



Statutes of Québec 2018

NATIONAL ASSEMBLY OF QUÉBEC

The Honourable
J. MICHEL DOYON, *Lieutenant-Governor*

QUÉBEC OFFICIAL PUBLISHER



Statutes of Québec 2018

assented to between 1 January 2018 and 31 December 2018

A publication of the
Legislative Translation and Publishing Directorate,
National Assembly of Québec

Legal Deposit – 3rd Quarter 2019
Bibliothèque et Archives nationales du Québec

ISBN 978-2-551-26439-1

ISSN 0712-4422

© Québec Official Publisher, 2019

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.



30%



This volume is printed on paper that contains 30% recycled post-industrial fibre, was manufactured in Québec using biogas energy and is Environmental Choice certified.

Printed in Canada

NOTE

This volume contains essentially the text of the public and private Acts assented to in 2018.

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known on 31 December 2018, a list of the Acts, regulations, orders in council or ministerial orders amended, replaced, repealed or enacted by the Act, and the explanatory notes, if any.

A table of the amendments made by public Acts passed in 2018 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 laws of Québec included in the *Compilation of Québec Laws and Regulations* and other public Acts, including amendments made by the Acts passed in 2018, 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.pdf.

A table of concordance lists the chapter number in the *Compilation of Québec Laws and Regulations* assigned to certain Acts passed between 1 January 2018 and 31 December 2018.

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.

TABLE OF CONTENTS

	PAGE
List of Acts assented to in 2018.	IX
Chapter / Bill table of concordance	XIII
Bill / Chapter table of concordance	XIV
Text of public Acts	1
Table of amendments to public Acts in 2018	1149
Table of general amendments to public Acts in 2018	1205
Annual Statute / Statute included in the Compilation of Québec Laws and Regulations table of concordance	1207
List of legislative provisions whose coming into force has been determined by proclamation or order in council as of 31 December 2018	1209
List of legislative provisions whose coming into force has yet to be determined by proclamation or order in council as of 31 December 2018	1287
Information required by law to be published	1305
Text of private Acts	1307
Index	1347

LIST OF ACTS ASSENTED TO IN 2018

CHAP.	TITLE	PAGE
1	An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses.	1
2	An Act to enhance the Québec Pension Plan and to amend various retirement-related legislative provisions	23
3	An Act respecting access to certain documents held by the Conseil exécutif or intended for the Conseil exécutif	69
4	An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions	73
5	An Act to reform the school tax system	101
6	Appropriation Act No. 1, 2018–2019.	139
7	An Act to amend the Highway Safety Code and other provisions	179
8	An Act to amend various legislative provisions concerning municipal affairs and the Société d’habitation du Québec	235
9	Appropriation Act No. 2, 2018–2019.	329
10	An Act to enact the Act respecting the implementation of the Canadian Free Trade Agreement and to bring measures relating to contracting by public bodies into compliance with that agreement, the Trade and Cooperation Agreement between Ontario and Québec and the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States	377
11	An Act mainly to introduce a basic income for persons with a severely limited capacity for employment	389
12	An Act to amend various labour-related legislative provisions mainly to give effect to certain Charbonneau Commission recommendations	399
13	An Act to amend the Building Act and other legislative provisions mainly to give effect to certain Charbonneau Commission recommendations	409

List of Acts assented to in 2018

CHAP.	TITLE	PAGE
14	An Act to amend various legislative provisions concerning consumer protection	427
15	An Act to defer the next general school election and to allow the Government to provide for the use of a remote voting method	445
16	An Act concerning the acquisition of additional cars for the Montréal subway	449
17	An Act respecting the services available to a former Prime Minister	453
18	An Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (<i>modified title</i>)	457
19	An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions	509
20	An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages	575
21	An Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance	613
22	An Act to promote the protection of persons by establishing a framework with regard to dogs	627
23	An Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions	633
24	An Act to amend the Act respecting the estate of the Honourable Trefflé Berthiaume and La Compagnie de Publication de La Presse, Limitée	1129
25	An Act to promote the establishment of a public fast-charging service for electric vehicles	1133
26	An Act to protect the confidentiality of journalistic sources	1137

List of Acts assented to in 2018

CHAP.	TITLE	PAGE
27	An Act to proclaim Hispanic Heritage Month	1141
28	An Act to ratify the Agreement relating to the concept of parliamentary group, to the conduct of proceedings in the Assembly and in parliamentary committees as well as to budgetary aspects for the duration of the 42nd Legislature	1145
29	An Act to amend the Charter of the Université de Montréal	1307
30	An Act to amend the Act respecting Industrial-Alliance, Life Insurance Company	1317
31	An Act respecting Ville de Sherbrooke	1321
32	An Act to amend the Act respecting the Société du port ferroviaire de Baie-Comeau – Hauterive	1325
33	An Act respecting the immunities granted to the World Anti-Doping Agency	1329
34	An Act respecting the subdivision of a lot located within the Percé heritage site	1333
35	An Act respecting “The <i>Fabrique</i> of the parish of Saint-Jacques-le-Majeur”	1337
36	An Act to declare an officiant’s competence	1343

