* destroyed in
the 6 July 2013 railway disaster in Ville
de Lac-Mégantic**

Introduction

**Introduced by
Mr. Bertrand St-Arnaud
Minister of Justice**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This bill establishes a special procedure for reconstituting the notarial records destroyed in the 6 July 2013 railway disaster in Ville de Lac-Mégantic.

The role of the notaries, holders or legal depositaries of these records is defined with respect to the recovery of the information entered in the repertory or index of notarial deeds en minute relating to any destroyed records. The replacement and reconstitution of destroyed original notarial deeds en minute are also facilitated.

To that end, a simplified and non-judicial replacement procedure is established for the deeds concerned: it is proposed that destroyed deeds may be replaced by inserting into the record an authentic copy of such deeds, delivered by any holder of such a copy.

In addition, in cases where replacing a deed is not possible, it is proposed that the notary reconstitute the deed at the request of a party to the deed or of an interested third person.

The Minister of Justice is also given the power to establish any rule governing an alternate reconstitution procedure and to determine, after consulting the Chambre des notaires du Québec, certain cases in which reconstitution is not compulsory.

Lastly, notaries must report to the Chambre des notaires du Québec on the replacements and reconstitutions made.

Bill 65

AN ACT TO REPLACE AND RECONSTITUTE THE NOTARIAL DEEDS *EN MINUTE* DESTROYED IN THE 6 JULY 2013 RAILWAY DISASTER IN VILLE DE LAC-MÉGANTIC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE

1. The purpose of this Act is to establish measures to enable the effective and rapid reconstitution of the notarial records destroyed in the 6 July 2013 railway disaster in Ville de Lac-Mégantic.

For that purpose, the Act defines the role of the notaries, holders or legal depositaries of such destroyed records and introduces, among other measures, a special procedure to simplify the replacement of notarial deeds *en minute* the originals of which were preserved in those records.

DIVISION II

REPLACEMENT OF DESTROYED DEEDS

2. Articles 870 and 871 of the Code of Civil Procedure (chapter C-25) do not apply to the deeds referred to in this Act.

3. The original of a destroyed notarial deed *en minute* is replaced by inserting into the record an authentic copy, delivered to the notary, of the deed concerned.

The notary enters on the copy a declaration under oath of office stating that the original was destroyed and is replaced by the copy. The replacement copy stands in lieu of the original.

4. The notary provides, on request and free of charge, a new authentic copy of a destroyed deed to the person who delivered the authentic copy of that deed to the notary.

DIVISION III

RECONSTITUTION OF DEEDS

5. Despite the first paragraph of article 871.1 of the Code of Civil Procedure, a request for reconstitution must be made to the notary by a party to the deed or by an interested third person in order for the notary to be required to establish a procedure for that purpose, subject to the rules adopted under section 6 of this Act.

6. The Minister of Justice may, after consulting the Chambre des notaires du Québec, establish any rule applicable to the reconstitution of destroyed deeds that cannot be replaced.

The Minister may also, after such consultation, establish criteria aimed at excluding certain deeds from the reconstitution obligation.

DIVISION IV

INFORMATION RELATING TO REPLACED OR RECONSTITUTED DEEDS

7. If the repertory or index of deeds executed *en minute* was destroyed, the notary must, in accordance with the rules established by resolution of the board of directors of the Chambre des notaires du Québec, compile the information relating to the deeds the notary replaces or reconstitutes. In particular, the notary must compile the date, number and nature or character of such deeds, and the names of the parties.

DIVISION V

REPORT TO THE CHAMBRE DES NOTAIRES DU QUÉBEC

8. The notary reports to the Chambre des notaires du Québec on the replacements and reconstitutions made. The content and form of the report are established by resolution of the board of directors.

DIVISION VI

FINAL PROVISIONS

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

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