

R.S.Q., chapter C-18.1

CINEMA ACT

CHAPTER I SCOPE

1. This Act applies to all fields of film activity relating, in particular, to the production, distribution and exhibition of films and the retailing of video material.

1983, c. 37, s. 1; 1991, c. 21, s. 1.

2. For the purposes of this Act, a film is a work produced by a technical means that results in a cinematographic production.

Any reproduction of a film, regardless of the medium on which it is recorded, is a print of a film.

Any print of a film recorded on a video cassette, video disc or any other similar medium constitutes video material.

1983, c. 37, s. 2; 1991, c. 21, s. 1.

2.1. This Act binds the Government, its departments and agencies.

1991, c. 21, s. 1.

CHAPTER II DEVELOPMENT OF THE CINEMA INDUSTRY

DIVISION I POLICY ON THE CINEMA INDUSTRY

3. The Minister of Culture and Communications shall devise policy on the cinema industry, propose it to the Government and supervise its application.

1983, c. 37, s. 3; 1992, c. 65, s. 43; 1994, c. 14, s. 34.

4. Policy on the cinema industry, while respecting freedom of creation and expression, and freedom of choice for the public, must give priority to the following objectives:

- (1) the establishment and development of the artistic, industrial and commercial infrastructure of the cinema industry;
- (2) the development of a Québec cinema and the spread of cinematographic works and culture to all parts of Québec;
- (3) the establishment and development of independent and financially autonomous Québec enterprises in the field of cinema;
- (4) the conservation and utilization of the existing stock of cinematographic works;
- (5) the respect of the right of artistic property over films and the establishment of mechanisms to oversee the production, exhibition and distribution of such works;
- (6) the participation of television enterprises in producing and broadcasting Québec films.

1983, c. 37, s. 4.

DIVISION II

RECOGNIZED FILM LIBRARIES

5. The Minister, on such conditions as he may fix, may grant recognition to a film library and confer on it functions in respect of the conservation of the existing stock of cinematographic works and the distribution of the cinematographic repertoire.

1983, c. 37, s. 5.

6. A recognized film library shall carry out the functions conferred on it by the Minister under the terms of a contract entered into with the Minister.

1983, c. 37, s. 6.

7. *(Repealed)*.

1983, c. 37, s. 7; 2004, c. 25, s. 61.

8. The Cinémathèque québécoise, a non-profit legal person established pursuant to Part III of the Companies Act (chapter C-38), is, for the purposes of the application of this division, a recognized film library.

1983, c. 37, s. 8; 1999, c. 40, s. 50.

DIVISION III

Repealed, 1994, c. 21, s. 45.

8.1. *(Repealed)*.

1991, c. 21, s. 2; 1994, c. 21, s. 45.

8.2. *(Repealed)*.

1991, c. 21, s. 2; 1994, c. 21, s. 45.

9. *(Repealed)*.

1983, c. 37, s. 9; 1984, c. 47, s. 216; 1987, c. 71, s. 1; 1991, c. 21, s. 3; 1994, c. 21, s. 45.

9.1. *(Repealed)*.

1987, c. 71, s. 1; 1991, c. 21, s. 4; 1994, c. 21, s. 45.

9.2. *(Repealed)*.

1987, c. 71, s. 1; 1994, c. 21, s. 45.

10. *(Repealed)*.

1983, c. 37, s. 10; 1994, c. 21, s. 45.

11. *(Repealed).*

1983, c. 37, s. 11; 1984, c. 47, s. 216; 1987, c. 71, s. 2; 1991, c. 21, s. 5.

12. *(Repealed).*

1983, c. 37, s. 12; 1984, c. 47, s. 216; 1987, c. 71, s. 3.

13. *(Repealed).*

1983, c. 37, s. 13; 1987, c. 71, s. 3.

14. *(Repealed).*

1983, c. 37, s. 14; 1984, c. 47, s. 216; 1987, c. 71, s. 4; 1991, c. 21, s. 5.

DIVISION IV

Repealed, 1994, c. 21, s. 45.

15. *(Repealed).*

1983, c. 37, s. 15; 1994, c. 21, s. 45.

16. *(Repealed).*

1983, c. 37, s. 16; 1994, c. 21, s. 45.

17. *(Repealed).*

1983, c. 37, s. 17; 1987, c. 71, s. 5; 1991, c. 21, s. 6; 1994, c. 21, s. 45.

18. *(Repealed).*

1983, c. 37, s. 18; 1991, c. 21, s. 7; 1994, c. 21, s. 45.

19. *(Repealed).*

1983, c. 37, s. 19; 1994, c. 21, s. 45.

20. *(Repealed).*

1983, c. 37, s. 20; 1987, c. 71, s. 6; 1991, c. 21, s. 8; 1994, c. 21, s. 45.

21. *(Repealed).*

1983, c. 37, s. 21; 1994, c. 21, s. 45.

22. *(Repealed).*

1983, c. 37, s. 22; 1987, c. 71, s. 7; 1994, c. 21, s. 45.

23. *(Repealed).*

1983, c. 37, s. 23; 1994, c. 21, s. 45.

24. *(Repealed).*

1983, c. 37, s. 24; 1994, c. 21, s. 45.

25. *(Repealed).*

1983, c. 37, s. 25; 1994, c. 21, s. 45.

26. *(Repealed).*

1983, c. 37, s. 26; 1987, c. 71, s. 8; 1994, c. 21, s. 45.

27. *(Repealed).*

1983, c. 37, s. 27; 1994, c. 21, s. 45.

28. *(Repealed).*

1983, c. 37, s. 28; 1994, c. 21, s. 45.

29. *(Repealed).*

1983, c. 37, s. 29; 1994, c. 21, s. 45.

30. *(Repealed).*

1983, c. 37, s. 30; 1987, c. 71, s. 9; 1991, c. 21, s. 9; 1994, c. 21, s. 45.

31. *(Repealed).*

1983, c. 37, s. 31; 1987, c. 71, s. 10.

32. *(Repealed).*

1983, c. 37, s. 32; 1987, c. 71, s. 11; 1994, c. 21, s. 45.

33. *(Repealed).*

1983, c. 37, s. 33; 1987, c. 71, s. 12; 1994, c. 21, s. 45.

34. *(Repealed).*

1983, c. 37, s. 34; 1983, c. 55, s. 161; 1987, c. 71, s. 13; 1994, c. 21, s. 45.

35. *(Repealed).*

1983, c. 37, s. 35; 1987, c. 71, s. 14; 1994, c. 21, s. 45.

36. *(Repealed).*

1983, c. 37, s. 36; 1984, c. 47, s. 216; 1987, c. 71, s. 61; 1987, c. 71, s. 14; 1991, c. 21, s. 10; 1994, c. 21, s. 45.

36.1. *(Repealed).*

1987, c. 71, s. 14; 1991, c. 21, s. 11; 1994, c. 21, s. 45.

37. *(Repealed).*

1983, c. 37, s. 37; 1994, c. 21, s. 45.

38. *(Repealed).*

1983, c. 37, s. 38; 1994, c. 21, s. 45.

39. *(Repealed).*

1983, c. 37, s. 39; 1984, c. 47, s. 216; 1987, c. 71, s. 15.

40. *(Repealed).*

1983, c. 37, s. 40; 1994, c. 21, s. 45.

41. *(Repealed).*

1983, c. 37, s. 41; 1994, c. 21, s. 45.

42. *(Repealed).*

1983, c. 37, s. 42; 1994, c. 21, s. 45.

43. *(Repealed).*

1983, c. 37, s. 43; 1994, c. 21, s. 45.

44. *(Repealed).*

1983, c. 37, s. 44; 1994, c. 21, s. 45.

45. *(Repealed).*

1983, c. 37, s. 45; 1994, c. 21, s. 45.

46. *(Repealed).*

1983, c. 37, s. 46; 1987, c. 71, s. 16; 1994, c. 21, s. 45.

