

CMMTQ'S OFFICE EDITION

MASTER PIPE-MECHANICS ACT (R.S.Q., c. M-4)

Advice

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Chapter M-4

MASTER PIPE-MECHANICS ACT

INTERPRETATION

Interpretation:

1. In this Act, the following words and expressions, unless such construction is incompatible with the context, shall be interpreted as follows:

«Minister»;

1) «Minister» designates the Minister of Labour;

«Corporation»;

2) «Corporation» means the Corporation of Master Pipe-Mechanics of Québec;

«council»;

3) «council» means the provincial council of administration of the Corporation;

«member of the Corporation»;

4) «member of the Corporation» means any person who is admitted to the Corporation in conformity with this Act and the regulations of the Corporation;

«master pipe-mechanic»;

- 5) «master pipe-mechanic» means any person who:
- (a) does business as a contractor for the installation of piping;
 - (b) for another, carries out, or causes to be carried out, installation, renovation, alteration or repair work on any piping installation;
 - (c) prepares estimates, makes or submits tenders, either personally or by a person interposed, with a view to carrying out such work for his profit;
 - (d) prepares plans at his expense, but solely for his own use and that of the Board, with a view to obtaining and carrying out such work for his profit;
 - (e) employs apprentices or journeymen;

«piping installation»;

- 6) «piping installation» means the installing of any or all of the following systems, to wit:
- (a) heating systems used for producing motive power or heat in any form whatsoever, in any building or construction; such systems including among others gravity or forced hot water systems, and high, low or vacuum steam systems and likewise any firing system;
 - (b) refrigerating systems for cooling air, chilling substances or making ice;
 - (c) plumbing systems, in any building or construction, including piping and all accessories used for drainage or draining; for back air vent; for supplying hot or cold water or gas;
 - (d) oil or natural gas burner systems but not propane gas burner systems;
 - (e) automatic sprinkler systems utilized to prevent and fight fires in any building or construction.

The expression «piping installation» includes moreover any installation defined by the Building Code referred to in section 13 of the Building Act (chapter B-1.1).

«piping installation work»;

- 7) «piping installation work» includes the work of installing, repairing, altering or renewing piping installations;

«*journeyman*»;

8) «*journeyman*» means any person who has completed his apprenticeship, holds a certificate of qualification issued under the Act respecting manpower vocational training and qualification (chapter F-5) or a journeyman competency certificate issued under the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), and who, as such, carries out electrical installation work or the work of renewing, altering or repairing piping installations;

«*apprentice*»;

9) «*apprentice*» means any person enrolled in a manpower center of Québec in accordance with the Act and the regulations respecting manpower vocational training and qualification or registered with the Commission de la construction du Québec, in accordance with the Act respecting labour relations, vocational training and manpower management in the construction industry, and who, as such, carries out piping installation work or the work of renewing, repairing or altering piping installations;

«*person*»;

10) «*person*» means any natural person, association, partnership or legal person having legal status;

«*Board*»;

11) «*Board*» means the Régie du bâtiment du Québec set up under section 87 of the Building Act (chapter B-1.1);

12) (*paragraph repealed*);

13) (*paragraph repealed*).

R. S. 1964, c. 155, s. 1; 1968, c. 43, s. 17; 1969, c. 51, s. 95; 1975, c. 53, s. 126, s. 132; 1979, c. 63, s. 290; 1981, c. 9, s. 34; 1982, c. 53, s. 58; 1986, c. 89, s. 31; 1985, c. 34, s. 245; 1994, c. 12, s. 68; 1996, c. 29, s. 43; 1985, c. 34, s. 245; 1991, c. 74, s. 168; 1997, c. 83, s. 35; 1999, c. 40, s. 173; 1985, c. 34, s. 245; 1997, c. 83, s. 30.

Price control prohibited.

2. Nothing in this Act authorizes the Corporation to regulate or control the prices of material for piping installations or those of piping installation contracts, or the conditions of payment.

