



Statutes of Québec 2008

NATIONAL ASSEMBLY OF QUÉBEC

The Honourable
PIERRE DUCHESNE, *Lieutenant-Governor*

QUÉBEC OFFICIAL PUBLISHER



Statutes of Québec 2008

assented to between 1 January 2008 and 31 December 2008

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NOTE

This volume contains essentially the text of the public and private Acts assented to in 2008.

It begins with a list of the Acts assented to and two tables of concordance listing, opposite each other, the bill number of each Act and its chapter number in the annual volume of statutes.

Each Act is preceded by an introductory page setting out, in addition to the chapter number and title of the Act, the corresponding bill number, the name of the Member who introduced the bill, the date of each stage of consideration in the National Assembly, the date of assent, the date or dates of coming into force if known on 31 December 2008, a list of the Acts, regulations and orders in council amended by the Act, and the explanatory notes, if any.

A table of the amendments made by public Acts passed in 2008 and a table of general amendments to public Acts during the year can be found in this volume. The cumulative table of amendments, listing all amendments made since 1977 to the Revised Statutes of Québec and other public Acts, including amendments made by the Acts passed in 2008, is now available on the CD-ROM provided with this volume and is also posted on the website of Les Publications du Québec at the following address: http://www2.publicationsduquebec.gouv.qc.ca/lois_et_reglements/tab_modifs/AaZ.htm.

A table of concordance lists the chapter number in the Revised Statutes of Québec assigned to certain Acts passed between 1 January 2008 and 31 December 2008.

A table, compiled since 1964, shows the dates on which public legislative provisions came into force by proclamation or order in council. The next table enumerates legislative provisions which have yet to be brought into force by proclamation or order in council. Other tables contain information relating to letters patent, supplementary letters patent, orders, proclamations and orders in council required by law to be published.

The text of the private Acts and an index are provided at the end of the volume.

Legislative Translation and Publishing Directorate
National Assembly of Québec

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NATIONAL ASSEMBLY OF QUÉBEC
Thirty-eighth Legislature, first session

2008, chapter 1
**AN ACT TO PROCLAIM THE INTERNATIONAL
DAY OF PEACE**

Bill 197

Introduced by Mr. Daniel Turp, Member for Mercier
Introduced 13 November 2007
Passed in principle 19 December 2007
Passed 19 December 2007
Assented to 12 February 2008

Coming into force: 12 February 2008

Legislation amended: None

Explanatory notes

The object of this Act is to proclaim 21 September of each year as the International Day of Peace.



Chapter 1

AN ACT TO PROCLAIM THE INTERNATIONAL DAY OF PEACE

[Assented to 12 February 2008]

Preamble.

AS armed conflicts begin in the minds of human beings and it is in the minds of human beings that awareness of the need for peace must be heightened;

AS establishing a dialogue between cultures and civilizations and building greater solidarity among nations are of a nature to alleviate tensions and avert conflicts;

AS proclaiming and observing the International Day of Peace is conducive to strengthening the ideals of peace and solidarity;

AS countries and peoples across the world have recognized the importance of ensuring that the principle of peaceful resolution of international disputes is respected;

AS the General Assembly of the United Nations has decided that the International Day of Peace is to be observed on 21 September each year;

AS Québec is determined to play an active role, particularly within the French-speaking world, in preventing crises and conflicts in order to contribute to the maintenance of peace and international security;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Proclamation.

1. The twenty-first day of September is proclaimed as the International Day of Peace.

Coming into force.

2. This Act comes into force on 12 February 2008.

2008, chapter 2
APPROPRIATION ACT NO. 1, 2008-2009

Bill 76

Introduced by Madam Monique Jérôme-Forget, Minister responsible for Government Administration and Chair of the Conseil du trésor

Introduced 18 March 2008

Passed in principle 18 March 2008

Passed 18 March 2008

Assented to 19 March 2008

Coming into force: 19 March 2008

Legislation amended: None

Explanatory notes

This Act authorizes the Government to pay out of the consolidated revenue fund, for the 2008-2009 fiscal year, a sum not exceeding \$13,883,962,975.00, representing some 30.0% of the estimates for each of the portfolio programs listed in the Schedule.

Moreover, the Act establishes to what extent the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.



Chapter 2

APPROPRIATION ACT NO. 1, 2008-2009

[Assented to 19 March 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

\$13,883,962,975.00
for 2008-2009.

1. The Government may draw out of the consolidated revenue fund a sum not exceeding \$13,883,962,975.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2008-2009 fiscal year. This sum is constituted as follows:

(1) a first portion of \$11,536,426,400.00, in appropriations allocated according to the appended programs, representing 25.0% of appropriations to be voted in the 2008-2009 Expenditure Budget;

(2) an additional portion of \$2,347,536,575.00, in appropriations allocated according to the appended programs, representing some 5.1% of appropriations to be voted in the 2008-2009 Expenditure Budget.

Transfer.

2. In the case of programs in respect of which a provision has been made to this effect, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs or portfolios, for the reasons and, if need be, under the conditions described in the Expenditure Budget.

Exception.

3. Except for the programs covered by section 2, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs in a given portfolio, provided that such a transfer does not increase or reduce by more than 10% the amount of the appropriation authorized by statute.

Special warrant.

4. Special warrant No. 1-2007-2008, for an amount of \$13,338,818,175.00, issued on 20 February 2008 is annulled.

Coming into force.

5. This Act comes into force on 19 March 2008.

SCHEDULE

AFFAIRES MUNICIPALES ET RÉGIONS

	First portion	Additional portion
PROGRAM 1		
Greater Montréal Promotion and Development	23,108,900.00	10,000,000.00
PROGRAM 2		
Upgrading Infrastructure and Urban Renewal	134,611,700.00	87,000,000.00
PROGRAM 3		
Compensation in lieu of Taxes and Financial Assistance to Municipalities	182,606,000.00	250,000,000.00
PROGRAM 4		
General Administration	18,208,400.00	
PROGRAM 5		
Regional Development and Rurality	23,013,900.00	30,000,000.00
PROGRAM 6		
Commission municipale du Québec	620,600.00	
PROGRAM 7		
Housing	100,644,800.00	46,736,800.00
PROGRAM 8		
Régie du logement	3,910,200.00	325,000.00
	<hr/> 486,724,500.00	<hr/> 424,061,800.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

	First portion	Additional portion
PROGRAM 1		
Bio-food Company Development, Training and Food Quality	101,620,700.00	68,800,000.00
PROGRAM 2		
Government Agencies	79,381,300.00	228,750,000.00
	<hr/> 181,002,000.00	<hr/> 297,550,000.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

	First portion	Additional portion
PROGRAM 1		
Secrétariat du Conseil du trésor	68,356,600.00	
PROGRAM 2		
Commission de la fonction publique	903,500.00	
PROGRAM 3		
Retirement and Insurance Plans	1,104,500.00	
PROGRAM 4		
Contingency Fund	218,265,000.00	
	<hr/>	
	288,629,600.00	

CONSEIL EXÉCUTIF

	First portion	Additional portion
PROGRAM 1		
Lieutenant-Governor's Office	176,900.00	37,500.00
PROGRAM 2		
Support Services for the Premier and the Conseil exécutif	17,621,500.00	1,016,900.00
PROGRAM 3		
Canadian Intergovernmental Affairs	4,143,000.00	
PROGRAM 4		
Aboriginal Affairs	50,898,600.00	6,916,400.00
PROGRAM 5		
Youth	9,187,100.00	6,000,000.00
PROGRAM 6		
Reform of Democratic Institutions and Access to Information	1,809,000.00	
	83,836,100.00	13,970,800.00

CULTURE, COMMUNICATIONS ET CONDITION FÉMININE

	First portion	Additional portion
PROGRAM 1		
Internal Management, Centre de conservation du Québec and Commission des biens culturels du Québec	12,681,300.00	
PROGRAM 2		
Support for Culture, Communications and Government Corporations	142,061,900.00	47,572,475.00
PROGRAM 3		
Charter of the French Language	5,767,600.00	
PROGRAM 4		
Status of Women	2,794,700.00	1,475,000.00
	<hr/> 163,305,500.00	<hr/> 49,047,475.00

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET PARCS

	First portion	Additional portion
PROGRAM 1		
Environmental Protection and Parks Management	52,810,700.00	7,021,500.00
PROGRAM 2		
Bureau d'audiences publiques sur l'environnement	1,367,300.00	
	<hr/>	<hr/>
	54,178,000.00	7,021,500.00

DÉVELOPPEMENT ÉCONOMIQUE, INNOVATION ET EXPORTATION

	First portion	Additional portion
PROGRAM 1		
Financial and Technical Support for Economic Development, Research, Innovation and Exports	153,495,500.00	32,289,750.00
PROGRAM 2		
Research and Innovation Organizations	46,178,100.00	8,286,850.00
	<hr/>	<hr/>
	199,673,600.00	40,576,600.00

ÉDUCATION, LOISIR ET SPORT

	First portion	Additional portion
PROGRAM 1		
Administration and Consulting	39,640,200.00	
PROGRAM 2		
Tourism and Hotel Industry Training	5,623,200.00	
PROGRAM 3		
Financial Assistance for Education	140,707,800.00	
PROGRAM 4		
Preschool, Primary and Secondary Education	2,017,108,500.00	438,569,200.00
PROGRAM 5		
Higher Education	1,150,467,300.00	594,943,400.00
PROGRAM 6		
Development of Recreation and Sport	15,886,400.00	24,134,200.00
	<hr/> 3,369,433,400.00	<hr/> 1,057,646,800.00

EMPLOI ET SOLIDARITÉ SOCIALE

	First portion	Additional portion
PROGRAM 1		
Employment Assistance Measures	228,426,200.00	20,000,000.00
PROGRAM 2		
Financial Assistance Measures	619,418,600.00	126,000,000.00
PROGRAM 3		
Administration	117,750,000.00	25,000,000.00
	<hr/>	<hr/>
	965,594,800.00	171,000,000.00

FAMILLE ET AÎNÉS

	First portion	Additional portion
PROGRAM 1		
Planning, Research and Administration	12,945,100.00	720,000.00
PROGRAM 2		
Assistance Measures for Families	424,179,800.00	44,097,200.00
PROGRAM 3		
Condition of Seniors	2,325,900.00	
PROGRAM 4		
Public Curator	11,690,100.00	460,000.00
	<hr/> 451,140,900.00	<hr/> 45,277,200.00

FINANCES

	First portion	Additional portion
PROGRAM 1		
Department Administration	11,236,700.00	
PROGRAM 2		
Budget and Taxation Policies, Economic Analysis and Administration of Government Financial and Accounting Activities	28,123,700.00	
	39,360,400.00	

IMMIGRATION ET COMMUNAUTÉS CULTURELLES

	First portion	Additional portion
PROGRAM 1		
Immigration, Integration and Cultural Communities	68,417,700.00	
PROGRAM 2		
Agency Reporting to the Minister	200,500.00	
	<hr/>	
	68,618,200.00	

JUSTICE

	First portion	Additional portion
PROGRAM 1		
Judicial Activity	6,428,900.00	158,800.00
PROGRAM 2		
Administration of Justice	67,341,700.00	10,073,400.00
PROGRAM 3		
Administrative Justice	2,906,400.00	81,100.00
PROGRAM 4		
Assistance to Persons Brought before the Courts	36,301,400.00	53,800.00
PROGRAM 5		
Protection Agency Reporting to the Minister	1,947,200.00	68,400.00
PROGRAM 6		
Criminal and Penal Prosecutions	16,403,700.00	156,600.00
	<hr/> 131,329,300.00	<hr/> 10,592,100.00

PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

	First portion	Additional portion
PROGRAM 1		
The Public Protector	3,158,200.00	127,000.00
PROGRAM 2		
The Auditor General	6,073,800.00	1,709,000.00
PROGRAM 4		
The Lobbyists Commissioner	672,900.00	
	<hr/>	<hr/>
	9,904,900.00	1,836,000.00

RELATIONS INTERNATIONALES

	First portion	Additional portion
PROGRAM 1		
International Affairs	31,897,000.00	7,022,600.00
	<hr/>	<hr/>
	31,897,000.00	7,022,600.00

RESSOURCES NATURELLES ET FAUNE

	First portion	Additional portion
PROGRAM 1		
Management of Natural Resources and Wildlife	138,367,800.00	55,753,100.00
	<hr/>	<hr/>
	138,367,800.00	55,753,100.00

REVENU

	First portion	Additional portion
PROGRAM 1		
Tax Administration	133,860,400.00	14,442,600.00
	133,860,400.00	14,442,600.00

SANTÉ ET SERVICES SOCIAUX

	First portion	Additional portion
PROGRAM 1		
Québec-wide Operations	89,085,700.00	
PROGRAM 2		
Regional Operations	3,721,966,500.00	
PROGRAM 3		
Office des personnes handicapées du Québec	3,166,100.00	
PROGRAM 5		
Promotion and Development of the Capitale-Nationale Region	17,024,200.00	5,280,700.00
	<hr/> 3,831,242,500.00	<hr/> 5,280,700.00

SÉCURITÉ PUBLIQUE

	First portion	Additional portion
PROGRAM 1		
Security, Prevention and Internal Management	121,244,400.00	12,096,600.00
PROGRAM 2		
Sûreté du Québec	137,433,500.00	119,794,850.00
PROGRAM 3		
Agencies Reporting to the Minister	8,180,400.00	
	<hr/>	<hr/>
	266,858,300.00	131,891,450.00

SERVICES GOUVERNEMENTAUX

	First portion	Additional portion
PROGRAM 1		
Government Services	30,407,100.00	
	<hr/>	
	30,407,100.00	

TOURISME

	First portion	Additional portion
PROGRAM 1		
Promotion and Development of Tourism	35,166,600.00	2,471,250.00
	<hr/> 35,166,600.00	<hr/> 2,471,250.00

TRANSPORTS

	First portion	Additional portion
PROGRAM 1		
Transportation Infrastructures	417,982,100.00	
PROGRAM 2		
Transportation Systems	127,116,800.00	12,094,600.00
PROGRAM 3		
Administration and Corporate Services	23,085,100.00	
	<hr/> 568,184,000.00	<hr/> 12,094,600.00

TRAVAIL

	First portion	Additional portion
PROGRAM 1		
Labour	7,711,500.00	
	7,711,500.00	

2008, chapter 3

AN ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

Bill 62

Introduced by Mr. Raymond Bachand, Minister of Tourism

Introduced 7 December 2007

Passed in principle 12 December 2007

Passed 2 April 2008

Assented to 3 April 2008

Coming into force: 3 April 2008

Legislation amended:

Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02)

Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7)

Explanatory notes

The purpose of this Act is to make the Régie des installations olympiques subject to the Act respecting the governance of state-owned enterprises and to include new, specially adapted governance rules in the Board's constituting Act.

The new rules affect such aspects as the composition of the board of directors and the procedure for appointing members of the board, at least two thirds of whom must qualify as independent directors. The Act also separates the office of chair of the board and that of president and chief executive officer.

The Board will also be subject to rules on the functioning of the board of directors, the constitution of the committees under the board of directors and the disclosure and publication of information.

Lastly, the Act contains transitional provisions.



Chapter 3

AN ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

[Assented to 3 April 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

c. R-7, s. 3, am.

1. Section 3 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by replacing the first paragraph by the following paragraphs:

Board of directors.

“3. The Board is administered by a board of directors consisting of 11 members, including the chair and the president and chief executive officer.

Members.

The Government shall appoint the members of the board of directors, other than the chair and the president and chief executive officer, taking into consideration the expertise and experience profiles approved by the board of directors. Those members are appointed for a term of up to four years and at least three of them are appointed after consultation with bodies that the Minister considers representative of the sectors concerned by the activities of the Board.”

c. R-7, s. 4, replaced.

2. Section 4 of the Act is replaced by the following section:

Remuneration.

“4. Members of the board of directors other than the president and chief executive officer receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.”

c. R-7, s. 5, replaced.

3. Section 5 of the Act is replaced by the following sections:

Chair.

“5. The Government shall appoint the chair of the board of directors for a term of up to five years.

Vacancies.

“5.1. A vacancy on the board of directors is filled in accordance with the rules of appointment set out in this Act.

Non-attendance.

Non-attendance at a number of meetings of the board of directors determined in the Board’s internal management by-laws constitutes a vacancy in the cases and circumstances specified in those by-laws.

President and chief executive officer.	<p>“5.2. On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer taking into consideration the expertise and experience profile established by the board of directors.</p>
Term.	<p>The president and chief executive officer is appointed for a term of up to five years.</p>
Conditions of employment.	<p>The Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.</p>
Government appointment.	<p>“5.3. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 5.2 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the members of the board of directors.</p>
Replacement.	<p>“5.4. If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Board’s personnel to exercise the functions of that position.</p>
Full-time position.	<p>“5.5. The office of president and chief executive officer is a full-time position.”</p>
c. R-7, s. 6, replaced.	<p>4. Section 6 of the Act is replaced by the following section:</p>
Quorum.	<p>“6. The quorum at meetings of the board of directors is the majority of its members.”</p>
c. R-7, s. 10, repealed.	<p>5. Section 10 of the Act is repealed.</p>
c. R-7, s. 11, replaced.	<p>6. Section 11 of the Act is replaced by the following sections:</p>
Personnel appointed by Board.	<p>“11. The members of the personnel of the Board are appointed in accordance with the staffing plan established by by-law of the Board.</p>
Remuneration.	<p>Subject to the provisions of a collective agreement, the Board shall determine by by-law the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.</p>
Conflict of interest.	<p>“11.1. The members of the personnel of the Board may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that places their personal interests in conflict with the Board’s interests. However, forfeiture is not incurred if the interest devolves to them by succession or gift, provided it is renounced or disposed of with dispatch.”</p>
c. R-7, s. 12, am.	<p>7. Section 12 of the Act is amended</p>

(1) by replacing “approved by the board” in the first line by “of the board of directors, approved by the board of directors” and by striking out “of the board” in the fourth line;

(2) by replacing “chairman” everywhere it appears by “chair”.

c. R-7, s. 14, am.

8. Section 14 of the Act is amended

(1) by replacing “, its internal management and the functions of its personnel” in subparagraph *d* of the first paragraph by “and its internal management”;

(2) by striking out subparagraph *e* of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

Coming into force of
by-laws.

“The by-laws of the Board, with the exception of the by-laws under section 11 and a by-law made for the internal management of the Board, come into force on the date of their approval by the Government or on any other date determined in those by-laws.”;

(4) by striking out the third paragraph.

c. R-7, s. 31, am.

9. Section 31 of the Act is amended by inserting “by the Auditor General” after “audited” in the first line and by replacing “, by the auditors designated by the Government; such auditors’ report” in the second and third lines by “; the audit report”.

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

c. G-1.02, Sched. I, am.

10. Schedule I to the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by inserting “Régie des installations olympiques” in alphabetical order.

TRANSITIONAL PROVISIONS

Vice-chairman.

11. The vice-chairman of the Régie des installations olympiques appointed under section 3 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7), as it read before 3 April 2008, continues in office until a person is appointed to replace the chairman of the board of directors of the Board in accordance with section 13 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02).

Requirements.

12. The Régie des installations olympiques must meet the requirements of section 34 of the Act respecting the governance of state-owned enterprises not later than 3 July 2009.

Applicability of requirements.	13. The requirements relating to the number of independent directors on a board of directors and to the independence of the chair provided in the first paragraph of section 4 of the Act respecting the governance of state-owned enterprises and the requirement provided in the second paragraph of section 19 of that Act apply to the Régie des installations olympiques as of the date set by the Government. That date must be set as soon as possible and those sections are to apply not later than 14 December 2011.
Applicability of requirement.	The same applies to the requirement that the audit committee include a member of a professional order of accountants, set out in the second paragraph of section 23 of the Act respecting the governance of state-owned enterprises.
Independent director status.	14. The Government may, in accordance with the Act respecting the governance of state-owned enterprises, determine that a member of the board of directors of the Régie des installations olympiques in office on 3 April 2008 has the status of independent director.
Exception.	15. A member of the board of directors of the Régie des installations olympiques in office on 3 April 2008 who has not obtained the status of independent director under section 14 of this Act may, despite section 19 of the Act respecting the governance of state-owned enterprises, be a member of a committee referred to in that section until the number of independent directors on the board of directors corresponds to two thirds of the membership.
Members of the Régie.	16. The members of the Régie des installations olympiques in office on 2 April 2008 continue in office as members of the board of directors for the unexpired portion of their term, on the same terms, until they are replaced or reappointed.
Chairman.	17. The chairman of the Régie des installations olympiques in office on 2 April 2008 continues in office as chair of the board of directors for the unexpired portion of the term, on the same terms.
General manager.	18. The general manager of the Régie des installations olympiques in office on 2 April 2008 continues in office as president and chief executive officer for the unexpired portion of the term, on the same terms.
Provisions applicable.	19. Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to the Régie des installations olympiques as of the fiscal year ending after 31 October 2008.
Coming into force.	20. This Act comes into force on 3 April 2008.

2008, chapter 4

AN ACT TO AMEND THE COURTS OF JUSTICE ACT AND THE ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS, THE COURTS OF JUSTICE ACT AND OTHER LEGISLATIVE PROVISIONS

Bill 40

Introduced by Mr. Jacques P. Dupuis, Minister of Justice

Introduced 13 November 2007

Passed in principle 9 April 2008

Passed 1 May 2008

Assented to 6 May 2008

Coming into force: 6 May 2008

Legislation amended :

Courts of Justice Act (R.S.Q., chapter T-16)

Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions (2002, chapter 21)

Explanatory notes

This Act amends the Courts of Justice Act and the Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions in light of the Superior Court decision of 4 June 2007 concerning the remuneration of judges of the Court of Québec and of municipal courts.

The Act stipulates that pension benefits accumulated under the pension plan established by Part V.1 of the Courts of Justice Act are to be indexed annually to the increase in the rate of the Pension Index, determined in accordance with the Act respecting the Québec Pension Plan.

The Act also stipulates that judges of the Court of Québec who, under chapter 8 of the statutes of 2001, could have elected to participate in the pension plan established by Part V.1 of the Courts of Justice Act may make that election for a period of six months as of the date of coming into force of the provisions contained in the Act.

(Cont'd on next page)

Explanatory notes (Cont'd)

As well, the Act implements that part of the resolution voted by the National Assembly on 6 November 2007 that concerns the Government's new answer to the report from the committee on the remuneration of the judges of the Court of Québec and the municipal courts for the years 2004 to 2007 with respect to the impact of certain retroactive amounts paid to judges on the pension plans established under Parts V.1 and VI of the Courts of Justice Act.



Chapter 4

AN ACT TO AMEND THE COURTS OF JUSTICE ACT AND THE ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS, THE COURTS OF JUSTICE ACT AND OTHER LEGISLATIVE PROVISIONS

[Assented to 6 May 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. T-16, s. 224.23,
replaced. **1.** Section 224.23 of the Courts of Justice Act (R.S.Q., chapter T-16) is replaced by the following section:

Annual indexing. “**224.23.** Every pension is indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (chapter R-9), by the rate of increase of the Pension Index determined in accordance with that Act.

Indexing of deferred
pensions. Deferred pensions are indexed in accordance with the first paragraph. In this case, indexation applies only from 1 January following the date on which the judge reaches 65 years of age.”

c. T-16, s. 246.23.2,
am. **2.** Section 246.23.2 of the Act is amended by adding the following paragraph at the end:

Applicability. “However, section 224.23 applies as it read before 6 May 2008 to deferred pensions accrued before that date.”

2002, c. 21, s. 57, am. **3.** Section 57 of the Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions (2002, chapter 21) is amended by replacing the first sentence of the second paragraph by the following sentence: “The new president judge is entitled to additional remuneration equal to 10% of his salary until 30 June 2004.”

TRANSITIONAL PROVISIONS

Election to participate. **4.** Judges who, under section 22 of chapter 8 of the statutes of 2001, could have elected to participate in the pension plan established by Part V.1 of the Courts of Justice Act, but did not do so, may do so under the conditions prescribed in this Act.

Written notice. Judges who wish to make the election must give the Commission administrative des régimes de retraite et d’assurances written notice to that

effect before 6 November 2008. Once such notice has been received by the Commission, the election is irrevocable.

Contributions.

5. Judges to whom the second paragraph of section 4 applies must pay to the Commission administrative des régimes de retraite et d'assurances the contributions required under section 224.2 of the Courts of Justice Act for the year during which the election is made. They must also pay, as contributions for past service subsequent to 1989, an amount equal to the contributions they would have had to pay under section 224.2 of the Courts of Justice Act from 1 January 2000 to 31 December of the year preceding receipt of the notice. However, that amount may not exceed the amount qualifying as contributions for past service under the applicable fiscal rules.

Payment.

Payment of the amounts referred to in the first paragraph must be made in full within 60 days of the date of mailing by the Commission of a notice to that effect, or else in equal instalments, with interest charged as of the 61st day, over a period not exceeding three years determined by agreement between the judge and the Commission. The amount pertaining to the contributions for the year of receipt of the notice that may be paid in instalments is limited to the amount indicated in the notice. Amounts that remain unpaid 30 days after the expiry of the prescribed time are subject to interest.

Payment.

However, all amounts must be paid in full before the day on which payment of the judge's pension begins or, if the judge retires after the coming into force of this Act, within 60 days of the date of mailing by the Commission of a notice to that effect. Amounts that are not paid within the prescribed time are deducted from the judge's pension, with interest.

Payment by succession.

If a judge dies before making full payment of the required amounts, the judge's succession must, for the judge's spouse to be entitled to the pension under the pension plan established by Part V.1 of the Courts of Justice Act, pay the balance of those amounts within 60 days of the date of mailing by the Commission of a notice to that effect. If this payment is not made, the judge is deemed never to have elected to participate in the pension plan established by Part V.1 of that Act, and the amounts paid by the judge are refunded to the succession, with interest.

Pension replacement.

6. Judges who ceased to hold office between 31 December 1999 and the coming into force of this Act may replace the pension to which they are entitled under the pension plan established by Part VI of the Courts of Justice Act by the pension to which they would have been entitled under the pension plan established by Part V.1 of that Act if they had elected to participate in it under section 22 or 25 of chapter 8 of the statutes of 2001. Such a replacement also concerns the amounts to which judges are entitled as supplementary benefits under the plan established under the second paragraph of section 122 of that Act.

- Written notice. Judges to whom the first paragraph applies must give the Commission administrative des régimes de retraite et d'assurances written notice of such a replacement before 6 November 2008. They must also pay, as contributions for past service subsequent to 1989, an amount equal to the contributions they would have had to pay under section 224.2 of the Courts of Justice Act from 1 January 2000 to the date of their cessation of office. However, the portion relating to previous years and due on the date of receipt of the notice must not exceed the amount qualifying as contributions for past service under the applicable fiscal rules.
- Reduction of pension. If the amount is not paid within 60 days of the date of mailing by the Commission of a notice to that effect, it is deducted from the judge's pension, with interest.
- Payment by succession. If a judge dies before paying that amount, the judge's succession must, for the judge's spouse to be entitled to the pension resulting from the replacement, pay the balance within 60 days of the date of mailing by the Commission of a notice to that effect. If this payment is not made, the judge is deemed never to have requested the replacement, and the amounts paid by the judge are refunded to the succession, with interest.
- Adjustment. **7.** On receipt of the notice and the full amounts required under sections 5 and 6, the Commission adjusts the amount of the pension, including any amount paid as supplementary benefits under the plan established under the second paragraph of section 122 of the Courts of Justice Act. Under the supplementary benefits plan, the Commission pays, in a lump sum, the difference, if any, between the amount of the adjusted pension and the amount of pension effectively received, for each of the months elapsed since payment of the pension began. That amount bears interest at the legal rate as of the later of the following dates: 1 February 2002 and the date of each monthly payment of the pension.
- Presumption. **8.** If a judge dies without leaving a spouse entitled to a pension and before paying in full the amounts required under sections 5 and 6, or if the judge's spouse dies before the judge's succession has paid those amounts, the judge is deemed never to have elected to participate in the pension plan established by Part V.1 of the Courts of Justice Act or never to have requested the replacement of his or her pension, and the amounts paid by the judge are refunded to the heirs, with interest.
- Rate of interest. **9.** For the purposes of sections 5, 6 and 8, the amounts paid or refunded bear interest, compounded annually, at a rate of 6%.
- Presumption. **10.** Any amount paid by a judge or the judge's succession as contributions for past service under sections 5 and 6 is, for the purposes of the pension plan established by Part V.1 of the Courts of Justice Act, deemed to be contributions paid under section 224.2 of that Act.

- Consolidated revenue fund. **11.** The amounts collected under sections 5 to 8 are paid into the consolidated revenue fund and the amounts refunded by the Commission administrative des régimes de retraite et d'assurances are taken out of that fund.
- Presumption. **12.** For judges who elect to participate in the pension plan established by Part V.1 of the Courts of Justice Act, the election to reduce the pension so the spouse may benefit from a larger pension in accordance with section 238 of that Act is presumed to have been made under section 224.16 of that Act.
- Provisions applicable. **13.** Sections 4 to 10 and 12 also apply to the judges of the Municipal Court of Montréal, with the necessary modifications. The notices required must be given to the clerk of the city within the prescribed time and the amounts collected or refunded under those provisions must be collected or refunded by the city.
- Average salary. **14.** For the purpose of determining the average salary of a judge under sections 224.9 and 231 of the Courts of Justice Act, any lump sum paid, as a salary adjustment for a preceding year, to the judges of the Court of Québec and to the judges of municipal courts under the authority of a president judge in accordance with Orders in Council 719-2007 (2007, G.O. 2, 3806, in French only), 720-2007 (2007, G.O. 2, 3808, in French only), 32-2008 (2008, G.O. 2, 890, in French only) and 34-2008 (2008, G.O. 2, 893, in French only) forms part of the judge's salary for the year in which it should have been paid.
- Supplementary benefits plan. This rule also applies to supplementary benefits plans for judges to whom the pension plan established under Part V.1 or Part VI of the Courts of Justice Act applies, for the purpose of determining a judge's average salary or annual salary.
- Effect. **15.** Section 1 has effect from 1 January 2000, section 3 from 1 July 2002 and section 14 from 1 July 2001.
- Coming into force. **16.** This Act comes into force on 6 May 2008.

2008, chapter 5

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC AND THE ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

Bill 61

Introduced by Madam Line Beauchamp, Minister of Sustainable Development, Environment and Parks

Introduced 7 December 2007

Passed in principle 13 March 2008

Passed 1 May 2008

Assented to 6 May 2008

Coming into force : 6 May 2008

Legislation amended :

Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02)

Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01)

Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01)

Explanatory notes

The object of this Act is to make the Société des établissements de plein air du Québec and the Société québécoise de récupération et de recyclage subject to the Act respecting the governance of state-owned enterprises and to introduce new governance rules into the constituting acts of those enterprises.

The new governance rules determine the composition of the board of directors of each of those enterprises, with at least two thirds of the members, including the chair, being required to qualify as independent directors.

New rules also apply to the operation of the board of directors, the constitution of the committees responsible to the board and the disclosure and publication of information.

Lastly, the Act includes transitional provisions and consequential amendments.



Chapter 5

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC AND THE ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

[Assented to 6 May 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN
AIR DU QUÉBEC

c. S-13.01, s. 4,
replaced.

1. Section 4 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01) is replaced by the following section:

Board of directors.

“4. The Société is administered by a board of directors consisting of nine members, including the chair and the president and chief executive officer.

Members.

The Government shall appoint the members of the board of directors, other than the chair and the president and chief executive officer, taking into consideration the expertise and experience profiles approved by the board. Board members are appointed for a term of up to four years.”

c. S-13.01, s. 6,
replaced.

2. Section 6 of the Act is replaced by the following section:

Chair.

“6. The Government shall appoint the chair of the board of directors for a term of up to five years.”

c. S-13.01, s. 7,
repealed.

3. Section 7 of the Act is repealed.

c. S-13.01, s. 8, am.

4. Section 8 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

Vacancy.

“A vacancy on the board of directors is filled in accordance with the rules of appointment set out in this Act.

Non-attendance.

Non-attendance at a number of board meetings determined by by-law of the Société constitutes a vacancy in the cases and circumstances specified in the by-law.”

c. S-13.01, s. 10,
replaced.

5. Section 10 of the Act is replaced by the following sections:

President and chief executive officer.

“10. On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer, taking into consideration the expertise and experience profile approved by the board.

Term.

The president and chief executive officer is appointed for a term of up to five years. The office of president and chief executive officer is a full-time position.

Conditions of employment.

The Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

No recommended candidate.

“10.1. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 10 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.

Absence.

“10.2. If the president and chief executive officer is absent or unable to act, the board of directors may designate an officer of the Société to exercise the functions of that position.”

c. S-13.01, s. 11, replaced.

6. Section 11 of the Act is replaced by the following section:

Remuneration and expenses.

“11. The members of the board of directors, other than the president and chief executive officer, are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are entitled, however, to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.”

c. S-13.01, s. 12, am.

7. Section 12 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

Conflict of interest.

“Employees of the Société may not, under pain of forfeiture of office, have a direct or indirect interest in any undertaking causing their interest to conflict with that of the Société. However, forfeiture is not incurred where the interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.”

c. S-13.01, s. 13, repealed.

8. Section 13 of the Act is repealed.

c. S-13.01, s. 15, am.

9. Section 15 of the Act is amended by inserting “and the internal management by-law” after “14” in the second paragraph.

c. S-13.01, s. 17, am. **10.** Section 17 of the Act is amended by replacing “president of the Société” in the first and second paragraphs by “president and chief executive officer of the Société”.

c. S-13.01, s. 30, repealed. **11.** Section 30 of the Act is repealed.

c. S-13.01, s. 35, replaced. **12.** Section 35 of the Act is replaced by the following section:

Books and accounts. **“35.** The books and accounts of the Société are audited by the Auditor General every year and whenever ordered by the Government. The audit report must accompany the Société’s report of activities and financial statements.”

c. S-13.01, s. 36, repealed. **13.** Section 36 of the Act is repealed.

c. S-13.01, ss. 9, 16 and 41, am. **14.** The Act is amended by replacing “chairman” in sections 9, 16 and 41 by “chair”.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

c. S-22.01, s. 5, replaced. **15.** Section 5 of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01) is replaced by the following section:

Board of directors. **“5.** The Société is administered by a board of directors composed of 11 members including the chair of the board and the president and chief executive officer.

Members. The Government shall appoint the members of the board of directors, other than the chair of the board and the president and chief executive officer, taking into consideration the expertise and experience profiles approved by the board.

Term. The members, at least three of which must be representative of or come from the different sectors concerned by the activities of the Société, are appointed for a term of up to four years.”

c. S-22.01, s. 6, replaced. **16.** Section 6 of the Act is replaced by the following section:

Chair. **“6.** The Government shall appoint the chair of the board of directors for a term of up to five years.”

c. S-22.01, s. 7, replaced. **17.** Section 7 of the Act is replaced by the following sections:

President and chief executive officer. **“7.** On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer, taking into consideration the expertise and experience profile approved by the board.

- Term. The president and chief executive officer is appointed for a term of up to five years. The office of president and chief executive officer is a full-time position.
- No recommended candidate. **“7.1.** If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 7 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.
- Absence. **“7.2.** If the president and chief executive officer is absent or unable to act, the board of directors may designate an officer of the Société to exercise the functions of that position.”
- c. S-22.01, s. 8, am. **18.** Section 8 of the Act is amended by striking out the first paragraph.
- c. S-22.01, s. 9, am. **19.** Section 9 of the Act is amended
- (1) by replacing “for the unexpired portion of the term of the member to be replaced” in the first paragraph by “in accordance with the rules of appointment set out in this Act”;
- (2) by inserting “president and” after “in the position of” in the first paragraph.
- c. S-22.01, s. 10, am. **20.** Section 10 of the Act is amended by inserting “president and” after “employment of the” in the first paragraph.
- c. S-22.01, s. 12, replaced. **21.** Section 12 of the Act is replaced by the following section:
- Quorum. **“12.** The quorum at meetings of the board is the majority of its members.”
- c. S-22.01, s. 13, am. **22.** Section 13 of the Act is amended by striking out “, which must be approved by the Government. It comes into force on the date of such approval or on any later date determined by the Government”.
- c. S-22.01, s. 14, am. **23.** Section 14 of the Act is amended
- (1) by striking out “, the vice-chair”;
- (2) by inserting “president and” after “certified by the”.
- c. S-22.01, s. 15, am. **24.** Section 15 of the Act is amended
- (1) by striking out “or vice-chair”;
- (2) by inserting “president and” after “signed by the”.

c. S-22.01, s. 24,
repealed.

25. Section 24 of the Act is repealed.

c. S-22.01, s. 26,
repealed.

26. Section 26 of the Act is repealed.

c. S-22.01, s. 30,
replaced.

27. Section 30 of the Act is replaced by the following section:

Books and accounts.

“30. The books and accounts of the Société are audited by the Auditor General every year and whenever ordered by the Government. The audit report must accompany the Société’s report of activities and financial statements.”

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

c. G-1.02, s. 43, am.

28. Section 43 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by adding the following paragraph at the end:

Interpretation.

“In this section, “enterprises” includes, in addition to the enterprises and bodies listed in Schedule I, the Caisse de dépôt et placement du Québec and Hydro-Québec.”

c. G-1.02, Sched. I,
am.

29. Schedule I to the Act is amended by inserting “Société des établissements de plein air du Québec” and “Société québécoise de récupération et de recyclage” in alphabetical order.

TRANSITIONAL AND FINAL PROVISIONS

Applicability of
requirements.

30. The requirements relating to the number of independent members on the board of directors of the Société des établissements de plein air du Québec and the board of directors of the Société québécoise de récupération et de recyclage provided for in the first paragraph of section 4 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) and the requirement provided in the second paragraph of section 19 of that Act apply to each of the enterprises as of the date set by the Government. That date must be set as soon as possible and the sections are to apply not later than 14 December 2011.

Applicability of
requirements.

The same applies to the requirement that the audit committee include a member of a professional order of accountants, set out in the second paragraph of section 23 of that Act.

Independent director
status.

31. The Government may, in accordance with the Act respecting the governance of state-owned enterprises, determine that a member of the board of directors of the Société des établissements de plein air du Québec or the board of directors of the Société québécoise de récupération et de recyclage in office on 5 May 2008 has the status of independent director.

- Exception. **32.** A member of the board of directors of the Société des établissements de plein air du Québec or the board of directors of the Société québécoise de récupération et de recyclage in office on 5 May 2008 who has not obtained the status of independent director under section 31 of this Act may, despite section 19 of the Act respecting the governance of state-owned enterprises, be a member of a committee referred to in that section until the number of independent directors on the board corresponds to two thirds of the membership.
- Current directors. **33.** The members of the board of directors of the Société des établissements de plein air du Québec in office on 5 May 2008 continue in office for the unexpired portion of their term on the same terms until they are replaced or reappointed.
- Current president and chief executive officer. The president and the chief executive officer of the Société continues in office as president and chief executive officer on the same terms until replaced or reappointed.
- Current directors. **34.** The members of the board of directors of the Société québécoise de récupération et de recyclage in office on 5 May 2008 continue in office for the unexpired portion of their term on the same terms until they are replaced or reappointed.
- Provisions applicable. **35.** Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to the Société des établissements de plein air du Québec and the Société québécoise de récupération et de recyclage from the fiscal year that ends after 31 March 2008.
- Coming into force. **36.** This Act comes into force on 6 May 2008.

2008, chapter 6
APPROPRIATION ACT NO. 2, 2008-2009

Bill 78

Introduced by Madam Monique Jérôme-Forget, Minister responsible for Government Administration and Chair of the Conseil du trésor

Introduced 30 April 2008

Passed in principle 30 April 2008

Passed 30 April 2008

Assented to 6 May 2008

Coming into force : 6 May 2008

Legislation amended : None

Explanatory notes

This Act authorizes the Government to pay out of the consolidated revenue fund, for the 2008-2009 fiscal year, a sum not exceeding \$32,710,731,725.00, including \$449,000,000.00 for the payment of expenditures chargeable to the 2009-2010 fiscal year, representing the appropriations to be voted in respect of each of the programs in the portfolios listed in Schedules 1 and 2 less the appropriations already authorized.

Moreover, the Act indicates which programs are covered by a net voted appropriation and specifies the amount of appropriations not entirely expended that may be carried over to 2009-2010. Finally, it establishes to what extent the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.



Chapter 6

APPROPRIATION ACT NO. 2, 2008-2009

[Assented to 6 May 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

\$32,710,731,725.00
for 2008-2009.

1. The Government may draw out of the consolidated revenue fund a sum not exceeding \$32,710,731,725.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2008-2009 fiscal year, for which provision has not otherwise been made, including an amount of \$449,000,000.00 for the payment of expenditures chargeable to the 2009-2010 fiscal year, being the amount of the appropriations to be voted for each of the programs listed in Schedules 1 and 2, less the amounts totalling \$13,883,962,975.00 of the appropriations voted pursuant to the Appropriation Act No. 1, 2008-2009 (2008, chapter 2).

Balance.

2. The balance of any appropriation allocated for the 2008-2009 fiscal year that is not entirely used may, subject to the conditions stipulated in the Expenditure Budget, be carried over in 2009-2010, up to the equivalent of \$151,325,400.00. Moreover, the Conseil du trésor may authorize the carryover of an additional \$135,765,400.00 subject to the conditions and procedures stipulated in the Expenditure Budget.

Increase.

3. In the case of programs in respect of which a net voted appropriation appears in the Expenditure Budget, the amount of the appropriation pertaining to the programs concerned may be increased, subject to the stipulated conditions, when the revenues associated with this net voted appropriation exceed revenue forecasts.

Transfer.

4. In the case of programs in respect of which a provision has been made to this effect, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs or portfolios, for the reasons and, if need be, under the conditions described in the Expenditure Budget.

Exception.

5. Except for the programs covered by section 4, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs in a given portfolio, provided that such a transfer does not increase or reduce by more than 10% the amount of the appropriation authorized by statute.

Coming into force.

6. This Act comes into force on 6 May 2008.

SCHEDULE 1

AFFAIRES MUNICIPALES ET RÉGIONS

PROGRAM 1

Greater Montréal Promotion and Development	59,326,600.00
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PROGRAM 2

Upgrading Infrastructure and Urban Renewal	316,834,800.00
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PROGRAM 3

Compensation in lieu of Taxes and Financial Assistance to Municipalities	297,817,900.00
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PROGRAM 4

General Administration	54,625,200.00
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PROGRAM 5

Regional Development and Rurality	39,041,500.00
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PROGRAM 6

Commission municipale du Québec	1,861,800.00
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PROGRAM 7

Housing	255,197,300.00
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PROGRAM 8

Régie du logement	11,405,600.00
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1,036,110,700.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

PROGRAM 1

Bio-food Company Development, Training and Food Quality	236,062,100.00
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PROGRAM 2

Government Agencies	9,393,600.00
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	245,455,700.00

CONSEIL DU TRÉSOR ET ADMINISTRATION
GOUVERNEMENTALE

PROGRAM 1

Secrétariat du Conseil du trésor	205,069,500.00
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PROGRAM 2

Commission de la fonction publique	2,710,200.00
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PROGRAM 3

Retirement and Insurance Plans	3,313,300.00
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PROGRAM 4

Contingency Fund	654,795,000.00
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	865,888,000.00

CONSEIL EXÉCUTIF

PROGRAM 1

Lieutenant-Governor's Office	492,900.00
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PROGRAM 2

Support Services for the Premier and the Conseil exécutif	51,847,300.00
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PROGRAM 3

Canadian Intergovernmental Affairs	12,428,900.00
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PROGRAM 4

Aboriginal Affairs	145,779,200.00
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PROGRAM 5

Youth	21,561,000.00
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PROGRAM 6

Reform of Democratic Institutions and Access to Information	5,426,700.00
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	237,536,000.00

CULTURE, COMMUNICATIONS ET CONDITION FÉMININE

PROGRAM 1

Internal Management, Centre de conservation du Québec and Commission des biens culturels du Québec	38,043,900.00
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PROGRAM 2

Support for Culture, Communications and Government Corporations	378,613,125.00
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PROGRAM 3

Charter of the French Language	17,302,800.00
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PROGRAM 4

Status of Women	6,908,900.00
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	440,868,725.00

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET PARCS

PROGRAM 1

Environmental Protection and Parks Management	151,410,600.00
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PROGRAM 2

Bureau d'audiences publiques sur l'environnement	4,101,900.00
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	155,512,500.00

DÉVELOPPEMENT ÉCONOMIQUE, INNOVATION ET
EXPORTATION

PROGRAM 1

Financial and Technical Support for Economic Development, Research, Innovation and Exports	428,196,550.00
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PROGRAM 2

Research and Innovation Agencies	130,247,150.00
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	558,443,700.00

ÉDUCATION, LOISIR ET SPORT

PROGRAM 1

Administration and Consulting	118,920,400.00
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PROGRAM 2

Tourism and Hotel Industry Training	16,869,600.00
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PROGRAM 3

Financial Assistance for Education	422,123,400.00
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PROGRAM 4

Preschool, Primary and Secondary Education	5,612,756,100.00
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PROGRAM 5

Higher Education	2,856,458,500.00
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PROGRAM 6

Development of Recreation and Sport	23,524,700.00
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	9,050,652,700.00

EMPLOI ET SOLIDARITÉ SOCIALE

PROGRAM 1

Employment Assistance Measures	665,278,500.00
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PROGRAM 2

Financial Assistance Measures	1,732,255,800.00
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PROGRAM 3

Administration	328,249,700.00
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	2,725,784,000.00

FAMILLE ET AÎNÉS

PROGRAM 1

Planning, Research and Administration	38,115,200.00
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PROGRAM 2

Assistance Measures for Families	1,228,441,900.00
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PROGRAM 3

Condition of Seniors	6,977,600.00
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PROGRAM 4

Public Curator	34,610,200.00
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	1,308,144,900.00
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FINANCES

PROGRAM 1

Department Administration	33,710,000.00
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PROGRAM 2

Budget and Taxation Policies, Economic Analysis and Administration of Government Financial and Accounting Activities	84,371,000.00
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	118,081,000.00

IMMIGRATION ET COMMUNAUTÉS CULTURELLES

PROGRAM 1

Immigration, Integration and Cultural Communities	205,252,900.00
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PROGRAM 2

Agency Reporting to the Minister	601,500.00
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	205,854,400.00

JUSTICE

PROGRAM 1

Judicial Activity	19,127,700.00
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PROGRAM 2

Administration of Justice	191,951,700.00
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PROGRAM 3

Administrative Justice	8,638,000.00
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PROGRAM 4

Assistance to Persons Brought before the Courts	108,850,100.00
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PROGRAM 5

Protection Agency Reporting to the Minister	5,773,000.00
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PROGRAM 6

Criminal and Penal Prosecutions	49,054,200.00
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	383,394,700.00

PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

PROGRAM 1

The Public Protector	9,347,500.00
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PROGRAM 2

The Auditor General	16,512,200.00
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PROGRAM 4

The Lobbyists Commissioner	2,018,500.00
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	27,878,200.00

RELATIONS INTERNATIONALES

PROGRAM 1

International Affairs	88,668,200.00
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	88,668,200.00

RESSOURCES NATURELLES ET FAUNE

PROGRAM 1

Management of Natural Resources and Wildlife	359,350,000.00
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	359,350,000.00

REVENU

PROGRAM 1

Tax Administration	387,138,600.00
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	387,138,600.00

SANTÉ ET SERVICES SOCIAUX

PROGRAM 1

Québec-wide Operations	267,256,800.00
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PROGRAM 2

Regional Operations	11,165,899,200.00
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PROGRAM 3

Office des personnes handicapées du Québec	9,498,100.00
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PROGRAM 5

Promotion and Development of the Capitale-Nationale Region	45,791,900.00
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	11,488,446,000.00
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SÉCURITÉ PUBLIQUE

PROGRAM 1

Security, Prevention and Internal Management	351,636,400.00
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PROGRAM 2

Sûreté du Québec	292,505,350.00
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PROGRAM 3

Agencies Reporting to the Minister	24,541,200.00
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	668,682,950.00
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SERVICES GOUVERNEMENTAUX

PROGRAM 1

Government Services	91,221,300.00
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	91,221,300.00

TOURISME

PROGRAM 1

Promotion and Development of Tourism	103,028,250.00
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	103,028,250.00

TRANSPORTS

PROGRAM 1

Transportation Infrastructures	1,253,946,100.00
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PROGRAM 2

Transportation Systems	369,255,700.00
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PROGRAM 3

Administration and Corporate Services	69,255,100.00
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	1,692,456,900.00
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TRAVAIL

PROGRAM 1

Labour

23,134,300.00

23,134,300.00

32,261,731,725.00

SCHEDULE 2

APPROPRIATIONS TO BE VOTED FOR EXPENDITURES
CHARGEABLE TO THE 2009-2010 FISCAL YEAR

EMPLOI ET SOLIDARITÉ SOCIALE

PROGRAM 2

Financial Assistance Measures	<u>279,000,000.00</u>
	279,000,000.00

FAMILLE ET AÎNÉS

Program 2

Assistance Measures for Families	170,000,000.00	
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	170,000,000.00	
		<hr/>
		449,000,000.00

2008, chapter 7

AN ACT TO AMEND THE ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS AND OTHER LEGISLATIVE PROVISIONS

Bill 64

Introduced by Madam Monique Jérôme-Forget, Minister of Finance

Introduced 14 December 2007

Passed in principle 30 April 2008

Passed 22 May 2008

Assented to 28 May 2008

Coming into force: on the date it is assented to, except section 8 insofar as it enacts sections 38.1 to 38.3 of the Act respecting the Autorité des marchés financiers, sections 46, 106 and 119 to 121, paragraphs 1 and 4 of section 133, section 162 insofar as it repeals section 276.4 of the Securities Act and sections 173, 175 and 176, which come into force on 1 July 2008, and sections 47, 76, 82, 83, 109 to 118, 122, 128 and 129, section 131 insofar as it enacts section 349.3, paragraph 3 of section 133, section 161, section 162 insofar as it repeals section 297.6, and sections 169 and 171, which come into force on the date or dates to be set by the Government

Legislation amended:

Automobile Insurance Act (R.S.Q., chapter A-25)

Deposit Insurance Act (R.S.Q., chapter A-26)

Act respecting insurance (R.S.Q., chapter A-32)

Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2)

Cities and Towns Act (R.S.Q., chapter C-19)

Professional Code (R.S.Q., chapter C-26)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting financial services cooperatives (R.S.Q., chapter C-67.3)

Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2)

Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45)

Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01)

Securities Act (R.S.Q., chapter V-1.1)

Regulations amended:

Regulation under the Act respecting trust companies and savings companies

Securities Regulation

Order in Council repealed:

Order in Council 1133-2002 dated 25 September 2002

(Cont'd on next page)

Explanatory notes

The purpose of this Act is first of all to harmonize the different control measures that may be used by the Autorité des marchés financiers. To that end, the Act respecting the Autorité des marchés financiers is amended to consolidate the provisions concerning receivership that are necessary for the purposes of the different Acts administered by the Authority. Second, this Act introduces new investigation powers, and allows the communication of information by auditors.

This Act further amends the Act respecting the Autorité des marchés financiers to provide for the establishment of the Education and Good Governance Fund, into which part of the proceeds of fines will be paid. The Fund will be dedicated to, among other things, educating consumers of financial products and services, protecting the public and promoting good governance.

This Act also amends different Acts governing the financial sector in order to harmonize the sanction system, in particular as regards fines, administrative penalties and prescription periods.

As well, the Act respecting insurance is amended so that the Authority may exempt a foreign insurer from provisions of that Act if the insurer is not governed by any other insurance legislation in Canada and is issued a licence to act exclusively in surety insurance in Québec.

In addition, the Securities Act is amended to enable the Bureau de décision et de révision en valeurs mobilières to issue orders to rectify a situation, require defaulting persons to comply with the law or deprive such persons of the profit realized as a result of their non-compliance.

This Act also contains consequential amendments to several Acts as well as transitional provisions.



Chapter 7

AN ACT TO AMEND THE ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS AND OTHER LEGISLATIVE PROVISIONS

[Assented to 28 May 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- c. A-33.2, s.12, am. **1.** Section 12 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by adding the following paragraph:
- In camera.* “The investigation is held *in camera*.”
- c. A-33.2, ss. 14.1 and 14.2, added. **2.** The Act is amended by inserting the following sections after section 14:
- Communication prohibited. “**14.1.** The Authority may prohibit a person from communicating information related to an investigation to anyone except the person’s lawyer.
- Assistance. “**14.2.** A person called on to testify during an investigation or an examination may be assisted by a lawyer of the person’s choice.”
- c. A-33.2, ss. 15.1-15.7, added. **3.** The Act is amended by inserting the following sections after section 15:
- Refusal to release information. “**15.1.** No chartered accountant, certified management accountant or certified general accountant may refuse to communicate to the Authority or to a person authorized by the Authority any information or document relating to a legal person, partnership or other entity that is under an investigation conducted under section 12 of this Act, section 15 of the Act respecting insurance (chapter A-32), section 312 of the Act respecting trust companies and savings companies (chapter S-29.01) or section 239 of the Securities Act (chapter V-1.1) that was obtained or prepared by the accountant for the purposes of an audit or for the purposes of the examination of interim financial statements of the legal person, partnership or entity, on the grounds that the communication would result in the disclosure of information protected by professional secrecy.
- Access to documents. Nor may such an accountant refuse to allow a document described in the first paragraph to be examined, copied or seized by the Authority, or a person authorized to investigate by the Authority, in the course of a search under the Code of Penal Procedure (chapter C-25.1).
- Interpretation. This section shall not operate to allow the communication, examination, copying or seizure of a document or information protected by the professional secrecy binding a member of a professional order other than a chartered accountant, a certified management accountant or a certified general accountant.

Confidentiality.	<p>“15.2. Despite any other provision of this Act or of an Act referred to in section 7, information or a document obtained under section 15.1 is confidential and may not be used or communicated otherwise than in accordance with sections 15.3 to 15.7.</p>
Right to professional secrecy.	<p>The disclosure of such information or such a document, and its use or communication pursuant to any of sections 15.3 to 15.7, may not operate to otherwise affect the right to professional secrecy.</p>
Restricted use.	<p>“15.3. Information or a document obtained under section 15.1 may only be used within the Authority for the purposes of the investigation or the search.</p>
Accessibility.	<p>It may be accessed by persons whose functions within the Authority require that they be informed of the substance of the investigation or the search.</p>
Communication of information.	<p>“15.4. The Authority may communicate information or a document obtained under section 15.1 to a person authorized to exercise all or part of its powers of investigation or to a person providing expert support in the course of the investigation or the search, but solely for such purposes and only insofar as the Authority has obtained the person’s undertaking to uphold the same confidentiality obligations as are incumbent on the Authority and the persons referred to in section 15.3.</p>
Disclosure of information.	<p>“15.5. The president and director general of the Authority, a member of the personnel of the Authority, a person authorized to investigate by the Authority or a person providing expert support may not testify in relation to or produce information or a document obtained under section 15.1 except insofar as the disclosure is necessary for the purposes of a proceeding to which the Authority is a party following the investigation or the search.</p>
Use prohibited.	<p>Information or a document obtained under section 15.1 may not be used or communicated for the purposes of a civil suit.</p>
Use allowed.	<p>It may be used or communicated for the purposes of section 19.1.</p>
Applicability.	<p>The first paragraph also applies to persons who no longer exercise the functions described in that paragraph.</p>
Communication of information.	<p>“15.6. Information or a document obtained under section 15.1 may be communicated by the Authority</p> <p>(1) to a police force having jurisdiction in Québec, if there are reasonable grounds to believe that the legal person, partnership or other entity has committed or is about to commit a criminal or penal offence against the Authority or one of its employees or under this Act, an Act referred to in section 7 or another securities provision, and the communication is necessary for the investigation of that offence or any prosecution resulting from the investigation;</p>

(2) to a Canadian securities authority, if the communication is needed by that authority in the exercise of its powers of investigation or necessary for any prosecution resulting from the investigation;

(3) to a regulatory body, other than an authority referred to in paragraph 2, which, at the time of the communication, is a signatory to the Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information published in the Authority's bulletin, if the communication is needed by that regulatory body in the exercise of its powers of investigation or necessary for any prosecution resulting from the investigation; or

(4) to the Ordre des comptables agréés du Québec, within the scope of an agreement under section 22.1 of the Chartered Accountants Act (chapter C-48) or to the Ordre des comptables généraux licenciés du Québec or the Ordre des comptables en management accrédités du Québec, within the scope of an agreement under section 187.10.5 of the Professional Code (chapter C-26).

Confidentiality agreement.

“15.7. Before communicating information or a document in accordance with paragraph 2 or 3 of section 15.6, the Authority must obtain an undertaking from the recipient that it will use the information or document solely for the purposes stated in that paragraph and that it will uphold the same confidentiality obligations with respect to the information or document as are incumbent on the Authority under this section and sections 15.2 to 15.6.

Refusal.

If the Authority is of the opinion that the information or document will not, with a recipient referred to in paragraph 3 of section 15.6, benefit from the same level of protection as is provided by this section and sections 15.2 to 15.6, it must refuse to communicate the information or document.”

c. A-33.2, s. 16.1, added.

4. The Act is amended by inserting the following section after section 16:

Disclosure of information.

“16.1. The president and director general of the Authority, a member of the personnel of the Authority or any other person who exercised functions in the course of an investigation under section 12 or under an Act referred to in section 7 may not testify in relation to information or a document obtained in the course of the investigation or produce such a document, except insofar as the disclosure is necessary for the purposes of a proceeding to which the Authority is a party.

Use allowed.

Information or a document described in the first paragraph may be used or communicated for the purposes of section 19.1.

Applicability.

The first paragraph also applies to persons who no longer exercise the functions described in that paragraph.”

c. A-33.2, Chap. III.1,
ss. 19.1-19.15, added.

5. The Act is amended by inserting the following chapter after section 19:

“CHAPTER III.1

“RECEIVERSHIP

Receiver.

“19.1. The Superior Court may order the appointment of a receiver if the Authority shows that it has reasonable grounds to believe

(1) that the assets of the person, partnership or other entity are insufficient to meet the obligations of the person, partnership or other entity or were used for a purpose other than the purpose for which they were intended, or that there is an inexplicable deficiency in the assets;

(2) that an officer or director of the person, partnership or other entity has committed embezzlement, a breach of trust or another offence;

(3) that the management exercised by the officers and directors is unacceptable in view of generally accepted principles and could endanger the rights of the investors or members of the person, partnership or other entity or the persons insured by the person, partnership or other entity, or cause the depreciation of securities or titles issued by the person, partnership or other entity; or

(4) that the appointment is necessary to protect the public in the context of an investigation ordered under section 239 of the Securities Act (chapter V-1.1).

Absence of licence.

The Authority may also request that the Court issue a receivership order if the licence that was issued under the Act respecting insurance (chapter A-32) or the Act respecting trust companies and savings companies (chapter S-29.01) was cancelled or suspended and the causes for the suspension were not remedied within 30 days after the suspension took effect, or if a person is exercising activities without holding such a licence.

Recommendations.

The Authority recommends to the Court the names of persons who could act as receiver.

Powers.

“19.2. The receivership order may empower the receiver to

(1) take possession of all the property belonging to the person, partnership or other entity, or held by the person, partnership or other entity for another person, in any place where it is being kept, even if it is in the possession of a bailiff, a creditor or another person claiming it;

(2) exercise, in the case of a natural person, the powers relating to the person’s affairs and, in other cases, the powers of the shareholders, associates, directors, officers and members, as applicable, of the person, partnership or other entity;

(3) pursue all or part of the affairs of the person, partnership or other entity or take any conservatory measure related to those affairs;

(4) terminate or cancel any contract to which the person, partnership or other entity is a party;

(5) institute or continue, without continuance of suit, or take part in any proceedings relating to the affairs or property of a person, partnership or other entity to which the person, partnership or other entity was or would have been a party;

(6) investigate the activities of the person, partnership or other entity;

(7) retain the services of accountants, lawyers or other persons to assist in receivership functions;

(8) assign, on behalf of the person, partnership or other entity, all of the property of the person, partnership or other entity for the benefit of the creditors or act as trustee under any federal statute applicable to bankruptcy or insolvency matters;

(9) wind up the person, partnership or other entity in accordance with the Winding-up Act (chapter L-4) or any special provision of an Act referred to in section 7 applicable to the person, partnership or other entity or in the manner determined by the Superior Court; and

(10) exercise any other power or function the Court considers appropriate to enable the receiver to carry out receivership functions.

Exercise of powers.

“19.3. Any person exercising powers relating to the affairs or property of the person, partnership or other entity that are covered by the receivership order must immediately cease to do so, to the extent specified in the order, unless otherwise requested by the receiver.

Immunity.

“19.4. No judicial proceedings may be brought against the receiver, or any person the receiver designates to assist in the exercise of receivership functions, for an act done in good faith in the exercise of their functions.

Powers and immunity.

“19.5. For the purposes of their investigation, the receiver and any person the receiver designates to assist in the investigation have the powers and immunity provided for in the first paragraph of section 6 and sections 9 to 13 and 16 of the Act respecting public inquiry commissions (chapter C-37).

Powers.

For the purposes of the investigation, they have all the powers of a judge of the Superior Court, except the power to order imprisonment.

Absence of defendant.

“19.6. At the request of the Authority, if it is imperative to do so, the Superior Court may hear the motion in the absence of the defendant, on the condition that the Court give the defendant the opportunity to be heard within 10 days.

- Motion *in camera*. At the Authority's request, the motion may be heard *in camera*.
- Prohibition. **"19.7.** The Superior Court may prohibit a person from communicating any information related to the receivership order or disclosed during the hearing.
- Interpretation. **"19.8.** Receivership with respect to the property of a federation of mutual insurance associations governed by the Act respecting insurance (chapter A-32) includes receivership with respect to its investment fund and the guarantee fund related to the federation, and, inversely, receivership with respect to the guarantee fund includes receivership with respect to the property of the federation to which it is related and receivership with respect to its investment fund.
- Cooperation with the receiver. **"19.9.** The directors, officers, personnel members, associates or mandataries of the person, partnership or other entity subject to the receivership order must cooperate with the receiver and provide the receiver with any information related to the affairs and property of the person, partnership or other entity.
- Information. **"19.10.** At the request of the Authority, the receiver shall inform the Authority of the receiver's findings, management and investigation conclusions, and communicate any information collected within the scope of the receivership mandate to the Authority.
- Modification of powers. **"19.11.** At the request of the Authority, the receiver or any interested person, the Superior Court may modify the receiver's powers.
- Termination. The Court may also terminate the receivership, in particular if it considers
- (1) that the receivership may not reasonably be expected to benefit the creditors of the person, partnership or other entity, the persons who have property in the possession or under the control of the person, partnership or other entity, or the investors, members or insured persons of the person, partnership or other entity; or
 - (2) that the financial situation of the person, partnership or other entity subject to the receivership order will not allow payment of the costs associated with the receivership.
- Winding-up. The Court may then order the winding-up of the person, partnership or other entity and appoint a liquidator, or assign, on behalf of the person, partnership or other entity, all of the property of the person, partnership or other entity for the benefit of its creditors and appoint a trustee.

- Publication. “**19.12.** In the case of an insurance company within the meaning of the Act respecting insurance (chapter A-32), any decision of the Superior Court ordering its winding-up must be made public by means of a notice in the *Gazette officielle du Québec*. Chapter XI of Title IV of that Act applies to the winding-up.
- Notice. Within 10 days after a decision ordering the winding-up of a federation or a guarantee fund within the meaning of that Act is rendered by the Court, the liquidator shall notify the members of the federation and the guarantee fund related to it.
- Effective date. The decision of the Court to wind up a federation takes effect 60 days after the notice provided for in the first paragraph is filed in the register of sole proprietorships, partnerships and legal persons instituted by section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45).
- Investment fund and
guarantee fund. The winding-up of a federation entails that of its investment fund and of the guarantee fund related to the federation, and, inversely, the winding-up of a guarantee fund entails that of the federation to which it is related and of the federation’s investment fund.
- Liquidator. The liquidator of the federation shall also assume the winding-up of the investment fund and of the guarantee fund according to the same rules. Likewise, the liquidator of a guarantee fund shall also assume the winding-up of the federation related to the guarantee fund and of the federation’s investment fund according to the same rules.
- Payment of debts. “**19.13.** In the case of a security fund within the meaning of the Act respecting financial services cooperatives (chapter C-67.3), the liquidator shall first pay the debts of the fund and the costs of winding it up, and the balance from the winding-up devolves to the federation within the meaning of that Act.
- No appeal. “**19.14.** No appeal lies from an order made under this chapter.
- Fees and expenses. “**19.15.** The receiver’s fees and expenses are taken out of the mass of assets, after approval by the Superior Court.
- Prior claim. The receiver’s fees and expenses are deemed to constitute a prior claim and to have the same rank as expenses incurred in the common interest. The prior claim establishes a real right and confers on the receiver the right to follow the property that is subject to the claim into whose hands it may be.”
- c. A-33.2, s. 33, am. **6.** Section 33 of the Act is amended

(1) by replacing “a person or an organization, from” in the second paragraph by “the Government or one of its departments or bodies, or with a person or an organization in” and by replacing “an Act” in that paragraph by “one or more Acts”;

(2) by adding the following paragraph after the second paragraph:

Personal information. “The agreement may allow the communication of any personal information to facilitate the application of any Act referred to in section 7 or of any similar legislation outside Québec.”

c. A-33.2, s. 33.1, added. **7.** The Act is amended by inserting the following section after section 33:

Agreement. **“33.1.** After receiving authorization from the Minister, the Authority may enter into an agreement with a person, partnership or other organization in Québec or, after receiving authorization from the Government, with a person, partnership or other organization outside Québec to examine complaints filed, within the scope of the complaint examination and dispute resolution policy provided for in an Act referred to in section 7 by persons dissatisfied with the complaint examination procedure or its outcome.

Mediation. Such an agreement may also include provisions allowing the person, partnership or organization, when the person, partnership or organization considers it appropriate, to act as a mediator if the parties agree.

Mediator. The Authority may also retain the services of any natural person or any group of mediators to act as mediator or, with the authorization of the Government, enter into an agreement for that purpose with a body, partnership or a legal person other than a group of mediators.”

c. A-33.2, ss. 38.1-38.6, added. **8.** The Act is amended by inserting the following sections after section 38:

Fund. **“38.1.** The Authority shall establish a fund to be known as the Education and Good Governance Fund.

Purpose. The Fund is to be dedicated to educating consumers of financial products and services, protecting the public, promoting good governance and enhancing knowledge in the fields related to the mission of the Authority, according to the conditions established by the Authority.

Sums paid into Fund. **“38.2.** Half the sums collected by the Authority from fines or administrative sanctions or penalties are paid into the Fund. However, the sums collected from sanctions under section 405.1 of the Act respecting insurance (chapter A-32), section 115 of the Act respecting the distribution of financial products and services (chapter D-9.2) and section 349.1 of the Act respecting trust companies and savings companies (chapter S-29.01), except sums collected in a case determined by regulation, are paid in full into the Fund.

Sums paid into Fund. The interest and investment income earned on the assets of the Fund, the sums collected under paragraph 9 of section 262.1 of the Securities Act (chapter V-1.1) and any contributions received by the Authority are also paid into the Fund.

- Contingency reserve. “**38.3.** The Authority may also set up a contingency reserve in the pursuit of its mission.
- Deposit of sums. “**38.4.** The sums received by the Authority within the scope of the Acts it administers are deposited as and when they are received in an authorized bank or foreign bank listed in Schedule I, II or III to the Bank Act (Statutes of Canada, 1991, chapter 46) or in a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3).
- Revenues. “**38.5.** The sums received by the Authority form part of its revenue, except contributions to an insurance fund or to the Fonds d’indemnisation des services financiers established by section 258 of the Act respecting the distribution of financial products and services (chapter D-9.2) and premiums paid into a deposit insurance fund maintained under section 52 of the Deposit Insurance Act (chapter A-26). Those revenues are used to pay expenditures related to the administration of the Acts referred to in section 7.
- Expenditures. For the purposes of this Act, the sums paid into the Fund or the contingency reserve provided for in sections 38.1 and 38.3 are considered to be expenditures.
- Investments. “**38.6.** The Authority may, in accordance with its investment policy, invest any part of its revenue that is not needed to pay its expenditures, as well as the sums making up the Fund and the contingency reserve provided for in sections 38.1 and 38.3 of this Act, the deposit insurance fund maintained under section 52 of the Deposit Insurance Act (chapter A-26) and the Fonds d’indemnisation des services financiers established by section 258 of the Act respecting the distribution of financial products and services (chapter D-9.2)
- (1) in securities issued or guaranteed by the Government of Canada, the Gouvernement du Québec, or the government of a Canadian province or territory;
- (2) in the form of a deposit with financial institutions authorized to operate in Québec, or in certificates, notes or other securities issued or guaranteed by those financial institutions; or
- (3) in the form of a deposit with the Caisse de dépôt et placement du Québec, to be administered by the Caisse in accordance with the investment policy determined by the Authority.”
- c. A-33.2, s. 39, am. **9.** Section 39 of the Act is amended by replacing the second paragraph by the following paragraph:
- Prohibition. “The Authority may not accept any gift or legacy. Nor may it receive any financial contribution except

(1) a financial contribution from the Gouvernement du Québec or from another government in Canada, a department or agency of such a government, a municipality or an agency of a municipality in order to participate in projects related to the Authority's mission within the framework of an agreement under section 33 between that government, department, municipality or agency and the Authority; or

(2) a financial contribution referred to in the second paragraph of section 38.2.”

c. A-33.2, s. 43.1,
added.

Information.

10. The Act is amended by inserting the following section after section 43:

“**43.1.** The Authority shall provide the Minister with any information and any other report required by the Minister concerning its activities.”

c. A-33.2, s. 93, am.

11. Section 93 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) an order under section 262.1 of that Act;”.

AUTOMOBILE INSURANCE ACT

c. A-25, s. 180, am.

12. Section 180 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing “three copies” in the first paragraph by “one copy”.

c. A-25, s. 182, am.

13. Section 182 of the Act is amended by replacing “Before the last day of March” in the second paragraph by “Not later than 30 June”.

c. A-25, ss. 193.1-
193.3, added.

14. The Act is amended by inserting the following sections after section 193:

Penal proceedings.

“**193.1.** Penal proceedings for an offence under Title VII may be instituted by the Autorité des marchés financiers.

Remittance.

“**193.2.** The fine imposed by the court is remitted to the Autorité des marchés financiers if it has taken charge of the prosecution.

Prescription.

“**193.3.** Penal proceedings for an offence under any of sections 177 to 181 of Title VII are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

Proof of date.

The certificate of the secretary of the Autorité des marchés financiers indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary.”

c. A-25, s. 204, am.

15. Section 204 of the Act is amended by inserting “and sections 193.1 to 193.3” after “Titles VI and VII”.

DEPOSIT INSURANCE ACT

c. A-26, s. 48,
replaced.

16. Section 48 of the Deposit Insurance Act (R.S.Q., chapter A-26) is replaced by the following sections:

Fine.

“48. Every person convicted of an offence under this Act or the regulations is liable to a minimum fine of \$1,000 for a natural person and \$3,000 for a legal person, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

Fine.

However, in the case of an offence under subparagraph *a*, *b* or *d* of the first paragraph of section 46, the minimum fine is \$5,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

Maximum amount.

In all cases, the maximum fine is \$50,000 for a natural person and \$200,000 for a legal person, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.

Subsequent convictions.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.

Penal proceedings.

“48.1. Penal proceedings may be instituted by the Authority for an offence under this Act.

Remittance.

“48.2. The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

Prescription.

“48.3. Penal proceedings for an offence under section 46 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

Proof of date.

The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary.”

c. A-26, s. 56,
replaced.

17. Section 56 of the Act is replaced by the following section:

Investments.

“56. The Authority shall invest the sums making up the deposit insurance fund in accordance with section 38.6 of the Act respecting the Autorité des marchés financiers (chapter A-33.2).”

ACT RESPECTING INSURANCE

c. A-32, s. 33.1, am.

18. Section 33.1 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by inserting the following paragraph after the first paragraph:

Legal capacity.

“An insurance company may receive deposits of money from a minor or a person who does not have legal capacity to contract, without the authorization or intervention of any other person.”

c. A-32, s. 35.2, am.

19. Section 35.2 of the Act is amended

(1) by replacing “of the Minister” in the first paragraph by “of the Authority”;

(2) by replacing “The Minister may also request any document or information the Minister considers” in the second paragraph by “The Authority may also request any document or information it considers”;

(3) by striking out the third paragraph;

(4) by replacing “The Minister may, if the Minister deems it advisable and after obtaining the advice of the Authority,” in the fourth paragraph by “If the Authority considers it advisable, it may”.

c. A-32, s. 36, am.

20. Section 36 of the Act is amended by replacing “the Minister is substituted” by “the Authority is substituted”.

c. A-32, s. 37, am.

21. Section 37 of the Act is amended

(1) by replacing “to the Minister” in the first paragraph by “to the Authority”;

(2) by striking out the third paragraph.

c. A-32, s. 38, am.

22. Section 38 of the Act is amended by replacing “to the Minister” in the first paragraph by “to the Authority”.

c. A-32, s. 93.121, am.

23. Section 93.121 of the Act is amended by replacing “, sections 93.92, 93.94 to 93.102, 93.107 to 93.113 and 298.1, and sections 379 to 386, in which any reference to section 378 shall be read as a reference to section 93.192” by “and sections 93.92, 93.94 to 93.102, 93.107 to 93.113 and 298.1”.

c. A-32, s. 93.159.2,
added.

24. The Act is amended by inserting the following section after section 93.159.1:

Sound commercial
practices.

“93.159.2. A federation must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them.”

c. A-32, s. 93.160, am.

25. Section 93.160 of the Act is amended by replacing “the provisional administrator of a member for the purposes of Chapter X of Title IV” in paragraph 9 by “receiver in accordance with Chapter III.1 of Title I of the Act respecting the Autorité des marchés financiers (chapter A-33.2)”.

c. A-32, Title III,
Chap. III.2, Div. XII,
heading, am.

c. A-32, Title III,
Chap. III.2, Div. XII,
subdiv. 1, ss. 93.192-
93.198, repealed.

c. A-32, Title III,
Chap. III.2, Div. XII,
subdiv. 2, heading,
repealed.

c. A-32, s. 93.218, am.

c. A-32, Title III,
Chap. III.3, Div. XI,
ss. 93.269-93.273,
repealed.

c. A-32, s. 205, am.

Exemption.

c. A-32, s. 211, am.

c. A-32, s. 211.1,
added.

Exemption.

26. The heading of Division XII of Chapter III.2 of Title III of the Act is amended by striking out “PROVISIONAL ADMINISTRATION AND”.

27. Subdivision 1 of Division XII of Chapter III.2 of Title III of the Act, comprising sections 93.192 to 93.198, is repealed.

28. The heading of subdivision 2 of Division XII of Chapter III.2 of Title III of the Act is repealed.

29. Section 93.218 of the Act is amended by replacing “, sections 93.21, 93.22, 93.25 to 93.27.4, 93.35 to 93.37, 93.92 to 93.98, 93.108 to 93.113 and 93.156 to 93.159 and sections 379 to 386, in which every reference to section 378 shall be read as a reference to section 93.269” by “and sections 93.21, 93.22, 93.25 to 93.27.4, 93.35 to 93.37, 93.92 to 93.98, 93.108 to 93.113 and 93.156 to 93.159”.

30. Division XI of Chapter III.3 of Title III of the Act, comprising sections 93.269 to 93.273, is repealed.

31. Section 205 of the Act is amended by inserting the following paragraph after the first paragraph:

“However, when an insurer that is not constituted under an Act applicable in Canada, does not hold a licence under an Act of the Parliament of Canada relating to insurance and intends to act only in surety insurance in Québec, requests an exemption from the Authority under section 211.1, the request must be accompanied by any document or information proving that the insurer qualifies for the exemption. The Authority may also require the insurer to provide any other document or information.”

32. Section 211 of the Act is amended

(1) by replacing “confirmée” in paragraph *c* in the French text by “conformée”;

(2) by replacing paragraph *d* by the following paragraphs:

“(d) adheres to sound and prudent management practices;

“(d.1) adheres to sound commercial practices;”.

33. The Act is amended by inserting the following section after section 211:

“211.1. When issuing a licence to an insurer described in the second paragraph of section 205, the Authority may, on the conditions it determines, exempt the insurer from any provision of this Act, except section 201, if the Authority considers that such an exemption does not undermine the protection of the insured.

Publication.

A decision under the first paragraph must be published in the Authority's bulletin and in the *Gazette officielle du Québec*."

c. A-32, Title IV,
Chap. I.1, heading, am.

34. The heading of Chapter I.1 of Title IV of the Act is amended by adding "AND COMMERCIAL PRACTICES".

c. A-32, s. 222.2,
added.

35. The Act is amended by inserting the following section after section 222.1:

Sound commercial
practices.

"222.2. Every insurer and every holding company controlled by an insurer must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them."

c. A-32, s. 285.31, am.

36. Section 285.31 of the Act is amended by striking out "each year, within two months of the closing date of its fiscal year or" and "other" in the first paragraph.

c. A-32, s. 285.33, am.

37. Section 285.33 of the Act is amended by striking out the last sentence of the third paragraph.

c. A-32, s. 285.35,
repealed.

38. Section 285.35 of the Act is repealed.

c. A-32, s. 325.0.2,
am.

39. Section 325.0.2 of the Act is amended

(1) by replacing subparagraphs 3 and 4 of the first paragraph by the following subparagraphs:

"(3) any other sound and prudent management practices, in particular as regards investments;

"(4) any commercial practice referred to in section 222.2;

"(5) any requirement under section 285.29.";

(2) by adding the following sentence at the end of the second paragraph: "They may pertain to the carrying out, interpretation or application of the subject matter of any of subparagraphs 1 to 5 of the first paragraph whether or not it is dealt with in a regulation made under this Act."

c. A-32, s. 325.0.3,
am.

40. Section 325.0.3 of the Act is amended by replacing "of sections 325.5 and 378 to 389" by "of section 325.5".

c. A-32, s. 325.1, am.

41. Section 325.1 of the Act is amended

(1) by replacing "in subparagraphs 1 to 4" in subparagraph 1 of the first paragraph by "in subparagraphs 1 to 3";

(2) by inserting the following subparagraphs after subparagraph 1 of the first paragraph:

“(1.1) is not adhering to the commercial practices referred to in section 222.2;

“(1.2) is not complying with the requirements under section 285.29;”.

c. A-32, s. 325.1.1,
am.

42. Section 325.1.1 of the Act is amended by inserting “, is not adhering to the commercial practices referred to in section 222.2 or is not complying with the requirements under section 285.29” after “sound and prudent management practices”.

c. A-32, s. 358, am.

43. Section 358 of the Act is amended by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) which does not, in the opinion of the Authority, adhere to sound and prudent management practices, adhere to the commercial practices referred to in section 222.2 or comply with the requirements under section 285.29;”.

c. A-32, Title IV,
Chap. X, ss. 378-389,
repealed.

44. Chapter X of Title IV of the Act, comprising sections 378 to 389, is repealed.

c. A-32, s. 391.1,
added.

45. The Act is amended by inserting the following section after section 391:

Chapter to apply.

“391.1. This chapter applies with the necessary modifications to a winding-up carried out within the scope of a receivership ordered under Chapter III.1 of Title I of the Act respecting the Autorité des marchés financiers (chapter A-33.2), to the extent that it is not inconsistent with this Act.

Publication.

The winding-up must, as soon as practicable, be made public by means of a notice in the *Gazette officielle du Québec*.”

c. A-32, s. 405.1, am.

46. Section 405.1 of the Act is amended by striking out the last paragraph.

c. A-32, s. 405.4,
added.

47. The Act is amended by inserting the following section after section 405.3:

Failure to file
documents.

“405.4. For the purposes of section 405.1, the Government may determine by regulation the amounts of, and the conditions for imposing, an administrative sanction for failure to file documents as required under this Act or a regulation under this Act.”

c. A-32, s. 408, am.

48. Section 408 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

- Fine. “**408.** Every person convicted of an offence under a provision of this Act or the regulations is liable to a minimum fine of \$1,000 for a natural person and \$3,000 for a legal person, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.
- Fine. However, in the case of an offence under paragraph *b*, *c*, *e* or *u* of section 406, the minimum fine is \$5,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.
- Maximum amount. In all cases, the maximum fine is \$50,000 for a natural person and \$200,000 for a legal person, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.
- Subsequent convictions. In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”;
- (2) by replacing “\$50 000” in the second paragraph by “\$200,000”.
- c. A-32, ss. 408.1-408.3, added. **49.** The Act is amended by inserting the following sections after section 408:
- Penal proceedings. “**408.1.** Penal proceedings may be instituted by the Authority for an offence under this Act.
- Remittance. “**408.2.** The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.
- Prescription. “**408.3.** Penal proceedings for an offence under any of sections 406 to 406.2 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.
- Proof of date. The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary.”
- c. A-32, s. 420.1, am. **50.** Section 420.1 of the Act is amended by inserting the following subparagraph after subparagraph 7 of the first paragraph:
- “(7.1) prescribe standards respecting the commercial practices of an insurer, of a holding company controlled by an insurer and of a federation of mutual insurance associations;”.

CITIES AND TOWNS ACT

- c. C-19, s. 465.8, am. **51.** Section 465.8 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “The enterprise registrar” in the first paragraph by “The Autorité des marchés financiers”.

c. C-19, s. 465.9, am. **52.** Section 465.9 of the Act is amended

(1) by replacing “the enterprise registrar” in the first paragraph by “the Autorité des marchés financiers”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “The Autorité des marchés financiers shall send the corrected letters patent to the enterprise registrar who shall deposit them in the register.”

PROFESSIONAL CODE

c. C-26, ss. 187.10.5-187.10.7, added. **53.** The Professional Code (R.S.Q., chapter C-26) is amended by inserting the following sections after section 187.10.4, enacted by chapter 3 of chapter 42 of the statutes of 2007:

Agreement. **“187.10.5.** The Bureau of the Ordre professionnel des comptables généraux licenciés du Québec and the Bureau of the Ordre professionnel des comptables en management accrédités du Québec may enter into an agreement with the following bodies exercising complementary functions with respect to the protection of the public: the Autorité des marchés financiers and the Canadian Public Accountability Board incorporated under the Canada Business Corporations Act (Revised Statutes of Canada, 1970, chapter C-32). The term of the agreement may not exceed five years.

Content. The agreement may, to the extent required for its implementation, derogate from the Acts and regulations governing the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec that pertain to the confidentiality of the information it holds. The agreement must define the nature and scope of the information the professional order and the body may exchange concerning inspection, discipline or any inquiry conducted by the body or the professional order regarding a professional or a professional partnership or company within which members of the professional order practise, specify the purpose of the exchange of information and the conditions of confidentiality to be observed, including those pertaining to professional secrecy, and determine how information so obtained may be used.

Information. The information that may be communicated under the agreement must be necessary for the exercise of the functions of the party receiving it.

Confidentiality. The information communicated under the agreement by the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the professional order in the exercise of the powers granted by this Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.

- Publication. The agreement is published in the *Gazette officielle du Québec*. On the expiry of at least 45 days after the publication, it is submitted to the Government for approval, with or without amendments. The agreement comes into force after approval, on the date it is published again in the *Gazette officielle du Québec* or on any later date stated in the agreement.
- Report. The Ordre professionnel des comptables généraux licenciés du Québec and the Ordre professionnel des comptables en management accrédités du Québec shall report on the implementation of the agreements entered into in the report they must produce under section 104.
- Authorization. **“187.10.6.** As long as an agreement under section 187.10.5 is in force, members of the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec are authorized, despite being bound by professional secrecy, to provide, to the extent specified in the agreement entered into by their professional order, information relating to their professional activities or clients to a representative of the body acting within the scope of its activities in Québec.
- Confidentiality. The information communicated under the agreement by a member of the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the professional order in the exercise of the powers granted by this Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.
- Immunity. **“187.10.7.** No proceedings may be instituted against a body having entered into an agreement under section 187.10.5, or any of its directors or representatives, by reason of any act performed in good faith in the exercise of their functions in Québec on the basis of information obtained in accordance with the agreement, unless an Act of Québec concerning the body provides otherwise.”

MUNICIPAL CODE OF QUÉBEC

- c. C-27.1, a. 711.10, am. **54.** Article 711.10 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the first sentence of the second paragraph by the following sentence: “The Autorité des marchés financiers shall send the corrected letters patent to the enterprise registrar who shall deposit them in the register.”

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

- c. C-67.3, s. 66.1, added. **55.** The Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by inserting the following section after section 66:

- Sound commercial practices. **“66.1.** Every financial services cooperative must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them.”
- c. C-67.3, s. 131.2, am. **56.** Section 131.2 of the Act is amended by striking out “each year, within two months of the closing date of its fiscal year or” and “other” in the first paragraph.
- c. C-67.3, s. 131.4, am. **57.** Section 131.4 of the Act is amended by striking out the last sentence of the fourth paragraph.
- c. C-67.3, s. 131.6, repealed. **58.** Section 131.6 of the Act is repealed.
- c. C-67.3, s. 227, am. **59.** Section 227 of the Act is amended by striking out “or paragraph 2 of section 581” in paragraph 9.
- c. C-67.3, s. 328, am. **60.** Section 328 of the Act is amended by striking out “or paragraph 2 of section 581” in paragraph 7.
- c. C-67.3, s. 361, am. **61.** Section 361 of the Act is amended by striking out “or paragraph 2 of section 581” in subparagraph 7 of the first paragraph.
- c. C-67.3, s. 372.1, added. **62.** The Act is amended by inserting the following section after section 372:
- Standards. **“372.1.** The federation must adopt standards applicable to the credit unions with respect to the commercial practices referred to in section 66.1 and the requirements under section 131.1.”
- c. C-67.3, s. 377, am. **63.** Section 377 of the Act is amended by replacing “practise sound and prudent management” in the first paragraph by “adhere to sound and prudent management practices or sound commercial practices”.
- c. C-67.3, Chap. XIII, Div. IV, heading, replaced. **64.** The heading of Division IV of Chapter XIII of the Act is replaced by the following heading:
“REPORTING AND INSPECTION”.
- c. C-67.3, ss. 534-547, repealed. **65.** Sections 534 to 547 of the Act are repealed.
- c. C-67.3, s. 565, am. **66.** Section 565 of the Act is amended
(1) by adding the following subparagraphs after subparagraph 3 of the first paragraph:
“(4) any commercial practice referred to in section 66.1;
“(5) any requirement under section 131.1.”;

(2) by adding the following sentence at the end of the second paragraph: “They may pertain to the carrying out, interpretation or application of the subject matter of any of subparagraphs 1 to 5 of the first paragraph whether or not it is dealt with in a regulation made under this Act.”

c. C-67.3, s. 566,
replaced.
Non-compliance.

67. Section 566 of the Act is replaced by the following section:

“**566.** For the purposes of section 573, a financial services cooperative that fails to comply with the guidelines referred to in section 565 is presumed to have failed to adhere to sound and prudent management practices as provided for in subparagraphs 1 to 3 of the first paragraph of that section, or to have failed to adhere to the commercial practices referred to in section 66.1 or comply with the requirements under section 131.1, as the case may be.”

c. C-67.3, s. 567, am.

68. Section 567 of the Act is amended by inserting “or the commercial practices referred to in section 66.1, is not complying with the requirements under section 131.1,” after “sound and prudent management practices” in the first paragraph.

c. C-67.3, s. 568, am.

69. Section 568 of the Act is amended by inserting “or the commercial practices referred to in section 66.1, or does not comply with the requirements under section 131.1” after “sound and prudent management practices”.

c. C-67.3, ss. 574-583,
repealed.

70. Sections 574 to 583 of the Act are repealed.

c. C-67.3, s. 599, am.

71. Section 599 of the Act is amended by inserting the following subparagraph after subparagraph 11 of the first paragraph:

“(11.1) prescribe standards respecting the commercial practices of a financial services cooperative;”.

c. C-67.3, s. 612,
replaced.

72. Section 612 of the Act is replaced by the following section:

Offence and penalty.

“**612.** A person convicted of an offence under section 602, 604, 606, 607, 610 or 611 or under a provision of a regulation the violation of which constitutes an offence under subparagraph 15 of the first paragraph of section 599 is liable to a fine of not less than \$1,000 nor more than \$25,000 in the case of a natural person and not less than \$3,000 nor more than \$200,000 in the case of a legal person.

Fine.

In the case of an offence under section 603, 605, 608 or 609, the minimum fine is \$5,000 and the maximum fine is \$200,000.”

c. C-67.3, ss. 613.1-
613.3, added.

73. The Act is amended by inserting the following sections after section 613:

Penal proceedings.

“**613.1.** Penal proceedings may be instituted by the Authority for an offence under any of sections 602 to 611.

Remittance. **“613.2.** The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

Prescription. **“613.3.** Penal proceedings for an offence under any of sections 602 to 611 or under a provision of a regulation the violation of which constitutes an offence under subparagraph 15 of the first paragraph of section 599 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

Proof of date. The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary.”

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

c. D-9.2, s. 103.1, am. **74.** Section 103.1 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is amended by striking out “each year, within two months after the closing date of its fiscal year or” and “other” in the first paragraph.

c. D-9.2, s. 103.2, am. **75.** Section 103.2 of the Act is amended by striking out the last sentence of the third paragraph.

c. D-9.2, s. 115.1, added. **76.** The Act is amended by inserting the following section after section 115:

Failure to file documents. **“115.1.** For the purposes of section 115, the Authority may determine by regulation the amounts of, and conditions for imposing, a penalty for failure to file documents as required under this Act or a regulation under this Act.”

c. D-9.2, s. 119, am. **77.** Section 119 of the Act is amended by adding the following paragraph:

Provisions applicable. “Sections 326 to 328 and 330 of the Securities Act (chapter V-1.1) apply with the necessary modifications to such an appeal.”

c. D-9.2, ss. 189 and 189.1, repealed. **78.** Sections 189 and 189.1 of the Act are repealed.

c. D-9.2, s. 194, am. **79.** Section 194 of the Act is amended

(1) by adding “and the draft regulation made by a Chamber under the fourth paragraph of section 312” at the end of the first paragraph;

(2) by adding “, and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice” at the end of the second paragraph;

(3) by replacing “all the regulations approved by the Government in the information bulletin” in the third paragraph by “in the information bulletin all the regulations approved by the Minister or the Government under this Act”.

c. D-9.2, s. 217,
replaced.

80. Section 217 of the Act is replaced by the following section:

Approval of the
Minister.

“**217.** A regulation made by the Authority under this Act or a regulation made by a Chamber under the fourth paragraph of section 312 must be submitted to the Minister for approval with or without amendment.

Approval of the
Government.

However, a regulation made by the Authority under any of sections 115.1 and 198, paragraph 2 of section 203, sections 225, 226, 228, 274.1, 278, 423 and 443, paragraph 6 of section 449 and section 452 of this Act must be submitted to the Government for approval with or without amendment.

Restriction.

A draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation. Sections 4, 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to the regulation.

Failure to make
regulation.

The Minister may make a regulation referred to in the first paragraph if the Authority or a Chamber fails to make such a regulation within the time determined by the Minister.

Failure to make
regulation.

The Government may make a regulation referred to in the second paragraph if the Authority fails to make such a regulation within the time determined by the Government.”

c. D-9.2, s. 248,
repealed.

81. Section 248 of the Act is repealed.

c. D-9.2, s. 274.1,
replaced.

82. Section 274.1 of the Act is replaced by the following sections:

Indemnity committee.

“**274.1.** An indemnity committee is established within the Authority.

Function.

The function of the committee is to rule on the eligibility of claims submitted to the Authority and decide the amount of the indemnities to be paid, in accordance with the rules determined by regulation. To that end, the committee may require any necessary document or information. Any document or information provided for that purpose remains the property of the Authority.

Power.

The committee may rule on the eligibility of a claim whether or not the perpetrator of the offence has been prosecuted or convicted.

Composition.

“**274.2.** The committee is composed of three members appointed for a three-year term by the Minister, who designates a chair from among them.

Continuance in office.	At the end of their term, the committee members remain in office until they are reappointed or replaced.
Replacement.	A member who is absent or unable to act is replaced by a person appointed by the Minister for as long as the committee member is absent or unable to act.
Vacancies.	Any vacancy on the committee is filled by the Minister.
Remuneration.	“274.3. The salary, fees or allowances, as the case may be, of each committee member are determined by the Minister and paid by the Authority out of the Fonds d’indemnisation des services financiers.
Immunity.	“274.4. Committee members may not be prosecuted for acts performed in good faith in the performance of their duties.
Decisions.	“274.5. Committee decisions are made by a majority vote of the members.
Report.	“274.6. Not later than 31 July each year, the committee must report to the Minister on its activities for the previous fiscal year. The committee report is included in the activity report of the Authority.”
c. D-9.2, s. 276, replaced.	83. Section 276 of the Act is replaced by the following section:
Compensation.	“276. The Authority shall compensate a victim in accordance with the decision of the indemnity committee.”
c. D-9.2, s. 279, replaced.	84. Section 279 of the Act is replaced by the following section:
Investments.	“279. The Authority invests the sums making up the Fonds d’indemnisation des services financiers in accordance with section 38.6 of the Act respecting the Autorité des marchés financiers (chapter A-33.2).”
c. D-9.2, s. 309, am.	85. Section 309 of the Act is amended by striking out the third paragraph.
c. D-9.2, s. 310, am.	86. Section 310 of the Act is amended by striking out the second paragraph.
c. D-9.2, s. 310.1, repealed.	87. Section 310.1 of the Act is repealed.
c. D-9.2, s. 313, am.	88. Section 313 of the Act is amended by striking out the second paragraph.
c. D-9.2, s. 315, am.	89. Section 315 of the Act is amended by striking out the third paragraph.
c. D-9.2, s. 320, am.	90. Section 320 of the Act is amended by striking out the third paragraph.
c. D-9.2, s. 354, am.	91. Section 354 of the Act is amended by adding the following paragraph at the end:

Complaint inadmissible.

“A complaint filed against a person referred to in the first or second paragraph who exercises a function provided for in this Act, including a syndic, a syndic’s assistant, a person conducting an inquiry for a syndic or a member of a discipline committee, for acts engaged in in the exercise of that function is inadmissible.”

c. D-9.2, s. 485, replaced.

92. Section 485 of the Act is replaced by the following section:

Offence and penalty.

“**485.** A natural person convicted of an offence under any of sections 461, 462, 465 to 467 and 469 to 473 is liable to a minimum fine of \$1,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

Fine.

In the case of an offence under section 468, the minimum fine is \$5,000.

Maximum amount.

In all cases, the maximum fine is \$50,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.

Subsequent convictions.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”

c. D-9.2, s. 486, am.

93. Section 486 of the Act is amended

(1) by replacing “fine of not less than \$2,000 and not more than \$20,000 and, for every subsequent offence, to a fine of not less than \$4,000 and not more than \$50,000” by “minimum fine of \$2,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is \$150,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount”;

(2) by adding the following paragraph at the end:

Subsequent convictions.

“In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”

c. D-9.2, s. 487, replaced.

94. Section 487 of the Act is replaced by the following section:

Offence and penalty.

“**487.** A legal person convicted of an offence under any of sections 461, 462, 465 to 467 and 469 to 473 is liable to a minimum fine of \$3,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. In the case of an offence under section 468, the minimum fine is \$5,000.

Maximum amount.

The maximum fine is \$200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.

Subsequent convictions.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”

c. D-9.2, s. 488, am.

95. Section 488 of the Act is amended

(1) by replacing “fine of not less than \$4,000 and not more than \$40,000 and, for every subsequent offence, to a fine of not less than \$8,000 and not more than \$80,000” by “minimum fine of \$4,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is \$200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.”;

(2) by adding the following paragraph at the end:

Subsequent convictions.

“In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”

c. D-9.2, s. 489, am.

96. Section 489 of the Act is amended

(1) by replacing “fine of not less than \$1,000 and not more than \$25,000 and, for every subsequent offence, to a fine of not less than \$2,000 and not more than \$50,000” by “minimum fine of \$3,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is \$200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.”;

(2) by adding the following paragraph at the end:

Subsequent convictions.

“In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”

c. D-9.2, s. 490, am.

97. Section 490 of the Act is amended

(1) by replacing “fine of not less than \$10,000 and not more than \$50,000 and, for every subsequent offence, to a fine of not less than \$20,000 and not more than \$100,000” by “minimum fine of \$10,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is \$200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.”;

(2) by adding the following paragraph at the end:

Subsequent convictions.

“In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”

- c. D-9.2, s. 494, am. **98.** Section 494 of the Act is amended by replacing “one year” in the first paragraph by “three years”.
- ACT RESPECTING THE LEGAL PUBLICITY OF SOLE PROPRIETORSHIPS, PARTNERSHIPS AND LEGAL PERSONS
- c. P-45, s. 531, am. **99.** Section 531 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) is amended by striking out “, 93.269 to 93.273” wherever it appears.
- ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES
- c. S-29.01, s. 6, am. **100.** Section 6 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by striking out the definition of “capital base”.
- c. S-29.01, s. 104, am. **101.** Section 104 of the Act is amended by replacing “287 or in sections 293, 299, 300 and 301” in subparagraph 8 of the first paragraph by “287 or in sections 293 and 299”.
- c. S-29.01, s. 111, am. **102.** Section 111 of the Act is amended by replacing “where the effect of the payment of that amount has been to increase the debt ratio of the company to a higher limit than the limit authorized by this Act” in the second paragraph by “if, by paying the sum, the company contravenes the capital adequacy requirements of a government regulation or of a guideline issued by the Authority under section 314.1”.
- c. S-29.01, s. 153.2, am. **103.** Section 153.2 of the Act is amended by striking out “each year, within two months of the closing date of its fiscal year or” and “other” in the first paragraph.
- c. S-29.01, s. 153.4, am. **104.** Section 153.4 of the Act is amended by striking out the last sentence of the third paragraph.
- c. S-29.01, s. 153.6, repealed. **105.** Section 153.6 of the Act is repealed.
- c. S-29.01, s. 169, am. **106.** Section 169 of the Act is amended by striking out “the renewal of its licence or, where such is the case, for” and “, if it expires after 30 June,” in paragraph 3.
- c. S-29.01, ss. 177.1-177.3, added. **107.** The Act is amended by inserting the following sections after section 177:
- Legal capacity. **“177.1.** Any company may receive deposits of money from a minor or a person who does not have legal capacity to contract, without the authorization or intervention of any other person.
- Management practices. **“177.2.** Every company must adhere to sound and prudent management practices.

Sound commercial practices.

“177.3. Every company must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them.”

c. S-29.01, Chap. XV, Div. IV, heading, am.

108. The heading of Division IV of Chapter XV of the Act is amended by striking out “BASE”.

c. S-29.01, s. 195, replaced.

109. Section 195 of the Act is replaced by the following section:

Capital and liquid assets.

“195. A company must, in view of its operations, maintain an adequate level of capital and liquid assets to ensure sound and prudent management.

Directions.

If the Authority considers it advisable, it may give written directions in that regard. The company shall comply with the directions within the time determined by the Authority.”

c. S-29.01, ss. 197-199, repealed.

110. Sections 197 to 199 of the Act are repealed.

c. S-29.01, s. 200, am.

111. Section 200 of the Act is amended by adding the following paragraph at the end:

Management practices.

“It must also adhere to sound and prudent management practices.”

c. S-29.01, s. 203, repealed.

112. Section 203 of the Act is repealed.

c. S-29.01, s. 204, am.

113. Section 204 of the Act is amended by striking out “of securities contemplated in subparagraphs 2, 3, 5 and 6 of the first paragraph of section 203 nor” in the second paragraph.

c. S-29.01, s. 205, am.

114. Section 205 of the Act is amended by replacing “For the purposes of section 203, no” by “No”.

c. S-29.01, ss. 207 and 209-211, repealed.

115. Sections 207 and 209 to 211 of the Act are repealed.

c. S-29.01, s. 212, am.

116. Section 212 of the Act is amended by striking out the third paragraph.

c. S-29.01, ss. 213 and 214, repealed.

117. Sections 213 and 214 of the Act are repealed.

c. S-29.01, s. 227, am.

118. Section 227 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 3 by the following subparagraphs:

“(3) adheres to sound and prudent management practices;

“(3.1) adheres to sound commercial practices;”;

(2) by replacing “has a sufficient capital base, in the opinion of the Authority, to provide adequate protection of the depositors or to operate efficiently” in subparagraph 4 by “in the opinion of the Authority, has an adequate level of capital to provide effective protection for depositors or to ensure sound and prudent management”.

c. S-29.01, s. 240, am. **119.** Section 240 of the Act is amended

(1) by replacing “shall be valid until 30 June following its date of issue. It may be renewed each year upon application and on the conditions prescribed by this Act and the regulations of the Government thereunder” in the first paragraph by “is issued for an undetermined period”;

(2) by replacing “The licence may be issued for a period of less than one year and” in the second paragraph by “It may”.

c. S-29.01, s. 241, am. **120.** Section 241 of the Act is amended by striking out subparagraph 1 of the first paragraph.

c. S-29.01, s. 242, am. **121.** Section 242 of the Act is amended by replacing the second paragraph by the following paragraph:

Publication of list.

“As well, the Authority must publish annually a list of the companies that hold a licence and the address of their head office or principal place of business in the *Gazette officielle du Québec*.”

c. S-29.01, s. 244, am. **122.** Section 244 of the Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) whose level of capital, in the opinion of the Authority, is not adequate to provide effective protection for depositors or to ensure sound and prudent management;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) which, in the opinion of the Authority, fails to adhere to sound and prudent management practices, to comply with the requirements under section 153.1 or to adhere to the commercial practices referred to in section 177.3;”.

c. S-29.01, s. 250, am. **123.** Section 250 of the Act is amended by replacing “or cancelled or has not been renewed” by “or cancelled” and “, cancellation or non-renewal” by “or cancellation”.

c. S-29.01, s. 251, am. **124.** Section 251 of the Act is amended by adding the following paragraph at the end:

Contestation.

“The same applies to a decision made under Chapter XVI.1.”

- c. S-29.01, s. 261, am. **125.** Section 261 of the Act is amended by replacing “293, 299, 300 and 301” in paragraph 1 by “293 and 299”.
- c. S-29.01, s. 299, am. **126.** Section 299 of the Act is amended by adding the following sentence at the end: “The statements must be presented on the forms provided by the Authority.”
- c. S-29.01, ss. 300-302, repealed. **127.** Sections 300 to 302 of the Act are repealed.
- c. S-29.01, s. 314.1, replaced. **128.** Section 314.1 of the Act is replaced by the following section:
- Guidelines. **“314.1.** The Authority may, after consulting with the Minister, issue guidelines applicable to companies pertaining to
- (1) the adequacy of its capital;
 - (2) the adequacy of its liquid assets;
 - (3) any other sound and prudent management practices;
 - (4) any requirement under section 153.1;
 - (5) any commercial practice referred to in section 177.3.
- Scope. The guidelines are not regulations. They may pertain to the carrying out, interpretation or application of the subject matter of any of subparagraphs 1 to 5 of the first paragraph whether or not it is dealt with in a regulation made under this Act.”
- c. S-29.01, s. 314.2, replaced. **129.** Section 314.2 of the Act is replaced by the following section:
- Non-compliance. **“314.2.** For the purposes of section 328, a company that fails to comply with the guidelines referred to in section 314.1 is presumed to have failed to adhere to sound and prudent management practices as provided for in subparagraphs 1 to 3 of the second paragraph of that section, or to have failed to comply with the requirements under section 153.1 or adhere to the commercial practices referred to in section 177.3, as the case may be.”
- c. S-29.01, Chap. XVI, Div. XII, ss. 337-349, repealed. **130.** Division XII of Chapter XVI of the Act, comprising sections 337 to 349, is repealed.
- c. S-29.01, Chap. XVI.1, ss. 349.1-349.3, added. **131.** The Act is amended by inserting the following chapter after section 349:

“CHAPTER XVI.1

“ADMINISTRATIVE SANCTIONS

- Non-compliance. “**349.1.** Following the establishment of facts brought to the attention of the Authority showing that a person or partnership has failed to comply with a provision of this Act or the regulations, the Authority may impose an administrative sanction on that person or partnership and collect payment of the sanction.
- Maximum amount. The amount of the sanction must be proportionate to the seriousness of the violation and may in no case exceed \$1,000,000.
- Costs. “**349.2.** In addition to imposing an administrative sanction, the Authority may require the person or partnership to repay the costs incurred in connection with the inspection or inquiry which established proof of the facts showing non-compliance with the provision concerned, according to the tariff established by regulation.
- Failure to file documents. “**349.3.** For the purposes of section 349.1, the Government may determine, by regulation, the amounts of, and conditions for, imposing an administrative sanction for failure to file documents as required under this Act or a regulation under this Act.”
- c. S-29.01, s. 350, am. **132.** Section 350 of the Act is amended by replacing “, by regulation, may for the purposes of this Act determine which assets or liabilities may be added to or subtracted from the shareholders’ equity to determine the capital base of a company, what assets the capital base is composed of and their relative proportions, the conditions and restrictions attached to different assets and liabilities and to the other components of the capital base, and” by “may, by regulation,”.
- c. S-29.01, s. 351, am. **133.** Section 351 of the Act is amended
- (1) by replacing “, licences and licence renewals” in paragraph 1 by “and licences”;
- (2) by replacing “standards of adequacy of the capital base and liquidity of a company” in paragraph 17 by “standards with respect to the adequacy of a company’s capital and liquid assets and to its commercial practices”;
- (3) by striking out paragraphs 18, 19 and 22;
- (4) by striking out “and renewal” in paragraph 24;
- (5) by inserting the following paragraph after paragraph 31:
- “(31.1) a tariff of costs for the purposes of section 349.2;”.

c. S-29.01, s. 363,
replaced.
Offence and penalty.

134. Section 363 of the Act is replaced by the following section:

“363. A person convicted of an offence under any of sections 352 to 355, 357 to 359 and 362 is liable to a fine of not less than \$1,000 nor more than \$25,000 in the case of a natural person, or a fine of not less than \$3,000 nor more than \$200,000 in the case of a legal person. However, the persons referred to in section 355 are liable to the fines prescribed for the legal person, whether or not it has been convicted.

Fine.

In the case of an offence under section 356, 360 or 361, the minimum fine is \$5,000.

Subsequent
convictions.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.”

c. S-29.01, ss. 367.1-
367.3, added.

135. The Act is amended by inserting the following sections after section 367:

Penal proceedings.

“367.1. Penal proceedings may be instituted by the Authority for an offence under this Act.

Remittance.

“367.2. The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

Prescription.

“367.3. Penal proceedings for an offence under any of sections 352 to 362 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

Proof of date.

The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary.”

c. S-29.01, s. 385,
repealed.

136. Section 385 of the Act is repealed.

SECURITIES ACT

c. V-1.1, s. 1, am.

137. Section 1 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing “an organized market” in subparagraph 8 of the first paragraph by “a published market”.

c. V-1.1, s. 67, am.

138. Section 67 of the Act is amended by replacing “an organized market” in the first paragraph by “a published market”.

- c. V-1.1, s. 68, am. **139.** Section 68 of the Act is amended by replacing subparagraph 4 of the second paragraph by the following subparagraph:
- “(4) its securities have been exchanged for those of another issuer or those held by security-holders of another issuer pursuant to an agreement, merger, amalgamation or reorganization or a similar operation involving at least one reporting issuer;”.
- c. V-1.1, s. 94, am. **140.** Section 94 of the Act is amended by replacing “a senior executive of the former issuer is deemed to have been an insider of the other reporting issuer for the previous 6 months or for such shorter period as he has been a senior executive” in the first paragraph by “the senior executives and the directors of the former issuer are deemed to have been insiders of the other reporting issuer for the previous 6 months or for such shorter period as they have been senior executives or directors”, and by inserting “and the directors” after “senior executives” in the second paragraph.
- c. V-1.1, s. 95, am. **141.** Section 95 of the Act is amended by inserting “and directors” after “senior executives” in the first paragraph.
- c. V-1.1, s. 98, replaced.
Filing of report. **142.** Section 98 of the Act is replaced by the following section:
- “**98.** Senior executives and directors deemed to be insiders under section 94 or 95 shall, within the time fixed by regulation, file the report that sections 96 and 97 would have required for the period covered by the presumption.”
- c. V-1.1, s. 100, am. **143.** Section 100 of the Act is amended
- (1) by inserting “and directors” after “senior executives”;
- (2) by replacing “of a mutual fund or of an unincorporated mutual fund” by “of a mutual fund”.
- c. V-1.1, ss. 122 and 126, am. **144.** Sections 122 and 126 of the Act are amended by replacing “an organized market” wherever it appears by “a published market”.
- c. V-1.1, s. 168.1.2, am. **145.** Section 168.1.2 of the Act is amended by striking out “each year, within two months of the end of its fiscal year or” and “other” in the first paragraph.
- c. V-1.1, s. 168.1.3, am. **146.** Section 168.1.3 of the Act is amended by striking out the last sentence of the third paragraph.
- c. V-1.1, s. 195, am. **147.** Section 195 of the Act is amended by inserting “or the Bureau de décision et de révision en valeurs mobilières” after “the Authority” in paragraphs 1 and 2.

- c. V-1.1, s. 202, am. **148.** Section 202 of the Act is amended by replacing the first paragraph by the following paragraph:
- Offence and penalty. **“202.** Unless otherwise specially provided, every person that contravenes a provision of this Act commits an offence and is liable to a minimum fine of \$2,000 in the case of a natural person and \$3,000 in the case of a legal person or double the profit realized, whichever is the greatest amount. The maximum fine is \$150,000 in the case of a natural person and \$200,000 in the case of a legal person, or four times the profit realized, whichever is the greater amount.”
- c. V-1.1, s. 204, am. **149.** Section 204 of the Act is amended by replacing the first paragraph by the following paragraph:
- Offence and penalty. **“204.** In the case of an offence under any of sections 187 to 190, the minimum fine is \$5,000, double the profit eventually realized or one fifth of the sums invested or, in the case of derivatives trading, the sums allocated to the transaction or series of transactions, whichever is the greatest amount. The maximum fine is \$5,000,000, four times the profit eventually realized or half the sums invested or, in the case of derivatives trading, the sums allocated to the transaction or series of transactions, whichever is the greatest amount.”
- c. V-1.1, s. 204.1, added. **150.** The Act is amended by inserting the following section after section 204:
- Offence and penalty. **“204.1.** In the case of a distribution without a prospectus in contravention of section 11 or an offence under section 195.2, 196 or 197, the minimum fine is \$5,000, double the profit realized or one fifth of the sums invested, whichever is the greatest amount. The maximum fine is \$5,000,000, four times the profit realized or half the sums invested, whichever is the greatest amount.”
- c. V-1.1, s. 208.1, am. **151.** Section 208.1 of the Act is amended by replacing “in addition to” by “regardless of”.
- c. V-1.1, s. 211, am. **152.** Section 211 of the Act is amended by replacing “sections 11, 12, 25, 26, 73, 74, 94 to 103, 148, 149, 163.1, 187 to 190 and 192 to 201” by “sections 11, 12, 25 to 27, 29, 64, 67, 73, 75 to 78, 80 to 82.1, 89.3, 96 to 98, 102 to 103.1, 108, 109.2 to 109.5, 112, 113, 115, 148, 149, 151.4, 158 to 168.1.3, 169, 187 to 190, 192 to 197, 199 to 203 and 207”.
- c. V-1.1, s. 218, am. **153.** Section 218 of the Act is amended by replacing “or directors, or from the dealer under contract to the issuer or holder whose securities were distributed” by “or directors, the dealer under contract to the issuer or holder whose securities were distributed and any person who is required to sign an attestation in the prospectus, in accordance with the conditions prescribed by regulation”.

- c. V-1.1, s. 223, am. **154.** Section 223 of the Act is amended by adding “, and any person who is required to sign an attestation in the take-over bid circular, in accordance with the conditions prescribed by regulation” at the end.
- c. V-1.1, ss. 225.28 and 225.29, am. **155.** Sections 225.28 and 225.29 of the Act, enacted by section 11 of chapter 15 of the statutes of 2007, are again amended by replacing “an organized market” wherever it appears by “a published market”.
- c. V-1.1, s. 237, am. **156.** Section 237 of the Act is amended by inserting the following subparagraphs after subparagraph 2 of the first paragraph:
- “(2.1) an authorized stock exchange or one of its participants;
- “(2.2) an authorized securities clearing house or a person that holds an account in a clearing house;
- “(2.3) a person that operates an authorized electronic securities trading system or is registered as a dealer or one of the dealer’s participants;
- “(2.4) an authorized securities information processor or one of its users;
- “(2.5) an authorized matching service utility or one of its users;”.
- c. V-1.1, s. 239, am. **157.** Section 239 of the Act is amended
- (1) by replacing “entered into pursuant to section 295.1” in paragraph 4 by “entered into under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)”;
- (2) by replacing paragraph 5 by the following paragraph:
- “(5) to ascertain whether it would be advisable to request the Superior Court to order the appointment of a receiver in accordance with section 19.1 of the Act respecting the Autorité des marchés financiers.”
- c. V-1.1, Title IX, Chap. II, Div. II, ss. 257-262, repealed. **158.** Division II of Chapter II of Title IX of the Act, comprising sections 257 to 262, is repealed.
- c. V-1.1, Div. II.1, s. 262.1, added. **159.** The Act is amended by inserting the following division after section 262:

“DIVISION II.1

“PUBLIC INTEREST MEASURES AND REMEDIAL POWERS

Orders.

“**262.1.** Following a failure to comply with a requirement under securities legislation, the Authority may request the Bureau de décision et de révision en valeurs mobilières to issue one or more of the following orders

against any person in order to remedy the situation or to deprive a person of the profit realized as a result of the non-compliance:

(1) an order requiring the person to comply with

(a) any provision of this Act or the regulations or any other Act or regulation governing securities;

(b) any decision of the Authority under this Act or the regulations;

(c) any regulation, rule or policy of a self-regulating organization or securities exchange, or any decision or order rendered by the Bureau on the basis of such a regulation, rule or policy;

(2) an order requiring the person to submit to a review by the Authority of the person's practices and procedures and to institute such changes as may be directed by the Authority;

(3) an order rescinding any transaction entered into by the person relating to trading in securities, and directing the person to repay to a security holder any part of the money paid by the security holder for securities;

(4) an order requiring the person to issue, purchase, exchange or dispose of securities;

(5) an order prohibiting the voting or exercise of any other right attaching to securities by the person;

(6) an order requiring the person to produce financial statements in the form required by securities legislation, or an accounting in such other form as may be determined by the Bureau;

(7) an order directing the person to hold a shareholders' meeting;

(8) an order directing rectification of the registers or other records of the person;

(9) an order requiring the person to disgorge to the Authority amounts obtained as a result of the non-compliance."

c. V-1.1, s. 273.1, am.

160. Section 273.1 of the Act is amended by striking out the fourth paragraph.

c. V-1.1, s. 274.1, am.

161. Section 274.1 of the Act is amended by inserting "or Title V" after "Title III".

c. V-1.1, ss. 276.4, 295.1, 295.2 and 297.6, repealed.

162. Sections 276.4, 295.1, 295.2 and 297.6 of the Act are repealed.

c. V-1.1, s. 303, repealed.

163. Section 303 of the Act is repealed.

- c. V-1.1, s. 318.1, am. **164.** Section 318.1 of the Act is amended by replacing “under section 295.1” by “under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)”.
- c. V-1.1, s. 318.2, added. **165.** The Act is amended by inserting the following section after section 318.1:
- Decision. **“318.2.** Despite the first paragraph of section 318, the Authority may make a decision under the third paragraph of section 265 or section 271 or 272.2 based on a fact referred to in any of paragraphs 1 to 5, without allowing the person to present observations or submit documents to complete the file, unless they are in regard to the following facts:
- (1) the person was convicted of an indictable offence related to a securities operation or activity or to conduct involving securities;
 - (2) the person was convicted of an offence under this Act or a regulation under this Act;
 - (3) the person was convicted of an offence under the securities legislation of another Canadian province or territory or another State;
 - (4) the person is the subject of a decision by a securities authority of another Canadian province or territory or of another State imposing obligations or sanctions on the person, which may also include conditions or restrictions;
 - (5) the person has reached an agreement with a securities authority of another Canadian province or territory or of another State to comply with obligations or sanctions, which may also include conditions or restrictions.”
- c. V-1.1, s. 323.8, am. **166.** Section 323.8 of the Act is amended by replacing “under section 295.1” by “under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)”.
- c. V-1.1, s. 323.8.1, added. **167.** The Act is amended by inserting the following section after section 323.8:
- Decision. **“323.8.1.** Despite sections 323 to 323.8, the Bureau may make a decision under section 152, paragraph 1, 2 or 3 of section 262.1, section 264, the first or second paragraph of section 265 or section 266, 270 or 273.3, based on a fact referred to in any of paragraphs 1 to 5 of section 318.2, without hearing the insider again, unless it is in regard to one of those facts.”
- c. V-1.1, ss. 330.1, 330.5 and 330.6, repealed. **168.** Sections 330.1, 330.5 and 330.6 of the Act are repealed.
- c. V-1.1, s. 331, am. **169.** Section 331 of the Act is amended by inserting “or Title V” after “Title III” in subparagraph 11.1 of the first paragraph.

c. V-1.1, s. 331.1, am. **170.** Section 331.1 of the Act is amended by inserting the following paragraphs after paragraph 19.2:

“(19.3) prescribe the obligations of reporting issuers and their signing officers with respect to information release controls and procedures and to internal control of financial information, in particular concerning the design, implementation and maintenance of such controls, the assessment of their effectiveness and the disclosure of assessment results, their documentation, the monitoring of their modifications, any fraud related to them, and audit of internal control assessment;

“(19.4) establish rules relating to attestations that reporting issuers and their signing officers must provide concerning the internal control of financial information and information release controls and procedures;”.

TRANSITIONAL AND FINAL PROVISIONS

Regulation, ss. 7-10, repealed. **171.** Sections 7 to 10 of the Regulation under the Act respecting trust companies and savings companies, enacted by Order in Council 719-88 dated 18 May 1988 (1988, G.O. 2, 2124), are repealed.

Securities Regulation, s. 271.13, am. **172.** Section 271.13 of the Securities Regulation, enacted by Order in Council 660-83 dated 30 March 1983 (1983, G.O. 2, 1269), is amended by replacing “Division II of Chapter II or Chapter III of Title III of the Act for failure to file a disclosed document” by “Title III of the Act for failure to file a periodic disclosure document”.

Contingency reserve balance. **173.** The balance of the contingency reserve established by section 276.4 of the Securities Act (R.S.Q., chapter V-1.1) is paid into the contingency reserve provided for in section 38.3 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2).

Assistance fund balance. The balance of the assistance fund dedicated to developing, providing and delivering various services in the fields related to its mission and educating investors, established by Order in Council 1133-2002 dated 25 September 2002, as well as the sums collected since 1 February 2004 by the Autorité des marchés financiers under section 405.1 of the Act respecting insurance (R.S.Q., chapter A-32) are paid into the fund established under section 38.1 of the Act respecting the Autorité des marchés financiers.

O.C. 1133-2002, repealed. Order in Council 1133-2002 dated 25 September 2002 is repealed.

Provisional administration. **174.** A provisional administration instituted under the Act respecting insurance, the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3), the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) and the Securities Act before 27 May 2008 is governed by the law as it stands on the day it is instituted.

- Presumption. **175.** A licence issued under Division I of Chapter XVI of the Act respecting trust companies and savings companies, in force on 30 June 2008, is deemed to have been issued without an expiry date, unless it was issued for a period of less than one year or its period of validity was reduced to less than one year after it was issued.
- Prohibition continued. **176.** A company governed by the Act respecting trust companies and savings companies whose application for a licence renewal was denied before 28 May 2008 continues to be prohibited from carrying on business in Québec except to wind up its business, and the non-renewal of the licence continues to have no effect on the company's obligations.
- Coming into force. **177.** This Act comes into force on the date it is assented to, except section 8 insofar as it enacts sections 38.1 to 38.3 of the Act respecting the Autorité des marchés financiers, sections 46, 106 and 119 to 121, paragraphs 1 and 4 of section 133, section 162 insofar as it repeals section 276.4 of the Securities Act and sections 173, 175 and 176, which come into force on 1 July 2008, and sections 47, 76, 82, 83, 109 to 118, 122, 128 and 129, section 131 insofar as it enacts section 349.3, paragraph 3 of section 133, section 161, section 162 insofar as it repeals section 297.6, and sections 169 and 171, which come into force on the date or dates to be set by the Government.

2008, chapter 8

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES, THE HEALTH INSURANCE ACT AND THE ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

Bill 70

Introduced by Mr. Philippe Couillard, Minister of Health and Social Services

Introduced 18 December 2007

Passed in principle 3 April 2008

Passed 27 May 2008

Assented to 28 May 2008

Coming into force: on the date or dates to be set by the Government

Legislation amended :

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5)

Act respecting health services and social services (R.S.Q., chapter S-4.2)

Explanatory notes

This Act introduces, for the purposes of the provisions of the Act respecting health services and social services that deal with regional storage services for certain information required in order to provide health services, the principle of implicit consent, by all persons who receive such services in Québec, to the storage of that information by an agency or institution the Minister authorizes to set up regional storage services or by the Régie de l'assurance maladie du Québec in the cases provided for by law. Accordingly, it sets out the operating rules that come into play when a person opts out of personal information storage.

This Act also provides that the information stored includes a copy of the historical data that relate to certain information.

It proposes amendments to the Health Insurance Act in order to clarify certain rules relating to the unique identification numbers that the Régie de l'assurance maladie du Québec assigns to persons who receive health services in Québec.

Lastly, this Act makes a number of consequential amendments to the Act respecting the Régie de l'assurance maladie du Québec.



Chapter 8

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES, THE HEALTH INSURANCE ACT AND THE ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

[Assented to 28 May 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

c. S-4.2, s. 19.0.2,
am.

1. Section 19.0.2 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by inserting “expiration date of the health insurance card,” after “insurance number,” in the seventh and eighth lines of the first paragraph;

(2) by replacing everything after “for the purpose of” in the last sentence of the first paragraph by “verifying the validity or facilitating the transfer of the other information”;

(3) by replacing “register of insured persons” at the end of the second paragraph by “register of users, after recording in the register the information referred to in the twelfth paragraph of section 65 of the Health Insurance Act (chapter A-29)”.

c. S-4.2, s. 505,
am.

2. Section 505 of the Act, amended by section 184 of chapter 32 of the statutes of 2005 and by section 31 of chapter 43 of the statutes of 2006, is again amended

(1) by replacing paragraph 24.1 by the following paragraph:

“(24.1) prescribe the manner in which and the terms under which a person may opt out of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an agency or institution referred to in section 520.7 or to the Régie de l'assurance maladie du Québec, or the manner in which and the terms under which a person may opt back in to having personal information sent, following an earlier opting out;”;

(2) by replacing paragraph 24.4 by the following paragraph:

“(24.4) in the cases and circumstances and under the conditions specified, exempt a health and social service provider giving health services to a person who has not opted out or to whom the provider dispenses drugs or samples,

from the obligation to send a copy of the information referred to in section 520.9 in accordance with section 520.17 or 520.18;”.

c. S-4.2, s. 520.6, am.

3. Section 520.6 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by striking out paragraph 3;

(2) by replacing paragraph 4 by the following paragraph:

“(4) voluntary participation and non-discrimination, in that each person must remain entirely free to opt out at any time of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie de l’assurance maladie du Québec, and that the opting out must in no way imperil the person’s right to have access to and receive the health services required by the person’s state of health;”.

c. S-4.2, s. 520.7, am.

4. Section 520.7 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005 and amended by section 34 of chapter 43 of the statutes of 2006, is again amended

(1) by replacing the part before subparagraph 1 of the first paragraph by the following:

Regional storage services.

“**520.7.** The Minister shall authorize an agency or an institution situated in the agency’s area of jurisdiction to establish regional storage services for copies of the information referred to in section 520.9, including copies of the historical data that relate to information on the results of laboratory tests or analyses, including the results of laboratory function tests, the results of medical imaging examinations and immunization data, in respect of persons who receive health services in Québec, except a person who opts out of having personal information sent, in accordance with section 520.17 or 520.18, to such an agency or institution or to the Régie de l’assurance maladie du Québec to be stored.

Historical data.

The historical data for the information referred to in the first paragraph may not predate 1 January 2007, except if it concerns immunization data, in which case it may include all vaccines received.

Information.

The information that may be so stored is”;

(2) by replacing the second paragraph by the following paragraphs:

Verification.

“Such an agency or institution and the Régie de l’assurance maladie du Québec must make sure, before receiving the information referred to in section 520.9, that the person concerned has not opted out of having personal information sent to the agency or institution.

- Date of confirmation. For the purposes of the fourth paragraph, the date of confirmation that the person has not opted out is the date of
- (1) the taking of samples, with respect to laboratory tests and analyses;
 - (2) the test, with respect to laboratory function tests;
 - (3) the medical imaging examination, with respect to such examinations;
 - (4) the filling of a prescription by a pharmacist, with respect to medication;
 - (5) the administration of a vaccine, with respect to immunization data; and
 - (6) the sending of information, with respect to information referred to in subparagraphs 1, 2, 3 and 8 of the first paragraph of section 520.9.
- Verification. The agency or institution must make sure, before communicating information referred to in section 520.9, that the person concerned has not opted out of having personal information sent to the agency or institution.
- Date of confirmation. For the purposes of the sixth paragraph, the date of confirmation that the person has not opted out is the date of the request for information by an authorized health and social service provider, subject to the eighth paragraph.
- Access. Despite a person's having opted out, the agency or institution may communicate the information concerning the person referred to in section 520.9 to an authorized health and social service provider if the provider previously accessed the information and establishes the need to do so again. In such a case, the provider's name and unique identification number must be sent to the agency or institution together with the reasons justifying access."
- c. S-4.2, s. 520.8, am. **5.** Section 520.8 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended
- (1) by replacing "who may give consent to the storage of personal information in accordance with Chapter IV of this Title" in the sixth and seventh lines of subparagraph 3 of the first paragraph by "in respect of whom an authorized agency or institution stores information";
 - (2) by replacing "An authorized agency or an institution" at the beginning of the second paragraph by "An authorized agency or institution".
- c. S-4.2, s. 520.9, am. **6.** Section 520.9 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005 and amended by section 35 of chapter 43 of the statutes of 2006 and by section 6 of chapter 31 of the statutes of 2007, is again amended
- (1) by replacing the part before subparagraph 1 of the first paragraph by the following:

- Classes of information. **“520.9.** The classes of information that an authorized agency or institution may store with the Minister’s authorization and the information that those classes may include, in addition to the historical data that relate to the information referred to in subparagraphs 4, 5 and 7 of this paragraph, are as follows:”;
- (2) by inserting “and analyses” after “tests” in subparagraph 4 of the first paragraph;
- (3) by replacing “immunological” in the first line of subparagraph 7 of the first paragraph by “immunization”.
- c. S-4.2, s. 520.11, am. **7.** Section 520.11 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended by replacing “register of insured persons” at the end of the second paragraph by “register of users”.
- c. S-4.2, ss. 520.14-520.16, replaced. **8.** Sections 520.14 to 520.16 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, are replaced by the following sections:
- Opting out. **“520.14.** Persons who receive health services in Québec may at any time contact a local authority, the Régie de l’assurance maladie du Québec or any other person prescribed by regulation of the Government, in the manner and under the terms specified in the regulation, to opt out of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie.
- Exercise of right. The right to opt out may be exercised by a person 14 years of age or over, by the holder of parental authority or the tutor of a person under 14 years of age, by the tutor or curator of a person of full age incapable of exercising that right or by the mandatary of a person when the mandate, given in anticipation of the person’s inability, has been homologated.
- Signed document. The local authority or the person prescribed by regulation to receive opt-out registrations shall inform the Régie de l’assurance maladie du Québec of a registration as soon as it is received, by means of a signed document stating the name, sex and unique identification number of the person concerned and the date and place of receipt of the registration.
- Public Curator. In the case of persons represented by the Public Curator, the latter may opt out on their behalf before the Régie de l’assurance maladie du Québec, in the manner and under the terms the Board determines.
- Opting back in. **“520.15.** In addition, persons who have opted out may at any time contact a local authority, the Régie de l’assurance maladie du Québec or any other person prescribed by regulation of the Government, in the manner and under the terms specified in the regulation, to opt back in to having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie.

Signed document.

The local authority or the person prescribed by regulation to receive opt-in registrations under the first paragraph shall inform the Régie de l'assurance maladie du Québec of a registration as soon as it is received, by means of a signed document stating the name, sex and unique identification number of the person concerned and the date and place of receipt of the registration.

Publication.

“520.16. Information on the purpose and objectives pursued in establishing regional storage services, the terms under which a person may opt out or opt back in following an earlier opting out, and the procedures for accessing, using, communicating, storing and destroying information stored under this Title must be published, in particular, on the website of the Ministère de la Santé et des Services sociaux. The information must specify that authorized health and social service providers are authorized, when providing services,

(1) to send, in keeping with their access profile and provided the person concerned has not opted out of having the personal information referred to in section 520.9 sent,

(a) a copy of the information referred to in subparagraphs 1 to 3 and 5 to 8 of the first paragraph of section 520.9 to the authorized agency or institution in the area of jurisdiction of an agency where health services are provided or, exceptionally, in the area of jurisdiction of the agencies the Minister specifies;

(b) a copy of the information on the results of a laboratory test or analysis to the authorized agency or institution in the area of jurisdiction of the agency that sent a request for the laboratory test or analysis, including laboratory function tests, or, exceptionally, to the authorized agency or institution in the area of jurisdiction of the agencies the Minister specifies; and

(c) a copy of the information concerning medication referred to in subparagraph 6 of the first paragraph of section 520.9 to the Régie de l'assurance maladie du Québec if the services are provided by a pharmacist practising in a community pharmacy; and

(2) to receive, in keeping with their access profile and, subject to the eighth paragraph of section 520.7, provided the person concerned has not opted out, a copy of the information referred to in section 520.9 and stored by the authorized agency or institution and by the Régie de l'assurance maladie du Québec.”

c. S-4.2, s. 520.17, am.

9. Section 520.17 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by replacing “who consented to” in the fifth line of the first paragraph by “who has not opted out of”;

(2) by replacing “who consented to” in the third line of the second paragraph by “who has not opted out of”;

(3) by replacing “a confirmation of the existence and validity of the consent obtained from the register of consent given and consent revoked kept by the Régie in accordance with subparagraph *h.5* of the second paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec” in the third, fourth, fifth, sixth and seventh lines of the third paragraph by “confirmation from the opting out register kept by the Régie in accordance with subparagraph *h.5* of the second paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec that the person has not opted out of personal information storage”.

c. S-4.2, s. 520.18, am.

10. Section 520.18 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended by replacing paragraph 2 by the following paragraph:

“(2) confirmation that the person concerned has not opted out of having personal information sent to an authorized agency or institution or to the Régie de l’assurance maladie du Québec; and”.

c. S-4.2, s. 520.19, am.

11. Section 520.19 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by adding “, as well as confirmation, if applicable, that the Régie holds or stores information referred to in subparagraph 6 of the first paragraph of section 520.9” at the end of the first paragraph;

(2) by replacing “of the existence and validity of that person’s consent” in the last two lines of the second paragraph by “from the opting out register kept by the Régie in accordance with subparagraph *h.5* of the second paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec that the person has not opted out of personal information storage”.

c. S-4.2, s. 520.22, am.

12. Section 520.22 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) functions relating to the registration of a person’s opting out of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie de l’assurance maladie du Québec or of a person’s opting back in to having personal information sent, following an earlier opting out;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) functions relating to the management of the opting out register, set out in subparagraph *h.5* of the second paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec;”.

c. S-4.2, s. 520.23, am. **13.** Section 520.23 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by replacing the first paragraph by the following paragraph:

Information rendered inactive.

“520.23. Subject to the eighth paragraph of section 520.7, opting out renders any information previously stored on a person inactive. That information may not be destroyed until five years after the period of use prescribed under section 520.10.”;

(2) by replacing “again expresses a wish to have the information referred to in section 520.9 stored in accordance with this Title” in the first and second lines of the second paragraph by “opts back in to having the information referred to in section 520.9 stored in accordance with this Title, following an earlier opting out”;

(3) by striking out everything after “used” in the second paragraph;

(4) by replacing “agency or institution authorized to store it” in the third line of the third paragraph by “authorized agency or institution or to the Régie de l’assurance maladie du Québec”.

c. S-4.2, s. 520.24, replaced.

14. Section 520.24 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is replaced by the following section:

Deceased person.

“520.24. When a person dies, the Régie de l’assurance maladie du Québec, when informed of the death, registers the person as having opted out.

Destruction.

Information on the person is destroyed five years after such registration.”

c. S-4.2, s. 520.25, am.

15. Section 520.25 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended by replacing the first paragraph by the following paragraph:

Communication of information.

“520.25. An agency or institution may, during the period of use referred to in section 520.23 and subject to the eighth paragraph of section 520.7, communicate to an authorized health and social service provider, according to the access profile assigned to the provider, the information it stores or that the Régie de l’assurance maladie du Québec stores or holds in respect of a person who has not opted out under section 520.14, whatever the area of jurisdiction or territory in which that health and social service provider provides services to the person.”

c. S-4.2, s. 520.26, am.

16. Section 520.26 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by replacing “of the existence and validity of consent, in the cases provided for in this Title” in subparagraph 4 of the second paragraph by “, in the cases provided for in this Title, that a person has not opted out of having

the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie de l'assurance maladie du Québec”;

(2) by replacing “referred to in section 520.9 concerning a person who consented to the storage” in the second line of subparagraph 5 of the second paragraph by “concerning a person referred to in section 520.9”;

(3) by replacing “or” at the beginning of the third line of subparagraph 5 of the second paragraph by “and, if applicable,”;

(4) by striking out everything after “that section” in subparagraph 5 of the second paragraph.

HEALTH INSURANCE ACT

c. A-29, ss. 9.0.1.1 and 9.0.1.2, replaced.

17. Sections 9.0.1.1 and 9.0.1.2 of the Health Insurance Act (R.S.Q., chapter A-29) are replaced by the following sections:

Unique identification number.

“9.0.1.1. The unique identification number assigned in accordance with the third paragraph of section 9 or section 9.0.1 or the eleventh paragraph of section 65 must be constituted so as not to disclose, of itself, information concerning the person to whom it is assigned.

Prohibition.

The unique identification number may not be printed on a health insurance card or eligibility card or any other card or medium to be carried by its holder. The number may, however, be entered on such a card or medium by a technological means that ensures its confidentiality.

Use restricted.

“9.0.1.2. The unique identification number assigned to a person by the Board may not be used, requested, required or noted by another person except for purposes relating to the organizing, planning, or dispensing of services or the provision of goods or resources in the field of health or social services, or for the purposes of the storage services provided for in Title II of Part III.1 of the Act respecting health services and social services (chapter S-4.2), in order to allow the person to be unequivocally identified.

Statistics.

However, the Board and agencies or institutions authorized under section 520.7 of the Act respecting health services and social services may use the number for statistical purposes, provided the statistics cannot be associated with a specific person and the unique identification number is not disclosed.

Confidentiality.

In addition, a unique identification number may be used only in a manner that ensures its confidentiality. The Minister may make a regulation prescribing security standards to ensure the confidentiality of unique identification numbers.

- Offence and penalty. **“9.0.1.3.** A natural person is guilty of an offence and is liable to a fine of \$6,000 to \$30,000 and a legal person is guilty of an offence and is liable to a fine of \$12,000 to \$60,000 if that person contravenes section 9.0.1.1 or 9.0.1.2.”
- c. A-29, s. 63, am. **18.** Section 63 of the Act, amended by section 239 of chapter 32 of the statutes of 2005 and by section 3 of chapter 31 of the statutes of 2007, is again amended by inserting “, except the information referred to in subparagraphs 2 and 10 of the first paragraph of section 2.0.0.2 of the Act respecting the Régie de l’assurance maladie du Québec” at the end of the first sentence of the third paragraph.
- c. A-29, s. 65, am. **19.** Section 65 of the Act, amended by section 27 of chapter 21 of the statutes of 2007, is again amended
- (1) by inserting “the following information” after “forward” in the third line of the fifth paragraph, by replacing “or, where applicable, to” in the sixth line of that paragraph by “, in order to unequivocally identify a person who receives health services or social services or, where applicable, in order to”, and by striking out “, the following information” in the ninth and tenth lines of that paragraph;
- (2) by replacing everything after “qu’aux seules fins” in the last sentence of the fifth paragraph in the French text by “de vérifier la validité des autres renseignements ou d’en faciliter le transfert”;
- (3) by replacing “register of insured persons” in the eleventh paragraph by “register of users”;
- (4) by striking out the last sentence of the eleventh paragraph;
- (5) by adding the following paragraphs at the end:
- Information stored. “The Board shall store, in respect of a person referred to in the eleventh paragraph, the following information that it receives from an institution or a health professional: the person’s name, date of birth, sex, address, language code and telephone number, as well as the names of the person’s parents or legal representative, the person’s social insurance number or the number and title of an official document issued by a state authority establishing the person’s identity and, if applicable, the date of the person’s death. The Board shall also store the unique identification number it assigned to the person in accordance with the eleventh paragraph.
- Forwarding of information. The Board may forward the information referred to in the twelfth paragraph to an institution or a health professional, in order that the information contained in the institution’s or health professional’s local files or index be up-to-date, accurate and complete, or in order to unequivocally identify a person who receives health services or social services. The social insurance number may only be forwarded to verify the validity or facilitate the transfer of the other information.

Forwarding of information.

Despite any inconsistent provision of a general law or special Act, an institution or a health professional may, in order that the information contained in the institution's or health professional's local files or index be up-to-date, accurate and complete, or in order to unequivocally identify a person who receives health services or social services, forward the information referred to in the fifth or twelfth paragraph to the Board."

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

c. R-5, s. 2, am.

20. Section 2 of the Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5), amended by section 287 of chapter 32 of the statutes of 2005 and by section 1 of chapter 31 of the statutes of 2007, is again amended

(1) by replacing subparagraph *h.5* of the second paragraph by the following subparagraph:

“(*h.5*) establish and keep up to date a register of persons who opt out of having the personal information referred to in section 520.9 of the Act respecting health services and social services (chapter S-4.2) sent, in accordance with section 520.17 or 520.18 of that Act, to an authorized agency or institution or to the Régie de l'assurance maladie du Québec to be stored;”;

(2) by replacing subparagraph *h.6* of the second paragraph by the following subparagraph:

“(*h.6*) provide a service enabling an authorized health and social service provider within the meaning of section 520.20 of the Act respecting health services and social services to locate, from among the agencies and institutions referred to in section 520.7 of that Act, those that store the information concerning a person referred to in section 520.9 of that Act, and to know if the Board stores or holds information concerning that person referred to in subparagraph 6 of the first paragraph of that section, and, on the request of such a health and social service provider, forward to that provider the list of those agencies or institutions along with the unique identification number of the person concerned and, if applicable, confirmation that the Board holds or stores such information;”.

c. R-5, s. 2.0.2, am.

21. Section 2.0.2 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005, is amended by replacing “consented to its doing so and that the consent remains valid and was not revoked” in the fourth and fifth lines by “has not opted out of having the personal information referred to in section 520.9 of the Act respecting health services and social services sent, in accordance with section 520.17 or 520.18 of that Act, to an authorized agency or institution or to the Board”.

- c. R-5, s. 2.0.3, am. **22.** Section 2.0.3 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005 and amended by section 38 of chapter 40 of the statutes of 2005, is again amended by inserting “, in non-nominative form,” after “communicate” in the first line of the second paragraph and by replacing “, in non-nominative form, concerning a person who has consented to the storage of personal information and” in the third, fourth and fifth lines of that paragraph by “concerning a person”.
- c. R-5, s. 2.0.4, replaced. **23.** Section 2.0.4 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005, is replaced by the following section:
- Deceased person. **“2.0.4.** To keep the opting out register referred to in subparagraph *h.5* of the second paragraph of section 2 up to date, the Board, when informed of a death, shall register the deceased person as having opted out.”
- c. R-5, s. 2.0.5, am. **24.** Section 2.0.5 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005, is amended
- (1) by replacing “an insured person” in the second and third lines of the second paragraph by “a person”;
- (2) by replacing “, in respect of a person having consented to it, the information” in the third and fourth lines of the third paragraph by “the information concerning a person”.
- Prohibition. **25.** No information referred to in section 520.9 of the Act respecting health services and social services may be sent to an authorized agency or institution or to the Régie de l’assurance maladie du Québec to be stored until 45 days after the date on which sections 520.5 to 520.32 of that Act take effect, under an order in council made by the Minister under section 322 of that Act, in the area of jurisdiction of an agency in which the person concerned resides.
- Tabling of report. **26.** Within 15 days after receiving it and not later than 15 June 2009, the Minister tables in the National Assembly the assessment report on the experimental Québec health record project implemented in the area of jurisdiction of the Agence de la santé et des services sociaux de la Capitale-Nationale.
- Examination. The report is sent to the competent parliamentary committee for examination within 60 days after its tabling.
- Coming into force. **27.** The provisions of this Act come into force on the date or dates to be set by the Government.

2008, chapter 9 REAL ESTATE BROKERAGE ACT

Bill 73

Introduced by Madam Monique Jérôme-Forget, Minister of Finance

Introduced 18 December 2007

Passed in principle 30 April 2008

Passed 27 May 2008

Assented to 28 May 2008

Coming into force: on the date or dates to be set by the Government

Legislation amended :

Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2)

Act respecting the Agence nationale d'encadrement du secteur financier (2002, chapter 45)

Legislation replaced :

Real Estate Brokerage Act (R.S.Q., chapter C-73.1)

Explanatory notes

This Act replaces the Real Estate Brokerage Act to reform the supervision of real estate brokerage in Québec. To that end, it replaces the Association des courtiers et agents immobiliers du Québec by a self-regulatory organization, the Organisme d'autoréglementation du courtage immobilier du Québec, whose sole mission is to protect the public. It also substitutes the self-regulatory organization for the industry compensation fund, whose rights it acquires and obligations it assumes.

This Act provides for the appointment of a syndic and, if necessary, of assistant syndics. To protect the public, it further provides for the establishment of an inspection committee, a syndic decision review committee and a discipline committee within the self-regulatory organization. It introduces licences in replacement of certificates, and stipulates that a real estate or mortgage broker's licence may be held by a natural person only while a real estate or mortgage broker agency licence may be held by any person or partnership.

(Cont'd on next page)

Explanatory notes (Cont'd)

Moreover, this Act gives the board of directors of the self-regulatory organization full regulatory powers, except the power to make regulations applicable to persons who carry on real estate leasing brokerage activities on behalf of senior citizens or physically or mentally vulnerable persons, and makes the organization's regulations subject to government approval.

As well, it provides that persons who carry on real estate leasing brokerage activities on behalf of senior citizens or physically or mentally vulnerable persons are exempted from the application of the new Act and ensuing regulations to the extent and on the conditions determined by government regulation.

This Act sets rules pertaining to the brokerage of loans secured by immovable hypothec and repeals the provisions of the Act respecting the distribution of financial products and services relating to mortgage brokers.

Lastly, this Act makes consequential amendments and contains transitional provisions.



Chapter 9

REAL ESTATE BROKERAGE ACT

[Assented to 28 May 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

- Brokerage transaction. **1.** This Act applies to any person or partnership that, for others and in return for remuneration, engages in a brokerage transaction relating to
- (1) the purchase or sale of immovable property, a promise to purchase or sell immovable property, or the purchase or sale of such a promise;
 - (2) the lease of immovable property, when the person or partnership acting as an intermediary carries on an enterprise in that field;
 - (3) the exchange of immovable property;
 - (4) a loan secured by immovable hypothec; or
 - (5) the purchase or sale of an enterprise, a promise to purchase or sell an enterprise, or the purchase or sale of such a promise, under a single contract, if the enterprise's property, according to its market value, consists mainly of immovable property.
- Restriction. However, this Act does not apply to a transaction of securities within the meaning of the Securities Act (R.S.Q., chapter V-1.1).
- Exceptions. **2.** Unless they use a title that is restricted under this Act, the following persons are not subject to this Act when engaging in a brokerage transaction described in section 1 in the course of their functions:
- (1) advocates and notaries;
 - (2) liquidators, sequestrators, trustees in bankruptcy, sheriffs and bailiffs;
 - (3) tutors, curators, liquidators of a succession and trustees;
 - (4) provisional administrators appointed under the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2); and

(5) chartered appraisers engaging in activities mentioned in paragraph *j* of section 37 of the Professional Code (R.S.Q., chapter C-26).

Exceptions.

3. Unless they use a title that is restricted under the law, the following persons and partnerships are not subject to this Act with regard to the brokerage transactions specified:

(1) banks, financial services cooperatives, insurance companies, mutual insurance associations, mutual benefit associations, savings companies and trust companies, and their employees and exclusive representatives when acting on behalf of their financial institution, in the context of a brokerage transaction relating to a loan secured by immovable hypothec;

(2) a member in good standing of a professional order or a person or partnership governed by an Act administered by the Autorité des marchés financiers who only gives a client the name and contact information of a person or partnership offering loans secured by immovable hypothec or otherwise merely puts them in contact with each other, provided the member, person or partnership does so as an ancillary activity;

(3) an employee who, in the course of the employee's principal occupation, engages in a brokerage transaction described in section 1 for the employer's account, provided the latter is not a broker or an agency;

(4) forest engineers who engage in a brokerage transaction relating to forest property;

(5) members in good standing of a professional order of accountants mentioned in Schedule I to the Professional Code who engage in a brokerage transaction relating to a loan secured by immovable hypothec, the purchase or sale of an enterprise, a promise to purchase or sell an enterprise, or the purchase or sale of such a promise;

(6) chartered administrators who lease out an immovable they manage, or engage in a brokerage transaction relating to a loan secured by immovable hypothec with regard to an immovable they manage;

(7) trust companies that engage in a brokerage transaction described in section 1 with regard to immovable property they hold or administer for others;

(8) a superintendent or manager of property held in divided co-ownership who acts as an intermediary to lease out a fraction of the property for and on behalf of the owner or syndicate, gives a co-owner the name and contact information of a potential buyer or lessee of the co-owner's fraction or otherwise merely puts them in contact with each other;

(9) a superintendent of a rental residential immovable who leases out the property for and on behalf of the owner;

(10) a property manager who acts exclusively for a property owner and who, for the benefit of that owner, engages in a brokerage transaction relating to the leasing out of an immovable;

(11) an employee or property manager who works for a subsidiary enterprise that is at least 90% controlled by the property owner, and who engages in a brokerage transaction relating to the leasing out of an immovable, provided the employee or manager acts exclusively for the property owner;

(12) the spouse, child, father, mother, brother or sister of the owner of an immovable who engages in a brokerage transaction described in section 1;

(13) the sole shareholder of a legal person who engages in a brokerage transaction described in section 1 for that legal person; and

(14) a person or partnership that operates a brokerage enterprise to lease out immovable property and that, in accordance with the rules determined by government regulation, engages in a brokerage transaction exclusively on behalf of senior citizens or persons who are physically or mentally vulnerable.

CHAPTER II

REAL ESTATE BROKERAGE AND MORTGAGE BROKERAGE

DIVISION I

REAL ESTATE BROKER AND MORTGAGE BROKER

Broker's licence.	4. Subject to sections 2 and 3 and special authorizations from the real estate self-regulatory organization known as the <i>Organisme d'autoréglementation du courtage immobilier du Québec</i> (the "Organization"), no person except the holder of a broker's licence issued by the Organization may act as or purport to be a real estate or mortgage broker.
Real estate broker.	A real estate broker is a natural person who engages in a brokerage transaction described in section 1.
Mortgage broker.	A mortgage broker is a natural person who engages exclusively in brokerage transactions relating to loans secured by immovable hypothec.
Remuneration prohibited.	A person who contravenes this section may not claim or receive remuneration for services rendered.
Requirements.	5. A broker's licence is issued to applicants who meet the requirements set out in this Act.
Establishment.	6. A broker must have an establishment in Québec. In the case of a broker who acts on behalf of an agency, the broker's establishment is the agency's establishment.

- Notice. A notice of the address of the establishment and any change of address must be sent to the Organization.
- New broker. **7.** A broker, when new to the occupation, must carry on brokerage activities for an agency for the period set out in the Organization's regulations before the broker may work for the broker's own account or become an executive officer of an agency.
- Insurance premium. **8.** A broker must pay into the insurance fund the civil liability insurance premium determined by resolution of the Organization.
- Civil liability insurance. If no insurance fund has been established, the broker must take out civil liability insurance as specified in the Organization's regulations or, in the cases prescribed in the Organization's regulations, give security or a guarantee in lieu of security.
- Suspension of licence. **9.** The licence of a broker who fails to comply with section 8 is suspended by operation of law.
- Suspension lifted. The broker may, subject to the conditions prescribed in the Organization's regulations, have the suspension lifted as soon as the broker is in compliance with section 8.
- Trust account. **10.** All money received by a broker in the course of the broker's functions that does not belong to the broker must be deposited in a trust account as specified in the Organization's regulations.
- Interest. The interest earned on money held in trust that is not claimed by the person who is entitled to the interest must be paid into the financing fund established under section 47, as specified in the Organization's regulations.
- Prohibition. **11.** A broker may not, while acting on behalf of an agency, act on behalf of another agency or work on the broker's own account.
- Obligation. A broker who acts on behalf of an agency must present himself or herself as such to the public.
- Solidary liability. **12.** A broker who represents an agency is solidarily liable for any prejudice caused by the breach of a brokerage contract.