DIVISION V

Repealed, 1987, c. 71, s. 17.

47. *(Repealed).*

1983, c. 37, s. 47; 1984, c. 47, s. 200; 1987, c. 71, s. 17.

48. *(Repealed).*

1983, c. 37, s. 48; 1987, c. 71, s. 17.

49. *(Repealed).*

1983, c. 37, s. 49; 1987, c. 71, s. 17.

50. *(Repealed).*

1983, c. 37, s. 50; 1987, c. 71, s. 17.

51. *(Repealed).*

1983, c. 37, s. 51; 1987, c. 71, s. 17.

52. *(Repealed).*

1983, c. 37, s. 52; 1987, c. 71, s. 17.

53. *(Repealed).*

1983, c. 37, s. 53; 1987, c. 71, s. 17.

54. *(Repealed).*

1983, c. 37, s. 54; 1987, c. 71, s. 17.

55. *(Repealed).*

1983, c. 37, s. 55; 1987, c. 71, s. 17.

56. *(Repealed).*

1983, c. 37, s. 56; 1987, c. 71, s. 17.

57. *(Repealed).*

1983, c. 37, s. 57; 1987, c. 71, s. 17.

58. *(Repealed).*

1983, c. 37, s. 58; 1987, c. 71, s. 17.

59. *(Repealed).*

1983, c. 37, s. 59; 1987, c. 71, s. 17.

60. *(Repealed).*

1983, c. 37, s. 60; 1987, c. 71, s. 17.

61. *(Repealed).*

1983, c. 37, s. 61; 1987, c. 71, s. 17.

62. *(Repealed).*

1983, c. 37, s. 62; 1983, c. 55, s. 161; 1987, c. 71, s. 17.

63. *(Repealed).*

1983, c. 37, s. 63; 1987, c. 71, s. 17.

64. *(Repealed).*

1983, c. 37, s. 64; 1987, c. 71, s. 17.

65. *(Repealed).*

1983, c. 37, s. 65; 1987, c. 71, s. 17.

66. *(Repealed).*

1983, c. 37, s. 66; 1987, c. 71, s. 17.

67. *(Repealed).*

1983, c. 37, s. 67; 1987, c. 71, s. 17.

68. *(Repealed).*

1983, c. 37, s. 68; 1987, c. 71, s. 17.

69. *(Repealed).*

1983, c. 37, s. 69; 1986, c. 27, s. 1; 1987, c. 71, s. 17.

70. *(Repealed).*

1983, c. 37, s. 70; 1987, c. 71, s. 17.

71. *(Repealed).*

1983, c. 37, s. 71; 1987, c. 71, s. 17.

72. *(Repealed).*

1983, c. 37, s. 72; 1987, c. 71, s. 17.

DIVISION VI

Repealed, 2004, c. 25, s. 62.

73. *(Repealed).*

1983, c. 37, s. 73; 1987, c. 71, s. 18; 1994, c. 21, s. 46; 2004, c. 25, s. 62.

74. *(Repealed).*

1983, c. 37, s. 74; 1994, c. 21, s. 47; 2004, c. 25, s. 62.

75. *(Repealed).*

1983, c. 37, s. 75; 2004, c. 25, s. 62.

CHAPTER III

CONTROL AND SUPERVISION OF THE CINEMA

DIVISION I

CLASSIFICATION

76. No person may exhibit a film to the public, or possess, on premises where films are exhibited to the public, a print of a film unless a stamp showing the class of the film has been issued by the Régie for its exhibition to the public in accordance with this Act and affixed to the print in the manner prescribed by regulation of the Régie, except in the case of a film exempt from classification under section 77.

1983, c. 37, s. 76; 1991, c. 21, s. 12.

76.1. No person may sell, lease, lend or exchange on a commercial basis, or possess, in a video material retail outlet, a print of a film unless a stamp showing the class of the film has been issued by the Régie for such purpose in accordance with this Act and affixed to the print in the manner prescribed by regulation of the Régie, except in the case of a film exempt from classification under section 77.

This section does not apply to video material for which a filing certificate was issued by the Régie prior to 15 June 1992.

1991, c. 21, s. 12.

76.2. No person may exhibit to the public a film that has been altered after a stamp showing the class thereof has been issued or possess a print of it on premises where films are exhibited to the public or in a video material retail outlet, or sell, lease, lend or exchange such a print on a commercial basis unless a new stamp showing the class of the film has been issued by the Régie in accordance with this Act and affixed to the print in the manner prescribed by regulation of the Régie.

1991, c. 21, s. 12.

77. The following films are exempt from classification:

(1) films made for industrial or commercial promotion, with the exception of trailers for films not exempt from classification and

vidéo-clips;

(2) films made for educational or pedagogical purposes, provided that they are used in an educational, health care, social services or scientific research institution, in a public library or in a museum;

(3) films made for vocational training purposes provided that they are used within the scope of a course, a conference or other activity of a similar nature;

(4) instructional films on a language, sport, physical exercise program or a similar skill, provided they do not include scenes of violence or explicit sexual activity;

(5) films on sporting events;

(6) films exhibited at a diplomatic event, a film festival or any other similar event recognized by the Régie.

1983, c. 37, s. 77; 1991, c. 21, s. 12.

78. Applications for a stamp shall be made to the Régie in accordance with the procedure it determines by regulation.

Every person applying for a stamp shall furnish the Régie with the information it determines by regulation and pay the amount of duty fixed by Government regulation.

Every person applying for a stamp shall also submit to the Régie a print of the film in its complete form, with no alterations but those expressly authorized in writing by the person empowered to give authorization.

1983, c. 37, s. 78; 1991, c. 21, s. 12.

79. Every person applying for a stamp shall file with the Régie, together with his application, the distribution contract or any other document required by the Régie to attest his rights to distribute the film for exhibition to the public or, as the case may be, for the retailing of video material.

Every person who holds the right to reproduce a film and to market it for exhibition to the public or for the retailing of video material shall be deemed to have the right to distribute the film.

1983, c. 37, s. 79; 1991, c. 21, s. 12.

80. The Régie may refuse or cease to examine an application for a stamp if the print of the film in question does not reproduce the film in its complete form, with no alterations but those expressly authorized in writing by the person empowered to give authorization.

The same applies if the print does not meet the standards of integrity, technical quality or any other eligibility standards determined by regulation of the Régie.

1983, c. 37, s. 80; 1991, c. 21, s. 13.

81. On receiving an application for a stamp in respect of a film not previously classified or of a film eligible for reclassification under section 84, the Régie, within 15 days from the date on which the application was presented, and if of the opinion that the content of the film does not interfere with public order, in particular, that it does not promote or condone sexual violence, shall, for the protection of youth, classify the film under one or other of the following classes:

- (1) “For all”, if it considers that the film may be viewed by persons of all ages;
- (2) “13 and over”, if it considers that the film may be viewed only by persons 13 years of age or older;
- (3) “16 and over”, if it considers that the film may be viewed only by persons 16 years of age or older;
- (4) “18 and over”, if it considers that the film may be viewed only by persons 18 years of age or older.

In assigning a class to a film, the Régie may, if applicable, indicate the type to which the film belongs. In such case, the stamp shall bear the indication prescribed by regulation of the Régie.

1983, c. 37, s. 81; 1991, c. 21, s. 14; 1999, c. 40, s. 50.

82. Subject to sections 80, 81 and 83, the Régie shall issue a stamp for each print of a film in respect of which an application is made.

1983, c. 37, s. 82; 1991, c. 21, s. 14.

82.1. The person to whom a stamp is issued shall affix the stamp or see to it that it is affixed to the film print in the manner prescribed by regulation of the Régie.

1991, c. 21, s. 14.

