



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 66

An Act to amend the Cultural Heritage Act

Introduction

**Introduced by
Mr. Maka Kotto
Minister of Culture and Communications**

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EXPLANATORY NOTES

The purpose of this bill is to authorize the Minister of Culture and Communications to make regulations, concerning all or part of a declared or classified heritage site, to vary the manner in which the powers conferred on the Minister by the Cultural Heritage Act may be exercised. It allows the Minister to prescribe certain prohibitions.

The bill also contains consequential provisions, particularly with regard to the provisions of that Act that relate to the transfer of responsibility, to the Minister's powers of authorization and to remedies and penalties.

LEGISLATION AMENDED BY THIS BILL:

- Cultural Heritage Act (chapter P-9.002).

Bill 66

AN ACT TO AMEND THE CULTURAL HERITAGE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 64 of the Cultural Heritage Act (chapter P-9.002) is amended by adding the following paragraph at the end:

“If the Minister authorizes an act listed in the first paragraph, the Minister takes into account any applicable provision of a regulation made under section 81.1.”

2. Section 65 of the Act is amended by adding the following paragraph at the end:

“If the Minister authorizes an act listed in the first paragraph, the Minister takes into account any applicable provision of a regulation made under section 81.1.”

3. The Act is amended by inserting the following section after section 81:

“81.1. The Minister may, by regulation, in respect of all or part of a declared or classified heritage site, prescribe standards relating to

(1) the division, subdivision, redivision or parcelling out of land, the arrangement or ground plan of an immovable, the building, repair or alteration of the exterior appearance of an immovable, the demolition of all or part of an immovable and the erection of any new construction; and

(2) the construction, installation, maintenance, alteration and replacement of any billboard or sign.

Such a regulation may, in particular,

(1) prescribe prohibitions;

(2) provide that one or more of its provisions apply to all or part of a heritage site; and

(3) create classes and make specific rules for each of them.”

4. Section 166 of the Act is amended by replacing “continues” in the second paragraph by “and the provisions of any regulation made under section 81.1 continue”.

5. Section 195 of the Act is amended

(1) by inserting “of a provision of a regulation made under section 81.1 or” after “in contravention” in the first paragraph;

(2) in the second paragraph,

(a) by inserting “of a provision of a regulation made under section 81.1 or” after “in contravention”;

(b) by inserting “a provision of a regulation made under section 81.1 or” after “into conformity with”.

6. Section 196 of the Act is amended by inserting “or of a provision of a regulation made under section 81.1” after “64”.

7. Section 201 of the Act is amended by inserting “, a provision of a regulation made under section 81.1” after “50 or 66”.

8. Section 202 of the Act is amended by replacing “or any of the conditions set by the Minister under section 66” by “, any of the conditions set by the Minister under section 66 or a provision of a regulation made under section 81.1”.

9. Section 203 of the Act is amended by inserting the following paragraph after the second paragraph:

“Following a declaration by the Minister under section 165, an order under the first or second paragraph may be obtained if an act or operation has been undertaken, continued or carried out in contravention of a provision of a regulation made under section 81.1.”

10. Section 204 of the Act is replaced by the following section:

“204. The division, subdivision, redivision or parcelling out of land may be annulled if it is made in contravention of

(1) section 141; or

(2) a provision of a regulation made under section 81.1, insofar as a declaration has been made by the Minister under section 165.

Any interested party, including the municipality in whose territory the land is situated, may apply to the Superior Court for a declaration of nullity.”

11. Section 205 of the Act is amended by replacing “or any of the conditions set out by the municipality under section 137, 138 or 141” by “, any of the conditions set out by the municipality under section 137, 138 or 141 or, insofar as a declaration has been made by the Minister under section 165, a provision of a regulation made under section 81.1”.

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

