

chapter M-14

**ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE
L'ALIMENTATION**

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DIVISION I

THE MINISTER AND HIS FUNCTIONS

1. The Minister of Agriculture, Fisheries and Food, designated in this Act as the “Minister”, has the direction and administration of the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation.

R. S. 1964, c. 101, s. 1; 1973, c. 22, s. 2; 1977, c. 5, s. 14; 1979, c. 77, s. 2.

2. The functions, powers and duties of the Minister shall be the following:

(1) he shall devise policies and measures respecting the production, processing, distribution, marketing and use of agricultural, aquatic or food products, in particular with a view to fostering sustainable development, and see to their implementation;

(1.1) he shall devise and ensure the updating of a guide to agricultural practices, in cooperation with the Minister of Municipal Affairs, Regions and Land Occupancy, the Minister of Sustainable Development, Environment and Parks, and the Minister of Natural Resources and Wildlife, and see to its distribution;

(2) he shall effect or cause to be effected, for the purposes contemplated in paragraph 1, research, studies, inquiries and inventories;

(3) he shall establish, on the conditions he determines, the advisory or technical committees necessary to elaborate or carry out the policies and measures contemplated in paragraph 1;

(4) he shall have the supervision of agricultural schools or colleges, model farms, beet sugar factories receiving government grants, permanent agricultural exhibition committees, horticultural societies and institutions for teaching agriculture;

(5) he shall have the power to make, out of the funds placed at his disposal, when he deems it advisable, and under such conditions as he thinks necessary to impose, loans of money, grants and advances to agricultural societies, syndicates, cooperatives and other institutions formed for the purpose of furthering the interests of agriculture;

(6) he may, for the purposes contemplated in paragraphs 1 and 2 and under such conditions as he determines, make loans, grants or advances;

(6.1) he may make grants for the carrying out of drainage works to any agency responsible for the administration of a territory for municipal purposes, and have land improvements executed by day labour or by contract of enterprise;

(6.2) he shall be responsible for making the entries in the register of rights granted on lands in the domain of the State under his authority. He may order the keeping of any new register;

(7) he shall fulfil the other duties and exercise the other powers determined by the Government;

(8) he shall be responsible for promoting and assisting the racehorse breeding, horse racing and racehorse training industry; in particular, he may, for these purposes and on the conditions he determines, grant purses, subsidies, loans or advances, pay premiums, allowances or indemnities or carry out or commission improvement, development or equipment work.

The College Education Regulations established under section 18 of the General and Vocational Colleges Act (chapter C-29) apply to the college-level vocational instruction that may, with the authorization of the Minister of Higher Education, Research, Science and Technology, be dispensed by an agricultural school, college or institution referred to in subparagraph 4 of the first paragraph; for such purpose, the word “college” refers to an agricultural school, college or institution, as the case may be.

The Minister may, with the authorization of the Government, acquire by agreement, lease or expropriate any immovable property or real right necessary for the carrying out of his duties.

R. S. 1964, c. 101, s. 2; 1968, c. 68, s. 20; 1972, c. 54, s. 15; 1973, c. 22, s. 3; 1979, c. 77, s. 3; 1982, c. 13, s. 59; 1982, c. 26, s. 304; 1982, c. 13, s. 58; 1984, c. 16, s. 59; 1987, c. 23, s. 76; 1987, c. 103, s. 130; 1993, c. 26, s. 42; 1993, c. 39, s. 76; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1996, c. 26, s. 71; 1997, c. 70, s. 5; 1999, c. 40, s. 179; 1999, c. 43, s. 13; 1999, c. 36, s. 158; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2005, c. 8, s. 1; 2005, c. 28, s. 195, s. 196; 2006, c. 3, s. 35; 2009, c. 26, s. 109; 2013, c. 28, s. 201.



The Minister of Finance exercises the functions of the Minister of Agriculture, Fisheries and Food concerning the promotion of and assistance to racehorse breeding, horse racing and racehorse training industry as contemplated in subparagraph 8 of the first paragraph of this section. Order in Council 55-2016 dated 3 February 2016, (2016) 148 G.O. 2 (French), 1272.

3. The Minister shall lay before the National Assembly, within 15 days of the opening of each session, a detailed report of his activities during the preceding fiscal year.

R. S. 1964, c. 101, s. 4.

4. The Minister may inquire personally, or authorize in writing any competent person to inquire in his place, into the behaviour of any employee under his direction and any business relating to the administration or management of his department.