DIVISION II**REAL ESTATE AND MORTGAGE BROKER AGENCIES**

- Prohibition. **13.** Subject to sections 2 and 3 and special authorizations from the Organization, no person or partnership except the holder of an agency licence issued by the Organization may act as or purport to be a real estate or mortgage broker agency.
- Real estate agency. A real estate agency is a person or partnership that engages in brokerage transactions described in section 1 through the intermediary of one or more brokers licensed by the Organization.
- Mortgage broker agency. A mortgage broker agency is a person or partnership that, through the intermediary of one or more mortgage brokers, engages exclusively in brokerage transactions relating to loans secured by immovable hypothec.
- Agency licence. **14.** An agency licence is issued to the persons and partnerships that meet the requirements set out in this Act.
- Establishment. **15.** An agency must have an establishment in Québec.
- Notice. A notice of the address of the agency's principal establishment in Québec and any change of address must be sent to the Organization.
- Disclosure. **16.** An agency must disclose the names of its brokers to the Organization and inform the Organization of any changes in this regard.
- Insurance premium. **17.** An agency must pay into the insurance fund the civil liability insurance premium determined by resolution of the Organization.
- Civil liability insurance. If no insurance fund has been established, the agency must take out civil liability insurance as specified in the Organization's regulations or give security or a guarantee in lieu of security in the cases prescribed in the Organization's regulations.
- Agency's liability. **18.** An agency is liable for any injury caused to a person or partnership by the fault of one of its brokers in the performance of the broker's functions.
- Right of action. The agency nevertheless has a right of action against the broker concerned.
- Conduct of brokers. **19.** An agency and its directors and executive officers must oversee the conduct of the brokers who represent the agency and ensure that they comply with this Act.
- Compliance. **20.** An agency must ensure that its directors, executive officers and employees comply with this Act.

DIVISION III**DISCLOSURE, REPRESENTATION AND PUBLICITY**

- Code of conduct. **21.** Brokers, agencies and the directors and executive officers of agencies must act with honesty, loyalty and competence. They must also disclose any conflict of interest.
- Conflicts of interest. The rules governing the disclosure of conflicts of interest are set out in the Organization's regulations.
- Rules. **22.** Representations made by brokers and agencies, and the real estate advertising and information they disseminate to the public for promotional purposes, must comply with the rules set out in the Organization's regulations.
- Application. Those rules also apply to franchisers and to any person or partnership that promotes real estate or mortgage brokerage services.
- Specific rules. The Organization may also, by regulation, set out specific or supplementary rules to govern advertising by franchisers, franchisees and sub-franchisees.

CHAPTER III**CONTRACTS CONCERNING CERTAIN RESIDENTIAL IMMOVABLES**

- Contract. **23.** This chapter applies to contracts between a person or partnership and a broker or agency under which the broker or agency undertakes to act as an intermediary for the purchase, sale, lease or exchange of
- (1) part or all of a chiefly residential immovable comprising less than five dwellings; or
- (2) a fraction of a chiefly residential immovable that is subject to an agreement or declaration under articles 1009 to 1109 of the Civil Code of Québec (1991, chapter 64).
- Formation of the contract. **24.** The contract is formed when both parties have signed it.
- Duplicate. **25.** The broker or agency must give a duplicate of the contract to the client.
- Performance of obligations. The client is not bound to perform the client's obligations under the contract before being in possession of a duplicate of the contract.
- Medium. The contract may be a paper document or it may be on any medium that allows it to be printed and ensures its integrity.
- Rules. **26.** The rules governing the contract are set out in the Organization's regulations.

Validity.	The contract cannot be invalidated on the sole grounds that one of its provisions contravenes this chapter or that it does not include all the information or particulars required by regulation.
Agreement without effect.	27. An agreement requiring a client, for a specified period after a contract expires, to remunerate a broker even if the purchase, sale, lease or exchange of an immovable occurs after the contract expires, is without effect.
Restriction.	<p>However, the first paragraph does not apply if the agreement provides for the remuneration of the broker when</p> <p>(1) the contract is stipulated as exclusive;</p> <p>(2) the purchase, sale, lease or exchange involves a person who became interested in the immovable while the contract was in force; and</p> <p>(3) the transaction occurs not more than 180 days after the contract expiry date and, during that period, the client did not enter into a contract stipulated as exclusive with another broker for the purchase, sale, lease or exchange of the immovable.</p>
Termination of the contract.	28. Despite any stipulation to the contrary, the client may terminate the contract at the client's discretion within three days after receiving a duplicate of the contract signed by the two parties, unless the client has written in its entirety and signed a waiver.
Notice.	The contract is terminated by operation of law as of the sending or delivery of a written notice to the broker or to the agency.
Prohibition.	29. The broker or agency may not claim any remuneration with regard to a contract terminated under section 28, unless a purchase, sale, lease or exchange meeting the conditions specified in section 27 occurs.
Waiver.	30. The client may not, by special agreement, waive the rights conferred by this chapter.

CHAPTER IV

ORGANISME D'AUTORÉGLÉMENTATION DU COURTAGE IMMOBILIER DU QUÉBEC

DIVISION I

ESTABLISHMENT, MISSION AND POWERS

Establishment.	31. The Organisme d'autoréglementation du courtage immobilier du Québec is established.
Legal person.	The Organization is a legal person.

- 32.** The Organization's mission is to protect the public in real estate and mortgage brokerage dealings by enforcing rules of professional conduct and by inspecting the affairs of brokers and agencies. It is to ensure, among other things, that the transactions engaged in by brokers and agencies are compliant with the law.
- 33.** The Minister may ask the Organization to take specified guidelines and objectives into account in the pursuit of its mission.
- 34.** The Organization acts as conciliator or mediator in disputes between a broker or an agency and a client, if the parties so request. The same holds for disputes between brokers, between agencies, or between brokers and agencies; if all the parties are members of a real estate board, the Organization may only take on this role to protect the public.
- 35.** The Organization may, by motion, apply to a judge of the Superior Court for an injunction in respect of any matter relating to this Act, including an injunction to stop the dissemination of non-compliant advertising and compel the advertiser to rectify it, within the time and in the manner determined by the Court.
- 36.** The Organization may make a search in accordance with the Code of Penal Procedure (R.S.Q., chapter C-25.1).
- 37.** The Organization may refuse to issue a licence or may impose restrictions or conditions on a licence
- (1) if the applicant's licence has previously been revoked, suspended or made subject to restrictions or conditions by the discipline committee, by a
- Mission.
- Training.
- Guidelines.
- Opinion.
- Internal by-laws.
- Conciliation or mediation.
- Arbitration of accounts.
- Injunction.
- Motion.
- Code of Civil Procedure.
- Search.
- Refusal to issue licence.

body in Québec responsible for overseeing and monitoring real estate brokerage, or by such a body in another province or State;

(2) if the applicant has made an assignment of property or been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);

(3) if the applicant has previously been convicted, by a court, of an offence or act which, in the Organization's opinion, is brokerage-related, or has pleaded guilty to such an offence or act; or

(4) if the applicant has been assigned a tutor, curator or adviser.

Powers of
Organization.

38. The Organization may suspend, revoke, or impose restrictions or conditions on a licence

(1) if the holder's licence has previously been revoked, suspended or made subject to restrictions or conditions by the discipline committee, by a body in Québec responsible for overseeing and monitoring real estate brokerage, or by such a body in another province or State;

(2) if the holder has made an assignment of property or been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act;

(3) if the holder has previously been convicted by a court of law of an offence or act which, in the Organization's opinion, is brokerage-related, or has pleaded guilty to such an offence or act; or

(4) if the holder has been assigned a tutor, curator or adviser.

Decision.

39. The Organization informs the syndic of any decision under section 38 and the decision serves as a notice under section 84. A decision made under paragraph 3 of section 38 is valid

(1) until the syndic or assistant syndic decides not to file a complaint; or

(2) until the discipline committee renders a final, enforceable decision on a complaint filed by the syndic or assistant syndic.

Service of the decision.

A decision of the Organization under section 38 must be served immediately on the broker or the agency in accordance with the Code of Civil Procedure.

Proviso.

40. The Organization may, according to the terms set out in its regulations, suspend, revoke, impose restrictions or conditions on or refuse to issue a licence, provided this does not impair the authority of the discipline committee.

Notice.

41. For the purposes of sections 37, 38 and 40, the Organization serves notice on the applicant or the licence holder, at least 15 days in advance of the date on which the applicant or the licence holder may submit its observations.

The allegations against the applicant or the licence holder are set out in the notice.

Delegation.

42. The Organization may delegate its functions and powers under sections 37 to 39 and 41 to a committee.

Operating rules.

The operating rules of such a committee, including those concerning its composition and decision-making, are to be determined by regulation of the Organization.

Appeal from a decision.

43. Any appeal from a decision made by the Organization under section 37, 38 or 40 is brought before the Court of Québec.

Suspension.

An appeal does not suspend the contested decision unless a judge of the Court of Québec decides otherwise.

Notice of appeal.

The appeal is brought by filing a notice of appeal with the Organization within 30 days after the date of service of the contested decision.

Record.

44. The Organization sends the record to the Court of Québec.

Agreement.

45. The Organization may, after informing the Minister, negotiate and enter into an agreement in connection with its mission with any person or body, including a government or a government department or body.

Applicable legislation.

However, if the person or body is outside Québec, the agreement is subject to the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) or the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1), as the case may be.

Termination or modification of an agreement.

The Minister or the Government, as the case may be, may terminate, or require the modification of, any agreement entered into by the Organization, after giving the Organization an opportunity to submit observations.

Regulations.

46. In addition to its regulatory powers under this Act, the Organization may determine, by regulation,

(1) rules governing the training required to become a broker and the examination to be taken by prospective brokers;

(2) additional training and the specific circumstances under which such training is compulsory for all or some of an agency's brokers or executive officers;

(3) the terms and conditions governing the issue, suspension or revocation of a licence, and the cases in which restrictions or conditions may be imposed on a licence;

(4) the licence fees to be paid;

(5) the rules of professional conduct applicable to brokers and to executive officers of an agency;

(6) the information and documents to be provided by a prospective broker, a broker or an agency;

(7) the particulars a licence must contain;

(8) the requirements to be met in order to engage in a brokerage transaction described in section 1;

(9) the nature, form and tenor of the books and registers that must be kept by brokers and agencies, as well as rules for the preservation, use and destruction of records, books and registers;

(10) rules for opening and maintaining a trust account, as well as the terms and conditions governing deposits and withdrawals;

(11) the brokerage transactions that, with special authorization, may be engaged in occasionally or from time to time, the persons, partnerships or groups of persons or partnerships, other than brokers and agencies, that may engage in such transactions and the terms and conditions governing and the fees chargeable for such transactions;

(12) the qualifications required of executive officers of an agency;

(13) the form of contracts or forms, other than a contract referred to in section 26, how and when they may be used, the particulars and stipulations which must or must not appear in certain contracts or forms and those that supplement intention;

(14) the activities that brokers and agencies may not engage in;

(15) the terms and conditions governing the eligibility of claims submitted to the indemnity committee and the payment of indemnities;

(16) the maximum amount of indemnities that may be paid with regard to the same claim; and

(17) the fee that must be paid by brokers and agencies to the Organization for payment into the Real Estate Indemnity Fund, according to the licence they hold and the date of their registration with the Organization, as well as the terms of payment for that fee.

Financing fund.

47. The Organization must, by regulation, establish a financing fund made up of the interest earned on the money held in trust, and determine rules for the administration of the fund and the terms of payment of interest into the fund.

Specialist titles.	48. The Organization may determine, by regulation, the specialist titles a broker may use and the terms and conditions governing the conferral and withdrawal of those titles.
Special rules.	49. The Organization may, for the purposes of any regulation, establish special or supplementary rules for real estate brokers, mortgage brokers, real estate agencies or mortgage broker agencies.
Regulatory power.	50. Sixty days after serving on the Organization a formal notice enjoining it to adopt regulations as provided in this Act, the Government may exercise that regulatory power itself.
Presumption.	Such regulations are deemed to be regulations of the Organization.
Chambre des notaires.	51. The Organization must consult the Chambre des notaires before approving a brokerage contract or form.
Insurance fund.	52. The Organization may establish an insurance fund and require licence holders to subscribe to it.
Premium.	The Organization determines, by resolution, the premium a broker or an agency must pay according to any criteria determined by regulation of the Organization.
Provisions applicable.	Sections 174.1 to 174.11 and 174.13 to 174.18 of the Act respecting insurance (R.S.Q., chapter A-32) apply, with the necessary modifications, to the insurance fund established by the Organization.
Insurer.	If it establishes an insurance fund, the Organization is an insurer within the meaning of the Act respecting insurance.
Liability insurance.	53. The insurance fund established by the Organization is authorized to provide liability insurance to any person whose activities are governed by this Act.
Communication of information.	The Organization may not communicate information about an insured person except for the purposes for which the fund was established.

DIVISION II

OPERATION

Internal by-laws.	54. The Organization adopts and brings into force internal by-laws establishing its operating rules.
Ratification.	The internal by-laws are ratified at the following general meeting.
Head office.	55. The Organization has its head office in Québec at the place specified in its internal by-laws.

- Notice. A notice of the address of the Organization's head office and any change of address is published in the *Gazette officielle du Québec*.
- General meeting. **56.** The Organization calls a general meeting of licence holders every year, as specified in its internal by-laws.
- Separate locations. Licence holders may take part in the general meeting from separate locations, in the cases and on the conditions set out in the internal by-laws.
- Board. **57.** The affairs of the Organization are administered by a board consisting of 11 directors appointed or elected for a term of three years.
- Appointment by Minister. **58.** After consulting the Organization and various groups in the socioeconomic sector, the Minister appoints three directors who are neither brokers nor directors or executive officers of an agency.
- Election of other members. The licence holders elect from their number the other members of the board of directors, in the manner set out in the Organization's internal by-laws.
- Restriction. A person may not be appointed or elected a director or remain a director if the person is or becomes a director or executive officer of an association or enterprise whose purpose is to defend the interests of real estate brokers, agencies or franchisers.
- Prohibition. A director may not hold any other remunerated position with the Organization.
- Term. **59.** At the end of their term, directors remain in office until they are replaced, re-appointed or re-elected.
- Conflict of interest. **60.** A director who has a direct or indirect interest in an enterprise that places the director's personal interest in conflict with the Organization's interest must, on pain of forfeiture of office, disclose that personal interest and abstain from participating in any decision involving the enterprise. The director must also withdraw from a meeting for the duration of discussions on the matter.
- Applicable legislation. **61.** The Organization is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

DIVISION III

FINANCIAL PROVISIONS AND DOCUMENTS

- Financing of activities. **62.** The Organization's activities are financed out of the licence fees paid by licence holders under paragraph 4 of section 46 and the other amounts payable to the Organization under this Act.

Register of licence holders.	63. The Organization keeps a register of licence holders.
Information on brokers.	The register must contain each broker's name, the titles the broker may use, the address where the broker carries on brokerage activities and, if applicable, the name of the agency the broker represents and any restrictions or conditions on the broker's licence.
Information on agencies.	The register must contain each agency's name, the address of the agency's head office, the restrictions or conditions on the agency's licence, and the names of the brokers through whose intermediary the agency carries on its activities.
Other information.	The register must also contain any other information the Organization considers appropriate.
Annual audit.	64. The Organization must have its books and accounts audited by an auditor every year.
Failure to comply.	If the Organization fails to do so, the Minister may have the audit conducted and may, for that purpose, designate an auditor whose remuneration is borne by the Organization.
Access to records.	65. The auditor has access to all the Organization's books, registers, accounts, other accounting records and vouchers. Any person having custody of such documents must facilitate their examination by the auditor.
Information.	The auditor may require the information and documents needed to conduct the audit from the Organization's directors, executive officers, mandataries or employees.
Meeting.	66. The auditor may require a meeting of the board of directors on any matter related to the audit.
Fiscal year.	67. The fiscal year of the Organization ends on 31 December.
Audited annual report.	68. Within four months after the end of its fiscal year, the Organization sends the Minister its audited annual report showing its financial position and activities for the preceding fiscal year.
Other information.	The report must contain any other information required by the Minister.
Tabling.	The report is laid before the National Assembly by the Minister within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.
Documents sent to the Minister.	69. The Organization must send the Minister, on request, any statements, statistical data, reports, documents or other information the Minister considers appropriate for the purposes of this Act, in the form and on the dates specified by the Minister.

CHAPTER V**ASSISTANCE, INSPECTION, DISCIPLINE AND COMPENSATION****DIVISION I****ASSISTANCE SERVICE**

- Creation. **70.** An assistance service is set up within the Organization.
- Role. The role of the assistance service is, among other things, to provide a first examination of any request addressed to the Organization, to decide how requests should be handled and to assist anyone in presenting a request.
- Power. The service exercises the Organization's power under the second paragraph of section 34.
- Offence. **71.** The assistance service must notify the syndic immediately if it has reasonable grounds to believe that an offence under this Act has been committed.
- Syndic. **72.** The assistance service must inform the initiator of a request that, if not satisfied with how the request has been settled, the initiator may request that the assistance service forward the request to the syndic.

DIVISION II**INSPECTION COMMITTEE**

- Appointment. **73.** An inspection committee is appointed within the Organization.
- Role. **74.** The role of the inspection committee is to oversee the activities of brokers and agencies, in particular by auditing their records, accounts, books and registers.
- Recommendation. **75.** The inspection committee may make any recommendation it considers appropriate to a broker or agency that has been inspected.
- Offence. If the committee notes that an offence under this Act has been committed, it must notify the syndic.
- Training. The committee may also require a broker or an executive officer of an agency to successfully complete a course or to take any other training program. The broker or executive officer may request that this decision be reviewed by the Organization's board of directors.
- Operating rules. **76.** The inspection committee's operating rules, including those applicable to its composition, are set out in the Organization's regulations.

- Inspection. **77.** An inspection may be conducted on the Organization's request or on the inspection committee's own initiative.
- Powers. **78.** A person conducting an inspection under this division may
- (1) enter the establishment of the broker or agency concerned at any reasonable hour;
 - (2) examine and make copies of the books, registers, accounts, records and other documents relating to the activities of the broker or agency; and
 - (3) require any information or document relating to the carrying out of this Act.
- Documents. A person having custody, possession or control of the books, registers, accounts, records and other documents must, on request, make them available to the person conducting the inspection and facilitate their examination, regardless of the storage medium and the means by which they may be accessed.
- Certificate of authority. **79.** A person conducting an inspection must, on request, provide identification and produce a certificate of authority signed by the secretary of the Organization.
- Prohibition. **80.** No one may hinder the work of or mislead a person conducting an inspection.
- Annual report. **81.** The inspection committee must submit an annual report to the Organization, on the date and in the form the Organization determines.

DIVISION III

SYNDIC

- Appointment. **82.** The Organization appoints a syndic and, if necessary, one or more assistant syndics.
- Rules. The rules for appointing the syndic and assistant syndics and any replacements are set out in the Organization's regulations.
- Assistant syndics. **83.** Assistant syndics exercise their functions under the direction of the syndic and have all the powers of the syndic.
- Role of syndic. **84.** The role of the syndic is to investigate any alleged contravention of this Act by a broker or an agency, including a director or executive officer of an agency, following notification by the assistance service.

- Investigation. A syndic who has grounds to believe that an offence under this Act has been committed by a broker or an agency, including a director or executive officer of an agency, investigates the matter and, if warranted, files a complaint with the discipline committee.
- Filing of complaint. **85.** When a person has requested an investigation into the conduct of a broker, the syndic informs the person in writing, within a reasonable time, of the syndic's decision to file or not to file a complaint with the discipline committee as a result of the request; if the decision is not to file a complaint, the syndic must include reasons.
- Decision. If a complaint is filed, the syndic must, on request, send the discipline committee's decision to the person or inform the person of the decision; the person is bound by any order banning publication or release that may be included in the decision.
- Complaint. **86.** A complaint may be filed against a person or partnership that no longer holds a broker's or agency licence if, at the time of the alleged offence, the person or partnership did hold such a licence.
- Annual report. **87.** The syndic submits an annual report to the Organization, on the date and in the form the Organization determines.
- Criminal offence. **88.** The syndic or an assistant syndic may, by way of a complaint, seize the discipline committee of any decision of a Canadian court finding a broker or an agency guilty of a criminal or indictable offence which, in the opinion of the syndic or assistant syndic, is brokerage-related. The syndic or assistant syndic may also seize the discipline committee, by the same means, of any guilty plea in relation to such an offence. A duly certified copy of the judicial decision is proof before the discipline committee that the offence was committed and that any facts reported in the decision are true. If the discipline committee considers that a penalty is warranted, the discipline committee imposes on the broker or the agency one of the penalties prescribed by section 98.
- Provisions applicable. **89.** Sections 78 to 80 apply to the syndic and to assistant syndics when conducting an investigation.
- Powers and immunity. The syndic and assistant syndics have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

DIVISION IV

SYNDIC DECISION REVIEW COMMITTEE

- Appointment. **90.** A syndic decision review committee is appointed within the Organization.

- Operating rules. The review committee's operating rules, including those applicable to its decision-making process, are set out in the Organization's regulations.
- Request for a ruling. **91.** A person who requested an investigation by the syndic may, within 30 days after being informed in writing of the syndic's decision not to file a complaint with the discipline committee, request a ruling from the review committee.
- Ruling. Within 90 days after receiving a request under the first paragraph, the review committee makes its ruling in writing after considering the entire record and all the evidence, which must be forwarded by the syndic, and after hearing both the syndic and the person who requested the investigation.
- Powers. **92.** The review committee may, in its ruling,
 - (1) conclude that there is no cause to file a complaint with the discipline committee;
 - (2) recommend that the syndic complete the investigation;
 - (3) recommend that the syndic refer the record to the inspection committee; or
 - (4) conclude that there is cause to file a complaint with the discipline committee and suggest the name of a person who, acting in the capacity of *ad hoc* syndic, may file the complaint.
- Reimbursement of fees. If the review committee recommends that the syndic complete the investigation or concludes that there is cause to file a complaint with the discipline committee, the Organization must reimburse any fees charged to the person who requested the investigation.

DIVISION V

DISCIPLINE COMMITTEE

- Appointment. **93.** A discipline committee is appointed within the Organization.
- Complaints. The discipline committee is seized of any complaint filed by the syndic against a broker or an agency, including a director or an executive officer of an agency, for an offence under this Act. A complaint may include two or more counts.
- Composition. **94.** The discipline committee is composed of three or more members appointed for a term of three years.
- Chair and vice-chairs. The chair and vice-chairs are appointed by the Minister, after consultation with the Barreau du Québec, from among advocates who have been practising for at least 10 years.

- Other members. The other committee members are appointed by the board of directors from among brokers.
- Operating rules. **95.** The discipline committee's operating rules, including those applicable to the filing and hearing of complaints, and, in particular, those providing for the committee's sitting in divisions, and those to be applied when a committee member must be replaced or becomes disqualified, are set out in the Organization's regulations.
- Contempt of court. A person who, by act or omission, infringes an in-camera, no-access, non-publication or non-release order made by the discipline committee is guilty of contempt of court.
- Disciplinary process. **96.** When a broker or an agency has ceased to hold a licence issued by the Organization, the disciplinary process may nevertheless be initiated; if it has already been initiated, it is not interrupted.
- Powers and immunity. **97.** The members of the discipline committee have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.
- Witnesses. They have all the powers of the Superior Court to compel witnesses to appear and answer, and to punish them if they refuse; for such purposes, the respondent is deemed to be a witness.
- Penalties. **98.** The discipline committee renders a decision on each count contained in the complaint. If it finds the broker or the agency, including a director or executive officer of the agency, guilty of an offence under this Act, the discipline committee imposes one or more of the following penalties:
- (1) a reprimand;
 - (2) suspension or revocation of the broker's or the agency's licence, or the imposition of restrictions or conditions on the licence;
 - (3) a fine of not less than \$1,000 nor more than \$12,500 for each count, which maximum and minimum amounts are doubled for a second or subsequent offence;
 - (4) remittal to any person or partnership of a sum of money the broker or agency is holding for that person or partnership;
 - (5) the surrender of any document or information;
 - (6) the obligation to complete, destroy or delete, update or rectify any document or information; or
 - (7) the obligation to successfully complete a course or to take any other training program.

- Licence suspension. When a broker or an agency is found guilty of having appropriated, without entitlement, sums of money or other assets held by the broker or agency for others, or of having used such sums of money or assets for purposes other than those for which they were entrusted to the broker or agency, the discipline committee imposes on the broker or agency at least the licence suspension prescribed by subparagraph 2 of the first paragraph.
- Separate offence. Each day during which the offence continues constitutes a separate offence, and the discipline committee may impose for each of those separate offences the fine prescribed by subparagraph 3 of the first paragraph.
- Consecutive penalties. The discipline committee's decision to impose one or more penalties may include terms and conditions. The decision may also prescribe that penalties apply consecutively.
- Notice of the decision. The discipline committee must, on rendering a decision to suspend, revoke or impose restrictions or conditions on a licence, decide whether or not it will publish a notice of the decision in a newspaper distributed in the place where the broker's or agency's establishment is located. If the discipline committee orders the publication of such a notice, it must, in addition, decide whether the publication costs are to be paid by the broker or agency, by the Organization, or divided as specified between the broker or agency and the Organization.
- Content. The notice must include the name of the broker or agency found guilty, the location of the establishment, the date and nature of the offence, and the date and summary of the decision.
- Homologation. A decision of the discipline committee ordering the broker or agency to pay costs, imposing a fine on the broker or agency, or ordering the broker, the agency or the Organization to pay the publication costs referred to in the fifth paragraph may, if not complied with, be homologated by the Superior Court or the Court of Québec, according to their respective jurisdiction, and becomes enforceable as a judgment of that Court.
- Service. **99.** The discipline committee has its decisions served on the parties in accordance with the Code of Civil Procedure within 10 days.
- Presumption. However, a decision rendered in the presence of one of the parties is deemed to be served on that party in accordance with the first paragraph as soon as it is rendered.
- Appeal. **100.** Any appeal from a decision made by the discipline committee is brought before the Court of Québec in accordance with subdivision 5 of Division VII of Chapter IV of the Professional Code, with the necessary modifications.
- Enforcement. **101.** A decision of the discipline committee to impose one or more penalties prescribed by the first paragraph of section 98 is enforceable, as specified in the decision, on expiry of the appeal period, unless the discipline committee

orders provisional enforcement of the decision on its being served on the broker or agency concerned.

- Revocation of licence. However, a decision of the discipline committee to revoke a licence is enforceable on being served on the broker or agency concerned.
- Enforcement. A decision of the discipline committee under the fifth paragraph of section 98 is enforceable on expiry of the appeal period or, in the case of an appeal from a decision to suspend a licence under subparagraph 2 of the first paragraph of that section, on service of the final decision of the Court of Québec imposing one or more penalties.
- Exception. The discipline committee may order that a decision referred to in the first or third paragraph be enforceable at a time other than that specified in those paragraphs.
- Fine. **102.** A broker or agency fined by the discipline committee must pay the fine to the Organization.
- Remittal of money. **103.** If a decision of the discipline committee orders a broker or an agency to remit a sum of money in accordance with subparagraph 4 of the first paragraph of section 98, the discipline committee must inform the person or partnership concerned within six days.
- Suspension of licence. The broker's or agency's licence is automatically suspended from the date on which the sum of money determined by the discipline committee is due to the time the broker or agency remits the amount to the person or partnership, including principal, interest and costs.
- Right to petition. **104.** A broker or agency whose licence has been suspended or made subject to restrictions or conditions by the discipline committee may petition the discipline committee, before the expiry of the penalty, to have the suspension or the restrictions or conditions lifted.
- Recommendation. If the discipline committee is of the opinion that the petition should be granted, it makes a recommendation to that effect to the Organization. If the discipline committee dismisses the petition, no new petition may be submitted before the expiry of the penalty unless the discipline committee so authorizes. A decision of the discipline committee under this section may not be appealed.

DIVISION VI

INDEMNITY COMMITTEE

- Appointment. **105.** An indemnity committee is appointed within the Organization.
- Role. **106.** The indemnity committee rules on the eligibility of claims submitted to it and decides the amount of the indemnities to be paid, in accordance with the rules set out in the Organization's regulations.

Eligibility of a claim. It may rule on the eligibility of a claim whether or not the broker or agency responsible has been prosecuted or convicted.

Operating rules. **107.** The operating rules of the indemnity committee, including those applicable to its composition, are set out in the Organization's regulations.

DIVISION VII

REAL ESTATE INDEMNITY FUND

Establishment. **108.** The Real Estate Indemnity Fund is established.

Purpose. The Fund is dedicated to the payment of indemnities to victims of fraud, fraudulent tactics or misappropriation of funds for which a broker or agency is responsible.

Make-up. **109.** The Real Estate Indemnity Fund is made up of the fees paid by licence holders in accordance with the Organization's regulations, the fines imposed by the discipline committee less the costs relating to the disciplinary process, the money recovered by way of subrogation from a broker or agency, the interest earned on the money in the Fund and any increase in the assets of the Fund.

Insufficiency of assets. Any insufficiency of assets is to be offset by a loan contracted by the Organization. The loan must be repaid out of the Fund.

Fees. Moreover, the Organization may determine the amount of fees so as to offset an insufficiency.

Separate books. **110.** The Real Estate Indemnity Fund is managed by the Organization. The Organization keeps separate books for the money in the Fund; the costs incurred for the administration and operation of the Fund are paid out of that money.

Separate assets. The assets of the Fund are not part of the Organization's assets and may not be used to perform the Organization's obligations.

Compensation. **111.** The Organization compensates victims in accordance with the decisions of the indemnity committee.

Subrogation. **112.** The Organization is subrogated in all the rights of a victim it compensates, up to the amount of the indemnities paid. Any money recovered is paid into the Fund.

CHAPTER VI**INSPECTION OF THE ORGANIZATION**

- Inspection. **113.** The Minister conducts or orders an inspection of the affairs of the Organization whenever the Minister considers it appropriate for the carrying out of this Act, but at least once every five years.
- Powers of inspection. **114.** A person conducting an inspection may, for the purposes of the inspection,
- (1) enter the head office of the Organization at any reasonable hour;
 - (2) examine and make copies of the books, registers, accounts, records and other documents relating to the activities of the Organization; and
 - (3) require any information or document relating to the carrying out of this Act.
- Documents. A person having custody, possession or control of the books, registers, accounts, records and other documents must, on request, make them available to the person conducting the inspection and facilitate their examination by that person.
- Certificate of authority. **115.** A person conducting an inspection must, on request, provide identification and produce a certificate of authority signed by the Minister.
- Prohibition. **116.** No one may hinder the work of or mislead a person conducting an inspection.
- Investigation. **117.** If, in the Minister's opinion, it is necessary in the public interest, the Minister may order an investigation into any matter within the Minister's purview.
- Powers and immunity. The Minister and any person the Minister authorizes in writing have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.
- Order. **118.** If, in the Minister's opinion, the Organization is engaged in a course of action contrary to this Act, the Minister may order it to alter its course of action and remedy the situation.
- Prior notice. **119.** The Minister's order must include reasons and be sent to the Organization with a prior notice of at least 15 days to allow it to submit observations. The order becomes enforceable on its date of service or on any later date specified in the order.

- Provisional order. **120.** The Minister may, without prior notice, issue a provisional order valid for a period of not more than 15 days if, in the Minister's opinion, any time granted the Organization to submit observations may undermine the public interest.
- Order enforceable. The order must include reasons and becomes enforceable on its date of service. The Organization may submit observations to the Minister within six days after receiving the order.
- Revocation. **121.** The Minister may revoke an order issued under this chapter.
- Injunction. **122.** The Minister may, by motion, apply to a judge of the Superior Court for an injunction in respect of any matter relating to this Act.
- Motion. A motion for injunction constitutes a proceeding in itself.
- Rules applicable. The rules set out in the Code of Civil Procedure apply to such a proceeding, except that the Minister is not required to give security.
- Failure to exercise responsibilities. **123.** If the Organization fails to exercise its responsibilities under this Act, or acts in such a manner that the public is not protected or the requirements set out in this Act are not met, the Minister may exercise all or part of the powers held by the Organization and prohibit the Organization from exercising those powers to the extent and for the period determined by the Minister.
- Appeal. Before making such a decision, the Minister must notify the Organization and give it an opportunity to submit observations. The Organization may appeal to the Superior Court from the Minister's decision within 30 days.

CHAPTER VII

PENAL PROVISIONS

- Offence. **124.** Subject to sections 2 and 3 and to special authorizations granted by the Organization, any person who does not hold the licence required under this Act and in any manner claims to be a broker or an agency, uses a title that may lead others to believe that the person is a broker or an agency, engages in the activities of a broker or an agency, claims to have the right to engage in such activities or acts in such a way as to lead others to believe that the person is authorized to engage in such activities is guilty of an offence.
- Presumption. For the purposes of the first paragraph, if the prosecuting party proves that the defendant engaged in a brokerage transaction described in section 1, the transaction is deemed to have been engaged in in exchange for remuneration.
- Fine. **125.** Any person found guilty of an offence under section 80, 116 or 124 is liable to a fine of not less than \$1,500 nor more than \$20,000 in the case of a natural person and to a fine of not less than \$3,000 nor more than \$40,000 in the case of a legal person.

- Legal person. A director, executive officer, mandatary or representative of a legal person referred to in the first paragraph who knowingly authorizes, encourages, recommends, or allows the commission of the offence is liable to a fine of not less than \$1,500 nor more than \$20,000. In determining the amount of a fine, the court considers such factors as the injury suffered as a result of and the benefits derived from the offence.
- Subsequent offence. The minimum and maximum fines are doubled for a second or subsequent offence.
- Proceedings. **126.** Proceedings for an offence under section 80 or 124 may be instituted by the Organization.
- Fine. When the Organization takes charge of the prosecution, the fine imposed to punish the offence belongs to the Organization.
- Prescription. **127.** Penal proceedings for an offence under section 124 are prescribed two years from the date on which the investigation record relating to the offence was opened by the syndic. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.
- Certificate. A certificate of the secretary of the Organization stating the date on which the investigation record was opened constitutes conclusive proof of that date in the absence of any evidence to the contrary.
- Interlocutory injunction. **128.** If the respondent continues to commit or again commits the offence during the proceedings, the Attorney General, or the Organization with the Attorney General's authorization, may apply to the Superior Court for an interlocutory injunction enjoining the person and, if applicable, its directors, executive officers, mandataries or representatives to cease committing the alleged offence until final judgment is pronounced in the penal proceedings.
- Final judgment. After pronouncing the judgment in the penal proceedings, the Superior Court itself renders final judgment on the application for the interlocutory injunction.
- Security. The Attorney General or the Organization is dispensed from the obligation to give security. In every other respect, the provisions of the Code of Civil Procedure concerning interlocutory injunctions apply.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

- Regulations. **129.** The Government may, by regulation, determine rules governing the activities of a person or partnership that operates a brokerage enterprise to lease out immovable property and that engages in brokerage transactions exclusively on behalf of senior citizens or persons who are physically or mentally vulnerable.

- Approval. **130.** All regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments.
- Mobile home. **131.** This Act applies to a broker or an agency with regard to any brokerage transaction relating to a mobile home placed on a chassis, with or without a permanent foundation.
- Annual amount. **132.** The Government determines the amount that the Organization must pay annually to the Minister for the carrying out of this Act.
- Immunity. **133.** No judicial proceedings may be brought against the Organization, its directors, or executive officers, the syndic or any assistant syndics, the persons the Organization authorizes to act on its behalf, the committees established under this Act or the members of those committees for acts in good faith in the exercise of their functions.
- Admissibility of statements. **134.** The answers given or statements made by the person who requested an investigation or by a broker or a director or executive officer of an agency, and the documents prepared or obtained in the course of conciliation or mediation may not be used nor are they admissible as evidence against a broker or a director or executive officer of an agency in judicial or quasi-judicial proceedings other than a hearing before the discipline committee into an allegation that the broker, director or executive officer knowingly gave a false answer or made a false statement with the intent to mislead.
- Disclosure. The members of the committees appointed under this Act, the syndic and the assistant syndics may not be compelled to disclose anything learned by them in the exercise of their functions.
- Access to documents. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person may have access to a document in a conciliation or mediation record.
- Sworn declaration. **135.** A sworn declaration filed by a member of the Organization's personnel is proof, before a court of justice, of the signature and authority of the signatory.
- Civil proceedings. **136.** The Minister and the Organization may, on their own initiative and without notice, intervene in any civil proceedings relating to a provision of this Act to take part in the proof and hearing as if they were a party.

CHAPTER IX

AMENDING PROVISIONS

- c. D-9.2, s. 96,
repealed. **137.** Section 96 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is repealed.
- c. D-9.2, s. 100, am. **138.** Section 100 of the Act is amended by replacing “a real estate broker governed by the Real Estate Brokerage Act (chapter C-73.1)” in the first paragraph by “a broker or agency governed by the Real Estate Brokerage Act (2008, chapter 9)”.
- c. D-9.2, s. 141,
repealed. **139.** Section 141 of the Act is repealed.
- c. D-9.2, s. 143, am. **140.** Section 143 of the Act is amended by replacing “a real estate broker governed by the Real Estate Brokerage Act (chapter C-73.1)” in the first paragraph by “a broker or agency governed by the Real Estate Brokerage Act (2008, chapter 9)”.
- c. D-9.2, ss. 206, 542,
549 and 553, repealed. **141.** Sections 206, 542, 549 and 553 of the Act are repealed.
- 2002, c. 45, sections
repealed. **142.** Sections 361, 378, 400, 403, 418, 483, 484, 491, 727, 728 and 729 of the Act respecting the Agence nationale d’encadrement du secteur financier (2002, chapter 45) are repealed.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

- Organisme
d’autoréglementation
du courtage immobilier
du Québec. **143.** The Association des courtiers et agents immobiliers du Québec becomes the Organisme d’autoréglementation du courtage immobilier du Québec on (*insert the date of coming into force of section 31*).
- Investigation by the
syndic. **144.** An investigation opened by the syndic of the Association des courtiers et agents immobiliers du Québec on or before (*insert the date preceding the date of coming into force of section 82*) is governed by the legislation in force on the date on which it was opened.
- Complaint to discipline
committee. **145.** A complaint of which the discipline committee of the Association des courtiers et agents immobiliers du Québec was seized on or before (*insert the date preceding the date of coming into force of section 93*) is continued in accordance with the legislation in force on the date on which the discipline committee was seized of it.
- Presumption. **146.** A natural person who, on (*insert the date of coming into force of section 4*), holds a real estate agent’s certificate or a real estate broker’s certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is deemed to hold a real estate broker’s licence. A person holding an affiliated

real estate agent's certificate may act on the person's own account only after meeting the qualification requirements set by the Organization.

Mortgage broker's licence.

However, a person who engages exclusively in brokerage activities relating to loans secured by immovable hypothec may request that the person's real estate broker's permit be replaced by a mortgage broker's licence.

Presumption.

147. A person or partnership that, on (*insert the date of coming into force of section 13*), holds a real estate broker's certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act and acts through the intermediary of a natural person holding a real estate broker's or real estate agent's certificate is deemed to hold a real estate agency licence.

Mortgage broker agency licence.

However, a person or partnership that engages exclusively in brokerage activities relating to loans secured by immovable hypothec may request that the real estate agency licence be replaced by a mortgage broker agency licence.

Entitlement.

148. Firms, independent partnerships and their insurance or securities representatives and independent representatives governed by the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) that are authorized to engage in brokerage transactions relating to loans secured by immovable hypothec at the date of coming into force of sections 137 and 139 are entitled to be issued a mortgage broker's licence or a real estate agency's licence, as applicable, under this Act, provided the application is made within 12 months following that date.

Refusal to issue licence.

149. The Organisme d'autoréglementation du courtage immobilier du Québec, established by section 31, may refuse to issue a licence or may suspend, revoke or impose restrictions or conditions on a licence if the applicant or licence holder, as applicable, contravened the Act respecting the distribution of financial products and services, prior to the date of coming into force of sections 137 and 139, in the course of brokerage transactions relating to loans secured by immovable hypothec.

Provisions applicable.

Sections 41 to 44 apply for the purposes of the previous paragraph, with the necessary modifications.

Substitution.

150. The Organization is substituted for the Fonds d'indemnisation du courtage immobilier constituted by section 9.14 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) and continued by section 44 of this Act. The Organization acquires the rights and assumes the obligations of that fund.

Employees.

151. The employees of the Fonds d'indemnisation du courtage immobilier in office on (*insert the date of coming into force of section 108*) become, without further formality, employees of the Organization. They hold the position and exercise the functions assigned to them by the Organization.

- Documents. **152.** The files, records and other documents of the Fonds d'indemnisation du courtage immobilier become files, records and documents of the Organization.
- Current business. **153.** The current business of the Fonds d'indemnisation du courtage immobilier is continued by the Organization.
- Party to proceedings. **154.** The Organization becomes, without continuance of suit, a party to any proceedings to which the Fonds d'indemnisation du courtage immobilier was a party.
- Indemnification. **155.** Sections 105 to 107 apply with regard to the indemnification of victims of fraud, fraudulent tactics or embezzlement for which a mortgage broker is responsible, where the act was committed before the date of coming into force of sections 137 and 139 in the course of brokerage transactions relating to loans secured by immovable hypothec under the Act respecting the distribution of financial products and services.
- Recovery of the amount. The Organization may recover the amount from the Fonds d'indemnisation des services financiers, established by section 258 of that Act.
- Interpretation. **156.** Unless the context indicates a different meaning, in any Act, statutory instrument or other document, the words "Association des courtiers et agents immobiliers du Québec" or the word "Association" when pertaining to the Association des courtiers et agents immobiliers du Québec refer to the Organization.
- Transitional measures. **157.** The Government may, by a regulation made within 12 months after the coming into force of this section, prescribe transitional measures for the purposes of this Act.
- Act replaced. **158.** This Act replaces the Real Estate Brokerage Act (R.S.Q., chapter C-73.1).
- Delegation. **159.** The Minister may delegate to any person or body functions and powers relating to the administration of this Act, including those conferred by sections 64, 68, 69, 113, 115, 117 to 123 and 136.
- Subdelegation. The Minister may, in the instrument of delegation, authorize the subdelegation of specified functions and powers; in such a case, the Minister identifies the person or body to whom or which the subdelegation may be made.
- Report. **160.** Not later than (*insert the date that is five years after the date of coming into force of section 158*) and every five years after that, the Minister must report to the Government on the carrying out of this Act and on the advisability of maintaining it in force or amending it.
- Tabling. The report is laid before the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days after resumption.

Minister responsible.

161. The Minister of Finance is responsible for the administration of this Act.

Administration of certain provisions.

However, the Government designates the Minister responsible for the administration of paragraph 14 of section 3 and section 129. The designated Minister may delegate to any person or body powers relating to the administration of those provisions of this Act.

Coming into force.

162. The provisions of this Act come into force on the date or dates to be set by the Government.

2008, chapter 10 AN ACT TO AMEND THE POLICE ACT

Bill 60

Introduced by Mr. Jacques P. Dupuis, Minister of Public Security

Introduced 7 December 2007

Passed in principle 14 December 2007

Passed 3 June 2008

Assented to 5 June 2008

Coming into force: 5 June 2008, except section 14 which comes into force on 1 January 2009. However, section 24 has effect from 16 June 2000.

Legislation amended :

Police Act (R.S.Q., chapter P-13.1)

Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14)

Explanatory notes

This Act enables municipalities to conclude agreements among themselves, with the approval of the Minister of Public Security, on the provision of detention or transportation services for accused persons and on the joint use of equipment, premises or space by their respective police forces. It also stipulates that the municipalities may conclude such agreements with the Minister, to be applicable to the Sûreté du Québec.

The Act authorizes the Minister to determine the manner in which a municipality that is part of a metropolitan community or a metropolitan census area will be served by a municipal police force if the municipality fails to do so. It also provides that municipalities must update their police service organization plan whenever necessary or at the Minister's request. In addition, it completes the list of provisions that must be included in the agreement under which the Sûreté du Québec provides its services to a municipality.

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Explanatory notes (Cont'd)

The Act stipulates that the function of police officer is incompatible with the exercise of an activity related to the administration of justice but is no longer incompatible with the exercise of an activity requiring that a restaurant sales or service permit be issued by the Régie des alcools, des courses et des jeux.

The Act also makes wildlife protection officers and any person having authority over them subject to the rules of ethics governing police officers. It removes the obligation for a police officer to report the conduct of another police officer that may constitute a breach of discipline. In addition, the Act states that a police officer interviewed as a witness in connection with a complaint against another officer may, if that first police officer wishes, be assisted by an advocate.

The Act stipulates that any allegation against a police officer concerning a criminal offence must first be submitted to the director of police and the Director of Criminal and Penal Prosecutions, who will determine whether the allegation is frivolous or unfounded. If the allegation is founded, the director of police must inform the Minister immediately.

Lastly, the Act confirms the creation of the Québec Police Services Council, made up, among others, of municipal representatives. The Council's mission is to give its opinion to the Minister on any matter relating to police services provided in Québec.



Chapter 10

AN ACT TO AMEND THE POLICE ACT

[Assented to 5 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

- c. P-13.1, s. 15, am. **1.** Section 15 of the Police Act (R.S.Q., chapter P-13.1) is amended by adding the following paragraph:
- Training programs and activities. “The school may also, in pursuit of its mission, develop training programs and activities and offer them to any person or group that so requests.”
- c. P-13.1, s. 16, am. **2.** Section 16 of the Act is amended
- (1) by replacing “élèves” in the first paragraph in the French text by “étudiants”;
- (2) by striking out the last sentence of the first paragraph;
- (3) by replacing “élèves” in the second paragraph in the French text by “étudiants”.
- c. P-13.1, s. 17, French text, am. **3.** Section 17 of the Act is amended by replacing “élèves” in the French text by “étudiants”.
- c. P-13.1, s. 29, French text, am. **4.** Section 29 of the Act is amended by replacing “élèves” in paragraph 1 in the French text by “étudiants”.
- c. P-13.1, s. 37, replaced.
By-law. **5.** Section 37 of the Act is replaced by the following section:
- “**37.** The school shall make a by-law for the internal management of the Commission de formation et de recherche.”
- c. P-13.1, s. 51, am. **6.** Section 51 of the Act is amended by adding “or the person designated by the Minister” at the end of the second paragraph.
- c. P-13.1, s. 56, am. **7.** Section 56 of the Act is amended by striking out “with the approval of the Minister” in the fourth paragraph.
- c. P-13.1, s. 70, am. **8.** Section 70 of the Act is amended by adding the following paragraphs after the fifth paragraph:

- Agreements. “Without prejudice to that obligation, the municipalities may conclude agreements among themselves on the provision of detention or transportation services for accused persons and on the joint use of equipment, premises or space. The agreements and their termination before their expiry date must be approved by the Minister.
- Agreements. The municipalities may also conclude such agreements with the Minister of Public Security, to be applicable to the Sûreté du Québec.”
- c. P-13.1, s. 72.1, added.
Non-compliance. **9.** The Act is amended by inserting the following section after section 72:
- “**72.1.** If a municipality that is to be served by a municipal police force fails to comply with the first paragraph of section 71, the Minister may determine which procedure set out in that paragraph will be followed by the municipality.”
- c. P-13.1, s. 76, am. **10.** Section 76 of the Act is amended
- (1) by replacing paragraph 2 by the following paragraph:
- “(2) the nature and scope of the police services that will be provided and the other conditions applicable to those services;”;
- (2) by adding the following paragraphs after paragraph 8:
- “(9) the territory to be served;
- “(10) the responsibilities of the public security committee, other than those set out in section 78;
- “(11) the procedure for issuing statements of offence under the legislation on road safety or under municipal by-laws; and
- “(12) the measures to be implemented in emergency situations.”
- c. P-13.1, s. 78, am. **11.** Section 78 of the Act is amended by replacing “more particularly” in the portion before subparagraph 1 of the fifth paragraph by “in addition to the responsibilities entrusted to it under the agreement”.
- c. P-13.1, s. 81.1, added.
Organization plan update. **12.** The Act is amended by inserting the following section after section 81:
- “**81.1.** Whenever necessary or at the Minister’s request, municipalities must update their police service organization plan stating, in particular, that the municipal police force serving them provides the services of the required level. At the Minister’s request, the plan is submitted to the Minister for approval.”
- c. P-13.1, s. 117, replaced. **13.** Section 117 of the Act is replaced by the following section:

- Incompatibility of functions. “**117.** The function of police officer is incompatible with the functions of bailiff, investigation agent, security guard, collection agent or representative of a collection agent, and private detective.
- Conflict of interest. The function of police officer is also incompatible with the holding of a direct or indirect interest in any business that pursues an activity mentioned in the first paragraph, an activity related to the administration of justice or an activity for which a permit issued by the Régie des alcools, des courses et des jeux for the consumption of alcohol on the premises is required, with the exception of a restaurant sales permit or a restaurant service permit described in section 28 or 28.1 of the Act respecting liquor permits (chapter P-9.1).
- Contravention. Any contravention of the first paragraph of this section shall entail the immediate suspension without pay of the police officer concerned. If the second paragraph of this section is contravened, and the situation is such that the impartiality or integrity of the police officer concerned may be compromised, the director of police must immediately take whatever steps are necessary with respect to that officer.
- Regularization. In all cases, the police officer’s situation must be regularized within six months, on pain of dismissal. If the interest devolves by succession or gift, the officer must renounce or dispose of it with dispatch.”
- c. P-13.1, s. 126, replaced.
Applicability. **14.** Section 126 of the Act is replaced by the following section:
“**126.** This chapter applies to police officers, to peace officers within the meaning of section 6 of the Act respecting the conservation and development of wildlife (chapter C-61.1), to special constables and to highway controllers, as well as to any person having authority over highway controllers, with the necessary modifications.
- Applicability. The provisions concerning the director of a police force apply in the same manner to the immediate superior of a wildlife protection officer, to the employer of a special constable or a highway controller and to any person having authority over a highway controller, with the necessary modifications.”
- c. P-13.1, s. 143, am. **15.** Section 143 of the Act is amended
(1) by replacing subparagraph 2 of the second paragraph by the following subparagraph:
“(2) the municipal council, when the complaint is lodged against the director of the police force.”;
(2) by striking out the third paragraph.
- c. P-13.1, s. 230, am. **16.** Section 230 of the Act is amended by adding the following at the end of the first paragraph: “, except if a sanction of dismissal under the first paragraph of section 119 is imposed on the police officer”.

c. P-13.1, s. 260, am. **17.** Section 260 of the Act is amended by replacing the first paragraph by the following paragraph:

Requirement to inform. **“260.** Every police officer is required to inform the director of police of conduct by another police officer that may constitute a criminal offence. The police officer is also required to inform the director of police of conduct by another police officer that may constitute a breach of professional ethics affecting the enforcement of rights or the safety of the public, if the police officer has a personal knowledge of that conduct. The requirements do not apply to a police officer who is informed of such conduct when acting in the capacity of a union representative.”

c. P-13.1, s. 261, French text, am. **18.** Section 261 of the Act is amended

(1) by replacing “du comportement” in subparagraph 1 of the first paragraph in the French text by “d’un comportement”;

(2) by replacing “au comportement” in subparagraph 2 of the first paragraph in the French text by “à un comportement”.

c. P-13.1, s. 262, am. **19.** Section 262 of the Act is amended by adding the following sentence at the end of the first paragraph: “The police officer may be assisted by an advocate if the officer wishes.”

c. P-13.1, s. 286, am. **20.** Section 286 of the Act is amended by adding the following at the end of the first paragraph: “, unless the director considers, after consulting the Director of Criminal and Penal Prosecutions, that the allegation is frivolous or unfounded”.

c. P-13.1, Title V.1, ss. 303.1-303.13, added. **21.** The Act is amended by inserting the following Title before Title VI:

“TITLE V.1

“QUÉBEC POLICE SERVICES COUNCIL

“CHAPTER I

“ESTABLISHMENT

Establishment. **“303.1.** A Québec Police Services Council is established under the Minister’s authority.

“CHAPTER II

“RESPONSIBILITIES

Opinion. **“303.2.** The Council shall give its opinion on any matter relating to police services provided in Québec, and more particularly on

- (1) the needs of the general public;
 - (2) the policy directions of police services given the priorities of each area of police work and the development, organization, distribution and harmonization of those services;
 - (3) the costs of police services; and
 - (4) the adaptation of police services to emerging needs, new realities and standards of quality.
- Matter submitted by Minister. The Council shall also give its opinion on any matter submitted to it by the Minister, within the time specified by the Minister.
- Recommendations. **“303.3.** The Council may also make recommendations within the framework of the responsibilities entrusted to it.
- Minister. **“303.4.** The Council shall send its opinions and recommendations to the Minister.

“CHAPTER III

“COMPOSITION AND OPERATION

- Members. **“303.5.** The Council is composed of 21 members, including a chair and vice-chair.
- Appointments. On the recommendation of the organizations that are representative of the sector, the Minister appoints
- (1) two representatives of the Fédération québécoise des municipalités (FQM);
 - (2) two representatives of the Union des municipalités du Québec;
 - (3) one representative of Ville de Montréal;
 - (4) one representative of the aboriginal nations of Québec;
 - (5) one representative of the management of the Sûreté du Québec;
 - (6) one representative of the management of the service de police de la Ville de Montréal;
 - (7) one representative of the management of the police department of Ville de Québec;
 - (8) two representatives of the management of municipal police forces offering level 1, 2 or 3 services;

(9) one representative of the First Nations Chiefs of Police Association of Quebec;

(10) one representative of the Association des directeurs de police du Québec;

(11) one representative of the École nationale de police du Québec;

(12) one representative of the Association des policières et policiers provinciaux du Québec;

(13) one representative of the Fraternité des policiers et policières de Montréal (F.P.P.M.);

(14) one representative of the Fédération des policiers et policières municipaux du Québec (FPMQ); and

(15) one representative of the International Centre for the Prevention of Crime.

Non-voting members.

Three other members are chosen from among the personnel of the Ministère de la Sécurité publique. Those members do not have the right to vote.

Chair.

“303.6. The Minister shall designate the chair, alternating every two years between a member of the Fédération québécoise des municipalités (FQM) and a member of the Union des municipalités du Québec.

Vice-chair.

The Minister shall also designate the vice-chair, alternating every two years among the members of the management of the various police forces.

Duties of chair.

“303.7. The chair shall preside at Council meetings and see to their smooth operation. The chair shall act as liaison between the Council and the Minister.

Vice-chair.

If the chair is absent or unable to act, the vice-chair shall assume the functions of the chair.

Secretariat.

The secretariat of the Council is the responsibility of the Ministère de la Sécurité publique.

Term.

“303.8. The term of office of Council members must not exceed two years. Their term may be renewed.

End of term.

At the end of their term, the members shall remain in office until they are replaced or reappointed.

Vacancy.

“303.9. Any vacancy occurring during a term of office must be filled for the remainder of the term in keeping with section 303.6.

- Non-attendance. A member's absence from three consecutive meetings of the Council entails a vacancy in the office of that member.
- Meetings. **“303.10.** The Council shall hold its meetings anywhere in Québec, at least three times a year.
- Quorum. **“303.11.** The quorum for the entire duration of a Council meeting is a majority of the Council members, including the chair or vice-chair.
- Vote. Decisions of the Council are made by a majority of the voting members present. In the event of a tie, the chair has a casting vote. Dissent is recorded.
- By-laws. **“303.12.** The Council may make internal by-laws.
- Costs. **“303.13.** Council members receive no remuneration. Each organization represented on the Council shall defray the costs related to the participation of its representative in Council meetings.”
- c. P-13.1, s. 304, am. **22.** Section 304 of the Act is amended by adding the following paragraph at the end:
- Police practices. **“The Minister shall produce a guide to police practices and make it available to police organizations.”**
- c. P-13.1, s. 353.12, am. **23.** Section 353.12 of the Act is amended by adding the following paragraph:
- Organization plan. **“Within one year from the coming into force of the regulation, the municipalities shall submit to the Minister for approval a police service organization plan stating, in particular, that the services of the required level are provided.”**
- ACT RESPECTING THE SYNDICAL PLAN OF THE SÛRETÉ DU QUÉBEC**
- c. R-14, s. 1, am. **24.** Section 1 of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) is amended by inserting “subparagraph 2 of” after “and in” in paragraph *b*.
- FINAL PROVISION**
- Coming into force. **25.** This Act comes into force on 5 June 2008, except section 14 which comes into force on 1 January 2009. However, section 24 has effect from 16 June 2000.

2008, chapter 11

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS

Bill 75

Introduced by Mr. Jacques P. Dupuis, Minister responsible for the administration of
legislation respecting the professions

Introduced 2 April 2008

Passed in principle 9 April 2008

Passed 4 June 2008

Assented to 5 June 2008

Coming into force: on the date or dates to be set by the Government

- 2008-10-15: ss. 1-30, 32-57, 59-117, 118 (par. 1), 119, 121-226
O.C. 938-2008
G.O., 2008, Part 2, p. 4901
- 2009-01-31: ss. 31, 58, 118 (par. 2), 120
O.C. 938-2008
G.O., 2008, Part 2, p. 4901

Legislation amended:

Agrologists Act (R.S.Q., chapter A-12)
Land Surveyors Act (R.S.Q., chapter A-23)
Act respecting insurance (R.S.Q., chapter A-32)
Act respecting the Barreau du Québec (R.S.Q., chapter B-1)
Professional Chemists Act (R.S.Q., chapter C-15)
Professional Code (R.S.Q., chapter C-26)
Chartered Accountants Act (R.S.Q., chapter C-48)
Dental Act (R.S.Q., chapter D-3)
Geologists Act (R.S.Q., chapter G-1.01)
Court Bailiffs Act (R.S.Q., chapter H-4.1)
Taxation Act (R.S.Q., chapter I-3)
Nurses Act (R.S.Q., chapter I-8)
Veterinary Surgeons Act (R.S.Q., chapter M-8)
Medical Act (R.S.Q., chapter M-9)
Notaries Act (R.S.Q., chapter N-3)
Optometry Act (R.S.Q., chapter O-7)
Pharmacy Act (R.S.Q., chapter P-10)
Midwives Act (R.S.Q., chapter S-0.1)

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Explanatory notes

This Act makes various amendments to the Professional Code.

With respect to the governance of professional orders, the Act changes the composition and mode of operation of the Bureau, among other things by permitting certain decisions to be delegated to committees created for that purpose. It also changes the composition of the administrative committee, clarifies the rules governing elections, in particular as concerns the qualifications required to be a candidate and to vote, reviews the appointment process for directors appointed by the Office des professions du Québec and extends the time within which the general meeting is to be held. The Act facilitates the sharing of information within an order, in particular between the syndic and the professional inspection committee for the protection of the public, and revises the rules for the dismissal of certain employees of an order.

With respect to verifying the competence of candidates for admission to a profession and of members of an order, the Act allows certain supervisory mechanisms to be applied in a larger number of situations. These include a criminal record check, and the examination of a person to make sure his or her physical or mental condition is compatible with the practice of a profession. The Act also makes it possible, in some cases, to verify a candidate's competence to practise a profession before the issue of a permit or entry on the roll, or to ascertain whether a member who was provisionally struck off the roll of an order has met all applicable conditions before he or she is again entered on the roll. It simplifies the rules for issuing a special authorization and allows an order to restrict the professional activities of a member who consents to it.

With respect to regulations, the Act amends the approval process for regulations adopted by professional orders and removes the obligation for orders to adopt regulations in certain internal management matters. It clarifies the regulatory powers under which orders may set standards for their members' professional liability insurance, the authorization of activities, ethics, account conciliation and arbitration, the holding of funds on behalf of a client and compensation of an aggrieved client, refresher courses or training periods, record keeping and the operation of consulting rooms. It also confers more flexibility on professional orders as regards the determination of assessments.

With respect to discipline, the Act changes the rules relating to the organization of the office of the syndic while preserving the independence of that office so that the persons who form it may exercise their functions. It provides for the appointment of syndics ad hoc, extends the syndic's capacity to intervene, and sets out new rules regarding information sent by the syndic to a complainant or to the Bureau. It better defines the powers of the review committee. It also better defines the operating rules applicable to committees on discipline. It changes certain rules governing appeals to the Professions Tribunal, determines or changes certain deadlines in disciplinary matters and modifies the standards regarding the publication of disciplinary notices.

The Act also proposes certain amendments to provisions pertaining to the Office des professions du Québec. Thus, it confers on the Office a regulatory power with respect to the code of ethics governing members and the chairmen of committees on discipline, allows it to adopt rules of practice for committees on discipline, and grants it new powers with respect to professional orders. It also simplifies the Office's funding formula.

Lastly, the Act changes the names of the Bureau, the administrative committee, and the committee on discipline of a professional order to board of directors, executive committee and disciplinary council, respectively.



Chapter 11

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS

[Assented to 5 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-26, words replaced.

1. The Professional Code (R.S.Q., chapter C-26) is amended by replacing

(1) “Bureau”, where it designates the Bureau of a professional order, by “board of directors”, with the necessary modifications;

(2) “administrative committee”, “Administrative Committee” and “Executive Committee”, where they designate a body of a professional order, by “executive committee”, with the necessary modifications; and

(3) “committee on discipline”, where it designates a body of a professional order, by “disciplinary council”, with the necessary modifications.

c. C-26, s. 12, am.

2. Section 12 of the Code is amended

(1) by replacing “the syndic or assistant syndic” in subparagraph 9 of the third paragraph by “a syndic”;

(2) by adding the following subparagraph at the end of the third paragraph:

“(12) in situations in which it considers it necessary for the protection of the public, propose a course of action or measures to be taken by an order.”

c. C-26, s. 15, am.

3. Section 15 of the Code is amended by replacing “any document or” by “, within the time and in the manner it specifies, any document, report or”.

c. C-26, s. 19.1, am.

4. Section 19.1 of the Code is amended by replacing “196.4” in subparagraph 4 of the first paragraph by “196.2”.

c. C-26, s. 30.1, added.

5. The Code is amended by inserting the following section after section 30:

Prohibition.

“**30.1.** No entity may act in such a way as to lead to the belief that it is an order if that is not the case.”

c. C-26, s. 33, repealed.

6. Section 33 of the Code is repealed.

c. C-26, ss. 39 and 39.1, repealed.

7. Sections 39 and 39.1 of the Code are repealed.

- c. C-26, s. 39.8, am. **8.** Section 39.8 of the Code is amended by replacing “or rectal” in the next to last line by “, rectal or vaginal”.
- c. C-26, s. 40, am. **9.** Section 40 of the Code is amended by inserting “or a specialist’s certificate” after “permit”.
- c. C-26, s. 42.4, added. **10.** The Code is amended by inserting the following section after section 42.3:
- Special authorization. **“42.4.** Despite sections 32, 36 and 37.2, the board of directors may issue a special authorization granting a person legally authorized to practise the profession outside Québec the right to use a title reserved for members of the order in Québec or to engage in Québec in professional activities reserved to them in Québec.
- Validity. A special authorization is valid only for the activities or the title it specifies. Moreover, it must specify the person or group of persons for whom the activities may be engaged in, as well as any other applicable condition or restriction. It is valid for a period not exceeding one year and is renewable.
- Delegation of power. The board of directors may delegate to the president of the order the power to issue or renew a special authorization, in accordance with the conditions it determines.”
- c. C-26, s. 45, am. **11.** Section 45 of the Code is amended
- (1) by replacing the portion before subparagraph 1 of the first paragraph by the following:
- Refusal. **“45.** The board of directors may refuse to issue a permit or to enter an applicant on the roll, or refuse any other application preceding admission to the profession, if the applicant”;
- (2) by replacing “of an order, imposing the revocation of a permit” in subparagraph 3 of the first paragraph by “of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of a permit or a striking off the roll, including a provisional striking off the roll”;
- (3) by inserting “or a striking off the roll, including a provisional striking off the roll” after “permit” in subparagraph 4 of the first paragraph;
- (4) by adding the following subparagraphs at the end of the first paragraph:
- “(5) has been the subject of a decision made in Québec finding the applicant guilty of an offence under section 188 or an offence under a provision of an Act of Québec or a federal Act identified for the purposes of this subparagraph in the order’s code of ethics; or

“(6) has been the subject of a decision made outside Québec finding the applicant guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act identified for the purposes of this subparagraph in the order’s code of ethics;”;

(5) by striking out the second paragraph ;

(6) by replacing the last paragraph by the following paragraphs:

Observations.

“Before making a decision under this section, the board of directors must give the person concerned an opportunity to submit observations.

Decision.

A decision refusing to issue a permit or to enter an applicant on the roll, or refusing any other application preceding admission to the profession shall be served on the applicant in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

New application.

Within three years after a decision is made under this section, no new application for a permit or for entry on the roll or new application preceding admission to the profession may be presented to the board of directors that made the decision unless there are new facts that may warrant a different decision.”

c. C-26, s. 45.1, am.

12. Section 45.1 of the Code is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

Restriction or suspension.

“45.1. The board of directors may, after giving an applicant an opportunity to submit observations, enter the applicant on the roll, but restrict or suspend his right to engage in professional activities if the applicant”;

(2) by replacing “of an order” in subparagraph 1 of the first paragraph by “of another order or by the Professions Tribunal in an appeal from a decision of that council”;

(3) by striking out “of the Bureau” in the last paragraph.

c. C-26, s. 45.2, replaced.

13. Section 45.2 of the Code is replaced by the following section:

Application.

“45.2. A person must, in an application for a permit or for entry on the roll or in any other document that is filled out for the purpose of admission to a profession, inform the board of directors that the person is or has been the subject of a judicial or disciplinary decision described in section 45 or 45.1.

Proof.

A certified copy of a judicial or disciplinary decision described in section 45 or 45.1 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

- Information. The board of directors may require the person to provide any information or document it considers necessary for the purposes of section 45 or 45.1. The board of directors may refuse to examine the application until the information or document is provided to it.”
- c. C-26, s. 45.3, added. **14.** The Code is amended by inserting the following section after section 45.2:
- Permit. **“45.3.** The board of directors may assess the competence of an applicant for a permit described in section 42 when the applicant has satisfied the conditions set out in that section for a number of years greater than that prescribed by a regulation under paragraph *j* of section 94.
- Entry on roll. The board of directors may also assess the competence of an applicant for entry on the roll when the applicant has held a permit without being entered on the roll for a number of years greater than that prescribed by a regulation under paragraph *j* of section 94.
- Decision. Based on the results of an assessment under the first or the second paragraph, the board of directors may, after giving the applicant an opportunity to submit observations,
- (1) refuse to issue a permit to or enter on the roll the applicant whose knowledge or skills are not equivalent to those of the members of the order;
- (2) enter the applicant on the roll but limit or restrict his right to engage in professional activities until successful completion of a period of refresher training or a refresher course, or both; in the case of repeated failure to successfully complete a required period of refresher training or a required course, the third paragraph of section 55 applies.
- Appeal. A decision under the third paragraph shall be served on the applicant in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.
- New application. No new application may be presented to the board of directors after it has made a decision under this section unless there are new facts that may warrant a different decision.”
- c. C-26, s. 46, am. **15.** Section 46 of the Code is amended by replacing paragraphs 2 to 5 by the following paragraphs:
- “(2) within the period specified, he pays the assessments he owes to the order as well as the amount of the contribution he owes under Chapter VIII.1;
- “(2.1) within the period specified, he pays the other amounts he owes to the order in connection with an activity related to the supervision of the practice of the profession;

“(3) within the period specified, he furnishes security to cover his professional liability and, if applicable, the liability of the partnership or the company, in accordance with paragraph *d* or *g* of section 93, or pays the amount determined under section 85.2;

“(4) he has paid any costs awarded against him by the disciplinary council, the Professions Tribunal or the accounts arbitration council as well as any fine or amount imposed by any of those bodies that he owes, or he complies with the payment agreement that has been reached;

“(4.1) he has repaid the compensation paid by the order under a regulation under section 89.1 or he complies with the payment agreement that has been reached;

“(5) he has completed the formalities and paid the fees for entry on the roll determined under paragraph 8 of section 86.01;”.

c. C-26, s. 46.0.1,
added.

16. The Code is amended by inserting the following section after section 46:

Re-entry on roll.

“46.0.1. A professional who has been struck off the roll of an order must, even on the expiry of a provisional striking off the roll, comply with the conditions and formalities set out in section 46 in order to be again entered on the roll.

Supervision measures.

Unless the board of directors decides otherwise, entry on the roll entails the resumption of any supervision measure to which the professional was subject on ceasing to be a member of the order and which therefore ceased to be applied at that time.”

c. C-26, s. 46.1, am.

17. Section 46.1 of the Code, enacted by section 150 of chapter 22 of the statutes of 2006, is amended by replacing “or 55.1” in subparagraph 7 of the first paragraph by “, 55.1 or 55.2”.

c. C-26, s. 46.2, am.

18. Section 46.2 of the Code, enacted by section 150 of chapter 22 of the statutes of 2006, is amended by replacing “section 33, 39 or 39.1” in the second paragraph by “section 42.4”.

c. C-26, s. 48, am.

19. Section 48 of the Code is amended by replacing “or who applies for entry on the roll” by “, who applies for entry on the roll or who makes another application preceding admission to the profession”.

c. C-26, s. 49, am.

20. Section 49 of the Code is amended by adding the following sentence at the end of the fourth paragraph: “On receiving the opinions, the board of directors shall send them to the person concerned.”

c. C-26, s. 49.1, added.

21. The Code is amended by inserting the following section after section 49:

Consent.

“49.1. Despite section 49, the medical examination may be carried out by a single physician if the board of directors and the person concerned give their consent.

Application.

In such a case, the fourth paragraph of section 49 applies with the necessary modifications and the expert's fees shall be borne in equal shares."

c. C-26, s. 51, am.

22. Section 51 of the Code is amended

(1) by inserting ", after giving him an opportunity to submit observations," after "may" in the fourth line of the first paragraph;

(2) by replacing ", or allow his entry on the roll and restrict or suspend his right to engage in professional activities" in subparagraph *b* of the first paragraph by ", allow him to be entered on the roll but restrict or suspend his right to engage in professional activities, or refuse any other application he makes preceding admission to the profession";

(3) by striking out ", accompanied, where applicable, with the medical examination report on which it is based," in the second paragraph.

c. C-26, s. 52, am.

23. Section 52 of the Code is amended by replacing the first paragraph by the following paragraph:

Reassessment.

"52. The situation of a person who is the subject of a decision under section 51 may be reassessed on an application in writing by the person."

c. C-26, s. 52.2,
replaced.

24. Section 52.2 of the Code is replaced by the following section:

Delegation of powers.

"52.2. When the board of directors delegates its powers under section 52.1 to a committee created under paragraph 1 of section 62.1, its powers under sections 48 to 50 are also delegated to the committee."

c. C-26, s. 55, am.

25. Section 55 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: "It may also impose on the member any other requirement provided for in a regulation under section 90 that is recommended by the professional inspection committee.";

(2) by replacing "requires a member of the order to successfully complete a period of refresher training or a refresher course, or both" in the second paragraph by "imposes a requirement described in the first paragraph on a member of the order";

(3) by replacing "repeated failure to successfully complete a period of refresher training or a refresher course involving" in the third paragraph by "repeated failure to meet a requirement imposed under the first paragraph accompanied by";

(4) by striking out "written" in the third paragraph.

c. C-26, s. 55.0.1,
added.

26. The Code is amended by inserting the following section after section 55:

Restriction.

“55.0.1. In addition to the other cases provided for in this Code or the Act constituting the order, the board of directors may restrict a member’s right to engage in professional activities if the member consents to it.

Reassessment.

The board of directors may reassess the situation of the member concerned on an application in writing by the member, after obtaining the recommendations of the professional inspection committee.”

c. C-26, s. 55.1,
replaced.

27. Section 55.1 of the Code is replaced by the following sections:

Disciplinary measures.

“55.1. The board of directors may, after giving the professional concerned an opportunity to submit observations, provisionally strike the professional off the roll or provisionally restrict or suspend his right to engage in professional activities if the professional has been the subject of a judicial decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45.

Decision.

The board of directors shall inform a syndic of any decision, which serves as a request under section 128.

Validity.

The decision is valid

(1) until a syndic decides not to lodge a complaint;

(2) until the disciplinary council or the Professions Tribunal renders a final, enforceable decision on a complaint lodged by a syndic; or

(3) until the decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45 is quashed in appeal, if applicable.

Penalty.

“55.2. The board of directors may, after giving the professional an opportunity to submit observations, apply the disciplinary penalty handed down

(1) in Québec by a disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of the professional’s permit or specialist certificate, a striking off the roll, including a provisional striking off the roll, a restriction, including a provisional restriction, or a suspension of the right to engage in professional activities; or

(2) outside Québec which, if handed down in Québec, would have had the effect of a penalty described in subparagraph 1, with the necessary modifications.

Expiry date.

The penalty imposed by the council ends on the expiry date of the disciplinary penalty described in subparagraph 1 or 2 of the first paragraph.

- Proof. **“55.3.** A certified copy of a judicial or disciplinary decision described in section 55.1 or 55.2 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.
- Information. The board of directors may require the professional to provide any information or document it considers necessary for the purposes of section 55.1 or 55.2. The board of directors may strike the professional off the roll until the information or document is provided to it.
- Decision. **“55.4.** A decision made by the board of directors under section 55.1, 55.2 or 55.3 must be served on the professional immediately, in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.”
- c. C-26, s. 55.5, added. **28.** The Code is amended by inserting the following section after section 55.4:
- List of offences. **“55.5.** For the purposes of section 55.1, the board of directors may send to the Director of Criminal and Penal Prosecutions a list of criminal and penal offences that may be related to the practice of the profession and for which the order wishes to be informed of any charge brought against a member. The order and the Director may enter into an agreement to determine the manner in which this information is to be sent.”
- c. C-26, s. 58, replaced. **29.** Section 58 of the Code is replaced by the following section:
- Specialist’s title. **“58.** No person may use a specialist’s title corresponding to a class of specialization defined in a regulation under paragraph *e* of section 94 or act in such a way as to lead to the belief that he is a specialist in that class of specialization unless he holds the appropriate specialist’s certificate.
- Prohibition. A professional may not designate himself as a specialist unless he holds a specialist’s certificate.”
- c. C-26, s. 59.3, am. **30.** Section 59.3 of the Code is amended
- (1) by replacing “inform” by “notify”;
 - (2) by adding “or 55.2” at the end.
- c. C-26, s. 60, am. **31.** Section 60 of the Code is amended
- (1) by replacing “so chooses” in the first paragraph by “does not practise”;
 - (2) by inserting “or principal place of employment” after “residence” in that paragraph;
 - (3) by replacing “the places” in that paragraph by “the other places”.

- c. C-26, s. 60.2, am. **32.** Section 60.2 of the Code is amended by striking out “to a person having recourse to his services”.
- c. C-26, s. 60.4, am. **33.** Section 60.4 of the Code is amended by inserting “or expressly authorized” after “ordered” in the second paragraph.
- c. C-26, s. 60.5, am. **34.** Section 60.5 of the Code is amended by replacing “a professional may refuse to allow access to the information contained in such records where their disclosure would be likely to cause serious harm to the client or to a third person” in the second paragraph by “where authorized by law, a professional may refuse to allow access to the information contained in such a record”.
- c. C-26, s. 60.7, added. **35.** The Code is amended by inserting the following section after section 60.6:
- Security. **“60.7.** Every professional must furnish and at all times maintain security to cover any liability he may incur because of any fault committed in the practice of his profession. A professional who complies with a regulation of the order under paragraph *d* of section 93 fulfils this obligation.”
- c. C-26, s. 61, am. **36.** Section 61 of the Code is amended by replacing the first paragraph by the following paragraph:
- Board of directors. **“61.** An order shall be administered by a board of directors consisting of a president and a number of directors to be determined in a regulation under paragraph *e* of section 93. That number must be
- (1) at least 8 if the order has fewer than 5,000 members; and
 - (2) at least 12 if the order has 5,000 members or more.”
- c. C-26, s. 62, am. **37.** Section 62 of the Code is amended
- (1) by adding the following sentence at the end: “Unless otherwise provided by this Code or such Act, it shall exercise them by resolution.”;
 - (2) by adding the following paragraph at the end:
- Responsibilities. “The board of directors shall, in particular,
- (1) appoint the secretary of the order;
 - (2) require its members and the employees of the order to take an oath of discretion, and determine the form of the oath; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;
 - (3) make sure that activities, refresher courses or training periods are offered to the members of the order;

(4) give any advice it considers expedient to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit;

(5) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions set under the second paragraph of section 184, in the development and review of programs of study leading to diplomas giving access to a permit or a specialist's certificate, of the standards that the board of directors must prescribe by a regulation under paragraph *c* of section 93 and, where applicable, of the other terms and conditions that the board of directors may determine by a regulation under paragraph *i* of section 94, together with standards of equivalence for those terms and conditions that the board of directors may prescribe in that regulation.”

c. C-26, ss. 62.1 and 62.2, added.

38. The Code is amended by inserting the following sections after section 62:

Additional powers.

“62.1. The board of directors may

(1) delegate to a committee it creates for that purpose the power to decide any application preceding admission to the profession as well as its powers under sections 45 to 45.3, 46.0.1, 48 to 52.1 and 55 to 55.3; the members of such a committee shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;

(2) establish rules for the carrying on of its business, including the number of meetings and the intervals at which they are to be held, and rules concerning the administration of the order's property;

(3) determine the means of communication through which members of the board of directors or the executive committee who are not present or physically in attendance at the place where a meeting of the board or the committee is being held may express their opinion with a view to the making of a decision, determine conditions for the use of such means of communication and, for the purposes of the fourth paragraph of section 79, the second paragraph of section 84 and the second paragraph of section 99, determine what constitutes a failure to express one's opinion or an impediment, as the case may be.

Claims.

“62.2. A professional must, in accordance with the terms and conditions determined by the board of directors, inform the order of which he is a member of any professional liability claim against him filed with his insurer and of any notice of loss he files with his insurer with respect to professional liability.”

c. C-26, s. 63, am.

39. Section 63 of the Code is amended

(1) by replacing the first two paragraphs by the following paragraph:

Election of president and directors.

“63. The president and the directors, except those appointed by the Office under section 78, shall be elected in accordance with a regulation under section 65. They shall be elected on the dates and for the terms not exceeding four years determined in a regulation under paragraph *b* of section 93; they are reeligible unless they have served the maximum number of consecutive terms that may be determined by the Order in the regulation.”;

(2) by replacing “first and second” in subparagraph 1 of the third paragraph by “first”;

(3) by replacing “third” wherever it appears in the fourth paragraph by “second”;

(4) by replacing “fourth” wherever it appears in the last paragraph by “third”.

c. C-26, s. 66, repealed.

40. Section 66 of the Code is repealed.

c. C-26, s. 66.1, am.

41. Section 66.1 of the Code is amended by replacing the first paragraph by the following paragraph:

Eligibility.

“66.1. Only those members of the order who are entered on the roll and whose right to engage in professional activities is not restricted or suspended at least 45 days before the date set for the closing of the poll may be candidates. However, the board of directors may, in a regulation under paragraph *b* of section 93, set a longer period of up to 60 days. A candidate who is struck off the roll or whose right to engage in professional activities is restricted or suspended before the election is no longer eligible for the election in progress.”

c. C-26, s. 71, am.

42. Section 71 of the Code is amended by inserting “and still are” after “poll” in the first paragraph.

c. C-26, s. 76, am.

43. Section 76 of the Code is amended by replacing “, replacement or” in the second paragraph by “or replacement, the restriction or suspension of their right to engage in professional activities or their”.

c. C-26, s. 78, am.

44. Section 78 of the Code is amended by replacing the first three paragraphs by the following paragraphs:

Appointment by the Office.

“78. If the board of directors consists of eight or nine directors, two directors, of whom at least one is not a member of a professional order, shall be appointed by the Office.

Appointment by the Office.

If the board of directors consists of 10 to 12 directors, three directors, of whom at least two are not members of a professional order, shall be appointed by the Office.

- Appointment by the Office. If the board of directors consists of 13 or more directors, four directors, of whom at least two are not members of a professional order, shall be appointed by the Office.
- List. The directors appointed by the Office under this Code or the Act constituting an order shall be appointed from a list drawn up by the Office after consultation with the Interprofessional Council and different socio-economic organizations. The Office may also consult the order concerned before appointing one of its directors.”
- c. C-26, s. 79, am. **45.** Section 79 of the Code is amended
- (1) by replacing “Bureau” in the first paragraph by “board of directors or according to another mode of election determined by a regulation under paragraph *b* of section 93”;
- (2) by adding “unless there is no candidate from that region or those regions to fill the vacancy” at the end of the second paragraph;
- (3) by replacing the last paragraph by the following paragraph:
- Replacement for non-attendance. “Any director who, without a reason considered valid by the board of directors, fails to attend three consecutive meetings of the board of directors or to express an opinion through a means of communication and subject to the conditions determined by the board of directors under paragraph 3 of section 62.1, shall be replaced in accordance with the provisions applicable in the case of a vacancy.”
- c. C-26, s. 80, am. **46.** Section 80 of the Code is amended by replacing the first paragraph by the following paragraphs:
- Right of general supervision. **“80.** The president exercises a right of general supervision over the affairs of the order. To that end, the president may require information from a member of a committee created by the board of directors, an employee of the order or any person exercising a function within the order as provided for in this Code or the Act constituting the order, including a syndic in regard to the conduct, or the progress, of an inquiry.
- Functions of president. The president shall preside at the meetings of the board of directors and over the proceedings of the general meeting of members of the order; the president is responsible for the administration of the affairs of the board and the carrying out of its decisions and the decisions of the general meeting; the president shall co-ordinate the work of the board and of the general meeting and ensure continuity.”
- c. C-26, s. 81, am. **47.** Section 81 of the Code is amended
- (1) by replacing “resolution of the Bureau” by “the board of directors or in another way determined by regulation under paragraph *b* of section 93”;

(2) by adding the following paragraph at the end:

Temporary
replacement.

“If the president is unable to act, the board of directors may designate an elected director to exercise the president’s functions for the duration of the inability to act.”

c. C-26, s. 82, replaced.

48. Section 82 of the Code is replaced by the following section:

Meetings.

“82. The members of the board of directors shall hold the number of meetings required to carry out the functions and exercise all the rights, powers and prerogatives that section 62 confers on the board of directors. However, they must meet at least three times a year.”

c. C-26, s. 83, French
text, am.

49. Section 83 of the Code is amended by replacing “réunions” in the French text by “séances”.

c. C-26, s. 84, am.

50. Section 84 of the Code is amended

(1) by replacing “prescribed by regulation under paragraph *b* of section 94” in the first paragraph by “determined by the board of directors under paragraph 3 of section 62.1”;

(2) by replacing “in accordance with a regulation under paragraph *b* of section 94, except where there is an impediment thereto under a regulation” in the second paragraph by “as determined by the board of directors under paragraph 3 of section 62.1, except if there is an impediment determined by the board of directors”.

c. C-26, s. 85,
replaced.

51. Section 85 of the Code is replaced by the following section:

Dismissal.

“85. Despite any inconsistent provision, a two-thirds majority vote of the members of the board of directors is required to dismiss the secretary of the order, a syndic or a person to whom a regulation under paragraph *a* of section 94 applies.

Written notice.

The board of directors may dismiss a syndic only if a written notice to attend is sent to him at least 30 days before the date of the meeting of the board of directors at which the resolution proposing the dismissal is to be presented. The notice shall set out the reasons for the proposed dismissal and inform the syndic of his right to be heard by the board of directors.

Reasons.

The board of directors shall notify the Office of the reasons for the dismissal of a syndic within 30 days of its decision.

Power to dismiss.

The order’s power to dismiss a person under this section may not be limited by a contract of employment or a collective agreement.”

c. C-26, ss. 85.1-85.3,
added.

52. The Code is amended by inserting the following sections after section 85:

Assessments.

“85.1. The board of directors shall determine the annual assessment and any supplementary or special assessment to be paid by the members of the order or certain classes of members on the basis of the professional activities in which they engage, and the date by which the assessment must be paid.

Resolution.

To come into force, a resolution passed by the board of directors under the first paragraph must be approved by a majority of the members of the order who vote on the matter, except in the case of a resolution proposing a supplementary assessment that has become necessary for the order to satisfy its obligations under a regulation of the Office under subparagraph 6 of the third paragraph of section 12 or a regulation of the Government under section 184, to pay expenses resulting from the payment of compensation or expenses related to the procedure for recognizing the equivalence of diplomas issued outside Québec or the equivalence of training, or related to the carrying out of the provisions of this Code that pertain to professional discipline or inspection.

Applicability.

A resolution determining an annual assessment is applicable for the year for which the assessment has been determined and it remains applicable, so long as it is not amended, for each subsequent year. A resolution determining a supplementary or special assessment is applicable for the specific purposes and the duration it specifies.

Amount payable.

“85.2. The board of directors shall compute, in accordance with the regulations made under paragraphs *d* and *g* of section 93, the amount required to defray the operating cost of the group plan or the professional liability insurance fund, apportion that amount among all the members of the order or certain classes of them or, if so provided by the regulation under paragraph *g* of section 93, solely among the members who carry on their professional activities within a partnership or a company in accordance with section 187.11, and determine when and where that amount must be paid, the whole in accordance with the conditions and procedures it determines; for that purpose, the board of directors may determine the amount payable by a member on the basis of the risk represented by the class to which he belongs and in view of the claims filed under the group plan or the professional liability insurance fund for any fault committed by that member in the practice of his profession.

Operating costs.

The amount required to defray the operating cost of the group plan or the professional liability insurance fund includes premiums, administration costs, contributions to the group plan or professional liability insurance fund and any other expenses inherent in the operation of such a plan or fund.

Striking off.

“85.3. The board of directors shall strike off the roll a member who

(1) fails to pay the assessments and the contribution referred to in paragraph 2 of section 46 within the period specified;

(2) fails to furnish the security or pay the amount referred to in paragraph 3 of section 46 within the period specified;

(3) fails to comply with the terms of the agreement referred to in paragraphs 4 and 4.1 of section 46; or

(4) fails to pay the fees referred to in paragraph 5 of section 46.”

c. C-26, s. 86, repealed. **53.** Section 86 of the Code is repealed.

c. C-26, s. 86.0.1, am. **54.** Section 86.0.1 of the Code is amended

(1) by striking out “, by resolution” in the first line;

(2) by replacing paragraphs 7 to 9 by the following paragraphs:

“(7) enter into an agreement with any body to facilitate mutual recognition of the qualifications required for the issue of permits, specialist certificates or special authorizations;

“(8) prescribe the formalities and administration costs payable for requests addressed to the order by the members or by applicants for admission to the profession;”.

c. C-26, s. 86.1, am. **55.** Section 86.1 of the Code is amended

(1) by striking out “, by resolution,” in the first paragraph;

(2) by replacing “The resolution” at the beginning of the second paragraph by “The resolution creating the fund”;

(3) by replacing the third paragraph by the following paragraph:

Claims.

“Professional liability claims for any professional fault committed, by persons who have ceased being members of the order for five years or less, while they were still members and were contributing to the fund must be paid out of the equity of the fund and according to the limits and the conditions and procedures determined by the board of directors.”;

(4) by striking out “or negligence” in the fourth paragraph;

(5) by striking out the last paragraph.

c. C-26, s. 87, am. **56.** Section 87 of the Code is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) provisions to prevent conflict of interest situations;”;

(2) by adding “, and provisions setting out the conditions on which a professional may, in accordance with the third paragraph of section 60.4, communicate the information described in that paragraph and the procedure applicable” at the end of subparagraph 3 of the first paragraph;

(3) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) provisions identifying offences, if any, for the purposes of subparagraphs 5 and 6 of the first paragraph of section 45 or of the first paragraph of section 55.1.”;

(4) by striking out the last paragraph.

c. C-26, s. 88, am.

57. Section 88 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

Conciliation and
arbitration of accounts.

“**88.** The board of directors of an order whose members charge fees must establish, by regulation, an accounts conciliation and arbitration procedure that may be used by persons to whom fees are charged.”;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) provisions allowing a person to use the procedure if the account has already been paid in whole or in part, provided the application for conciliation is made within 45 days after the day the person received the account or within a longer time prescribed by the regulation. If two or more accounts were issued for the same professional service or if an account is payable in instalments, the time to apply for conciliation runs from the date of receipt of the most recent account or from the most recent instalment due date, and the application may cover all the accounts issued or instalments due in the year preceding the application. If the member has withdrawn or withheld sums from funds held or received for or on behalf of the person, the time runs from the time the person became aware that the sums were withdrawn or withheld.”;

(3) by replacing the third paragraph by the following paragraph:

Fees payable.

“The regulation may specify the fees payable on applying for arbitration. In such a case, the arbitration council must rule on the reimbursement of such fees.”;

(4) by inserting the following paragraphs after the fourth paragraph:

Quality of services.

“The arbitration council may, in particular, consider the quality of the services rendered in relation to the fees charged.

Application for conciliation.	Despite any provision of a regulation under subparagraph 1 of the second paragraph, account conciliation may be applied for within 45 days after a decision of the disciplinary council that expressly calls into question the quality or the relevance of a professional act that is charged for in the account, except if the account has already been referred to conciliation or arbitration.”
c. C-26, s. 89, replaced.	58. Section 89 of the Code is replaced by the following sections:
Authorization required.	“89. The members of an order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation.
Procedures and standards.	If it authorizes the members of the order to hold such funds or property, the board of directors must, subject to the Public Curator Act (chapter C-81), determine by regulation <ol style="list-style-type: none"> (1) procedures and standards for holding and disposing of such funds or property; and (2) procedures and standards for keeping and auditing members’ books and registers and, if applicable, for holding and auditing a trust account.
Compensation.	“89.1. A board of directors that makes a regulation under section 89 authorizing the members of the order to hold funds or property must compensate a claimant if a member uses such funds or property for purposes other than those for which they were entrusted to the member in the practice of his profession. The board of directors may not, however, compensate a claimant who entrusted funds or property to a member for illicit purposes or who knew or ought to have known that the funds or property would be used inappropriately.
Regulation.	The board of directors must determine by regulation <ol style="list-style-type: none"> (1) the compensation procedure; and (2) if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund.
Maximum compensation payable.	The regulation may prescribe the maximum compensation payable, in particular, the maximum amount that may be paid to a claimant in respect of a member and the maximum amount that may be paid to all claimants who have filed a claim in respect of a member.
Multiple claims.	If two or more claims are filed in respect of a member and the total amount claimed, after application of the limit prescribed for each claimant, exceeds the limit prescribed for all claimants, the amount of compensation is set by the board of directors and paid in proportion to the amount of each claim.

- Inquiry.** A person, a committee or a committee member designated by the board of directors for the purposes of this section may conduct an inquiry and report to the board of directors on any claim. Section 114 applies to the inquiry, with the necessary modifications. The board of directors may also delegate the power to decide a claim to such a committee.
- Oath.** The person or the committee members referred to in the fourth paragraph shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public.
- Prescription.** If it compensates a claimant, the board of directors is subrogated to the claimant's rights, and prescription only runs from the day the compensation is paid."
- c. C-26, s. 90, am. **59.** Section 90 of the Code is amended by replacing the second sentence by the following paragraph:
- Regulation.** "The board of directors may, in the regulation, determine a procedure for appointing inspectors or experts to assist the committee, and determine the requirements the committee may recommend in addition to the recommendations regarding refresher courses or periods of refresher training it may make under the first paragraph of section 113. The board of directors may also, in the regulation, provide for the appointment by the board of directors of a person to be responsible for professional inspection, delegate the powers of the committee or the committee members under sections 55, 112 and 113 to that person, and then delegate the powers of the board of directors under those sections to the committee."
- c. C-26, s. 91, am. **60.** Section 91 of the Code is amended
- (1) by replacing “, and determine standards concerning the keeping by a professional of a consulting room and other offices” in the first paragraph by “or another person”;
- (2) by inserting “or another person” after “entrusted to him by a client” in the second paragraph;
- (3) by replacing the last paragraph by the following paragraphs:
- Standards.** “The board of directors may, in the regulation, determine standards for the operation of a consulting room and other offices by a professional.
- Taking possession.** In cases described in the second paragraph, the board of directors may take possession of the records and the property held by the professional or require their delivery to an assignee or provisional custodian. In such a case, the board of directors shall determine by resolution the remuneration and the responsibilities and powers of the assignee or the custodian and the procedure for the recovery, from the professional or his successors, of expenses incurred or fees paid by the board of directors, the assignee or the custodian.”

c. C-26, s. 93, am.

61. Section 93 of the Code is amended

(1) by adding the following at the end of paragraph *b*: “the regulation may set a limit on the number of consecutive terms for which they may be appointed;”;

(2) by striking out “and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1” in paragraph *c.1*;

(3) by replacing paragraph *d* by the following paragraph:

“(d) impose on the members of the order the obligation to furnish and maintain security, by means of an insurance contract or a surety bond or by any other means determined by the regulation, to cover liability for any fault committed in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1. The coverage must extend to any claim filed against a member during the five years following the year he no longer is required to maintain security to cover his liability or following the year he ceases to be a member of the order or during a longer period determined by the order in the regulation. The regulation must prescribe the minimum amount of coverage and may prescribe special rules or exemptions based, in particular, on the professional activities engaged in by the members and the risk they represent;”;

(4) by striking out “or negligence” in the sixth line of paragraph *g*;

(5) by replacing “security” wherever it appears in paragraph *g* by “coverage” and by adding the following at the end of that paragraph: “the coverage must extend to any claim filed against the partnership or company during the five years following the year the members cease to maintain the coverage, or during a longer period determined by the board of directors in the regulation;”;

(6) by replacing “and, as appropriate, any fees applicable” in paragraph *h* by “applicable”.

c. C-26, s. 94, am.

62. Section 94 of the Code is amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) establish rules for the remuneration of elected directors, determine the positions within the order whose incumbents may not be dismissed except in accordance with section 85, and the procedure applicable to such a dismissal, and to the dismissal of a syndic or of the secretary of the order, in addition to what is provided in section 85;”;

(2) by striking out paragraph *b*;

(3) by adding the following at the end of paragraph *h*: “the regulation may determine, from among the regulatory standards applicable to members, those that are applicable to persons who are not members of an order; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training to engage in a professional activity, the board of directors must, before adopting a regulation under this paragraph, consult any order whose members engage in a professional activity described in the regulation;”;

(4) in paragraph *i*,

(a) by replacing “, specialist’s certificates or special authorizations” by “or specialist’s certificates”;

(b) by adding the following at the end: “if it requires periods of professional training, the board of directors may in addition determine, from among the regulatory standards applicable to members, those that are applicable to persons who serve those periods of training, provide for special supervisory procedures for those persons, including inquiry and complaint procedures, and determine the penalties that may be imposed by the board of directors in the case of non-compliance;”;

(5) by replacing paragraph *j* by the following paragraph:

“(j) determine cases in which section 55 may apply; the regulation may also determine a number of years for the purposes of section 45.3;”;

(6) by replacing paragraph *o* by the following paragraph:

“(o) determine the continuing education requirements, or the framework for those requirements, with which the members or a class of members of the order must comply, in accordance with the conditions set by resolution of the board of directors; the regulation must include the methods for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply with them and, if applicable, possible exemptions from the requirements;”.

c. C-26, s. 95, am.

63. Section 95 of the Code is amended by replacing “sections 95.1 and 95.2” by “section 95.2”.

c. C-26, s. 95.1,
repealed.

64. Section 95.1 of the Code is repealed.

c. C-26, s. 95.2, am.

65. Section 95.2 of the Code is amended by replacing the first paragraph by the following paragraph:

Approval.

“95.2. A regulation adopted by the board of directors under section 65, 88, 89, 90 or 91, paragraph *a, b, d, e, f, g* or *h* of section 93, or paragraph *a, j, n* or *o* of section 94 shall be transmitted for examination to the Office, which

may approve it with or without amendment. The same applies to any regulation under paragraph *p* of section 94 if it is not the first regulation adopted by the board of directors under that paragraph.”

c. C-26, s. 95.4,
replaced.

66. Section 95.4 of the Code is replaced by the following section:

Regulations.

“**95.4.** All regulations made by the board of directors or made by the Government under section 183 and that are in force shall be distributed to the members of the order and the appointed directors by the secretary of the order.”

c. C-26, s. 96, replaced.

67. Section 96 of the Code is replaced by the following sections:

Executive committee.

“**96.** When a board consists of 12 or more directors, an executive committee shall be formed. In other cases, an executive committee may be formed.

Administration.

“**96.1.** The executive committee shall see to the day-to-day administration of the order’s affairs and may exercise all the powers delegated to it by the board of directors.

Powers.

However, the power to make regulations, to establish operating rules for the board of directors or the executive committee, to appoint a syndic or to designate the members of the disciplinary council, or the powers conferred by section 85.2 and the first and third paragraphs of section 86.1 may not be delegated to the executive committee by the board of directors.”

c. C-26, s. 97, replaced.

68. Section 97 of the Code is replaced by the following section:

Number of members.

“**97.** The board of directors shall determine the number of members of the executive committee. That number must be at least five when the forming of a committee is compulsory, and at least three when the forming of a committee is optional, but in all cases, less than half the number of directors on the board.

Composition.

The president of the order shall be a member *ex officio* and the chairman of the committee. One member of the committee when the forming of a committee is optional or three members of the committee when the forming of a committee is compulsory shall be designated by an annual vote of the elected directors from among those directors. One other committee member shall be designated by an annual vote of the directors from among the directors appointed by the Office and shall be a member of the committee as of the designation. Any other committee member shall be designated by an annual vote by and from among the directors determined by the board.

Voting.

The voting provided for in the second paragraph shall be held each year at the time determined by the board of directors.”

- c. C-26, s. 99, am. **69.** Section 99 of the Code is amended by replacing “prescribed by regulation under paragraph *b* of section 94” in the second paragraph by “determined by the board of directors under paragraph 3 of section 62.1”.
- c. C-26, s. 100, am. **70.** Section 100 of the Code is amended by replacing the first three paragraphs by the following paragraphs:
- Operating rules. **“100.** The board of directors shall establish operating rules for the executive committee, including rules for the holding of meetings and quorum rules, and the procedure for keeping the board of directors informed of the activities of the executive committee.
- Scope. The operating rules for the executive committee must allow the committee to see to the day-to-day administration of the order’s business and exercise the powers delegated to it by the board of directors.
- Decisions. Decisions of the executive committee shall be made by a majority vote of the members present or of the members who express their opinion through a means of communication and subject to the conditions determined by the board of directors under paragraph 3 of section 62.1.”
- c. C-26, s. 101, repealed. **71.** Section 101 of the Code is repealed.
- c. C-26, s. 103, am. **72.** Section 103 of the Code is amended
- (1) by replacing “six” by “eight”;
 - (2) by adding the following paragraph at the end:
- Date, time and place. “The board of directors shall set the date, time and place of the meeting.”
- c. C-26, s. 104, am. **73.** Section 104 of the Code is amended by inserting “is public upon its submission at the general meeting of the members of the order. It” after “report” in the first line of the second paragraph.
- c. C-26, s. 108.6, am. **74.** Section 108.6 of the Code, enacted by section 152 of chapter 22 of the statutes of 2006, is amended by replacing “, assistant secretary, syndic, assistant syndic, corresponding syndics, secretary” in paragraph 1 by “and assistant secretary, a syndic, and the secretary”.
- c. C-26, s. 108.7, am. **75.** Section 108.7 of the Code, enacted by section 152 of chapter 22 of the statutes of 2006, is amended
- (1) by striking out “of the Bureau or administrative committee of an order” in subparagraph 1 of the first paragraph;
 - (2) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) a resolution made under a power conferred on the order by section 159 or following a recommendation under section 158.1 or 160;”;

(3) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) a resolution designating an assignee or a provisional custodian under section 91, and the description of the mandate.”

c. C-26, s. 111, am.

76. Section 111 of the Code is amended

(1) by striking out “, investigator”;

(2) by adding the following sentence at the end: “However, the oath shall not be construed as prohibiting the sharing of useful information or documents within the order for the protection of the public.”

c. C-26, s. 112,
replaced.

77. Section 112 of the Code is replaced by the following section:

Functions.

“112. The committee shall supervise the professional practice of the members of the order. Its functions include inspecting their records, books, registers, medications, poisons, products, substances, apparatus and equipment relating to their professional practice, and inspecting the property entrusted to them by their clients or other persons.

Inspection.

At the request of the board of directors, the committee or a committee member shall inspect the professional competence of a member of the order; the committee or a committee member may also act on its or his own initiative in this regard.

Inspectors and experts.

The committee or a committee member may be assisted by inspectors or experts appointed as determined in a regulation under section 90. The inspectors must be members of the order.

Inspection reports.

The committee shall send the board of directors

(1) any inspection report the board requests that is the basis for recommendations for a decision of the board;

(2) any report following a specific request by the board to carry out an inspection;

(3) any other inspection report the board requires.

Activities report.

On its own initiative or at the request of the board of directors, the committee shall report to the board on its activities, and make any recommendations it considers appropriate.

- Offence. In addition, the committee shall inform a syndic if it has reasonable grounds to believe that a professional has committed an offence referred to in the second paragraph of section 116.
- Disclosure. On its own initiative or at the request of a syndic, the committee may also, when it considers it relevant, disclose information to that syndic for the protection of the public.”
- c. C-26, s. 113, am. **78.** Section 113 of the Code is amended by replacing “and that it restrict or suspend the member’s right to engage in professional activities until that requirement is met” by “, or it may recommend that any other requirement determined in a regulation under section 90 be imposed. The committee may also recommend to the board that it restrict or suspend the right of the member concerned to engage in professional activities until he has met the requirements or fulfilled the conditions imposed.”
- c. C-26, s. 114, am. **79.** Section 114 of the Code is amended
- (1) by striking out “, an investigator” in the third line;
 - (2) by replacing “inspection or inquiry” by “inspection” in the sixth line;
 - (3) by adding the following paragraph at the end:
- Prohibition. “Moreover, it is forbidden for a professional to urge a person holding information about the professional not to cooperate with a person mentioned in the first paragraph, or not to authorize that person, when so requested, to disclose information about the professional.”
- c. C-26, s. 115, am. **80.** Section 115 of the Code is amended
- (1) by replacing “make a general report of its activities” by “report annually”;
 - (2) by replacing “each year” by “on its activities”.
- c. C-26, s. 117, am. **81.** Section 117 of the Code is amended
- (1) by adding “, which must be at least three years” at the end of the first sentence of the first paragraph;
 - (2) by adding “, which must be at least three years” at the end of the first paragraph.
- c. C-26, s. 118, am. **82.** Section 118 of the Code is amended
- (1) by adding the following at the end of the first paragraph: “, which must be at least three years. The chairmen of the disciplinary councils are automatically placed on the list.”;

(2) by adding the following paragraphs at the end:

- Replacement chairman. “Among the persons who can act as substitute chairmen but are not chairmen of a council, the Government shall designate a replacement chairman to exercise the functions of a disciplinary council chairman who is unable to act.
- Inability to act. The replacement chairman shall enter into office as soon as the Office notes the inability to act. The replacement chairman shall remain in office until the Office notes the end of the inability to act or the Government designates a new chairman.”
- c. C-26, s. 118.3, am. **83.** Section 118.3 of the Code is amended
- (1) by replacing “of which they have been seized” in the first sentence by “they had begun to hear”;
- (2) by striking out the second sentence.
- c. C-26, s. 119, am. **84.** Section 119 of the Code is amended
- (1) by replacing “of which he was seized” in the third paragraph by “he had begun to hear”;
- (2) by replacing the fourth paragraph by the following paragraph:
- Penalty. “However, if the appointment is made after the council has handed down the conviction and the person appointed does not avail himself of the third paragraph, another division shall be formed without delay to hear the parties in relation to the penalty and to impose it. The new division shall impose the penalty within 90 days after being formed. Interlocutory decisions rendered by another division before continuance of suit remain valid.”
- c. C-26, s. 121, replaced. **85.** Section 121 of the Code is replaced by the following sections:
- Syndics. **“121.** The board of directors of each order shall appoint, from among the members of the order, the syndic and, if need be, assistant syndics and corresponding syndics. These persons form the office of the syndic of the order.
- Responsibilities. The assistant syndics and corresponding syndics are under the syndic’s authority as regards the exercise of their functions of syndic. They have the same rights, powers and obligations as the syndic. However, a corresponding syndic may not hold an inquiry except under the direction of the syndic and may not propose conciliation, lodge a complaint with the disciplinary council or appeal a decision to the Professions Tribunal.
- Independence. **“121.1.** The board of directors must take steps to preserve the independence of the office of the syndic at all times so that the persons who form the office of the syndic may exercise their functions.

- Prohibition. **“121.2.** A syndic may not exercise any other functions assigned under this Code or the Act constituting the professional order of which he is a member.
- Functions. A syndic may, however, conciliate accounts in accordance with a regulation under section 88 and conduct inquiries relating to matters covered in Chapter VII.
- Expert. A syndic may retain the services of an expert or of any other person to assist him in the exercise of his inquiry functions.
- Syndic ad hoc. **“121.3.** The board of directors may appoint a syndic ad hoc on the suggestion of the review committee, at the request of the syndic or, in exceptional circumstances that it must set out in the resolution of appointment, on its own initiative.
- Responsibilities. A syndic ad hoc has the rights, powers and obligations of a syndic except that he does not have authority over an assistant syndic and may not be assisted by a corresponding syndic.
- Independence. The board must take steps to preserve the independence of a syndic ad hoc at all times.”
- c. C-26, s. 122, am. **86.** Section 122 of the Code is amended by replacing the first two paragraphs by the following paragraph:
- Inquiries. **“122.** A syndic may, following information to the effect that a professional has committed an offence referred to in section 116, inquire into the matter and require any information or document relating to the inquiry. He may not refuse to hold an inquiry on the sole ground that the request for an inquiry was not made using the form proposed under subparagraph 9 of the third paragraph of section 12.”
- c. C-26, s. 122.1, am. **87.** Section 122.1 of the Code is amended
- (1) by replacing “The syndic or assistant syndic” by “A syndic”;
 - (2) by replacing “of an inspection or inquiry, as the case may be,” by “of an inspection”;
 - (3) by adding the following paragraph at the end:
- Disclosure. “On his own initiative or at the request of the professional inspection committee, a syndic may also, if he considers it relevant, disclose any information to the committee for the protection of the public.”
- c. C-26, s. 122.2, am. **88.** Section 122.2 of the Code is amended by striking out “the first and second paragraphs of”.

- c. C-26, s. 123, am. **89.** Section 123 of the Code is amended by replacing “The syndic or an assistant syndic” in the first paragraph by “A syndic” and “the syndic or assistant syndic” in the second and third paragraphs by “the syndic”.
- c. C-26, s. 123.1, am. **90.** Section 123.1 of the Code is amended by replacing “the syndic or an assistant syndic” wherever it appears by “a syndic”.
- c. C-26, s. 123.2, replaced.
Complaint. **91.** Section 123.2 of the Code is replaced by the following section:
“123.2. Where a complaint has been lodged with the disciplinary council, a syndic must notify the person who requested the inquiry of the date, time and place of the hearing. He must also send that person the decision of the disciplinary council dismissing the complaint or imposing one or more of the penalties prescribed in the first paragraph of section 156. If the decision of the disciplinary council includes an order banning the disclosure, publication or release of information, he must, at the same time, inform the person that the person is bound by that order.”
- c. C-26, s. 123.3, am. **92.** Section 123.3 of the Code is amended
 (1) by replacing “of the syndic or assistant syndic” in the second paragraph by “of a syndic”;
 (2) by replacing the third paragraph by the following paragraph:
 “The board of directors shall appoint three or more persons to the committee and designate the committee chairman from among their number.”
- Composition. **93.** Sections 123.4 to 123.6 of the Code are replaced by the following sections:
- c. C-26, ss. 123.4-123.6, replaced. **“123.4.** Within 30 days after the date of receipt of a syndic’s decision not to lodge a complaint with the disciplinary council, the person who requested an inquiry may request an opinion from the review committee.
- Request for opinion. On receiving a request for an opinion, the review committee must inform the person who requested an inquiry of his right to submit observations at any time before the opinion is given.
- Observations. Within 90 days after the date of receipt of the request for an opinion, the review committee shall give its opinion in writing after examining the record and the documents that a syndic is required to send the review committee, and after hearing the syndic and the person who requested an inquiry, if it decides to hear them.
- Opinion. **“123.5.** In its opinion, the review committee must either
 (1) find that there is no cause to lodge a complaint with the disciplinary council;
- Content.

(2) suggest that the syndic complete the inquiry and subsequently render a new decision as to whether or not to lodge a complaint; or

(3) find that there is cause to lodge a complaint with the disciplinary council and suggest that a syndic ad hoc be appointed who, after an inquiry, if he decides to hold one, will decide whether or not to lodge a complaint.

Referral. The review committee may also suggest that a syndic refer the record to the professional inspection committee.

Fees. If the review committee suggests that a syndic complete the inquiry or finds that there is cause to lodge a complaint with the disciplinary council, the order must reimburse any fees the person who requested an inquiry may have been charged under paragraph 2 of section 12.3.

Transmission. The review committee must send its opinion to the person who requested an inquiry and the syndic without delay.

Conciliation. **“123.6.** A syndic who considers that a settlement could be reached on the facts alleged in support of the request for an inquiry may propose conciliation to the person who made the request and the professional at any time before the complaint against the professional is lodged with the disciplinary council.

Steps. If the person who requested an inquiry and the professional consent to conciliation, the syndic who proposed conciliation shall take all reasonable steps, having regard to all the circumstances, to attempt to conciliate the parties.

Factors. Before proposing conciliation, a syndic must consider such factors as the gravity of the prejudice sustained and any previous conviction of the professional under this division for an offence in connection with facts similar to those alleged in support of the request for an inquiry.

Restriction. However, a syndic may not propose conciliation if he considers that the facts alleged in support of the request for an inquiry

(1) are such that the public could be at risk or public trust in the members of the order could be compromised if the disciplinary council were not seized of the complaint; or

(2) indicate that the professional may have engaged in a derogatory act within the meaning of section 59.1.”

c. C-26, s. 123.7, am. **94.** Section 123.7 of the Code is amended

(1) by replacing “or assistant syndic” by “who acted as conciliator”;

(2) by striking out “thereupon”;

(3) by adding “once the settlement is completed” at the end.

c. C-26, s. 123.8, am.

95. Section 123.8 of the Code is amended by replacing “judicial or quasi-judicial proceedings” by “adjudicative proceedings”.

c. C-26, s. 124,
replaced.

96. Section 124 of the Code is replaced by the following section:

Oath.

“124. The members and the secretary of the disciplinary council, a syndic, any expert whose services are retained by a syndic, any other person assisting a syndic under section 121.2 and the members of the review committee must take the oath set out in Schedule II. However, the oath shall not be construed as prohibiting the sharing of useful information or documents within the order for the protection of the public.”

c. C-26, s. 125.1,
replaced.

97. Section 125.1 of the Code is replaced by the following section:

Activities report.

“125.1. The syndic shall submit to the board of directors an annual report on the activities of the office of the syndic and, at the request of the board, any other activities report.”

c. C-26, s. 126, am.

98. Section 126 of the Code is amended by adding the following paragraph at the end:

Date.

“The disciplinary council is seized of a complaint on the date of its receipt by the secretary.”

c. C-26, s. 128, am.

99. Section 128 of the Code is amended by replacing “The syndic or an assistant syndic” in the first paragraph by “A syndic”.

c. C-26, s. 130, am.

100. Section 130 of the Code is amended by adding the following paragraph after paragraph 3:

“(4) where the respondent is charged with having contravened section 114 or the second paragraph of section 122.”

c. C-26, s. 133, am.

101. Section 133 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

Request.

“133. The request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities must be heard and decided by preference after notice is served on the respondent by the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25) at least two clear juridical days before the hearing and not later than 10 days after service of the complaint.”;

(2) by replacing “such hearing” in the second paragraph by “the hearing”;

(3) by replacing the fifth paragraph by the following paragraph:

Decision.

“The disciplinary council must, on rendering a decision imposing provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. If the council orders the publication of a notice, it must, in addition, decide whether the publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele.”;

(4) by replacing “The notice” at the beginning of the sixth paragraph by “A notice”.

c. C-26, s. 134, am.

102. Section 134 of the Code is amended

(1) by replacing “The appearance shall be accompanied with a declaration by which” at the beginning of the second paragraph by “The written appearance may state that”;

(2) by replacing “appearance is not accompanied with such a declaration” in the second paragraph by “written appearance contains no such statement”;

(3) by replacing “The appearance may be accompanied or followed within ten days by a written contestation” in the third paragraph by “A written contestation is to be enclosed with the written appearance or filed within 10 days”.

c. C-26, s. 135, am.

103. Section 135 of the Code is amended by adding the following paragraph at the end:

Documents.

“Subject to sections 132 and 139, any document that must be sent to a party under Divisions VII and VIII of this chapter is validly sent to the party if sent to the party’s advocate.”

c. C-26, s. 138, am.

104. Section 138 of the Code is amended

(1) by inserting “two or more” before “divisions” in the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

Division members.

“If the disciplinary council consists of more than three members, the secretary of the council shall, without delay, choose from among the council members the other two members who are to sit with the chairman or substitute chairman in each division.”

- c. C-26, s. 139, am. **105.** Section 139 of the Code is amended by inserting the following paragraph at the beginning:
- Hearing. “The secretary of the disciplinary council must make sure that the hearing begins within a reasonable time. Barring particular circumstances, the hearing must begin within 120 days after service of the complaint.”
- c. C-26, s. 142, am. **106.** Section 142 of the Code is amended
- (1) by replacing “access to or the publication” in the second paragraph by “the disclosure, publication”;
- (2) by replacing “access” in the third paragraph by “disclosure”.
- c. C-26, s. 143, replaced. **107.** Section 143 of the Code is replaced by the following section:
- Powers. “**143.** The disciplinary council has the power to decide any question of law or fact necessary for the exercise of its jurisdiction.
- Ascertaining facts. It may use all legal means to ascertain the facts alleged in a complaint.”
- c. C-26, s. 147, am. **108.** Section 147 of the Code is amended by inserting “, except the power to order imprisonment” after “refusal”.
- c. C-26, s. 149, am. **109.** Section 149 of the Code is amended by replacing “judicial or quasi-judicial proceedings” in the first paragraph by “adjudicative proceedings”.
- c. C-26, s. 149.1, am. **110.** Section 149.1 of the Code is amended
- (1) by replacing “The syndic or assistant syndic” at the beginning by “A syndic” and “the syndic or assistant syndic” by “that syndic”;
- (2) by replacing “commission” in the fifth line in the French text by “perpétration”.
- c. C-26, s. 150, am. **111.** Section 150 of the Code is amended
- (1) by replacing “by registered or certified mail within ten days” in the second paragraph by “in accordance with the Code of Civil Procedure”;
- (2) by replacing “thirty” in the third paragraph by “60”.
- c. C-26, s. 154, am. **112.** Section 154 of the Code is amended
- (1) by replacing “access to or the” by “the disclosure,”;
- (2) by adding the following paragraph at the end:

- Decision. “Despite the first paragraph, if a member refuses or neglects to give reasons, a decision may be rendered by two members on behalf of the majority, provided one of the two is the chairman or substitute chairman.”
- c. C-26, s. 156, am. **113.** Section 156 of the Code, amended by section 1 of chapter 25 of the statutes of 2007, is again amended
- (1) by inserting “or should be” before “holding” in subparagraph *d* of the first paragraph;
- (2) by replacing the fifth paragraph by the following paragraph:
- Decision. “The disciplinary council shall, on rendering a decision imposing provisional striking off the roll or a provisional restriction or suspension of a professional’s right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. If the council orders the publication of a notice, it must, in addition, decide whether publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele.”;
- (3) by replacing “The notice” at the beginning of the sixth paragraph by “A notice”.
- c. C-26, s. 157, am. **114.** Section 157 of the Code is amended by replacing “publication of the notice required” in the first paragraph by “the publication of a notice”.
- c. C-26, s. 158, am. **115.** Section 158 of the Code is amended
- (1) by inserting “, on the complainant’s request,” before “orders provisional execution” in the first paragraph;
- (2) by adding “despite an appeal” at the end of the first paragraph.
- c. C-26, s. 159, am. **116.** Section 159 of the Code is amended by replacing the first two paragraphs by the following paragraphs:
- Remittance. **“159.** When a decision of the disciplinary council requires the professional to remit a sum of money in accordance with subparagraph *d* of the first paragraph of section 156, the secretary of the council shall inform the person entitled to that sum without delay.
- Homologation. Within 10 days after an appeal is dismissed or, if none is lodged, within 10 days after the time limit for appeal expires, the order may pay the sum fixed by the council to the person entitled to it. In such a case, the order is subrogated to the rights of the person entitled to the sum and may then recover the sum from the offending professional by having the council’s decision

homologated by the Superior Court or the Court of Québec, depending on which court has jurisdiction given the amount involved, in the judicial district in which the professional has his professional domicile. Once homologated, the council's decision becomes enforceable as a judgment of the court. Prescription runs against the order from the date the sum is paid."

c. C-26, s. 161, am.

117. Section 161 of the Code is amended

(1) by replacing "request by way of a petition to the committee on discipline filed with the secretary before the expiry of the penalty," in the first paragraph by "as long as one of those penalties is in force, request, by way of a petition to the disciplinary council filed with the secretary,";

(2) by adding the following sentence at the end of the first paragraph: "At least 10 days before the petition is filed, it must be served on the syndic in accordance with the Code of Civil Procedure; the syndic may contest the request."

c. C-26, s. 164, am.

118. Section 164 of the Code, amended by section 20 of chapter 35 of the statutes of 2007, is again amended

(1) by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

"(1.1) a decision of the disciplinary council on the publication of a notice under the fifth paragraph of section 133 or the fifth paragraph of section 156 and, for the professional or, on a resolution of the board of directors of the order, for a syndic, from a decision on the payment of publication expenses in accordance with those paragraphs;"

(2) by replacing the fifth paragraph by the following paragraph:

Content.

"The record shall include the complaint, the subsequent written proceedings, the minutes of the proceeding, the decision of the council and the petition. The record shall also include the exhibits produced and a transcript of the hearing if it has been recorded, where the complainant in first instance is a person having lodged a complaint under the second paragraph of section 128."

c. C-26, s. 166, am.

119. Section 166 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

Effect of appeal.

"**166.** Subject to the second paragraph, an appeal shall suspend the execution of the decision of the disciplinary council, unless the tribunal or the council itself, under section 158, orders provisional execution of the decision. The tribunal may, however, terminate the provisional execution ordered by the council.";

- (2) by striking out “However,” at the beginning of the second paragraph;
- (3) by replacing “access to or” in subparagraph 2 of the second paragraph by “the disclosure.”
- c. C-26, s. 167, am. **120.** Section 167 of the Code is amended by inserting the following paragraph after the first paragraph:
- Evidence. “Unless the record includes exhibits produced and a transcript of the hearing, each party’s factum must include only the exhibits and extracts from the evidence that are necessary to determine the questions at issue, in accordance with the rules of practice of the Professions Tribunal.”
- c. C-26, s. 171, am. **121.** Section 171 of the Code is amended
- (1) by replacing “date d’audition de l’appel” in the first paragraph in the French text by “date de l’audience d’appel”;
- (2) by inserting “in accordance with the Code of Civil Procedure” after “other parties” in the second paragraph.
- c. C-26, s. 172, am. **122.** Section 172 of the Code is amended by inserting “in accordance with the Code of Civil Procedure” after “other parties” in the first line of the second paragraph.
- c. C-26, s. 173, am. **123.** Section 173 of the Code is amended
- (1) by replacing “the publication” in the second paragraph by “the disclosure, publication”;
- (2) by inserting “disclosure,” after “banning” in the third paragraph.
- c. C-26, s. 176, am. **124.** Section 176 of the Code is amended by replacing “publication” by “disclosure, publication”.
- c. C-26, s. 177.0.1, am. **125.** Section 177.0.1 of the Code is amended
- (1) by inserting “, in accordance with the Code of Civil Procedure,” after “served” in the first paragraph;
- (2) by inserting “in accordance with the Code of Civil Procedure” after “party” in the second paragraph.
- c. C-26, s. 180, am. **126.** Section 180 of the Code is amended
- (1) by adding the following sentences at the end of the second paragraph: “The secretary of the council may also have a notice published in a newspaper having general circulation in any other place where the professional has

practised or could practise. The secretary of the council shall choose the newspaper most likely to be read by the professional's clientele.”;

(2) by adding the following paragraph at the end:

- Recovery of expenses. “The order may recover the expenses incurred for publication of the notices provided for in this section from the professional concerned.”
- c. C-26, s. 180.2, am. **127.** Section 180.2 of the Code is amended by replacing the second sentence by the following sentence: “If published, a notice must be presented within a delimited space, under a heading clearly stating that the notice concerns the restriction or suspension of a member’s right to practise, a member’s being struck off the roll or the revocation of a member’s permit.”
- c. C-26, s. 182, am. **128.** Section 182 of the Code is amended by inserting “disclosure,” before “publication” in the first paragraph.
- c. C-26, s. 182.1, am. **129.** Section 182.1 of the Code, amended by section 1 of chapter 42 of the statutes of 2007, is again amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:
- “(1) a decision of the board of directors under section 45 or 45.1, the third paragraph of section 45.3, section 51, the second paragraph of section 52, section 52.1, the third paragraph of section 55, sections 55.1 to 55.3, the second paragraph of section 187, the second paragraph of section 187.4, the second or third paragraph of section 187.9 or section 187.10.4 of this Code;”.
- c. C-26, s. 182.2, am. **130.** Section 182.2 of the Code, amended by section 2 of chapter 42 of the statutes of 2007, is again amended
- (1) by replacing the fourth paragraph by the following paragraph:
- Record. “The record relating to an appeal from a decision made under section 45, 45.1, 55.1 or 55.2 of this Code shall include the decision made under that section, the judicial or disciplinary decision referred to in that section, the opinion, with reasons, of the board of directors that the offence committed is related to the practice of the profession, and the motion for appeal.”;
- (2) by inserting “the third paragraph of section 45.3, the third paragraph of section 55, section 55.3” after “made under” in the sixth paragraph.
- c. C-26, s. 182.3, am. **131.** Section 182.3 of the Code is amended by replacing “or subparagraph 1 or 2 of the first paragraph of section 55.1” in the second paragraph by “the first paragraph of section 55.1 or section 55.2 or 55.3,”.
- c. C-26, s. 182.5, am. **132.** Section 182.5 of the Code is amended by inserting “in accordance with the Code of Civil Procedure” after “parties” in the second paragraph.
- c. C-26, s. 182.9, am. **133.** Section 182.9 of the Code is amended

(1) by inserting “, whose permit or specialist’s certificate is revoked” after “roll” in the second line of the first paragraph;

(2) by replacing “striking off the roll or” in the fourth line of the first paragraph by “the striking off the roll, revocation,”;

(3) by replacing “The notice” in the first paragraph by “The secretary of the order may also have a notice published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele. The notice”;

(4) by replacing “laid out in a box not less than two columns wide, under the title “NOTICE OF STRIKING OFF THE ROLL OR RESTRICTION AND SUSPENSION OF THE RIGHT TO PRACTISE”” in the third paragraph by “presented within a delimited space, under a heading clearly stating that the notice concerns the restriction or suspension of a member’s right to practise, a member’s being struck off the roll or the revocation of a member’s permit or specialist’s certificate”;

(5) by adding the following paragraph at the end:

Recovery of expenses.

“The order may recover the expenses incurred for publication of the notices provided for in this section from the professional concerned.”

c. C-26, s. 184.3,
added.

134. The Code is amended by inserting the following section after section 184.2:

Powers.

“**184.3.** The Office may, by regulation and after consultation with the chairmen and substitute chairmen of the disciplinary councils and the Interprofessional Council,

(1) adopt rules of practice for the conduct of proceedings relating to complaints lodged with the disciplinary councils;

(2) adopt a code of ethics for the chairmen, substitute chairmen and other members of the disciplinary councils, prescribe the applicable procedure, determine the authorities responsible for the enforcement of the code and prescribe the penalties to be imposed for breaches.”

c. C-26, s. 187.9, am.

135. Section 187.9 of the Code is amended by replacing “in a resolution of the Bureau” at the end of the first paragraph by “by the Bureau”.

c. C-26, ss. 187.14 and
187.17, am.

136. Sections 187.14 and 187.17 of the Code are amended by striking out “or negligence”.

c. C-26, s. 190.1,
replaced.

137. Section 190.1 of the Code is replaced by the following section:

Search.

“190.1. No search may be carried out on behalf of a professional order unless authorized by a warrant. Only the secretary of the order, a syndic, an inspector of the professional inspection committee or an investigator charged with investigating cases of unlawful practice or unauthorized use of a title may, if specifically designated by name in each case by the board of directors or the executive committee, apply for a search warrant on behalf of the order.”

c. C-26, s. 191, am.

138. Section 191 of the Code, amended by section 6 of chapter 25 of the statutes of 2007, is again amended by replacing “the commission of the offences charged” in the second to last line of the first paragraph by “committing the alleged offences”.

c. C-26, s. 192, am.

139. Section 192 of the Code is amended

(1) by replacing “and make a copy of such record or document” in the portion before subparagraph 1 of the first paragraph by “, make a copy of such a record or document, and require any information”;

(2) by striking out “, investigator” in subparagraph 1 of the first paragraph;

(3) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) a syndic, an expert whose services are retained by a syndic and any other person assisting a syndic in the exercise of inquiry functions;”;

(4) by replacing “or a member of such committee” in subparagraph 6 of the first paragraph by “, a member of such a committee or an investigator of the order”;

(5) by replacing “for the purposes of section 89” in subparagraph 8 of the first paragraph by “for the purposes of any of sections 45 to 45.2, 46.0.1, 48 to 52.1, 55 to 55.2 and 89.1”;

(6) by striking out subparagraph 9 of the first paragraph;

(7) by inserting “and provide such information,” after “document” in the second paragraph.

c. C-26, s. 193, am.

140. Section 193 of the Code is amended

(1) by striking out “investigator,” in paragraph 1;

(2) by replacing paragraph 2 by the following paragraph:

“(2) a syndic, an expert whose services are retained by a syndic and any other person assisting a syndic in the exercise of inquiry functions;”;

(3) by replacing “or a member of such committee” in paragraph 7 by “, a member of such a committee or an investigator of the order”;

(4) by replacing “for the purposes of section 89” in paragraph 10 by “for the purposes of any of sections 45 to 45.2, 46.0.1, 48 to 52.1, 55 to 55.2 and 89.1”;

(5) by striking out paragraph 11.

c. C-26, s. 194, am.

141. Section 194 of the Code is amended by replacing “in articles 834 to 850 of the Code” by “in the Code”.

c. C-26, s. 196.1,
repealed.

142. Section 196.1 of the Code is repealed.

c. C-26, s. 196.2, am.

143. Section 196.2 of the Code is amended by adding the following paragraphs at the end:

Contribution.

“To that effect, for each fiscal year of the Office, the members of the orders shall be required to pay a contribution determined by the Government as follows.

Amount.

Each fiscal year, the surplus of the Office for the preceding fiscal year shall be added to, or its deficit for the preceding fiscal year shall be deducted from, the expenditures determined by the Office in its budget estimates for the following fiscal year. The resulting amount shall then be divided by the number of members in all the orders on 31 March of the calendar year in progress. The quotient is the amount of the annual contribution of each member.”

c. C-26, s. 196.3,
repealed.

144. Section 196.3 of the Code is repealed.

c. C-26, s. 196.4, am.

145. Section 196.4 of the Code is amended by striking out the first and third paragraphs.

c. C-26, s. 196.5,
repealed.

146. Section 196.5 of the Code is repealed.

c. C-26, ss. 196.6 and
196.7, am.

147. Sections 196.6 and 196.7 of the Code are amended by replacing “in the second paragraph of section” by “in section”.

c. C-26, s. 196.8, am.

148. Section 196.8 of the Code is amended by adding the following paragraph at the end:

Charges collected.

“The charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2.”

c. C-26, s. 198.1,
repealed.

149. Section 198.1 of the Code is repealed.

c. C-26, Sched. II, am. **150.** Schedule II to the Code is amended by inserting “, 62.1, 89.1” after “14.1” in the reference to the sections of the Code between parentheses.

c. C-26, words replaced.

151. The Code is amended

(1) by replacing “contemplated” wherever it appears in sections 49, 50 and 51 by “concerned”;

(2) by replacing “plaintiff” in the first paragraph of section 127 by “complainant”;

(3) by replacing “executory” wherever it appears in sections 133, 151, 156, 158, 166, 177, 177.0.1, 182.3 and 182.7 by “enforceable”.

AGROLOGISTS ACT

c. A-12, s. 7, French text, am.

152. Section 7 of the Agrolologists Act (R.S.Q., chapter A-12) is amended by replacing “réunion” in the second paragraph in the French text by “séance”.

c. A-12, s. 10, am.

153. Section 10 of the Act is amended by striking out “by resolution:” in the first line.

c. A-12, ss. 10.1 and 11, am.

154. Sections 10.1 and 11 of the Act are amended by replacing “95.1” in the last paragraph by “95.2”.

c. A-12, s. 15, am.

155. Section 15 of the Act is amended by striking out “by resolution” in the second paragraph.

LAND SURVEYORS ACT

c. A-23, s. 9, French text, am.

156. Section 9 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by replacing “réunion” in the French text by “séance”.

c. A-23, s. 15, am.

157. Section 15 of the Act is amended by replacing “101” by “100”.

c. A-23, ss. 38, 60, 62, 67 and 68, am.

158. Sections 38, 60, 62, 67 and 68 of the Act are amended by striking out “resolution of”.

ACT RESPECTING INSURANCE

c. A-32, s. 174.12, am.

159. Section 174.12 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing “subparagraph *p* of the first paragraph of section 86” by “section 85.2”.

ACT RESPECTING THE BARREAU DU QUÉBEC

- c. B-1, s. 12, am. **160.** Section 12 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 2 of chapter 35 of the statutes of 2007, is again amended by replacing “95.1” in the second paragraph of subsection 1 by “95.2”.
- c. B-1, s. 13, am. **161.** Section 13 of the Act is amended by striking out “by resolution” in subsection 2.
- c. B-1, s. 15, am. **162.** Section 15 of the Act is amended
- (1) by striking out “, by resolution,” in the first line of subsection 1;
 - (2) by striking out “, by such resolution,” in paragraph *l* of subsection 1;
 - (3) by replacing paragraph *o* of subsection 1 by the following paragraph:
“(o) delegate to the Committee on applications the powers conferred on the board of directors by sections 55.1 to 55.3 of the Professional Code.”
- c. B-1, s. 16, am. **163.** Section 16 of the Act is amended by replacing “95.1” by “95.2”.
- c. B-1, s. 22.1, am. **164.** Section 22.1 of the Act is amended by striking out “, by resolution,” in the second paragraph.
- c. B-1, ss. 23 and 30, am. **165.** Sections 23 and 30 of the Act are amended by striking out “resolution of”.
- c. B-1, s. 32, am. **166.** Section 32 of the Act is amended by striking out “, by resolution,” in subsection 2.
- c. B-1, s. 44, am. **167.** Section 44 of the Act is amended by striking out “by resolution”.
- c. B-1, s. 64.1, am. **168.** Section 64.1 of the Act is amended by replacing subsection 3 by the following subsection:
“(3) Subsections 1 and 2 also apply in the case of a disbarment imposed by the board of directors under section 55.1 or 55.2 of the Professional Code.”
- c. B-1, ss. 65 and 66, am. **169.** Sections 65 and 66 of the Act are amended by striking out “by resolution passed”.
- c. B-1, s. 68, am. **170.** Section 68 of the Act, amended by section 7 of chapter 35 of the statutes of 2007, is again amended
- (1) by striking out “by resolution and” in subsection 1;

(2) by replacing “as determined in the resolution” at the end of subsection 1 by “as they may determine”;

(3) by striking out “resolution of” in subsection 2;

(4) by striking out “, by by-law,” in subsection 2 and “, by resolution,” in subsection 3;

(5) by striking out “by resolution passed” in subsection 8.

c. B-1, s. 70, am. **171.** Section 70 of the Act, amended by section 9 of chapter 35 of the statutes of 2007, is again amended by striking out “by resolution passed” in subsection 1.

c. B-1, s. 71, am. **172.** Section 71 of the Act, amended by section 10 of chapter 35 of the statutes of 2007, is again amended by striking out “by resolution passed”.

c. B-1, s. 72, am. **173.** Section 72 of the Act is amended by striking out “by resolution passed”.

c. B-1, s. 131, am. **174.** Section 131 of the Act is amended by inserting “or expressly authorized” after “so ordered” in subsection 2.

c. B-1, s. 140, am. **175.** Section 140 of the Act is amended by striking out “, upon a resolution of the Executive Committee.”.

c. B-1, s. 140.3, am. **176.** Section 140.3 of the Act is amended by striking out “a resolution of” wherever it appears.

PROFESSIONAL CHEMISTS ACT

c. C-15, s. 15, am. **177.** Section 15 of the Professional Chemists Act (R.S.Q., chapter C-15) is amended by replacing “96” by “96.1”.

CHARTERED ACCOUNTANTS ACT

c. C-48, s. 6, French text, am. **178.** Section 6 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by replacing “réunion” in the French text by “séance”.

DENTAL ACT

c. D-3, ss. 9 and 13, French text, am. **179.** Sections 9 and 13 of the Dental Act (R.S.Q., chapter D-3) are amended by replacing “réunion” wherever it appears in the French text by “séance”.

c. D-3, s. 15, am. **180.** Section 15 of the Act is amended by striking out “section 86 of” in the first line.

- c. D-3, s. 18.1, am. **181.** Section 18.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

GEOLOGISTS ACT

- c. G-1.01, s. 4, am. **182.** Section 4 of the Geologists Act (R.S.Q., chapter G-1.01) is amended by replacing “95.1” in the second paragraph by “95.2”.

- c. G-1.01, s. 24, am. **183.** Section 24 of the Act is amended by striking out “section 33 of” in the second paragraph.

COURT BAILIFFS ACT

- c. H-4.1, s. 7, am. **184.** Section 7 of the Court Bailiffs Act (R.S.Q., chapter H-4.1) is amended by replacing “95.1” by “95.2”.

TAXATION ACT

- c. I-3, ss. 134.1, 134.2 and 752.0.18.3, am. **185.** Sections 134.1, 134.2 and 752.0.18.3 of the Taxation Act (R.S.Q., chapter I-3) are amended by replacing “196.3” by “196.2”.

- c. I-3, s. 1159.3, am. **186.** Section 1159.3 of the Act is amended by replacing “subparagraph *p* of the first paragraph of section 86” in subparagraph *d.1* of the first paragraph by “section 85.2”.

NURSES ACT

- c. I-8, s. 9, French text, am. **187.** Section 9 of the Nurses Act (R.S.Q., chapter I-8) is amended by replacing “réunion” in the first paragraph in the French text by “séance”.

- c. I-8, s. 11, am. **188.** Section 11 of the Act is amended

(1) by striking out “sections 86 and 86.0.1 of” in the first line of the first paragraph;

(2) by striking out “subparagraph *k* of the first paragraph of” in the third paragraph;

(3) by replacing “86” wherever it appears in the third paragraph by “85.1”.

- c. I-8, ss. 15 and 21, am. **189.** Sections 15 and 21 of the Act are amended by replacing “95.1” by “95.2”.

- c. I-8, s. 25, am. **190.** Section 25 of the Act is amended by striking out “resolution of” in the first paragraph.

- c. I-8, s. 31.2, French text, am. **191.** Section 31.2 of the Act is amended by replacing “réunion” in the second paragraph in the French text by “séance”.

c. I-8, s. 38, am. **192.** Section 38 of the Act is amended by replacing the second paragraph by the following paragraph:

Applicability.

“Subparagraph *a* of the first paragraph does not apply to an applicant holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized under that regulation, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

VETERINARY SURGEONS ACT

c. M-8, s. 29, am. **193.** Section 29 of the Veterinary Surgeons Act (R.S.Q., chapter M-8) is amended by striking out “resolution of” in the second paragraph.

MEDICAL ACT

c. M-9, ss. 9 and 13, French text, am. **194.** Sections 9 and 13 of the Medical Act (R.S.Q., chapter M-9) are amended by replacing “réunion” wherever it appears in the French text by “séance”.

c. M-9, s. 15, am. **195.** Section 15 of the Act is amended by striking out “section 86 of” in the first line.

c. M-9, s. 18.1, am. **196.** Section 18.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

c. M-9, s. 33, am. **197.** Section 33 of the Act is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence;

“(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

c. M-9, s. 37, am. **198.** Section 37 of the Act is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation

made under paragraph *c* of section 93 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence;

“(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

NOTARIES ACT

- c. N-3, s. 5, am. **199.** Section 5 of the Notaries Act (R.S.Q., chapter N-3) is amended by replacing “95.1” in the second paragraph by “95.2”.
- c. N-3, s. 6, am. **200.** Section 6 of the Act is amended
- (1) by striking out “by resolution” in subparagraph 4 of the first paragraph;
 - (2) by replacing “95.1” in the second paragraph by “95.2”.
- c. N-3, s. 12, am. **201.** Section 12 of the Act is amended by replacing “, 45.1, 48 to 52, 55, 55.1,” in the fourth paragraph by “to 45.3, 46.0.1, 48 to”.
- c. N-3, s. 14.1, am. **202.** Section 14.1 of the Act is amended by inserting “or expressly provided” after “so ordered” in the second paragraph.
- c. N-3, ss. 50 and 62, am. **203.** Sections 50 and 62 of the Act are amended by striking out “a resolution of” and “resolution of”, respectively.
- c. N-3, s. 77, am. **204.** Section 77 of the Act is amended by replacing “the syndic of the Order or the subject of a complaint filed with the committee on discipline” in subparagraph 2 of the first paragraph by “a syndic of the Order or the subject of a complaint filed with the disciplinary council,”.
- c. N-3, s. 96, am. **205.** Section 96 of the Act is amended by striking out “resolution of” in the third paragraph.
- c. N-3, ss. 97 and 105, am. **206.** Sections 97 and 105 of the Act are amended by replacing “95.1” by “95.2”.

OPTOMETRY ACT

- c. O-7, s. 7, am. **207.** Section 7 of the Optometry Act (R.S.Q., chapter O-7) is amended by striking out “section 86 of” in the first line.

PHARMACY ACT

- c. P-10, s. 8, am. **208.** Section 8 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by striking out “section 86 of” in the first line.
- c. P-10, s. 8.1, am. **209.** Section 8.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.
- c. P-10, s. 19, am. **210.** Section 19 of the Act is amended by replacing the third paragraph by the following paragraph:

Applicability.

“Subparagraph *a* of the first paragraph does not apply to an applicant holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized under that regulation, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

MIDWIVES ACT

- c. S-0.1, s. 76, am. **211.** Section 76 of the Midwives Act (R.S.Q., chapter S-0.1) is amended by striking out “resolution of” in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

Words replaced.

212. In any Act other than the Professional Code and in any regulation, unless the context indicates otherwise, the following replacements must be made, with the necessary modifications:

(1) the word “Bureau”, where it designates the Bureau of a professional order, is to be replaced by “board of directors”;

(2) the words “administrative committee”, “Administrative Committee” and “Executive Committee”, where they designate a body of a professional order, are to be replaced by “executive committee”; and

(3) the words “committee on discipline”, “Committee on Discipline” and “committee”, where they designate the committee on discipline of a professional order, are to be replaced by “disciplinary council” or “council”.

Interpretation.

In any order, resolution, contract or other document, unless the context indicates otherwise,

(1) a reference to the Bureau of a professional order is a reference to its board of directors;

(2) a reference to the administrative committee, Administrative Committee or Executive Committee of a professional order is a reference to its executive committee; and

(3) a reference to the committee on discipline or Committee on Discipline of a professional order is a reference to its disciplinary council.

Words replaced.

213. In the Professional Code, in all Acts establishing a professional order and in all regulations made under the Code and those Acts,

(1) “chairman” is replaced by “chair”, with the necessary modifications;

(2) “vice-chairman” is replaced by “vice-chair”, with the necessary modifications.

Presumption.

214. Special authorizations issued under sections 33, 39 and 39.1 of the Professional Code and still valid on the date of coming into force of section 42.4 of that Code are deemed to have been issued under that section.

Applicability.

215. The new provisions of sections 45, 45.1, 45.2 and 48 of the Professional Code apply to applications submitted before the date of coming into force of the new provisions for which a decision has not yet been made.

Disclosure.

An applicant who has been convicted of an offence referred to in the new provisions has 60 days after that date to inform the board of directors.

Medical examinations.

216. The new provisions of sections 49 to 51 of the Professional Code apply to medical examinations ordered before the date of coming into force of the new provisions for which a decision under former section 51 has not yet been made.

Judicial and disciplinary decisions.

217. Sections 55.1 to 55.4 of the Professional Code, enacted by this Act, apply to judicial or disciplinary decisions made before the date of coming into force of those sections.

Disclosure.

A member of an order who has been the subject of a decision referred to in the new provisions of section 55.1 or 55.2 has 60 days after the date of coming into force of that section to inform the executive committee.

Non-practising professional.

218. Any professional who is not practising on the date of coming into force of the new provisions of section 60 of the Professional Code must, within 60 days after that date, inform the secretary of the order of his or her place of residence or principal place of employment.

Board of directors and executive committee.

219. Until the first election of directors to the board of directors after the date of coming into force of the first regulation made under the new provisions of section 61 of the Professional Code, the board of directors and the executive committee of an order are to be formed in accordance with the former

provisions of that section and of sections 78 and 79 or 96 and 97 of the Professional Code.

- Elections. **220.** The new provisions of section 66.1 of the Professional Code apply to elections in progress on the date of coming into force of those provisions.
- Professional holding funds or property. **221.** A professional who, in the practice of his or her profession, holds funds or property, including advances on fees, on behalf of a client or another person must comply with the new provisions of section 89 of the Professional Code within 90 days of the date of their coming into force.
- Regulations. **222.** A regulation under the former provisions of paragraph *a* or *b* of section 94 of the Professional Code remains in force until the date of coming into force of a resolution on the same subject adopted under the new provisions or to the extent provided for in the regulation.
- Presumption. **223.** A regulation in force on the date of coming into force of the new provisions of sections 95 and 95.2 of the Professional Code is deemed to have been approved in accordance with those provisions.
- Applicability. The new provisions also apply to regulations made before that date that have not yet been approved by the Government or the Office des professions du Québec.
- Inspections. **224.** The new provisions of section 113 of the Professional Code apply to inspections in progress on the date of coming into force of those provisions.
- Terms of office. **225.** The new provisions of sections 117 and 118 of the Professional Code do not apply to terms of office in progress on the date of coming into force of those provisions.
- Complaints. **226.** The new provisions of section 143 of the Professional Code apply to complaints already received, in accordance with section 126 of that Code, on the date of coming into force of those provisions.
- Coming into force. **227.** The provisions of this Act come into force on the date or dates to be set by the Government.

2008, chapter 12
AN ACT TO AMEND THE FINANCIAL ADMINISTRATION ACT

Bill 80

Introduced by Madam Monique Jérôme-Forget, Minister of Finance

Introduced 6 May 2008

Passed in principle 20 May 2008

Passed 4 June 2008

Assented to 5 June 2008

Coming into force : on the date or dates to be set by the Government

– 2008-10-08 : ss. 1, 2
 O.C. 954-2008
 G.O., 2008, Part 2, p. 4997

Legislation amended :

Financial Administration Act (R.S.Q., chapter A-6.001)

Explanatory notes

The object of this Act is to authorize the creation of an accumulated sick leave fund to provide for the payment of benefits due to employees for unused sick leave. The Act also sets the maximum amount that the Minister of Finance may deposit into the fund.

The Act further provides that the Caisse de dépôt et placement du Québec is to administer the amounts deposited into the fund in accordance with the investment policy determined by the Minister of Finance.

Lastly, the Act defines the scope of the exemption granted certain bodies from the requirement to obtain the Minister's authorization when exercising their power to make currency exchange or interest exchange agreements or to acquire or otherwise use financial instruments or contracts.



Chapter 12

AN ACT TO AMEND THE FINANCIAL ADMINISTRATION ACT

[Assented to 5 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

c. A-6.001, s. 8.1,
added.

1. The Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting the following section after section 8:

Deposits with CDPQ.

“3.1. The Minister may deposit money from the consolidated revenue fund with the Caisse de dépôt et placement du Québec, up to the amount recorded in the financial statements of the Government as an obligation relating to accumulated sick leave, in order to establish an accumulated sick leave fund to provide for the payment of some or all of the benefits due to employees for unused sick leave. Any benefit payment affecting the liability resulting from that obligation may be reimbursed to the consolidated revenue fund out of the accumulated sick leave fund.

Administration.

The Caisse de dépôt et placement du Québec shall administer money deposited under the first paragraph in accordance with the investment policy determined by the Minister.”

c. A-6.001, s. 77.6,
am.

2. Section 77.6 of the Act, enacted by section 2 of chapter 41 of the statutes of 2007, is amended

(1) by striking out “, 79 and 80” in the first line;

(2) by adding the following paragraph at the end:

Exemption.

“A body referred to in the first paragraph that exercises the powers granted to it by sections 79 and 80 is exempted from the requirement to obtain the authorization of the Minister of Finance set out in those sections, unless the authorization is required under the provisions of another law relating to the exercise of the body’s power to borrow.”

Coming into force.

3. This Act comes into force on the date or dates to be set by the Government.

2008, chapter 13
**AN ACT TO AMEND THE POLICE ACT AND OTHER
LEGISLATIVE PROVISIONS**

Bill 54

Introduced by Mr. Benoit Pelletier, Minister responsible for Aboriginal Affairs

Introduced 14 November 2007

Passed in principle 29 May 2008

Passed 12 June 2008

Assented to 12 June 2008

Coming into force: on the date or dates to be set by the Government, except sections 3, 4 and 12, which come into force on 12 June 2008

Legislation amended :

Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1)

Police Act (R.S.Q., chapter P-13.1)

Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1)

Explanatory notes

This Act amends the Police Act, the Cree Villages and the Naskapi Village Act and the Act respecting the Cree Regional Authority to provide for the establishment and maintenance of a regional police force to serve the Cree communities.

It also authorizes the Government to enter into an agreement with two or more Native communities in order to establish a joint police force to serve those communities.



Chapter 13

AN ACT TO AMEND THE POLICE ACT AND OTHER LEGISLATIVE PROVISIONS

[Assented to 12 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

- c. P-13.1, s. 43, am. **1.** Section 43 of the Police Act (R.S.Q., chapter P-13.1) is amended by replacing “to Cree and Naskapi villages, nor to the Kativik Regional Government” in the fourth paragraph by “to the Naskapi Village, to the Cree Regional Authority or to the Kativik Regional Government”.
- c. P-13.1, s. 72, am. **2.** Section 72 of the Act is amended
- (1) by replacing “10” in the second paragraph by “5”;
- (2) by replacing “326-92 (1992, G.O. 2, 1115)” in the second paragraph by “497-2002 (2002, G.O. 2, 2293)”;
- (3) by inserting “The territory described in section 102.6” at the beginning of the third paragraph;
- (4) by replacing “a Cree or Naskapi village” in the third paragraph by “the Naskapi Village”.
- c. P-13.1, s. 90, am. **3.** Section 90 of the Act is amended by replacing “a Native community represented by its council” in the first paragraph by “one or more Native communities, each represented by its band council,”.
- c. P-13.1, s. 91, am. **4.** Section 91 of the Act is amended by replacing the first paragraph by the following paragraph:
- Content. **“91.** The agreement must include provisions relating to the employment status and swearing-in of police officers, the independence of the administration of the police force, civil liability, internal discipline and accountability.”
- c. P-13.1, Title II, Chap. I, Div. V, heading, replaced. **5.** The heading of Division V of Chapter I of Title II of the Act is replaced by the following heading:
- “NASKAPI VILLAGE POLICE FORCE”.
- c. P-13.1, s. 94, am. **6.** Section 94 of the Act is amended

(1) by replacing “of the police force that a Cree village or the Naskapi Village” in the first paragraph by “of the police force that the Naskapi Village”;

(2) by replacing “such a” in the second paragraph by “the”.

c. P-13.1, s. 95, am.

7. Section 95 of the Act is amended

(1) by replacing “A Cree or Naskapi village” in the first paragraph by “The Naskapi Village”;

(2) by replacing “with the Cree Regional Authority established under the Act respecting the Cree Regional Authority (chapter A-6.1), or with a Cree village or the Naskapi Village” in the second paragraph by “with the Naskapi Village”;

(3) by replacing the third paragraph by the following paragraph:

By-law.

“The agreement may also provide for the matters that may be determined in a by-law under the first paragraph, in case the Naskapi Village does not pass such a by-law.”

c. P-13.1, s. 97,
repealed.

8. Section 97 of the Act is repealed.

c. P-13.1, s. 100, am.

9. Section 100 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

Agreement.

“**100.** The Naskapi Village may, particularly if its police force is unable to provide the services under its jurisdiction on the lands on which the police force and its members are authorized to exercise their functions, make an agreement with the Minister to have the Sûreté du Québec provide those services.”;

(2) by replacing “such a municipality” in the second paragraph by “the Naskapi Village”;

(3) by striking out “or, notwithstanding the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (chapter M-30), a band within the meaning of the Cree Villages and the Naskapi Village Act (chapter V-5.1)” at the end of the second paragraph.

c. P-13.1, s. 101,
repealed.

10. Section 101 of the Act is repealed.

c. P-13.1, Title II,
Chap. I, Div. V.1,
ss. 102.1-102.10,
added.

