

chapter M-42

**ACT RESPECTING THE MONTRÉAL MUSEUM OF FINE ARTS**

**TABLE OF CONTENTS**

**REPEAL SCHEDULE**

**1.** A legal person is constituted under the name of “The Montréal Museum of Fine Arts” in English and “Musée des beaux-arts de Montréal” in French.

1972, c. 21, s. 1; 1999, c. 40, s. 194.

**2.** The Museum is a non-profit legal person.

1972, c. 21, s. 2; 1999, c. 40, s. 194.

**3.** The head office of the Museum shall be in the territory of Ville de Montréal.

1972, c. 21, s. 3; 1996, c. 2, s. 741; 1999, c. 40, s. 194.

**4.** The functions of the Museum shall be to encourage the arts, disseminate knowledge of the arts, and acquire, preserve, collect, improve the condition of and exhibit works of art.

1972, c. 21, s. 4; 1999, c. 40, s. 194.

**5.** The Museum shall be administered by a board of 21 trustees.

Nine of the trustees shall be appointed by the Government and the remaining 12 shall be elected by the general meeting of the members of the Museum from among their own number.

1972, c. 21, s. 5; 1985, c. 20, s. 1; 1999, c. 40, s. 194.

**6.** Each trustee shall be appointed or elected for three years.

1972, c. 21, s. 6; 1985, c. 20, s. 2.

**6.1.** Every trustee shall remain in office notwithstanding the expiry of his term, until he is replaced, reappointed or reelected.

Every vacancy shall be filled for the remainder of the term of the person to be replaced by the Government if it appointed the trustee or by the board of trustees in the case of any other trustee.

1985, c. 20, s. 3.

**6.2.** Any natural person may be appointed or elected a trustee, except

- (1) a person under 18 years of age;
- (2) a person of full age under tutorship or curatorship;
- (3) a person declared incapable by a court of another province or another country;
- (4) an undischarged bankrupt;
- (5) an employee of the Museum.

1985, c. 20, s. 3; 1986, c. 25, s. 1; 1989, c. 54, s. 177; 1999, c. 40, s. 194.

**7.** Each year, at its first sitting, the board of trustees shall elect, from among the trustees, an executive committee of 10 members.

Four members of the executive committee shall be chosen from among the trustees appointed by the Government.

The members of the executive committee shall remain in office, notwithstanding the expiry of their term, until they are replaced or reelected.

Every vacancy shall be filled by the board of trustees for the remainder of the term of the member to be replaced.

1972, c. 21, s. 7; 1985, c. 20, s. 4.

**8.** The executive committee shall administer the day-to-day affairs of the Museum; it shall see that the decisions of the board of trustees are implemented and carry out any mandate entrusted to it by the board.

Moreover, the executive committee shall exercise such powers as may be delegated to it by the board; in no case, however, may the board delegate to the executive committee the powers provided in the second paragraph of section 6.1, or in sections 7, 9.1, 10, 16 and 17.

1972, c. 21, s. 8; 1985, c. 20, s. 5; 1999, c. 40, s. 194.

**9.** No member of the board of trustees may, under pain of forfeiture of office, have a direct or indirect interest in any matter that puts his personal interest in conflict with that of the Museum.

Such forfeiture, however, shall not be incurred if such interest devolves to him by succession or gift, provided he renounces or disposes of it with all possible dispatch.

1972, c. 21, s. 9; 1999, c. 40, s. 194.

**9.1.** The board of trustees may

(1) fix the amount of the dues exigible from each class of member of the Museum as well as the contributions payable for certain activities;

(2) fix the entrance fees for Museum activities;

(3) appoint art acquisition committees and determine the functions thereof;

(4) delegate to an art acquisition committee appointed under paragraph 3 or to a committee appointed under subparagraph *e* of the first paragraph of section 10 the exercise of its powers except those provided in the second paragraph of section 6.1 or in sections 7, 9.1, 10, 16 and 17.

1985, c. 20, s. 6.

**10.** The board of trustees may pass regulations for the conduct of the affairs of the Museum, and in particular on:

(a) the admission, suspension, expulsion and disciplining of the members and the establishment of various classes of members;

(b) *(subparagraph repealed)*;

(c) the calling of meetings of the members and meetings of the board of trustees and of the executive committee, the procedure to be followed at meetings and the quorum required at them;

(d) the remuneration and the duties of the members of the board of trustees of the Museum;

(e) the appointment, composition and functions of committees within the corporation or board of trustees, except the appointment and functions of art acquisition committees;

(f) the protection and proper use of the premises.

