

chapter C-65.1, r. 11

Tariff of fees for professional services provided to the Government by advocates or notaries

Act respecting contracting by public bodies
(chapter C-65.1, s. 23).

Replaced, O.C. 1238-2018, 2018 G.O. 2, 4507; eff. 2018-09-13; see chapter C-65.1, r. 7.3.

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SCHEDULE 1

DIVISION I

GENERAL PROVISIONS

1. *This Tariff is deemed to be made under section 23 of the Act respecting contracting by public bodies (chapter C-65.1).*

R.R.Q., 1981, c. A-6, r. 31, s. 1.

2. *Unless stipulated otherwise in an Act or a regulation, this Tariff applies to the public bodies referred to in subparagraphs 1 and 2 of the first paragraph of section 4 of the Act.*

R.R.Q., 1981, c. A-6, r. 31, s. 2.

3. *In this Tariff, unless the context indicates otherwise,*

(a) “advocate” means a member of the Barreau du Québec who is in private practice as a professional advocate;

(b) “client” means a public body subject to this Tariff;

(c) “mandate” means all the services entrusted to an advocate or notary, the consideration as well as the terms and conditions of carrying out the said services in a document signed by the parties;

(d) “notary” means a member of the Chambre des notaires du Québec who is in private practice as a professional notary.

R.R.Q., 1981, c. A-6, r. 31, s. 3.

4. *For the purposes of this Tariff, the professional services provided by an advocate or notary are the legal services for which a mandate is assigned or agreed to by the Minister of Justice pursuant to section 36 of the Regulation respecting service contracts of public bodies (chapter C-65.1, r. 4). The agreement relates to the choice of the advocate or notary assigned to the mandate, as well as to his qualifications and to the tariff of his fees.*

R.R.Q., 1981, c. A-6, r. 31, s. 4.

DIVISION II

METHODS OF PAYMENT OF FEES

5. *For Tariff purposes, there are 2 methods for payment of fees, namely:*

(a) hourly basis;

(b) stipulated price basis.

Only one of these methods may be used for a given service.

R.R.Q., 1981, c. A-6, r. 31, s. 5.

6. *(1) The hourly basis may be applied to all the services of advocates or notaries and is based on the payment of the fees of each advocate or notary authorized to work on carrying out the mandate.*

(2) The terms and conditions of application of the hourly basis method are the following:

(a) the advocate or notary assigned to the mandate must meet the criteria of eligibility for one of the classes contemplated in the classification appearing in Schedule 1;

(b) unless expressly authorized by the Conseil du trésor, the maximum hourly tariff allowable for each advocate or notary is limited to the tariff appearing in Schedule 1.

(3) The number of hours, to the nearest half-hour, devoted by the advocate or notary to each mandate must be duly registered every day.

R.R.Q., 1981, c. A-6, r. 31, s. 6.

7. *(1) The stipulated price basis is based on the payment of a lump sum agreed to by the client and the advocate or notary which is evaluated by using an estimate of the number of hours necessary to carry out the mandate based on the rates prescribed for the hourly basis method.*

(2) In every case where this basis is used, the mandate assigned must be explicit and precise with respect to the anticipated results and the method of execution.

R.R.Q., 1981, c. A-6, r. 31, s. 7.

8. *The advocate or notary is paid following the monthly submission of his statement of fees according to the progress of the mandate and the said statement must be approved by the Minister of Justice before payment.*

R.R.Q., 1981, c. A-6, r. 31, s. 8.

9. *Expenditures authorized by the client and dealing with the travel and living expenses of the advocate or notary may be reimbursed in accordance with the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics (C.T. 212379; 2013-03-26).*

R.R.Q., 1981, c. A-6, r. 31, s. 9.

10. *Expenditures relating to the hiring by the advocate or notary of expert consultants within the framework of his mandate are reimbursed by the client according to their costs and upon presentation of vouchers.*

However, the reimbursement of such expenditures is conditional on the client's written acceptance of such hiring and of the tariff of fees and the said acceptance must be notified to the advocate or notary before the latter hires their services.

R.R.Q., 1981, c. A-6, r. 31, s. 10; I.N. 2016-01-01 (NCCP).

10.1. *The actual cost of expenditures incurred by an advocate or notary for long distance telephone calls, photocopies and courier service necessary for carrying out his mandate are reimbursed upon presentation of vouchers.*

O.C. 234-84, s. 1.

11. *The client must provide the advocate or notary with the information he needs to accomplish his mandate.*

R.R.Q., 1981, c. A-6, r. 31, s. 11.

12. *If the mandate assigned to the advocate or notary is cancelled or deferred, in whole or in part, by the client, the advocate or notary is then paid in proportion to the progress of the work respecting the services for which he was commissioned, upon presentation of vouchers.*

R.R.Q., 1981, c. A-6, r. 31, s. 12.

SCHEDULE 1*(s. 6)***CLASSIFICATION, ELIGIBILITY AND MAXIMUM ALLOWABLE FEES**

Classification	Eligibility	Maximum remuneration
<i>Class 1</i>	<i>Have practised 0 to 5 years since obtaining full right to practise the profession</i>	<i>\$50 /hr.</i>
<i>Class 2</i>	<i>Have practised 5 to 10 years since obtaining full right to practise the profession</i>	<i>\$70 /hr.</i>
<i>Class 3</i>	<i>Have practised more than 10 years since obtaining full right to practise the profession</i>	<i>\$100 /hr.</i>

R.R.Q., 1981, c. A-6, r. 31, Sch. 1; O.C. 234-84, s. 2.

UPDATES

R.R.Q., 1981, c. A-6, r. 31

O.C. 234-84, 1984 G.O. 2, 1095