R. S. 1964, c. 155, s. 2.

CREATION OF THE CORPORATION

- Name. **3.** The Corporation is hereby constituted under the name of “Corporation of Master Pipe-Mechanics of Québec” in English and “Corporation des maîtres mécaniciens en tuyauterie du Québec” in French.
- Legal person. The Corporation is a legal person.
R. S. 1964, c. 155, s. 3; 1999, c. 40, s. 173.
- Head office. **4.** The head office of the Corporation shall be in the territory of Ville de Québec or at any other place in Québec established by its regulations after notice has been given in the *Gazette officielle du Québec*.
R. S. 1964, c. 155, s. 4; 1996, c. 2, s. 736; 1999, c. 40, s. 173.
- Member of the Corporation. **5.** Every person who, being subject thereto, complies with Chapter IV of the Building Act (chapter B-1.1) and with this Act is entitled to be a member of the Corporation.
R. S. 1964, c. 155, s. 5; 1975, c. 53, s. 127; 1980, c. 2, s. 13; 1985, c. 34, s. 247; 1991, c. 74, s. 110; 1999, c. 40, s. 173.
- Duration. **6.** The members of the Corporation shall remain members as long as they comply with this act and the regulations of the Corporation.
R. S. 1964, c. 155, s. 6.
- No liability. **7.** No member shall in any manner be liable for, or bound to pay, any debt or claim due by the Corporation beyond the amount of his unpaid subscription or assessment.
R. S. 1964, c. 155, s. 7.

PURPOSE

- Objects. **8.** The objects of the Corporation are to increase the proficiency and ability of its members so as to assure to the public greater security and protection with respect to health and hygiene, to regulate their discipline and professional conduct, to facilitate and promote their studies, to give them an opportunity of discussing their interests, and to render its members generally all the services they may need.
R. S. 1964, c. 155, s. 8; 1975, c. 53, s. 128.
- Other objects. **8.1.** The other objects of the Corporation are,

1) to the extent and subject to the conditions set out in the agreement referred to in section 129.3 of the Building Act (chapter B-1.1), to supervise the administration of that Act or to see to its application as regards the vocational qualification of its members and the financial guarantees that may be required from them;

2) where an agreement is entered into under section 129.3 of the Building Act, to promote and facilitate the vocational qualification of master pipe-mechanics.
1998, c. 46, s. 76; 1999, c. 13, s. 6.

POWERS OF THE CORPORATION

Powers.

9. The Corporation shall possess all the powers required to attain its objects and more generally those which may be exercised by legal persons, and, without in any manner limiting the generality of the terms of this section, it may:

(a) Appear before the courts as plaintiff or defendant;

(b) Acquire and possess any movable property;

(c) Acquire and possess immovable properties in Québec;

(d) Administer, sell, rent, exchange, assign, all or part of its property or otherwise dispose of it;

(e) Undertake obligations and borrow on the credit of the Corporation; hypothecate all or part of its property.

R. S. 1964, c. 155, s. 9; 1992, c. 57, s. 611; 1999, c. 40, s. 173.

Inquiry.

9.1. The Corporation or a person it designates may inquire into any question relating to this Act. For that purpose, the Corporation or the person shall be vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1985, c. 34, s. 251.

Administration of Act.

9.2. The Corporation may enter into an agreement referred to in section 129.3 of the Building Act (chapter B-1.1) under which the Corporation is entrusted by the Government with the powers and functions of the Régie du bâtiment du Québec for the purpose of supervising the administration of the Building Act or seeing to its application as regards the vocational qualification of its members and the financial guarantees that may be required from them.

Powers and functions. The Corporation may in such a case exercise all the powers and functions entrusted to it and shall assume all the duties specified in the agreement.
1998, c. 46, s. 77; 1999, c. 13, s. 7.

Homologation. **9.3.** Where a disciplinary fine is imposed on a member pursuant to a regulation under section 11, the Corporation may, if the fine is not paid, have the decision homologated by the Superior Court or the Court of Québec, according to the amount involved.