**TABLE OF CONCORDANCE
CHAPTER / BILL**

Chapter	Bill	Chapter	Bill
1	107	19	157
2	149	20	170
3	164	21	176
4	163	22	128
5	166	23	141
6	177	24	400
7	165	25	184
8	155	26	187
9	180	27	1094
10	171	28	4
11	173	29	234
12	152	30	235
13	162	31	236
14	178	32	237
15	185	33	238
16	186	34	239
17	140	35	240
18	150	36	241

**TABLE OF CONCORDANCE
BILL / CHAPTER**

Bill	Chapter	Bill	Chapter
4	28	176	21
107	1	177	6
128	22	178	14
140	17	180	9
141	23	184	25
149	2	185	15
150	18	186	16
152	12	187	26
155	8	234	29
157	19	235	30
162	13	236	31
163	4	237	32
164	3	238	33
165	7	239	34
166	5	240	35
170	20	241	36
171	10	400	24
173	11	1094	27

2018, chapter 1

AN ACT TO INCREASE THE JURISDICTION AND INDEPENDENCE OF THE ANTI-CORRUPTION COMMISSIONER AND THE BUREAU DES ENQUÊTES INDÉPENDANTES AND EXPAND THE POWER OF THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS TO GRANT CERTAIN BENEFITS TO COOPERATING WITNESSES

Bill 107

Introduced by Mr. Martin Coiteux, Minister of Public Security

Introduced 8 June 2016

Passed in principle 1 December 2017

Passed 14 February 2018

Assented to 14 February 2018

Coming into force: 14 February 2018, except

(1) section 22, to the extent that it enacts Divisions I, III and IV of Chapter III.1 of the Anti-Corruption Act (chapter L-6.1), which comes into force on the date on which all the members referred to in section 35.8 of that Act have been appointed;

(2) section 27, which comes into force on the date to be set by the Government.

– 2018-06-20: s. 27
O.C. 730-2018
G.O., 2018, Part 2, p. 2479

Legislation amended:

Tax Administration Act (chapter A-6.002)

Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4)

Professional Code (chapter C-26)

Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2)

Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1)

Public Service Act (chapter F-3.1.1)

Anti-Corruption Act (chapter L-6.1)

Police Act (chapter P-13.1)

Regulation amended:

Code of ethics of Québec police officers (chapter P-13.1, r. 1)

(cont'd on next page)

Explanatory notes

This Act amends the Anti-Corruption Act in order to specify that the purpose and scope of that Act and the mission of the Anti-Corruption Commissioner are not limited to corruption in contractual matters but also concern corruption in the administration of justice and in the granting of rights and privileges, such as an authorization, appointment or subsidy.

Changes are made to the procedure for the appointment and dismissal of the Anti-Corruption Commissioner, to provide, among other things, for a non-renewable seven-year term. The Act establishes the office of Associate Commissioner for Investigations and provides that any member of a police force on secondment to the Commissioner may act as an investigator.

The Act provides that the Commissioner, the Associate Commissioners for Audits, the Associate Commissioner for Investigations, the investigators on secondment to the Commissioner and the Commissioner's personnel form a specialized anti-corruption police force. That police force and the audit teams and investigation units designated by the Government form the Unité permanente anticorruption. Further provisions specify the manner in which the Sûreté du Québec and other police forces must cooperate with the Commissioner.

The Act establishes the Unité Permanente Anticorruption Oversight Committee and sets out its mandate and composition.

The Act provides that penal proceedings for an offence under a provision of the Anti-Corruption Act are prescribed three years from the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed from the date of the commission of the offence.

The Police Act is amended to provide that the director of a police force must inform the director of the Bureau des enquêtes indépendantes, instead of the Minister of Public Security, if a person, other than an on-duty police officer, dies, sustains a serious injury or is injured by a firearm used by a police officer during a police intervention or while the person is in police custody. In addition, the Act specifies that the director of a police force must notify the Bureau des enquêtes indépendantes of any allegation against a police officer concerning a criminal offence of a sexual nature committed in the performance of duties. The Bureau is to conduct the investigations relating to such allegations and advise the Minister of Public Security of the progress of the file.

Amendments to the Act respecting the Director of Criminal and Penal Prosecutions grant the Director, in the context of a cooperation agreement with a witness, the power to terminate, with regard to the witness and in relation to facts that are the subject of a statement by the witness, a civil proceeding instituted by a public body, the hearing of a complaint before the disciplinary council of a professional order, or a measure taken for the purposes of a fiscal law. In addition, if the witness cooperation agreement is terminated, the public body, the complainant who had brought a complaint before a disciplinary council or the Minister of Revenue, as the case may be, may reinstitute a judicial application, again seize the disciplinary council of a complaint or reinstate a measure taken for the purposes of a fiscal law that was terminated by the Director of Criminal and Penal Prosecutions.