The Minister or the person delegated by him shall have, in such case and for the purposes of such inquiry, all the powers mentioned in sections 9, 10 and 11 of the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

R. S. 1964, c. 101, s. 5; 1992, c. 61, s. 401.

5. *(Repealed).*

R. S. 1964, c. 101, s. 6; 1982, c. 13, s. 60.

6. *(Repealed).*

R. S. 1964, c. 101, s. 7; 1982, c. 13, s. 60.

DIVISION II

STAFF OF THE DEPARTMENT

7. The Government shall appoint a deputy minister to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation.

R. S. 1964, c. 101, s. 8; 1973, c. 22, s. 5; 1979, c. 77, s. 4.

8. Under the direction of the Minister, the deputy minister shall have the supervision of the other officers and employees of the department; he shall manage its current business and exercise such other powers as are assigned to him by the Government.

R. S. 1964, c. 101, s. 9.

9. The orders of the deputy minister must be carried out in the same manner as those of the Minister; his authority shall be that of the incumbent minister of the department and his official signature shall give force and authority to any document within the jurisdiction of the department.

R. S. 1964, c. 101, s. 10; 1978, c. 15, s. 140.

10. The Government shall also appoint, in accordance with the Public Service Act (chapter F-3.1.1), all other officers and employees required for the proper administration of the department.

R. S. 1964, c. 101, s. 11; 1965 (1st sess.), c. 14, s. 81; 1978, c. 15, s. 140; 1983, c. 55, s. 161.

11. The respective duties of the officers and employees of the department not expressly regulated by law or by the Government shall be determined by the Minister.

R. S. 1964, c. 101, s. 12.

DIVISION III

GENERAL PROVISIONS

12. No deed, document or writing is binding upon the department or attributable to the Minister unless signed by him, the Deputy Minister or an officer and only, in the last case, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

The Government may, however, on the conditions fixed by it, allow the required signature to be affixed by means of an automatic device to such documents as it determines.

The Government may also allow a facsimile of the required signature to be engraved, lithographed or printed on such documents as it determines; in such case, the facsimile has the same validity as the signature itself if the document is countersigned by a person authorized by the Minister.

R. S. 1964, c. 101, s. 13; 1973, c. 22, s. 6.

13. A document or copy of a document from the department or forming part of the archives of the department, signed or certified by a person contemplated in the first paragraph of section 12 as a true copy, is authentic.

R. S. 1964, c. 101, s. 14; 1984, c. 16, s. 60.

14. The officer authorized by the Minister for that purpose may, at any reasonable time, enter any place where an activity subject to this Act or the regulations is carried on and inspect such place; for that purpose, he may pass over any private property if the circumstances so require but the owner shall be indemnified when appreciable damage has been caused to him thereby.

The officer shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

R. S. 1964, c. 101, s. 15; 1973, c. 22, s. 7; 1986, c. 95, s. 187; 1999, c. 40, s. 179.

14.1. Sections 3.1, 6, 19 to 22 and 49 to 52 of the Act respecting agricultural lands in the domain of the State (chapter T-7.1) apply, with the necessary modifications, to all lands under the authority of the Minister.

1982, c. 13, s. 61; 1987, c. 84, s. 35.

15. Sections 211 to 223 of the Sustainable Forest Development Act (chapter A-18.1) apply, with the necessary modifications, to lands under the authority of the Minister and the powers conferred therein are exercised by the Minister or by any employee of the department generally or specially authorized by him for that purpose.

R. S. 1964, c. 101, s. 16; 1977, c. 5, s. 14; 1982, c. 13, s. 62; 1986, c. 108, s. 248; 2010, c. 3, s. 306.

15.1. No member of the personnel of the department may directly or indirectly acquire any land in the domain of the State under the authority of the Minister unless he is authorized to do so by order of the Government.

1982, c. 13, s. 63; 1987, c. 23, s. 76; 1999, c. 40, s. 179.

16. Every agricultural society, partnership agricultural cooperative, horticultural society, partnership farmers' and dairymen's association, the Société d'industrie laitière de Québec, every society of patrons of a butter or cheese factory, cooperative syndicate, canner, and every other person, society, partnership or cooperative carrying on an agricultural industry or the processing, distribution or marketing of agricultural products, as well as every agricultural college or school, and every public officer or employee of Québec, shall be bound to answer promptly the official communications from the department and must make every effort to supply information on all the questions submitted to them in the interests of agriculture and with a view to facilitating the compilation of statistics.

Any officer of any of the institutions above named, refusing or wilfully neglecting to answer any questions or to furnish any information relating to the interests of agriculture or of agricultural education, is guilty of an offence and liable to a fine of \$25.