Executory decision. The decision thereby becomes executory as a judgment of that court in its civil law jurisdiction.
2001, c. 79, s. 2.

POWERS OF THE COUNCIL

Special sections. **10.** The council of the Corporation may establish, by regulation, special sections grouping those of its members who hold the same type of licence issued under the Building Act (chapter B-1.1), define the status of the members of such sections, their rights and obligations in all matters that concern the Corporation, and determine the conditions of their admission to the section.

Regulation. Such a regulation must be approved at a general meeting of the members of the Corporation and published in the *Gazette officielle du Québec*, with a notice that upon the expiry of thirty days after such publication, it will be submitted to the Government for approval. The regulation comes into force only after such notice of approval is published.

Applicability. Paragraph 4 of section 11 does not apply to such a regulation.
R. S. 1964, c. 155, s. 10; 1975, c. 53, s. 129; 1981, c. 23, s. 20; 1985, c. 34, s. 252; 1991, c. 74, s. 112.

Regulations. **10.1.** The council of the Corporation may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply.
1998, c. 46, s. 78.

Vocational training.

10.2. Where an agreement is entered into under section 129.3 of the Building Act (chapter B-1.1), the council may plan, develop and implement a mandatory or optional vocational training program which shall be submitted to the Minister for approval.

Other regulations.

The council may also, by regulation,

1) make training mandatory for the issue or maintenance of a licence covering work coming under the exclusive competence of master pipe-mechanics;

2) determine the cases in which a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the scope of a person's licence while the person is undergoing vocational retraining, prescribe a period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a contractor's licence;

3) determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act, the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, amendment, maintenance or reinstatement of a licence within the framework of the vocational training program;

4) organize and administer any fund necessary for the purposes of the vocational training of master pipe-mechanics;

5) establish a training body and entrust it with the development of a vocational training program and determine the responsibilities of the training body in respect of that program.

1998, c. 46, s. 78; 2005, c. 22, s. 51.

Approval.

10.3. Any regulation made under sections 10.1 and 10.2 shall be submitted to the Government for approval with or without amendment.

Failure to act.

Where the council does not adopt or amend such a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.

Provisions not applicable.

The provisions of paragraph 4 of section 11 do not apply to such a regulation.
1998, c. 46, s. 78.

Powers of council.

11. The council of the Corporation may:

1) make, amend and repeal regulations respecting the administration of the Corporation and the management of its affairs in all respects, the attainment of its objects and purposes, the exercise of the rights and powers granted by this act to the Corporation, as well as regulations respecting:

(a) its internal management;

(b) *(subparagraph repealed)* ;

(c) the admission and discipline of the members of the Corporation, except with regard to their suspension or expulsion;

(d) *(subparagraph repealed)* ;

(e) the annual assessment and the entrance dues;

(f) the calling, holding, quorum and procedure at meetings of the members of the Corporation, of the council and of committees of the Corporation and of sections;

(g) the indemnities and allowances to be granted to the members of the council and to the officers of the Corporation;

(h) the establishment, composition and duties of committees which shall have all the rights and powers delegated to them by the council;

(i) the appointment, dismissal, remuneration, duties and powers of the members of the committees established by the Corporation;

(j) *(subparagraph repealed)* ;

(k) *(subparagraph repealed)* ;

(l) *(subparagraph repealed)* ;

(m) *(subparagraph repealed)* ;

(n) *(subparagraph repealed)* ;

(o) *(subparagraph repealed)* ;

(p) *(subparagraph repealed)* ;

(q) *(subparagraph repealed)* ;

2) divide Québec into sections for the purposes of the application of this act, establish a section council for each section, determine by regulation the designation, territorial jurisdiction and composition of the section council, the number and mode of election of its officers, and generally its functions and duties;

3) act as the representative of any member or group of members, for the purpose of negotiating and signing on their behalf collective labour agreements with their employees, saving the right of each member to object with respect to whatever concerns him personally.

Ratification of regulations.