11. The Act is amended by inserting the following division after Division V of Chapter I of Title II:

“DIVISION V.1**“POLICE FORCE OF THE CREE REGIONAL AUTHORITY**

- Regional police force. **“102.1.** The Cree Regional Authority is authorized to establish and maintain a regional police force. If it does so, the Cree Regional Authority is considered a municipality for the purposes of this Act and this Act applies to it with the necessary modifications, subject to this division.
- Existing police forces. **“102.2.** As of the establishment of a regional police force by the Cree Regional Authority, the existing police forces in Cree villages are amalgamated with the regional police force and the members of those police forces are integrated into the regional police force.
- Existing police force. As of the establishment of such a regional police force, the existing police force in the community of Oujé-Bougoumou is abolished and police services in that community are provided by the regional police force.
- Members. **“102.3.** The Cree Regional Authority shall appoint the director and the other members of the regional police force and shall notify the Minister of the appointments.
- Oaths. The director of the regional police force shall take the oaths set out in Schedules A and B before the chair of the Cree Regional Authority. The other members of the regional police force shall take the oaths set out in Schedules A and B before the director of the regional police force.
- Hiring requirements. **“102.4.** The hiring requirements that apply to members of the regional police force in addition to those specified in subparagraphs 1 to 3 of the first paragraph of section 115 are determined by agreement between the Government and the Cree Regional Authority.
- Authorization. **“102.5.** With the Government’s authorization, the Cree Regional Authority may place the regional police force under the authority of another body.
- Jurisdiction. **“102.6.** The regional police force has jurisdiction over
- (1) the Category IA lands;
 - (2) the Category IB lands, including Special Category IB lands, as well as any other lands forming the territory of a Cree village within the meaning of the Cree Villages and the Naskapi Village Act (chapter V-5.1);
 - (3) the Category II or Category III lands situated within the perimeter of the Category I lands of a Cree community;

(4) if the Category I lands of a Cree community are bounded on any side by navigable or other waters, or by the bank or shore of such waters, the expanse in front of those lands, to the middle of such waters, including the islands and outcrops in such waters, if it is not already part of the Category I lands of a Cree community; if, however, the waters fronting those lands are wider than 3 kilometres, jurisdiction may not be exercised beyond 1.5 kilometres from the bank or shore without the agreement of the Government and the Cree Regional Authority; and

(5) any path or road determined by agreement between the Government and the Cree Regional Authority, and the agreed area of the adjacent lands.

Delimitation.

The lands described in subparagraphs 1 to 4 of the first paragraph are delimited in conformity with the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

Category II and III lands.

“102.7. The regional police force shall assume a role and responsibilities in providing police services, in collaboration with the Sûreté du Québec, on the Category II and Category III lands described in paragraph 22.1.6 of the James Bay and Northern Québec Agreement approved by the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) that are not situated within the perimeter of the Category I lands and shall do so in accordance with the arrangements to be determined by agreement between the Government and the Cree Regional Authority after consultation with the police forces concerned.

Agreement.

An agreement under the first paragraph cannot operate to alter the jurisdiction of the Sûreté du Québec over the territories of the towns of Chapais, Chibougamau, Lebel-sur-Quévillon and Matagami, and the parts of the territory of Municipalité de Baie-James corresponding to the localities of Radisson, Valcanton and Villebois as they existed on 14 November 2007.

Police services.

“102.8. In order to carry out their mission, the regional police force and its members shall provide police services as set out in this Act and as determined by agreement between the Government and the Cree Regional Authority.

Agreement.

“102.9. The Cree Regional Authority may, particularly if the regional police force is unable to provide the services under its jurisdiction in all or part of the territory described in section 102.6, make an agreement with the Minister to have the Sûreté du Québec provide those services.

Committee.

“102.10. The Cree Regional Authority may create a committee dedicated to public security and assign the committee the functions it determines as regards the administration of the regional police force.”

c. P-13.1, Title XI, heading, replaced.

12. The heading of Title XI of the Act is replaced by the following heading:

“INTERPRETATION AND FINAL PROVISIONS”.

c. P-13.1, s. 354, replaced.
Interpretation.

13. Section 354 of the Act is replaced by the following section:

“354. In any Act, regulation, order in council, contract or other document, unless the context indicates otherwise, the terms “constable”, “peace officer”, “policeman”, “police officer”, “officer of the peace” and any other similar terms mean a member of the Sûreté du Québec, a member of the police department of Ville de Montréal, a member of a municipal police force, a member of a Native police force referred to in Division IV of Chapter I of Title II, a member of the Naskapi Village, Cree Regional Authority or Kativik Regional Government police force or a special constable, according to their respective powers and authority under the law.

Applicability.

In all such documents, any provision applicable to a municipal police force or to a municipal police officer is, unless the context indicates otherwise, a provision applicable to the police department of Ville de Montréal, a Native police force or the Naskapi Village, Cree Regional Authority or Kativik Regional Government police force or to a member of such a police department or force, with the necessary modifications.

References.

Until the Cree Regional Authority establishes a regional police force, references in this section to the Cree Regional Authority police force are presumed to be references to the police forces of the Cree villages.”

ACT RESPECTING THE CREE REGIONAL AUTHORITY

c. A-6.1, s. 6, am.

14. Section 6 of the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1) is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(n) to establish and maintain a regional police force.”;

(2) by replacing the second paragraph by the following paragraph:

Other functions.

“The Cree Regional Authority also exercises the other functions vested in it by the applicable laws in Québec or by the Agreement. It may, in addition, exercise certain responsibilities under an agreement, provided the Government is party to it.”

CREE VILLAGES AND THE NASKAPI VILLAGE ACT

c. V-5.1, s. 27.1, added.

15. The Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1) is amended by inserting the following section after section 27:

Provisions not applicable.

“27.1. Sections 28 and 29 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), as replaced by section 27 of this Act, do not apply for police purposes to Cree villages as of the establishment of a regional police force by the Cree Regional Authority.”

FINAL PROVISION

Coming into force.

16. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 3, 4 and 12, which come into force on 12 June 2008.

2008, chapter 14

AN ACT TO AGAIN AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

Bill 55

Introduced by Madam Julie Boulet, Minister of Transport

Introduced 15 November 2007

Passed in principle 8 April 2008

Passed 11 June 2008

Assented to 12 June 2008

Coming into force: on the date or dates to be set by the Government, except

(1) paragraph 2 of section 1, paragraph 2 of section 2, sections 3, 4, 8, paragraph 1 of section 9, sections 10, 23, 24, 28, 30, 34 to 36, 38 to 40, 43, 45 to 47, paragraph 3 of section 54, sections 55 to 57, 59 to 71, 73 to 78, 81 to 85, paragraphs 2 to 4 of section 86, sections 88 to 90, 94, 96, paragraph 2 of section 98, sections 99, 102, 117, 120 to 123, 125, 132 to 135, 137 and 138 to 140, which come into force on 12 June 2008;

(2) section 7, paragraph 1 of section 11, section 12, paragraphs 2 and 3 of section 49, paragraph 2 of section 50, paragraph 2 of section 51, section 52 and paragraph 2 of section 53, which come into force on 2 July 2008.

- 2008-09-03: ss. 98 (par. 1), 118
O.C. 857-2008
G.O., 2008, Part 2, p. 4615, 4616
- 2008-09-17: s. 48
O.C. 905-2008
G.O., 2008, Part 2, p. 4667
- 2008-11-05: s. 136
O.C. 1107-2008
G.O., 2008, Part 2, p. 5129
- 2008-12-07: ss. 5, 13, 14 (par. 1), 31, 32, 41, 42, 87, 92, 93, 97, 116
O.C. 1109-2008
G.O., 2008, Part 2, p. 5130

(Cont'd on next page)

Legislation amended :

Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02)
Automobile Insurance Act (R.S.Q., chapter A-25)
Charter of Ville de Québec (R.S.Q., chapter C-11.5)
Cities and Towns Act (R.S.Q., chapter C-19)
Highway Safety Code (R.S.Q., chapter C-24.2)
Municipal Code of Québec (R.S.Q., chapter C-27.1)
Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1)
Act respecting administrative justice (R.S.Q., chapter J-3)
Act respecting the Ministère des Transports (R.S.Q., chapter M-28)
Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., chapter P-30.3)
Act respecting transportation services by taxi (R.S.Q., chapter S-6.01)
Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011)
Act respecting public transit authorities (R.S.Q., chapter S-30.01)
Transport Act (R.S.Q., chapter T-12)

Explanatory notes

This Act again amends the Highway Safety Code in order to enact measures designed to improve road safety. In addition, it introduces provisions that will ensure heightened enforcement of the Code, in particular as regards road signage, mopeds, and penal and administrative measures, and others that will improve the efficiency and quality of the services provided by the Société de l'assurance automobile du Québec and facilitate the work of peace officers.

Under new provisions introduced by the Act, persons who refuse to submit to or fail physical coordination tests administered by a peace officer will get an immediate 24-hour suspension of their driver's licence.

The Act contains various provisions concerning speed limits in school zones, signage, including signs or signals installed on road vehicles and on private land and roads that are accessible to the public, the operation of heavy vehicles, the use of flashing red lights on buses and minibuses used exclusively to transport handicapped school children and exemptions regarding the issue of special permits in certain particular situations. It also prohibits placing at a person's disposal a device that is designed to increase the power or speed of a moped.

As well, the Act provides additional specifics with respect to the prohibited operation in winter of a passenger vehicle or taxi not equipped with winter tires, the use of rotating or flashing amber lights, the presence of escort vehicles in front of or behind oversized vehicles, the off-highway inspection of road vehicle equipment and penalties for oversized transportation. It also clarifies certain powers conferred on peace officers as regards the monitoring and control, on highways and within undertakings, of the transportation of people and goods.

The Act grants an override power to the Minister of Transport for the purpose of authorizing and supervising the testing of new vehicles, new equipment and even new traffic rules. It also implements a measure announced in the Budget Speech delivered on 24 May 2007 under which the fees collected for the issue and renewal of certain special permits are to be paid into the road network preservation and improvement fund and used to enhance roadway durability. Moreover, it provides for payment into the highway safety fund of the costs awarded in proceedings for an offence under the provisions relating to photo radar devices and red light camera systems.

In addition, the Act exempts certain municipalities and transit corporations from having to maintain the liability insurance required under the Automobile Insurance Act and abolishes the certificates of financial responsibility provided for in that Act.

Finally, the Act includes technical, transitional and consequential provisions.



Chapter 14

AN ACT TO AGAIN AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

[Assented to 12 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HIGHWAY SAFETY CODE

c. C-24.2, s. 4, am.

1. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 1 of chapter 40 of the statutes of 2007, is again amended

(1) by replacing the definition of “bus” by the following definition:

“bus”.

““bus” means

(a) a motor vehicle designed for the transportation of 11 or more occupants;

(b) a motor vehicle designed for the transportation of handicapped persons that is covered by a government regulation under the Transport Act (chapter T-12) concerning bus transportation, whether or not the carrier is required to hold a licence under such a regulation; or

(c) a motor vehicle in service before (*insert the date of coming into force of this paragraph*), designed for the transportation of more than nine occupants at a time, the use of which is governed by a government regulation under the Transport Act concerning bus transportation;”;

(2) by replacing the definition of “moped” by the following definition:

“moped”.

““moped” means a passenger vehicle having two or three wheels and a maximum speed of 70 km/h, equipped with an electric motor or a motor having a piston displacement of not more than 50 cm³ and with an automatic transmission;”;

(3) by striking out the definition of “minibus”;

(4) by replacing “nine” in the definition of “passenger vehicle” by “10”.

c. C-24.2, s. 5.1, am.

2. Section 5.1 of the Code is amended

(1) by inserting “202.1.2 to 202.1.4,” after “98.1,”;

(2) by replacing “519.67.1 and 636.1” by “519.70”.

c. C-24.2, s. 31.1, am.

3. Section 31.1 of the Code, amended by section 25 of chapter 49 of the statutes of 2000 and by section 4 of chapter 40 of the statutes of 2007, is again amended by replacing the fourth paragraph by the following paragraph:

Prohibition.

“If, on the due date, the owner has not paid the amounts referred to in the first paragraph or notified the Société of his intention to pay them by pre-authorized debit, if the owner has notified the Société of his election not to drive the vehicle in accordance with the third paragraph or if, on the due date, the Société has not received the notice referred to in the second paragraph of section 23 of the Act respecting transport infrastructure partnerships (chapter P-9.001), no person may, as of the first day following the due date or as of the date on which the Société received the notice of election not to drive, and without further notice, put the road vehicle back into operation.”

c. C-24.2, s. 35, am.

4. Section 35 of the Code is amended by replacing the first paragraph by the following paragraphs:

Compulsory documents.

“**35.** The person driving or having the care or control of a road vehicle must have with him the registration certificate of the vehicle or a copy of it, except during the 10 days following registration, and the certificate of insurance provided for in the Automobile Insurance Act (chapter A-25).

International registration.

If the registration certificate was issued under the International Registration Program (IRP), the person must have with him the original of the certificate, except in the cases provided for by the Program.”

c. C-24.2, s. 63.2, replaced.

5. Section 63.2 of the Code, enacted by section 7 of chapter 40 of the statutes of 2007, is replaced by the following section:

Travel document.

“**63.2.** The Société may issue a driver’s licence that may be presented at the United States border as a travel document. The purpose of the licence is to certify, in accordance with the standards and conditions prescribed by regulation, any information determined by regulation, including the identity and Canadian citizenship of the licence holder.”

c. C-24.2, s. 67, am.

6. Section 67 of the Code is amended by inserting “and each particular” after “each class of licence” in the first paragraph.

c. C-24.2, s. 76.1.7, am.

7. Section 76.1.7 of the Code, enacted by section 12 of chapter 40 of the statutes of 2007, is amended

(1) by inserting “or subsection 2.2 or 3.2 of section 255” after “254” in paragraph 3;

(2) by replacing “2 or 3” in paragraph 4 by “2, 2.1, 3 or 3.1”.

c. C-24.2, s. 90, am.

8. Section 90 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

Expired licence.

“Any person whose driver’s licence issued in Canada has been expired for less than three years and who settles in Québec may obtain a driver’s licence from the Société without undergoing an examination, on payment of the amounts prescribed in the first paragraph.”;

(2) by replacing “holder” in the second paragraph by “person referred to in the first paragraph or in the second paragraph” and by replacing “where the exchanged licence is” in that paragraph by “to obtain”.

c. C-24.2, s. 91, am.

9. Section 91 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

Expired licence.

“Any person whose driver’s licence issued outside Canada has been expired for less than three years and who settles in Québec may obtain a driver’s licence without undergoing a proficiency examination provided the particulars and the validity of the person’s title can be established in accordance with the first paragraph.”;

(2) by striking out “, a minibus” in the second paragraph.

c. C-24.2, s. 93.1, am.

10. Section 93.1 of the Code, amended by section 18 of chapter 40 of the statutes of 2007, is again amended by replacing the second sentence of the first paragraph by the following sentence: “If, on the due date, the licence holder has not made the required payments or notified the Société of his intention to pay by pre-authorized debit, he may not, as of the first day following the due date, and without further notice, drive any road vehicle.”

c. C-24.2, s. 180, am.

11. Section 180 of the Code is amended

(1) by replacing “2 or 3” in subparagraph 4 of the first paragraph, as it reads before being amended by section 27 of chapter 40 of the statutes of 2007, by “2, 2.1, 2.2, 3, 3.1 or 3.2”;

(2) by replacing “2 or 3” in subparagraph 2 of the first paragraph, as it reads after being amended by section 27 of chapter 40 of the statutes of 2007, by “2, 2.1, 2.2, 3, 3.1 or 3.2”.

c. C-24.2, s. 181, am.

12. Section 181 of the Code is amended by replacing “in subsection (5) of section 254 or subsection (2) or (3) of section 255” in the second paragraph by “in subsection 5 of section 254 or subsection 2, 2.1, 2.2, 3, 3.1 or 3.2 of section 255”.

- c. C-24.2, s. 188, am. **13.** Section 188 of the Code is amended by adding the following paragraph at the end:
- “(7) the owner does not comply with the terms for payment by pre-authorized debit of the duties, fees, insurance contribution and tax on the contribution with respect to a vehicle belonging to the owner or with respect to a licence.”
- c. C-24.2, s. 190, am. **14.** Section 190 of the Code, amended by section 29 of chapter 40 of the statutes of 2007, is again amended
- (1) by adding the following paragraph at the end:
- “(8) the licence holder does not comply with the terms for payment by pre-authorized debit of the duties, fees, insurance contribution and tax on the contribution with respect to a vehicle belonging to the licence holder or with respect to a licence.”;
- (2) by adding the following paragraph at the end:
- Suspension. “In a case described in subparagraph 1 of the first paragraph, the Société shall suspend the class of licence corresponding to the road vehicles referred to in the document requiring an examination or assessment.”
- c. C-24.2, s. 197, am. **15.** Section 197 of the Code is amended by replacing the first paragraph by the following paragraph:
- Lifting of suspension. “**197.** The Société shall lift the suspension imposed on a person referred to in section 196 and the prohibition from putting any road vehicle registered in the person’s name back into operation if the person provides the Société with proof of exoneration, acquittal or payment agreement in respect of any claim arising or that may arise from the accident.”
- c. C-24.2, ss. 198 and 199, repealed. **16.** Sections 198 and 199 of the Code are repealed.
- c. C-24.2, s. 201, am. **17.** Section 201 of the Code is amended by striking out “to the satisfaction of the Société, to effect payment in regular instalments” in subparagraph 3 of the first paragraph.
- c. C-24.2, Title V, Chap. II, Div. I.1, heading, replaced. **18.** The heading of Division I.1 of Chapter II of Title V of the Code is replaced by the following heading:
- “SUSPENSION OF LICENCES BY A PEACE OFFICER”.
- c. C-24.2, ss. 202.1.2-202.1.5, added. **19.** The Code is amended by inserting the following sections after section 202.1.1, enacted by section 34 of chapter 40 of the statutes of 2007:

- Impaired driver. **“202.1.2.** The holder of a learner’s licence, a probationary licence, a driver’s licence or a restricted licence may not drive or have the care or control of a road vehicle while the holder’s driving ability is impaired.
- Physical coordination tests. **“202.1.3.** If a peace officer has reason to suspect that the driving ability of a person driving or having the care or control of a road vehicle is impaired, the peace officer may order the person to submit without delay to the physical coordination tests provided for in the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).
- 24-hour suspension. **“202.1.4.** A peace officer who, after administering the physical coordination tests, has reasonable grounds to believe that the driving ability of a person driving or having the care or control of a road vehicle is impaired shall immediately suspend the person’s licence for 24 hours on behalf of the Société.
- Exception. The 24-hour suspension is not imposed if the peace officer suspends the licence in accordance with section 202.4.
- Failure to comply. **“202.1.5.** A peace officer may impose a suspension under section 202.1.4 on a person who fails to comply with the peace officer’s order under section 202.1.3.”
- c. C-24.2, s. 202.6, am. **20.** Section 202.6 of the Code, replaced by section 38 of chapter 40 of the statutes of 2007, is amended by replacing “202.4” in the first line by “202.1.4 or 202.1.5”.
- c. C-24.2, s. 202.7.1, added. **21.** The Code is amended by inserting the following section after section 202.7:
- Offence and penalty. **“202.7.1.** A person who fails to comply with a peace officer’s demand under section 202.1.3 without a reasonable excuse is guilty of an offence and is liable to a fine of \$200 to \$300.”
- c. C-24.2, s. 209.2, am. **22.** Section 209.2 of the Code, amended by section 39 of chapter 40 of the statutes of 2007, is again amended by inserting “202.1.4, 202.1.5” after “195.2,” in the second last line.
- c. C-24.2, s. 209.11, am. **23.** Section 209.11 of the Code, amended by section 42 of chapter 40 of the statutes of 2007, is again amended

(1) by replacing subparagraph *a* of subparagraph 2 of the first paragraph by the following subparagraph:

“(a) was unaware that the driver he allowed to drive his vehicle was disqualified or did not hold a licence of the class required to drive the vehicle, even though he had made a reasonable attempt to verify the information; or”;

(2) by adding the following sentence at the end of the fourth paragraph: “Saturday and Sunday are not counted in calculating the time for the service.”

- c. C-24.2, s. 213, am. **24.** Section 213 of the Code is amended by adding the following at the end of the second paragraph: “, to private roads open to public vehicular traffic as well as land occupied by shopping centres and other land where public traffic is allowed”.
- c. C-24.2, s. 220.3, am. **25.** Section 220.3 of the Code is amended by replacing “a net mass in excess of 3,000 kg” by “a gross vehicle weight rating of 4,500 kg or more”.
- c. C-24.2, s. 226.1, am. **26.** Section 226.1 of the Code is amended by striking out “Only” in the first sentence.
- c. C-24.2, s. 226.2, added. **27.** The Code is amended by inserting the following section after section 226.1:
- Detachable green rotating light. **“226.2.** A road vehicle, other than an emergency vehicle, driven by a firefighter within the meaning of the Fire Safety Act (chapter S-3.4) may be equipped with a detachable green rotating light when the firefighter is acting in the context of an event to which that Act applies.
- Authorization. The green rotating light authorizes the driver to drive on the shoulder of a public highway and stop anywhere if the situation requires it, taking care not to jeopardize the safety of other road users.”
- c. C-24.2, s. 228, am. **28.** Section 228 of the Code is amended by replacing “but it may be operated only when the vehicle is used for the transportation of property requiring the issue of a special permit in accordance with the conditions appearing on the permit” by “but it must not be operated when the special permit is no longer required”.
- c. C-24.2, s. 239, am. **29.** Section 239 of the Code is amended by replacing “or 227” in the first paragraph by “, 226.1, the first paragraph of section 226.2 or section 227”.
- c. C-24.2, s. 262, am. **30.** Section 262 of the Code is amended by adding the following paragraph at the end:
- Escort vehicle. “When an oversized vehicle referred to in the third paragraph is operated under a special permit, the presence of an escort vehicle behind the oversized vehicle may compensate for the absence of rear-view mirrors.”
- c. C-24.2, s. 274.3, added. **31.** The Code is amended by inserting the following section after section 274.2:
- Modifications prohibited. **“274.3.** No person may sell, lease or place at the disposal of a person or offer in any way to sell, lease or place at the disposal of a person, equipment or a part, device or apparatus designed to increase the power or maximum speed of a moped to a level greater than that originally provided by the manufacturer.”

- c. C-24.2, s. 287.1, am. **32.** Section 287.1 of the Code, amended by section 49 of chapter 40 of the statutes of 2007, is again amended by replacing “section 252” wherever it appears by “section 252 or 274.3”.
- c. C-24.2, s. 287.1.1, added. **33.** The Code is amended by inserting the following section after section 287.1:
- Offence and penalty. **“287.1.1.** The driver of a road vehicle who contravenes the second paragraph of section 226.2 is liable to a fine of \$300 to \$600.”
- c. C-24.2, s. 289, am. **34.** Section 289 of the Code is amended by inserting “or on a road vehicle” after “public highway” in the second line of the second paragraph.
- c. C-24.2, s. 301, am. **35.** Section 301 of the Code is amended by adding “or use a traffic sign on a road vehicle other than a police car” at the end.
- c. C-24.2, s. 303, replaced.
Road work or operation. **36.** Section 303 of the Code is replaced by the following section:
- “303.** Despite section 301, any person carrying out work requiring occupation of a public highway, duly authorized by the person responsible for the maintenance of the highway, or any person conducting a road check operation must erect traffic signs or signals in compliance with the standards determined by the Minister of Transport for the duration of the work or operation.”
- c. C-24.2, s. 306, replaced.
Prohibition. **37.** Section 306 of the Code is replaced by the following section:
- “306.** Visible devices, advertising and signs that bear a reproduction of a road signal governed by the standards prescribed by the Minister under section 289, that imitate such a road signal or that may be confused with traffic lights or with such a road signal because of their shape, colour, text, size or location are prohibited on and along public highways.
- Prohibition. Devices, advertising and signs that can obstruct a road signal and those that encroach on a public highway are also prohibited.
- Exceptions. The Minister of Transport may, by regulation, provide for exceptions to the prohibition under the first paragraph.”
- c. C-24.2, s. 308, am. **38.** Section 308 of the Code is amended by inserting “ or on land occupied by shopping centres and other land where public traffic is allowed” after “vehicular traffic”.
- c. C-24.2, s. 310, am. **39.** Section 310 of the Code is amended by striking out “on a road or highway”.
- c. C-24.2, s. 328, am. **40.** Section 328 of the Code is amended by striking out the second paragraph.

- c. C-24.2, s. 328.1, am. **41.** Section 328.1 of the Code, enacted by section 52 of chapter 40 of the statutes of 2007, is amended by striking out the fourth paragraph.
- c. C-24.2, s. 328.5, added. **42.** The Code is amended by inserting the following section after section 328.4, enacted by section 52 of chapter 40 of the statutes of 2007:
- Lifting of suspension. **“328.5.** The driver of a road vehicle, other than a driver referred to in section 328.4, whose licence or right to obtain one is suspended for a period of 30 or 60 days in accordance with the third paragraph of section 328.1 may obtain the lifting of the suspension by the Société after establishing by a preponderance of evidence that the driver was not driving at the speed described in subparagraph 1 of the first paragraph of section 328.1.
- Provisions applicable. The first paragraph of section 202.6.3, sections 202.6.4 and 202.6.5, the last paragraph of section 202.6.6 and sections 202.6.7 and 202.6.9 to 202.6.12 apply, with the necessary modifications, to a licence suspension under this section.”
- c. C-24.2, s. 388, am. **43.** Section 388 of the Code is amended by inserting “and identified by signs or signals in compliance with the standards prescribed by the Minister of Transport,” after “handicapped persons” in the second line of the first paragraph.
- c. C-24.2, s. 389, am. **44.** Section 389 of the Code is amended by replacing “weighing 3 000 kg or less” by “having a gross vehicle weight rating of 4,500 kg or less”.
- c. C-24.2, s. 395.1, added. **45.** The Code is amended by inserting the following section after section 395:
- Police wagon. **“395.1.** Despite section 395, a person is authorized to drive a police wagon in which the seat belt provided for the seat occupied by a passenger has been removed, modified or rendered inoperative.”
- c. C-24.2, s. 396, am. **46.** Section 396 of the Code is amended by adding the following subparagraph at the end of the second paragraph:
- “(4) to a person occupying a passenger seat in a police wagon.”
- c. C-24.2, s. 397, am. **47.** Section 397 of the Code is amended by replacing the portion preceding subparagraph 1 of the third paragraph by the following:
- Taxi or police car. **“If the first paragraph cannot be complied with, a child occupying a seat in a taxi or a police car must be restrained by the seat belt with which the seat is equipped, except in the following cases:”.**
- c. C-24.2, s. 440.1, replaced. **48.** Section 440.1 of the Code, enacted by section 59 of chapter 40 of the statutes of 2007, is replaced by the following section:

- Winter tires. “**440.1.** Between 15 December and 15 March, the owner of a taxi or a passenger vehicle registered in Québec may not put the vehicle into operation unless it is equipped with tires specifically designed for winter driving, in compliance with the standards prescribed by government regulation. The prohibition also applies to any person renting out passenger vehicles not equipped with that type of tires.
- Regulation. The government regulation may also prescribe
- (1) the cases in which the prohibition in the first paragraph does not apply;
 - (2) the cases in which the prohibition in the first paragraph is replaced by the obligation to obtain a certificate authorizing a taxi owner or person who owns or rents out a passenger vehicle to put the vehicle into operation in Québec without equipping it with tires specifically designed for winter driving, and the formalities required for obtaining the certificate;
 - (3) who may issue the certificate provided for in subparagraph 2.
- Exemption. Despite the second paragraph, the Minister may, by order, exclude from the application of the first paragraph persons who own or rent out vehicles for which there are no tires specifically designed for winter driving. The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to such an order. The order comes into force on the date of its publication in the *Gazette officielle du Québec*.”
- c. C-24.2, s. 456, am. **49.** Section 456 of the Code is amended
- (1) by striking out “or minibus”;
 - (2) by inserting “red” after “flashing”;
 - (3) by adding the following paragraph at the end:
- Exception. “The first paragraph does not apply to such a vehicle when it is used exclusively for transporting school children who require a wheelchair.”
- c. C-24.2, s. 457, am. **50.** Section 457 of the Code is amended
- (1) by striking out “or minibuses” and “or minibus”;
 - (2) by inserting “red” after “flashing”.
- c. C-24.2, s. 458, am. **51.** Section 458 of the Code is amended

- (1) by striking out “or minibus”;
- (2) by inserting “red” after “flashing”.
- c. C-24.2, s. 459, am. **52.** Section 459 of the Code is amended by inserting “red” after “flashing” in the first line.
- c. C-24.2, s. 460, am. **53.** Section 460 of the Code is amended
- (1) by striking out “or minibus” wherever it appears in the first and second paragraphs;
- (2) by inserting “red” after “flashing” in the second line of the first paragraph;
- (3) by striking out “ou du minibus” in the first paragraph in the French text.
- c. C-24.2, s. 463, am. **54.** Section 463 of the Code is amended
- (1) by inserting “by the Minister of Transport” after “issued” in the first line of the second paragraph;
- (2) by striking out “by the Société” in the third and fourth lines of the second paragraph;
- (3) by replacing “by reason of its construction, assembly as a road train, or by reason” in the fourth and fifth lines of the second paragraph by “because of its construction, the addition of equipment, its forming a road train, or”;
- (4) by inserting the following paragraph after the second paragraph:
- Delegation of power. “The Minister may delegate the exercise of a power under the second paragraph to a public servant or employee of the Ministère des Transports or to any other person or body the Minister designates.”
- c. C-24.2, s. 470.1, am. **55.** Section 470.1 of the Code is amended by inserting the following paragraph after the first paragraph:
- Pre-selection. “In zones where traffic signs or signals announce the presence of an inspection station that uses equipment to pre-select road vehicles to be inspected, the driver of a road vehicle or a combination of road vehicles designated by the signs or signals must use the right lane where the sensors are placed, unless otherwise indicated.”
- c. C-24.2, s. 473, am. **56.** Section 473 of the Code is amended by replacing the third paragraph by the following paragraph:

- Exemptions. “This section does not apply to equipment on a tool vehicle, an impact attenuator mounted on a road vehicle when the vehicle is used as a protection vehicle, or equipment on a road vehicle that levels, clears or marks the roadway of a public highway.”
- c. C-24.2, s. 474, am. **57.** Section 474 of the Code is amended by adding the following paragraphs at the end:
- Tool vehicle. “The first paragraph also applies to the operation of a tool vehicle whose equipment extends beyond the front or rear of the vehicle by more than one metre. The prescribed signs or signals must be visible from the front or the rear, as applicable, and from the sides from a distance of not less than 150 metres. If the equipment extends beyond the vehicle by more than 1.5 metres, an escort vehicle must precede or follow the vehicle at a distance of not more than 50 metres with its hazard lights flashing.
- Provisions not applicable. The third paragraph does not apply when the vehicle is being used to carry out work on a public highway.”
- c. C-24.2, s. 509, am. **58.** Section 509 of the Code is amended by striking out the second paragraph.
- c. C-24.2, s. 517, am. **59.** Section 517 of the Code is amended by striking out “heavy” in the first line.
- c. C-24.2, s. 517.1, am. **60.** Section 517.1 of the Code is amended by striking out paragraph 4.
- c. C-24.2, s. 519.10, am. **61.** Section 519.10 of the Code, replaced by section 38 of chapter 2 of the statutes of 2004, is amended by striking out “or inspector appointed under section 519.69” and “or inspector’s,” in the fifth paragraph.
- c. C-24.2, s. 519.11, am. **62.** Section 519.11 of the Code is amended by striking out “or an inspector appointed under section 519.69” in the first paragraph and “or inspector” in the second paragraph.
- c. C-24.2, s. 519.25, am. **63.** Section 519.25 of the Code, replaced by section 44 of chapter 2 of the statutes of 2004, is amended by striking out “or inspector appointed under section 519.69” and “or inspector” in the second paragraph.
- c. C-24.2, s. 519.31, am. **64.** Section 519.31 of the Code, replaced by section 46 of chapter 2 of the statutes of 2004, is amended by striking out “, not exceeding one year” in subparagraph 2 of the first paragraph.
- c. C-24.2, Title VIII.2, heading, French text, am. **65.** The heading of Title VIII.2 of the Code is amended by replacing “MARCHANDISES” in the French text by “BIENS”.
- c. C-24.2, s. 519.63, am. **66.** Section 519.63 of the Code is amended by replacing the first sentence by the following sentence: “The Société has jurisdiction to ensure the monitoring and control of highway transportation of persons and goods.”

c. C-24.2, s. 519.66.1, added.

67. The Code is amended by inserting the following section after section 519.66:

Detailed report.

“519.66.1. On the request of the Minister of Transport, the Société must provide detailed reports, in the form and within the time the Minister prescribes, on the operations and activities for which highway controllers are responsible under this Title.

Statistical or administrative report.

On the request of the Minister, the Société must also provide any statistical or administrative report relating to the carrying out of the mandate assigned to the Société under this Title.”

c. C-24.2, Title VIII.2, Chap. II, ss. 519.67-519.73, replaced.

68. Chapter II of Title VIII.2 of the Code is replaced by the following chapter:

“CHAPTER II

“CONTROL ON HIGHWAYS AND WITHIN UNDERTAKINGS

“DIVISION I

“AUTHORITY OF HIGHWAY CONTROLLERS

Highway controllers.

“519.67. The Société may designate any member of its personnel to act as a highway controller.

Role.

Highway controllers are peace officers authorized to monitor and control highway transportation of persons and goods for the enforcement of

(1) the provisions of this Code with regard to

(a) any heavy vehicle;

(b) any road vehicle or combination of road vehicles designed or used to provide transportation or perform work whether for remuneration or not, regardless of its mass; and

(c) any passenger vehicle registered as such when highway controllers intervene with respect to load, dimensions, the securing of loads, mechanical condition or transportation of dangerous substances, except any other provision relating to the monitoring of passenger vehicle traffic;

(2) the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

(3) the legislative and regulatory provisions which the Société is responsible for enforcing under an agreement entered into in accordance with this Title; and

(4) sections 84, 96, 186, 187 and 192 of the Automobile Insurance Act (chapter A-25).

- Emergency. If warranted by an emergency, or at the request of a police force, highway controllers may prohibit passenger vehicle traffic on a public highway, and must notify the competent authority as soon as possible.
- Identification. On request, highway controllers must identify themselves and show proof of their capacity.
- Peace officers. **“519.68.** Persons having authority over one or more highway controllers are peace officers, vested with the same powers as those conferred on highway controllers under this Code. When they intervene in the enforcement of laws they are responsible for enforcing, they must, on request, identify themselves and show proof of their capacity.
- Rules of ethics. As prescribed by section 126 of the Police Act (chapter P-13.1), the rules of ethics applicable to police officers apply to highway controllers and persons having authority over highway controllers.
- Special constables. **“519.69.** With the approval of the Minister of Transport, the Société may enter into an agreement with the Minister of Public Security for highway controllers to act as special constables, in particular when, in the performance of their duties, they enforce the Act respecting motor vehicle transport by extra-provincial undertakings (Revised Statutes of Canada, 1985, chapter 29, 3rd Supplement) or ascertain the commission of an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

“DIVISION II

“POWERS RELATING TO THE CONTROL OF HIGHWAY TRANSPORTATION OF PERSONS AND GOODS

- Inspection. **“519.70.** When performing duties under section 519.67, a highway controller may inspect any vehicle and, for that purpose, enter it and open any passenger compartment, shipping container, compartment, container or vessel or order it to be opened. The highway controller may also require any information relating to the enforcement of this Code, demand that any related document be produced for examination and examine any such document.
- Compliance. Any person who has the care, possession or control of a road vehicle must comply with a highway controller’s orders under the first paragraph.
- Powers. **“519.71.** In the performance of their duties, highway controllers may, in particular,

(1) enter, at any reasonable hour, the establishment of a person who is subject to a legislative provision governing the operation of heavy vehicles, the establishment of a heavy vehicle owner or operator or any place where an undertaking or goods referred to in the legislative and regulatory provisions

under the responsibility of the Société under an agreement entered into in accordance with this Title is being carried on or are being kept;

(2) inspect, within those places, any equipment or any premises where registers and records that must be kept under Title VIII.1 or the legislative or regulatory provisions referred to in subparagraph 1 are found;

(3) inspect any vehicle and, for that purpose, order the immobilization of the vehicle if necessary, enter it, examine registers and records referred to in subparagraph 2, and open any passenger compartment, shipping container, compartment, container or vessel or order it to be opened, and require a mechanical inspection of the vehicle if necessary, unless the vehicle is registered as impounded in the road vehicle registration register held by the Société;

(4) require any information relating to the enforcement of this Code and the legislative and regulatory provisions referred to in subparagraph 1, demand that any related document be produced, and examine and make copies of books, registers, accounts, records or other documents containing such information.

Access to documents. Any person who has the care, possession or control of such books, registers, accounts, records or other documents must make them available to the highway controller on request and facilitate their examination.”

c. C-24.2, s. 519.77, replaced. **69.** Section 519.77 of the Code is replaced by the following section:

Offence and penalty. **“519.77.** Every person who contravenes the second paragraph of section 519.70 or the second paragraph of section 519.71 is liable to a fine of \$700 to \$2,100.”

c. C-24.2, s. 520, am. **70.** Section 520 of the Code is amended by replacing the second paragraph by the following paragraph:

Fee. “If the persons are not members of the personnel of the Société, they must pay the fee prescribed by regulation.”

c. C-24.2, s. 520.2, am. **71.** Section 520.2 of the Code is amended by replacing the second paragraph by the following paragraph:

Fee. “If the persons are not members of the personnel of the Société, they must pay the fee prescribed by regulation.”

c. C-24.2, s. 521, am. **72.** Section 521 of the Code is amended

(1) by replacing “, buses and minibuses” in subparagraph 3 of the first paragraph by “and buses”;

(2) by replacing “a net mass in excess of 3,000 kg” in subparagraph 5 of the first paragraph by “a gross vehicle weight rating of 4,500 kg or more”.

c. C-24.2, s. 543.12, am.

73. Section 543.12 of the Code is amended by replacing “mechanical inspection controller” by “highway controller”.

c. C-24.2, s. 543.13, am.

74. Section 543.13 of the Code is amended by striking out “to act as a mechanical inspection controller”.

c. C-24.2, s. 543.14, am.

75. Section 543.14 of the Code is amended by replacing “a mechanical inspection controller” in the first paragraph by “the person designated by the Société under section 543.13”.

c. C-24.2, s. 543.15, am.

76. Section 543.15 of the Code is amended by replacing “a mechanical inspection controller” by “a person designated by the Société under section 543.13”.

c. C-24.2, s. 543.16, repealed.

77. Section 543.16 of the Code is repealed.

c. C-24.2, s. 546.1.1, added.

78. The Code is amended by inserting the following section after section 546.1:

Unrebuildable vehicle.

“546.1.1. A road vehicle to which the Registrar of Vehicles Imported to Canada has assigned the status of unrebuildable vehicle may not be rebuilt. As soon as the Société is informed of the status assigned to the vehicle, the Société shall prohibit the vehicle from being put into operation.”

c. C-24.2, s. 546.2, am.

79. Section 546.2 of the Code is amended by replacing “section 101 or section 102” in the second paragraph by “section 101”.

c. C-24.2, s. 546.6.1, am.

80. Section 546.6.1 of the Code is amended by replacing “section 101 or section 102” by “section 101”.

c. C-24.2, s. 595, am.

81. Section 595 of the Code is amended by striking out “containing information transmitted electronically and”.

c. C-24.2, s. 596.3, am.

82. Section 596.3 of the Code is amended

(1) by inserting “or 539.1,” after “523” in the first paragraph and “or 539.5” after “524” in that paragraph;

(2) by inserting “or photometric” after “mechanical” in the second paragraph.

c. C-24.2, s. 596.5, repealed.

83. Section 596.5 of the Code is repealed.

c. C-24.2, s. 611.2, am.

84. Section 611.2 of the Code is amended by striking out the third paragraph.

- c. C-24.2, s. 618, am. **85.** Section 618 of the Code is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:
- “(1) prescribe the criteria on the basis of which a road vehicle may be recognized as an emergency vehicle;”.
- c. C-24.2, s. 621, am. **86.** Section 621 of the Code, amended by section 77 of chapter 40 of the statutes of 2007, is again amended
- (1) by striking out “and minibuses” in subparagraph 24 of the first paragraph;
- (2) by inserting “or by fire or flood” after “accident” in subparagraph 31.1 of the first paragraph;
- (3) by striking out subparagraph 39.1 of the first paragraph;
- (4) by replacing subparagraph 50 of the first paragraph by the following subparagraph:
- “(50) determine the towing and daily impounding charges for a road vehicle seized by a peace officer on behalf of the Société;”.
- c. C-24.2, s. 624, am. **87.** Section 624 of the Code, amended by section 78 of chapter 40 of the statutes of 2007, is again amended by replacing subparagraph 21 of the first paragraph by the following subparagraph:
- “(21) determine the fees for the review of a decision to suspend a licence or the right to obtain a licence for a period of 30, 60 or 90 days.”
- c. C-24.2, s. 628.1, am. **88.** Section 628.1 of the Code is amended
- (1) by replacing “to submit to the Minister, as the case may be, a by-law, resolution or ordinance made pursuant to section 627 regarding speed” in the second, third and fourth lines of the first paragraph by “under the third paragraph of section 626”;
- (2) by replacing “, resolution or ordinance respecting speed,” in the second line of the second paragraph by “or ordinance”;
- (3) by striking out “, resolution” in the third line of the second paragraph.
- c. C-24.2, s. 633.1, am. **89.** Section 633.1 of the Code, enacted by section 81 of chapter 40 of the statutes of 2007, is amended
- (1) by replacing the first paragraph by the following paragraph:

- Order of the Minister. **“633.1.** After consultation with the Société, the Minister may, by order, restrict or prohibit, for up to 180 days, the use on public highways of any model or class of vehicle that endangers the safety of persons and property. The order must state that any interested party may submit comments to the designated person within 90 days after its publication in the *Gazette officielle du Québec*. At the expiry of 180 days, the Minister may, by order, make the restriction or prohibition permanent. A restriction or prohibition under this paragraph comes into force on the date the order is published.”;
- (2) by replacing “On the same conditions” in the first line of the second paragraph by “After consultation with the Société”;
- (3) by adding the following paragraph after the third paragraph:
- Publication. “The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under this section. An order under the second or third paragraph is published in the *Gazette officielle du Québec*.”
- c. C-24.2, s. 636, am. **90.** Section 636 of the Code is amended by inserting “, agreements entered into under section 519.65” after “Code”.
- c. C-24.2, s. 636.1, repealed. **91.** Section 636.1 of the Code is repealed.
- c. C-24.2, s. 637, am. **92.** Section 637 of the Code is amended
- (1) by striking out “unauthorized licence,” in the third line of the first paragraph;
- (2) by striking out subparagraph 3 of the second paragraph.
- c. C-24.2, s. 637.2, added. **93.** The Code is amended by inserting the following section after section 637.1:
- Confiscation. **“637.2.** The Société and a peace officer are authorized to confiscate a licence that has been falsified, or issued, reproduced or used in a fraudulent manner, or a lost or stolen licence.”
- c. C-24.2, s. 638.1, replaced. **94.** Section 638.1 of the Code is replaced by the following section:
- Offence and penalty. **“638.1.** Every person who in any way hinders a peace officer in the performance of duties under this Code, the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) or an Act the Société is responsible for enforcing in accordance with section 519.64, in particular by misleading the peace officer by concealment or false declarations, refusing to provide the peace officer with any information or document the peace officer is entitled to require or examine, or concealing or destroying any document or property relevant to an inspection is guilty of an offence and is liable to a fine of \$300 to \$600 or, if the offence is committed during an intervention involving a heavy vehicle, \$700 to \$2,100.”

- c. C-24.2, s. 643.1, repealed. **95.** Section 643.1 of the Code is repealed.
- c. C-24.2, s. 643.2, am. **96.** Section 643.2 of the Code is amended by replacing “section 636 or 638.1” in the first and second paragraphs by “section 636”.
- c. C-24.2, ss. 644.3 and 644.4, added. **97.** The Code is amended by inserting the following sections after section 644.2:
- Notice of loss or theft. **“644.3.** The holder of a licence issued by the Société must notify the Société of the theft or loss of the licence.
- Peace officer. A peace officer who has been notified of the theft of a licence issued by the Société must notify the Société of the theft.
- Offence and penalty. **“644.4.** Every licence holder who contravenes the first paragraph of section 644.3 is guilty of an offence and is liable to a fine of \$100 to \$200.”
- c. C-24.2, s. 648, am. **98.** Section 648 of the Code, amended by section 27 of chapter 49 of the statutes of 2000 and by section 83 of chapter 40 of the statutes of 2007, is again amended
- (1) by adding the following paragraph after paragraph 1.3:
- “(1.4) the costs awarded in proceedings that lead to the imposition of a fine referred to in paragraph 1.2 or 1.3;”;
- (2) by adding the following paragraph after paragraph 7:
- “(8) the fees referred to in subparagraph 2.1 of the first paragraph of section 12.32 of the Act respecting the Ministère des Transports (chapter M-28).”
- c. C-24.2, s. 660, replaced. **99.** Section 660 of the Code is replaced by the following section:
- Driving schools. **“660.** No driving school may be recognized before (*insert the date of coming into force of section 11 of chapter 40 of the statutes of 2007*).
- Exception. Despite the first paragraph, an organization authorized under section 62 may recognize a driving school if it considers that there is an insufficient number of driving schools in the territory for which the recognition is requested.”
- Words replaced or struck out. **100.** The Code is amended
- (1) by replacing “, a bus or a minibus” in the second paragraph of section 90, in paragraph 2 of section 109 and in the second paragraph of section 519.2, amended by section 31 of chapter 39 of the statutes of 2005, by “or a bus”;

- (2) by striking out “or minibus” in sections 229, 455 and 506;
- (3) by striking out “, minibus” in section 413;
- (4) by striking out “or minibus” in section 432;
- (5) by striking out “or a minibus” wherever it appears in section 454;
- (6) by striking out “or minibus” in section 461;
- (7) by striking out “or minibus” wherever it appears in section 519.8;
- (8) by striking out “or minibus” in section 519.19;
- (9) by replacing “stops for buses and minibuses” in subparagraph 6 of the first paragraph of section 626 by “bus stops”;
- (10) by striking out “, a minibus” in paragraph 2 of section 641.

OTHER AMENDING PROVISIONS

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

c. A-7.02, s. 27, am.

101. Section 27 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by replacing “a bus or a minibus within the meaning of the Highway Safety Code (chapter C-24.2)” in the sixth and seventh lines of the second paragraph by “a bus within the meaning of the Highway Safety Code (chapter C-24.2)”.

AUTOMOBILE INSURANCE ACT

c. A-25, s. 87.1, am.

102. Section 87.1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the second paragraph by the following paragraph:

Transportation of
dangerous substances.

“However, the amount is \$2,000,000 if the person referred to in the first paragraph transports a dangerous substance listed in Schedule 1 to the Transportation of Dangerous Good Regulations made by Privy Council Order 2001-1366 (*Canada Gazette*, Part II, Supplement of 15 August 2001, 1) in a quantity exceeding that indicated in column 7 of that schedule.”

c. A-25, Title III, Chap. I,
Div. III, heading, am.

103. The heading of Division III of Chapter I of Title III of the Act is amended by striking out “AND CERTIFICATE OF FINANCIAL RESPONSIBILITY”.

c. A-25, s. 96, am.

104. Section 96 of the Act is amended

- (1) by striking out “or of financial responsibility” in the first paragraph;
- (2) by striking out the third paragraph.

c. A-25, s. 102,
repealed.

105. Section 102 of the Act is repealed.

c. A-25, s. 103, am.

106. Section 103 of the Act is amended by striking out “, and a person contemplated in section 102,” in the first paragraph and “or a person contemplated in section 102,” in the second paragraph.

c. A-25, ss. 104 and
105, repealed.

107. Sections 104 and 105 of the Act are repealed.

c. A-25, s. 149, am.

108. Section 149 of the Act is amended by replacing “, partnerships and any person exempted by the Société under section 102 from taking out liability insurance” in paragraph 1 by “or partnerships”.

c. A-25, s. 192, am.

109. Section 192 of the Act is amended by striking out “or of financial responsibility”.

c. A-25, s. 196, am.

110. Section 196 of the Act is amended by striking out paragraphs *e* and *f*.

CHARTER OF VILLE DE QUÉBEC

c. C-11.5, Sched. C,
s. 72, am.

111. Section 72 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended

(1) by replacing “, buses and minibuses” in the first paragraph by “or buses”;

(2) by striking out “or minibus” in the second paragraph.

CITIES AND TOWNS ACT

c. C-19, s. 467.1, am.

112. Section 467.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out “or vehicles of the minibus type” in the third paragraph.

MUNICIPAL CODE OF QUÉBEC

c. C-27.1, a. 526, am.

113. Article 526 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out “or vehicles of the minibus type” in the third paragraph.

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

c. C-60.1, s. 4, am.

114. Section 4 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by striking out “or vehicles of the minibus type” in the second paragraph.

- c. C-60.1, s. 88, am. **115.** Section 88 of the Act is amended by replacing “supply such service by means of school bus or school minibus only” by “use school buses only”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

- c. J-3, s. 119, am. **116.** Section 119 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing paragraph 7 by the following paragraph:

“(7) a proceeding under section 202.6.11 of the Highway Safety Code (chapter C-24.2) following a decision to suspend a licence or the right to obtain a licence for 30 or 60 days for speeding or 90 days for the presence of alcohol in the driver’s body.”

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

- c. M-28, s. 12.32, am. **117.** Section 12.32 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended

(1) by inserting the following paragraph after paragraph 2:

“(2.1) the fee paid for the issue or renewal of a special permit issued under section 633 of the Highway Safety Code (chapter C-24.2) to authorize the operation of a road vehicle or combination of road vehicles equipped with single tires;”;

(2) by adding the following paragraph:

- Allocation of fees. “The fees referred to in subparagraph 2.1 of the first paragraph are used to pay expenses incurred to improve roadway durability.”

- c. M-28, s. 12.39.1, am. **118.** Section 12.39.1 of the Act, enacted by section 88 of chapter 40 of the statutes of 2007, is amended by inserting the following paragraph after paragraph 1:

“(1.1) costs awarded in proceedings that lead to the imposition of a fine referred to in paragraph 1;”.

ACT RESPECTING OWNERS, OPERATORS AND DRIVERS OF HEAVY VEHICLES

- c. P-30.3, s. 2, am. **119.** Section 2 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., chapter P-30.3), amended by section 3 of chapter 39 of the statutes of 2005, is again amended by striking out “, minibus” in subparagraph *b* of subparagraph 3 of the first paragraph.

- c. P-30.3, s. 22, am. **120.** Section 22 of the Act is amended by adding the following sentence at the end of the first paragraph: “For the purposes of a driver’s file, the Société shall consider every accident in which the driver was involved while driving a heavy vehicle.”
- c. P-30.3, s. 31, am. **121.** Section 31 of the Act is amended by adding “ by entering a prohibition to that effect in the person’s file maintained under section 22” at the end of the second paragraph.
- c. P-30.3, s. 39, am. **122.** Section 39 of the Act is amended by inserting “or driving” after “or the operation” in the third line of the first paragraph.
- c. P-30.3, s. 48, am. **123.** Section 48 of the Act is amended by inserting “or drives” after “or operates” in paragraph 2.

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

- c. S-6.01, s. 2, am. **124.** Section 2 of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01) is amended by striking out “or a minibus” in paragraph 1.

ACT RESPECTING THE SOCIÉTÉ DE L’ASSURANCE AUTOMOBILE DU QUÉBEC

- c. S-11.011, s. 2, am. **125.** Section 2 of the Act respecting the Société de l’assurance automobile du Québec (R.S.Q., chapter S-11.011), amended by section 89 of chapter 40 of the statutes of 2007, is again amended by replacing “goods” in paragraph *e* of subsection 1 by “property”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

- c. S-30.01, s. 5, am. **126.** Section 5 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by striking out “or minibus” in subparagraph 3 of the first paragraph.
- c. S-30.01, s. 80, am. **127.** Section 80 of the Act is amended by striking out “or minibus” in the second paragraph.

TRANSPORT ACT

- c. T-12, s. 5, am. **128.** Section 5 of the Transport Act (R.S.Q., chapter T-12) is amended by striking out “or minibus” in paragraph g.1.
- c. T-12, s. 48.12, am. **129.** Section 48.12 of the Act is amended by striking out “or minibus”.

c. T-12, ss. 48.14 and 48.15, am.

130. Sections 48.14 and 48.15 of the Act are amended by striking out “or minibus”.

c. T-12, s. 48.16, am.

131. Section 48.16 of the Act is amended by striking out “or minibus” wherever it appears.

TRANSITIONAL AND FINAL PROVISIONS

Precedence.

132. Sections 133 to 135 have precedence over the Regulation respecting road vehicle registration, enacted by Order in Council 1420-91 (1991, G.O. 2, 4111). They do not apply to a road vehicle acquired in co-ownership or to an owner whose birthday is the 31st day of the month. They remain in force until replaced by a regulation made under section 618 of the Highway Safety Code (R.S.Q., chapter C-24.2).

Pre-authorized debit.

133. If the owner of a road vehicle notifies the Société de l'assurance automobile du Québec of the owner's intention to pay the sums referred to in section 31.1 of the Highway Safety Code and the tax on the insurance contribution by pre-authorized debit, the withdrawals are made at the following intervals subject to the terms prescribed by the Regulation respecting road vehicle registration:

(1) annually: one single withdrawal in the month following the month of the due date set out in sections 19 and 21 to 24 of the regulation, on the day that has the same calendar number as the owner's birthday; or

(2) bi-monthly or monthly: the first withdrawal on the day set out in paragraph 1 and subsequent withdrawals every two months or every month, depending on the interval selected.

Pre-authorized debit.

134. If the owner of a road vehicle notifies the Société of the owner's intention to pay the sums referred to in section 21 of the Highway Safety Code and the tax on the insurance contribution by pre-authorized debit, the withdrawals are made at the following intervals subject to the terms prescribed by the Regulation:

(1) annually: one single withdrawal on the day after the date the vehicle is registered; or

(2) bi-monthly or monthly: the first withdrawal in the month following the month the vehicle is registered, on the day that has the same calendar number as the owner's birthday, and subsequent withdrawals every two months or every month, depending on the interval selected.

Unpaid amount.

135. If the owner of a road vehicle wishes to pay the sums referred to in section 31.1 of the Highway Safety Code and the tax on the insurance contribution by pre-authorized debit but has not, as of the due date determined by regulation, paid those amounts or notified the Société that the owner has chosen not to drive the vehicle, the owner must select one of the following withdrawal intervals:

(1) annually: one single withdrawal on the day after the date the owner receives authorization to put the vehicle back into operation; or

(2) bi-monthly or monthly: the first withdrawal on the day after the date the owner receives authorization to put the vehicle back into operation, and subsequent withdrawals on the dates set out in paragraph 2 of section 133 of this Act.

Publication not required.

136. Regulations made or approved before 1 December 2008 to give effect to section 63.2 of the Highway Safety Code, enacted by section 7 of chapter 40 of the statutes of 2007 and amended by section 5, or to facilitate United States border crossing for drivers of heavy vehicles are not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

Non-compliance.

137. Traffic signs or signals erected before 12 June 2008 on land occupied by a shopping centre or other land where public traffic is allowed that do not comply with the standards determined by the Minister of Transport in respect of public highways must be replaced by traffic signs or signals in compliance with those standards not later than 12 June 2010.

Effect.

138. Paragraph 2 of section 98 and section 117 have effect from 25 May 2007.

Effect.

139. Section 660 of the Highway Safety Code, enacted by section 99, has effect from 21 December 2007.

Effect.

140. Sections 132 to 135 have effect from 1 January 2008.

Coming into force.

141. The provisions of this Act come in force on the date or dates to be set by the Government, except

(1) paragraph 2 of section 1, paragraph 2 of section 2, sections 3, 4, 8, paragraph 1 of section 9, sections 10, 23, 24, 28, 30, 34 to 36, 38 to 40, 43, 45 to 47, paragraph 3 of section 54, sections 55 to 57, 59 to 71, 73 to 78, 81 to 85, paragraphs 2 to 4 of section 86, sections 88 to 90, 94, 96, paragraph 2 of section 98, sections 99, 102, 117, 120 to 123, 125, 132 to 135, 137 and 138 to 140, which come into force on 12 June 2008;

(2) section 7, paragraph 1 of section 11, section 12, paragraphs 2 and 3 of section 49, paragraph 2 of section 50, paragraph 2 of section 51, section 52 and paragraph 2 of section 53, which come into force on 2 July 2008.

2008, chapter 15
**AN ACT TO AMEND THE CHARTER OF HUMAN RIGHTS AND
FREEDOMS**

Bill 63

Introduced by Madam Christine St-Pierre, Minister of Culture, Communications and the Status of Women

Introduced 12 December 2007

Passed in principle 29 May 2008

Passed 10 June 2008

Assented to 12 June 2008

Coming into force: 12 June 2008

Legislation amended :

Charter of human rights and freedoms (R.S.Q., chapter C-12)

Act to combat poverty and social exclusion (R.S.Q., chapter L-7)

Explanatory notes

This Act amends the Charter of human rights and freedoms to expressly state that Charter rights and freedoms are guaranteed equally to women and men.

It also enacts an amendment to the preamble of the Act to combat poverty and social exclusion in order to make it consistent with the preamble of the Charter of human rights and freedoms.



Chapter 15

AN ACT TO AMEND THE CHARTER OF HUMAN RIGHTS AND FREEDOMS

[Assented to 12 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- c. C-12, preamble, am. **1.** The preamble of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by replacing the third paragraph by the following paragraph:
- “Whereas respect for the dignity of human beings, equality of women and men, and recognition of their rights and freedoms constitute the foundation of justice, liberty and peace;”.
- c. C-12, s. 50.1, added. **2.** The Charter is amended by inserting the following section after section 50:
- Equal rights and freedoms. **“50.1.** The rights and freedoms set forth in this Charter are guaranteed equally to women and men.”
- c. L-7, preamble, am. **3.** The first paragraph of the preamble of the Act to combat poverty and social exclusion (R.S.Q., chapter L-7) is replaced by the following paragraph:
- Preamble. “WHEREAS according to the principles set out by the Charter of human rights and freedoms, respect for the dignity of human beings, equality of women and men, and recognition of their rights and freedoms constitute the foundation of justice, liberty and peace;”.
- Coming into force. **4.** This Act comes into force on 12 June 2008.

2008, chapter 16 CROP HEALTH PROTECTION ACT

Bill 72

Introduced by Mr. Laurent Lessard, Minister of Agriculture, Fisheries and Food

Introduced 14 December 2007

Passed in principle 29 April 2008

Passed 10 June 2008

Assented to 12 June 2008

Coming into force: 12 June 2008

Legislation amended :

Agricultural Abuses Act (R.S.Q., chapter A-2)

Legislation repealed :

Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1)

Plant Protection Act (R.S.Q., chapter P-39.01)

Explanatory notes

The object of this Act is to protect plants grown for commercial purposes from the harmful organisms identified by the Minister of Agriculture, Fisheries and Food. To achieve this, it replaces the Plant Protection Act, the Act respecting prevention of disease in potatoes and Division IV of the Agricultural Abuses Act by a new Act on crop health protection.

The Act gives the Government the power to designate protected crop zones in respect of which phytosanitary measures will be prescribed by regulation of the Minister. It empowers the Minister, among other things, to order that specified phytosanitary measures be implemented, have such measures implemented at the expense of persons who are the subject of an order and authorize a person to derogate from a regulatory provision for scientific or experimental purposes.

(Cont'd on next page)

Explanatory notes (Cont'd)

Moreover, the Act confers on inspectors appointed by the Minister powers of inspection, seizure and confiscation enabling them to enforce established phytosanitary standards. It gives the Minister the necessary regulatory powers to apply the Act, in particular to establish phytosanitary measures applicable to various harmful organisms and standards regarding the transfer and transportation of plants.

Lastly, the Act provides for offences and penalties permitting enforcement and contains transitional provisions.



Chapter 16

CROP HEALTH PROTECTION ACT

[Assented to 12 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

INTERPRETATION

- Object. **1.** The object of this Act is to protect the health of plants grown for commercial purposes by a producer within the meaning of the Farm Producers Act (R.S.Q., chapter P-28), other than plants destined for reforestation.
- “plants”. For the purposes of this Act, the term “plants” includes the parts and raw products of a plant.
- Act binding. **2.** This Act is binding on the Government, on government departments and on bodies that are mandataries of the State.
- “person”. **3.** For the purposes of this Act and unless the context indicates otherwise, the term “person” includes a partnership, an association, a cooperative and a body.

CHAPTER II

HARMFUL ORGANISMS

- Regulation. **4.** The Minister identifies by regulation the harmful organisms covered by this Act and, where applicable, the phytosanitary measures that apply.
- Regulation. The Minister may also identify by regulation the harmful organisms whose presence must be reported to the Minister.
- Publication. If a harmful organism constitutes a threat by reason of a high and imminent risk of its spreading to commercial crops, the regulation identifying the harmful organism or the phytosanitary measures that apply is not subject to the provisions of Division III of the Regulations Act (R.S.Q., chapter R-18.1) on the publication of draft regulations. Despite sections 17 and 18 of that Act, the regulation comes into force on the date it is issued; in addition to being published in the *Gazette officielle du Québec*, it is publicized by any means that ensures that the persons concerned are rapidly and efficiently informed.

“phytosanitary measures”.

For the purposes of this Act, the term “phytosanitary measures” includes all the means, particularly biological, chemical or physical means, that can be implemented to prevent the introduction or propagation of a harmful organism, and control, remove or eradicate it.

Phytosanitary measures.

5. A person who owns or has custody of plants, substrates or other property must implement phytosanitary measures to ensure that they do not spread harmful organisms to a commercial crop.

Reporting.

6. A person who observes or has reasonable grounds to believe in the presence of an invasive exotic species or a harmful organism identified under the second paragraph of section 4 must report it to the Minister without delay and, upon request, provide any relevant information.

“invasive exotic species”.

For the purposes of this Act, the term “invasive exotic species” means a plant, animal or microorganism present outside its natural distribution range and liable to damage a commercial crop.

CHAPTER III

PROTECTED CROP ZONES

Designation.

7. The Government may designate any part of the territory of Québec as a protected crop zone, in respect of any species of plant or type of production it determines.

Notice.

Before designating a zone as a protected crop zone, the Government must publish in the *Gazette officielle du Québec* and publicize, using any means that ensures that the persons concerned are rapidly and efficiently informed, a notice stating its intentions and the period within which an order in council may not be made but within which an interested person may send comments to the person specified in the notice.

Order in council.

The order in council designating a zone as a protected crop zone comes into force on the date specified in it. The order is published in the *Gazette officielle du Québec* and publicized by any means that ensures that the persons concerned are rapidly and efficiently informed.

Regulation.

8. The Minister determines by regulation which phytosanitary measures apply in any protected crop zone designated under section 7.

CHAPTER IV

INSPECTION, SEIZURE AND CONFISCATION

Inspectors.

9. The Minister appoints the inspectors necessary for the enforcement of this Act and may provide for the remuneration of those among them who are not remunerated under the Public Service Act (R.S.Q., chapter F-3.1.1).

- Agreement. **10.** The Minister may enter into an agreement with a person regarding the carrying out of an inspection program for the enforcement of this Act. Such an agreement must be evidenced in a document and provide for the method of implementing the program.
- Powers of inspector. **11.** An inspector who has reasonable cause to believe in the presence of a harmful organism, an invasive exotic species or any property to which this Act applies may, when carrying out an inspection,
- (1) at any reasonable time, enter the place where the harmful organism, invasive exotic species or property is located and, in the case of a vehicle, order that it be immobilized;
 - (2) examine the place or the harmful organism, invasive exotic species or property, and take specimens free of charge, take photographs and make recordings;
 - (3) require the production of any document for examination or for the purpose of making copies or obtaining extracts, if the inspector has reasonable cause to believe that it contains information related to the application of this Act; and
 - (4) be accompanied by persons the inspector considers necessary for the purposes of the inspection.
- Identification. The inspector must, on request, provide identification and produce a certificate of authority signed by the Minister.
- Information. **12.** The inspector may, when carrying out an inspection, require a person to provide, within a reasonable time determined by the inspector, any information or document relating to the application of this Act.
- Compliance. The person of whom the request is made must comply within the time specified.
- Assistance. **13.** The owner or custodian of a place being inspected, as well as the employees, are required to lend assistance to an inspector carrying out an inspection, and to the persons accompanying the inspector.
- Phytosanitary measures. **14.** An inspector who has reasonable cause to believe that plants, substrates or other property are liable to spread a harmful organism to a commercial crop may order the owner or custodian to implement and pay for the phytosanitary measures the inspector specifies.
- Observations. Before issuing an order, the inspector must inform the person concerned of the inspector's intention to do so, specifying the grounds on which it is based, and give the person an opportunity to submit observations.

- Order. The order must be issued in writing, set out the inspector's reasons and refer to any document the inspector took into consideration; it must also inform the person concerned that a copy of such documents may be requested. The order takes effect on the date of notification or on any later date specified in the order.
- Urgent action. The second paragraph does not apply if, in the opinion of the inspector, urgent action is required or there is a danger of irreparable damage being caused. In such a case, a person notified of an order may, within the time specified in the order, submit observations with a view to having the inspector reconsider it.
- Non-compliance. If the person to whom the order applies refuses or neglects to comply with it, the inspector may personally carry out the order or have it carried out at the expense of that person. The sums involved bear interest at the legal rate from the time as of which they were payable.
- Claims. The carrying out of measures prescribed by the inspector does not give rise to claims for damages, except in cases of bad faith.
- Seizure. **15.** An inspector may seize plants, substrates or any other property to which this Act applies, if the inspector has reasonable cause to believe that they were used in the commission of an offence under this Act or its regulations, or that an offence was committed in connection with them.
- Minutes. An inspector who seizes property draws up minutes giving the inspector's name, the date and time, the place of and grounds for the seizure, the description of the seized property, the name and address of the person from whom the property was seized and any information allowing the person entitled to the property to be identified. The inspector gives a copy of the minutes to the person from whom the property was seized or to the person responsible for the place where the property was seized.
- Custody. **16.** The owner or custodian of the seized property has custody of it.
- Exception. Despite the first paragraph, the inspector may designate a different custodian or remove the seized property to other premises for safekeeping.
- Disposal of property. Custody of the seized property is maintained until it is disposed of in accordance with sections 17 to 20 or, if proceedings are instituted, until a judge decides otherwise.
- Perishable property. **17.** If the seized property is perishable or likely to depreciate rapidly, or if its custody would entail costs disproportionate to its value, a judge may authorize its sale or disposal on the application of the seizer, the person from whom the property was seized or any person who claims to have a right in the property if the sale or disposal can be carried out without the risk of spreading a harmful organism to a commercial crop.

- Notice. A person intending to make an application must give at least one clear day's notice to the seizer or, where applicable, to the person from whom the property was seized and any person who claims to have a right in the property. However, the judge may exempt a person from giving notice if deterioration of the property is imminent.
- Conditions. The conditions of the sale or disposal are determined by the judge. The proceeds of the sale are deposited with the Minister of Finance in accordance with the Deposit Act (R.S.Q., chapter D-5).
- Return of seized property. **18.** Seized property or the proceeds of its sale must be returned to its owner or custodian if
- (1) a period of 90 days has elapsed from the date of the seizure and no proceedings have been instituted; or
 - (2) the inspector is of the opinion, after verification during that period, that no offence under this Act or its regulations has been committed or that the owner or custodian of the seized property has complied with this Act since the seizure.
- Application for return. **19.** The owner or custodian of the seized property may apply to a judge to obtain the return of the property or the proceeds of its sale.
- Service. The application must be served on the seizer or, if proceedings are instituted, on the prosecutor.
- Conditions. The judge grants the application if the judge is of the opinion that the applicant will suffer serious or irreparable injury if the property is held any longer, that returning the property will not hinder the course of justice and that there is no high or imminent risk that a harmful organism or an invasive exotic species will be spread to commercial crops through the property.
- Owner unknown. **20.** If the owner or custodian of seized property is unknown or untraceable, the property, or the proceeds of its sale, is turned over to the Minister of Revenue 90 days after the date of seizure. A statement describing the property and giving the name and last known address of the interested party must be sent to the Minister of Revenue at that time.
- Exception. Despite the first paragraph, if the property is liable to spread a harmful organism to a commercial crop, the Minister determines the procedure for disposing of it.
- Extension. **21.** On application of the seizer, a judge may order that the holding period be prolonged for a maximum of 90 days.
- Service. Before deciding on the merit of the application, the judge may order that it be served on the person the judge designates.

Prohibition from growing.

22. On application of the prosecutor, a judge may, upon conviction for an offence under this Act or its regulations, issue an order prohibiting the person convicted of the offence from growing or keeping plants, limiting the number of plants the person may grow or keep or prescribing any other condition pertaining to the growing or keeping of plants the judge considers necessary for a period not exceeding two years.

Confiscation.

The judge may also order the confiscation of property seized under section 15, or the proceeds of its sale, and property kept in contravention of an order referred to in the first paragraph.

Prior notice.

Prior notice of the application for confiscation must be given by the prosecutor to the person from whom the property was seized, to the defendant and to any person who claims to have a right in the property, unless they are in the presence of the judge.

Procedure for disposal.

If property confiscated under this chapter is liable to spread a harmful organism to a commercial crop, the Minister determines the procedure for disposing of it.

Immunity.

23. No judicial proceedings may be instituted against the inspector for acts performed in good faith while carrying out an inspection.

CHAPTER V

POWERS OF THE MINISTER

Phytosanitary measures.

24. If a harmful organism or invasive exotic species constitutes a threat to commercial crops in a zone the Minister determines, the Minister may, on the ground of urgency, order the owners or custodians of plants, substrates or any other property located in that zone and liable to spread the organism or species to implement and pay for the phytosanitary measures the Minister specifies.

Order.

The order must be issued in writing, set out the Minister's reasons and refer to any document the Minister took into consideration. The order takes effect on the date of notification or on any later date specified in the order.

Urgent action.

The second paragraph does not apply if, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused. In that case, a person notified of an order may, within the time specified in the order, submit observations with a view to having the Minister reconsider it.

Non-compliance.

If the person to whom the order applies refuses or neglects to comply with it, the Minister may have the order carried out at the expense of that person. The sums involved bear interest at the legal rate from the time as of which they were payable.

- Claims. The carrying out of measures prescribed by the Minister does not give rise to claims for damages, except in cases of bad faith.
- Authorization. **25.** The Minister may, for scientific or experimental purposes, authorize a person to derogate from a regulation made under section 4, 8 or 27, on the conditions the Minister determines.
- Considerations. Before issuing an authorization, the Minister takes into account, in particular but not exclusively, the objectives pursued by the applicant, the competence and experience of the applicant, the nature of the proposed activities and their impact on commercial crops, and the measures necessary to ensure their protection.
- Conditions. The holder of such an authorization must satisfy the conditions and comply with the restrictions and prohibitions determined by the Minister and set out in the authorization. The holder of the authorization must also pay to the Government the costs incurred to open and examine the file and all the other costs incurred by the Minister in relation to the authorization.
- Withdrawal of authorization. **26.** The Minister may withdraw the authorization granted under section 25 if the holder fails to satisfy the conditions or comply with the restrictions and prohibitions set out in the authorization.
- Regulations. **27.** In addition to the regulatory powers under this Act, the Minister may make regulations to establish standards for crop health protection and the transfer or transportation of plants. The standards may, in particular, pertain to the surveillance of the health status and traceability of plants, their labelling or packaging, the registration of their owner or custodian, the introduction into Québec of plants originating elsewhere and the fees payable for the purposes of this Act.
- Immunity. **28.** No judicial proceedings may be instituted against the Minister for acts performed in good faith for the purposes of this Act.

CHAPTER VI

PENAL PROVISIONS

- Offence and penalty. **29.** A person is guilty of an offence and liable to a fine of \$600 to \$6,600 who
- (1) refuses or neglects to comply with the order provided for in section 14;
 - (2) uses or removes seized property or allows seized property to be used or removed, without the authorization of an inspector or judge; or
 - (3) contravenes section 5, 6, 12 or 25 or a regulation made under section 4 or 27.

- High risk. If the offence results in a high or imminent risk of spreading a harmful organism, the fine is \$1,000 to \$14,000.
- Offence and penalty. **30.** A person who contravenes section 13 is guilty of an offence and liable to a fine of \$500 to \$5,000.
- Offence and penalty. **31.** A person who hinders or attempts to hinder an inspection in any way is guilty of an offence and liable to a fine of \$600 to \$6,600.
- Offence and penalty. **32.** A person who refuses to provide an inspector with information or a document the inspector is entitled to require, or conceals or destroys a document or property relevant to an inspection is guilty of an offence and liable to a fine of \$700 to \$8,400.
- Offence and penalty. **33.** A person who knowingly gives false information to an inspector is guilty of an offence and liable to a fine of \$800 to \$10,400.
- Offence and penalty. **34.** A person is guilty of an offence and liable to a fine of \$1,000 to \$14,000 who
- (1) refuses or neglects to comply with the order provided for in section 24; or
 - (2) contravenes a regulation made under section 8.
- Subsequent convictions. **35.** For subsequent convictions, the fines provided for in sections 29 to 34 are doubled.
- Amount of fine. **36.** In determining the amount of the fine, the judge takes into account such factors as the revenues and other benefits the offender derived from the offence and its social and economic consequences.
- Party to offence. **37.** If a legal person, partnership, association or body commits an offence under this Act or its regulations, any director, officer, employee, partner or mandatary of the legal person, partnership, association or body who directed, authorized, advised, consented to, acquiesced in or participated in the offence is a party to it and liable to the penalty prescribed for it, whether or not the legal person, partnership, association or body has been prosecuted or convicted.
- Assistance. **38.** A person who, by act or omission, assists another in committing an offence under this Act or its regulations or who advises, encourages or incites another person to commit it is a party to the offence and liable to the penalty prescribed for it.
- Penal proceedings. **39.** Penal proceedings for an offence under this Act or its regulations are prescribed one year after the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be brought if more than five years have elapsed since the commission of the offence.

- Proof of contents. **40.** In proceedings instituted for an offence under this Act or its regulations, the inspection, analysis or sampling report and the minutes of the seizure or confiscation, signed by an inspector or an analyst designated by the Minister, are proof of their contents, unless there is evidence to the contrary, and no proof of the signature or of the quality of the signatory is required if the inspector or analyst certifies in the inspection, analysis or sampling report that the inspector personally observed the facts stated in the report.
- Costs. The cost of inspection or analysis is included in the costs of the proceedings and may be claimed in the statement of offence.

CHAPTER VIII

REPEALING, TRANSITIONAL AND FINAL PROVISIONS

- c. A-2, Div. IV, and c. P-39.01, repealed. **41.** Division IV of the Agricultural Abuses Act (R.S.Q., chapter A-2) and the Plant Protection Act (R.S.Q., chapter P-39.01) are repealed.
- c. P-23.1, repealed. **42.** The Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1) is repealed, except sections 16 and 17 of that Act which remain in force until replaced or repealed in accordance with the second paragraph of section 44 of this Act.
- Regulation in force. **43.** The provisions of the Regulation respecting prevention of disease in potatoes, made by Order in Council 1304-88 (1988, G.O. 2, 3404), remain in force, to the extent they are compatible with this Act, until replaced or repealed by a regulation made under this Act.
- Presumption. **44.** The territories protected to prevent disease in potatoes and designated by Order in Council 860-88 (1988, G.O. 2, 3423, in French) are deemed to be protected crop zones designated under section 7 of this Act.
- Presumption. In addition, sections 16 and 17 of the Act respecting prevention of disease in potatoes and the provisions of the Regulation respecting prevention of disease in potatoes that apply to the protected territories are deemed to be phytosanitary measures determined under section 8 of this Act until a regulation is made under that section.
- Presumption. **45.** The diseases referred to in section 3 of the Act respecting prevention of disease in potatoes and the diseases and destructive insects designated by the Plant Protection Regulation, made by Order in Council 1366-96 (1996, G.O. 2, 4703), are deemed to be harmful organisms determined under section 4 of this Act until a regulation is made under that section.
- Reference. **46.** Unless the context indicates otherwise and subject to the necessary modifications, a reference in any Act, regulation, order in council or statutory instrument to a provision of Division IV of the Agricultural Abuses Act, the Act respecting prevention of disease in potatoes or the Plant Protection Act is a reference to the corresponding provision of this Act.

- Judicial proceedings. **47.** Judicial proceedings brought under Division IV of the Agricultural Abuses Act, the Act respecting prevention of disease in potatoes or the Plant Protection Act before 12 June 2008 are continued under those Acts.
- Minister responsible. **48.** The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.
- Coming into force. **49.** This Act comes into force on 12 June 2008.

2008, chapter 17

AN ACT TO MODERNIZE THE GOVERNANCE OF LA FINANCIÈRE AGRICOLE DU QUÉBEC

Bill 81

Introduced by Mr. Laurent Lessard, Minister of Agriculture, Fisheries and Food

Introduced 14 May 2008

Passed in principle 27 May 2008

Passed 11 June 2008

Assented to 12 June 2008

Coming into force: 12 June 2008

Legislation amended :

Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1)

Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02)

Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1)

Explanatory notes

The purpose of this Act is to make La Financière agricole du Québec subject to the Act respecting the governance of state-owned enterprises and to introduce new specially adapted governance rules into its constituting act.

The new governance rules determine the composition of the board of directors, the majority of whose members must qualify as independent members in the opinion of the Government. In addition, this Act prescribes rules for appointing board members and vice-presidents. It also provides for the constitution of two board committees, namely, a governance, ethics and human resources committee and an audit committee.

New rules will also apply to the operation of the board of directors and the disclosure and publication of information.

Finally, this Act contains transitional provisions and consequential amendments.



Chapter 17

AN ACT TO MODERNIZE THE GOVERNANCE OF LA FINANCIÈRE AGRICOLE DU QUÉBEC

[Assented to 12 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LA FINANCIÈRE AGRICOLE DU QUÉBEC

- c. L-0.1, s. 5, repealed. **1.** Section 5 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1) is repealed.
- c. L-0.1, s. 6, replaced. **2.** Section 6 of the Act is replaced by the following sections:
- Board of directors. **“6.** The agency is administered by a board of directors consisting of 15 members, including the chair, the president and chief executive officer and the Deputy Minister of Agriculture, Fisheries and Food. At least eight of the members, including the chair, must qualify as independent directors in the opinion of the Government.
- Members. The Government shall appoint the members of the board other than the chair, the president and chief executive officer and the Deputy Minister of Agriculture, Fisheries and Food, taking into consideration the expertise and experience profiles approved by the board. The members, five of whom are chosen from among the persons designated by the association certified under the Farm Producers Act (chapter P-28), are appointed for a term of up to four years.
- Functions. **“6.1.** The functions of the board of directors include setting priorities in relation to the products and services to be offered to enterprises in the agricultural and agrifood sector and framing policies in that regard.
- Committees. **“6.2.** The board of directors must strike a governance, ethics and human resources committee and an audit committee. The provisions of the Act respecting the governance of state-owned enterprises (chapter G-1.02) that concern the governance and ethics committee and the human resources committee apply to the governance, ethics and human resources committee.
- Expiry of term. **“6.3.** On the expiry of their term, the members of the board of directors remain in office until they are replaced or reappointed.
- Chair. **“6.4.** The Government shall appoint the chair of the board of directors for a term of up to five years.

President and chief executive officer.	<p>“6.5. On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer, taking into consideration the expertise and experience profile approved by the board.</p>
Term.	<p>The president and chief executive officer is appointed for a term of up to five years. The office of president and chief executive officer is a full-time position.</p>
Appointment.	<p>“6.6. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 6.5 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.</p>
Absence.	<p>“6.7. If the president and chief executive officer is absent or unable to act, the board of directors may designate an officer under the authority of the president and chief executive officer to exercise the functions of that position.</p>
Vacancy.	<p>“6.8. A vacancy on the board of directors is filled in accordance with the rules of appointment to the board.”</p>
c. L-0.1, ss. 7 and 8, repealed.	<p>3. Sections 7 and 8 of the Act are repealed.</p>
c. L-0.1, s. 9, am.	<p>4. Section 9 of the Act is amended by replacing “chief executive officer” in the second line of the first paragraph by “president and chief executive officer”.</p>
c. L-0.1, s. 10, replaced.	<p>5. Section 10 of the Act is replaced by the following section:</p>
Quorum.	<p>“10. The agency shall determine by by-law the rules relating to the quorum at meetings of the board of directors.”</p>
c. L-0.1, s. 11, replaced.	<p>6. Section 11 of the Act is replaced by the following sections:</p>
Vice-presidents.	<p>“11. The Government, on the recommendation of the board of directors, shall appoint one or more vice-presidents. The vice-presidents are appointed on a full-time basis and exercise their functions under the authority of the president and chief executive officer.</p>
Term.	<p>The vice-presidents are appointed for a term of up to five years.</p>
Expiry of term.	<p>On the expiry of their term, the vice-presidents remain in office until they are replaced or reappointed.</p>
Conditions of employment.	<p>“11.1. The Government shall determine the remuneration, the employment benefits and the other conditions of employment of the vice-presidents.”</p>

c. L-0.1, s. 13, am.

7. Section 13 of the Act is amended

(1) by replacing “chief executive officer” in the third line of the first paragraph by “president and chief executive officer”;

(2) by striking out the second paragraph.

c. L-0.1, s. 14,
repealed.**8.** Section 14 of the Act is repealed.

c. L-0.1, s. 15, am.

9. Section 15 of the Act is amended by replacing “chief executive officer” in the second and the fourth line of the first paragraph by “president and chief executive officer”.

c. L-0.1, s. 46, am.

10. Section 46 of the Act is amended by replacing “a business plan” in the second line of the first paragraph by “an operating plan” and “The business plan” in the first line of the second paragraph by “The operating plan”.

c. L-0.1, s. 47, am.

11. Section 47 of the Act is amended by replacing “development plan” in the second line by “strategic plan”.

ACT RESPECTING FARM-LOAN INSURANCE AND FORESTRY- LOAN INSURANCE

c. A-29.1, s. 8,
replaced.**12.** Section 8 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) is replaced by the following section:

Concurrent functions.

“8. The chair and the secretary of the board of directors of the agency are respectively the chair and the secretary of the board of directors of the Fonds.

Absence.

If the chair is absent or unable to act, the board of directors shall designate a board member to replace the chair.”

c. A-29.1, s. 9, am.

13. Section 9 of the Act is amended by replacing the third paragraph by the following paragraph:

Quorum.

“The Fonds shall determine by by-law the rules relating to the quorum at meetings of the board of directors.”

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

c. G-1.02, Sched. I, am.

14. Schedule I to the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by inserting “La Financière agricole du Québec” in alphabetical order.

TRANSITIONAL AND FINAL PROVISIONS

- Independent directors. **15.** The requirements relating to the number of independent members of the board of directors of La Financière agricole du Québec and to the independence of the chair of the board of directors provided in the first paragraph of section 6 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1), enacted by section 2 of this Act, and the requirement provided in the second paragraph of section 19 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) apply as of the date set by the Government. That date must be set as soon as possible and the sections will apply not later than 31 December 2008.
- Audit committee. The same applies to the requirement that the audit committee include a member of a professional order of accountants as set out in the second paragraph of section 23 of the Act respecting the governance of state-owned enterprises.
- Independent director status. **16.** The Government may, in accordance with the Act respecting the governance of state-owned enterprises, determine that a member of the board of directors of La Financière agricole du Québec in office on 11 June 2008 has the status of independent director.
- Exception. **17.** A member of the board of directors of La Financière agricole du Québec in office on 11 June 2008 who has not obtained the status of independent director under section 16 of this Act may, despite section 19 of the Act respecting the governance of state-owned enterprises, be a member of a committee referred to in section 6.2 of the Act respecting La Financière agricole du Québec, enacted by section 2 of this Act, until the number of independent directors on the board of the agency corresponds to the number set in the first paragraph of section 6 of the Act respecting La Financière agricole du Québec, enacted by section 2 of this Act.
- Current directors. **18.** The members of the board of directors of La Financière agricole du Québec in office on 11 June 2008, including the president and chief executive officer, continue in office for the unexpired portion of their term on the same terms until they are replaced or reappointed. The chair, however, remains in office until the date on which the requirement relating to the chair's independence becomes applicable under the first paragraph of section 15.
- Current vice-presidents. **19.** The vice-presidents of La Financière agricole du Québec, appointed by it and in office on 11 June 2008, continue in office for the unexpired portion of their term on the same terms until they are replaced or reappointed by the Government.

- Vice-chair of board. **20.** The vice-chair of the board of directors of La Financière agricole du Québec designated under section 6 of the Act respecting La Financière agricole du Québec, as it read before 12 June 2008, continues in office until the number of independent directors on the board of the agency corresponds to the number set in the first paragraph of section 6 of that Act, enacted by section 2 of this Act.
- Provisions applicable. **21.** Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to La Financière agricole du Québec as of the fiscal year beginning on 1 April 2009.
- Coming into force. **22.** This Act comes into force on 12 June 2008.

2008, chapter 18
**AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
RESPECTING MUNICIPAL AFFAIRS**

Bill 82

Introduced by Madam Nathalie Normandeau, Minister of Municipal Affairs and Regions

Introduced 13 May 2008

Passed in principle 22 May 2008

Passed 11 June 2008

Assented to 12 June 2008

Coming into force: 12 June 2008, except sections 77, 78, 80, 82, paragraph 2 of section 86, sections 88, 91 to 95 and 106, Division II.1 of Chapter IV of the Civil Protection Act, enacted by section 108 and sections 130, 131 and 135, which come into force on the date or dates to be set by the Government

Legislation amended:

Act respecting land use planning and development (R.S.Q., chapter A-19.1)
Charter of Ville de Lévis (R.S.Q., chapter C-11.2)
Charter of Ville de Longueuil (R.S.Q., chapter C-11.3)
Charter of Ville de Montréal (R.S.Q., chapter C-11.4)
Charter of Ville de Québec (R.S.Q., chapter C-11.5)
Cities and Towns Act (R.S.Q., chapter C-19)
Municipal Code of Québec (R.S.Q., chapter C-27.1)
Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01)
Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02)
Municipal Powers Act (R.S.Q., chapter C-47.1)
Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1)
Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)
Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001)
Act respecting municipal taxation (R.S.Q., chapter F-2.1)
Act respecting certain public utility installations (R.S.Q., chapter I-13)
Act respecting administrative justice (R.S.Q., chapter J-3)
Act respecting municipal territorial organization (R.S.Q., chapter O-9)
Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3)
Civil Protection Act (R.S.Q., chapter S-2.3)
Act respecting public transit authorities (R.S.Q., chapter S-30.01)
Transport Act (R.S.Q., chapter T-12)
Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

(Cont'd on next page)

Orders in Council amended:

Order in Council 841-2001 dated 27 June 2001
Order in Council 850-2001 dated 4 July 2001
Order in Council 1214-2005 dated 7 December 2005

Explanatory notes

This Act amends the Cities and Towns Act and the Municipal Code of Québec especially as concerns the powers of local municipalities relating to their general fund and their working-fund, and grants similar powers to regional county municipalities and intermunicipal boards. It harmonizes provisions relating to deadlines for sending in the financial reports of municipalities and various bodies, the time limit for redeeming an immovable sold for non-payment of municipal taxes, and the scheduling of council sittings. Furthermore, with respect to municipalities whose territory is divided into boroughs, it extends the application of the provision under which it is possible to post or publish a municipal notice only in the borough when it relates to a matter within the jurisdiction of a borough council.

This Act amends the Municipal Powers Act by granting regional county municipalities the same tools for lake management as already exist for watercourse management. It facilitates the collection of amounts due to the person designated by a municipality to settle disagreements between owners over common fences or ditches, drainage ditches and clearances, and allows municipalities to order traffic signs or signals by resolution. It also obliges municipalities whose territory includes the site of a quarry or sand pit to establish a fund for the repair and maintenance of municipal public roads, financed by duties paid by the quarry or sandpit operator.

This Act amends the Act respecting elections and referendums in municipalities in order to provide, from the fiscal year 2010, for a mechanism for the annual indexation of the tariff of the remuneration payable to municipal election or referendum officers. It also grants non-domiciled voters the right to vote by mail.

This Act amends the Act respecting municipal taxation to oblige municipalities to impose a tax to finance 9-1-1 emergency centres. It also makes concordance amendments to the provisions of the Act that allow the implementation of an equalization scheme.

This Act amends the Act respecting the Pension Plan of Elected Municipal Officers to harmonize it with public sector pension plans as concerns the spouse's waiver. It also makes certain amendments to such elements as the right of redemption and the administration of the plan.

It amends the Civil Protection Act to oblige the municipalities to ensure the provision of services by a 9-1-1 emergency centre that has obtained a certificate of compliance. This Act also sets the conditions for obtaining such a certificate.

This Act amends the Transport Act to maintain the municipalities' power to negotiate public transit and paratransit contracts without calling for tenders.

This Act amends the Act respecting Northern villages and the Kativik Regional Government as concerns the signing of collective agreements and simplifies the rules governing the swearing-in of members and special constables of the Kativik regional police force.

Lastly, this Act contains various provisions of a more local nature, as well as technical amendments.



Chapter 18

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

[Assented to 12 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

- c. A-19.1, s. 188, am. **1.** Section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by adding the following subparagraph after subparagraph 5 of the fourth paragraph:

“(5.1) any matter relating to the fund provided for in section 110.1 of the Municipal Powers Act (chapter C-47.1);”.

CHARTER OF VILLE DE LÉVIS

- c. C-11.2, s. 88, am. **2.** Section 88 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by striking out the second sentence of the second paragraph.

CHARTER OF VILLE DE LONGUEUIL

- c. C-11.3, s. 71, am. **3.** Section 71 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing “regulation” in the second line of the third paragraph by “by-law”.

- c. C-11.3, s. 72, am. **4.** Section 72 of the Charter is amended by replacing the second paragraph by the following paragraph:

Modifications. “Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

- c. C-11.3, Sched. C, s. 4, am. **5.** Section 4 of Schedule C to the Charter is amended by replacing “council” in the second line of the third paragraph by “councillor”.

CHARTER OF VILLE DE MONTRÉAL

- c. C-11.4, s. 89.1, am. **6.** Section 89.1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended

(1) by inserting “, subject to the fourth paragraph, where applicable,” after “except” in the fourth line of the first paragraph;

(2) by replacing the fourth paragraph by the following paragraphs:

Old Montréal.

“For the purposes of sections 130 to 137 of the Act respecting land use planning and development enabling a project referred to in subparagraph 5 of the first paragraph of section 89 to be carried out, if that project is situated in the historic district of Old Montréal,

(1) applications to take part in a referendum following the second draft by-law may originate in the whole borough in which the project is planned or from all the boroughs affected by the project;

(2) the public notice provided for in section 132 need not mention or contain a description of the zones or sectors of a zone in which an application may originate;

(3) the application provided for in section 133 need not clearly state in which zone or sector of a zone it originates;

(4) despite section 136.1 of that Act, a by-law adopted under section 136 of that Act must be approved by the qualified voters of either the borough or all the boroughs affected by the project.

Provisions not applicable.

However,

(1) the fourth paragraph does not apply to a by-law adopted to enable the carrying out of a project, referred to in subparagraph 5 of the first paragraph of section 89, planned by the Government or one of its ministers, mandataries or bodies;

(2) the second paragraph and sections 125 to 127 of the Act respecting land use planning and development do not apply to a draft by-law adopted solely to enable the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89.”

c. C-11.4, s. 130.3, am.

7. Section 130.3 of the Charter is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraph:

“(2) the expressions “office of the municipality” and “in the territory of the municipality” in section 109.3 are replaced respectively by the expressions “borough office” and “in the borough”.

c. C-11.4, s. 131, am.

8. Section 131 of the Charter is amended by replacing the second paragraph by the following paragraph:

Modifications.

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

c. C-11.4, s. 144.8, am.

9. Section 144.8 of the Charter is amended by replacing the second sentence by the following sentence: “Sections 569 to 569.0.5 of the Cities and Towns Act (chapter C-19) apply to the fund, with the necessary modifications.”

c. C-11.4, Sched. C,
s. 102.2, am.

10. Section 102.2 of Schedule C to the Charter is amended by replacing the third paragraph by the following paragraph:

“The amount of the tax is based on the number of sign faces on the structure. A surface that displays a series of different advertisements rotating in a loop by mechanical or electronic means constitutes one sign face.”

c. C-11.4, Sched. C,
s. 256, am.

11. Section 256 of Schedule C to the Charter is amended by replacing “delay” in the fourth line of the second paragraph by “time”.

CHARTER OF VILLE DE QUÉBEC

c. C-11.5, s. 115, am.

12. Section 115 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing the second paragraph by the following paragraph:

Modifications.

“Among the modifications to the Act respecting land use planning and development required by the application of the first paragraph, the following are applicable: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office and the summary provided for in section 129 of that Act may be obtained at that office.”

CITIES AND TOWNS ACT

c. C-19, s. 6, am.

13. Section 6 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “indifferently an ordinary or general sitting, or a special sitting” in the first and second lines of subparagraph 5 of the first paragraph by “either a regular sitting or a special sitting”.

c. C-19, s. 105.2, am.

14. Section 105.2 of the Act is amended by replacing “15” in the first line of the first paragraph by “30”.

c. C-19, s. 318, am.

15. Section 318 of the Act is amended by adding the following paragraph at the end:

Change in location.

“The clerk shall give public notice of any change in the location of sittings.”

- c. C-19, ss. 319 and 320, replaced. **16.** Sections 319 and 320 of the Act are replaced by the following sections:
- Regular sittings. **“319.** The council shall hold regular sittings at least once a month.
- Sitting schedule. The council shall determine the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year.
- Change in schedule. However, the council may decide that a regular sitting is to begin on a date and at a time other than those specified in the schedule.
- Public notice. **“320.** The clerk shall give public notice of the sitting schedule.
- Public notice. The clerk shall also give public notice of any regular sitting to be held on a day or at a time other than that specified in the schedule.”
- c. C-19, s. 323, French text, am. **17.** Section 323 of the Act is amended by replacing “spéciale” in the first line of the first paragraph in the French text by “extraordinaire”.
- c. C-19, s. 324, French text, am. **18.** Section 324 of the Act is amended by replacing “spéciale” in the first line of the first paragraph in the French text by “extraordinaire”.
- c. C-19, s. 325, French text, am. **19.** Section 325 of the Act is amended in the French text
- (1) by replacing “spéciales” in the first line of the first paragraph by “extraordinaires”;
- (2) by replacing “spéciale” in the first line of the second paragraph by “extraordinaire”.
- c. C-19, s. 326, am. **20.** Section 326 of the Act is amended
- (1) by striking out “special or general” in the first line;
- (2) by replacing “spéciale” in the sixth line in the French text by “extraordinaire”.
- c. C-19, s. 342, French text, am. **21.** Section 342 of the Act is amended by replacing “spéciale” in the third line in the French text by “extraordinaire”.
- c. C-19, s. 345, am. **22.** Section 345 of the Act is amended
- (1) by replacing “may be posted” in the second line of the second paragraph by “is posted”;
- (2) by adding the following paragraph after the second paragraph:

- Terms replaced. “If an Act or a charter stipulates that a notice is to be posted in the office of the municipality and published in a newspaper circulated in the territory of the municipality, the second paragraph also applies for the purpose of substituting “borough” for “municipality”.”
- c. C-19, ss. 468.14.1-468.14.5, added. **23.** The Act is amended by inserting the following sections after section 468.14:
- Capital expenditures. **“468.14.1.** If the management board decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the board has jurisdiction, it may decide to reimburse the fund by means of an aliquot share payable by the municipalities concerned.
- By-law. In such a case, the management board shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the board to acquire, repair, restore or build, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.
- Aliquot shares. **“468.14.2.** The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.
- Municipalities’ approval. **“468.14.3.** The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.
- Presumption. A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.
- Voters’ approval. **“468.14.4.** The Minister of Municipal Affairs and Regions may also require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.
- Notice. To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the moneys to be used and the projected expenditure; and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.
- If no request. **“468.14.5.** The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.14.4.
- If no request. If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.
- Minister’s decision. The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”
- c. C-19, ss. 468.45.7-468.45.15, added. **24.** The Act is amended by inserting the following sections after section 468.45.6:
- Working-fund. **“468.45.7.** The management board may, with a view to having at its disposal the moneys it needs for the purposes within its jurisdiction, constitute a fund known as the “working-fund” or increase the amount of the fund. To that effect, it shall pass a by-law
- (1) to appropriate for that purpose all or part of the accumulated surplus of its general fund;
- (2) to order a loan; or
- (3) to carry out both of the above operations.
- By-law. The by-law ordering a loan to constitute the working-fund or increase the amount of the fund must specify the term of the loan, which is not to exceed 10 years, and must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the operating cost apportionment method set out in the agreement.
- Amount. The amount of the fund may not exceed 20% of the appropriations provided for in the board’s budget for the current fiscal year. However, if the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for fewer appropriations than the budget used to determine the amount of the fund, the amount may remain unchanged.

- Investments. Section 99 applies, with the necessary modifications, to the investment of the available moneys of the fund.
- Interest. The interest on the working-fund and the compensatory sum provided for in section 468.45.12 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.
- If fund abolished. If the working-fund is abolished, the moneys available in it must be used to repay a loan contracted to constitute the fund or increase the amount of the fund before they may be paid into the general fund.
- Disqualification of board member. **“468.45.8.** A member of the board of directors who, knowingly, by a vote or otherwise, authorizes
- (1) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in the third paragraph of section 468.45.7;
 - (2) the investment of the moneys in the fund otherwise than in the manner prescribed in the fourth paragraph of section 468.45.7; or
 - (3) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in the sixth paragraph of section 468.45.7
- may be declared disqualified to hold municipal office for two years and may be held personally liable towards the management board for any loss or damage suffered by it.
- Liability. The liability mentioned in the first paragraph is joint and several and it applies to every officer or employee of the management board who knowingly is a party to the unlawful act.
- Proceedings. Proceedings for the declaration of disqualification are taken in accordance with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action is taken to obtain compensation for loss or damage. Any ratepayer may exercise such recourses.
- Proceedings. Disqualification may also be declared by means of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).
- Loan from working-fund. **“468.45.9.** The management board may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the management board or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.

- Repayment. “**468.45.10.** Every year, the management board shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.
- Capital expenditures. “**468.45.11.** If the loan is used to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the management board has jurisdiction, the board may decide that the loan is to be repaid by means of an aliquot share payable by the municipalities concerned.
- By-law. In such a case, the management board shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.
- Aliquot shares. “**468.45.12.** The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.
- Municipalities’ approval. “**468.45.13.** The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.
- Presumption. A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.
- Voters’ approval. “**468.45.14.** The Minister of Municipal Affairs and Regions may require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.
- Notice. To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain
- (1) the number, title, object and date of adoption of the by-law;
 - (2) the amount of the projected loan and the use to be made of the sums borrowed from the fund; and

(3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

If no request.

“**468.45.15.** The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of section 468.45.14.

If no request.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

Minister’s decision.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

c. C-19, s. 468.51, am.

25. Section 468.51 of the Act is amended

- (1) by striking out “section 569,” in the fourth line of the first paragraph;
- (2) by inserting the following paragraph after the first paragraph:

Reports.

“For the purposes of section 105.2, the reports must be sent not later than 15 April. They must also be sent to each municipality in whose territory the board has jurisdiction.”;

- (3) by striking out the second paragraph.

c. C-19, ss. 476.1-476.4, added.

26. The Act is amended by inserting the following sections after section 476:

Capital expenditures.

“**476.1.** If the council decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, it may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

By-law.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the municipality to acquire, repair, restore or build, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

Special tax or compensation.

“476.2. The tax imposed or compensation required must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

Share payable.

“476.3. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

How calculated.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

How calculated.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this section.

Exemption.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

Voters' approval.

“476.4. The by-law is subject to the approval of the qualified voters of the sector.

Exemption.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes the use of moneys for an expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.”

c. C-19, s. 544, am.

27. Section 544 of the Act is amended by replacing “imposes, for repayment of the loan, a” in the first line of subparagraph 2 of the second paragraph by “prescribes, for the repayment of the loan, the annual appropriation of a portion of the general revenues of the municipality or the imposition of a”.

c. C-19, s. 569, am.

28. Section 569 of the Act is amended

(1) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribe” in the second line of the third paragraph of subsection 1;

(2) by replacing subsections 2 and 2.1 by the following subsection:

Loan from working-fund.

“(2) The council may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the municipality or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.”;

(3) by replacing subsection 4 by the following subsection:

Interest.

“(4) The interest on the working-fund and the compensatory sum provided for in section 569.0.3 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.”;

(4) by replacing subparagraph *a* of the first paragraph of subsection 5 by the following subparagraph:

“(a) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in subsection 1.1;”.

c. C-19, ss. 569.0.1-569.0.5, added.

29. The Act is amended by inserting the following sections after section 569:

Repayment of loan from working-fund.

“**569.0.1.** Every year, the council shall provide out of its general revenue a sum sufficient to repay a loan from the working-fund.

Capital expenditures.

“**569.0.2.** If the loan is used to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, the council may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

By-law.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

Special tax or compensation.

“**569.0.3.** The tax imposed or compensation required must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment

of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

Share payable.

“569.0.4. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

How calculated.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

How calculated.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this section.

Exemption.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

Voters' approval.

“569.0.5. The by-law is subject to the approval of the qualified voters of the sector.

Exemption.

However, a by-law adopted by the council of a municipality of 100,000 or more inhabitants is not subject to such approval when it authorizes a loan from the working-fund for an expenditure and a loan by-law for that type of expenditure would have been exempted from such approval.”

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c. C-27.1, a. 25, am.

30. Article 25 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing paragraph 14 by the following paragraph:

“(14) the word “sitting” used alone means either a regular sitting or a special sitting;”.

c. C-27.1, a. 82, French text, am.

31. Article 82 of the Code is amended by replacing “session régulière” in the fifth and sixth lines of the second paragraph in the French text by “séance ordinaire”.

c. C-27.1, a. 135,
French text, am.

32. Article 135 of the Code is amended by replacing “session spéciale” in the first and second lines of the second paragraph in the French text by “séance extraordinaire”.

c. C-27.1, a. 142, am.

33. Article 142 of the Code is amended by replacing “next general sitting, or, after notice, at a special sitting” in the third line of subarticle 3 by “next regular sitting or, after notice, at a special sitting”.

c. C-27.1, a. 145.1,
added.

34. The Code is amended by inserting the following article after article 145:

“**145.1.** The secretary-treasurer shall give public notice of any change in the location of sittings.”

c. C-27.1, a. 148,
replaced.

35. Article 148 of the Code is replaced by the following articles:

“**148.** The council of a regional county municipality shall hold regular sittings at least once every two months, including one on the fourth Wednesday in November. The council of a local municipality shall hold regular sittings at least once a month.

The council shall determine the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year.

However, the council may decide that a regular sitting is to begin on a date and at a time other than that specified in the schedule.

“**148.0.1.** The secretary-treasurer shall give public notice of the schedule.

The secretary-treasurer shall also give notice of any regular sitting to be held on a day or at a time other than those specified in the schedule.

“**148.0.2.** At the November sitting, the council of the regional county municipality must, among other things, adopt the budget of the municipality for the next fiscal year.

The Minister of Municipal Affairs and Regions may, on the Minister’s initiative, allow the councils of the regional county municipalities or a category of them to adopt the budget after the regular sitting in November, at a sitting to be held not later than the date set by the Minister.

On sufficient proof that the council of the regional county municipality is unable to adopt the budget at the regular sitting in November or within the time determined by the Minister under the second paragraph, the Minister may grant any additional time the Minister determines for that purpose.”

c. C-27.1, a. 149,
replaced.

36. Article 149 of the Code is replaced by the following article:

“**149.** The sittings are public, and the proceedings must be audible and intelligible.”

- c. C-27.1, a. 151, repealed. **37.** Article 151 of the Code is repealed.
- c. C-27.1, a. 152, French text, am. **38.** Article 152 of the Code is amended by replacing “session spéciale” in the first line in the French text by “séance extraordinaire”.
- c. C-27.1, a. 153, French text, am. **39.** Article 153 of the Code is amended in the French text
- (1) by replacing “session spéciale” in the first line of the first paragraph by “séance extraordinaire”;
 - (2) by replacing “session” in the first line of the second paragraph by “séance”;
 - (3) by replacing “session” in the second line of the third paragraph by “séance”.
- c. C-27.1, a. 154, am. **40.** Article 154 of the Code is amended by replacing “ordinary or special sitting” in the first line by “sitting”.
- c. C-27.1, a. 155, French text, am. **41.** Article 155 of the Code is amended in the French text
- (1) by replacing “session” in the second line of the first paragraph by “séance”;
 - (2) by replacing “session” in the fourth line of the second paragraph by “séance”;
 - (3) by replacing “session spéciale” in the fifth line of the second paragraph by “séance extraordinaire”;
 - (4) by replacing “session” in the sixth line of the second paragraph by “séance”.
- c. C-27.1, a. 156, French text, am. **42.** Article 156 of the Code is amended by replacing “spéciales” in the first line of the first paragraph in the French text by “extraordinaires”.
- c. C-27.1, a. 164.1, am. **43.** Article 164.1 of the Code is amended
- (1) by inserting “or of Municipalité régionale de comté de Minganie” after “Caniapiscau” in the second line of the first paragraph;
 - (2) by replacing “régulière” in the third line of the third paragraph in the French text by “ordinaire”.
- c. C-27.1, a. 176.2, am. **44.** Article 176.2 of the Code is amended by replacing “15” in the first line of the first paragraph by “30”.
- c. C-27.1, aa. 583.1-583.5, added. **45.** The Code is amended by inserting the following articles after article 583:

“583.1. If the management board decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the board has jurisdiction, it may decide to reimburse the fund by means of an aliquot share payable by the municipalities concerned.

In such a case, the board shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the board to acquire, repair, restore or build, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

“583.2. The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

“583.3. The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

“583.4. The Minister of Municipal Affairs and Regions may also require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the moneys to be used and the projected expenditure;
and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request

that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

“583.5. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of article 583.4.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

c. C-27.1, aa. 614.7-614.15, added.

46. The Code is amended by inserting the following articles after article 614.6:

“614.7. The management board may, with a view to having at its disposal the moneys it needs for the purposes within its jurisdiction, constitute a fund known as the “working-fund” or increase the amount of the fund. To that effect, it shall adopt a by-law

(1) to appropriate for that purpose all or part of the accumulated surplus of its general fund;

(2) to order a loan; or

(3) to carry out both of the above operations.

The by-law ordering a loan to constitute the working-fund or increase the amount of the fund must specify the term of the loan, which is not to exceed 10 years, and must stipulate that the repayment of the loan is to be charged to all the municipalities in whose territory the board has jurisdiction, according to the operating cost apportionment method set out in the agreement.

The amount of the fund may not exceed 20% of the appropriations provided for in the board’s budget for the current fiscal year. However, if the amount of the fund exceeds the prescribed percentage because the budget of a subsequent fiscal year provides for fewer appropriations than the budget used to determine the amount of the fund, the amount may remain unchanged.

Article 203 applies, with the necessary modifications, to the investment of the available moneys of the fund.

The interest on the working-fund and the compensatory sum provided for in article 614.12 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.

If the working-fund is abolished, the moneys available in it must be used to repay a loan contracted to constitute the fund or increase the amount of the fund before they may be paid into the general fund.

“614.8. A member of the board of directors who, knowingly, by a vote or otherwise, authorizes

(1) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in the third paragraph of article 614.7;

(2) the investment of the moneys in the fund otherwise than in the manner prescribed in the fourth paragraph of article 614.7; or

(3) the use of the available moneys, if the working-fund is abolished, otherwise than in the manner prescribed in the sixth paragraph of article 614.7

may be declared disqualified to hold municipal office for two years and may be held personally liable towards the management board for any loss or damage suffered by it.

The liability mentioned in the first paragraph is joint and several and it applies to every officer or employee of the management board who knowingly is a party to the unlawful act.

Proceedings for the declaration of disqualification are taken in accordance with articles 838 to 843 of the Code of Civil Procedure (chapter C-25); an ordinary action is taken to obtain compensation for loss or damage. Any ratepayer may exercise such recourses.

Disqualification may also be declared by means of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (chapter E-2.2).

“614.9. The management board may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the board or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.

“614.10. Every year, the management board shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

“614.11. If the loan is used to pay a capital expenditure incurred for the benefit of only some of the municipalities in whose territory the

management board has jurisdiction, the board may decide that the loan is to be repaid by means of an aliquot share payable by the municipalities concerned.

In such a case, the management board shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the municipalities for whose benefit the expenditure is incurred.

“614.12. The aliquot share payable by the municipalities is determined using the mode of apportionment of capital expenditures contained in the agreement providing for the establishment of the management board. The aliquot share must provide for the repayment of the loan and the payment of a compensatory amount which may be determined by resolution and must be equal to the interest that would be payable if the board, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the board, at its request, of the interest rate in effect at the time of the request.

“614.13. The by-law is subject to the approval of all the municipalities for whose benefit the expenditure is incurred.

A municipality whose council has not made a decision with respect to the by-law at or before the second regular sitting following receipt of an authenticated copy of the by-law is deemed to have approved it.

“614.14. The Minister of Municipal Affairs and Regions may require that the by-law be submitted for approval to the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

To that end, the management board shall send an authenticated copy of the by-law to the Minister and give public notice of the adoption of the by-law to the municipal ratepayers concerned. The notice must be published in a newspaper in the territory of the municipalities and contain

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amount of the projected loan and the use to be made of the sums borrowed from the fund; and
- (3) the right of the ratepayers concerned to send the Minister of Municipal Affairs and Regions, within 30 days after the notice is published, a request that the by-law be submitted for approval to the qualified voters of each of the municipalities for whose benefit the expenditure is incurred.

“614.15. The Minister shall inform the management board if no request is received within the time prescribed in subparagraph 3 of the second paragraph of article 614.14.

If a request is received, the Minister may require that the by-law be approved by the qualified voters in the territory of each of the municipalities for whose benefit the expenditure is incurred.

The Minister shall inform the management board of the decision. If the Minister decides to require the approval of the qualified voters, the Minister shall also inform each of the municipalities for whose benefit the expenditure is incurred.”

c. C-27.1, a. 620, am.

47. Article 620 of the Code is amended

(1) by striking out “section 569,” in the fourth line of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“For the purposes of section 105.2 of the Cities and Towns Act, the reports must be sent not later than 15 April. They must also be sent to each municipality in whose territory the board has jurisdiction.”;

(3) by striking out the second paragraph.

c. C-27.1, aa. 960.0.1-960.0.7, added.

48. The Code is amended by inserting the following articles after article 960:

“960.0.1. If the council of a local municipality decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, it may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the municipality to acquire, repair, restore or build, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

“960.0.2. The tax imposed or compensation required must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of

Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

“960.0.3. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this article.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

“960.0.4. The by-law is subject to the approval of the qualified voters of the sector.

“960.0.5. If the council of a regional county municipality decides to use moneys from the general fund to pay a capital expenditure incurred for the benefit of only some of the local municipalities whose territory is situated in the territory of the regional county municipality, it may decide to reimburse the fund by means of an aliquot share payable by the local municipalities concerned.

In such a case, the council shall authorize the use of the moneys by a by-law that specifies the amount of the moneys used and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed the useful life of the property that the moneys enable the regional county municipality to acquire, repair, restore or build, and must require an aliquot share from the local municipalities for whose benefit the expenditure is incurred.

“960.0.6. The aliquot share payable by the municipalities must provide for the repayment of the moneys used and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the regional county municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on

the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the regional county municipality, at its request, of the interest rate in effect at the time of the request.

“960.0.7. For an affirmative decision to be made under article 960.0.5 or 960.0.6, in addition to the majority required under section 201 of the Act respecting land use planning and development (chapter A-19.1), a majority of the votes cast by the representatives of the local municipalities for whose benefit the expenditure is incurred must also be cast in the affirmative, and the total population awarded to those representatives who cast affirmative votes must be equal to more than half of the total population awarded to all the representatives of the local municipalities concerned.”

- c. C-27.1, a. 968, am. **49.** Article 968 of the Code is amended by replacing “The council, at a regular or special meeting,” in the fifth line of the first paragraph by “The council”.
- c. C-27.1, a. 975, am. **50.** Article 975 of the Code is amended by replacing “second, third or fourth paragraph of article 148” in the first and second lines of the first paragraph by “first, second or third paragraph of article 148.0.2”.
- c. C-27.1, a. 1036, am. **51.** Article 1036 of the Code is amended
- (1) by replacing “the two years next following” in the second and third lines of the second paragraph by “the year”;
 - (2) by replacing “the first two years he is in possession thereof” in the second line of the third paragraph by “the first year he is in possession of it”.
- c. C-27.1, a. 1043, am. **52.** Article 1043 of the Code is amended by replacing “within two years from” in the first line by “within one year after”.
- c. C-27.1, a. 1044, am. **53.** Article 1044 of the Code is amended
- (1) by replacing “two years’ time” in the third line of the first paragraph by “one year”;
 - (2) by replacing “delay” in the second line of the second paragraph by “time”.
- c. C-27.1, a. 1050, am. **54.** Article 1050 of the Code is amended by replacing “by two years from” in the second and third lines by “one year after”.
- c. C-27.1, a. 1057, am. **55.** Article 1057 of the Code is amended
- (1) by replacing “two years after” in the second line by “the year following”;
 - (2) by replacing “every fraction of a year being reckoned as a year” in the last line by “a fraction of the year being counted as a year”.

c. C-27.1, a. 1060, am. **56.** Article 1060 of the Code is amended by replacing “every fraction of a year being reckoned as a year” in the fifth line of the first paragraph by “a fraction of the year being counted as a year”.

c. C-27.1, a. 1063, am. **57.** Article 1063 of the Code is amended

(1) by inserting “adopted by the council of a local municipality and” after “by-law” in the first line of the second paragraph;

(2) by replacing “imposes, for repayment of the loan, a” in the first line of subparagraph 1 of the second paragraph by “prescribes, for repayment of the loan, the annual appropriation of a portion of the general revenues of the municipality or the imposition of a”.

c. C-27.1, a. 1094, am. **58.** Article 1094 of the Code is amended

(1) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribe” in the second line of the third paragraph of subarticle 1;

(2) by inserting “the annual appropriation of a portion of the general revenues of the municipality or” after “prescribing” in the sixth line of the third paragraph of subarticle 1;

(3) by replacing subarticles 2 and 2.1 by the following subarticle:

“(2) The municipality may borrow from the working-fund pending the collection of revenues, or in order to pay all or part of an expense resulting from the implementation of a departure incentive program for the officers and employees of the municipality or to pay a capital expenditure. The resolution authorizing the loan must specify the term of repayment, which may not exceed one year, five years or ten years, depending on the purpose of the loan.”;

(4) by replacing subarticle 4 by the following subarticle:

“(4) The interest on the working-fund and the compensatory sum provided for in article 1094.0.3 or 1094.0.7 are appropriated as ordinary revenue for the fiscal year in which the interest is earned and the sum collected.”;

(5) by replacing subparagraph *a* of the first paragraph of subarticle 5 by the following subparagraph:

“(a) the constitution of a working-fund or its capital endowment for an amount exceeding the percentage prescribed in subarticle 1.1;”.

c. C-27.1, aa. 1094.0.1-1094.0.8, added. **59.** The Code is amended by inserting the following articles after article 1094:

“1094.0.1. Subject to articles 1094.0.2 and 1094.0.6, every year, a municipality shall provide out of its general fund a sum sufficient to repay a loan from the working-fund.

“1094.0.2. If the loan from the working-fund of a local municipality is used to pay a capital expenditure incurred for the benefit of a specific sector of the territory of the municipality, the local municipality may decide to reimburse the fund by means of either a special tax imposed on all the taxable immovables situated in the sector or compensation payable by the owners or occupants of those immovables.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must impose a special tax on all the taxable immovables situated in the sector or require compensation from the owners or occupants of those immovables.

“1094.0.3. The tax imposed or compensation required must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the municipality, at its request, of the interest rate in effect at the time of the request.

“1094.0.4. If the by-law imposes a special tax that is not based on the value of the immovable, the by-law may provide that the ratepayer on whose immovable the tax is imposed may, on the conditions set out in the by-law, exempt the immovable from the tax by paying in one instalment the portion of the principal that, upon maturity of the loan, would have been provided by the tax imposed on that immovable. If the by-law requires compensation, it may provide that the owner or occupant from whom compensation is required may obtain an exemption in the same manner, with the necessary modifications.

The share payable is calculated, in the case of a property tax, according to the assessment roll in force at the time the ratepayer makes the payment, taking into account any taxes paid under the by-law before the payment. In the case of compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.

The amount of the moneys to be provided by the tax or compensation is reduced by the amount of any sum paid under this article.

The payment exempts the immovable from the special tax or the owner or occupant from the compensation for the remainder of the term of repayment specified in the by-law.

“**1094.0.5.** The by-law is subject to the approval of the qualified voters of the sector.

“**1094.0.6.** If a loan from the working-fund of a regional county municipality is used to pay a capital expenditure incurred for the benefit of only some of the local municipalities whose territory is situated in the territory of the regional county municipality, the regional county municipality may decide to reimburse the fund by means of an aliquot share payable by the local municipalities concerned.

In such a case, the council shall authorize the loan from the working-fund by a by-law that specifies the amount of the loan and contains a detailed description of the expenditure. The by-law must also specify the term of repayment, which is not to exceed 10 years, and must require an aliquot share from the local municipalities for whose benefit the expenditure is incurred.

“**1094.0.7.** The aliquot share payable by the municipalities must provide for the repayment of the loan and the payment of a compensatory amount that may be determined by resolution and must be equal to the interest that would be payable if the regional county municipality, at the date on which it authorizes the payment of the expenditure, contracted a loan on the capital market to finance that expenditure for an identical term. The Minister of Finance must inform the regional county municipality, at its request, of the interest rate in effect at the time of the request.

“**1094.0.8.** For an affirmative decision to be made under article 1094.0.6 or 1094.0.7, in addition to the majority required under section 201 of the Act respecting land use planning and development (chapter A-19.1), a majority of the votes cast by the representatives of the local municipalities for whose benefit the expenditure is incurred must be cast in the affirmative, and the total population awarded to those representatives who cast affirmative votes must be equal to more than half of the total population awarded to all the representatives of the local municipalities concerned.”

c. C-27.1, a. 1121, am.

60. Article 1121 of the Code is amended by replacing “two years” in the third line of the second paragraph by “one year”.

c. C-27.1, French text, words replaced.

61. The Code is amended by replacing “session” and “sessions” wherever they appear in the French text, except article 691, by “séance” and “séances”, respectively.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

c. C-37.01, s. 4, am.

62. Section 4 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by replacing “agglomeration” wherever it appears by “urban agglomeration”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE
QUÉBEC

- c. C-37.02, s. 4, am. **63.** Section 4 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing “agglomeration” wherever it appears by “urban agglomeration”.

MUNICIPAL POWERS ACT

- c. C-47.1, s. 41.1, added. **64.** The Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following section after section 41:

Amount owed. **“41.1.** Any amount owed to the designated person is considered a claim and a tax other than a property tax of the municipality where the work is requested under section 36.”

- c. C-47.1, s. 67, am. **65.** Section 67 of the Act is amended by striking out “regulatory” in the first line of paragraph 1.

- c. C-47.1, Title II, Chap. IX, Div. I.1, ss. 78.1-78.13, added. **66.** The Act is amended by inserting the following division after section 78:

“DIVISION I.1

“LOCAL FUND FOR THE REPAIR AND MAINTENANCE OF CERTAIN PUBLIC ROADS

“§ 1.— *Establishment and purpose of the fund*

- Establishment. **“78.1.** A local municipality whose territory includes the site of a quarry or sand pit must, subject to section 110.1, establish a fund for the repair and maintenance of certain public roads.

- Purpose. The sums paid into the fund, other than those reserved for the administrative costs of the scheme set up under this division, must be used for

(1) the repair and maintenance of all or part of the public roads on which substances on which duties are payable under section 78.2 are or could be transported from a site situated in the territory of the municipality;

(2) work to compensate for inconveniences related to the transportation of those substances.

“§ 2. — *Duties to be charged*

- Duties payable. **“78.2.** The fund is to be made up of duties payable by each operator of a site referred to in section 78.1, situated in the territory of the municipality, the operation of which is likely to entail the transportation on municipal public roads of the substances referred to in the second paragraph.

- How calculated. The duties payable by an operator are calculated on the basis of the quantity of substances, expressed in metric tons or cubic metres, whether or not they have been processed, that are transported from the operator's site and that are surface mineral substances defined in section 1 of the Mining Act (chapter M-13.1) or substances from the recycling of debris created by the demolition of buildings, bridges, highways or other structures.
- Exclusion. However, no duties are payable on peat or substances processed in an immovable that is part of a unit of assessment that includes the site and is listed under the heading "2-3—INDUSTRIES MANUFACTURIÈRES", but not the headings "3650 Industrie du béton préparé" and "3791 Industrie de la fabrication de béton bitumineux", provided in the manual referred to in the regulation made under paragraph 1 of section 263 of the Act respecting municipal taxation (chapter F-2.1). The exclusion also applies to an immovable that is part of a unit of assessment listed as described above if the unit is adjacent to the unit that includes the site.
- Indexation. **"78.3.** The duties payable per metric ton for a municipal fiscal year, referred to as the "fiscal year concerned", are obtained by indexing upward the amount applicable for the preceding fiscal year.
- Basis for calculation. The indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.
- Calculation. That rate is established by
- (1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and
 - (2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.
- Mixed number. If the indexation results in a mixed number, only the first two decimal places are considered, and if the third decimal is greater than 4, the second decimal is rounded up.
- No increase. If an increase is impossible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.
- Notice. Not later than 30 June before the beginning of the fiscal year concerned, the Minister of Municipal Affairs and Regions shall publish a notice in the *Gazette officielle du Québec*
- (1) giving the percentage used to establish any amount applicable for that fiscal year or stating that an increase is impossible for that fiscal year; and

(2) stating any amount applicable for that fiscal year.

Duties per cubic metre. “**78.4.** The duties payable per cubic metre for a municipal fiscal year are obtained by multiplying the amount payable per metric ton for that fiscal year, determined in accordance with section 78.3, by the conversion factor of 1.9, or 2.7 in the case of dimension stone.

Mixed number. If the product obtained is a mixed number, only the first two decimal places are considered and if the third decimal is greater than 4, the second decimal is rounded up.

Notice. The notice provided for in the sixth paragraph of section 78.3 must also state any amount applicable under this section.

“§ 3. — *Declarations by site operators*

Declarations. “**78.5.** The operator of a site referred to in section 78.1 and situated in the territory of the municipality must declare to the municipality, at the intervals and in the manner prescribed by municipal by-law,

(1) whether the substances on which duties are payable under section 78.2 are likely to be transported on municipal public roads from the operator’s site during the period covered by the declaration;

(2) the quantity of any such substances, expressed in metric tons or cubic metres, transported from the operator’s site during the period covered by the declaration.

Exemption. If the declaration referred to in subparagraph 1 of the first paragraph establishes that, during the period it covers, none of those substances is likely to be transported on municipal public roads from the operator’s site, the declaration must be made under oath and include reasons. The person making the declaration is then exempted from any duties for the period covered by the declaration.

“§ 4. — *Collection of duties and procedure*

Accuracy of declarations. “**78.6.** The municipality may, by by-law, establish a mechanism to assess the accuracy of any declaration made under section 78.5 and prescribe rules applicable to the administration of the scheme set up under this division.

When duties due. “**78.7.** Subject to the third paragraph, duties payable by an operator are due from the thirtieth day after an account is sent by the municipal officer in charge of collecting the duty. Interest accrues from that day at the rate then in force for interest on arrears of municipal taxes.

Account. The account must inform the debtor of the rules set out in the first paragraph.

Exceptions.

However, the duties payable by an operator on substances transported from the operator's site during a municipal fiscal year are not due before

(1) 1 August of that fiscal year for substances transported from 1 January to 31 May of that fiscal year;

(2) 1 December of that fiscal year for substances transported from 1 June to 30 September of that fiscal year;

(3) 1 March of the following fiscal year for substances transported from 1 October to 31 December of the fiscal year for which the duties are payable.

Prior claim.

“78.8. The duties payable constitute a prior claim on the movable property of the debtor, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec, and are secured by a legal hypothec on the movable property.

Prescription.

“78.9. A claim resulting from the duties is prescribed three years after the municipality receives a declaration made under subparagraph 2 of the first paragraph of section 78.5, except any unpaid amount on that claim resulting from a fraudulent declaration or a declaration equivalent to fraud.

Declaration amended.

“78.10. If the municipal officer in charge of collecting the duty is of the opinion, based on information obtained by means of a mechanism established under section 78.6, that an operator has been exempted on false grounds from the duties payable in respect of a site, following a declaration made under section 78.5, or that the quantity of substances transported from the site is different from that mentioned in a declaration made under subparagraph 2 of the first paragraph of that section, the officer must mention in the account any change that the officer deems it necessary to make to the information contained in the declaration.

Duties adjusted.

The duties are payable on the basis of the amended information contained in the account, subject to any judgment resulting from an action instituted under section 78.11 that has become *res judicata*.

Recovery.

“78.11. Sections 505 to 510 of the Cities and Towns Act (chapter C-19) or articles 1013 to 1020 of the Municipal Code of Québec (chapter C-27.1) apply with the necessary modifications to the recovery of the duties due. Movable property may be seized and sold 30 days after the date the duties become due, while proceedings for recovery may be instituted from the day on which the duties become due.

Confidential information.

“78.12. All information obtained under section 78.5 is confidential except information that is already public according to law. No person may communicate such information or allow it to be communicated to a person not legally entitled to it or allow such a person to examine a document containing such information or to have access to it.

Communication. However, on the written authorization of the interested person or the interested person's authorized representative, such information may be communicated to a person designated in the authorization.

Applicability. This section applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Fine. Whoever contravenes this section is liable to a fine of \$500 to \$2,500.

“§ 5. — *Agreements*

Allocation among municipalities. “**78.13.** A municipality that has jurisdiction over public roads and by whose public roads substances on which duties are payable under section 78.2 are or could be transported from a site situated in the territory of another municipality may request that municipality to enter into an agreement with respect to the allocation of the sums paid into the fund established in accordance with this division.

Dispute. If the municipality that established the fund refuses to enter into an agreement, the municipality making the request may submit the dispute to the Commission municipale du Québec, whose decision is final, provided its territory meets at least one of the following conditions:

(1) it is contiguous to the territory of the municipality that established the fund;

(2) it is contiguous to the territory of the regional county municipality that includes the territory of the municipality that established the fund; and

(3) if the municipality making the request is a local municipality, it is included in the territory of a regional county municipality that meets one of the conditions set out in subparagraphs 1 and 2 or is included in the territory of the regional county municipality that includes the territory of the municipality that established the fund.

Decision. The decision of the Commission must take into account, among other things, the extent to which the public roads of each municipality are used for the transportation of the substances and, if applicable, determine criteria for the allocation of the sums paid into the fund. The decision of the Commission applies to the sums collected from the date on which the dispute is submitted to it.”

c. C-47.1, s. 92.1, am. **67.** Section 92.1 of the Act is amended by striking out the first sentence of the fifth paragraph.

c. C-47.1, s. 92.7, repealed. **68.** Section 92.7 of the Act is repealed.

c. C-47.1, s. 110, am. **69.** Section 110 of the Act is amended by replacing “and 108” in the second paragraph by “to 109”.

c. C-47.1, Title III,
Chap. III, Div. I.1,
ss. 110.1-110.3, added.

70. The Act is amended by inserting the following division after section 110:

“DIVISION I.1

**“REGIONAL FUND FOR THE REPAIR AND MAINTENANCE OF
CERTAIN PUBLIC ROADS**

Establishment.

“110.1. A regional county municipality may establish a regional fund for the repair and maintenance of certain public roads. Once established, it stands in lieu of any local fund established under section 78.1 in the territory of the regional county municipality; sections 78.1 to 78.13 apply, with the necessary modifications, to the regional fund.

Collection.

From the establishment of the regional fund, only the regional county municipality may collect the duties provided for in section 78.2 in its territory.

Local fund.

The sums paid into a local fund before the regional fund is established remain the property of the local municipality that established the local fund and must be used in accordance with the purpose of the fund.

By-law.

“110.2. A regional county municipality that establishes a regional fund must do so by means of a by-law an authenticated copy of which must be sent to each local municipality in its territory not later than 1 October before the fiscal year for which the fund is established.

Use of fund.

The by-law must determine the terms for the use of the fund, which may require, among other things, that all or part of the sums be used by the regional county municipality, if it has jurisdiction over public roads, or by the local municipalities in its territory according to the allocation criteria set out in the by-law.

Delegation.

The regional county municipality may, in the by-law, delegate all or part of the administration of the scheme set up under this division to a local municipality in its territory; the delegation is only valid if the local municipality consents to it.

Review of allocation
criteria.

“110.3. A local municipality whose territory forms part of that of the regional county municipality may request the Commission municipale du Québec to review the allocation criteria set out in the by-law.

Decision.

The decision of the Commission is final.”

**ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN
THE AREA OF MONTRÉAL**

c. C-60.1, s. 10, am.

71. Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended

(1) by replacing “adapted as required, apply to the board.” at the end of the first paragraph by “apply to the board with the necessary modifications. More specifically,

“(1) for the purposes of section 105.2 of the Cities and Towns Act, the reports must be sent not later than 15 April and they must also be sent to each municipality that is a party to the agreement constituting the board;

“(2) for the purposes of section 468.34 of the Act, the budget must be sent not later than 1 November and it must also be sent to the Agence métropolitaine de transport; and

“(3) for the purposes of section 468.36 of the Act, the supplementary budget must also be sent to the Agence métropolitaine de transport.”;

(2) by striking out the second paragraph.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

c. E-2.2, s. 66, am. **72.** Section 66 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended

(1) by inserting “468.45.8,” after “sections” in the second line of the second paragraph;

(2) by inserting “614.8,” after “articles” in the third line of the second paragraph.

c. E-2.2, s. 408, am. **73.** Section 408 of the Act is amended by replacing “it has already been filed with the authorization” in the second and third lines of subparagraph 2 of the second paragraph by “they have already been filed with the application”.

c. E-2.2, ss. 580.1-580.4, added. **74.** The Act is amended by inserting the following sections after section 580:

Indexation. **“580.1.** An amount established in the regulation made under section 580 is indexed in accordance with sections 580.2 to 580.4.

Amount. **“580.2.** Subject to section 580.3, the amount applicable for a given fiscal year, referred to as “the fiscal year concerned”, is the result obtained by indexing upward the amount applicable for the preceding fiscal year.

Basis for calculation. Indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

Calculation. That rate is established by

(1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

Mixed number. If indexation results in a mixed number,

(1) for an amount under \$1, only the first three decimal places are considered;

(2) for any other amount, only the integer is used and the number is rounded up if the first decimal is greater than 4.

Increase not possible. **“580.3.** If an increase is not possible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

Notice. **“580.4.** Before the beginning of the fiscal year concerned, the Minister of Municipal Affairs and Regions shall publish a notice in the *Gazette officielle du Québec*

(1) either stating the rate of increase used to establish any amount applicable for that fiscal year or stating that an increase is not possible for that fiscal year; and

(2) stating the amount applicable for that fiscal year.”

c. E-2.2, s. 582.1, added. **75.** The Act is amended by inserting the following section after section 582:

Voting by mail. **“582.1.** The Minister may, by regulation, determine the manner in which a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may exercise the right to vote by mail.

Prior consultation. The chief electoral officer must be consulted on the draft regulation before it is published in accordance with section 8 of the Regulations Act (chapter R-18.1).”

c. E-2.2, s. 659.4, added. **76.** The Act is amended by inserting the following section after section 659.3:

Voting by mail. **“659.4.** If a regulation made under section 582.1 is in force, a municipality may provide that a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may, on request, exercise the right to vote by mail in accordance with the regulation.

- Resolution. The resolution of the municipality must be passed not later than 1 July of the calendar year in which a general election is to be held or, in the case of a by-election, not later than the fifteenth day after the day on which the council is informed of the polling date. In the case of a referendum poll, the resolution must be made during the sitting of the council during which the polling date is to be set. The same rules apply to a resolution passed to annul a previous resolution.
- Copies. The clerk or secretary-treasurer shall send an authenticated copy of a resolution referred to in the second paragraph to the Minister of Municipal Affairs and Regions and to the chief electoral officer as soon as possible after the resolution is passed.
- Validity. Until the resolution of the municipality is rescinded, it is valid for the purposes of any subsequent poll.
- Applicability. Voting by mail applies for the purposes of a poll to elect a warden in the territory of the municipality if the territory is comprised in that of the regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).
- Applicability. Section 659.2 does not apply to voting by mail.”

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS
IN CERTAIN URBAN AGGLOMERATIONS

- c. E-20.001, s. 118.2,
am. **77.** Section 118.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 19 of chapter 10 of the statutes of 2007, is amended by adding the following paragraph after the second paragraph:
- Applicability. “This section applies subject to Division III.6 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).”
- c. E-20.001, s. 118.27,
am. **78.** Section 118.27 of the Act, enacted by section 9 of chapter 33 of the statutes of 2007, is amended by adding the following paragraph after the second paragraph:
- Applicability. “This section applies subject to Division III.6 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).”

ACT RESPECTING MUNICIPAL TAXATION

- c. F-2.1, s. 57.1.1, am. **79.** Section 57.1.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended
- (1) by replacing “categories” in the third line of the first paragraph by “classes”;

(2) by replacing “category” in the fifth line of the first paragraph by “class”.

c. F-2.1, s. 244.8, am. **80.** Section 244.8 of the Act is amended by striking out the third and fourth paragraphs.

c. F-2.1, s. 244.59, am. **81.** Section 244.59 of the Act is amended by striking out “from” in the third line of the second paragraph.

c. F-2.1, Chap. XVIII, Div. III.6, ss. 244.68-244.74, added. **82.** The Act is amended by inserting the following after section 244.67:

“DIVISION III.6

“TAX TO FINANCE 9-1-1 EMERGENCY CENTRES

By-law. **“244.68.** For the purpose of financing 9-1-1 emergency centres, a local municipality must, before the expiry of the time limit determined by the Government, put into force a by-law to impose a tax on a telephone service, payable by the client of that service.

Content. The by-law must specify, in accordance with the regulation made by the Government under paragraph 13 of section 262,

(1) the definition of “telephone service” and “client” for the purposes of the by-law;

(2) the amount of the tax for each telephone service, or the rules allowing the amount to be established;

(3) the date from which the tax is to be imposed.

Passage. **“244.69.** A notice of motion is not required to pass the by-law.

Minister’s approval. The by-law is subject to approval by the Minister and, to that end, an authenticated copy must be sent to the Minister as soon as possible after the by-law is passed.

Amending resolution. If, before giving approval, the Minister requires that the by-law be amended, it may be amended by resolution.

Copy. The municipality shall send the Minister a copy of the notice of publication as soon as possible after the by-law comes into force.

Putting into force. If the municipality does not comply with the obligation to put the by-law into force before the expiry of the time limit determined by the Government, the Minister may do so in its place. The putting into force of the by-law by the Minister has the same effect as if the municipality had acted. However, nothing prevents the municipality from acting after the expiry of the time limit determined by the Government and before the Minister acts in its place.

Amendments.	<p>“244.70. If the Government amends the regulation made under paragraph 13 of section 262 after the by-law comes into force, the local municipality must put into force the amendments required to bring the by-law into conformity with the government regulation before the expiry of the time limit determined by the Government.</p>
Applicability.	<p>Section 244.69 applies, with the necessary modifications, to the amending by-law.</p>
Collection of tax.	<p>“244.71. As a mandatary of the municipality, a telephone service provider to which the by-law applies is bound to collect the tax and, after subtracting the sum it keeps for administrative costs, remit the proceeds to the Minister of Revenue, all on the terms and conditions prescribed in a regulation made under paragraph 14 of section 262.</p>
Remittal of proceeds.	<p>“244.72. The Minister of Revenue, after subtracting the sum the Minister of Revenue keeps for administrative costs, shall remit the proceeds of the tax to the body designated by the Minister of Municipal Affairs and Regions under section 244.73, all on the terms and conditions prescribed in a regulation made under paragraph 15 of section 262.</p>
Designated body.	<p>“244.73. The Minister shall designate a body to be responsible for receiving the proceeds of the tax and managing them in accordance with section 244.74.</p>
Conditions.	<p>The body must</p> <ol style="list-style-type: none">(1) be a non-profit body constituted under Part III of the Companies Act (chapter C-38);(2) be managed by a board of directors that makes decisions relating to the management of the proceeds of the tax by unanimous vote and is composed of an equal number of representatives from the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM) and Ville de Montréal.
Observer.	<p>The body must also allow a representative designated by the Minister to attend meetings of the board of directors at any time as an observer.</p>
Deposit in dedicated account.	<p>“244.74. The body must deposit the proceeds of the tax it receives in an account opened for that purpose at a financial institution.</p>
Apportionment.	<p>Subject to the third paragraph, the body must, under the rules it sets, apportion the sums contained in the account among the local municipalities for the purpose of financing 9-1-1 emergency centres.</p>

- Costs and expenses. The body must pay, out of those sums, the costs related to the verification provided for in section 52.8 of the Civil Protection Act (chapter S-2.3). It may also use up to 3% of those sums annually to pay its administrative costs and other miscellaneous expenses related to the services rendered by the 9-1-1 emergency centres.
- Activity report. Within three months after the end of each fiscal year, the body must submit to the Minister, in the manner determined by the Minister, an activity report that sets out how the sums were apportioned among the municipalities.”
- c. F-2.1, s. 250.1, am. **83.** Section 250.1 of the Act is amended by replacing the second paragraph by the following paragraph:
- Tardiness. “The penalty shall not exceed 0.5% of the outstanding principal for every whole month of tardiness, up to 5% per year. For the purposes of this paragraph, tardiness begins on the day on which the tax becomes payable or on which the order is made, whichever occurs later.”
- c. F-2.1, s. 252.1, am. **84.** Section 252.1 of the Act is amended
- (1) by replacing “from whom payment of” in the second line by “required to pay”;
- (2) by striking out the second “of” in the third line.
- c. F-2.1, s. 261, replaced. **85.** Section 261 of the Act is replaced by the following section:
- Equalization scheme. “**261.** The Government must, by regulation, establish an equalization scheme, the object of which is the payment of a sum to a local municipality where the standardized property value per inhabitant, the average value of the dwellings or any other measure of value is, in all or some respects, lower than the median of those values for the local municipalities subject to this Act.
- Regulation. The regulation sets, among other things, the eligibility rules for the scheme, the rules for determining the sum to which a municipality is entitled, which may vary from one municipality or category of municipality mentioned or defined in the regulation to another, and the rules governing how the sums are to be paid.”
- c. F-2.1, s. 262, am. **86.** Section 262 of the Act is amended
- (1) by replacing paragraph 7 by the following paragraph:
- “(7) establish the equalization scheme provided for in section 261 and set the rules provided for in the second paragraph of that section;”;
- (2) by adding the following after paragraph 12:

“(13) define, for the purposes of section 244.68, “telephone service” and “client”, determine, for each telephone service, the amount of the tax referred to in that section or the rules to establish the tax, determine the date from which the tax is imposed and determine the date from which any amendment to the by-law is to take effect;

“(14) determine the terms and conditions for the collection and the remittance provided for in section 244.71, in particular the sum the telephone service provider keeps for administrative costs;

“(15) determine the terms and conditions for the remittance provided for in section 244.72, in particular the sum the Minister of Revenue keeps for administrative costs.

Joint recommendation. The making of a regulation under paragraph 14 or 15 must be recommended jointly by the Minister of Municipal Affairs and Regions and the Minister of Revenue.

Prior consultation. A regulation concerning a matter referred to in paragraph 13 or determining the sum the telephone service provider keeps for administrative costs may only be adopted by the Government after consultation by the Minister of Municipal Affairs and Regions with the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM), Ville de Montréal and various persons or bodies the Minister considers representative of telephone service providers and 9-1-1 emergency centre operators.”

ACT RESPECTING CERTAIN PUBLIC UTILITY INSTALLATIONS

c. I-13, s. 3, am. **87.** Section 3 of the Act respecting certain public utility installations (R.S.Q., chapter I-13) is amended by replacing “Régie” in the first line and in the last line by “Commission municipale du Québec”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

c. J-3, Sched. IV, am. **88.** Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by inserting the following paragraph after paragraph 20.2:

“(20.3) section 52.13 of the Civil Protection Act (chapter S-2.3);”.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

c. O-9, s. 210.29.2, am. **89.** Section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting “, among other things,” after “is” in the first line of the third paragraph.

c. O-9, Sched. I, s. 30.1, added. **90.** Schedule I to the Act is amended by inserting the following section after section 30:

“30.1. Section 659.4 is replaced by the following section:

“659.4. If a regulation made under section 582.1 is in force, the regional county municipality may provide that a person entered as an elector, in a capacity other than that of a domiciled person, on the list of electors for the unorganized territory may, on request, exercise the right to vote by mail in accordance with the regulation.

The resolution of the regional county municipality must be passed not later than 1 July of the calendar year in which a general election is to be held or, in the case of a by-election, not later than the fifteenth day after the day on which the council is informed of the polling date. The same rules apply to a resolution passed to annul a previous resolution.

The secretary-treasurer shall send an authenticated copy of any resolution referred to in the second paragraph to the Minister of Municipal Affairs and Regions and to the chief electoral officer as soon as possible after the resolution is passed.

Until the resolution of the regional county municipality is rescinded, it is valid for the purposes of any subsequent poll.””

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

c. R-9.3, s. 41,
replaced.

91. Section 41 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is replaced by the following section:

Death.

“41. A pension is payable to a pensioner until the first day of the month following the pensioner’s death or, in the case of a person who ceased to participate in the plan while entitled to a pension, from the date on which the person would have been entitled to receive a pension without actuarial reduction until the first day of the month following the person’s death.”

c. R-9.3, Chap. V,
Div. IV, s. 54.2, added.

92. The Act is amended by inserting the following division after section 54.1:

“DIVISION IV

“WAIVER

Spouse’s waiver.

“54.2. The spouse may waive the spousal benefits granted under this plan before the date of the death of the person who participates in the plan, of the person who ceased to participate in the plan or of the pensioner. The spouse may also revoke the waiver before that date.

Scope.

The spouse’s waiver does not entail a waiver of the rights arising from sections 78 and 79.

- Validity. To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by government regulation.
- Cancellation. The spouse's waiver is cancelled if, on the date of the pensioner's death, no refund of the contributions is payable under this plan to the pensioner's successors. The computation is calculated at the date of death and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse's waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the plan.
- Right to death benefits. Despite the spouse's waiver, the plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec."
- c. R-9.3, Chap VI.0.1, heading, am. **93.** The heading of Chapter VI.0.1 of the Act is amended by striking out "PRIOR TO 2002".
- c. R-9.3, s. 63.0.1, am. **94.** Section 63.0.1 of the Act is amended by striking out "and prior to 1 January 2002" in the third line of the third paragraph.
- c. R-9.3, s. 63.0.5, am. **95.** Section 63.0.5 of the Act is amended by striking out "and prior to 1 January 2002" in the third line of the first paragraph.
- c. R-9.3, s. 64, am. **96.** Section 64 of the Act is amended by replacing "reporting to the Minister" in the second line of the second paragraph by "reporting to it and to the Minister".
- c. R-9.3, s. 69, repealed. **97.** Section 69 of the Act is repealed.
- c. R-9.3, s. 70.1, am. **98.** Section 70.1 of the Act, amended by section 81 of chapter 49 of the statutes of 2006, is again amended by replacing "Despite the fourth paragraph of section 11 of the Act respecting the Commission administrative des régimes de retraite et d'assurances (2006, chapter 49), the Committee is composed of the president and chief executive officer of the Commission" in the second paragraph by "The committee is composed of a chair".
- c. R-9.3, s. 70.2, am. **99.** Section 70.2 of the Act, amended by section 82 of chapter 49 of the statutes of 2006, is again amended
- (1) by adding "for examination" after "receiving" in paragraph 1;
 - (2) by replacing paragraph 2 by the following paragraphs:

“(2) approving the financial statements of the plan within 30 days after receiving the recommendation of the audit committee of the Commission's board of directors;

“(2.1) receiving for examination the Commission’s plan of action for the plan, and reporting on it to the Commission;”;

(3) by striking out paragraph 6;

(4) by adding the following paragraph at the end:

Financial statements.

“For the purposes of subparagraph 2 of the first paragraph, the financial statements of the plan must be signed by two members of the pension committee, one of whom represents the participants and beneficiaries and the other, the Government. If the financial statements are not approved by the committee within the time prescribed in that subparagraph, the Commission’s board of directors must approve them.”

c. R-9.3, s. 70.2.1, added.

100. The Act is amended by inserting the following section after section 70.2:

Studies on administration of plan.

“70.2.1. The committee may request that the Commission carry out studies on the administration of the plan as long as the administrative expenses related to the plan are not affected.

Additional services.

The committee may also request that the Commission provide additional services to participants and beneficiaries under the plan.”

c. R-9.3, s. 70.4, am.

101. Section 70.4 of the Act, amended by section 83 of chapter 49 of the statutes of 2006, is again amended

(1) by inserting “, other than the chair,” after “committee” in the first paragraph;

(2) by striking out “, except the president and chief executive officer and any vice-president of the Commission,” in the first and second lines of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “The Government shall determine the remuneration of the chair.”

c. R-9.3, s. 70.6, replaced.

102. Section 70.6 of the Act, replaced by section 84 of chapter 49 of the statutes of 2006, is again replaced by the following sections:

Chair.

“70.6. The chair of the committee is appointed by the Government, for a term not exceeding three years, after consultation with the committee members. The chair must be independent. Sections 12 to 18 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) apply to the chair of the committee, with the necessary modifications.

Chair absent or unable to act.

“70.6.1. If the chair of the committee is absent or unable to act, the chair of the pension committee established under section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) shall replace the chair of the committee temporarily. If the chair of that pension committee is also absent or unable to act, the chair of the pension committee established under section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) shall replace the chair of the committee.

Voting rights.

“70.6.2. Each member of the committee is entitled to one vote. The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning

(1) additional services requested by the committee under the second paragraph of section 70.2.1;

(2) a mandate to be given to a consultant hired to advise the committee;

(3) the approval of the financial statements of the plan; or

(4) any matter entailing an increase in the cost of the plan or a budget overrun for the Commission.”

c. R-9.3, s. 70.10, replaced.

103. Section 70.10 of the Act, amended by section 85 of chapter 49 of the statutes of 2006, is replaced by the following section:

Disqualification.

“70.10. The president and chief executive officer, the vice-presidents and the employees of the Commission may not be members of the committee.”

c. R-9.3, s. 70.10.1, added.

104. The Act is amended by inserting the following section after section 70.10:

Immunity.

“70.10.1. No proceedings may be brought against the committee or its members for an act or omission in good faith in the exercise of their functions.”

c. R-9.3, s. 72, am.

105. Section 72 of the Act is amended by striking out “the Government who are designated by” in the first and second lines of the second paragraph.

c. R-9.3, s. 75, am.

106. Section 75 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) determine, for the purposes of section 54.2, the information that the notice of waiver or revocation must contain;”.

c. R-9.3, s. 81, replaced.

107. Section 81 of the Act is replaced by the following section:

Administrative costs.

“**81.** The sums required to pay the administrative costs related to this plan are taken out of the plan’s fund at the Caisse de dépôt et placement du Québec.”

CIVIL PROTECTION ACT

c. S-2.3, Chap. IV,
Div. II.1, ss. 52.1-
52.20, added.

108. The Civil Protection Act (R.S.Q., chapter S-2.3) is amended by inserting the following after section 52:

“DIVISION II.1

“9-1-1 EMERGENCY CENTRES

“§1. — *Obligations of the municipalities*

Mandatory services.

“**52.1.** In order to respond to emergency calls in its territory, every local municipality must ensure the provision of services by a 9-1-1 emergency centre that has obtained a certificate of compliance in accordance with this division.

9-1-1 emergency
centre.

A 9-1-1 emergency centre receives calls requiring one or more emergency interventions, determines the nature of each emergency and transmits the call and the caller’s contact information to the appropriate secondary emergency call centre.

Secondary emergency
call centre.

A secondary emergency call centre is the dispatch centre for a fire safety service or a police force, or a health communication centre within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2).

Possible measures.

“**52.2.** To ensure emergency call response in its territory, a local municipality may take one or more of the following measures:

(1) set up its own 9-1-1 emergency centre;

(2) enter into an agreement with another local municipality to use the services of the latter’s 9-1-1 emergency centre; and

(3) contract with a private enterprise or a non-profit body that operates a 9-1-1 emergency centre.

Contact information to
Minister.

The local municipality must inform the Minister of the contact information of the 9-1-1 emergency centre that responds to emergency calls in its territory.

Required geographical
data.

“**52.3.** To ensure the effective operation of their 9-1-1 emergency centres, local municipalities must draw up and keep up to date a directory of geographical data, municipal addresses and street names in their territory and send it to the Minister or to the government service designated by the Minister. The Minister or the government service must make the information

accessible to the 9-1-1 emergency centres and secondary emergency call centres.