Lastly, the Act makes a number of consequential amendments.



Chapter 1

AN ACT TO INCREASE THE JURISDICTION AND INDEPENDENCE OF THE ANTI-CORRUPTION COMMISSIONER AND THE BUREAU DES ENQUÊTES INDÉPENDANTES AND EXPAND THE POWER OF THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS TO GRANT CERTAIN BENEFITS TO COOPERATING WITNESSES

[Assented to 14 February 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ANTI-CORRUPTION ACT

1. Section 1 of the Anti-Corruption Act (chapter L-6.1) is amended

(1) by replacing “in contractual matters within the public sector” by “in the public sector, including in contractual matters,”;

(2) by inserting “and public institutions” after “public procurement process”.

2. Section 2 of the Act is amended

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

“(1) a contravention of a federal or a Québec law or of a regulation made under such a law, if the contravention pertains to corruption, breach of trust, malfeasance, collusion, fraud or influence peddling in, for example, awarding, obtaining or performing contracts granted, in the exercise of their functions, by a body or a person belonging to the public sector, or in the administration of justice or the granting of rights and privileges, such as an authorization, an appointment or a subsidy, by a body or a person belonging to the public sector;

“(1.1) a contravention of any of sections 21.12 to 21.14 and 27.5 to 27.11 of the Act respecting contracting by public bodies (chapter C-65.1);”;

(2) by inserting “, 1.1” after “paragraph 1” in paragraph 3.

3. The heading of Division I of Chapter II of the Act is replaced by the following heading:

“ESTABLISHMENT, MISSION AND ORGANIZATION”.

4. Section 4 of the Act is amended by replacing “in contractual matters within the public sector” in the second paragraph by “in the public sector, including in contractual matters”.

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

“5. On the recommendation of the Minister, the Government appoints the Commissioner from among the persons declared qualified to hold the office by the selection committee formed for that purpose.

“5.1. During the year that precedes the end of the Commissioner’s term or as soon as the office becomes vacant, the Minister publishes a notice inviting interested persons to apply for the office of Commissioner or to propose the name of a person they consider qualified to hold that office, in accordance with the procedure the Minister determines.

The Minister also forms the selection committee. The committee is made up of the Deputy Minister of Public Security, the secretary of the Conseil du trésor, an advocate recommended by the Bâtonnier of the Province of Québec, a director of a police force recommended by the board of directors of the Association des directeurs de police du Québec, and a person recommended by bodies representing the municipal sector.

The committee promptly evaluates the candidates’ aptitude on the basis of their knowledge, particularly in criminal and penal law, their experience and their qualifications, according to the criteria determined by government regulation. Without delay, the committee presents to the Minister a report in which it lists the candidates it has met whom it considers qualified to hold the office of Commissioner. All information and documents regarding the candidates and the proceedings of the committee are confidential.

If, once the evaluation is concluded, fewer than three candidates are considered qualified to hold the office of Commissioner, the Minister must publish a new invitation for applications.

The members of the committee receive no remuneration, except in the cases and on the conditions that may be determined by the Government. They are, however, entitled to the reimbursement of expenses to the extent determined by the Government.

“5.2. The Commissioner is appointed for a non-renewable seven-year term.

At the expiry of the term, the Commissioner remains in office until replaced. The Commissioner may resign at any time by giving written notice to the Minister.

“5.3. The Commissioner must meet the requirements set out in the first paragraph of section 115 of the Police Act (chapter P-13.1), with the exception of subparagraph 4.

“5.4. The Commissioner may not be dismissed or suspended without remuneration by the Government except for cause, on the recommendation of the Minister after the latter receives a report from the Commission de la fonction publique. The suspension may not exceed three months.

In an urgent situation requiring prompt intervention, or in a presumed case of serious fault, the Minister may provisionally relieve the Commissioner from duties, with remuneration.

“5.5. The Government determines the remuneration, employee benefits and other conditions of employment of the Commissioner on the recommendation of the Minister; the Commissioner’s remuneration, once set, may not be reduced.

“5.6. The Commissioner’s functions must be exercised on a full-time basis.

The Commissioner may not engage in any partisan political activity.”

6. Section 7 of the Act is amended by striking out the second sentence of the first paragraph.

7. Section 8 of the Act is replaced by the following sections:

“8. The Government appoints Associate Commissioners for Audits, on the recommendation of the Minister, from among the persons declared qualified to hold the office by a selection committee formed by the Minister and made up of the Commissioner, the Deputy Minister of Public Security and a chartered professional accountant recommended by the Ordre des comptables professionnels agréés du Québec.

The Associate Commissioners for Audits may not be peace officers.

They must take the oath set out in Schedule II before a judge of the Court of Québec.

“8.1. The Government also appoints an Associate Commissioner for Investigations, on the recommendation of the Minister, from among the persons declared qualified to hold the office by a selection committee formed by the Minister and made up of the Commissioner, the Deputy Minister of Public Security and a director of a police force recommended by the board of directors of the Association des directeurs de police du Québec.