4) The regulations made by the council, unless ratified in the meantime at a general meeting of the members of the Corporation called for that purpose, shall remain in force only until the next annual meeting of the members of the Corporation and shall cease to be in force from the date of such annual meeting, unless ratified thereat.

Right of disallowance.

A copy of each regulation shall be transmitted without delay through the Minister to the Government which may disallow it within a period of six months, and every regulation so disallowed shall be without effect from the date on which the Corporation is advised of such disallowance.

Provisions to apply.

5) The by-laws contemplated in subparagraphs *b*, *c*, *d* and *e* of paragraph 1 and in paragraph 2 shall be subject to the provisions of the second paragraph of section 10.
R. S. 1964, c. 155, s. 11; 1975, c. 53, s. 130; 1980, c. 2, s. 14; 1985, c. 34, s. 253; 1991, c. 74, s. 151; 1999, c. 40, s. 173.

Conditions of admission.

11.1. Every person who requires, for the activities contemplated in subparagraphs *a*, *c* and *d* of paragraph 6 of section 1 of this Act, a licence issued under the Building Act (chapter B-1.1) must, to be admitted to the examinations contemplated in section 11.2 of this Act, satisfy the conditions of admission to the examinations determined pursuant to the Building Act.

Applicability.

The same applies to a natural person referred to in section 58.1 of that Act for the same activities.
1980, c. 2, s. 15; 1991, c. 74, s. 152; 1998, c. 46, s. 79.

Examinations.

11.2. Where the corporation has not entered into an agreement under section 129.3 of the Building Act (chapter B-1.1), the corporation shall prepare, administer and hold, except with regard to persons exempted therefrom by a regulation under section 182 of that Act, the examinations referred to in section 58 of that Act whose subject matter pertains to administrative and technical knowledge and is determined by regulation made by the Régie du bâtiment du Québec under paragraph 9 of section 185 of that Act, except examinations pertaining to the Building Code referred to in section 13 of that Act.

Categories of licences.

The examinations must take into account the categories of licences determined pursuant to the Building Act and be prepared according to the criteria and method determined by the Régie du bâtiment du Québec.

Results.

The Corporation shall transmit to the Board the file and the results of the examinations of the persons contemplated in section 11.1, not later than the seventh day preceding the expiration of the period contemplated in section 65 of the Building Act.

1980, c. 2, s. 15; 1991, c. 74, s. 152; 1996, c. 74, s. 29; 1999, c. 40, s. 173; 1998, c. 46, s. 80.

Provincial council of administration.

12. The business of the Corporation shall be administered by a council of administration called “The provincial council of administration” composed of officers and of a certain number of members of the Corporation, as shall from time to time be determined by the regulations of the Corporation; the functions and duties of these officers and members, as well as the date and manner of their election or designation shall be determined by the regulations; the vacancies in office which may occur in the council may be filled by the council for the balance of the term of office; but these regulations and amendments thereto shall have force and effect only after having been approved by the Government.

R. S. 1964, c. 155, s. 12; 1985, c. 34, s. 255; 1991, c. 74, s. 153; 1999, c. 40, s. 173.

12.1. *(Repealed).*

1985, c. 34, s. 256; 1991, c. 74, s. 154.

12.2. *(Repealed).*

1985, c. 34, s. 256; 1991, c. 74, s. 154.

12.3. *(Repealed)*.
1985, c. 34, s. 256; 1991, c. 74, s. 154.

12.4. *(Repealed)*.
1985, c. 34, s. 256; 1991, c. 74, s. 154.

Decisions by majority. **13.** All questions submitted to meetings of the Corporation as well as to meetings of the council shall be decided by a majority of the votes cast, each member of the Corporation or of the council being entitled to one vote.
R. S. 1964, c. 155, s. 13.

Casting vote. **14.** In the case of a tie, the president of the meeting or the council shall have a casting vote.
R. S. 1964, c. 155, s. 14.

