

chapter T-4

## TELECOMMUNICATIONS TAX ACT



*Chapter T-4 ceased to apply in respect of any telecommunication sent or received after 30 June 1992 and in respect of the rent attributable to a period after 30 June 1992.*

*(1991, c. 67, s. 617).*

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## REPEAL SCHEDULE

**1.** In this Act:

(a) “telecommunication” means a message transmitted by means of electromagnetic waves or otherwise in the form of words, writing, images, symbols or other indications;

(b) “line” includes the space between a transmitter and a receiver of telecommunications and any other channel of transmission of telecommunications;

(c) “rent” includes any sum payable for the use of a telecommunication service, except the installation costs of such a service if they are indicated on an invoice in such a way as not to be mistaken for any other sum;

(d) “user” means a person who sends or receives a telecommunication at his own expense, in Québec, or who uses in Québec a telecommunication service other than a telephone service which is movable property within the meaning of the Retail Sales Tax Act (chapter I-1);

(e) “registration certificate” means a registration certificate issued under this Act;

(f) “regulation” means a regulation made by the Government under this Act.

1965 (1st sess.), c. 28, s. 1; 1971, c. 30, s. 1; 1984, c. 35, s. 45.

**2.** (1) Every person who operates a telecommunication service in Québec must hold a registration certificate in force.

(2) The application for the registration certificate shall be filed with the Minister of Revenue.

(3) Such registration certificate must be issued by the Minister of Revenue or by such other person as he appoints. It must be kept at the operator’s chief place of business in Québec, and cannot be transferred.

(4) The Minister of Revenue may refuse to issue such registration certificate to any person who has been convicted of an offence against this Act. He may also, in the case of a person who has been convicted of any offence against this Act, suspend or cancel the certificate issued.

(5) The following information must be given when a certificate is applied for:

(a) by one or more persons doing business under a firm name, the name and address of such person or persons;

(b) by a partnership, the name and address of each partner;

(c) by a corporation, club, association or syndicate, the name and address of the president, if he resides in Québec; if not, the name and address of its manager or representative residing in Québec and the address of its place of business there.

(6) The Minister may require as a condition of registration of a person who neither resides nor has his place of business in Québec security in such amount as the Minister may fix.

(7) The Minister may also require of any person, as a condition for the issue or continuance in force of a certificate in his name, security in such amount as the Minister may fix, taking into account the amount of tax which such person had to remit for the six months preceding the date on which security is required, if such person:

(a) has been convicted of an offence against this Act;

(b) is insolvent; or

(c) owes dues or taxes under a fiscal law within the meaning of the Act respecting the Ministère du Revenu (chapter M-31), and does not contest his obligation to pay such dues or taxes before the competent court.

1971, c. 30, s. 2; 1972, c. 22, s. 98; 1981, c. 24, s. 23; 1990, c. 4, s. 851.

### 3. The Minister of Revenue is entrusted with the carrying out of this Act.

1972, c. 25, s. 31; 1979, c. 20, s. 7.



*The Minister of Finance exercises the functions of the Minister of Revenue provided for in this Act. Order in Council 1689-2022 dated 26 October 2022, (2022) 154 G.O. 2 (French), 6581.*

### 3.1. Notwithstanding any other general law or special Act, this Act is binding on the Government, Government departments and agencies and mandataries of the Crown.

1979, c. 20, s. 8.

4. A tax of 8% is imposed on the price of every telecommunication sent or received by a user, and on the rent due or paid by a user. Such price or rent includes the tax paid or payable under Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15), determined without reference to the input tax credit provided for in that Part.

In the case of rent payable for the private use of a line partly outside Québec, such tax shall only be imposed in the proportion of the length of the part of the line within Québec to the total length.

If the rent is only partly payable for the private use of such a line, the Minister of Revenue may determine what portion is imputable to such use.

Similarly, if a charge includes rent and payment for anything else, the Minister of Revenue may determine what portion of such charge is rent.

1965 (1st sess.), c. 28, s. 2; 1966-67, c. 35, s. 1; 1982, c. 56, s. 38; 1983, c. 44, s. 66; 1990, c. 60, s. 55.