The Associate Commissioner for Investigations is a peace officer throughout Québec.

The Associate Commissioner for Investigations must take the oath set out in Schedule I before a judge of the Court of Québec.

“8.2. Associate Commissioners are appointed for a fixed term that may not exceed five years.

At the expiry of their term, Associate Commissioners remain in office until reappointed or replaced. Associate Commissioners may resign at any time by giving written notice to the Commissioner.

“8.3. Associate Commissioners exercise the functions conferred on them under this Act, with the independence provided for in this Act.

Section 5.1, except the second paragraph, and sections 5.3 to 6 apply, with the necessary modifications, in the case of Associate Commissioners.

“8.4. The following persons form a specialized anti-corruption police force:

(1) as members of the police force:

(a) the Commissioner;

(b) the Associate Commissioner for Investigations; and

(c) the investigators on secondment from a police force in accordance with section 14;

(2) the Associate Commissioners for Audits; and

(3) the members of the Commissioner’s personnel appointed in accordance with section 12.

“8.5. The Government may designate teams or units of persons doing audit or investigation work in departments or bodies to take part in the fight against corruption under the coordination of the Associate Commissioners for Audits or the Associate Commissioner for Investigations, as the case may be.

“8.6. The police force formed under section 8.4 and the teams or units designated by the Government form the Unité permanente anticorruption.

“8.7. The policing, investigation and support services of the Sûreté du Québec must be made available to the Commissioner when the latter so requires. To that end, the Director General of the Sûreté du Québec and any Sûreté du Québec member or employee must cooperate with the Commissioner.

Such services are provided in accordance with the terms and conditions set out in an agreement between the Commissioner and the Minister or a person designated by the Minister.

“8.8. A police force must inform the Commissioner whenever it has reasonable cause to believe, during the course of an investigation, that a wrongdoing has been committed.

The Commissioner determines, in cooperation with the police force, how the investigation is to continue.”

8. Section 9 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) to act as director of the police force formed under section 8.4;”.

9. Section 10 of the Act is amended by inserting “for Audits” after “Associate Commissioners” in the introductory clause.

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

“10.1. The Associate Commissioner for Investigations has the following functions:

(1) to direct the activities of the specialized investigation unit formed under section 14 and coordinate the activities of any investigation unit designated by the Government; and

(2) to ensure that the investigation units carry out their mandates in their respective fields of competence.”

11. Section 13 of the Act is amended by replacing “of the personnel of the Commissioner” by “of the members of and the other persons who form the police force”.

12. Section 13.1 of the Act is amended

(1) by inserting “for Audits” after both occurrences of “Associate Commissioner” in the introductory clause of the first paragraph;

(2) by inserting “for Audits” after “Associate Commissioner” in the last paragraph.

13. Section 14 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“The Commissioner may designate, from among the Commissioner’s personnel, persons to act as investigators within a specialized investigation unit under the authority of the Associate Commissioner for Investigations.

Any member of a police force on secondment to the Commissioner by agreement between the Commissioner and the competent authority in respect of the police force may also act as an investigator within the unit.

The investigators of the unit are peace officers throughout Québec.”

14. Section 15 of the Act is amended by inserting “for Audits” after all occurrences of “Associate Commissioner” in paragraphs 1, 2 and 3.

15. Section 16 of the Act is amended by replacing all occurrences of “Commissioner” in paragraphs 2 and 3 by “Associate Commissioner for Investigations”.

16. Section 17 of the Act is amended by replacing “The Commissioner, the Commissioner’s personnel, the Associate Commissioners and the audit teams or investigation units designated by the Government” by “Persons acting within the Unité permanente anticorruption”.

17. Section 20 of the Act is amended by replacing “the Commissioner, the Commissioner’s personnel, the Associate Commissioners, members of the audit teams or investigation units designated by the Government” by “a person acting within the Unité permanente anticorruption”.

18. Section 21 of the Act is amended by replacing “the Commissioner, the Commissioner’s personnel, the Associate Commissioners, members of the audit teams or investigation units designated by the Government” in the first paragraph by “a person acting within the Unité permanente anticorruption”.

19. Section 25 of the Act is amended by adding the following paragraph at the end:

“Within 15 days after the report is laid before the National Assembly, the Commissioner presents it publicly in the national capital.”

20. Section 29 of the Act is amended by replacing “or to the investigation units concerned” in the second paragraph by “for Audits or the Associate Commissioner for Investigations”.

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

“35.1. Penal proceedings for an offence under a provision of this Act are prescribed three years from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the commission of the offence.”

22. The Act is amended by inserting the following chapter before Chapter IV:

“CHAPTER III.1

**“UNITÉ PERMANENTE ANTICORRUPTION OVERSIGHT
COMMITTEE**

“DIVISION I

“ESTABLISHMENT AND MANDATE

“35.2. The Unité Permanente Anticorruption Oversight Committee is established.