“§2. — *Standards, specifications, quality criteria and guidelines*

9-1-1 emergency centres.

“**52.4.** The Government shall determine, by regulation, the standards, specifications and quality criteria 9-1-1 emergency centres must comply with to obtain a certificate of compliance.

Secondary centres.

The regulation may also prescribe standards, specifications and quality criteria applicable to secondary emergency call centres other than health communication centres.

Minister’s guidelines.

“**52.5.** The Minister may issue guidelines for local municipalities, 9-1-1 emergency centres and secondary emergency call centres other than health communication centres concerning any matter related to this division. The guidelines are binding on the entities for which they have been issued.

“§3. — *Certificate of compliance for 9-1-1 emergency centres*

Certificate application.

“**52.6.** To obtain a certificate of compliance, an operator of a 9-1-1 emergency centre must apply in writing to the Minister; the application must include the information and the documents required by the Minister.

Conditions.

“**52.7.** To obtain a certificate of compliance, a 9-1-1 emergency centre must meet the following conditions:

(1) it must comply with the standards, specifications and quality criteria and any guidelines applicable to it; or,

(2) if it is operated by a private enterprise or a non-profit body,

(a) it must be solvent;

(b) it must have at least one establishment in Québec;

(c) the owner of the enterprise or non-profit body, every partner or shareholder having a major interest in it and every director must be of good moral character and never have been convicted anywhere of an offence for an act or omission that is an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence referred to in section 183 of that Code under one of the Acts listed in that section and related to the operation of a 9-1-1 emergency centre, unless the person has obtained a pardon.

Major interest.

A partner holding at least 10% of the shares or a shareholder directly or indirectly holding at least 10% of the voting shares is considered to have a major interest in the enterprise.

Compliance verified.	“52.8. The Minister may designate and mandate a body to verify whether a 9-1-1 emergency centre is complying with the standards, specifications and quality criteria and any guidelines applicable to it.
Verification costs.	“52.9. The verification costs are assumed by the body designated by the Minister of Municipal Affairs and Regions under section 244.73 of the Act respecting municipal taxation (chapter F-2.1).
Issue of certificate.	“52.10. The Minister shall issue a certificate of compliance, valid for two years, to a 9-1-1 emergency centre if the conditions prescribed by this division are met.
Renewal.	“52.11. The Minister shall renew the certificate of compliance of a 9-1-1 emergency centre for the same period if the operator applies for a renewal and the conditions prescribed by this division are met.
Application for renewal.	To ensure that the certificate of compliance is renewed on its expiry, the operator must apply for renewal at least 90 days before the date of expiry.
Suspension or cancellation.	“52.12. The Minister may suspend or cancel a 9-1-1 emergency centre’s certificate of compliance if it no longer meets the conditions prescribed by this division.
Necessary corrective measures.	Before suspending, cancelling or refusing to renew a certificate of compliance, the Minister may order the operator of a certified 9-1-1 emergency centre to take the necessary corrective measures within a specified period of time.
Failure to comply.	If the operator fails to comply with the order, the Minister may then suspend, cancel or refuse to renew the operator’s certificate of compliance.
Prior notice.	“52.13. Before refusing to issue a certificate of compliance or suspending, cancelling or refusing to renew it, the Minister must notify the operator of the 9-1-1 emergency centre of the fact in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the operator at least 10 days to submit observations. The Minister must send a copy of the notice to the local municipalities served by the 9-1-1 emergency centre.
Decision.	The Minister must notify the operator of the 9-1-1 emergency centre in writing of the decision and the reasons for it within 30 days after the decision is made.
Right to contest.	The decision may be contested before the Administrative Tribunal of Québec within 30 days of notification.
Effective date	The decision to suspend, cancel or refuse to renew the certificate of compliance takes effect 60 days after the date of notification. The Minister must send a copy of the decision to the municipalities served by the 9-1-1

emergency centre concerned, specifying the date on which the decision takes effect.

Cessation of operations.

“**52.14.** The operator of a certified 9-1-1 emergency centre planning to cease operations must notify the Minister and the municipalities it serves in writing at least 60 days before the date on which it plans to cease operations. The centre’s certificate of compliance is cancelled on the date specified in the notice or, if circumstances warrant, on any other date specified by the Minister.

“§4. — *Inspection*

Compliance inspector.

“**52.15.** The Minister may authorize a person to act as an inspector to ensure that a certified 9-1-1 emergency centre meets the conditions prescribed by this division or that a secondary emergency call centre other than a health communication centre complies with the standards, specifications and quality criteria established under the second paragraph of section 52.4 and any guidelines established under section 52.5.

Identification.

“**52.16.** Inspectors must, on request, identify themselves and produce a document attesting their capacity.

Powers.

In the exercise of their duties, inspectors may

(1) enter, at any time, a certified 9-1-1 emergency centre or a secondary emergency call centre to which the standards, specifications and quality criteria established under the second paragraph of section 52.4 or any guidelines established under section 52.5 apply;

(2) demand any information relating to the activities of the centre and the production of any related document;

(3) take the measures necessary to verify whether a certified 9-1-1 emergency centre meets the conditions prescribed by this division or whether a secondary emergency call centre complies with the standards, specifications and quality criteria established under the second paragraph of section 52.4 and any guidelines established under section 52.5.

Immunity.

“**52.17.** Inspectors cannot be prosecuted for acts performed in good faith in the exercise of their duties.

Failure to comply.

“**52.18.** If a secondary emergency call centre fails to comply with the standards, specifications, quality criteria or guidelines issued by the Minister, the Minister may order the centre to take the necessary corrective measures within a specified period of time.

“§5. — *Miscellaneous*

- Non-liability. **52.19.** Certified 9-1-1 emergency centres and the persons at their service are not liable for any injury that may result from their interventions, unless the injury is due to an intentional or gross fault.
- Non-liability. The same applies to secondary emergency call centres other than health communication centres.
- Activity report. **52.20.** Each certified 9-1-1 emergency centre must send the Minister a report on its activities not later than 31 March each year.
- Content. The report must also contain any information the Minister may require.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

- c. S-30.01, s. 139, am. **109.** Section 139 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by replacing “30” in the second line of the first paragraph by “15”.
- c. S-30.01, s. 154, am. **110.** Section 154 of the Act is amended by striking out “together” in the fourth line of the first paragraph.

TRANSPORT ACT

- c. T-12, s. 48.19, am. **111.** Section 48.19 of the Transport Act (R.S.Q., chapter T-12), enacted by section 237 of chapter 6 of the statutes of 2005, is amended by inserting the following paragraph after the first paragraph:
- Contract. “The contract may be made without calling for tenders.”
- c. T-12, s. 48.30, am. **112.** Section 48.30 of the Act, enacted by section 237 of chapter 6 of the statutes of 2005, is amended by inserting “and without calling for tenders” after “resolution” in the second line.
- c. T-12, s. 48.39, am. **113.** Section 48.39 of the Act, enacted by section 237 of chapter 6 of the statutes of 2005, is amended by adding the following paragraph after the second paragraph:
- Contract. “A contract referred to in the first or the second paragraph may be made without calling for tenders.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

- c. V-6.1, s. 18.1, am. **114.** Section 18.1 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing “an individual” in the last line by “a”.

- c. V-6.1, s. 173, am. **115.** Section 173 of the Act is amended
- (1) by replacing “delays” in the sixth line of the second paragraph by “time”;
 - (2) by replacing “delay” in the seventh line of the second paragraph by “time”.
- c. V-6.1, s. 204, am. **116.** Section 204 of the Act is amended by replacing “delay” in subsection 2 by “period”.
- c. V-6.1, s. 358, am. **117.** Section 358 of the Act is amended by replacing “delay” in subsection 2 by “period”.
- c. V-6.1, s. 361.1, am. **118.** Section 361.1 of the Act is amended by replacing “an individual” in the last line by “a”.
- c. V-6.1, s. 374, am. **119.** Section 374 of the Act is amended
- (1) by inserting “, before a regional councillor” after “regional police force” in the third line of the second paragraph;
 - (2) by inserting “, before a regional councillor” after “regional police force” in the second line of the third paragraph.

OTHER AMENDING PROVISIONS

- O.C. 841-2001, s. 71, am. **120.** Section 71 of Order in Council 841-2001 dated 27 June 2001 concerning Ville de Saguenay is amended by striking out the second sentence of the second paragraph.
- O.C. 850-2001, s. 66, am. **121.** Section 66 of Order in Council 850-2001 dated 4 July 2001 concerning Ville de Sherbrooke is amended by striking out the second sentence of the second paragraph.
- O.C. 1214-2005, s. 38, am. **122.** Section 38 of Order in Council 1214-2005 dated 7 December 2005 concerning the urban agglomeration of Longueuil, amended by section 68 of Order in Council 1003-2006 dated 2 November 2006 and by section 33 of chapter 33 of the statutes of 2007, is again amended
- (1) by replacing “and” in the fourth line of the first paragraph by a comma;
 - (2) by inserting “and by Resolution 080318-57 passed by the council of Ville de Boucherville on 18 March 2008” after “Regions” in the fifth line of the first paragraph.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

- Effect. **123.** Sections 16, 35 and 37 have effect for the purposes of every calendar year from the calendar year 2009.

Provisions applicable.	124. Articles 1036, 1043, 1044, 1050, 1057, 1060 and 1121 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as they read on 11 June 2008, continue to apply with respect to any sale of immovables on or before that date.
Effect.	125. Sections 78.1, 78.2, 78.5 to 78.13 and 110.1 to 110.3 of the Municipal Powers Act (R.S.Q., chapter C-47.1), enacted by sections 66 and 70, have effect from the municipal fiscal year 2009, and sections 78.3 and 78.4 of that Act, enacted by section 66, have effect from the municipal fiscal year 2010.
Duties payable for 2009.	For the municipal fiscal year 2009, the duties payable under section 78.2 of that Act are determined on the basis of the following amounts: (1) \$0.50 per metric ton for every substance concerned; or (2) \$0.95 per cubic metre for every substance concerned, except dimension stone, in which case the amount is \$1.35 per cubic metre.
Subsequent fiscal years.	For every subsequent fiscal year, the duties payable are determined in accordance with sections 78.3 and 78.4 of that Act.
Copy of by-law.	126. A regional county municipality that intends to establish a regional fund under section 110.1 of the Municipal Powers Act for the municipal fiscal year 2009 may, despite the first paragraph of section 110.2 of that Act, send a copy of the by-law, as required under the first paragraph of that section, not later than 15 October 2008.
Amendment of contract.	127. A body may reach an agreement with a supplier to amend a contract the body entered into with the supplier before 12 June 2008 following a call for tenders for the supply of substances on which duties are payable under section 78.2 of the Municipal Powers Act in order to raise, from the year 2009, the price established in the contract by an amount equal to the duties that must be paid on those substances under that section.
Tenderers treated equally.	The power provided for in the first paragraph may only be exercised by the body to the extent that all tenderers are treated equally.
Partial exemption.	128. For the municipal fiscal year 2009, an operator who is required to pay duties under section 78.2 of the Municipal Powers Act is exempted from the portion of the duties payable on substances that are transported to carry out a contract with a municipal body and of which the price has not been raised under section 127, provided the operator sends the municipality that must collect the duties a copy of each of the contracts and a declaration of total quantity of substances covered by the exemption.
Effect.	129. Sections 580.1 to 580.4 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted by section 74, apply from the fiscal year 2010.

- Agreement ceases to apply. **130.** An agreement entered into under the third paragraph of section 244.8 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in force on the date preceding the date of coming into force of section 80 ceases to apply except for the purpose of collecting and paying any amount due before that date.
- First regulations. **131.** The first regulations made under paragraphs 13 to 15 of section 262 of the Act respecting municipal taxation, enacted by section 86, are not subject to Division III of the Regulations Act (R.S.Q., chapter R-18.1).
- President and chief executive officer. **132.** The president and chief executive officer of the Commission administrative des régimes de retraite et d'assurances remains the chair of the pension committee of the Pension Plan of Elected Municipal Officers established under section 70.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), amended by section 98, until a chair is appointed in accordance with section 70.6 of that Act, enacted by section 102.
- Retroactive regulation. **133.** A regulation made under the second paragraph of section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) with respect to the Régime de retraite des employés de la Ville de Lévis, registered with the Régie des rentes du Québec under number 21190, may be retroactive to the date specified in the regulation.
- Provision not applicable. **134.** Section 60 of the Supplemental Pension Plans Act does not apply to benefits resulting from a transfer of assets into the Régime complémentaire de retraite des employés de la Ville de Lévis, registered with the Régie des rentes du Québec under number 31986, from a group registered retirement savings plan concerning the employees of Ville de Lévis who were members of such a plan while employed by the Municipalité régionale de comté de Desjardins, the Régie intermunicipale de police et direction incendie de Charny, Saint-Jean-Chrysostome et Saint-Romuald or a municipality whose territory was amalgamated with the territory of Ville de Lévis on 1 January 2002.
- Certificate of compliance. **135.** The 9-1-1 emergency centres in operation on the date of coming into force of the first regulation made under section 52.4 of the Civil Protection Act (R.S.Q., chapter S-2.3) have two years from that date to obtain a certificate of compliance. The secondary emergency call centres have the same time limit to comply with the standards, specifications and quality criteria enacted by government regulation under section 52.4 of the Civil Protection Act and any guidelines established under section 52.5 of that Act.
- Health communication centre. A natural or legal person or a group of natural or legal persons authorized to continue receiving calls from persons requesting ambulance services under section 169 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.1) is, for the purposes of Division II.1 of Chapter IV of the Civil Protection Act, a health communication centre until the person or group of persons ceases activities.

- Ville de Hampstead. **136.** In order to complete the sharing of liabilities under Order in Council 1229-2005 dated 8 December 2005 concerning the urban agglomeration of Montréal, amended by Order in Council 10-2006 dated 17 January 2006, Order in Council 299-2006 dated 5 April 2006, Order in Council 549-2006 dated 14 June 2006, Order in Council 1003-2006 dated 2 November 2006, chapter 60 of the statutes of 2006 and chapter 33 of the statutes of 2007, Ville de Hampstead is authorized to contract a loan for the long-term financing of the payment to Ville de Côte-Saint-Luc of an amount as compensation for an amount that Ville de Côte-Saint-Luc paid to Ville de Montréal in the place of Ville de Hampstead for the installation of traffic lights on Rue Fleet in the territory of Ville de Hampstead in 2003. The amount payable is \$204,137, plus interest accrued at an annual rate of 4,6312% from 21 June 2006 until the date of payment.
- Resolution. The council of Ville de Hampstead must determine by resolution the source of the revenues to be used to repay the loan. The resolution may prescribe for that purpose the use of any source of revenue that the municipality is authorized to use for any other purpose. A provision contained in the resolution that, under any applicable provision, must normally be adopted by by-law may only be amended in the manner prescribed by law for such a by-law. An authenticated copy of the resolution must be sent to the Minister of Municipal Affairs and Regions as soon as possible after the resolution is passed.
- Ville de Beaconsfield. **137.** The territory of Ville de Beaconsfield is divided into electoral districts for the purposes of the general election of 2009 and any by-election held before the general election of 2013. The division is the same as that which applied for the purposes of the general election of 2005.
- Miscellaneous provisions. **138.** Despite section 251 of the Municipal Powers Act (2005, chapter 6), amended by section 125 of chapter 50 of the statutes of 2005,
- (1) sections 467 to 467.8 and 467.10.1 to 467.14 of the Cities and Towns Act (R.S.Q., chapter C-19) are repealed;
 - (2) articles 525 to 533 and 535.1 to 539 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are repealed;
 - (3) sections 217 to 220, 236 and 237 of the Act come into force on 12 June 2008.
- Regional conference of elected officers. **139.** The regional conference of elected officers established for the territory of Municipalité de Baie-James, Ville de Chapais, Ville de Chibougamau, Ville de Lebel-sur-Quévillon and Ville de Matagami may enter into and implement an agreement described in section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) on behalf of those municipalities.

- Municipal body. In such a case, the regional conference of elected officers is considered a municipal body.
- Effect. **140.** Section 67 has effect from 15 June 2008.
- Effect. **141.** Section 122 has effect from 1 January 2006.
- Effect. **142.** Section 139 has effect from 1 May 2008.
- Coming into force. **143.** This Act comes into force on 12 June 2008, except sections 77, 78, 80, 82, paragraph 2 of section 86, sections 88, 91 to 95 and 106, Division II.1 of Chapter IV of the Civil Protection Act, enacted by section 108 and sections 130, 131 and 135, which come into force on the date or dates to be set by the Government.

2008, chapter 19

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MONTRÉAL

Bill 22

Introduced by Madam Nathalie Normandeau, Minister of Municipal Affairs and Regions

Introduced 21 June 2007

Passed in principle 13 December 2007

Passed 20 June 2008

Assented to 20 June 2008

**Coming into force: 20 June 2008, except sections 3 and 4, which come into force on
2 November 2009**

Legislation amended:

Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02)

Charter of Ville de Montréal (R.S.Q., chapter C-11.4)

Cities and Towns Act (R.S.Q., chapter C-19)

Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1)

Act respecting the exercise of certain municipal powers in certain urban agglomerations
(R.S.Q., chapter E-20.001)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50)

Orders in Council amended:

Order in Council 645-2005 dated 23 June 2005

Order in Council 1229-2005 dated 8 December 2005

Explanatory notes

This Act introduces various legislative amendments concerning Montréal.

The Act amends the Charter of Ville de Montréal to include recognition of its status as the metropolis of Québec and one of Québec's key actors in economic development.

(Cont'd on next page)

Explanatory notes (Cont'd)

The Act grants Ville de Montréal a general taxation power in its territory, subject to certain restrictions and conditions, as well as the power to collect duties on the transfer of immovables at a higher rate than that provided for by law when transactions exceed \$500,000. It also grants the council of Ville de Montréal the power to declare that the exercise of a jurisdiction or power assigned by law to all the borough councils is within its jurisdiction, if it considers it to be in the general interest of the city.

The Act gives the council of Ville de Montréal the power to initiate amendments to the city's planning program and provides that public consultations on draft amendments will be carried out by the Office de consultation publique de Montréal.

The Act provides that, beginning on 2 November 2009, the mayor of Ville de Montréal will be the mayor of the borough of Ville-Marie and the director general of the city will be the director of that borough. The composition of the borough council of Ville-Marie is also modified for the purposes of the general election of November 2009.

Under the Act, the urban agglomeration council of Ville de Montréal must establish an audit committee. The Act establishes the Liaison Secretariat for the urban agglomeration of Montréal to respond to inquiries on behalf of members of the urban agglomeration council about any aspect of the administration of the central municipality of interest to the urban agglomeration.

The Act introduces a new budget requirement enabling all urban agglomeration council members, except the mayor of Ville de Montréal, to obtain reimbursement for their research and secretarial expenses.

The Act modifies the exclusive jurisdiction of the urban agglomeration council over the arterial road system, replaces the urban agglomeration's list of equipment, infrastructures and activities of collective interest, and provides that any modification to the list or the system by the urban agglomeration council must be approved by the Minister of Municipal Affairs and Regions.

The Act provides that, from the municipal fiscal year 2009, urban agglomeration expenditures will be financed by aliquot shares required from the related municipalities, and that those municipalities will be able to determine the maximum property tax rate applicable to the non-residential immovables in their territory.

Lastly, the Act cancels the special tax status of the Société du Palais des Congrès de Montréal and provides that first responder services in the territory of Ville de Côte-Saint-Luc are not an urban agglomeration power.



Chapter 19

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MONTRÉAL

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE
TRANSPORT

- c. A-7.02, s. 48, am. **1.** Section 48 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02), replaced by section 1 of chapter 10 of the statutes of 2007, is amended by striking out “of the island” in the second line.

CHARTER OF VILLE DE MONTRÉAL

- c. C-11.4, s. 1, am. **2.** Section 1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by adding the following paragraph after the second paragraph:

Metropolis. “Montréal is the metropolis of Québec and one of its key actors as regards economic development.”

- c. C-11.4, s. 17, am. **3.** Section 17 of the Charter is amended by inserting the following paragraph after the first paragraph:

Borough of Ville-Marie. “In the case of the borough of Ville-Marie, the city mayor is the borough mayor.”

- c. C-11.4, s. 48, am. **4.** Section 48 of the Charter is amended

(1) by replacing “The” in the first line of the first paragraph by “Subject to the second paragraph, the”;

(2) by inserting the following paragraph after the first paragraph:

Borough of Ville-Marie. “The director general of the city shall act as director of the borough of Ville-Marie.”

- c. C-11.4, s. 72, am. **5.** Section 72 of the Charter is amended

(1) by replacing “seven” in the first line of the second paragraph by “nine”;

(2) by replacing “six” in the second line of the second paragraph by “eight” and by replacing “a vice-chair” in that line by “two vice-chairs”;

(3) by replacing “the vice-chair” in the second line of the third paragraph by “a vice-chair”;

(4) by inserting “and one vice-chair is chosen from among the members of the council of the central municipality that are in the political party with the second largest number of councillors on that council” after “municipality” in the last line of the third paragraph.

c. C-11.4, s. 83, am.

6. Section 83 of the Charter is amended by replacing subparagraph 2 of the first paragraph by the following subparagraphs:

“(2) to hold a public consultation on any draft by-law revising the city’s planning program;

“(2.1) to hold a public consultation on any draft by-law amending the city’s planning program, except those adopted by a borough council;”.

c. C-11.4, s. 85.5, added.

7. The Charter is amended by inserting the following section after section 85.4:

Declaration of jurisdiction.

“85.5. If the city council considers it to be in the general interest of the city, it may declare, in respect of all the boroughs and for a period it determines, that the exercise of a jurisdiction or power assigned by law to all the borough councils is within its jurisdiction.

Resolution.

The resolution by which the council makes the decision is adopted by an absolute majority vote of the council members. However, the resolution is adopted by a two-thirds majority vote of the council members if the period for which the council declares its jurisdiction exceeds two years or if the resolution extends the application of a declaration of jurisdiction so as to render it applicable for a period exceeding two years.”

c. C-11.4, s. 130.3, am.

8. Section 130.3 of the Charter is amended

(1) by inserting “, concurrently with the city council,” after “exercise” in the first line of the first paragraph;

(2) by adding the following paragraph at the end:

Restriction.

“The power provided for in the first paragraph may not be exercised in respect of an object to which a draft amendment adopted by the city council pertains.”

c. C-11.4, Div. III, ss. 151.8-151.12, added.

9. The Charter is amended by inserting the following before Chapter V:

“DIVISION III**“GENERAL TAXATION POWER**

Taxation power.

“151.8. The city may, by by-law, impose a municipal tax in its territory if it is a direct tax and if the by-law satisfies the criteria set out in the fourth paragraph.

Restriction.

The city is not authorized to impose the following taxes:

- (1) a tax in respect of the supply of a property or a service;
- (2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;
- (3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;
- (4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;
- (5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;
- (6) a tax on wealth, including an inheritance tax;
- (7) a tax on an individual because the individual is present or resides in the territory of the city;
- (8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- (9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);
- (10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);
- (11) a tax in respect of a natural resource;
- (12) a tax in respect of energy, in particular electric power; or
- (13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

Interpretation.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

Conditions.

The by-law referred to in the first paragraph must satisfy the following conditions:

- (1) it must state the subject of the tax to be imposed;
- (2) it must state the tax rate or the amount of tax payable; and
- (3) it must state how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the city.

Content of by-law.

The by-law referred to in the first paragraph may provide for

- (1) exemptions from the tax;
- (2) penalties for failing to comply with the by-law;
- (3) collection fees and fees for insufficient funds;
- (4) interest and specific interest rates on outstanding taxes, penalties or fees;
- (5) assessment, audit, inspection and inquiry powers;
- (6) refunds and remittances;
- (7) the keeping of registers;
- (8) the establishment and use of dispute resolution mechanisms;
- (9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;
- (10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and
- (11) criteria on the basis of which the rate and the amount of the tax payable may vary.

Restriction.

“**151.9.** The city is not authorized to impose a tax under section 151.8 in respect of any of the following:

- (1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d'art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or a health and social services agency governed by that Act;

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act; or

(6) any other person determined by a regulation of the Government.

Other taxation power. “**151.10.** This division does not limit any other taxation power granted to the city by law.

Remedy. “**151.11.** The use of an enforcement measure established by a by-law adopted under section 151.8 does not prevent the city from using any other remedy provided by law to recover the amounts owing under this division.

Agreement for collection of tax. “**151.12.** The city may enter into an agreement with another person, including the State, providing for the collection and recovery of a tax imposed under section 151.8 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the city's behalf.”

c. C-11.4, Sched. D, am. **10.** Schedule D to the Charter is amended by adding the following at the end:
 “— the aréna Maurice-Richard”.

CITIES AND TOWNS ACT

c. C-19, s. 107.17, am. **11.** Section 107.17 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding the following paragraphs at the end:

Agglomeration of
Montréal.

“Despite the first paragraph, in the case of the urban agglomeration of Montréal, the council must establish an audit committee composed of not more than 10 members appointed on the proposal of the mayor of the central municipality. Two of the committee members must be council members representing the reconstituted municipalities. Those two members shall take part in deliberations and votes of the committee on any matter related to an urban agglomeration power.

Opinions.

In addition to the other powers that may be entrusted to it, the committee established in the case of the urban agglomeration of Montréal shall submit opinions to the urban agglomeration council on the requests, findings and recommendations of the auditor general concerning the urban agglomeration. It shall also inform the auditor general of the interests and concerns of the urban agglomeration council with respect to the audit of the accounts and affairs of the central municipality. On an invitation by the committee, the auditor general or a person designated by the auditor general may attend a sitting and take part in deliberations.”

c. C-19, s. 474.0.1, am.

12. Section 474.0.1 of the Act is amended by replacing “The” in the first line of the first paragraph by “Subject to section 474.0.2.1, the”.

c. C-19, s. 474.0.2.1,
added.

13. The Act is amended by inserting the following section after section 474.0.2:

Research and secretarial
expenses.

“474.0.2.1. In the case of the urban agglomeration of Montréal, the part of the central municipality’s budget under the responsibility of the urban agglomeration council must include an appropriation to provide for payment of sums to the members of that council, except the mayor of the central municipality, as reimbursement for their research and secretarial expenses.

Appropriation.

The appropriation must be equal to or greater than 1/60 of 1% of the total of all other appropriations provided for in that part of the budget.

Amount of sums.

The amount of the sums referred to in the first paragraph is established by dividing the appropriation equally among all the members of the urban agglomeration council, except the mayor of the central municipality.

Authorized party.

The sums established for a member of the urban agglomeration council who is a councillor on the regular council of the central municipality and who is a member of an authorized party on 1 January of the fiscal year covered by the budget are assigned to that party.

Reduction.

The sums established under section 474.0.2 for a councillor of the regular council of the central municipality who is a member of the urban agglomeration council must be reduced by the sums established for the member under this section, and the budget of the central municipality must be adjusted to reflect that reduction.”

- c. C-19, s. 474.0.3, am. **14.** Section 474.0.3 of the Act is amended by inserting “, or, if applicable, a member of the urban agglomeration council of Montréal other than the mayor of the central municipality,” after “councillor” in the first line of the first paragraph.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

- c. D-15.1, s. 2, am. **15.** Section 2 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by adding the following paragraph after the second paragraph:

Higher rate. “However, to calculate the duties on the transfer of an immovable situated entirely within its territory, Ville de Montréal may, by by-law, set a rate higher than that provided for in subparagraph 3 of the first paragraph for any part of the basis of imposition which exceeds \$500,000.”

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

- c. E-20.001, s. 20, am. **16.** Section 20 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), amended by section 8 of chapter 33 of the statutes of 2007, is again amended by replacing “Title IV.1 or IV.2, taking into consideration the provisions included in that title” in the first and second lines of the second paragraph by “Titles IV.1 to IV.3, taking into consideration the provisions included in those titles”.

- c. E-20.001, Div. IV.1, s. 28.1, added. **17.** The Act is amended by inserting the following after section 28:

“DIVISION IV.1

“PUBLIC SECURITY

First responder services.

“**28.1.** Despite subparagraph *a* of paragraph 8 of section 19, the component of public security consisting in first responder services on the territory of Ville de Côte-Saint-Luc is a power other than an urban agglomeration power and is under the responsibility of that city.”

- c. E-20.001, Title IV.3, Chaps. I and II, ss. 118.79-118.97, added.

- 18.** The Act is amended by inserting the following after section 118.78:

“TITLE IV.3

“SPECIAL PROVISIONS APPLICABLE TO THE URBAN AGGLOMERATION OF MONTRÉAL

“CHAPTER I

“ALIQUOT SHARES

Financing of expenditures.	<p>“118.79. An expenditure incurred by the central municipality in the exercise of an urban agglomeration power is financed by aliquot shares paid by the related municipalities of the urban agglomeration.</p>
Other source of financing.	<p>The first paragraph does not prevent the central municipality from financing such an expenditure by revenue from a source other than a tax or a compensation. The only mode of tariffing that may be provided for by the central municipality for that purpose is a fixed amount described in subparagraph 3 of the second paragraph of section 244.2 of the Act respecting municipal taxation (chapter F-2.1) or exigible in the same manner as a subscription.</p>
Ville de Côte-Saint-Luc.	<p>For the purposes of this section, Ville de Côte-Saint-Luc is not a related municipality for the apportionment of expenditures related to the component of public security consisting in first responder services.</p>
Restriction.	<p>This section applies subject to Division III.6 of Chapter XVIII of the Act respecting municipal taxation.</p>
Apportionment.	<p>“118.80. Urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective fiscal potentials established according to the rules prescribed by the Minister of Municipal Affairs and Regions.</p>
By-laws.	<p>However, the urban agglomeration council may provide, by a by-law subject to the right of objection under section 115,</p> <p>(1) that a related municipality not contribute to the payment of part of the urban agglomeration expenditures; or</p> <p>(2) that all or part of the urban agglomeration expenditures be apportioned according to another criterion, or to a change in an element of the criterion, provided the new criterion or the change in an element of the criterion complies with the rules prescribed by the Minister of Municipal Affairs and Regions.</p>
Restriction.	<p>The first and second paragraphs apply subject to sections 39 and 44 of chapter 19 of the statutes of 2008 and the following sections of Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal:</p> <p>(1) section 57, as amended by section 86 of Order in Council 1003-2006 dated 2 November 2006 and by section 30 of chapter 19 of the statutes of 2008;</p> <p>(2) section 64, as amended by section 32 of chapter 19 of the statutes of 2008;</p> <p>(3) section 68, as replaced by section 34 of chapter 19 of the statutes of 2008.</p>

Decision of urban agglomeration council.

The first and second paragraphs also apply subject to any decision of an urban agglomeration council on the financing of work mentioned in paragraph 5 of section 23; the decision must be approved by the Minister to have effect.

Determination of aliquot shares.

“**118.81.** The urban agglomeration council may, by a by-law subject to the right of objection under section 115, prescribe the manner in which the aliquot shares and their payment by the related municipalities are determined.

Content of by-law.

The by-law may, in particular, prescribe, for every possible situation with respect to the coming into force of the part of the budget of the central municipality related to the exercise of its urban agglomeration powers,

(1) the date on which the data used to establish provisionally or finally the basis of apportionment of the urban agglomeration expenditures are to be considered;

(2) the time limit for determining each aliquot share and for informing each related municipality of it;

(3) the obligation of each related municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid;

(5) the rate of interest payable on an outstanding instalment; and

(6) the adjustments that may result from the deferred coming into force of a part of the budget of the central municipality related to the exercise of its urban agglomeration powers or from the successive use of provisional and final data in determining the basis of apportionment of the urban agglomeration expenditures.

Provision applicable.

“**118.82.** For the purpose of financing the urban agglomeration expenditure that is the contribution of the central municipality to the financing of the expenditures of the Société de transport de Montréal, section 488 of the Cities and Towns Act (chapter C-19) applies to each related municipality as if the aliquot share was an amount payable directly to the Société.

“CHAPTER II

“MODIFICATIONS

Applicability.

“**118.83.** This chapter applies for the purpose of modifying or rendering inapplicable certain provisions of this Act with regard to the urban agglomeration of Montréal.

s. 22, am. for Montréal.

“**118.84.** Section 22 is modified by replacing “subject to the right of objection under section 115” in the second and third lines of the first paragraph by “approved by the Minister”.

ss. 23-24.1, replaced
for Montréal.

Exclusive jurisdiction.

“118.85. Sections 23 to 24.1 are replaced by the following section:

“23. The central municipality’s exclusive jurisdiction over the thoroughfares identified includes

- (1) determining minimum standards for managing the system;
- (2) determining standards for harmonizing the rules governing traffic signs and signals and traffic control;
- (3) determining the usefulness of arterial thoroughfares;
- (4) general system planning, including traffic planning within the urban agglomeration;
- (5) work to open, extend or develop an arterial thoroughfare, connect such thoroughfares or standardize their configuration, as far as that work concerns
 - (a) boulevard Notre-Dame;
 - (b) autoroute Bonaventure, phase 1;
 - (c) rue Sherbrooke east of 36^e avenue;
 - (d) boulevard Cavendish (Cavendish/Cavendish/Royalmount);
 - (e) boulevard Jacques-Bizard, up to autoroute 40;
 - (f) boulevard Rodolphe-Forget (Bourget);
 - (g) boulevard Pierrefonds;
 - (h) the urban boulevard in the right of way of autoroute 440;
 - (i) municipal road works made necessary by the projects of the Ministère des Transports du Québec relating to the Turcot interchange, the Dorval interchange, autoroute 25 and autoroute 40.”.

s. 35, am. for Montréal.

“118.86. Section 35 is modified by replacing “from a tax or other” in the second line of the second paragraph by “from a”.

s. 37, replaced for
Montréal.

Assistance for
business.

“118.87. Section 37 is replaced by the following section:

“37. The central municipality’s exclusive jurisdiction over assistance intended specifically for business consists, as regards tax credits, in prescribing, by a by-law subject to the right of objection under section 115, the rules that a related municipality, including the central municipality, must comply with when establishing a program for granting such a credit.”

- s. 39, am. for Montréal. “**118.88.** Section 39 is modified by replacing “subject to the right of objection under section 115” in the first and second lines of the first paragraph by “approved by the Minister”.
- s. 46, am. for Montréal. “**118.89.** Section 46 is modified by striking out “or levy taxes” in the second line of the second paragraph.
- s. 70, French text, am. for Montréal. “**118.90.** Section 70 is modified by replacing “tout” in the first line in the French text by “le”.
- s. 76, am. for Montréal. “**118.91.** Section 76 is modified
- (1) by replacing “any tax or other method of financing imposed” in the first and second lines of the first paragraph by “any method of financing ordered”;
- (2) by striking out the second paragraph.
- ss. 78, 85-89, 91-99 and 100-108 not applicable to Montréal. “**118.92.** Sections 78, 85 to 89, 91 to 99 and 100 to 108 do not apply.
- s. 110, am. for Montréal. “**118.93.** Section 110 is modified by replacing “taxes and other methods of financing imposed” in the seventh line of the first paragraph by “methods of financing ordered”.
- s. 114, not applicable to Montréal. “**118.94.** Section 114 does not apply.
- s. 115, am. for Montréal. “**118.95.** Section 115 is modified by replacing “22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1” in the first paragraph by “27, 30, 34, 36, 37, 38, 41, 47, 55, 56, 69, 99.1, 118.80 or 118.81”.
- s. 115.1, am. for Montréal. “**118.96.** Section 115.1 is modified
- (1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:
- “(1) is provided for in section 118.80 or 118.81;”;
- (2) by replacing the third paragraph by the following paragraph:
- “The possibility of using an overpayment of an aliquot share referred to in section 118.79 to reduce an aliquot share determined for the following fiscal year is one way of managing the resolutive effects of a refusal.”
- Reduction of aliquot share. “**118.97.** Section 118.1 is modified by striking out “taxes and other” in the first line of the third paragraph.”
- s. 118.1, am. for Montréal. “**118.97.** Section 118.1 is modified by striking out “taxes and other” in the first line of the third paragraph.”
- c. E-20.001, s. 175, repealed. **19.** Section 175 of the Act, amended by section 10 of chapter 33 of the statutes of 2007, is repealed.

ACT RESPECTING MUNICIPAL TAXATION

- c. F-2.1, s. 204, am. **20.** Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out paragraph 18.
- c. F-2.1, Chap. XVIII, Div. II, subdiv. 9, s. 231.5, repealed. **21.** Subdivision 9 of Division II of Chapter XVIII of the Act, comprising section 231.5, is repealed.
- c. F-2.1, s. 236, am. **22.** Section 236 of the Act is amended by striking out paragraph 14.
- c. F-2.1, s. 244.40, am. **23.** Section 244.40 of the Act is amended by adding the following paragraph after the second paragraph:
- Greater coefficient. “A municipality to which subparagraph 1 of the second paragraph applies may, by by-law, determine a coefficient greater than the one applicable to it under that subparagraph.”

OTHER AMENDING PROVISIONS

- O.C. 645-2005, s. 4, am. **24.** Section 4 of Order in Council 645-2005 dated 23 June 2005 is amended by replacing “, Sud-Ouest and Ville-Marie” by “and Sud-Ouest”.
- O.C. 645-2005, s. 10.1, added. **25.** The Order in Council is amended by inserting the following section after section 10:
- “10.1. The council of the Ville-Marie borough is composed of
- (1) the borough mayor who is the mayor of the city;
- (2) a city councillor for each of the three electoral districts in the borough; and
- (3) two councillors chosen by the mayor of the city from among the members of the city council.”
- O.C. 1229-2005, s. 4, am. **26.** Section 4 of Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal, is amended by adding the following paragraph at the end:
- “In exercising the functions of office, a member of the urban agglomeration council must take into account the interest of the citizens of the agglomeration as a whole.”
- O.C. 1229-2005, Title II, heading, am. **27.** The heading of Title II of the Order in Council is amended by inserting “, LIAISON SECRETARIAT” after “COUNCIL”.
- O.C. 1229-2005, Chap I.1, ss. 17.1-17.5, added. **28.** The Order in Council is amended by inserting the following after section 17:

“CHAPTER I.1

“LIAISON SECRETARIAT

“17.1. A secretariat is established under the name “Liaison Secretariat”.

“17.2. The urban agglomeration council appoints the secretariat director by a decision made by a two-thirds majority vote of its members.

To be effective, the appointment must be approved by the Minister of Municipal Affairs and Regions.

“17.3. The secretariat director reports directly to the urban agglomeration council.

“17.4. The role of the Liaison Secretariat is to respond to any inquiry on behalf of a member of the urban agglomeration council about any aspect of the administration of the central municipality of interest to the urban agglomeration.

To do so, the director and employees of the secretariat are authorized to communicate with the persons designated by the director general in order to obtain the documents, explanations or information they consider necessary.

“17.5. The part of the central municipality’s budget that falls within the jurisdiction of the urban agglomeration council must include an appropriation to provide for payment of a sum to the Liaison Secretariat to cover the expenditures relating to the exercise of the Secretariat’s role.

The appropriation must be equal to or greater than 1/40 of 1% of the total of the other appropriations provided for in that part of the budget.”

O.C. 1229-2005, s. 47,
am.

29. Section 47 of the Order in Council, amended by section 83 of Order in Council 1003-2006 dated 2 November 2006, is again amended by striking out the second sentence of the third paragraph.

O.C. 1229-2005, s. 57,
am.

30. Section 57 of the Order in Council, amended by section 86 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the third paragraph by “the revenues deriving from the shares paid by the related municipalities in accordance with section 118.80 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”.

O.C. 1229-2005, ss. 60
and 61, repealed.

31. Sections 60 and 61 of the Order in Council are repealed.

O.C. 1229-2005,
s. 64, am.

32. Section 64 of the Order in Council is amended by replacing the seventh paragraph by the following paragraph:

“For the purpose of financing the expenditures resulting from the application of the third, fourth and fifth paragraphs, the urban agglomeration council may fix by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

O.C. 1229-2005, s. 67,
am.

33. Section 67 of the Order in Council, amended by section 130 of chapter 60 of the statutes of 2006, is again amended by replacing “2008” in the second paragraph by “2009”.

O.C. 1229-2005, s. 68,
replaced.

34. Section 68 of the Order in Council is replaced by the following section:

“68. Despite any inconsistent provision, the actual costs relating to the supply of water provided by the central municipality in its territory and in the territories of the reconstituted municipalities are shared among the central municipality and the reconstituted municipalities in proportion to the actual consumption attributable to their respective territories.

For the purpose of financing the expenditures relating to the exercise of its powers as regards the supply of water in its territory and in the territories of the reconstituted municipalities, the central municipality has the use only of the revenue collected pursuant to the first paragraph, to the exclusion of any means of financing it would otherwise be authorized to use under the applicable legislative provisions.

However, the second paragraph does not prevent the central municipality from requiring, in accordance with section 118.80 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, all the related municipalities to pay a share of the cost of constituting, in accordance with section 569.8 of the Cities and Towns Act (R.S.Q., chapter C-19), a financial reserve to finance expenditures to improve water supply technology and methods and to develop and repair water supply infrastructures. To that end, section 569.8 of the Cities and Towns Act is deemed to be modified so that subparagraph *a* of paragraph 2 reads as follows:

“(a) any share of the contribution required for the supply of water;”.

To pay the share required under the third paragraph, a related municipality may use amounts from the financial reserve for water supply it may have created under section 569.7 of the Cities and Towns Act.

This section ceases to have effect on 31 December 2009.”

O.C. 1229-2005, s. 69,
repealed.

35. Section 69 of the Order in Council is repealed.

O.C. 1229-2005,
sched., replaced.

36. The schedule to the Order in Council, amended by section 5 of Order in Council 299-2006 dated 5 April 2006, is replaced by the following schedule:

“SCHEDULE I

(s. 37)

**EQUIPMENT, INFRASTRUCTURES AND ACTIVITIES OF
COLLECTIVE INTEREST**

– Parc du Mont-Royal

– Parc Jean-Drapeau

– Parc du complexe environnemental Saint-Michel, except lot 3 790 260 of the cadastre of Québec, and part of lot 3 237 027 of the cadastre of Québec, as shown in the schedule to the By-law of the urban agglomeration council amending the schedule to the order in council respecting the urban agglomeration of Montréal (1229-2005, 8 December 2005)

– The following ecoterritories: Senneville Woods, Rivière l’Orme Ecoforest Corridor, Île-Bizard Ecoforest Corridor, Cheval-Blanc Rapids except lots 1 170 731, 1 170 759, 3 093 109, 3 093 114, 3 093 115 and 3 093 121 of the cadastre of Québec, registration division of Montréal, Bertrand Stream Basin, Summits and Slopes of Mount Royal, De Montigny Stream Basin, East Island Greenbelt, except a closed lane in Rivière-des-Prairies—Pointe-aux-Trembles borough, northeast of avenue Armand-Chaput, between rue Eugène-Couvrette and rue Rolland-Jeanneau, made up of lots 2 801 510 and 3 387 149 to 3 387 170 inclusively of the cadastre of Québec. Those lots are marked ABCDEFGHA on plan A-84 Rivière-des-Prairies, prepared by Johanne Rangers, land surveyor, on 3 March 2005, and bearing minute number 721, file 20052, in the ecoterritory of the East Island Greenbelt except for the lands owned by Ville de Montréal within the perimeter in orange on the attached plan prepared by C. Lahaie, Service de la mise en valeur du territoire et du patrimoine, Direction des stratégies et transactions immobilières, Division de la gestion du portefeuille et des transactions, Section des services immobiliers, in February 2007. The lands thus excluded from the ecoterritory of the East Island Greenbelt are included in the perimeter bounded to the east and to the south by the right-of-way of boulevard Métropolitain, to the west, by the right-of-way of the railway tracks at the limits of Montréal and Montréal-Est, and to the north by the right-of-way of the railway tracks south of boulevard Maurice-Duplessis, but do not include the zones marked in yellow on that plan, which continue to be part of the ecoterritory and are not covered by this by-law, except the lots shown as items 1 to 28 in the schedule to the By-law of the urban agglomeration council amending the schedule to the order in council respecting the urban agglomeration of Montréal (1229-2005, 8 December 2005) (RCG 06-043), except the lots shown as items 1 to 26 in the schedule to the By-law of the urban agglomeration council amending the schedule to the order in council respecting the urban agglomeration of Montréal (1229-2005, 8 December 2005) (RCG 06-042), except lot 3 447 691 of the cadastre of Québec, registration division of Montréal, Lachine Rapids, except lots 3 684 093, 3 684 094, 3 684 095, 3 684 096, 3 684 097, 3 105 949 and 3 105 592 of the cadastre of Québec, Saint-Jacques Escarpment

- Culture Montréal
- Cité des Arts du cirque
- Tour de l'Île
- Assistance for elite athletes and metropolitan, national and international sports competitions
- Implementation of the framework agreement between Ville de Montréal, the Ministère de la Culture et des Communications and the Bibliothèque nationale du Québec
- City-wide bikeway network
- Municipal contributions and management of agreements and government programs to fight poverty
- Municipal contributions and management of agreements and government programs to develop property, sites and districts recognized under the Cultural Property Act
- Municipal contributions to government programs or Communauté métropolitaine de Montréal programs set up to improve the protection and conditions of use of the banks and shores bordering the urban agglomeration of Montréal or to create waterside parks in the urban agglomeration
- Development and redevelopment of public lands, including infrastructure works, in an urban agglomeration sector designated as the downtown area and delimited as follows (the directions are approximate): commencing at a point being the intersection of rue Amherst and rue Cherrier; thence southeast along rue Amherst and its extension to the St. Lawrence River; thence south along the bank of the St. Lawrence River to the point of intersection with Autoroute 15-20, namely the Champlain Bridge; thence west along Autoroute 15-20 to the point of intersection with the railway right-of-way; thence northeast along the railway right-of-way and the building alongside the railway to the point of intersection with the end of that building; thence northwest along the building to the point of intersection with rue du Parc-Marguerite-Bourgeoys; thence northeast along rue du Parc-Marguerite-Bourgeoys and the railway right-of-way to the point of intersection with the extension of rue Sainte-Madeleine; thence west along rue Sainte-Madeleine to the point of intersection with rue Le Ber; thence north along rue Le Ber and its extension to the point of intersection with the extension of rue de Sébastopol; thence west along rue de Sébastopol to the point of intersection with rue Wellington; thence north along rue Wellington to the point of intersection with rue Bridge; thence west along rue Bridge to the point of intersection with rue Saint-Patrick; thence northwest to the point of intersection with rue Guy, rue William and rue Ottawa; thence northwest along rue Guy to the point of intersection with rue Notre-Dame Ouest; thence northwest along the boundary of Ville-Marie borough to the point of intersection with the boundary of the

Mount Royal Historic and Natural District; thence northwest along the boundary of the Mount Royal Historic and Natural District to the point of intersection with avenue des Pins Ouest; thence northeast along avenue des Pins Ouest to the point of intersection with rue Saint-Denis; thence southeast along rue Saint-Denis to the point of intersection with rue Cherrier; thence northeast along rue Cherrier to the point of intersection with rue Amherst, that point being the point of commencement.”

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING MUNICIPAL AFFAIRS

2005, c. 50, s. 133,
am.

37. Section 133 of the Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50) is amended by replacing “2008” in the first line of the second paragraph by “2009”.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Contribution to finance
deficit.

38. A contribution of a related municipality of the urban agglomeration of Montréal to finance the deficit of equipment situated in the territory of Ville de Montréal and mentioned in Schedule V to the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is made by Ville de Montréal; such a contribution constitutes an urban agglomeration expenditure that must be financed by urban agglomeration revenues.

Financing of debts.

39. A debt relating to work carried out between 1 January 2006 and 31 December 2008 by Ville de Montréal on the thoroughfares forming the arterial road system of the urban agglomeration must be financed by an aliquot share payable by the related municipality in whose territory the work is carried out.

Loan by-law.

A loan by-law that was adopted before 1 January 2009 by the urban agglomeration council of Ville de Montréal and that, to finance the work referred to in the first paragraph, imposes a tax on the taxable immovables of only part of the territory of a related municipality or requires compensation from the owners or occupants of such immovables is deemed to be amended for the purpose of replacing that tax or compensation by an aliquot share that is payable by the related municipality concerned and that secures the same revenues for the central municipality as would be the case if the tax or compensation applied. A related municipality concerned must then, to finance its aliquot share, impose taxes on the same immovables or require the payment of a tax or compensation by the same persons as would be the case if the urban agglomeration tax or compensation applied.

Interpretation.

For the purposes of the first paragraph, “debt” means a net expenditure to be financed, including interest.

Provision applicable.

40. Section 148 of chapter 60 of the statutes of 2006, amended by section 14 of chapter 33 of the statutes of 2007, continues to apply, for each of the fiscal years 2008 to 2010, in respect of a municipality in

which there is no coefficient in force determined in accordance with the third paragraph of section 244.40 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 23.

Order in Council, provisions applicable.

41. Section 4 of Order in Council 645-2005 dated 23 June 2005, as amended by section 24, and section 10.1 of that Order in Council, enacted by section 25, apply for the purposes of the 2009 general election and any by-election held before the 2013 general election.

Order in Council, provisions not applicable.

42. Subject to the second paragraph, sections 2 to 9.1 of Order in Council 1210-2005 dated 7 December 2005, respecting various taxation measures relating to the reorganization, do not apply to the related municipalities of the urban agglomeration of Montréal.

Modifications with respect to reconstituted municipalities.

The provisions referred to in the first paragraph continue to have effect, for the purposes of section 149 of chapter 60 of the statutes of 2006, with the necessary modifications, with respect to the reconstituted municipalities of that urban agglomeration. Those modifications include replacing the third paragraph of that section by the following paragraph:

Maximum amount.

“The amount of the loan may not exceed the total sum that the reconstituted municipality could have paid to the central municipality for the fiscal year concerned, under section 3 of the Order in Council mentioned in the first paragraph, in respect of all the categories of immovables.”

Variation in tax burden.

43. The urban agglomeration council of Ville de Montréal may, by a by-law that is subject to the right of objection provided for in section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), determine the variation resulting from sections 18, 19 and 29 to 34 in the tax burden borne by the related municipalities and their ratepayers, and provide for measures to average that variation over a maximum period of 10 years.

Loan.

A related municipality may borrow in order to reduce the fiscal impact of a variation in the tax burden resulting from the sections referred to in the first paragraph. The loan has a maximum term of 10 years and is non-renewable. The loan by-law requires only the approval of the Minister of Municipal Affairs and Regions.

By-law adopted before 1 January 2009.

44. Subject to section 39, a provision of a by-law of the urban agglomeration council of Ville de Montréal adopted before 1 January 2009 ordering a loan and imposing a tax or requiring a compensation to finance the repayment of the loan is deemed to be amended for the purpose of replacing that tax or compensation by aliquot shares that are payable by the related municipalities and that secure the same revenues for the central municipality as would be the case if the tax or compensation applied.

Related municipality by-law.

A related municipality must, in any by-law on the financing of an aliquot share payable under the first paragraph, impose on the same immovables or require the payment of a tax or compensation by the same persons as would be the case if the urban agglomeration tax or compensation applied.

- Effect of loan by-law. **45.** A loan by-law of a reconstituted municipality of the urban agglomeration of Montréal whose purpose is to contract a loan under a provision referred to in the first paragraph of section 42 in order to reduce the amount of the taxes imposed for a fiscal year preceding the fiscal year 2009 continues to have effect.
- Effect of certain provisions. **46.** Sections 12 to 14, 16 to 22, 27 to 36, 38, 39, 42, 44 and 45 have effect for the purposes of any municipal fiscal year from the fiscal year 2009.
- Division into electoral districts. **47.** Despite the *Règlement sur les districts électoraux n° 08-018*, adopted by the council of Ville de Montréal on 28 May 2008, the division of the territory of the borough of Ville-Marie into electoral districts is, for the purposes of the 2009 general election and any by-election held before the 2013 general election, the division established for the purposes of the general election held on 4 November 2001 by Order in Council 852-2001 dated 4 July 2001, with the necessary modifications.
- Coming into force. **48.** This Act comes into force on 20 June 2008, except sections 3 and 4, which come into force on 2 November 2009.

2008, chapter 20

AN ACT RESPECTING THE TRANSFER OF SECURITIES AND THE ESTABLISHMENT OF SECURITY ENTITLEMENTS

Bill 47

Introduced by Mr. Jacques P. Dupuis, Minister of Justice

Introduced 13 November 2007

Passed in principle 8 May 2008

Passed 18 June 2008

Assented to 20 June 2008

Coming into force: 1 January 2009

Legislation amended :

Civil Code of Québec (1991, chapter 64)

Charter of Ville de Montréal (R.S.Q., chapter C-11.4)

Cities and Towns Act (R.S.Q., chapter C-19)

Code of Civil Procedure (R.S.Q., chapter C-25)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01)

Companies Act (R.S.Q., chapter C-38)

Act respecting municipal debts and loans (R.S.Q., chapter D-7)

Securities Act (R.S.Q., chapter V-1.1)

Explanatory notes

This Act is modelled on the Uniform Securities Transfer Act that was approved by the Uniform Law Conference of Canada and adhered to by all the Canadian provinces and territories. Its purpose is to provide a suppletive legal framework for certain private law aspects of the transfer of securities and the establishment of security entitlements to financial assets.

The Act applies to the performance of duties imposed by law or contract that are involved in the process of transferring securities or establishing security entitlements. It first specifies its scope of application and what is meant by the transfer of a security and the establishment of a security entitlement, and defines the terms "transfer", "issuer" and "securities intermediary" as well as other basic concepts that must be grasped in order to understand the new legislation, including the concepts of "security" and "financial asset". Its general provisions address a certain number of elements that are common to or incidental outgrowths of security transfers and security entitlement acquisitions.

(Cont'd on next page)

Explanatory notes (Cont'd)

The Act then establishes a system of rules for the transfer of securities purchased and held within a legal relationship binding the investor and the issuer directly, with no intermediary. The rules reflect the fact that, in today's world, securities are often disembodied in the sense that an actual paper certificate is not issued. They determine how securities are to be transferred and specify the rights of purchasers, the endorsements or instructions required for a transfer to be made, and the warranties made to purchasers, most notably, by those making endorsements or originating instructions. The rules also set terms and conditions for the registration of transfers of securities on issuers' transfer books, and the duties of issuers in that regard.

The Act establishes a system of rules for the establishment of security entitlements to financial assets, purchased and held within a legal relationship binding the investor, called the entitlement holder, and a securities intermediary. The rules determine how security entitlements are to be established and specify the rights of purchasers and the warranties made to entitlement holders by securities intermediaries as well as those made to securities intermediaries by endorsers, originators of instructions and originators of entitlement orders. They also set out the duties owed by securities intermediaries to entitlement holders.

The Act furthermore amends the Civil Code to introduce special rules for movable hypothecs granted on securities or security entitlements when delivery is effected by the creditor obtaining control of the securities or entitlements in accordance with the new legislation. It introduces new conflict of laws rules for securities and security entitlements, and particularly for the security regime applicable to them. It extends the rules in the Code of Civil Procedure on the seizure of company shares to include all securities and security entitlements. Lastly, it makes consequential amendments to a number of statutes.



Chapter 20

AN ACT RESPECTING THE TRANSFER OF SECURITIES AND THE ESTABLISHMENT OF SECURITY ENTITLEMENTS

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND SCOPE

- Purpose. **1.** The purpose of this Act is to establish a legal framework for certain private law aspects of the transfer of securities and the establishment of security entitlements to financial assets, as part of an effort by the Canadian provinces and territories to harmonize their laws on the matter.
- Suppletive provisions. **2.** The provisions of this Act pertaining to the rights and obligations arising out of a transfer of securities or the establishment of security entitlements to financial assets are suppletive provisions.
- Standards of conduct. However, the obligations of good faith, prudence, diligence and reasonableness applicable in carrying out those provisions may not be disclaimed by the parties, but the parties may establish standards of conduct whose observance will be considered to imply the performance of those obligations, so long as such standards are not manifestly unreasonable.
- Requirement. **3.** Unless the context indicates otherwise, a person who is required by a statute, law, rule, agreement or judgment to put a security or financial asset in the possession of another person satisfies that requirement by delivering the security to that other person or causing that other person to acquire a security entitlement to the financial asset as set out in this Act.
- Persons. For the purposes of this Act, groups of persons or properties not endowed with juridical personality, such as general, limited or undeclared partnerships, associations that are not legal persons, trusts and funds constituted as patrimonies by appropriation, are considered to be persons.
- Clearing agency rules. **4.** The provisions of this Act are applicable to a clearing agency only to the extent that they do not conflict with the rules adopted by the clearing agency governing legal relationships between the clearing agency and its participants or between participants in the clearing agency. Those rules are effective even if they affect the rights and obligations of a person who does not consent to them.

“clearing agency”.

In this Act, “clearing agency” means any person that carries on activities of a clearing agency or clearing house within the meaning of the Securities Act (R.S.Q., chapter V-1.1) or the securities regulatory law of another province or a territory in Canada, that is authorized to carry on such activities by the Autorité des marchés financiers and that is a securities and derivatives clearing house for the purposes of section 13.1 of the Payment Clearing and Settlement Act (Statutes of Canada, 1996, chapter 6, Appendix) or operates a clearing and settlement system designated under Part I of that Act.

Out-of-province recognition.

Except for the purposes of the first paragraph, “clearing agency” also means a person that, without being authorized by the Autorité des marchés financiers to carry on activities of a clearing agency or clearing house, is nonetheless recognized as such by the equivalent authority of another province or a territory in Canada and meets the other conditions set out in the second paragraph.

Application.

5. This Act is applicable to the State, bodies of the State and any other legal person established in the public interest.

CHAPTER II

GENERAL PROVISIONS

DIVISION I

TRANSFER OF SECURITY, ESTABLISHMENT OF SECURITY ENTITLEMENT AND RELATED CONCEPTS

Purchaser.

6. For the purposes of this Act, a security is transferred when a person acquires rights in the security and takes delivery of the security from the issuer or another person and a security entitlement to a financial asset is established when a person acquires rights in a financial asset held by a securities intermediary. A reference in this Act to a purchaser is a reference to a person acquiring rights in a security or financial asset.

Acquisition of rights.

The acquisition of rights in a security or financial asset (“purchase”) may result from any act constituting or conveying rights in the security or financial asset, whether by onerous title (“for value”) or by gratuitous title (“not for value”), including an issue, sale, exchange, gift or hypothec, provided only that the act is consensual.

“issuer”.

7. For the purposes of this Act, “issuer” means

(1) a person who issues a security represented by a security certificate or who, other than as the person entrusted with authenticating the origin, genuineness and integrity of documents, places or authorizes the placing of the person’s name on a security certificate to evidence a share or similar participation or the person’s duty to perform an obligation represented by the security certificate;

(2) a person who issues a share or similar participation or undertakes to perform an obligation that is an uncertificated security; or

(3) a person who stands surety for or is otherwise bound by the obligations of a person described as an issuer in subparagraph 1 or 2.

“issuer”.

“Issuer” also means, with respect to a registration of a transfer of a security, a person on whose behalf transfer books are maintained.

Securities intermediaries.

8. Clearing agencies are securities intermediaries within the meaning of this Act, as are dealers, banks, financial services cooperatives, trust companies, savings companies and other persons that in the ordinary course of their business maintain securities accounts for others and are acting in that capacity.

Securities account.

A securities account is an account to which a financial asset is or may be credited in accordance with an agreement under which the securities intermediary maintaining the account undertakes to consider the account holder as being entitled to exercise the rights that constitute the financial asset.

Interpretation.

9. For the purposes of this Act,

(1) “security certificate” means a paper certificate only;

(2) “participation” includes any title conferring rights in property or in an enterprise.

DIVISION II

DISTINCTION BETWEEN SECURITY AND FINANCIAL ASSET

§1. — Security

Interpretation.

10. A security within the meaning of this Act is a share or similar participation in an issuer or an obligation of an issuer

(1) that is represented by a security certificate in bearer form or registered form, or the transfer of which may be registered on books maintained for that purpose by or on behalf of the issuer;

(2) that is one of a class or series, or by its terms is divisible into a class or series, of shares, participations or obligations; and

(3) that is, or is of a type, dealt in or traded on securities exchanges or financial markets, or that is a medium for investment in the area in which it is issued or dealt in or traded and by its terms expressly provides that it is a security for the purposes of this Act.

Security certificate. A security certificate is in bearer form if it expressly states that the security is payable to the certificate bearer. A security certificate is in registered form if it specifies a person entitled to the security and if a transfer of the security may be registered on books maintained for that purpose by or on behalf of the issuer, or the security certificate states that it may be so registered.

Participation. **11.** Despite the conditions set out in section 10, a share or similar participation issued by a joint-stock company is a security, as is a participation in a trust. A share, unit or similar participation, other than an insurance policy or annuity contract issued by an insurance company, that is issued by a mutual fund within the meaning of the Securities Act is also a security.

§2. — *Financial asset*

Interpretation. **12.** A financial asset within the meaning of this Act is

(1) a security;

(2) a share or other participation in a person or an obligation of a person that, without being a security, is, or is of a type, dealt in or traded on financial markets or is a medium for investment in the area in which it is issued or dealt in or traded;

(3) any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this Act; or

(4) a credit balance in a securities account, unless the securities intermediary has expressly agreed with the person for whom the account is maintained that the credit balance is not to be treated as a financial asset under this Act.

Security entitlement. **13.** A security entitlement is established when a security or other financial asset is, or is to be, credited to a securities account maintained by a securities intermediary.

§3. — *Classification of certain property*

Partnership, limited liability company. **14.** A unit of or similar participation in a partnership or a limited liability company is not a security unless

(1) it is, or is of a type, dealt in or traded on securities exchanges or securities markets;

(2) its terms expressly provide that it is a security for the purposes of this Act; or

(3) the partnership or company is a mutual fund.

Financial asset.	Whether considered a security or not, such a unit or participation is a financial asset if it is held in a securities account.
“limited liability company”.	In this Act, “limited liability company” means a group not endowed with juridical personality, other than a partnership, that is formed under the laws of a legislative authority other than Québec and whose legal status grants to each of its members limited liability with respect to the liabilities of the group.
Bills and notes.	15. Bills of exchange and promissory notes to which the Bills of Exchange Act (Revised Statutes of Canada, 1985, chapter B-4) applies and depository bills and depository notes to which the Depository Bills and Notes Act (Statutes of Canada, 1998, chapter 13) applies are not securities, but are financial assets if held in a securities account.
Options.	16. Options, other than options on futures contracts, issued by a clearing agency in favour of its members, and other similar obligations, are not securities but are financial assets.
Futures contracts.	17. Commodity futures contracts, security futures contracts, financial instrument futures contracts and other similar futures contracts as well as options on such contracts are neither securities nor financial assets.
Exception.	They are however, for the purposes of security law, including the related publication rules and conflict of law rules, considered to be financial assets if held in a securities account.

DIVISION III

OTHER GENERAL MATTERS CONCERNING TRANSFER OF SECURITY OR ESTABLISHMENT OF SECURITY ENTITLEMENT

§1. — *Notices relating to security or financial asset*

I — General provisions

Interpretation.	18. For the purposes of this Act, a person has notice of a fact if the person has received a notice of it, if the person has knowledge of it or if the fact comes to the person’s attention under circumstances in which a reasonable person would take cognizance of it.
Notice given.	19. A notice is considered to be given if the person giving the notice has taken such steps as may be reasonably required in the normal course to ensure that the other person receives the notice, whether or not the other person takes cognizance of it.
Notice received.	20. A notice is considered to be received by the person to whom it is addressed when

(1) the notice comes to the person's attention;

(2) in the case of a notice under a contract, the notice is delivered to the place of business through which the contract was made; or

(3) the notice is delivered to any other place held out by the person as the place for receipt of such notices.

Time of notice.

21. A group, endowed with juridical personality or not, is considered to have notice of a fact concerning a particular transaction from the time when the fact is brought to the attention of the individual conducting the transaction on behalf of the group or would have been brought to the attention of that individual if the group had exercised due diligence.

Due diligence.

A group exercises due diligence if it maintains reasonable routines for communicating significant information about a transaction to the individuals conducting the transaction on its behalf and there is reasonable compliance with those routines. Due diligence does not require an individual acting on behalf of the group to communicate information unless that communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

Communication.

22. A notice is to be communicated by sending a signed writing unless the person giving the notice and the person receiving the notice have agreed to other means.

II — Notice of adverse claim

Interpretation.

23. A person has notice of an adverse claim if

(1) the person knows of the adverse claim;

(2) the person is aware of facts sufficient to indicate that there is a significant probability that the adverse claim exists and deliberately avoids information that would establish the existence of the adverse claim; or

(3) the person has a duty, imposed by law, to investigate whether an adverse claim exists and the investigation, if carried out, would establish the existence of the adverse claim.

"adverse claim".

In this Act, "adverse claim" means a claim that the claimant has rights in a security or financial asset and that it is or would be a violation of the rights of the claimant for another person to hold, transfer or deal with the security or financial asset.

Transfer.

24. Having knowledge that a security or financial asset is being or has been transferred by a representative does not impose any duty of inquiry into the rightfulness of the transfer and is not notice of an adverse claim.

- Knowledge. Despite the first paragraph, a person is considered to have notice of an adverse claim if the person knows that the representative is deriving a personal benefit from the transfer or is making the transfer in breach of a duty owed by the representative.
- Delay. **25.** An act or event that creates a right to immediate performance of the principal obligation represented by a security certificate, or that sets a date on or after which a security certificate is to be presented or surrendered for redemption or exchange, does not by itself constitute notice of an adverse claim except in the case of a transfer that takes place more than one year after a date set for presentation or surrender for redemption or exchange, or more than six months after the date on which the amounts to be paid against presentation or surrender of the security certificate became available.
- Statement on certificate. **26.** A purchaser of a certificated security is considered to have notice of an adverse claim if
- (1) the security certificate, whether in bearer form or registered form, has been endorsed “for collection” or “for surrender” or for some other purpose not involving a transfer; or
 - (2) the security certificate is in bearer form and has on it an unambiguous statement that it is the property of a person other than the transferor.
- Name. The mere writing of a name on a security certificate does not by itself constitute an unambiguous statement that the security certificate is the property of a person other than the transferor.
- Registration. **27.** Registration in the register of personal and movable real rights is not notice of an adverse claim to a security or financial asset.
- §2. — *Terms of security*
- Certificated security. **28.** The terms of a certificated security include the terms stated on the security certificate and any terms made part of the security by reference on the security certificate to a juridical act or another document, to the extent that those terms are compatible with the terms stated on the security certificate.
- Uncertificated security. The terms of an uncertificated security include the terms stated in any act or document under which the security is issued.
- §3. — *Validity of security and signatures, certificates, issues, rights and transfer restrictions*
- Valid security. **29.** A security is valid if it is issued in accordance with the issuer’s constituting instrument and with the provisions of the applicable law, determined according to the conflict of laws rules set out in the Civil Code.

- Defect. **30.** A security with a defect going to its validity is enforceable against the issuer if held by a purchaser for value and without notice of the defect.
- Reference. **31.** When the terms of a certificated security are made part of the security by reference on the security certificate to a juridical act or another document, the reference does not by itself constitute notice to a purchaser for value of a defect that goes to the validity of the security, even if the security certificate expressly states that a person accepting it admits notice.
- Unauthorized signature. **32.** An unauthorized signature placed on a security certificate before or in the course of issue is ineffective except that the signature is effective in favour of a purchaser for value of the security if the purchaser is without notice of the lack of authority and the signing has been done by
- (1) a trustee, transfer registrar, transfer agent or other person entrusted by the issuer with the signing or the preparation for signing of security certificates or with the authentication of the origin, genuineness and integrity of security certificates; or
 - (2) an employee of the issuer, or of any persons referred to in paragraph 1, entrusted with handling of the security certificate.
- Forgery or counterfeit. **33.** Subject to section 32, evidence that a security certificate is forged or counterfeited is a complete defence, even against a purchaser for value and without notice of the defect.
- Other defences. **34.** All other defences of the issuer of a security that are not referred to in sections 31 to 33, including a defence based on a defect in the delivery of a security, are ineffective against a purchaser for value of the security who has taken the security without notice of the particular defence.
- Notice of defect. **35.** After an act or event that creates a right to immediate performance of the principal obligation represented by a certificated security or that sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is deemed to have notice of a defect in the security's issue or of any other defect that may be raised by the issuer if
- (1) the act or event requires that, on presentation or surrender of the security certificate, money be paid, a certificated security be delivered or a transfer of an uncertificated security be registered, the money or security is available on the date set for redemption or exchange, and the purchaser takes delivery of the security more than one year after that date; or
 - (2) the act or event is not one to which paragraph 1 applies and the purchaser takes delivery of the security more than two years after the date on which performance of the principal obligation became due or the date set for presentation or surrender.

- Exception. This section does not apply to a call that has been revoked.
- Charge. **36.** A charge in favour of an issuer encumbering a certificated security is enforceable against a purchaser only if it is noted conspicuously on the security certificate.
- Restriction on transfer. **37.** A restriction on the transfer of a security imposed by the issuer, even if otherwise lawful, is ineffective against a person without knowledge of the restriction unless
- (1) the security is a certificated security and the restriction is noted conspicuously on the security certificate; or
 - (2) the security is an uncertificated security and the registered holder has received notice of the restriction.
- Completion of security certificate. **38.** If a security certificate contains the signatures necessary to the security's issue or transfer but is incomplete in any other respect, any person may complete the security certificate by filling in the blanks in accordance with the person's authority and, even if any of the blanks are incorrectly filled in, the security certificate as completed is enforceable by a purchaser who took the security for value and without notice of the incorrectness.
- Alteration. A security certificate that has been improperly altered, even if fraudulently, remains enforceable, but only according to its original terms.
- §4. — Purpose, nature and effectiveness of endorsement, instruction and entitlement order*
- I — Purpose and nature of endorsement, instruction and entitlement order
- Initiation. **39.** The transfer or redemption of a security is initiated by means of an endorsement or instruction and that of a financial asset, by means of an entitlement order.
- Definitions. In this Act,
- “endorsement”; “endorsement” means a signature that, alone or accompanied by other words, is made on a security certificate in registered form or on a separate document for the purpose of initiating the transfer or redemption of the security;
- “entitlement order”; “entitlement order” means a notice communicated to a securities intermediary directing the transfer or redemption of a financial asset to which an entitlement holder has a security entitlement;
- “instruction”. “instruction” means a notice communicated to the issuer of an uncertificated security that directs that the transfer of the security be registered or that the security be redeemed.

II — Effectiveness of endorsement, instruction and entitlement order

- Cases. **40.** An endorsement, instruction or entitlement order is effective if
- (1) it is made by the appropriate person;
 - (2) it is made by a representative of the appropriate person; or
 - (3) the appropriate person has ratified it or is otherwise precluded from asserting its ineffectiveness.
- “appropriate person”. **41.** In this Act, “appropriate person” means,
- (1) with respect to an endorsement, the person specified by a security certificate or by an effective special endorsement to be entitled to the security;
 - (2) with respect to an instruction, the registered holder of an uncertificated security; and
 - (3) with respect to an entitlement order, the entitlement holder.
- Representatives. **42.** Persons empowered by law to act for the appropriate person or to exercise an appropriate person’s rights in a security or financial asset, including as the administrator of the property of another, are considered to be the appropriate person’s representatives.
- Effectiveness. **43.** An endorsement, instruction or entitlement order made by a representative is effective even if
- (1) the representative has failed to comply with the instrument granting the representative authority or with the law governing the representative’s rights and duties, including any provisions requiring the representative to obtain court approval of the transfer or redemption; or
 - (2) the representative’s action in making the endorsement, instruction or entitlement order or using the proceeds of the transaction is otherwise a breach of duty owed by the representative.
- Continued effectiveness. **44.** If a security is specially endorsed to a representative or registered in the name of a representative, or if a securities account is maintained in the name of a representative, an endorsement, instruction or entitlement order made by the representative is effective even if the representative is no longer serving in that capacity at the time the endorsement, instruction or entitlement order is made.
- Determination date. **45.** The effectiveness of an endorsement, instruction or entitlement order is determined as of the date that the endorsement, instruction or entitlement order is made.

§5. — *Overissues of securities*

Overissue. **46.** Except as otherwise provided in this subdivision, the provisions of this Act that make a security enforceable against an issuer despite a defence or defect or that compel a security's issue or reissue do not apply to the extent that the application of such provisions would result in an overissue, that is, an issue of securities in excess of the number or amount that the issuer is authorized to issue.

Identical security. **47.** If an identical security not constituting an overissue is reasonably available for purchase, a person entitled to the issue of a security, or a person entitled to enforce a security against an issuer despite a defence or defect as provided in sections 30 to 32 and 34, may compel the issuer to acquire the security and deliver it, if certificated, or register the transfer of the security, if uncertificated, against surrender of any security certificate the person holds.

Recovery. If such a security is not reasonably available for acquisition, a person entitled to issue of a security may recover from the issuer the price that the last purchaser for value paid for the security.

Presumption. **48.** An overissue is deemed not to have occurred if appropriate action has cured the overissue.

§6. — *Depository's or agent's liability to adverse claimant*

Cases of liability. **49.** A depository or agent, including a dealer, who has dealt with a security or other financial asset at the direction of a client or principal is not liable to a person having an adverse claim to the security or financial asset for any loss suffered by the person as a result, except if the depository or agent

(1) acted as directed after having been served with a judgment enjoining the depository or agent from doing so and after having had a reasonable opportunity to abide by the judgment;

(2) acted in collusion with the client or principal in violating the rights of the person who has the adverse claim; or

(3) in the case of a security certificate that has been stolen, acted with notice of the adverse claim.

CHAPTER III**TRANSFER OF SECURITY****DIVISION I****DELIVERY AND RIGHTS OF PURCHASER****§1. — Delivery**

Certificated security. **50.** Delivery of a certificated security occurs when the purchaser acquires possession of the security certificate or another person acquires possession of the security certificate on behalf of the purchaser or, having previously acquired possession of the security certificate, acknowledges that the person holds the security certificate for the purchaser.

Securities intermediary. When the person who acquires possession of the security certificate on behalf of the purchaser is a securities intermediary, however, delivery of the certificated security only occurs if the security certificate is in registered form and

(1) the security certificate is registered in the name of the purchaser;

(2) the security certificate is payable to the order of the purchaser; or

(3) the security certificate is specially endorsed to the purchaser by an effective endorsement and has not been endorsed to the securities intermediary or in blank.

Uncertificated security. **51.** Delivery of an uncertificated security occurs when the issuer registers the purchaser as the registered holder, on the original issue or the registration of transfer, or another person, other than a securities intermediary, either becomes the registered holder of the uncertificated security on behalf of the purchaser or, having previously become the registered holder, acknowledges that the person holds the uncertificated security for the purchaser.

§2. — Rights of purchaser

Rights. **52.** A purchaser of a security acquires all rights in the security that the transferor had or had power to transfer.

Protected purchaser. **53.** A protected purchaser acquires rights in the security free of any adverse claim.

Interpretation. A protected purchaser is a purchaser who purchases a security for value, does not, at the time of the purchase, have notice of any adverse claim, and obtains control of the security.

- Previous holder. **54.** The purchaser of a certificated security who as a previous holder had notice of an adverse claim does not improve that purchaser's position by virtue of taking from a protected purchaser.
- Certificated security. **55.** A purchaser has control of a certificated security that is in bearer form if the certificated security is delivered to the purchaser. A purchaser has control of a certificated security that is in registered form if the certificated security is delivered to the purchaser and the security certificate is endorsed to the purchaser or in blank by an effective endorsement or is registered in the name of the purchaser at the time of the original issue or registration of transfer by the issuer.
- Uncertificated security. **56.** A purchaser has control of an uncertificated security if the uncertificated security is delivered to the purchaser or the purchaser enters with the issuer of the security into an agreement, called "control agreement", under the terms of which the issuer agrees to comply with instructions that are originated by the purchaser without the further consent of the registered holder.
- Registered holder. A purchaser has control of an uncertificated security even if the registered holder retains the right to originate instructions to the issuer, to make substitutions for the uncertificated security or to otherwise dispose of the uncertificated security.
- Control agreement rules. **57.** The following rules apply to a control agreement regarding an uncertificated security:
- (1) the issuer may not enter into a control agreement without the consent of the registered holder;
 - (2) the issuer is not required to confirm the existence of a control agreement to a third person unless requested to do so by the registered holder;
 - (3) the issuer is not required to enter into a control agreement even if the registered holder so requests; and
 - (4) a purchaser who is party to a control agreement is considered to be the representative of the registered holder for the purposes of any instruction.
- Purchaser's right. **58.** Unless otherwise agreed, a purchaser of a certificated or uncertificated security has a right to require that the transferor supply the purchaser, on demand, with proof of entitlement to the security or of authority to transfer or with any other requisite necessary to obtain registration of the transfer of the security. If the purchase is not for value, the purchaser may so require only on payment of the necessary expenses.
- Non-compliance. If the transferor fails within a reasonable time to comply with the demand, the purchaser may reject the transfer or consider the transfer contract to be rescinded.

DIVISION II**ENDORSEMENT AND INSTRUCTION**§1. — *Endorsement*

- Form. **59.** An endorsement of a security certificate may be in blank or special.
- In blank. An endorsement in blank includes an endorsement to bearer.
- Special. For an endorsement to be a special endorsement, the endorsement must specify to whom the security is to be transferred or who has the power to transfer the security.
- Conversion. The certificate holder may convert an endorsement in blank to a special endorsement.
- Partial endorsement. **60.** A partial endorsement, that is, an endorsement in respect of only some of the securities represented by the certificate, is effective only if the securities are intended by the issuer to be separately transferable.
- Transfer. **61.** An endorsement of a security certificate, whether special or in blank, does not constitute a transfer of the security until the delivery of the security certificate on which the endorsement appears or, if the endorsement is on a separate document, until the delivery of both the security certificate and the document on which the endorsement appears.
- Endorsement missing. **62.** If a security certificate in registered form has been delivered to a purchaser without a necessary endorsement, the transfer is complete against the transferor on delivery.
- Protected purchaser. However, the purchaser may become a protected purchaser only when the endorsement is supplied, and has a right to have any necessary endorsement supplied at any time.
- Notice of adverse claim. **63.** An endorsement of a security certificate in bearer form may constitute notice of an adverse claim to the security certificate, but does not otherwise affect any right that the certificate holder has.

§2. — *Instruction*

- Completion. **64.** An instruction originated by the appropriate person with respect to an uncertificated security may, if necessary, be completed by any person in accordance with the person's authority.
- Error. The issuer may rely on the instruction as completed, even if it has been completed incorrectly.

DIVISION III
WARRANTIES

§1. — *Warranties by endorser or originator*

- Warranty to purchaser. **65.** A person who endorses a security certificate warrants to the purchaser for value and to any subsequent purchaser that
- (1) the security certificate is neither forged nor counterfeited and has not been materially altered;
 - (2) the endorser does not know of any fact that might impair the validity of the security;
 - (3) there is no adverse claim to the security;
 - (4) the transfer does not violate any restriction on transfer;
 - (5) the endorsement is made by the appropriate person or, if the endorser is a representative of the appropriate person, the endorser has actual authority to act on behalf of the appropriate person; and
 - (6) the transfer is otherwise effective and rightful.
- Warranty to issuer. **66.** A person who endorses a security certificate warrants to the issuer that there is no adverse claim to the security and that the endorsement is effective.
- Warranty to purchaser. **67.** A person who originates an instruction for the registration of transfer of an uncertificated security to a purchaser for value of the security warrants to the purchaser that
- (1) the instruction is made by the appropriate person or, if the originator is a representative of the appropriate person, the originator has actual authority to act on behalf of the appropriate person;
 - (2) the security is valid;
 - (3) there is no adverse claim to the security; and
 - (4) at the time that the instruction is presented to the issuer, the purchaser will be entitled to the registration of transfer, the transfer will be registered by the issuer free from all prior claims, hypothecs, restrictions and claims other than those specified in the instruction, the transfer will not violate any restriction on transfer, and the transfer will otherwise be effective and rightful.
- Warranty to issuer. **68.** A person who originates an instruction for the registration of transfer of an uncertificated security warrants to the issuer that the instruction is

effective and that, at the time that the instruction is presented to the issuer, the purchaser will be entitled to the registration of transfer.

Limitation. **69.** Unless otherwise agreed, a person making an endorsement or originating an instruction does not warrant that the security will be honoured by the issuer and makes only the warranties set out in this subdivision.

§2. — *Warranty on signature, endorsement or instruction*

Endorser. **70.** A person who guarantees a signature of an endorser of a security certificate warrants that, at the time of signing,

- (1) the signature was neither forged nor counterfeited;
- (2) the signer was the appropriate person to endorse or, if the signature is by a representative of the appropriate person, the representative had actual authority to act on behalf of the appropriate person; and
- (3) the signer had legal capacity to sign.

Originator of instruction. **71.** A person who guarantees a signature of the originator of an instruction warrants that, at the time of signing,

- (1) the signature was neither forged nor counterfeited;
- (2) if the person specified in the instruction as the registered holder was, in fact, the registered holder at that time, the instruction was effective; and
- (3) the signer had legal capacity to sign.

Limitation. A person who guarantees a signature of the originator of an instruction does not by that guarantee warrant that the person who is specified in the instruction as the registered holder is in fact the registered holder.

Special guarantor. **72.** A person who specially guarantees the signature of an originator of an instruction makes the warranties of a signature guarantor under section 71 and also warrants that, at the time that the instruction is presented to the issuer,

- (1) the person specified in the instruction as the registered holder of the security will in fact be the registered holder of the security; and
- (2) the transfer of the security will be registered by the issuer free from all prior claims, hypothecs, restrictions and claims other than those specified in the instruction.

Signature guarantor. **73.** A signature guarantor does not warrant the rightfulness of the transfer otherwise than under sections 70 to 72.

- Rightfulness of transfer. **74.** A person who guarantees an endorsement of a security certificate makes the warranties of a signature guarantor and also warrants the rightfulness of the transfer in all respects.
- Rightfulness of transfer. **75.** A person who guarantees an instruction that requests the transfer of an uncertificated security makes the warranties of a special signature guarantor and also warrants the rightfulness of the transfer in all respects.
- Registration condition. **76.** An issuer may not require a special guarantee of signature, a guarantee of endorsement or a guarantee of instruction as a condition to the registration of transfer.
- Liability. **77.** The warranties under this subdivision are made to a person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to the person for any loss resulting from any breach of those warranties.
- Liability. An endorser or an originator of an instruction whose signature, endorsement or instruction has been guaranteed is liable to a guarantor for any loss resulting from any breach of the warranties of the guarantor.
- §3. — *Other warranties*
- Person signing certificate. **78.** A person signing a security certificate in a capacity such as trustee, transfer registrar or transfer agent for the purpose of certifying the origin, genuineness and integrity of the security certificate for the issuer warrants to the purchaser for value of the security, if the purchaser is without notice of a particular defect in respect of that security, that
- (1) the security certificate is neither forged nor counterfeited;
 - (2) the person is acting within the person's capacity and within the scope of the authority received by the person from the issuer; and
 - (3) the person has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.
- Limitation. Unless otherwise agreed, the person signing the security certificate does not assume responsibility for the validity of the security in any respect other than that set out in the first paragraph.
- Transfer of certificated security. **79.** A person who transfers a certificated security to a purchaser for value otherwise than by endorsement warrants to the purchaser that
- (1) the security certificate is neither forged nor counterfeited and has not been materially altered;
 - (2) the transferor does not know of any fact that might impair the validity of the security;

- (3) there is no adverse claim to the security;
- (4) the transfer does not violate any restriction on transfer; and
- (5) the transfer is otherwise effective and rightful.
- Transfer of uncertificated security. **80.** A person who transfers an uncertificated security to a purchaser for value and does not originate an instruction in connection with the transfer warrants to the purchaser that
- (1) the security is valid;
- (2) there is no adverse claim to the security;
- (3) the transfer does not violate any restriction on transfer; and
- (4) the transfer is otherwise effective and rightful.
- Presentation of security certificate. **81.** A person who presents a security certificate for the registration of transfer or for payment, redemption or exchange warrants to the issuer that the person is entitled to the registration, payment, redemption or exchange, but a purchaser for value and without notice of adverse claims to whom transfer is registered warrants to the issuer only that the person has no knowledge of any unauthorized signature in a necessary endorsement.
- Delivery by agent. **82.** A person who, as an agent, delivers a security certificate that the person has received from the principal or from a third person at the direction of the principal, to a purchaser who knows the identity of the principal, warrants to the purchaser only that the delivering person has authority to act for the principal and does not know of any adverse claim to the certificated security.
- Redelivery of certificate. **83.** A secured creditor who redelivers a security certificate received from a debtor or, after payment and on order of the debtor, delivers the security certificate to a third person, makes only the warranties of an agent set out in section 82.
- Dealer's warranties to issuer or purchaser. **84.** Subject to section 82, a dealer acting for a client makes to the issuer or a purchaser the warranties set out in sections 65 to 68, 79 and 81.
- Warranties to client. A dealer that delivers a security certificate to the dealer's client makes to the dealer's client the warranties set out in sections 65 and 79 and has the rights of a purchaser provided under sections 65, 79, 82 and 83.
- Warranties to client registered as holder. A dealer that causes the dealer's client to be registered as the holder of an uncertificated security makes to the client the warranties set out in sections 67 and 80 and has the rights of a purchaser provided under those sections.

Additional warranties. The warranties of and in favour of a dealer under this section are in addition to the warranties given by and in favour of the dealer's client.

DIVISION IV

REGISTRATION OF TRANSFER

§1. — Conditions for registration

Duty to register. **85.** If an endorsed security certificate in registered form is presented to an issuer with a request to register a transfer of the certificated security or an instruction is presented to an issuer with a request to register a transfer of an uncertificated security, the issuer registers the transfer as requested if

(1) under the terms of the security, the purchaser is eligible to have the security registered in that person's name;

(2) the endorsement or instruction is made by the appropriate person or by that person's representative;

(3) reasonable assurance is given that the endorsement or instruction is neither forged nor counterfeited and is authorized;

(4) any applicable fiscal law that imposes duties on the issuer at the time of the transfer has been complied with;

(5) the transfer does not violate any restriction on transfer imposed by the issuer that is enforceable against the purchaser or imposed by law; and

(6) the transfer is rightful or is to a protected purchaser.

Assurances. **86.** An issuer may require the following assurance that each endorsement or each instruction is neither forged nor counterfeited and is authorized:

(1) a guarantee of the signature of the person making the endorsement or originating the instruction, given by a guarantor reasonably believed by the issuer to be a responsible person;

(2) if the endorsement is made or the instruction is originated by a representative of the appropriate person, appropriate evidence of actual authority to act on the appropriate person's behalf; or

(3) if the endorsement is made or the instruction is originated by a person not referred to in subparagraph 2, assurance appropriate to the case corresponding as nearly as may be to the assurance required by that subparagraph.

- Standards. An issuer may adopt standards for the purpose of determining whether a guarantor is a responsible person, so long as those standards are not manifestly unreasonable.
- Evidence of authority. **87.** In the case of a representative who is designated by a court, any document issued by or under the direction or supervision of the court or an officer of the court and dated within 60 days before the date of presentation for transfer is appropriate evidence of the representative's authority to act on the appropriate person's behalf.
- Other document. In any other case, a copy of a document showing that the representative has the authority to act on the appropriate person's behalf, a certificate certifying that authority issued by a person reasonably believed by the issuer to be a responsible person or, in the absence of such a document or certificate, other evidence that the issuer reasonably considers appropriate is appropriate evidence of the representative's authority to act on the appropriate person's behalf.
- Additional assurance. **88.** An issuer may elect to require assurance beyond that specified in section 86 that an endorsement or instruction is neither forged nor counterfeited and is authorized, provided that such assurance is reasonable in the circumstances.
- Demand not to register. **89.** A person who is the appropriate person to make an endorsement or to originate an instruction may demand that the issuer not register a transfer of the security.
- Notice. The demand is made by communicating a notice to the issuer setting out, among other things, the identity of the registered holder, the issue of which the security is a part, and the correspondence address of the person making the demand.
- Conditional duty. The issuer is under a duty to consider the demand only if the issuer has had a reasonable opportunity to act on it, having regard to the circumstances of receipt of the demand.
- Request to register. **90.** If, after a demand that the issuer not register a transfer of a security, a certificated security is presented to an issuer with a request to register a transfer or an instruction is presented to an issuer with a request to register an uncertificated security, the issuer promptly gives a notice to each interested person who initiated the demand, presented the request or originated the instruction.
- Notice. The notice must state expressly
- (1) that a request to register the transfer of the security has been presented to or an instruction for the registration of transfer of the security has been received by the issuer;

(2) that a demand that the issuer not register the transfer had previously been received; and

(3) that the issuer will withhold registration of transfer for a period of time stated in the notice in order to provide the person entitled to the security an opportunity to either obtain a judgment enjoining the issuer from registering the transfer or furnish security sufficient in the issuer's judgment to protect the issuer or a transfer registrar, transfer agent or other representative of the issuer from any loss that those persons may suffer by refusing to register the transfer.

Period.

The period of time stated in the notice may not exceed 30 days from the date on which the notice is given. The notice may specify a shorter period so long as it is not manifestly unreasonable.

§2. — *Issuer's duties*

Registered holder.

91. Before due presentation for registration of transfer of a certificated security in registered form or the receipt of an instruction for registration of transfer of an uncertificated security, the issuer or the issuer's representative may treat the registered holder as the person exclusively entitled to vote, to receive notices, to receive any payments, dividends or other distributions and to otherwise exercise all the rights and powers of a registered holder.

Liability for loss.

92. An issuer that refuses or fails to register or unreasonably delays registering the transfer of a security despite the registration conditions being met is liable for any loss suffered as a result of the refusal, failure or delay by the person who presented the request to register the transfer or originated the instruction requesting the registration of transfer or by that person's principal.

Presumption.

When an issuer has received an effective demand from the person entitled to the security that the issuer not register a transfer, the registration conditions are considered to be met if the person has not, within the time allotted, either obtained a judgment enjoining the issuer from registering the transfer or furnished the security required by the issuer.

Limited liability.

93. An issuer is not liable, to an appropriate person who initiated a demand that the issuer not register a transfer, for any loss that the person suffers as a result of the registration of a transfer in accordance with an effective endorsement or instruction if the person has not, within the time allotted, either obtained a judgment enjoining the issuer from registering the transfer or furnished the security required by the issuer.

Wrongful registration.

94. An issuer is liable for wrongful registration of transfer.

Interpretation.

Wrongful registration of transfer is registration of a transfer of a security to a person not entitled to the security when the transfer is registered by the issuer

(1) under an ineffective endorsement or instruction;

(2) without complying, in accordance with section 90, with an effective demand that the issuer not register the transfer which the issuer was under a duty to consider;

(3) after the issuer had been served with a judgment enjoining the issuer from registering the transfer and had a reasonable opportunity to abide by the judgment before registering the security; or

(4) acting in collusion with the person who requested the registration.

Limited liability. **95.** Subject to any applicable fiscal law that imposes duties on the issuer at the time of transfer, an issuer is liable for the loss resulting from registration of the transfer of a security under an effective endorsement or instruction only if the registration otherwise constitutes wrongful registration within the meaning of section 94.

Issuer's liability. **96.** An issuer that is liable for wrongful registration of transfer must, if the person entitled to the security so requests, provide the person with an identical certificated or uncertificated security, as the case may be, and with any payments, dividends or other distributions that the person did not receive as a result of the wrongful registration.

Overissue. If the provision of a like security would result in an overissue, the issuer's liability to provide the person with an identical security is governed by section 47.

Replacement. **97.** If the registered holder of a certificated security, whether in registered form or bearer form, claims that the security certificate has been lost, wrongfully taken or destroyed, the issuer must issue a new security certificate if the registered holder

(1) so requests before the issuer has notice that the lost, wrongfully taken or allegedly destroyed security certificate has been delivered to a protected purchaser;

(2) provides security sufficient in the issuer's judgment to protect the issuer from any loss that the issuer may suffer by issuing a new certificate; and

(3) satisfies any other reasonable requirements imposed by the issuer.

Mandatory registration. **98.** If, after the issue of a new security certificate, a protected purchaser of the lost, wrongfully taken or allegedly destroyed security certificate presents that security certificate for the registration of the transfer of the security, the issuer must register the transfer, as requested by that purchaser.

Overissue. This rule does not apply if the registration of the transfer would result in an overissue, in which case the issuer's liability to the protected purchaser is governed by section 47.

- Loss. An issuer that suffers a loss as a result of the application of this section may exercise against the registered holder to whom the issuer issued a new security certificate all the rights the issuer may have under the security provided by the registered holder.
- Notice. **99.** Despite any contrary provision in this subdivision, the registered holder of a security may not assert a claim under section 96 or 98 against the issuer if
- (1) the holder had notice of the fact that the security certificate had been lost, wrongfully taken or destroyed but failed to give a notice to the issuer of that fact within a reasonable time; and
 - (2) the issuer registered a transfer of the security before receiving a notice of the loss, wrongful taking or destruction of the security certificate.
- Obligation and liability. **100.** A person who, in a capacity such as trustee, transfer registrar or transfer agent, is entrusted with certifying the origin, genuineness and integrity of securities for an issuer in the registration of a transfer of the issuer's securities, in the issue of new security certificates or uncertificated securities or in the cancellation of security certificates has the same obligation and liability to the registered holder of a security with regard to the particular function performed as the issuer has in regard to that function.
- Issuer's liability. **101.** Nothing in this subdivision relieves an issuer from liability for loss resulting from the registration of a transfer under an endorsement or instruction that was not effective.
- Registered holder's liability. **102.** Nothing in this Act affects the liability of the registered holder of a security for a call, assessment or the like.

CHAPTER IV

ESTABLISHMENT OF SECURITY ENTITLEMENT

DIVISION I

ESTABLISHMENT OF SECURITY ENTITLEMENT AND RIGHTS OF ENTITLEMENT HOLDER OR OTHER PURCHASER

§1. — *Establishment of security entitlement*

- Acquisition. **103.** A person acquires a security entitlement and so becomes the entitlement holder if a securities intermediary
- (1) indicates, by book entry, that a financial asset has been credited to the person's securities account;

(2) receives a financial asset from the person or acquires a financial asset for the person and, in either case, accepts it for credit to the person's securities account; or

(3) becomes obligated under another law, regulation or rule or under a judgment to credit a financial asset to the person's securities account.

Entitlement holder. **104.** A person may have a security entitlement even if the securities intermediary does not itself hold the financial asset.

Direct holder. **105.** A person is not considered to have a security entitlement with respect to a financial asset if a securities intermediary holds the financial asset for that person and the financial asset

(1) is registered in the name of, payable to the order of or specially endorsed to that person; and

(2) has not been endorsed to the securities intermediary or in blank.

Issuance of security. **106.** Issuance of a security does not in itself establish a security entitlement.

§2. — *Rights of entitlement holder or other purchaser*

Rights in financial asset. **107.** To the extent necessary for a securities intermediary to satisfy all security entitlements with respect to a particular financial asset, all rights in that financial asset held by the securities intermediary are held by the securities intermediary for the entitlement holders, are not the property of the securities intermediary, and are not subject to claims of creditors of the securities intermediary except as otherwise provided in section 130.

Proportionate right. Each entitlement holder has a proportionate right with respect to that financial asset, without regard to the time that the entitlement holder acquired the security entitlement or the time that the securities intermediary acquired the rights in that financial asset.

Enforcement of rights. **108.** An entitlement holder's rights may only be enforced against the securities intermediary and only by the exercise of the entitlement holder's rights under the provisions of Division II of this chapter that relate to the duties of all securities intermediaries.

Enforcement against purchaser. **109.** Despite section 108, an entitlement holder's rights with respect to a financial asset may be enforced against a purchaser of the financial asset, or rights in it, if

(1) bankruptcy or insolvency proceedings have been initiated by or against the securities intermediary;

(2) the securities intermediary does not have sufficient rights in the financial asset to satisfy the security entitlements of all of its entitlement holders to that financial asset; and

(3) the securities intermediary violated its obligations under section 116 by transferring rights in the financial asset to the purchaser.

Trustee or liquidator. A trustee or liquidator acting on behalf of all entitlement holders having security entitlements to a particular financial asset may exercise the entitlement holders' rights. If the trustee or liquidator does not take action, the entitlement holders may each exercise their rights against the purchaser.

Immunity. An action based on the entitlement holder's rights with respect to a particular financial asset, however framed, may not be brought against any purchaser of a financial asset who purchases the financial asset for value, obtains control or possession of the financial asset, and does not act in collusion with the securities intermediary in violating the securities intermediary's obligations under section 116.

Immunity of entitlement holder. **110.** An action based on an adverse claim to a financial asset, however framed, may not be brought against the entitlement holder if the entitlement holder acquired the security entitlement for value and did not, at the time of the acquisition, have notice of the adverse claim.

Immunity of purchaser. **111.** Subject to the provisions of the Civil Code regarding hypothecs and the provisions of Division IV of this chapter regarding priority rules, an action based on an adverse claim to a security entitlement or the financial asset to which an entitlement holder has a security entitlement, however framed, may not be brought against a purchaser of the security entitlement who purchased the security entitlement from the entitlement holder if the purchaser is a protected purchaser or if such an action could not have been brought against the entitlement holder under section 110.

Protected purchaser. **112.** The purchaser of a security entitlement is a protected purchaser if the purchaser purchases the security entitlement for value, does not, at the time of the purchase, have notice of any adverse claim to the security, and obtains control of the security entitlement.

Control of security entitlement. **113.** A purchaser of a security entitlement has control of the security entitlement if

(1) the purchaser becomes the entitlement holder;

(2) the purchaser enters with the securities intermediary into an agreement, called "control agreement", under the terms of which the securities intermediary agrees to comply with entitlement orders that are originated by the purchaser without the further consent of the entitlement holder; or

(3) another person has control of the security entitlement on behalf of the purchaser or, having previously obtained control of the security entitlement, acknowledges that the person has control on behalf of the purchaser.

Special cases.

A purchaser has control of the security entitlement even if the entitlement holder retains the right to originate entitlement orders to the securities intermediary, to make substitutions for the security entitlement or to otherwise dispose of the security entitlement.

Control agreement.

114. The following rules apply to a control agreement relating to a security entitlement:

(1) the securities intermediary may not enter into a control agreement without the prior consent of the entitlement holder;

(2) the securities intermediary is not required to confirm the existence of a control agreement to a third person unless requested to do so by the entitlement holder;

(3) the securities intermediary is not required to enter into a control agreement with the purchaser even if the entitlement holder so requests; and

(4) a purchaser that is party to a control agreement is considered to be the representative of the entitlement holder for the purposes of any entitlement order.

§3. — *Status of securities intermediary as purchaser*

Purchaser for value.

115. A securities intermediary that receives a financial asset and establishes a security entitlement to the financial asset in favour of the holder of a securities account maintained by the securities intermediary is considered to be a purchaser for value of the financial asset.

Acquisition of security entitlement.

A securities intermediary that acquires a security entitlement to a financial asset from another securities intermediary is considered to acquire the security entitlement for value if the securities intermediary acquiring the security entitlement establishes a security entitlement to the financial asset in favour of the holder of a securities account maintained by the securities intermediary.

Control of security entitlement.

If rights in a security entitlement are granted by the holder of a securities account to the securities intermediary that maintains that account, the securities intermediary is considered to have control of the security entitlement.

DIVISION II**DUTIES OF SECURITIES INTERMEDIARY**

- Corresponding quantity. **116.** A securities intermediary must promptly obtain and then maintain a financial asset in a quantity corresponding to the aggregate of all security entitlements that the securities intermediary has established in favour of its entitlement holders with respect to that financial asset.
- Other intermediaries. The securities intermediary may maintain the financial asset directly or through one or more other securities intermediaries. Except to the extent otherwise agreed to by its entitlement holder, a securities intermediary may not encumber the financial asset with a security.
- Exception. This section does not apply to a clearing agency that is itself the obligor of an option or similar obligation to which its entitlement holders have security entitlements.
- Distributions. **117.** A securities intermediary must take action to obtain a payment, dividend or other distribution made by the issuer of a financial asset.
- Obligation to entitlement holders. On receiving a payment, dividend or other distribution from the issuer of a financial asset, the securities intermediary is obligated to its entitlement holders having security entitlements to the financial asset.
- Exercise of rights. **118.** A securities intermediary must exercise rights with respect to a financial asset if directed to do so by an entitlement holder.
- Entitlement order. **119.** A securities intermediary must comply with an entitlement order within a reasonable time if the securities intermediary has had a reasonable opportunity to assure itself that the entitlement order is effective.
- Liability. **120.** A securities intermediary that has transferred a financial asset in accordance with an effective entitlement order is not liable for any loss suffered as a result of the transfer by a person having an adverse claim to the financial asset unless
- (1) the securities intermediary transferred the financial asset after being served with a judgment enjoining the securities intermediary from doing so and after having a reasonable opportunity to abide by the judgment;
 - (2) the securities intermediary acted in collusion with the originator of the entitlement order in violating the rights of the person who has the adverse claim; or
 - (3) in the case of a stolen security certificate, the securities intermediary acted with notice of the adverse claim.

- Ineffective entitlement order. **121.** If a securities intermediary transfers a financial asset under an ineffective entitlement order, the securities intermediary must re-establish a security entitlement in favour of the previous entitlement holder and pay or credit any payments, dividends or other distributions that the previous entitlement holder did not receive as a result of the wrongful transfer.
- Entitlement holder. **122.** A securities intermediary must act at the direction of an entitlement holder to change a security entitlement, when possible, into a security or another available form of holding or to cause the financial asset to be transferred to a securities account of the entitlement holder with another securities intermediary.
- Presumption. **123.** A securities intermediary is considered to satisfy the duties imposed under this division if the securities intermediary acts with respect to the duty as agreed between the entitlement holder and the securities intermediary or, in the absence of such an agreement, the securities intermediary exercises due care.
- Presumption. In the case of the duty imposed under section 118, the securities intermediary is considered to satisfy that duty if, in the absence of an agreement with the entitlement holder, the securities intermediary acts so as to enable the entitlement holder to directly exercise the entitlement holder's rights under that section.
- Duties and rights. **124.** Subject to specific standards specified by another law, regulation, rule or by a contract, a securities intermediary and an entitlement holder must perform their duties and exercise their rights under this division in a commercially reasonable manner.
- Compliance. **125.** If the substance of a duty imposed on a securities intermediary under this division is the subject of another law, regulation or rule, compliance with that other law, regulation or rule is considered to satisfy the duty.
- Scope. Nothing in this division requires a securities intermediary to take any action that is otherwise prohibited by another law, regulation or rule. Nothing in this division prevents a securities intermediary from exercising its rights arising out of a security on a financial asset or from invoking exception for nonperformance against an entitlement holder who has obligations to the securities intermediary.

DIVISION III WARRANTIES

- Entitlement order. **126.** A person who originates an entitlement order to a securities intermediary warrants to the securities intermediary
- (1) that the person is the appropriate person or has the authority to act on behalf of the appropriate person; and

(2) that there is no adverse claim to the financial asset.

Security certificate. **127.** A person who delivers a security certificate to a securities intermediary for credit to a securities account makes to the securities intermediary the warranties set out in section 65 or 79, according to whether the certificate is in registered form or bearer form.

Uncertificated security. A person who directs a securities intermediary to credit an uncertificated security to a securities account makes to the securities intermediary the warranties set out in section 67.

Security certificate. **128.** A securities intermediary that delivers a security certificate to an entitlement holder makes to the entitlement holder the warranties set out in section 65 or 79, according to whether the certificate is in registered form or bearer form.

Uncertificated security. A securities intermediary that causes an entitlement holder to be registered as the holder of an uncertificated security makes to the entitlement holder the warranties set out in section 67 or 80, as applicable.

DIVISION IV

PRIORITY RULES

Purchaser with control. **129.** A purchaser for value of rights in a security entitlement who obtains control of the security entitlement has priority over such a purchaser who does not obtain control. When two or more such purchasers have control of a security entitlement, the purchaser who first obtained control has priority over the other; however, the purchaser who obtains control by becoming the person for whom the securities account in which the security entitlement is carried is maintained has priority.

Securities intermediary. A securities intermediary as purchaser always has priority over a conflicting purchaser who has control of the security entitlement.

Rules. The rules set out in this section apply subject to the rules set out in the Civil Code with regard to hypothecs.

Entitlement holders. **130.** If a securities intermediary does not have sufficient rights in a financial asset to satisfy both the securities intermediary's obligations to entitlement holders who have security entitlements to that financial asset and the securities intermediary's obligation to a creditor of the securities intermediary who has a security on that financial asset, the claims of entitlement holders have priority over the claim of the creditor.

Creditor. However, the claim of a creditor of a securities intermediary that has a security on a financial asset held by a securities intermediary has priority over claims of the securities intermediary's entitlement holders who have security entitlements with respect to that financial asset if

- (1) the securities intermediary is a clearing agency; or
- (2) the creditor has control of the financial asset.

CHAPTER V AMENDING PROVISIONS

CIVIL CODE

1991, c. 64, a. 2479.1,
added.

131. The Civil Code of Québec (1991, chapter 64) is amended by inserting the following article after article 2479:

“2479.1. If the insured has assigned or hypothecated his right to a premium overpayment refund to or in favour of the person who paid the premium and the insurer has received notice of the assignment or hypothec, the insurer is bound to make the overpayment refund to the assignee or to the holder of the hypothec.

The assignment or hypothec may not be set up against third persons until the insurer receives notice of the assignment or hypothec.

If two or more assignments or hypothecs are made or granted on the same right to a premium overpayment refund, priority is determined according to when the insurer received notice.”

1991, c. 64, a. 2677,
am.

132. Article 2677 of the Code is amended

(1) by inserting “certain and determinate” after “A hypothec on” in the first paragraph;

(2) by replacing “, provided the registration of the hypothec” in the first paragraph by “. Publication of the hypothec by registration subsists only if the registration”.

1991, c. 64, a. 2684.1,
added.

133. The Code is amended by inserting the following article after article 2684:

“2684.1. Notwithstanding article 2684, a natural person not carrying on an enterprise may grant a hypothec on a universality of present or future securities or security entitlements, within the meaning of the Act respecting the transfer of securities and the establishment of security entitlements, provided the securities or security entitlements are securities or security entitlements that the person may encumber with a hypothec without delivery.

Such a natural person may also grant a hypothec on any other universality of present or future property determined by regulation, provided the property is property that the person may encumber with a hypothec without delivery.”

1991, c. 64, a. 2701.1,
added.

134. The Code is amended by inserting the following article after article 2701:

“2701.1. A movable hypothec constituted by a securities intermediary on securities or security entitlements within the meaning of the Act respecting the transfer of securities and the establishment of security entitlements is deemed to be published by the sole fact of its constitution, and does not require registration.

If the securities intermediary has constituted two or more movable hypothecs on the same securities or security entitlements, the hypothecs rank concurrently among themselves, regardless of when they were published.”

1991, c. 64, a. 2702,
am.

135. Article 2702 of the Code is amended by replacing “by delivery” by “by physical delivery” and by inserting “physically” after “continuing to”.

1991, c. 64, subsect. 5,
aa. 2714.1-2714.7,
added.

136. The Code is amended by inserting the following after article 2714:

“§5. — Movable hypothecs with delivery on certain securities or security entitlements

“2714.1. In the case of securities and security entitlements within the meaning of the Act respecting the transfer of securities and the establishment of security entitlements, the requirement that the property be delivered to and held by the creditor in order for a movable hypothec with delivery to be constituted and set up against third persons may be met by the creditor obtaining control of the securities or security entitlements in accordance with that Act.

“2714.2. From the time a creditor secured by a movable hypothec with delivery obtains control of the securities or security entitlements, that hypothec ranks ahead of any other movable hypothec on the same securities or security entitlements, regardless of when that other hypothec is published.

If two or more movable hypothecs with delivery are granted on the same securities or on the same security entitlements in favour of creditors each of whom has obtained control of the securities or security entitlements, the hypothecs rank among themselves according to when the creditors obtained control. However, in the case of security entitlements, the hypothec granted in favour of the creditor who obtained control of the security entitlements by becoming the entitlement holder ranks ahead of the other.

“2714.3. A movable hypothec with delivery granted in favour of a securities intermediary on security entitlements to a financial asset credited to a securities account maintained by the securities intermediary for its grantor ranks ahead of any other hypothec on those security entitlements.

“2714.4. A movable hypothec with delivery encumbering securities represented by a certificate in registered form, even if granted in favour of a creditor who does not have control of the securities, ranks ahead of any movable hypothec without delivery encumbering the same securities, regardless of when the hypothec without delivery is published.

“2714.5. Except in the case of securities represented by a certificate, a natural person not carrying on an enterprise may grant a movable hypothec with delivery only on those securities or security entitlements that the person may, under the conditions prescribed, encumber with a movable hypothec without delivery.

“2714.6. Unless otherwise agreed between the grantor and the creditor, a creditor holding a movable hypothec with delivery on securities or security entitlements may alienate the securities or security entitlements or grant a movable hypothec on them in favour of a third person.

“2714.7. Certificates representing securities within the meaning of the Act respecting the transfer of securities and the establishment of security entitlements do not have to be negotiable for hypothecary delivery to be validly effected through the physical delivery and holding of the certificates; hypothecary delivery results from the delivery of the certificates in accordance with that Act.”

1991, c. 64, a. 2756,
repealed.

137. Article 2756 of the Code is repealed.

1991, c. 64, a. 2759,
replaced.

138. Article 2759 of the Code is replaced by the following article:

“2759. A creditor holding a hypothec on securities or security entitlements within the meaning of the Act respecting the transfer of securities and the establishment of security entitlements may sell the securities or security entitlements or otherwise dispose of them without having to give a prior notice, obtain their surrender or observe the time limits prescribed by this Title, if the agreement between the creditor and the grantor so permits and, when the creditor does not have control of the securities or security entitlements, if they are, or are of a type, dealt in or traded on securities exchanges or financial markets.

A creditor who so disposes of securities or security entitlements acts on behalf of the grantor and is not bound to declare the creditor’s position as creditor to the purchaser. The creditor imputes the proceeds of the disposition to payment of the costs incurred to dispose of the securities or security entitlements, to payment of the hypothecary claims prior to the creditor’s claim and, finally, to payment of the creditor’s claim; the creditor remits any surplus to the grantor. The disposition purges the real rights to the extent provided by the Code of Civil Procedure in respect of the effect of a sale of property seized.

The rules of this Title pertaining to a sale by a creditor are applicable in all other respects to the disposition of securities or security entitlements by a creditor, with the necessary modifications.”

1991, c. 64, subsect. 4,
aa. 3108.1-3108.8,
added.

139. The Code is amended by inserting the following after article 3108:

“§4. — *Securities and security entitlements to financial assets*

“3108.1. The validity of a security is governed by the law of the country under which the issuer is constituted or, if the security is issued by a country, by the law of that country.

“3108.2. The following matters are governed by the law of the country under which the issuer is constituted or, if permitted by the law of that country, by another law specified by the issuer:

(1) the rights and duties of the issuer with respect to the registration of transfer of a security on its books, and the validity of the registration;

(2) whether the issuer owes any duty to an adverse claimant to a security issued by the issuer; and

(3) whether an adverse claim may be asserted against a person to whom the transfer of a security is registered in the records of the issuer or who obtains control of an uncertificated security issued by the issuer.

If the issuer is constituted under the law of a country that comprises several territorial units having different legislative jurisdictions, the applicable law is the law in force in the territorial unit where the issuer has its head office or, if permitted by the law of the country that comprises the territorial units, another law specified by the issuer.

“3108.3. Despite article 3108.2, if the issuer is a country, the matters listed in that article are governed by the law of that country or, if the law of that country so permits, by the law specified by that country.

“3108.4. Québec as an issuer and any issuer constituted under a law of Québec may specify the law governing the matters listed in article 3108.2.

“3108.5. Whether a security is enforceable against the issuer despite a defect or defence related to matters other than those listed in articles 3108.1 and 3108.2 is governed by the law of the country under which the issuer is constituted or, if the issuer is constituted under the law of a country that comprises several territorial units having different legislative jurisdictions, by the law of the territorial unit in which the issuer has its head office.

If the issuer is a country, the applicable law is the law of that country. If the issuer is a country that comprises several territorial units having different legislative jurisdictions, the applicable law is the law of that country or any other law specified by that country.

“3108.6. The law of the country in which a security certificate is located at the time of its delivery determines whether an adverse claim to the security may be asserted against a person to whom the security certificate is delivered.

“3108.7. The law expressly specified in a juridical act governing a securities account maintained for an entitlement holder by a securities intermediary as the law applicable to that act governs the following matters, unless the act specifies another law as the law applicable to them:

- (1) acquisition of a security entitlement from the securities intermediary;
- (2) the rights and duties of the securities intermediary and the entitlement holder arising out of the security entitlement;
- (3) whether the securities intermediary owes any duty to a person who has an adverse claim to a security entitlement; and
- (4) whether an adverse claim may be asserted against a person who acquires a security entitlement from the securities intermediary or who acquires rights in a security entitlement from the entitlement holder.

If no law is specified in a juridical act governing a securities account, the applicable law is the law of the country in which the establishment expressly mentioned in such an act as being the place where the securities account is maintained is located or, if no establishment is expressly specified in such an act, the law of the country in which the establishment identified in an account statement as the establishment serving the entitlement holder’s account is located. If no law may be determined on the basis of the account statement, the applicable law is the law of the country in which the decision-making centre of the securities intermediary is located.

“3108.8. The validity of a security encumbering a security or security entitlement to a financial asset, the publication of the encumbering security and the effects of publication are governed by the following laws, determined, with respect to the validity of the encumbering security, at the time of its creation:

- (1) in the case of a certificated security, the law of the country in which the security certificate is located;
- (2) in the case of an uncertificated security, the law governing the matters listed in article 3108.2 relating, among other things, to certain rights and duties of the issuer; and
- (3) in the case of a security entitlement to a financial asset, the law governing acquisition of a security entitlement from a securities intermediary.

However, whether an encumbering security is published by registration and whether an encumbering security without delivery granted by a securities intermediary is considered to be published by the sole fact of its being granted are governed by the law of the country in which the grantor is domiciled.”

CHARTER OF VILLE DE MONTRÉAL

c. C-11.4, Sched. C, s. 124, am. **140.** Section 124 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by striking out the last sentence of the second paragraph.

CITIES AND TOWNS ACT

c. C-19, s. 549, am. **141.** Section 549 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by striking out the fifth and sixth paragraphs;

(2) by striking out the following sentence at the end of the seventh paragraph: “That condition is added to the pertinent transfer procedure mentioned in the fifth or sixth paragraph.”;

(3) by replacing the eighth paragraph by the following paragraph:

Effect of transfer. “A transfer in accordance with the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20) or with the fifth paragraph of this section, as applicable, conveys all rights in the bond to the transferee and entitles the transferee to bring an action based on the bond in the transferee’s own name.”

c. C-19, s. 551, am. **142.** Section 551 of the Act is amended by replacing “the person entitled thereto pursuant to the last four paragraphs of section 549 when the interest specified therein falls due” in the first paragraph by “the person entitled to payment of the interest when the interest specified therein falls due, whether the bearer, the person in whose name the bond is registered or the endorsee”.

CODE OF CIVIL PROCEDURE

c. C-25, Sect. III, heading, replaced. **143.** The Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the heading before article 617 by the following heading:

“SECTION III

“SEIZURE OF SECURITIES AND SECURITY ENTITLEMENTS TO FINANCIAL ASSETS”.

c. C-25, aa. 617-619, replaced. **144.** Articles 617 to 619 of the Code are replaced by the following articles:

“617. Securities represented by a certificate are seized by seizure of the certificates, through service of a writ of execution on the person holding the certificates, and notification of the seizure to the issuer or the issuer’s transfer agent in Québec.

“618. Uncertificated securities or security entitlements to financial assets are seized through service of a writ of seizure by garnishment on the issuer or on the securities intermediary that maintains the debtor’s securities account.

“619. Uncertificated or certificated securities or security entitlements to financial assets may also be seized through service of a writ of seizure by garnishment on a secured creditor if

(1) the certificates representing the securities are in the secured creditor’s possession;

(2) the uncertificated securities are registered in the secured creditor’s name in the issuer’s records; or

(3) the security entitlements to financial assets are held in the secured creditor’s name in a securities account maintained by a securities intermediary for the debtor.

“619.1. The seizure of securities or security entitlements to financial assets entails the seizure of the dividends, distributions and other rights attached.

“619.2. When securities represented by a certificate are seized, the issuer must declare to the bailiff the number of securities held by the debtor, the extent to which the securities are paid up and the dividends or other distributions declared but not paid.”

c. C-25, a. 620, am.

145. Article 620 of the Code is amended by replacing “of the declaration of the company” by “of the declaration of the issuer”.

c. C-25, a. 621, am.

146. Article 621 of the Code is amended

(1) by replacing “of the shares is subject under the constituting act and by-laws of the company” at the end of the first paragraph by “of the securities or security entitlements to financial assets is subject under the constituting act and by-laws of the issuer or the instrument governing the securities account maintained by the securities intermediary”;

(2) by replacing “shares” in the second paragraph by “securities or security entitlements”.

c. C-25, a. 622, am.

147. Article 622 of the Code is amended

(1) by replacing “of shares” in the first paragraph by “of securities or security entitlements”;

(2) by replacing “Shares” in the second paragraph by “Securities or security entitlements” and by replacing “other shares” in that paragraph by “other securities or security entitlements”.

c. C-25, a. 623, am. **148.** Article 623 of the Code is amended by replacing “share” and “shares” by “security” and “securities” respectively.

c. C-25, a. 624, am. **149.** Article 624 of the Code is amended by replacing “shares of companies” by “securities or security entitlements to financial assets”.

MUNICIPAL CODE OF QUÉBEC

c. C-27.1, a. 1068, am. **150.** Article 1068 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “the person entitled thereto under articles 1086 and 1087 when the interest specified therein falls due” in the first paragraph by “the person entitled to payment of the interest when the interest specified therein falls due, whether the bearer, the person in whose name the bond is registered or the endorsee”.

c. C-27.1, a. 1086, repealed. **151.** Article 1086 of the Code is repealed.

c. C-27.1, a. 1087, am. **152.** Article 1087 of the Code is amended by striking out the second paragraph.

c. C-27.1, a. 1088, am. **153.** Article 1088 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“**1088.** A transfer in accordance with the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20) or with article 1087, as applicable, conveys all rights in the bond to the transferee and entitles the transferee to bring an action based on the bond in the transferee’s own name.”;

(2) by replacing “articles 1086 and 1087” in the second paragraph by “article 1087”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

c. C-37.01, s. 203, am. **154.** Section 203 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by striking out the last sentence of the second paragraph.

COMPANIES ACT

- c. C-38, s. 46, am. **155.** Section 46 of the Companies Act (R.S.Q., chapter C-38) is amended by replacing “property and are transferable in the manner and on the conditions prescribed by this Part, the constituting act or the by-laws of the company” in the first paragraph by “property; the transfer of company shares is governed by the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20), on the conditions prescribed by this Part and, if the conditions are effective under that Act, by the constituting act or the by-laws of the company”.
- c. C-38, s. 48, am. **156.** Section 48 of the Act is amended by adding the following sentence at the end of subsection 13: “Likewise, the purchase or redemption of shares by a company that is compelled to do so under the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20) shall not be considered to reduce its capital stock.”
- c. C-38, s. 54, am. **157.** Section 54 of the Act is amended by striking out “, and the shares may be transferred by delivery of the warrant” in subsection 2.
- c. C-38, ss. 74-76, repealed. **158.** Sections 74 to 76 of the Act are repealed.
- c. C-38, s. 123.44, am. **159.** Section 123.44 of the Act is amended by adding the following sentence at the end of the first paragraph: “It may also hold its own shares if compelled to do so under the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20).”
- c. C-38, s. 123.93, am. **160.** Section 123.93 of the Act is amended by adding the following at the end of the third paragraph: “or, if the shares are uncertificated securities within the meaning of the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20) and the person did not receive notice of such an agreement”.
- c. C-38, s. 144, am. **161.** Section 144 of the Act is amended by replacing “property and are transferable in the manner and on the conditions prescribed by this Part or by the charter or by-laws of the company” in the first paragraph by “property; the transfer of company shares is governed by the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20), on the conditions prescribed by this Part, by the charter of the company or, if the conditions are effective under that Act, by the by-laws of the company”.
- c. C-38, s. 146, am. **162.** Section 146 of the Act is amended by adding the following sentence at the end of subsection 13: “Likewise, the purchase or redemption of shares by a company that is compelled to do so under the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20) shall not be considered to reduce its capital stock.”

c. C-38, s. 152, am. **163.** Section 152 of the Act is amended by striking out “, and the shares may be transferred by delivery of the warrant” in subsection 2.

c. C-38, ss. 166-168, repealed. **164.** Sections 166 to 168 of the Act are repealed.

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

c. D-7, s. 24, am. **165.** Section 24 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is amended by adding the following sentence at the end of the first paragraph: “However, if the debenture is held jointly by two or more holders, the clerk, secretary or secretary-treasurer is not required to enter more than one holder.”

c. D-7, s. 25, am. **166.** Section 25 of the Act is amended by replacing “his right of ownership of such debenture” in the first paragraph by “that person’s rights in the debenture”.

c. D-7, s. 27, repealed. **167.** Section 27 of the Act is repealed.

c. D-7, s. 28, am. **168.** Section 28 of the Act is amended by striking out the second paragraph.

c. D-7, s. 29, am. **169.** Section 29 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

Transfer of rights. **“29.** A transfer in accordance with the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20) or with section 28, as applicable, conveys all rights in the bond to the transferee and entitles the transferee to bring an action based on the bond in the transferee’s own name.”;

(2) by replacing “sections 27 and 28” in the second paragraph by “section 28”.

SECURITIES ACT

c. V-1.1, ss. 10.2-10.5, repealed. **170.** Sections 10.2 to 10.5 of the Securities Act (R.S.Q., chapter V-1.1) are repealed.

CHAPTER VI

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Minister responsible. **171.** The Minister of Justice is responsible for the administration of this Act.

Proceedings pending. **172.** The provisions of this Act are not applicable to proceedings pending on 1 January 2009.

- Control obtained before 1 January 2009. **173.** Movable hypothecs with delivery effected by the creditor obtaining control of securities or security entitlements within the meaning of this Act may not be cancelled or declared unenforceable against third persons on the grounds that control of the securities or security entitlements, though obtained in the manner provided for by that Act, was obtained before 1 January 2009.
- Original enforceability retained. **174.** Movable hypothecs with delivery which became enforceable against third persons before 1 January 2009 after being published in a manner not recognized by the new provisions enacted by this Act retain their original enforceability provided they are published in the year that follows that date in accordance with the law in force at the time of publication. In the absence of such publication, the initial publication of those hypothecs ceases to have effect on the expiry of that year.
- Publication by registration. For the sole purposes of the first paragraph, hypothecs published by registration in the register of personal and movable real rights will in all cases be considered to be published in accordance with the law in force at the time of publication.
- Scope. **175.** This Act applies to hypothecs referred to in sections 173 and 174, especially as regards their publication or their ranking among themselves or in relation to other hypothecs on the same securities or security entitlements.
- Coming into force. **176.** This Act comes into force on 1 January 2009.

2008, chapter 21

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT, THE ACT RESPECTING THE QUÉBEC PENSION PLAN AND OTHER LEGISLATIVE PROVISIONS

Bill 68

Introduced by Mr. Sam Hamad, Minister of Employment and Social Solidarity

Introduced 2 April 2008

Passed in principle 14 May 2008

Passed 18 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008; however,

(1) sections 36, 44, 49, 51 to 60 and 63 come into force on 1 July 2008;

(2) sections 38, 39, 41 to 43 and 62 come into force on 1 January 2009;

(3) sections 2 and 24, section 26, insofar as it enacts section 305.2 of the Supplemental Pension Plans Act, and sections 27 and 29 to 35 come into force on 1 January 2010.

Legislation amended :

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)

Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)

Supplemental Pension Plans Act (R.S.Q., chapter R-15.1)

Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, chapter 42)

Legislation repealed :

Act respecting the funding of certain pension plans (2005, chapter 25)

Explanatory notes

This Act amends the Supplemental Pension Plans Act, mainly so that pension plan members may be given the prospect of a phased retirement. It clarifies the meaning of that Act with respect to the conditions to which pension benefits may be subject and to the employer's obligations, particularly when a plan is terminated. It also amends that Act and the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans, in order to supplement or clarify certain measures set out in the latter Act. In addition, it repeals the Act respecting the funding of certain pension plans and prescribes transitional measures aimed at protecting the rights of the parties to the pension plans referred to in that Act.

(Cont'd on next page)

Explanatory notes (Cont'd)

This Act also amends various aspects of the Act respecting the Québec Pension Plan. It entitles beneficiaries of a retirement pension who contribute to the plan to an additional pension based on their post-retirement earnings. It also supplements the provisions on the coordination of disability pension benefits with the income replacement indemnities payable under the Act respecting industrial accidents and occupational diseases and the Automobile Insurance Act. It extends the retroactive payment of benefits in certain specific situations and includes various amendments related to the partition of earnings and of pension benefits, and to the revision and recovery of certain payments. Furthermore, this Act empowers the Régie des rentes du Québec to make regulations providing ways of submitting applications other than in writing.



Chapter 21

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT, THE ACT RESPECTING THE QUÉBEC PENSION PLAN AND OTHER LEGISLATIVE PROVISIONS

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. R-15.1, s. 14.1, added.

1. The Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by inserting the following section after section 14:

Scope of powers not restricted.

“**14.1.** Unless expressly provided by this Act, no provision of a defined benefit plan or defined benefit-defined contribution pension plan may operate to make the following conditional on an extrinsic factor so that they are limited or reduced:

(1) the crediting of service or the accumulation of benefits under the plan;

(2) the amount or value of the benefits accumulated in respect of service prior to the date on which the value of the obligations arising from the plan are established with regard to the member or beneficiary whose rights are at stake.

Extrinsic factors.

The following, in particular, are considered to be extrinsic factors:

(1) the financial position of the pension fund;

(2) employer contributions paid in relation to the obligations arising from the pension plan with regard to the member or beneficiary;

(3) the exercised discretionary powers attributed exclusively to a person other than a member or beneficiary;

(4) certification or cancellation of the certification of an association of employees;

(5) technological or economic changes in the employer’s enterprise or the division, merger, alienation or closing down of the enterprise; and

(6) the withdrawal of an employer from the pension plan or the termination of the pension plan.”

c. R-15.1, s. 21.3,
added.

2. The Act is amended by inserting the following section after section 21.2:

Restriction.

“21.3. In the case of a pension plan to which the conditions set out in subparagraphs 1 and 2 of the first paragraph of section 146.1 apply, no amendment having an impact on the funding or solvency of the plan may be made unless the surplus assets are appropriated to the payment of the value of the additional obligations arising from the amendment.”

c. R-15.1, s. 58, am.

3. Section 58 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

Life pension.

“58. Except in the following cases, a pension paid under a pension plan must be a life pension and may not be paid in any other form during the lifetime of the member or, in the case of a spouse’s pension, during the lifetime of the spouse:

(1) the temporary pension provided for in section 91.1 and the pension derived from that pension;

(2) a pension provided for in section 67.2; and

(3) the bridging benefit representing the fraction of a pension which, under the terms of the pension plan, must be paid to the member or beneficiary until a date that is neither earlier than the date on which the member becomes eligible for an early retirement pension payable under the Act respecting the Québec Pension Plan (chapter R-9), the Canada Pension Plan (Revised Statutes of Canada, 1985, chapter C-8), the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9) or an income security program prescribed by regulation, nor later than the date on which the member becomes eligible for a retirement pension under such an Act or program.”;

(2) by replacing “A defined benefit plan or a defined contribution-defined benefit plan” in the first line of the second paragraph by “A plan to which Chapter X applies”;

(3) by inserting the following paragraph after the third paragraph:

Payment of pension.

“A member who is entitled to a retirement pension, other than the normal pension, the payment of which is suspended under the second paragraph may, after the day mentioned in subparagraph 1 of that paragraph, apply for the payment of the pension as provided in section 77, which applies with the necessary modifications.”

c. R-15.1, s. 59, am.

4. Section 59 of the Act is amended

(1) by inserting “, except in the case of the pension provided for in section 67.2,” after “benefits” in the first line;

(2) by inserting the following paragraph before paragraph 1:

“(0.1) the pension is adjusted under the second paragraph of section 58 or the second or third paragraph of section 67.4;”;

(3) by inserting “by reason of a redetermination of the pension pursuant to the fifth paragraph of section 87,” after “modified” in the fifth line of paragraph 2.

c. R-15.1, s. 60, am.

5. Section 60 of the Act is amended

(1) by inserting “, established at the time of the earliest of the following events,” after “interest” in the first line of the first paragraph;

(2) by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) of any benefit to which the member would have become entitled, including benefits related thereto, if the member had retired on the date of application for payment of the benefit, in the case of a benefit paid under subdivision 0.1 of Division III of Chapter VI;”;

(3) by inserting “, in the second paragraph of section 67.4” after “58” in the first line of subparagraph 4 of the second paragraph;

(4) by adding the following subparagraph after subparagraph 7 of the second paragraph:

“(8) to a pension provided for in section 67.2.”

c. R-15.1, ss. 67.2-67.5, added.

6. The Act is amended by inserting the following after the heading of Division III of Chapter VI:

“§0.1. — *Phased retirement benefits*

Conditions for payment of pension.

“67.2. A pension plan to which Chapter X applies or which is referred to in paragraph 1 of section 116 may provide that a pension be paid, on application, to a member who is employed by an employer party to the plan and who meets the following conditions:

(1) the member makes an agreement to that effect with the employer;

(2) the member is at least 60 years of age or, if under 60 years of age, the member is at least 55 years of age and, if the period of continuous employment ended on the date payment of the pension begins, would be entitled to an early retirement pension without any reduction by reason of payment having begun before the normal retirement age; and

(3) the member is under 65 years of age.

Maximum amount.

“67.3. The details of the pension paid under section 67.2 are set under the agreement referred to in that section. However, the annual amount of the pension may not exceed,

(1) in the case of a member who receives a retirement pension under the plan or is entitled to a retirement pension that is suspended at the time the member applies for payment of the pension, 60% of the annual amount of the pension to which the member is entitled at that time, not considering any benefits referred to in section 83 or 104; or,

(2) in the case of a member not referred to in subparagraph 1 who is not receiving a retirement pension under the plan on the date the member applies for payment of the pension, 60% of the annual amount of any pension to which the member would have been entitled if the member had retired on that date, not considering any benefits referred to in section 83 or 104, the spouse’s right to a pension referred to in section 87, or the options provided for in the plan.

Conflict.

In case of conflict, the details set out in the agreement prevail over those set out in the plan.

Member 65 years of age or over.

Neither the agreement nor, despite the second paragraph of section 5, the plan may contain provisions that allow the payment of the pension payable under section 67.2 if the member is 65 years of age or over. In addition, the member may not receive, for the same period, that pension and another benefit payable under the plan, except benefits referred to in section 67.5, 83 or 104.

Payment suspended.

The payment of any benefit, other than benefits referred to in section 67.5, 83 or 104, that the member receives at the time the member applies for payment of a pension provided for in section 67.2, is suspended for the period during which the member receives that pension. The plan may provide that the payment of benefits provided for in section 67.5, 83 or 104 is suspended at the request of the member who receives a pension provided for in section 67.2.

Restriction.

“67.4. The remuneration paid during the period beginning with the payment of a benefit referred to in this subdivision and ending on the date on which the payment of the retirement pension begins or begins again, or the date the member reaches 65 years of age, whichever occurs first, may not be taken into consideration for the calculation of the benefits relating to credited service that does not relate to that period, unless it is to the advantage of the member.

Adjustments.

Also, the following adjustments apply:

(1) in the case referred to in subparagraph 1 of the first paragraph of section 67.3, if contributions are paid during that period, the member is entitled to an additional pension determined in accordance with the rules set forth in section 78 for the calculation of the minimum value of the pension

resulting from the contributions paid during a postponement period. In addition, if the retirement pension of the member was reduced by reason of payment having begun before the normal retirement age, the reduction must be recalculated at the end of the suspension of payment provided for in section 67.3; and

(2) in the case referred to in subparagraph 2 of the first paragraph of section 67.3, if contributions were paid during that same period, the member is entitled to a pension that cannot be less than the pension resulting from the application of the rules set forth in section 78.

Adjustments.

The adjustments provided for in the second paragraph also apply to the benefits referred to in section 83 or 104, the payment of which was suspended under the fourth paragraph of section 67.3.

Member 55 years of age.

“67.5. A pension plan which, without being a defined contribution plan, includes provisions identical to those of that type of plan, and a plan referred to in paragraph 2 or 3 of section 116 may provide that a benefit other than a pension be paid, on application, to a member at least 55 years of age but under 65 years of age who is employed by an employer party to the plan with whom the active member makes an agreement to that effect.

Amount of benefit.

The details of the benefit are set under the agreement, with the proviso that the annual amount of the benefit may not exceed 60% of the ceiling on the life income the member could receive under a replacement pension purchased under section 92. That amount is established at the beginning of the year during which payment of the benefit begins, based on the amounts credited to the member at that date and the age of the member at the end of the preceding year. The amount must be redetermined at the beginning of each year. Neither the agreement nor, despite the second paragraph of section 5, the plan may contain provisions that are more advantageous than those contained in this section.

Conflict.

In case of conflict, the details set out in the agreement prevail over those set out in the plan.

Value of benefits.

The value of the benefits to which the member is entitled, established on the date the benefit is paid, is reduced by the amount of that benefit.”

c. R-15.1, s. 69.1, am.

7. Section 69.1 of the Act is amended by inserting “that provided for in section 67.5 or” after “and” in the fourth line of the second paragraph and striking out “a pension” at the end of the fourth line and the beginning of the fifth line of that paragraph.

c. R-15.1, s. 74, am.

8. Section 74 of the Act is amended by inserting “, except an active member who has received a retirement pension under the pension plan,” after “member” in the second line.

- c. R-15.1, s. 83, am. **9.** Section 83 of the Act is amended by inserting “other than a pension provided for in section 67.2” after “on which a pension” in the fourth line of the first paragraph.
- c. R-15.1, s. 85, am. **10.** Section 85 of the Act is amended
- (1) by replacing the second paragraph by the following paragraph:
- Spousal status. “Spousal status is established as at either the day a member begins receiving payment of a retirement or disability pension, a pension that replaces it or a bridging benefit, or the day preceding the death of the member, whichever date is adopted by the pension plan, or, if neither is adopted, whichever date occurs first. However, if the member dies without having received payment of such a pension or benefit, spousal status is established as at the day preceding the death.”;
- (2) by replacing “during a marriage or civil union or a period of conjugal relationship prior to” in the second and third lines of the third paragraph by “prior to”.
- c. R-15.1, s. 86, am. **11.** Section 86 of the Act is amended
- (1) by replacing “any refund or pension benefit under the pension plan other than the benefit provided for in section 69.1” in the first, second and third lines of the first paragraph by “payment of a retirement or disability pension, a pension that replaces it or a bridging benefit”;
- (2) by inserting “retirement or disability” after “any” in the first line of subparagraph 1 of the first paragraph;
- (3) by inserting “retirement or disability” after “not entitled to a” in the first line of subparagraph 2 of the first paragraph;
- (4) by adding “without reference to the death of the member” after “those amounts” at the end of subparagraph 1 of the second paragraph.
- c. R-15.1, s. 87, am. **12.** Section 87 of the Act is amended
- (1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:
- “(1) a retirement or disability pension or a pension that replaces it;”;
- (2) by striking out subparagraph 3 of the first paragraph;
- (3) by replacing the second paragraph by the following paragraphs:

- Payment suspended. “The spouse is also entitled to a pension as of the death of the member if, before the death, the member was entitled to a pension referred to in the first paragraph, the payment of which was suspended under the second paragraph of section 58 or under section 67.3.
- Amount. The amount of the spouse’s pension must be equal to or greater than 60% of the amount of the member’s pension, including,
- (1) when the member dies during the period during which payment of the pension was suspended under section 58 or 67.3, the proceeds of the adjustment of the pension required by section 58 or 67.4 at the end of the period of suspension; and
- (2) during the period of replacement, the amount of any temporary pension and, until the date on which the member, had the member survived, would have ceased receiving it, the amount of any bridging benefit.
- Member’s death during suspension. The amount calculated in accordance with the third paragraph is increased by an amount equal to or greater than 60% of the amount of the pension provided for in section 83 or 104 that the member was receiving before the member’s death or the payment of which was suspended under section 58 or 67.3, adjusted, if the member died while the pension was suspended, as provided for in section 58 or 67.4, with the necessary modifications.”;
- (4) by adding the following sentence at the end of the third paragraph: “In addition, if payment of a pension provided for in section 83 or 104 began before the date a person acquired the status of spouse of the member, the pension must be redetermined at that date to take into account the spouse’s entitlement to the pension provided for in this section.”
- c. R-15.1, s. 93.1, added. **13.** The Act is amended by inserting the following section after section 93:
- Replacement prohibited. **“93.1.** Despite sections 91.1 to 93, a member who has become entitled to a pension provided for in section 67.2 may not replace it.”
- c. R-15.1, s. 104, am. **14.** Section 104 of the Act is amended by replacing “A member is entitled, from the date payment of a pension begins,” in the first line by “From the date payment of a pension other than a pension provided for in section 67.2 begins, a member is entitled”.
- c. R-15.1, s. 112, am. **15.** Section 112 of the Act is amended
- (1) by striking out the second paragraph;
- (2) by striking out the second sentence of the third paragraph.
- c. R-15.1, ss. 113.1 and 113.2, added. **16.** The Act is amended by inserting the following sections after section 113:

Association.

“**113.1.** When it has been notified that an association has been formed to represent, for the purposes of the pension plan, active members not represented by a certified association, non-active members or beneficiaries of the plan, the pension committee must enclose a notice giving such information as it possesses with respect to the name and address of the association, its purpose and admission procedures with the following documents sent to the persons the association is mandated to represent:

(1) the annual statement sent out under section 112; and

(2) the notice sent to the members and beneficiaries under the second paragraph of section 146.3.1, section 146.6, the second paragraph of section 196 or the first paragraph of section 230.4.

Notice.

The exemption provided by the second paragraph of section 112 does not dispense the pension committee from sending members the notice provided for in the first paragraph.

Notice to persons concerned.

“**113.2.** If an association referred to in section 113.1 requests the name and address of the persons it is meant to represent, the pension committee must inform each person concerned of the request in a notice enclosed with the first of the following documents to be sent to the person after the committee receives the request:

(1) the annual statement sent under section 112; or

(2) the statement provided under the first paragraph of section 113.

Consent.

The notice must include a note explaining that the person concerned may, within 30 days of receiving the notice, consent to the committee’s sending the information in question to the association concerned.

Providing of information.

The committee must provide the association with the name and address of the persons who gave their consent

(1) within 30 days following the expiry of the deadline given in the second paragraph, as regards persons who gave their consent after receiving a notice enclosed with the annual statement sent out under section 112; or

(2) at the latest 30 days after the end of the fiscal year of the plan during which consent was given, as regards persons who gave their consent after receiving a notice enclosed with the statement provided for under the first paragraph of section 113.

Fee.

The committee is not required to comply more than once with a request made under the first paragraph by the same association. If it does, it may charge a fee.”

- c. R-15.1, s. 142, am. **17.** Section 142 of the Act is amended by inserting “in section 67.5, the one provided for” after “provided for” in the first line of the second paragraph.
- c. R-15.1, s. 161, am. **18.** Section 161 of the Act is amended by replacing “and accompanied by the attestations and documents prescribed by regulation” in the fourth and fifth lines of the first paragraph by “, along with the attestations and documents mentioned in the form”.
- c. R-15.1, s. 210, am. **19.** Section 210 of the Act is amended by replacing “an early retirement benefit provided for in section 69.1, in whole or in part and subject to the conditions it fixes, as well as a pension in payment” in the second, third and fourth lines of the fourth paragraph by “, in whole or in part and subject to the conditions it fixes, a pension, other than a pension provided for in section 67.2, that is in payment or suspended”.
- c. R-15.1, s. 228.1, added.
Withdrawal or termination. **20.** The Act is amended by inserting the following section after section 228:
“228.1. No provision of a defined benefit plan or defined benefit-defined contribution pension plan may operate to limit or reduce the obligations of an employer towards the plan because of the withdrawal of the employer from the pension plan or the termination of the pension plan.”
- c. R-15.1, s. 237, am. **21.** Section 237 of the Act is amended
(1) by replacing “The vested” at the beginning of the first line of the first paragraph by “With the exception of a pension provided for in section 67.2, the vested”;
(2) by inserting “or suspended” after “in payment” in the second line of the first paragraph.
- c. R-15.1, s. 244, am. **22.** Section 244 of the Act is amended by striking out subparagraph 8.3 of the first paragraph.
- c. R-15.1, s. 288.1.1, added.
Relief of payment. **23.** The Act is amended by inserting the following section after section 288.1:
“288.1.1. An employer may, upon providing the pension committee with a letter of credit, be relieved of paying a portion of the contribution required under sections 39 and 140. The employer contribution that the employer must pay into the pension fund is reduced accordingly.
- Amount. The portion of the employer contribution of which an employer may be relieved may not exceed an amount corresponding to the amount obtained by multiplying by 20% the difference, established at the date of the last complete actuarial valuation, between the assets and liabilities of the fund, determined on a solvency basis.

- Letter of credit. The form, terms and conditions of the letter of credit referred to in the first paragraph must comply with the rules prescribed for the purposes of the Act respecting the funding of certain pension plans (2005, chapter 25), which apply with the necessary modifications.
- Amount. A letter of credit provided by the employer under the first paragraph forms part of the assets of the plan for the purpose of determining its solvency. However, the amount of the letter, or the total amount of such letters, is taken into account for that purpose only up to 15% of the value of the liabilities of the plan.
- Effect. This section ceases to have effect on 31 December 2009.”
- c. R-15.1, s. 288.3, added. **24.** The Act is amended by inserting the following section before section 289:
- Letter of credit. **“288.3.** A letter of credit provided under section 288.1.1 or under paragraph 2 of section 5 of the Act respecting the funding of certain pension plans (2005, chapter 25) and in force on 1 January 2010 is deemed to have been provided under section 42.1. The second paragraph of section 42.1 does not invalidate such a letter of credit.”
- c. R-15.1, s. 292.1, added. **25.** The Act is amended by inserting the following section after section 292:
- Members in the employ of municipality. **“292.1.** With respect to a pension plan to which a municipality is a party, subdivision 0.1 of Division III of Chapter VI does not apply to members in the employ of the municipality unless the council of the municipality adopts a resolution explicitly providing that it applies to them.”
- c. R-15.1, ss. 305.1 and 305.2, added. **26.** The Act is amended by inserting the following sections after section 305:
- Interpretation. **“305.1.** For the purposes of its application before 1 January 2010, section 113.1 reads as if “the second paragraph of section 146.3.1,” were struck from subparagraph 2 of the first paragraph.
- Date of actuarial valuation. **“305.2.** The date of the actuarial valuation referred to in section 121 must be later than 14 December 2009.”
- c. R-15.1, s. 306.7.1, added. **27.** The Act is amended by inserting the following section after section 306.7:
- Special amortization payment. **“306.7.1.** In the case of members or beneficiaries of a pension plan who have given the required consent to the application of the procedures set out in section 8 of the Act respecting the funding of certain pension plans, as long as amortization amounts remain to be paid with respect to the amount or balance for which the amortization procedures are set out in that section, no amendment concerning the benefits of the members or beneficiaries whose consent was required may be made to the plan unless a special amortization

payment equal to the value of the additional obligations arising from the amendment and determined on a solvency basis, is paid into the pension fund.

Payment.

The special amortization payment must be paid as soon as the report on the first actuarial valuation to take the amendment into consideration is sent to the Régie. Any interest accrued since the valuation date is added, calculated at the rate referred to in section 48 of this Act.

Amounts included.

The amortization amounts referred to in the first paragraph include those considered to be amortization payments under section 49 of the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, chapter 42).”

c. R-15.1, s. 319.1, added.

28. The Act is amended by inserting the following section after section 319:

Declaratory sections.

“**319.1.** Sections 14.1 and 228.1 are declaratory.”

ACT RESPECTING THE FUNDING OF CERTAIN PENSION PLANS

2005, c. 25, repealed.

29. The Act respecting the funding of certain pension plans (2005, chapter 25) is repealed.

ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT, PARTICULARLY WITH RESPECT TO THE FUNDING AND ADMINISTRATION OF PENSION PLANS

2006, c. 42, s. 5, am.

30. Section 5 of the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, chapter 42) is amended by replacing subparagraph *b* of paragraph 2 of the first paragraph of the section 39 it amends by the following subparagraph:

“(b) the higher of the following amounts: the amortization payment determined in respect of the funding deficiency or the sum of the amortization payments determined in respect of the solvency deficiencies and the special amortization payments payable during the fiscal year.”

2006, c. 42, s. 7, am.

31. Section 7 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) by replacing the first paragraph by the following paragraph:

Monthly instalments.

“**41.** The employer contribution, less the portion the employer is relieved of paying under section 42.1 or that relates to a special amortization payment, must be paid in as many instalments as there are months in the fiscal year of the plan, each being paid not later than the last day of the month following the month for which it is made.”;

2006, c. 42, s. 9, am.

32. Section 9 of the Act is amended by replacing the first paragraph of the section 42.1 it enacts by the following paragraph:

Letter of credit.

“42.1. Under the conditions prescribed by regulation, an employer may, upon providing the pension committee with a letter of credit established in accordance with the regulations, be relieved of paying the portion of the employer contribution that relates to an amortization payment in relation to a solvency deficiency or a special amortization payment, up to the total of the amortization payments determined for the current fiscal year of the pension plan in respect of the solvency deficiencies and the special amortization payments payable during the year.”

2006, c. 42, s. 11, am.

33. Section 11 of the Act is amended

(1) by replacing the second sentence of the third paragraph of the section 123 it enacts by the following sentence: “However, the amount of the letter, or the total amount of such letters, is taken into account for that purpose only up to 15% of the value of the liabilities of the plan.”;

(2) by inserting “in section 67.5, the one provided for” after “provided for” in the first line of the second paragraph of the section 143 it enacts.

2006, c. 42, s. 13, am.

34. Section 13 of the Act is amended

(1) by replacing “30 days” in the eighth line of the second paragraph and in the eighth line of the third paragraph of the section 146.3.1 it enacts by “60 days”;

(2) by replacing the section 146.3.3 it enacts by the following section:

Provisions not applicable.

“146.3.3. The conditions set out in subparagraphs 1 and 2 of the first paragraph of section 146.1 and sections 146.3 to 146.3.2 do not apply in the case of a pension plan to which the second paragraph of section 146.4 does not apply or in the case of a pension plan that was subject to an amendment made in accordance with section 146.5 confirming the employer’s right to appropriate the plan’s surplus assets to the payment of the value of the additional obligations arising from an amendment to the plan.”

2006, c. 42, s. 40, am.

35. Section 40 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(8.0.1) for the purposes of section 128, determine the elements that contribute to the establishment of the reserve and the method of calculating the provision for adverse deviation;”;

ACT RESPECTING THE QUÉBEC PENSION PLAN

- c. R-9, s. 91, am. **36.** Section 91 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing “during a marriage, a civil union or period of *de facto* union prior to” in the second paragraph by “prior to”.
- c. R-9, s. 95.1, am. **37.** Section 95.1 of the Act is amended
- (1) by striking out “work and” in the first paragraph;
- (2) by adding the following sentence at the end of the first paragraph: “When the third paragraph of section 95 may apply, the person must also produce his work history.”
- c. R-9, s. 102.3, am. **38.** Section 102.3 of the Act is amended by inserting the following after “civil union to” in the first paragraph: “the end of the year preceding, in the case of a marriage, the date proceedings for divorce, annulment of marriage or separation from bed and board are instituted or, in the case of a civil union, the date proceedings for the dissolution or annulment of the civil union are instituted or the date a joint declaration dissolving the civil union is executed before a notary. However, if proceedings are instituted before 1 January 2009 or the joint declaration is notarized before that date, the period of partition ends at”.
- c. R-9, s. 102.4.1, replaced.
Partition not effected or annulled. **39.** Section 102.4.1 of the Act is replaced by the following section:
- “102.4.1.** If benefits are payable to or in respect of at least one of the former spouses, and the Board establishes that neither former spouse would benefit from the partition, it does not effect the partition or, on application by a former spouse within the time set by regulation, it annuls a partition already effected.
- The Board informs each of the former spouses in writing if it knows their addresses.”
- Former spouses informed.
- c. R-9, words replaced. **40.** The Act is amended by replacing “Régie” wherever it appears in sections 102.5, 102.7 and 102.7.1 by “Board”.
- c. R-9, s. 102.8.2, added. **41.** The Act is amended by inserting the following section after section 102.8.1:
- “102.8.2.** The question of the period subject to partition or whether or not to partition earnings may not be raised more than three years after the judgment giving rise to partition becomes effective, unless the court considers that circumstances justify it.”
- Time allowed.
- c. R-9, s. 102.10.5, am. **42.** Section 102.10.5 of the Act is amended by adding “, except the months included in the year of the effective date of the judgment granting the divorce or the annulment of marriage or in the year of the effective date of dissolution,

by judgment or by joint declaration executed before a notary, or annulment of the civil union” at the end of subparagraph *b* of the second paragraph.

c. R-9, s. 105.2, am.

43. Section 105.2 of the Act is amended by adding the following paragraph at the end:

Prior date.

“If a contributor is no longer entitled to such an indemnity, the Board may, despite the exclusion from entitlement to a disability pension and subject to section 96, consider that the contributor is disabled from a date prior to the termination of the indemnity.”

c. R-9, s. 105.3, added.