83. No stamp may be issued by the Régie for the exhibition to the public of a film in a version other than a French-language version except in accordance with the following rules:

(1) the maximum number of stamps that may be issued for prints of such a version cannot exceed the number of stamps applied for for prints of the French-dubbed version of the film, and the latter versions must be available to operators of premises where films are exhibited to the public at the same time as the former;

(2) a stamp may be issued for every print with French subtitles;

(3) a stamp may be issued for as many prints as requested, provided that the applicant files with the Régie, together with the application, a contract providing for the French dubbing of the film in Québec within such time as the Régie considers reasonable, with proof of the delivery of the elements required for the performance of such a contract to the person responsible therefor;

(4) a provisional stamp may be issued if, at the time the application is filed, no French-dubbed version exists.

The provisional stamp shall be issued for 45 days starting on the date of the first exhibition of the film to the public for commercial purposes, and the stamp may be issued for as many prints as requested unless the Government, by regulation, fixes a lesser period or determines the maximum number of prints for which the stamp may be issued.

A stamp may not be issued under subparagraph 3 of the first paragraph for a print of a film for which a provisional stamp has already been issued.

After the expiration of a provisional stamp, a stamp, unless obtained under subparagraph 1 or 2 of the first paragraph, may be issued for only one print of the film.

1983, c. 37, s. 83; 1991, c. 21, s. 14.

83.1. The Régie may, at the request of the holder of a provisional stamp, extend the period for up to 15 days if, despite the fact that it is required with diligence, it is established that, by reason of a major and unforeseen impediment not under the control of the holder, the French-dubbing of the film cannot be completed before the original expiration date of the stamp.

The Régie may not, however, grant such an extension to the holder of a distributor's licence for more than two films in any 12 month period.

1991, c. 21, s. 14.

84. With the exception of a film that has been altered after its classification, in no case may the Régie reclassify a film before the expiry of three years from the date it was classified.

1983, c. 37, s. 84.

85. The Régie may suspend or revoke a stamp if,

- (1) the stamp was obtained on the basis of erroneous information;
- (2) the print of the film was altered after classification of the film and no new stamp was issued;
- (3) the print of the film no longer meets the standards of integrity and technical quality or the other standards of eligibility for obtaining a stamp which are prescribed by regulation of the Régie.

The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), and allow the person at least 10 days to present observations.

1983, c. 37, s. 85; 1991, c. 21, s. 15; 1997, c. 43, s. 153.

86. No person may admit to the public exhibition of a film,

- (1) a person under 13 years of age who is not accompanied by a person of full age, if the film is classified “13 and over”;
- (2) a person under 16 years of age, if the film is classified “16 and over”;
- (3) a person under 18 years of age, if the film is classified “18 and over”.

1983, c. 37, s. 86; 1991, c. 21, s. 15.

86.1. Where films of different classes are exhibited to the public at the same presentation, no person may admit a person who does not satisfy the requirements of the most restrictive class.

1991, c. 21, s. 15.

86.2. No person may, in a video material retail outlet, sell, lease or lend video material to, or exchange such material with, a

person

(1) who is under 13 years of age, if the film is classified “13 and over”;

(2) who is under 16 years of age, if the film is classified “16 and over”;

(3) who is under 18 years of age, if the film is classified “18 years and over”;

(4) who is under 18 years of age, if the film consists primarily of scenes of explicit sexual activity and is the object of a filing certificate issued by the Régie before 15 June 1992.

1991, c. 21, s. 15.

87. A trailer is considered to be a film for the application of the provisions of this chapter, except those of section 83.

1983, c. 37, s. 87; 1991, c. 21, s. 17; 1999, c. 40, s. 50.

88. *(Repealed).*

1983, c. 37, s. 88; 1991, c. 21, s. 18.

89. *(Repealed).*

1983, c. 37, s. 89; 1991, c. 21, s. 18.

90. *(Repealed).*

1983, c. 37, s. 90; 1991, c. 21, s. 18.

DIVISION II

LICENCES

§ 1. — *Exhibitor's Licences*

91. This subdivision does not apply to broadcasting within the meaning of the Broadcasting Act (Revised Statutes of Canada,

1985, chapter B-9).

1983, c. 37, s. 91.

92. No person may exhibit a film to the public elsewhere than on a screen for which an exhibitor's licence has been issued, unless

(1) the film is exempt from classification;

(2) the screen is situated in a room in a pub, tavern, restaurant, bar or club operating under a permit issued pursuant to the Act respecting liquor permits (chapter P-9.1).

1983, c. 37, s. 92; 1987, c. 71, s. 20; 1991, c. 21, s. 19.

92.1. An exhibitor's licence shall be issued by the Régie to an operator of premises where films are exhibited to the public if such premises meet the technical standards for the exhibition of films to the public established by regulation of the Régie and fulfil the other conditions that are prescribed by the Régie.

1991, c. 21, s. 19.

93. An exhibitor's licence is required for each screen on which a film may be exhibited to the public.

1983, c. 37, s. 93.

94. The Régie may issue licences to operate theatres, outdoor theatres or multiple-purpose halls.

A theatre licence authorizes the operation of a theatre whose principal vocation is the exhibition of films to the public.

An outdoor theatre licence authorizes the operation of outdoor premises whose principal vocation is the exhibition of films to the public.

A multiple-purpose hall licence authorizes the operation, for the exhibition of films to the public, of premises whose principal vocation is not the exhibition of films to the public.

1983, c. 37, s. 94; 1987, c. 71, s. 21; 1991, c. 21, s. 20.

95. An exhibitor's licence is valid for the period fixed by the Régie, up to ten years, and is renewable.

1983, c. 37, s. 95.

96. The duties fixed by regulation of the Government that are exigible annually from the holder of an exhibitor's licence are payable to the Régie on the issue or renewal of the licence and, subsequently, on 30 April every year.

Where an exhibitor's licence is issued after 1 May, the duties payable for the first year are reduced by the Régie in proportion to the number of months elapsed in that year.

1983, c. 37, s. 96; 1991, c. 21, s. 21.

97. Every holder of an exhibitor's licence must transmit to the Régie a report on the films exhibited to the public on the screen for which the licence was issued. The report must include any information prescribed by regulation of the Régie and must be transmitted at the intervals fixed by regulation of the Régie.

The report must include, for each week,

- (1) the name of the holder of the exhibitor's licence and his licence number;
- (2) the exact location of the premises where the film is exhibited to the public;
- (3) the title of the film, the number of the stamp and the number of exhibitions to the public;
- (4) the number of admission tickets sold at each exhibition to the public and their unit price;
- (5) the name of the holder of a distributor's licence and his licence number;
- (6) *(subparagraph repealed)*;
- (7) any other information prescribed by regulation of the Régie.

The Régie shall publish the information referred to in subparagraphs 3 and 4 of the second paragraph in the manner it considers appropriate.

1983, c. 37, s. 97; 1987, c. 71, s. 22; 1991, c. 21, s. 22.

98. In no case may the holder of a theatre licence or outdoor theatre licence exhibit to the public films that have not been furnished by a holder of a distributor's licence.

1983, c. 37, s. 98; 1987, c. 71, s. 20; 1991, c. 21, s. 23.

99. The holder of an exhibitor's licence must, in accordance with the regulations of the Régie, post up, in a conspicuous place at the entrance to any premises where he exhibits a film to the public, the class assigned to the film by the Régie under section 81.

Where films classified in several classes are exhibited at the same program, only the most restrictive class shall be posted up.

1983, c. 37, s. 99.

100. No holder of an outdoor theatre licence may exhibit a film classified "18 and over" to the public.

1983, c. 37, s. 100; 1991, c. 21, s. 24.