R. S. 1964, c. 101, s. 17; 1973, c. 22, s. 8; 1982, c. 26, s. 305; 1982, c. 13, s. 58; 1990, c. 4, s. 580; 1991, c. 33, s. 85; 1997, c. 70, s. 6; 1999, c. 40, s. 179.

17. The Minister, with the previous authorization of the Government, may enter into negotiations with a minister of the Government of Canada, for the application in Québec of measures respecting agriculture or the processing, distribution or marketing of agricultural products and to determine the conditions of their application.

The Minister may also, with the authorization of the Government, enter into any agreement with any government or body to facilitate the marketing of fish.

The Government has all the powers necessary to enforce the agreements referred to in the preceding paragraph.

R. S. 1964, c. 101, s. 18; 1973, c. 22, s. 9; 1979, c. 77, s. 5.

18. Every person who makes a false declaration to obtain a grant, advance or security for a loan contemplated by this Act or an amount payable as assistance under a plan, program or project, commits an offence and is liable, for a first offence, to a fine of \$625 and, for any subsequent conviction, to a fine of \$1,225.

1973, c. 22, s. 10; 1990, c. 4, s. 581; 1991, c. 33, s. 86.

DIVISION IV

AID TO UNDERTAKINGS

19. An annual fund of \$4,000,000 is created dating from 1 April 1973, and the Government, upon the recommendation of the Minister, may use such fund for guarantees or advances to the agricultural cooperatives governed by the Cooperative Act (chapter C-67.2) or to any other legal person engaged in similar activities.

From 1 April 1984, the annual fund is increased by \$4,000,000, but the Government shall not allocate the amount of the increase to any purpose except guarantees described in the first paragraph.

R. S. 1964, c. 101, s. 19; 1969, c. 40, s. 1; 1973, c. 22, s. 12; 1982, c. 26, s. 306; 1984, c. 20, s. 12; 1999, c. 40, s. 179.

20. The Government shall determine the form, conditions and time limits for reimbursement of such guarantees and advances and may adopt such measures of supervision and others as it may deem necessary to assure itself of such advances being utilized for the purposes for which they were made.

R. S. 1964, c. 101, s. 20; 1999, c. 40, s. 179.

21. The expenditure incurred for the carrying out of this Division shall be paid out of the Consolidated Revenue Fund.

R. S. 1964, c. 101, s. 21.

DIVISION IV.1

(Repealed, 2011, c. 16, s. 34)

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.1. *(Repealed).*

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.2. *(Repealed).*

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.3. *(Repealed).*

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.4. *(Repealed).*

1995, c. 68, s. 1; 2000, c. 15, s. 108; 2011, c. 16, s. 34.

21.5. *(Repealed).*

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.6. *(Repealed).*

1995, c. 68, s. 1; 1999, c. 26, s. 19; 2011, c. 16, s. 34.

21.7. *(Repealed).*

1995, c. 68, s. 1; 1999, c. 26, s. 19; 2011, c. 16, s. 34.

21.8. *(Repealed).*

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.9. *(Repealed).*

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.10. *(Repealed).*

1995, c. 68, s. 1; 2000, c. 8, s. 158; 2000, c. 15, s. 109; 2011, c. 16, s. 34.

21.11. *(Repealed).*

1995, c. 68, s. 1; 2011, c. 16, s. 34.

21.12. *(Repealed).*

1995, c. 68, s. 1; 1999, c. 40, s. 179; 2011, c. 16, s. 34.

DIVISION V

EXECUTION OF DRAINAGE WORKS

22. (1) On the conditions fixed by the Government, the Minister may take charge of all the drainage works if application therefor is made to him by the municipality charged with the execution of such works.

(2) The Minister may have the drainage works entrusted to him under subsection 1 carried out either under supervision or by contract. In either case, the persons carrying out the works have all the rights and immunities of persons carrying out the same works as the officers or agents of the competent municipality.

(3) In this division, the word “drainage” means any surface or underground conduits used chiefly for agricultural hydraulics for the supplying, irrigation and draining of farm land and includes natural and artificial watercourses used for those purposes.

The expression “drainage works” includes, in addition to the actions necessary to prepare and draft plans and specifications, all work required for drainage, in particular, the levelling of excavated material, the removal of obstacles, the arranging, improvement, maintenance and, if applicable, the operation of a land irrigation or drainage system or any other hydraulic works necessary for the drainage or irrigation of land.