44. The Act is amended by inserting the following section after section 105.2:

Reduction or cancellation.

“105.3. If an indemnity referred to in section 105.1 or 105.2 is reduced or cancelled and, under section 363 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or section 83.51 or 83.52 of the Automobile Insurance Act, the benefits already paid to the contributor are not recoverable, sections 105.1 and 105.2 apply as though the indemnity had not been reduced or cancelled.”

c. R-9, s. 116.5, am.

45. Section 116.5 of the Act is amended by replacing “which” in the first line of the first paragraph by “for a year subsequent to 1997 but prior to 2008 that”.

c. R-9, s. 120.3, added.

46. The Act is amended by inserting the following section after section 120.2:

Additional pension.

“120.3. When, for a year subsequent to 2007, unadjusted pensionable earnings relate to months subsequent to the end of a contributor’s contributory period, within the meaning of subparagraph *a* or *b* of the first paragraph of section 101, the contributor is entitled to an additional pension from 1 January of the following year. This additional pension is deemed to be a retirement pension. However, section 157.1 does not apply to the payment of the additional pension.

Amount.

The initial monthly amount of the additional pension is equal to 1/12 of 0.5% of the amount of the contributor’s total unadjusted pensionable earnings for the year concerned, minus the basic exemption. However, for the year during which the contributor’s contributory period ends under subparagraph *a* or *b* of the first paragraph of section 101, the unadjusted pensionable earnings to be used are those deemed to be related to the months of the year that are subsequent to the end of the contributor’s contributory period and the basic exemption is multiplied by the proportion that the number of those months bears to 12.”

c. R-9, s. 136, am.

47. Section 136 of the Act is amended by adding “either” after “account” in the third line of the definition of the letter *d* of the formula and “, or of an additional pension established under section 120.3” at the end of the definition of the letter *d* of the formula.

- c. R-9, s. 137, am. **48.** Section 137 of the Act is amended by replacing “or adjustments provided for in sections 120.1 and 120.2” by “, any adjustments provided for in sections 120.1 and 120.2, or any additional pension established under section 120.3” at the end of the first sentence of subparagraph 1 of the first paragraph.
- c. R-9, s. 139, am. **49.** Section 139 of the Act is amended
- (1) by inserting “or as prescribed by regulation of the Board” after “in writing” in the first paragraph;
 - (2) by inserting “or a contributor who is entitled to an additional pension under section 120.3” after “defined by regulation” in the fourth paragraph.
- c. R-9, s. 144, am. **50.** Section 144 of the Act is amended by striking out the fourth paragraph.
- c. R-9, s. 150, am. **51.** Section 150 of the Act is amended by adding the following paragraph at the end:
- Prescription. “Deductions from a benefit interrupts prescription. Deductions made by a third party, for the benefit of the Board, from a reimbursement, indemnity or other amount the third party owes to the debtor of the Board also interrupts prescription.”
- c. R-9, s. 151, am. **52.** Section 151 of the Act is amended
- (1) by replacing the first paragraph by the following paragraph:
- Certificate. **“151.** If the amount is not recovered, the Board may issue a certificate
- (1) stating the name and address of the debtor;
 - (2) attesting to the amount of the debt; and
 - (3) either attesting to the debtor’s failure to apply for a review of the decision rendered under section 149 or to bring a proceeding before the Administrative Tribunal of Québec against a review decision, or mentioning the Tribunal’s final decision confirming all or part of the Board’s decision.”;
- (2) by inserting “or of the Administrative Tribunal of Québec” after “of the Board” in the second paragraph.
- c. R-9, s. 158.4, replaced. **53.** Section 158.4 of the Act is replaced by the following section:
- Notice to spouse. **“158.4.** When one of the spouses applies for the partition of pension benefits, the Board notifies the other spouse only if it establishes that the amount paid to that other spouse could be reduced.”

c. R-9, s. 170, am. **54.** Section 170 of the Act is amended by inserting “or 176.1” after “108.3” in the second paragraph.

c. R-9, s. 172, am. **55.** Section 172 of the Act is amended by adding “, except as provided in sections 172.1 and 176.1” at the end of the fourth paragraph.

c. R-9, s. 172.1, added. **56.** The Act is amended by inserting the following section after section 172:

Date of payment. **“172.1.** To set the date on which an orphan’s pension or a disabled contributor’s child’s pension becomes payable, the Board may, if circumstances justify it, use the date of the application for any benefit related to the death of the contributor or the date of the application for a disability pension. Unless warranted by exceptional circumstances in the opinion of the Board, retroactivity is limited to 36 months, including the month the application for the orphan’s pension or disabled contributor’s child’s pension is submitted.”

c. R-9, s. 176.1, added. **57.** The Act is amended by inserting the following section after section 176:

Retroactive payment. **“176.1.** If the contributor has disappeared or is absent, the retroactive payment of the surviving spouse’s pension and the orphan’s pension may exceed 12 months, provided the application for a pension is made before the end of the twelfth month following the declaratory judgment of death, the attestation of death or the identification of the deceased contributor. Unless warranted by exceptional circumstances in the opinion of the Board, retroactivity is limited to 36 months, including the month the application is submitted.

Retroactivity exceeding 12 months. In order for retroactivity to exceed 12 months, the application for a declaratory judgment of death must, in the opinion of the Board, have been made with due diligence under the circumstances.”

c. R-9, s. 186, am. **58.** Section 186 of the Act is amended by replacing “one year” in the second paragraph by “90 days”.

c. R-9, s. 219, am. **59.** Section 219 of the Act is amended by inserting the following paragraph after paragraph *j.2*:

“(j.3) prescribing ways other than in writing to apply for the benefits it determines;”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

c. A-3.001, s. 42.1, am. **60.** Section 42.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by inserting the following subparagraph after subparagraph *b* of the second paragraph:

“(b.1) the identification, for the purposes of section 105.3 of that Act, of the contributors whose income replacement indemnity was reduced or cancelled

and the months or parts of a month for which that indemnity was payable if, under section 363, the benefits already paid to the contributors as an income replacement indemnity are not recoverable;”.

TRANSITIONAL AND FINAL PROVISIONS

Description of rights and obligations.	61. The pension committee must add a brief description of the rights and obligations that arise from sections 67.2 to 67.5, 113.1 and 113.2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) enacted by this Act to the documents it sends out under section 112 of the Supplemental Pension Plans Act after the end of the first fiscal year of the pension plan that ends after this Act comes into force.
Date of disability.	62. The date of disability set in cases referred to in the second paragraph of section 105.2 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), enacted by section 43, may not be earlier than 1 January 2008.
Applicable provision.	63. Section 105.3 of the Act respecting the Québec Pension Plan, enacted by section 44, applies even with respect to months prior to 1 July 2008.
Regulation.	64. In addition to the transitional provisions in this Act, the Government may, by regulation made before 1 July 2010, make any other transitional provision concerning the application of this Act.
Publication requirement.	Such a regulation, to the extent that it concerns the application of sections 1 to 35 and 61, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).
Coming into force.	Despite section 17 of that Act, such a regulation comes into force on the date of its publication in the <i>Gazette officielle du Québec</i> , or on any later date set in the regulation. However, once it is published and if it so provides, it may apply from any date not prior to 20 June 2008.
Coming into force.	65. This Act comes into force on 20 June 2008; however, <ul style="list-style-type: none"> (1) sections 36, 44, 49, 51 to 60 and 63 come into force on 1 July 2008; (2) sections 38, 39, 41 to 43 and 62 come into force on 1 January 2009; (3) sections 2 and 24, section 26, insofar as it enacts section 305.2 of the Supplemental Pension Plans Act, and sections 27 and 29 to 35 come into force on 1 January 2010.

2008, chapter 22
**AN ACT TO AMEND THE ELECTION ACT AND OTHER
LEGISLATIVE PROVISIONS**

Bill 69

Introduced by Mr. Benoit Pelletier, Minister responsible for the Reform of Democratic Institutions

Introduced 14 December 2007

Passed in principle 2 April 2008

Passed 17 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended:

Health Insurance Act (R.S.Q., chapter A-29)

Election Act (R.S.Q., chapter E-3.3)

Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17)

Explanatory notes

This Act amends the Election Act as regards information sharing for the purposes of entering names on and updating the permanent list of electors and as regards voting and certain rules governing the financing of political parties and the control of election expenses.

To that end, the Act provides that the Chief Electoral Officer will obtain from the Régie de l'assurance maladie du Québec and from the Chief Electoral Officer of Canada the information needed to update the permanent list of electors. It also provides that the Chief Electoral Officer will obtain information from the Régie in order to enter names on the list.

The Act requires persons in charge of a lodging facility to give and facilitate access to a mobile board of revisors in the facility.

(Cont'd on next page)

Explanatory notes (Cont'd)

As for voting procedures, the Act provides for the implementation of provisions relating to electors who are inmates or are detained or held in a youth custody facility under the Youth Criminal Justice Act. It adds three extra days for voting at a mobile advance poll. In addition, it enables the returning officer to issue an authorization to vote, on polling day, to election officers who have not yet voted and whose name does not appear on the list of electors of any of the polling stations at the place where they are working. It leaves it up to the Chief Electoral Officer to decide to extend voting hours if there has been a delay or an interruption in the voting.

On the subject of election financing and the control of election expenses, the Act relaxes certain provisions relating to mandatory publications in the newspapers, the payment of allowances to political parties, the reimbursement of election expenses, the identification of advertisements, the minimum amount for which a detailed invoice is required and sworn declarations. It also provides that a contribution made contrary to the law will be paid over to the Minister of Finance if the contributor is found guilty of an offence in connection with that contribution.

Moreover, the Act authorizes the Chief Electoral Officer to adapt the provisions of the Election Act relating to voting procedures and the counting of the votes when circumstances so require because of the area covered by the electoral division or because some electors live a great distance away.



Chapter 22

AN ACT TO AMEND THE ELECTION ACT AND OTHER LEGISLATIVE PROVISIONS

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- c. E-3.3, s. 37, am. **1.** Section 37 of the Election Act (R.S.Q., chapter E-3.3) is amended by inserting “authorized” before “independent” in the fifth line.
- c. E-3.3, s. 40.4, am. **2.** Section 40.4 of the Act is amended by inserting “, the Chief Electoral Officer of Canada” after “Curator” in the fourth line of the first paragraph.
- c. E-3.3, s. 40.6, am. **3.** Section 40.6 of the Act is amended by replacing “Two” in the first line of the second paragraph by “Unless the request concerns a change of address of an elector whose name is already entered on the list or the entry on the list by the Public Curator of the name of an elector in respect of whom the Public Curator exercises tutorship, two”.
- c. E-3.3, s. 40.7,
replaced.
Notice of change. **4.** Section 40.7 of the Act is replaced by the following section:

 “40.7. The Chief Electoral Officer shall obtain from the Régie de l’assurance maladie du Québec notice of any change in the name, address, date of birth or sex of a person whose name is entered on the permanent list of electors, and, where applicable, of the date of the person’s death and the corresponding address expiry codes. The Chief Electoral Officer shall also obtain from the Régie the name, address, date of birth and sex of any person of full age who has informed the Régie that he has acquired Canadian citizenship or has stated, on registering for the first time with the Régie, that he holds Canadian citizenship. The Chief Electoral Officer shall obtain the same information from the Régie concerning any person who is about to reach 18 years of age, at least six months before the person’s eighteenth birthday, and concerning any person who meets the criteria set out in subparagraphs 1 to 3 of the first paragraph of section 1 and whose name is not yet entered on the permanent list of electors.
- Verification of
information. If the Régie has been unable to identify an elector whose name is entered on the list of electors in its own file of insured persons, the Chief Electoral Officer may communicate with the elector concerned to verify the accuracy of the information held concerning the elector and may request that the elector correct or complete the information where necessary.

- Other information. After receiving an advisory opinion from the Commission d'accès à l'information, the Chief Electoral Officer shall, on request, obtain from the Régie any other personal information needed to compile and update the permanent list of electors.
- Residential addresses. As well, the Chief Electoral Officer shall, on request, obtain from the Régie a list of all the residential addresses in Québec.”
- c. E-3.3, s. 40.7.1, am. **5.** Section 40.7.1 of the Act is amended by inserting “address,” after “name,” in the second line.
- c. E-3.3, s. 40.7.2, added. **6.** The Act is amended by adding the following section after section 40.7.1:
- Register of Electors. **“40.7.2.** The Chief Electoral Officer shall obtain from the Chief Electoral Officer of Canada the information contained in the Register of Electors that is required for the updating of the information entered on the permanent list of electors.”
- c. E-3.3, s. 40.37, am. **7.** Section 40.37 of the Act is amended by adding “authorized” before “independent” in the last line of the first paragraph.
- c. E-3.3, s. 41, am. **8.** Section 41 of the Act is amended by inserting “, independent Member” after “party authority” in the first line of the first paragraph.
- c. E-3.3, s. 42, am. **9.** Section 42 of the Act is amended
- (1) by inserting “, an independent Member” after “a party authority” in the first line;
- (2) by inserting “by the independent Member” after “leader,” in the third line.
- c. E-3.3, s. 57, am. **10.** Section 57 of the Act is amended by replacing “and in at least one newspaper published in Québec and circulated in all parts of Québec” at the end of the first paragraph by “and post the notice on the Chief Electoral Officer’s website”.
- c. E-3.3, s. 59, am. **11.** Section 59 of the Act is amended by replacing the second paragraph by the following paragraph:
- Official agent. “During the period for filing nomination papers, an application for authorization may be made on the form prescribed for the nomination paper, and the candidate’s official representative is the official agent designated by the candidate on the nomination paper.”
- c. E-3.3, s. 62.1, replaced. **12.** Section 62.1 of the Act is replaced by the following section:

Application for authorization.

62.1. An application for authorization made by a Member of the National Assembly who becomes an independent without having been elected as such must be in writing and contain the information referred to in section 59, with the necessary modifications.”

c. E-3.3, s. 64, am.

13. Section 64 of the Act is amended by replacing “and in at least one newspaper published in Québec and circulated, in the case of a party, in all parts of Québec or, in the case of a party authority, an independent Member or a candidate, in the electoral division for which the authorization was granted” at the end of the first paragraph by “and post the notice on the Chief Electoral Officer’s website”.

c. E-3.3, s. 65, am.

14. Section 65 of the Act is amended by replacing “and 59” in the second line of the first paragraph by “, 59 and 62.1”.

c. E-3.3, s. 66, am.

15. Section 66 of the Act is amended by inserting “be signed by an officer of the party and” after “must” in the first line of the second paragraph.

c. E-3.3, s. 67, am.

16. Section 67 of the Act is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “The Chief Electoral Officer may, upon the written application of an authorized independent Member or of an authorized independent candidate, withdraw the authorization of the Member or candidate unless the debts arising from that person’s election expenses have not been fully paid.”;

(2) by inserting “, by the independent Member” after “leader of the party” in the second line of the fourth paragraph.

c. E-3.3, s. 72, am.

17. Section 72 of the Act is amended by replacing “and in at least one newspaper published in Québec and circulated, in the case of a party, in all parts of Québec or, in the case of a party authority, an independent Member or a candidate, in the electoral division or part of Québec for which the authorization was granted” at the end of the first paragraph by “and post the notice on the Chief Electoral Officer’s website”.

c. E-3.3, s. 74.1, am.

18. Section 74.1 of the Act is amended by inserting “either following an application filed under section 67,” after “authorized” in the first line of the first paragraph.

c. E-3.3, s. 84, am.

19. Section 84 of the Act is amended by adding the following sentence at the end of the first paragraph: “The allowance may also be paid by means of a transfer of funds to an account held by the official representative.”

c. E-3.3, s. 86, am.

20. Section 86 of the Act is amended by replacing “Within thirty days of the payment of the allowance” in the first line of the second paragraph by “Not later than 1 April each year”.

- c. E-3.3, s. 88, am. **21.** Section 88 of the Act is amended by replacing “and the goods or services produced by such work” at the end of subparagraph 1 of the second paragraph by “, the goods or services produced by such work and the use of a personal vehicle supplied for no consideration for that purpose”.
- c. E-3.3, s. 100, replaced.
Return of contribution. **22.** Section 100 of the Act is replaced by the following section:
“100. Any contribution or part of a contribution made contrary to this division must, as soon as the fact is known, be remitted to the Chief Electoral Officer and returned to the contributor.
- Exceptions. Despite the first paragraph, the funds must be paid over to the Minister of Finance if
- (1) the contributor’s identity is not known; or
 - (2) the contributor has been found to have contravened section 87, 90, 91 or 95.”
- c. E-3.3, s. 101, am. **23.** Section 101 of the Act is amended by inserting “authorized” before “independent” in paragraph 1.1.
- c. E-3.3, s. 103, am. **24.** Section 103 of the Act is amended by replacing “of a party, of a party authority or of an independent Member” in the first and second lines by “of an authorized entity or any person designated in writing by the official representative”.
- c. E-3.3, s. 108, am. **25.** Section 108 of the Act is amended by striking out subparagraph 1 of the first paragraph.
- c. E-3.3, s. 117, am. **26.** Section 117 of the Act is amended
- (1) by inserting “authorized” before “independent” in the second line of the first paragraph;
 - (2) by inserting “be prepared in the form prescribed by the Chief Electoral Officer and” after “shall” in the first line of the second paragraph;
 - (3) by adding the following paragraph at the end:
- No election. “The official representative of an authorized independent candidate must file such a report if no election was held in the fiscal year during which the independent candidate was authorized.”
- c. E-3.3, s. 118, am. **27.** Section 118 of the Act is amended by inserting “authorized” before “independent” in the second line.
- c. E-3.3, s. 121, am. **28.** Section 121 of the Act is amended by inserting “authorized” before “independent” in the fourth line.

- c. E-3.3, s. 122, am. **29.** Section 122 of the Act is amended by inserting “in the form prescribed by the Chief Electoral Officer and” after “filed” in the first line of the third paragraph.
- c. E-3.3, s. 146, am. **30.** Section 146 of the Act is amended by inserting “authorized” before “independent” in the third line of the third paragraph.
- c. E-3.3, s. 180, am. **31.** Section 180 of the Act is amended
- (1) by replacing the first paragraph by the following paragraphs:
- Place of sittings. **“180.** A board of revisors must sit at the returning officer’s main office and the additional boards of revisors, at the returning officer’s branch offices or at any other place determined by the returning officer after being authorized by the Chief Electoral Officer. Those offices and places must be accessible to handicapped persons.
- Student residence. If the Chief Electoral Officer considers it expedient given the time of the year, a board of revisors may sit at any place where a university or a general and vocational college maintains a student residence. The institution must permit the use of those premises free of charge for that purpose.”;
- (2) by inserting “authorized” before “independent” in the third line of the fifth paragraph.
- c. E-3.3, s. 185, am. **32.** Section 185 of the Act is amended by replacing “under section 184” in the third and fourth lines of the first paragraph by “for that purpose by each authorized party represented in the National Assembly”.
- c. E-3.3, s. 187, am. **33.** Section 187 of the Act is amended by inserting “authorized” before “independent” in the fourth line.
- c. E-3.3, s. 196.1, added. **34.** The Act is amended by inserting the following section after section 196:
- Cooperation. **“196.1.** The owner, manager, operator, superintendent, caretaker or person in charge of a place described in section 135.1 must facilitate access by the electors domiciled or lodged in such a place to the mobile board of revisors assigned to that place, and cooperate with the revisors to facilitate the exercise of their functions.”
- c. E-3.3, s. 212, am. **35.** Section 212 of the Act is amended by replacing “or where” in the fourth line of the first paragraph by “, in a case described in the second paragraph of section 192 or where”.
- c. E-3.3, s. 239, am. **36.** Section 239 of the Act is amended by adding the following paragraph:
- Additional information. “The nomination paper filed by an independent candidate who wishes to be authorized must include the candidate’s telephone number and the information required under subparagraphs 3, 4 and 5 of the first paragraph of section 59.”

- c. E-3.3, s. 262, am. **37.** Section 262 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:
- “(2) by mail, in the case of electors outside Québec and of electors who are inmates or are detained in a place of temporary detention or held in a youth custody facility under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1); or”.
- c. E-3.3, s. 263, am. **38.** Section 263 of the Act is amended by replacing “from the eleventh day to the ninth day before polling day and from the sixth day to the fourth day before” in the third and fourth lines by “on the tenth, ninth, sixth, fifth and fourth days before”.
- c. E-3.3, s. 269, am. **39.** Section 269 of the Act is amended by replacing “eleventh” in the third line of the first paragraph by “tenth”.
- c. E-3.3, s. 271, am. **40.** Section 271 of the Act is amended by replacing “eleventh” in the third line of the second paragraph by “tenth”.
- c. E-3.3, s. 274, am. **41.** Section 274 of the Act is amended by replacing “from the eleventh day to the ninth day before polling day and from the sixth day to the fourth day before” in the first and second lines by “on the tenth, ninth, sixth, fifth and fourth days before”.
- c. E-3.3, s. 299.1, added.
Provisions applicable. **42.** The Act is amended by inserting the following section after section 299:
- “299.1.** Sections 294 to 299 apply, with the necessary modifications, to electors detained in a place of temporary detention or held in a youth custody facility under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1).”
- c. E-3.3, s. 301.7, am. **43.** Section 301.7 of the Act is amended by replacing “during the hours determined by the returning officer” in the second line by “. The returning officer shall determine the day and hours”.
- c. E-3.3, s. 301.16, am. **44.** Section 301.16 of the Act is amended by replacing the second paragraph by the following paragraph:
- “The mobile advance poll is held on the tenth, ninth, sixth, fifth and fourth days before polling day. The returning officer shall determine the day and hours each polling station is to visit electors. On the last day, voting ends at 2:00 p.m.”
- Days and hours. **45.** Section 302 of the Act is amended by inserting “, is established for the purpose of setting up a polling station in a residential facility in accordance with section 301.6” after “territory” in the first line of the fourth paragraph.
- c. E-3.3, s. 302, am. **45.** Section 302 of the Act is amended by inserting “, is established for the purpose of setting up a polling station in a residential facility in accordance with section 301.6” after “territory” in the first line of the fourth paragraph.
- c. E-3.3, s. 312.1, am. **46.** Section 312.1 of the Act is amended by inserting the following paragraph after the second paragraph:

- Single polling station. “If there is only one polling station on the premises, the returning officer may allow the deputy returning officer and the poll clerk to act as panel members.”
- c. E-3.3, s. 340, am. **47.** Section 340 of the Act is amended
- (1) by adding the following subparagraph at the end of the first paragraph:
- “(6) who is an election officer in the electoral division of his or her domicile and whose name is entered on the list of electors of that electoral division but does not appear on the list of electors of any of the polling stations at the place where he or she is working on polling day.”;
- (2) by replacing “3” in the second line of the third paragraph by “5”.
- c. E-3.3, s. 353, am. **48.** Section 353 of the Act is amended by replacing “it shall be continued until it has lasted eleven hours” at the end by “the Chief Electoral Officer may extend polling hours at the polling station concerned for as long as the Chief Electoral Officer determines”.
- c. E-3.3, s. 361, am. **49.** Section 361 of the Act is amended by replacing the second paragraph by the following paragraph:
- Advance poll. “Before counting the votes cast during the advance poll, the deputy returning officer and the poll clerk take the oath provided in Schedule II. The deputy returning officer and the poll clerk may be persons other than those appointed to act at the advance polling station. In that case, sections 312 and 313 do not apply.”
- c. E-3.3, s. 370.8, am. **50.** Section 370.8 of the Act is amended by replacing the second paragraph by the following paragraphs:
- Deputy returning officer. “The Chief Electoral Officer appoints as deputy returning officer the person recommended by the party that received the greatest number of votes in the last general election.
- Poll clerk. The Chief Electoral Officer appoints as poll clerk the person recommended by the party that received the second greatest number of votes in the last general election.”
- c. E-3.3, s. 370.10, am. **51.** Section 370.10 of the Act is amended by replacing “, the rejected ballot papers, the spoiled or cancelled ballot papers and the unused ballot papers” in the second and third lines of the second paragraph by “and the rejected ballot papers”.
- c. E-3.3, s. 409, am. **52.** Section 409 of the Act is amended by replacing “returning officer” in the fourth line of the first paragraph by “Chief Electoral Officer”.
- c. E-3.3, s. 410, am. **53.** Section 410 of the Act is amended by replacing “returning officer” in the third line of the first paragraph by “Chief Electoral Officer”.

- c. E-3.3, s. 411, am. **54.** Section 411 of the Act is amended by replacing “The returning officer shall, without delay, inform the chief electoral officer” in the first and second lines of the first paragraph by “The Chief Electoral Officer shall inform the returning officer without delay”.
- c. E-3.3, s. 417, am. **55.** Section 417 of the Act is amended by replacing the second paragraph by the following paragraph:
- Unremunerated services. “A person may, however, contribute his personal services and the use of his personal vehicle without remuneration and for no consideration, provided that he does so freely and not as part of his work in the service of an employer.”
- c. E-3.3, s. 419, am. **56.** Section 419 of the Act is amended by striking out “and address” in the fourth line of the third paragraph.
- c. E-3.3, s. 420, am. **57.** Section 420 of the Act is amended by striking out “and address” in the third line of the last paragraph.
- c. E-3.3, s. 421, replaced. **58.** Section 421 of the Act is replaced by the following section:
- Identification of printed matter. **“421.** Any writing, object or advertising material relating to an election must bear the name of the printer or manufacturer and the name and title of the official agent or deputy official agent who had it produced.
- Publication. Any election advertisement published in a newspaper or other publication must mention the name and title of the official agent or deputy official agent who had it published.
- Other information medium. In any election advertisement broadcast on radio or television or circulated by means of any other information medium or technology, the name and title of the official agent or deputy official agent must be mentioned at the beginning or at the end of the advertisement.”
- c. E-3.3, s. 421.1, replaced. **59.** Section 421.1 of the Act is replaced by the following section:
- Authorization number. **“421.1.** If, under section 401, a writing, an object, an advertising material or an advertisement must mention the name and title of a private intervenor within the meaning of Division V of this chapter or the name and title of the representative of such an intervenor, it must also mention the authorization number issued under section 457.6.
- Cost exceeding \$300. If the cost of a writing, object, advertising material or advertisement covered by section 421 exceeds \$300, only the name and title of the official agent or deputy official agent of a candidate or authorized party may be mentioned as the person who had the writing, object, material or advertisement produced, published or broadcast.”
- c. E-3.3, s. 422, am. **60.** Section 422 of the Act is amended by striking out “and address” in the fourth and fifth lines.

- c. E-3.3, s. 424, am. **61.** Section 424 of the Act is amended by replacing “\$60” in the first line of the first paragraph by “\$200”.
- c. E-3.3, s. 426, am. **62.** Section 426 of the Act is amended
- (1) by inserting “equal to or” after “is” in the fifth line of the fourth paragraph;
- (2) by adding the following paragraph at the end:
- Duration. “If the amounts set out in this section are adjusted during an election period, the adjusted amount applies for the entire election period.”
- c. E-3.3, s. 431, am. **63.** Section 431 of the Act is amended by inserting “within the meaning of Division II.2 of the Executive Power Act (chapter E-18) nor to services rendered by a member of an office staff” after “office staff” in the second line.
- c. E-3.3, s. 432, am. **64.** Section 432 of the Act is amended by striking out “sworn” in the second line of the second paragraph.
- c. E-3.3, s. 434, am. **65.** Section 434 of the Act is amended by striking out “sworn” in the second line of the second paragraph.
- c. E-3.3, s. 436, am. **66.** Section 436 of the Act is amended
- (1) by striking out the last sentence of the first paragraph;
- (2) by adding the following paragraphs at the end:
- Access to documents. “Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to those documents before the expiry of the filing period. If they are filed after that period, they are accessible as soon as they are filed.
- Time and place. Any person may examine and copy the documents at the information centre of the Chief Electoral Officer during regular office hours.”
- c. E-3.3, s. 442, am. **67.** Section 442 of the Act is amended
- (1) by replacing “or party leader” in the second line of the first paragraph by “, the party leader or, if the party leader is not a Member of the National Assembly, the leader of the party in the House”;
- (2) by replacing “or party leader” in the first and second lines of the second paragraph by “, the party leader or the leader of the party in the House, as the case may be.”
- c. E-3.3, s. 454, am. **68.** Section 454 of the Act is amended by adding the following paragraph:

- Transfer of funds. “The reimbursement may also be paid by means of a transfer of funds to an account held by the official representative.”
- c. E-3.3, s. 456, repealed. **69.** Section 456 of the Act is repealed.
- c. E-3.3, s. 457, am. **70.** Section 457 of the Act is amended
- (1) by replacing “the amount of the debts resulting from his election expenses” in the second paragraph by “the sum of the amount of the debts resulting from the candidate’s election expenses and the amount of the candidate’s personal contribution”;
- (2) by adding “and, where applicable, under the third paragraph of that section” at the end of the third paragraph.
- c. E-3.3, Title IV, Chap. VI, Div. V, heading, replaced. **71.** The heading of Division V of Chapter VI of Title IV of the Act is replaced by the following heading:
- “AUTHORIZATION AND EXPENSES OF PRIVATE INTERVENORS”.
- c. E-3.3, s. 457.2, am. **72.** Section 457.2 of the Act is amended by inserting the following paragraph before the first paragraph:
- “**457.2.** No person may incur expenses described in paragraph 13 of section 404 unless the person has been issued an authorization in accordance with this division.”
- Authorization. **457.2.** No person may incur expenses described in paragraph 13 of section 404 unless the person has been issued an authorization in accordance with this division.”
- c. E-3.3, s. 457.18, am. **73.** Section 457.18 of the Act is amended by striking out “sworn” in the second line of the second paragraph.
- c. E-3.3, s. 489.1, replaced. **74.** Section 489.1 of the Act is replaced by the following section:
- Adaptation of certain provisions. **489.1.** The Chief Electoral Officer, with the consent of the authorized parties represented in the National Assembly, may, if circumstances so require, in particular because of the area covered by the electoral division or because some electors live a great distance away, adapt the provisions concerning the enumeration of electors, the revision process, the filing of nomination papers, the advance poll, the establishment of an identity verification panel, the polling procedure or the counting of the votes.”
- c. E-3.3, s. 510, am. **75.** Section 510 of the Act is amended by adding the following sentence at the end of the first paragraph: “If circumstances so require, in particular because of the area covered by the electoral division or because some electors live a great distance away, the Chief Electoral Officer may authorize the appointment of a second assistant returning officer.”
- c. E-3.3, s. 527, am. **76.** Section 527 of the Act is amended by replacing “an administrator, Class V” at the end of the first paragraph by “a Class 05 manager”.

- c. E-3.3, s. 553, am. **77.** Section 553 of the Act is amended by replacing paragraph 1 by the following paragraph:
- “(1) every executive director, manager, superintendent, caretaker, operator, owner or person in charge of a place described in section 135.1 who hinders access to a mobile board of revisors, to a polling station set up in that place or to a mobile polling station;”
- c. E-3.3, s. 559.2, added.
Fine. **78.** The Act is amended by inserting the following section after section 559.1:
- “559.2.** The following persons are liable to a fine of \$500 to \$10,000:
- (1) the printer, manufacturer or owner of the newspaper or other publication, the radio or television broadcaster or the person using another information medium or technology, if a writing, object, advertising material or advertisement relating to an election is printed, made, published, broadcast or circulated without the particulars required under section 421 or 421.1;
- (2) the official agent or deputy official agent, or the private intervenor or the representative of a private intervenor, who allows a writing, object, advertising material or advertisement relating to an election to be printed, made, published, broadcast or circulated without the particulars required under section 421 or 421.1.”
- c. E-3.3, s. 564, am. **79.** Section 564 of the Act is amended by replacing the first paragraph by the following paragraph:
- Offences and penalties. **“564.** A person who contravenes any of sections 62, 64, 66, 74, 76, 87 to 93, 95 to 97, 99, 100, 102 to 106, 408, 410, 413 to 420, 422 to 424, 429, 429.1, 457.2, 457.9 and 457.11 to 457.17 is liable to a fine of \$500 to \$10,000.”
- c. E-3.3, Sched. I, am. **80.** Schedule I to the Act is amended by replacing the second paragraph by the following paragraph:
- “This electoral division comprises the territories of the municipalities of Grosse-Île and Les Îles-de-la-Madeleine.”
- c. E-3.3, Sched. II, am. **81.** Schedule II to the Act is amended by replacing “272” by “361”.
- c. E-3.3, Sched. III, am. **82.** Schedule III to the Act is amended by replacing “277” by “298”.
- c. E-3.3, Sched. IV, am. **83.** Schedule IV to the Act is amended by replacing “293” by “275 and 287”.

AMENDING AND TRANSITIONAL PROVISIONS

c. A-29, s. 65.0.1,
replaced.

84. Section 65.0.1 of the Health Insurance Act (R.S.Q., chapter A-29) is replaced by the following section:

Information sent by the
Board.

“65.0.1. The Board shall send the Chief Electoral Officer notice of any change in the name, address, date of birth or sex of an insured person whose name is entered on the permanent list of electors established under section 40.1 of the Election Act (chapter E-3.3), and, where applicable, of the date of the person’s death and the corresponding address expiry codes. The Board shall also send the Chief Electoral Officer the name, address, date of birth and sex of any insured person of full age who has informed the Board that he has acquired Canadian citizenship or has stated, on registering for the first time with the Board, that he holds Canadian citizenship. The Board shall send the Chief Electoral Officer the same information concerning any insured person who is about to reach 18 years of age, at least six months before the person’s eighteenth birthday, and concerning any insured person who meets the criteria set out in subparagraphs 1 to 3 of the first paragraph of section 1 of the Election Act and whose name is not yet entered on the permanent list of electors.

Other personal
information.

After receiving an advisory opinion from the Commission d’accès à l’information, the Board shall send the Chief Electoral Officer, on request, any other personal information needed to compile and update the permanent list of electors.

Residential addresses.

The Board shall also send the Chief Electoral Officer, on request, a list of all the residential addresses in Québec.”

2006, c. 17, s. 13, am.

85. Section 13 of the Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17) is amended by inserting “in a case described in the second paragraph of section 192 or” after “present” in the fifth line of the first paragraph of section 210 of the Election Act which it replaces.

Fees.

86. For the fiscal year 2006-2007, the fees payable for the communication of information contained in the permanent list of electors to the Chief Electoral Officer of Canada under and for the purposes of section 40.42 of the Election Act are set at \$378,265.

Nomination paper.

87. Until the Nomination Regulation (1989, G.O. 2, 1569) is amended in accordance with section 550 of the Election Act, the Chief Electoral Officer may adjust the form prescribed in that regulation for cases where an application for authorization by an independent candidate is filed with the nomination paper, or prescribe a new form for that purpose.

Forms.

88. Until the Voting Regulation (1989, G.O. 2, 1580) is amended in accordance with section 550 of the Election Act, the Chief Electoral Officer may adjust the forms prescribed in that regulation to reflect the provisions of this Act.

Applicability.

89. This Act does not apply to an election ordered on or before 20 June 2008 or within 60 days after that date.

FINAL PROVISION

Coming into force.

90. This Act comes into force on 20 June 2008.

2008, chapter 23
**AN ACT TO AMEND THE AUDITOR GENERAL ACT AND
OTHER LEGISLATIVE PROVISIONS**

Bill 71

Introduced by Madam Monique Jérôme-Forget, Minister of Finance

Introduced 18 December 2007

Passed in principle 3 June 2008

Passed 19 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended:

Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02)

Public Service Act (R.S.Q., chapter F-3.1.1)

Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02)

Police Act (R.S.Q., chapter P-13.1)

Act respecting the Régie du logement (R.S.Q., chapter R-8.1)

Act respecting health services and social services (R.S.Q., chapter S-4.2)

Transport Act (R.S.Q., chapter T-12)

Courts of Justice Act (R.S.Q., chapter T-16)

Auditor General Act (R.S.Q., chapter V-5.01)

Explanatory notes

The object of this Act is to allow the Auditor General, for any fiscal year in which a grant is made by a public body or a government agency to a body in the health and social services network or the education network whose name appears on the list of such bodies that are part of the reporting entity defined in the Government's annual financial statements included in the public accounts tabled in the National Assembly, to act as the auditor of that grant beneficiary's books and accounts.

The Act also allows the Auditor General to audit the books and accounts of certain bodies and agencies to which the Auditor General Act does not apply but which are related to bodies or agencies to which that Act applies.

(Cont'd on next page)

Explanatory notes (Cont'd)

Consequently, the Act specifies the scope of the Auditor General's audit of the books and accounts of those grant beneficiaries and related bodies or agencies. It also empowers the Auditor General to oversee the work of the auditors who audit the books and accounts of those grant beneficiaries and related bodies or agencies.

The Act further provides expressly that the Auditor General is not required to audit the books and accounts of budget-funded bodies within the meaning of the Public Administration Act every year.

Moreover, the Act proposes that the books and accounts of a health and social services agency be audited annually by an auditor whom the agency's board of directors is authorized to appoint.

The Act also proposes that the books and accounts of the Agence métropolitaine de transport be audited by the Auditor General annually and whenever the Government so orders.

The Act amends the Act respecting the governance of state-owned enterprises with regard to certain obligations to assess the effectiveness and performance of the enterprises governed by that Act.

Lastly, the Act contains consequential amendments and transitional provisions.



Chapter 23

AN ACT TO AMEND THE AUDITOR GENERAL ACT AND OTHER LEGISLATIVE PROVISIONS

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. V-5.01, s. 22, am. **1.** Section 22 of the Auditor General Act (R.S.Q., chapter V-5.01) is amended by inserting the following paragraph after paragraph 2:

“(2.1) funds and other property of a body or agency described in section 30.2; and”.

c. V-5.01, s. 23, am. **2.** Section 23 of the Act is amended by adding the following paragraph at the end:

Audit not required. “The Auditor General is not required to audit the books and accounts of a budget-funded body within the meaning of the Public Administration Act (chapter A-6.01) every year.”

c. V-5.01, ss. 30.1 and 30.2, added. **3.** The Act is amended by inserting the following sections after section 30:

Audit. **“30.1.** If the Auditor General considers it advisable, the Auditor General may, for any fiscal year in which a grant is made by a public body or a government agency to a body in the health and social services network or the education network whose name appears on the list of such bodies that are part of the reporting entity defined in the Government’s annual financial statements included in the public accounts tabled in the National Assembly, act as the auditor of that grant beneficiary’s books and accounts.

Notification. The Auditor General shall notify the grant beneficiary in writing of the Auditor General’s decision to audit the beneficiary’s books and accounts for a specified fiscal year. From the date of the notice, the Auditor General is, without further formality, the auditor of the grant beneficiary’s books and accounts for the fiscal year specified in the notice.

Provisions applicable. Sections 25, 26 and 29 apply, with the necessary modifications, to the Auditor General’s audit of the books and accounts of any grant beneficiary referred to in the first paragraph.

Other bodies or agencies. **“30.2.** If the Auditor General considers it advisable, the Auditor General may audit the books and accounts of a body or agency not described in section 4 or 5 that meets the following conditions:

(1) at least half of its revenues are derived directly or indirectly from the consolidated revenue fund or any other fund managed by a public body, a government agency or a grant beneficiary referred to in the first paragraph of section 30.1; and

(2) at least half of its members or directors are appointed by a body or agency described in any of sections 3, 4 and 30.1 or a combination of such bodies and agencies and, if applicable, by a minister, or at least half of its members or directors are delegated by or represent a body or agency described in any of sections 3, 4 and 30.1 or a combination of such bodies and agencies.

Written notice.

The Auditor General shall send written notice of the decision to audit the books and accounts for a specified fiscal year to the board of directors or, if there is none, to the executive. From the date of the notice, the Auditor General is, without further formality, the auditor of the books and accounts for the fiscal year specified in the notice.

Provisions applicable.

Sections 25, 26 and 29 apply, with the necessary modifications, to the Auditor General's audit of those books and accounts."

c. V-5.01, s. 31, am.

4. Section 31 of the Act is amended by replacing "or government enterprise" in the third line by ", government enterprise, grant beneficiary referred to in the first paragraph of section 30.1, or body or agency described in section 30.2".

c. V-5.01, s. 32,
replaced.

5. Section 32 of the Act is replaced by the following section:

Other auditor.

"32. The auditor of the books and accounts of a government agency, government enterprise, grant beneficiary referred to in the first paragraph of section 30.1, or body or agency described in section 30.2, other than the Auditor General, must, at the latter's request and with dispatch, provide the Auditor General with a copy of

(1) the annual financial statements of the government agency, government enterprise, grant beneficiary, or body or agency;

(2) the audit report on those statements; and

(3) any other report of the auditor to the board of directors, the executive or the chief executive officer, as the case may be, of the agency, grant beneficiary referred to in the first paragraph of section 30.1, or body or agency described in section 30.2 on the auditor's findings and recommendations."

c. V-5.01, s. 34, am.

6. Section 34 of the Act is amended

(1) by replacing "or government enterprise" at the end of the first paragraph by ", government enterprise, grant beneficiary referred to in the first paragraph of section 30.1, or body or agency described in section 30.2";

(2) by replacing “or government enterprise” at the end of the second paragraph by “, government enterprise, grant beneficiary, or body or agency”.

c. V-5.01, s. 40, am. **7.** Section 40 of the Act is amended by adding the following paragraph at the end:

Applicability. “In addition, section 38 applies, with the necessary modifications, to the report of the Auditor General on the annual financial statements of a grant beneficiary referred to in the first paragraph of section 30.1 or of a body or agency described in section 30.2 and on those of any fund they administer.”

c. V-5.01, s. 42, am. **8.** Section 42 of the Act is amended by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(6) bodies or agencies described in section 30.2.”

c. V-5.01, s. 43, am. **9.** Section 43 of the Act is amended by inserting “, those of grant beneficiaries referred to in the first paragraph of section 30.1 and bodies or agencies described in section 30.2” after “government enterprises” in paragraph 1.

c. V-5.01, s. 47, am. **10.** Section 47 of the Act is amended by inserting “, grant beneficiaries referred to in the first paragraph of section 30.1, bodies or agencies described in section 30.2” after “government enterprises” in the third line of the first paragraph.

c. V-5.01, s. 48, am. **11.** Section 48 of the Act is amended by inserting “, grant beneficiaries” after “enterprises” in the first line of the first paragraph.

c. V-5.01, s. 54, am. **12.** Section 54 of the Act is amended by inserting “, grant beneficiaries referred to in the first paragraph of section 30.1, bodies or agencies described in section 30.2” after “government enterprises” in the third line.

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

c. A-7.02, s. 89, am. **13.** Section 89 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by replacing the first sentence by the following sentence: “The books and accounts of the Agency are audited by the Auditor General annually and whenever the Government so orders.”

PUBLIC SERVICE ACT

c. F-3.1.1, s. 125, replaced. **14.** Section 125 of the Public Service Act (R.S.Q., chapter F-3.1.1) is replaced by the following section:

Audit. **“125.** The books and accounts of the Commission are audited by the Auditor General.”

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

c. G-1.02, s. 15, am. **15.** Section 15 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended

(1) by inserting “in the case of La Financière agricole du Québec, Investissement Québec, the Régie de l’assurance maladie du Québec, the Société de l’assurance automobile du Québec, the Société des alcools du Québec, the Société des loteries du Québec, the Société générale de financement du Québec and the Société immobilière du Québec,” before “adopting” at the beginning of paragraph 15;

(2) by replacing “by an independent firm” at the end of paragraph 15 by “by the Auditor General or, if the Auditor General considers it appropriate and has so informed the board of directors, by an independent firm”.

c. G-1.02, s. 41, am. **16.** Section 41 of the Act is amended by striking out “to be carried out by an independent firm at the request of the board of directors” at the end of the second paragraph.

POLICE ACT

c. P-13.1, s. 211, replaced. **17.** Section 211 of the Police Act (R.S.Q., chapter P-13.1) is replaced by the following section:

Audit. “**211.** The books and accounts of the ethics committee are audited by the Auditor General.”

ACT RESPECTING THE RÉGIE DU LOGEMENT

c. R-8.1, s. 27, replaced. **18.** Section 27 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is replaced by the following section:

Audit. “**27.** The books and accounts of the board are audited by the Auditor General.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

c. S-4.2, s. 395, replaced. **19.** Section 395 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is replaced by the following section:

Provisions applicable. “**395.** The agency is subject to sections 280 and 288 to 295, with the necessary modifications, with respect to the reports it must transmit to the Minister and the audits of its books and accounts which it must cause to be carried out.”

c. S-4.2, Part IV.1,
Title I, Chap. IV,
Div. III.2, s. 530.31.5,
repealed.

20. Division III.2 of Chapter IV of Title I of Part IV.1 of the Act, comprising section 530.31.5, is repealed.

TRANSPORT ACT

c. T-12, s. 30, am.

21. Section 30 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing “shall be audited by the Auditor General each year and also whenever the Government so orders; the reports of the Auditor General must accompany the annual report of the Commission” by “are audited by the Auditor General”.

COURTS OF JUSTICE ACT

c. T-16, s. 246.40,
replaced.

22. Section 246.40 of the Courts of Justice Act (R.S.Q., chapter T-16) is replaced by the following section:

Audit.

“246.40. The books and accounts of the committee are audited by the Auditor General.”

TRANSITIONAL AND FINAL PROVISIONS

Application.

23. Section 89 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02), as amended by section 13 of this Act, applies from the fiscal year 2008.

Coming into force.

24. This Act comes into force on 20 June 2008.

2008, chapter 24 DERIVATIVES ACT

Bill 77

Introduced by Madam Monique Jérôme-Forget, Minister of Finance

Introduced 9 April 2008

Passed in principle 8 May 2008

Passed 19 June 2008

Assented to 20 June 2008

Coming into force: on the date or dates to be set by the Government, except sections 180, 181 and 223, which come into force on 20 June 2008

Legislation amended:

Act respecting insurance (R.S.Q., chapter A-32)

Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2)

Consumer Protection Act (R.S.Q., chapter P-40.1)

Securities Act (R.S.Q., chapter V-1.1)

Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20)

Regulation amended:

Securities Regulation

Explanatory notes

The purpose of this Act is to establish a legislative framework specifically for derivatives, certain of which are currently governed by the Securities Act.

This Act therefore requires that entities be recognized by the Autorité des marchés financiers before they may offer derivatives to the public. It specifies the obligations they must comply with, in particular, as regards their operating rules, activities and governance and the information to be disclosed or communicated. It also includes provisions on the oversight and monitoring of regulated entities by the Authority itself or by the Bureau de décision et de révision en valeurs mobilières.

The Act furthermore provides that derivatives dealers and advisers must be registered, and specifies the requirements applicable to them as regards the management of their business, their conduct and the conduct of their officers, representatives and employees.

(Cont'd on next page)

Explanatory notes (Cont'd)

The Act gives the Authority special powers for the purposes of the new legislation, including inspection and investigation powers and the power to apply conservatory measures. It prescribes offences and contains penal provisions.

Lastly, the Act contains transitional provisions to ensure that persons registered or entities recognized under the Securities Act that now come under the Derivatives Act continue to be validly registered or recognized and that the obligations and requirements set out in the new legislation apply to them.



Chapter 24

DERIVATIVES ACT

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

CHAPTER I

PURPOSES

- Transparency. **1.** This Act seeks to foster honest, fair, efficient and transparent derivatives markets and to protect the public from unfair, improper or fraudulent practices and market manipulation.
- Adequate information. It also seeks to ensure that the public, and more particularly, market participants and their clients, have access to adequate, true and clear information, tailored to the level of financial knowledge and experience of those for whom it is intended.
- Specific purposes. **2.** The purposes of this Act are, more specifically,
- (1) to govern derivatives offering and trading and related activities;
 - (2) to provide for oversight of the activities of derivatives market professionals so as to ensure that their conduct is honest, fair and responsible;
 - (3) to provide for the monitoring of regulated entities and, more specifically, of their activities, their exercise of delegated powers, the adequacy of their resources, the accessibility of their services, and the transactions carried out via the facilities or systems they operate;
 - (4) to regulate market participants and regulated entities so as to ensure compliance with the principles set out in this Act and with the obligations deriving from those principles;
 - (5) to facilitate the control of systemic risk in derivatives trading, particularly in clearing house operations; and
 - (6) to provide for the implementation and administration of programs to deal with client complaints and protect clients in derivatives-related matters.

CHAPTER II**SCOPE AND INTERPRETATION**

Definitions:

3. For the purposes of this Act, unless the context indicates otherwise,“accredited
counterparty”;

“accredited counterparty” means

(1) a government, government department or public body or a wholly owned enterprise or entity of a government;

(2) a municipality, public board or commission or other similar municipal administration, a metropolitan community, a school board, the Comité de gestion de la taxe scolaire de l'Île de Montréal or an intermunicipal management board in Québec;

(3) a financial institution, including the Business Development Bank of Canada established under the Business Development Bank of Canada Act (Statutes of Canada, 1995, chapter 28), or a subsidiary of such a financial institution to the extent that the financial institution holds all the subsidiary's voting shares, other than the voting shares held by directors of the subsidiary or its employees;

(4) a dealer or adviser registered under this Act, a dealer or adviser registered under the Securities Act (R.S.Q., chapter V-1.1) or a person authorized to act as such or to exercise similar functions under equivalent legislation applicable outside Québec;

(5) a registered representative of a person described in paragraph 4 or a representative who has ceased to be so registered within the last three years;

(6) a pension fund regulated by the Office of the Superintendent of Financial Institutions established by the Office of the Superintendent of Financial Institutions Act (Revised Statutes of Canada, 1985, chapter 18, 3rd Supplement), the Régie des rentes du Québec or a pension commission or similar regulatory authority in Canada whose investment policy provides for or authorizes the use of derivatives, or an entity that is analogous in form and function established under legislation applicable outside Québec;

(7) a person who establishes in a conclusive and verifiable manner

(a) that the person has the requisite knowledge and experience to evaluate the information provided to the person about derivatives, the appropriateness to the person's needs of proposed derivatives strategies, and the characteristics of the derivatives to be traded on the person's behalf;

(b) that the person has assets equal to or in excess of the minimum assets specified by regulation; and

(c) that the person has at the person's disposal net assets in the amount specified by regulation and sufficient to fulfill the person's delivery or payment obligations under the terms of derivatives to which the person is party, in light of the positions held in the person's account and the orders the person is seeking to have executed;

(8) an investment fund whose investment policy includes or authorizes the use of derivatives, that distributes or has distributed its securities under a prospectus for which the Autorité des marchés financiers ("the Authority") or another authority empowered to issue receipts under the securities legislation of another province or a territory of Canada has issued a receipt, or that distributes or has distributed its securities exclusively to

(a) a person who is or was an accredited investor within the meaning of the Securities Act at the time of the distribution;

(b) a person who acquires or has acquired securities of the fund in order to make a minimum amount investment or an additional investment under the conditions prescribed by the Securities Act; or

(c) a person described in subparagraph *a* or *b* who acquires or has acquired securities of the fund in order to reinvest in the fund, in the circumstances set out in the Securities Act;

(9) an investment fund that is advised by an adviser described in paragraph 4;

(10) a charity registered under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) or the Taxation Act (R.S.Q., chapter I-3) that, in regard to the trade in question, has used the services of an adviser registered under this Act or of a person authorized to act as such or to exercise similar functions under the equivalent legislation of another province or a territory of Canada;

(11) a person all of whose interest holders, except the holders of voting securities required by law to be held by directors, are accredited investors within the meaning of the Securities Act;

(12) a hedger, that is, a person who, because of the person's activities,

(a) is exposed to one or more risks attendant upon those activities, including supply, credit, exchange and environmental risks and the risk related to fluctuations in the price of an underlying interest; and

(b) seeks to hedge that risk by engaging in a derivatives transaction, or a series of derivatives transactions, where the underlying interest is the underlying interest directly associated with that risk or a related underlying interest; or

(13) a person specified by regulation or designated by the Authority as an accredited counterparty under section 87;

“adviser”;

“adviser” means a person who engages or purports to engage in the business of advising others as to derivatives or the buying or selling of derivatives, or in the business of managing derivatives portfolios;

“clearing house”;

“clearing house” means a person who maintains a system for netting derivatives trades on a multilateral basis and who acts as central counterparty to that end;

“dealer”;

“dealer” means a person who engages or purports to engage in

(1) derivatives trading on the person’s own behalf or on behalf of others; or

(2) any act, advertisement, solicitation, conduct or negotiation directly or indirectly in furtherance of an activity described in paragraph 1;

“derivative”;

“derivative” means an option, a swap, a futures contract or any other contract or instrument whose market price, value, or delivery or payment obligations are derived from, referenced to or based on an underlying interest, or any other contract or instrument designated by regulation or considered equivalent to a derivative on the basis of criteria determined by regulation;

“director”;

“director” means a member of the board of directors of a legal person, or a natural person acting in a similar capacity for another person;

“hedging”;

“hedging” means the entering into of a derivatives transaction or a series of derivatives transactions, and the maintaining of the position or positions resulting from the transaction or series of transactions if

(1) the intended effect of the transaction or series of transactions is

(a) to offset or reduce the risk related to fluctuations in the value of an underlying interest or a position, or of a group of underlying interests or positions; or

(b) to substitute a risk to one currency for a risk to another currency, provided the aggregate amount of currency risk to which the hedger is exposed is not increased by the substitution;

(2) the transaction or series of transactions results in a high degree of negative correlation between changes in the value of the underlying interest or position or group of underlying interests or positions being hedged and changes in the value of the derivatives with which the value of the underlying interests or positions is hedged; and

(3) there are reasonable grounds to believe that the transaction or series of transactions no more than offsets the effect of price changes in the underlying interest or position, or group of underlying interests or positions, being hedged;

“hybrid product”; “hybrid product” means an instrument, contract or security that combines elements of derivatives and securities;

“market participant” or “participant”; “market participant” or “participant” means a dealer, adviser or representative, an accredited counterparty with direct access to trading on a published market, a subscriber of an alternative trading system, or any other person designated as such by regulation;

“officer”; “officer” means the chair or vice-chair of the board of directors, the chief executive officer, the chief operating officer, the chief financial officer, the president, the vice-president, the secretary, the assistant secretary, the treasurer, the assistant treasurer or the general manager of a person, or a natural person designated as such by a person or acting in a similar capacity for another person;

“over-the-counter derivative”; “over-the-counter derivative” means any derivative other than a standardized derivative;

“person”; “person” means a natural person or a legal person, and also includes a partnership, a trust, a fund, an association, a syndicate, a body, an entity or any other group of persons that is not constituted as a legal person and any person acting as trustee, liquidator, executor or legal representative;

“published market”; “published market” means an exchange, an alternative trading system or any other derivatives market that

(1) constitutes or maintains a system for bringing together buyers and sellers of standardized derivatives;

(2) brings together the orders of multiple derivatives buyers and sellers; and

(3) uses non-discretionary methods under which the orders interact with each other and the derivatives buyers and sellers entering the orders agree to the terms of a trade;

“regulated entity”; “regulated entity” means an exchange, an alternative trading system not registered as a dealer, or another published market, a clearing house, an information processor, a self-regulatory organization or any person the Authority, where it considers it necessary for the proper operation of the market, designates as a regulated entity in accordance with the rules prescribed by regulation;

“standardized derivative”.

“standardized derivative” means a derivative that is traded on a published market, whose intrinsic characteristics are determined by that market and whose trade is cleared and settled by a clearing house.

Hybrid product.

4. A hybrid product is subject to this Act unless its terms, the terms of any collateral agreement governing it and the circumstances of its offering, issue or entering into show that it is predominantly a security within the meaning of the Securities Act, in which case it is considered to be a security and is governed by that Act.

Presumption.

A hybrid product is presumed to be predominantly a security if

(1) the offeror receives payment of the purchase price on the delivery of the hybrid product;

(2) the purchaser is under no obligation to make any additional payment beyond the purchase price as a margin deposit, margin, settlement or other such amount during the life of the hybrid product or at maturity; and

(3) the terms of the hybrid product do not include margin requirements based on a market value of its underlying interest.

Patrimony.

5. A patrimony endowed with a certain degree of autonomy, such as a pension fund, partnership, trust or group without legal personality, is subject to this Act as if it had legal personality, but the responsibility for compliance with this Act rests with its administrators, and both civil and penal proceedings under this Act may be brought against them for acts or omissions relating to the patrimony.

Proceedings.

In the case of a partnership, such proceedings may be brought against the partnership or against the partners, except the special partners.

Act not applicable.

6. This Act does not apply to the following instruments:

(1) a warrant or subscription right;

(2) an investment contract within the meaning of the second paragraph of section 1 of the Securities Act;

(3) an insurance or annuity contract issued by an insurer holding a licence under the Act respecting insurance (R.S.Q., chapter A-32) or under other insurance legislation in Canada;

(4) an option or other non-traded derivative whose value is derived from, referenced to or based on the value or market price of a security, granted as compensation or as payment for a good or service; and

(5) any other instrument specified by regulation.

Provisions not applicable.	7. The provisions of Titles III and IV, sections 94 to 114, Division III of Chapter I and Divisions I and II of Chapter II of Title V of this Act and Chapter III.1 of Title I of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) do not apply in the case of over-the-counter derivatives activities or transactions involving accredited counterparties only or in any other case specified by regulation.
Exception.	However, the provisions referred to in the first paragraph, except those of Titles III and IV, apply if a derivative is offered or entered into in the circumstances described in section 150, 151 or 153.
Dealer.	8. A dealer or adviser who trades on a client's behalf under a mandate granting the dealer or adviser full discretion in executing the mandate is considered to be acting on behalf of an accredited counterparty.
Provisions applicable.	Title III applies to such a dealer or adviser, subject to section 70.
Validity.	9. A derivative cannot be invalidated for the sole reason that a counterparty is not an accredited counterparty within the meaning of this Act.
Protection.	10. A standardized derivative must be designed so as to ensure a high degree of protection against manipulation.
Language of document.	11. A document required to be communicated to a client under this Act must be drawn up in French only or in French and English.

TITLE II

REGULATED ENTITIES

CHAPTER I

RECOGNITION OF REGULATED ENTITIES

Recognition.	12. No regulated entity may carry on derivatives activities in Québec unless it is recognized by the Authority as an exchange, a published market, a clearing house, an information processor or a self-regulatory organization.
Recognition.	No regulation services provider may carry on activities in Québec unless it is recognized as such by the Authority on the conditions the Authority determines.
Regulation services provider.	13. Subject to section 31, a regulation services provider may assume all or part of the obligations set out in this Title on behalf of a recognized regulated entity, in accordance with the terms of its recognition decision. The regulation services provider is then considered to be a recognized regulated entity for the purposes of this Act.

- Application. **14.** An application for recognition or for the modification of a recognition decision must be filed with the documents and information required by the Authority.
- Notice. The Authority publishes a notice of the application in its Bulletin and invites interested persons to make representations in writing.
- Conditions. **15.** The Authority may recognize a regulated entity on the conditions it determines.
- Powers. **16.** Despite section 60 of the Act respecting the Autorité des marchés financiers, a recognized exchange or other recognized published market or a recognized clearing house may oversee or regulate the conduct of its participants or members and their representatives without being recognized as a self-regulatory organization.
- Recognition. **17.** The Authority may require that an exchange, clearing house or regulation services provider obtain recognition as a self-regulatory organization under Title III of the Act respecting the Autorité des marchés financiers in order to carry on its activities. On being recognized, the exchange, clearing house or regulation services provider is subject to the provisions of this Act that are applicable to self-regulatory organizations.
- Provisions not applicable. **18.** Sections 19 to 26 and 32 to 35 do not apply to information processors.

CHAPTER II

OBLIGATIONS OF RECOGNIZED REGULATED ENTITIES

DIVISION I

GENERAL OBLIGATIONS

§1. — *Constituting documents, internal by-laws, rules and procedures*

- Operating rules. **19.** A recognized regulated entity must make operating rules to govern its activities and the activities of its members or of market participants.
- Procedures. It must also, in its internal by-laws, include appropriate procedures for making and amending those rules.
- Membership. **20.** The constituting documents, internal by-laws and operating rules of a recognized regulated entity must allow unrestricted membership for any person who meets the admission criteria and equal access by members or market participants to the services offered, on the basis of transparent criteria providing for fair and equitable competition.
- Disciplinary measures. They must also provide for the imposition of disciplinary measures for any contravention of the law or violation of the internal by-laws or operating rules.

Complaint examination procedure. **21.** The operating rules of a recognized regulated entity must include a complaint examination procedure that allows for timely, fair and equitable resolution of disputes involving the entity.

Costs. In establishing its rules, the entity must consider the costs to its members and to market participants that may result from their application.

Amendment. **22.** To make an amendment to its operating rules, a recognized regulated entity must complete the self-certification process established by regulation and file a notice with the Authority confirming that the amendment was made in accordance with the regulation.

Draft amendment. If the entity shows that self-certification poses serious difficulties, it must submit a draft amendment to the Authority for approval.

Applicability. This section applies to recognized self-regulatory organizations despite section 74 of the Act respecting the Autorité des marchés financiers.

Enforcement. **23.** A recognized regulated entity must enforce its operating rules.

Approval. **24.** A draft amendment to the constituting documents or internal by-laws of a recognized regulated entity requires the approval of the Authority.

Presumption. **25.** The amendment is deemed to be approved on the expiry of a period of 30 days or any other period agreed with the recognized regulated entity concerned, unless the Authority has invited the entity to make representations on its merits.

§2. — *Governance*

Governance practices. **26.** The governance practices of a recognized regulated entity must be clear and transparent. They must serve the interests of its members or of market participants while also serving the public interest.

Reporting. In addition, they must include an accurate and informative system for reporting information to directors and officers.

§3. — *Controls*

Information processing. **27.** A recognized regulated entity must use information processing systems of sufficient capacity to enable it to carry out operations safely and reliably.

Risk management. **28.** A recognized regulated entity must implement appropriate risk management procedures for the transactions carried out via its facilities or systems by the entity, by its members or by market participants, so as to ensure the security, performance and continuous accessibility of those facilities or systems.

§4. — *Activities*

- Diligence. **29.** A recognized regulated entity must organize and control its activities diligently and effectively.
- Resources. **30.** A recognized regulated entity must at all times have adequate financial and human resources to carry on its activities effectively and exercise any powers delegated to it by the Authority.
- Outsourcing. **31.** A recognized regulated entity retains full responsibility under this Act for any outsourced activities.

§5. — *Decisions*

- Representations. **32.** Before making a decision that adversely affects the rights of a person, a recognized regulated entity must give the person an opportunity to make representations.
- Exception. However, the entity may, without prior notice, make a provisional decision or order, valid for a period of not more than 15 days, if it is of the opinion that there is an emergency or that any time given to the person to make representations may be prejudicial.
- Decision. A decision or order must include reasons and becomes effective on its service on the person. The person may make representations to the entity within six days after receiving the decision or order.

- Revocation. The entity may revoke a decision or order made under this section.

- Closed sitting. **33.** In the interest of good morals or public order, a recognized regulated entity may, on its own initiative or on request, close a sitting to the public or prohibit the publication or release of specified information or documents.

- Communication. **34.** Decisions of a recognized regulated entity on the admission of a member or a market participant or on a disciplinary matter must be communicated to the Authority as soon as possible.

§6. — *Disclosure*

- Rules. **35.** A recognized regulated entity must make its rules, and the instruments for the application and interpretation of those rules, accessible to its members and to market participants, as it must any other pertinent information regarding their rights and obligations.
- Information. **36.** A recognized regulated entity must provide the Authority with periodic, timely and other disclosure of information, to the extent and in accordance with the conditions set out in its recognition decision.

Activity report. **37.** A recognized regulated entity must communicate to the Authority any information relating to its activities that may be useful to the Authority in exercising its functions and powers and that the Authority might reasonably expect to receive.

Financial statements. **38.** Within 90 days after the end of its fiscal year, a recognized regulated entity must file its financial statements, an audit report and any other information with the Authority, according to the requirements set by the Authority.

DIVISION II

SPECIAL OBLIGATIONS

§1. — *Recognized exchanges and other published markets*

Presumption. **39.** A dealer who engages in over-the-counter trading of a standardized derivative is deemed to operate a published market for the purposes of this subdivision, unless such trading is compliant with the operating rules of the published market.

Operating structure. **40.** A published market may not be structured to operate in a manner that unfairly favours certain market participants over others.

Differential treatment. Any differences in treatment among categories of market participants must be clearly identified and disclosed.

Operating rules. **41.** The operating rules of a published market must, to ensure its proper operation, include measures prohibiting and aimed at countering market abuse and manipulation, fraud and deceptive trading.

Effective measures. The published market must ensure that the measures are effective.

Best execution. **42.** A published market must ensure that participants are able to fulfill their obligation to their clients to achieve best execution of their orders.

Transparency. **43.** A published market must put in place monitoring and investigative mechanisms and disciplinary procedures conducive to sufficient pre- and post-trade transparency.

Orderly operation. **44.** The operating rules of a published market must allow it to suspend trading or modify trading conditions in order to ensure its orderly operation.

Information. **45.** The Authority may require that a published market provide information, including data on its activities, such as its order book, and trade-related or trade-matching information or data, in the manner determined by the Authority.

§2. — *Clearing houses*

Internal management. **46.** A clearing house must apply sound internal management practices in order to ensure its proper operation. To that end, it must put in place

- (1) an appropriate risk management process for derivatives clearing that integrates prudent risk limits;
- (2) sound information systems and risk measurement procedures;
- (3) comprehensive internal controls and audit procedures;
- (4) continuous monitoring, and frequent monitoring reporting to its senior management; and
- (5) appropriate oversight by its directors.

“derivatives clearing”. For the purposes of subparagraph 1 of the first paragraph, “derivatives clearing” includes all arrangements through which a clearing house, in accordance with its rules,

- (1) matches positions between market participants or parties to derivatives;
- (2) receives margin deposits or margins, and mutualizes or transfers the credit risk arising from a derivative among its members or clearing agents;
- (3) substitutes the credit of the clearing house for that of the parties to a derivative; and
- (4) nets those transactions on a multilateral basis, and settles them or, failing settlement, liquidates or cancels the relevant positions.

Fair services. **47.** A clearing house must use the necessary means to offer fair and secure clearing and settlement services.

§3. — *Recognized self-regulatory organizations*

Standards. **48.** A self-regulatory organization must set standards governing the integrity, fitness and admission of its members or market participants.

CHAPTER III**MONITORING AND ENFORCEMENT OF RECOGNIZED REGULATED ENTITIES**

The Bureau de décision et de révision en valeurs mobilières. **49.** The Bureau de décision et de révision en valeurs mobilières (“the Board”), established by section 92 of the Act respecting the Autorité des marchés financiers, may prescribe a course of conduct to a recognized regulated entity if it considers that it is necessary for the proper operation of the entity or for the protection of the public.

- The Authority. However, in the case of a self-regulatory organization that is not recognized as an exchange, clearing house or regulation services provider, the course of conduct may be prescribed by the Authority.
- Suspension. **50.** The Authority, in the manner it considers appropriate, may suspend the application of all or part of the internal by-laws or of a rule of a recognized regulated entity.
- Order to amend. **51.** The Authority may order a recognized regulated entity to amend its constituting documents, internal by-laws or operating rules if it considers that it is necessary in order to make them consistent with this Act.
- Modification of recognition. **52.** The Authority may modify, suspend or withdraw all or part of the recognition granted to a regulated entity if it considers that
- (1) the entity has failed to comply with undertakings given to the Authority; or
 - (2) the interests of the entity's members or of market participants or the public interest would so be better served.
- Modification of exemption. In addition, the Authority may, on the same grounds, modify, suspend or withdraw an exemption granted to an entity in relation to the application of this Title.
- Termination. **53.** A recognized regulated entity that wishes to terminate its activities must request authorization from the Authority.
- Authorization. If it considers that the interests of the entity's members or market participants and the public interest are sufficiently protected, the Authority grants the authorization on the conditions it determines.

TITLE III

DEALERS AND ADVISERS

CHAPTER I

REGISTRATION

- Registration requirement. **54.** No person may carry on business as a dealer or adviser unless registered as such with the Authority.
- Subsidiary. **55.** The Authority may require that an applicant for registration or category of applicants it determines carry on their derivatives activities through a subsidiary.
- Representative. **56.** Every natural person carrying on business as a dealer or adviser on behalf of a person subject to registration under section 54 must be registered with the Authority as a representative of that person.

- Restriction. With the exception of such remunerated activities as are permitted by a government regulation under this Act, the representative of a dealer may not concurrently carry on activities as such and hold employment with a financial institution.
- Presumption. **57.** A dealer, adviser or representative registered in accordance with section 148 or 149 of the Securities Act who meets the conditions imposed by this Act for registration to carry on business in derivatives and pays the related fees required under this Act is deemed to be registered under this Act for as long as the dealer, adviser or representative remains registered under the Securities Act.
- Regulation. **58.** The categories of registration, the conditions to be met by applicants, the duration of registration and the rules governing the business of dealers, advisers and representatives are determined by regulation.
- Registration. **59.** After verifying that an applicant meets the conditions set by regulation, the Authority grants registration if it considers that
- (1) the applicant or, in the case of a legal person, its officers and directors, exhibit the requisite competence and integrity to ensure the protection of clients; and
 - (2) the applicant is solvent and, in the case of a legal person, has the financial footing needed to ensure the viability of its business.
- Restriction. The Authority may impose any restriction or condition on the registration of an applicant, including limiting its duration.
- Recognition. **60.** The Authority may recognize an alternative trading system as an exchange or register it as a dealer.
- Provisions applicable. Sections 39 to 45 apply to an alternative trading system even if it is registered as a dealer.

CHAPTER II

OBLIGATIONS OF REGISTRANTS

DIVISION I

MANAGEMENT OF BUSINESS

- Diligence. **61.** Dealers and advisers must organize and control their affairs diligently and effectively. To that end, they must put in place procedures to facilitate compliance with this Act and ensure that their books, registers and records are kept in such a manner that they may be audited.

Financial resources. **62.** Dealers and advisers must have adequate financial resources to honour their business commitments at all times and deal with the risks to which their business is exposed.

DIVISION II

CONDUCT

Compliance. **63.** Dealers and advisers must see that their officers, representatives and employees act in compliance with this Act.

Standards. **64.** Dealers, advisers and representatives must at all times meet the accepted standards of integrity and fairness in the derivatives industry.

Level of knowledge. Representatives must furthermore meet the standards of diligence and competence that govern their conduct and, to that end, maintain an appropriate level of knowledge relating to derivatives.

Professionalism. **65.** In dealing with clients and executing the mandates clients entrust to them, dealers, advisers and representatives must act with honesty and loyalty, and exercise all the care that may be expected of a knowledgeable professional in the same circumstances.

Information. To that end, dealers, advisers and representatives must take the necessary means to obtain or confirm such information about a client as will enable them to

(1) properly determine the client's identity;

(2) assess the client's needs;

(3) recommend a derivatives product or a related service that suits those needs; and

(4) determine whether the trade they are being asked to carry out is in keeping with the rules and principles governing their business.

Refusal to act. **66.** Dealers, advisers and representatives must refuse to act on behalf of a client if they have reasonable grounds to believe that the trade in question is unlawful or is likely to bring the derivatives market into disrepute.

Client's interests. **67.** In determining a course of conduct, dealers, advisers and representatives must place the client's interests above their own and refrain from taking advantage of a client's trust in them.

Best execution. **68.** Dealers and advisers must make reasonable efforts to achieve best execution of the orders received from a client.

Exception.	The obligation set out in the first paragraph does not apply to an alternative trading system registered as a dealer, subject to the conditions prescribed by regulation.
Derivatives trade.	<p>69. Dealers and advisers may not carry out a derivatives trade on behalf of a client or recommend a derivatives trade to a client unless they have made sure that the client has</p> <ol style="list-style-type: none">(1) the information the client ordinarily needs for the purposes of their business relationship;(2) the information required to make an informed decision and give clear trade instructions; and(3) information on the margin requirements to which the trade is subject and on the consequences of the client failing to meet those requirements when called on to do so.
Risk information.	<p>70. Dealers must, before the first trade on behalf of a client, give the client the risk information document prescribed by regulation.</p>
Qualification information.	If trades on behalf of a client are in a derivative created and marketed by a qualified person, dealers must also give the client the qualification information submitted to the Authority by that person.
Exemption.	Dealers who trade on behalf of a client who is not an accredited counterparty under a mandate granting them full discretion in executing the mandate are exempted from the application of this section.
Conflict of interest.	<p>71. Dealers, advisers and representatives must avoid placing themselves in situations of conflict of interest such that their ability to serve their client impartially is affected.</p>
Procedure.	<p>If a conflict of interest cannot be avoided, before carrying out a trade on behalf of the client, they must</p> <ol style="list-style-type: none">(1) inform the client of the conflict of interest; and(2) take measures consistent with the principles of loyalty, fairness and transparency to ensure that the client's interests are not affected by the situation.
Segregation of property.	<p>72. Dealers, advisers and representatives are responsible for the property entrusted to them by a client. Unless the law, a regulation or the rules governing them stipulate otherwise, they must segregate the client's property from their own property and maintain separate accounting records.</p>
Supervision.	<p>73. Dealers must supervise the conduct of accredited counterparties to whom they provide direct trading access to a published market.</p>

- Report. They must inform the published market or the appropriate regulation services provider of any conduct of an accredited counterparty that seems contrary to the rules governing the counterparty's participation in the published market.
- Complaints policy. **74.** Dealers and advisers must provide equitable resolution of complaints filed with them. To that end, they must each adopt a policy dealing with
- (1) the examination of complaints and claims filed by persons having an interest in a product or service they have provided; and
 - (2) the settlement of disputes regarding such products or services.
- Regulation. The Government may frame the policy or elements of the policy by regulation.
- Written notice. **75.** Dealers and advisers must inform each complainant, in writing and without delay, that, if dissatisfied with the examination of the complaint or its outcome, the complainant may request that a copy of the complaint record be sent to the Authority.
- Complaint record. On the complainant's request, the dealer or adviser must send a copy of the complaint record to the Authority.
- Mediation. The Authority examines the complaint record and may, if it considers it appropriate and the parties agree, act as a mediator. It may also enter into an agreement for that purpose in accordance with section 33.1 of the Act respecting the Autorité des marchés financiers.
- Communication of record. **76.** Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the Authority may not communicate a complaint record without the authorization of the dealer or adviser concerned.
- Non-compellability of mediator. **77.** A mediator may not be compelled to disclose anything revealed to or learned by the mediator in the exercise of mediation functions or to produce, before a court of justice or a person or body of the administrative branch exercising adjudicative functions, a document prepared or obtained in the course of those functions.
- Access prohibited. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person has a right of access to a document contained in the mediation record.

DIVISION III**DISCLOSURE**

- Change. **78.** Dealers, advisers and representatives must, in the cases and within the time determined by regulation, notify the Authority of any change in the information provided at the time of registration.
- Approval. If the regulation so provides, no change may be made unless the Authority approves it within the time and in the manner specified or the specified time limit for objecting expires without the Authority objecting to the change. If the Authority objects to the change, it may prescribe a course of conduct.
- Report. **79.** Dealers and advisers must, on any date that the Authority may specify, submit a report to the Authority as at that date concerning their complaint examination policy.
- Content. The report must include the number of complaints filed and a description of the nature of the complaints.

CHAPTER III**SURRENDER AND SUSPENSION OF REGISTRATION**

- Application. **80.** Dealers, advisers or representatives who wish to surrender their registration must first file an application for surrender with the Authority.
- Examination. The Authority may, on the conditions it determines, suspend, modify, or impose conditions or restrictions on, the registration during examination of the application for surrender.
- Conditions. The Authority may impose such conditions as it may determine on the surrender and accepts the surrender if it considers that the interests of clients and of the public are sufficiently protected.
- Jurisdiction. The Authority retains jurisdiction with regard to acts performed by a dealer, adviser or representative prior to the surrender.
- Rights. **81.** On the request of the Authority or of any interested person, the Board may revoke or suspend the rights granted by registration, or impose restrictions or conditions on the exercise of those rights, if the Board considers that a dealer, adviser or representative is not in compliance with this Act or if it is necessary for the protection of the public.

TITLE IV**QUALIFIED PERSONS**

- Qualification. **82.** A person, other than a recognized regulated entity, who creates or markets a derivative must be qualified by the Authority, as prescribed by regulation, before the derivative is offered to the public.

- Authorization. The person must also have the derivative authorized by the Authority.
- Refusal. The Authority may refuse to qualify a person if it considers it necessary for the protection of the public.
- Authorization. **83.** A person referred to in section 82 who creates or markets a derivative that has not been authorized by the Authority in accordance with that section must have the derivative authorized by the Authority before it is offered to the public.
- Authorization. A derivative is authorized when the Authority gives its authorization or when the time limit specified by regulation expires without the Authority objecting to the derivative being offered to the public.
- Notice. **84.** A qualified person who wishes to cease marketing a derivative must give prior notice of not less than 30 days to the Authority.
- Conditions. In such a case, the Authority may impose such conditions as it considers necessary for the protection of the public.
- Information. **85.** A qualified person must, every year within the time determined by regulation, file the information prescribed by regulation with the Authority.

TITLE V

ADMINISTRATION OF THIS ACT

CHAPTER I

FUNCTIONS AND POWERS OF THE AUTHORITY

DIVISION I

GENERAL PROVISIONS

- Exemption. **86.** The Authority may, on its own initiative or on application by an interested person, exempt a derivative, a person, a group of persons, an offer or a trade from any or all of the requirements or obligations under this Act if it considers that the exemption is not prejudicial to the public interest.
- Decision. The Authority's decision is final.
- Designation. **87.** The Authority may, in accordance with the rules prescribed by regulation, designate a person as an accredited counterparty if the person's business, level of financial knowledge and experience, and asset level are equivalent to those of an accredited counterparty.
- Person convicted of an offence. **88.** The Authority may refuse the filing of documents part or all of which was prepared or signed by a person who, in the five years preceding the date of the filing, was convicted of a disciplinary, penal or indictable offence relating to derivatives trading for which the person has not obtained a pardon.

Substitute document.	89. The Authority may accept as a substitute for a document or certificate required under this Act a document or certificate required under any other legislation or any other document containing information that it considers to be equivalent.
Communication of information.	90. The Authority or its appointed agent may require that any information or document considered useful for the pursuit of its mission be communicated to it by <ol style="list-style-type: none">(1) a dealer, adviser or representative;(2) a recognized exchange or one of its participants;(3) a recognized clearing house or a person holding an account with it;(4) a person who operates an alternative trading system that is recognized as an exchange or registered as a dealer, or one of its subscribers;(5) a recognized information processor or one of its users;(6) a self-regulatory organization or one of its members;(7) a regulation services provider;(8) a person filing an application or a document required under this Act or the regulations with the Authority; or(9) a market participant.
Authenticity.	In addition, the Authority or its appointed agent may require a person to confirm, in a sworn statement, the authenticity of the document or the veracity of the information.
Examination under oath.	91. The Authority or its appointed agent may require a person referred to in section 90 or the officers, directors, mandataries or other representatives of such a person to submit to examination under oath.
Validity of certificate.	92. A certificate issued by the Authority regarding the registration of a person, the filing of a document, the time when facts having given rise to proceedings came to the knowledge of the Authority and any other matter relating to the administration of this Act is proof of its content in any proceeding without further proof of the signature or authority of the signatory.
Provisions applicable.	93. Sections 296 to 297.4 of the Securities Act apply for the purposes of this Act, with the necessary modifications. For the purposes of those sections, a qualified person, a recognized regulated entity and a market participant within the meaning of this Act are respectively considered to be an issuer, a self-regulatory organization and a market participant under that Act.

- Intervention in proceedings. **94.** The Authority may, on its own initiative and without notice, intervene in any proceeding relating to a provision of this Act or the regulations.
- Expert. **95.** The Authority may appoint any expert whose assistance it considers useful in the pursuit of its mission under this Act.
- Policy statements. **96.** The Authority may make policy statements relating to the carrying out of this Act.
- Content. The policy statements set out how the Authority intends to exercise its discretionary powers for the purposes of the administration of this Act.
- Compliance. **97.** The Authority may, on its own initiative or on application by an interested person, take any steps to ensure compliance with an undertaking given to the Authority and with this Act.
- Changes to a document. It may, in particular, require changes to any document prepared under this Act, prohibit the circulation of a document or order the circulation of changes to an existing document or to specified information.
- Other regulator. **98.** The Authority may, within the scope of its powers, participate in the decision making of any other derivatives market regulator.
- Decision-making power. **99.** The Authority may, in the manner and on the conditions it determines, make a decision that is general or particular in its application and relates specifically to any matter within its jurisdiction under this Act.
- Restriction. However, in exercising delegated or subdelegated functions or powers, a delegate of the Authority may not make a decision that is general in its application.
- Public interest. **100.** The Authority must exercise its discretion in the public interest.
- Imposition of penalties. **101.** The Authority may, in the cases and on the conditions prescribed by regulation, impose an administrative monetary penalty, up to the amounts prescribed by regulation, for an act or omission in contravention of a provision of this Act.
- Prior knowledge. **102.** A staff member or a delegate of the Authority who has examined a matter prior to the opening of an investigation under section 116 must refrain from participating in any decision pertaining to the matter, unless the parties consent.
- Suspension of decision. **103.** The Authority may suspend making a decision on an application until the applicant undertakes to assume all or part of the cost of the research work the Authority considers necessary in order to make the decision.

- Cost. Moreover, the Authority may require the applicant to pay for the representation of a client or, if required in the public interest, it may assume such cost itself.
- Notice. **104.** Before making a decision that adversely affects the rights of a person, the Authority or a delegate of the Authority must give the person 15 days' prior notice of the proposed decision and of the grounds on which it is based, and give the person an opportunity to make representations or produce documents.
- Provisional decision. However, the Authority or the delegate may, without prior notice, make a provisional decision, valid for a period of not more than 15 days, if the Authority or the delegate is of the opinion that there is an emergency or that any time given to the person to make representations or produce documents may be prejudicial.
- Decision. A decision must include reasons and becomes effective as of the time the Authority gives notice of it to the person concerned. The person may, within six days after receiving the notice, make representations to the Authority or the delegate or produce documents.
- Revocation. The Authority or the delegate may revoke a decision made under this section.
- Notice. **105.** Before making a decision or issuing an order under any of sections 49 to 52, the Authority must give the recognized regulated entity prior notice of the proposed decision or order, of the grounds on which it is based and of its effective date, and give the entity an opportunity to make representations or produce documents.
- Provisional decision. However, the Authority may, without prior notice, make a provisional decision or issue a provisional order, valid for a period of not more than 15 days, if it is of the opinion that there is an emergency or that any time given to the entity to make representations or produce documents may be prejudicial.
- Decision. A decision or order must include reasons and becomes effective on its service on the entity. The entity may, within six days after receiving the decision, make representations to the Authority or produce documents.
- Revocation. The Authority may revoke a decision or order made under any of those sections.
- Referral. **106.** Any delegate of the Authority examining a matter may refer it back to the Authority.
- Matter before a delegate. **107.** The Authority may call before it any matter that is before a delegate of the Authority and decide the matter in the delegate's stead.

- Factual analysis. **108.** For the purposes of making a decision, the Authority may, within the scope of a consultation mechanism established by regulation or of an agreement under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers, consider a factual analysis prepared by the staff of an organization pursuing similar objects.
- Communication. **109.** A decision made by the Authority or a delegate of the Authority is communicated to the person concerned by the Authority.
- Communication. However, a decision made by a recognized regulated entity or a person exercising a power subdelegated by such an entity is communicated to the person concerned by the entity.
- Rectification. **110.** A decision made by the Authority may be rectified on the record by the Authority in order to correct any clerical or typographical error or error in calculation.
- Review. **111.** Subject to section 113, the Authority may review its decisions at any time, except for error of law.
- New facts. A delegate of the Authority may review a decision made by the delegate when a new fact warrants doing so.
- Review. **112.** Subject to section 113, the Authority may, on its own initiative, review any decision made by a delegate of the Authority or a recognized regulated entity, after having given the delegate or entity an opportunity to make representations or produce documents within the time allowed under section 104.
- Application for review. **113.** A person directly affected by a decision of the Authority, of a delegate of the Authority or of a recognized regulated entity may, within 30 days, apply to the Board for a review of the decision.
- Homologation. **114.** On the expiry of the time for applying to the Board for a review, a decision of the Authority or of a delegate of the Authority may, on the Authority's request, be homologated by the Superior Court or the Court of Québec, according to their respective jurisdiction. A homologated decision becomes enforceable under the authority of the court that has homologated it.

DIVISION II

INSPECTIONS AND INVESTIGATIONS

- Dealers, advisers, market participants. **115.** The Authority may, in accordance with Chapter III of Title I of the Act respecting the Autorité des marchés financiers, inspect the affairs of a dealer, adviser or market participant in order to verify compliance with this Act.

Recognized regulated entity.

The Authority may also inspect the affairs of a recognized regulated entity to verify compliance with this Act, with the conditions specified in its recognition decision or with any other decision of the Authority, or to verify the manner in which the entity exercises the functions and powers delegated to it by the Authority.

Powers of investigation.

116. In addition to its investigation powers under Chapter III of Title I of the Act respecting the Autorité des marchés financiers, the Authority may, on its own initiative or on request, order an investigation

(1) with a view to countering offences under the derivatives legislation of another legislative authority;

(2) within the scope of an agreement; or

(3) with a view to requesting the Superior Court to order the appointment of a receiver in accordance with section 19.1 of that Act.

Testimony.

117. No person called on to testify in the course of an investigation or being examined under oath may refuse to answer or refuse to produce a document on the grounds that the person might, by doing so, be incriminated or exposed to a penalty or to civil proceedings, subject to the Canada Evidence Act (Revised Statutes of Canada, 1985, chapter C-5).

Documents.

118. The Authority may require the communication or delivery of any document that is relevant to an investigation. It may return documents to those who provided them or otherwise decide how documents are to be disposed of.

Inspection.

A person who has provided documents to the Authority may inspect them or copy them at the person's own expense, by arrangement with the Authority.

DIVISION III

CONSERVATORY MEASURES

§1. — *Freeze orders*

Powers.

119. The Authority may, for the purposes or in the course of an investigation, request the Board

(1) to order the person actually or potentially under investigation not to dispose of funds, securities or other property in the person's possession;

(2) to order the person actually or potentially under investigation to refrain from withdrawing funds, securities or other property on deposit with or under the control or in the safekeeping of any other person;

(3) to order any other person not to dispose of funds, securities or other property referred to in paragraph 2; or

(4) to order a person who is party to or has control over a contract to liquidate the contract and retain the proceeds of liquidation until the Board, in writing, revokes the order or agrees to exclude a particular amount from its application, or until a court orders otherwise.

Effect. **120.** A freeze order is effective from the time the person concerned is notified of it, for a renewable period of 120 days.

Extension. The person must be given at least 15 days' notice of the hearing during which the Board is to consider extending the order. The Board may grant the extension if the person does not wish to be heard or fails to establish, to the satisfaction of the Board, that the grounds on which the order was initially based have ceased to exist.

Safety deposit box. **121.** If the other person named in a freeze order under paragraph 3 of section 119 has leased a safety deposit box to the person actually or potentially under investigation or put such a box at that person's disposal, that other person must immediately notify the Authority.

Opening. On the Authority's request, that other person must break open the safety deposit box in the presence of an agent of the Authority, draw up an inventory of the contents in triplicate, and give one copy to the Authority and another to the person actually or potentially under investigation.

Exception. **122.** A freeze order does not apply to funds or securities deposited with a clearing house or a transfer agent unless it specifically names those funds or securities.

Restriction. **123.** A freeze order under paragraph 3 of section 119 that names a Canadian bank or financial institution applies only to the branch or agency specified.

Scope. **124.** A freeze order also applies to funds, securities and other property received after the order becomes effective.

Application. **125.** A person directly affected by a freeze order may apply to the Board for a determination of the specific funds, securities or other property to which the order applies.

Registration or publication. **126.** The Authority may register or publish its decision to order an investigation under section 116 or an order issued under section 119 at the registry office or with any agency of the Gouvernement du Québec or the Government of Canada where such a decision or order may be registered or published.

Enforceability. Once registered or published, the decision or order is enforceable against any person whose right is registered or published subsequently.

§2. — Remedial measures

Non-compliance.

127. Following a failure to comply with an obligation under this Act, the Authority may request the Board to issue one or more of the following orders against any person in order to remedy the situation or deprive a person of the profit realized as a result of the non-compliance:

- (1) an order requiring the person to comply with
 - (a) a provision of this Act;
 - (b) a decision of the Authority under this Act; or
 - (c) a rule of a recognized regulated entity, or a decision or order made on the basis of such a rule;
- (2) an order directing a market participant to submit to a review of practices and procedures and institute such changes as may be directed by the Authority;
- (3) an order rescinding a derivatives transaction entered into by the person, and directing the person to repay to another person any part of the money paid by that other person for derivatives;
- (4) an order directing the person to offer, purchase, dispose of, cancel or liquidate any derivative or position in derivatives and dispose of the proceeds or loss from the liquidation in a specified manner;
- (5) an order directing the person to produce to a court or an interested person financial statements or reports in a form consistent with the accounting principles applicable to derivatives or in such other form as may be determined by the Board;
- (6) an order directing a person to rectify a register or other records;
- (7) an order directing the person to disgorge to the Authority amounts obtained as a result of the non-compliance.

Injunction.

128. The Authority may, by motion, apply to a judge of the Superior Court for an injunction in respect of any matter relating to this Act.

Motion.

The motion for an injunction is a proceeding in itself.

Procedure.

The procedure prescribed in the Code of Civil Procedure (R.S.Q., chapter C-25) applies, except that the Authority cannot be required to give security.

Declaration and order.

129. If it considers it to be warranted in the public interest, the Authority may, by motion, apply to the court for a declaration that a person has failed to comply with an obligation under this Act and an order directing the person to pay damages up to the amount of the injury caused to any other person.

Damages. The court may also impose punitive damages, or order the person to repay to another person the profits realized as a result of the non-compliance.

District. The motion is filed in the district in which the residence or principal establishment of the person concerned is situated or, if the person has no residence or establishment in Québec, in the district of Montréal.

CHAPTER II

BUREAU DE DÉCISION ET DE RÉVISION EN VALEURS MOBILIÈRES

DIVISION I

POWERS

Denial of exemption. **130.** The Board may deny an exemption under this Act if it considers it to be required in the public interest.

Specific cases. In particular, the Board may deny an exemption to any person who has

- (1) made improper use of such an exemption;
- (2) contravened this Act;
- (3) contravened any other provision relating to derivatives; or
- (4) contravened the rules of a recognized exchange.

Order. **131.** The Board may order a person or group of persons to cease all activities for the purpose of trading in a particular derivative.

Order. As well, the Board may order a person or group of persons to cease all activities related to the offering or trading of a particular derivative.

Order. **132.** The Board may order a person or group of persons to cease carrying on business as an adviser.

Effective date. **133.** An order under section 131 or 132 is effective from the time the person concerned is notified or becomes aware of it.

Publication. If the order is against a group of persons, its publication in the Authority's Bulletin or through any other medium normally available to the persons concerned in the exercise of their functions is valid as notification under the first paragraph.

Non-compliance. **134.** If it is brought to the Board's knowledge that a dealer, an adviser, a representative, a market participant, a recognized regulated entity, a qualified person or a person granted an exemption under this Act has failed to comply

with a provision of this Act, the Board may, once the facts have been established, reprimand the offender or impose an administrative penalty on the offender to be collected by the Authority.

Contravention.

If it is brought to the Board's knowledge that a market participant, a dealer, an adviser, a representative or any other person acting on their behalf has, by an act or omission, contravened or aided a person in contravening a provision of this Act, the Board may, once the facts have been established, impose an administrative penalty on the offender.

Penalty.

The amount of the penalty may in no case exceed \$1,000,000.

Costs.

135. In addition to imposing a measure under section 134, the Board may require the offender to repay to the Authority the costs incurred in connection with the inspection or investigation that established non-compliance with a provision of this Act, according to the tariff set by regulation.

Provisions applicable.

136. Sections 323 to 323.11 of the Securities Act apply, with the necessary modifications, to the procedure and decisions of the Board under this Act.

Review.

137. The Board may, on its own initiative or on application by an interested person, review its decisions at any time, except for error of law.

Application for review.

138. An application to the Board for a review of a decision does not suspend the decision, unless the Board decides otherwise.

DIVISION II

APPEALS

Appeal.

139. Any person directly interested in a final decision of the Board may appeal the decision to the Court of Québec.

Provisions applicable.

140. Sections 325 to 330 of the Securities Act apply, with the necessary modifications, to appeals.

CHAPTER III

INTERJURISDICTIONAL COOPERATION

Provisions applicable.

141. Chapter II of Title X of the Securities Act, which deals with interjurisdictional cooperation, applies for the purposes of this Act.

TITLE VI

FINANCIAL PROVISIONS

Costs.

142. The costs incurred and determined each year by the Government for the carrying out of this Act are borne by the Authority.

Costs. **143.** The costs incurred by the Authority for the administration of Title II in connection with activities governed by this Act are borne by the recognized regulated entities that carry on such activities.

Determination. Those costs are determined by the Authority at the end of its fiscal year for each entity and consist of a minimum contribution set by the Authority and the amount, if any, by which actual costs exceed that contribution. The actual costs are determined on the basis of the tariff set by regulation.

Amount. The amount to be paid by each entity is set out in a certificate issued by the Authority.

TITLE VII

PROHIBITIONS, SPECIFIC OFFENCES AND PENAL PROVISIONS

CHAPTER I

MISCELLANEOUS PROHIBITIONS

Information. **144.** No person who has access to information on the investment program established by an investment fund or by an adviser who is a portfolio manager may use the information for the person's own benefit in trading in derivatives included in the program.

Presumption. **145.** The following persons, in addition to the adviser, are deemed to have access to information on the investment program of an adviser who is a portfolio manager if they participate in formulating the adviser's investment decisions or recommendations to the client for whom the portfolio is managed or have knowledge of them before they are implemented:

- (1) a partner of the adviser;
- (2) an affiliate of the adviser;
- (3) an officer or director of the adviser or of an affiliate of the adviser; and
- (4) a member of the staff of the adviser or of an affiliate of the adviser.

Representation. **146.** No person may make any representation that the Authority has given a favourable opinion on the merits of a derivative or on the financial situation, competence or conduct of a dealer, an adviser, a representative or a person qualified under section 82.

Multiple transactions. **147.** Dealers and advisers may not engage in multiple transactions on a client's behalf for the sole purpose of increasing their remuneration.

CHAPTER II
SPECIFIC OFFENCES

Offence.

148. It is an offence

- (1) to contravene a decision of the Authority or the Board;
- (2) to breach an undertaking given to the Authority or the Board;
- (3) to fail to provide information or a document required under this Act within the prescribed time;
- (4) in the course of an investigation, to fail to appear after summons, refuse to testify or refuse to communicate or deliver a document or a thing required by the Authority or its investigator; or
- (5) to attempt, in any manner, to hinder a representative of the Authority in the exercise of the representative's functions in the course or for the purposes of an inspection or an investigation.

Employing a natural person.

149. It is an offence for a registered dealer or adviser to employ a natural person who is not registered with the Authority as a representative or to employ a natural person to carry on a remunerated activity specified by regulation.

Influencing the market.

150. It is an offence to influence or attempt to influence the market price or the value of a derivative or of the underlying interest of a derivative by means of unfair, improper or fraudulent practices.

Fraud.

151. A person who directly or indirectly engages or participates in any transaction, series of transactions or trading method relating to a trade in or the purchase of a derivative or underlying interest, or in any act, practice or course of conduct is guilty of an offence if the person knows, or ought reasonably to know, that the transaction, series of transactions, trading method, act, practice or course of conduct

- (1) creates or contributes to a misleading appearance of trading activity in, or an artificial price for, a derivative or underlying interest; or
- (2) perpetrates a fraud on any person.

Misrepresentation.

152. A person who makes a misrepresentation in

- (1) the risk information document or the qualification information submitted to the Authority and given to the client in accordance with section 70, or

- (2) the information required to be filed with the Authority every year under section 85 in connection with the person's qualification,

is guilty of an offence.

- Definition. For the purposes of this section and section 153, a misrepresentation is any misleading information on a fact that is likely to influence a client's or reasonable investor's decision, or any pure and simple omission of such a fact.
- Misrepresentation. **153.** A person who otherwise makes a misrepresentation
- (1) about the offering or trading of a derivative,
 - (2) in any document or information filed with the Authority or one of its agents for the purposes of the administration of this Act, or
 - (3) in any document sent or register kept under this Act,
- is guilty of an offence.
- False claim. **154.** A dealer, adviser or representative who, at the time of a derivatives offer or trade or another derivatives transaction, makes a claim to a client that all or part of a margin deposit or a premium paid will be reimbursed is guilty of an offence.
- Qualification not obtained. **155.** A dealer, adviser or representative who offers a derivative created or marketed by a person who has not obtained qualification under section 82, trades in such a derivative or engages in any transaction involving such a derivative is guilty of an offence.
- Disclosure. **156.** A person other than a registered derivatives dealer, adviser or representative who discloses information to the public that could influence the use of derivatives by another person and who so derives an advantage other than the person's ordinary remuneration is guilty of an offence.
- Qualification not obtained. **157.** A person who creates or markets a derivative and does not obtain qualification under section 82 before the derivative is offered to the public is guilty of an offence.
- Offence. **158.** An adviser who is a portfolio manager and who, in executing a mandate, knowingly participates in
- (1) the making of a loan or provision of a guarantee to a person an officer or director of which is a person described in section 145 or an associate of that person, except with a written authorization given, with full knowledge of the facts, by the client for whom the portfolio is managed,
 - (2) the purchase of derivatives having as their underlying interest the securities of a person referred to in paragraph 1, except with a written authorization given, with full knowledge of the facts, by the client for whom the portfolio is managed,

(3) a derivatives offer or trade or another derivatives transaction with a person described in section 145 or an associate of such a person, or

(4) the making of a loan or provision of a guarantee to a person described in section 145 or an associate of such a person,

is guilty of an offence.

“associate”.

For the purposes of this section, an “associate” of a person means any company in which the person owns securities representing more than 10% of a class of shares to which are attached voting rights or an unlimited right to participate in earnings and in the assets on winding-up, any partner of the person, any trust or succession in which the person has a substantial ownership interest or in relation to which the person acts as trustee or liquidator or in a similar capacity, the persons’s spouse, any child of the person or any relative of the person or of the person’s spouse, if that relative shares the person’s residence.

Hindrance.

159. A person who hinders the Authority or a person it has authorized in the exercise of a power under section 115 or 116 is guilty of an offence.

CHAPTER III

PENAL PROVISIONS

Offence and penalty.

160. Unless otherwise specified, any person who contravenes this Act is guilty of an offence and is liable to a minimum fine of \$2,000 in the case of a natural person and \$3,000 in the case of any other person, or of double the profit realized, whichever is greater. The maximum fine is \$150,000 for a natural person and \$200,000 for any other person, or four times the profit realized, whichever is greater.

Fine.

In determining the amount of a fine, the court considers such factors as the benefits derived from the offence and the injury caused.

Contravention.

161. Any contravention of a regulation made under this Act is an offence that is subject to the same provisions as offences under this Act.

Fine.

162. In the case of an offence under section 150 or 151 and in the case of a transaction carried out without the risk information document or qualification information being given to the client as required under section 70, the minimum fine is \$5,000, double the profit realized, or double the amounts invested in the transaction or series of transactions, whichever is greatest. The maximum amount of the fine is \$5,000,000, four times the profit realized, or four times the amounts invested in the transaction or series of transactions, whichever is greatest.

- Complicity. **163.** An officer, director or employee of the principal offender, including a person remunerated on commission, who authorizes or permits an offence under this Act is liable to the same penalties as the principal offender.
- Conspiracy. **164.** Conspiracy to commit an offence under this Act is an offence punishable by the penalties set out in section 160 or 162, according to the offence.
- Complicity. **165.** A person who, by act or omission, aids another person in the commission of an offence is guilty of the offence as if the person had committed it. The person is liable to the penalties set out in section 160 or 162, according to the offence.
- Inducement. The same applies to a person who, by encouragement or advice or by an order, induces another person to commit an offence.
- Offence and penalty. **166.** Despite articles 231 and 348 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), a person who engages in a derivatives offer or trade or another derivatives transaction in contravention of section 82 or contravenes any of sections 150, 151 and 163 to 165 is liable, in addition to the fine set out in the applicable penal provision, to imprisonment for a period not exceeding five years less one day.
- Proceedings. **167.** Penal proceedings for an offence under this Act may be instituted by the Authority.
- Fine. **168.** When the Authority takes charge of the prosecution, the fine imposed by the court belongs to the Authority.
- Prescription. **169.** Penal proceedings for an offence under any of sections 54, 56, 61 to 65, 67 to 74, 78, 80, 82, 84, 144 and 146 to 158 are prescribed five years from the date on which the investigation record relating to the offence was opened.
- Proof of date. A certificate of the secretary of the Authority stating the date on which the investigation record was opened constitutes conclusive proof of that date in the absence of any evidence to the contrary.
- Costs. **170.** The Authority may recover its investigation costs from any person found guilty of an offence under this Act or under the derivatives legislation of another legislative authority, according to the tariff set by regulation.
- Statement of costs. The Authority prepares a statement of costs and presents it to a judge of the Court of Québec after giving the interested parties five days' prior notice of the date of presentation.
- Taxation of costs. The judge taxes the costs, and the judge's decision may be appealed with leave of a judge of the Court of Appeal.

Warrant of arrest. **171.** A judge of the Court of Québec may, on satisfactory proof of signature, endorse a warrant of arrest issued by a judge of another province or of a territory of Canada against any person on a charge of contravening the derivatives legislation of that province or territory.

Execution. The warrant so endorsed is sufficient authority to the bearer or any peace officer of Québec to execute it and to take the person arrested to the place specified in the warrant.

TITLE VIII

DELEGATION AND IMMUNITY

Delegation. **172.** Subject to Title VII, the Authority's power to review its decisions, institute court proceedings in its name or make a decision under Title II may only be delegated to a superintendent or to another officer reporting directly to the president and director general of the Authority.

Applicability of section 34.1. **173.** In addition to applying to the Authority itself, section 34.1 of the Act respecting the Autorité des marchés financiers applies to an officer of the Authority, a member of the Authority's staff, an agent appointed by the Authority and a delegate of the Authority exercising a function or power of the Authority.

TITLE IX

REGULATIONS

Regulatory powers of the Authority. **174.** The Authority may, by regulation,

(1) determine the procedure to be followed in any matter relating to the carrying out of this Act;

(2) determine, for the purposes of section 72, exceptions to the obligations of dealers, advisers or representatives relating to the segregation of their clients' property or the maintenance of separate accounting records;

(3) set the tariffs referred to in sections 135, 143 and 170;

(4) determine the provisions of Title III whose contravention may be sanctioned by an administrative monetary penalty, and the amount of and the conditions for imposing such a penalty; and

(5) prescribe the fees payable for any formality required by this Act or for services rendered by the Authority, and the terms of payment.

Approval. A regulation under this section must be submitted to the Government, which may approve it with or without amendments.

Regulation made by the Government.

The Government may make or amend a regulation under this section if the Authority does not do so within the time specified by the Government.

Publication.

A draft regulation or regulation under this section must be published in the Authority's Bulletin.

Regulatory powers of the Authority.

175. The Authority may, by regulation,

(1) make rules concerning derivatives offers or trades or other derivatives transactions, in particular for the purpose of preventing fraud and manipulation or preventing offers or trades that are prejudicial to clients and investors;

(2) determine the form and content of the documents, declarations and certificates required under this Act;

(3) set time limits and periods for the purposes of this Act;

(4) specify the amount of a person's minimum assets and net assets for the purposes of paragraph 7 of the definition of "accredited counterparty" in section 3;

(5) determine rules relating to the designation of a person as a regulated entity for the purposes of the definition of "regulated entity" in section 3;

(6) designate a person as a market participant for the purposes of the definition of "market participant" in section 3;

(7) specify, for the purposes of section 6, the other instruments to which this Act does not apply;

(8) specify the cases in which the provisions referred to in section 7 do not apply;

(9) make any rule to be applicable to a recognized regulated entity or a market participant, including market operation rules;

(10) establish a process whereby a recognized regulated entity may make a new rule or a rule amendment enforceable through self-certification of the rule or amendment;

(11) make rules concerning derivatives transactions;

(12) prescribe the information about derivatives or derivatives trading that must be communicated to the Authority, recognized regulated entities, market participants, clients and the public;

(13) establish the management rules that dealers, advisers and representatives must comply with in order to safeguard their clients' interests;

(14) prescribe requirements applicable to market participants or to dealers, advisers and representatives, concerning such matters as becoming a member or market participant of a self-regulatory organization and contributing, as a dealer, adviser and representative, to a protection fund;

(15) determine the conditions subject to which persons resident outside Québec may apply for registration;

(16) determine categories of registration, the conditions to be met by applicants for registration, the duration of registration and the rules governing the activities of dealers and advisers and their representatives;

(17) prescribe the conditions on which an alternative trading system registered as a dealer is exempted from the obligation set out in section 68;

(18) prescribe the information to be given under section 70;

(19) prohibit, or impose conditions on, any transaction designed to set, influence or manipulate the market price of a derivative;

(20) determine, for the purposes of section 78, the changes that must be notified to the Authority and those that must be approved by the Authority;

(21) prescribe the conditions on which the Authority may qualify a person for the purposes of section 82;

(22) prescribe the information that a qualified person must file with the Authority every year;

(23) prescribe, for the purposes of section 87, the rules relating to the designation of persons as accredited counterparties;

(24) specify the activities that are remunerated activities for the purposes of section 149;

(25) allow, prohibit or regulate a person's use of documents, including advertising materials, in connection with derivatives offers or trades or other derivatives transactions;

(26) determine how, when and in what form a document required under this Act must be sent or received;

(27) determine, from among the documents required under this Act, those that must be filed or sent in a specified medium or by means of a specified technology;

(28) establish a mechanism for consulting with an organization pursuing similar objects on matters within the scope of this Act and of legislation enacted by the legislative authority having jurisdiction over the organization; and

	(29) conditionally or unconditionally exempt a group of persons, derivatives or transactions from any or all of the obligations or requirements under this Act.
Approval.	A regulation under this section must be submitted to the Minister, who may approve it with or without amendments.
Regulation made by the Minister.	The Minister may make or amend a regulation under this section if the Authority does not do so within the time specified by the Minister.
Draft regulation.	A draft regulation under this section must be published in the Authority's Bulletin with the notice required under section 10 of the Regulations Act (R.S.Q., chapter R-18.1).
Waiting period.	A draft regulation under this section may not be submitted for approval or adopted before 30 days have elapsed since its publication.
Coming into force.	A regulation under this section comes into force on the date of its publication in the <i>Gazette officielle du Québec</i> or on any later date specified in the regulation. It must also be published in the Authority's Bulletin.
Provisions not applicable.	Sections 4 to 8, 11 and 17 to 19 of the Regulations Act do not apply to a regulation under this section.
Regulatory powers of the Government.	<p>176. The Government may, by regulation,</p> <p>(1) determine other types of derivatives that are subject to this Act or determine criteria on the basis of which a contract, security or other financial instrument is considered equivalent to a derivative;</p> <p>(2) determine the remunerated activities referred to in section 56; and</p> <p>(3) frame the policy that dealers and advisers must adopt in accordance with section 74 or elements of that policy.</p>
Categories.	177. In exercising their regulatory powers, the Government, the Minister and the Authority may establish various categories of persons, derivatives and transactions and prescribe appropriate rules for each category.
Discretionary power.	178. A regulation under this Act may confer a discretionary power on the Authority.
Annual report.	179. The Authority must, not later than 31 July, submit an annual report to the Minister on its regulation activities under this Act for the period ending at the end of its last fiscal year.
Content.	The report must describe regulatory amendments and their impact on derivatives markets and on investors, and contain any other information required by the Minister.

Tabling. The Minister tables the report in the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 30 days of resumption.

Hearing. The competent parliamentary committee of the National Assembly may hear the Authority at least once a year to discuss the report and the Authority's regulation activities.

TITLE X

AMENDING PROVISIONS

ACT RESPECTING INSURANCE

c. A-32, s. 390.1, added. **180.** The Act respecting insurance (R.S.Q., chapter A-32) is amended by inserting the following section before section 391:

Applicability. **“390.1.** The provisions of this chapter apply, with the necessary modifications, to the winding-up of an insurance company within the scope of a receivership ordered under Chapter III.1 of Title I of the Act respecting the Autorité des marchés financiers (chapter A-33.2), to the extent that they are not inconsistent with that chapter.”

c. A-32, s. 391.1, repealed. **181.** Section 391.1 of the Act, enacted by section 45 of chapter 7 of the statutes of 2008, is repealed.

ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

c. A-33.2, s. 4, am. **182.** Section 4 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by inserting the following paragraph after paragraph 4:

“(4.1) supervise derivatives markets, including derivatives exchanges and clearing houses and ensure that regulated entities and other derivatives market practitioners comply with the obligations imposed by law; and”.

c. A-33.2, s. 15.1, am. **183.** Section 15.1 of the Act, enacted by section 3 of chapter 7 of the statutes of 2008, is amended by inserting “section 116 of the Derivatives Act (2008, chapter 24),” after “Act respecting insurance (chapter A-32),”.

c. A-33.2, s. 17, am. **184.** Section 17 of the Act is amended by striking out “as well as the other persons concerned by the request” at the end of the second paragraph.

c. A-33.2, s. 19.1, am. **185.** Section 19.1 of the Act, enacted by section 5 of chapter 7 of the statutes of 2008, is amended by inserting “section 116 of the Derivatives Act (2008, chapter 24) or” after “under” in subparagraph 4 of the first paragraph.

c. A-33.2, s. 23, am. **186.** Section 23 of the Act is amended by adding the following sentence at the end of the third paragraph: “Documents intended for the Authority are served on the secretary.”

- c. A-33.2, s. 32, am. **187.** Section 32 of the Act is amended by striking out “a superintendent, the secretary” in the first paragraph.
- c. A-33.2, s. 38.2, am. **188.** Section 38.2 of the Act, enacted by section 8 of chapter 7 of the statutes of 2008, is amended by inserting “paragraph 7 of section 127 of the Derivatives Act (2008, chapter 24) or” after “the sums collected under” in the second paragraph.
- c. A-33.2, s. 65, replaced.
Application. **189.** Section 65 of the Act is replaced by the following section:
“65. An application for recognition or for a delegation of functions or powers, or an application for the modification of a recognition decision or a delegation of functions or powers, must be filed with the documents and information required by the Authority.”
- c. A-33.2, s. 66, am. **190.** Section 66 of the Act is amended by striking out the second paragraph.
- c. A-33.2, s. 91, am. **191.** Section 91 of the Act is amended by adding the following paragraph at the end:

Amount. **“The amount to be paid by each organization is set out in a certificate issued by the Authority.”**
- c. A-33.2, s. 93, replaced.
Functions and powers. **192.** Section 93 of the Act is replaced by the following section:
“93. On the request of the Authority or of any interested person, the board shall exercise the functions and powers assigned to it under the Derivatives Act (2008, chapter 24) and the Securities Act (chapter V-1.1).
- Assessment. The board may not, when assessing the facts or the law for the purposes of those Acts, substitute its assessment of the public interest for that made by the Authority in making a decision.”
- c. A-33.2, s. 94, am. **193.** Section 94 of the Act is amended by replacing “compliance with the provisions of the Securities Act (chapter V-1.1)” by “compliance with an undertaking given under the Derivatives Act (2008, chapter 24) or the Securities Act (chapter V-1.1) or compliance with those Acts”.
- c. A-33.2, Sched. 1, am. **194.** Schedule 1 to the Act is amended by inserting “DERIVATIVES ACT (2008, chapter 24)” in alphabetical order.

CONSUMER PROTECTION ACT

- c. P-40.1, s. 6, am. **195.** Section 6 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by inserting “the Derivatives Act (2008, chapter 24) or” after “by” in paragraph *a*.

SECURITIES ACT

- c. V-1.1, s. 1, am. **196.** Section 1 of the Securities Act (R.S.Q., chapter V-1.1) is amended, in the first paragraph,
- (1) by replacing “option to purchase” in subparagraph 1 by “warrant”;
 - (2) by striking out subparagraphs 4, 5 and 8;
 - (3) by inserting the following subparagraph after subparagraph 8:
“(8.1) an option or other non-traded derivative whose value is derived from, referenced to or based on the value or market price of a security, granted as compensation or as payment for a good or service;”.
- c. V-1.1, s. 2.1, added. **197.** The Act is amended by inserting the following section after section 2:
- Exception. **“2.1.** This Act does not apply to derivatives within the meaning of the Derivatives Act (2008, chapter 24).”
- c. V-1.1, s. 67, repealed. **198.** Section 67 of the Act is repealed.
- c. V-1.1, s. 92, am. **199.** Section 92 of the Act, amended by section 37 of chapter 50 of the statutes of 2006, is again amended by adding the following sentence at the end of the first paragraph: “The same applies to an insider of a reporting issuer who purchases or disposes of a derivative within the meaning of the Derivatives Act (2008, chapter 24) whose underlying interest is a security of the reporting issuer.”
- c. V-1.1, s. 148.1, am. **200.** Section 148.1 of the Act is amended by replacing “a candidate or a class of candidates it determines pursue their activities through a subsidiary as regards the field of securities for which registration is sought” by “the securities activities of a candidate or class of candidates be pursued through a subsidiary”.
- c. V-1.1, s. 167, repealed. **201.** Section 167 of the Act is repealed.
- c. V-1.1, s. 169, replaced. **202.** Section 169 of the Act is replaced by the following section:
- Recognition. **“169.** No exchange, clearing house, information processor, matching service utility or regulation services provider may carry on securities activities in Québec unless it is recognized by the Authority.”
- c. V-1.1, s. 169.1, added. **203.** The Act is amended by inserting the following section after section 169:
- Application. **“169.1.** An application for recognition or for the modification of a recognition decision must be filed with the documents and information required by the Authority.

- Notice. The Authority shall publish a notice of the application in its Bulletin and invite interested persons to make representations in writing.”
- c. V-1.1, s. 170, am. **204.** Section 170 of the Act is amended
- (1) by replacing “The Authority may authorize the carrying on of an activity mentioned in section 169 on” in the first paragraph by “The Authority may recognize a person referred to in section 169 on”;
- (2) by replacing “determine that a person that carries on such an activity or any other activity governed by this Act is to be recognized as a self-regulatory organization under Title III of the Act respecting the Autorité des marchés financiers (chapter A-33.2)” in the second paragraph by “require that the person be recognized as a self-regulatory organization under Title III of the Act respecting the Autorité des marchés financiers (chapter A-33.2) in order to carry on the person’s activities”;
- (3) by replacing “a person authorized to carry on securities exchange or clearing activities” in the fourth paragraph by “a person recognized as an exchange or clearing house”.
- c. V-1.1, s. 171, replaced. **205.** Section 171 of the Act is replaced by the following section:
- Recognition. **“171.** The Authority may recognize an alternative trading system as an exchange or register it as a dealer.”
- c. V-1.1, s. 171.1, am. **206.** Section 171.1 of the Act is amended
- (1) by replacing “apply, with the necessary modifications, to legal persons, partnerships and other entities referred to in sections 169 to 171” in the first paragraph by “apply, with the necessary modifications, to recognized exchanges and clearing houses”;
- (2) by replacing the second paragraph by the following paragraph:
- Provisions applicable. “Sections 80, 87 and 89 of the Act respecting the Autorité des marchés financiers apply to information processors and matching service utilities.”
- c. V-1.1, s. 171.1.1, am. **207.** Section 171.1.1 of the Act is amended by replacing “electronic securities trading systems, securities information processors or matching service utilities” by “alternative trading systems, information processors, matching service utilities or regulation services providers”.
- c. V-1.1, s. 172, am. **208.** Section 172 of the Act is amended by replacing “authorized to carry on securities exchange or clearing activities in Québec” by “recognized”.
- c. V-1.1, s. 189.1, am. **209.** Section 189.1 of the Act, amended by section 58 of chapter 50 of the statutes of 2006, is again amended by inserting “or in other derivatives within the meaning of the Derivatives Act (2008, chapter 24)” after “in options” wherever it appears.

- c. V-1.1, s. 196, am. **210.** Section 196 of the Act is amended by striking out paragraph 4.
- c. V-1.1, s. 204, am. **211.** Section 204 of the Act, amended by section 149 of chapter 7 of the statutes of 2008, is again amended by replacing “derivatives trading” wherever it appears in the first paragraph by “trading in a related financial instrument or in derivatives”.
- c. V-1.1, s. 237, am. **212.** Section 237 of the Act, amended by section 156 of chapter 7 of the statutes of 2008, is again amended by replacing subparagraphs 2.1 to 2.3 of the first paragraph by the following subparagraphs:
- “(2.1) a recognized stock exchange or one of its participants;
- “(2.2) a recognized clearing house or a person who has an account with such a clearing house;
- “(2.3) a person who operates an alternative trading system that is recognized as a stock exchange or registered as a dealer, or one of its subscribers;
- “(2.3.1) a regulation services provider;”.
- c. V-1.1, s. 250, am. **213.** Section 250 of the Act is amended by replacing “90” in the first paragraph by “120”.
- c. V-1.1, s. 272.1, am. **214.** Section 272.1 of the Act is amended by inserting “with an undertaking given to the Authority and” after “compliance” in the first paragraph.
- c. V-1.1, s. 274, replaced.
Policy statements. **215.** Section 274 of the Act is replaced by the following section:
- “**274.** The Authority may make policy statements relating to the carrying out of this Act.
- The policy statements set out how the Authority intends to exercise its discretionary powers for the purposes of the administration of this Act.”
- c. V-1.1, s. 305.1, am. **216.** Section 305.1 of the Act is amended, in the definition of “Québec securities law” in the first paragraph,
- (1) by inserting the following paragraph after paragraph 2:
- “(2.1) the Derivatives Act (2008, chapter 24);”;
- (2) by replacing paragraph 3 by the following paragraph:
- “(3) regulations under any of the Acts referred to in paragraphs 1 to 2.1;”.
- c. V-1.1, s. 307.2, am. **217.** Section 307.2 of the Act is amended by adding the following paragraph after paragraph 3:
- “(4) the powers and functions provided for under sections 110 to 112, 137, 174 and 185 of the Derivatives Act (2008, chapter 24).”

- c. V-1.1, s. 308.2.1, am. **218.** Section 308.2.1 of the Act is amended by replacing “authorized to carry on an activity under Title VI or a regulation” and “authorized” in paragraph 3 by “recognized in accordance with Title VI or a regulation” and “recognized” respectively.
- c. V-1.1, s. 310, am. **219.** Section 310 of the Act is amended
- (1) by replacing “The Authority” and “authorized” in the first paragraph by “Subject to section 322, the Authority” and “recognized”, respectively;
- (2) by inserting “or produce documents to complete the person’s record” after “present observations” in the second paragraph.
- c. V-1.1, s. 320, am. **220.** Section 320 of the Act is amended by replacing the first paragraph by the following paragraph:
- “320.** A decision made by the Authority or a person exercising a delegated power shall be sent by the Authority to the person concerned.”
- c. V-1.1, s. 321, am. **221.** Section 321 of the Act is amended by replacing “The Authority” in the first paragraph by “Subject to section 322, the Authority”.
- c. V-1.1, s. 322, am. **222.** Section 322 of the Act is amended
- (1) by replacing “authorized under” in the first paragraph by “referred to in”;
- (2) by striking out the second paragraph.
- c. V-1.1, s. 323.8.1, am. **223.** Section 323.8.1 of the Act, enacted by section 167 of chapter 7 of the statutes of 2008, is amended
- (1) by replacing “Despite sections 323 to 323.8” by “Despite sections 323 to 323.4 and 323.6 to 323.8”;
- (2) by adding the following paragraph at the end:
- Urgency. **“If it is imperative to do so, the decision may be made in the absence of the person concerned. In such a case, the Bureau must give the person the opportunity to be heard within 15 days in regard to one of the facts referred to in the first paragraph.”**
- c. V-1.1, s. 330.9, am. **224.** Section 330.9 of the Act is amended by replacing the third paragraph by the following paragraph:
- Amount. **“The amount to be paid by each self-regulatory organization is set out in a certificate issued by the Authority.”**
- c. V-1.1, s. 331.1, am. **225.** Section 331.1 of the Act is amended

(1) by replacing “securities clearing houses, electronic securities trading systems, securities information processors and matching service utilities” in paragraph 9.1 by “clearing houses, alternative trading systems, information processors, matching service utilities and regulation services providers”;

(2) by replacing “authorized” in paragraph 28 by “recognized”;

(3) by replacing “authorized to carry on an activity for the purposes of Québec securities laws, including when the person or class of persons is authorized to carry on the activity” in paragraph 33.7 by “recognized to carry on an activity for the purposes of Québec securities laws, including when the person or class of persons is recognized”.

ACT RESPECTING THE TRANSFER OF SECURITIES AND THE ESTABLISHMENT OF SECURITY ENTITLEMENTS

2008, c. 20, s. 4, am.

226. Section 4 of the Act respecting the transfer of securities and the establishment of security entitlements (2008, chapter 20) is amended,

(1) in the second paragraph,

(a) by inserting “the Derivatives Act (2008, chapter 24),” after “within the meaning of”;

(b) by replacing “is authorized to carry on such activities” by “is recognized”;

(2) by replacing “without being authorized by the Autorité des marchés financiers to carry on activities of a clearing agency or clearing house” in the third paragraph by “without being recognized as a clearing agency or clearing house by the Autorité des marchés financiers”.

TITLE XI

TRANSITIONAL AND FINAL PROVISIONS

Provisions repealed.

227. Sections 1.1 to 1.6, 71 to 72 and 192.1 and subparagraph *e* of paragraph 3 of section 224 of the Securities Regulation, enacted by Order in Council 660-83 dated 30 March 1983 (1983, G.O. 2, 1269), are repealed.

Registration.

228. A dealer, adviser or representative registered before (*insert the date of coming into force of sections 54 and 56*) in accordance with section 148 or 149 of the Securities Act (R.S.Q., chapter V-1.1) who meets the conditions imposed by this Act for registration to carry on business in derivatives only is entitled, on application, to be registered under this Act.

Fees.

229. When a person referred to in section 228 registers under this Act for the first time, the Authority reduces the fees payable under this Act by an amount calculated on a per-month basis to compensate for the fees that the

person has already paid for any period subsequent to the effective date of registration under this Act.

Authorization to continue.

230. An exchange or a clearing house authorized under Title VI of the Securities Act, a self-regulatory organization recognized under Title III of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2), or an exchange, clearing house or self-regulatory organization granted an exemption by the Authority under section 263 of the Securities Act or section 73 of the Act respecting the Autorité des marchés financiers before (*insert the date of coming into force of section 12*) that carries on activities relating to transactions to which this Act applies is authorized to continue to carry on those activities in Québec in accordance with the conditions prescribed by the Authority under those Acts or, as of the date the Authority may determine, in accordance with the new conditions prescribed by the Authority under this Act.

Presumption.

231. Derivatives made available by a person qualified under section 67 of the Securities Act before (*insert the date of coming into force of sections 12 and 82*) are deemed to have been self-certified under this Act.

Regulation applicable.

232. A regulation under the Securities Act in force on (*insert the date of coming into force of sections 174 to 176*) applies to a person governed by this Act, to the extent that this Act provides for the relevant regulation-making powers, until a regulation on the same matter is made and brought into force in accordance with this Act.

Inspection or investigation.

233. An inspection or investigation opened by the Authority before (*insert the date of coming into force of sections 115 and 116*) regarding a matter to which this Act applies is governed by the legislation in force on the date on which it was opened.

Recourse continued.

234. A complaint, disciplinary process or proceeding or any other recourse submitted to, instituted by or exercised before the Authority before (*insert the date of coming into force of section 97*) regarding a matter to which this Act applies is continued in accordance with the legislation in force on the date on which it was submitted, instituted or exercised.

Proceeding pending.

235. A proceeding pending before the Board before (*insert the date of coming into force of section 136*) regarding a matter to which this Act applies is continued in accordance with the legislation in force on the date on which the proceeding was commenced.

Transitional measure.

236. The Government may, by a regulation made within 12 months after the date of coming into force of this section, enact any transitional measure conducive to the carrying out of this Act.

Publication requirement.

A regulation under the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1) and comes into force on the date of its publication in the

Gazette officielle du Québec or at any later date specified in the regulation. The regulation may also, if it so provides, apply from any date not prior to 20 June 2008.

- Administration of Act. **237.** The Authority is responsible for the administration of this Act.
- Minister responsible. **238.** The Minister of Finance is responsible for the carrying out of this Act.
- Report. **239.** Not later than (*insert the date that is five years after the coming into force of section 238*) and subsequently every five years, the Minister must report to the Government on the carrying out of this Act and on the advisability of maintaining or amending this Act.
- Tabling. The report is tabled in the National Assembly within the next 15 days or submitted to the President of the National Assembly if the Assembly is not sitting.
- Standing committee. Within one year from the date on which the report is tabled or submitted, the President of the National Assembly convenes a standing committee of the Assembly to examine the advisability of maintaining or amending this Act and to hear the representations of interested individuals and organizations.
- Coming into force. **240.** The provisions of this Act come into force on the date or dates to be set by the Government, except sections 180, 181 and 223, which come into force on 20 June 2008.

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2008, chapter 25

AN ACT TO AMEND THE ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN AND OTHER LEGISLATION CONCERNING PENSION PLANS IN THE PUBLIC SECTOR

Bill 86

Introduced by Madam Monique Jérôme-Forget, Minister responsible for Government Administration and Chair of the Conseil du trésor

Introduced 15 May 2008

Passed in principle 3 June 2008

Passed 19 June 2008

Assented to 20 June 2008

Coming into force: 1 January 2010, except

(1) sections 2 to 5, 16, 35 to 37, 51, 52, 79 to 82 and 97 to 105 which come into force on 20 June 2008; and

(2) sections 17, 18, 20, 22 and 96, which come into force on the date or dates to be set by the Government

Legislation amended:

Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1)

Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2)

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11)

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)

Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1)

Act to amend various legislative provisions concerning pension plans in the public sector (2007, chapter 43)

Explanatory notes

This Act is in response to recommendations made by the retirement committees of the pension plans of public sector employees and to various consultations.

Under the Act, the method of computing the average pensionable salary used to determine the amount of the benefits will be modified, starting in 2010. Thus, a lump sum paid in a year will be distributed among the years for which it is computed, rather than be considered only for the year during which it is paid. In addition, the Act remedies certain discrepancies in the annualization of salaries caused by possible variations in the terms of payment of the salaries from one employer to the next, thereby ensuring that the annualized salary corresponds more closely to the annual basic salary.

The Act also includes technical and consequential amendments.



Chapter 25

AN ACT TO AMEND THE ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN AND OTHER LEGISLATION CONCERNING PENSION PLANS IN THE PUBLIC SECTOR

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10, s. 3, am.

1. Section 3 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 43 of chapter 43 of the statutes of 2007, is again amended

(1) by adding the following sentence at the end of the second paragraph: “When such an employee holds employment for which the basis of remuneration is 200 days, the employee is also deemed to hold pensionable employment until the end of the employment contract if the contract ends on 30 June of any year.”;

(2) by adding the following paragraph at the end:

Classes of employees.

“The Government shall identify by regulation the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days.”

c. R-10, s. 18.1, am.

2. Section 18.1 of the Act, amended by section 49 of chapter 43 of the statutes of 2007, is again amended by inserting “for the pensionable employment held by the employee” after “remuneration” in the last line of subparagraph 1 and the last line of subparagraph 2 of the second paragraph.

c. R-10, Title I,
Chap. II, Div. II.1,
heading, am.

3. The heading of Division II.1 of Chapter II of Title I of the Act, enacted by section 52 of chapter 43 of the statutes of 2007, is amended by replacing “whose” by “holding pensionable employment for which the”.

c. R-10, s. 23.1, am.

4. Section 23.1 of the Act, enacted by section 52 of chapter 43 of the statutes of 2007, is amended

(1) by replacing “whose” in the first line of the first paragraph by “holding pensionable employment for which the”;

(2) by replacing “a person” in the first line of the last paragraph by “an employee”.

c. R-10, s. 23.3, am.

5. Section 23.3 of the Act, enacted by section 52 of chapter 43 of the statutes of 2007, is amended

(1) by striking out “credited” in the next to last line of the first paragraph and in the last line of the second paragraph;

(2) by replacing “s’appliquent” in the first line of the second paragraph in the French text by “s’applique”.

c. R-10, s. 34, am.

6. Section 34 of the Act is amended

(1) by inserting a comma after “teacher” in the first line and by striking out “, within the meaning of that plan,” in the next to last line;

(2) by adding the following paragraph at the end:

School year.

“For the purposes of the plan, a school year is

(1) in the case of a school board, the period from 1 July of one year to 30 June of the following year; and

(2) in all other cases, the twelve-month period generally recognized by the body in the employment contract.”

c. R-10, Title I,
Chap. IV, Div. I,
subdiv. 2, heading, am.

7. The heading of subdivision 2 of Division I of Chapter IV of Title I of the Act is amended by adding “*of an employee who ceases to participate in the plan before 1 January 2010*” at the end.

c. R-10, ss. 34.1-34.3,
added.

8. The Act is amended by inserting the following after the heading of subdivision 2 of Division I of Chapter IV of Title I:

End of participation or
death.

“34.1. In respect of an employee who ceases to participate in the plan before 1 January 2010, subdivisions 2 and 3 of Division I of Chapter IV of Title I, sections 54, 59.1, 73.3 and 109.2, and, if the employee dies before 1 January 2010, section 43 apply as they read on the date on which the employee ceases to participate in the plan.

“§2.1. — *Computation of the pension of an employee who ceases to participate in the plan after 31 December 2009*

“I — *General provisions*

Annual amount of
pension.

“34.2. The annual amount of the pension of an employee who ceases to participate in the plan after 31 December 2009 is equal, on the date on which the employee ceases to participate, to the total of the following amounts:

(1) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable salaries that do not take into account the limit imposed by the first paragraph of section 18.1, by 2% per year of service credited before 1 January 1992; and

(2) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable salaries that take into account the limit imposed by the first paragraph of section 18.1, by 2% per year of service credited after 31 December 1991.

Years of credited service.

For the purposes of the first paragraph, the employee's years of credited service taken into account must not exceed 35.

Average pensionable salaries.

“34.3. The average pensionable salaries referred to in subparagraphs 1 and 2 of the first paragraph of section 34.2 are obtained by performing, in order, the following operations:

(1) selecting, from among the highest annualized pensionable salaries, as many as are necessary to make the aggregate of the contributory periods corresponding to the years for which the salaries are selected equal to 5 or, if the aggregate is less than 5, selecting all the salaries;

(2) multiplying each salary so selected for each year by the corresponding contributory period; and

(3) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.”

c. R-10, ss. 35-36.0.1, repealed.

9. Sections 35 to 36.0.1 of the Act are repealed.

c. R-10, ss. 36.1.1-36.1.20, added.

10. The Act is amended by inserting the following before section 36.2:

“II — Annualization of salaries and determination of contributory periods for the years of service prior to 2010

“1. Annualized pensionable salary

Annualization.

“36.1.1. For the purposes of section 34.3, the annualization of salaries for the years of service prior to 2010 is obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 34.2, by dividing the pensionable salary for such a year by the service credited, except service credited under section 74; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 34.2, by dividing the

pensionable salary for such a year by the service credited, except service credited under section 74. The limit imposed by the first paragraph of section 18.1 applies to the result obtained for each year.

Pensionable salary.

The pensionable salary for each year, referred to in subparagraphs 1 and 2 of the first paragraph, is the pensionable salary established under sections 14 to 18. Despite sections 14.1 and 16, the pensionable salary paid in 2008 or 2009 for which no service is credited forms part of the pensionable salary for the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.

Lump sum.

However, if a lump sum included in the pensionable salary established under the second paragraph is paid in 2007 or a subsequent year as an increase in or adjustment to the salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid. In addition, a lump sum attributed to a given year under section 36.1.20 must be added to the pensionable salary for that year.

Service credited.

For the purposes of the first paragraph, all the years and parts of a year of service credited must be counted, but service credited under sections 22, 85.1 and 221.1 may not be counted in respect of service credited before 1 January 1992.

Amount excluded.

“36.1.2. For the purposes of the first paragraph of section 36.1.1, the aggregate of any lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the employee ceases to participate in the plan and pertaining to pensionable salary for the days and parts of a day credited to the employee for the last days of the previous year is excluded from the pensionable salary established under the second and third paragraphs of section 36.1.1.

Amount added.

The amount referred to in the first paragraph is to be added to the results obtained under the first paragraph of section 36.1.1. However, for the purposes of subparagraph 2 of the first paragraph of that section, the amount is added before the application of the limit imposed by section 18.1.

Amount in first paragraph.

For the years and parts of a year of service credited after 31 December 1989, the amount referred to in the first paragraph is either the amount by which the pensionable salary of the employee established under the second and third paragraphs of section 36.1.1 exceeds the annual basic salary paid to the employee or that would have been paid to the employee under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to the employee during the year, or, if the employee simultaneously holds more than one pensionable employment under the plan during a year, the amount by which the employee's pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service attached to each employment in accordance with sections 18 and 20 or 20.1 or 20.2. For the years prior to 2008, if the total service credited is reduced under section 20, the employee is deemed to hold only one employment and the annual basic salary for that employment is the salary

attached to the employment held for a proportionally greater number of days in the year or, if such employments were held for proportionally the same number of days, the salary attached to the highest paid employment.

Exclusion.

The service credited under section 74 and, for 1990 and 1991, the service credited under section 22 must not be counted for the purposes of the third paragraph.

Reduction.

“36.1.3. For the purposes of paragraph 2 of section 34.3, an annualized pensionable salary resulting from the application of subparagraph 1 of the first paragraph of section 36.1.1 and selected under paragraph 1 of section 34.3 must be reduced by the amount that was added to it under section 36.1.2. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 34.3.

Reduction.

For the purposes of paragraph 2 of section 34.3, an annualized pensionable salary resulting from the application of subparagraph 2 of the first paragraph of section 36.1.1 and selected under paragraph 1 of section 34.3 must be reduced, if applicable, by the amount that was added under section 36.1.2 after applying the limit imposed by the first paragraph of section 18.1. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 34.3.

“2. Contributory periods

Contributory days.

“36.1.4. For the purposes of sections 34.3, 39 and the sections that refer to section 39, a contributory period is, for each year, the number of contributory days in the period during which the employee participated in the plan in a year or in the period during which days and parts of a day were otherwise credited to the employee with contributions, within the meaning of section 50, except the days and parts of a day determined by regulation, over the number of contributory days in the year concerned, that is, 200 or 260 depending on the basis of remuneration for the employment. The contributory period of a new employee for the year during which the employee becomes a member of the plan begins on the first day in respect of which the employee contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the employee ceases to participate in the plan.

“3. Credited service derived from another plan

Average pensionable salary.

“36.1.5. Subject to section 143.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), for the purpose of determining the average pensionable salary, the pensionable salary, the basic salary and the contributory periods must be determined according to the years and parts of a year of service credited to the employee under a pension plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) and the basis of remuneration for the employment concerned for

each of those years, that is, 200 or 260 days. The same rule applies for the purposes of section 39, and of section 43 to the extent that it refers to section 39.

Salary and periods excluded.

However, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis pursuant to Division III.3 of Chapter VI of Title I or under a transfer agreement entered into under section 158, section 133 of the Act respecting the Pension Plan of Peace Officers in Correctional Services or section 203 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) are excluded from the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“III — *Annualization of salaries and determination of contributory periods for the years of service subsequent to 2009*

“1. *Annualized pensionable salary*

Annualization.

“**36.1.6.** For the purposes of section 34.3, the annualization of salaries for the years of service subsequent to 2009 is obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 34.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 36.1.20 by the harmonized service for the year; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 34.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 36.1.20 by the harmonized service for the year. The limit imposed by the first paragraph of section 18.1 applies to the result obtained for each year.

“2. *Adjusted pensionable salary*

Adjusted pensionable salary.

“**36.1.7.** The adjusted pensionable salary for a year, used to compute the annualized pensionable salary of an employee who holds pensionable employment under the plan for which the basis of remuneration is 260 days, is the pensionable salary established under sections 14 to 17.2, multiplied by the daily factor applicable to that salary for the class of employees to which the employee belongs and divided by the number of contributory days included in the pensionable salary reference period for the year determined under section 23.1.

Lump sum.

However, if a lump sum included in the pensionable salary is paid during a year as an increase in or adjustment to the pensionable salary for a previous

year, it must be subtracted from the pensionable salary for the year during which it is paid.

Person to whom section 14.1 applies.

An adjusted pensionable salary is also computed for an employee to whom section 14.1 applies for the year for which no service is credited to the employee.

Daily factor.

The daily factor referred to in the first paragraph makes it possible to convert the annual basic salary into a daily salary, on the basis of the conditions of employment applicable to the employee. The Government may, by regulation, establish the daily factor, which may vary with the class of employees and the terms of payment of the employees' salary.

School calendars.

“36.1.8. The adjusted pensionable salary for a calendar year, used to compute the annualized pensionable salary of an employee who holds pensionable employment under the plan for which the basis of remuneration is 200 days, is based on the school calendars for the period during which the employee participated in the plan during the two parts of a school year in the calendar year. The school calendar is the distribution of the 200 contributory days of a school year over two calendar years, based on the conditions of employment applicable to the employee.

Formula.

The adjusted pensionable salary is determined using the following formula:

$$\left[\left[\frac{T \times N}{200} \right] \times P \right] - A$$

(1) T is the basic salary the employee would have been entitled to receive if the employee had held the employment referred to in the first paragraph full time during the period referred to in that paragraph, based on the conditions of employment applicable to the employee. The basic salary does not include the lump sum paid subsequently as an increase in or adjustment to the basic salary for that year;

(2) N is the number of contributory days in the period referred to in the first paragraph;

(3) P is the percentage of working time related to employment referred to in the first paragraph held during the period referred to in that paragraph; and

(4) A, for an employee who, while holding employment referred to in the first paragraph, was absent without pay during the period referred to in that paragraph, is the basic salary that employee would have received in that employment during the period of absence if the period was not otherwise credited under the plan.

Working time.

P is obtained by carrying out, in order, the following operations:

(1) adding, for the period referred to in the first paragraph, the number of contributory days and parts of a day credited to the employee in keeping with the school calendars and the number of contributory days and parts of a day during which the employee was absent without pay while holding the employment referred to in that paragraph if the contributory days and parts of a day were not otherwise credited under the plan; and

(2) dividing the result of the addition by N.

Contributory days.

For the purposes of subparagraph 1 of the third paragraph, the number of contributory days and parts of a day credited to the employee in keeping with the school calendars is the total number of days and parts of a day for which the employee contributed or was exempt from contributions and the number of days and parts of a day otherwise credited to the employee under the plan, for the period referred to in the first paragraph. The days and parts of a day are rounded to the fourth decimal.

Annual basic salary.

The Government may, by regulation, determine the method for establishing the annual basic salary for certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary.

Released employee.

“36.1.9. In the case of employees who hold pensionable employment for which the basis of remuneration is 260 days, the pensionable salary paid by a body designated in Schedule II.1 to an employee released with pay for union activities during a year, or the portion of the pensionable salary paid by such a body to an employee released without pay that exceeds the pensionable salary the employer would have paid if the employee had not been so released, must be subtracted, for the purpose of computing the adjusted pensionable salary for the year, from the pensionable salary established under sections 14 to 17.2. The pensionable salary or that portion of pensionable salary paid to the employee by the body is deemed to be, for the purpose of computing the annualized pensionable salary for the year, a lump sum attributed to the year under section 36.1.20.

Released employee.

In the case of employees who hold pensionable employment for which the basis of remuneration is 200 days, the basic salary paid by a body designated in Schedule II.1 to an employee released with pay for union activities during the period referred to in the first paragraph of section 36.1.8, or the portion of the basic salary paid by such a body to an employee released without pay that exceeds the basic salary the employer would have paid if the employee had not been so released, is deemed to be, for the purpose of computing the annualized pensionable salary, a lump sum attributed to the year under section 36.1.20.

Simultaneous employments.

“36.1.10. The adjusted pensionable salary of an employee to whom section 36.1.11 does not apply and who simultaneously holds more than one

pensionable employment under the plan in a year is the aggregate of the adjusted pensionable salaries computed under sections 36.1.7 or 36.1.8 and 36.1.9 for each employment if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 20.

If the total service credited in respect of the pensionable employments held by the employee is reduced under section 20, the adjusted pensionable salary of the employee is equal to the total of the following amounts:

(1) the adjusted pensionable salary for each employment in respect of which service is credited in full; and

(2) the adjusted pensionable salary for the employment in respect of which service is credited in part, multiplied by the service credited in respect of that employment over the service accumulated in such employment.

Simultaneous employments with same employer.

“36.1.11. An employee who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing the adjusted pensionable salary if the basis of remuneration for the employments is the same for a given year and the pensionable salary reference periods or school calendars relating to those employments are identical.

Computation.

“36.1.12. In the case referred to in the first paragraph of section 20.1, the adjusted pensionable salary attached to pensionable employment under the plan is the adjusted pensionable salary computed under sections 36.1.7 or 36.1.8 and 36.1.9, multiplied by the credited service established under the first paragraph of section 20.1 and divided by the service established in accordance with sections 19 and 20.

Computation.

In the case referred to in the first or second paragraph of section 20.2, the adjusted pensionable salary attached to pensionable employment under the plan is the adjusted pensionable salary computed under sections 36.1.7 or 36.1.8 and 36.1.9, multiplied by the credited service established under the first or second paragraph of section 20.2 and divided by the service established in accordance with sections 19 and 20.

“3. Harmonized service of employees who hold pensionable employment for which the basis of remuneration is 200 days

Harmonized service.

“36.1.13. Harmonized service is computed for an employee who holds pensionable employment for which the basis of remuneration is 200 days in order to reconcile the adjusted pensionable salary for the calendar year computed under sections 36.1.8 and 36.1.9 with the number of contributory days and parts of a day credited to the employee in keeping with the school calendars included in the period during which the employee participated in the plan during the two parts of a school year in that calendar year.

- Computation. Harmonized service is established by dividing by 200 the number of contributory days and parts of a day credited to the employee in keeping with the school calendars established in accordance with the fourth paragraph of section 36.1.8.
- “4. *Harmonized service of employees who hold more than one pensionable employment*
- Simultaneous employments. “**36.1.14.** For the purposes of this subdivision, the harmonized service of an employee to whom section 36.1.15 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of the harmonized service established for each employment under section 23.1 or 36.1.13, if the total service credited in respect of such employments does not exceed one year.
- Reduction under section 20. If the total service credited in respect of the pensionable employments held by the employee is reduced under section 20, harmonized service is the aggregate of the harmonized service in respect of each employment for which service is credited in full and the harmonized service in respect of the employment for which service is credited in part. The latter harmonized service is multiplied by the service credited for the latter employment over the service accumulated in such employment.
- Simultaneous employments with same employer. “**36.1.15.** For the purposes of this subdivision, an employee who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing harmonized service if, for a given year, the basis of remuneration for the employments is the same and the pensionable salary reference periods or school calendars relating to those employments are identical.
- Computation. “**36.1.16.** For the purposes of this subdivision, in the case referred to in the first paragraph of section 20.1, the harmonized service in respect of a pensionable employment under the plan is the harmonized service established under section 23.1 or 36.1.13, multiplied by the credited service established under the first paragraph of section 20.1 and divided by the service established in accordance with sections 19 and 20.
- Computation. In the case referred to in the first or second paragraph of section 20.2, the harmonized service attached to pensionable employment under the plan is the harmonized service established under section 23.1 or 36.1.13, multiplied by the credited service established under the first or second paragraph of section 20.2 and divided by the service established in accordance with sections 19 and 20.
- “5. *Contributory periods*
- When basis of remuneration is 260 days. “**36.1.17.** For the purposes of sections 34.3, 39 and the sections that refer to section 39, the contributory period of an employee who during a year

holds pensionable employment under the plan for which the basis of remuneration is 260 days is determined by dividing by 260 the number of contributory days comprised in the period during which the employee participated in the plan or comprised in the period for which days and parts of a day were otherwise credited to the employee with contributions for that year under the plan, within the meaning of section 50, except the days and parts of a day determined by regulation, during the pensionable salary reference period for the year established in accordance with section 23.1.

When basis of remuneration is 200 days.

The contributory period of an employee who during a year holds pensionable employment under the plan for which the basis of remuneration is 200 days is determined by dividing by 200 the number of contributory days in the school calendars included in the period during which the employee participated in the plan during the two parts of a school year included in a calendar year or in the period for which days and parts of a day were otherwise credited to the employee with contributions, for that year, within the meaning of section 50, except the days and parts of a day determined by regulation.

New employee.

The contributory period of a new employee for the year during which the employee becomes a member of the plan begins on the first day in respect of which the employee contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the employee ceases to participate in the plan.

Employee to whom section 14.1 applies.

In the case of an employee to whom section 14.1 applies and who holds pensionable employment for which the basis of remuneration is 260 days, a contributory period that corresponds to the pensionable salary for the year for which no service is credited is also determined by dividing by 260 the number of contributory days referred to in the first paragraph that correspond to that salary.

Simultaneous employments.

“36.1.18. The Government may, by regulation, determine the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment in a year.

“6. Credited service derived from another plan

Average pensionable salary.

“36.1.19. For the purpose of determining the average pensionable salary, when the years and parts of a year of service credited to an employee under a pension plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) are credited under this plan, the basic salary, the pensionable salary and the credited service established under the first plan and the data related to the employee’s membership in that plan and reported by the employer under section 188 for each credited year or part of a year apply to this plan in order to establish the annualized pensionable salary and the contributory periods for those years and parts of a year credited under this plan, subject to section 143.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2).

Pensionable employment.

For the purposes of this subdivision, the sections to which it refers, and section 3.1 when that section is required for the application of this subdivision, pensionable employment under a plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d'assurances for which service was credited under this plan is deemed to be pensionable employment under this plan.

Salary and periods excluded.

Despite the first paragraph, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis pursuant to Division III.3 of Chapter VI of Title I or under a transfer agreement entered into under section 158, section 133 of the Act respecting the Pension Plan of Peace Officers in Correctional Services or section 203 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) are excluded from the computation of the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“IV — *Miscellaneous provisions*

Lump sum.

“**36.1.20.** A lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and included in the pensionable salary established under sections 14 to 18 for the year during which the lump sum is paid must be distributed among the years for which the lump sum is paid if it is paid after 31 December 2006.

Lump sum.

If the pensionable salary is reduced under the second paragraph of section 18, the part of the lump sum included in the pensionable salary is distributed for each year concerned in the proportion obtained by dividing the part of the lump sum referred to in section 16 and attributed to a given year by the lump sum referred to in that section.”

c. R-10, s. 36.2, repealed.

11. Section 36.2 of the Act is repealed.

c. R-10, s. 37, am.

12. Section 37 of the Act is amended by replacing “35” by “34.2”.

c. R-10, s. 39.1, am.

13. Section 39.1 of the Act is amended by replacing “subdivision 2” in the first line by “subdivisions 2 and 2.1”.

c. R-10, s. 85.5.3, am.

14. Section 85.5.3 of the Act is amended by inserting the following sentence after the first sentence: “However, for the purposes of a pension, for years subsequent to 2009, the annualized pensionable salary for the years covered by the agreement is the salary that would have been determined for the employee if the employee had not availed himself of this division.”

c. R-10, s. 85.5.4, am.

15. Section 85.5.4 of the Act is amended by inserting “the annualized pensionable salary,” after “pensionable salary,” in the second line of the first paragraph.

c. R-10, s. 93,
replaced.

16. Section 93 of the Act, amended by section 74 of chapter 43 of the statutes of 2007, is replaced by the following section:

Increase.

“93. If the date on which the pension credit becomes payable is subsequent to the date of the employee’s sixty-fifth birthday, the pension credit is increased by 0.75% per month, computed for each month between the date on which the employee reaches 65 years of age, if the employee was under 65 years of age at the time of purchase, or the date of purchase, if the employee was 65 years of age or over at the time of purchase, and the date on which pension credit is payable to the employee.

Increase.

However, if the beneficiary comes to be contemplated in the second paragraph of section 153 or in section 154 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) pursuant to section 3.2 of this Act, the pension credit is increased by 0.75% per month, computed for each month comprised in the period during which pension credit is not paid after 65 years of age.”

c. R-10, s. 100, am.

17. Section 100 of the Act is amended by striking out “to 97” in the fifth line of the first paragraph.

c. R-10, s. 104, am.

18. Section 104 of the Act is amended by striking out “to 97” in the third line of the first paragraph.

c. R-10, s. 109.2, am.

19. Section 109.2 of the Act is amended by replacing “35” in the last line of the second paragraph by “34.2”.

c. R-10, s. 115.5.1, am.

20. Section 115.5.1 of the Act is amended by replacing “97” in the last line by “95”.

c. R-10, s. 134, am.