The regulations must be approved by the members of the Museum and be submitted to the Minister of Culture and Communications.

They shall have effect only after approval by the Government and shall come into force on publication in the *Gazette officielle du Québec*.

1972, c. 21, s. 10; 1985, c. 20, s. 7; 1992, c. 65, s. 43; 1994, c. 14, s. 34; 1999, c. 40, s. 194.

**11.** The fiscal year of the Museum shall end on 31 March of each year.

1972, c. 21, s. 11; 1985, c. 20, s. 8; 1999, c. 40, s. 194.

**12.** The annual general meeting of the members of the Museum shall be held within the six months following the end of the fiscal year of the Museum.

1972, c. 21, s. 12; 1985, c. 20, s. 9; 1999, c. 40, s. 194.

**13.** The accounts of the Museum shall be audited each year by a public accountant appointed by the general meeting of the members. The auditor shall not be chosen from among the trustees of the Museum.

1972, c. 21, s. 13; 1999, c. 40, s. 194.

**14.** The Museum shall each year submit its financial statement to the members of the Museum and to the Minister of Culture and Communications, who shall lay it before the National Assembly as soon as possible. Furthermore, it shall submit an annual report of its activities and operations to the Minister of Culture and Communications.

1972, c. 21, s. 14; 1992, c. 65, s. 43; 1994, c. 14, s. 34; 1999, c. 40, s. 194.

**14.1.** The Museum shall prepare a utilization plan for the spaces which it owns and reserves for businesses; it shall submit the plan to the Minister every three years for his approval.

1989, c. 16, s. 1; 1999, c. 40, s. 194.

**15.** The Museum may, in particular:

(a) appear before the courts;

(b) acquire, hold, administer, sell, lease or alienate any movable property necessary or useful for the attainment of its objects;

(c) acquire, alienate or hypothecate immovables with the authorization of the Government;

(c.1) lease spaces for businesses in immovables owned by the Museum, in accordance with the utilization plan approved by the Minister;

(c.2) acquire and operate businesses in the spaces reserved therefor in accordance with the utilization plan approved by the Minister;

(d) make with any body any agreement it sees fit.

The Museum may also, with the authorization of the Government, expropriate, within a radius of less than 325 metres from the building situated at 1379 Sherbrooke Street West in Montréal, any property it deems necessary for carrying on its activities. The authorization of the Government takes effect only on the thirtieth day after the date of its publication in the *Gazette officielle du Québec*.

Every notice of expropriation under this section must be published in the *Gazette officielle du Québec* within 30 days of the date on which it is sent to the expropriated party.

No action in expropriation may be instituted under this section after 31 December 1987.

1972, c. 21, s. 15; 1984, c. 47, s. 112; 1989, c. 16, s. 2; 1996, c. 2, s. 742; 1999, c. 40, s. 194.

**16.** If authorized by a regulation approved by the vote of at least two-thirds of the members present at a general meeting duly called for that purpose, the trustees may:

(a) borrow money on the credit of the Museum;

(b) issue bonds or other securities of the Museum and offer them as security or sell them for the prices and amounts considered reasonable;

(c) hypothecate the movable or immovable or otherwise affect the movable property of the Museum;

(d) *(subparagraph replaced)*.

Every regulation contemplated in this section shall require the authorization of the Government.

1972, c. 21, s. 16; 1992, c. 57, s. 628; 1999, c. 40, s. 194.

**17.** The authorization of at least two-thirds of the members and that of the Government shall not be required for short term loans contracted by bills of exchange or notes made, drawn, accepted or endorsed by or on behalf of the Museum.

1972, c. 21, s. 17; 1999, c. 40, s. 194.

**18.** The Minister of Culture and Communications shall have charge of the application of this Act.

1972, c. 21, s. 23; 1992, c. 65, s. 43; 1994, c. 14, s. 34.

**19.** *(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 21 of the statutes of 1972, in force on 31 December 1977, is repealed, except sections 18 to 21 and 24, effective from the coming into force of chapter M-42 of the Revised Statutes.