101. The Régie may refuse to issue or renew an exhibitor's licence, suspend it or revoke it in the following cases:

(1) if he, or in the case of a legal person or partnership, any senior executive, director, partner or any stockholder holding more than 10% of the capital stock, has been convicted of an offence under this Act or a regulatory provision referred to in paragraph 11 of section 168 within the preceding two years, and for which he has not been pardoned;

(1.1) if he, or in the case of a legal person or partnership, any senior executive, director, partner or any stockholder holding more than 10% of the capital stock, has been convicted, within the two years preceding the application for a licence or the renewal of a licence, of an offence or indictable offence under the Copyright Act (R.S.C. 1985, c. C-42) or the Criminal Code (R.S.C. 1985, c. C-46) relating to the operation of premises where films are exhibited to the public, and for which he has not been pardoned;

(2) if he fails to pay his annual duties when due;

(3) if he furnishes, in the report provided for in section 97, false information or if, after having received warning from the Régie, he refuses or fails to comply with the obligations provided for in section 97;

(4) if he does not satisfy the conditions provided for in this Act and the regulations thereunder for obtaining or renewing the licence.

The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), and allow the person at least 10 days to present observations.

1983, c. 37, s. 101; 1990, c. 4, s. 166; 1991, c. 21, s. 25; 1997, c. 43, s. 154; 2009, c. 52, s. 536.

§ 2. — *Distributor's Licences*

102. No person may, on a commercial basis, possess, sell, lease, lend or exchange prints of films, unless he is the holder of a distributor's licence.

The first paragraph does not apply to a dealer in respect of prints of films he has purchased, leased or borrowed from or exchanged with a person who is the holder of a distributor's licence.

1983, c. 37, s. 102; 1987, c. 71, s. 23; 1991, c. 21, s. 26.

103. A distributor's licence may be general or special.

A general distributor's licence authorizes its holder to sell, lease, lend or exchange prints of films on a commercial basis.

A special distributor's licence authorizes its holder to sell, lease, lend or exchange, on a commercial basis, only the film identified in the licence.

1983, c. 37, s. 103; 1991, c. 21, s. 27.

104. Only a person or partnership that, for the purpose of operating a licence, possesses an enterprise having its principal establishment in Québec may hold a general distributor's licence.

For the purposes of this section, the “principal establishment” is the place which is the centre of the decision making and actual direction of the enterprise.

The principal establishment of a legal person is presumed situated outside Québec

(1) if the majority of the members of the board of directors are not domiciled in Québec, or

(2) if the legal person is controlled in fact or at law by one or several natural persons not domiciled in Québec or by one or

several legal persons whose principal establishment is situated outside Québec.

1983, c. 37, s. 104; 1999, c. 40, s. 50.

105. A special distributor's licence may be issued only to a person who is the producer of the film or holder of the world rights to the film and who on 17 December 1982 held a licence issued under section 30 of the Licenses Act (chapter L-3).

For the purposes of this section,

(1) the producer is the person who, according to the terms of the agreement that existed on the first day of shooting, was intended to hold or jointly hold the copyright on the completed film. A legal person is deemed to be intended to hold or jointly hold the copyright if the majority shareholder of the legal person is intended to hold or jointly hold the copyright.

The person shall file an affidavit in the Régie attesting that he, or it, fulfils the requirements of this paragraph;

(2) the holder of the world rights is the person who holds the right to distribute the film throughout the world. A legal person is deemed to hold the world rights if its majority shareholder holds the rights.

The person shall file an affidavit in the Régie attesting that he, or it, holds the world distribution rights.

1983, c. 37, s. 105; 1986, c. 93, s. 1.

105.1. Notwithstanding section 105, a special distributor's licence may be issued to a member in good standing, on 1 January 1987, of an association of distributors which entered into an agreement, before that date, with the Minister of Cultural Affairs to make films from all parts of the world more readily available to film distributors in Québec.

The licence shall be issued by the Régie, in accordance with the Act and the conditions determined in the agreement. However, in the case of a film shot in any other language than English and in respect of which a member has not invested 100% of the costs of production, no licence may be issued unless the member produces a certificate issued by the Minister in the form prescribed in Schedule I. The Minister shall issue such a certificate to a member if it is established to the Minister's satisfaction that the application is justified considering the size of the member's investment in the film.

The Minister shall table a copy of the agreement in the National Assembly. The Minister shall also produce a copy of the certificates of conformity issued under the second paragraph within 30 days of the issue thereof if the National Assembly is sitting or, if it is not sitting, within 30 days of the next session or, as the case may be, of resumption.

For the purposes of this section, the expression "member in good standing" has the meaning given to it by the agreement

referred to in the first paragraph.

An agreement entered into before 1 January 1987 and renewed, with or without amendment, between the same parties has the same effect as an agreement referred to in the first paragraph. It must be tabled before the National Assembly in the same manner.

1986, c. 93, s. 1; 1991, c. 21, s. 28.

105.2. Notwithstanding sections 105 and 105.1, the Régie may issue a special distributor's licence to the producer of a film produced under a coproduction agreement recognized by the Government as giving entitlement to obtain such a permit.

1987, c. 71, s. 24.

105.3. The Minister may enter into an agreement with an association of distributors referred to in section 105.1 with a view to making video material from all parts of the world more readily available to film distributors in Québec.

The agreement shall provide the conditions on which members of the association of distributors who are in good standing on the date of the agreement may sell, lease, lend or exchange video material. The Minister must table a copy of the agreement in the National Assembly.

1991, c. 21, s. 29.

105.4. The Minister may, according to law, enter into an agreement with the government of a Canadian province where the distribution of films is governed by rules similar to those in force in Québec, or with a department or agency of such a government, in order to render eligible for special permits distributors whose principal establishment, with regard to the operation of their distribution undertaking, is in such province and who meet the requirements set out in the agreement.

The Minister must table a copy of the agreement in the National Assembly.

1991, c. 21, s. 29.

106. No distributor's licence may be issued except to a person who applies therefor and pays the duties in accordance with the regulations of the Régie and the Government.

1983, c. 37, s. 106; 1991, c. 21, s. 30.

107. A general distributor's licence is valid for a period of two years. A general distributor's licence may be renewed.

The duties fixed by regulation of the Government that are exigible annually from the holder of a general exhibitor's licence are payable to the Régie on the issue or renewal of the licence and, subsequently, on 30 April every year.

Where a general distributor's licence is issued after 1 May, the duties payable for the first year are reduced by the Régie in proportion to the number of months of the year elapsed.

1983, c. 37, s. 107; 1991, c. 21, s. 31.

108. The holder of a distributor's licence shall, in accordance with the regulations of the Régie and not later than 31 January of each year, transmit to the Régie a financial report for the preceding year.

The report shall indicate separately the gross revenues realized in Québec from

- (1) the distribution of films in a place where films are exhibited to the public;
- (2) selling, leasing, lending or exchanging video material to or with a retail dealer;
- (3) any other activity related to distribution in the field of cinema.

The report must also contain any other information determined by regulation of the Régie.

1983, c. 37, s. 108; 1987, c. 71, s. 25; 1991, c. 21, s. 32.

109. *(Repealed)*.

1983, c. 37, s. 109; 1991, c. 21, s. 33.

110. The Régie may refuse to issue or renew a distributor's licence, suspend it or revoke it in the following cases:

(1) if he, or in the case of a legal person or partnership, any senior executive, director, partner or any stockholder holding more than 10% of the capital stock, has been convicted of an offence under this Act or a regulatory provision referred to in paragraph 11 of section 168 within the preceding two years, and for which he has not been pardoned;

(1.1) if he, or in the case of a legal person or partnership, any senior executive, director, partner or any stockholder holding more

than 10% of the capital stock, has been convicted, within the two years preceding the application for a licence or the renewal of a licence, of an offence or indictable offence under the Copyright Act (R.S.C. 1985, c. C-42) or the Criminal Code (R.S.C. 1985, c. C-46) relating to the utilization of films, and for which he has not been pardoned;

(2) if he furnishes false information in the report provided for in section 108 or if, after receiving a warning from the Régie, he refuses or fails to comply with the obligations provided for in section 108;

(3) if he does not satisfy the conditions provided for in this Act for issuing and renewing distributor's licences.

The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), and allow the person at least 10 days to present observations.

1983, c. 37, s. 110; 1990, c. 4, s. 167; 1991, c. 21, s. 34; 1997, c. 43, s. 155; 2009, c. 52, s. 537.