21. Section 134 of the Act, amended by section 82 of chapter 43 of the statutes of 2007, is again amended

(1) by inserting the following subparagraph before subparagraph 1 of the first paragraph:

“(0.1) identify, for the purposes of section 3, the classes of employees who hold pensionable employment under the plan for which the basis of remuneration is 200 days;”;

(2) by replacing “section 36” in subparagraph 6 of the first paragraph by “sections 36.1.4 and 36.1.17”;

(3) by inserting the following subparagraphs after subparagraph 6 of the first paragraph:

“(6.1) determine, for the purposes of section 36.1.7, the daily factor, which may vary with the class of employees and the terms of payment of the salary that apply;

“(6.2) determine, for the purposes of section 36.1.8, the method of establishing the annual basic salary of certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary;

“(6.3) determine, for the purposes of section 36.1.18, the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment under the plan in a year;”;

(4) by inserting “annualized pensionable salary,” after “salary,” in the third line of subparagraph 11.2 of the first paragraph.

c. R-10, s. 147.0.5, am. **22.** Section 147.0.5 of the Act is amended by replacing “third” in the first line by “second”.

c. R-10, s. 153, am. **23.** Section 153 of the Act is amended by replacing “by reason of an increase or adjustment of the pensionable salary” in the first and second lines by “as a result of the payment of a lump sum made as an increase in or adjustment to the salary for a previous year”.

c. R-10, s. 195, am. **24.** Section 195 of the Act is amended

(1) by inserting “, for the years before 2010,” after “in the agreement is” in the second line;

(2) by inserting the following sentence after the first sentence: “For the years subsequent to 2009, the annualized pensionable salary for the years contemplated in the agreement is the salary that would have been determined for the person had the person not agreed to receive only a part of the salary.”

c. R-10, s. 203, am. **25.** Section 203 of the Act is amended by inserting “the following sections as they read on the dates on which they were applied before 1 January 2010:” after “with” in the third line of subparagraph 2 of the first paragraph.

c. R-10, s. 212, am. **26.** Section 212 of the Act is amended

(1) by inserting “, for the years before 2010,” after “person” in the second line;

(2) by adding the following sentences at the end: “For the years subsequent to 2009, the person’s annualized pensionable salary is the salary that would have been determined for the person if the person had not been placed on reserve. A year of service is credited to the person in respect of each of the years the person is placed on reserve.”

c. R-10, s. 215.13, am. **27.** Section 215.13 of the Act is amended by inserting “annualized pensionable salary,” after “pensionable salary,” in the first line of subparagraph 1 of the first paragraph.

c. R-10, s. 234, am.

28. Section 234 of the Act is amended

(1) by inserting “as they read before 1 January 2010” after “39” in the first line of the first paragraph;

(2) by replacing “has ceased his duties, retired or died after that date” at the end of the first paragraph by “ceased his duties, retired or died after that date but before 1 January 2010”;

(3) by inserting “but before 1 January 2010” after “1983” in the second line of the second paragraph;

(4) by replacing “has been granted to the employee before that date” at the end of the second paragraph by “was granted to the employee before 30 June 1983”.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

c. R-9.1, s. 4, am.

29. Section 4 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended

(1) by adding the following sentence at the end of the second paragraph: “When a person holds employment for which the basis of remuneration is 200 days, the person is also deemed to hold pensionable employment until the end of the employment contract if the contract ends on 30 June of any year.”;

(2) by adding the following paragraph at the end:

Categories.

“The Government shall identify by regulation the categories of persons who hold pensionable employment for which the basis of remuneration is 200 days.”

c. R-9.1, s. 19, am.

30. Section 19 of the Act is amended by replacing “35” in the first line of the first paragraph by “34.1”.

c. R-9.1, s. 22, am.

31. Section 22 of the Act, amended by section 6 of chapter 43 of the statutes of 2007, is again amended by replacing “used in computing the pension” in the last line of the first paragraph by “, which is the total of the following amounts:

(1) 70% of the average pensionable salary used to compute the pension for the years and parts of a year of service credited before 1992 multiplied by the number of years and parts of a year of service credited before 1992 over the total number of years and parts of a year of service credited; and

(2) 70% of the average pensionable salary used to compute the pension for the years and parts of a year of service credited after 1991 multiplied by the number of years and parts of a year of service credited after 1991 over the total number of years and parts of a year of service credited.”

c. R-9.1, s. 23, am.

32. Section 23 of the Act is amended

(1) by replacing “35” in the fifth line of the first paragraph by “34.2”;

(2) by inserting the following paragraph after the first paragraph:

End of participation or death.

“However, when the employee ceases to participate in the plan before 1 January 2010, the amount of the pension that must be multiplied by 0.25% under the first paragraph must be determined under subparagraph 2 of the first paragraph of section 35 of the Act respecting the Government and Public Employees Retirement Plan as it reads on the date the employee ceases to participate in the plan.”

c. R-9.1, s. 41.8, am.

33. Section 41.8 of the Act is amended by inserting the following paragraph after paragraph 1:

“(1.0.0.1) identify, for the purposes of section 4, the categories of persons who hold pensionable employment for which the basis of remuneration is 200 days;”.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS
IN CORRECTIONAL SERVICES

c. R-9.2, s. 7, am.

34. Section 7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended

(1) by adding the following sentence at the end of the second paragraph: “When an employee holds employment for which the basis of remuneration is 200 days, the employee is also deemed to hold pensionable employment until the end of the employment contract if the contract ends on 30 June of any year.”;

(2) by adding the following paragraph at the end:

Classes of employees.

“The Government shall identify by regulation the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days.”

c. R-9.2, s. 14.1, am.

35. Section 14.1 of the Act, amended by section 19 of chapter 43 of the statutes of 2007, is again amended by inserting “for the pensionable employment held by the employee” after “remuneration” in the last line of each of subparagraphs 1 and 2 of the second paragraph.c. R-9.2, Chap. II,
Div. II.1, heading, am.**36.** The heading of Division II.1 of Chapter II of the Act, enacted by section 22 of chapter 43 of the statutes of 2007, is amended by replacing “whose” by “holding pensionable employment for which the”.

c. R-9.2, s. 27.1, am.

37. Section 27.1 of the Act, enacted by section 22 of chapter 43 of the statutes of 2007, is amended

(1) by replacing “whose” in the first line of the first paragraph by “holding pensionable employment for which the”;

(2) by replacing “a person” in the first line of the last paragraph by “an employee”.

c. R-9.2, Chap. IV, Div. I, subdiv. 2, heading, am.

38. The heading of subdivision 2 of Division I of Chapter IV of the Act is amended by adding “*of an employee who ceases to participate in the plan before 1 January 2010*” at the end.

c. R-9.2, ss. 44.1-44.4, added.

39. The Act is amended by inserting the following after the heading of subdivision 2 of Division I of Chapter IV:

End of participation or death.

“44.1. In respect of an employee who ceases to participate in the plan before 1 January 2010, subdivisions 2 and 2.1 of Division I of Chapter IV and sections 56.1, 125.5 and, if the employee dies before 1 January 2010, sections 56, 57, 59 and 102 apply as they read on the date on which the employee ceases to participate in the plan.

“§2.0.1. — Computation of the pension of an employee who ceases to participate in the plan after 31 December 2009

“I — General provisions

Annual amount of pension.

“44.2. The annual amount of the pension of an employee who ceases to participate in the plan after 31 December 2009 is equal, on the date on which the employee ceases to participate, to the total of the following amounts:

(1) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable salaries that do not take into account the limit imposed by the first paragraph of section 14.1, by 2.1875% per year of service credited before 1 January 1992; and

(2) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable salaries that take into account the limit imposed by the first paragraph of section 14.1, by 2% per year of service credited after 31 December 1991.

Employee under 65 years of age.

“44.3. If the employee is under 65 years of age, the annual amount of pension is increased by an amount equal to 0.1875% of the employee’s average pensionable salary computed under paragraph 2 of section 44.2 for each year of service credited after 31 December 1991.

Average pensionable salaries.

“44.4. The average pensionable salaries referred to in paragraphs 1 and 2 of section 44.2 are obtained by performing, in order, the following operations:

(1) selecting, from among the highest annualized pensionable salaries, as many as are necessary to make the aggregate of the contributory periods corresponding to the years for which the salaries are selected equal to 5 or, if the aggregate is less than 5, selecting all the salaries;

(2) multiplying each salary so selected for each year by the corresponding contributory period; and

(3) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.”

c. R-9.2, ss. 45-46.1, repealed.

40. Sections 45 to 46.1 of the Act are repealed.

c. R-9.2, ss. 47.1-47.18, added.

41. The Act is amended by inserting the following before section 48:

“II — *Annualization of salaries and determination of contributory periods for the years of service prior to 2010*

“1. *Annualized pensionable salary*

Annualization.

“**47.1.** For the purposes of section 44.4, the annualization of salaries for the years of service prior to 2010 is obtained,

(1) when computing the average pensionable salary referred to in paragraph 1 of section 44.2, by dividing the pensionable salary for such a year by the service credited, except service credited under section 98; and

(2) when computing the average pensionable salary referred to in paragraph 2 of section 44.2, by dividing the pensionable salary for such a year by the service credited, except service credited under section 98. The limit imposed by the first paragraph of section 14.1 applies to the result obtained for each year.

Pensionable salary.

The pensionable salary for each year, referred to in subparagraphs 1 and 2 of the first paragraph, is the pensionable salary established under sections 9 to 14. Despite sections 9.1 and 11, the pensionable salary paid in 2008 or 2009 for which no service is credited forms part of the pensionable salary for the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.

Lump sum.

However, if a lump sum included in the pensionable salary established under the second paragraph is paid in 2007 or a subsequent year as an increase in or adjustment to the salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid. In addition, a lump sum attributed to a given year under section 47.18 must be added to the pensionable salary for that year.

- Service credited. For the purposes of the first paragraph, all the years and parts of a year of service credited must be counted, but service credited under sections 21, 39 and 40 may not be counted in respect of service credited before 1 January 1992.
- Amount excluded. **“47.2.** For the purposes of the first paragraph of section 47.1, the aggregate of any lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the employee ceases to participate in the plan and pertaining to the pensionable salary for the days and parts of a day credited to the employee for the last days of the previous year is excluded from the pensionable salary established under the second and third paragraphs of section 47.1.
- Addition. The amount referred to in the first paragraph is to be added to the results obtained under the first paragraph of section 47.1. However, for the purposes of subparagraph 2 of the first paragraph of that section, the amount is added before the application of the limit imposed by section 14.1.
- Amount referred to in first paragraph. For the years and parts of a year of service credited after 31 December 1989, the amount referred to in the first paragraph is either the amount by which the pensionable salary of the employee determined under the second and third paragraphs of section 47.1 exceeds the annual basic salary paid to the employee or that would have been paid to the employee under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to the employee during the year, or, if the employee simultaneously holds more than one pensionable employment under the plan during a year, the amount by which the employee’s pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service attached to each employment in accordance with sections 14 and 16. For the years prior to 2005, if the total service credited is reduced under section 16, the employee is deemed to hold only one employment and the annual basic salary for that employment is the salary attached to the employment held for a proportionally greater number of days in the year or, if such employments were held for proportionally the same number of days, the salary attached to the highest paid employment.
- Exclusion. The service credited under section 98 and, for 1990 and 1991, the service credited under sections 21 and 39 must not be counted for the purposes of the third paragraph.
- Reduction. **“47.3.** For the purposes of paragraph 2 of section 44.4, an annualized pensionable salary resulting from the application of subparagraph 1 of the first paragraph of section 47.1 and selected under paragraph 1 of section 44.4 must be reduced by the amount that was added to it under section 47.2. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 44.4.
- Reduction. For the purposes of paragraph 2 of section 44.4, an annualized pensionable salary resulting from the application of subparagraph 2 of the first paragraph of section 47.1 and selected under paragraph 1 of section 44.4 must be

reduced, if applicable, by the amount that was added to it under section 47.2 after applying the limit imposed by the first paragraph of section 14.1. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 44.4.

“2. *Contributory periods*

Contributory days.

“**47.4.** For the purposes of sections 44.4, 51 and the sections that refer to section 51, a contributory period is, for each year, the number of contributory days in the period during which the employee was a member of the plan in a year or in the period during which days and parts of a day were otherwise credited to the employee with contributions, within the meaning of section 71, except the days and parts of a day determined by regulation, over the number of contributory days in the year concerned, that is, 200 or 260, depending on the basis of remuneration for the employment. The contributory period of a new employee for the year during which the employee becomes a member of the plan begins on the first day in respect of which the employee contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the employee ceases to participate in the plan.

“3. *Credited service derived from another plan*

Average pensionable salary.

“**47.5.** Subject to section 143.12, for the purpose of determining the average pensionable salary, the pensionable salary, the basic salary and the contributory periods must be determined according to the years and parts of a year of service credited to the employee under a pension plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) and the basis of remuneration for the employment concerned for each of those years, that is, 200 or 260 days. The same rule applies for the purposes of section 51, and sections 56, 59 and 102 to the extent that they refer to section 51.

Salary and periods excluded.

However, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis pursuant to subdivision 4 of Division IV of Chapter II or under a transfer agreement entered into under section 133, section 158 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or section 203 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) are excluded from the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“III — *Annualization of salaries and determination of contributory periods for the years of service subsequent to 2009*

“1. *Annualized pensionable salary*

Annualization.

“47.6. For the purposes of section 44.4, the annualization of salaries for the years of service subsequent to 2009 is obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 44.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 47.18 by the harmonized service for the year; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 44.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 47.18 by the harmonized service for the year. The limit imposed by the first paragraph of section 14.1 applies to the result obtained for each year.

“2. Adjusted pensionable salary

Adjusted pensionable salary.

“47.7. The adjusted pensionable salary for a year, used to compute the annualized pensionable salary of an employee who holds pensionable employment under the plan for which the basis of remuneration is 260 days, is the pensionable salary established under sections 9 to 13, multiplied by the daily factor applicable to that salary for the class of employees to which the employee belongs and divided by the number of contributory days included in the pensionable salary reference period for the year determined under section 27.1.

Lump sum.

However, if a lump sum included in the pensionable salary is paid during the year as an increase in or adjustment to the pensionable salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid.

Person to whom section 9.1 applies.

An adjusted pensionable salary is also computed for an employee to whom section 9.1 applies for the year for which no service is credited to the employee.

Daily factor.

The daily factor referred to in the first paragraph makes it possible to convert the annual basic salary into a daily salary, on the basis of the conditions of employment applicable to the employee. The Government may, by regulation, establish the daily factor, which may vary with the class of employees and the terms of payment of the employees' salary.

School calendars.

“47.8. The adjusted pensionable salary for a calendar year, used to compute the annualized pensionable salary of an employee who holds pensionable employment under the plan for which the basis of remuneration is 200 days, is based on the school calendars for the period during which the employee was a member of the plan during the two parts of a school year in the calendar year. The school calendar is the distribution of the 200 contributory

days of a school year over two calendar years, based on the conditions of employment applicable to the employee. A school year is the period from 1 July of one year to 30 June of the following year.

Formula.

The adjusted pensionable salary is determined using the following formula:

$$\left[\left[\frac{T \times N}{200} \right] \times P \right] - A$$

(1) T is the basic salary the employee would have been entitled to receive if the employee had held the employment referred to in the first paragraph full time during the period referred to in that paragraph, based on the conditions of employment applicable to the employee. The basic salary does not include the lump sum paid subsequently as an increase in or adjustment to the basic salary for that year;

(2) N is the number of contributory days in the period referred to in the first paragraph;

(3) P is the percentage of working time related to employment referred to in the first paragraph held during the period referred to in that paragraph; and

(4) A, for an employee who, while holding employment referred to in the first paragraph, was absent without pay during the period referred to in that paragraph, is the basic salary that employee would have received in that employment during the period of absence if the period was not otherwise credited under the plan.

Working time.

P is obtained by carrying out, in order, the following operations:

(1) adding, for the period referred to in the first paragraph, the number of contributory days and parts of a day credited to the employee in keeping with the school calendars and the number of contributory days and parts of a day during which the employee was absent without pay while holding the employment referred to in that paragraph if the contributory days and parts of a day were not otherwise credited under the plan; and

(2) dividing the result of the addition by N.

Contributory days.

For the purposes of subparagraph 1 of the third paragraph, the number of contributory days and parts of a day credited to the employee in keeping with the school calendars is the total number of days and parts of a day for which the employee contributed or was exempt from contributions and the number of days and parts of a day otherwise credited to the employee under the plan, for the period referred to in the first paragraph. The days and parts of a day are rounded to the fourth decimal.

- Annual basic salary. The Government may, by regulation, determine the method for establishing the annual basic salary for certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary.
- Released employee. **“47.9.** In the case of employees who hold pensionable employment for which the basis of remuneration is 260 days, the pensionable salary paid by the Syndicat des agents de la paix en services correctionnels to an employee released for union activities during a year, must be subtracted, for the purpose of computing the adjusted pensionable salary for the year, from the pensionable salary established under sections 9 to 13. The pensionable salary paid to the employee by the Syndicat is deemed to be, for the purpose of computing the annualized pensionable salary for that year, a lump sum attributed to the year under section 47.18.
- Simultaneous employments. **“47.10.** The adjusted pensionable salary of an employee to whom section 47.11 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of the adjusted pensionable salaries computed under sections 47.7 or 47.8 and 47.9 for each employment if the total service credited in respect of such employments is less than or equal to one year.
- Reduction under section 16. If the total service credited in respect of the pensionable employments held by the employee is reduced under section 16, the adjusted pensionable salary of the employee is equal to the total of the following amounts:
- (1) the adjusted pensionable salary for each employment in respect of which service is credited in full; and
 - (2) the adjusted pensionable salary for the employment in respect of which service is credited in part, multiplied by the service credited in respect of that employment over the service accumulated in such employment.
- Simultaneous employments with same employer. **“47.11.** An employee who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing the adjusted pensionable salary if the basis of remuneration for the employments is the same for a given year and the pensionable salary reference periods or school calendars relating to those employments are identical.
- “3. Harmonized service of employees who hold pensionable employment for which the basis of remuneration is 200 days*
- Harmonized service. **“47.12.** Harmonized service is computed for an employee who holds pensionable employment under the plan for which the basis of remuneration is 200 days in order to reconcile the adjusted pensionable salary for the calendar year computed under sections 47.8 and 47.9 with the number of contributory days and parts of a day credited to the employee in keeping with the school calendars included in the period during which the employee was a

member of the plan during the two parts of a school year in that calendar year.

Computation.

Harmonized service is established by dividing by 200 the number of contributory days and parts of a day credited to the employee in keeping with the school calendars established in accordance with the fourth paragraph of section 47.8.

“4. Harmonized service of employees who hold more than one pensionable employment

Simultaneous employments.

“47.13. For the purposes of this subdivision, the harmonized service of an employee to whom section 47.14 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of the harmonized service established for each employment under section 27.1 or 47.12, if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 16.

If the total service credited in respect of the pensionable employments held by the employee is reduced under section 16, harmonized service is the aggregate of the harmonized service in respect of each employment for which service is credited in full and the harmonized service in respect of the employment for which service is credited in part. The latter harmonized service is multiplied by the service credited for the latter employment over the service accumulated in such employment.

Simultaneous employments with same employer.

“47.14. For the purposes of this subdivision, an employee who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing harmonized service if the basis of remuneration for the employments is the same for a given year and the pensionable salary reference periods or school calendars relating to those employments are identical.

“5. Contributory periods

When basis of remuneration is 260 days.

“47.15. For the purposes of sections 44.4, 51 and the sections that refer to section 51, the contributory period of an employee who during a year holds pensionable employment under the plan for which the basis of remuneration is 260 days is determined by dividing by 260 the number of contributory days comprised in the period during which the employee was a member of the plan or comprised in the period for which days and parts of a day were otherwise credited to the employee with contributions for that year under the plan, within the meaning of section 71, except the days and parts of a day determined by regulation, during the pensionable salary reference period for the year established in accordance with section 27.1.

When basis of remuneration is 200 days.

The contributory period of an employee who during a year holds pensionable employment under the plan for which the basis of remuneration is 200 days is determined by dividing by 200 the number of contributory days in the school calendars included in the period during which the employee was a member of the plan during the two parts of a school year included in a calendar year or in the period for which days and parts of a day were otherwise credited to the employee with contributions, for that year, within the meaning of section 71, except the days and parts of a day determined by regulation.

New employee.

The contributory period of a new employee for the year during which the employee becomes a member of the plan begins on the first day in respect of which the employee contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the employee ceases to participate in the plan.

Employee to whom section 9.1 applies.

In the case of an employee to whom section 9.1 applies and who holds pensionable employment for which the basis of remuneration is 260 days, a contributory period that corresponds to the pensionable salary for the year for which no service is credited is also determined by dividing by 260 the number of contributory days referred to in the first paragraph that correspond to that salary.

Simultaneous employments.

“47.16. The Government may, by regulation, determine the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment in a year.

“6. Credited service derived from another plan

Average pensionable salary.

“47.17. For the purpose of determining the average pensionable salary, when the years and parts of a year of service credited to an employee under a pension plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) are credited under this plan, the basic salary, the pensionable salary and the credited service established under the first plan and the data related to the employee’s membership in that plan and reported by the employer under section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) for each credited year or part of a year apply to this plan in order to establish the annualized pensionable salary and the contributory periods for those years and parts of a year credited under this plan, subject to section 143.12 of this Act.

Presumption.

For the purposes of this subdivision, the sections to which it refers, and sections 7 and 8 when those sections are required for the application of this subdivision, pensionable employment under a plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et

d'assurances for which service was credited under this plan is deemed to be pensionable employment under this plan.

Salary and periods excluded.

Despite the first paragraph, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis pursuant to subdivision 4 of Division IV of Chapter II or under a transfer agreement entered into under section 133, section 158 of the Act respecting the Government and Public Employees Retirement Plan or section 203 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) are excluded from the computation of the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“IV — *Miscellaneous provisions*

Lump sum.

“47.18. A lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and included in the pensionable salary established under sections 9 to 14 for the year during which the lump sum is paid must be distributed among the years for which the lump sum is paid if it is paid after 31 December 2006.

Lump sum.

If the pensionable salary is reduced under the second paragraph of section 14, the part of the lump sum included in the pensionable salary is distributed for each year concerned in the proportion obtained by dividing the part of the lump sum referred to in section 11 and attributed to a given year by the lump sum referred to in that section.”

c. R-9.2, s. 48,
repealed.

42. Section 48 of the Act is repealed.

c. R-9.2, s. 49, am.

43. Section 49 of the Act is amended by replacing “45” in the first line by “44.2”.

c. R-9.2, s. 51, am.

44. Section 51 of the Act is amended by replacing “45.1” in subparagraph *b* of subparagraph 2 of the first paragraph by “44.3”.

c. R-9.2, s. 52.1, am.

45. Section 52.1 of the Act is amended by replacing “subdivision 2” in the first line by “subdivisions 2 and 2.0.1”.

c. R-9.2, s. 56.1, am.

46. Section 56.1 of the Act is amended by replacing “45.1” in the last line of the first paragraph by “44.3”.

c. R-9.2, s. 57, am.

47. Section 57 of the Act is amended by replacing “46 to 48” in the last line of the first paragraph by “44.4 to 47.18”.

c. R-9.2, s. 89, am.

48. Section 89 of the Act is amended by replacing “determined in accordance with the first paragraph of section 46” in the third line of the second paragraph by “referred to in paragraph 1 of section 44.2”.

c. R-9.2, s. 102, am. **49.** Section 102 of the Act is amended by replacing “45” in the second line of the third paragraph by “44.2”.

c. R-9.2, s. 130, am. **50.** Section 130 of the Act, amended by section 39 of chapter 43 of the statutes of 2007, is again amended

(1) by inserting the following paragraph after paragraph 1:

“(1.1) identify, for the purposes of section 7, the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days;”;

(2) by replacing “section 46” in paragraph 5 by “sections 47.4 and 47.15”;

(3) by inserting the following paragraphs after paragraph 5:

“(5.1) determine, for the purposes of section 47.7, the daily factor, which may vary with the class of employees and the terms of payment of the salary that apply;

“(5.2) determine, for the purposes of section 47.8, the method of establishing the annual basic salary of certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to an annual basic salary;

“(5.3) determine, for the purposes of section 47.16, the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment under the plan in a year;”.

c. R-9.2, s. 139.1, am. **51.** Section 139.1 of the Act, enacted by section 40 of chapter 43 of the statutes of 2007, is amended by inserting “to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” after “Schedule VI” in the second line of the second paragraph.

c. R-9.2, s. 139.2, am. **52.** Section 139.2 of the Act, enacted by section 40 of chapter 43 of the statutes of 2007, is amended by inserting “to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” after “Schedule VI” in the second line of the second paragraph.

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11, s. 2.1, am. **53.** Section 2.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended

(1) by adding the following sentence at the end of the second paragraph: “When such a teacher holds employment for which the basis of remuneration is 200 days, the teacher is also deemed to hold pensionable employment until the end of the contract of employment if the contract ends on 30 June of any year.”;

(2) by adding the following paragraph at the end:

Classes of teachers. “The Government shall identify by regulation the classes of teachers who hold pensionable employment for which the basis of remuneration is 200 days.”

c. R-11, s. 15, am. **54.** Section 15 of the Act is amended by replacing “35.0.1” in the first line of the last paragraph by “35.1.2”.

c. R-11, s.15.1, am. **55.** Section 15.1 of the Act is amended by replacing “35.0.1” in the second line of subparagraph 1 of the second paragraph, the last line of subparagraph 2 of the second paragraph and the second line of the third paragraph by “35.1.2”.

c. R-11, s. 28.5.3, am. **56.** Section 28.5.3 of the Act is amended by inserting the following sentence after the first sentence: “However, for the purposes of a pension, for years subsequent to 2009, the annualized pensionable salary for the years covered by the agreement is the salary that would have been determined for the teacher if the teacher had not availed himself of this division.”

c. R-11, s. 28.5.4, am. **57.** Section 28.5.4 of the Act is amended by inserting “the annualized pensionable salary,” after “the pensionable salary,” in the second line of the first paragraph.

c. R-11, Chap. IV, Div. I, subdiv. 2, heading, am. **58.** The heading of subdivision 2 of Division I of Chapter IV of the Act is amended by replacing “*pension*” by “*the pension of a teacher who ceases to participate in the plan before 1 January 2010*”.

c. R-11, ss. 33.1-33.3, added. **59.** The Act is amended by inserting the following after the heading of subdivision 2 of Division I of Chapter IV:

Teacher who ceases to participate or dies before 1 January 2010. **“33.1.** In respect of a teacher who ceases to participate in the plan before 1 January 2010, subdivisions 2 and 2.1 of Division I of Chapter IV, sections 15, 15.1, 65 and 72.5 and, if the teacher dies before 1 January 2010, sections 44, 45, 45.1 and 47 apply as they read on the date on which the teacher ceases to participate in the plan.

“§2.0.1. — *Computation of the pension of a teacher who ceases to participate in the plan after 31 December 2009*

“I — *General provisions*

Annual amount of pension. **“33.2.** The annual amount of the pension of a teacher who ceases to participate in the plan after 31 December 2009 is equal, on the date on which the teacher ceases to participate in the plan, to the total of the following amounts:

(1) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable

salaries that do not take into account the limit imposed by the first paragraph of section 15.1, by 2% per year of service credited before 1 January 1992; and

(2) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable salaries that take into account the limit imposed by the first paragraph of section 15.1, by 2% per year of service credited after 31 December 1991.

Years of credited service.

For the purposes of the first paragraph, the teacher's years of credited service taken into account must not exceed 35.

Average pensionable salaries.

“33.3. The average pensionable salaries referred to in subparagraphs 1 and 2 of the first paragraph of section 33.2 are obtained by performing, in order, the following operations:

(1) selecting, from among the highest annualized pensionable salaries, as many as are necessary to make the aggregate of the contributory periods corresponding to the years for which the salaries are selected equal to 5 or, if the aggregate is less than 5, selecting all the salaries;

(2) multiplying each salary so selected for each year by the corresponding contributory period; and

(3) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.”

c. R-11, ss. 34-35.0.1, repealed.

60. Sections 34 to 35.0.1 of the Act are repealed.

c. R-11, ss. 35.1.1-35.1.20, added.

61. The Act is amended by inserting the following before section 35.2:

“II — Annualization of salaries and determination of contributory periods for the years of service prior to 2010

“1. Annualized pensionable salary

Annualization.

“35.1.1. For the purposes of section 33.3, the annualization of salaries for the years of service prior to 2010 are obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 33.2, by dividing the pensionable salary for such a year by the service credited, except service credited under section 62; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 33.2, by dividing the pensionable salary for such a year by the service credited, except service credited under section 62. The limit imposed by the first paragraph of section 15.1 applies to the result obtained for each year.

- Pensionable salary. The pensionable salary for each year, referred to in subparagraphs 1 and 2 of the first paragraph, is the pensionable salary established under sections 11 to 15.
- Lump sum. However, if a lump sum included in the pensionable salary established under the second paragraph is paid in 2007 or a subsequent year as an increase in or adjustment to the salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid. In addition, a lump sum attributed to a given year under section 35.1.20 must be added to the pensionable salary for that year.
- Service credited. For the purposes of the first paragraph, all the years and parts of a year of service credited must be counted, but service credited under sections 19, 28.1 and 76.2 may not be counted in respect of service credited before 1 January 1992.
- Amount excluded. **“35.1.2.** For the purposes of the first paragraph of section 35.1.1, the aggregate of any lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the teacher ceases to participate in the plan and pertaining to pensionable salary for the days and parts of a day credited to the teacher for the last days of the previous year is excluded from the pensionable salary established under the second and third paragraphs of section 35.1.1.
- Addition. The amount referred to in the first paragraph is to be added to the results obtained under the first paragraph of section 35.1.1. However, for the purposes of subparagraph 2 of the first paragraph of that section, the amount is added before the application of the limit imposed by section 15.1.
- Amount referred to in first paragraph. For the years and parts of a year of service credited after 31 December 1989, the amount referred to in the first paragraph is either the amount by which the pensionable salary of the teacher established under the second and third paragraphs of section 35.1.1 exceeds the annual basic salary paid to the teacher or that would have been paid to the teacher under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to the teacher during the year, or, if the teacher simultaneously holds more than one pensionable employment under the plan during a year, the amount by which the teacher’s pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service attached to each employment.
- Exclusion. The service credited under section 62 and, for 1990 and 1991, the service credited under section 19 must not be counted for the purposes of the third paragraph.
- Reduction. **“35.1.3.** For the purposes of paragraph 2 of section 33.3, an annualized pensionable salary resulting from the application of subparagraph 1 of the first paragraph of section 35.1.1 and selected under paragraph 1 of section 33.3 must be reduced by the amount that was added to it under section 35.1.2. That

amount must then be added to the result of the multiplication referred to in paragraph 2 of section 33.3.

Reduction.

For the purposes of paragraph 2 of section 33.3, an annualized pensionable salary resulting from the application of subparagraph 2 of the first paragraph of section 35.1.1 and selected under paragraph 1 of section 33.3 must be reduced, if applicable, by the amount that was added under section 35.1.2 after applying the limit imposed by the first paragraph of section 15.1. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 33.3.

“2. Contributory periods

Contributory days.

“35.1.4. For the purposes of sections 33.3, 38 and the sections that refer to section 38, a contributory period is, for each year, the number of contributory days in the period during which the teacher participated in the plan in a year or in the period during which days and parts of a day were otherwise credited to the teacher with contributions, except the days and parts of a day determined by regulation, over the number of contributory days in the year concerned, that is, 200 or 260 depending on the basis of remuneration for the employment. The contributory period of a new teacher for the year during which the teacher becomes a member of the plan begins on the first day in respect of which the teacher contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the teacher ceases to participate in the plan.

“3. Credited service derived from another plan

Average pensionable salary.

“35.1.5. For the purpose of determining the average pensionable salary, the pensionable salary, the basic salary and the contributory periods must be determined according to the years and parts of a year of service credited to the teacher under the Civil Service Superannuation Plan or the Pension Plan of Peace Officers in Correctional Services and the basis of remuneration for the employment concerned for each of those years, that is, 200 or 260 days. The same rule applies for the purposes of section 38 and the sections that refer to section 38.

Salary and periods excluded.

However, the pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis are excluded from the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“III — Annualization of salaries and determination of contributory periods for the years of service subsequent to 2009

“1. Annualized pensionable salary

Annualization.

“35.1.6. For the purposes of section 33.3, the annualization of salaries for the years of service subsequent to 2009 are obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 33.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 35.1.20 by the harmonized service for the year; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 33.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 35.1.20 by the harmonized service for the year. The limit imposed by the first paragraph of section 15.1 applies to the result obtained for each year.

“2. Adjusted pensionable salary

Adjusted pensionable salary.

“35.1.7. The adjusted pensionable salary for a year, used to compute the annualized pensionable salary of a teacher who holds pensionable employment under the plan for which the basis of remuneration is 260 days, is the pensionable salary established under sections 11 to 14.1, multiplied by the daily factor applicable to that salary for the class of teachers to which the teacher belongs and divided by the number of contributory days included in the pensionable salary reference period for the year determined under section 35.1.13.

Lump sum.

However, if a lump sum included in the pensionable salary is paid during the year as an increase in or adjustment to the pensionable salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid.

Daily factor.

The daily factor referred to in the first paragraph makes it possible to convert the annual basic salary into a daily salary, on the basis of the conditions of employment applicable to the teacher. The Government may, by regulation, establish the daily factor, which may vary with the class of teachers and the terms of payment of the teachers' salary.

Pensionable salary paid at beginning of year.

“35.1.8. For the purposes of this subdivision, when the pensionable salary of a teacher who holds pensionable employment for which the basis of remuneration is 260 days and who ceases to participate in the plan at the end of a year is attached to service credited for the last days of participation during that year but is paid at the beginning of the following year, it is deemed to be pensionable salary for the year in which it is paid even if no service is credited for that year. An adjusted pensionable salary is also computed for the teacher for that year.

School calendars.

“35.1.9. The adjusted pensionable salary for a calendar year, used to compute the annualized pensionable salary of a teacher who holds pensionable employment under the plan for which the basis of remuneration is 200 days, is based on the school calendars for the period during which the teacher

participated in the plan during the two parts of a school year in the calendar year. The school calendar is the distribution of the 200 contributory days of a school year over two calendar years, based on the conditions of employment applicable to the teacher.

Formula.

The adjusted pensionable salary is determined using the following formula:

$$\left[\left[\frac{T \times N}{200} \right] \times P \right] - A$$

(1) T is the basic salary the teacher would have been entitled to receive if the teacher had held the employment referred to in the first paragraph full time during the period referred to in that paragraph, based on the conditions of employment applicable to the teacher. The basic salary does not include the lump sum paid subsequently as an increase in or adjustment to the basic salary for that year;

(2) N is the number of contributory days in the period referred to in the first paragraph;

(3) P is the percentage of working time related to employment referred to in the first paragraph held during the period referred to in that paragraph; and

(4) A, for a teacher who, while holding employment referred to in the first paragraph, was absent without pay during the period referred to in that paragraph, is the basic salary that teacher would have received in that employment during the period of absence if the period was not otherwise credited under the plan.

Working time.

P is obtained by carrying out, in order, the following operations:

(1) adding, for the period referred to in the first paragraph, the number of contributory days and parts of a day credited to the teacher in keeping with the school calendars and the number of contributory days and parts of a day during which the teacher was absent without pay while holding the employment referred to in that paragraph if the contributory days and parts of a day were not otherwise credited under the plan; and

(2) dividing the result of the addition by N.

Contributory days.

For the purposes of subparagraph 1 of the third paragraph, the number of contributory days and parts of a day credited to the teacher in keeping with the school calendars is the total number of days and parts of a day for which the teacher contributed or was exempt from contributions and the number of days and parts of a day otherwise credited to the teacher under the plan, for the period referred to in the first paragraph. The days and parts of a day are rounded to the fourth decimal.

Annual basic salary.

The Government may, by regulation, determine the method for establishing the annual basic salary for certain teachers whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary.

Released teacher.

“35.1.10. In the case of teachers who hold pensionable employment for which the basis of remuneration is 260 days, the pensionable salary paid by a body designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) to a teacher released with pay for union activities during a year must be subtracted, for the purpose of computing the adjusted pensionable salary for the year, from the pensionable salary established under sections 11 to 14.1. The pensionable salary paid to the teacher by the body is deemed to be, for the purpose of computing the annualized pensionable salary for the year, a lump sum attributed to the year under section 35.1.20.

Released teacher.

In the case of teachers who hold pensionable employment for which the basis of remuneration is 200 days, the basic salary paid by a body designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan to a teacher released with pay for union activities during the period referred to in the first paragraph of section 35.1.9 is deemed to be, for the purpose of computing the annualized pensionable salary, a lump sum attributed to the year under section 35.1.20.

Simultaneous employments.

“35.1.11. The adjusted pensionable salary of a teacher to whom section 35.1.12 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of the adjusted pensionable salaries computed under sections 35.1.7 to 35.1.10 for each employment if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 17.

If the total service credited in respect of the pensionable employments held by the teacher is reduced under section 17, the adjusted pensionable salary is equal to the total of the adjusted pensionable salaries for the employments the teacher holds but may not exceed the adjusted pensionable salary attached to the employment held for a proportionately greater number of days or, if such employments were held for proportionately the same number of days, the adjusted pensionable salary attached to the employment with the highest annual basic salary. The adjusted pensionable salary for that employment is multiplied by the harmonized service attached to the employments, established under the second paragraph of section 35.1.15, over the teacher’s harmonized service in respect of the employment selected, computed under section 35.1.13 or 35.1.14.

Simultaneous employments with same employer.

“35.1.12. A teacher who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one employment for the purpose of computing the adjusted pensionable salary if the basis of remuneration for the employments is the same for a

given year and the pensionable salary reference periods or school calendars relating to those employments are identical.

“3. Harmonized service of teachers

Harmonized service.

“35.1.13. Harmonized service is computed for a teacher who holds pensionable employment for which the basis of remuneration is 260 days in order to reconcile the pensionable salary for a calendar year with the number of days and parts of a day credited to the teacher for that year and for the last days of the previous year or the first days of the following year, as the case may be.

Computation.

Harmonized service is established by dividing the number of days and parts of a day for which the teacher contributed or was exempt from contributions and the number of days and parts of a day otherwise credited to the teacher, included in the pensionable salary reference period for the year and related to the teacher’s pensionable salary for that year, by the number of contributory days included in that reference period for the class of teachers to which the teacher belongs. The days and parts of a day are rounded to the fourth decimal.

Pensionable salary reference period.

The pensionable salary reference period for a year, for teachers in the same class, begins on the date of the first day covered by the first pay of the year and ends on the date of the last day covered by the last pay of that year.

Teacher referred to in section 35.1.8.

Harmonized service is also computed for a teacher referred to in section 35.1.8 for the pensionable salary for the year for which no service is credited.

Harmonized service.

“35.1.14. Harmonized service is computed for a teacher who holds pensionable employment for which the basis of remuneration is 200 days in order to reconcile the adjusted pensionable salary for the calendar year computed under sections 35.1.9 and 35.1.10 with the number of contributory days and parts of a day credited to the teacher in keeping with the school calendars included in the period during which the teacher participated in the plan during the two parts of a school year in that calendar year.

Computation.

Harmonized service is established by dividing by 200 the number of contributory days and parts of a day credited to the teacher in keeping with the school calendars established in accordance with the fourth paragraph of section 35.1.9.

“4. Harmonized service of teachers who hold more than one pensionable employment

Simultaneous employments.

“35.1.15. For the purposes of this subdivision, the harmonized service of a teacher to whom section 35.1.16 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the

aggregate of the harmonized service established for each employment under section 35.1.13 or 35.1.14, if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 17.

If the total service credited in respect of the pensionable employments held by the teacher is reduced under section 17, the harmonized service is the harmonized service that would have been computed under section 35.1.13 or 35.1.14 if the teacher had held the employment selected under the second paragraph of section 35.1.11 full time during the period in which the teacher participated in the plan.

Simultaneous employments with same employer.

“35.1.16. For the purposes of this subdivision, a teacher who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing harmonized service if, for a given year, the basis of remuneration for the employments is the same and the pensionable salary reference periods or school calendars relating to those employments are identical.

“5. Contributory periods

When basis of remuneration is 260 days.

“35.1.17. For the purposes of sections 33.3, 38 and the sections that refer to section 38, the contributory period of a teacher who during a year holds pensionable employment under the plan for which the basis of remuneration is 260 days is determined by dividing by 260 the number of contributory days comprised in the period during which the teacher participated in the plan or comprised in the period for which days and parts of a day were otherwise credited to the teacher with contributions for that year under the plan, except the days and parts of a day determined by regulation, during the pensionable salary reference period for the year established in accordance with section 35.1.13.

When basis of remuneration is 200 days.

The contributory period of a teacher who during a year holds pensionable employment under the plan for which the basis of remuneration is 200 days is determined by dividing by 200 the number of contributory days under the school calendars included in the period during which the teacher participated in the plan during the two parts of a school year included in a calendar year or in the period for which days and parts of a day were otherwise credited to the teacher with contributions for that year, except the days and parts of a day determined by regulation.

New teacher.

The contributory period of a new teacher for the year during which the teacher becomes a member of the plan begins on the first day in respect of which the teacher contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the teacher ceases to participate in the plan.

Teacher to whom section 35.1.8 applies.

In the case of a teacher to whom section 35.1.8 applies, a contributory period that corresponds to the pensionable salary for the year for which no

service is credited is also determined by dividing by 260 the number of contributory days referred to in the first paragraph that correspond to that salary.

Simultaneous employments.

“35.1.18. The Government may, by regulation, determine the method of establishing the contributory period of a teacher who simultaneously holds more than one pensionable employment in a year.

“6. Credited service derived from another plan

Average pensionable salary.

“35.1.19. For the purpose of determining the average pensionable salary, when the years and parts of a year of service credited to a teacher under the Pension Plan of Peace Officers in Correctional Services or the Civil Service Superannuation Plan are credited under this plan, the basic salary, the pensionable salary and the credited service established under that plan and the data related to the teacher’s participation in that plan and reported by the employer under section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) for each credited year or part of a year apply to this plan in order to establish the annualized pensionable salary and the contributory periods for those years and parts of a year credited under this plan.

Presumption.

For the purposes of this subdivision, the sections to which it refers, and section 2.2 when that section is required for the application of this subdivision, the pensionable employment under the Pension Plan of Peace Officers in Correctional Services or the Civil Service Superannuation Plan for which service was credited under this plan is deemed to be pensionable employment under this plan.

Salary and periods excluded.

Despite the first paragraph, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis are excluded from the computation of the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“IV — Miscellaneous provisions

Lump sum.

“35.1.20. A lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and included in the pensionable salary established under sections 11 to 15 for the year during which the lump sum is paid must be distributed among the years for which the lump sum is paid if it is paid after 31 December 2006.

Lump sum.

If the pensionable salary is reduced under the second paragraph of section 15, the part of the lump sum included in the pensionable salary is distributed for each year concerned in the proportion obtained by dividing the part of the lump sum referred to in section 13 and attributed to a given year by the lump sum referred to in that section.”

- c. R-11, s. 35.2, repealed. **62.** Section 35.2 of the Act is repealed.
- c. R-11, s. 36, am. **63.** Section 36 of the Act is amended by replacing “34” by “33.2”.
- c. R-11, s. 37, am. **64.** Section 37 of the Act is amended by replacing “34” in the fifth line of the first paragraph by “33.2”.
- c. R-11, s. 40.1, am. **65.** Section 40.1 of the Act is amended by replacing “subdivision 2” in the first line by “subdivisions 2 and 2.0.1”.
- c. R-11, s. 65, am. **66.** Section 65 of the Act is amended by replacing “34” in the second line of the second paragraph by “33.2”.
- c. R-11, s. 73, am. **67.** Section 73 of the Act is amended
- (1) by inserting the following paragraph after paragraph 2:

“(2.1) identify, for the purposes of section 2.1, the classes of teachers who hold pensionable employment for which the basis of remuneration is 200 days;”;
 - (2) by replacing “section 35” in paragraph 6 by “sections 35.1.4 and 35.1.17”;
 - (3) by inserting the following paragraphs after paragraph 6:

“(6.1) determine, for the purposes of section 35.1.7, the daily factor, which may vary with the class of teachers and the terms of payment of the salary that apply;

“(6.2) determine, for the purposes of section 35.1.9, the method of establishing the annual basic salary of certain teachers whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary;

“(6.3) determine, for the purposes of section 35.1.18, the method of establishing the contributory period of a teacher who simultaneously holds more than one pensionable employment under the plan in a year;”.
- c. R-11, s. 82, am. **68.** Section 82 of the Act is amended
- (1) by inserting “as they read before 1 January 2010” after “38” in the first line of the first paragraph;
 - (2) by replacing “has ceased to hold his position, retired or died after that date” at the end of the first paragraph by “ceased to hold his position, retired or died after that date but before 1 January 2010”;
 - (3) by inserting “but before 1 January 2010” after “1983” in the second line of the second paragraph;

(4) by replacing “has been granted to the teacher before that date” at the end of the second paragraph by “was granted to the teacher before 30 June 1983”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12, s. 62, am. **69.** Section 62 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing “63.1.0.1” in the first line of the last paragraph by “62.7”.

c. R-12, s. 62.1, am. **70.** Section 62.1 of the Act is amended by replacing “63.1.0.1” in the last line of each of subparagraphs 1 and 2 of the second paragraph and in the second line of the third paragraph by “62.7”.

c. R-12, ss. 62.3-62.24, added. **71.** The Act is amended by inserting the following sections after section 62.2:

End of participation or death. **“62.3.** In respect of an officer who ceases to participate in the plan before 1 January 2010, sections 62, 62.1, 63 to 63.7, 65 and 108.5 and, if the officer dies before 1 January 2010, sections 76 and 78 apply as they read on the date on which the officer ceases to participate in the plan.

Annual amount of pension. **“62.4.** The annual amount of the pension of an officer who ceases to participate in the plan after 31 December 2009 is equal, on the date on which the officer ceases to participate in the plan, to the total of the following amounts:

(1) the amount obtained by multiplying the average pensionable salary established under section 62.5, on the basis of annualized pensionable salaries that do not take into account the limit imposed by the first paragraph of sections 22.1 and 62.1, by 2% per year of service credited before 1 January 1992; and

(2) the amount obtained by multiplying the average pensionable salary established under section 62.5, on the basis of annualized pensionable salaries that take into account the limit imposed by the first paragraph of section 62.1, by 2% per year of service credited after 31 December 1991.

Years of credited service. For the purposes of the first paragraph, the officer’s years of credited service taken into account must not exceed 35.

Average pensionable salaries. **“62.5.** The average pensionable salaries referred to in subparagraphs 1 and 2 of the first paragraph of section 62.4 are obtained by performing, in order, the following operations:

(1) selecting, from among the highest annualized pensionable salaries established under sections 62.6 and 62.11, as many as are necessary to make the aggregate of the contributory periods corresponding to the years for which the salaries are selected equal to 5 or, if the aggregate is less than 5, selecting all the salaries;

(2) multiplying each salary so selected for each year by the corresponding contributory period; and

(3) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.

Annualization.

“62.6. For the purposes of section 62.5, the annualization of salaries for the years of service prior to 2010 are obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 62.4, by dividing the pensionable salary for such a year by the service credited, except service credited under section 67.1; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 62.4, by dividing the pensionable salary for such a year by the service credited, except service credited under section 67.1. The limit imposed by the first paragraph of section 62.1 applies to the result obtained for each year.

Pensionable salary.

The pensionable salary for each year, referred to in subparagraphs 1 and 2 of the first paragraph, is the pensionable salary established under sections 51, 52 and 60.2 to 62.

Lump sum.

However, if a lump sum included in the pensionable salary established under the second paragraph is paid in 2007 or a subsequent year as an increase in or adjustment to the salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid. In addition, a lump sum attributed to a given year under section 62.24 must be added to the pensionable salary for that year.

Service credited.

For the purposes of the first paragraph, all the years and parts of a year of service credited must be counted, but service credited under sections 67, 99.5 and 112.2 may not be counted in respect of service credited before 1 January 1992.

Amount excluded.

“62.7. For the purposes of the first paragraph of section 62.6, the aggregate of any lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the officer ceases to participate in the plan and pertaining to pensionable salary for the days and parts of a day credited to the officer for the last days of the previous year is excluded from the pensionable salary established under the second and third paragraphs of section 62.6.

Addition.

The amount referred to in the first paragraph is to be added to the results obtained under the first paragraph of section 62.6. However, for the purposes of subparagraph 2 of the first paragraph of that section, the amount is added before the application of the limit imposed by section 62.1.

Amount referred to in first paragraph.

For the years and parts of a year of service credited after 31 December 1989, the amount referred to in the first paragraph is either the amount by which the pensionable salary of the officer established under the second and third paragraphs of section 62.6 exceeds the annual basic salary paid to the officer or that would have been paid to the officer under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to the officer during the year, or, if the officer simultaneously holds more than one pensionable employment under the plan during a year, the amount by which the officer's pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service attached to each employment.

Exclusion.

The service credited under section 67.1 and, for 1990 and 1991, the service credited under section 67 must not be counted for the purposes of the third paragraph.

Reduction.

“62.8. For the purposes of paragraph 2 of section 62.5, an annualized pensionable salary for the years prior to 2010 resulting from the application of subparagraph 1 of the first paragraph of section 62.6 and selected under paragraph 1 of section 62.5 must be reduced by the amount that was added to it under section 62.7. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 62.5.

Reduction.

For the purposes of paragraph 2 of section 62.5, an annualized pensionable salary for the years prior to 2010 resulting from the application of subparagraph 2 of the first paragraph of section 62.6 and selected under paragraph 1 of section 62.5 must be reduced, if applicable, by the amount that was added under section 62.7 after applying the limit imposed by the first paragraph of section 62.1. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 62.5.

Contributory days.

“62.9. For the purposes of sections 62.5, 63.3 and the sections that refer to section 63.3, a contributory period is, for each year prior to 2010, the number of contributory days in the period during which the officer participated in the plan in a year or in the period during which days and parts of a day were otherwise credited to the officer with contributions, except the days and parts of a day determined by regulation, over the number of contributory days in the year concerned, that is, 200 or 260 depending on the basis of remuneration for the employment. The contributory period of a new officer for the year during which the officer becomes a member of the plan begins on the first day in respect of which the officer contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the officer ceases to participate in the plan.

Average pensionable salary.

“62.10. For the purpose of determining the average pensionable salary of an officer who ceases to participate in the plan after 31 December 2009, the pensionable salary, the basic salary and the contributory periods for the years prior to 2010 must be determined according to the years and parts of a year of service credited to the officer under the Teachers Pension Plan or the

Pension Plan of Peace Officers in Correctional Services and the basis of remuneration for the employment concerned for each of those years, that is, 200 or 260 days. The same rule applies for the purposes of section 63.3 and the sections that refer to section 63.3.

Salary and periods excluded.

However, the pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis are excluded from the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

Annualization.

“62.11. For the purposes of section 62.5, the annualization of salaries for the years of service subsequent to 2009 are obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 62.4, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 62.24 by the harmonized service for the year; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 62.4, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 62.24 by the harmonized service for the year. The limit imposed by the first paragraph of section 62.1 applies to the result obtained for each year.

Adjusted pensionable salary.

“62.12. The adjusted pensionable salary for a year, used to compute the annualized pensionable salary of an officer who holds pensionable employment under the plan for which the basis of remuneration is 260 days, is the pensionable salary established under sections 51, 52 and 60.2 to 61.1, multiplied by the daily factor applicable to that salary for the class of officers to which the officer belongs and divided by the number of contributory days included in the pensionable salary reference period for the year determined under section 62.18.

Lump sum.

However, if a lump sum included in the pensionable salary is paid during the year as an increase in or adjustment to the pensionable salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid.

Daily factor.

The daily factor referred to in the first paragraph makes it possible to convert the annual basic salary into a daily salary, on the basis of the conditions of employment applicable to the officer. The Government may, by regulation, establish the daily factor, which may vary with the class of officers and the terms of payment of the officers' salary.

Pensionable salary paid at beginning of year.

“62.13. For the purpose of computing the pension with respect to the years subsequent to 2009, when the pensionable salary of an officer who holds pensionable employment for which the basis of remuneration is 260 days and who ceases to participate in the plan at the end of a year is attached to service credited for the last days of participation during that year but is paid at the beginning of the following year, it is deemed to be pensionable salary for the year in which it is paid even if no service is credited for that year. An adjusted pensionable salary is also computed for the officer for that year.

Years subsequent to 2009.

“62.14. For the purpose of computing annualized pensionable salary and establishing the contributory periods with respect to the years subsequent to 2009 for officers who hold an employment for which the basis of remuneration is 200 days, sections 35.1.9, 35.1.14, the second and third paragraphs of section 35.1.17 of the Act respecting the Teachers Pension Plan (chapter R-11) and the second paragraph of section 36.1.9 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) apply with the necessary modifications.

Released officers.

“62.15. In the case of officers who, during a year subsequent to 2009, hold pensionable employment for which the basis of remuneration is 260 days, the pensionable salary paid by a body designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) to an officer released with pay for union activities during a year, or the portion of the pensionable salary paid by such a body to an officer released without pay that exceeds the pensionable salary the employer would have paid if the officer had not been so released, must be subtracted, for the purpose of computing the adjusted pensionable salary for the year, from the pensionable salary established under sections 51, 52 and 60.2 to 61.1. The pensionable salary or that portion of pensionable salary paid to the officer by the body is deemed to be, for the purpose of computing the annualized pensionable salary for the year, a lump sum attributed to the year under section 62.24.

Simultaneous employments.

“62.16. The adjusted pensionable salary of an officer to whom section 62.17 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year subsequent to 2009 is the aggregate of the adjusted pensionable salaries computed under sections 62.12 to 62.15 for each employment if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 59.

If the total service credited in respect of the pensionable employments held by the officer is reduced under section 59, the adjusted pensionable salary is equal to the total of the adjusted pensionable salaries for the employments the officer holds but may not exceed the adjusted pensionable salary attached to the employment held for a proportionately greater number of days in the year or, if such employments were held for proportionately the same number of days, the adjusted pensionable salary attached to the employment with the highest annual basic salary. The adjusted pensionable salary for that

employment is multiplied by the harmonized service for the employments, established under the second paragraph of section 62.19, over the officer's harmonized service in respect of the employment selected, computed under section 62.14 or 62.18.

Simultaneous employments with same employer.

“62.17. An officer who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one employment for the purpose of computing the adjusted pensionable salary if the basis of remuneration for the employments is the same for a year subsequent to 2009 and the pensionable salary reference periods or school calendars relating to those employments are identical.

Harmonized service.

“62.18. Harmonized service is computed for an officer who holds pensionable employment for which the basis of remuneration is 260 days in order to reconcile the pensionable salary for a calendar year subsequent to 2009 with the number of days and parts of a day credited to the officer for that year and for the last days of the previous year or the first days of the following year, as the case may be.

Computation.

Harmonized service is established by dividing the number of days and parts of a day for which the officer contributed or was exempt from contributions and the number of days and parts of a day otherwise credited to the officer, included in the pensionable salary reference period for the year and related to the officer's pensionable salary for that year, by the number of contributory days included in that reference period for the class of officers to which the officer belongs. The days and parts of a day are rounded to the fourth decimal.

Pensionable salary reference period.

The pensionable salary reference period for a year, for officers in the same class, begins on the date of the first day covered by the first pay of the year and ends on the date of the last day covered by the last pay of that year.

Officer referred to in section 62.13.

Harmonized service is also computed for an officer referred to in section 62.13 for the pensionable salary for the year for which no service is credited.

Simultaneous employments.

“62.19. For the purpose of computing the pension with respect to the years subsequent to 2009, the harmonized service of an officer to whom section 62.20 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of the harmonized service established for each employment under section 62.14 or 62.18, if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 59.

If the total service credited in respect of the pensionable employments held by the officer is reduced under section 59, the harmonized service is the harmonized service that would have been computed under section 62.14 or 62.18 if the officer had held the employment selected under the second

paragraph of section 62.16 full time during the period in which the officer participated in the plan.

Simultaneous employments with same employer.

“62.20. An officer who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing harmonized service if, for a year subsequent to 2009, the basis of remuneration for the employments is the same and the pensionable salary reference periods or school calendars relating to those employments are identical.

When basis of remuneration is 260 days.

“62.21. For the purposes of sections 62.6, 63.3 and the sections that refer to section 63.3, the contributory period of an officer who, during a year subsequent to 2009, holds pensionable employment under the plan for which the basis of remuneration is 260 days is determined by dividing by 260 the number of contributory days comprised in the period during which the officer participated in the plan or comprised in the period during which days and parts of a day were otherwise credited to the officer with contributions for that year under the plan, except the days and parts of a day determined by regulation, during the pensionable salary reference period for the year established in accordance with section 62.18.

New employee.

The contributory period of a new officer for the year during which the officer becomes a member of the plan begins on the first day in respect of which the officer contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the officer ceases to participate in the plan.

Officer to whom section 62.13 applies.

In the case of an officer to whom section 62.13 applies and who holds pensionable employment for which the basis of remuneration is 260 days, a contributory period that corresponds to the pensionable salary for the year for which no service is credited is also determined by dividing by 260 the number of contributory days referred to in the first paragraph that correspond to that salary.

Simultaneous employments.

“62.22. The Government may, by regulation, determine the method of establishing the contributory period of an officer who ceases to participate in the plan after 31 December 2009 if the officer simultaneously holds more than one pensionable employment in a year subsequent to 2009.

Average pensionable salary.

“62.23. For the purpose of determining the average pensionable salary, when the years and parts of a year of service subsequent to 2009 credited to an officer under the Pension Plan of Peace Officers in Correctional Services or the Teachers Pension Plan are credited under this plan, the basic salary, the pensionable salary and the credited service established under that plan and the data related to the officer’s participation in that plan and reported by the employer under section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) for each credited year or part of a

year apply to this plan in order to establish the annualized pensionable salary and the contributory periods for those years and parts of a year credited under this plan.

Presumption. For the purposes of sections 62.4 to 62.22 and 62.24, the sections to which they refer, and section 55.1 when that section is required for their application, the pensionable employment under the Pension Plan of Peace Officers in Correctional Services or the Teachers Pension Plan for which service was credited under this plan is deemed to be pensionable employment under this plan.

Salary and periods excluded. Despite the first paragraph, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis are excluded from the computation of the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

Lump sum. “**62.24.** A lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and included in the pensionable salary established under sections 51, 52 and 60.2 to 62 for the year during which the lump sum is paid must be distributed among the years for which the lump sum is paid if it is paid after 31 December 2006.

Lump sum. If the pensionable salary is reduced under the second paragraph of section 59, the part of the lump sum included in the pensionable salary is distributed for each year concerned in the proportion obtained by dividing the part of the lump sum referred to in section 52 and attributed to a given year by the lump sum referred to in that section.”

c. R-12, ss. 63-63.1.2, repealed. **72.** Sections 63 to 63.1.2 of the Act are repealed.

c. R-12, s. 63.2, am. **73.** Section 63.2 of the Act is amended by replacing “63” by “62.4”.

c. R-12, s. 63.7.1, am. **74.** Section 63.7.1 of the Act is amended by replacing “63” in the second line by “62.4”.

c. R-12, s. 65, am. **75.** Section 65 of the Act is amended by replacing “63” in the second line of the second paragraph by “62.4”.

c. R-12, s. 109, am. **76.** Section 109 of the Act is amended

(1) by replacing “section 63.1” in paragraph 5 by “sections 62.9 and 62.21”;

(2) by inserting the following paragraphs after paragraph 6:

“(6.1) determine, for the purposes of section 62.12, the daily factor applicable to the salary, which may vary with the class of officers and the terms of payment of the salary that apply;

“(6.2) determine, for the purposes of section 62.22, the method of establishing the contributory period of an officer who simultaneously holds more than one pensionable employment under the plan in a year;”.

c. R-12, s. 117, am.

77. Section 117 of the Act is amended

(1) by inserting “as they read before 1 January 2010” after “63.3” in the second line of the first paragraph;

(2) by replacing “if the public officer has ceased his duties, retired or died after that date” at the end of the first paragraph by “if the officer ceased his duties, retired or died after that date but before 1 January 2010”;

(3) by inserting “but before 1 January 2010” after “1983” in the second line of the second paragraph;

(4) by replacing “has been granted to the public officer before that date” at the end of the second paragraph by “was granted to the officer before 30 June 1983”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

c. R-12.1, s. 7, am.

78. Section 7 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended

(1) by adding the following sentence at the end of the third paragraph: “When an employee holds employment for which the basis of remuneration is 200 days, the employee is also deemed to hold pensionable employment until the end of the employment contract if the contract ends on 30 June of any year.”;

(2) by adding the following paragraph at the end:

Classes of employees.

“The Government shall identify by regulation the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days.”

c. R-12.1, s. 30, am.

79. Section 30 of the Act, amended by section 136 of chapter 43 of the statutes of 2007, is again amended by inserting “for the pensionable employment held by the employee” after “remuneration” in the last line of each of subparagraphs 1 and 2 of the second paragraph.

c. R-12.1, Chap. II, Div. III, heading, am.

80. The heading of Division III of Chapter II of the Act, enacted by section 139 of chapter 43 of the statutes of 2007, is amended by replacing “whose” by “holding pensionable employment for which the”.

c. R-12.1, s. 37.1, am.

81. Section 37.1 of the Act, enacted by section 139 of chapter 43 of the statutes of 2007, is amended

(1) by replacing “whose” in the first line of the first paragraph by “holding pensionable employment for which the”;

(2) by replacing “a person” in the first line of the fourth paragraph by “an employee”.

c. R-12.1, s. 37.3, am. **82.** Section 37.3 of the Act, enacted by section 139 of chapter 43 of the statutes of 2007, is amended by striking out “credited” in the fourth line.

c. R-12.1, s. 50, am. **83.** Section 50 of the Act is amended

(1) by striking out “within the meaning of that plan,” in the next to last line;

(2) by adding the following paragraph at the end:

School year.

“For the purposes of the plan, a school year is

(1) in the case of a school board, the period from 1 July of one year to 30 June of the following year; or

(2) in all other cases, the twelve-month period generally recognized by the body in the employment contract.”

c. R-12.1, Chap. IV, Div. I, subdiv. 2, heading, am.

84. The heading of subdivision 2 of Division I of Chapter IV of the Act is amended by adding “*of an employee who ceases to be a member of the plan before 1 January 2010*” at the end.

c. R-12.1, ss. 50.1-50.3, added.

85. The Act is amended by inserting the following after the heading of subdivision 2 of Division I of Chapter IV:

End of participation or death.

“**50.1.** In respect of an employee who ceases to be a member of the plan before 1 January 2010, subdivisions 2 and 3 of Division I of Chapter IV, sections 76, 80, 106 and 138.1 and, if the employee dies before 1 January 2010, section 62 apply as they read on the date on which the employee ceases to be a member of the plan.

Pensioner.

They also apply to a pensioner who becomes an employee under Chapter VII of the Act even if the pensioner once again ceases to be a member of the plan after 31 December 2009.

“§2.1. — *Computation of the pension of an employee who ceases to be a member of the plan after 31 December 2009*

“I — *General provisions*

Annual amount of pension.

“**50.2.** The annual amount of the pension of an employee who ceases to be a member of the plan after 31 December 2009 is equal, on the date on which the employee ceases to be a member, to the total of the following amounts:

(1) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable salaries that do not take into account the limit imposed by the first paragraph of section 30, by 2% per year of service credited before 1 January 1992; and

(2) the amount obtained by multiplying the average pensionable salary established under this subdivision, on the basis of annualized pensionable salaries that take into account the limit imposed by the first paragraph of section 30, by 2% per year of service credited after 31 December 1991.

Years of credited service.

For the purposes of the first paragraph, the employee's years of credited service taken into account must not exceed 35.

Average pensionable salaries.

“50.3. The average pensionable salaries referred to in subparagraphs 1 and 2 of the first paragraph of section 50.2 are obtained by performing, in order, the following operations:

(1) selecting, from among the highest annualized pensionable salaries, as many as are necessary to make the aggregate of the contributory periods corresponding to the years for which the salaries are selected equal to 3 or, if the aggregate is less than 3, selecting all the salaries;

(2) multiplying each salary so selected for each year by the corresponding contributory period; and

(3) dividing the sum of the salaries resulting from the multiplication by the sum of the corresponding contributory periods.”

c. R-12.1, ss. 51-53, repealed.

86. Sections 51 to 53 of the Act are repealed.

c. R-12.1, ss. 53.1-53.20, added.

87. The Act is amended by inserting the following before section 54:

“II — Annualization of salaries and determination of contributory periods for the years of service prior to 2010

“1. Annualized pensionable salary

Annualization.

“53.1. For the purposes of section 50.3, the annualization of salaries for the years of service prior to 2010 are obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 50.2, by dividing the pensionable salary for such a year by the service credited, except service credited under section 111; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 50.2, by dividing the pensionable salary for such a year by the service credited, except service credited under section 111. The limit imposed by the first paragraph of section 30 applies to the result obtained for each year.

Pensionable salary. The pensionable salary for each year, referred to in subparagraphs 1 and 2 of the first paragraph, is the pensionable salary established under sections 25 to 29. Despite sections 25.1 and 26, the pensionable salary paid in 2008 or 2009 for which no service is credited forms part of the pensionable salary for the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.

Lump sum. However, if a lump sum included in the pensionable salary established under the second paragraph is paid in 2007 or a subsequent year as an increase in or adjustment to the salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid. In addition, a lump sum attributed to a given year under section 53.20 must be added to the pensionable salary for that year.

Service credited. For the purposes of the first paragraph, all the years and parts of a year of service credited must be counted, but service credited under sections 123, 125 and 126 may not be counted in respect of service credited before 1 January 1992.

Amount excluded. “**53.2.** For the purposes of the first paragraph of section 53.1, the aggregate of any lump sum paid as an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the employee ceases to be a member of the plan and pertaining to pensionable salary for the days and parts of a day credited to the employee for the last days of the previous year is excluded from the pensionable salary established under the second and third paragraphs of section 53.1.

Addition. The amount referred to in the first paragraph is to be added to the results obtained under the first paragraph of section 53.1. However, for the purposes of subparagraph 2 of the first paragraph of that section, the amount is added before the application of the limit imposed by section 30.

Amount referred to in first paragraph. For the years and parts of a year of service credited after 31 December 1989, the amount referred to in the first paragraph is either the amount by which the pensionable salary of the employee established under the second and third paragraphs of section 53.1 exceeds the annual basic salary paid to the employee or that would have been paid to the employee under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to the employee during the year, or, if the employee simultaneously holds more than one pensionable employment under the plan during a year, the amount by which the employee’s pensionable salary exceeds the total annual basic salary for each employment multiplied by the

credited service attached to each employment in accordance with sections 29 and 32 or 33.1.

Exclusion.

The service credited under section 111 and, for 1990 and 1991, the service credited under section 123 must not be counted for the purposes of the third paragraph.

Reduction.

“53.3. For the purposes of paragraph 2 of section 50.3, an annualized pensionable salary resulting from the application of subparagraph 1 of the first paragraph of section 53.1 and selected under paragraph 1 of section 50.3 must be reduced by the amount that was added to it under section 53.2. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 50.3.

Reduction.

For the purposes of paragraph 2 of section 50.3, an annualized pensionable salary resulting from the application of subparagraph 2 of the first paragraph of section 53.1 and selected under paragraph 1 of section 50.3 must be reduced, if applicable, by the amount that was added under section 53.2 after applying the limit imposed by the first paragraph of section 30. That amount must then be added to the result of the multiplication referred to in paragraph 2 of section 50.3.

“2. Contributory periods

Contributory days.

“53.4. For the purposes of sections 50.3, 57 and the sections that refer to section 57, a contributory period is, for each year, the number of contributory days in the period during which the employee was a member of the plan in a year or in the period during which days and parts of a day were otherwise credited to the employee with contributions, within the meaning of section 73, except the days and parts of a day determined by regulation, over the number of contributory days in the year concerned, that is, 200 or 260 days depending on the basis of remuneration for the employment. The contributory period of a new employee for the year during which the employee becomes a member of the plan begins on the first day in respect of which the employee contributed or was exempt from contributions and the last period ends on the last day credited in the year during which the employee ceases to be a member of the plan.

“3. Credited service derived from another plan

Average pensionable salary.

“53.5. Subject to section 143.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), for the purpose of establishing the average pensionable salary, the pensionable salary, the basic salary and the contributory periods must be determined according to the years and parts of a year of service credited to the employee under a pension plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) and the basis of remuneration for the employment concerned for each of those

years, that is, 200 or 260 days. The same rule applies for the purposes of sections 57 and 62 to the extent that they refer to section 57.

Salary and periods excluded.

However, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis pursuant to Division I.3 of Chapter VI or under a transfer agreement entered into under section 203, section 133 of the Act respecting the Pension Plan of Peace Officers in Correctional Services or section 158 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) are excluded from the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“III — Annualization of salaries and determination of contributory periods for the years of service subsequent to 2009

“1. Annualized pensionable salary

Annualization.

“53.6. For the purposes of section 50.2, the annualization of salaries for the years of service subsequent to 2009 are obtained,

(1) when computing the average pensionable salary referred to in subparagraph 1 of the first paragraph of section 50.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 53.20 by the harmonized service for the year; and

(2) when computing the average pensionable salary referred to in subparagraph 2 of the first paragraph of section 50.2, by dividing the aggregate of the adjusted pensionable salary for such a year and the lump sum attributed to that year under section 53.20 by the harmonized service for the year. The limit imposed by the first paragraph of section 30 applies to the result obtained for each year.

“2. Adjusted pensionable salary

Adjusted pensionable salary.

“53.7. The adjusted pensionable salary for a year, used to compute the annualized pensionable salary of an employee who holds pensionable employment under the plan for which the basis of remuneration is 260 days, is the pensionable salary established under sections 25 to 28.1, multiplied by the daily factor applicable to that salary for the class of employees to which the employee belongs and divided by the number of contributory days included in the pensionable salary reference period for the year determined under section 37.1.

Lump sum.

However, if a lump sum included in the pensionable salary is paid during the year as an increase in or adjustment to the pensionable salary for a previous year, it must be subtracted from the pensionable salary for the year during which it is paid.

Employee to whom section 25.1 applies.

An adjusted pensionable salary is also computed for an employee to whom section 25.1 applies for the year for which no service is credited to the employee.

Daily factor.

The daily factor referred to in the first paragraph makes it possible to convert the annual basic salary into a daily salary, on the basis of the conditions of employment applicable to the employee. The Government may, by regulation, establish the daily factor, which may vary with the class of employees and the terms of payment of the employees' salary.

School calendars.

53.8. The adjusted pensionable salary for a calendar year, used to compute the annualized pensionable salary of an employee who holds pensionable employment under the plan for which the basis of remuneration is 200 days, is based on the school calendars for the period during which the employee was a member of the plan during the two parts of a school year in the calendar year. The school calendar is the distribution of the 200 contributory days of a school year over two calendar years, based on the conditions of employment applicable to the employee.

Formula.

The adjusted pensionable salary is determined using the following formula:

$$\left[\left[\frac{T \times N}{200} \right] \times P \right] - A$$

(1) T is the basic salary the employee would have been entitled to receive if the employee had held the employment referred to in the first paragraph full time during the period referred to in that paragraph, based on the conditions of employment applicable to the employee. The basic salary does not include the lump sum paid subsequently as an increase in or adjustment to the basic salary for that year;

(2) N is the number of contributory days in the period referred to in the first paragraph;

(3) P is the percentage of working time related to employment referred to in the first paragraph held during the period referred to in that paragraph; and

(4) A, for an employee who, while holding employment referred to in the first paragraph, was absent without pay during the period referred to in that paragraph, is the basic salary that employee would have received in that employment during the period of absence if the period was not otherwise credited under the plan.

Working time.

P is obtained by carrying out, in order, the following operations:

(1) adding, for the period referred to in the first paragraph, the number of contributory days and parts of a day credited to the employee in keeping with the school calendars and the number of contributory days and parts of a day

during which the employee was absent without pay while holding the employment referred to in that paragraph if the contributory days and parts of a day were not otherwise credited under the plan; and

(2) dividing the result of the addition by N.

Contributory days.

For the purposes of subparagraph 1 of the third paragraph, the number of contributory days and parts of a day credited to the employee in keeping with the school calendars is the total number of days and parts of a day for which the employee contributed or was exempt from contributions and the number of days and parts of a day otherwise credited to the employee under the plan, for the period referred to in the first paragraph. The days and parts of a day are rounded to the fourth decimal.

Annual basic salary.

The Government may, by regulation, determine the method for establishing the annual basic salary for certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary.

Released teacher.

“53.9. In the case of employees who hold pensionable employment for which the basis of remuneration is 260 days, the pensionable salary paid by a body designated in Schedule III to this Act or Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) to an employee who is released with pay to hold pensionable employment under this plan with an association representing management personnel or for union activities during a year must be subtracted, for the purpose of computing the adjusted pensionable salary for the year, from the pensionable salary established under sections 25 to 28.1. The pensionable salary paid to the employee by the body or association is deemed to be, for the purpose of computing the annualized pensionable salary for the year, a lump sum attributed to the year under section 53.20.

Released teacher.

In the case of employees who hold pensionable employment for which the basis of remuneration is 200 days, the basic salary paid by a body designated in Schedule III to this Act or Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan to an employee who is released with pay to hold pensionable employment under this plan with an association representing management personnel or for union activities during the period referred to in the first paragraph of section 53.8 is deemed to be, for the purpose of computing the annualized pensionable salary, a lump sum attributed to the year under section 53.20.

Simultaneous employments.

“53.10. The adjusted pensionable salary of an employee to whom section 53.11 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of the adjusted pensionable salaries computed under sections 53.7 or 53.8 and 53.9 for each employment if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 32.

If the total service credited in respect of the pensionable employments held by the employee is reduced under section 32, the adjusted pensionable salary of the employee is equal to the total of the following amounts:

(1) the adjusted pensionable salary for each employment in respect of which service is credited in full; and

(2) the adjusted pensionable salary for the employment in respect of which service is credited in part, multiplied by the service credited in respect of that employment over the service accumulated in such employment.

Simultaneous employments with same employer.

“53.11. An employee who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing the adjusted pensionable salary if the basis of remuneration for the employments is the same for a given year and the pensionable salary reference periods or school calendars relating to those employments are identical.

Computation when first paragraph of section 33.1 applies.

“53.12. In the case referred to in the first paragraph of section 33.1, the adjusted pensionable salary attached to pensionable employment under the plan is the adjusted pensionable salary computed under sections 53.7 or 53.8 and 53.9, multiplied by the credited service established under the first paragraph of section 33.1 and divided by the service established in accordance with sections 31 and 32.

“3. Harmonized service of employees who hold pensionable employment for which the basis of remuneration is 200 days

Harmonized service.

“53.13. Harmonized service is computed for an employee who holds pensionable employment for which the basis of remuneration is 200 days in order to reconcile the adjusted pensionable salary for the calendar year computed under sections 53.8 and 53.9 with the number of contributory days and parts of a day credited to the employee in keeping with the school calendars included in the period during which the employee participated in the plan during the two parts of a school year in that calendar year.

Computation.

Harmonized service is established by dividing by 200 the number of contributory days and parts of a day credited to the employee in keeping with the school calendars established in accordance with the fourth paragraph of section 53.8.

“4. Harmonized service of employees who hold more than one pensionable employment

Simultaneous employments.

“53.14. For the purposes of this subdivision, the harmonized service of an employee to whom section 53.15 does not apply and who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of the harmonized service established for each employment under

section 37.1 or 53.13, if the total service credited in respect of such employments is less than or equal to one year.

Reduction under section 32.

If the total service credited in respect of the pensionable employments held by the employee is reduced under section 32, harmonized service is the aggregate of the harmonized service in respect of each employment for which service is credited in full and the harmonized service in respect of the employment for which service is credited in part. The latter harmonized service is multiplied by the service credited for the latter employment over the service accumulated in such employment.

Simultaneous employments with same employer.

“53.15. For the purposes of this subdivision, an employee who simultaneously holds more than one pensionable employment under the plan with the same employer is deemed to hold only one pensionable employment for the purpose of computing harmonized service if, for a given year, the basis of remuneration for the employments is the same and the pensionable salary reference periods or school calendars relating to those employments are identical.

Computation when first paragraph of section 33.1 applies.

“53.16. For the purposes of this subdivision, in the case referred to in the first paragraph of section 33.1, the harmonized service in respect of a pensionable employment under the plan is the harmonized service established under section 37.1 or 53.13, multiplied by the credited service established under the first paragraph of section 33.1 and divided by the service established in accordance with sections 31 and 32.

“5. Contributory periods

When basis of remuneration is 260 days.

“53.17. For the purposes of sections 50.3, 57 and the sections that refer to section 57, the contributory period of an employee who during a year holds pensionable employment under the plan for which the basis of remuneration is 260 days is determined by dividing by 260 the number of contributory days comprised in the period during which the employee was a member of the plan or comprised in the period for which days and parts of a day were otherwise credited to the employee with contributions for that year under the plan, within the meaning of section 73, except the days and parts of a day determined by regulation, during the pensionable salary reference period for the year established in accordance with section 37.1.

When basis of remuneration is 200 days.

The contributory period of an employee who during a year holds pensionable employment under the plan for which the basis of remuneration is 200 days is determined by dividing by 200 the number of contributory days in the school calendars included in the period during which the employee was a member of the plan during the two parts of a school year included in a calendar year or in the period for which days and parts of a day were otherwise credited to the employee with contributions, for that year, within the meaning of section 73, except the days and parts of a day determined by regulation.

New employee.

The contributory period of a new employee for the year during which the employee becomes a member of the plan begins on the first day in respect of which the employee paid or was exempt from contributions and the last period ends on the last day credited in the year during which the employee ceases to be a member of the plan.

Employee to whom section 25.1 applies.

In the case of an employee to whom section 25.1 applies and who holds pensionable employment for which the basis of remuneration is 260 days, a contributory period that corresponds to the pensionable salary for the year for which no service is credited is also determined by dividing by 260 the number of contributory days referred to in the first paragraph that correspond to that salary.

Simultaneous employments.

“53.18. The Government may, by regulation, determine the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment in a year.

“6. Credited service derived from another plan

Average pensionable salary.

“53.19. For the purpose of computing the average pensionable salary, when the years and parts of a year of service credited to an employee under a pension plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) are credited under this plan, the basic salary, the pensionable salary and the credited service determined under the plan and the data related to the employee’s membership in that plan and reported by the employer under section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) for each credited year or part of a year apply to this plan in order to establish the annualized pensionable salary and the contributory periods for those years and parts of a year credited under this plan, subject to section 143.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2).

Presumption.

For the purposes of this subdivision, the sections to which it refers, and sections 6 and 9 when those sections are required for the application of this subdivision, the pensionable employment under a plan referred to in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances for which service was credited under this plan is deemed to be pensionable employment under this plan.

Salary and periods excluded.

Despite the first paragraph, the annualized pensionable salary and the contributory periods for the years and parts of a year of service credited under this plan on an actuarially equivalent basis pursuant to Division I.3 of Chapter VI or under a transfer agreement entered into under section 203, section 133 of the Act respecting the Pension Plan of Peace Officers in Correctional Services or section 158 of the Act respecting the Government and Public Employees Retirement Plan are excluded from the computation of the average pensionable salary, as are the contributory periods for any previous years and parts of a year.

“IV — *Miscellaneous provisions*

- Lump sum. **53.20.** A lump sum paid as an increase in or adjustment to the pensionable salary for a previous year included in the pensionable salary established under sections 25 to 29 for the year during which the lump sum is paid must be distributed among the years for which the lump sum is paid if it is paid after 31 December 2006.
- Lump sum. If the pensionable salary is reduced under the second paragraph of section 29, the part of the lump sum included in the pensionable salary is distributed for each year concerned in the proportion obtained by dividing the part of the lump sum referred to in section 26 and attributed to a given year by the lump sum referred to in that section.”
- c. R-12.1, s. 54, repealed. **88.** Section 54 of the Act is repealed.
- c. R-12.1, s. 55, am. **89.** Section 55 of the Act is amended by replacing “51” by “50.2”.
- c. R-12.1, s. 58, am. **90.** Section 58 of the Act is amended by replacing “subdivision 2” in the first line by “subdivisions 2 and 2.1”.
- c. R-12.1, s. 135, am. **91.** Section 135 of the Act is amended by inserting the following sentence after the first sentence: “However, for the purposes of a pension, for years subsequent to 2009, the annualized pensionable salary for the years covered by the agreement is the salary that would have been determined for the employee if the employee had not availed himself or herself of this division.”
- c. R-12.1, s. 136, am. **92.** Section 136 of the Act is amended by inserting “the annualized pensionable salary,” after “pensionable salary,” in the second line of the first paragraph.
- c. R-12.1, s. 138.1, am. **93.** Section 138.1 of the Act is amended by replacing “51” in the last line of the second paragraph by “50.2”.
- c. R-12.1, s. 155, am. **94.** Section 155 of the Act is amended
- (1) by striking out “the pensionable salary of and” in the third and fourth lines;
- (2) by inserting at the end “, and, for the years prior to 2010, the pensionable salary and, for the years subsequent to 2009, the annualized pensionable salary”.
- c. R-12.1, s. 196, am. **95.** Section 196 of the Act, amended by section 159 of chapter 43 of the statutes of 2007, is again amended
- (1) by inserting the following subparagraph after subparagraph 2.1 of the first paragraph:

“(2.2) identify, for the purposes of section 7, the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days;”;

(2) by replacing “section 52” in subparagraph 6 of the first paragraph by “sections 53.4 and 53.17”;

(3) by inserting the following subparagraphs after subparagraph 6 of the first paragraph:

“(6.1) determine, for the purposes of section 53.7, the daily factor, which may vary with the class of employees and the terms of payment of the salary that apply;

“(6.2) determine, for the purposes of section 53.8, the method of establishing the annual basic salary of certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary;

“(6.3) determine, for the purposes of section 53.18, the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment in a year;”.

c. R-12.1, s. 196.1, am. **96.** Section 196.1 of the Act is amended by inserting “16.0.1,” after “16,” in the second line.

TRANSITIONAL AND FINAL PROVISIONS

c. R-10, s. 36, am. **97.** The last sentence of the third paragraph of section 36 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), added by section 57 of chapter 43 of the statutes of 2007, is replaced by the following sentence: “In addition, despite sections 14.1 and 16, the pensionable salary paid after 31 December 2007 for which no service is credited is part of the pensionable salary of the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.”

c. R-9.2, s. 46, am. **98.** The last sentence of the third paragraph of section 46 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), added by section 32 of chapter 43 of the statutes of 2007, is replaced by the following sentence: “In addition, despite sections 9.1 and 11, the pensionable salary paid after 31 December 2007 for which no service is credited is part of the pensionable salary of the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.”

c. R-12.1, s. 52, am. **99.** The last sentence of the third paragraph of section 52 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), added by section 143 of chapter 43 of the statutes of 2007, is replaced by the following

sentence: “In addition, despite sections 25.1 and 26, the pensionable salary paid after 31 December 2007 for which no service is credited is part of the pensionable salary of the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.”

2007, c. 43, s. 179, replaced.

100. Section 179 of the Act to amend various legislative provisions concerning pension plans in the public sector (2007, chapter 43) is replaced by the following section:

Provisions applicable to pensioner.

“179. The provisions of the Act respecting the Government and Public Employees Retirement Plan relating to the return to work of a pensioner, the deduction of contributions and the establishment of a pensionable salary, as they read on 31 December 2006, continue to apply to a pensioner under the Teachers Pension Plan or the Civil Service Superannuation Plan who held pensionable employment under the Government and Public Employees Retirement Plan on 31 December 2006 or between that date and 1 January 2008 and ceased to hold that pensionable employment between those two dates, as long as the pensioner continued to hold that pensionable employment.

Provisions applicable to pensioner.

The provisions of the Act respecting the Government and Public Employees Retirement Plan referred to in the first paragraph, as they read on 31 December 2006, and those to the same effect under the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan, as they read on 31 December 2007, continue to apply to a pensioner under the Teachers Pension Plan or the Civil Service Superannuation Plan who held pensionable employment under the Government and Public Employees Retirement Plan on 31 December 2007. These provisions apply until the earlier of the date on which the pensioner ceases to hold pensionable employment or the date on which the pensioner reaches 65 years of age. The pensioner ceases to participate in the Government and Public Employees Retirement Plan on that date and is deemed to have retired on the following day. However, if the pensioner reaches the age of 65 before 1 January 2008, the pensioner ceases to participate in that plan on 31 December 2007 and is deemed to have retired on 1 January 2008.

Computation of pension accrued to pensioner.

The pension accrued under the Government and Public Employees Retirement Plan is established and computed in accordance with that plan on the date the pensioner ceases to participate in it. Any contributions paid by the pensioner since that date are refunded with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan until the date of the refund. The provisions relating to the return to work of a pensioner enacted under section 79 of this Act apply from the date on which the pensioner retires.

Redemption not allowed.

The pensioner may not take advantage of section 115.11 of the Act respecting the Government and Public Employees Retirement Plan to redeem the part of the year of service for which contributions were refunded under this section.

Provisions applicable to pensioner.

The provisions of the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan or the Act respecting the Pension Plan of Management Personnel relating to the return to work of a pensioner, the deduction of contributions and the establishment of a pensionable salary, as they read on 31 December 2007, continue to apply to a pensioner under the Teachers Pension Plan or the Civil Service Superannuation Plan who, on that date, holds pensionable employment under the Pension Plan of Management Personnel, as long as the pensioner continues to hold that pensionable employment.

Applicability.

101. Sections 60 to 73 of the Act respecting the Government and Public Employees Retirement Plan cease to apply on 31 December 2007 to pensioners under the Teachers Pension Plan or the Civil Service Superannuation Plan to whom they applied on that date and the provisions relating to the return to work of a pensioner enacted by section 79 of the Act to amend various legislative provisions concerning pension plans in the public sector (2007, chapter 43) apply.

Effect.

102. Section 16 has effect from 1 January 2007.

Effect.

103. Section 100 has effect from 21 December 2007.

Effect.

104. Sections 2 to 5, 35 to 37, 79 to 82, 97 to 99 and 101 have effect from 1 January 2008.

Effect.

105. Sections 51 and 52 have effect from 2 April 2008.

Coming into force.

106. This Act comes into force on 1 January 2010, except

(1) sections 2 to 5, 16, 35 to 37, 51, 52, 79 to 82 and 97 to 105 which come into force on 20 June 2008; and

(2) sections 17, 18, 20, 22 and 96, which come into force on the date or dates to be set by the Government.

2008, chapter 26
AN ACT TO ESTABLISH A MINING HERITAGE FUND

Bill 87

Introduced by Mr. Claude Béchar, Minister of Natural Resources and Wildlife
Introduced 13 May 2008
Passed in principle 22 May 2008
Passed 18 June 2008
Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended :

Mining Act (R.S.Q., chapter M-13.1)

Explanatory notes

This Act establishes a mining heritage fund to finance activities that foster the development of mineral potential. It also introduces measures to govern the establishment and management of the fund.



Chapter 26

AN ACT TO ESTABLISH A MINING HERITAGE FUND

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-13.1, Div. III,
ss. 305.6-305.16,
added.

1. The Mining Act (R.S.Q., chapter M-13.1) is amended by inserting the following division after section 305.5:

“DIVISION III

“MINING HERITAGE FUND

Establishment.

“**305.6.** A mining heritage fund is hereby established.

Activities.

The fund is dedicated to the financing of activities that foster the development of mineral potential.

Purpose.

The fund is intended

(1) to finance geoscience knowledge acquisition;

(2) to finance research and development in mining exploration, development, rehabilitation and restoration techniques; and

(3) to support the development of Québec entrepreneurship.

Assets and liabilities.

“**305.7.** The Government sets the date on which the fund begins to operate and determines its assets and liabilities and the nature of the costs that may be charged to it.

Order in council.

An order in council under this section may have effect from the beginning of the fiscal year during which it is made.

Composition.

“**305.8.** The fund is made up of

(1) a sum taken out of the duties collected under the Mining Duties Act (chapter D-15) and paid on the dates and to the extent the Government determines;

(2) the sums paid into the fund by a minister out of the appropriations granted for that purpose by Parliament;

- (3) the sums paid into the fund under sections 305.10 and 305.11; and
- (4) the income generated by the investment of the sums making up the fund.

Management.	<p>“305.9. The management of the sums making up the fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.</p>
Books of account.	<p>The Minister of Natural Resources and Wildlife keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister of Natural Resources and Wildlife also ensures that the commitments and the payments arising from them do not exceed the available balances and are consistent with them.</p>
Conseil du trésor.	<p>The particulars of the management of the fund are determined by the Conseil du trésor.</p>
Advances to fund.	<p>“305.10. The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.</p>
Consolidated revenue fund.	<p>Conversely, subject to the conditions determined by the Minister of Finance, that minister may advance to the consolidated revenue fund on a short-term basis any part of the sums making up the mining heritage fund that is not required for its operation.</p>
Repayment.	<p>Any sum advanced to a fund is repayable out of that fund.</p>
Borrowings.	<p>“305.11. The Minister, as manager of the fund, may borrow sums from the Minister of Finance out of the financing fund of the Ministère des Finances.</p>
Repayment.	<p>Any amount paid into the fund under the terms of such a loan must be repaid out of the fund.</p>
Remuneration and expenses.	<p>“305.12. The sums required to pay the remuneration and expenses pertaining to the employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to activities related to the fund, may be taken out of the fund.</p>
Provisions applicable.	<p>“305.13. Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the fund, with the necessary modifications.</p>
Surplus.	<p>“305.14. Any surplus accumulated by the fund must be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.</p>

- Execution of judgment. **“305.15.** Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the mining heritage fund the sums required for the execution of a judgment against the State that has become *res judicata*.
- Fiscal year. **“305.16.** The fiscal year of the fund ends on 31 March.”
- Coming into force. **2.** This Act comes into force on 20 June 2008.

2008, chapter 27
AN ACT TO AMEND THE CHARTER OF VILLE DE QUÉBEC

Bill 93

Introduced by Madam Nathalie Normandeau, Minister of Municipal Affairs and Regions

Introduced 4 June 2008

Passed in principle 11 June 2008

Passed 18 June 2008

Assented to 20 June 2008

Coming into force: 1 November 2009, except section 4 which comes into force on 20 June 2008.

However, for the purposes of the general election to be held in 2009, the amendments made by sections 1 to 3 have effect as of 20 June 2008.

Legislation amended :

Charter of Ville de Québec (R.S.Q., chapter C-11.5)

Explanatory notes

This Act amends the Charter of Ville de Québec to set the number of boroughs at six instead of eight and to reduce the number of councillors on the city council from 37 to 27. The Act also amends the boundaries of the boroughs.



Chapter 27

AN ACT TO AMEND THE CHARTER OF VILLE DE QUÉBEC

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- c. C-11.5, s. 10, am. **1.** Section 10 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “8” in the second line of the first paragraph by “six”.
- c. C-11.5, s. 13, am. **2.** Section 13 of the Charter is amended by replacing “37” by “27”.
- c. C-11.5, Sched. B, replaced. **3.** Schedule B to the Charter is replaced by the following :

“SCHEDULE B

“(sections 10 and 15)

“I – BOUNDARIES OF THE BOROUGHS OF VILLE DE QUÉBEC

“Borough 1

“Commencing at the intersection of the centre line of Autoroute Félix-Leclerc (lot 1 037 319) with the southwest line of lot 1 218 571, thence, the following lines and demarcations: southeasterly, part of the northeast line of lot 1 037 319 and the broken line delimiting to the northeast lots 1 033 424, 1 317 521, 1 317 651, 1 216 757 and 1 317 545; easterly, the north line of lot 1 216 760; northeasterly, the northwest line of lots 1 219 228 and 1 219 225 to the centre line of Avenue d’Estimauville; northwesterly, the said centre line of Avenue d’Estimauville to the southwesterly extension of the centre line of Rue Anne-Mayrand; northeasterly, the said extension and the centre line of Rue Anne-Mayrand to the northwesterly extension of the northeast line of lot 1 218 524; successively, southeasterly, the said extension, and the northeast line of lots 1 218 524, 1 218 522 extended across lot 1 218 526 to the north corner of lot 1 218 534, the northeast line of lot 1 218 534, a straight line across lot 1 218 502 to the north corner of lot 1 218 521, then, the northeast line of lots 1 218 521 and 1 218 519; successively, generally northeasterly, the broken line separating lots 1 216 472 and 1 218 461 from lots 1 218 484, 1 218 488, 1 218 501 and 1 218 459, then the extension of the northwest line of lot 1 218 461 to the centre line of Avenue Jean-De Clermont; successively, southeasterly, the said centre line of Avenue Jean-De Clermont, a straight line across lot 1 216 467 (Boulevard Sainte-Anne) to the north corner of lot 1 218 452, then the broken line delimiting to the northeast lot 1 218 452; southwesterly, the southeast line of lot 1 218 452 and part of the southeast line of lot 1 218 481 to the northwesterly extension, across lot 1 216 688 (railway), of the northeast line of lot 1 218 528;

southeasterly, the said extension across lot 1 216 688 (railway) and the northeast line of lots 1 218 528 and 1 218 533; southwesterly, the southeast line of lots 1 218 533 and 1 218 532; successively, southeasterly, the broken line delimiting to the northeast lot 1 218 532 and a portion of territory without a cadastral survey (Autoroute Dufferin-Montmorency), the northeast line of lots 1 568 292, 1 571 592, 1 568 269 and another portion of territory without a cadastral survey (Autoroute Dufferin-Montmorency), then the northeast line of lots 1 568 298 and 2 347 224 to the St. Lawrence River; successively, southwesterly, a straight line through the said river to the northeast corner of lot 1 213 723, then a broken line delimiting to the southeast lots 1 213 723, 1 213 481, 1 315 166, 1 212 178, 1 212 179, 1 212 201, 1 315 065, 1 212 202, 1 212 199, 1 212 200, 1 212 206, 1 212 207, 1 315 063, 1 212 207 again, 1 315 062, 1 212 207 again, 1 213 550, 1 315 094, 1 315 093 and 1 213 550 again; northwesterly, the southwest line of lots 1 213 550, 1 213 737, 1 213 550 again, 1 314 936 and 1 213 694; southwesterly, the broken line delimiting to the southeast lots 1 213 694, 1 314 843, 1 213 694 again, 1 314 844 and 1 213 694 again; northwesterly, the broken line delimiting to the southwest lot 1 213 694; westerly and northwesterly, the south line and part of the southwest line of lot 2 074 941 to the centre line of Grande-Allée Ouest; northeasterly, the said centre line of Grande-Allée Ouest to the southeasterly extension of the southwest line of lot 1 305 024; northwesterly, the said extension, and the southwest line of lot 1 305 024 extended to the centre line of Boulevard René-Lévesque Ouest; southwesterly, the said centre line of Boulevard René-Lévesque Ouest to the southeasterly extension of the southwest line of lot 1 738 419; northwesterly, the said extension, and the southwest line of lots 1 738 419, 1 737 917, 1 735 860, 1 735 983, 1 735 825, 1 735 820 and 2 768 032 extended to the centre line of Chemin Sainte-Foy; southwesterly, the said centre line of Chemin Sainte-Foy to the southeasterly extension of the southwest line of lot 3 411 559; northwesterly, the said extension, and the southwest line of lots 3 411 559, 3 411 560 and 1 738 438 extended to the centre line of Boulevard de l'Entente; southwesterly, the said centre line of Boulevard de l'Entente extended to the centre line of Avenue Émile-Côté; northwesterly, the said centre line of Avenue Émile-Côté to the southwesterly extension of the centre line of Rue Richer; northeasterly, the said extension, then the centre line of Rue Richer extended to the southwest line of lot 1 736 369; northwesterly, part of the southwest line of lot 1 736 639 and the southwest line of lots 1 738 607, 1 736 368, 1 736 366, 1 738 608, 1 738 085 and 1 737 410 (Autoroute Charest); northeasterly, successively, the centre line of Autoroute Charest, then the centre line of Boulevard Charest Ouest to the southeasterly extension of the centre line of Avenue Saint-Sacrement; northwesterly, the said extension, and the centre line of Avenue Saint-Sacrement extended to the centre line of Boulevard Wilfrid-Hamel; easterly, the said centre line of Boulevard Wilfrid-Hamel to the centre line of Rivière Saint-Charles; generally northeasterly, the said centre line of Rivière Saint-Charles to the southeasterly extension of the centre line of Autoroute Laurentienne; generally northwesterly, the said extension and the centre line of Autoroute Laurentienne to the southwesterly extension of the centre line of 41e Rue Ouest; successively, northeasterly, the said extension, the centre line of 41e Rue Ouest then the

centre line of 41^e Rue Est extended to the centre line of Boulevard Henri-Bourassa; northwesterly, the said centre line of Boulevard Henri-Bourassa to the centre line of Autoroute Félix-Leclerc; finally, northeasterly, the said centre line of Autoroute Félix-Leclerc across lot 1 037 319, to the point of commencement.

“Borough 2

“Commencing at the intersection of the northeast line of lot 1 021 757 of the cadastre of Québec with the centre line of Rivière du Berger, thence, the following lines and demarcations: southeasterly, part of the northeast line of lot 1 021 757 and the northeast line of lot 1 022 173; southwesterly, the northwest line of lot 1 129 120 to the centre line of Autoroute Laurentienne; southeasterly, the said centre line of Autoroute Laurentienne extended to the centre line of Rivière Saint-Charles; generally southwesterly, the said centre line of Rivière Saint-Charles to the centre line of Boulevard Wilfrid-Hamel; westerly, the said centre line of Boulevard Wilfrid-Hamel to the extension of the centre line of Avenue Saint-Sacrement; southeasterly, the said extension and the centre line of Avenue Saint-Sacrement to the centre line of Boulevard Charest Ouest; generally westerly, successively, the said centre line of Boulevard Charest Ouest then the centre line of Autoroute Charest to the centre line of Autoroute Henri-IV; northwesterly, the said centre line of Autoroute Henri-IV across lots 1 619 708 and 1 619 722 to the northwest line of lot 1 619 722; generally southwesterly, the broken line delimiting to the southeast lots 1 313 159, 1 313 035, 1 313 163, 3 782 004 and 3 617 616; northwesterly, the southwest line of lots 3 617 616, 3 782 004, 1 313 040, 1 313 032 and 3 575 237 to the north corner of lot 1 532 096; southwesterly, a southeast line of lot 3 575 237 and the southeast line of lot 1 312 959; northwesterly, the southwest line of lot 1 312 959 extended across lot 3 575 237 to the north corner of lot 1 313 288; generally northwesterly, the common boundary between Ville de Québec and Ville de L’Ancienne-Lorette to the north corner of lot 1 259 935; successively, northeasterly, the extension of the centre line of Avenue Chauveau across lot 1 259 838, then the centre line of Avenue Chauveau extended to the centre line of Rivière Saint-Charles; generally northerly, the said centre line of Rivière Saint-Charles to the westerly extension of the north line of lot 1 108 088; easterly, the said extension and the north line of lot 1 108 088 and 1 109 424; northerly, an east line of lot 1 109 424 and the east line of lot 1 109 425; successively, northeasterly, the broken line delimiting to the northwest lots 1 109 425, 1 108 399, 1 109 424, a straight line across lot 1 108 456 to the northwest corner of lot 1 108 471, then the northwest line of lots 1 108 471, 1 108 472, 3 849 148, a straight line across lot 1 108 453 to the west corner of lot 3 849 151, then the northwest line of lots 3 849 151, 4 105 062, 3 753 901, 1 108 469, 3 753 901 again and 3 753 900 extended across lots 3 753 897 and 3 753 896 to the centre line of Boulevard Robert-Bourassa; northwesterly, the centre line of the said Boulevard Robert-Bourassa to the centre line of Boulevard Bastien; successively, northeasterly, the said centre line of Boulevard Bastien, then the centre line of Rue Auguste-Renoir to the centre line of Rue Élisabeth-II; northerly, the said centre line of Rue Élisabeth-II to the northwest line of lot 1 022 166; northeasterly, part of the northwest line of lot 1 022 166 and the

northwest line of lots 1 021 550 (Corridor des Cheminots bicycle trail), 1 021 983, 1 021 700, 1 021 994 to 1 021 998 extended to the east corner of lot 1 119 471; northwesterly, part of the northeast line of lot 1 119 471 to the centre line of Rivière du Berger; finally, generally easterly, the said centre line of Rivière du Berger, to the point of commencement.

“Borough 3

“Commencing at the north corner of lot 1 780 625 of the cadastre of Québec, thence, the following lines and demarcations: southeasterly, the northeast line of lots 1 780 625 and part of the northeast line of lot 1 780 626 to the west corner of lot 1 259 935; successively, in general southwesterly, southeasterly and northeasterly directions, the common boundary between Ville de Québec and Ville de L’Ancienne-Lorette to the north corner of lot 1 313 288; southeasterly, successively, the northeast line of lot 1 313 288, a straight line across lot 3 575 237 to the north corner of lot 1 312 958 then the northeast line of the said lot; northeasterly, a northwest line of lot 1 532 078 then the northwest line of lot 1 532 096; southeasterly, the northeast line of lots 1 532 096, 1 532 078 and 1 532 090 to the south corner of lot 3 617 616; generally northeasterly, the broken line delimiting to the northwest lots 1 532 090, 1 532 977, 3 848 998, 3 110 257 and part of the northwest line of lot 1 619 722 to the centre line of Autoroute Henri-IV; southeasterly, the said centre line of Autoroute Henri-IV across lots 1 619 722 and 1 619 708 to the centre line of Autoroute Charest; generally easterly, the said centre line of Autoroute Charest to the west corner of lot 1 737 410; successively, southeasterly, the southwest line of lot 1 737 410, then the northeast line of lots 1 736 403, 1 736 365 and 1 737 401 to the northeasterly extension of the centre line of Rue Richer; southeasterly, the said extension, and the centre line of Rue Richer extended to the centre line of Avenue Émile-Côté; southeasterly, the said centre line of Avenue Émile-Côté to the southwesterly extension of the centre line of Boulevard de l’Entente; northeasterly, the said extension and the centre line of Boulevard de l’Entente to the northwesterly extension of the northeast line of lot 3 479 067; southeasterly, the said extension, and the northeast line of lots 3 479 067 and 3 479 066 extended to the centre line of Chemin Sainte-Foy; northeasterly, the said centre line of Chemin Sainte-Foy to the northwesterly extension of the northeast line of lot 1 738 413; southeasterly, the said extension, and the northeast line of lots 1 738 413, 1 738 552, 1 738 138, 1 736 851 to 1 736 845 in descending order, 1 736 843 to 1 736 838 in descending order, 1 736 836, 1 736 835, 1 736 834, 1 736 831, 1 736 837, 1 737 257, 1 737 258, 1 737 083, 1 738 582, 1 736 830 to 1 736 822 in descending order, 1 736 220 and 1 736 819 extended to the centre line of Boulevard René-Lévesque Ouest; northeasterly, the said centre line of Boulevard René-Lévesque Ouest to the northwesterly extension of the northeast line of lot 3 070 279; southeasterly, the said extension, and the northeast line of lots 3 070 279, 1 302 644, 1 302 643, 1 302 646, 1 302 654 to 1 302 656, 1 302 653, 1 302 652 and 1 302 663 extended to the centre line of Grande-Allée Ouest; southwesterly, the said centre line of Grande-Allée Ouest to the southwest line of lot 2 074 941; successively, southeasterly, part of the southwest line of lot 2 074 941, then the northeast line of lots 2 074 413, 2 074 411 to 2 074 408 in descending

order, 2 074 414, 2 074 942, 2 074 415, 2 074 948 and 2 074 949; easterly, the north line of lots 2 074 416, 2 074 418, 2 074 417, 2 074 421, 2 074 420 and 2 074 419; southeasterly, the broken line delimiting to the northeast lots 2 074 419, 2 074 514, 2 075 785 and lot 2 074 514 again; northeasterly, the broken line delimiting to the northwest lots 2 075 831, 2 074 940, 2 074 365 and lot 2 074 940 again; successively southeasterly and southerly, the northeast line of lots 2 074 940, 2 077 177, 2 074 936 and 2 074 509, then the east line of the latter lot to the St. Lawrence River; successively, generally southwesterly, the southeast line of lots 2 074 509, 2 074 922, 2 074 539, 2 074 533, 2 077 174, 2 077 170, 2 077 173, 2 077 170 again, 2 077 172, 2 077 170 again, 2 077 171, 2 074 516, 2 074 836, 2 074 834, 2 075 835, 2 074 678, 2 074 676, 2 074 673, 2 075 903, 2 074 673 again, 2 074 672 and 2 074 656 located in part in the St. Lawrence River, then the southeast bank of the river to lot 2 172 049, then the southeast line of lots 2 172 049, 1 411 292, 1 410 431, 1 410 429, 1 410 395, 1 410 394, 1 411 826, 1 408 498, 1 411 825, 1 411 837, 1 408 480, 1 411 831, 1 411 830, 1 408 477, 1 408 476 to 1 408 473 in descending order, 2 356 486, 1 411 746, 1 408 436, 1 408 435, 1 408 392, 3 424 019, 3 424 018, 1 408 346 to 1 408 343 in descending order, 1 408 083, 1 408 082, 1 411 447, 1 408 081, 1 408 080, 1 408 078, 1 408 077, 1 408 075, 1 408 074, 1 408 065, 1 408 064, 1 408 055, 1 411 440, 1 406 722, 1 406 721, 1 406 720, 3 907 565, 3 907 564 and 1 406 675 located in part in the St. Lawrence River, to the common boundary between Ville de Québec and Ville de Saint-Augustin-de-Desmaures; generally northwesterly, the common boundary between Ville de Québec and Ville de Saint-Augustin-de-Desmaures to the west corner of lot 2 163 762; easterly, the north line of lots 2 163 762, 2 163 763, 2 163 756 to 2 163 760, 2 163 765, 2 163 766, 2 163 774, 2 163 773, 2 163 768, 2 163 770, 2 163 771, 2 163 775, 2 163 776, 2 767 831, 2 163 778 to 2 163 780, 2 163 782, 2 163 784 to 2 163 790, 2 163 783, 2 163 792 to 2 163 795, 2 163 798, 2 163 797, 2 163 799 to 2 163 802, 2 163 796, 2 163 804, 2 163 806, 2 163 884 and 2 163 895; northeasterly, the northwest line of lots 2 164 311, 2 163 880, 2 164 077 to 2 164 081, 2 164 088, 2 164 082, 2 164 091, 2 164 092, 2 164 084 to 2 164 087, 2 164 100 to 2 164 103; southeasterly, the northeast line of lot 2 164 103; northeasterly, the northwest line of lots 2 164 114 and 2 164 110; southeasterly, part of the northeast line of lot 2 164 110 to the south corner of lot 2 164 129; easterly, the south line of lot 2 164 129 extended across lot 2 164 113 to the centre line of Route de l'Aéroport; southeasterly, the said centre line of Route de l'Aéroport to the northwest line of lot 2 164 343; finally, northeasterly, part of the northwest line of lot 2 164 343, then the broken line delimiting to the northwest lots 1 780 495, 1 780 496, 1 780 498 to 1 780 500 and 1 780 625, to the point of commencement.

“Borough 4

“Commencing at the north corner of lot 1 040 428 of the cadastre of Québec, located on the common boundary between Ville de Québec and Municipalité de Lac-Beauport, thence, the following lines and demarcations: southeasterly, the broken line delimiting to the northeast lots 1 040 428, 1 040 430, 1 040 431, 1 041 235, 1 040 957, 1 040 948, 1 040 951, 1 041 263, 1 041 058, 1 041 057, 1 427 007, 1 426 994 to 1 426 996, 2 735 926, 1 426 998, 1 426 997, 2 240 343,

1 614 772, 1 614 783, 1 426 839, 1 426 840, 1 426 391, 1 426 390 to 1 426 383 in descending order, 1 426 219 to 1 426 217 in descending order, 1 426 222, 1 426 236 to 1 426 230 in descending order, 1 426 216, 1 426 229, 1 426 223, 1 614 819, 1 426 199, 1 429 198, 1 426 197 and 1 426 196; southwesterly, the southeast line of lots 1 426 196 and 3 317 033, southeasterly, the northeast line of lots 3 317 033 and 3 317 034; southwesterly, the southeast line of lots 3 317 034, 3 317 036, 1 426 214, 1 426 215, 1 427 481 to 1 427 483, 1 427 485, 1 427 487, 1 427 489, 1 427 460 and 1 614 775 to the centre line of Avenue du Bourg-Royal; northwesterly, the said centre line of Avenue du Bourg-Royal to the south line of lot 1 614 883; successively westerly and southwesterly, part of the south line of lot 1 614 883, then the southeast line of lots 1 614 872, 2 494 016, 2 494 015, 3 417 751, 3 417 750, 3 105 060, 3 105 055, 1 425 983, 1 425 978, 1 425 983 again, 1 425 988 and 1 425 983 again; southeasterly, the broken line delimiting to the northeast lots 1 150 822, 1 240 571, 2 490 346, 2 490 124, 1 240 520, 1 240 579, 1 150 867, 1 150 860, 1 051 371 and part of the northeast line of lot 1 037 319 to the centre line of Autoroute Félix-Leclerc; southwesterly across lot 1 037 319, the said centre line of Autoroute Félix-Leclerc to the centre line of Boulevard Henri-Bourassa; southeasterly, the centre line of Boulevard Henri-Bourassa to the northeasterly extension of the centre line of 41e Rue Est; successively, southwesterly, the said extension and the centre line of 41e Rue Est, then the centre line of 41e Rue Ouest extended to the centre line of Autoroute Laurentienne; northwesterly, the centre line of Autoroute Laurentienne to the northwest corner of lot 1 129 120; northeasterly, the first segment of the northwest line of lot 1 129 120; northwesterly, the southwest line of lots 1 129 121, 1 129 169, 1 129 168, 1 046 624, 1 046 495, 1 044 552, 1 046 494, 1 046 626, 1 046 627 and 1 046 493; southwesterly, part of the southeast line of lots 3 583 689, 1 398 293, 1 398 288, 1 398 290 and 1 398 047; northwesterly, the broken line delimiting to the southwest lots 1 398 047, 1 398 354, 1 398 360, 1 398 090, 1 398 089 and 1 121 668; southwesterly, the southeast line of lots 1 120 063, 2 794 341, 3 756 764 to 3 756 766, 3 756 802, 3 756 767 to 3 756 774 and 3 780 319; northwesterly, the southwest line of lots 3 780 319, 3 756 801, 3 756 805, 2 692 213, 1 119 937, 1 121 530 and 1 119 938 extended to the centre line of Rivière Jaune; easterly, the said centre line of Rivière Jaune to the southeasterly extension of the southwest line of lot 1 119 985; northwesterly, the said extension and the southwest line of lot 1 119 985; northeasterly, the northwest line of lots 1 119 985, 1 119 988, 1 119 992, 1 121 526 and 1 338 569; northwesterly, the southwest line of lots 1 338 569, 1 542 366, 1 542 341, 1 542 340, 1 542 325 and 1 542 367; finally, successively northeasterly, southeasterly and northeasterly, the common boundary between Ville de Québec on one hand and the Cantons-Unis de Stoneham-et-Tewkesbury and Municipalité de Lac-Beauport on the other, to the point of commencement.

“Borough 5

“Commencing at the north corner of lot 1 416 100 of the cadastre of Québec, located on the common boundary between Ville de Québec and Municipalité de Sainte-Brigitte-de-Laval, thence, the following lines and demarcations: generally southeasterly, the common boundary between Ville de Québec, Municipalité de Sainte-Brigitte-de-Laval and Municipalité de Boischatel to

the St. Lawrence River; successively, generally southwesterly, the broken line delimiting to the southeast lots 1 988 512, 1 216 724 and 1 216 786 located in part in the St. Lawrence River, then lot 1 501 715; northwesterly, the southwest line of lots 1 501 715, 1 501 713, 1 216 786, 1 216 717, 1 216 719, 2 338 713, 2 338 714 and 1 850 288; northeasterly, the northwest line of lots 1 850 288 and 2 338 710; northwesterly, a southwest line of lots 2 338 710 and 1 216 688 (railway) extended to the southeast line of lot 1 218 481; northeasterly, part of the northwest line of lot 1 216 688 (railway) to the south corner of lot 1 218 408; generally northwesterly, successively, the broken line delimiting to the southwest lots 1 218 408, 1 218 446, 1 218 407, 1 218 405, 1 218 449, 1 218 404 and 1 218 451, then a straight line across lot 1 216 467 (Boulevard Sainte-Anne) to the centre line of Avenue Jean-De Clermont, then the said centre line of Avenue Jean-De Clermont to the northeasterly extension of the southeast line of lot 1 218 459; generally southwesterly, the said extension, then the broken line separating lots 1 218 461 and 1 216 472 from lots 1 218 459, 1 218 501, 1 218 488 and 1 218 484; successively, northwesterly, the southwest line of lots 1 218 484 and 1 218 364, a straight line across lot 1 218 502 to the east corner of lot 1 218 534, the southwest line of lot 1 218 526 extended to the east corner of lot 1 218 522, then the southwest line of lots 2 854 726, 2 851 725 and 2 851 724 extended to the centre line of Rue Anne-Mayrand; southwesterly, the said centre line of Rue Anne-Mayrand extended to the centre line of Avenue d'Estimauville; southeasterly, the said centre line of Avenue d'Estimauville extended to the northwest line of lot 1 219 225; southwesterly, part of the southeast line of lot 1 219 230 and the southeast line of lots 3 926 199, 3 051 823, 3 051 824, 1 216 751, 3 926 202 and 3 806 275; westerly, the south line of lot 3 806 275; northwesterly, the broken line delimiting to the southwest lots 3 806 275, 4 064 306, 3 982 652, 4 177 986, 3 806 271, 3 806 270, 3 806 275 again, 3 296 199, 3 635 453, 3 635 454, 1 501 706, 1 501 705, 1 219 174, 1 219 123, 1 219 175, 1 218 571 (Autoroute Félix-Leclerc), 1 219 136, 1 219 211, 1 219 192, 1 219 217, 1 219 214, 1 218 890, 2 490 125, 1 219 058, 1 216 315, 1 216 314, 1 151 174, 1 151 173, 1 151 171, 1 151 172, 1 151 169, 1 150 824, 1 151 176, 1 151 178 to 1 151 182; northeasterly, the northwest line of lots 1 151 182 to 1 151 185, 1 216 348, 1 218 464 and 1 218 317 extended to the centre line of Avenue du Bourg-Royal; southeasterly, the said centre line of Avenue du Bourg-Royal to the northwest line of lot 1 217 181; northeasterly, part of the northwest line of lot 1 217 181 and the northwest line of lots 1 217 178, 1 738 796, 2 626 912, 2 626 893 to 2 626 896, 2 626 910 and 1 216 571; successively, northwesterly and northeasterly, the southwest and northwest line of lot 1 216 978 then northwesterly, the broken line delimiting to the southwest lots 2 033 964, 4 115 587, 4 105 215, 2 036 458, 2 033 969, 2 033 974, 2 036 460, 2 036 100, 2 036 095, 2 036 102, 2 036 101, 2 036 100 again, 1 146 122, 1 415 751, 1 415 752, 1 415 403, 1 415 397, 1 415 401, 1 415 369, 3 746 234, 1 415 295 and 1 415 293; finally, northeasterly, the common boundary between Ville de Québec on one hand and Municipalité de Lac-Beauport and Municipalité de Sainte-Brigitte-de-Laval on the other, to the point of commencement.

“Borough 6

“Commencing at the north corner of lot 1 025 792 of the cadastre of Québec, located on the common boundary between Ville de Québec on one hand and Municipalité de Saint-Gabriel-de-Valcartier and the Cantons-Unis de Stoneham-et-Tewkesbury on the other, thence, the following lines and demarcations: generally southeasterly, the common boundary between Ville de Québec and, successively, the Cantons-Unis de Stoneham-et-Tewkesbury, Ville de Lac-Delage then again the Cantons-Unis de Stoneham-et-Tewkesbury to the west corner of lot 1 542 367, then part of the northeast line of lot 1 025 429 and the northeast line of lots 1 025 409, 1 025 305 and 1 025 295; southwesterly, the southeast line of lots 1 025 295, 1 024 403, 1 024 416, 1 024 402, 1 024 401 and 3 675 810; southeasterly, the northeast line of lot 3 675 810 extended to the centre line of Rivière Jaune; westerly, the said centre line of Rivière Jaune to the northwesterly extension of the northeast line of lot 1 023 812; southeasterly, the said extension and the northeast line of lots 1 023 812, 1 023 833, 1 023 793, 3 941 054, 3 941 055, 1 023 791 to 1 023 773 in descending order, 1 025 011 and 1 023 772; northeasterly, part of the northwest line of lot 1 023 291 and the northwest line of lots 1 023 267 to 1 023 270; generally southeasterly, the broken line delimiting to the northeast lots 1 023 270, 1 023 271, 4 119 401, 1 398 355, and part of the northeast line of lot 4 063 836 to the west corner of lot 3 481 997; northeasterly, the northwest line of lots 3 481 997, 1 398 039, 1 989 917, 1 398 045, 1 398 041 to 1 398 043, 1 398 040, 1 397 877, 1 397 878, 1 397 875 and 1 397 876; southeasterly, the northeast line of lots 1 397 876, 1 398 356, 1 398 185, 1 398 187, 1 398 185 again, 1 944 993 and part of the northeast line of lot 1 021 757 to the centre line of Rivière du Berger; generally westerly, the said centre line of Rivière du Berger to the northeast line of lot 1 119 471; southeasterly, part of the northeast line of lot 1 119 471; southwesterly, the southeast line of lots 1 119 471, 1 117 051, 1 119 472, 1 117 040, 1 118 885, 1 118 945, 1 118 947, 1 118 946, 1 118 944, 2 927 993, 1 118 939, 1 118 861, 1 118 858, 1 118 856, 1 118 854, 1 118 851, 1 118 849 to 1 118 847 in descending order, 1 118 825 to 1 118 813 in descending order, 1 118 661 to 1 118 655 in descending order, 1 118 653, 1 118 651, 1 118 648 to 1 118 643 in descending order, 1 118 640, 1 118 633, 1 119 280, 1 116 820 to 1 116 823, 1 118 324, 1 118 321, 1 118 311 to 1 118 308 in descending order, 1 118 189, 1 118 188, 1 118 187, 1 118 185, 1 118 182, 1 118 180, 1 118 177, 1 117 953, 1 117 091 to 1 117 086 in descending order, 1 117 084, 1 117 083, 1 116 785, 1 117 077, 1 979 801, 1 117 059, 1 117 034, 1 117 032, 1 117 029, 1 119 462 (Corridor des Cheminots bicycle trail) and part of lot 1 119 386 to the centre line of Rue Élisabeth-II; southerly, the centre line of the said Rue Élisabeth-II to the northeasterly extension of the centre line of Rue Auguste-Renoir; successively, southwesterly, the said extension and the centre line of Rue Auguste-Renoir then the centre line of Boulevard Bastien to the centre line of Boulevard Robert-Bourassa; southeasterly, the said centre line of Boulevard Robert-Bourassa to the northeasterly extension of the southeast line of lot 1 108 452 across lots 3 753 896 and 3 753 897; successively, southwesterly, the said extension and the southeast line of lots 1 108 452, 1 108 454, 3 753 897, 1 108 442, 3 753 897 again, 3 849 150, a straight line across lot 1 108 453 to the east corner of lot 3 849 149, then the southeast line of lots 3 849 149, 1 108 429 and 1 108 459 to 1 108 457 in descending order,

a straight line across lot 1 108 456 to the north corner of lot 1 108 462, then the broken line delimiting to the southeast lots 1 109 427, 1 108 411 and 1 109 426; southerly, part of the east line of lot 2 296 453 and the east line of lots 2 296 452 and 1 109 486; westerly, the south line of lots 1 109 486, 2 296 452 and 2 296 453, extended to the centre line of Rivière Saint-Charles; generally southerly, the said centre line of Rivière Saint-Charles to the northeasterly extension of the centre line of Avenue Chauveau; successively, southwesterly, the said extension, and the centre line of Avenue Chauveau extended across lot 1 259 838 to the north corner of lot 1 259 935, then the southeast line of lot 1 259 838; northwesterly, the southwest line of lots 1 259 838, 1 259 745, 1 043 951 and 1 043 950 to the north corner of lot 1 780 625; southwesterly, the southeast line of lots 1 044 031, 4 136 087, 1 041 684, 1 041 681, 1 041 672, 3 637 929, 1 041 670 and 1 041 669, the latter line extended to the centre line of Route de l'Aéroport; northwesterly, the said centre line of Route de l'Aéroport to the easterly extension of the south line of lot 2 164 129 across lot 2 164 113; westerly, the said extension then the south line of lot 2 164 129; northwesterly, the southwest line of lots 2 164 129, 2 164 128, 2 164 127, 2 164 126, part of lot 2 164 113, 2 164 154 and 2 164 153; successively, southwesterly and northwesterly, the southeast and southwest line of lot 2 164 104; southwesterly, the southeast line of lots 2 152 224, 2 152 222 to 2 152 219 in descending order, 3 563 690, 2 152 217 to 2 152 213 in descending order, 2 152 210, 2 152 208, 2 152 207, 2 152 197, 2 152 204, 2 152 203, 2 152 189, 2 152 202, 2 152 106 and 2 152 844; westerly, the south line of lots 2 152 763 to 2 152 758 then lots 2 152 767 to 2 152 764, in descending order, the south line of lots 2 152 769, 2 152 768, 2 152 085 to 2 152 072 in descending order, 2 152 772, 2 152 770, 2 152 183, 2 152 182, 2 152 181, 2 152 179, 2 152 180, 2 152 178, 2 152 177, 2 152 176, 2 341 255, 2 152 175 to 2 152 161 in descending order, 2 152 159, 2 152 160, 2 152 158 to 2 152 131 in descending order, and 2 152 129 to 2 152 123 in descending order; finally, successively, northwesterly, northeasterly, and again northwesterly and northeasterly, the common boundary between Ville de Québec and Ville de Sainte-Catherine-de-la-Jacques-Cartier, Municipalité de Shannon and Municipalité de Saint-Gabriel-de-Valcartier, to the point of commencement.

“II- NUMBER OF COUNCILLORS FOR EACH BOROUGH

Borough 1: 6

Borough 2: 4

Borough 3: 5

Borough 4: 4

Borough 5: 4

Borough 6: 4”.

- Date replaced. **4.** The date mentioned in the first paragraph of section 21 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is, for the general election to be held in 2009 in the territory of Ville de Québec, replaced by the date of 1 November and the date mentioned in the first paragraph of section 30 of that Act is replaced by the date of 1 April 2009.
- Provisions not applicable. **5.** Sections 124 to 127 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) do not apply to a by-law adopted by a borough council for the sole purpose of integrating into one or more by-laws a zone or part of a zone, with the standards already applicable to it, that, by reason of the coming into force of section 3, is now part of the borough over which the council has jurisdiction. Such a by-law is not subject to approval by referendum.
- Coming into force. **6.** This Act comes into force on 1 November 2009, except section 4 which comes into force on 20 June 2008.
- 2009 general election. However, for the purposes of the general election to be held in 2009, the amendments made by sections 1 to 3 have effect as of 20 June 2008.

2008, chapter 28

AN ACT TO AMEND THE ACT RESPECTING MEDICAL LABORATORIES, ORGAN, TISSUE, GAMETE AND EMBRYO CONSERVATION, AND THE DISPOSAL OF HUMAN BODIES

Bill 95

Introduced by Mr. Philippe Couillard, Minister of Health and Social Services

Introduced 13 June 2008

Passed in principle 17 June 2008

Passed 20 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended:

Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2)

Legislation repealed:

Act to amend the Public Health Protection Act (1990, chapter 55)

Explanatory notes

This Act provides that a medical imaging laboratory may be operated only by a radiologist, a legal person or a partnership in which radiologists have a majority interest, or an association made up exclusively of radiologists.

The Act also requires that the operator of such a laboratory hold a permit, have the services provided in the laboratory accredited, and appoint a medical director.



Chapter 28

AN ACT TO AMEND THE ACT RESPECTING MEDICAL LABORATORIES, ORGAN, TISSUE, GAMETE AND EMBRYO CONSERVATION, AND THE DISPOSAL OF HUMAN BODIES

[Assented to 20 June 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- c. L-0.2, s. 1, am. **1.** Section 1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2) is amended by inserting “medical imaging laboratory within the meaning of section 30.1 as well as a” after “means a” in the first line of subparagraph *b* of the first paragraph.
- c. L-0.2, Div. V.1, ss. 30.1-30.5, added. **2.** The Act is amended by inserting the following division before Division VI:

“DIVISION V.1

“MEDICAL IMAGING LABORATORY

“medical imaging laboratory”.

“30.1. In this Act, “medical imaging laboratory” means a place, outside a facility maintained by an institution, that is equipped to allow one or more radiologists to carry out various types of medical imaging examinations using diagnostic radiology or magnetic resonance imaging for the purposes of prevention and diagnosis.

Physician.

“30.2. Only a physician who holds a specialist’s certificate in diagnostic radiology issued by the Collège des médecins du Québec may operate a medical imaging laboratory. If the physician acts for the benefit of a legal person or a partnership, more than 50% of the voting rights attached to the shares of the legal person or interests in the partnership must be held by physicians holding such a certificate. If the physician acts for the benefit of an association, all the members of the association must hold such a certificate.

Board of directors.

The affairs of a legal person, partnership or association for which a medical imaging laboratory permit is issued must be administered by a board of directors or internal management board that includes a majority of physicians who hold a specialist’s certificate in diagnostic radiology issued by the Collège des médecins du Québec; such physicians must at all times form the majority of the quorum of the board of directors or internal management board.

Operation.

“30.3. A medical imaging laboratory must operate as either

(1) a laboratory where only radiologists subject to an agreement entered into under section 19 of the Health Insurance Act (chapter A-29) practise; or

(2) a laboratory where only non-participating radiologists within the meaning of that Act practise.

Requirements. The operator of a medical imaging laboratory must ensure that the requirement of either subparagraph 1 or subparagraph 2 of the first paragraph is met.

Accreditation. **“30.4.** Within three years after the permit required under section 31 is issued, the operator of a medical imaging laboratory must have the services provided in the laboratory accredited by an accreditation body recognized by the Minister. The accreditation must subsequently be maintained at all times.

Medical director. **“30.5.** The operator of a medical imaging laboratory must appoint a medical director. The medical director must hold a specialist’s certificate in diagnostic radiology issued by the Collège des médecins du Québec.

Responsibilities. The medical director is responsible for

(1) organizing the medical imaging services provided in the laboratory;

(2) ensuring the quality and safety of those services;

(3) seeing that standard medical procedures are established for all medical imaging examinations carried out in the laboratory and that the procedures are followed; and

(4) taking any other measure necessary for the proper operation of the laboratory.”

c. L-0.2, s. 40.3.2, am. **3.** Section 40.3.2 of the Act is amended

(1) by striking out subparagraph *d* of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

Medical imaging laboratory permit. **“In addition, the Minister has the same powers with respect to the holder of a medical imaging laboratory permit that**

(1) does not have the services provided in the laboratory accredited within three years after the permit is issued or does not subsequently maintain the accreditation; or

(2) fails to fulfil, or whose medical director fails to fulfil, the obligations imposed by this Act or the regulations.”

c. L-0.2, s. 40.3.3, repealed. **4.** Section 40.3.3 of the Act is repealed.

FINAL PROVISIONS

- 1990, c. 55, repealed. **5.** The Act to amend the Public Health Protection Act (1990, chapter 55) is repealed.
- Presumption. **6.** As of the date of coming into force of section 2, the operator of a diagnostic radiology laboratory that is a general diagnostic radiology laboratory within the meaning of the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, chapter L-0.2, r. 1) is deemed to operate a medical imaging laboratory within the meaning of section 30.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2), enacted by section 2. The operator has 180 days to comply with sections 30.2, 30.3 and 30.5 of that Act and three years to have the laboratory services accredited as required under section 30.4 of that Act.
- Permit. **7.** A person or partnership that, on 20 June 2008, is operating a private health facility within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) in which medical imaging examinations are carried out using magnetic resonance imaging exclusively must, on or before 31 December 2008 and in accordance with section 34 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies, obtain a permit authorizing the person or partnership to operate a medical imaging laboratory within the meaning of section 30.1 of that Act, enacted by section 2. In addition, the person or partnership must, on or before 30 June 2009, comply with sections 30.2, 30.3 and 30.5 of that Act and must, on or before 31 December 2011, have the laboratory services accredited as required under section 30.4 of that Act.
- Provisions applicable. **8.** Unless inconsistent with Division V.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies, enacted by section 2, the provisions of the Regulation respecting the application of the Public Health Protection Act that are applicable to diagnostic radiology laboratories that may be classified as general diagnostic radiology laboratories apply, with the necessary modifications, to medical imaging laboratories within the meaning of section 30.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies, enacted by section 2.
- Coming into force. **9.** This Act comes into force on 20 June 2008.

2008, chapter 29
**AN ACT TO AMEND THE EDUCATION ACT AND OTHER
LEGISLATIVE PROVISIONS**

Bill 88

Introduced by Madam Michelle Courchesne, Minister of Education, Recreation and Sports
Introduced 13 May 2008
Passed in principle 6 June 2008
Passed 28 October 2008
Assented to 29 October 2008

**Coming into force: on the date or dates to be set by the Government, except sections 27
and 55, which come into force on 1 July 2008**

Legislation amended :

General and Vocational Colleges Act (R.S.Q., chapter C-29)
Act respecting school elections (R.S.Q., chapter E-2.3)
Education Act (R.S.Q., chapter I-13.3)

Explanatory notes

This Act amends the Education Act and the Act respecting school elections in order to introduce various measures with respect to school board governance.

It provides that the council of each school board, while having fewer commissioners, will include a greater number of parents' representatives and, if the parents' representatives and elected commissioners consider it necessary, co-opted members. Furthermore, the chair will in the future be elected by all the electors of the school board.

The Act also introduces new accountability rules. In particular, each school board will have to agree with the Minister of Education, Recreation and Sports on measures to achieve the goals and measurable objectives it has set through strategic planning. The school board will in turn make an agreement on similar measures with each of its educational institutions.

The Act clarifies the mission of school boards, the responsibilities of commissioners and the rules governing relations between school boards and governing boards.

(Cont'd on next page)

Explanatory notes (Cont'd)

Under the new provisions, school boards will be required to establish a procedure for examining complaints from students or parents. The procedure will enable complainants who are dissatisfied with the way their complaint has been handled to refer the complaint to a Student Ombudsman designated by the council of commissioners to give an opinion and recommend any appropriate corrective measures.

Lastly, the Act removes the possibility for school boards to enter into an agreement of association with a private educational institution and, consequently, for the latter to enjoy the advantages granted to public schools. The Act does, however, provide for transitional measures in this regard.



Chapter 29

AN ACT TO AMEND THE EDUCATION ACT AND OTHER LEGISLATIVE PROVISIONS

[Assented to 29 October 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

- c. I-13.3, s. 37.1, am. **1.** Section 37.1 of the Education Act (R.S.Q., chapter I-13.3) is amended by inserting “reflect the strategic plan of the school board and” after “shall” in the first line of the first paragraph.
- c. I-13.3, s. 45, am. **2.** Section 45 of the Act is amended by replacing “a commissioner, if so authorized by the governing board,” in the second paragraph by “when carrying out a mandate under paragraph 4 of section 176.1, a commissioner”.
- c. I-13.3, s. 47, am. **3.** Section 47 of the Act is amended by replacing “During the month of September each year” in the first sentence of the first paragraph by “Each year during the period beginning on the first day of the school year and ending on the last day of September”.
- c. I-13.3, s. 74, am. **4.** Section 74 of the Act is amended by replacing “the strategic plan” in the second sentence of the first paragraph by “taking into account the strategic plan”.
- c. I-13.3, s. 96.24, am. **5.** Section 96.24 of the Act is amended by inserting the following paragraph after the third paragraph:
- Surpluses. “At the end of every fiscal year, the school’s surpluses shall be transferred to the school board. However, the surpluses must be added to the school’s appropriations for the following fiscal year if the management and educational success agreement entered into under section 209.2 so provides.”
- c. I-13.3, s. 97.1, am. **6.** Section 97.1 of the Act is amended by inserting “reflect the strategic plan of the school board and” after “shall” in the first line of the first paragraph.
- c. I-13.3, s. 104, am. **7.** Section 104 of the Act is amended by replacing “a commissioner, if so authorized by the governing board,” in the second paragraph by “when carrying out a mandate under paragraph 4 of section 176.1, a commissioner”.

- c. I-13.3, s. 109, am. **8.** Section 109 of the Act is amended by replacing “and the strategic plan” in the second sentence of the first paragraph by “and taking into account the strategic plan”.
- c. I-13.3, s. 118.1, am. **9.** Section 118.1 of the Act is amended
- (1) by replacing “establish” in the first paragraph by “form”;
 - (2) by adding the following sentences at the end of the second paragraph: “Furthermore, only the chair from the school board in whose territory the greatest number of electors are resident shall become a member of the council of commissioners, as chair of that council. However, if more than 12 months remain before the end of that person’s term of office, an election must be held to fill the office of chair of the council within the time and on the terms prescribed in section 200 of the Act respecting school elections (chapter E-2.3), with the necessary modifications.”
- c. I-13.3, s. 118.3, am. **10.** Section 118.3 of the Act is amended by inserting “the co-opted commissioners and” after “However,” in the second sentence of the second paragraph.
- c. I-13.3, s. 143, replaced, ss. 143.1 and 143.2, added.
Composition. **11.** Section 143 of the Act is replaced by the following sections:
- “**143.** Every school board shall be administered by a council of commissioners composed of the following persons as and when they are appointed or elected:
- (1) 8 to 18 commissioners, including a chair, elected or appointed under the Act respecting school elections (chapter E-2.3);
 - (2) three commissioners or, if the number of commissioners referred to in paragraph 1 is greater than 10, four commissioners representing the parents’ committee, at least one of whom is chosen from among the representatives of elementary schools, another from among the representatives of secondary schools and another from among the parents of handicapped students or students with social maladjustments or learning disabilities, elected under this Act;
 - (3) if the members of the council of commissioners referred to in paragraphs 1 and 2 consider it necessary, a maximum of two commissioners co-opted by a majority of at least two thirds of the council members, after consulting with the groups most representative of the social, cultural, business and labour sectors in the region.
- Co-optation. “**143.1.** Co-optation under paragraph 3 of section 143 must enable persons whose competence and qualifications are considered complementary to those of the commissioners or useful for the administration of the school board to sit on the council of commissioners. The persons must meet any selection criteria determined by regulation by the Minister.

- Term of office. **“143.2.** The term of office of commissioners appointed under paragraph 3 of section 143 shall not exceed four years.
- Continuance in office. They shall remain in office until re-appointed or replaced.
- End of term. However, their term shall end on the date of the first meeting of the council of commissioners following a general election held under the Act respecting school elections (chapter E-2.3). Furthermore, their term may be revoked at any time by a vote of at least two thirds of the members of the council of commissioners referred to in paragraphs 1 and 2 of section 143.”
- c. I-13.3, s. 145, am. **12.** Section 145 of the Act is amended
- (1) by replacing the first paragraph by the following paragraphs:
- Election of commissioners. **“145.** Every two years, before the first Sunday in November, the chair of the parents’ committee or, in the chair’s absence, the secretary general of the school board shall convene the members of the parents’ committee or of the parents’ central committee, as the case may be, to elect from among their members a commissioner for each of the positions provided for in paragraph 2 of section 143.
- Representation of certain parents. However, the commissioner representing the parents of handicapped students or students with social maladjustments or learning disabilities is elected from among the parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.
- Restriction. A member of the personnel of the school board may not be elected as a representative under this section.”;
- (2) by replacing “one year” in the second sentence of the third paragraph by “two years”.
- c. I-13.3, s. 148, am. **13.** Section 148 of the Act is amended
- (1) by inserting “co-opted commissioner or” after “Every” in the first line of the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:
- Restriction. “However, subject to paragraph 3 of section 143 and the third paragraph of section 143.2, the commissioner is not entitled to vote at meetings of the council of commissioners or of the executive committee, or to be appointed vice-chair of the school board.”

- c. I-13.3, s. 149, am. **14.** Section 149 of the Act is amended by adding the following sentences at the end of the second paragraph: “Furthermore, only the chair from the school board in whose territory the greatest number of electors are resident shall become a member of the council of commissioners, as chair of that council. However, if more than 12 months remain before the end of that person’s term of office, an election must be held to fill the office of chair of the council within the time and on the terms prescribed in section 200 of the Act respecting school elections (chapter E-2.3), with the necessary modifications.”
- c. I-13.3, s. 155, am. **15.** Section 155 of the Act is amended
- (1) by replacing the first paragraph by the following paragraph:
- Chair’s duties. **“155.** The chair shall see to the proper operation of the school board and shall in particular, with due regard for everyone’s role and responsibilities, ensure that all applicable legislative and regulatory provisions and all decisions of the council of commissioners are carried out faithfully and impartially. The chair shall convey all relevant information to the council and shall submit to the council any matter brought to the chair’s attention with regard to the improvement of educational services.”;
- (2) by striking out the third paragraph.
- c. I-13.3, s. 155.1, added. **16.** The Act is amended by inserting the following section after section 155:
- Vice-chair. **“155.1.** The council of commissioners shall appoint, from among its members, the vice-chair of the school board.
- Term of office. The term of office of the vice-chair, unless removed by a vote of not less than two-thirds of the members of the council of commissioners who are entitled to vote, expires at the same time as the vice-chair’s term as commissioner.”
- c. I-13.3, s. 156, repealed. **17.** Section 156 of the Act is repealed.
- c. I-13.3, s. 157, am. **18.** Section 157 of the Act is amended by striking out “chairman or” in the first line.
- c. I-13.3, s. 176.1, added. **19.** The Act is amended by inserting the following section after section 176:
- Council members’ role. **“176.1.** The members of the council of commissioners shall exercise their functions and powers with a view to improving the educational services provided for by this Act and by the basic school regulations made by the Government. To that end, the role of the members of the council of commissioners includes

(1) informing the council of the needs and expectations of the population of their electoral division or their sector, as part of their contribution to defining the school board's directions and priorities;

(2) seeing to the relevance and quality of the educational services offered by the school board;

(3) making sure that the school board's human, material and financial resources are managed effectively and efficiently;

(4) carrying out any mandate entrusted to them by the council of commissioners, on a proposal by the chair, for the purpose of providing information to the other council members on any specific matter."

c. I-13.3, s. 177.3,
added.

Initiation program.

20. The Act is amended by inserting the following section after section 177.2:

"177.3. The school board shall ensure that an initiation and ongoing training program is offered to the members of the council of commissioners and the members of the governing boards, and that it meets their needs."

c. I-13.3, s. 179, am.

Executive committee.

21. Section 179 of the Act is amended by replacing the first paragraph by the following paragraph:

"179. The council of commissioners shall establish an executive committee composed of the number of voting members of the council it determines, including the chair of the school board, and a co-opted commissioner, if any, and a commissioner representing the parents' committee."

c. I-13.3, s. 193.1,
added.

Committees.

22. The Act is amended by inserting the following section after section 193:

"193.1. The council of commissioners must establish the following committees:

(1) a governance and ethics committee;

(2) an audit committee; and

(3) a human resources committee.

Governance and ethics
committee.

The governance and ethics committee shall, among other things, assist the commissioners, if necessary, in selecting persons whose competence and qualifications are considered to be useful for the administration of the school board for the purposes of co-optation under paragraph 3 of section 143, and in developing and updating the code of ethics and professional conduct provided for in section 175.1.

- Audit committee. The audit committee shall, among other things, assist the commissioners in seeing to the establishment of internal control mechanisms and the optimal use of the school board's resources. The committee must secure the assistance of at least one person who has competency in accounting or financial matters.
- Human resources committee. The human resources committee shall, among other things, assist the commissioners in developing an expertise and experience profile and selection criteria for persons to be appointed by the school board under sections 96.8, 110.5 and 198.
- Other committees. The council of commissioners may establish other committees to assist it in the exercise of its functions or the examination of specific matters.”
- c. I-13.3, s. 207.1, added. **23.** The Act is amended by inserting the following section after the heading of subdivision 2 of Division VI of Chapter V:
- Mission. **“207.1.** The mission of a school board is to organize, for the benefit of the persons who come under its jurisdiction, the educational services provided for by this Act and by the basic school regulations made by the Government.
- Other mission. The mission of a school board is also to promote and enhance the status of public education within its territory, to see to the quality of educational services and the success of students so that the population may attain a higher level of formal education and qualification, and to contribute, to the extent provided for by law, to the social, cultural and economic development of its region.”
- c. I-13.3, s. 209.1, am. **24.** Section 209.1 of the Act is amended
- (1) by replacing “of several years” in the second line of the portion of the first paragraph before subparagraph 1 by “of up to five years”;
- (2) by adding “as well as the other directions, goals or measurable objectives determined by the Minister under section 459.2” at the end of subparagraph 3 of the first paragraph;
- (3) by replacing the second paragraph by the following paragraphs:
- Draft strategic plan. “A draft strategic plan shall be presented to the public during a public information meeting.
- Public notice. Public notice specifying the date, time and place of the meeting must be given at least 15 days before the meeting.
- Updated strategic plan. The strategic plan must be updated to take into account any change in the school board's situation that could render any part of the strategic plan inaccurate or outdated. A draft of the updated strategic plan must be presented to the public in the manner provided for in the second and third paragraphs.”

c. I-13.3, s. 209.2,
added.

Management and
educational success
agreement.

25. The Act is amended by inserting the following section after section 209.1:

“209.2. Every year, the school board and the principal of each of its educational institutions shall agree, within the scope of a management and educational success agreement, on the measures required to achieve goals and measurable objectives set out in the partnership agreement between the school board and the Minister.

Approval.

A draft of the management and educational success agreement must be submitted to the governing board for approval after consultation with the personnel of the institution.

Content.

The management and educational success agreement shall take into account the institution’s success plan and particular situation. It shall include

(1) the terms of the institution’s contribution;

(2) the resources to be allocated by the school board specifically to enable the institution to achieve goals and measurable objectives;

(3) the support and assistance measures to be made available to the institution;

(4) the monitoring and accountability mechanisms to be put in place by the institution.”

c. I-13.3, s. 214, am.

26. Section 214 of the Act is amended by replacing the second paragraph by the following paragraph:

Agreement with
department or agency.

“A school board may also enter into an agreement with a department or agency of the Government or, with the authorization of the Government and subject to the conditions it determines, with a department or agency of the Government of Canada or the government of another province of Canada.”

c. I-13.3, s. 215,
repealed.

27. Section 215 of the Act is repealed.

c. I-13.3, s. 220, am.

28. Section 220 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “It shall make public a service statement setting out its objectives with regard to the level and quality of the services it provides.”;

(2) by adding “and the results obtained with regard to the goals and measurable objectives set out in the partnership agreement entered into with the Minister” at the end of the second paragraph;

(3) by replacing the fourth paragraph by the following paragraph:

- Copy. “The school board shall send a copy of the report to the Minister and make the report public.”
- c. I-13.3, ss. 220.1 and 220.2, added. **29.** The Act is amended by inserting the following sections after section 220:
- Information meeting. “**220.1.** Every school board must invite the public to an information meeting at least once a year. The meeting may be held concurrently with one of the meetings provided for in section 162.
- Public notice. Public notice specifying the date, time and place of the meeting must be given not less than 15 days before it is held.
- Annual report. During the meeting, the commissioners must present the content of the annual report provided for in section 220 and answer any questions concerning the report.
- Examination of complaints. “**220.2.** After consulting with the parents’ committee, every school board shall establish, by by-law, a procedure for the examination of complaints from students or their parents.
- Student Ombudsman. The complaint examination procedure must enable a complainant who is dissatisfied with the handling of a complaint or with the outcome to refer the complaint to a person designated by the school board as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents’ committee and on the recommendation of the governance and ethics committee. Neither a member of the council of commissioners nor a member of the personnel of the school board may act as Student Ombudsman.
- Procedure. In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister under section 26. The procedure must also provide that, within 30 days after the complaint is referred, the Student Ombudsman must give the council of commissioners an opinion on the merits of the complaint and recommend any appropriate corrective measures.
- Annual report. The Student Ombudsman must send the school board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must be attached to the school board’s annual report.
- Agreements. The school board may enter into an agreement with another school board to designate the same person as Student Ombudsman and determine how to share the expenses incurred.”

c. I-13.3, s. 255, am.

30. Section 255 of the Act is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) collaborate with government departments and agencies and any other partners to carry out specific agreements for the implementation of regional priorities, in particular by adapting its activities to regional characteristics and by paying a financial contribution.”

c. I-13.3, s. 275,
replaced.

31. Section 275 of the Act is replaced by the following section:

Allocation of income.

“**275.** After consulting with the governing boards and the parents’ committee, the school board shall establish objectives and principles governing the allocation of subsidies, school tax proceeds and its other income among its educational institutions.

Allocation principles.

The allocation shall be carried out in an equitable manner and reflect the needs expressed by the institutions and the social and economic disparities with which they must contend, the partnership agreement between the school board and the Minister and the management and educational success agreements between the school board and the institutions.

Specific amounts.

The allocation shall include amounts for the operation of governing boards and amounts to meet the needs of the school board and its committees.

Publication of
objectives.

The school board shall make public the objectives and principles governing the allocation and the criteria used to determine the amounts allocated.”

c. I-13.3, ss. 457.3 and
457.4, added.

32. The Act is amended by inserting the following sections after section 457.2:

Complaint examination
procedure.

“**457.3.** The Minister may determine by regulation the standards or conditions for the complaint examination procedure to be established by a school board and the nature of the complaints to which the procedure may apply, as well as the measures it must include.

Information documents.

“**457.4.** The Minister may, by regulation, require a school board to draw up documents to inform the population in its territory of its activities or administration.

Publication rules.

The Minister may also make rules governing the publication or distribution by the school board of any type of document determined by the Minister. The rules may specify, among other things, when and how the publication or distribution must be carried out.”

c. I-13.3, ss. 459.2-
459.4, added.

33. The Act is amended by inserting the following sections after section 459.1:

- Ministerial directions. **“459.2.** The Minister may determine, based on the situation of each school board, the ministerial directions and the goals and measurable objectives it must incorporate into its strategic plan.
- Partnership agreement. **“459.3.** The Minister and the school board, within the scope of a partnership agreement, shall agree on the measures required to implement the school board’s strategic plan.
- Content. The partnership agreement shall include
- (1) the terms of the school board’s contribution toward achieving the goals and measurable objectives determined by the Minister under section 459.2;
- (2) the means the school board intends to use to achieve the specific objectives it established under subparagraph 3 of the first paragraph of section 209.1;
- (3) the monitoring and accountability mechanisms to be put in place by the school board.
- Results evaluation. **”459.4.** The Minister shall evaluate the results obtained under each school board’s strategic plan, at intervals determined by the Minister, and send the evaluation to the school board concerned.
- Corrective measures. The Minister and the school board shall agree on any corrective measures to be put in place to ensure that the goals and measurable objectives set out in the partnership agreement between the school board and the Minister are achieved.
- Additional measures. If, despite the corrective measures, the Minister considers it unlikely that the school board will be able to achieve those goals or measurable objectives, the Minister may prescribe any additional measures to be put in place by the school board within a specified period.”
- c. I-13.3, words replaced. **34.** The Act is amended by replacing “chairman” and “vice-chairman” wherever they appear by “chair” and “vice-chair”, respectively.
- GENERAL AND VOCATIONAL COLLEGES ACT**
- c. C-29, s. 6.0.1, am. **35.** Section 6.0.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by adding the following subparagraph after subparagraph *d* of the first paragraph:
- “(e) collaborate with government departments and bodies and any other partners in carrying out specific agreements for the implementation of regional priorities, in particular by adapting its activities to regional characteristics and providing a financial contribution.”

ACT RESPECTING SCHOOL ELECTIONS

- c. E-2.3, s. 2, am. **36.** Section 2 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing “for all the seats of” in the first line by “to elect a chair and all the other”.
- c. E-2.3, s. 6, replaced. **37.** Section 6 of the Act is replaced by the following section:
- Electoral divisions. **“6.** The number of electoral divisions shall vary from 7 to 12 according to the number of electors of the school board set out in the document referred to in section 7.4. There shall be
- (1) 7 divisions if there are fewer than 10,000 electors;
 - (2) 8 divisions if there are 10,000 electors or more but fewer than 30,000;
 - (3) 9 divisions if there are 30,000 electors or more but fewer than 70,000;
 - (4) 10 divisions if there are 70,000 electors or more but fewer than 150,000;
 - (5) 11 divisions if there are 150,000 electors or more but fewer than 250,000;
 - (6) 12 divisions if there are 250,000 electors or more.”
- c. E-2.3, s. 7, am. **38.** Section 7 of the Act is amended, in the first paragraph,
- (1) by replacing the portion before subparagraph 1 by the following:
- Authorization. **“7.** The Minister may, on request, authorize a school board to establish one to five more electoral divisions than provided for in section 6, if the Minister considers this warranted among other things by”;
- (2) by striking out “or particularly limited” in subparagraph 1.
- c. E-2.3, s. 38, am. **39.** Section 38 of the Act is amended by replacing “for a seat of commissioner” in the first and second lines of subparagraph 3 of the first paragraph by “for the office of chair or for another seat on the council”.
- c. E-2.3, s. 60, am. **40.** Section 60 of the Act is amended by adding “or, if the candidate is running for the office of chair, a copy of the list of electors for the school board” at the end.
- c. E-2.3, s. 69, am. **41.** Section 69 of the Act is amended by inserting “, except in the case of a candidate for the office of chair,” after “a candidate” in the second line.
- c. E-2.3, s. 71, am. **42.** Section 71 of the Act is amended by adding “or, in the case of a candidate for the office of chair, by at least 50 electors from the territory of the school board for which the nomination paper is filed” at the end of the first paragraph.