EXECUTIVE COMMITTEE

Duties and powers. **14.1.** An executive committee shall see to the day to day management of the business of the Corporation and may exercise any power the council may delegate to it, except the powers the latter is required to exercise by regulation.
1985, c. 34, s. 257.

Members. **14.2.** The executive committee shall be composed of members of the council.
1985, c. 34, s. 257; 1991, c. 74, s. 155.

Vacancy. **14.3.** Any vacancy among the members of the executive committee shall be filled by the council.
1985, c. 34, s. 257; 1991, c. 74, s. 155.

Absence. **14.4.** A member of the executive committee is deemed to have resigned his position if he fails to attend three consecutive meetings without an excuse considered valid by the committee; he shall be replaced as if his position had fallen vacant.
1985, c. 34, s. 257.

14.5. *(Repealed)*.
1985, c. 34, s. 257; 1991, c. 74, s. 156.

EXCLUSIVE PRACTICE AND DEROGATORY ACTS

Exceptions. **15.** This Act shall not apply:
(a) to mines or to ore processing plants governed by the Mining Act (chapter M-13.1);

- (b) in the territory of a local municipality whose population does not exceed 5 000, except where there is a public sewer, or in an unorganized territory;
- (c) to owner-builders within the meaning of the Building Act (chapter B-1.1);
- (d) to the members of the Corporation of Master Electricians of Québec for the repair and maintenance of oil burner systems;
- (e) to municipalities or mandataries of the State for piping installation work done under government supervision.

Right to practise restricted.

Subject to those restrictions, nobody may practise the trade of master pipe-mechanic unless he is a member in good standing of the Corporation. Nevertheless, no one contravenes this Act by carrying out or causing to be carried out the installation work contemplated in subparagraphs *b* and *e* of paragraph 6 of section 1 of this Act, or by doing with respect to such work the acts described in subparagraphs *c*, *d* and *e* of paragraph 5 of the said section 1.

R. S. 1964, c. 155, s. 15 (*part*); 1987, c. 64, s. 344; 1985, c. 34, s. 258; 1996, c. 2, s. 737; 1999, c. 40, s. 173.

16. (*Repealed*).

R. S. 1964, c. 155, s. 16; 1975, c. 53, s. 131.

Use of certain titles restricted.

17. Only members of the Corporation may, subject to its regulations, take, make use of, or use or avail themselves of the name “master pipe-mechanic”, “master plumber”, “master heating-mechanic”, or any abbreviation of such titles.

R. S. 1964, c. 155, s. 17.

Interpretation.

18. This Act must not be so construed as to permit a member of the Corporation to carry out piping installation contrary to the Building Act (chapter B-1.1).

R. S. 1964, c. 155, s. 18; 1975, c. 53, s. 132; 1985, c. 34, s. 259.

Acts derogatory.

19. The following, among others, are declared to be derogatory to the honour of the trade:

- 1) being convicted of an offence under the Building Act (chapter B-1.1);

2) with full knowledge of the facts, deceiving his client in the execution of a piece of work or contract.

R. S. 1964, c. 155, s. 19; 1975, c. 53, s. 132; 1979, c. 75, s. 52; 1997, c. 83, s. 36; 1985, c. 34, s. 260; 1990, c. 4, s. 561.

INQUIRY

19.1. *(Repealed).*

1980, c. 2, s. 16; 1985, c. 34, s. 261; 1991, c. 74, s. 158.

19.2. *(Repealed).*

1985, c. 34, s. 261; 1991, c. 74, s. 158.

19.3. *(Repealed).*

1985, c. 34, s. 261; 1991, c. 74, s. 158.

19.4. *(Repealed).*

1985, c. 34, s. 261; 1991, c. 74, s. 158.

19.5. *(Repealed).*

1985, c. 34, s. 261; 1991, c. 74, s. 158.

19.6. *(Repealed).*

1985, c. 34, s. 261; 1988, c. 21, s. 66; 1991, c. 74, s. 158.

19.7. *(Repealed).*

1985, c. 34, s. 261; 1991, c. 74, s. 158.