“35.3. The mandate of the Committee is to give its opinion, after conducting the necessary verifications and examinations at the times and intervals and in the manner it determines,

(1) on the administration of penal and criminal investigations conducted by the Unité permanente anticorruption;

(2) on the follow-up given under this Act to disclosures of wrongdoings received by the Anti-Corruption Commissioner, except when such disclosures are the subject of an investigation or a proceeding relating to a penal or criminal offence under a federal or Québec law;

(3) on the Anti-Corruption Commissioner’s annual management report; and

(4) on any other matter relating to the activities of the Unité permanente anticorruption.

The Committee also gives its opinion on any matter within its jurisdiction whenever the Minister requests it.

The Committee may, in its opinions, make the recommendations it considers appropriate.

“35.4. In carrying out its mandate, the Committee may not act in a way that interferes with the penal or criminal investigations of the Unité permanente anticorruption and the resulting judicial proceedings or that compromises legally recognized privileges, in particular those relating to the confidentiality of investigation methods and the identity of police informants.

Also, the Committee may not request or accept information that could compromise the independence of peace officers with authority to investigate offences against the law.

“35.5. The Committee makes its opinions public. However, it must first consult the Director of Criminal and Penal Prosecutions to ensure compliance with section 35.4.

The Committee may communicate to the government authorities and the persons in charge its opinions on any matter which, in its opinion, is within their jurisdiction.

“35.6. To fulfil its mandate, the Committee or the person it designates may, after having agreed on the applicable procedures with the Anti-Corruption Commissioner,

(1) examine, in relation to the activities of the Unité permanente anticorruption, any person acting within the unit; and

(2) examine any document, book, register or account that, in the opinion of the Committee or designated person, may contain information relevant to the mandate and take notes or make copies.

Any person who has the custody, possession or control of such documents, books, registers or accounts must, if so required, communicate them to the Committee or the person designated by it and facilitate their examination by the Committee or that person.

Committee members and designated persons must, on request, produce identification and show the documents attesting their authorization.

“35.7. Any person who

(1) hinders or attempts to hinder the work of a member of the Committee or of a person designated by it in the exercise of his or her functions, misleads the member or designated person by concealment or misrepresentation or refuses to provide the member or designated person with information,

(2) by an act or omission, helps a person to commit an offence under subparagraph 1, or

(3) by encouragement, advice or consent or by an authorization or order, induces another person to commit an offence under subparagraph 1,

is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.

For any subsequent offence, the amounts are doubled.

“DIVISION II**“COMPOSITION AND OPERATION**

“35.8. The Committee is composed of three members, including a chair, appointed by the National Assembly on a motion of the Prime Minister and with the approval of two-thirds of its Members.

“35.9. A person must meet the following minimum requirements to be appointed as a member of the Committee and remain as such:

(1) be of good moral character; and

(2) not have been convicted anywhere of an offence for an act or omission that is either 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 any of the Acts listed in that section and that is related to the employment, unless he or she has obtained a pardon.

“35.10. A candidate for the office of Committee member is first chosen from a list of persons declared qualified to be appointed as such by the selection committee formed by the Minister for that purpose.

The selection committee is made up of the Deputy Minister of Public Security or that Deputy Minister’s representative, an advocate recommended by the Bâtonnier of the Province of Québec, and an associate professor or full professor at a Québec university in a field relevant to the Committee’s mandate.

The selection committee promptly evaluates the candidates on the basis of their knowledge, experience and qualifications, according to the criteria it determines. Without delay, the selection committee presents to the Prime Minister a report in which it lists the candidates it has met whom it considers qualified to be Committee members. The list must include three, four or five candidates according to whether one, two or three offices are to be filled. All information and documents regarding the candidates and the proceedings of the selection committee are confidential.

The members of a selection committee receive no remuneration, except in the cases, on the conditions and to the extent the Government may determine. They are, however, entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“35.11. The chair of the Committee is appointed for a seven-year term and other Committee members, for a five-year term. A Committee member may not be reappointed, whether for a consecutive term or otherwise, in any capacity.

At the expiry of the term, a Committee member remains in office until replaced. A Committee member may resign at any time by giving written notice to the President of the National Assembly.

A Committee member may be dismissed only by a resolution of the National Assembly approved by two-thirds of its Members.

“35.12. The Government determines the remuneration and other conditions of employment of the Committee members.

“35.13. The Committee holds meetings at the times and intervals it determines.

It may hold its meetings anywhere in Québec. The quorum consists of the chair and one other member.

“35.14. The members of the Committee’s personnel are appointed in accordance with the Public Service Act (chapter F-3.1.1).

“35.15. The chair of the Committee directs the activities of the Committee and coordinates its work.

If the chair is absent or unable to act, or if the office of chair is vacant, the Minister designates one of the other Committee members to act as interim chair.

“35.16. Before taking office, the Committee members must take the oath set out in Schedule III before the President of the National Assembly.

The members of the Committee’s personnel and any person designated under section 35.6 must do the same before the chair of the Committee.