- c. E-2.3, s. 72, am. **43.** Section 72 of the Act is amended by adding “or, in the case of a candidate for the office of chair, electors from the territory of the school board” at the end of the first paragraph.
- c. E-2.3, s. 85, am. **44.** Section 85 of the Act is amended by inserting “the office of chair and for” after “for” in subparagraph 1 of the first paragraph.
- c. E-2.3, s. 99, am. **45.** Section 99 of the Act is amended by inserting “for the election of the chair and ballot papers for the election of the other commissioners” after “ballot papers” in the first line of the first paragraph.
- c. E-2.3, s. 102, am. **46.** Section 102 of the Act is amended by adding “or, in the case of a ballot paper for the election of the chair, a mention of the office of chair” at the end of subparagraph 4 of the first paragraph.
- c. E-2.3, s. 116, am. **47.** Section 116 of the Act is amended by inserting “for the election of the chair and a ballot paper for the election of the other commissioner” after “ballot paper” in the second line.
- c. E-2.3, s. 156, am. **48.** Section 156 of the Act is amended by inserting “or for the office of chair” after “division concerned” in the second paragraph.
- c. E-2.3, s. 175, am. **49.** Section 175 of the Act is amended by replacing “in which all or part of the electoral division where the election was held is situated” by “in which all or part of the territory of the school board is situated”.
- c. E-2.3, s. 206.7, am. **50.** Section 206.7 of the Act is amended by adding the following sentence at the end of subparagraph 4 of the first paragraph: “The minimum number of electors is raised to 50 when the candidate filing an application for authorization is running for the office of chair.”
- c. E-2.3, s. 210, am. **51.** Section 210 of the Act is amended by adding the following sentence at the end of the first paragraph: “The rules may vary depending on whether the candidate is running for the office of chair or another seat on the council.”
- c. E-2.3, s. 213, am. **52.** Section 213 of the Act is amended
- (1) by adding “or, if the nomination is filed for the office of chair of a school board, is not an elector of the school board” before the comma at the end of paragraph 2;
- (2) by adding “or, if the nomination is filed for the office of chair of the school board, that they are electors of the school board” before the comma at the end of paragraph 6.
- c. E-2.3, s. 214, am. **53.** Section 214 of the Act is amended by replacing paragraph 1 by the following paragraph:
- “(1) votes more often than he is entitled to vote.”

TRANSITIONAL AND FINAL PROVISIONS

- Strategic plan. **54.** Before 1 July of the calendar year following the calendar year in which section 24 comes into force, each school board must adopt a strategic plan or revise any strategic plan it adopted before the coming into force of this section.
- Private educational institutions. **55.** The private educational institutions that enjoyed, for either of the two fiscal years prior to 1 July 2008, the advantages granted under an agreement of association entered into under section 215 of the Education Act (R.S.Q., chapter I-13.3) are deemed to have been accredited for subsidy purposes by the Minister of Education, Recreation and Sports in accordance with Division I of Chapter V of the Act respecting private education (R.S.Q., chapter E-9.1).
- Supplementary subsidies. The budget rules established annually by the Minister of Education, Recreation and Sports under section 84 of the Act respecting private education may provide for the allocation of supplementary subsidies to those educational institutions for every fiscal year ending before 1 July 2014.
- Conditions. The allocation of the subsidies, which must be reduced proportionally from fiscal year to fiscal year, may be subject to general conditions applicable to all the educational institutions concerned or to specific conditions applicable to one or some of those institutions.
- Coming into force. **56.** The provisions of this Act come into force on the date or dates to be set by the Government, except sections 27 and 55, which come into force on 1 July 2008.

2008, chapter 30
**AN ACT TO AMEND THE ACT RESPECTING LABOUR
STANDARDS PRINCIPALLY WITH REGARD TO
RESERVISTS**

Bill 98

Introduced by Mr. David Whissell, Minister of Labour
Introduced 18 June 2008
Passed in principle 18 June 2008
Passed 23 October 2008
Assented to 29 October 2008

Coming into force: 29 October 2008

Legislation amended:

Act respecting labour standards (R.S.Q., chapter N-1.1)

Explanatory notes

This Act amends the Act respecting labour standards to provide for the right of an employee who is a reservist of the Canadian Forces to be absent, without pay, in order to take part in the annual training and various operations of the Canadian Forces outside Canada and, in certain cases, in Canada. The Act specifies the conditions on which and manner in which that right is to be exercised.

The Act makes other amendments respecting labour standards. It allows persons to be considered as spouses even if they cease temporarily to cohabit or if one of them is required to live permanently in another place for health reasons or because of imprisonment. The Act also stipulates that an employee who wants to take a paternity leave must give advance notice to the employer. Lastly, the Act makes a technical amendment respecting the manner in which a demand notice is to be sent to the employer by the Commission des normes du travail.



Chapter 30

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS PRINCIPALLY WITH REGARD TO RESERVISTS

[Assented to 29 October 2008]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. N-1.1, s.1, am.

1. Section 1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding the following paragraph:

Cohabitation.

“Persons to whom subparagraph 3 of the first paragraph applies are considered to be cohabiting despite the temporary absence of one of them. The same rule applies if one of the persons is required to live permanently in another place for health reasons or because of imprisonment, unless the other person is cohabiting with another spouse within the meaning of that subparagraph.”

c. N-1.1, s. 70, am.

2. Section 70 of the Act, amended by section 2 of chapter 36 of the statutes of 2007, is again amended by inserting the following paragraph after the third paragraph:

Reservists.

“Similarly, if the employee is a reservist of the Canadian Forces and at the end of the 12 months following the end of a reference year, the employee is absent for one of the reasons set out in section 81.17.1, the employer may either defer the annual leave until the following year or pay the indemnity for that leave.”

c. N-1.1, s. 81.2.1,
added.

3. The Act is amended by inserting the following section after section 81.2:

Written notice.

“81.2.1. A paternity leave may be taken after giving written notice of not less than three weeks to the employer, stating the expected date of the leave and that of the return to work.

Exception.

However, the notice may be shorter if the birth of the child occurs before the expected date.”

c. N-1.1, s. 81.13, am.

4. Section 81.13 of the Act is amended by inserting “81.2.1,” after “section” in the second line of the first paragraph.

c. N-1.1, Div. V.1.1,
ss. 81.17.1-81.17.6,
added.

5. The Act is amended by inserting the following division after section 81.17:

“DIVISION V.1.1**“ABSENCES OF RESERVISTS EMPLOYEES**

Reasons.

“81.17.1. An employee who is also a reservist of the Canadian Forces may be absent from work, without pay, for one of the following reasons:

(1) if the employee is credited with 12 months of uninterrupted service, to take part in an operation of the Canadian Forces outside Canada, including preparation, training, rest and transportation from the reservist’s place of residence and back, for a maximum period of 18 months;

(2) to take part in an operation of the Canadian Forces in Canada whose purpose is to

(a) provide assistance in the case of a major disaster within the meaning of the Civil Protection Act (chapter S-2.3);

(b) aid the civil power, on request of the Attorney General of Québec under the National Defence Act (Revised Statutes of Canada, 1985, chapter N-5); or

(c) intervene in any other emergency situation designated by the Government;

(3) to take part in the annual training for the period prescribed by regulation or, if no such period is prescribed, for a period of not more than 15 days; or

(4) to take part in any other operation of the Canadian Forces, in the cases, on the conditions and for the period prescribed by regulation.

Emergency situation.

The designation of an emergency situation under subparagraph *c* of subparagraph 2 of the first paragraph comes into force on the date set by the Government, which date may be earlier than the date of the designation, and is published in the *Gazette officielle du Québec*.

Exception.

“81.17.2. Section 81.17.1 does not apply if the absence of an employee could endanger the life, health or security of other employees or the population or cause the destruction or serious deterioration of certain property or in a case of superior force, or if the absence is inconsistent with the employee’s professional code of ethics.

Written notice.

“81.17.3. To take advantage of the right provided for in section 81.17.1, an employee must give to the employer advance written notice of not less than four weeks of the date on which the absence is to begin, the reason for it and its duration. However, the notice may be shorter for serious cause, in which case the employee must notify the employer as soon as possible.

- Return date. The employee may return to work before the expected date after giving the employer written notice of not less than three weeks.
- Documents. **“81.17.4.** On request, an employee must provide the employer with any document justifying the employee’s absence.
- Restriction. **“81.17.5.** An employee who is absent for one of the reasons set out in section 81.17.1 for a period greater than 12 weeks may not be absent again for one of those reasons before the expiry of a period of 12 months from the date of the return to work.
- Applicability. **“81.17.6.** Sections 79.4, 79.5 and 79.6 apply to an employee who is absent for one of the reasons set out in section 81.17.1.”
- c. N-1.1, s. 111, am. **6.** Section 111 of the Act is amended by replacing all that follows “it shall” in the first paragraph by “demand, by notice in writing, that the employer pay such amount to the Commission within 20 days of the sending of the demand notice.”
- c. N-1.1, s. 114, am. **7.** Section 114 of the Act is amended by replacing all that follows “(chapter M-31),” in the second paragraph by “from the sending of the demand notice under section 111.”
- Coming into force. **8.** This Act comes into force on 29 October 2008.

TABLE OF AMENDMENTS TO PUBLIC ACTS IN 2008

This table contains the amendments made in 2008 to the Revised Statutes of Québec and other public Acts without regard to the date of coming into force of the amendments. It includes all legislative amendments but does not include amendments from other sources, such as amendments by order in council. In addition to the reference and title of each Act amended during the year, the table lists each amended section (in bold), followed by a reference to the amending section or sections.

The other public Acts, that is, those not subject to consolidation, those not yet included in the Revised Statutes of Québec, and the Civil Code of Québec, follow the Revised Statutes.

The cumulative table of amendments, listing all amendments made since 1977 to the Revised Statutes of Québec and other public Acts, is now available on the CD-ROM provided with this volume and is also posted on the website of Les Publications du Québec at the following address:
http://www2.publicationsduquebec.gouv.qc.ca/lois_et_reglements/tab_modifs/AaZ.htm.

Abbreviations

a. = article	Rp. = Replaced
aa. = articles	s. = section
Ab. = Abrogated	ss. = sections
c. = chapter	Sched. = Schedule

Reference	Title Amendments
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1—REVISED STATUTES OF QUÉBEC

c. A-2	Agricultural Abuses Act 7 , Ab. 2008, c. 16, s. 41 8 , Ab. 2008, c. 16, s. 41
c. A-3.001	Act respecting industrial accidents and occupational diseases 42.1 , 2008, c. 21, s. 60
c. A-6.001	Financial Administration Act 8.1 , 2008, c. 12, s. 1 77.6 , 2008, c. 12, s. 2
c. A-6.1	Act respecting the Cree Regional Authority 6 , 2008, c. 13, s. 14
c. A-7.02	Act respecting the Agence métropolitaine de transport 27 , 2008, c. 14, s. 101 48 , 2008, c. 19, s. 1 89 , 2008, c. 23, s. 13

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-12	<p>Agrologists Act</p> <p>7, 2008, c. 11, s. 152 10, 2008, c. 11, s. 153 10.1, 2008, c. 11, s. 154 11, 2008, c. 11, s. 154 15, 2008, c. 11, s. 155</p>
c. A-19.1	<p>Act respecting land use planning and development</p> <p>188, 2008, c. 18, s. 1</p>
c. A-23	<p>Land Surveyors Act</p> <p>9, 2008, c. 11, s. 156 15, 2008, c. 11, s. 157 38, 2008, c. 11, s. 158 60, 2008, c. 11, s. 158 62, 2008, c. 11, s. 158 67, 2008, c. 11, s. 158 68, 2008, c. 11, s. 158</p>
c. A-25	<p>Automobile Insurance Act</p> <p>87.1, 2008, c. 14, s. 102 96, 2008, c. 14, s. 104 102, Ab. 2008, c. 14, s. 105 103, 2008, c. 14, s. 106 104, Ab. 2008, c. 14, s. 107 105, Ab. 2008, c. 14, s. 107 149, 2008, c. 14, s. 108 180, 2008, c. 7, s. 12 182, 2008, c. 7, s. 13 192, 2008, c. 14, s. 109 193.1, 2008, c. 7, s. 14 193.2, 2008, c. 7, s. 14 193.3, 2008, c. 7, s. 14 196, 2008, c. 14, s. 110 204, 2008, c. 7, s. 15</p>
c. A-26	<p>Deposit Insurance Act</p> <p>48, 2008, c. 7, s. 16 48.1, 2008, c. 7, s. 16 48.2, 2008, c. 7, s. 16 48.3, 2008, c. 7, s. 16 56, 2008, c. 7, s. 17</p>
c. A-29	<p>Health Insurance Act</p> <p>9.0.1.1, 2008, c. 8, s. 17 9.0.1.2, 2008, c. 8, s. 17 9.0.1.3, 2008, c. 8, s. 17 63, 2008, c. 8, s. 18 65, 2008, c. 8, s. 19 65.0.1, 2008, c. 22, s. 84</p>
c. A-29.1	<p>Act respecting farm-loan insurance and forestry-loan insurance</p> <p>8, 2008, c. 17, s. 12 9, 2008, c. 17, s. 13</p>

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c. A-32	Act respecting insurance 33.1 , 2008, c. 7, s. 18 35.2 , 2008, c. 7, s. 19 36 , 2008, c. 7, s. 20 37 , 2008, c. 7, s. 21 38 , 2008, c. 7, s. 22 93.121 , 2008, c. 7, s. 23 93.159.2 , 2008, c. 7, s. 24 93.160 , 2008, c. 7, s. 25 93.192 , Ab. 2008, c. 7, s. 27 93.193 , Ab. 2008, c. 7, s. 27 93.194 , Ab. 2008, c. 7, s. 27 93.195 , Ab. 2008, c. 7, s. 27 93.196 , Ab. 2008, c. 7, s. 27 93.197 , Ab. 2008, c. 7, s. 27 93.198 , Ab. 2008, c. 7, s. 27 93.218 , 2008, c. 7, s. 29 93.269 , Ab. 2008, c. 7, s. 30 93.270 , Ab. 2008, c. 7, s. 30 93.271 , Ab. 2008, c. 7, s. 30 93.272 , Ab. 2008, c. 7, s. 30 93.273 , Ab. 2008, c. 7, s. 30 174.12 , 2008, c. 11, s. 159 205 , 2008, c. 7, s. 31 211 , 2008, c. 7, s. 32 211.1 , 2008, c. 7, s. 33 222.2 , 2008, c. 7, s. 35 285.31 , 2008, c. 7, s. 36 285.33 , 2008, c. 7, s. 37 285.35 , Ab. 2008, c. 7, s. 38 325.0.2 , 2008, c. 7, s. 39 325.0.3 , 2008, c. 7, s. 40 325.1 , 2008, c. 7, s. 41 325.1.1 , 2008, c. 7, s. 42 358 , 2008, c. 7, s. 43 378 , Ab. 2008, c. 7, s. 44 379 , Ab. 2008, c. 7, s. 44 380 , Ab. 2008, c. 7, s. 44 381 , Ab. 2008, c. 7, s. 44 382 , Ab. 2008, c. 7, s. 44 383 , Ab. 2008, c. 7, s. 44 384 , Ab. 2008, c. 7, s. 44 385 , Ab. 2008, c. 7, s. 44 386 , Ab. 2008, c. 7, s. 44 387 , Ab. 2008, c. 7, s. 44 388 , Ab. 2008, c. 7, s. 44 389 , Ab. 2008, c. 7, s. 44 390.1 , 2008, c. 24, s. 180 391.1 , 2008, c. 7, s. 45; Ab. 2008, c. 24, s. 181 405.1 , 2008, c. 7, s. 46 405.4 , 2008, c. 7, s. 47 408 , 2008, c. 7, s. 48 408.1 , 2008, c. 7, s. 49 408.2 , 2008, c. 7, s. 49 408.3 , 2008, c. 7, s. 49 420.1 , 2008, c. 7, s. 50
c. A-33.2	Act respecting the Autorité des marchés financiers 4 , 2008, c. 24, s. 182 12 , 2008, c. 7, s. 1 14.1 , 2008, c. 7, s. 2 14.2 , 2008, c. 7, s. 2 15.1 , 2008, c. 7, s. 3; 2008, c. 24, s. 183

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c. A-33.2	<p>Act respecting the Autorité des marchés financiers — <i>Cont'd</i></p> <p>15.2, 2008, c. 7, s. 3 15.3, 2008, c. 7, s. 3 15.4, 2008, c. 7, s. 3 15.5, 2008, c. 7, s. 3 15.6, 2008, c. 7, s. 3 15.7, 2008, c. 7, s. 3 16.1, 2008, c. 7, s. 4 17, 2008, c. 24, s. 184 19.1, 2008, c. 7, s. 5; 2008, c. 24, s. 185 19.2, 2008, c. 7, s. 5 19.3, 2008, c. 7, s. 5 19.4, 2008, c. 7, s. 5 19.5, 2008, c. 7, s. 5 19.6, 2008, c. 7, s. 5 19.7, 2008, c. 7, s. 5 19.8, 2008, c. 7, s. 5 19.9, 2008, c. 7, s. 5 19.10, 2008, c. 7, s. 5 19.11, 2008, c. 7, s. 5 19.12, 2008, c. 7, s. 5 19.13, 2008, c. 7, s. 5 19.14, 2008, c. 7, s. 5 19.15, 2008, c. 7, s. 5 23, 2008, c. 24, s. 186 32, 2008, c. 24, s. 187 33, 2008, c. 7, s. 6 33.1, 2008, c. 7, s. 7 38.1, 2008, c. 7, s. 8 38.2, 2008, c. 7, s. 8; 2008, c. 24, s. 188 38.3, 2008, c. 7, s. 8 38.4, 2008, c. 7, s. 8 38.5, 2008, c. 7, s. 8 38.6, 2008, c. 7, s. 8 39, 2008, c. 7, s. 9 43.1, 2008, c. 7, s. 10 65, 2008, c. 24, s. 189 66, 2008, c. 24, s. 190 91, 2008, c. 24, s. 191 93, 2008, c. 7, s. 11; 2008, c. 24, s. 192 94, 2008, c. 24, s. 193 Sched. 1, 2008, c. 24, s. 194</p>
c. B-1	<p>Act respecting the Barreau du Québec</p> <p>12, 2008, c. 11, s. 160 13, 2008, c. 11, s. 161 15, 2008, c. 11, s. 162 16, 2008, c. 11, s. 163 22.1, 2008, c. 11, s. 164 23, 2008, c. 11, s. 165 30, 2008, c. 11, s. 165 32, 2008, c. 11, s. 166 44, 2008, c. 11, s. 167 64.1, 2008, c. 11, s. 168 65, 2008, c. 11, s. 169 66, 2008, c. 11, s. 169 68, 2008, c. 11, s. 170 70, 2008, c. 11, s. 171 71, 2008, c. 11, s. 172 72, 2008, c. 11, s. 173 131, 2008, c. 11, s. 174 140, 2008, c. 11, s. 175 140.3, 2008, c. 11, s. 176</p>

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c. C-11.3	Charter of Ville de Longueuil 71 , 2008, c. 18, s. 3 72 , 2008, c. 18, s. 4 4 (Sched. C) , 2008, c. 18, s. 5
c. C-11.4	Charter of Ville de Montréal 1 , 2008, c. 19, s. 2 17 , 2008, c. 19, s. 3 48 , 2008, c. 19, s. 4 72 , 2008, c. 19, s. 5 83 , 2008, c. 19, s. 6 85.5 , 2008, c. 19, s. 7 89.1 , 2008, c. 18, s. 6 124 , 2008, c. 20, s. 140 130.3 , 2008, c. 18, s. 7; 2008, c. 19, s. 8 131 , 2008, c. 18, s. 8 144.8 , 2008, c. 18, s. 9 151.8 , 2008, c. 19, s. 9 151.9 , 2008, c. 19, s. 9 151.10 , 2008, c. 19, s. 9 151.11 , 2008, c. 19, s. 9 151.12 , 2008, c. 19, s. 9 102.2 (Sched. C) , 2008, c. 18, s. 10 124 (Sched. C) , 2008, c. 20, s. 140 256 (Sched. C) , 2008, c. 18, s. 11 Sched. D , 2008, c. 19, s. 10
c. C-11.5	Charter of Ville de Québec 10 , 2008, c. 27, s. 1 13 , 2008, c. 27, s. 2 115 , 2008, c. 18, s. 12 Sched. B , 2008, c. 27, s. 3 72 (Sched. C) , 2008, c. 14, s. 111
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c. C-24.2	Highway Safety Code — <i>Cont'd</i> 473 , 2008, c. 14, s. 56 474 , 2008, c. 14, s. 57 506 , 2008, c. 14, s. 100 509 , 2008, c. 14, s. 58 517 , 2008, c. 14, s. 59 517.1 , 2008, c. 14, s. 60 519.2 , 2008, c. 14, s. 100 519.8 , 2008, c. 14, s. 100 519.10 , 2008, c. 14, s. 61 519.11 , 2008, c. 14, s. 62 519.19 , 2008, c. 14, s. 100 519.25 , 2008, c. 14, s. 63 519.31 , 2008, c. 14, s. 64 519.63 , 2008, c. 14, s. 66 519.66.1 , 2008, c. 14, s. 67 519.67 , 2008, c. 14, s. 68 519.67.1 , 2008, c. 14, s. 68 519.68 , 2008, c. 14, s. 68 519.69 , 2008, c. 14, s. 68 519.70 , 2008, c. 14, s. 68 519.71 , 2008, c. 14, s. 68 519.72 , 2008, c. 14, s. 68 519.73 , 2008, c. 14, s. 68 519.77 , 2008, c. 14, s. 69 520 , 2008, c. 14, s. 70 520.2 , 2008, c. 14, s. 71 521 , 2008, c. 14, s. 72 543.12 , 2008, c. 14, s. 73 543.13 , 2008, c. 14, s. 74 543.14 , 2008, c. 14, s. 75 543.15 , 2008, c. 14, s. 76 543.16 , Ab. 2008, c. 14, s. 77 546.1.1 , 2008, c. 14, s. 78 546.2 , 2008, c. 14, s. 79 546.6.1 , 2008, c. 14, s. 80 595 , 2008, c. 14, s. 81 596.3 , 2008, c. 14, s. 82 596.5 , Ab. 2008, c. 14, s. 83 611.2 , 2008, c. 14, s. 84 618 , 2008, c. 14, s. 85 621 , 2008, c. 14, s. 86 624 , 2008, c. 14, s. 87 626 , 2008, c. 14, s. 100 628.1 , 2008, c. 14, s. 88 633.1 , 2008, c. 14, s. 89 636 , 2008, c. 14, s. 90 636.1 , Ab. 2008, c. 14, s. 91 637 , 2008, c. 14, s. 92 637.2 , 2008, c. 14, s. 93 638.1 , 2008, c. 14, s. 94 641 , 2008, c. 14, s. 100 643.1 , Ab. 2008, c. 14, s. 95 643.2 , 2008, c. 14, s. 96 644.3 , 2008, c. 14, s. 97 644.4 , 2008, c. 14, s. 97 648 , 2008, c. 14, s. 98 660 , 2008, c. 14, s. 99
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c. C-25	Code of Civil Procedure — <i>Cont'd</i> 619.1 , 2008, c. 20, a. 144 619.2 , 2008, c. 20, a. 144 620 , 2008, c. 20, a. 145 621 , 2008, c. 20, a. 146 622 , 2008, c. 20, a. 147 623 , 2008, c. 20, a. 148 624 , 2008, c. 20, a. 149
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c. C-26	Professional Code — <i>Cont'd</i> 83 , 2008, c. 11, s. 49 84 , 2008, c. 11, s. 50 85 , 2008, c. 11, s. 51 85.1 , 2008, c. 11, s. 52 85.2 , 2008, c. 11, s. 52 85.3 , 2008, c. 11, s. 52 86 , Ab. 2008, c. 11, s. 53 86.0.1 , 2008, c. 11, s. 54 86.1 , 2008, c. 11, s. 55 87 , 2008, c. 11, s. 56 88 , 2008, c. 11, s. 57 89 , 2008, c. 11, s. 58 89.1 , 2008, c. 11, s. 58 90 , 2008, c. 11, s. 59 91 , 2008, c. 11, s. 60 93 , 2008, c. 11, s. 61 94 , 2008, c. 11, s. 62 95 , 2008, c. 11, s. 63 95.1 , Ab. 2008, c. 11, s. 64 95.2 , 2008, c. 11, s. 65 95.4 , 2008, c. 11, s. 66 96 , 2008, c. 11, s. 67 96.1 , 2008, c. 11, s. 67 97 , 2008, c. 11, s. 68 99 , 2008, c. 11, s. 69 100 , 2008, c. 11, s. 70 101 , Ab. 2008, c. 11, s. 71 103 , 2008, c. 11, s. 72 104 , 2008, c. 11, s. 73 108.6 , 2008, c. 11, s. 74 108.7 , 2008, c. 11, s. 75 111 , 2008, c. 11, s. 76 112 , 2008, c. 11, s. 77 113 , 2008, c. 11, s. 78 114 , 2008, c. 11, s. 79 115 , 2008, c. 11, s. 80 117 , 2008, c. 11, s. 81 118 , 2008, c. 11, s. 82 118.3 , 2008, c. 11, s. 83 119 , 2008, c. 11, s. 84 121 , 2008, c. 11, s. 85 121.1 , 2008, c. 11, s. 85 121.2 , 2008, c. 11, s. 85 121.3 , 2008, c. 11, s. 85 122 , 2008, c. 11, s. 86 122.1 , 2008, c. 11, s. 87 122.2 , 2008, c. 11, s. 88 123 , 2008, c. 11, s. 89 123.1 , 2008, c. 11, s. 90 123.2 , 2008, c. 11, s. 91 123.3 , 2008, c. 11, s. 92 123.4 , 2008, c. 11, s. 93 123.5 , 2008, c. 11, s. 93 123.6 , 2008, c. 11, s. 93 123.7 , 2008, c. 11, s. 94 123.8 , 2008, c. 11, s. 95 124 , 2008, c. 11, s. 96 125.1 , 2008, c. 11, s. 97 126 , 2008, c. 11, s. 98 127 , 2008, c. 11, s. 151 128 , 2008, c. 11, s. 99 130 , 2008, c. 11, s. 100 133 , 2008, c. 11, ss. 101, 151

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c. C-27.1	Municipal Code of Québec — <i>Cont'd</i> 968 , 2008, c. 18, a. 49 975 , 2008, c. 18, a. 50 1036 , 2008, c. 18, a. 51 1043 , 2008, c. 18, a. 52 1044 , 2008, c. 18, a. 53 1050 , 2008, c. 18, a. 54 1057 , 2008, c. 18, a. 55 1060 , 2008, c. 18, a. 56 1063 , 2008, c. 18, a. 57 1068 , 2008, c. 20, a. 150 1086 , Ab. 2008, c. 20, a. 151 1087 , 2008, c. 20, a. 152 1088 , 2008, c. 20, a. 153 1094 , 2008, c. 18, a. 58 1094.0.1 , 2008, c. 18, a. 59 1094.0.2 , 2008, c. 18, a. 59 1094.0.3 , 2008, c. 18, a. 59 1094.0.4 , 2008, c. 18, a. 59 1094.0.5 , 2008, c. 18, a. 59 1094.0.6 , 2008, c. 18, a. 59 1094.0.7 , 2008, c. 18, a. 59 1094.0.8 , 2008, c. 18, a. 59 1121 , 2008, c. 18, a. 60
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c. P-13.1	Police Act — <i>Cont'd</i> 51 , 2008, c. 10, s. 6 56 , 2008, c. 10, s. 7 70 , 2008, c. 10, s. 8 72 , 2008, c. 13, s. 2 72.1 , 2008, c. 10, s. 9 76 , 2008, c. 10, s. 10 78 , 2008, c. 10, s. 11 81.1 , 2008, c. 10, s. 12 90 , 2008, c. 13, s. 3 91 , 2008, c. 13, s. 4 94 , 2008, c. 13, s. 6 95 , 2008, c. 13, s. 7 97 , Ab. 2008, c. 13, s. 8 100 , 2008, c. 13, s. 9 101 , Ab. 2008, c. 13, s. 10 102.1 , 2008, c. 13, s. 11 102.2 , 2008, c. 13, s. 11 102.3 , 2008, c. 13, s. 11 102.4 , 2008, c. 13, s. 11 102.5 , 2008, c. 13, s. 11 102.6 , 2008, c. 13, s. 11 102.7 , 2008, c. 13, s. 11 102.8 , 2008, c. 13, s. 11 102.9 , 2008, c. 13, s. 11 102.10 , 2008, c. 13, s. 11 117 , 2008, c. 10, s. 13 126 , 2008, c. 10, s. 14 143 , 2008, c. 10, s. 15 211 , 2008, c. 23, s. 17 230 , 2008, c. 10, s. 16 260 , 2008, c. 10, s. 17 261 , 2008, c. 10, s. 18 262 , 2008, c. 10, s. 19 286 , 2008, c. 10, s. 20 303.1 , 2008, c. 10, s. 21 303.2 , 2008, c. 10, s. 21 303.3 , 2008, c. 10, s. 21 303.4 , 2008, c. 10, s. 21 303.5 , 2008, c. 10, s. 21 303.6 , 2008, c. 10, s. 21 303.7 , 2008, c. 10, s. 21 303.8 , 2008, c. 10, s. 21 303.9 , 2008, c. 10, s. 21 303.10 , 2008, c. 10, s. 21 303.11 , 2008, c. 10, s. 21 303.12 , 2008, c. 10, s. 21 303.13 , 2008, c. 10, s. 21 304 , 2008, c. 10, s. 22 353.12 , 2008, c. 10, s. 23 354 , 2008, c. 13, s. 13
c. P-23.1	Act respecting prevention of disease in potatoes Ab. , 2008, c. 16, s. 42 (<i>with exceptions</i>)
c. P-30.3	Act respecting owners, operators and drivers of heavy vehicles 2 , 2008, c. 14, s. 119 22 , 2008, c. 14, s. 120 31 , 2008, c. 14, s. 121 39 , 2008, c. 14, s. 122 48 , 2008, c. 14, s. 123

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c. P-40.1	Consumer Protection Act 6 , 2008, c. 24, s. 195
c. P-45	Act respecting the legal publicity of sole proprietorships, partnerships and legal persons 531 , 2008, c. 7, s. 99
c. R-5	Act respecting the Régie de l'assurance maladie du Québec 2 , 2008, c. 8, s. 20 2.0.2 , 2008, c. 8, s. 21 2.0.3 , 2008, c. 8, s. 22 2.0.4 , 2008, c. 8, s. 23 2.0.5 , 2008, c. 8, s. 24
c. R-7	Act respecting the Régie des installations olympiques 3 , 2008, c. 3, s. 1 4 , 2008, c. 3, s. 2 5 , 2008, c. 3, s. 3 5.1 , 2008, c. 3, s. 3 5.2 , 2008, c. 3, s. 3 5.3 , 2008, c. 3, s. 3 5.4 , 2008, c. 3, s. 3 5.5 , 2008, c. 3, s. 3 6 , 2008, c. 3, s. 4 10 , Ab. 2008, c. 3, s. 5 11 , 2008, c. 3, s. 6 11.1 , 2008, c. 3, s. 6 12 , 2008, c. 3, s. 7 14 , 2008, c. 3, s. 8 31 , 2008, c. 3, s. 9
c. R-8.1	Act respecting the Régie du logement 27 , 2008, c. 23, s. 18
c. R-9	Act respecting the Québec Pension Plan 91 , 2008, c. 21, s. 36 95.1 , 2008, c. 21, s. 37 102.3 , 2008, c. 21, s. 38 102.4.1 , 2008, c. 21, s. 39 102.5 , 2008, c. 21, s. 40 102.7 , 2008, c. 21, s. 40 102.7.1 , 2008, c. 21, s. 40 102.8.2 , 2008, c. 21, s. 41 102.10.5 , 2008, c. 21, s. 42 105.2 , 2008, c. 21, s. 43 105.3 , 2008, c. 21, s. 44 116.5 , 2008, c. 21, s. 45 120.3 , 2008, c. 21, s. 46 136 , 2008, c. 21, s. 47 137 , 2008, c. 21, s. 48 139 , 2008, c. 21, s. 49 144 , 2008, c. 21, s. 50 150 , 2008, c. 21, s. 51 151 , 2008, c. 21, s. 52 158.4 , 2008, c. 21, s. 53

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c. R-9	Act respecting the Québec Pension Plan — <i>Cont'd</i> 170 , 2008, c. 21, s. 54 172 , 2008, c. 21, s. 55 172.1 , 2008, c. 21, s. 56 176.1 , 2008, c. 21, s. 57 186 , 2008, c. 21, s. 58 219 , 2008, c. 21, s. 59
c. R-9.1	Act respecting the Pension Plan of Certain Teachers 4 , 2008, c. 25, s. 29 19 , 2008, c. 25, s. 30 22 , 2008, c. 25, s. 31 23 , 2008, c. 25, s. 32 41.8 , 2008, c. 25, s. 33
c. R-9.2	Act respecting the Pension Plan of Peace Officers in Correctional Services 7 , 2008, c. 25, s. 34 14.1 , 2008, c. 25, s. 35 27.1 , 2008, c. 25, s. 37 44.1 , 2008, c. 25, s. 39 44.2 , 2008, c. 25, s. 39 44.3 , 2008, c. 25, s. 39 44.4 , 2008, c. 25, s. 39 45 , Ab. 2008, c. 25, s. 40 45.1 , Ab. 2008, c. 25, s. 40 46 , Ab. 2008, c. 25, s. 40 ; 2008, c. 25, s. 98 46.1 , Ab. 2008, c. 25, s. 40 47.1 , 2008, c. 25, s. 41 47.2 , 2008, c. 25, s. 41 47.3 , 2008, c. 25, s. 41 47.4 , 2008, c. 25, s. 41 47.5 , 2008, c. 25, s. 41 47.6 , 2008, c. 25, s. 41 47.7 , 2008, c. 25, s. 41 47.8 , 2008, c. 25, s. 41 47.9 , 2008, c. 25, s. 41 47.10 , 2008, c. 25, s. 41 47.11 , 2008, c. 25, s. 41 47.12 , 2008, c. 25, s. 41 47.13 , 2008, c. 25, s. 41 47.14 , 2008, c. 25, s. 41 47.15 , 2008, c. 25, s. 41 47.16 , 2008, c. 25, s. 41 47.17 , 2008, c. 25, s. 41 47.18 , 2008, c. 25, s. 41 48 , Ab. 2008, c. 25, s. 42 49 , 2008, c. 25, s. 43 51 , 2008, c. 25, s. 44 52.1 , 2008, c. 25, s. 45 56.1 , 2008, c. 25, s. 46 57 , 2008, c. 25, s. 47 89 , 2008, c. 25, s. 48 102 , 2008, c. 25, s. 49 130 , 2008, c. 25, s. 50 139.1 , 2008, c. 25, s. 51 139.2 , 2008, c. 25, s. 52
c. R-9.3	Act respecting the Pension Plan of Elected Municipal Officers 41 , 2008, c. 18, s. 91 54.2 , 2008, c. 18, s. 92 63.0.1 , 2008, c. 18, s. 94

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c. R-9.3	Act respecting the Pension Plan of Elected Municipal Officers — <i>Cont'd</i> 63.0.5 , 2008, c. 18, s. 95 64 , 2008, c. 18, s. 96 69 , Ab. 2008, c. 18, s. 97 70.1 , 2008, c. 18, s. 98 70.2 , 2008, c. 18, s. 99 70.2.1 , 2008, c. 18, s. 100 70.4 , 2008, c. 18, s. 101 70.6 , 2008, c. 18, s. 102 70.6.1 , 2008, c. 18, s. 102 70.6.2 , 2008, c. 18, s. 102 70.10 , 2008, c. 18, s. 103 70.10.1 , 2008, c. 18, s. 104 72 , 2008, c. 18, s. 105 75 , 2008, c. 18, s. 106 81 , 2008, c. 18, s. 107
c. R-10	Act respecting the Government and Public Employees Retirement Plan 3 , 2008, c. 25, s. 1 18.1 , 2008, c. 25, s. 2 23.1 , 2008, c. 25, s. 4 23.3 , 2008, c. 25, s. 5 34 , 2008, c. 25, s. 6 34.1 , 2008, c. 25, s. 8 34.2 , 2008, c. 25, s. 8 34.3 , 2008, c. 25, s. 8 35 , Ab. 2008, c. 25, s. 9 36 , Ab. 2008, c. 25, s. 9; 2008, c. 25, s. 97 36.0.1 , Ab. 2008, c. 25, s. 9 36.1.1 , 2008, c. 25, s. 10 36.1.2 , 2008, c. 25, s. 10 36.1.3 , 2008, c. 25, s. 10 36.1.4 , 2008, c. 25, s. 10 36.1.5 , 2008, c. 25, s. 10 36.1.6 , 2008, c. 25, s. 10 36.1.7 , 2008, c. 25, s. 10 36.1.8 , 2008, c. 25, s. 10 36.1.9 , 2008, c. 25, s. 10 36.1.10 , 2008, c. 25, s. 10 36.1.11 , 2008, c. 25, s. 10 36.1.12 , 2008, c. 25, s. 10 36.1.13 , 2008, c. 25, s. 10 36.1.14 , 2008, c. 25, s. 10 36.1.15 , 2008, c. 25, s. 10 36.1.16 , 2008, c. 25, s. 10 36.1.17 , 2008, c. 25, s. 10 36.1.18 , 2008, c. 25, s. 10 36.1.19 , 2008, c. 25, s. 10 36.1.20 , 2008, c. 25, s. 10 36.2 , Ab. 2008, c. 25, s. 11 37 , 2008, c. 25, s. 12 39.1 , 2008, c. 25, s. 13 85.5.3 , 2008, c. 25, s. 14 85.5.4 , 2008, c. 25, s. 15 93 , 2008, c. 25, s. 16 100 , 2008, c. 25, s. 17 104 , 2008, c. 25, s. 18 109.2 , 2008, c. 25, s. 19 115.5.1 , 2008, c. 25, s. 20 134 , 2008, c. 25, s. 21 147.0.5 , 2008, c. 25, s. 22 153 , 2008, c. 25, s. 23 195 , 2008, c. 25, s. 24

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c. R-10	Act respecting the Government and Public Employees Retirement Plan — <i>Cont'd</i> 203 , 2008, c. 25, s. 25 212 , 2008, c. 25, s. 26 215.13 , 2008, c. 25, s. 27 234 , 2008, c. 25, s. 28
c. R-11	Act respecting the Teachers Pension Plan 2.1 , 2008, c. 25, s. 53 15 , 2008, c. 25, s. 54 15.1 , 2008, c. 25, s. 55 28.5.3 , 2008, c. 25, s. 56 28.5.4 , 2008, c. 25, s. 57 33.1 , 2008, c. 25, s. 59 33.2 , 2008, c. 25, s. 59 33.3 , 2008, c. 25, s. 59 34 , Ab. 2008, c. 25, s. 60 35 , Ab. 2008, c. 25, s. 60 35.0.1 , Ab. 2008, c. 25, s. 60 35.1.1 , 2008, c. 25, s. 61 35.1.2 , 2008, c. 25, s. 61 35.1.3 , 2008, c. 25, s. 61 35.1.4 , 2008, c. 25, s. 61 35.1.5 , 2008, c. 25, s. 61 35.1.6 , 2008, c. 25, s. 61 35.1.7 , 2008, c. 25, s. 61 35.1.8 , 2008, c. 25, s. 61 35.1.9 , 2008, c. 25, s. 61 35.1.10 , 2008, c. 25, s. 61 35.1.11 , 2008, c. 25, s. 61 35.1.12 , 2008, c. 25, s. 61 35.1.13 , 2008, c. 25, s. 61 35.1.14 , 2008, c. 25, s. 61 35.1.15 , 2008, c. 25, s. 61 35.1.16 , 2008, c. 25, s. 61 35.1.17 , 2008, c. 25, s. 61 35.1.18 , 2008, c. 25, s. 61 35.1.19 , 2008, c. 25, s. 61 35.1.20 , 2008, c. 25, s. 61 35.2 , Ab. 2008, c. 25, s. 62 36 , 2008, c. 25, s. 63 37 , 2008, c. 25, s. 64 40.1 , 2008, c. 25, s. 65 65 , 2008, c. 25, s. 66 73 , 2008, c. 25, s. 67 82 , 2008, c. 25, s. 68
c. R-12	Act respecting the Civil Service Superannuation Plan 62 , 2008, c. 25, s. 69 62.1 , 2008, c. 25, s. 70 62.3 , 2008, c. 25, s. 71 62.4 , 2008, c. 25, s. 71 62.5 , 2008, c. 25, s. 71 62.6 , 2008, c. 25, s. 71 62.7 , 2008, c. 25, s. 71 62.8 , 2008, c. 25, s. 71 62.9 , 2008, c. 25, s. 71 62.10 , 2008, c. 25, s. 71 62.11 , 2008, c. 25, s. 71 62.12 , 2008, c. 25, s. 71 62.13 , 2008, c. 25, s. 71 62.14 , 2008, c. 25, s. 71 62.15 , 2008, c. 25, s. 71

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c. R-12	Act respecting the Civil Service Superannuation Plan — <i>Cont'd</i> 62.16 , 2008, c. 25, s. 71 62.17 , 2008, c. 25, s. 71 62.18 , 2008, c. 25, s. 71 62.19 , 2008, c. 25, s. 71 62.20 , 2008, c. 25, s. 71 62.21 , 2008, c. 25, s. 71 62.22 , 2008, c. 25, s. 71 62.23 , 2008, c. 25, s. 71 62.24 , 2008, c. 25, s. 71 63 , Ab. 2008, c. 25, s. 72 63.1 , Ab. 2008, c. 25, s. 72 63.1.0.1 , Ab. 2008, c. 25, s. 72 63.1.2 , Ab. 2008, c. 25, s. 72 63.2 , 2008, c. 25, s. 73 63.7.1 , 2008, c. 25, s. 74 65 , 2008, c. 25, s. 75 109 , 2008, c. 25, s. 76 117 , 2008, c. 25, s. 77
c. R-12.1	Act respecting the Pension Plan of Management Personnel 7 , 2008, c. 25, s. 78 30 , 2008, c. 25, s. 79 37.1 , 2008, c. 25, s. 81 37.3 , 2008, c. 25, s. 82 50 , 2008, c. 25, s. 83 50.1 , 2008, c. 25, s. 85 50.2 , 2008, c. 25, s. 85 50.3 , 2008, c. 25, s. 85 51 , Ab. 2008, c. 25, s. 86 52 , Ab. 2008, c. 25, s. 86; 2008, c. 25, s. 99 53 , Ab. 2008, c. 25, s. 86 53.1 , 2008, c. 25, s. 87 53.2 , 2008, c. 25, s. 87 53.3 , 2008, c. 25, s. 87 53.4 , 2008, c. 25, s. 87 53.5 , 2008, c. 25, s. 87 53.6 , 2008, c. 25, s. 87 53.7 , 2008, c. 25, s. 87 53.8 , 2008, c. 25, s. 87 53.9 , 2008, c. 25, s. 87 53.10 , 2008, c. 25, s. 87 53.11 , 2008, c. 25, s. 87 53.12 , 2008, c. 25, s. 87 53.13 , 2008, c. 25, s. 87 53.14 , 2008, c. 25, s. 87 53.15 , 2008, c. 25, s. 87 53.16 , 2008, c. 25, s. 87 53.17 , 2008, c. 25, s. 87 53.18 , 2008, c. 25, s. 87 53.19 , 2008, c. 25, s. 87 53.20 , 2008, c. 25, s. 87 54 , Ab. 2008, c. 25, s. 88 55 , 2008, c. 25, s. 89 58 , 2008, c. 25, s. 90 135 , 2008, c. 25, s. 91 136 , 2008, c. 25, s. 92 138.1 , 2008, c. 25, s. 93 155 , 2008, c. 25, s. 94 196 , 2008, c. 25, s. 95 196.1 , 2008, c. 25, s. 96

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c. R-14	Act respecting the Syndical Plan of the Sûreté du Québec 1, 2008, c. 10, s. 24
c. R-15.1	Supplemental Pension Plans Act 14.1, 2008, c. 21, s. 1 21.3, 2008, c. 21, s. 2 58, 2008, c. 21, s. 3 59, 2008, c. 21, s. 4 60, 2008, c. 21, s. 5 67.2, 2008, c. 21, s. 6 67.3, 2008, c. 21, s. 6 67.4, 2008, c. 21, s. 6 67.5, 2008, c. 21, s. 6 69.1, 2008, c. 21, s. 7 74, 2008, c. 21, s. 8 83, 2008, c. 21, s. 9 85, 2008, c. 21, s. 10 86, 2008, c. 21, s. 11 87, 2008, c. 21, s. 12 93.1, 2008, c. 21, s. 13 104, 2008, c. 21, s. 14 112, 2008, c. 21, s. 15 113.1, 2008, c. 21, s. 16 113.2, 2008, c. 21, s. 16 142, 2008, c. 21, s. 17 161, 2008, c. 21, s. 18 210, 2008, c. 21, s. 19 228.1, 2008, c. 21, s. 20 237, 2008, c. 21, s. 21 244, 2008, c. 21, s. 22 288.1.1, 2008, c. 21, s. 23 288.3, 2008, c. 21, s. 24 292.1, 2008, c. 21, s. 25 305.1, 2008, c. 21, s. 26 305.2, 2008, c. 21, s. 26 306.7.1, 2008, c. 21, s. 27 319.1, 2008, c. 21, s. 28
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c. S-2.3	Civil Protection Act 52.1, 2008, c. 18, s. 108 52.2, 2008, c. 18, s. 108 52.3, 2008, c. 18, s. 108 52.4, 2008, c. 18, s. 108 52.5, 2008, c. 18, s. 108 52.6, 2008, c. 18, s. 108 52.7, 2008, c. 18, s. 108 52.8, 2008, c. 18, s. 108 52.9, 2008, c. 18, s. 108 52.10, 2008, c. 18, s. 108 52.11, 2008, c. 18, s. 108 52.12, 2008, c. 18, s. 108 52.13, 2008, c. 18, s. 108 52.14, 2008, c. 18, s. 108 52.15, 2008, c. 18, s. 108 52.16, 2008, c. 18, s. 108 52.17, 2008, c. 18, s. 108 52.18, 2008, c. 18, s. 108 52.19, 2008, c. 18, s. 108 52.20, 2008, c. 18, s. 108

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c. S-4.2	<p>Act respecting health services and social services</p> <p>19.0.2, 2008, c. 8, s. 1 395, 2008, c. 23, s. 19 505, 2008, c. 8, s. 2 520.6, 2008, c. 8, s. 3 520.7, 2008, c. 8, s. 4 520.8, 2008, c. 8, s. 5 520.9, 2008, c. 8, s. 6 520.11, 2008, c. 8, s. 7 520.14, 2008, c. 8, s. 8 520.15, 2008, c. 8, s. 8 520.16, 2008, c. 8, s. 8 520.17, 2008, c. 8, s. 9 520.18, 2008, c. 8, s. 10 520.19, 2008, c. 8, s. 11 520.22, 2008, c. 8, s. 12 520.23, 2008, c. 8, s. 13 520.24, 2008, c. 8, s. 14 520.25, 2008, c. 8, s. 15 520.26, 2008, c. 8, s. 16 530.31.5, Ab. 2008, c. 23, s. 20</p>
c. S-6.01	<p>Act respecting transportation services by taxi</p> <p>2, 2008, c. 14, s. 124</p>
c. S-11.011	<p>Act respecting the Société de l'assurance automobile du Québec</p> <p>2, 2008, c. 14, s. 125</p>
c. S-13.01	<p>Act respecting the Société des établissements de plein air du Québec</p> <p>4, 2008, c. 5, s. 1 6, 2008, c. 5, s. 2 7, Ab. 2008, c. 5, s. 3 8, 2008, c. 5, s. 4 9, 2008, c. 5, s. 14 10, 2008, c. 5, s. 5 10.1, 2008, c. 5, s. 5 10.2, 2008, c. 5, s. 5 11, 2008, c. 5, s. 6 12, 2008, c. 5, s. 7 13, Ab. 2008, c. 5, s. 8 15, 2008, c. 5, s. 9 16, 2008, c. 5, s. 14 17, 2008, c. 5, s. 10 30, Ab. 2008, c. 5, s. 11 35, 2008, c. 5, s. 12 36, Ab. 2008, c. 5, s. 13 41, 2008, c. 5, s. 14</p>
c. S-22.01	<p>Act respecting the Société québécoise de récupération et de recyclage</p> <p>5, 2008, c. 5, s. 15 6, 2008, c. 5, s. 16 7, 2008, c. 5, s. 17 7.1, 2008, c. 5, s. 17 7.2, 2008, c. 5, s. 17 8, 2008, c. 5, s. 18 9, 2008, c. 5, s. 19 10, 2008, c. 5, s. 20 12, 2008, c. 5, s. 21 13, 2008, c. 5, s. 22 14, 2008, c. 5, s. 23</p>

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c. S-22.01	Act respecting the Société québécoise de récupération et de recyclage — <i>Cont'd</i> 15 , 2008, c. 5, s. 24 24 , Ab. 2008, c. 5, s. 25 26 , Ab. 2008, c. 5, s. 26 30 , 2008, c. 5, s. 27
c. S-29.01	Act respecting trust companies and savings companies 6 , 2008, c. 7, s. 100 104 , 2008, c. 7, s. 101 111 , 2008, c. 7, s. 102 153.2 , 2008, c. 7, s. 103 153.4 , 2008, c. 7, s. 104 153.6 , Ab. 2008, c. 7, s. 105 169 , 2008, c. 7, s. 106 177.1 , 2008, c. 7, s. 107 177.2 , 2008, c. 7, s. 107 177.3 , 2008, c. 7, s. 107 195 , 2008, c. 7, s. 109 197 , Ab. 2008, c. 7, s. 110 198 , Ab. 2008, c. 7, s. 110 199 , Ab. 2008, c. 7, s. 110 200 , 2008, c. 7, s. 111 203 , Ab. 2008, c. 7, s. 112 204 , 2008, c. 7, s. 113 205 , 2008, c. 7, s. 114 207 , Ab. 2008, c. 7, s. 115 209 , Ab. 2008, c. 7, s. 115 210 , Ab. 2008, c. 7, s. 115 211 , Ab. 2008, c. 7, s. 115 212 , 2008, c. 7, s. 116 213 , Ab. 2008, c. 7, s. 117 214 , Ab. 2008, c. 7, s. 117 227 , 2008, c. 7, s. 118 240 , 2008, c. 7, s. 119 241 , 2008, c. 7, s. 120 242 , 2008, c. 7, s. 121 244 , 2008, c. 7, s. 122 250 , 2008, c. 7, s. 123 251 , 2008, c. 7, s. 124 261 , 2008, c. 7, s. 125 299 , 2008, c. 7, s. 126 300 , Ab. 2008, c. 7, s. 127 301 , Ab. 2008, c. 7, s. 127 302 , Ab. 2008, c. 7, s. 127 314.1 , 2008, c. 7, s. 128 314.2 , 2008, c. 7, s. 129 337 , Ab. 2008, c. 7, s. 130 338 , Ab. 2008, c. 7, s. 130 339 , Ab. 2008, c. 7, s. 130 340 , Ab. 2008, c. 7, s. 130 341 , Ab. 2008, c. 7, s. 130 342 , Ab. 2008, c. 7, s. 130 343 , Ab. 2008, c. 7, s. 130 344 , Ab. 2008, c. 7, s. 130 345 , Ab. 2008, c. 7, s. 130 346 , Ab. 2008, c. 7, s. 130 347 , Ab. 2008, c. 7, s. 130 348 , Ab. 2008, c. 7, s. 130 349 , Ab. 2008, c. 7, s. 130 349.1 , 2008, c. 7, s. 131 349.2 , 2008, c. 7, s. 131 349.3 , 2008, c. 7, s. 131 350 , 2008, c. 7, s. 132

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c. S-29.01	Act respecting trust companies and savings companies — <i>Cont'd</i> 351 , 2008, c. 7, s. 133 363 , 2008, c. 7, s. 134 367.1 , 2008, c. 7, s. 135 367.2 , 2008, c. 7, s. 135 367.3 , 2008, c. 7, s. 135 385 , Ab. 2008, c. 7, s. 136
c. S-30.01	Act respecting public transit authorities 5 , 2008, c. 14, s. 126 80 , 2008, c. 14, s. 127 139 , 2008, c. 18, s. 109 154 , 2008, c. 18, s. 110
c. T-12	Transport Act 5 , 2008, c. 14, s. 128 30 , 2008, c. 23, s. 21 48.12 , 2008, c. 14, s. 129 48.14 , 2008, c. 14, s. 130 48.15 , 2008, c. 14, s. 130 48.16 , 2008, c. 14, s. 131 48.19 , 2008, c. 18, s. 111 48.30 , 2008, c. 18, s. 112 48.39 , 2008, c. 18, s. 113
c. T-16	Courts of Justice Act 224.23 , 2008, c. 4, s. 1 246.23.2 , 2008, c. 4, s. 2 246.40 , 2008, c. 23, s. 22
c. V-1.1	Securities Act 1 , 2008, c. 7, s. 137; 2008, c. 24, s. 196 2.1 , 2008, c. 24, s. 197 10.2 , Ab. 2008, c. 20, s. 170 10.3 , Ab. 2008, c. 20, s. 170 10.4 , Ab. 2008, c. 20, s. 170 10.5 , Ab. 2008, c. 20, s. 170 67 , 2008, c. 7, s. 138; Ab. 2008, c. 24, s. 198 68 , 2008, c. 7, s. 139 92 , 2008, c. 24, s. 199 94 , 2008, c. 7, s. 140 95 , 2008, c. 7, s. 141 98 , 2008, c. 7, s. 142 100 , 2008, c. 7, s. 143 122 , 2008, c. 7, s. 144 126 , 2008, c. 7, s. 144 148.1 , 2008, c. 24, s. 200 167 , Ab. 2008, c. 24, s. 201 168.1.2 , 2008, c. 7, s. 145 168.1.3 , 2008, c. 7, s. 146 169 , 2008, c. 24, s. 202 169.1 , 2008, c. 24, s. 203 170 , 2008, c. 24, s. 204 171 , 2008, c. 24, s. 205 171.1 , 2008, c. 24, s. 206 171.1.1 , 2008, c. 24, s. 207 172 , 2008, c. 24, s. 208 189.1 , 2008, c. 24, s. 209 195 , 2008, c. 7, s. 147 196 , 2008, c. 24, s. 210

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c. V-1.1	<p>Securities Act — <i>Cont'd</i></p> <p>202, 2008, c. 7, s. 148 204, 2008, c. 7, s. 149; 2008, c. 24, s. 211 204.1, 2008, c. 7, s. 150 208.1, 2008, c. 7, s. 151 211, 2008, c. 7, s. 152 218, 2008, c. 7, s. 153 223, 2008, c. 7, s. 154 225.28, 2008, c. 7, s. 155 225.29, 2008, c. 7, s. 155 237, 2008, c. 7, s. 156; 2008, c. 24, s. 212 239, 2008, c. 7, s. 157 250, 2008, c. 24, s. 213 257, Ab. 2008, c. 7, s. 158 258, Ab. 2008, c. 7, s. 158 258.1, Ab. 2008, c. 7, s. 158 259, Ab. 2008, c. 7, s. 158 259.1, Ab. 2008, c. 7, s. 158 259.2, Ab. 2008, c. 7, s. 158 260, Ab. 2008, c. 7, s. 158 261, Ab. 2008, c. 7, s. 158 261.1, Ab. 2008, c. 7, s. 158 262, Ab. 2008, c. 7, s. 158 262.1, 2008, c. 7, s. 159 272.1, 2008, c. 24, s. 214 273.1, 2008, c. 7, s. 160 274, 2008, c. 24, s. 215 274.1, 2008, c. 7, s. 161 276.4, Ab. 2008, c. 7, s. 162 295.1, Ab. 2008, c. 7, s. 162 295.2, Ab. 2008, c. 7, s. 162 297.6, Ab. 2008, c. 7, s. 162 303, Ab. 2008, c. 7, s. 163 305.1, 2008, c. 24, s. 216 307.2, 2008, c. 24, s. 217 308.2.1, 2008, c. 24, s. 218 310, 2008, c. 24, s. 219 318.1, 2008, c. 7, s. 164 318.2, 2008, c. 7, s. 165 320, 2008, c. 24, s. 220 321, 2008, c. 24, s. 221 322, 2008, c. 24, s. 222 323.8, 2008, c. 7, s. 166 323.8.1, 2008, c. 7, s. 167; 2008, c. 24, s. 223 330.1, Ab. 2008, c. 7, s. 168 330.5, Ab. 2008, c. 7, s. 168 330.6, Ab. 2008, c. 7, s. 168 330.9, 2008, c. 24, s. 224 331, 2008, c. 7, s. 169 331.1, 2008, c. 7, s. 170; 2008, c. 24, s. 225</p>
c. V-5.01	<p>Auditor General Act</p> <p>22, 2008, c. 23, s. 1 23, 2008, c. 23, s. 2 30.1, 2008, c. 23, s. 3 30.2, 2008, c. 23, s. 3 31, 2008, c. 23, s. 4 32, 2008, c. 23, s. 5 34, 2008, c. 23, s. 6 40, 2008, c. 23, s. 7 42, 2008, c. 23, s. 8 43, 2008, c. 23, s. 9 47, 2008, c. 23, s. 10</p>

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c. V-6.1	Act respecting Northern villages and the Kativik Regional Government 18.1 , 2008, c. 18, s. 114 173 , 2008, c. 18, s. 115 204 , 2008, c. 18, s. 116 358 , 2008, c. 18, s. 117 361.1 , 2008, c. 18, s. 118 374 , 2008, c. 18, s. 119
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2002, c. 45	Act respecting the Agence nationale d'encadrement du secteur financier 361 , Ab. 2008, c. 9, s. 142 378 , Ab. 2008, c. 9, s. 142 400 , Ab. 2008, c. 9, s. 142 403 , Ab. 2008, c. 9, s. 142 418 , Ab. 2008, c. 9, s. 142 483 , Ab. 2008, c. 9, s. 142

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2005, c. 50	Act to again amend various legislative provisions concerning municipal affairs 133 , 2008, c. 19, s. 37
2006, c. 17	Act to amend the Election Act to encourage and facilitate voting 13 , 2008, c. 22, s. 85
2006, c. 42	Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans 5 , 2008, c. 21, s. 30 7 , 2008, c. 21, s. 31 9 , 2008, c. 21, s. 32 11 , 2008, c. 21, s. 33 13 , 2008, c. 21, s. 34 40 , 2008, c. 21, s. 35
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Note : Information on how to use this table may be obtained by phone at 418 643-2840. The cumulative table of amendments, listing all amendments made since 1977 to the Revised Statutes of Québec and other public Acts, including amendments made by the Acts passed in 2008, is now available on the CD-ROM provided with this volume and is also posted on the website of Les Publications du Québec at the following address: http://www2.publicationsduquebec.gouv.qc.ca/lois_et_reglements/tab_modifs/AaZ.htm.

Legislative Translation and Publishing Directorate
National Assembly of Québec

**TABLE OF GENERAL AMENDMENTS
TO PUBLIC ACTS IN 2008**

The entries below are references to legislative provisions passed in 2008 which amend generally or affect one or several Acts rather than specific sections.

Title	Reference
An Act to amend the Professional Code and other legislative provisions	2008, c. 11, ss. 1, 212, 213 (Bill 75)
An Act to amend various legislative provisions respecting municipal affairs	2008, c. 18, s. 61 (Bill 82) (except section 691)
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2008, chapter 9	chapter C-73.2
2008, chapter 16	chapter P-42.1
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2008, chapter 24	chapter I-14.01



**LIST OF LEGISLATIVE PROVISIONS WHOSE COMING INTO FORCE
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1964	An Act respecting the Revised Statutes, 1964 1965-09-09
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1965, c. 11	An Act to amend the Legislature Act and the Executive Power Act 1966-04-18 s. 1
1965, c. 17	An Act to amend the Courts of Justice Act 1966-09-01 ss. 1-4, 22, 26-41
1965, c. 51	An Act to amend the Professional Syndicates Act 1965-11-01 ss. 3, 4
1965, c. 59	Blind Persons Allowances Act 1966-02-14 ss. 1-22
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1965, c. 61	Aged Persons Assistance Act 1966-02-14 ss. 1-21
1965, c. 67	An Act to amend the Education Act 1966-05-15 s. 10
1965, c. 80	Code of Civil Procedure 1966-09-01 ss. 1-951
1966-67, c. 18	An Act to amend the Courts of Justice Act 1968-03-11 ss. 2, 3
1966-67, c. 21	An Act to amend the Liquor Board Act 1968-03-01 ss. 1, 4, 5, 7, 9-11, 12 (par. a), 13-16, 19-22, 24, 26
1966-67, c. 24	Quebec National Library Act 1968-01-01 ss. 1-16
1966-67, c. 61	An Act to again amend the Education Act 1970-09-15 s. 1
1966-67, c. 72	Financial Institutions, Companies and Cooperatives Department Act 1968-05-28 ss. 1-24
1966-67, c. 73	Quebec Deposit Insurance Act 1970-07-01 ss. 23, 24, 29, 33
1968, c. 42	An Act to amend the Animal Health Protection Act 1972-01-01 s. 1

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Reference	Title Date of coming into force
1968, c. 48	An Act to establish the Office for the Prevention and Treatment of Alcoholism and other Toxicomanias 1970-05-01 ss. 1-17
1968, c. 67	Private Education Act 1969-07-02 ss. 9, 15, 23, 73
1968, c. 82	An Act respecting civil marriage 1969-04-01 ss. 1-15
1969, c. 21	Probation and Houses of Detention Act 1973-10-01 s. 17
1969, c. 51	Manpower Vocational Training and Qualification Act 1971-01-01 ss. 64-95, 99 1971-03-06 ss. 59-61
1969, c. 58	Wild-life Conservation Act 1970-06-15 ss. 1-83
1969, c. 59	An Act to amend the Hotels Act 1975-05-07 ss. 1-9
1969, c. 61	Stuffing and Upholstered and Stuffed Articles Act 1973-01-01 ss. 1-38
1969, c. 63	Social Aid Act 1970-09-10 Div. V, ss. 30-41, 65 1970-11-01 Div. I, II, III, IV, VI, VII, VIII, IX, except ss. 58, 59 1972-05-01 s. 60
1969, c. 67	An Act to amend the Education Act 1970-03-31 ss. 1-9
1970, c. 10	An Act to again amend the Courts of Justice Act 1971-10-30 ss. 1, 2
1970, c. 27	An Act to amend the Mining Act 1971-12-01 ss. 11-18, 20-23, 32
1971, c. 20	Québec Liquor Corporation Act 1993-09-30 s. 25 (3 rd par.), date from which a beer distributor's permit may be issued
1971, c. 33	Petroleum Products Trade Act 1973-01-01 ss. 1-29, 36 1974-05-01 ss. 30-35
1971, c. 47	An Act to amend the Health Insurance Act and the Health Insurance Board Act 1972-05-23 s. 3 1972-08-01 ss. 1, 2, 9-17, exceptions excluded 1974-01-01 ss. 1 (par. <i>f</i> (part)), 2 (2 nd par. (par. <i>b</i>)), 16 (part) 1974-05-01 s. 15 (par. <i>a</i> , subpar. <i>c</i> ¹)

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Reference	Title Date of coming into force
1971, c. 48	An Act respecting health services and social services 1972-06-01 ss. 1-148, 150-168
1971, c. 50	Real Estate Assessment Act 1972-10-15 s. 129 1972-11-30 ss. 130, 132
1971, c. 81	Public Curatorship Act 1972-06-01 ss. 1-48
1972, c. 4	An Act to amend the Territorial Division Act 1973-09-25 ss. 1, 2
1972, c. 14	Legal Aid Act 1973-06-04 ss. 2-10, 22 (par. <i>a, j</i>), 24-28, 50-55, 57, 58, 60, 62-79, 82, 83, 91-94
1972, c. 42	Public Health Protection Act 1974-04-17 ss. 25-35
1972, c. 49	Environment Quality Act 1975-01-22 ss. 54-56, 58, 59, 64, 66, 67 1984-05-16 s. 45
1972, c. 52	An Act respecting the General Investment Corporation of Québec 1973-04-27 ss. 4, 6-9, 12-14
1972, c. 53	An Act to amend the Québec Pension Plan 1973-05-01 ss. 4-8, 66, 68
1972, c. 55	Transport Act 1973-05-24 ss. 52-73, 182, 183 (par. <i>b</i>) 1973-07-09 ss. 98, 101 (part), 102 1973-07-18 s. 101 (part) 1974-05-13 ss. 101 (part), 125 1974-05-27 s. 101 (part) 1974-08-14 ss. 99, 100
1973, c. 26	An Act to amend the Animal Health Protection Act 1987-07-01 s. 31
1973, c. 30	An Act to amend the Health Insurance Act and the Québec Health Insurance Board Act 1974-01-01 s. 15 1975-05-07 s. 17 1975-06-11 ss. 1 (par. <i>a</i>), 2 (par. <i>d</i>), 3-5, 8, 13 (par. <i>e</i>)
1973, c. 37	An Act to amend the Transport Act 1973-08-06 s. 4
1973, c. 38	Expropriation Act 1975-06-19 ss. 68-87, 143, 144, 145 1976-04-01 ss. 34-44, 48-66, 88, 92, 98, 99, 103, 104, 110-112, 114-117, 121, 136, 139-142

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1973, c. 46	Medical Act 1974-09-01 s. 37 (1 st par.)
1973, c. 50	Denturologists Act 1974-06-01 ss. 1-19
1973, c. 54	Hearing-aid Acousticians Act 1974-10-21 s. 17
1973, c. 55	Podiatry Act 1974-10-21 s. 19
1973, c. 56	Chiropractic Act 1974-10-21 s. 15
1974, c. 6	Official Language Act 1976-01-01 ss. 78-99 1976-01-28 s. 34 1976-09-01 ss. 26-29, 39
1974, c. 10	An Act to amend the Civil Service Superannuation Plan 1977-07-01 ss. 2, 4, 5, 6 (s. 16 <i>c</i>), 11, 14, 16, 17 (s. 52 <i>a</i>), 26
1974, c. 13	Bailiffs Act 1975-09-20 ss. 2-21, 26-34, 36, 38
1974, c. 14	An Act to amend the Liquor Permit Control Commission Act 1975-05-26 s. 59 1975-07-01 ss. 1, 8-10, 12, 13 (par. <i>a</i>), 16, 18-22, 23 (par. <i>a, d</i>), 24 (par. <i>c</i>), 30, 32, 39, 40, 56, 64-67, 73, 75, 82
1974, c. 15	Intergovernmental Affairs Department Act 1976-06-01 s. 21
1974, c. 31	Crop Insurance Act 1977-04-15 ss. 23 (1 st par.), 30, 31, 34, 35, 37, 43, 44 (4 th , 5 th par.) 1977-05-18 ss. 32, 33, 36, 38-42, 45 1977-10-19 s. 44 (1 st , 2 nd , 3 rd par.)
1974, c. 33	An Act to amend the Act to promote credit to farm producers 1975-06-01 ss. 1-13
1974, c. 35	Agricultural Products and Food Act 1975-07-15 ss. 1-5, 6 (except 1 st par. (par. <i>b</i>)), 7-42, 44-53
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Reference	Title Date of coming into force
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1974, c. 42	An Act to amend the Act respecting health services and social services 1980-11-04 s. 66
1974, c. 53	Travel Agents Act 1975-04-30 ss. 1-43
1974, c. 59	An Act respecting the protection of children subject to ill-treatment 1975-04-11 ss. 1 (ss. 14 <i>a</i> -14 <i>g</i> , 14 <i>i</i>), 2-4 1975-10-04 s. 1 (ss. 14 <i>h</i> , 14 <i>j</i> -14 <i>q</i>)
1974, c. 61	An Act to amend the Transport Act 1974-08-14 ss. 1, 2, 4-11 1974-08-28 s. 3
1974, c. 63	An Act to amend the Teachers Pension Plan 1975-07-01 ss. 1 (par. <i>b</i>), 3, 5, 9, 10
1974, c. 67	An Act to amend the Trust Companies Act 1975-09-24 ss. 4, 8
1974, c. 70	An Act respecting insurance 1976-10-20 ss. 1-274, 276-336, 340-481 1979-11-21 s. 275
1975, c. 6	Charter of human rights and freedoms 1976-06-28 ss. 1-56, 66-89, 91-96
1975, c. 7	An Act to amend the Territorial Division Act 1980-01-01 ss. 1-23
1975, c. 12	An Act to constitute the “Société québécoise d’information juridique” 1976-04-01 ss. 1-26
1975, c. 45	An Act to amend the Transport Act and other legislation 1976-05-03 ss. 7, 37 1976-08-04 s. 30
1975, c. 50	An Act to amend the Construction Industry Labour Relations Act 1976-09-15 s. 3 (ss. 32 <i>m</i> , 32 <i>n</i>)
1975, c. 58	An Act to repeal the Health Units Act 1976-04-01 s. 1
1976, c. 22	An Act to amend the Petroleum Products Trade Act 1987-06-10 ss. 1-8

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Reference	Title Date of coming into force
1976, c. 46	An Act approving the Agreement concerning James Bay and Northern Québec 1977-10-31 ss. 2 (par. 1-5, 7), 3, 4, 5
1976, c. 51	An Act to prolong and amend the Act to promote conciliation between lessees and property-owners 1977-04-01 ss. 2, 3, 8, 10, 11
1976, c. 58	An Act respecting the city of Hull 1981-08-19 ss. 1, 2
1977, c. 20	Youth Protection Act 1979-01-15 ss. 2-11, 23-27, 30, 32-137, 140, 146, 147, 150-153, 155
1977, c. 52	An Act to amend the Cities and Towns Act 1978-08-01 ss. 21, 22
1977, c. 53	An Act to amend the Municipal Code 1978-08-01 s. 37
1977, c. 55	An Act to amend the Environment Quality Act 1984-05-16 ss. 1, 2
1977, c. 60	An Act to facilitate conversion to the international system of units (SI) and to other customary units 1983-11-01 ss. 16, 18, 19
1977, c. 62	An Act to amend the Charter of the Québec Deposit and Investment Fund 1979-04-11 ss. 4, 5, 8-11
1977, c. 68	Automobile Insurance Act 1978-07-05 ss. 140, 236
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1978, c. 54	An Act to amend the Electricians and Electrical Installations Act and the Building Contractors Vocational Qualifications Act 1979-03-01 ss. 1-23, 35 1980-04-01 ss. 24-34
1978, c. 55	An Act to amend the Pipe-Mechanics Act and to again amend the Building Contractors Vocational Qualifications Act 1980-04-01
1978, c. 56	An Act to amend the Stationary Enginemen Act 1981-09-01
1978, c. 57	An Act to amend the Workmen's Compensation Act and other legislation 1981-01-01 s. 67 1981-03-11 s. 24
1978, c. 64	An Act to amend the Environment Quality Act 1984-05-16 s. 18
1978, c. 66	An Act to amend the Charter of the General Investment Corporation of Québec 1979-08-15 s. 5
1978, c. 75	An Act to amend the Highway Code 1979-09-17 ss. 2, 3, 5, 7
1978, c. 98	An Act approving the Northeastern Québec Agreement 1979-07-04 ss. 2 (par. 1-5, 7), 3, 4
1979, c. 1	An Act to amend the Health Insurance Act and other legislation 1982-03-24 s. 40 (par. a, b)
1979, c. 17	An Act to amend the Adoption Act 1980-10-08 ss. 3 (s. 37.3), 4 (s. 41 (1 st par., subpar. f)) 1981-04-15 s. 3 (s. 37.2)
1979, c. 25	An Act respecting the legislation provided for in the Northeastern Québec Agreement and amending other legislation 1981-09-10 ss. 105 (s. 31 <i>i</i> (2 nd par.)), 111-114, 116-119, 122-128, 131-139, 142, 145 (ss. 763-765, 790, 792) 1985-07-01 s. 145 (ss. 766-779, 782-789, 791, 793, 794)
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1979, c. 31	An Act to amend the Companies Act and other legislation 1980-09-17 ss. 11, 12, 28, 29, 33 1980-12-17 s. 48 1980-12-30 ss. 19 (s. 31.1), 20 (s. 32 (part)), 30 (s. 132.1), 31 (s. 133 (part)), 35, 36, 37 (par. a), 38, 39, 45-47

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1979, c. 73	An Act to amend the Crop Insurance Act and the Act respecting farm income stabilization insurance 1981-01-21 ss. 1-22
1979, c. 75	An Act respecting pressure vessels, and other legislation 1980-04-01 ss. 1-38, 50-52
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1980, c. 29	An Act to amend the Forestry Credit Act 1981-07-09 ss. 1-3
1980, c. 32	An Act respecting the conservation of energy in buildings 1981-11-01 ss. 5, 16, 17 1983-02-01 ss. 1-4, 6-15, 18-26
1980, c. 39	An Act to establish a new Civil Code and to reform family law 1981-04-02 ss. 1 (Civil Code of Québec, aa. 407-422, 440-458, 460-524, 572-594, 633-659), 2-5, 7, 8, 10-32, 34-58, 61, 62, 65-67, 72, 74-79 1982-12-01 ss. 1 (Civil Code of Québec, aa. 406, 431-439, 459, 525-537, 556-559, 568, 570, 595-632), 6, 33, 59, 60, 64 (3 rd par.), 68, 69, 70 (2 nd par.), 71 (1 st par.), 73 1986-06-01 s. 1 (Civil Code of Québec, aa. 547, 549, 550)
1981, c. 2	An Act to amend the Youth Protection Act 1981-08-01 ss. 1-27
1981, c. 3	An Act to amend the Civil Service Act 1981-06-23 ss. 1, 2, 3 (s. 50 (subpar. a and b)) 1982-07-02 s. 5 1982-08-12 s. 3 (par. c)
1981, c. 6	An Act respecting the Société du Palais des congrès de Montréal 1981-07-16 ss. 1-31

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Reference	Title Date of coming into force
1981, c. 7	Highway Safety Code 1981-11-01 ss. 58, 59, 143, 163-165, 273, 477-479, 510, 511, 562, 563, 568 1982-01-01 ss. 1-57, 60, 61, 63-66, 68, 70-94, 125-129, 132-162, 166-168, 172-179, 512-529, 533-550, 554-561, 564, 565 1982-04-01 ss. 118-124, 194-263, 265-272, 274-476, 482, 484, 486, 489-491, 498-503, 505-509 1982-06-01 ss. 95-117, 169-171, 180-193, 480, 481, 485, 487, 488, 492-497, 504, 530 (1 st par.), 531, 532, 551-553, 556 1983-01-01 s. 69 1984-03-14 ss. 62, 67 1985-07-01 s. 264
1981, c. 8	An Act to amend the Transport Act and other legislation 1981-09-01 ss. 1, 2 (par. 4, 5), 3, 6, 15, 18, 19, 21, 22, 24-28, 31-35, 38 1981-12-16 ss. 4, 20, 36, 37 1982-01-20 ss. 2 (par. 1, 3), 5, 7-11, 13, 14, 16, 17 1982-11-17 ss. 23, 30 1983-08-01 s. 29 (s. 80 (par. a, b)) 1984-01-01 s. 29 (s. 80 (par. c))
1981, c. 10	An Act respecting the Ministère de l'Habitation et de la Protection du consommateur 1981-07-22 s. 28 (2 nd par.)
1981, c. 20	An Act to amend the Civil Service Act 1982-01-08 ss. 1-9
1981, c. 22	An Act to amend various legislation in the field of health and social services 1982-03-24 ss. 1 (s. 2 (10 th par.)), 4, 8, 9, 14-20, 22, 23, 24 (par. 1, 3, 4, 6), 25-29, 33, 35, 36, 40, 42, 43 (ss. 18.1, 18.2, 18.5), 46, 52-55, 57, 59-82, 86-91, 94-96, 100, 102, 113 (3 rd par.), 116 1982-07-01 ss. 1 (s. 3 (9 th , 11 th par.)), 7, 10 1983-02-01 s. 49 1983-04-01 s. 21
1981, c. 23	An Act to amend various legislative provisions 1983-01-01 ss. 16, 17
1981, c. 24	An Act to amend various fiscal laws 1982-01-20 ss. 14, 15
1981, c. 26	An Act to amend the Transport Act and other legislation 1982-03-25 ss. 1-26, 28, 29, 40, 41 1982-04-01 ss. 31, 32, 37 1982-07-01 ss. 27, 30, 33-36, 38, 39
1981, c. 27	An Act respecting school loans 1982-03-08 ss. 1-27
1981, c. 31	An Act respecting the sociétés d'entraide économique and amending various legislation 1982-01-13 ss. 1-15, 16 (part), 17-49, 162-167, 190-195, 201-204, 206 (1 st par.), 207-213, 216-218, 220-223 1982-03-01 ss. 50-52, 53 (par. 1, 2), 54-56, 61-99, 100 (2 nd par.), 104-117, 118 (1 st par.), 119-123, 124 (1 st par., 2 nd par. (par. 1, 2, 4, 5)), 125, 127 (1 st par.), 128, 129 (part), 130-161, 170-181, 189, 198-200, 214, 215 1984-04-01 ss. 53 (par. 3), 60, 100 (1 st par.), 101-103, 118 (2 nd par.) 1984-11-15 ss. 168 (part), 169

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Reference	Title Date of coming into force
1981, c. 32	An Act to amend the Act to establish the Régie du logement and to amend the Civil Code and other legislation 1982-02-17 ss. 2, 16 1982-06-09 ss. 10, 18
1982, c. 2	An Act to amend various legislative provisions respecting municipalities 1982-08-12 s. 121
1982, c. 8	An Act respecting the Société du Grand Théâtre de Québec 1982-07-01 ss. 1-41
1982, c. 9	An Act respecting the Société de la Place des Arts de Montréal 1982-07-01 ss. 1-43
1982, c. 13	An Act respecting public agricultural lands 1984-07-01 ss. 1-73
1982, c. 17	An Act to provide for the carrying out of the family law reform and to amend the Code of Civil Procedure 1982-12-01 ss. 1, 3-28, 29 (Code of Civil Procedure, aa. 813-817.4, 818.1-819.4, 821-827.1), 30-41, 43-80, 81 (par. 1, 2), 83-87 1983-10-01 ss. 2, 42
1982, c. 26	Cooperatives Act 1983-03-30 ss. 328, 329 1983-06-08 ss. 244, 245, 271, 279, 282 1983-12-21 ss. 1-243, 246-270, 272-278, 280, 281, 283-327
1982, c. 27	An Act respecting the revocation of mining rights and amending the Mining Act 1982-09-15 ss. 1-15
1982, c. 29	An Act to promote the establishment of young farmers 1982-09-01 ss. 1-34
1982, c. 30	An Act respecting Access to documents held by public bodies and the Protection of personal information 1983-10-01 ss. 155-157, 168, 169, 178 1984-07-01 ss. 9-15, 17-68, 71-102, 122-130, 132-154, 158-167, 170-173, 175-177 1985-07-01 ss. 69, 70 1986-01-01 s. 16
1982, c. 31	An Act to amend certain legislation concerning the financing of political parties and concerning municipal elections 1982-06-30 ss. 1-59, 62-118 1982-10-10 ss. 60, 61
1982, c. 32	An Act to amend the Summary Convictions Act, the Code of Civil Procedure and other legislation 1982-06-23 ss. 64-69, 71, 72, 97, 99 1983-01-01 ss. 1-30 1983-04-01 s. 59
1982, c. 33	An Act to amend various legislation respecting pension plans 1982-08-18 ss. 1, 21, 30, 36 (s. 115), 40

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Reference	Title Date of coming into force
1982, c. 37	An Act to amend the Labour Code, the Code of Civil Procedure and other legislation 1982-06-30 ss. 20-26, 28, 29 1982-08-03 ss. 1, 4, 6 (ss. 111.0.15, 111.0.16, 111.0.18-111.0.26), 17, 27 1982-11-10 s. 6 (ss. 111.0.1-111.0.3, 111.0.5-111.0.7, 111.0.14) 1982-12-01 ss. 2, 3, 5, 6 (ss. 111.0.8-111.0.11, 111.0.13, 111.0.17), 16, 18, 19 1985-06-19 ss. 7-10, 13
1982, c. 38	An Act to amend various fiscal laws 1983-01-01 s. 23
1982, c. 40	An Act to amend the Act to preserve agricultural land 1982-07-01 ss. 1-15
1982, c. 48	Securities Act 1983-01-19 ss. 150, 160, 300, 301, 331-335, 348, 353, 354 1983-04-06 ss. 1-149, 151-159, 161-299, 302-330, 336-338, 340-347, 349-352 1983-12-21 s. 339
1982, c. 49	An Act to amend the Autoroutes Act and other legislation 1983-01-01 ss. 1-10, 12-23 1983-01-20 s. 11
1982, c. 50	An Act respecting the Ministère du Commerce extérieur 1983-01-12 ss. 1-22
1982, c. 51	An Act respecting the abolition of compulsory retirement in the public and parapublic sector pension plans and amending various legislation respecting such plans 1983-01-01 ss. 45, 122
1982, c. 52	An Act respecting the Inspector General of Financial Institutions and amending various legislation 1983-04-01 ss. 1-30, 32-35, 37-43, 45-52, 56-233, 235-263, 266-273, Schedule I 1983-04-01 ss. 264, 265
1982, c. 54	An Act respecting the integration of the administration of the electoral system 1983-01-01 ss. 1-59
1982, c. 55	An Act respecting the transfer of property in stock 1984-07-03 ss. 1-6
1982, c. 58	An Act to amend various legislation 1983-04-01 s. 1 1983-12-21 s. 22 1984-01-18 ss. 75 (s. 178.0.2), 76 (s. 178.1) 1987-03-18 ss. 41, 42, 43
1982, c. 59	An Act to amend the Automobile Insurance Act and other legislation 1983-01-01 ss. 1-4, 5 (par. 1, 3), 12, 15, 19, 20, 24, 27-30, 48, 49, 54, 59-61, 63, 64, 66, 70-73 1983-03-01 ss. 31-35, 62, 67-69 1983-07-01 ss. 6-9, 10 (s. 26 (3 rd par.)), 13, 14, 16-18, 21, 23, 36 (par. 2) 1984-01-01 ss. 25, 26, 47, 53, 55, 56 1984-03-14 ss. 10 (s. 26 (2 nd par.)), 11, 38-41, 50, 52 1984-05-16 ss. 57, 58

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Reference	Title Date of coming into force
1982, c. 61	An Act to amend the Charter of human rights and freedoms 1983-10-01 ss. 1-4, 5 (s. 18.2), 6 (par. 1), 7-20, 21 (ss. 86.8-86.10), 22, 23, 28, 29, 31-35 1984-06-01 s. 5 (s. 18.1) 1985-06-26 ss. 21 (ss. 86.1, 86.2 (2 nd par.), 86.3-86.7), 24, 26, 27
1982, c. 62	An Act respecting the National Assembly 1983-02-09 ss. 33-36, 38, 40, 41, 42-56, 66, 74, 77-79, 116, 128-132, 133, 134, 136-139, 140, 155 (to the extent that it repeals ss. 14, 16, 27-33 and 37 of the Interpretation Act), 159, Schedule II 1983-05-04 ss. 86-115, 117-127, 147, 164 1983-05-18 ss. 57-65, 67-73, 75, 76, 80-85, 135, 141 (2 nd par.), 167 (1 st par.) 1989-06-07 ss. 37, 39, 155 to the extent that it repeals ss. 15, 20, 21, 23-26, 34-36
1983, c. 7	An Act to amend the Act to promote farm improvement 1983-06-08 ss. 1-6
1983, c. 8	An Act to amend the Act to promote credit to farm producers 1983-06-08 ss. 1-4, 6-8
1983, c. 10	An Act to amend the Deposit Insurance Act 1984-06-01 ss. 2-4, 28, 32 1991-12-01 s. 35
1983, c. 15	An Act to amend the Hydro-Québec Act and the Act respecting the exportation of electric power 1983-06-28 ss. 1-47
1983, c. 16	An Act to promote forest credit by private institutions 1984-06-30 ss. 1-71
1983, c. 20	An Act to amend certain fiscal legislation 1984-01-01 s. 5
1983, c. 21	An Act to amend the Expropriation Act, the Civil Code and the Act respecting the Communauté urbaine de Montréal 1983-10-01 ss. 8, 12, 14, 17, 19-34
1983, c. 23	An Act to promote the advancement of science and technology in Québec 1983-08-17 ss. 1-64, 98-101, 103-109, 111, 113 (s. 55 (par. 16, 18)), 114, 115, 127-131 1984-01-25 ss. 65 (par. 2), 66-79, 81, 83-93, 94 (2 nd par.), 95 (2 nd , 3 rd par.), 96, 97, 113 (s. 55 (par.17)), 116, 119-124 respecting the Fonds de recherche en santé du Québec 1984-01-25 ss. 102, 110 1984-11-28 ss. 65 (par. 1), 66-80, 83-93, 94 (1 st par.), 95 (1 st , 3 rd par.), 96, 97, 117-124 to the extent that they relate to the Fonds pour la formation de chercheurs et l'aide à la recherche 1984-11-28 s. 112
1983, c. 25	An Act to amend the Act respecting assistance for tourist development 1983-09-15 ss. 1-13
1983, c. 26	An Act to amend various legislative provisions respecting housing and consumer protection 1983-09-01 ss. 10, 12 (par. 2)

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Reference	Title Date of coming into force
1983, c. 27	An Act respecting the Société québécoise des transports 1983-07-05 ss. 1-38
1983, c. 28	An Act to amend the Code of Civil Procedure, the Civil Code and other legislation 1983-12-01 ss. 10, 28-35 1985-02-25 s. 43
1983, c. 30	An Act to amend the Act respecting the Société des alcools du Québec and other legislation 1983-10-19 ss. 1-14 (s. 83), 15-28
1983, c. 37	Cinema Act 1983-12-14 ss. 1-8, 15-35, 38, 40-62, 65-75, 123-134, 136, 137, 145-148, 167-172, 185-187, 192, 193, 202, 209-211 1984-02-20 ss. 9-14, 36, 37, 39, 207, 208 1984-04-11 ss. 63, 64, 191 1985-03-13 ss. 76-78, 80-82, 84-90, 135 (1 st par. (subpar. 1, 7), 2 nd par.), 138-144, 149-153, 173-176, 178-181, 195, 196, 200, 201, 203-206 1985-04-01 ss. 100, 197 1985-10-08 s. 83 1988-09-30 ss. 79, 91-96, 97 (1 st par., 2 nd par. (subpar. 1-5, 7)), 98, 99, 101-104, 106-108, 110, 117-122, 135 (1 st par. (subpar. 2, 3, 5, 6)), 154-166, 177, 182-184, 194
1983, c. 38	Archives Act 1987-08-21 ss. 69, 71 1989-08-30 ss. 58, 63, 80 1990-04-02 ss. 73, 81 1991-04-19 s. 79 1992-02-05 s. 72 1993-04-01 s. 70 1994-04-27 ss. 64, 66, 67
1983, c. 39	An Act respecting the conservation and development of wildlife 1984-06-06 ss. 1-25, 27, 28, 31-37, 39, 41, 44, 45, 47, 48, 50, 52-66, 69-74, 77-128, 162, 164-197 1984-06-15 ss. 30, 38, 40, 129-132, 133 (1 st par.), 134-139, 142-146, 150-161, 163 1985-11-27 ss. 140, 141 1988-01-13 s. 148 1988-03-09 ss. 147, 149 1989-03-01 ss. 49, 51, 75, 76 1989-08-23 s. 29 1992-08-06 ss. 42, 67, 68 1993-07-29 s. 26 1999-04-22 s. 43
1983, c. 40	An Act respecting the Société immobilière du Québec 1984-02-15 ss. 1-17, 53, 61, 66, 96, 97, 98 1984-03-14 ss. 18, 22-45, 54-60, 67, 68, 72-76, 79-82, 84, 91, 92 (except Div. II and ss. 19, 20), 93-95 1984-04-01 ss. 85-87 1984-09-25 ss. 19, 21 1984-09-30 ss. 46-52 1984-10-01 ss. 20, 62, 63-65, 69-71, 77, 78, 83, 88-90, 92 (Div. II and ss. 19, 20)
1983, c. 41	An Act respecting the determination of the causes and circumstances of death 1984-11-21 ss. 5-33, 163-169, 183, 184, 189, 212, 213 1986-03-03 ss. 1-4, 34-162, 170-182, 185-188, 190-211

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Reference	Title Date of coming into force
1983, c. 42	An Act respecting the Agence québécoise de valorisation industrielle de la recherche 1984-01-25 ss. 1-42
1983, c. 47	An Act to amend various fiscal laws in view of instituting a new right of appeal for taxpayers 1984-09-30 ss. 1-10
1983, c. 49	An Act to amend various fiscal laws 1984-01-01 ss. 7-9, 18-21, 23, 36, 37, 39 (in respect of individuals only), 43-45, 49-53 1984-05-01 s. 17 1984-08-08 s. 39 in respect of the department corporations and mandataries
1983, c. 52	National Museums Act 1984-05-16 ss. 1-22, 26-41, 44-52, 55-57 1984-11-09 ss. 23, 24, 25, 42, 43, 53, 54
1983, c. 54	An Act to amend various legislative provisions 1984-03-14 s. 13 1984-04-25 s. 21 (s. 78 (4 th par.)) 1985-01-09 s. 44
1983, c. 55	Public Service Act 1984-02-02 ss. 28, 29, 87-89, 136, 137, 153, 164, 174 1984-03-21 ss. 162, 169-171, 173 1984-04-01 ss. 1-27, 30-41, 51, 52, 54-86, 90-135, 138-152, 154-161, 163, 165-168, 172 1985-02-01 ss. 42-50, 53
1983, c. 56	An Act to amend the Charter of the French language 1984-02-01 ss. 1-53
1984, c. 4	An Act to amend the Youth Protection Act and other legislation 1984-04-04 ss. 3, 15, 20, 21, 22 (par. 1), 26, 27, 33, 38, 44, 46, 62-85 1984-04-16 ss. 1, 2, 4-14, 16-19, 22 (par. 2), 23-25, 28-32 (ss. 57.2, 57.3), 34-37, 39-43, 45, 47-61
1984, c. 8	An Act respecting the Société de développement des coopératives 1984-06-06 ss. 1-51
1984, c. 12	An Act respecting the civil aspects of international and interprovincial child abduction 1984-12-12 ss. 41, 46, 47 1985-01-01 ss. 1-40, 42-45
1984, c. 16	An Act respecting commercial fisheries and aquaculture and amending other legislation 1985-11-15 ss. 1-3, 5-10, 12-68
1984, c. 17	An Act to amend the Act respecting commercial establishments business hours 1984-08-15 ss. 1-8
1984, c. 19	An Act respecting the leasing of water-powers of the Péribonca river to the Aluminum Company of Canada Limited 1984-09-07 ss. 1-10

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Reference	Title Date of coming into force
1984, c. 23	An Act to amend various legislation respecting transport 1984-12-12 ss. 7, 12, 26-30 1985-03-13 s. 3
1984, c. 26	An Act to amend the Code of Civil Procedure and other legislation 1984-07-03 ss. 34, 35, 36 1984-08-08 ss. 37, 38, 42, 43 1984-11-01 ss. 1-5, 11, 13, 14, 19, 23-28, 30-33, 39, 40 1985-01-01 ss. 6-10, 12, 15-18, 20, 22
1984, c. 27	An Act to amend various legislation 1995-06-30 s. 84
1984, c. 30	An Act respecting beer and soft drinks distributor's permits 1984-06-27 ss. 1, 5, 10, 11, 12 1984-07-15 ss. 2, 3, 4, 6, 7, 8, 9
1984, c. 33	An Act to amend the National Museums Act 1984-12-19 ss. 1, 3, 13, 15 1985-04-01 ss. 2, 4-12, 14
1984, c. 36	An Act respecting the Ministère du Tourisme and amending other legislation 1984-12-20 ss. 1-52
1984, c. 41	An Act to amend the Securities Act 1985-08-01 ss. 8, 14-16, 20, 33 1987-06-04 ss. 1 (par. 2), 36, 37, 40 (ss. 110-118, 120, 123 (1 st par.), 124, 125, 127-142, 145-147.7, 147.8 (part), 147.9-147.12, 147.15, 147.16, 147.19-147.23), 53, 54 1987-07-16 s. 40 (ss. 119, 121, 122, 126, 143, 144, 147.13, 147.14, 147.17, 147.18)
1984, c. 42	An Act respecting the Société de transport de la Ville de Laval 1985-02-01 ss. 1-145
1984, c. 43	An Act respecting the leasing of water-powers of the du Lièvre river to Les Produits forestiers Bellerive Ka'N'Enda Inc. 1985-03-06 ss. 1-10
1984, c. 46	An Act to amend the Civil Code, the Code of Civil Procedure and other legislation 1985-04-01 ss. 5-14
1984, c. 47	An Act to amend various legislation 1985-02-22 ss. 23-25, 191, 192, 195, 196, 197 1985-03-01 s. 137 1985-03-13 s. 22 1985-03-13 ss. 217-225 1985-04-01 s. 207 1985-12-15 ss. 128-132 1986-04-30 s. 31
1984, c. 51	Election Act 1985-03-13 ss. 1-93, 95-563 1985-07-01 s. 94
1984, c. 54	An Act respecting the Société des établissements de plein air du Québec 1985-03-20 ss. 1-56

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Reference	Title Date of coming into force
1985, c. 9	An Act respecting Québec business investment companies 1985-08-14 ss. 1-19
1985, c. 12	An Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors 1985-06-19 ss. 1-56, 70-91, 93-101, schedules A, B, C 1985-08-01 s. 92 (ss. 111.16-111.20 of the Labour Code) 1985-08-01 ss. 57-69
1985, c. 13	An Act respecting the Société du Parc des expositions agro-alimentaires 1985-07-10 ss. 1-40
1985, c. 14	Cullers Act 1985-09-01 ss. 1-46
1985, c. 15	Restauration Merit Act 1985-12-01 ss. 1-12
1985, c. 16	Fishermen's Merit Act 1985-12-01 ss. 1-12
1985, c. 17	An Act to amend the Act respecting insurance and other legislation 1985-09-11 ss. 1-100
1985, c. 20	An Act to amend the Act respecting the Montréal Museum of Fine Arts 1985-09-01 ss. 1-12
1985, c. 21	An Act respecting the Ministère de l'Enseignement supérieur, de la Science et de la Technologie and amending various legislation 1985-07-15 ss. 1-30, 32, 35-74, 80-85, 96-106 1985-08-15 ss. 31, 33, 34
1985, c. 23	An Act to amend various legislation respecting social affairs 1992-08-01 ss. 1, 2, 4
1985, c. 24	An Act to amend the Cultural Property Act and other legislation 1986-04-02 ss. 1-46
1985, c. 29	An Act to amend various legislation respecting the administration of justice 1985-11-27 ss. 17-19, 42 (s. 103.1), 44-47 1986-03-03 ss. 16, 20, 21, 38-41, 42 (ss. 103.2-103.6), 43 1989-05-01 ss. 7-11
1985, c. 30	An Act to amend various legislation 1985-10-16 ss. 26-28 1985-10-23 ss. 40-52
1985, c. 34	Building Act 1985-10-31 ss. 87-111, 130, 140-149, 154, 156-159, 217, 220, 222, 223, 225 (Title of Div. III.2, ss. 9.14-9.34), 228 (par. 1), 229 (par. 2), 233, 236, 237, 241 (ss. 20.8-21, 21.2-23), 244, 246, 248, 250, 251, 255 (par. 1), 256, 261 (ss. 19.8-20, 20.2-21.2), 298, 300

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Reference	Title Date of coming into force
1985, c. 34	<p>Building Act – <i>Cont'd</i></p> <p>1986-11-01 ss. 226, 227, 228 (par. 2, 3)</p> <p>1987-01-01 s. 224</p> <p>1988-06-15 ss. 269-273</p> <p>1989-02-01 ss. 221, 225 (s. 9.35), 229 (par. 1)</p> <p>1995-09-01 ss. 151 (par. 6) (in any respect other than the qualification of contractors and owner-builders), 153 (in any respect other than the qualification of contractors and owner-builders)</p> <p>1997-01-15 ss. 160 (par. 1), 165 (par. 1)</p> <p>2000-11-07 ss. 2 (in all respects other than the qualification of contractors and owner-builders), 3, 5, 7 (with regard to the definition of “pressure vessel”), 10, 12-18, 20-23, 36, 112 (in all respects other than the qualification of contractors and owner-builders), 113, 114, 115 (in all respects other than the qualification of contractors and owner-builders), 116, 122-128, 132-139, 151 (par. 1-5) (in all respects other than the qualification of contractors and owner-builders)), 153 (1st par.) (in all respects other than the qualification of contractors and owner-builders)), 194 (par. 3, 6, 6.1, 6.2) (par. 2, 4, 7 (in all respects other than the qualification of contractors and owner-builders)), 198, 199, 210, 282 (with regard to buildings and facilities intended for public use to which Chapter I of the Building Code approved by Order in Council 953-2000 dated 26 July 2000 applies) and 283</p> <p>2002-10-01 ss. 6, 24-27, the heading of Div. I preceding s. 29, 29 (with regard to the plumbing installations, electrical installations and installations intended to use, store or distribute gas), 30-35, the heading of Div. III preceding s. 37, 37, 39, 40, 119, 214 (concerning the Act respecting piping installations (R.S.Q., chapter I-12.1) and the Act respecting electrical installations (R.S.Q., chapter I-13.01)), 230 (par. 1, 2), 239, 245 (par. 2), 259, 260, 291 (1st par. (in all respects other than the qualification of contractors and owner-builders), 2nd par.)</p> <p>2003-01-01 s. 19</p> <p>2003-12-02 s. 214 (concerning the Gas Distribution Act (R.S.Q., chapter D-10))</p> <p>2004-10-21 s. 282 (with regard to mechanical lifts and with regard to elevators and other elevating devices to which Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, applies)</p> <p>2005-02-17 s. 38</p> <p>2006-01-01 ss. 29 (with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in Council 896-2004 dated 22 September 2004, applies), 282 (with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in Council 896-2004 dated 22 September 2004, applies)</p> <p>2006-06-21 ss. 215 (1st par., with regard to the provisions of the Regulation respecting safety in public baths (R.R.Q., 1981, c. S-3, r. 3)), 282 (with regard to public baths)</p>
1985, c. 35	<p>An Act to amend various legislation respecting transport</p> <p>1985-07-10 ss. 3-7, 12 (par. 2), 13 (par. 1), 16-23, 26-29, 31, 33, 36-48, 50-55, 57, 60-73, 75-80</p> <p>1985-10-16 ss. 1, 2, 8-11, 12 (par. 1), 13 (par. 2), 14, 15, 24, 25, 30, 32, 34, 35, 49, 56, 58, 59, 74</p>
1985, c. 36	<p>An Act to repeal the Act respecting corporations for the development of Québec business firms</p> <p>1985-11-01 ss. 1-4</p>
1985, c. 62	<p>An Act respecting the Société mutuelle de réassurance du Québec</p> <p>1985-12-16 ss. 1-60</p>
1985, c. 66	<p>An Act respecting a trust created for the benefit of Phyllis Barbara Bronfman</p> <p>1986-07-23 s. 4 (3rd par.)</p>

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Reference	Title Date of coming into force
1985, c. 68	An Act respecting the Collège militaire Royal de Saint-Jean 1985-08-28 ss. 1-5
1986, c. 12	An Act to amend the Highway Safety Code 1986-08-29 ss. 1-15
1986, c. 17	An Act to amend the Tobacco Tax Act in order to counter the misappropriation of tax by intermediaries 1986-09-01 ss. 1-10
1986, c. 18	An Act to amend the Fuel Tax Act in order to counter the misappropriation of tax by intermediaries 1986-09-01 ss. 1-12
1986, c. 21	An Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives 1986-11-05 ss. 1-26
1986, c. 45	An Act to amend the Hotels Act 1986-07-22 ss. 1-9
1986, c. 50	An Act to amend the Act respecting safety in sports 1987-06-23 ss. 1-17
1986, c. 52	An Act respecting the Ministère des Approvisionnements et Services and amending various legislation 1986-07-09 ss. 1-28
1986, c. 53	An Act to amend the Animal Health Protection Act 1986-09-03 ss. 1-20
1986, c. 54	An Act to amend the Act to promote the development of agricultural operations 1986-08-20 ss. 3, 5, 7-10, 13
1986, c. 57	An Act to amend the Act respecting health services and social services 1986-08-09 ss. 1-3, 5-11 1986-11-12 s. 4
1986, c. 58	An Act respecting various financial provisions relating to the administration of justice 1987-01-01 ss. 18, 72
1986, c. 60	An Act respecting the sale of the Raffinerie de sucre du Québec 1986-09-18 ss. 4-9, 11-15, 18
1986, c. 62	An Act to amend the Civil Code, the Registry Office Act and the Territorial Division Act 1986-11-15 ss. 1, 2, 4 (par. 5, 12 except that part which concerns the territory included in the registration division of Montmorency), 5 1987-03-14 s. 4 (par. 14, 17) 1987-04-04 s. 4 (par. 2, 6) 1987-06-20 s. 4 (par. 13, 18) 1988-03-31 s. 4 (par. 3, 15) 1988-06-24 s. 4 (par. 9, 10, 11 (Nicolet)) 1988-07-01 s. 4 (par. 11 (Yamaska)) 1988-09-09 s. 4 (par. 16 (Iberville)) 1988-09-16 s. 4 (par. 16 (Napierville))

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Reference	Title Date of coming into force
1986, c. 64	An Act to amend the Act respecting municipal and intermunicipal transit corporations and other legislation respecting public bodies providing public transportation 1986-07-16 ss. 1-30
1986, c. 66	An Act to amend the Act respecting intermunicipal boards of transport in the area of Montréal, the Cities and Towns Act and the Municipal Code of Québec 1986-07-16 ss. 1-18
1986, c. 67	An Act to amend the Transport Act, the Act respecting the Ministère des Transports and the Roads Act 1986-07-16 ss. 1-12
1986, c. 71	An Act to amend the Interpretation Act and to again amend the Act respecting the National Assembly 1989-12-20 s. 2
1986, c. 81	An Act to repeal the Act respecting the Société de cartographie du Québec 1987-05-01 s. 1
1986, c. 82	An Act to repeal the Act respecting the Institut national de productivité 1990-08-29 s. 1
1986, c. 86	An Act respecting the Ministère du Solliciteur général and amending various legislation 1986-12-10 ss. 1-48
1986, c. 91	Highway Safety Code 1987-06-29 ss. 1-10, 12-75, 81-83, 85-104, 107-116, 127-142, 146-150, 167-179, 187, 188, 189 (par. 1, 3), 190, 191, 195-206, 210-331, 333-387, 390-412, 415-495, 497-520, 521 (par. 4, 7-11), 522-602, 612-617, 620-623, 625-638, 640-649, 651-653, 655, 657-659, 661, 664, 665, 668, 669 1987-06-30 ss. 603-611 1987-12-01 ss. 11, 76-80, 105, 106, 117-126, 143-145, 151-166, 180, 181 (1 st par.), 182-186, 192, 193, 207-209, 388, 521 (par. 1, 2, 3, 6), 639, 654, 656, 666, 667, 670, 671 1988-05-01 ss. 181 (2 nd par.), 189 (par. 2) 1988-05-04 ss. 413, 414 1988-06-01 ss. 84, 194 1990-09-01 s. 521 (par. 5) 2008-09-03 s. 332
1986, c. 95	An Act to amend various legislation having regard to the Charter of human rights and freedoms 1987-02-15 ss. 1-30, 32, 34-68, 70, 71, 75, 79-120, 121 (par. 1), 122-229, 231-302, 304-353, 358 1987-04-01 s. 230 1988-08-01 ss. 31, 33, 69, 72-74, 76-78, 121 (par. 2, 3)
1986, c. 97	An Act to again amend the Animal Health Protection Act 1990-06-15 ss. 1-12
1986, c. 104	An Act to amend the Youth Protection Act with reference to international adoptions 1987-08-17 ss. 1-3
1986, c. 106	An Act to again amend the Act respecting health services and social services 1987-01-07 ss. 1-9, 11 1987-10-25 s. 10

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Reference	Title Date of coming into force
1986, c. 107	An Act to amend the Official Time Act 1987-02-01 ss. 1, 2
1986, c. 110	An Act to amend the Act respecting the Société de développement industriel du Québec 1987-03-01 ss. 2, 13, 14
1987, c. 10	An Act to amend the Act respecting the Société d'habitation du Québec 1987-04-01 ss. 1-43
1987, c. 12	Tourist Establishments Act 1991-06-27 ss. 1-55
1987, c. 20	An Act to repeal the Act respecting the Société du Parc des expositions agro-alimentaires 1989-02-01 ss. 1-4
1987, c. 25	An Act to amend the Environment Quality Act 1987-11-01 ss. 2-15
1987, c. 29	Pesticides Act 1988-07-07 ss. 1-10, 14-62, 63 (par. 1), 64-104, 108-134 2003-03-05 ss. 11-13, 63 (par. 2), 105-107
1987, c. 31	An Act respecting the funding of the Fondation pour la conservation et la mise en valeur de la faune et de son habitat 1987-07-17 ss. 1-5
1987, c. 35	An Act to amend the Grain Act and the Farm Products Marketing Act 1987-07-16 ss. 1-16
1987, c. 40	An Act to amend various legislative provisions respecting securities 1987-07-15 ss. 4, 5, 29-31 1988-07-21 ss. 3, 6
1987, c. 44	An Act respecting adoption and amending the Youth Protection Act, the Civil Code of Québec and the Code of Civil Procedure 1987-08-17 ss. 1-17
1987, c. 50	An Act to amend the Courts of Justice Act 1988-09-01 s. 3 (par. 4) 1989-06-14 s. 3 (par. 2)
1987, c. 51	The Marine Products Processing Act 1987-07-22 ss. 1-55
1987, c. 52	An Act to amend the Territorial Division Act with respect to certain registration divisions 1989-07-04 ss. 1, 2
1987, c. 64	Mining Act 1988-07-06 ss. 273-277 1988-10-24 ss. 1-272, 278-383
1987, c. 65	An Act respecting prearranged funeral services and sepultures 1988-03-01 ss. 1-90

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Reference	Title Date of coming into force
1987, c. 71	An Act to amend the Cinema Act and the Act respecting the Société de développement des industries de la culture et des communications 1988-03-30 ss. 1-4, 15, 17, 34 (par. 1, 3, 4), 35-49, 52-61 1988-09-30 ss. 20-25, 27-33, 34 (par. 2) 1988-10-12 ss. 5-14, 16, 51 1989-03-01 ss. 18, 50
1987, c. 73	An Act respecting the Conseil de la conservation et de l'environnement 1988-04-27 ss. 1-28
1987, c. 80	An Act respecting the use of petroleum products 1991-07-11 ss. 1-82
1987, c. 86	An Act respecting farm financing 1988-07-13 ss. 6, 64, 95, 111, 159, 160 1988-08-11 ss. 1-5, 7-63, 65-94, 96-110, 112-158
1987, c. 94	An Act to amend the Highway Safety Code and other legislation 1988-06-01 ss. 38, 47, 63, 64, 66, 67, 70 (ss. 519.10, 519.13, 519.20, 519.24-519.34, 519.36, 519.37, 519.39-519.41, 519.43, 519.45, 519.48, 519.49, 519.51, 519.52, 519.55-519.62), 79, 82, 100 1988-07-01 ss. 10 (ss. 80.1, 80.2), 13, 17 (s. 94 (2 nd par., par. 1, 2)), 22, 23, 32 (s. 187.1), 36 (par. 1) 1988-12-14 ss. 58 (s. 388 (par. 2)), 106 1989-01-01 ss. 17 (s. 94 (1 st and 2 nd par., par. 3-5)), 104, 105 1989-02-06 s. 70 (ss. 519.9, 519.42) 1989-04-13 ss. 10 (ss. 80.3, 80.4), 32 (s. 187.2), 59, 70 (ss. 519.11, 519.12, 519.21, 519.23, 519.38, 519.44, 519.50, 519.53) 1989-06-01 ss. 34, 48, 70 (ss. 519.4-519.8, 519.15-519.19, 519.22, 519.35, 519.46, 519.47) 1990-06-01 s. 101
1987, c. 95	An Act respecting trust companies and savings companies 1988-05-18 s. 408 1988-06-09 ss. 1-312, 315-407, 409, 410 1989-07-01 ss. 313, 314
1987, c. 96	Code of Penal Procedure 1990-10-01 ss. 1-7, 17-54, 55 (1 st , 2 nd par.), 56-61, 62, 63 (offence reports), 64, 65, 66 (1 st , 2 nd par.), 67-70, 71 (par. 1, 2 except the words "statement of offence or", 3-7), 72-86, 88, 89, 90 (1 st par.), 92-128, 143, 150-155, 169 (1 st , 2 nd par.), 170-173, 174 (par. 1-4, 6-8), 175-179, 181-183, 184 (1 st par. (subpar. 1-3, 5-8)), 184 (2 nd par.), 185 (except the reference to subpar. 4 of s. 184), 186, 189-221, 222 (2 nd par.), 223-229, 231-243, 244 (except the second sentence of the 2 nd par.), 245, 246 (except the words "or under article 165"), 247-249, 250 (1 st par.), 251-256, 257 (1 st par.), 258-260, 265, 266 (except the words "or the proceeds of the sale thereof"), 267, 268 (except the words "or, even if he was not a party to the proceedings, the Attorney General"), 269, 270 (1 st par.), 271-290, 291 (except the words "and the Attorney General, even if he was not a party to the proceedings,"), 292, 293, 294 (the following words: "An appeal shall be brought before the Court of Appeal sitting at Montréal or at Québec according to where an appeal from a judgment in a civil matter would lie"), 295-315, 316 (1 st par.), 317-362, 364, 365, 367-386 and the schedule 1993-11-01 ss. 8-16, 55 (3 rd par.), 62, 63, 66 (3 rd par.), the words "statement of offence or" in 71 (par. 2), 87, 90 (2 nd par.), 91, 129-142, 144-146, 147 (1 st , 3 rd par.), 148, 149, 156-168, 169 (3 rd par.), 174 (par. 5), 180, 184 (1 st par. (subpar. 4)), 185 (reference to subpar. 4 of s. 184), 187 (1 st par.), 188, 222 (1 st , 3 rd par.), 230, 261, 262 (1 st par.), 263, 264, 266 (the words "or the proceeds of the

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Reference	Title Date of coming into force
1987, c. 96	Code of Penal Procedure – <i>Cont'd</i> sale thereof” in par. 6), 268 (the words “or, even if he was not a party to the proceedings, the Attorney General”), 291 (the words “and the Attorney General, even if he was not a party to the proceedings,”), 363, 366 1996-07-15 ss. 187 (2 nd par.), 244 (2 nd par. (2 nd sentence)), 250 (2 nd par.), 257 (2 nd par.), 262 (2 nd par.), 270 (2 nd par.), 294 (the words “or, also, where the judgment was rendered in the judicial district contemplated in the second paragraph of article 187, according to where the appeal from the judgment would lie if it had been rendered in the district where proceedings were instituted”), 316 (2 nd par.)
1987, c. 97	An Act respecting truck transportation 1988-01-13 ss. 1-9, 11-13, 16-50, 52-62, 64-100, 102-130 1988-06-30 ss. 10, 14, 15, 51, 63 1989-02-01 s. 101
1987, c. 103	An Act respecting horse racing 1988-03-31 ss. 1-144
1987, c. 141	An Act respecting Les Clairvoyants, Compagnie Mutuelle d’Assurance de Dommages 1988-04-15 ss. 1-14
1988, c. 3	An Act to amend the Act respecting farm-loan insurance and forestry-loan insurance 1988-08-11 ss. 1-14
1988, c. 6	An Act respecting the Conseil de la famille 1988-09-28 ss. 1-30
1988, c. 8	An Act respecting the Régie des télécommunications 1988-11-09 ss. 1-99
1988, c. 9	An Act to amend the Mining Act 1988-07-06 s. 48 1988-10-24 ss. 1-47, 49-66
1988, c. 14	Roadside Advertising Act 1989-09-15 ss. 1-38
1988, c. 19	An Act respecting municipal territorial organization 1996-09-01 s. 235
1988, c. 21	An Act to amend the Courts of Justice Act and other legislation to establish the Court of Québec 1988-08-17 s. 74 (par. 2) 1988-08-31 ss. 1-16, 19-73, 74 (par. 1), 75-166
1988, c. 24	An Act to again amend the Act respecting the conservation and development of wildlife with regard to wildlife habitats 1992-08-06 ss. 3, 4 1993-07-29 ss. 1, 2, 5-8
1988, c. 32	An Act respecting the Société de promotion économique du Québec métropolitain and amending the Act respecting the Société Inter-Port de Québec 1988-08-31 ss. 1-45

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Reference	Title Date of coming into force
1988, c. 33	An Act to amend the Act respecting the Communauté urbaine de Québec and other legislation concerning industrial promotion and development 1989-11-01 ss. 3, 5
1988, c. 36	An Act to amend the Hydro-Québec Act 1988-06-30 ss. 1-6
1988, c. 39	An Act to amend the Act respecting the conservation and development of wildlife and the Parks Act 2008-06-25 s. 9
1988, c. 41	An Act respecting the Ministère des Affaires internationales 1988-12-21 ss. 1-103
1988, c. 42	An Act respecting the Bibliothèque nationale du Québec 1989-04-01 ss. 1-62
1988, c. 45	An Act to amend the Consumer Protection Act 1988-12-14 ss. 1, 3-5, 7 1989-08-03 ss. 2, 6, 8-15
1988, c. 46	An Act to amend various legislation respecting public security 1989-01-01 ss. 1, 3-9, 24, 25 1989-04-01 ss. 2, 10-23, 26-31
1988, c. 47	An Act to amend the Act respecting health services and social services and other legislation 1988-12-21 ss. 4 (par. 1), 5 1989-03-08 ss. 2 (ss. 149.1-149.4, 149.6-149.25, 149.27, 149.29, 149.30, 149.33, 149.34), 4 (par. 2, 4), 7, 8, 14, 15, 17-24, 26-30 1989-07-17 ss. 1, 2 (ss. 149.5, 149.26, 149.28, 149.31, 149.32), 3, 4 (par. 3), 6, 9, 16, 25 1990-09-01 ss. 11-13
1988, c. 49	An Act to amend the Environment Quality Act and other legislation 1989-02-22 ss. 1, 2, 4 (par. 1, 3), 5-7, 9 (par. 1, 2), 10, 11, 12 (par. 1), 13-17, 18 (s. 106.1), 19-27, 30-36, 38-57 1993-04-28 ss. 3, 8, 9 (par. 3), 12 (par. 2), 18 (s. 106.2), 28, 29, 37 1993-12-02 s. 4 (par. 2)
1988, c. 51	An Act respecting income security 1989-07-01 ss. 41, 43, 137 1989-08-01 ss. 1-40, 42, 45, 62-84, 86-97, 100-136, 141, 142
1988, c. 52	An Act to repeal the Act respecting the Société du parc industriel et commercial aéroportuaire de Mirabel 1990-10-03 ss. 1, 2
1988, c. 56	An Act to amend the Code of Civil Procedure in respect of the collection of support payments 1992-01-22 s. 1 (s. 553.10)
1988, c. 57	An Act to ensure safety in guided land transport 1989-05-17 ss. 1-3, 19-22, 24-26, 28, 30-35, 37-43, 48, 69-88 2000-05-01 ss. 50-62, 63 (1 st par.), 64-68 2001-01-01 ss. 4-18, 23, 27, 29, 36, 44-47, 49

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Reference	Title Date of coming into force
1988, c. 61	An Act to amend the Act respecting occupational health and safety 1989-03-22 ss. 1, 2 (ss. 62.2-62.21), 3-6 1989-10-01 s. 2 (s. 62.1)
1988, c. 64	Savings and Credit Unions Act 1989-03-15 ss. 1-344, 346-447, 448 (1 st par.), 449-513, 516-572, 574-593 1990-01-01 ss. 514, 515
1988, c. 65	An Act to amend the Jurors Act 1989-06-15 ss. 1-10
1988, c. 67	An Act to amend the Transport Act 1989-02-08 ss. 1-6, 8-10 1990-06-01 s. 7
1988, c. 69	An Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters 1989-12-01 ss. 8, 10, 29, 43-45, 48, 54
1988, c. 74	An Act respecting certain aspects of the status of municipal judges 1989-05-17 s. 3 (s. 609)
1988, c. 75	An Act respecting police organization and amending the Police Act and various legislation 1989-04-26 ss. 1-13, 20, 27-34, 37-46, 91-100, 104, 135-141, 143, 144, 203, 204, 272 1990-06-27 s. 35 1990-08-31 ss. 14-19, 21-26, 236, 244-254 1990-09-01 ss. 36, 47-88, 108-134, 169-201, 205-210, 212-222, 224-235, 237-240, 242, 243, 255-271, Schedule I, Schedule II 2000-03-29 s. 202
1988, c. 84	Education Act 1997-08-13 ss. 111, 112, 205, 207, 516-521, 523, 524, 526, 527, 530-535, 537-540 1998-01-01 ss. 262, 263, 402
1988, c. 95	An Act respecting Laurentian Mutual Insurance 1988-12-31 ss. 1-27
1989, c. 1	Election Act 1990-04-15 s. 1 (subpar. 4)
1989, c. 7	An Act to amend the Act to preserve agricultural land 1989-07-01 ss. 1, 4, 19 (par. 3), 20, 21, 24, 25, 26, 29, 31, 33 (1 st par.), 35 1989-08-02 ss. 3, 5-18, 19 (par. 1, 2), 22, 23, 27, 28, 30, 32, 33 (2 nd , 3 rd par.), 34
1989, c. 13	An Act respecting the examination of complaints from customers of electricity distributors 1989-07-12 ss. 10, 23, 33 1989-09-01 ss. 1-9, 11-22, 24-32
1989, c. 22	An Act to amend the Act respecting the National Assembly 1990-05-09 s. 1
1989, c. 25	An Act to amend the Chartered Accountants Act 1990-04-15 s. 1 (par. 1)
1989, c. 36	An Act respecting school elections 1990-04-15 s. 12 (par. 4)

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Reference	Title Date of coming into force
1989, c. 38	Supplemental Pension Plans Act 1990-09-01 ss. 89, 107-110, 244 (1 st par. (subpar. 7)), 264 (1 st par. (subpar. 3))
1989, c. 47	An Act to amend the Automobile Insurance Act 1990-01-01 ss. 1-10, 11 (except for the words “and the amount of his indemnity” in the 2 nd par. of s. 179.3), 12-15
1989, c. 48	An Act respecting market intermediaries 1989-07-12 ss. 30, 39, 115-135, 184-203, 210-212, 215-221, 254-256, 259-262 1989-09-20 s. 204 1989-10-01 ss. 91-114 1989-11-01 ss. 58-90, 136-160 1991-05-01 ss. 1 (def. of “market intermediary in insurance business”, “market intermediary in damage insurance” and “market intermediary in insurance of persons”), 2 (1 st par.), 14 (1 st par.) 1991-09-01 ss. 1 (definitions not in force), 2 (2 nd par.), 3-13, 14 (2 nd , 3 rd , 4 th par.), 15-25, 27, 28, 29 (except second sentence of 1 st par.), 31-38, 40-48, 161-183, 205-209, 213, 214, 222-253, 257, 258
1989, c. 51	An Act to amend the Charter of human rights and freedoms concerning the commission and establishing the Tribunal des droits de la personne 1990-06-27 ss. 14, 15 1990-09-01 ss. 16 (ss. 100-102), 22 1990-12-10 ss. 1-13, 16 (ss. 103-133), 17-21
1989, c. 52	An Act respecting municipal courts and amending various legislation 1991-04-01 ss. 1-66, 68-205, 207-218, Schedule I (par. 1-59, 62-130)
1989, c. 54	An Act respecting the Public Curator and amending the Civil Code and other legislative provisions 1990-04-15 ss. 1-154, 156-207
1989, c. 55	An Act to amend the Civil Code of Québec and other legislation in order to favour economic equality between spouses 1989-07-01 ss. 1-47
1989, c. 57	An Act to amend the Bailiffs Act 1989-09-13 ss. 1-22, 24-35, 38 1990-02-14 ss. 23, 36, 37
1989, c. 66	An Act to amend the Act respecting electrical installations 1990-08-02 s. 12
1989, c. 114	An Act to amend the Act to incorporate the Roberval and Saguenay Railway Company 1989-12-13 ss. 1-4
1990, c. 4	An Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure 1990-10-01 ss. 1-292, 294-590, 592-743, 746-1126, 1128-1258 1993-11-01 ss. 744, 745, 1127
1990, c. 5	An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan 1990-09-01 ss. 1-53

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Reference	Title Date of coming into force
1990, c. 13	An Act respecting the marketing of agricultural, food and fish products and amending various legislation 1990-09-12 ss. 1-229
1990, c. 29	An Act respecting adoption and amending the Civil Code of Québec, the Code of Civil Procedure and the Youth Protection Act 1990-09-24 ss. 1-16
1990, c. 32	An Act to amend various legislative provisions respecting the pension plans of the public and parapublic sectors 1990-09-01 s. 46 (par. 2)
1990, c. 38	An Act to amend the Act respecting the Ministère des Transports 1991-04-01 ss. 1-3
1990, c. 41	An Act respecting the Conseil métropolitain de transport en commun and amending various legislation 1994-07-20 ss. 72, 82, 86-97, 99
1990, c. 54	An Act to amend the Act respecting the Barreau du Québec 1991-09-30 ss. 2, 78, 81 1994-01-06 s. 43
1990, c. 60	An Act to amend the Retail Sales Tax Act and other fiscal legislation 1991-01-01 ss. 1-63
1990, c. 64	An Act respecting the Ministère des Forêts 1991-01-30 ss. 1-43
1990, c. 71	An Act to repeal the Act respecting the Agence québécoise de valorisation industrielle de la recherche 1991-04-01 ss. 1-6
1990, c. 75	An Act to amend the Pharmacy Act 1998-07-01 ss. 1-10
1990, c. 77	An Act to amend the Securities Act 1991-03-15 ss. 1, 2, 5-10, 12-28, 31-58 1991-08-01 ss. 4, 29 1992-04-15 s. 30
1990, c. 78	An Act to amend the Education Act and the Act respecting private education 1997-08-13 s. 18
1990, c. 80	An Act to amend the Agricultural Products, Marine Products and Food Act 1992-01-01 s. 5 (par. 2, subpar. <i>m</i> and <i>n</i>)
1990, c. 81	An Act to amend the Act respecting the Société québécoise d'initiatives agro-alimentaires 1991-03-15 ss. 1-3
1990, c. 82	An Act to amend the Act respecting transportation by taxi 1991-05-01 ss. 2 (par. 2), 6, 7, 12 (par. 4), 13

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Reference	Title Date of coming into force
1990, c. 83	An Act to amend the Highway Safety Code and other legislative provisions 1991-02-01 ss. 2 (par. 1, 2, 4-7), 15-17, 20-23, 25, 48, 49, 62, 67, 92, 94, 96-111, 113-128, 130-138, 141-147, 149, 150, 158, 161, 163, 164, 167-171, 172 (ss. 473, 473.1), 173-186, 188, 189, 191-195, 203, 205, 207, 211, 212, 218, 224, 232, 235, 238, 240, 254 1991-11-13 ss. 209, 213 1991-11-14 ss. 3-6, 8-11, 13, 14, 18, 19, 24, 26-29, 31-34, 36, 37 (par. 2), 43 (par. 1), 44-47, 51 (par. 1), 52, 53 (par. 1, 3), 54, 56, 60, 61, 69, 70, 75-79, 81-85, 87-91, 93, 95, 214 (par. 1), 216 (s. 553 (1 st par.)), 217 (par. 1), 220 (par. 1), 226 (par. 1-11), 227 (par. 1, 2, 4, 6, 9), 227 (par. 3 concerning par. 6 and 6.4 of s. 619), 228, 231, 242 (par. 1), 244-250, 261, 262 1999-08-01 s. 241 (as regards s. 645.3 of the Highway Safety Code (R.S.Q., chapter C-24.2)) 2000-01-27 s. 140 (par. 1, 3)
1990, c. 86	An Act to amend the Act respecting insurance and other legislation 1991-03-15 ss. 1-5, 6 (par. 2), 7, 12, 14 (ss. 93.154-93.154.3), 16 (ss. 93.238-93.238.3), 20, 22-35, 38, 39 (ss. 285.1-285.3, 285.5-285.11, 285.17-285.26), 45-56, 61, 63, 64 1991-07-01 ss. 6 (par. 1), 8-11, 13, 14 (s. 93.154.4), 15, 16 (s. 93.238.4), 17-19, 21, 36, 37, 39 (ss. 285.4, 285.12-285.16), 40-44, 57-60, 62
1990, c. 88	An Act to again amend the Financial Administration Act 1991-01-16 s. 2 1991-04-24 s. 1
1990, c. 91	An Act to amend the Charter of the city of Québec 1990-10-01 s. 12
1990, c. 98	An Act respecting The Laurentian Mutual Management Corporation and The Laurentian Life Insurance Company Inc. 1991-01-01 ss. 1-31
1991, c. 13	An Act to amend the Act respecting the Québec Pension Plan and other legislation 1991-10-25 ss. 1-7
1991, c. 15	An Act to amend the Fuel Tax Act 1991-09-01 ss. 1 (par. 3, 4, 6 to the extent that s. 23 of the Fuel Tax Act (R.S.Q., chapter T-1), as enacted by s. 10, applies to an importer, 7, 8 to the extent that the abovementioned s. 23, as enacted by s. 10, applies to a refiner, 9 to the extent that par. 10 uses the word "vehicle", and par. 10 except, with respect to par. 10, to the extent that the abovementioned s. 23, as enacted by s. 10, applies to a motor vehicle), 8 (par. 1, 2, 4), 10 to the extent that it enacts ss. 23, 23.1, 25, 28 excluding the words "or to a wholesale dealer who does not hold a collection officer's permit required by section 27", 30 excluding: in that part preceding subparagraph <i>a</i> of the first paragraph, the words "or a permit, or refuse to renew the permit"; in subparagraph <i>c</i> of the first paragraph, the words "or a permit"; subparagraph <i>g</i> of the first paragraph; in subparagraph <i>h</i> of the first paragraph, the words "a permit or"; in subparagraph <i>i</i> of the first paragraph, the words "permit or"; in the second paragraph, the words "or the permit"; s. 31.1 excluding, in the first paragraph, the words "or of a permit"; s. 31.2 excluding: in the first paragraph, the words "or permit"; in the fifth paragraph, the words "or permit"; s. 31.3, s. 31.4 excluding the words "or permit" and s. 31.5 excluding, in the first paragraph, the words "or permit" of the Fuel Tax Act (R.S.Q., chapter T-1), and s. 20 to the extent that it enacts s. 43.2 of the Fuel Tax Act (R.S.Q., chapter T-1)

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Reference	Title Date of coming into force
1991, c. 15	An Act to amend the Fuel Tax Act – <i>Cont'd</i> 1992-04-01 ss. 1 (except par. 3, 4 and 6-10, to the extent that they were put into force by O.C. 1205-91), 2-7, 8 (par. 3), 9, 10 (except ss. 23, 23.1, 25, 28, 30 and 31.1-31.5 of R.S.Q., chapter T-1 that it enacts, to the extent that they were put into force by O.C. 1205-91), 11-19, 20 (except s. 43.2 of R.S.Q., chapter T-1 that it enacts), 21-34
1991, c. 16	An Act to amend the Tobacco Tax Act 1991-10-09 ss. 1, where it replaces or enacts the definitions of the words: “manufacturer”, “package” and “tobacco”, but to the extent that s. 13.1 of the Tobacco Tax Act (R.S.Q., chapter I-2), as amended by s. 7, uses the words “package” and “tobacco”; “retail vendor” to the extent that s. 13.1 of the Tobacco Tax Act (R.S.Q., chapter I-2), as amended by s. 7, and s. 17.10 of the Tobacco Tax Act (R.S.Q., chapter I-2), as enacted by s. 21, apply to a retail vendor; “retail sale” to the extent that s. 13.1 of the Tobacco Tax Act (R.S.Q., chapter I-2), as amended by s. 7, applies to a retail sale, 7, 14 to the extent that it enacts that part preceding par. a and par. b and e of s. 14.2 of the Tobacco Tax Act (R.S.Q., chapter I-2), and s. 21 to the extent that it enacts ss. 17.10 and 17.11 of the Tobacco Tax Act (R.S.Q., chapter I-2) 1992-03-01 ss. 1 (except the definitions of the words “manufacturer”, “package”, “tobacco”, “retail vendor” and “retail sale”), 2-6, 8-13, 14 (except for that part preceding par. a, b and e of s. 14.2), 15-20, 21 (except for ss. 17.10 and 17.11), 22-24
1991, c. 20	An Act to repeal the Stamp Act and amending various legislative provisions 1992-05-01 ss. 1-11
1991, c. 21	An Act to amend the Cinema Act 1991-09-18 s. 52 (s. 168 (1 st par. (subpar. 2), 2 nd par.)) 1991-10-22 ss. 6-9, 28, 29 1992-01-01 ss. 2-5, 10, 11, 14 (ss. 83, 83.1) 1992-04-01 ss. 14 (s. 81), 15 (ss. 86, 86.1) 1992-06-15 ss. 1, 12, 13, 14 (ss. 82, 82.1), 15 (ss. 85, 86.2), 16-27, 30-51, 52 (ss. 167, 168 (1 st par. (subpar. 1, 3-11))), 53-62
1991, c. 23	An Act to amend the Mining Act 1991-11-14 ss. 1, 2, 3, 5, 8 1995-03-09 ss. 4, 6, 7, 9, 10
1991, c. 24	An Act to amend the Consumer Protection Act 1992-05-15 ss. 14, 15, 18 1992-06-30 ss. 1-13, 16, 17, 19
1991, c. 26	An Act to amend various legislative provisions respecting the establishment of the register fund of the Ministère de la Justice 1992-01-01 ss. 1-7
1991, c. 28	An Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances 1992-10-01 ss. 1-19
1991, c. 33	An Act to amend the amount of fines in various legislation 1991-11-15 ss. 1-145
1991, c. 37	Real Estate Brokerage Act 1991-09-11 ss. 64-66, 68, 69, 74-78, 80, 88-92, 94-96, 101-106, 142-155, 158-162, 165, 166, 176, 177, 186-190

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Reference	Title Date of coming into force
1991, c. 37	Real Estate Brokerage Act – <i>Cont'd</i> 1993-05-17 ss. 178-181 1993-12-15 s. 184 1994-01-15 ss. 1-63, 67, 70-73, 81-87, 93, 97-100, 107-141, 156, 157, 163, 164, 167-175, 182, 183, 185 1994-08-01 s. 79
1991, c. 42	An Act respecting health services and social services and amending various legislation 1992-06-17 ss. 478 (assistance to victims of violence), 479, 480, 481, 482, 484 1992-07-01 s. 148 (2 nd , 3 rd , 4 th par.) 1992-08-01 ss. 571, 572, 583 1992-09-30 ss. 559, 560, 569, 574 (par. 1), 577 (par. 1), 581 (par. 1, 2, 3), 592 1992-10-01 ss. 1-108, 110-118, 148 (1 st par.), 160-164, 166-172, 173 (par. 2-5), 174-192, 194-213, 214 (except subpar. <i>d</i> of subpar. 7 of 1 st par.), 215-258, 260-338, 340, 343-359, 367, 368, 369 (except subpar. 3 of 1 st par.), 370-396, 405 (1 st par., 2 nd par. (par. 1, 2, 4)), 406-413, 415-417, 419 (par. 3, 4), 431-477, 478 (with exceptions), 485-504, 508-520, 531-555, 558 (par. 1), 578, 594, 620 1993-01-20 ss. 588, 590 1993-04-01 ss. 259 (1 st sentence), 568 1993-09-01 s. 564 1993-09-01 ss. 109, 214 (subpar. <i>d</i> of subpar. 7 of 1 st par.), 360 (1 st par.), 361-366, 369 (1 st par. (subpar. 3)), 565, 566, 581 (par. 5, 6), 582, 584
1991, c. 43	An Act to amend the Act to promote the parole of inmates and the Act respecting probation and houses of detention 1992-04-01 ss. 1, 2 1992-06-15 ss. 3-23
1991, c. 49	An Act to amend the Tourist Establishments Act 1993-11-10 ss. 1, 4 (par. 2), 10 (par. 1, 6), 12, 13
1991, c. 51	An Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec 1992-01-15 ss. 4, 5 (par. 1, 2), 6, 7, 10, 12, 13 (par. 1, 2), 14, 15, 17, 18, 21, 22 (par. 1), 24, 25, 26 (par. 3), 27, 28, 30-34 1992-05-20 s. 20 1992-08-27 ss. 1, 3, 5 (par. 3), 8, 9, 11, 13 (par. 3), 16, 19, 22 (par. 2, 3), 23, 26 (par. 1, 2), 29, 35
1991, c. 53	An Act to repeal the Act to ensure continuity of electrical service by Hydro-Québec 1992-04-15 s. 1
1991, c. 58	An Act to amend the Automobile Insurance Act and the Act to amend the Automobile Insurance Act and other legislation 1993-07-01 s. 14
1991, c. 59	An Act to amend the Transport Act 1993-05-31 s. 4
1991, c. 62	An Act to amend the Act respecting the Société d'habitation du Québec and other legislation 1993-07-07 ss. 3, 6, 7
1991, c. 64	Civil Code of Québec 1994-01-01 ss. 1-3168

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1991, c. 72	An Act to amend the Act respecting the Ministère des Approvisionnements et Services and other legislation 1992-04-01 ss. 4 (par. 2 to the extent that it concerns the mail and messenger services fund) (par. 3 relating to the supplies and services fund to the extent that it concerns goods supplied by the General Purchasing Director), 15 1992-04-01 ss. 4 (par. 1, 3 with respect to the provisions not affected by O.C. 305-92), 16 1993-08-18 ss. 1 (ss. 7.2-7.5), 18
1991, c. 73	An Act to amend the Financial Administration Act and other legislation 1993-08-18 ss. 1-13
1991, c. 74	An Act to amend the Building Act and other legislation 1995-09-01 ss. 68 (par. 5) (in any respect other than the qualification of contractors and owner-builders), 70 (par. 2) (in any respect other than the qualification of contractors and owner-builders) 1997-01-15 ss. 72 (par. 2), 73 (par. 2) 2000-11-07 ss. 2 (in all respects other than the qualification of contractors and owner-builders), 3, 5, 6, 8, 9 (to the extent that it enacts section 11.1 of the Building Act (R.S.Q., chapter B-1.1) in all respects other than the qualification of contractors and owner-builders), 10-12, 14, 15, 52-55, 56 (to the extent that it enacts sections 128.1, 128.4 (with regard to the revocation of the recognition of a person referred to in section 16 of the Act), 128.5 and 128.6 of the Building Act), 60, 61, 93 (par. 1, 2), 97, 98, 100 (in all respects other than the qualification of contractors and owner-builders), 116 (to the extent that it replaces section 282 of the Building Act with regard to buildings and facilities intended for public use to which Chapter I of the Building Code approved by Order in Council 953-2000 dated 26 July 2000 applies and to the extent that it replaces section 283 of the Building Act in all respects) and section 169 to the extent that it refers to sections 20, 26, 27, 33, 34, 113, 114, 116, 119, 123-128, 132-134, 139 of the Building Act 2002-10-01 ss. 16, 17, 20-23, 24 (to the extent that it refers to ss. 37-37.4, 38.1 and 39 of the Building Act (R.S.Q., chapter B-1.1)), 50, 51, 56 (to the extent that it enacts ss. 128.3, 128.4 (with regard to the revocation of the recognition of a person referred to in s. 35) of the Building Act) 2003-01-01 s. 13 (with regard to electrical installations to which Chapter V of the Construction Code approved by Order in Council 961-2002 dated 21 August 2002 applies) 2004-10-21 s. 116 (to the extent that it replaces s. 282 of the Building Act (R.S.Q., chapter B-1.1) with regard to mechanical lifts and with regard to elevators and other elevating devices to which Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, applies) 2005-02-17 s. 24 (to the extent that it refers to s. 38 of the Building Act (R.S.Q., chapter B-1.1)) 2006-01-01 s. 116 (to the extent that it replaces s. 282 of the Building Act (R.S.Q., chapter B-1.1) with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in Council 896-2004 dated 22 September 2004, applies) 2006-06-21 s. 116 (with regard to public baths)
1991, c. 80	An Act to amend the Environment Quality Act 1993-06-09 ss. 1 (par. 4), 6 (s. 70.19) 1997-12-01 ss. 1 (par. 1, 2, 3), 2-5, 6 (with respect to ss. 70.1-70.18 of R.S.Q., chapter Q-2), 7-16
1991, c. 82	An Act to amend the charter of the city of Montréal 1993-01-11 ss. 6, 11-26, 29-32

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Reference	Title Date of coming into force
1991, c. 84	An Act to amend the Charter of the city of Québec 1994-04-15 ss. 39-41, 43, 45 (s. 601 <i>b</i> (1 st par.)), 47
1991, c. 85	An Act to amend the charter of the city of Longueuil 1993-05-31 ss. 1-3
1991, c. 87	An Act respecting the city of Saint-Hubert 1993-05-01 s. 48
1991, c. 106	An Act respecting Aéroports de Montréal 1992-08-29 ss. 1-7
1992, c. 5	An Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration 1992-05-19 ss. 1-12
1992, c. 11	An Act to amend the Act respecting industrial accidents and occupational diseases, the Act respecting occupational health and safety and the Health Insurance Act 1992-09-23 ss. 29, 30, 44 (par. 3), 45, 83 1992-10-01 ss. 4, 8 (par. 1, 3), 32 (par. 1), 40, 43, 44 (par. 1), 48, 65-69, 71 (s. 176.7.1), 72-74, 75 (ss. 176.16, 176.16.1 (1 st par.)), 76, 84, 86 1992-10-28 ss. 49-64, 88, 89 1992-11-01 ss. 1-3, 5-7, 10-28, 31, 32 (par. 2), 33-39, 41, 42, 44 (par. 2), 46, 47, 70, 71 (ss. 176.7.2, 176.7.3, 176.7.4), 75 (s. 176.16.1 (2 nd par.)), 77, 78, 80-82, 85, 87
1992, c. 17	An Act to amend the Act respecting the Société des alcools du Québec and other legislation 1992-06-30 ss. 1-20
1992, c. 18	An Act to amend the Financial Administration Act and the Act respecting municipal debts and loans 1992-08-19 ss. 1-6
1992, c. 20	An Act to amend the Courts of Justice Act and to make various provisions respecting the establishment of the judicial district of Laval 1992-08-31 ss. 1-11
1992, c. 21	An Act to amend various legislative provisions concerning the application of the Act respecting health services and social services and amending various legislation 1992-09-30 ss. 104, 381 1992-10-01 ss. 2-9, 17-20, 22-40, 46-52, 56, 59-61, 68 (ss. 619.2-619.4, 619.8-619.15, 619.18-619.46, 619.48-619.68), 69-77, 79-81, 83-100, 101 (par. 1, 2, 4), 102, 103, 106-110, 114, 116-299, 300 (par. 1, 2), 311 (par. 1), 320 (par. 2), 322, 327 (par. 1), 328, 329 (par. 2), 330, 333-364, 370-375 1993-04-28 s. 68 (s. 619.27 (2 nd par.); date of application) 1993-04-28 ss. 78, 82, 300 (par. 3, 4), 301-310, 311 (par. 2), 312-319, 320 (par. 1), 321, 323-326, 327 (par. 2), 329 (par. 1), 331, 332 1993-05-01 s. 68 (s. 619.13 (1 st par.)) 1993-07-01 ss. 268-273 1993-09-01 s. 113
1992, c. 24	An Act to amend various legislative provisions concerning regional affairs 1993-04-01 s. 7 (Note: Section 6 repealing the Act respecting the Office de planification et de développement du Québec (R.S.Q., chapter O-3) comes into force on 1 April 1993, by virtue of the same Order in Council)

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Reference	Title Date of coming into force
1992, c. 32	An Act respecting the Société de financement agricole and amending other legislative provisions 1993-06-17 ss. 1-52
1992, c. 44	An Act respecting the Société québécoise de développement de la main-d'œuvre 1992-09-01 ss. 1-15, 47-54, 67-69, 71 (par. 2), 73 (par. 2), 74, 81, 95, 96 1993-03-24 ss. 21, 23, 30, 39, 77, 78 (1 st par.), 84-91, 94 1993-04-01 ss. 16-20, 22, 24-29, 31-38, 40-46, 55-66, 70, 71 (par. 1), 72, 73 (par. 1), 75, 76, 78 (2 nd par.), 79, 80, 82, 83, 92, 93
1992, c. 50	An Act to amend the Financial Administration Act and the Act respecting the Ministère des Approvisionnements et Services 1993-08-18 ss. 1-3
1992, c. 56	An Act to amend the Environment Quality Act 1993-02-15 s. 14
1992, c. 57	An Act respecting the implementation of the reform of the Civil Code 1994-01-01 ss. 1-716, 719
1992, c. 61	An Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions 1993-11-01 ss. 1-8, 10-25, 27-34, 36-40, 43, 44, 47-49, 51-54, 56, 58, 60-64, 67, 71, 75-88, 91, 93-99, 101-128, 131-168, 171-174, 178-193, 195-197, 200, 201, 204, 205, 207-210, 213, 216, 218-234, 237, 239-245, 248, 250-253, 255-260, 262, 264, 266, 267, 269-273, 276, 277, 279, 280, 282, 283, 285-293, 295-301, 303, 304, 309-316, 319, 320, 322-325, 328-330, 332, 334-344, 346-348, 350, 351, 353-376, 378, 380-382, 384-387, 389-392, 396, 397, 399, 400, 402-404, 407-412, 414-416, 418-422, 424-426, 428-439, 443-446, 449-456, 458-467, 471-474, 476-479, 483-490, 492, 496-498, 500-506, 508-510, 514-516, 518, 520-525, 527, 528, 530-533, 535-538, 540, 542-544, 546-550, 552, 553, 555-560, 562, 565, 566, 568-570, 572-582, 584, 586, 587, 589, 591, 593-597, 600-608, 610-620, 622-624, 626-639, 641-645, 647-656, 658, 662-678, 680-690, 692-699, 701-704
1992, c. 63	An Act to amend the Code of Civil Procedure with respect to the recovery of small claims 1993-11-01 ss. 1-20
1992, c. 64	An Act respecting the Conseil des aînés 1993-10-27 ss. 1-24
1992, c. 66	An Act respecting the Conseil des arts et des lettres du Québec 1993-07-07 ss. 1-50
1993, c. 1	An Act to amend the Code of Civil Procedure regarding family mediation 1997-05-01 s. 4 (to the extent that that section enacts the first sentence of a. 827.2 of the Code of Civil Procedure)
1993, c. 3	An Act to amend the Act respecting land use planning and development and other legislative provisions 1997-04-16 s. 31 (par. 3)
1993, c. 12	An Act to amend the Act respecting transportation by taxi 1996-01-01 ss. 2, 4, 24 (ss. 90.6, 91.1), 27

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Reference	Title Date of coming into force
1993, c. 17	An Act respecting the protection of personal information in the private sector 1994-01-01 ss. 1-4, 10-21, 22 (1 st par. (subpar. 1, 3), 2 nd par.), 23 (1 st par.), 27-114 1994-07-01 ss. 5-9, 22 (1 st par. (subpar. 2)), 23 (2 nd par.), 24-26
1993, c. 18	An Act to amend the Animal Health Protection Act 2004-12-08 ss. 6-8
1993, c. 21	An Act to amend the Agricultural Products, Marine Products and Food Act and to repeal the Act respecting the bread trade 1993-11-10 ss. 2, 4
1993, c. 22	An Act to amend the Tourist Establishments Act and to repeal certain legislative provisions 1993-11-10 ss. 1-7
1993, c. 23	An Act to amend the Financial Administration Act, the Act respecting the Ministère des Approvisionnements et Services and other legislative provisions 1993-08-18 ss. 1-9
1993, c. 25	An Act to amend the General and Vocational Colleges Act and other legislative provisions 1993-07-14 s. 11 (s. 18 (3 rd par. (subpar. e))) 1993-08-31 s. 11 (s. 18 (4 th par.))
1993, c. 26	An Act respecting the Commission d'évaluation de l'enseignement collégial and amending certain legislative provisions 1993-07-14 ss. 1-30, 31 (par. 2, 3, 4), 32-48 1993-08-31 s. 31 (par. 1)
1993, c. 29	An Act to amend the Act respecting Attorney General's prosecutors 1993-08-11 s. 3
1993, c. 30	An Act to amend the Code of Civil Procedure and the Charter of human rights and freedoms 1994-01-01 ss. 2-4, 6-8, 10-16, 18
1993, c. 34	An Act respecting the Société du Centre des congrès de Québec 1994-05-30 s. 32
1993, c. 37	An Act respecting the conditions of employment in the public sector and the municipal sector 1993-09-15 ss. 1-19, 26, 27, 29-39, 43-55, 57 1993-10-01 ss. 20-25, 28, 40-42, 56
1993, c. 38	An Act to amend the Professional Code and the Nurses Act 1993-09-15 ss. 2 (par. 20), 3 (par. 2), 5 (par. 1), 7
1993, c. 39	An Act respecting the Régie des alcools, des courses et des jeux and amending various legislative provisions 1993-07-14 ss. 1-22, 23 (par. 1, 2, 4, 5, 6), 24, 25 (par. 1, 2, 3, 7), 26-40, 48-55, 56 (ss. 52.1-52.11, 52.13-52.15), 57-75, 77-97, 100 (1 st par.), 101, 102, 104-107, 109-111, 114-117 1993-10-27 ss. 23 (par. 3), 25 (par. 4, 5, 6), 41-47, 76, 98, 99, 100 (2 nd par.), 103, 108
1993, c. 40	An Act to amend the Charter of the French language 1993-12-22 ss. 1-69

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Reference	Title Date of coming into force
1993, c. 42	An Act to amend the Highway Safety Code 1993-09-01 ss. 1-28, 30-32 1993-11-01 s. 29
1993, c. 45	An Act to amend the Supplemental Pension Plans Act 1998-02-25 s. 1
1993, c. 48	An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons 1993-12-15 ss. 58-60, 63-65, 97-99, 537-539 1994-01-01 ss. 1-57, 61, 62, 66-96, 100-519, 521-526, 528-536 1994-07-01 ss. 520, 527
1993, c. 49	An Act to amend the Act respecting the Société québécoise d'initiatives agro-alimentaires 1994-01-01 ss. 1-5, 7-12 1994-04-27 s. 6
1993, c. 55	An Act to amend the Forest Act and to repeal various legislative provisions 1994-05-04 s. 30 (par. 1) 1994-09-07 ss. 27, 30 (par. 2)
1993, c. 58	An Act to amend the Act respecting health services and social services 1995-04-01 s. 1 (ss. 530.40, 530.41) 1995-05-01 s. 1 (ss. 530.1-530.10, 530.16, 530.18, 530.20-530.24, 530.27-530.29, 530.31-530.39, 530.42)
1993, c. 61	An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions 1994-01-01 ss. 11 (par. 1), 89, 90 1994-07-01 ss. 1 (par. 3, 5, 7), 19, 21-33, 35, 40, 43-47, 57 (par. 1, 2) 1995-01-01 ss. 1 (par. 4, 6, 8, 9), 4 (par. 1, 2, 4), 6, 11 (par. 3), 13-18, 20, 34, 36-39, 41, 42, 51, 52, 53 (par. 1) [except for the amendment concerning the second paragraph of the section it amends], 53 (par. 2), 54, 55, 58, 61, 62, 79 1999-01-20 ss. 11 (par. 2), 48, 49, 50, 53 (par. 1, for the amendment concerning the second paragraph of the section it amends), 53 (par. 3), 59, 60
1993, c. 70	An Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration 1994-10-31 ss. 2, 3 (par. 2), 4, 6, 10, 11 (par. 4, 10) 1996-10-01 ss. 11 (par. 1), 12 2006-09-13 ss. 5, 11 (par. 6)
1993, c. 71	An Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision 1994-02-03 provisions concerning the activities under the supervision of the Régie 1994-10-01 provisions respecting the renewal of amusement machine licences or registrations and the revocation of such licences or registrations
1993, c. 72	An Act to amend the Code of Civil Procedure and various legislative provisions 1995-05-11 ss. 17, 18, 19
1993, c. 77	An Act to amend the Pesticides Act 1997-04-23 ss. 1-8, 10 (in respect of the repeal of s. 108 of R.S.Q., chapter P-9.3), 12, 13

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Reference	Title Date of coming into force
1994, c. 2	An Act respecting the Conservatoire de musique et d'art dramatique du Québec 1994-11-01 s. 28 2007-03-31 ss. 6, 13 (2 nd par.), 14-16, 19-27, 52-54, 56-75, 77-80, 83-88, 96-98 2007-09-01 ss. 31-36, 40-46 2007-12-01 ss. 37-39, 47-51
1994, c. 21	An Act respecting the Société de développement des entreprises culturelles 1994-10-19 ss. 1-16, 28, 29 (1 st par. (subpar. 1)), 30 (1 st par.), 40, 41, 65 1995-04-01 ss. 17-27, 29 (1 st par. (subpar. 2), 2 nd par.), 30 (2 nd , 3 rd par.), 31-39, 42-64
1994, c. 23	An Act to amend the Act respecting health services and social services and other legislative provisions 1995-05-01 ss. 4, 6, 8-15, 17-21, 23
1994, c. 24	An Act to amend the Supplemental Pension Plans Act 1995-08-17 s. 7 1995-12-31 ss. 13, 14
1994, c. 28	An Act to amend the Code of Civil Procedure 1995-10-01 ss. 1-26, 28-42
1994, c. 30	An Act to amend the Act respecting municipal taxation and other legislative provisions 1994-12-15 ss. 8, 29-32, 36, 41 (par. 2, 3), 42, 55 (par. 1, 2), 57, 83
1994, c. 35	An Act to amend the Youth Protection Act 1994-09-01 ss. 1-43, 45-51, 52 (par. 1), 54-60, 61 (par. 1, 2), 62-67, 70 1995-09-28 ss. 44, 61 (par. 3)
1994, c. 37	An Act respecting acupuncture 1994-10-15 ss. 46-50 1995-07-01 ss. 2, 5, 8-20, 22-25, 28-33, 36-45
1994, c. 40	An Act to amend the Professional Code and other Acts respecting the professions 1994-10-15 ss. 1-199, 200 (except where it repeals ss. 10 (par. <i>b, c, d, f</i>), 11 of the Architects Act (R.S.Q., chapter A-21)), 201-207, 208 (par. 1), 209-211, 212 (except where it repeals s. 37 (1 st par. (subpar. <i>c, d, e, f, g, h</i>), 2 nd par.) of the Land Surveyors Act (R.S.Q., chapter A-23)), 213-237, 238 (except where it repeals s. 43 (1 st par. (subpar. <i>d</i>)) of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1)), 239-243, 244 (except where it repeals ss. 50 (1 st par. (subpar. <i>b, c, d</i>)), 51, 54 of the Act respecting the Barreau du Québec), 245-277, 279-293, 294 (except where it repeals ss. 21 (1 st par., 2 nd par. except the words “, provided that they are Canadian citizens or comply with section 44 of the Professional Code (chapter C-26)”), 22 (1 st par., 2 nd par. (subpar. <i>a, c, d, e</i>)) of the Chartered Accountants Act (R.S.Q., chapter C-48)), 295-342, 343 (except where it repeals ss. 14, 15 (subsect. 2, except the words “any Canadian citizen and any candidate who fulfils the conditions prescribed by section 44 of the Professional Code”) of the Engineers Act (R.S.Q., chapter I-9)), 344, 345 (except where it repeals s. 17 (1 st par., except the word “Canadian”) of the Engineers Act), 346-405, 406 (except where it repeals ss. 107-112, 113 (par. <i>c, d, e</i>), 114, 118 of the Notarial Act (R.S.Q., chapter N-2)), 407-435, 437-470 1995-11-30 s. 406 (where it repeals ss. 107-112, 113 (par. <i>c, d, e</i>), 114, 118 of the Notarial Act (R.S.Q., chapter N-2)) 1996-07-04 ss. 238 (where it repeals s. 43 (1 st par. (subpar. <i>d</i>)) of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1)), 244 (where it repeals ss. 50 (1 st par. (subpar. <i>b, c, d</i>)), 51, 54 of the Act respecting the Barreau du Québec)

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Reference	Title Date of coming into force
1994, c. 40	An Act to amend the Professional Code and other Acts respecting the professions – <i>Cont'd</i> 1998-07-01 s. 436 (s. 37.1 of the Pharmacy Act (R.S.Q., chapter P-10)) 2002-03-27 ss. 343 (where it repeals ss. 14, 15 (subsect. 2, except the words “any Canadian citizen and any candidate who fulfils the conditions prescribed by section 44 of the Professional Code”) of the Engineers Act (R.S.Q., chapter I-9)), 345 (where it repeals s. 17 (1 st par., except the word “Canadian”) of the Engineers Act)
1994, c. 41	An Act to amend the Environment Quality Act and other legislative provisions 1996-06-01 s. 21
1995, c. 5	An Act to amend the Hydro-Québec Act 1995-04-03 ss. 1-9
1995, c. 6	An Act to again amend the Highway Safety Code 1995-04-12 s. 16 1995-04-24 ss. 1-15
1995, c. 8	An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions 1995-06-28 ss. 5, 6, 51-53
1995, c. 9	An Act to amend the Act respecting the Caisse de dépôt et placement du Québec 1995-03-31 ss. 1-9
1995, c. 12	An Act to amend the Police Act and the Act respecting police organization as regards Native police 1995-04-05 ss. 1-5
1995, c. 18	An Act to facilitate the payment of support 1995-12-01 ss. 1-79, 81 (where the collector of support payments is charged with compulsory execution of a judgment awarding support), 82-84, 86, 89-95, 96 (where the collector of support payments is charged with compulsory execution of a judgment awarding support), 99 (except for 1 st par. (subpar. 1)), 101 1996-05-16 ss. 81 and 96 (where the collector of support is charged with compulsory execution of a judgment awarding support), 97, 98, 99 (1 st par. (subpar. 1)) 1997-04-01 ss. 80, 85, 87, 88, 100
1995, c. 23	An Act to establish the permanent list of electors and amending the Election Act and other legislative provisions 1996-05-01 ss. 12 (where it enacts sections 40.2, 40.3 and 40.4 except, in the 3 rd line of the 1 st par., the words “by electors and on the basis of the information transmitted” and except, in the 2 nd and 3 rd lines of the 2 nd par., the words “or by the person responsible for a municipal poll”, 40.7-40.9, 40.11, 40.12, 40.39-40.42), 91 1997-05-31 ss. 12 (where it enacts sections 40.1, 40.4 (in the 3 rd line of the 1 st par., the words “by electors and on the basis of the information transmitted”), 40.5, 40.6), 51, and the amendment appearing in the schedule opposite s. 570 1997-06-01 ss. 12 (where it enacts sections 40.4 (in the 2 nd and 3 rd lines of the 2 nd par., the words “ or by the person responsible for a municipal poll”), 40.10), 57-76, 84-90 1997-10-15 ss. 77, 78, 79 (where it enacts s. 39), 80-83
1995, c. 27	An Act respecting the Commission des droits de la personne et des droits de la jeunesse 1995-11-29 ss. 1-23, 25-41

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Reference	Title Date of coming into force
1995, c. 33	An Act to amend the Act respecting the implementation of the reform of the Civil Code and other legislative provisions as regards security and the publication of rights 2000-11-07 s. 17
1995, c. 38	An Act to amend the Consumer Protection Act 1995-09-20 ss. 1, 2, 3 (par. 2), 4-8, 9 (R.S.Q., chapter P-40.1 (s. 302, 1 st sentence)), 10, 11 1997-08-20 ss. 3 (par. 1), 9 (the second sentence of s. 302 of the Consumer Protection Act (R.S.Q., chapter P-40.1) enacted by s. 9)
1995, c. 39	An Act to amend the Code of Civil Procedure and the Act respecting the Régie du logement 1995-09-01 ss. 1-22
1995, c. 41	Court Bailiffs Act 1995-10-01 ss. 1-37
1995, c. 51	An Act to amend the Code of Penal Procedure and other legislative provisions 1996-03-01 ss. 1, 3, 5, 7-9, 12, 13 (par. 2, 3, 4, 5), 15, 16, 19, 20, 22, 27, 31, 33-45, 47-49 1996-07-15 ss. 4, 17, 23, 24 1997-10-01 ss. 6 (s. 62.1 (1 st par.) of the Code of Penal Procedure), 18, 21, 32
1995, c. 55	An Act to amend the Act respecting the Québec Pension Plan and the Automobile Insurance Act 1996-06-01 ss. 1-9
1995, c. 61	An Act to amend the Act respecting the Régie du logement and the Civil Code of Québec 1996-09-01 ss. 1, 2
1995, c. 67	An Act to amend the Cooperatives Act and other legislative provisions 1997-02-14 ss. 1-149, 151-201
1995, c. 69	An Act to amend the Act respecting income security and other legislative provisions 1996-03-01 ss. 10, 14, 21, 26 1996-04-01 ss. 3-7, 9, 17, 23, 25 1996-04-01 ss. 1 (par. 2), 20 (par. 2, 6), 24 1996-07-18 ss. 11, 20 (par. 4 and 7 [but solely in respect of s. 91 (subpar. 24.1 of 1 st par.) of the Act respecting income security]) 1996-07-18 s. 20 (par. 7 [in respect of s. 91 (subpar. 23 and 24 of 1 st par.) of the Act respecting income security]) 1996-08-01 ss. 1 (par. 1), 20 (par. 1) 1996-10-01 ss. 18, 20 (par. 4 [but solely in respect of s. 91 (subpar. 24.2 of 1 st par.) of the Act respecting income security]) 1997-01-01 ss. 12, 13, 20 (par. 5, 8, 9)
1996, c. 6	An Act respecting the implementation of international trade agreements 1996-07-10 ss. 1-10
1996, c. 8	An Act to amend the Act respecting lotteries, publicity contests and amusement machines in respect of international cruise ships 1999-09-08 s. 1
1996, c. 18	An Act to amend the Act respecting the conservation and development of wildlife 1998-04-29 s. 7

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Reference	Title Date of coming into force
1996, c. 20	An Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions 1996-12-18 ss. 1-41
1996, c. 21	An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions 1996-09-04 ss. 1-74
1996, c. 23	An Act to amend the Legal Aid Act 1996-07-17 s. 59 1996-08-28 ss. 42, 43 1996-09-26 ss. 1-5, 6 (ss. 4, 4.1, 4.4-4.13), 7-41, 44-58, 60 1997-01-01 s. 6 (ss. 4.2, 4.3)
1996, c. 24	An Act to amend the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec 1996-11-13 s. 8
1996, c. 26	An Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities 1997-06-20 ss. 1-89
1996, c. 32	An Act respecting prescription drug insurance and amending various legislative provisions 1996-08-01* ss. 3 (except the words “, or by the insurers insuring transacting group insurance or the administrators of private-sector employee benefit plans,”), 5, 8 (1 st par. except the words “ in Québec”), 9, 11 (1 st , 3 rd par.) (4 th par. except the words “or by an insurer or employee benefit plan, as the case may be”), 12, 13 (1 st sentence which reads: “The maximum contribution for a reference period of one year shall not exceed \$750 per adult;”), 14, 15 (par. 1 except the words “who are not members of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and who are not beneficiaries under such a contract or plan;”), 15 (par. 2, 3), 22 (1 st par.) (2 nd par. except the words “ and, with respect to medications provided by an institution, according to the price established in that list”), 31 (*The coming into force of the provisions of the sections referred to in the preceding paragraph have effect: — from 1996-08-01, in respect of the persons referred to in s. 15 (par. 1 to 3) of 1996, c. 32; — on the date or dates determined by the Government, in respect of the other persons eligible for the basic prescription drug insurance plan.) 1996-08-01 ss. 1, 51-82, 87, 88, 89 (par. 1 (3 rd par. of s. 3 of the Health Insurance Act except, in the introductory sentence, the words “and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”, except, in subpar. a of 3 rd par. the words “and is not a member of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and is not a beneficiary under such a plan”, and except subpar. c of 3 rd par.)), 89 (par. 2 (4 th par. of s. 3 of the Health Insurance Act except the words “and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”), 89 (par. 3), 90, 92-94, 98-105, 109-116, 118

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Reference	Title Date of coming into force
1996, c. 32	<p>An Act respecting prescription drug insurance and amending various legislative provisions – <i>Cont'd</i></p> <p>1996-09-01 ss. 17, 19 (1st par.), 20, 21, 43 (2nd par.) (*The provisions of 1996, c. 32 that came into force on 1996-08-01 and that have effect only in respect of the persons referred to in s. 15 (par. 1-3) have effect, from 1997-01-01, in respect of every person eligible for the basic prescription drug insurance plan.)</p> <p>1997-01-01 ss. 3 (except the words “, or by the insurers insuring transacting group insurance or the administrators of private-sector employee benefit plans,”), 5, 8 (1st par. except the words “in Québec”), 9, 11 (1st, 3rd par.) (4th par. except the words “or by an insurer or employee benefit plan, as the case may be”), 12, 13 (1st sentence which reads: “The maximum contribution for a reference period of one year shall not exceed \$750 per adult;”), 14, 15 (par. 1 except the words “who are not members of a group insurance contract or employee benefit plan that is applicable to a group of persons determined on the basis of current or former employment status, profession or any other habitual occupation and that includes basic plan coverage, and who are not beneficiaries under such a contract or plan;”), 15 (par. 2, 3), 22 (1st par.) (2nd par. except the words “and, with respect to medications provided by an institution, according to the price established in that list”), 31</p> <p>1997-01-01 ss. 2,3 (the words “or by the insurers transacting group insurance or the administrators of private sector employee benefit plans”), 4, 6, 7, 8 (1st par., the words “in Québec”) (2nd par., 3rd par. except the words “or any other institution recognized for that purpose by the Minister that is situated outside Québec in a region bordering on Québec”), 10, 11 (2nd par.) (4th par., the words “, or by an insurer or employee benefit plan, as the case may be”), 13 (2nd sentence which reads “this amount includes any amounts paid by the adult as a deductible amount and coinsurance payment for a child of the adult or a person suffering from a functional impairment who is domiciled with the adult.”), 15 (par. 1, the words “who are not members of a group insurance contract or employee benefit plan applicable to a group of persons determined on the basis of current or former employment status, profession or habitual occupation and that includes basic plan coverage, and who are not beneficiaries under such a contract or plan”), 15 (par. 4), 16, 18, 19 (2nd par.), 22 (2nd par., the words “and, with respect to medications provided by an institution, according to the price established in that list”), 23-30, 32-37, 38 (except, in subpar. 2 of 1st par., the words “otherwise binding the policy-holder” and except, in subpar. 3 of 1st par., the words “administered by or on behalf of the policy-holder”), 39 (except, in subpar. 2 of 1st par., the words “otherwise binding the plan administrator”) and except, in subpar. 3 of 1st par., the words “binding the plan administrator”), 41, 42, 43 (1st par.), 44, 45 (except, in the first sentence, the words “or the plan member” and except the second sentence, which reads “Any notice of non-renewal or of a change in the premium or assessment from the insurer must be sent to the last known address of the plan member not later than 30 days preceding the date of expiry.”), 46-50, 83-86, 89 (par. 1, introductory sentence of 3rd par. of s. 3 of the Health Insurance Act, the words “and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”), 89 (par. 1, subpar. a of 3rd par. of s. 3 of the Health Insurance Act, the words “and is not a member of a group insurance contract or employee benefit plan applicable to a group of persons determined on the basis of current or former employment status, profession, or habitual occupation and that includes basic plan coverage, and is not a beneficiary under such a plan”), 89 (par. 1, subpar. c of 3rd par. of s. 3 of the Health Insurance Act), 89 (par. 2, 4th par. of s. 3 of the Health Insurance Act, the words “and, where applicable, the cost of medications provided as part of the services provided by an institution in accordance with the third paragraph</p>

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Reference	Title Date of coming into force
1996, c. 32	An Act respecting prescription drug insurance and amending various legislative provisions – <i>Cont'd</i> of section 8 of the Act respecting prescription drug insurance and amending various legislative provisions”), 91 (except 3 rd par. of s. 10 of the Health Insurance Act, introduced by par. 2), 95 (s. 22.1.0.1 of the Health Insurance Act, except, in 3 rd par., the words “or institution”), 96, 97, 106-108, 117
1996, c. 44	An Act to amend the Act respecting the Société générale de financement du Québec 2001-03-31 s. 6 (when it enacts s. 8.1)
1996, c. 51	An Act respecting reserved designations and amending the Act respecting the marketing of agricultural, food and fish products 1997-10-15 ss. 1-27
1996, c. 54	An Act respecting administrative justice 1997-09-24 ss. 16, 17, 61, 63, 64, 68, 69, 70, 79, 80, 86 (1 st par.), 98, 199 1997-09-24 s. 14 (1 st par.) [for the sole purposes of the preceding sections] 1998-04-01 ss. 1-13, 14 (in all other respects), 15, 18-60, 62, 65-67, 71-78, 81-85, 86 (2 nd par.), 87-92, 99-164, 177, 178, 182-198, schedules
1996, c. 56	An Act to amend the Highway Safety Code and other legislative provisions 1997-12-01 ss. 46, 51, 156 1998-12-24 ss. 103, 104 (par. 1), 106, 107 1999-07-01 ss. 99, 121, 137 (par. 6) 1999-07-15 s. 53 1999-08-01 ss. 118, 119 2000-01-27 ss. 82, 93, 149, 150
1996, c. 60	An Act respecting off-highway vehicles 1997-10-02 ss. 1-10, 11 (1 st , 2 nd par. (subpar. 1, 2, 4, 5, 6), 3 rd par.), 12-17, 18 (1 st , 3 rd par.), 19-26, 28-82, 84-87 1998-02-02 ss. 11 (par. 3), 27 1999-09-01 s. 18 (2 nd par.)
1996, c. 61	An Act respecting the Régie de l'énergie 1997-02-05 ss. 8, 165 1997-05-01 s. 134 (with the exception of s. 16 (1 st par.) of R.S.Q., chapter S-41) 1997-05-13 ss. 6, 7, 9, 10, 12, 60-62, 122, 135, 148, 171 1997-06-02 ss. 4, 13-15, 19-22 1997-06-02 ss. 2, 3, 5, 11, 16, 17, 18 (1 st par.), 23, 26-30, 31 (2 nd par.), 33, 34, 37-41, 63-71, 77-79, 81-85, 104-109, 113, 115, 128, 129, 132, 142-144, 146, 157-159, 161, 162, 166, 170; and, as they apply to natural gas, ss. 1, 25, 31 (1 st par., subpar. 1, 2, 4, 5), 32, 35, 36, 42-54, 73-75, 80, 86-103, 110-112, 114 (par. 1-6), 116, 117, 147 1997-10-15 ss. 24, 127, 130, 131, 149-156, 168, and, as they do not apply to natural gas, ss. 1, 25 (1 st par. (subpar. 3), 2 nd par.), 35, 36, 42-47, 75, 87-89, 110-112, 116 (2 nd par., subpar. 4), 117 1997-11-01 ss. 137, 138, 140, 141, and, as they apply to petroleum products, ss. 55-58, 116 1998-01-01 as they do not apply to natural gas, ss. 102, 103 1998-02-11 ss. 18 (2 nd par.), 59, 118, 139 (s. 45.1, par. d of subpar. 1 of 3 rd par. of R.S.Q., chapter U-1.1), 160, 167 (1 st par.), 169, and, as they do not apply to natural gas, ss. 25 (1 st par., subpar. 2), 31 (1 st par., subpar. 4), 86, 90-101, 147 1998-03-18 ss. 31 (1 st par. (subpar. 2, 5)), 32 (par. 3), 114 (par. 4) [as they do not apply to natural gas]

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Reference	Title Date of coming into force
1996, c. 61	<p>An Act respecting the Régie de l'énergie – <i>Cont'd</i></p> <p>1998-05-02 ss. 121, 123, 125, 133, 1st par. of s. 16 of R.S.Q., chapter S-41, as enacted by s. 134, 136, 145, 164 and, as they do not apply to natural gas, subpar. 1 of 1st par. of s. 25, subpar. 1 of 1st par. of s. 31, par. 1 and 4 of s. 32, 48-51, 53, 54 and, as it does not apply to natural gas and petroleum products, subpar. 1 of 2nd par. of s. 116</p> <p>1998-08-11 s. 114 (par. 7) and, as it does not apply to natural gas, s. 114 (par. 6)</p> <p>1998-11-01 ss. 31 (1st par. (subpar. 3)), 72, 76, 119, 120, 124 and, as they apply to steam, ss. 55-58 and, as they do not apply to natural gas, ss. 32 (par. 2), 73, 74, 80, 114 (par. 1-3, 5) and, as they do not apply to natural gas and petroleum products, s. 116 (1st par., 2nd par. (subpar. 2))</p>
1996, c. 68	<p>An Act to amend the Civil Code of Québec and the Code of Civil Procedure as regards the determination of child support payments</p> <p>1997-05-01 ss. 1-4</p>
1996, c. 69	<p>An Act to amend the Savings and Credit Unions Act</p> <p>1997-02-15* ss. 1-3, 7-13, 14 (par. 1), 15, 16 (par. 1), 17 (par. 1, 3), 18, 19, 20 (par. 1), 21-165, 167-182, 184 (*Subject to the following provisions which come into force 1997-02-15:</p> <p style="padding-left: 2em;">Provisions relating to the structure of credit unions and federations</p> <ol style="list-style-type: none"> 1. The new provisions relating to the structure of credit unions and federations whose fiscal period ended before 1 February 1997, and that therefore have eight months in which to hold their annual meeting, apply thereto from the time at which their respective annual meeting is held. Pending the annual meeting, such credit unions and federations may hold a special meeting for the purpose of determining the interest that is payable on permanent shares following the allocation of the annual surplus earnings. In such case, the new provisions relating to structure apply thereto only from the time at which the annual meeting is held. Credit unions and federations that do not take advantage of that extended time period may postpone until a later special meeting, held before 1 October 1997, the election of the members of their board of directors and board of audit and ethics, in which case the new provisions relating to structure will apply thereto only from the time at which that meeting is held. 2. In the case of credit unions and federations whose fiscal period ends between 1 February 1997 and 31 May 1997 and that must therefore hold their annual meeting before 1 October 1997, the same provisions will apply from the time at which their respective annual meeting are held. 3. In the case of credit unions and federations whose fiscal period ends between 1 June 1997 and 31 August 1997 and that therefore are not obliged to hold their annual meeting before 1 October 1997, the same provisions will apply, from the latter date, except where such credit unions or federations hold a special meeting before that time, in which case those same provisions apply thereto from the time at which that meeting is held. 4. Notwithstanding the foregoing, where, on 15 February 1997, credit unions are involved in a process of amalgamation, the new provisions relating to structure will apply thereto from the time at which the amalgamation becomes effective, if the amalgamation agreement complies with those provisions.