R. S. 1964, c. 101, s. 27; 1973, c. 22, s. 15.

22.1. When the draining of one or more pieces of land necessitates work both in Québec and in a neighbouring province, the Minister, upon the application of the municipalities concerned or the neighbouring province, may, after an agreement with the latter, designate what work is to be done, order it carried out and, if the persons concerned refuse to comply with the order, have the work done at their expense.

2005, c. 6, s. 223.

DIVISION VI

DEVELOPMENT OF THE AGRICULTURAL AND FOOD SECTORS

1984, c. 16, s. 61.

23. The Minister may prepare plans, programs or projects to encourage the recovery or development of agriculture, a better use or conservation of agricultural resources or the setting up, extension, consolidation and modernization of agricultural or food products packing and processing enterprises, in particular with a view to fostering sustainable development.

R. S. 1964, c. 101, s. 28; 1969, c. 16, s. 12; 1973, c. 22, s. 17; 1984, c. 16, s. 62; 1999, c. 40, s. 179; 2005, c. 8, s. 2.

23.1. The Minister may, within the framework of any financial assistance program, require that compliance with the Animal Welfare and Safety Act (chapter B-3.1) and the regulations be a criterion in the preparation and administration of the program. Compliance with the Act and the regulations or not having been placed under an order under that Act may be among the conditions for the payment of all or part of the sums of money to which the program gives entitlement.

2015, c. 35, s. 7.

24. With the approval of the Government, the Minister may assume the direction and ensure the carrying out of such plans, programs and projects.

For the purposes of such plans, programs and projects, he may acquire, lease or alienate any property, make grants, loans or advances, pay premiums, allowances or indemnities and carry out or cause to be carried out works for agricultural improvements, planning or equipment.

For such purposes, the Minister may, in particular, acquire any immovable under concession that is subject to the Act respecting agricultural lands in the domain of the State (chapter T-7.1), and, from such acquisition, that concession is cancelled of right and the cancellation has the same effect as if it had been made by the Minister under Division III of Chapter III of that Act. From the acquisition, such an immovable is no longer subject to that Act. This paragraph has effect from 22 December 1969 in respect of any immovable under concession that is then subject to the Colonization Lands Sales Act (chapter T-8) and which has been thus acquired.

He may also, by a notice, exempt an immovable from a program to bring it under another program or place it in the arable land bank established under Division VII, or exempt an immovable from the arable land bank to bring it under a program.

R. S. 1964, c. 101, s. 29; 1969, c. 16, s. 12; 1979, c. 66, s. 1; 1982, c. 13, s. 64; 1999, c. 40, s. 179.

25. The Minister may make agreements with any government or body and with any person, association or partnership for the purposes of the preparation and carrying out of any plan, program or project contemplated in this division.

R. S. 1964, c. 101, s. 30; 1969, c. 16, s. 12; 1973, c. 22, s. 18; 1999, c. 40, s. 179.

26. The Government may, on the conditions it determines, entrust any Government body it designates with the management and carrying out of a plan, program or project.

The body so designated may for such purposes exercise any power provided in sections 24 and 25 which the Government confers on it.

The property the body acquires or owns for its mandate forms part of the domain of the State, but execution for obligations it contracts for those purposes may be taken against that property.

The designated body binds only itself when it acts in its own name.

R. S. 1964, c. 101, s. 31; 1969, c. 16, s. 12; 1973, c. 22, s. 19; 1999, c. 40, s. 179.

DIVISION VII

ESTABLISHMENT OF AN ARABLE LAND BANK

1979, c. 66, s. 2.

27. The Minister, without restriction to his powers under Division VI, may establish an arable land bank for the purpose of transferring the ownership of or leasing arable land so as to promote the succession of the younger generation in agriculture, the enlargement or consolidation of family farms and the operation of unused or underused arable land.

For these purposes, the Minister may

(1) acquire any immovable at such price and on such conditions as are fixed in accordance with the regulations;

(2) carry out or cause the carrying out, on any such immovable, of maintenance, improvement or development works deemed essential to its profitability;

(3) lease such an immovable or transfer the ownership of the immovable, at such price, on such conditions and according to such criteria as are fixed in accordance with the regulations;

(4) enter into agreement with any government or agency and with any person, association or partnership.

Notwithstanding the second paragraph, the Minister may, in the cases provided for by regulation, alienate the whole or part of an immovable contemplated in the said paragraph for purposes other than those listed in the first paragraph, at such price and on such conditions as are fixed in accordance with the regulations.

The third paragraph of section 24 applies to this division.

1979, c. 66, s. 2; 1999, c. 40, s. 179.