“DIVISION III

“REPORTS

“35.17. The Committee must, not later than 14 June 2019 and each year after that, submit its activity report to the President of the National Assembly.

The President of the National Assembly tables the report in the National Assembly within 30 days after it is received if the Assembly is sitting or, if it is not, within 15 days of resumption.

“35.18. At least once a year, the competent committee of the National Assembly hears the chair of the Committee on the activities of the latter.

“35.19. The Committee may, at any time, submit a special report to the President of the National Assembly on any matter of such importance or urgency that the Assembly may not, in its opinion, wait for the tabling of its activity report.

The President of the National Assembly tables the report in the National Assembly within 30 days after it is received if the Assembly is sitting or, if it is not, within 15 days of resumption.

“35.20. Before submitting a report under this division, the Committee must consult the Director of Criminal and Penal Prosecutions to ensure compliance with section 35.4.

“35.21. The Committee must, not later than 14 June 2023, report to the Minister on the carrying out of this chapter.

The Minister tables the report in the National Assembly within 30 days after it is received if the Assembly is sitting or, if it is not, within 15 days of resumption.

“DIVISION IV

“IMMUNITIES

“35.22. No civil action may be instituted for the publication of an opinion or a report of the Committee under this Act or the publication in good faith of an extract from or summary of such an opinion or report.

“35.23. No judicial proceedings may be brought against the Committee, its members, the members of its personnel or persons designated under section 35.6 for an act or omission in good faith in the exercise of their functions.

“35.24. Despite any provision to the contrary in any Act, members of the Committee, members of its personnel or persons designated under section 35.6 may not be compelled, in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions, to make a deposition on information obtained in the exercise of their functions or to produce a document containing such information.

“35.25. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be filed nor any injunction granted against the Committee, its members, members of its personnel or persons designated under section 35.6 acting in the exercise of their functions.”

23. Schedule I to the Act is amended

(1) by replacing “(Section 7)” after “SCHEDULE I” by “(Sections 7 and 8.1)”;

(2) by replacing “Anti-Corruption Commissioner” in the first paragraph by “(Anti-Corruption Commissioner or Associate Commissioner for Investigations, as the case may be)”.

24. The Act is amended by adding the following schedule after Schedule II:

“SCHEDULE III

“(Section 35.16)

“OATH OF OFFICE

“I, (*name*), declare under oath that I will fulfill my duties with honesty and justice and that I will not accept any sum of money or benefit of any kind for what I do or may do in the discharge of the duties of my office, other than what is allowed me by law.

I further declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in or in connection with the discharge of my duties.”

POLICE ACT

25. Section 48 of the Police Act (chapter P-13.1) is amended by replacing “289.6” in the first paragraph by “89.1”.

26. The Act is amended by inserting the following division after section 89:

“DIVISION III.1

“SPECIALIZED POLICE FORCES

“**89.1.** For the purposes of the pursuit of its mission, a specialized police force shall have jurisdiction to prevent and repress statutory offences throughout Québec.

“**89.2.** The Bureau des enquêtes indépendantes established under section 289.5 and the police force formed under section 8.4 of the Anti-Corruption Act (chapter L-6.1) are specialized police forces.”

27. Section 120.1 of the Act, enacted by section 5 of chapter 20 of the statutes of 2017, is amended by replacing “the director of the Bureau des enquêtes indépendantes” in paragraph 1 by “the person acting as director of a specialized police force”.

28. Section 126 of the Act is amended by striking out “to the Anti-Corruption Commissioner,” in the third paragraph.

29. Section 143 of the Act is amended by inserting “or the person acting as director of a specialized police force” at the end of subparagraph 1 of the second paragraph.

30. Section 257 of the Act is amended by replacing “the Bureau des enquêtes indépendantes established under section 289.5, on the recommendation of the director of the Bureau” in the third paragraph by “a specialized police force, on the recommendation of the person acting as director of the police force”.

31. Section 286 of the Act is amended

(1) by inserting “or a peace officer within the meaning of section 14 of the Anti-Corruption Act (chapter L-6.1)” after “against a police officer” in the first paragraph;

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

“The director of a police force must also notify the Bureau des enquêtes indépendantes without delay in the case of an allegation against a police officer concerning a criminal offence of a sexual nature committed in the performance of duties.”

32. Section 287 of the Act is replaced by the following section:

“**287.** Not later than 45 days after the date the Minister is notified under section 286 and every three months thereafter, the director of the police force, the Bureau des enquêtes indépendantes or the competent authority in respect of a special constable, as the case may be, shall notify the Minister in writing of the progress of the file the director, Bureau or authority is processing.”

33. Section 288 of the Act is amended by inserting “or the competent authority in respect of a special constable” after “director of the police force”.

34. Section 289 of the Act is amended

(1) by inserting “, a peace officer within the meaning of section 14 of the Anti-Corruption Act (chapter L-6.1)” after “police officer” in the first paragraph;

(2) by inserting “or the peace officer within the meaning of section 14 of the Anti-Corruption Act” after “police officer” in the second paragraph.