§ 3. — *Repealed, 1991, c. 21, s. 35.*

111. *(Repealed).*

1983, c. 37, s. 111; 1991, c. 21, s. 35.

112. *(Repealed).*

1983, c. 37, s. 112; 1991, c. 21, s. 35.

113. *(Repealed).*

1983, c. 37, s. 113; 1991, c. 21, s. 35.

DIVISION III

Repealed, 1991, c. 21, s. 35.

114. *(Repealed).*

1983, c. 37, s. 114; 1987, c. 71, s. 27; 1991, c. 21, s. 35.

115. *(Repealed).*

1983, c. 37, s. 115; 1987, c. 71, s. 20; 1991, c. 21, s. 35.

116. *(Repealed).*

1983, c. 37, s. 116; 1991, c. 21, s. 35.

DIVISION IV
VIDEO MATERIAL

§ 1. — *Repealed, 1991, c. 21, s. 36.*

117. *(Repealed).*

1983, c. 37, s. 117; 1991, c. 21, s. 36.

§ 2. — *Filing certificates and attestations*

118. The holder of a distributor's licence shall, before selling, leasing, lending or exchanging video material on a commercial basis, demonstrate before the Régie that he has the rights to distribute the film for the retailing of video material in accordance with section 79. He shall file with the Régie any document it requires for such purpose.

In the case of video material to which an agreement under section 105.3 or 105.4 applies, the filing certificate shall be issued in accordance with the stipulations of the agreement.

1983, c. 37, s. 118; 1987, c. 71, s. 28; 1991, c. 21, s. 37.

119. The Régie shall issue to the holder of a distributor's licence who meets the requirements set out in section 118, on payment of the duties prescribed by regulation of the Government, a filing certificate for each film title and an attestation of the certificate for each print of video material intended to be sold, lent, leased or exchanged.

1983, c. 37, s. 119; 1991, c. 21, s. 38.

119.1. The Régie may refuse to issue, suspend, or revoke a filing certificate or an attestation of the certificate in the following cases:

(1) the person does not meet the requirements for obtaining the certificate or attestation set out in this Act, its regulations or an agreement referred to in section 105.3 or 105.4;

(2) the filing certificate or attestation of the certificate was obtained on the basis of erroneous information;

(3) documents filed with the Régie in connection with applications for a filing certificate attest to incompatible distribution rights.

The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), and allow the person at least 10 days to present observations.

1991, c. 21, s. 38; 1997, c. 43, s. 156.

120. No person may possess, sell, lease, lend or exchange, on a commercial basis, video material not bearing an attestation issued by the Régie under section 119.

1983, c. 37, s. 120; 1987, c. 71, s. 29; 1991, c. 21, s. 38.

121. *(Repealed).*

1983, c. 37, s. 121; 1987, c. 71, s. 29; 1991, c. 21, s. 39.

122. No person may, in a video material retail outlet, possess video material not bearing an attestation issued by the Régie under section 119.

1983, c. 37, s. 122; 1987, c. 71, s. 30; 1991, c. 21, s. 40.

§ 3. — *Video Material Retail Dealer's Licences*

122.1. No person may operate a video material retail outlet unless he is the holder of a video material retail dealer's licence issued by the Régie. Such a licence is required for each video material retail outlet.

1987, c. 71, s. 31.

122.2. An application to obtain or renew a video material retail dealer's licence must be made in accordance with the regulations of the Régie.

1987, c. 71, s. 31; 1991, c. 21, s. 41.

122.3. A video material retail dealer's licence is valid for the period determined by the Régie. The period may not exceed five years.

1987, c. 71, s. 31; 1991, c. 21, s. 42.

122.4. The annual duties exigible from the holder of a video material retail dealer's licence prescribed by regulation of the Government are payable on the issue or renewal of the licence.

1987, c. 71, s. 31; 1991, c. 21, s. 43.

122.5. The Régie may refuse to issue or renew a video material retail dealer's licence, suspend it or revoke it in the following cases:

(1) if he, or in the case of a legal person or partnership, any senior executive, director, partner or any stockholder holding more than 10% of the capital stock, has been convicted of an offence under this Act or a regulatory provision referred to in paragraph 11 of section 168 within the preceding two years, and for which he has not been pardoned;

(1.1) if he, or in the case of a legal person or partnership, any senior executive, director, partner or any stockholder holding more than 10% of the capital stock, has been convicted, within the two years preceding the application for a licence or the renewal of a licence, of an offence or indictable offence under the Copyright Act (R.S.C. 1985, c. C-42) or the Criminal Code (R.S.C. 1985, c. C-46) relating to the utilization of video material or the operation of a video material retail outlet, and for which he has not been pardoned;

(2) if he fails to pay his annual duties when due;

(3) if he does not satisfy the conditions provided for in this Act and the regulations thereunder for obtaining or renewing the licence.

The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), and allow the person at least 10 days to present observations.

1987, c. 71, s. 31; 1991, c. 21, s. 44; 1997, c. 43, s. 157; 2009, c. 52, s. 538.

§ 4. — *Special authorization*

122.6. The Régie may, on the conditions it determines, grant a special authorization to a holder of a video material retail dealer's licence who makes an application, in order to permit him to obtain a film from a person who is not the holder of a general distributor's licence and to sell, lease, lend or exchange prints of the film notwithstanding the first paragraph of section 102.

The Régie shall grant the authorization if, in its opinion, no holder of a general distributor's licence intends to distribute the film.

1991, c. 21, s. 45.

122.7. Before selling, leasing, lending or exchanging prints of the film for which a special authorization has been granted, the holder of a video material retail dealer's licence must demonstrate to the Régie that he is entitled to do so on a commercial basis and must send to the Régie any document it requires.

1991, c. 21, s. 45; 1997, c. 43, s. 158.

122.8. Section 119, adapted as required, applies to the holder of a special authorization who meets the requirements of section 122.7.

1991, c. 21, s. 45.

DIVISION V
RÉGIE DU CINÉMA

§ 1. — *Establishment and organization*

123. A body is hereby established under the name of the “Régie du cinéma”.

1983, c. 37, s. 123.

124. The Régie is composed of three members, including a president, appointed by the Government.

The Government determines the remuneration, social benefits and other conditions of employment of the members of the Régie.

1983, c. 37, s. 124; 1991, c. 21, s. 46.

125. The members of the Régie are appointed for a term of not less than three nor more than five years.

In no case may a member of the Régie be appointed for more than two consecutive terms.

1983, c. 37, s. 125.

126. However, a member remains in office at the end of his term until he is reappointed or replaced.

1983, c. 37, s. 126.

127. If a member or the president of the Régie is absent or unable to act, the Government may appoint a person to replace him temporarily.

1983, c. 37, s. 127; 1999, c. 40, s. 50.

128. No member of the Régie may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his personal interest in conflict with his duties of office.

However, forfeiture is not incurred if the interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

1983, c. 37, s. 128.

129. No member of the Régie or of its personnel may be prosecuted by reason of an official act done in good faith in the exercise of his functions.

1983, c. 37, s. 129.

130. The president of the Régie is responsible for the administration of the Régie and directs its personnel.

1983, c. 37, s. 130.

131. The Régie has its head office at the place determined by the Government; a notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

The Régie may sit anywhere in Québec.

1983, c. 37, s. 131.

132. Two members are a quorum at sittings of the Régie.

1983, c. 37, s. 132.

133. The secretary and the other members of the personnel of the Régie are appointed in accordance with the Public Service Act (chapter F-3.1.1).

1983, c. 37, s. 133; 1983, c. 55, s. 161; 2000, c. 8, s. 242.

134. Documents emanating from the Régie, and copies thereof, are authentic if they are certified true by a member of the Régie or by the secretary.

1983, c. 37, s. 134.

134.1. Each year on the date fixed by the Minister, the Régie must send a plan of its activities to the Minister. The plan must reflect the orientations and objectives given to the Régie by the Minister.