Inquiry.

19.8. The Minister may entrust a person designated by him to inquire into any matter related to the administration or to the activities of the Corporation or to the conduct of members of the council. Every person designated to so inquire has the powers and immunities of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

1985, c. 34, s. 261; 1991, c. 74, s. 159.

Suspension.

19.9. The Minister may, if he finds that the report of the person inquiring so warrants, order that the powers of the council and of the executive committee be suspended and appoint an administrator who shall exercise those powers for such time as the Minister may determine.

Extension.

The Minister may extend the period as he finds necessary.

1985, c. 34, s. 261; 1991, c. 74, s. 159.

19.10. *(Replaced).*

1985, c. 34, s. 261; 1991, c. 74, s. 159.

19.11. *(Replaced).*

1985, c. 34, s. 261; 1991, c. 74, s. 159.

PENAL PROVISIONS

Fines.

20. Any person who is not a member in good standing of the Corporation is liable to a fine of between \$5 000 and \$25 000 in the case of an individual or between \$15 000 and \$75 000 in the case of a corporation if:

1) he carries on business in Québec as a master pipe-mechanic;

2) he gives the impression or allows it to be presumed or wrongly believed that he is entitled to carry on the trade of a master pipe-mechanic or wrongfully assumes the style of master pipe-mechanic or piping contractor.

R. S. 1964, c. 155, s. 20; 1985, c. 34, s. 261; 1990, c. 4, s. 562; 2011, c. 35, s. 59.

20.1. *(Repealed).*

1985, c. 34, s. 261; 1990, c. 4, s. 562; 1991, c. 74, s. 160.

20.2. *(Repealed).*

1985, c. 34, s. 261; 1990, c. 4, s. 563.

20.3. *(Repealed).*

1985, c. 34, s. 261; 1992, c. 61, s. 389.

20.4. *(Repealed).*

1985, c. 34, s. 261; 1992, c. 61, s. 389.

20.5. *(Repealed).*

1985, c. 34, s. 261; 1992, c. 61, s. 389.

20.6. *(Repealed).*

1985, c. 34, s. 261; 1992, c. 61, s. 389.

Penal proceedings.

21. The Corporation may, on resolution of the council and in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under a provision of this Act.

R. S. 1964, c. 155, s. 21; 1965 (1st sess.), c. 17, s. 2; 1985, c. 34, s. 261; 1990, c. 4, s. 564; 1992, c. 61, s. 390.

Fines. **21.1.** The fines belong to the Corporation where it has taken charge of the penal proceedings.

Report. In the last case, the Corporation shall, each year, make a report of the convictions to the Director of Criminal and Penal Prosecutions.
1985, c. 34, s. 261; 1992, c. 61, s. 391; 2005, c. 34, a. 85.

Prescription. **21.2.** Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.
1985, c. 34, s. 261; 1992, c. 61, s. 392.

Rights safeguarded. **22.** This Act shall not affect the rights and privileges of
(a) the Ordre des ingénieurs du Québec and its members under the Engineers Act (chapter I-9);
(b) the Ordre des architectes du Québec and its members under the Architects Act (chapter A-21);
(c) the members of the Ordre professionnel des technologues professionnels du Québec.

Rights and privileges. Furthermore, nothing in this act shall prevent a technician in applied sciences from doing any work by virtue of the training given him in the technical schools governed by the Specialized Schools Act (chapter E-10) or in the colleges established pursuant to the General and Vocational Colleges Act (chapter C-29).
R. S. 1964, c. 155, s. 22; 1973, c. 59, s. 23; 1977, c. 5, s. 229; 1980, c. 12, s. 11; 1993, c. 38, s. 7; 1994, c. 40, s. 457.

BID DEPOSITORY

Agreement. **23.** The council may make an agreement with a builders' association or a fiduciary for the establishment of a bid depository for tenders submitted respecting certain categories of work in a given territory.

