



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 174
(1997, chapter 69)

An Act to amend the Act respecting explosives

Introduced 12 November 1997
Passage in principle 25 November 1997
Passage 28 November 1997
Assented to 28 November 1997

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EXPLANATORY NOTES

This bill amends the Act respecting explosives to give the authorized members of the Sûreté du Québec and the Minister of Public Security the discretion to refuse to issue or to revoke a permit, after considering certain factors, if the applicant or the permit holder has been convicted of a certain type of offence.

The bill also amends the Act respecting explosives to increase the amount of the fines that may be imposed for an offence under the Act or the regulations.

Bill 174

AN ACT TO AMEND THE ACT RESPECTING EXPLOSIVES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 13 of the Act respecting explosives (R.S.Q., chapter E-22), replaced by section 5 of chapter 51 of the statutes of 1997, is amended by striking out subparagraphs 5 and 6 of the first paragraph.

2. Section 13.1 of the said Act, replaced by section 5 of chapter 51 of the statutes of 1997, is amended by inserting, before the first paragraph, the following paragraph :

“**13.1.** The member of the Sûreté du Québec may refuse to issue the permit if the applicant, within the five years preceding the application, has been convicted of an offence under this Act, the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or the regulations thereunder unless the applicant has obtained a pardon in respect of that offence.”

3. The said Act is amended by inserting, after section 15, the following section :

“**15.1.** Where an offence under this Act, the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or the regulations thereunder is in issue for the purposes of the first paragraph of section 13.1, section 14 or the first paragraph of section 15, the member of the Sûreté du Québec or the Minister shall consider, where applicable, such factors as

(1) the nature, gravity and frequency of the offence ;

(2) the harm caused or that could have been caused as a result of the offence ;

(3) the risk of serious harm involved in allowing the applicant or permit holder to engage in an activity authorized under the permit, given the attitude denoted by the offence committed ;

(4) the fact that the applicant or permit holder associates or fraternizes without justification with persons of notorious criminal reputation.”

4. Section 21 of the said Act is replaced by the following section :

“21. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable to a fine of \$500 to \$1,500 in the case of a natural person and \$2,500 to \$5,000 in the case of a legal person.

For a second offence, the fines are doubled; for a third or subsequent offence, the fines are tripled.”

5. This Act comes into force on 28 November 1997.