The plan must be established in the form and contain the information specified by the Minister.

The plan shall be submitted to the Minister for approval.

2000, c. 21, s. 1.

§ 2. — *Functions and powers*

135. The functions of the Régie are

(1) to classify films;

(2) to publish regularly, by such means as it considers appropriate, information on the films classified;

(2.1) to periodically hold consultations on the classification of films;

(3) to issue, renew, suspend or revoke exhibitor's or distributor's licences;

(4) *(subparagraph repealed)*;

(5) to supervise and monitor the sale, leasing, lending or exchange of video material, and to issue filing certificates;

(6) *(subparagraph repealed)*;

(7) to supervise the administration of this chapter and the regulations made under it and to inquire into its operation and how it is being complied with.

The Régie shall advise the Minister on any question he may submit to it and it may make recommendations to the Minister on any matter within the competence of the Régie.

1983, c. 37, s. 135; 1991, c. 21, s. 47.

136. The Régie shall designate by resolution the members of its personnel responsible for the evaluation and classification of films.

The resolution comes into force on the day of its publication in the *Gazette officielle du Québec*.

1983, c. 37, s. 136; 1991, c. 21, s. 48.

137. *(Repealed)*.

1983, c. 37, s. 137; 1987, c. 71, s. 32.

138. The Régie, its members and every person entrusted by it with the holding of an inquiry for the carrying out of this chapter are vested, for that purpose, with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1983, c. 37, s. 138.

139. The president of the Régie may require that a print of a film already classified by the Régie be sent to him for examination.

1983, c. 37, s. 139.

§ 3. — *Decisions of the Régie*

140. The Régie shall render its decisions in writing and immediately send copy thereof to the persons concerned.

The Régie must substantiate its decisions.

1983, c. 37, s. 140.

141. The Régie, on request or of its own motion, may rectify a clerical error, error in computation or other formal error in any of its decisions.

1983, c. 37, s. 141; 1991, c. 21, s. 49.

142. The Régie shall establish a compendium of its decisions and determine their form of publication.

1983, c. 37, s. 142.

§ 4. — *Decisions on classification*

143. Decisions of the Régie relating to the classification of films, other than decisions contemplated in sections 77 and 85, are made by the persons designated by the Régie in accordance with section 136.

1983, c. 37, s. 143; 1991, c. 21, s. 50.

144. The Régie may review any decision contemplated in section 143.

1983, c. 37, s. 144.

§ 5. — *Financial provisions*

144.1. Each year the Régie shall submit its budget estimates for the next fiscal year to the Minister, according to the terms and conditions fixed by the Government.

The estimates shall be submitted to the Government for approval.

2000, c. 21, s. 2.

144.2. The duties and fees paid to the Régie and the other sums collected by the Régie pursuant to this Act form part of the revenues of the Régie.

2000, c. 21, s. 2.

144.3. The sums received by the Régie must be allocated to the payment of the obligations of the Régie. Surpluses, if any, shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

2000, c. 21, s. 2.

144.4. The Régie may invest, on a short-term basis, the funds placed at its disposal under this Act in

(1) securities issued or guaranteed by the Government of Canada, of Québec or of another Canadian province;

(2) securities issued by Québec municipalities;

(3) deposits with a bank or financial institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act (chapter A-26) or in certificates, notes or other short-term securities or instruments issued or guaranteed by a bank or such an institution.

2000, c. 21, s. 2; 2002, c. 45, s. 256; 2004, c. 37, s. 90.

144.5. The Régie may, with the authorization of and subject to the conditions determined by the Government, borrow from the Minister of Finance sums taken out of the consolidated revenue fund.

Conversely, the Régie may advance to the consolidated revenue fund, on a short-term basis and subject to the conditions determined by the Minister of Finance, any part of the sums that are not required for the operation of the Régie.

2000, c. 21, s. 2.

145. The fiscal year of the Régie ends on 31 March every year.

1983, c. 37, s. 145.

146. Not later than 30 June every year, the Régie shall transmit to the Minister the financial statements of the Régie and a report of its activities for the preceding fiscal year.

The Minister shall table the financial statements of the Régie and the report of activities before the National Assembly within 30 days of its receipt if the Assembly is in session; if it is not sitting, the report shall be tabled within thirty days from the opening of the next session or from resumption, as the case may be.

1983, c. 37, s. 146; 2000, c. 21, s. 3.

147. The Régie must give to the Minister any information and financial report he may require on its activities.

1983, c. 37, s. 147.

148. The books and accounts of the Régie shall be audited annually by the Auditor General and also whenever so ordered by the Government.

1983, c. 37, s. 148.

DIVISION VI

REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

§ 1. — *Review*

149. A person who has submitted a film for classification and who is not satisfied with a decision contemplated in section 143 may, on payment of the inspection fee prescribed by regulation of the Government, apply to the Régie for a review of the decision.

1983, c. 37, s. 149; 1991, c. 21, s. 51.

150. The application for review of a decision on classification must be presented to the Régie within thirty days from the date of the decision respecting the classification.

1983, c. 37, s. 150.

151. The Régie shall, before reaching a decision on a review, give the person interested the opportunity to present observations.

1983, c. 37, s. 151; 1997, c. 43, s. 160.

152. When reviewing a decision, the Régie may maintain, quash or amend it.

1983, c. 37, s. 152.

153. *(Repealed)*.

1983, c. 37, s. 153; 1997, c. 43, s. 161.

§ 2. — *Proceeding before the Administrative Tribunal of Québec*

154. Every person who believes himself wronged by a decision made by the Régie, except a decision referred to in any of sections 143, 144 and 149 to 152 may, within 30 days after receiving the decision, contest the decision before the Administrative Tribunal of Québec.

1983, c. 37, s. 154; 1988, c. 21, s. 66; 1997, c. 43, s. 162.

155. *(Replaced)*.

1983, c. 37, s. 155; 1988, c. 21, s. 66; 1997, c. 43, s. 162.

156. *(Replaced)*.

1983, c. 37, s. 156; 1988, c. 21, s. 66; 1997, c. 43, s. 162.

157. *(Replaced)*.

1983, c. 37, s. 157; 1997, c. 43, s. 162.

158. *(Replaced)*.

1983, c. 37, s. 158; 1997, c. 43, s. 162.

159. *(Replaced)*.

1983, c. 37, s. 159; 1997, c. 43, s. 162.

160. *(Replaced)*.

1983, c. 37, s. 160; 1997, c. 43, s. 162.

161. *(Replaced)*.

1983, c. 37, s. 161; 1997, c. 43, s. 162.

162. *(Replaced)*.

1983, c. 37, s. 162; 1997, c. 43, s. 162.

163. *(Replaced)*.

1983, c. 37, s. 163; 1997, c. 43, s. 162.

164. *(Replaced)*.

1983, c. 37, s. 164; 1997, c. 43, s. 162.

165. *(Replaced)*.

1983, c. 37, s. 165; 1997, c. 43, s. 162.

166. *(Replaced)*.

1983, c. 37, s. 166; 1988, c. 21, s. 66, s. 73; 1997, c. 43, s. 162.

DIVISION VII REGULATIONS

167. The Régie may, by regulation,

(1) prescribe the standards of integrity and technical quality and the other standards of eligibility that a print of a film must meet to obtain a stamp;

(2) prescribe the information that must be furnished by a person applying for a stamp for exhibitions to the public or for the retailing of video material;

(3) determine methods for affixing stamps to prints of films;

(4) determine the information, qualifications and indications which may appear on stamps in addition to the classifications;

(5) determine the standards governing the posting and presentation of film classifications, including the information, qualifications and indications that must appear on posters;

(6) establish the conditions subject to which a licence may be issued or renewed under this Act, including the duties payable ;

(6.1) prescribe the duties payable to obtain a stamp or the review of a classification ;

(6.2) prescribe the duties payable for the issue of a filing certificate and attestation under section 119 and provide for an exemption with respect to the video material it determines ;

(7) determine the rights and obligations that each category of licence confers on its holder;

(8) establish technical standards for the exhibition of films to the public, which may vary according to the premises where the films are exhibited to the public;

(9) establish standards fitting out or redeveloping outdoor theatres;

(10) establish standards for the layout of video material retail outlets, particularly with respect to the display of video material classified under the class provided for in subparagraph 4 of the first paragraph of section 81 and video material referred to in paragraph 4 of section 86.2;

(11) determine the form and tenor of the reports required under sections 97 and 108 and fix the intervals at which the reports required under section 97 must be produced;

(12) determine the standards for affixing an attestation issued under section 119;

(13) determine the procedure relating to any matter coming under its authority, the applicable time limits and the required documents and vouchers.