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Reference	Title Date of coming into force
1996, c. 69	<p>An Act to amend the Savings and Credit Unions Act – <i>Cont'd</i></p> <p>Where the agreement does not comply, the amalgamating credit unions have until 30 September 1997 to remedy the situation at a single special meeting of all the members of the credit unions that are being amalgamated.</p> <p>Provisions relating to administration</p> <ol style="list-style-type: none"> 5. Decisions rendered by credit committees before they were abolished may be reviewed by any employee who is appointed for that purpose and whose position allows him to grant credit. 6. Representatives of legal persons who are members of a credit union and have been acting as directors or members of the board of supervision shall continue to act in that capacity until the end of their term of office. 7. The provisions of section 54 of the Act to amend the Savings and Credit Unions Act apply immediately to officers who, on 15 February 1997, are under suspension from duty. 8. Credit unions, federations and confederations have 18 months from the coming into force of paragraph 4 of section 36 of that Act to provide liability insurance for directors and officers. 9. The reports on activities that would have been submitted by the credit committees and ethics committees, had they not been abolished, shall be drafted by the boards of audit and ethics.)
1996, c. 70	<p>An Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety</p> <p>1997-10-01 ss. 9 (insofar as it enacts s. 284.2 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)), 39 (insofar as it enacts the second paragraph of s. 357.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)), 40, 44 (par. 2, insofar as it enacts subpar. 4.2 of the first paragraph of s. 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001))</p> <p>1998-01-01 ss. 8, 10-18, 19 (par. 2), 20 (par. 1), 24, 25, 28, 30, 34 (par. 1), 38, 44 (par. 2, insofar as it enacts subpar. 4.3 of the first paragraph of s. 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)), 44 (par. 3-5)</p> <p>1999-01-01 ss. 4, 19 (par. 1), 20 (par. 2), 22, 23, 26, 27, 29, 31, 32, 33, 39 (insofar as it enacts the first paragraph of s. 357.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)), 41-43, 44 (par. 6-11, 13)</p>
1996, c. 74	<p>An Act to amend various legislative provisions relating to the construction industry</p> <p>1997-01-15 ss. 2, 10 (par. 4), 15-27</p> <p>1997-01-15 ss. 7, 8</p>
1996, c. 78	<p>An Act to amend the Act respecting income security</p> <p>1997-04-01 ss. 2-5, 6 (par. 2, 3, 4)</p> <p>1997-10-01 ss. 1, 6 (par. 1)</p>
1996, c. 79	<p>An Act to amend the Act respecting financial assistance for students and the General and Vocational Colleges Act</p> <p>1997-02-06 ss. 1, 2, 3, 4, 8, 9, 10, 12, 13, 14, 15, 17</p> <p>1997-04-01 ss. 6, 16</p> <p>1997-05-01 ss. 7, 11</p> <p>1997-07-01 s. 5</p>

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1997, c. 8	An Act to amend the Election Act and other legislative provisions as regards the permanent list of electors 1998-10-21 ss. 10 (par. 4), 11 (par. 1, the words “and a list of the addresses for which no electors’ names are entered”), 13 (where it enacts s. 198.1 of the Election Act (R.S.Q., chapter E-3.3)) 1999-09-22 ss. 5, 8 (except for the words “as such information appears in the register kept under section 54 of the Public Curator Act (chapter C-81)” in section 40.7.1 enacted by section 8)
1997, c. 16	An Act respecting the Saguenay — St. Lawrence Marine Park 1998-06-12 ss. 1-26
1997, c. 20	An Act to amend the Act to foster the development of manpower training and other legislative provisions 1998-04-01 s. 8 (s. 23.1 of R.S.Q., chapter D-7.1) 1998-02-04 ss. 13, 15 1998-04-01 s. 16
1997, c. 23	An Act to amend the Act respecting the Conseil consultatif du travail et de la main-d’œuvre 1997-11-26 ss. 1, 2
1997, c. 24	An Act to amend the Charter of the French language 1997-09-01 ss. 1, 2, 7-21, 23-26 1998-01-01 ss. 3-6, 22
1997, c. 27	An Act to establish the Commission des lésions professionnelles and amending various legislative provisions 1997-10-29 ss. 24 (enacting ss. 429.1, 429.5 (1 st par.), 429.12 of R.S.Q., chapter A-3.001), 30 (enacting s. 590 of R.S.Q., chapter A-3.001) [for the sole purpose of declaring the Minister of Labour responsible for the provisions of the latter Act concerning the Commission des lésions professionnelles], 62 1998-04-01 ss. 1-23, 24 (ss. 367-429, 429.2-429.4, 429.5 (2 nd par.), 429.6-429.11, 429.13-429.59), 25-29, 31-61, 63-68
1997, c. 29	An Act respecting the Centre de recherche industrielle du Québec 1997-06-30 ss. 1-42
1997, c. 37	An Act to amend the Act respecting safety in sports 2002-04-01 s. 2 (ss. 46.17, 46.18 of the Act respecting safety in sports (R.S.Q., chapter S-3.1))
1997, c. 39	An Act respecting certain flat glass setting or installation work 1997-07-09 ss. 1-3
1997, c. 43	An Act respecting the implementation of the Act respecting administrative justice 1997-09-24 ss. 845 (2 nd par.), 848-850 (as regards persons governed by s. 853), 853 (except the words “Until 1 December 1997”) 1997-09-24 s. 14 (1 st par.) [for the sole purposes of the preceding sections] 1997-10-29 s. 866 (s. 58.1 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, chapter 27))

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Reference	Title Date of coming into force
1997, c. 43	An Act respecting the implementation of the Act respecting administrative justice – <i>Cont'd</i> 1998-04-01 ss. 1-10, 14-105, 111 (par. 1), 121 (par. 1), 124-184, 186-211, 216-337, 340-360, 362, 364-404, 410-565, 567 (par. 3), 568, 576 (par. 1), 577 (par. 1, 3, 4), 578-759, 761-824, 826-832, 833 (except the provisions of the second paragraph respecting proceedings already before the Commission municipale du Québec, in matters of real estate or business tax exemptions), 835-844, 845 (1 st par.), 846, 847, 848-850 (as regards the persons governed by s. 841), 851, 852, 855-864 1998-04-01 ss. 11, 12, 13, 865, 867, 876 (par. 4)
1997, c. 44	An Act respecting the Commission de développement de la métropole 1997-06-20 s. 103
1997, c. 47	An Act to amend the Education Act, the Act respecting school elections and other legislative provisions 1997-08-13 ss. 2, 3, 16, 17, 25, 29-50, 52, 54-59, 61-63, 67-71 1998-07-01 ss. 1, 4-15, 18-24, 26, 27, 28 (subject to s. 68), 51, 53, 60, 64-66
1997, c. 49	An Act to amend the Act respecting the Société de l'assurance automobile du Québec and other legislative provisions 1998-07-02 ss. 4-7, 9
1997, c. 50	An Act to amend various legislative provisions of the pension plans in the public and parapublic sectors 1997-03-22 ss. 52, 53 (effective date)
1997, c. 53	An Act to amend various legislative provisions concerning municipal affairs 1998-07-01 ss. 7 (par. 3), 18 (par. 3), 24 (par. 2), 29 (par. 2), 33 (par. 2), 36 (par. 3), 42 (par. 2), 47 (par. 2), 52 (par. 4)
1997, c. 54	An Act to amend the Act respecting lotteries, publicity contests and amusement machines 1997-09-24 ss. 1-9
1997, c. 55	An Act respecting the Agence de l'efficacité énergétique 1997-10-22 ss. 1-11, 14, 15, 35 1997-12-03 ss. 12, 13, 16-31, 34
1997, c. 58	An Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care 1997-07-02 ss. 1-19, 21 (par. 4), 24 (par. 3), 25-41, 44, 52, 59 (par. 4), 68, 98, 106 (par. 1), 121, 133, 134, 135 (par. 3), 136 (par. 3), 142-155
1997, c. 63	An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail 1997-09-10 ss. 16, 17 (1 st par. (the part preceding subpar. 1, subpar. 8)), 21-29, 31, 32 1997-12-17 ss. 37, 38 (the part preceding par. 1, par. 2, 5), 40-46 1997-12-17 ss. 58-68, 107 (par. 4), 110, 119 (the part preceding par. 1, par. 2), 135, 145, 147 1998-01-01 ss. 17 (1 st par. (subpar. 1-7)), 18-20, 30, 33-36, 38 (par. 1, 3, 4, 6, 7), 39, 120-123, 136, 137 1998-04-01 ss. 17 (2 nd par.), 69-96, 97 (par. 2, 3), 98-105, 107 (par. 1, 2), 108, 111-118, 119 (par. 1), 125, 127, 129-134, 138 (par. 4), 140-143, 146

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Reference	Title Date of coming into force
1997, c. 64	An Act to amend the Act respecting the use of petroleum products and other legislative provisions 1999-02-24 ss. 1, 2 (enact. ss. 5, 7, 8 (2 nd par.), 14 (2 nd par.), 22 (subpar. 3), 23, 25 (subpar. 2, 5), 27 (3 rd par.), 37, 39, 41, 50, 51, 54, 59), 14 (enact. ss. 96, 97, 114, 115, 116), 15, 17, 18, 25 (3 rd par.) 1999-04-30 ss. 2 (enact. ss. 1-4, 6, 8 (1 st par.), 9-13, 14 (1 st par.), 15-21, 22 (subpar. 2 of 1 st par., 2 nd par.), 24, 25 (subpar. 1, 4 of 1 st par., 2 nd par.), 26, 27 (1 st , 2 nd , 4 th par.), 28-30, 32-38, 40, 42-49, 52, 53, 55-58, 60-66), 3-13, 14 (enact. ss. 98-113), 16, 19-24, 25 (1 st , 2 nd par.) 1999-07-01 s. 2 (enact. ss. 22 (subpar. 1), 25 (subpar. 3), 31)
1997, c. 75	An Act respecting the protection of persons whose mental state presents a danger to themselves or to others 1998-06-01 ss. 1-60
1997, c. 77	An Act to amend the Public Health Protection Act 1998-02-15 ss. 3-7
1997, c. 78	An Act to amend the Act to ensure safety in guided land transport 2000-01-01 ss. 1, 2, 4, 7, 15-18 2000-05-01 ss. 3, 5, 6, 8-12, 13 (par. 2), 14 (par. 1), 19
1997, c. 80	An Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator 1998-12-16 ss. 36, 37 1999-06-01 s. 31 1999-07-01 ss. 1-27, 29, 30, 33-35, 39-43, 45-61, 62 except as regards funds held in trust by the Joint Committee of the women's clothing industry for the payment of compensation for annual vacation with pay provided for in sections 8.00 to 8.06 of the Decree respecting the women's clothing industry (R.R.Q., 1981, chapter D-2, r. 26), 63-78, 81 2000-10-01 s. 62 as regards funds held in trust by the Joint Committee of the women's clothing industry for the payment of compensation for annual vacation with pay provided for in sections 8.00 to 8.06 of the Decree respecting the women's clothing industry (R.R.Q., 1981, chapter D-2, r. 26)
1997, c. 83	An Act to abolish certain bodies 1998-03-18 ss. 25, 31, 32, 33, 38 (par. 1), 41, 42, 43, 44, 49 (par. 3), 50 (par. 3), 56 (par. 3) 2002-10-01 ss. 29, 30
1997, c. 85	An Act to again amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions 1998-09-16 ss. 5-9, 395-399
1997, c. 87	An Act to amend the General and Vocational Colleges Act and other legislative provisions 1998-03-11 ss. 1-5, 7-11, 14, 21, 23-28, 34, 35 1998-07-01 ss. 6, 12, 13, 16-19, 22, 29-33 1999-01-01 ss. 15, 20
1997, c. 90	An Act to amend the Act respecting financial assistance for students 1998-04-01 ss. 1, 2, 3, 13, 14 1998-05-01 ss. 4, 5, 6, 7, 8, 9, 10, 11, 12
1997, c. 91	An Act respecting the Ministère des Régions 1998-04-01 ss. 1-7, 16-66, 68

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Reference	Title Date of coming into force
1997, c. 96	An Act to amend the Education Act and various legislative provisions 1998-04-01 ss. 107, 109-111, 126 (par. 2), 131, 163, 178, 180-183, 187-191
1998, c. 3	An Act to amend the Act respecting stuffing and upholstered and stuffed articles 2005-10-13 ss. 1-10
1998, c. 5	An Act to amend the Civil Code and other legislative provisions as regards the publication of personal and movable real rights and the constitution of movable hypothecs without delivery 1999-09-17 ss. 1-9, 12, 13, 19, 21, 23, 24, 25
1998, c. 15	An Act to amend the Act respecting immigration to Québec and other legislative provisions 1998-09-07 ss. 8, 10 (par. 8)
1998, c. 17	An Act respecting Investissement-Québec and Garantie-Québec 1998-08-21 ss. 1-83
1998, c. 19	An Act respecting Société Innovatech du Grand Montréal 1998-06-30 ss. 1-45
1998, c. 20	An Act respecting Société Innovatech Régions ressources 1998-06-30 ss. 1-42
1998, c. 21	An Act respecting Société Innovatech Québec et Chaudière-Appalaches 1998-06-30 ss. 1-45
1998, c. 22	An Act respecting Société Innovatech du sud du Québec 1998-06-30 ss. 1-45
1998, c. 24	An Act to amend the Mining Act and the Act respecting the lands in the public domain 1999-12-01 s. 82 (s. 169.2, except par. 3) 2000-11-22 ss. 1 (par. 2), 3 (par. 1), 4-51, 56-70, 75 (par. 3), 102 (par. 2), 103 (except with respect to applications for a licence or lease relating to petroleum, natural gas, brine or underground reservoirs), 105-109, 113 (par. 2), 114, 116, 117 (par. 2, 3), 118-120, 122, 124-126, 127 (par. 1, 3, 4), 128 (par. 1, 3-9, 12 (except with respect to applications for a licence or lease relating to petroleum, natural gas, brine or underground reservoirs)), 129, 130, 133, 134, 136, 142-145, 148-152, 158
1998, c. 27	An Act to amend the Act to promote the parole of inmates 1999-01-27 s. 13
1998, c. 30	An Act to amend the Act respecting municipal courts and the Courts of Justice Act 1998-09-09 ss. 6, 7, 14, 16, 21 1998-10-15 ss. 4, 5, 8-13, 18, 19, 22-28, 30, 31, 36, 40-42, 44 2001-03-28 ss. 15, 37, 38, 39
1998, c. 33	Tobacco Act 1998-10-01 ss. 67, 71 1998-11-01 ss. 32-40, 55-57
1998, c. 36	An Act respecting income support, employment assistance and social solidarity 1998-08-05 s. 203

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Reference	Title Date of coming into force
1998, c. 36	An Act respecting income support, employment assistance and social solidarity – <i>Cont'd</i> 1999-10-01 ss. 1-19, 20 (1 st par.), 21-26, 27 (1 st , 2 nd par.), 28-31, 33-55, 58, 67, 68 (except 2 nd par. (subpar. 4, what follows the word “work”)), 69-74, 75 (except 2 nd par. (subpar. 4, what follows the words “Insurance Act”)), 76-78, 79 (except 1 st par., last sentence), 80-95, 96 (1 st , 3 rd par.), 97-155, 156 (par. 1-6, 8-23, 25-30), 158 (1 st par. (subpar. 1-13), 2 nd par.), 159-175, 178-186, 189-202, 204, 206, 209-212, 216, 217, 219-226, 228 (except for the provisions of the first paragraph concerning the report on the implementation of the provisions pertaining to the payment of part of the benefit relating to lodging to the lessor), 229 2000-01-01 ss. 68 (2 nd par. (subpar. 4, what follows the word “work”)), 75 (2 nd par. (subpar. 4, what follows the words “Insurance Act”)), 79 (1 st par., last sentence), 96 (2 nd par.), 158 (1 st par. (subpar. 14)) 2000-11-01 ss. 56, 57, 156 (par. 31)
1998, c. 37	An Act respecting the distribution of financial products and services 1998-08-26 ss. 158-184, 194, 229, 231, 244-248, 251-255, 256 (1 st , 2 nd par.), 257, 284-287, 288 (1 st par.), 296 (2 nd par.), 297 (2 nd par.), 299, 302-311, 312 (1 st par.), 323-326, 504-506, 510, 568, 572, 577, 579, 581 1999-02-24 ss. 1-11, 13 (2 nd par.), 58, 59, 61-65, 70, 72, 185, 189, 190, 193, 195, 196, 200-217, 223-228, 232, 233 (1 st par.), 258-273, 274 (3 rd par.), 279-283, 312 (2 nd par.), 313, 314, 315 (2 nd par.), 316, 319, 321, 322, 327, 328, 331-333, 351, 352, 355-358, 364, 365, 366, 370, 408 (2 nd par.), 411-414, 416, 423, 424, 426, 440, 443, 503, 543, 573 (2 nd par.) 1999-07-19 ss. 45, 57, 66, 67, 73-79, 82 (1 st par.), 104 (1 st par.), 128, 130-134, 144 (1 st par.), 146-157, 197, 218-222, 234-239, 249, 250, 274 (2 nd par. (subpar. 1)), 395-407, 418, 427, 428, 445, 447, 449, 450, 451 (1 st par.), 452, 458, 459, 484, 485, 487, 502, 517-521, 534-542, 544-546, 549 (1 st par.), 550-553, 566, 569, 570, 571, 574, 576 1999-10-01 ss. 12, 13 (1 st par.), 14-16, 18-25, 27, 29, 30, 33-39, 41-44, 46-56, 60, 68, 69, 71, 80, 81, 82 (2 nd par.), 83-103, 104 (2 nd , 3 rd par.), 105-127, 129, 135-143, 144 (2 nd , 3 rd par.), 145, 186-188, 191, 192, 198, 199, 230, 233 (2 nd par.), 240-243, 256 (3 rd par.), 274 (1 st par., 2 nd par. (subpar. 2)), 275-278, 288 (2 nd par.) 289-295, 296 (1 st par.), 297 (1 st par.), 298, 300, 301, 315 (1 st par.), 317, 318, 320, 329, 330, 334-350, 353, 354, 359-363, 367-369, 371-394, 408 (1 st par.), 409, 410, 415, 417, 419-422, 425, 429-439, 441, 442, 444, 446, 448, 451 (2 nd par.), 453-457, 460-483, 486, 488-501, 507-509, 511-516, 522-533, 547, 548, 549 (2 nd , 3 rd par.), 554, 557-565, 567, 573 (1 st par.), 575, 578, 580, 582 1999-10-01 ss. 555, 556 2003-01-01 ss. 17, 26, 31, 32
1998, c. 38	An Act to establish the Grande bibliothèque du Québec 1998-08-05 ss. 1-3, 4 (1 st par. (subpar. 1, 3), 2 nd par.), 5-22, 24-33 1999-05-05 ss. 4 (1 st par. (subpar. 2)), 23
1998, c. 39	An Act to amend the Act respecting health services and social services and amending various legislative provisions 1999-04-01 ss. 171, 207, 208 1999-03-31 ss. 139, 141-149, 202 2001-04-01 ss. 63 (par. 2), 94-97, 160
1998, c. 40	An Act respecting owners and operators of heavy vehicles 1998-07-21 ss. 1-4, 6-14, 19, 20, 22-46, 48, 49, 51, 54, 55 (par. 1), 55 (par. 2, as regards the definition of “tool vehicle”), 58, 59, 62, 65, 66, 69, 71-76, 78, 79, 94, 117, 120-123, 125, 126, 128 (par. 1), 144 (par. 7, 8, 12), 146-148, 150 (par. 1, 2), 154-162, 171, 172, 174-182 1998-11-27 s. 144 (par. 9, 10) 1998-12-24 ss. 130, 131, 132 1999-02-24 ss. 15 (1 st , 3 rd par.), 16 (1 st par.), 17, 18

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Reference	Title Date of coming into force
1998, c. 40	An Act respecting owners and operators of heavy vehicles – <i>Cont'd</i> 1999-04-01 ss. 5, 21, 50, 55 (par. 2 (as regards the definition of “heavy vehicle”)), 56, 57, 60, 61, 63, 67, 70, 77, 80, 82, 84, 85, 86, 88-93, 95, 96, 98, 103, 107, 108, 109 (par. 1 (except as regards the deletion of ss. 413 and 471), par. 3)), 111, 114, 124 (par. 2, 3), 127, 128 (par. 2), 129, 133-140, 149, 151, 163-170, 173 1999-04-29 s. 112 1999-07-01 ss. 15 (2 nd par.), 16 (2 nd par.), 47 1999-06-02 ss. 83, 144 (par. 1-6, 11, 13-18, 20, 21, 23) 1999-07-01 ss. 52, 53, 64, 68, 81, 99-102, 104-106, 109 (par. 2), 118, 119, 124 (par. 1), 141-143, 144 (par. 19, 22, 24), 145, 150 (par. 3), 152, 153 1999-11-01 ss. 115, 116 2000-12-14 ss. 109 (par. 1 (as regards the striking out of section 471)), 110, 113
1998, c. 41	An Act respecting Héma-Québec and the haemovigilance committee 1998-07-08 ss. 1, 2, 4-54, 56-75 1998-09-28 ss. 3, 55
1998, c. 42	An Act respecting Institut national de santé publique du Québec 1998-10-08 ss. 1-3, 4 (1 st par. (subpar. 5), 2 nd par.), 5-48 1999-09-12 s. 4 (1 st par. (subpar. 2, 3, 4)) 2000-04-01 s. 4 (1 st par. (subpar. 1))
1998, c. 44	An Act respecting the Institut de la statistique du Québec 1998-10-14 ss. 1, 14-19, 21-24, 63 1999-04-01 ss. 2-13, 20, 25-62
1998, c. 46	An Act to amend various legislative provisions relating to building and the construction industry 1998-09-08 ss. 1, 3, 25, 41, 42 (par. 1), 43-50, 58, 60-63, 68-70, 81, 82, 84-86, 88-100, 110-113, 120, 122 (par. 1) [which enacts s. 123 (par. 8.4) of the Act respecting labour relations, vocational training and manpower management in the construction industry], 122 (par. 2), 125-135 2000-11-07 ss. 4-7, 9, 30-32, 37 2002-10-01 ss. 8, 10-13 2002-11-20 ss. 71, 73, 75, 76, 78, 80
1998, c. 47	An Act respecting certain facilities of Ville de Montréal 1998-09-25 ss. 1-42
1998, c. 51	An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters 1999-05-13 ss. 1-25, 27, 29 2000-01-01 s. 26
1998, c. 52	An Act to amend the Election Act, the Referendum Act and other legislative provisions 1999-09-22 ss. 46, 47, 55, 56, 81, 94 (par. 3, 4)
1999, c. 11	An Act respecting Financement-Québec 1999-10-01 ss. 1-68
1999, c. 13	An Act to amend various legislative provisions relating to building and the construction industry 1999-09-08 ss. 1, 8, 10, 13

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Reference	Title Date of coming into force
1999, c. 14	An Act to amend various legislative provisions concerning de facto spouses 1999-07-01 ss. 18, 19 (on the date of the coming into force of ss. 35 and 65 of 1997, c. 73, under the provisions of s. 98 (par. 2) of that Act) 1999-10-01 ss. 34 (on the date of the coming into force of the provisions of s. 19 of 1998, c. 36 (subpar. 3 of 1 st par.)), 35 (on the date of the coming into force of the provisions of s. 28 of 1998, c. 36 (subpar. 4 of 1 st par.))
1999, c. 16	An Act respecting Immobilière SHQ 1999-12-15 ss. 1-38
1999, c. 26	An Act respecting the Société nationale du cheval de course 1999-09-01 ss. 1-20
1999, c. 30	An Act to amend certain legislative provisions respecting the Public Curator 2000-04-01 ss. 7-15, 17, 18, 19 (par. 1, 3, 4), 20, 24
1999, c. 32	An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec 1999-08-04 ss. 1, 2 (1 st par., 2 nd par. (subpar. 2)), 3-15, 18-30, 33 2001-09-13 ss. 2 (2 nd par. (par. 1)), 16, 17, 31, 32
1999, c. 34	An Act respecting the Corporation d'hébergement du Québec 1999-12-01 ss. 1-26, 28-40, 42-55, 56 (par. 1), 57-61, 63-77 2000-01-05 ss. 27, 62 2000-04-01 ss. 41, 56 (par. 2)
1999, c. 36	An Act respecting the Société de la faune et des parcs du Québec 1999-09-08 ss. 1-3, 5-23, 33, 35, 36, 169, 170 1999-12-01 ss. 4, 24-32, 34, 37-168
1999, c. 37	An Act to amend the Act respecting prescription drug insurance 1999-09-01 ss. 1, 4-8
1999, c. 38	An Act respecting the transport of bulk material under municipal contracts 2000-09-20 ss. 1-3
1999, c. 41	An Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel 2000-03-30 ss. 1-50
1999, c. 45	An Act to amend the Act respecting health services and social services as regards access to users' records 2000-01-01 ss. 1-5
1999, c. 46	An Act to amend the Code of Civil Procedure 2000-02-01 ss. 1-19
1999, c. 47	An Act to amend the Civil Code as regards names and the register of civil status 2002-05-01 s. 8
1999, c. 49	An Act to amend the Civil Code as regards publication of certain rights by means of a notice 2000-01-01 s. 1

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Reference	Title Date of coming into force
1999, c. 50	An Act to repeal the Grain Act and to amend the Act respecting the marketing of agricultural, food and fish products and other legislative provisions 2002-03-27 ss. 30 (to the extent that it enacts ss. 149.2-149.5 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1)), 31, 47 (to the extent that it repeals ss. 19-22 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30)), 74
1999, c. 52	An Act to amend the Act respecting labour standards and other legislative provisions concerning work performed by children 2000-07-20 ss. 11 (where it enacts sections 84.6, 84.7 of the Act respecting labour standards), 12
1999, c. 53	An Act to provide for the implementation of agreements with Mohawk communities 1999-11-24 ss. 1-21
1999, c. 65	An Act to amend the Act respecting the Ministère du Revenu and other legislative provisions of a fiscal nature 2000-02-02 ss. 1-4, 6, 7, 9 (par. 1, 2, 3), 11, 13-16, 17 (par. 2), 18, 19, 27, 28 (par. 1), 29 (par. 1, 2, 5), 30-32, 46, 49-53, 54 (par. 2), 55-63, 65-71, 74-76 2002-02-02 ss. 28 (par. 2, 3, 4), 29 (par. 3, 4)
1999, c. 66	An Act to amend the Highway Safety Code and other legislative provisions 2000-04-01 ss. 8, 9, 12, 13, 22-24, 30, 31 2000-12-14 ss. 18, 26 (par. 1), 29 2001-03-01 s. 20 2003-09-03 s. 15 2008-04-01 ss. 10, 26 (par. 2)
1999, c. 69	An Act to again amend the James Bay Region Development Act 2000-09-27 ss. 1-16
1999, c. 75	An Act to amend the Environment Quality Act and other legislation as regards the management of residual materials 2000-05-01 ss. 1-13 (subsections 1, 3, 4, 5 (heading) of Division VII of Chapter I of the Environment Quality Act), 14-54 2001-01-01 subsection 2 of Division VII of Chapter I of the Environment Quality Act, enacted by section 13
1999, c. 77	An Act respecting the Ministère des Finances 2000-11-15 ss. 1-56
1999, c. 84	An Act to delimit the high water mark of the St. Lawrence River in the territory of Municipalité régionale de comté de La Côte-de-Beaupré 2002-10-03 ss. 1-4
1999, c. 89	An Act to amend the Health Insurance Act and other legislative provisions 2000-03-01 ss. 1 (par. 1, 3 (the replacement of “beneficiary” by “insured person”), 4, 5), 2, 3, 8, 11-17, 19, 20, 22-29, 31-37, 38 (par. 3-6), 39-56 2001-05-31 ss. 1 (par. 2, 3 (the replacement of “deemed” by “temporary”)), 4-7, 9, 10 (except the new s. 9.6 of the Health Insurance Act (R.S.Q., chapter A-29) that it introduces), 18, 21, 30, 38 (par. 1, 2)
1999, c. 90	An Act to amend various legislative provisions respecting municipal affairs 2001-01-31 ss. 22-26, 31

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Reference	Title Date of coming into force
2000, c. 8	Public Administration Act 2000-09-06 s. 144 2000-10-01 ss. 1, 2, 12-23, 29-36, 38-56, 58-76, 77 (par. 1-3, 5-10, 12), 78-92, 93 (except to the extent that it repeals sections 22, 49.6 of the Financial Administration Act (R.S.Q., chapter A-6) and Division IX of that Act comprising sections 83-85), 94-98, 100, 103-105, 109, 120-123, 125-143, 145-149, 152, 153, 157-173, 175, 178-182, 186, 188, 191, 201, 219, 221, 222, 224-228, 230, 231, 236, 238, 239, 240 (with the exception of the number and word "10.2 and" in paragraph 3 and paragraphs 4 and 5), 242, 243 (with the exception of the word and number "and 49.6"), 244-253 2001-04-01 ss. 6, 7, 28, 57, 93 (to the extent that it repeals section 49.6 and Division IX comprising sections 83-85 of the Financial Administration Act), 192, the number and word "10.2 and" in paragraph 3 of section 240, and the word and number "and 49.6" in section 243 of that Act 2001-06-20 ss. 37, 93 (to the extent that it repeals s. 22 of the Financial Administration Act (R.S.Q., chapter A-6)), 99, 101, 102, 106-108, 110-119, 124, 150, 151, 154-156, 174, 176, 177, 183-185, 187, 189, 190, 193-200, 202-218, 220, 223, 229, 232-235, 237, 241 2002-04-01 ss. 24-27
2000, c. 9	Dam Safety Act 2002-04-11 ss. 1-18, 19 (1 st , 2 nd , 3 rd , 5 th par.), 20-49
2000, c. 10	An Act to amend the Tourist Establishments Act 2001-12-01 ss. 1-4, 6-33
2000, c. 13	An Act to amend the Professional Code and other legislative provisions 2000-07-12 ss. 1-95
2000, c. 15	Financial Administration Act 2000-11-15 ss. 1-14, 20-32, 46-57, 77-163, 165, 166 (except to the extent that the latter replaces sections 8, 22, 36-36.2, 47, 48, 49.6, 59-69.0.7, 69.5 and Division IX comprising sections 83-85 of the Financial Administration Act (R.S.Q., chapter A-6)), 167 2001-03-01 ss. 67, 68, 69 and 166 (to the extent that it replaces sections 59, 68 and 69 of the Financial Administration Act (R.S.Q., chapter A-6)) 2002-03-01 ss. 15-19, 61-66, 70-76, 164, 166 (to the extent that the latter replaces ss. 8, 36-36.2, 47, 48, 60-67, 69.0.1-69.0.7, 69.5 of the Financial Administration Act (R.S.Q., chapter A-6))
2000, c. 18	An Act respecting the Office Québec-Amériques pour la jeunesse 2000-09-13 ss. 1-34
2000, c. 20	Fire Safety Act 2000-09-01 ss. 1-6, 8-38 (1 st par.), 39-152, 154-185 2001-04-01 ss. 7, 153
2000, c. 21	An Act to amend the Cinema Act 2001-01-01 ss. 1-8
2000, c. 22	An Act to amend the Act respecting the Régie de l'énergie and other legislative provisions 2000-11-15 ss. 68, 69 2001-09-20 ss. 58, 59, 65 2004-03-24 ss. 45 (par. 2), 50 (par. 1 (except the words "the registration fees and"), 2)
2000, c. 28	An Act respecting Nasdaq stock exchange activities in Québec 2000-10-19 ss. 1, 9

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Reference	Title Date of coming into force
2000, c. 29	An Act respecting financial services cooperatives 2000-10-04 ss. 641, 642 2001-07-01 ss. 1-640, 643-683, 685-693, 695-698, 700-701, 704-711, 712 (1 st par.), 713-717, 719-723, 725-728, 730
2000, c. 35	An Act to amend the Transport Act 2000-06-30 ss. 2, 4, 5, 6, 7
2000, c. 36	An Act to amend the Act respecting the Ministère du Revenu as regards the suspension of recovery measures 2000-10-01 ss. 1-14
2000, c. 40	An Act to amend the Animal Health Protection Act and other legislative provisions and to repeal the Bees Act 2004-12-08 ss. 28-33 2005-05-11 s. 4 (to the extent that it introduces s. 3.0.1 (1 st par.) of the Animal Health Protection Act (R.S.Q., chapter P-42))
2000, c. 42	An Act to amend the Civil Code and other legislative provisions relating to land registration 2001-10-09 ss. 1, 2, 10, 11, 13-21, 24-26, 28-32, 41 (where it amends a. 2999.1 (1 st par.) of the Civil Code), 42, 43 (except where it deals with the information referred to in a. 3005 of the Civil Code, on the geodesic reference and geographic coordinates making it possible to describe an immovable), 44-52, 54-58, 60-62, 64, 65, 69, 71-78, 81, 83-86, 88, 89 (except where it strikes out s. 146 (2 nd par.) of the Act respecting the implementation of the reform of the Civil Code), 90, 91 (except where it repeals ss. 151 (1 st sentence), 152 (2 nd par.), 153 (par. 2) of the Act respecting the implementation of the reform of the Civil Code), 92 (except where it repeals s. 155 (par. 2.3, 2.4) of the Act respecting the implementation of the reform of the Civil Code), 93, 96-98, 100-107, 117, 119-127, 129-133, 136, 138-143, 148-153, 155, 157-185, 188, 197-209, 212-214, 216, 218-225, 229-236, 238, 241-245
2000, c. 44	Notaries Act 2002-01-01 ss. 1-25, 27-58, 60, 61, 93-105, 106 (except where it replaces the provisions of the Notarial Act (R.S.Q., chapter N-2) respecting the preservation of notarial acts <i>en minute</i> , the keeping, surrender, deposit and provisional custody of notarial records, the issue of copies and extracts from notarial acts <i>en minute</i> and the seizure of property related to the practice of the notarial profession), 107
2000, c. 45	An Act respecting equal access to employment in public bodies and amending the Charter of human rights and freedoms 2001-04-01 ss. 1-34
2000, c. 46	An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State 2001-02-28 ss. 1-13
2000, c. 48	An Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories 2008-06-25 s. 14 (par. 2)
2000, c. 49	An Act respecting transport infrastructure partnerships 2007-08-15 ss. 23-27, 29

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Reference	Title Date of coming into force
2000, c. 53	An Act respecting La Financière agricole du Québec 2001-04-01 ss. 1, 2, 3 (1 st , 3 rd par.), 4-18, 82, 83 2001-04-17 ss. 3 (2 nd par.), 19-69, 70 (1 st par.), 71-77, 78 (to the extent that it governs the regulations made under the Act respecting the Société de financement agricole (R.S.Q., chapter S-11.0101)), 79-81 2001-09-05 s. 70 (2 nd par.)
2000, c. 57	An Act to amend the Charter of the French language 2001-06-18 ss. 1-5, 6 (except the words “, Cree School Board, Kativik School Board” in s. 29.1 enacted by par.1), 7-15
2000, c. 61	An Act to amend the Maritime Fisheries Credit Act 2001-05-02 ss. 1-7
2000, c. 62	An Act respecting the Société d’Investissement Jeunesse 2001-02-28 ss. 1-4
2000, c. 68	An Act respecting La Société Aéroportuaire de Québec 2000-10-25 ss. 1-7
2000, c. 77	An Act respecting the Mouvement Desjardins 2001-07-01 ss. 1-62, 64, 66, 68, 71 (s. 689 of the Act respecting financial services cooperatives (2000, c. 29))
2001, c. 2	An Act to amend the Election Act and other legislative provisions 2001-05-02 ss. 1-12, 14-21, 23-25, 32-37, 38 (par. 1), 40-44, 48, 50-57
2001, c. 6	An Act to amend the Forest Act and other legislative provisions 2001-06-27 ss. 3-25, 27-29, 31, 34, 35 (to the extent that it enacts s. 43.2), 37, 48, 49, 53, 55, 56 (par. 2, 3), 59, 61, 64-69, 70 (par. 1), 71 (except for s. 84.8 that it enacts), 74-76, 78 (except for ss. 92.0.5 and 92.0.6 that it enacts), 79-90, 91 (except for s. 104.1 that it enacts), 92-98, 99 (par. 1), 100-102, 104-118, 119 (par. 1-4, 8), 120, 121, 122 (except for ss. 184 (2 nd par.), 186.7 (1 st par. (subpar. 3)) and 186.9 that it enacts), 123-129, 131-154, 157 (par. 1), 159, 160, 162, 163, 168, 170-172, 174-176, 182-188 2001-09-01 s. 169 2002-01-01 ss. 164-167, 173 2002-04-01 ss. 1, 54, 58, 158 2002-09-01 ss. 26, 161 2005-11-24 ss. 119 (par. 7), 122 (to the extent that it enacts s. 186.9) 2007-03-31 ss. 70 (par. 4), 91 (to the extent that it enacts s. 104.1), 122 (to the extent that it enacts s. 186.7 (1 st par. (subpar. 3))) 2008-04-01 ss. 60, 77, 130
2001, c. 9	An Act respecting parental insurance 2005-01-10 ss. 82 (to the extent that it concerns the Conseil de gestion de l’assurance parentale), 85 (to the extent that it concerns the Conseil de gestion de l’assurance parentale), 89, 90, 91 (except 2 nd par. (subpar. 2)), 92-110, 111 (except par. 1), 112-120, 152 2005-08-22 any portion not yet in force of s. 88 2005-10-19 s. 150 2005-11-16 any portion not yet in force of s. 82 2006-01-01 any portion not yet in force of ss. 3, 4, 7, 8, 16, 18-21, 23, 26, 34, 38, 82*, 83, 85, 91, 111 2006-01-01 any other section not yet in force * Order in Council 1102-2005 sets 16 November 2005 as the date of coming into force of any portion not yet in force of section 82.

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Reference	Title Date of coming into force
2001, c. 11	An Act respecting the Bibliothèque nationale du Québec and amending various legislative provisions 2002-03-04 ss. 1-34
2001, c. 12	Geologists Act 2001-08-22 ss. 1-24
2001, c. 15	An Act respecting transportation services by taxi 2002-05-15 ss. 10 (3 rd par.), 79 (1 st par. (subpar. 4, 8)) 2002-06-05 ss. 12 (4 th par.), 88 2002-06-30 ss. 1-9, 10 (1 st , 2 nd par.), 11, 12 (1 st , 2 nd , 3 rd par.), 13-17, 18 (except 3 rd par. (subpar. 1)), 19-25, 26 (except 1 st par. (subpar. 3)), 27-34, 48-71, 79 (1 st par. (subpar. 1-3, 5-7, 9-12), 2 nd , 3 rd , 4 th par.), 80-87, 89-134, 139-151
2001, c. 19	An Act concerning the organization of police services 2001-10-10 s. 1 (par. 1)
2001, c. 23	An Act respecting public transit authorities 2002-02-13 s. 208
2001, c. 24	An Act to amend the Act respecting health services and social services and other legislative provisions 2001-06-29 ss. 6, 7 (to the extent that it introduces s. 126.2 (2 nd par.) of the Act respecting health services and social services (R.S.Q., chapter S-4.2)), 8, 11 2001-12-19 ss. 1, 2, 55, 56, 58-61, 63, 65, 66, 67 (to the extent that it replaces s. 397.3 of the Act respecting health services and social services (R.S.Q., chapter S-4.2)), 68-78, 80-82, 85, 87, 92, 106, 108, 109 2002-04-01 s. 64 2002-05-01 ss. 36-38 2002-08-01 ss. 5, 7 (to the extent that it introduces s. 126.2 (3 rd par.) of the Act respecting health services and social services (R.S.Q., chapter S-4.2)), 9, 10, 12-34, 39-42, 46, 47, 50-52, 84, 90, 91, 94-101, 104, 107
2001, c. 26	An Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions 2002-02-13 ss. 63 (where it enacts ss. 137.11-137.16 of the Labour Code (R.S.Q., chapter C-27)), 207 2002-10-02 s. 63 (where it enacts ss. 137.17-137.39 of the Labour Code) 2002-10-23 ss. 63 (where it enacts ss. 113, 137.62, 137.63 of the Labour Code), 139, 209, 220 2002-11-25 s. 63 (where it enacts s. 112 of the Labour Code) 2002-11-25 ss. 1-11, 12 (par. 1), 13-24, 25 (par. 2, 3), 26-30, 32 (where it enacts ss. 45.1, 45.2 of the Labour Code), 33-41, 43, 46, 48, 49, 52-56, 59, 63 (where it enacts ss. 114 (except with respect to a complaint, other than that provided for in s. 47.3 of the Labour Code, alleging a contravention of s. 47.2 of the Code), 115, 116 (1 st par.), 117-132, 134-137.10, 137.40-137.61 of the Labour Code), 64 (except par. 3 where it enacts s. 138 (1 st par. (subpar. <i>g</i> , <i>h</i>)) of the Labour Code), 65-72, 83-92, 94-125, 127, 131, 140-150, 151 (par. 1-23, 25), 152-157, 160-172, 174-181, 182 (par. 1, 2, 4), 183-201, 203-205, 208, 210, 212-219 2003-04-01 s. 138 2003-09-01 s. 63 (where it enacts s. 133 of the Labour Code) 2004-01-01 s. 63 (where it enacts ss. 114 (with respect to a complaint, other than that provided for in s. 47.3 of the Labour Code, alleging a contravention of s. 47.2 of the Code), 116 (2 nd par.) of the Labour Code)

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Reference	Title Date of coming into force
2001, c. 29	An Act to amend the Highway Safety Code as regards alcohol-impaired driving 2002-04-21 ss. 3, 4, 21 2002-10-27 ss. 12, 13, 15
2001, c. 32	An Act to establish a legal framework for information technology 2001-10-17 s. 104 2001-11-01 ss. 1-103
2001, c. 35	An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions 2004-07-15 s. 35 2004-12-08 s. 30 2005-05-11 s. 29 (par. 2)
2001, c. 36	An Act constituting Capital régional et coopératif Desjardins 2001-07-01 s. 32 (s. 689 of the Act respecting financial services cooperatives (2000, c. 29))
2001, c. 38	An Act to amend the Securities Act 2003-06-27 ss. 8-11, 15-17, 18 (par. 2), 19, 20, 24-33, 35-52, 54, 59, 60, 82, 100 2005-06-01 s. 22
2001, c. 43	An Act respecting the Health and Social Services Ombudsman and amending various legislative provisions 2002-04-01 ss. 7-9, 12-28, 38, 39, 41 (ss. 33, 35-40, 44-50, 52-61, 66, 68-72, 76.8-76.14 of the Act respecting health services and social services (R.S.Q., chapter S-4.2))
2001, c. 60	Public Health Act 2003-02-26 ss. 7-17, 18 (the words “as provided in the national public health program”), 19-32, 146, 163 (s. 371 (par. 3, 4) of the Act respecting health services and social services (R.S.Q., chapter S-4.2)), 164
2001, c. 64	An Act to amend the Act respecting the Barreau du Québec and the Stenographers' Act 2006-05-01 ss. 2, 5-8
2001, c. 75	An Act to amend certain legislative provisions concerning the conclusion and signing of borrowing transactions and financial instruments 2002-03-01 ss. 1-7
2001, c. 78	An Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals 2002-03-13 s. 16
2002, c. 17	An Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance 2004-06-01 ss. 1, 8-11, 13, 14, 18 (par. 1-3, 7), 20, 23
2002, c. 21	An Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions 2002-06-26 s. 18 2002-07-01 ss. 1-8, 10-17, 19-53, 55-68 2002-09-01 ss. 9, 54

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Reference	Title Date of coming into force
2002, c. 22	An Act to amend the Act respecting administrative justice and other legislative provisions 2002-10-02 ss. 32-34 (s. 137.27 of the Labour Code (R.S.Q., chapter C-27) enacted by 2001, c. 26, s. 63) 2005-10-01 s. 7
2002, c. 23	Lobbying Transparency and Ethics Act 2002-11-28 ss. 8-18 (Div. I of Chap. II), 19 (2 nd par.), 20-24, 25, 49-51, 56, 60 (insofar as it relates to a provision of Div. I of Chap. II), 61 (insofar as it relates to s. 25), 69
2002, c. 24	An Act respecting the Québec correctional system 2007-02-05 ss. 1-4, 6-15, 17-58, 59 (except to the extent that it deals with a temporary absence for a family visit), 60-118, 119 (except to the extent that it deals with a temporary absence for a family visit), 120-139, 143-159, 160 (except to the extent that it deals with a temporary absence for a family visit), 161-174, 175 (except to the extent that it deals with a temporary absence for a family visit and to the extent that it deals with communication of the date of the offender's eligibility for a temporary absence for reintegration purposes), 176 (except to the extent that it deals with a temporary absence for a family visit), 177-210 2007-06-04 ss. 59 (to the extent that it deals with a temporary absence for a family visit), 119 (to the extent that it deals with a temporary absence for a family visit), 140-142, 160 (to the extent that it deals with a temporary absence for a family visit), 175 (to the extent that it deals with a temporary absence for a family visit and to the extent that it deals with communication of the date of the offender's eligibility for a temporary absence for reintegration purposes), 176 (to the extent that it deals with a temporary absence for a family visit) 2008-03-03 s. 5
2002, c. 25	An Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec 2003-09-15 s. 17 (to the extent that it enacts ss. 95.11-95.24 of the Forest Act (R.S.Q., chapter F-4.1))
2002, c. 27	An Act to amend the Act respecting prescription drug insurance and other legislative provisions 2002-06-26 s. 15 2002-12-01 ss. 12, 47 2003-01-01 s. 5 2003-02-26 ss. 14, 16, 17, 18, 20, 21, 22 (par. 1), 23 (par. 1), 25, 27, 29, 31 (2 nd par.), 32 (2 nd par.), 41 (par. 2), 42-44 2003-03-01 s. 10 (par. 1, 3) 2005-06-30 ss. 1 (par. 2), 22 (par. 3)
2002, c. 28	An Act to amend the Charter of the French language 2002-10-01 ss. 2-10, 18-24, 43-48
2002, c. 29	An Act to amend the Highway Safety Code and other legislative provisions 2002-09-03 ss. 1, 3-6, 33, 34, 36, 39, 40, 42, 43 (regarding the reference to ss. 251 and 274.2), 45, 46, 53, 55, 56, 57 (regarding s. 492.2), 59-61, 67-70, 72-74, 77, 78 2002-10-27 ss. 2, 7-9, 13-17, 20 (except the reference to s. 202.2.1 in subpar. 1 of 1 st par. and except the 2 nd par.), 21-24, 25 (except par. 2), 26-28, 30-32, 35, 37, 41, 43 (regarding the reference to s. 233.2), 47-52, 54, 57 (regarding s. 492.3), 58, 62-66, 71, 75, 76 2002-12-16 ss. 10-12, 79, 80

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Reference	Title Date of coming into force
2002, c. 30	An Act to amend the pension plans of the public and parapublic sectors 2003-02-20 ss. 6 (to the extent that it enacts s. 17.2 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2)) except in respect of the category of employees comprised of employees on leave without pay, 10 (par. 3) except in respect of the category of employees comprised of employees on leave without pay, 18 except in respect of the category of employees comprised of employees on leave without pay
2002, c. 33	An Act to amend the Professional Code and other legislative provisions as regards the health sector 2003-01-30 ss. 1 (except where it replaces s. 37 (par. <i>c, m, n</i> and <i>o</i>) of the Professional Code (R.S.Q., chapter C-26)), 2 (except where it adds s. 37.1 (par. 1, 2, 3 (except subpar. <i>j</i>), 4) of the Professional Code), 3, 4 (except where it adds, in s. 39.2 of the Professional Code, a reference to par. 24, 34-36 of its schedule I as well as s. 39.10 of the Professional Code), 5-9, 11, 12 (except where it adds s. 36 (2 nd par. (subpar. 14)) of the Nurses Act (R.S.Q., chapter I-8)), 13-16, 17 (except where it adds s. 31 (2 nd par. (subpar. 10)) of the Medical Act (R.S.Q., chapter M-9)), 18-33 2003-06-01 ss. 1 (where it replaces s. 37 (par. <i>c, m, n</i> and <i>o</i>) of the Professional Code (R.S.Q., chapter C-26)), 2 (where it adds s. 37.1 (par. 1, 2, 3 (except subpar. <i>j</i>), 4) of the Professional Code), 4 (where it adds, in s. 39.2 of the Professional Code, a reference to par. 24, 34-36 of its schedule I as well as s. 39.10 of the Professional Code), 12 (where it adds s. 36 (2 nd par. (subpar. 14)) of the Nurses Act (R.S.Q., chapter I-8)), 17 (where it adds s. 31 (2 nd par. (subpar. 10)) of the Medical Act (R.S.Q., chapter M-9)) 2008-05-29 s. 10
2002, c. 34	An Act respecting the Commission des droits de la personne et des droits de la jeunesse 2008-10-29 s. 1
2002, c. 41	An Act respecting the Observatoire québécois de la mondialisation 2003-01-15 ss. 1-35
2002, c. 45	An Act respecting the Autorité des marchés financiers 2003-02-06 ss. 116 (1 st par., 3 rd par.), 117-152, 153 (except 5 th par.), 154-156, 485, 689 (par. 3) 2003-04-16 ss. 1-3, 20-22, 25-32, 33 (1 st par.), 36, 39-47 2003-12-03 ss. 92, 95, 97-102, 106, 108-115 2004-02-01 ss. 4-19, 23, 24, 33 (2 nd par.), 34, 35, 37, 38, 48-62, 64-91, 93, 94, 96, 103, 104 (2 nd par.), 105, 107, 157-178, 179 (par. 1, 3), 180-196, 197 (par. 1, 3), 198-212, 214 (par. 1, 2), 215-219, 221 (par. 1, 2), 222-230, 231 (par. 1), 232, 240, 241, 243, 244, 246-263, 264 (to the extent that it enacts s. 7 of the Fish and Game Clubs Act (R.S.Q., chapter C-22)), 265, 266 (to the extent that it enacts s. 11 of the Amusement Clubs Act (R.S.Q., chapter C-23)), 267-274, 276-279, 280 (to the extent that it enacts s. 14 of the Cemetery Companies Act (R.S.Q., chapter C-40)), 281, 282 (to the extent that it enacts s. 52 of the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-40.1)), 283, 284, 285 (to the extent that it enacts s. 98 of the Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44)), 286, 288, 289, 291-293, 294 (to the extent that it enacts s. 15 of the Act respecting the constitution of certain Churches (R.S.Q., chapter C-63)), 295-305, 307, 308, 310 (par. 2), 311-314, 316-333, 336, 338, 339, 340 (to the extent that it enacts s. 19 of the Religious Corporations Act (R.S.Q., chapter C-71)), 341, 344-346, 348, 349, 351, 352, 354, 355, 357 (par. 1), 358 (par. 2), 360, 363-372, 374 (par. 1), 375, 376, 379-382, 385, 386, 388, 389, 391-399, 401, 402, 404-406, 407 (par. 4), 408, 410-415, 417, 419-444, 446-458, 460-470, 472-482, 486-489, 492-501, 502 (to the extent that it enacts s. 22 of the Roman Catholic Bishops Act (R.S.Q., chapter E-17)), 503, 505-508, 509 (to the extent that it enacts s. 75 of the

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Reference	Title Date of coming into force
2002, c. 45	<p>An Act respecting the Autorité des marchés financiers – <i>Cont'd</i></p> <p>Act respecting fabriques (R.S.Q., chapter F-1)), 510, 512, 513, 515-538, 540, 542, 543, 544 (to the extent that it enacts s. 34 of the Winding-up Act (R.S.Q., chapter L-4)), 545-547, 549-551, 554-558, 559 (par. 2), 560-562, 564-566, 568, 569 (par. 2), 570-581, 583-588, 589 (par. 2), 590 (par. 2), 591 (par. 1), 594-596, 598, 599, 601-604, 610, 611, 613, 614 (to the extent that it enacts s. 7 of the National Benefit Societies Act (R.S.Q., chapter S-31)), 615, 616 (to the extent that it enacts s. 4 of the Act respecting societies for the prevention of cruelty to animals (R.S.Q., chapter S-32)), 617-619, 620 (to the extent that it enacts s. 30 of the Professional Syndicates Act (R.S.Q., chapter S-40)), 621, 622, 624 (par. 3), 629, 631, 638, 639, 642-652, 654-685, 687, 688, 689 (par. 1, 2, 4, 5), 695-703, 705-726, 731, 739, 740, 742-744 Note: Sections 694 and 741 came into force on the date of coming into force of section 7.</p> <p>2004-06-01 ss. 358 (par. 1), 359 (par. 2), 373, 374 (par. 2), 445, 730 2004-08-01 s. 104 (1st par.) 2010-01-01 ss. 342, 343, 361, 378, 384, 390, 400, 403, 416, 418, 483, 484, 491, 727, 728, 729</p>
2002, c. 50	<p>An Act to amend the General and Vocational Colleges Act and the Act respecting the Commission d'évaluation de l'enseignement collégial</p> <p>2004-04-07 s. 7</p>
2002, c. 51	<p>An Act to amend the Act respecting income support, employment assistance and social solidarity and the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail</p> <p>2003-01-01 ss. 1-31</p>
2002, c. 53	<p>An Act to amend the Environment Quality Act and other legislative provisions</p> <p>2008-06-01 ss. 1, 2 (par. 2), 3-5, 9-14, 18</p>
2002, c. 55	<p>An Act to amend the Travel Agents Act and the Consumer Protection Act</p> <p>2003-01-29 s. 22 2004-11-11 ss. 18 (par. 2), 25 (par. 2, 6), 26</p>
2002, c. 56	<p>An Act to secure the supply of hogs to a slaughterhouse enterprise in the Abitibi-Témiscamingue region</p> <p>2004-07-21 s. 1</p>
2002, c. 61	<p>An Act to combat poverty and social exclusion</p> <p>2003-03-05 ss. 1 (1st par, 2nd par. (except the second sentence)), 2-20, 21 (1st par.), 61, 62 (except as regards ss. 58 and 60), 64, 66, 69 2003-04-01 ss. 1 (3rd par.), 46-57, 67 2005-10-17 ss. 1 (2nd par. (2nd sentence), to the extent that that provision applies in respect of the advisory committee on the prevention of poverty and social exclusion), 21 (2nd par., except the words "and those of the indicators proposed by the Observatoire de la pauvreté et de l'exclusion sociale that were retained"), 22-30, 31 (except 3rd par.), 32 (except 2nd par. (2nd sentence)), 33, 34, 58 (except the words "and those of the indicators proposed by the Observatoire de la pauvreté et de l'exclusion sociale retained by the Minister"), 59 (except the words "taking into account in particular the indicators proposed by the observatory,"), 60, 62 (to the extent that it concerns ss. 58 and 60), 63, 65 (1st par.), 68</p>
2002, c. 62	<p>An Act to amend the Highway Safety Code and the Act respecting the Ministère du Revenu</p> <p>2003-03-05 s. 4 (to the extent that it replaces s. 359.1 (2nd par.) of the Highway Safety Code (R.S.Q., chapter C-24.2))</p>

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Reference	Title Date of coming into force
2002, c. 62	An Act to amend the Highway Safety Code and the Act respecting the Ministère du Revenu – <i>Cont'd</i> 2003-04-13 s. 4 (to the extent that it replaces s. 359.1 (1 st par.) of the Highway Safety Code (R.S.Q., chapter C-24.2))
2002, c. 66	An Act to amend the Act respecting health services and social services as regards the medical activities, the distribution and the undertaking of physicians 2003-07-01 ss. 5-11, 13, 15 (par. 2, 3), 16-20, 22-24, 29 2003-09-01 s. 28
2002, c. 70	An Act to amend the Act respecting insurance and other legislative provisions 2003-02-12 ss. 1-38, 39 (except s. 88.1 of the Act respecting insurance (R.S.Q., chapter A-32) which it replaces), 40-78, 79 (except Div. III.1 of Chapter V of Title III of the Act respecting insurance comprising ss. 200.0.4-200.0.13), 80-147, 149-157, 163, 164, 169, 173-175, 177, 179-186, 188, 189, 191-204 2003-02-26 s. 148 2003-06-25 ss. 170-172
2002, c. 78	An Act to amend the Code of Penal Procedure 2003-07-01 ss. 1-7
2003, c. 5	An Act to amend the Highway Safety Code and the Code of Penal Procedure as regards the collection of fines 2004-05-16 ss. 1-7, 8 (except to the extent that it enacts s. 194.3 of the Highway Safety Code (R.S.Q., chapter C-24.2)), 9-30 2004-12-05 s. 8 (to the extent that it enacts s. 194.3 of the Highway Safety Code (R.S.Q., chapter C-24.2))
2003, c. 17	An Act to amend the Act respecting financial assistance for education expenses 2004-05-01 ss. 1-43
2003, c. 18	An Act to amend the Cooperatives Act 2005-11-17 ss. 1-108, 109 (except to the extent that the provisions enact s. 221.2.3 of the Cooperatives Act (R.S.Q., chapter C-67.2)), 110-164, 166-185
2003, c. 23	An Act respecting commercial aquaculture 2004-09-01 ss. 1-80
2003, c. 25	An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors 2005-08-24 ss. 12-51
2003, c. 29	An Act respecting the Ministère du Développement économique et régional et de la Recherche 2004-03-23 ss. 1-134, 135 (except par. 7-17, 20, 21, 24, 25 (to the extent that it amends s. 35 of the Winding-up Act (R.S.Q., chapter L-4)), 30, 31, 35-37), 136-178
2004, c. 2	An Act to amend the Highway Safety Code and other legislative provisions 2005-01-01 ss. 6, 8, 12, 15, 30, 41, 55, 62, 76, 77, 79 2006-03-27 ss. 10, 16, 57, 58 (to the extent that it enacts the first paragraph of section 520.2 of the Highway Safety Code (R.S.Q., chapter C-24.2)), 61, 63-65 2007-06-15 ss. 35-39, 42-52, 54, 56 2007-10-01 ss. 33, 34 2008-06-18 ss. 27, 29 2008-10-28 ss. 7, 11, 14

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Reference	Title Date of coming into force
2004, c. 3	An Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption 2004-09-01 ss. 26, 27 (par. 1), 28-30 2006-02-01 ss. 1-25, 27 (par. 2), 31-35
2004, c. 6	An Act to amend the Forest Act 2006-05-01 s. 6
2004, c. 11	An Act to repeal the Act respecting the Société de la faune et des parcs du Québec and to amend other legislative provisions 2004-06-30 ss. 1-80
2004, c. 12	An Act to amend the Courts of Justice Act and other legislative provisions as regards the status of justices of the peace 2007-02-21 ss. 1 (ss. 175-177, 178 (2 nd par.), 179 of the Courts of Justice Act (R.S.Q., chapter T-16)), 2-8
2004, c. 25	An Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions 2005-12-21 s. 22, except for the amendments in paragraphs 1 and 4 concerning the replacement of the words “the library” 2006-01-31 ss. 1-4, 5 (par. 1), 6-21, 22 (par. 1 concerning the replacement of the words “the library”, 2, 3, 4 concerning the replacement of the words “the library”, 5-7), 23-72, 74-79 2007-11-07 s. 5 (par. 2-4)
2004, c. 30	An Act respecting Services Québec 2005-05-02 ss. 1-3, 19-36, 38-44, 50, 58, 60 2005-06-22 ss. 4-18, 37, 45-49, 51, 53-56, 59
2004, c. 31	An Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions 2006-04-01 ss. 3 (par. 1), 29, 33
2004, c. 32	An Act respecting the Agence des partenariats public-privé du Québec 2005-04-18 ss. 1-3, 19-36, 38-46, 53, 56-69, 71 2005-05-18 ss. 4-18, 37, 47-52, 54, 55, 70
2004, c. 37	An Act to amend the Securities Act and other legislative provisions 2005-03-16 s. 46 2005-09-14 ss. 1 (par. 2-4), 3 (par. 1-4, 6), 4 (par. 2), 7, 8, 9 (par. 1), 10 (par. 3), 11-13, 22, 23 (par. 2), 31 (par. 2), 37 (par. 2, 3), 38 (par. 4)
2004, c. 39	An Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions 2006-01-01 ss. 68, 101, 122, 176, 192, 210, 236 2008-04-02 ss. 6 (to the extent that it enacts subdivision 4 of Division IV of Chapter II of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2)), 47 (par. 3) (to the extent that it refers to s. 41.7), 124 (to the extent that it enacts Division III.3 of Chapter VI of Title I of the Act respecting the Government and Public Employees

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Reference	Title Date of coming into force
2004, c. 39	An Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions – <i>Cont'd</i> Retirement Plan (R.S.Q., chapter R-10)), 136, 137 (par. 7) (to the extent that it refers to s. 109.8 of the Act respecting the Government and Public Employees Retirement Plan), 255 (to the extent that it enacts Division I.3 of Chapter VI of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1)), 262, 263 (par. 3) (to the extent that it refers to s. 138.7 of the Act respecting the Pension Plan of Management Personnel)
2004, c. 40	An Act to repeal the Act respecting the establishment of a steel complex by Sidbec and the Act respecting the Société du parc industriel et portuaire Québec-Sud 2005-03-23 ss. 1-17
2005, c. 7	An Act respecting the Centre de services partagés du Québec 2005-06-27 ss. 1-3, 18-36, 38, 39, 45-48, 54, 107, 109 2005-12-06 ss. 4-17, 37, 40-44, 49-53, 55-79, 80 (to the extent that it enacts the first sentence of s. 13 of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1)), 81-106, 108
2005, c. 10	An Act to amend the Act respecting petroleum products and equipment, the Building Act and other legislative provisions 2007-04-01 ss. 1-83
2005, c. 13	An Act to amend the Act respecting parental insurance and other legislative provisions 2005-08-22 any portion not yet in force of s. 50 2005-11-16 s. 70 (to the extent that it concerns s. 82 of the Act respecting parental insurance (2001, c. 9)) 2006-01-01 any portion not yet in force of ss. 2, 4-6, 10, 15, 20, 47, 102, 105 2006-01-01 any other section not yet in force
2005, c. 15	Individual and Family Assistance Act 2005-10-01 s. 191 2007-01-01 ss. 1-63, 64 (except 1 st par., second sentence), 65-73, 84-107, 109-136, 137 (except for the part concerning the Youth Alternative Program and a specific program), 138-156, 157 (except par. 2), 158-175, 180-190, 192, 193, 195, 198, 199 2007-04-01 ss. 74-83, 108, 137 (for the part concerning the Youth Alternative Program and a specific program)
2005, c. 16	An Act to amend the Education Act and the Act respecting private education 2005-11-01 ss. 6-9 2006-09-01 ss. 1-5, 10-14
2005, c. 17	An Act to amend the Act respecting administrative justice and other legislative provisions 2006-01-01 ss. 1-16, 18-30, 32, 48 2006-07-01 ss. 17, 31, 33-42, 44, 45, 49 2007-01-01 ss. 46, 47
2005, c. 18	An Act respecting the Health and Welfare Commissioner 2006-08-14 ss. 2, 14, 17-21, 23, 28, 33, 34, 36, 38-44 2007-10-04 s. 15 2008-06-01 ss. 22, 45 2008-09-30 s. 16

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2005, c. 19	An Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions 2005-08-31 s. 2 (to the extent that it introduces s. 17.1.1 (2 nd par.) of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2)) 2005-12-08 s. 2 (other than the provisions introducing s. 17.1.1 (2 nd par.) of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2))
2005, c. 22	An Act to amend the Building Act and other legislative provisions 2005-12-01 ss. 10 (par. 2, 3), 11, 12 (par. 1), 15-28, 30-38, 40, 41, 45 (par. 5, 6), 46-49, 54, 55 2008-06-25 ss. 1-9, 10 (par. 1, 4), 12 (par. 2), 13, 14, 29, 39, 42-44, 45 (par. 1-4), 50-53
2005, c. 27	An Act to amend the Code of Penal Procedure and the Courts of Justice Act 2006-10-02 ss. 1-21, 23
2005, c. 32	An Act to amend the Act respecting health services and social services and other legislative provisions 2007-02-01 ss. 139, 140 (par. 2), 141 2007-02-14 ss. 244-246, 339 2009-02-01 s. 220
2005, c. 33	An Act to amend the Environment Quality Act 2006-01-19 ss. 1-5
2005, c. 34	An Act respecting the Director of Criminal and Penal Prosecutions 2006-02-01 ss. 5 (solely for the purpose of permitting the application of the rules that relate to the selection and appointment of a Deputy Director), 89 (solely for the purpose of permitting the application of the rules that relate to the selection and appointment of a Deputy Director), 90 (1 st par., solely for the purpose of permitting the application of the rules that relate to the selection and appointment of a Deputy Director) 2006-04-01 ss. 2, 3 (except for “During the year that precedes the end of the Director’s term or as soon as the office becomes vacant,”) 2007-03-05 ss. 1 (1 st par.), 4, 6-8, 10-12, 18, 22, 57 (par. 2) 2007-03-15 ss. 5 (for all matters other than those contemplated by Order in Council 53-2006 dated 1 February 2006), 90 (1 st par.) (for all matters other than those contemplated by Order in Council 53-2006 dated 1 February 2006) 2007-03-15 ss. 1 (2 nd par., 3 rd par.), 3 (the words “During the year that precedes the end of the Director’s term or as soon as the office becomes vacant,”), 9, 13-17, 19-21, 23-56, 57 (par. 1), 58-88, 90 (2 nd par., 3 rd par.), 91-94
2005, c. 40	An Act to amend the Act respecting prescription drug insurance and other legislative provisions 2006-04-12 ss. 1, 2, 19, 22 (par. 1), 27 (par. 2), 30, 33-37 2006-08-30 ss. 3-7, 12, 13, 18, 21, 25 (to the extent that it enacts the title of Division III.1 and section 70.3 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01)), 26, 29, 32, 39-41, 46, 47 2007-01-01 s. 14 2007-04-11 ss. 9, 15-17, 20, 22 (par. 3), 23 (to the extent that it enacts ss. 60.1-60.3 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01)), 28 (to the extent that it enacts ss. 84.1, 84.2, 84.4 of the Act respecting prescription drug insurance), 38, 42, 44, 45 2007-10-01 s. 8 2008-04-21 ss. 10, 22 (par. 2), 24, 27 (par. 1)

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Reference	Title Date of coming into force
2005, c. 40	An Act to amend the Act respecting prescription drug insurance and other legislative provisions – <i>Cont'd</i> 2009-01-01 ss. 25 (to the extent that it enacts ss. 70.1 and 70.2 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01)), 28 (to the extent that it enacts ss. 84.3 and 84.5 of the Act respecting prescription drug insurance)
2005, c. 41	An Act to amend the Courts of Justice Act and the Act respecting municipal courts 2008-02-13 s. 20
2005, c. 44	An Act to abolish certain public bodies and transfer administrative responsibilities 2007-02-05 ss. 28-34
2006, c. 4	An Act respecting reserved designations and added-value claims 2006-11-06 ss. 7, 8, 12-14, 16-29, 71, 79 2007-12-31 ss. 9 (par. 1, 2, 5 (to the extent that it concerns reserved designations)), 58, 74 2008-06-15 ss. 1-6, 9 (par. 3, 4, 5 (to the extent that it concerns added-value claims)), 10, 11, 15, 30-57, 59-70, 72, 73, 75-78
2006, c. 17	An Act to amend the Election Act to encourage and facilitate voting 2007-02-15 s. 15 (insofar as it enacts ss. 301.19-301.22) 2007-02-15 ss. 13 (insofar as it enacts s. 204 (only for the purposes of the implementation of s. 301.19 (par. 3))), 15 (insofar as it enacts s. 263 (only for the purposes of the implementation of s. 301.21))
2006, c. 18	An Act to amend the Act respecting the Office Québec-Amériques pour la jeunesse and the Act respecting the Office franco-québécois pour la jeunesse 2006-08-01 ss. 1-15
2006, c. 23	Private Security Act 2006-09-15 ss. 39, 40, 43-68, 83-89, 107-113, 133
2006, c. 26	An Act to amend the Act respecting the Conservatoire de musique et d'art dramatique du Québec 2007-03-31 ss. 3, 4, 7, 8, 10, 11, 13, 16, 19, 20 2007-09-01 ss. 5, 6
2006, c. 29	An Act respecting contracting by public bodies 2008-10-01 ss. 1-59
2006, c. 34	An Act to amend the Youth Protection Act and other legislative provisions 2007-07-09 ss. 1-7, 9, 10 (except par. 3), 11-32, 33 (except. par. 1), 34, 37, 38, 40-69, 71-75, 78 2007-11-01 ss. 8, 35, 70 (insofar as it enacts s. 132 (1 st par. (subpar. k)) of the Youth Protection Act (R.S.Q., chapter P-34.1)) 2008-07-07 ss. 10 (par. 3), 33 (par. 1), 36, 70 (insofar as it enacts s. 132 (1 st par. (subpar. i)) of the Youth Protection Act (R.S.Q., chapter P-34.1))
2006, c. 41	An Act to amend the Crime Victims Compensation Act and other legislative provisions 2007-01-16 ss. 2 (to the extent that it enacts s. 5.2 of the Crime Victims Compensation Act (R.S.Q., chapter I-6)), 3, 4, 9 (to the extent that it concerns the amendment made to s. 6 of the Crime Victims Compensation Act by s. 3 of the Act to amend the Crime Victims Compensation Act and other legislative provisions), 10

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2006, c. 41	An Act to amend the Crime Victims Compensation Act and other legislative provisions – <i>Cont'd</i> 2007-03-22 ss. 1, 2 (except to the extent that it enacts s. 5.2 of the Crime Victims Compensation Act (R.S.Q., chapter I-6), already in force), 5-8, 9 (except to the extent that it concerns the amendment made to s. 6 of the Crime Victims Compensation Act by s. 3 of the Act to amend the Crime Victims Compensation Act and other legislative provisions, already in force)
2006, c. 43	An Act to amend the Act respecting health services and social services and other legislative provisions 2007-03-01 ss. 1, 3, 7, 8, 15, 17, 32, 53 2008-01-01 ss. 2, 4, 5 (except s. 108 (2 nd par.) of the Act respecting health services and social services (R.S.Q., chapter S-4.2)), 6, 9-14, 16, 18-31, 33-43, 45-52, 54-57
2006, c. 49	An Act respecting the Commission administrative des régimes de retraite et d'assurances 2007-05-09 ss. 11-26, 135
2006, c. 50	An Act to amend the Securities Act and other legislative provisions 2008-02-01 ss. 28 (par. 3), 30 (par. 2), 36 (to the extent that it enacts s. 89 of the Securities Act (R.S.Q., chapter V-1.1)), 41, 61 (par. 4), 62 (par. 1), 67 (par. 1, 3), 68, 71, 72 (par. 2), 73, 74, 78 (par. 1, 2), 80, 108 (par. 13, 14) 2008-03-17 ss. 16-20, 23, 24, 35 (to the extent that it repeals ss. 84 and 85 of the Securities Act (R.S.Q., chapter V-1.1)), 61 (par. 2), 66 (par. 2), 108 (par. 5 (to the extent that it introduces s. 331.1 (par. 6.1) of the Securities Act)) 2008-06-01 ss. 33, 34, 38 (to the extent that it repeals s. 99 of the Securities Act (R.S.Q., chapter V-1.1)), 39, 61 (par. 3), 88, 108 (par. 10)
2006, c. 55	An Act to amend various legislative provisions concerning retirement 2008-04-02 ss. 6, 26, 53
2006, c. 57	An Act respecting the Centre de la francophonie des Amériques 2008-03-19 ss. 1-44
2006, c. 58	An Act to amend the Labour Code and other legislative provisions 2008-04-01 ss. 1, 16, 27-30, 34 (par. 1-4), 35-39, 43, 44, 46-58, 63-65, 73-83
2007, c. 3	An Act to amend the Act to foster the development of manpower training and other legislative provisions 2008-01-01 ss. 5 (par. 2), 7, 8, 14, 15 (par. 3), 17, 18, 23 (par. 2) (to the extent that it enacts s. 27 (par. 5) of the Act to promote workforce skills development and recognition (R.S.Q., chapter D-7.1)), 55
2007, c. 32	An Act to amend the Act respecting Services Québec and other legislative provisions 2008-02-20 ss. 1-4 2008-04-01 ss. 5-15
2007, c. 38	An Act to promote the maintenance and renewal of public infrastructures 2008-04-30 ss. 1-8
2007, c. 40	An Act to amend the Highway Safety Code and the Regulation respecting demerit points 2008-09-03 ss. 41, 45-51, 53-57, 72, 73 that relates to s. 597.1 (1 st par.) of the Highway Safety Code (R.S.Q., chapter C-24.2), 82, 83, 87, 88 (except “, except fines belonging to a municipality in accordance with an agreement under the second paragraph of section 597.1 of that Code” in par. 1 of s. 12.39.1 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28)), 103

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Reference	Title Date of coming into force
2007, c. 40	An Act to amend the Highway Safety Code and the Regulation respecting demerit points – <i>Cont'd</i> 2008-09-17 ss. 59, 64 2008-12-07 ss. 1, 7, 20, 34, 36 (except s. 202.4 (3 rd par.) of the Highway Safety Code (R.S.Q., chapter C-24.2) that it enacts), 37-39, 40 (except s. 209.2.1 (1 st par, subpar. 1) of that Code that it enacts), 42-44, 52, 60, 63, 74, 78 2009-01-01 s. 66 2009-07-01 s. 67
2007, c. 41	An Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances 2008-10-08 ss. 1, 2 (to the extent that it enacts ss. 77.3 to 77.7), 5, 6 2008-12-15 ss. 2 (to the extent that it enacts ss. 77.1 and 77.2), 3, 4
2007, c. 43	An Act to amend various legislative provisions concerning pension plans in the public sector 2008-04-02 ss. 40, 81, 158 2008-05-07 ss. 7, 9, 11, 33, 34, 36, 39 (par. 2) (to the extent that it concerns par. 7.3.2), 59-62, 82 (par. 2), 104-107, 110, 117, 119-121, 128, 144-147, 159 (par. 1)
2007, c. 49	An Act respecting Ville de Lévis 2008-07-09 ss. 1-11
2008, c. 11	An Act to amend the Professional Code and other legislative provisions 2008-10-15 ss. 1-30, 32-57, 59-117, 118 (par. 1), 119, 121-226 2009-01-31 ss. 31, 58, 118 (par. 2), 120
2008, c. 12	An Act to amend the Financial Administration Act 2008-10-08 ss. 1, 2
2008, c. 14	An Act to again amend the Highway Safety Code and other legislative provisions 2008-09-03 ss. 98 (par. 1), 118 2008-09-17 s. 48 2008-11-05 s. 136 2008-12-07 ss. 5, 13, 14 (par. 1), 31, 32, 41, 42, 87, 92, 93, 97, 116

**LIST OF LEGISLATIVE PROVISIONS WHOSE COMING INTO FORCE
HAS YET TO BE DETERMINED BY PROCLAMATION OR ORDER
IN COUNCIL AS OF 31 DECEMBER 2008**

Provisions not in force on 31 December 2008 and rendered inapplicable or obsolete following the coming into force of other provisions are not included in this table.

Reference	Title
1969, c. 51	Manpower Vocational Training and Qualification Act s. 62
1971, c. 48	An Act respecting health services and social services s. 149
1972, c. 55	Transport Act ss. 126, 151 (par. <i>a</i>), 155 (par. <i>a</i>)
1977, c. 68	Automobile Insurance Act s. 93
1978, c. 7	An Act to secure the handicapped in the exercise of their rights s. 71
1978, c. 9	Consumer Protection Act s. 6 (par. <i>c</i> , <i>d</i>)
1979, c. 45	An Act respecting labour standards ss. 5 (par. 4), 29 (par. 4, 6), 39 (par. 6, 7), 112, 136-138
1979, c. 63	An Act respecting occupational health and safety ss. 204-215
1979, c. 64	An Act respecting the protection of persons and property in the event of disaster ss. 17, 19 (2 nd par.), 23, 45, 47
1979, c. 85	An Act respecting child day care ss. 5, 6, 97
1979, c. 86	An Act respecting safety in sports ss. 31, 39
1980, c. 39	An Act to establish a new Civil Code and to reform family law ss. 63, 64 (1 st , 2 nd par.), 70 (1 st par.)
1981, c. 31	An Act respecting the sociétés d'entraide économique and amending various legislation ss. 57-59, 124 (2 nd par. (par. 3)), 126, 127 (2 nd par.), 129 (the word and figure "or 126"), 168 (1 st par., subpar. 4 (the words "matters provided for by section 107, paragraph 3 of section 108, section 115 and paragraphs 1 to 3, 5 and")), 182-188
1982, c. 17	An Act to provide for the carrying out of the family law reform and to amend the Code of Civil Procedure s. 81 (par. 3)
1982, c. 25	An Act to amend the Environment Quality Act and other legislation ss. 27-34

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Reference	Title
1982, c. 61	An Act to amend the Charter of human rights and freedoms ss. 6 (par. 2), 21 (R.S.Q., chapter C-12, s. 86.2 (former), 1 st par.), 25, 30
1983, c. 23	An Act to promote the advancement of science and technology in Québec ss. 66-79, 83-93, 94 (1 st par.), 95 (1 st , 3 rd par.), 96 and 97, to the extent that they relate to the Fonds established by par. 3 of s. 65 and ss. 65 (par. 3), 82, 125, 126
1983, c. 38	Archives Act s. 82
1983, c. 39	An Act respecting the conservation and development of wildlife s. 46
1983, c. 43	An Act respecting restaurant and hotel workers who derive income from gratuities ss. 1, 3-6, 8, 10, 11, 12, to the extent that they refer to an allocation of gratuities or to gratuities that are allocated
1983, c. 53	An Act to amend the Agricultural Products, Marine Products and Food Act s. 3 (par. 2, 3)
1983, c. 54	An Act to amend various legislative provisions s. 81 (R.S.Q., chapter S-25.1, s. 53 (par. 3))
1984, c. 16	An Act respecting commercial fisheries and aquaculture and amending other legislation ss. 4, 11
1984, c. 41	An Act to amend the Securities Act s. 19
1985, c. 26	An Act to amend the Act to preserve agricultural land ss. 12, 17
1985, c. 34	Building Act ss. 29 (except with regard to the plumbing installations, electrical installations and installations intended to use, store or distribute gas and except with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in Council 896-2004 dated 22 September 2004, applies), 120, 121, 214 (except with regard to the Gas Distribution Act (R.S.Q., chapter D-10), the Act respecting piping installations (R.S.Q., chapter I-12.1), the Act respecting electrical installations (R.S.Q., chapter I-13.01) and the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1)), 215 (1 st par. (except with regard to the provisions of the Regulation respecting safety in public baths (R.R.Q., 1981, c. S-3, r. 3) and except with regard to the regulations adopted under the Act respecting building contractors vocational qualifications)), 218, 219, 263-267, 274-279, 282 (except with regard to buildings and facilities intended for public use to which Chapter I of the Building Code, approved by Order in Council 953-2000 dated 26 July 2000, applies, except with regard to mechanical lifts and except with regard to elevators and other elevating devices to which Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, applies, except with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in Council 896-2004 dated 22 September 2004, applies, and except with regard to public baths), 284, 291 (1 st par. (except with regard to a licence issued under the Act respecting building contractors vocational qualifications and except in all respects other than the qualification of contractors and owner-builders))
1986, c. 60	An Act respecting the sale of the Raffinerie de sucre du Québec ss. 16, 17, 19

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Reference	Title
1986, c. 62	An Act to amend the Civil Code, the Registry Office Act and the Territorial Division Act s. 4 (par. 12 (Montmorency))
1986, c. 91	Highway Safety Code s. 496
1986, c. 109	An Act to amend the Act respecting the conservation and development of wildlife and the Parks Act s. 21
1987, c. 25	An Act to amend the Environment Quality Act s. 1
1987, c. 36	An Act to again amend the Act respecting probation and houses of detention in respect of close supervision ss. 1-3
1987, c. 94	An Act to amend the Highway Safety Code and other legislation ss. 49, 50, 62, 70 (R.S.Q., chapter C-24.2, s. 519.14), 77, 78
1987, c. 102	An Act to amend the Act respecting land use planning and development, the Cities and Towns Act and the Municipal Code of Québec s. 22
1988, c. 39	An Act to amend the Act respecting the conservation and development of wildlife and the Parks Act s. 12
1988, c. 47	An Act to amend the Act respecting health services and social services and other legislation s. 10
1988, c. 51	An Act respecting income security s. 85
1988, c. 56	An Act to amend the Code of Civil Procedure in respect of the collection of support payments ss. 1 (R.S.Q., chapter C-25, ss. 553.3-553.9), 2-10, 12
1988, c. 57	An Act to ensure safety in guided land transport s. 63 (2 nd par.)
1988, c. 75	An Act respecting police organization and amending the Police Act and various legislation ss. 211, 223, 241
1988, c. 84	Education Act ss. 123, 124, 131, 137, 139, 206, 210, 354, 355, 509-515, 522, 525, 528, 529, 536
1988, c. 86	An Act to amend the charter of the city of Montréal s. 2 (par. 1)
1989, c. 7	An Act to amend the Act to preserve agricultural land s. 2
1989, c. 15	An Act to amend the Automobile Insurance Act and other legislation s. 1 (R.S.Q., chapter A-25, s. 72)

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Reference	Title
1989, c. 47	An Act to amend the Automobile Insurance Act s. 11 (R.S.Q., chapter A-25, s. 179.3, the words “and the amount of his indemnity”)
1989, c. 48	An Act respecting market intermediaries s. 26
1989, c. 52	An Act respecting municipal courts and amending various legislation s. 67, Sched. I (par. 60, 61, 131)
1989, c. 59	An Act to amend the Act respecting child day care s. 4
1990, c. 26	An Act to amend the Environment Quality Act s. 4 (R.S.Q., chapter Q-2, ss. 31.46-31.51)
1990, c. 77	An Act to amend the Securities Act ss. 3, 11
1990, c. 78	An Act to amend the Education Act and the Act respecting private education ss. 3, 13-17, 19-22
1990, c. 80	An Act to amend the Agricultural Products, Marine Products and Food Act s. 5 (par. 1, 2 (R.S.Q., chapter P-29, s. 9 (1 st par., par. <i>k</i> , <i>l</i> , <i>l.1</i> , <i>o</i> , <i>p</i>)), 3)
1990, c. 83	An Act to amend the Highway Safety Code and other legislative provisions ss. 2 (par. 3), 40-42, 129, 140 (par. 2, 4), 166, 187, 190, 241 (except as regards s. 645.3 of the Highway Safety Code (R.S.Q, chapter C-24.2)), 257
1991, c. 6	An Act respecting the construction and putting into operation of power control and transformer stations and an aluminium plant in the Deschambault-Portneuf industrial park ss. 3, 4
1991, c. 27	An Act amending the Education Act and amending the Act respecting private education s. 4
1991, c. 42	An Act respecting health services and social services and amending various legislation ss. 259 (2 nd sentence), 360 (2 nd par.), 483, 570, 573, 574 (par. 2), 575, 581 (par. 4)
1991, c. 74	An Act to amend the Building Act and other legislation ss. 13 (except with regard to electrical installations to which Chapter V of the Building Code, approved by Order in Council 961-2002 dated 21 August 2002, applies), 49 (except with regard to the qualification of contractors and owner-builders), 56 (to the extent that it enacts s. 128.4 (except with regard to the revocation of the recognition of a person referred to in s. 16 and except with regard to the revocation of the recognition of a person referred to in s. 35) of the Building Act (R.S.Q., chapter B-1.1)), 68 (par. 1-4 (except with regard to the qualification of contractors and owner-builders)), 70 (par. 1 (except with regard to the qualification of contractors and owner-builders)), 93 (par. 3 (except with regard to the qualification of contractors and owner-builders)), 106 (par. 1), 109, 114, 116 (except to the extent that it replaces s. 282 of the Building Act with regard to buildings and facilities intended for public use to which Chapter I of the Building Code, approved by Order in Council 953-2000 dated 26 July 2000, applies, except with regard to mechanical lifts and except with regard to elevators and other elevating devices to which Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, applies, except with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in

COMING INTO FORCE TO BE DETERMINED

Reference	Title
1991, c. 74	An Act to amend the Building Act and other legislation – <i>Cont'd</i> Council 896-2004 dated 22 September 2004, applies, and to the extent that it replaces s. 283 of the Building Act in all respects, and except with regard to public baths), 123 (except to the extent that it does not apply to the Bureau des examinateurs électriciens and the Bureau des examinateurs en tuyauterie), 124, 125 (par. 2), 130, 133-135, 138, 163-165
1991, c. 83	An Act to amend the charter of the city of Laval ss. 5-7
1991, c. 84	An Act to amend the Charter of the city of Québec ss. 45 (s. 601b (2 nd par.)), 50, 54-56
1991, c. 104	An Act respecting Cooperants, Mutual Life Insurance Society ss. 1-13, 14 (2 nd , 3 rd par.), 15-39
1992, c. 21	An Act to amend various legislative provisions concerning the application of the Act respecting health services and social services and amending various legislation ss. 365-369, 378
1992, c. 29	An Act to amend the Act to promote the reform of the cadastre in Québec and other legislative provisions ss. 2 (par. 2), 3
1992, c. 35	An Act to amend the Securities Act ss. 2, 13
1992, c. 36	An Act to amend the Act respecting child day care s. 3
1992, c. 43	An Act respecting the Institut québécois de réforme du droit ss. 1-19
1992, c. 56	An Act to amend the Environment Quality Act ss. 1-13, 15-23
1992, c. 61	An Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions s. 499
1993, c. 1	An Act to amend the Code of Civil Procedure regarding family mediation ss. 1-3, 4 (R.S.Q., chapter C-25, s. 827.4), 5
1993, c. 3	An Act to amend the Act respecting land use planning and development and other legislative provisions s. 69
1993, c. 18	An Act to amend the Animal Health Protection Act s. 1
1993, c. 39	An Act respecting the Régie des alcools, des courses et des jeux and amending various legislative provisions s. 56 (R.S.Q., chapter L-6, s. 52.12 (1 st par.))
1993, c. 45	An Act to amend the Supplemental Pension Plans Act ss. 2, 3

COMING INTO FORCE TO BE DETERMINED

Reference	Title
1993, c. 54	An Act respecting assistance and compensation for victims of crime ss. 1-225
1993, c. 61	An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions ss. 1 (par. 2), 12, 63
1993, c. 70	An Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration ss. 3 (par. 1), 8, 9, 11 (par. 2, 8, 9)
1993, c. 71	An Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision ss. 4, 5 (par. 2, 3), 16 (par. 1), 26 (par. 2 (subpar. <i>i</i> . 1)), 29 (par. 2-4), 30, 39-45, 47
1993, c. 72	An Act to amend the Code of Civil Procedure and various legislative provisions ss. 10, 11 (par. 2-4), 14-16, 20, 21
1993, c. 77	An Act to amend the Pesticides Act ss. 9, 10 (as regards the repeal of s. 103 of R.S.Q., chapter P-9.3), 11
1994, c. 2	An Act respecting the Conservatoire de musique et d'art dramatique du Québec ss. 29, 30, 55, 76
1994, c. 8	An Act to amend the Health Insurance Act and the Act respecting the Régie de l'assurance-maladie du Québec ss. 2 (par. 5), 7, 9 (par. 2), 10, 15 (par. 6, 8), 21 (par. 1, 3)
1994, c. 40	An Act to amend the Professional Code and other Acts respecting the professions ss. 200 (where it repeals ss. 10 (par. <i>b, c, d, f</i>), 11 of the Architects Act (R.S.Q., chapter A-21)), 208 (par. 2), 212 (where it repeals s. 37 (1 st par. (subpar. <i>c, d, e, f, g, h</i>), 2 nd par.) of the Land Surveyors Act (R.S.Q., chapter A-23)), 278, 294 (where it repeals ss. 21 (1 st par., 2 nd par, except the words “, provided that they are Canadian citizens or comply with section 44 of the Professional Code (chapter C-26)”), 22 (1 st par., 2 nd par. (subpar. <i>a, c, d, e</i>)) of the Chartered Accountants Act (R.S.Q., chapter C-48))
1994, c. 41	An Act to amend the Environment Quality Act and other legislative provisions ss. 1-20, 22-33
1995, c. 23	An Act to establish the permanent list of electors and amending the Election Act and other legislative provisions s. 79 (where it enacts s. 39.1)
1995, c. 51	An Act to amend the Code of Penal Procedure and other legislative provisions ss. 2, 6 (except s. 62.1 (1 st par.) of the Code of Penal Procedure), 10, 11, 13 (par. 1, 6), 14, 25, 26, 28-30
1995, c. 52	An Act to amend the Transport Act s. 2
1995, c. 65	An Act respecting the Agence métropolitaine de transport and amending various legislative provisions s. 159
1995, c. 67	An Act to amend the Cooperatives Act and other legislative provisions s. 150

COMING INTO FORCE TO BE DETERMINED

Reference	Title
1995, c. 69	An Act to amend the Act respecting income security and other legislative provisions ss. 2, 8, 20 (par. 3)
1996, c. 12	An Act to amend the Financial Administration Act and other legislative provisions ss. 1, 2, 9
1996, c. 18	An Act to amend the Act respecting the conservation and development of wildlife ss. 4, 13
1996, c. 32	An Act respecting prescription drug insurance and amending various legislative provisions ss. 8 (3 rd par., the words “or any other institution recognized for that purpose by the Minister that is situated outside Québec in a region bordering on Québec”), 38 (in subpar. 2 of 1 st par., the words “otherwise binding the policy-holder”) (in subpar. 3 of 1 st par., the words “administered by or on behalf of the policy-holder”), 39 (in subpar. 2 of 1 st par., the words “otherwise binding the plan administrator”) (in subpar. 3 of 1 st par., the words “binding the plan administrator”), 40, 45 (in 1 st sentence, the words “or the plan member” and the 2 nd sentence, which reads: “Any notice of non-renewal or of a change in the premium or assessment from the insurer must be sent to the last known address of the plan member not later than 30 days preceding the date of expiry.”), 89 (par. 1 (subpar. b)), 91 (3 rd par. of s. 10 of the Health Insurance Act, introduced by par. 2)
1996, c. 50	An Act to amend the Agricultural Products, Marine Products and Food Act and the Environment Quality Act s. 2
1996, c. 53	An Act respecting the Commission administrative des régimes de retraite et d’assurances and amending various legislative provisions as regards pension plans ss. 2, 9, 13 (par. 1)
1996, c. 54	An Act respecting administrative justice Sched. IV (par. 27)
1996, c. 56	An Act to amend the Highway Safety Code and other legislative provisions ss. 84, 108
1996, c. 62	An Act to amend the Act respecting the conservation and development of wildlife s. 1 (par. 1)
1996, c. 69	An Act to amend the Savings and Credit Unions Act ss. 4, 5, 6, 14 (par. 2), 16 (par. 2), 17 (par. 2), 20 (par. 2), 166
1996, c. 71	An Act to amend the Act respecting collective agreement decrees ss. 17, 41 (2 nd , 3 rd , 4 th , 5 th par.)
1997, c. 8	An Act to amend the Election Act and other legislative provisions as regards the permanent list of electors s. 8 (the words “as such information appears in the register kept under section 54 of the Public Curator Act (chapter C-81)” in section 40.7.1)
1997, c. 43	An Act respecting the implementation of the Act respecting administrative justice ss. 106-110, 111 (par. 2), 112-115, 116 (par. 2), 117-120, 121 (par. 2), 122, 123, 833 (2 nd par.) [those provisions respecting proceedings already before the Commission municipale du Québec, in matters of real estate or business tax exemptions], 834, 853 (the words “Until 1 December 1997” of the second and third paragraphs), 854 (the words “until 1 December 1997” of the second paragraph)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
1997, c. 59	An Act to amend the Act respecting the Agence métropolitaine de transport s. 1 (s. 21.2)
1997, c. 72	An Act to again amend the Act respecting labour standards ss. 5, 6
1997, c. 77	An Act to amend the Public Health Protection Act ss. 1, 2, 8, 9, 10
1997, c. 78	An Act to amend the Act to ensure safety in guided land transport ss. 13 (par. 1), 14 (par. 2)
1997, c. 123	An Act respecting the Association de villégiature du Mont Sainte-Anne ss. 1-9, schedule
1998, c. 18	An Act to amend the Professional Code with respect to the title of psychotherapist ss. 1, 2, 3 (ss. 187.1, 187.4)
1998, c. 24	An Act to amend the Mining Act and the Act respecting the lands in the public domain ss. 1 (par. 1), 2, 3 (par. 2, 3, 4), 71-74, 75 (par. 1, 2), 76-81, 82 (169.2 (par. 3)), 83-101, 102 (par. 1), 103 (with regard to applications for a licence or lease relating to petroleum, natural gas, brine or underground reservoirs), 104, 113 (par. 1), 115, 117 (par. 1), 123, 127 (par. 2), 128 (par. 2, 10, 11, 12 (with regard to applications for a licence or lease relating to petroleum, natural gas, brine or underground reservoirs)), 131, 132, 154-157
1998, c. 35	An Act to amend the Roads Act and other legislative provisions ss. 12-14, 16
1998, c. 37	An Act respecting the distribution of financial products and services ss. 28, 40
1998, c. 40	An Act respecting owners and operators of heavy vehicles ss. 87, 97, 109 (par. 1 (as regards the striking out of section 413))
1998, c. 46	An Act to amend various legislative provisions relating to building and the construction industry ss. 29, 35 (par. 1), 36, 38, 39, 40 (to the extent that the provisions do not apply to the vocational qualification of contractors and owner-builders), 55 (to the extent that the provisions do not apply to the vocational qualification of contractors and owner-builders)
1999, c. 14	An Act to amend various legislative provisions concerning de facto spouses ss. 32, 33 (on the date of coming into force of the provisions they amend, that is : s. 76 of 1993, c. 54 (in the definition of "spouse"); s. 197 of 1993, c. 54 (par. 2 of the definition of "spouse"))
1999, c. 35	An Act respecting environmental assessment of the proposed Churchill River hydroelectric development ss. 1-4
1999, c. 50	An Act to repeal the Grain Act and to amend the Act respecting the marketing of agricultural, food and fish products and other legislative provisions ss. 61, 65-67
1999, c. 51	An Act respecting the flag and emblems of Québec ss. 11, 12

COMING INTO FORCE TO BE DETERMINED

Reference	Title
1999, c. 79	An Act to amend the Act respecting the Régie des installations olympiques s. 1
1999, c. 88	An Act respecting the amalgamation of Municipalité de Mont-Tremblant, Ville de Saint-Jovite, Municipalité de Lac-Tremblant-Nord and Paroisse de Saint-Jovite ss. 5 and 8 (which come into force on the date on which the order made under s. 3 of that Act comes into force)
1999, c. 89	An Act to amend the Health Insurance Act and other legislative provisions s. 10 (new s. 9.6 of the Health Insurance Act (R.S.Q., chapter A-29) that it introduces)
2000, c. 8	Public Administration Act s. 240 (par. 4, 5)
2000, c. 9	Dam Safety Act s. 19 (4 th par.)
2000, c. 15	Financial Administration Act ss. 33-45, 58-60
2000, c. 20	Fire Safety Act s. 38 (2 nd par.)
2000, c. 22	An Act to amend the Act respecting the Régie de l'énergie and other legislative provisions ss. 45 (par. 1), 50 (par. 1 (the words "the registration fees and"))
2000, c. 26	An Act to amend the Agricultural Products, Marine Products and Food Act and other legislative provisions ss. 11, 13 (par. 1, 3, 5, 7), 38, 77
2000, c. 28	An Act respecting Nasdaq stock exchange activities in Québec ss. 2-8
2000, c. 35	An Act to amend the Transport Act s. 1
2000, c. 40	An Act to amend the Animal Health Protection Act and other legislative provisions and to repeal the Bees Act ss. 4 (except to the extent that it introduces s. 3.0.1 (1 st par.) of the Animal Health Protection Act (R.S.Q., chapter P-42)), 14 (to the extent that it introduces s. 22.5), 15-18
2000, c. 42	An Act to amend the Civil Code and other legislative provisions relating to land registration ss. 43 (where it deals with the information referred to in a. 3005 of the Civil Code, on the geodesic reference and geographic coordinates making it possible to describe an immovable), 67
2000, c. 44	Notaries Act ss. 26, 59, 62-92, 106 (where it replaces the provisions of the Notarial Act (R.S.Q., chapter N-2) respecting the preservation of notarial acts <i>en minute</i> , the keeping, surrender, deposit and provisional custody of notarial records, the issue of copies and extracts from notarial acts <i>en minute</i> and the seizure of property related to the practice of the notarial profession)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2000, c. 48	An Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories s. 14 (par. 1)
2000, c. 53	An Act respecting La Financière agricole du Québec s. 78 (to the extent that it does not govern the regulations made under the Act respecting the Société de financement agricole (R.S.Q., chapter S-11.0101))
2000, c. 54	An Act to again amend various legislative provisions respecting municipal affairs ss. 3, 6
2000, c. 57	An Act to amend the Charter of the French language s. 6 (the words “ Cree School Board, Kativik School Board” in s. 29.1 enacted by par. 1)
2001, c. 6	An Act to amend the Forest Act and other legislative provisions ss. 57, 99 (par. 2), 119 (par. 6)
2001, c. 15	An Act respecting transportation services by taxi ss. 18 (3 rd par. (subpar. 1)), 26 (1 st par. (subpar. 3))
2001, c. 26	An Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions ss. 25 (par. 1), 64 (par. 3 where it enacts s. 138 (1 st par. (subpar. g, h)) of the Labour Code (R.S.Q., chapter C-27)), 135
2001, c. 29	An Act to amend the Highway Safety Code as regards alcohol-impaired driving ss. 14, 16
2001, c. 35	An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions s. 29 (par. 1)
2001, c. 38	An Act to amend the Securities Act ss. 5 (par. 3), 12, 13, 23, 58, 64
2001, c. 57	An Act to amend the Act respecting off-highway vehicles ss. 1-3
2001, c. 58	An Act to amend the Act respecting immigration to Québec ss. 1-4
2001, c. 60	Public Health Act ss. 61-68
2002, c. 5	An Act to amend the Act respecting the Ministère du Revenu and other legislative provisions as regards the protection of confidential information ss. 12 (s. 69.1 (2 nd par, subpar. n (the words “or the Act respecting parental insurance (2001, chapter 9)”))), 13 (s. 69.4 (the words “or the Act respecting parental insurance (2001, chapter 9)”))
2002, c. 6	An Act instituting civil unions and establishing new rules of filiation ss. 228 (on the date of coming into force of 1993, c. 54, s. 76), 229 (on the date of coming into force of 1993, c. 54, s. 197)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2002, c. 22	An Act to amend the Act respecting administrative justice and other legislative provisions ss. 8, 10 (to the extent that it enacts s. 119.4 of the Act respecting administrative justice (R.S.Q., chapter J-3)), 24, 35
2002, c. 24	An Act respecting the Québec correctional system s. 16
2002, c. 25	An Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec ss. 1-15
2002, c. 27	An Act to amend the Act respecting prescription drug insurance and other legislative provisions s. 19
2002, c. 28	An Act to amend the Charter of the French language s. 1
2002, c. 29	An Act to amend the Highway Safety Code and other legislative provisions ss. 18, 19, 20 (1 st par. (subpar. 1 (regarding the reference to s. 202.2.1)), 2 nd par.), 25 (par. 2), 29
2002, c. 30	An Act to amend the pension plans of the public and parapublic sectors ss. 6 (to the extent that it enacts s. 17.2 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2)) with regard to the category of employees comprised of employees on leave without pay, 10 (par. 3) with regard to the category of employees comprised of employees on leave without pay, 18 with regard to the category of employees comprised of employees on leave without pay
2002, c. 33	An Act to amend the Professional Code and other legislative provisions as regards the health sector s. 2 (where it adds s. 37.1 (par. 3 (subpar. i)) of the Professional Code (R.S.Q., chapter C-26))
2002, c. 45	An Act respecting the Autorité des marchés financiers ss. 116 (2 nd par.), 153 (5 th par.), 264 (except to the extent that it enacts s. 7 of the Fish and Game Clubs Act (R.S.Q., chapter C-22)), 266 (except to the extent that it enacts s. 11 of the Amusement Clubs Act (R.S.Q., chapter C-23)), 275, 280 (except to the extent that it enacts s. 14 of the Cemetery Companies Act (R.S.Q., chapter C-40)), 282 (except to the extent that it enacts s. 52 of the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-40.1)), 285 (except to the extent that it enacts s. 98 of the Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44)), 287, 290, 294 (except to the extent that it enacts s. 15 of the Act respecting the constitution of certain Churches (R.S.Q., chapter C-63)), 340 (except to the extent that it enacts s. 19 of the Religious Corporations Act (R.S.Q., chapter C-71)), 347, 502 (except to the extent that it enacts s. 22 of the Roman Catholic Bishops Act (R.S.Q., chapter E-17)), 509 (except to the extent that it enacts s. 75 of the Act respecting fabriques (R.S.Q., chapter F-1)), 539, 544 (except to the extent that it enacts s. 34 of the Winding-up Act (R.S.Q., chapter L-4)), 548, 552, 614 (except to the extent that it enacts s. 7 of the National Benefit Societies Act (R.S.Q., chapter S-31)), 616 (except to the extent that it enacts s. 4 of the Act respecting societies for the prevention of cruelty to animals (R.S.Q., chapter S-32)), 620 (except to the extent that it enacts s. 30 of the Professional Syndicates Act (R.S.Q., chapter S-40))

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2002, c. 61	An Act to combat poverty and social exclusion ss. 1 (2 nd par. (2 nd sentence), except to the extent that that provision applies in respect of the advisory committee on the prevention of poverty and social exclusion), 21 (2 nd par. (the words “and those of the indicators proposed by the Observatoire de la pauvreté et de l’exclusion sociale that were retained”)), 31 (3 rd par.), 32 (2 nd par. (2 nd sentence)), 35-45, 58 (the words “and those of the indicators proposed by the Observatoire de la pauvreté et de l’exclusion sociale retained by the Minister”), 59 (the words “, taking into account in particular the indicators proposed by the observatory,”), 65 (except 1 st par.)
2002, c. 66	An Act to amend the Act respecting health services and social services as regards the medical activities, the distribution and the undertaking of physicians ss. 1-4, 12, 14, 15 (par. 1), 21
2002, c. 69	An Act respecting pre-hospital emergency services and amending various legislative provisions ss. 63, 67, 69-75, 170, 171
2002, c. 70	An Act to amend the Act respecting insurance and other legislative provisions ss. 39 (where it replaces s. 88.1 of the Act respecting insurance (R.S.Q., chapter A-32)), 79 (where it enacts Division III.1 of Chapter V of Title III of the Act respecting insurance comprising ss. 200.0.4-200.0.13), 158-162, 165-168, 190
2002, c. 71	An Act to amend the Act respecting health services and social services as regards the safe provision of health services and social services s. 15 (s. 431 (subpar. 6.2) of the Act respecting health services and social services (R.S.Q., chapter S-4.2))
2002, c. 80	An Act to amend the Act respecting labour standards and other legislative provisions ss. 23, 32, 57 (par. 3 (s. 89 (par. 6 (insofar as it concerns paternity leave), 6.1) of the Act respecting labour standards (R.S.Q., chapter N-1.1))), 66 (par. 2) which come into force on the date of coming into force of 2001, c. 9, s. 9
2003, c. 18	An Act to amend the Cooperatives Act ss. 109 (to the extent that the provisions enact s. 221.2.3 of the Cooperatives Act (R.S.Q., chapter C-67.2)), 165
2003, c. 29	An Act respecting the Ministère du Développement économique et régional et de la Recherche s. 135 (par. 7-17, 20, 21, 24, 25 (to the extent that it amends s. 35 of the Winding-up Act (R.S.Q., chapter L-4)), 30, 31, 35-37)
2004, c. 2	An Act to amend the Highway Safety Code and other legislative provisions ss. 2, 5, 21-25, 28, 58 (except to the extent that it enacts s. 520.2 (1 st par.) of the Highway Safety Code (R.S.Q., chapter C-24.2)), 59, 73-75
2004, c. 12	An Act to amend the Courts of Justice Act and other legislative provisions as regards the status of justices of the peace s. 1 (to the extent that it enacts s. 174 of the Courts of Justice Act (R.S.Q., chapter T-16))
2004, c. 18	An Act to amend the Act respecting immigration to Québec ss. 2, 6, 10 (par. 5)
2004, c. 25	An Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions s. 73

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2004, c. 30	An Act respecting Services Québec ss. 52, 57
2004, c. 31	An Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions ss. 60, 65, 66, 68 (to the extent that it refers to par. 5 of Schedule 1 to the Act respecting administrative justice (R.S.Q., chapter J-3)), 70 (par. 2)
2004, c. 37	An Act to amend the Securities Act and other legislative provisions ss. 15, 25, 26, 29, 30, 32, 43 (par. 3), 56, 58, 61, 86
2005, c. 7	An Act respecting the Centre de services partagés du Québec s. 80 (except to the extent that it enacts the first sentence of s. 13 of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1))
2005, c. 12	An Act respecting the reciprocal issue and enforcement of support orders ss. 1-41
2005, c. 15	Individual and Family Assistance Act s. 64 (1 st par., second sentence)
2005, c. 17	An Act to amend the Act respecting administrative justice and other legislative provisions s. 43
2005, c. 27	An Act to amend the Code of Penal Procedure and the Courts of Justice Act s. 24
2005, c. 32	An Act to amend the Act respecting health services and social services and other legislative provisions ss. 25 (par. 4), 50, 184 (par. 3), 189, 221, 228, 229, 239 (1 st par., 3 rd par., 4 th par.), 240 (the words “or a health professional”, “or professional”, and “or person to whom the health professional provides health services” in the paragraph proposed by paragraph 2 and the words “of a health communication centre or of a podiatrist or midwife operating a private health facility, or the local files or index” in the paragraph proposed by paragraph 5), 287 (par. 1), 288 (ss. 2.0.1 - 2.0.5), 295, 302, 303, 304, 308 (par. 39), 322
2005, c. 34	An Act respecting the Director of Criminal and Penal Prosecutions s. 89 (except for the purpose of permitting the application of the rules that relate to the selection and appointment of a Deputy Director)
2005, c. 38	Budget Act giving effect to the Budget Speech delivered on 21 April 2005 and to certain other budget statements ss. 283, 284
2005, c. 39	An Act to amend the Act respecting owners and operators of heavy vehicles and other legislative provisions ss. 3 (insofar as it replaces subpar. a of subpar. 3 of the first paragraph of s. 2 of the Act respecting owners and operators of heavy vehicles and insofar as it enacts subpar. 4 of that paragraph), 4 (par. 2), 27 (insofar as it enacts s. 48.3), 30-47
2005, c. 40	An Act to amend the Act respecting prescription drug insurance and other legislative provisions ss. 23 (except to the extent that it enacts ss. 60.1-60.3 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01)), 31, 43
2006, c. 11	An Act to facilitate organ donation ss. 1-4

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2006, c. 17	An Act to amend the Election Act to encourage and facilitate voting ss. 2, 3, 4, 13 (except insofar as it enacts s. 204 (only for the purposes of the implementation of s. 301.19 (par. 3))), 14 (insofar as it enacts, in s. 227 (1 st par.), the words “and including particulars about voting in the advance poll and at the returning officer’s office”), 15 (insofar as it enacts ss. 262 (1 st par. (subpar. 1), 2 nd par., 3 rd par.), 263 (except for the purposes of the implementation of s. 301.21), 264-280, 297, 301.18 (2 nd par.)), 19 (insofar as it enacts, in s. 327 (1 st par.), the words “and at the returning officer’s office”), 21, 24
2006, c. 23	Private Security Act ss. 1-38, 41, 42, 69-82, 90-106, 114-132
2006, c. 24	An Act to reduce the debt and establish the Generations Fund s. 3 (1 st par. (subpar. 3))
2006, c. 34	An Act to amend the Youth Protection Act and other legislative provisions ss. 39 (to the extent that it enacts ss. 72.9 and 72.10 of the Youth Protection Act (R.S.Q., chapter P-34.1)), 70 (except insofar as it enacts s. 132 (1 st par. (subpar. i, k)) of the Youth Protection Act)
2006, c. 38	An Act to amend the Act respecting the enterprise registrar and other legislative provisions ss. 52, 53 (par. 1), 54, 57, 61, 62, 65, 79, 82, 95, 96
2006, c. 50	An Act to amend the Securities Act and other legislative provisions ss. 2, 11, 21, 22, 26, 36 (except to the extent that it enacts s. 89 of the Securities Act (R.S.Q., chapter V-1.1)), 37, 38 (except to the extent that it repeals s. 99 of the Securities Act), 56, 58, 65, 70 (par. 3), 89, 108 (par. 4, 5 (except to the extent that it introduces s. 331.1 (par. 6.1) of the Securities Act), 9)
2006, c. 51	An Act to amend the Act respecting school elections and the Education Act ss. 1-3, 5, 6
2006, c. 53	An Act to amend the Act respecting industrial accidents and occupational diseases and the Workers’ Compensation Act ss. 6-14, 16, 17 (except to the extent that it enacts s. 323.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)), 26 (except par. 1), 27 (except par. 2, 4-8)
2006, c. 59	An Act respecting the governance of state-owned enterprises and amending various legislative provisions s. 43 (par. 1)
2006, c. 63	An Act respecting Municipalité de Cacouna ss. 1-13
2007, c. 2	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment ss. 1-5
2007, c. 21	An Act to amend the Act respecting the Régie de l’assurance maladie du Québec and to amend other legislative provisions ss. 10, 32
2007, c. 31	An Act to amend the Act respecting the Régie de l’assurance maladie du Québec, the Health Insurance Act and the Act respecting health services and social services s. 6 comes into force on the date of coming into force of s. 520.9 (1 st par. (subpar. 2)) of the Act respecting health services and social services (R.S.Q., chapter S-4.2)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2007, c. 39	An Act to amend the Forest Act and other legislative provisions s. 34
2007, c. 40	An Act to amend the Highway Safety Code and the Regulation respecting demerit points ss. 6, 8-19, 21-33, 35, 36 (s. 202.4 (3 rd par.) of the Highway Safety Code (R.S.Q., chapter C-24.2) that it enacts), 40 (s. 209.2.1 (1 st par, subpar. 1) of that Code that it enacts), 68-71, 73 (except to the extent that it relates to s. 597.1 (1 st par.) of the Highway Safety Code), 75-77, 84-86, 88 (the words “, except fines belonging to a municipality in accordance with an agreement under the second paragraph of section 597.1 of that Code” in paragraph 1 of section 12.39.1 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28)), 92, 93, 95-101, 105
2007, c. 43	An Act to amend various legislative provisions concerning pension plans in the public sector ss. 4, 6, 8, 13, 23-25, 26 (par. 2), 27-29, 35, 37, 39 (par. 2 (except to the extent that it concerns par. 7.3.2))), 41, 53, 54, 63, 64, 68, 71, 75, 76, 77 (par. 2), 80, 82 (par. 3, 4), 83, 89-91, 94, 98, 100, 101, 115, 125, 126, 129, 140, 148-153, 154 (par. 2), 157, 159 (except par. 1), 160, 161, 167-170
2008, c. 7	An Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions ss. 47, 76, 82, 83, 109-118, 122, 128, 129, 131 (insofar as it enacts s. 349.3), 133 (par. 3), 161, 162 (insofar as it repeals s. 297.6), 169, 171
2008, c. 8	An Act to amend the Act respecting health services and social services, the Health Insurance Act and the Act respecting the Régie de l'assurance maladie du Québec ss. 1-26
2008, c. 9	Real Estate Brokerage Act ss. 1-161
2008, c. 13	An Act to amend the Police Act and other legislative provisions ss. 1, 2, 5-11, 13-15
2008, c. 14	An Act to again amend the Highway Safety Code and other legislative provisions ss. 1 (par. 1, 3, 4), 2 (par. 1), 6, 9 (par. 2), 11 (par. 2), 14 (par. 2), 15-22, 25-27, 29, 33, 37, 44, 49 (par. 1), 50 (par. 1), 51 (par. 1), 53 (par. 1, 3), 54 (par. 1, 2, 4), 58, 72, 79, 80, 86 (par. 1), 91, 95, 100, 101, 103-115, 119, 124, 126-131
2008, c. 18	An Act to amend various legislative provisions respecting municipal affairs ss. 77, 78, 80, 82, 86 (par. 2), 88, 91-95, 106, 108 (insofar as it concerns Division II.1 of Chapter IV of the Civil Protection Act (R.S.Q., chapter S-2.3)), 130, 131, 135
2008, c. 24	Derivatives Act ss. 1-179, 182-222, 224-239
2008, c. 25	An Act to amend the Act respecting the Government and Public Employees Retirement Plan and other legislation concerning pension plans in the public sector ss. 17, 18, 20, 22, 96
2008, c. 29	An Act to amend the Education Act and other legislative provisions ss. 1-26, 28-54



INFORMATION REQUIRED BY LAW TO BE PUBLISHED

None in 2008.



NATIONAL ASSEMBLY OF QUÉBEC
Thirty-eighth Legislature, first session

2008, chapter 31

AN ACT RESPECTING THE RÉGIE INTERMUNICIPALE DES INFRASTRUCTURES PORTUAIRES DE TROIS-PISTOLES ET LES ESCOUMINS

Bill 214

Introduced by Mr. Mario Dumont, Member for Rivière-du-Loup

Introduced 7 May 2008

Passed in principle 18 June 2008

Passed 18 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended: None



Chapter 31

AN ACT RESPECTING THE RÉGIE INTERMUNICIPALE DES INFRASTRUCTURES PORTUAIRES DE TROIS-PISTOLES ET LES ESCOUMINS

[Assented to 20 June 2008]

Preamble. AS it is necessary that the Régie intermunicipale des infrastructures portuaires de Trois-Pistoles et Les Escoumins be granted certain powers;

AS it is expedient to authorize the Régie to hold a majority interest in a legal person engaged in marine transport for the purpose of providing ferry service between the wharves of Trois-Pistoles and Les Escoumins;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Majority shareholder. **1.** Despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the Régie intermunicipale des infrastructures portuaires de Trois-Pistoles et Les Escoumins may participate as a majority shareholder in a legal person engaged in marine transport for the purpose of providing ferry service between the wharves of Trois-Pistoles and Les Escoumins.

Provisions applicable. Sections 29.3 and 573 to 573.3.4 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, to the legal person described in the first paragraph if the Régie is its majority shareholder. The legal person is then considered a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Coming into force. **2.** This Act comes into force on 20 June 2008.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-eighth Legislature, first session

2008, chapter 32
AN ACT RESPECTING VILLE DE SHERBROOKE

Bill 215

Introduced by Mr. Pierre Reid, Member for Orford

Introduced 7 May 2008

Passed in principle 18 June 2008

Passed 18 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended: None

Order in Council amended:

Order in Council 850-2001 dated 4 July 2001



Chapter 32

AN ACT RESPECTING VILLE DE SHERBROOKE

[Assented to 20 June 2008]

Preamble.

AS it is expedient to grant Ville de Sherbrooke certain powers relating to the Centre récréotouristique Montjoye;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

O.C. 850-2001, s. 56.1, added.

1. Order in Council 850-2001 dated 4 July 2001 concerning Ville de Sherbrooke, amended by Orders in Council 1475-2001 dated 12 December 2001, 509-2002 dated 1 May 2002 and 1078-2002 dated 18 September 2002 and by chapters 37, 68 and 77 of the statutes of 2002, chapter 19 of the statutes of 2003, chapters 20 and 56 of the statutes of 2004, chapter 28 of the statutes of 2005 and chapter 60 of the statutes of 2006, is again amended by inserting the following section after section 56:

“56.1. The city may own the Centre récréotouristique Montjoye situated in Canton de Hatley and operate the Centre as if it were situated on the city’s territory.”

Coming into force.

2. This Act comes into force on 20 June 2008.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-eighth Legislature, first session

2008, chapter 33
AN ACT RESPECTING VILLE DE HUNTINGDON

Bill 217

Introduced by Mr. Albert De Martin, Member for Huntingdon

Introduced 5 June 2008

Passed in principle 18 June 2008

Passed 18 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended: None



Chapter 33

AN ACT RESPECTING VILLE DE HUNTINGDON

[Assented to 20 June 2008]

Preamble.	<p>AS Ville de Huntingdon was long a town with an economy based mainly on the textile industry;</p> <p>AS the town, following the closure of the textile mills situated in its territory, must revitalize its territory, diversify its economy, create jobs and foster the growth of its population;</p> <p>AS the town has, with the help of the Government, acquired immovables owned by Cleyn & Tinker Inc. and by Huntreal Investments Inc. for the purposes of industrial and community recovery;</p> <p>AS the town needs certain special powers for those purposes;</p> <p>THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:</p>
Recovery program.	<p>1. Ville de Huntingdon may, by by-law, adopt a residential, commercial and industrial recovery program for all or part of its territory.</p>
Content.	<p>The program must determine the nature of the financial assistance, including tax credits, that may be granted, the duration of the assistance, which may not extend beyond 31 December 2012, and the applicable terms and conditions.</p>
Financial assistance.	<p>The amount of financial assistance may not exceed \$3,000,000. However, the town may increase that amount by by-law approved by the Minister of Municipal Affairs and Regions.</p>
Restriction.	<p>2. Assistance in the form of a tax credit under a program adopted under section 1 may not be granted if</p> <p>(1) it is to be used to transfer activities carried on in the territory of another local municipality to the town's territory; or</p> <p>(2) the person to whom it would be granted receives government assistance intended to lower property taxes.</p>
Provision not to apply.	<p>Subparagraph 2 of the first paragraph does not apply if the government assistance is granted to implement a recovery plan.</p>

Management.	3. The town may entrust a non-profit body with the management, on the town's behalf, of a program adopted under section 1 and may grant the body the amounts required for that purpose. The town may create such a body for that purpose.
Alienation.	4. The town may alienate, gratuitously or on the financial conditions it determines, the immovables acquired from Cleyn & Tinker Inc. under a contract registered at the Huntingdon registry office under registration number 12 187 777 and the immovables acquired from Huntreal Investments Inc. under a contract registered at the Huntingdon registry office under registration number 12 630 642.
Tax exemption.	If the immovables are alienated, the town may, by by-law, exempt them from property taxes until no later than 31 December 2012.
Alienation.	5. The town may also alienate, gratuitously or on the financial conditions it determines, any other industrial or potential industrial immovables owned by it and acquired before 31 December 2012.
Tax exemption.	If the immovables are alienated, the town may, by by-law, exempt them from property taxes until no later than 31 December 2012.
Authorization.	The alienation of the immovables otherwise than for a consideration must be authorized by the Minister of Municipal Affairs and Regions.
Expenditures.	6. The town must determine the amount of expenditures for the acquisition, conversion or operation of the immovables acquired from Cleyn & Tinker Inc. and from Huntreal Investments Inc., and of any other industrial or potential industrial immovables acquired by the town before 31 December 2012, and determine any subsidy granted to a non-profit body for the operation of those immovables.
Lease agreements.	7. The town may enter into lease agreements for the period it determines with respect to the immovables described in sections 4 and 5.
Non-profit body.	8. The town may enter into an agreement with a non-profit body to transfer the immovables described in sections 4 and 5 to it gratuitously or for a consideration, to lend it money to acquire them, and to grant it an annual subsidy not exceeding the amount of the property taxes and compensations to which the immovables are subject.
Advantages.	In addition to any hypothec or other security it considers sufficient, the town may, by reason of the assistance it provides, require that it be granted any other advantage, including an interest in the revenues and increase in value of the immovables.
Sums from immovables.	9. The sums deriving from the operation of the immovables acquired from Cleyn & Tinker Inc. and from Huntreal Investments Inc., or of any other industrial or potential industrial immovables acquired by the town before

31 December 2012, minus related administration and maintenance costs, must be used to discharge the commitments contracted by the town to acquire the immovables.

- Surplus. However, if, in a particular fiscal year, those sums exceed the outstanding amount of the commitments, the surplus is paid into the town's general fund.
- Commitments. In addition, any sums deriving from the sale of the immovables must be used to discharge the commitments contracted by the town to acquire the immovables. Any excess amount is paid into the town's general fund.
- Proceeds of sale. If only part of an immovable is sold, the proceeds of the sale must be used for the purposes described in the third paragraph, in the same proportion as the area of the part sold is to the total area of the immovables.
- Provisions applicable. **10.** Sections 4 to 7 and 9 of this Act apply despite the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1).
- Validity. **11.** Resolutions or by-laws adopted by the town between 1 January 2005 and 20 June 2008 may not be invalidated on the grounds that the town did not have the necessary jurisdiction, and no illegality or irregularity may result from the fact that the town applied them, provided they are in accordance with the powers granted to the town by this Act.
- Coming into force. **12.** This Act comes into force on 20 June 2008.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-eighth Legislature, first session

2008, chapter 34

AN ACT RESPECTING VILLE DE SAINT-BRUNO-DE-MONTARVILLE

Bill 218

Introduced by Mr. Richard Merlini, Member for Chambly

Introduced 13 May 2008

Passed in principle 20 June 2008

Passed 20 June 2008

Assented to 20 June 2008

Coming into force: 20 June 2008

Legislation amended: None



Chapter 34

AN ACT RESPECTING VILLE DE SAINT-BRUNO-DE-MONTARVILLE

[Assented to 20 June 2008]

- Preamble. AS it is in the interest of Ville de Saint-Bruno-de-Montarville that its title of ownership in certain of its immovables be regularized;
- AS it is in the interest of Ville de Saint-Bruno-de-Montarville that it be granted certain powers;
- THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:
- Contestation. **1.** The title of Ville de Saint-Bruno-de-Montarville to the lots listed in Schedule A, conferred by the act dated 2 June 1969 published in the registry office of the registration division of Verchères under No. 89531, may not be contested on the ground that by that act, Ville de Saint-Bruno-de-Montarville acquired immovables outside its territory.
- Alienation. **2.** Despite any provision to the contrary and any urban agglomeration power, Ville de Saint-Bruno-de-Montarville may alienate any immovable it owns that is listed in Schedule B, in all or in part, by gratuitous or onerous title, in favour of the Government or any of its ministers or agencies.
- Rights and servitudes. It may also establish, for all or part of such an immovable, any real and perpetual water-drawing, waterworks, right-of-way or no-build right or servitude. In addition, it may waive such a right or servitude.
- Coming into force. **3.** This Act comes into force on 20 June 2008.

SCHEDULE A

(Section 1)

(1) Lot 86-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(2) lot 87-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(3) lot 88-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(4) lot 89-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(5) lot 91-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(6) lot 606 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(7) lot 2 451 936 of the cadastre of Québec, registration division of Chambly.

SCHEDULE B

(Section 2)

(1) Lot 2 420 148 of the cadastre of Québec, registration division of Chambly;

(2) lot 2 420 883 of the cadastre of Québec, registration division of Chambly;

(3) lot 2 420 884 of the cadastre of Québec, registration division of Chambly;

(4) lot 2 420 887 of the cadastre of Québec, registration division of Chambly;

(5) lot 2 420 888 of the cadastre of Québec, registration division of Chambly;

(6) lot 2 420 890 of the cadastre of Québec, registration division of Chambly;

(7) lot 2 420 891 of the cadastre of Québec, registration division of Chambly;

(8) lot 2 451 934 of the cadastre of Québec, registration division of Chambly;

(9) lot 2 451 935 of the cadastre of Québec, registration division of Chambly;

(10) lot 2 451 936 of the cadastre of Québec, registration division of Chambly;

(11) lot 3 042 969 of the cadastre of Québec, registration division of Chambly;

(12) lot 3 042 970 of the cadastre of Québec, registration division of Chambly;

(13) lot 3 042 973 of the cadastre of Québec, registration division of Chambly;

(14) lot 3 042 974 of the cadastre of Québec, registration division of Chambly;

(15) lot 3 042 975 of the cadastre of Québec, registration division of Chambly;

(16) lot 3 042 976 of the cadastre of Québec, registration division of Chambly;

(17) lot 3 042 996 of the cadastre of Québec, registration division of Chambly;

(18) lot 3 042 997 of the cadastre of Québec, registration division of Chambly;

(19) lot 3 042 998 of the cadastre of Québec, registration division of Chambly;

(20) lot 3 042 999 of the cadastre of Québec, registration division of Chambly;

(21) lot 3 043 000 of the cadastre of Québec, registration division of Chambly;

(22) lot 3 043 004 of the cadastre of Québec, registration division of Chambly;

(23) lot 3 043 011 of the cadastre of Québec, registration division of Chambly;

(24) lot 3 043 012 of the cadastre of Québec, registration division of Chambly;

(25) lot 3 043 013 of the cadastre of Québec, registration division of Chambly;

(26) lot 3 043 014 of the cadastre of Québec, registration division of Chambly;

(27) lot 3 043 015 of the cadastre of Québec, registration division of Chambly;

(28) lot 3 043 016 of the cadastre of Québec, registration division of Chambly;

(29) lot 3 043 017 of the cadastre of Québec, registration division of Chambly;

(30) lot 3 043 018 of the cadastre of Québec, registration division of Chambly;

(31) lot 3 043 019 of the cadastre of Québec, registration division of Chambly;

(32) lot 3 043 020 of the cadastre of Québec, registration division of Chambly;

(33) lot 3 043 021 of the cadastre of Québec, registration division of Chambly;

(34) lot 3 043 023 of the cadastre of Québec, registration division of Chambly;

(35) lot 3 043 024 of the cadastre of Québec, registration division of Chambly;

(36) lot 3 086 581 of the cadastre of Québec, registration division of Chambly;

(37) lot 86-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(38) lot 87-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(39) lot 88-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(40) lot 89-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(41) lot 91-1 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères;

(42) lot 606 of the cadastre of Paroisse de Sainte-Julie, registration division of Verchères.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-eighth Legislature, first session

2008, chapter 35
**AN ACT RESPECTING INVESTIA SERVICES
FINANCIERS INC.**

Bill 219

Introduced by Mr. Pierre Arcand, Member for Mont-Royal

Introduced 14 May 2008

Passed in principle 18 June 2008

Passed 18 June 2008

Assented to 20 June 2008

Coming into force : 20 June 2008

Legislation amended : None



Chapter 35

AN ACT RESPECTING INVESTIA SERVICES FINANCIERS INC.

[Assented to 20 June 2008]

Preamble.

AS Investia Services Financiers inc. (“the Company”) is a legal person constituted on 5 December 1988 under Part IA of the Companies Act (R.S.Q., chapter C-38);

AS the Company is a wholly-owned subsidiary of Industrial Alliance Insurance and Financial Services Inc. (“Industrial Alliance”);

AS the Company is a firm registered in the group savings plan brokerage and insurance of persons sectors with the Autorité des marchés financiers in accordance with the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2);

AS the Company’s head office is in the city of Québec, province of Québec, Canada;

AS the Company intends to increase its Canadian activities through acquisitions of companies constituted under the laws of a jurisdiction other than Québec;

AS the Companies Act does not allow a company to be continued under the laws of another jurisdiction;

As there is no legislation in Québec authorizing a company constituted under Part IA of the Companies Act to amalgamate with a company constituted under the laws of another jurisdiction;

AS the Company wishes to be continued under the Canada Business Corporations Act (Revised Statutes of Canada, 1985, chapter C-44);

AS such continuance would allow all of the activities of any companies so acquired to be integrated within a single company having its head office in the city of Québec, province of Québec, Canada;

AS the directors of the Company and of Industrial Alliance, which is the Company’s only shareholder, have adopted a resolution authorizing the Company to be continued under the Canada Business Corporations Act (Revised Statutes of Canada, 1985, chapter C-44);

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- Continuation. **1.** Investia Services Financiers inc. (“the Company”) is authorized to be continued under the Canada Business Corporations Act (Revised Statutes of Canada, 1985, chapter C-44).
- Effect. **2.** The Company ceases to be governed by the Companies Act (R.S.Q., chapter C-38) on the date specified on the certificate of continuance.
- Time limit. **3.** The Company has 180 days as of the date of coming into force of this Act to apply for continuance under the Canada Business Corporations Act (Revised Statutes of Canada, 1985, chapter C-44).
- Coming into force. **4.** This Act comes into force on 20 June 2008.

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