Ministerial Order 2021-054 of the Minister of Health and Social Services dated 16 July 2021

Public Health Act (chapter S-2.2)

Ordering of measures to protect the health of the population amid the COVID-19 pandemic situation

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THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2) which provides that the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the Act to protect the health of the population;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

2021, until 21 May 2021 by Order in Council 660-2021 dated 12 May 2021, until
28 May 2021 by Order in Council 679-2021 dated 19 May 2021, until 4 June 2021
by Order in Council 699-2021 dated 26 May 2021, until 11 June 2021 by Order in
Council 740-2021 dated 2 June 2021, until 18 June 2021 by Order in Council 782-
2021 dated 9 June 2021, until 25 June 2021 by Order in Council 807-2021 dated
16 June 2021, until 2 July 2021 by Order in Council 849-2021 dated 23 June 2021,
until 9 July 2021 by Order in Council 893-2021 dated 30 June 2021, until 16 July
2021 by Order in Council 937-2021 dated 7 July 2021 and until 23 July 2021 by
Order in Council 1062-2021 dated 14 July 2021;

CONSIDERING that the sixth paragraph of the operative part of
Ministerial Order 2020-008 dated 22 March 2020, amended by Order in Council
566-2020 dated 27 May 2020 and by Ministerial Orders 2020-033 dated 7 May
2020 and 2020-044 dated 12 June 2020, provides for certain measures to apply
to the holding of procedures, other than referendum procedures;

CONSIDERING that the Schedule to Order in Council 505-2020
dated 6 May 2020, amended by Orders in Council 566-2020 dated 27 May 2020
and 885-2020 dated 19 August 2020 and by Ministerial Orders 2020-034 dated
9 May 2020, 2020-039 dated 22 May 2020, 2020-042 dated 4 June 2020, 2020-
26 June 2020, 2020-051 dated 10 July 2020 and 2020-060 dated 28 August 2020,
provides for certain measures to apply to educational childcare services;

CONSIDERING that that Order in Council also empowers the
Minister of Health and Social Services to order any modification or clarification
of the measures provided for in the Order;

CONSIDERING that the first paragraph of the operative part of
Ministerial Order 2020-033 dated 7 May 2020, amended by Ministerial Order
2020-049 dated 4 July 2020, provides that every referendum procedure be
suspended, unless the council decides otherwise, in which case it must take place
with any modification necessary and any special modification referred to in that
Ministerial Order to prevent the movement and gathering of citizens;

CONSIDERING that the first paragraph of the operative part of
Ministerial Order 2020-084 dated 27 October 2020 provides for procedural
modifications to apply to the holding of municipal elections;
CONSIDERING the making of the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic, made by the Chief Electoral Officer (2021, G.O. 2, 1307B) that applies to that general election and to any proceedings recommenced after that election in accordance with section 276 of the Act respecting elections and referendums in municipalities (chapter E-2.2);

CONSIDERING that Order in Council 1062-2021 dated 14 July 2021 empowers the Minister of Health and Social Services to take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

CONSIDERING that the current situation of the COVID-19 pandemic allows for the easing of certain measures set in place to protect the health of the population, while maintaining certain of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:


THAT the following terms and conditions apply to every referendum procedure that is part of the decision-making process of a municipal body:

(1) the register for demanding that a referendum poll be held may be replaced by sending written applications to the municipality, in which case the procedure for registering qualified voters is of a duration of 15 days;

(2) such a referendum procedure is subject to the provisions governing the referendum procedure of the Act respecting elections and referendums in municipalities (chapter E-2.2), as amended by the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic,
made by the Chief Electoral Officer (2021, G.O. 2, 1307B), and the provisions of subdivision 1.1 of Division IV of Chapter VI of Title I of that Act, enacted by section 14 of the Regulation, with the necessary modifications;

THAT every procedure, other than a referendum procedure, that is part of the decision-making process of a municipal body and that involves the movement or gathering of citizens be accompanied by a written consultation, announced beforehand through a public notice, that ends at the same time as the accompanying procedure; the written consultation may also replace the procedure concerned, in which case it is of a duration of 15 days;

THAT the operative part of Ministerial Order 2020-084 dated 27 October 2020 be amended by replacing “elections” in the portion before subparagraph 1 of the first paragraph by “by-elections”;

THAT the following be revoked:

(1) the sixth paragraph of the operative part of Ministerial Order 2020-008 dated 22 March 2020, amended by Order in Council 566-2020 dated 27 May 2020 and by Ministerial Orders 2020-033 dated 7 May 2020 and 2020-044 dated 12 June 2020;

(2) the sixth paragraph of the operative part of Ministerial Order 2020-049 dated 4 July 2020;

(3) the first, third, fourth and fifth paragraphs of the operative part of Ministerial Order 2020-033 dated 7 May 2020, amended by Ministerial Order 2020-049 dated 4 July 2020;

THAT, despite subparagraph 3 of the preceding paragraph, the first paragraph of the operative part of Ministerial Order 2020-033 dated 7 May 2020, as amended, remains applicable to every procedure for registering qualified voters in progress and to every referendum poll the date of which is set not later than 31 August 2021;

THAT this Order take effect on 22 July 2021.

Québec, 16 July 2021
CHRISTIAN DUBÉ  
Minister of Health and Social Services