1983, c. 37, s. 167; 1987, c. 71, s. 33; 1991, c. 21, s. 52; 1997, c. 43, s. 163; 2000, c. 21, s. 4.

168. The Government may, by regulation,

(1) divide Québec into regions, delimit the regions and prescribe the maximum number of theatre licences or outdoor theatre licences other than renewals of licences that the Régie may issue to the same person or to persons related within the meaning of the Taxation Act (chapter I-3), or that it may issue for each region;

(2) establish standards for the recognition of a film as a Québec film by the Société de développement des entreprises culturelles, established by the Act respecting the Société de développement des entreprises culturelles (chapter S-10.002) and, for the purposes it determines, define the categories of films that are eligible or not eligible for such recognition;

(3) *(paragraph repealed)*;

(4) *(paragraph repealed)*;

(5) determine the maximum number of prints for which a provisional stamp may be issued by the Régie under subparagraph 4 of section 83, fix a limit of fewer than 45 days for such a stamp and prescribe the other conditions for its issue;

(6) *(paragraph repealed)*;

(7) *(paragraph repealed)*;

(8) *(paragraph repealed)*;

(9) *(paragraph repealed)*;

(10) *(paragraph repealed)*;

(11) determine, for every regulation it makes under this section and for every regulation made by the Régie under section 167, the provisions of such regulations the contravention of which constitutes an offence.

A regulation made under subparagraph 2 of the first paragraph may, if it so provides, have effect from a date prior to the date on which it comes into force, but the date may not be prior to 19 December 1990.

1983, c. 37, s. 168; 1982, c. 26, s. 326; 1984, c. 47, s. 201; 1986, c. 93, s. 2; 1987, c. 71, s. 34; 1991, c. 21, s. 52; 1994, c. 21, s. 48; 2000, c. 21, s. 5.

169. A regulation made by the Régie must be submitted for approval to the Government, which may amend it.

1983, c. 37, s. 169.

170. Before submitting a regulation adopted under section 167 to the Government for approval, the Régie shall publish it in the *Gazette officielle du Québec*, with a notice that on the expiry of not under 60 days from publication, it will be submitted for approval to the Government. In the cases provided for in paragraphs 5, 8, 9 and 10 of the said section, the Régie must also consult the associations representing the licence holders concerned.

1983, c. 37, s. 170; 1991, c. 21, s. 53.

171. *(Repealed)*.

1983, c. 37, s. 171; 1987, c. 71, s. 35.

172. *(Repealed)*.

1983, c. 37, s. 172; 1991, c. 21, s. 54.

DIVISION VIII

INSPECTIONS AND SEIZURES

173. Any person authorized by the Régie to act as an inspector may enter, at any reasonable time, any place where video material is sold, leased, lent or exchanged in order to ascertain that a filing certificate or attestation has been issued in accordance with this Act; he may also enter, at any reasonable time, any place where films intended for exhibition to the public are kept, or any premises where films are exhibited to the public, in order to examine a print of a film and ascertain that a stamp has been affixed thereto in accordance with this Act, or to ascertain that the provisions of a regulation under subparagraphs 3, 5,

7 to 10 and 12 of the first paragraph of section 167 are being complied with.

1983, c. 37, s. 173; 1986, c. 95, s. 43; 1991, c. 21, s. 55.

174. An inspector may require any information or document relating to the carrying out of this Act.

1983, c. 37, s. 174.

175. An inspector shall produce, on demand, a certificate of his office signed by the president or the secretary of the Régie.

1983, c. 37, s. 175.

176. On conviction for an offence under a provision of this Act, a judge may, on the application of the prosecutor, order the forfeiture of prints of the films seized under this Act, the destruction of pirated prints or of video material for which no filing certificate has been issued.

Prior notice of the application for forfeiture or destruction shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.

1983, c. 37, s. 176; 1986, c. 95, s. 44; 1990, c. 4, s. 168; 1991, c. 21, s. 56; 1992, c. 61, s. 114.

DIVISION IX

PENALTIES

§ 1. — *Penal provisions*

177. No person may

(1) obtain a licence under a name other than his own, or a licence on which his name is not shown as being the name of the person to whom the licence has been issued;

(2) if he holds a licence, lease or lend it to another person or trade it;

(3) if he holds a licence, authorize another person to exercise the rights attaching to the licence; or

(4) use a licence issued to another person.

1983, c. 37, s. 177.

178. Any person who contravenes section 76, 76.1, 76.2, 82.1, 86, 86.1, 86.2, 87, 92, 97, 98, 99, 100, 102, 108, 118, 120, 122, 122.1 or 177 or regulatory provision referred to in paragraph 11 of section 168 is guilty of an offence and is liable to a fine of not less than \$175 nor more than \$1,400 in the case of an individual and not less than \$700 nor more than \$2,800 in the case of a legal person or partnership and, for a subsequent offence within two years, to a fine of not less than \$325 nor more than \$7,000 in the case of an individual and not less than \$1,400 nor more than \$13,975 in the case of a legal person or partnership.

1983, c. 37, s. 178; 1986, c. 58, s. 17; 1990, c. 4, s. 169; 1991, c. 33, s. 20; 1991, c. 21, s. 57; 1999, c. 40, s. 50.

178.1. Any person who

(1) makes a false declaration to the Régie for the purpose of obtaining a licence, a stamp or an attestation;

(2) has in his possession, for commercial purposes, a print of a film to which a stamp or an attestation of a filing certificate issued for another print of a film is affixed;

(3) has in his possession, for commercial purposes, or sells a stamp or an attestation of a filing certificate which is an imitation of those issued by the Régie;

(4) has in his possession, for commercial purposes, or sells a stamp or an attestation of a filing certificate which was produced for, and for the use of, the Régie, if it was obtained otherwise than from the Régie in accordance with the law;

is guilty of an offence and is liable to the fine provided for in section 178.

1991, c. 21, s. 58.

179. Any person who hinders an inspector of the Régie in the performance of his duties, misleads him by concealment or false declarations, refuses to give him any information, document, film or video material he is entitled to require or examine under this Act, or conceals or destroys a document, film or video material being the object of an inquiry is guilty of an offence and liable to the fine provided for in section 178.

1983, c. 37, s. 179; 1990, c. 4, s. 170.

180. No error or oversight made in good faith is an offence within the meaning of this subdivision.

1983, c. 37, s. 180.

181. *(Repealed)*.

1983, c. 37, s. 181; 1990, c. 4, s. 171; 1992, c. 61, s. 115.

§ 2. — *Special recourses*

182. The Régie may order the suspension of work on or the total or partial closing of

(1) any outdoor theatre which fails to meet the standards of arrangement or rearrangement prescribed by regulation of the Régie;

(2) premises where films are exhibited to the public if the premises fail to meet the technical standards on public film presentation prescribed by regulation of the Régie.

The Régie must, without delay, send its decision in writing to the person concerned and inform him of the measures to be taken and the time granted to comply with the regulations.

1983, c. 37, s. 182; 1987, c. 71, s. 20; 1991, c. 21, s. 59; 1997, c. 43, s. 164.

183. The Régie, upon finding out, at the expiry of the time granted, that the person fails to comply with the notice, shall inform the Minister of it in writing.