28. The Government may, on the conditions it determines, entrust the administration of this division to a public agency it designates. For that purpose, the designated agency exercises, on behalf of the Minister, the powers conferred on him under subparagraphs 1, 2 and 3 of the second paragraph of section 27, and under the third and fourth paragraphs of that section.

Notwithstanding any contrary provision in the constituent Act of the designated agency, it may, for the purposes of this division and with the prior approval of the Government, raise loans by way of promissory notes, bonds or other securities, on the terms and conditions determined by the Government.

For the purposes of this division, “public agency” means an agency to which the Government or a minister, appoints the majority of the members, to which, by law, the staff is appointed in accordance with the Public Service Act (chapter F-3.1.1), or over one-half of whose capital stock is derived from the Consolidated Revenue Fund.

1979, c. 66, s. 2; 1983, c. 55, s. 161; 2000, c. 8, s. 242.

29. Property that the designated agency acquires or owns on behalf of the Minister under this division forms part of the domain of the State, but the performance of the obligations the designated agency contracts for those purposes may be levied against that property.

The designated agency binds none but itself when it acts in its own name.

1979, c. 66, s. 2; 1999, c. 40, s. 179.

30. The Government, under such terms and conditions as it determines, may authorize the Minister of Finance to constitute, for the benefit of the agency designated under section 28, a working fund not exceeding \$200,000 for the disbursements necessary for the administration, protection and maintenance of any immovable acquired or owned by the designated agency on behalf of the Minister under this division, and for the disbursements necessary for the protection of any debt resulting from a sale or a lease made in accordance with this division.

The amounts necessary for the establishment of the working fund are taken out of the Consolidated Revenue Fund.

Notwithstanding section 33, the sums received as recovery of disbursements made for the purposes provided for in the first paragraph are paid into the working fund.

1979, c. 66, s. 2.

31. The Government may, by regulation, prescribe

(1) the general bases of assessment of the immovables to be acquired or alienated under this division;

(2) the criteria enabling the fixing of the price of acquisition or alienation or the cost of the rent of such immovables, and the criteria for selecting prospective acquirers or lessees;

(3) the conditions that must be included in deeds of acquisition or alienation and in leases;

(4) the documents, reports and information to be produced or furnished for the purposes of this division and the period within which they must be produced or furnished;

(5) the cases where an immovable may be alienated, in whole or in part, in accordance with the third paragraph of section 27, and the criteria enabling the fixing of the price of alienation of such an immovable.

1979, c. 66, s. 2.

32. The Government, for the period of time and under any other conditions it determines, may authorize the Minister of Finance to advance to the agency designated under section 28 any amount deemed necessary for

(1) the acquisition of an immovable contemplated in subparagraph 1 of the second paragraph of section 27;

(2) the carrying out of improvement and development works on such an immovable.

The sums that the Minister of Finance may be called on to advance under the first paragraph are taken out of the Consolidated Revenue Fund.

1979, c. 66, s. 2.

33. The interest, rents or charges received in the application of this division are allocated first to the payment of the interest due on any loan made in the private market, then to any advance made by the Minister of Finance under section 32 and, finally, to the purposes provided for in the second paragraph.

The principal sums received in the application of this division are allocated, first, to the repayment of any loan made in the private market for the purposes of section 32, secondly, to the constitution of a sinking fund authorized by the Government, which shall fix the conditions thereof, then, to the repayment of any advance made by the Minister of Finance under section 32 and, finally, to the payment of interest in the order provided in the first paragraph.

Any remainder of the whole amount is paid into the Consolidated Revenue Fund.

1979, c. 66, s. 2.

34. The Minister of Finance is authorized to make up, for each fiscal period, out of the Consolidated Revenue Fund, the deficit representing the net result of the aggregate of

(a) the difference between the sums due as interest on any loan made in the private market or as an advance received from the Minister of Finance for the purposes of section 32, and the sums received as revenues from interest, rents or charges in conformity with the first paragraph of section 33;

(b) the sums required to cover the net loss for each fiscal period resulting from operations effected under this division.

1979, c. 66, s. 2.

35. The agency designated under section 28 must, each year, have a plan approved by the Government respecting the acquisition, improvement, development and financing of the immovables contemplated in this division.

The Government shall determine the form and content of such plan and the time when it must be presented.

1979, c. 66, s. 2.

36. The sums required for the carrying out of this division are taken, for the fiscal period 1979-1980, out of the Consolidated Revenue Fund.

1979, c. 66, s. 2.

DIVISION VII.1

PAYMENT OF PROPERTY TAXES AND COMPENSATIONS

1991, c. 29, s. 1; 1999, c. 40, s. 179; 2006, c. 32, s. 1.

