

chapter P-22

PHOTOGRAPHIC PROOF OF DOCUMENTS ACT

Repealed, 1992, c. 57, s. 656.
1992, c. 57, s. 656.

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REPEAL SCHEDULE

1. In this Act,

(a) “document”, in addition to its usual meaning, includes an entry in a book or a register;

(b) “institution” means the Gouvernement du Québec, the school boards, the federally chartered banks, insurance companies carrying on business in Québec, by virtue of a licence issued under the Act respecting insurance (chapter A-32), trust companies licensed under the Act respecting trust companies and savings companies (chapter S-29.01) and any other society, firm or corporation to which this Act may be made applicable pursuant to an order contemplated in section 6;

(c) “photographic film” includes a photographic plate, a microphotographic film and a photostat negative.

R. S. 1964, c. 280, s. 1; 1971, c. 67, s. 96; 1974, c. 70, s. 473; 1977, c. 5, s. 14; 1987, c. 95, s. 402; 1988, c. 84, s. 665.

2. A print, enlarged or not, made from a photographic film of a document in the custody or possession of an institution, shall make the same proof for all purposes of the contents of such document as its original, provided that such document has been

(a) accurately reproduced on such photographic film in the presence of at least two employees of such institution specially authorized by it for the purposes of such operation; and

(b) destroyed in the presence of at least two employees of the institution specially authorized by it for that purpose, immediately after such reproduction or subsequently, but never before the expiry of five years from the date of such document.

Notwithstanding subparagraph b of the first paragraph, documents in the custody or possession of the Government or of a public company, a public corporation or a public body subject to the application of this Act and referred to in the schedule to the Archives Act (chapter A-21.1) must be photographically reproduced and destroyed within the time limit provided in the retention schedule contemplated in the Archives Act in the presence of at least two public servants or employees of the Government, of the public company, of the public corporation or of the public body designated by the Keeper of the Archives nationales du Québec.

R. S. 1964, c. 280, s. 2; 1969, c. 26, s. 68; 1977, c. 5, s. 14; 1983, c. 38, s. 74.

3. The persons who were present at the reproduction or destruction of any document mentioned in section 2 shall immediately afterwards attest the carrying out thereof by means of a sworn declaration in duplicate, signed by them, mentioning the authorization received from the institution concerned and, in the case of the reproduction of a document, certifying the accuracy of such reproduction.

With respect to documents in the possession of the Government, one copy of such declaration shall be remitted to the Minister having custody of the document and the other to the Keeper of the Archives nationales du Québec; in every other case, one copy shall be preserved by the institution concerned and the other shall be deposited in the office of a notary practising in Québec.

R. S. 1964, c. 280, s. 3; 1969, c. 26, s. 69; 1977, c. 5, s. 14; 1983, c. 38, s. 75.

4. Proof of a document photographed and destroyed in accordance with this act shall be made by means of the declaration mentioned in section 3 and a print made from the film containing the accurate reproduction of the photographed document.

Any extract or copy of the declaration certified true by the Keeper of the Archives nationales du Québec or the person specially authorized by him for that purpose in the case of documents in the custody or possession of the Government, a public company, a public corporation or a public body or, in all other cases, by the notary in whose records a copy has been deposited in Québec or, as the case may be, by the notary to or with

whom such records have been transferred or deposited, may be received in evidence on the same footing as the original.

R. S. 1964, c. 280, s. 4; 1969, c. 26, s. 70; 1977, c. 5, s. 14; 1983, c. 38, s. 76.

5. *This act shall not apply to a document in the custody or possession of an institution but which belongs to a third party and must be delivered to him.*

R. S. 1964, c. 280, s. 5.

6. *The Government may enact that this act shall be applicable to any society, firm or corporation, public or private, not included in the enumeration contained in paragraph b of section 1.*

The orders in council passed under this provision shall be published forthwith in the Gazette officielle du Québec and shall be deemed to form part of this Act from such publication.

R. S. 1964, c. 280, s. 6.

7. *Notwithstanding the repeal of chapter 44 of the statutes of 1948, chapter 43 of the statutes of 1950-1951, and chapter 12 of the statutes of 1954-1955, proof may be made, in accordance with these acts, of the documents photographically reproduced and destroyed in accordance with their provisions.*

R. S. 1964, c. 280, s. 7.

8. *(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 280 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter P-22 of the Revised Statutes.