4.1. The tax prescribed in section 4 is not imposed on the rent of a telecommunications service used directly and solely for the provision, by an operator, of any other telecommunications service the rent of which is subject to the tax imposed by this Act.

1990, c. 7, s. 234.

### 5. The tax shall be payable at the same time as the price of the telecommunication or the rent.

The operator of the telecommunication service shall, as agent of the Minister of Revenue, collect it at the same time as the price or rent.

The operator shall indicate to the user, in the manner prescribed by regulation or on the invoice, receipt, writing or other document recording the price of the telecommunication or the rent, that the price or rent includes the tax or so indicate to him the tax separately from the price or rent, in which case he may indicate a total amount consisting of both that tax and the tax provided for in Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15). Where the operator indicates the rate of the tax to the user, he shall do so separately from the rate of any other tax.

Any fraction of a cent of such tax, if equal to or greater than one-half of a cent, shall be counted as one cent.

Nevertheless, where a telecommunication is sent through an instrument whereby the price is collected immediately in cash or counters and the tax is a fraction of \$0.05 or is the total of a multiple of \$0.05 and a fraction of \$0.05, the fraction

- (1) if less than \$0.025, may be disregarded; and
- (2) if equal to or greater than \$0.025, shall be counted as \$0.05.

1965 (1st sess.), c. 28, s. 3; 1971, c. 30, s. 3; 1990, c. 60, s. 56; 1994, c. 22, s. 646.

**6.** *(Repealed).*

1971, c. 30, s. 4; 1977, c. 5, s. 14; 1978, c. 25, s. 25.

**7.** Every user who has not paid the operator the tax imposed by this Act must immediately report and remit such tax to the Minister of Revenue.

1971, c. 30, s. 4.

**8.** Every operator of a telecommunication service shall remit to the Minister of Revenue, within the first fifteen days of each month, the tax collected during the previous month and send him a report in the manner indicated by the latter even if he has collected nothing.

1965 (1st sess.), c. 28, s. 4; 1981, c. 24, s. 24.

**8.1.** No person is entitled to any reimbursement of the tax paid by him in respect of an amount that is refunded or credited to him under Part IX of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15), unless the amount is an amount described in section 232 or 261 of the said Act.

1990, c. 60, s. 57.

**9.** (1) Every person who:

(a) does not furnish a report or any other document or information, in the manner and at the time prescribed under this Act or the regulations; or

(b) being an agent of the Minister, refuses or neglects to collect, account for, report or remit the tax, the whole in accordance with this Act and the regulations,

commits an offence and is liable to a fine of not less than \$25 for each day that the offence continues.

(2) Every person who:

(a) operates a telecommunication service in Québec without a registration certificate still in force, or otherwise contravenes section 2 or the regulations; or

(b) contravenes the third paragraph of section 5,

commits an offence and is liable to a fine of not less than \$200 nor more than \$5,000.

1965 (1st sess.), c. 28, s. 5; 1971, c. 30, s. 12; 1972, c. 25, s. 42.

**10.** *(Repealed).*

1966-67, c. 35, s. 3; 1971, c. 30, s. 13; 1983, c. 49, s. 53.

**11.** *(Repealed).*

1966-67, c. 35, s. 3; 1971, c. 30, s. 13; 1983, c. 49, s. 53.

**12.** The Government may make any regulation deemed necessary for the carrying out of this Act and in particular to prescribe the vouchers and documents which an operator must prepare and preserve with a view to controlling, collecting and remitting the tax and to grant to operators an indemnity for such collection and remittance.

Regulations made under this Act come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein; they may also, once published and if they so provide, apply to a date prior to their publication but not prior to the current year.

1965 (1st sess.), c. 28, s. 6; 1979, c. 78, s. 10.

**13.** *(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.

**14.** This Act ceases to apply in respect of any telecommunication sent or received after 30 June 1992 and in respect of the rent attributable to a period after 30 June 1992.

1991, c. 67, s. 617.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 28 of the statutes of 1965 (1st session), in force on 31 December 1977, is repealed, except sections 7 and 8, effective from the coming into force of chapter T-4 of the Revised Statutes.