36.1. In this division, unless the context indicates otherwise,

(1) the words “building” and “immovable” mean a building or immovable within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1);

(1.1) “property tax” means a tax or surtax that a local municipality imposes on an immovable or in respect of the immovable if the tax or surtax is imposed regardless of use;

(2) “municipal service” means the water, sewer, police, fire protection, recreation, cultural activities, roads, garbage removal or disposal, lighting, snow removal or septic tank cleaning service supplied by a municipality;

(3) “fiscal year” : means a municipal fiscal year and the school fiscal year that ends during that fiscal year; the school fiscal year is deemed to begin and end on the same dates as the municipal fiscal year.

1991, c. 29, s. 1; 1999, c. 40, s. 179; 2000, c. 56, s. 222; 2005, c. 8, s. 3; 2006, c. 32, s. 2.

36.2. The Minister shall pay a part of the amount of the municipal property taxes and compensations for municipal services applicable to an immovable forming part of an agricultural operation;

(1) that is registered in accordance with a regulation adopted pursuant to section 36.15 at any time during the fiscal year for which an application for payment is made, but only for the part of the fiscal year during which the agricultural operation is registered;

(2) that is included in whole or in part in an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) at the time the application for payment is made and that was so included at any time during the fiscal year for which an application for payment is made;

(3) that produced a minimum average gross revenue per \$100 of property assessment, the amount of which is determined by regulation, with regard to immovables situated in the agricultural zone and forming part of the agricultural operation during the calendar year that ended before the beginning of the fiscal year for which an application for payment is made, unless the agricultural operation benefits from an exemption determined by regulation;

(4) that produced gross revenue equal to or greater than \$5,000 in the calendar year that ended before the beginning of the fiscal year for which an application for payment is made, unless the agricultural operation benefits from an exemption determined by regulation;

(5) that, according to the information and documents filed under a regulation made pursuant to section 36.12, is operated in accordance with the provisions of the Environment Quality Act (chapter Q-2) and the regulations thereunder.

The application for payment must be made in writing at the time the operator registers the agricultural operation or updates or renews its registration, for each unit of assessment that includes an immovable forming part of the agricultural operation. If the operator is not the person in whose name the unit of assessment is entered on the roll, the application must be made jointly with that person. The application must be accompanied by the information and documents required by regulation.

The right to apply for a payment of property taxes and compensations for a given fiscal year expires unless it is exercised in accordance with the preceding paragraph not later than 31 December of that fiscal year or, where applicable and if advantageous for the applicant, within 30 days following the sending of a notice from the Minister to that effect.

The person applying for a payment must have paid the annual assessment exigible under Division VIII of the Farm Producers Act (chapter P-28) with regard to the fiscal year for which the application is made.

1991, c. 29, s. 1; 1995, c. 64, s. 1; 1996, c. 26, s. 85; 1999, c. 40, s. 179; 2001, c. 68, s. 68; 2005, c. 8, s. 4; 2006, c. 2, s. 1; 2006, c. 32, s. 3.

36.3. The property taxes and compensations qualified for payment are those which are payable or have been paid for a given fiscal year regardless, in the latter case, of who paid them. However, for the purpose of establishing the amount payable under section 36.4, they include the school property taxes for that fiscal year not exceeding the maximum set by the Education Act (chapter I-13.3).

They shall be computed for each unit of assessment proportionately to the value of the immovables situated in the agricultural zone and forming part of the agricultural operation in relation to the total value of the unit of assessment. The proportion shall be established in accordance with the account of property taxes or compensations sent by the local municipality. The first account sent in a given fiscal year shall also be used for the pro rata computation of the school property taxes for the school fiscal year in progress at the time the notice is sent, subject to the limit imposed by section 231.3 of the Act respecting municipal taxation (chapter F-2.1).

The interest and penalties payable or paid on outstanding property taxes and compensations do not qualify for payment, except interest accrued pursuant to section 248 of the Act respecting municipal taxation.

1991, c. 29, s. 1; 1995, c. 64, s. 2; 1999, c. 40, s. 179; 2005, c. 8, s. 5; 2006, c. 32, s. 4.