Breach of agreement derogatory act. After such an agreement comes into force, no member may, without being guilty of an act derogatory to the honour of the trade and liable to the disciplinary penalties provided by this act and the regulations, subject to any civil recourse which may arise from such offences:

- (a) tender in any manner for the carrying out of work included in the categories defined by any agreement, otherwise than in the manner which it prescribes;
- (b) contract for the carrying out of such work otherwise than at the price and upon the conditions of his tender submitted in accordance with such agreement;
- (c) grant any reduction in the price of his tender or pay any commission, rebate, participation or other advantage having the effect of reducing the true price;
- (d) endeavour to obtain information respecting a tender before it is opened.

R. S. 1964, c. 155, s. 23.

Contents of agreement.

24. The council may include in the agreement any provision to:

- (a) determine the field of application of the agreement;
- (b) establish one or more bid depositories;
- (c) regulate the internal management and administration of bid depositories;
- (d) establish committees and authorize them to manage bid depositories and to ensure the application of the agreement, or assign to them any other duty in connection with tenders;
- (e) regulate all matters relating to such committees, such as the number and appointment of members, their replacement, the remuneration or indemnity that they shall receive, the right of committees to engage employees, experts and advisers, their internal management and the management of bid depositories generally;
- (f) fix the assessment payable by the tenderer whose tender has been accepted and the cost of the exhibits, documents or services furnished by the bid depository;
- (g) regulate everything relating to the money arising from the carrying out of the agreement, such as the collection, safekeeping, deposit, use during the term of the agreement, and the division of the money at the end of the agreement, as well as the reserves necessary for the proper functioning of the bid depository;
- (h) insure itself against the risks arising from the operation of the bid depository;
- (i) decide, when the plans and specifications have been changed, on the conditions and formalities of new tenders;
- (j) regulate the clauses and formalities of tenders and the procedure to be followed in such matters;
- (k) determine the duties of the depository of tenders, his rights and obligations and the amount of his remuneration;

(l) make, within the scope of the powers of the Corporation, any decision to further the achievement of the purposes of the agreement.

R. S. 1964, c. 155, s. 24.

Services to other trades.

25. The parties to the agreement may authorize the bid depository to furnish, on such conditions as they have decided, the same services to persons exercising another calling or carrying on another trade.

R. S. 1964, c. 155, s. 25.

Agreements authorized.

26. For the purposes of section 25, the Corporation may make agreements with groups, associations or companies.

R. S. 1964, c. 155, s. 26.

Offence and penalty.

27. Every person who has obtained, contrary to the provisions of the agreement, a contract to carry out work falling within any category mentioned in the agreement is liable to a penalty equal to 5 % of the contract price.

Recovery.

The penalty may be recovered upon proceedings instituted in accordance with section 28, provided there is no other sanction and there are no other proceedings. It may be recovered by the Corporation following a resolution of the council.

R. S. 1964, c. 155, s. 27; 1990, c. 4, s. 565.

Jurisdiction.

28. Proceedings under section 27 shall be within the competence of the Court of Québec or of the Superior Court, according to the amount of the penalty.

Procedure.

The procedure prescribed by the Code of Civil Procedure for suits which must be heard and decided by preference shall apply.

Judicial district.

The action shall be taken in the judicial district where the contract was obtained, or in that where the bid depository is located, or in that in which the defendant is domiciled.

Delay.

It may be commenced within two years after the day when the cause of action arose.

Appeal.

In all cases an appeal shall lie to the Court of Appeal.

R. S. 1964, c. 155, s. 28; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 80, a. 1; 1974, c. 11, s. 2; 1988, c. 21, s. 66; 1990, c. 4, s. 566.

Copy to the Government.

29. A copy of each agreement shall be forwarded forthwith to the Government through the Minister.

R. S. 1964, c. 155, s. 29.

29.1. *(Repealed).*

1985, c. 34, s. 262; 1991, c. 74, s. 161.

30. *(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 155 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed, except subparagraph *f* of section 15, effective from the coming into force of chapter M-4 of the Revised Statutes.