35. Section 289.1 of the Act is amended by inserting the following paragraph after the first paragraph:

“An investigation must also be conducted if the Bureau des enquêtes indépendantes is notified of an allegation against a police officer concerning a criminal offence of a sexual nature committed in the performance of duties, unless the director of the Bureau considers the allegation to be frivolous or unfounded, after consulting, if the director finds it necessary, the Director of Criminal and Penal Prosecutions.”

36. Section 289.2 of the Act is amended

- (1) by replacing “Minister” in the first paragraph by “Bureau”;
- (2) by striking out the second paragraph.

37. Section 289.4 of the Act is amended

(1) by replacing “the Bureau is charged with conducting under section 289.2” by “conducted by the Bureau in relation to an occurrence described in the first paragraph of section 289.1”;

(2) by replacing “an occurrence described in section 289.1” by “the occurrence”.

38. Section 289.5 of the Act is amended

- (1) by inserting “specialized” before “police force” in the fourth paragraph;
- (2) by adding the following sentence at the end of the fourth paragraph: “The director of the Bureau acts as director of the police force.”

39. Section 289.6 of the Act is replaced by the following section:

289.6. The mission of the Bureau is to conduct any investigation in relation to an occurrence or allegation described in section 289.1 or any investigation entrusted to it by the Minister under section 289 or 289.3.”

40. Section 289.23 of the Act is amended by replacing “described in” by “described in the first paragraph of”.

41. Section 312 of the Act is amended by replacing “the Sûreté du Québec or a municipal police force,” by “a police force”.

42. Section 354 of the Act is amended

(1) by inserting “, a member of a specialized police force” after “municipal police force” in the first paragraph;

(2) by replacing “, a special constable or a member of the Bureau des enquêtes indépendantes” in the first paragraph by “or a special constable”.

ACT RESPECTING THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

43. The Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) is amended by inserting the following chapter after section 24:

“CHAPTER II.1

“POWERS OF THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS IN CIVIL, DISCIPLINARY AND FISCAL MATTERS

“**24.1.** Despite any incompatible provision, if the Director considers that the public interest allows it in the context of a cooperation agreement with a witness in a case referred to the Director, the Director may, in relation to facts that are the subject of a statement by the witness concerning that case or a similar case, terminate

(1) with regard to the witness, any civil proceeding instituted by a public body, before the judgment in first instance is rendered on the merits of the dispute;

(2) the hearing of a complaint against the witness before the disciplinary council of a professional order; or

(3) any measure taken in relation to the witness for the purposes of a fiscal law within the meaning of section 1 of the Tax Administration Act (chapter A-6.002) if that measure precedes the issue of an assessment or a determination under such a law or, in the case of an assessment or a determination that has already been issued, if the time limit for objecting to the assessment or determination or for bringing an appeal has not expired or a judgment has not been rendered by the Court of Québec with respect to the assessment or determination.

Before entering into a cooperation agreement to terminate the hearing of a complaint filed before the disciplinary council of a professional order, the Director, if able to do so without revealing the identity of the witness or interfering with an ongoing police investigation, consults the syndic of the professional order concerned and takes into account the syndic’s opinion on the effects of such an agreement on the protection of the public and the importance of maintaining public trust in the members of the order.

For the purposes of this chapter, “public body” means a body described in section 4 or 7 of the Act respecting contracting by public bodies (chapter C-65.1) or a municipal body within the meaning of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“24.2. To terminate a civil proceeding, the Director must notify a notice to that effect to the parties and file the notice with the office of the court concerned.

To terminate the hearing of a complaint before a disciplinary council, the Director must notify a notice to that effect to the complainant and the secretary of the disciplinary council. Before sending such a notice, the Director shall consult the syndic of the professional order concerned with regard to the evidence contained in the syndic’s investigation record that concerns the complaint and is subject to a disclosure requirement in the context of the disciplinary process.

To terminate a measure taken for the purposes of a fiscal law, the Director must notify a notice to that effect to the Minister of Revenue and, if the cooperating witness has brought an appeal before the Court of Québec, file the notice with the office of that court.

“24.3. If the Director terminates a civil proceeding, the public body and the cooperating witness each bear the legal expenses they have incurred.

“24.4. If the Director terminates the witness cooperation agreement for a reason provided for in the agreement and relating to the testimony of or any statement by the witness, the Director must notify a notice to that effect to the persons notified under section 24.2.

“24.5. Solely on notification of the notice required under section 24.4, the public body, the complainant or the Minister of Revenue, as the case may be, may reinstitute a judicial application, again seize the disciplinary council of a complaint or reinstate a measure taken for the purposes of a fiscal law that was terminated by the Director under section 24.1. In such a case, the applicable prescription period begins to run again from the date of notification of the notice required under section 24.4.”