36.4. The amount paid by the Minister is determined in the following manner:

(1) where the amount of property taxes and compensations qualified for payment is equal to or less than \$300, the Minister shall pay that amount;

(2) where the amount of property taxes and compensations qualified for payment is greater than \$300 and the value per hectare of the land situated in the agricultural zone and forming a part of the agricultural operation does not exceed \$1,813.67, the Minister shall pay an amount corresponding to the result obtained by adding the following amounts:

(a) \$300;

(b) 70% of the amount of the property taxes and compensations qualified for payment that exceeds \$300;

(2.1) where the amount of property taxes and compensations qualified for payment is greater than \$300 and the value per hectare of the land referred to in subparagraph 2 is greater than \$1,813.67, the Minister shall pay an amount corresponding to the result obtained by adding the following amounts:

(a) \$300;

(b) 70% of the amount of the school property taxes, the municipal property taxes attributable to buildings and the compensations qualified for payment;

(c) 70% of the amount obtained by multiplying the amount of the municipal property taxes qualified for payment and attributable to the land that exceeds \$300 by the quotient obtained by dividing \$1,793.40 by the value per hectare of the land; and

(d) 85% of the amount obtained by multiplying the amount of the municipal property taxes qualified for payment and attributable to the land that exceeds \$300 by the quotient obtained by dividing the value per hectare of the land that is greater than \$1,793.40 by the value per hectare of the land.

As of 1 January 2006, the amount of \$1,500 provided for in the first paragraph shall be indexed on 1 January of each year on the basis of the percentage increase, in relation to the previous year, in the Consumer Price Index for Canada as published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19). For that purpose, the Consumer Price Index for a year is the average index for the 12 months ending on 31 December of the preceding year.

Where the annual average or the percentage computed under the second paragraph or the result thus indexed has more than two decimal places, only the first two are kept. The second decimal place is rounded up if the third decimal place is equal to or greater than 5.

The Minister shall cause the applicable amount to be published in the *Gazette officielle du Québec*.

(3) (*subparagraph repealed*).

However, the amount paid by the Minister shall not exceed the amount representing 30% of the gross revenue produced in the agricultural zone by the agricultural operation during the calendar year that ended before the beginning of the fiscal year for which an application for payment is made, unless the agricultural operation is exempted from producing the average gross revenue per \$100 of property assessment or the minimum gross revenue.

1991, c. 29, s. 1; 1995, c. 64, s. 3; 1999, c. 40, s. 179; 2001, c. 68, s. 69; 2005, c. 8, s. 6; 2006, c. 32, s. 5.



See notice of indexation; (2016) 148 G.O. 1, 354.

36.4.1. The total of the amounts paid by the Minister as determined under section 36.4 may not exceed,

- (1) for the fiscal year 2007, 107% of the total of the amounts paid for the 2006 fiscal year;
- (2) for the fiscal year 2008, 106% of the total of the amounts paid for the 2007 fiscal year; and
- (3) for any subsequent fiscal year, 105% of the total of the amounts paid for the preceding fiscal year.

If the total of the amounts paid by the Minister for a given fiscal year exceeds the limit determined under the first paragraph for that fiscal year, the excess is used to reduce proportionately the amount determined under section 36.4 for each unit of assessment and is adjusted under section 36.7.2.

2006, c. 32, s. 6.

36.5. (*Repealed*).

1991, c. 29, s. 1; 1995, c. 64, s. 4.

36.6. (*Repealed*).

1991, c. 29, s. 1; 1995, c. 64, s. 4.

36.7. Before the beginning of a given fiscal year, and provided the conditions prescribed by regulation are met, the Minister shall send to a local municipality whose property assessment roll includes an immovable forming part of an agricultural operation, the reduction rate and any adjustment applicable with regard to the unit of assessment that includes such an immovable. This rate is equal to the percentage of the qualified municipal property taxes and compensations paid under section 36.4 for the preceding fiscal year with regard to that unit.

The local municipality shall deduct from any account of property taxes and compensations imposed with regard to a unit of assessment referred to in the first paragraph a credit equal to the result obtained when the reduction rate referred to in the first paragraph is applied to the amount of the qualified property taxes and compensations. The credit also includes any adjustments that may be made under section 36.7.2.

The credit thus granted takes the place of the payment provided for in section 36.4 for the given fiscal year.

1991, c. 29, s. 1; 1995, c. 64, s. 5; 2006, c. 32, s. 7.

36.7.1. Within 30 days after sending an account of property taxes or compensations imposed with regard to a unit of assessment referred to in the second paragraph of section 36.7, a local municipality or any other person or body determined by regulation must send to the Minister, in the form prescribed by regulation, a document containing the information required by regulation.

After receiving this document, the Minister shall pay to the local municipality the total amount of the credits it deducted under section 36.7.

2006, c. 32, s. 7.

36.7.2. The Minister shall ensure that any credit deducted corresponds to the amount payable under section 36.4 and that the conditions set out in section 36.2 are met.