1983, c. 37, s. 183.

184. Where an order of the Régie rendered under section 182 is not complied with, the Superior Court may, on a motion by the Minister or any person generally or specially designated by him for that purpose, order the demolition of the structure and order the owner of the premises where films are exhibited to maintain the premises closed until the work required to meet the regulatory requirements is carried out.

1983, c. 37, s. 184.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

185. The Minister of Culture and Communications is responsible for the administration of this Act.

1983, c. 37, s. 185; 1992, c. 65, s. 43; 1994, c. 14, s. 34.

Note

The functions and responsibilities of the Minister of Culture and Communications provided for in this Act are assigned to the Minister of Culture, Communications and the Status of Women. Order in Council 1159-2008 dated 18 December 2008, (2009) 141 G.O. 2 (French), 42.

186. *(Amendment integrated into c. M-20, s. 3).*

1983, c. 37, s. 186.

187. *(Omitted).*

1983, c. 37, s. 187.

188. *(Repealed).*

1983, c. 37, a. 188; 1991, c. 21, s. 60.

189. *(Repealed).*

1983, c. 37, s. 189; 1991, c. 21, s. 60.

190. *(Repealed).*

1983, c. 37, s. 190; 1991, c. 21, s. 60.

191. *(Amendment integrated into c. S-10.01, s. 21.1).*

1983, c. 37, s. 191.

192. *(Amendment integrated into c. R-12, s. 55).*

1983, c. 37, s. 192.

193. *(Amendment integrated into c. R-12, s. 95).*

1983, c. 37, s. 193.

194. *(Omitted).*

1983, c. 37, s. 194.

195. The regulations made under the Cinema Act (R.S.Q., 1964, chapter 55) and the Act respecting the Cinema (chapter C-18) remain in force, where not inconsistent with this Act, and are deemed to have been made under this Act.

1983, c. 37, s. 195.

196. Every film classified by the Bureau de surveillance du cinéma before 13 March 1985 is deemed to have been classified under this Act, in the corresponding class provided for in section 81.

Any trailers approved by the Bureau de surveillance du cinéma before 13 March 1985 is deemed to have been classified under this Act.

1983, c. 37, s. 196.

197. The holder of a permit to fit up, alter or operate an outdoor theatre under the Cinema Act (R.S.Q., 1964, chapter 55) is deemed to be the holder of a licence to operate an outdoor theatre issued under this Act, for one year from 1 April 1985. Thereafter, it is renewed in conformity with this Act.

1983, c. 37, s. 197.

198. *(Repealed).*

1983, c. 37, s. 198; 1991, c. 21, s. 60.

199. *(Repealed).*

1983, c. 37, s. 199; 1991, c. 21, s. 60.

200. The Régie du cinéma succeeds to the Bureau de surveillance du cinéma for all legal purposes.

The Régie is authorized to use any documents or means of identification that were prepared with the name of the Bureau de surveillance du cinéma, until it is able to replace them by documents or means of identification prepared in the name of the Régie du cinéma.

1983, c. 37, s. 200.

201. The cases pending before the Bureau de surveillance du cinéma or the Minister under the Cinema Act (R.S.Q., 1964, chapter 55) on 13 March 1985 are continued and decided by the Régie in conformity with this Act.

1983, c. 37, s. 201.

202. The chairman of the Bureau de surveillance du cinéma appointed under the Cinema Act (R.S.Q., 1964, chapter 55) becomes a member of the Régie du cinéma on 14 December 1983, for as long as the Government determines.

1983, c. 37, s. 202.

203. The members of the Bureau de surveillance du cinéma, other than the chairman, appointed under the Cinema Act (R.S.Q., 1964, chapter 55), whose terms of office have not expired on 13 March 1985 and who are not civil servants within the meaning of the Public Service Act (chapter F-3.1.1), become members of the personnel of the Régie du cinéma on 13 March 1985.

They shall remain in office for as long as the Government determines and continue to receive their salaries.

1983, c. 37, s. 203; 1983, c. 55, s. 161.

204. The members of the Bureau de surveillance du cinéma, other than the chairman, appointed under the Cinema Act (R.S.Q., 1964, chapter 55), whose terms of office have not expired on 13 March 1985 and who are civil servants within the meaning of the Public Service Act (chapter F-3.1.1), become members of the personnel of the Régie du cinéma on 13 March 1985.

Notwithstanding the Public Service Act, the Government may assign appropriate classification to those civil servants.

1983, c. 37, s. 204; 1983, c. 55, s. 161.

205. The personnel of the Bureau de surveillance du cinéma in office on 13 March 1985 becomes the personnel of the Régie du cinéma.

1983, c. 37, s. 205.

206. Except in sections 55 and 95 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), in any Act, proclamation, order in council, order, contract or document, the expressions “Bureau de censure du cinéma” and “Bureau de surveillance du cinéma” designate the Régie du cinéma.

1983, c. 37, s. 206.

207. The personnel of the Institut québécois du cinéma, including its director general, in office on 20 February 1984, becomes the personnel of the Société générale des industries culturelles.

1983, c. 37, s. 207; 1984, c. 47, s. 216; 1987, c. 71, s. 61.

208. The Société générale des industries culturelles acquires the rights and assumes the obligations of the Institut québécois du cinéma established under the Act respecting the cinema (chapter C-18).

1983, c. 37, s. 208; 1984, c. 47, s. 216; 1987, c. 71, s. 61.

209. *(Repealed).*

1983, c. 37, s. 209; 2000, c. 21, s. 6.

210. *(This section ceased to have effect on 14 December 1988).*

1983, c. 37, s. 210; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

211. *(Omitted).*

1983, c. 37, s. 211.

CERTIFICATE OF COMPLIANCE

(Section 105.1)

WHEREAS (*name of applicant*) has made an application for the issue of a certificate of conformity under section 105.1 of the Cinema Act (Revised Statutes of Québec, chapter C-18.1),

WHEREAS the applicant has proved that he was a member in good standing, on 1 January 1987, of the association which signed a distribution agreement,

WHEREAS the applicant has also proved, to my satisfaction, that the application is justified considering the size of the applicant's investment in the film concerned,

IN CONSEQUENCE WHEREOF, in accordance with section 105.1 of the Cinema Act, this certificate of conformity is issued on this day to

.....

DATE:

.....

MINISTER OF CULTURE AND COMMUNICATIONS

1986, c. 93, s. 3; 1992, c. 65, s. 43; 1994, c. 14, s. 34.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 37 of the statutes of 1983, in force on 1 January 1984, is repealed, except section 211, effective from the coming into force of chapter C-18.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 9 to 14, 36, 37, 39, 63, 64, 191, 207 and 208 of chapter 37 of the statutes of 1983, in force on 1 July 1984, are repealed effective from the coming into force of the updating to 1 July 1984 of chapter C-18.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 76

to 78, 80 to 82, 84 to 90, 100, subparagraphs 1 and 7 of the first paragraph as well as the second paragraph of section 135, sections 138 to 144, 149 to 153, 173 to 176, 178 to 181, 195 to 197, 200, 201 and 203 to 206 of chapter 37 of the statutes of 1983, in force on 1 September 1985, are repealed effective from the coming into force of the updating to 1 September 1985 of chapter C-18.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), section 83 of chapter 37 of the statutes of 1983, in force on 1 March 1986, is repealed effective from the coming into force of the updating to 1 March 1986 of chapter C-18.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 79, 91 to 96, the first paragraph, subparagraphs (1) to (5) and (7) of the second paragraph and the third paragraph of section 97, sections 98, 99, 101 to 104, 106 to 108, 110, 117 to 122, subparagraphs (2), (3), (5) and (6) of the first paragraph of section 135, sections 154 to 166, 177, 182 to 184 and 194 of chapter 37 of the statutes of 1983, in force on 1 March 1989, are repealed effective from the coming into force of the updating to 1 March 1989 of chapter C-18.1 of the Revised Statutes.