If, after verification, adjustments must be made, the Minister informs the local municipality before the next fiscal year so that they may be applied to the credit deductible for that fiscal year.

The Minister may, however, pay the amount of the adjustment directly to the person in whose name the unit of assessment is entered on the roll or claim the amount of the adjustment from that person.

If the Minister demands reimbursement of an overpayment, the reimbursement must be made within 30 days after receipt of the Minister's notice. If the amount is not reimbursed by the expiry of that period, it bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

2006, c. 32, s. 7; 2010, c. 31, s. 175.

36.7.3. Despite section 36.7 the Minister may, for a given fiscal year, pay directly to the person in whose name a unit of assessment is entered on the roll, an amount to which the person is entitled under section 36.4, provided the local municipality was not able to deduct that amount from the account of property taxes and compensations and provided the qualification conditions set out in section 36.2 are met.

2006, c. 32, s. 7.

36.8. *(Repealed).*

1991, c. 29, s. 1; 1995, c. 64, s. 6; 1999, c. 40, s. 179; 2005, c. 8, s. 7.

36.9. *(Repealed).*

1991, c. 29, s. 1; 1995, c. 64, s. 7; 2005, c. 8, s. 7.

36.10. *(Repealed).*

1991, c. 29, s. 1; 2005, c. 8, s. 7.

36.11. *(Repealed).*

1991, c. 29, s. 1; 2005, c. 8, s. 7.

36.12. The Government may, by regulation,

(1) for the purposes of subparagraph 3 of the first paragraph of section 36.2, determine the minimum average gross revenue per \$100 of property assessment that a registered agricultural operation must produce to qualify for the payment of property taxes and compensations;

(2) for the purposes of subparagraphs 3 and 4 of the first paragraph of section 36.2, and on the conditions and for the period it determines, exempt an agricultural operation from having to produce the minimum gross revenue or the minimum average gross revenue per \$100 of property assessment in order to qualify for the payment of property taxes and compensations;

(3) determine the content of an application for payment of property taxes and compensations and of the documents and information that must accompany it;

(4) prescribe the form to be used for the application for payment referred to in paragraph 3;

(5) determine the conditions to be met for the purposes of the first paragraph of section 36.7;

(6) determine the form of the document that a local municipality, or any other person or body it determines, must send to the Minister under section 36.7.1 and determine the information it must contain; and

(7) prescribe any other measure necessary for the purposes of this Act.

1991, c. 29, s. 1; 1995, c. 64, s. 8; 1999, c. 40, s. 179; 2001, c. 68, s. 70; 2006, c. 32, s. 8.

36.13. A decision of the Minister to refuse an application for payment or to demand a reimbursement must be in writing and include the Minister's reasons. A copy of the decision must be sent to the applicant.

1991, c. 29, s. 1; 1995, c. 64, s. 9; 2006, c. 32, s. 9.

36.14. A person may contest any decision of the Minister referred to in section 36.13 before the Administrative Tribunal of Québec within 30 days after notification of the decision if the reason for the decision is that the condition set out in subparagraph 3 or subparagraph 4 of the first paragraph of section 36.2 is not met.

1991, c. 29, s. 1; 1995, c. 64, s. 10; 1997, c. 43, s. 360; 2006, c. 32, s. 10.

DIVISION VII.2

REGISTRATION OF AGRICULTURAL OPERATIONS

1991, c. 29, s. 1.

36.15. The Government may, by regulation,

(1) define, for the purposes of this Act and the regulation, the expressions "agricultural operation", "agricultural product" and "gross revenue";

(1.1) determine the conditions for the registration of an agricultural operation;

(2) determine the content of the registration slip which a person applying for registration is required to complete;

(3) determine the period for which the registration slip is valid;

(4) provide for the issue of a registration card with a sticker, and determine the terms and conditions for renewal of the sticker;

(5) determine, for the purposes of the renewal of the sticker, the content of the declaration to be made by the holder of the registration card;

(6) authorize the Minister to require any information or document he deems necessary for validating the registration;

(7) determine the grounds and the terms and conditions on which the Minister may revoke the registration of an agricultural operation;

(8) *(paragraph repealed)*;

(9) prescribe compulsory use of a form provided by the Minister for the purposes of paragraphs 2 and 5.

1991, c. 29, s. 1; 1995, c. 64, s. 11.

36.16. Sections 36.13 and 36.14 apply, adapted as required, to any decision whereby the Minister refuses an application for registration or revokes a registration.

1991, c. 29, s. 1.

DIVISION VIII



This Division ceased to have effect on 17 April 1987.

37. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 101 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter M-14 of the Revised Statutes.