TAX ADMINISTRATION ACT

44. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by inserting “, the Associate Commissioner for Investigations” after “Associate Commissioners for Audits” in subparagraph y of the second paragraph.

45. The Act is amended by inserting the following division after section 94.8:

“DIVISION I.2

“COOPERATION AGREEMENT ENTERED INTO BY THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

“94.9. Where the Minister receives a notice under section 24.2 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1), the Minister shall take the necessary measures to give effect to it.

The same rule applies where the Minister receives a notice under section 24.4 of the Act respecting the Director of Criminal and Penal Prosecutions and, in the case of an assessment, a determination or an appeal before the Court of Québec terminated by the Director of Criminal and Penal Prosecutions in accordance with section 24.1 of that Act, the Minister may, within one year after receipt of the notice, issue a new assessment or determination taking into account the elements of the terminated measure.

In the management report required under section 75 of the Act respecting the Agence du revenu du Québec (chapter A-7.003), the Minister shall report on the implementation of the first paragraph during the fiscal year concerned in a manner that will ensure the confidentiality of the information.”

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

46. Section 57.1.18 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing the first paragraph by the following paragraph:

“If, in the opinion of the inspector general, a wrongdoing within the meaning of paragraph 1 of section 2 of the Anti-Corruption Act (chapter L-6.1) may have been committed, the inspector general must, without delay, make a disclosure to the Anti-Corruption Commissioner.”

PROFESSIONAL CODE

47. Section 124 of the Professional Code (chapter C-26) is amended by inserting “or between the syndics and the Director of Criminal and Penal Prosecutions within the scope of the powers conferred on the Director by Chapter II.1 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1)” at the end of the second paragraph.

48. The Code is amended by inserting the following section after section 139.1:

“**139.2.** A notice of the Director of Criminal and Penal Prosecutions notified to the secretary of a disciplinary council in accordance with the second paragraph of section 24.2 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) withdraws the complaint that is the subject of the notice from the disciplinary council; the notice is public information from the time it is notified.

The secretary of the disciplinary council must, without delay after receiving such a notice, send it to the chair of the disciplinary council or, if the chair has not yet been appointed, to the senior chair.”

**ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND
APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF
UNLAWFUL ACTIVITY**

49. Section 25 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by inserting “or the Anti-Corruption Commissioner” after “Sûreté du Québec” in subparagraph 4 of the first paragraph.

PUBLIC SERVICE ACT

50. Section 115 of the Public Service Act (chapter F-3.1.1) is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) report to the Minister of Public Security, after conducting an inquiry, on whether there is sufficient cause to dismiss or suspend without remuneration the Anti-Corruption Commissioner or an Associate Commissioner as provided for in sections 5.4 and 8.3 of the Anti-Corruption Act (chapter L-6.1).”

CODE OF ETHICS OF QUÉBEC POLICE OFFICERS

51. Section 1 of the Code of ethics of Québec police officers (chapter P-13.1, r. 1) is amended by striking out “the Anti-Corruption Commissioner,” in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

52. Despite the first paragraph of section 5.2 of the Anti-Corruption Act (chapter L-6.1), enacted by section 5, the term of the Anti-Corruption Commissioner in office on 14 February 2018 continues on the conditions and for the time determined in the Commissioner’s instrument of appointment.

53. For the first application of the fourth paragraph of section 35.10 of the Anti-Corruption Act, enacted by section 22, the Government is deemed to have determined that the members of the selection committee who are not employees of a government department are entitled to

(1) fees of \$200 per half-day of attendance at meetings; and

(2) the reimbursement of the expenses incurred in the exercise of their functions in accordance with the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics issued by the Conseil du trésor on 26 March 2013 (French only) and its subsequent amendments.

54. This Act comes into force on 14 February 2018, except

(1) section 22, to the extent that it enacts Divisions I, III and IV of Chapter III.1 of the Anti-Corruption Act, which comes into force on the date on which all the members referred to in section 35.8 of that Act have been appointed;

(2) section 27, which comes into force on the date to be set by the Government.

2018, chapter 2
**AN ACT TO ENHANCE THE QUÉBEC PENSION PLAN AND TO
AMEND VARIOUS RETIREMENT-RELATED LEGISLATIVE
PROVISIONS**

Bill 149

Introduced by Mr. Carlos J. Leitão, Minister of Finance

Introduced 2 November 2017

Passed in principle 5 December 2017

Passed 21 February 2018

Assented to 22 February 2018

Coming into force: 22 February 2018

However, sections 94 to 98, 102 to 106, 108 to 110, 123, 124 and 126, section 127 except section 288.1.2 of the Supplemental Pension Plans Act (chapter R-15.1) that it enacts, and sections 128, 129 and 132 have effect from 1 January 2018.

Legislation amended:

Act respecting the Québec Pension Plan (chapter R-9)

Supplemental Pension Plans Act (chapter R-15.1)

Act respecting retirement plans for the mayors and councillors of municipalities (chapter R-16)

Act respecting Retraite Québec (chapter R-26.3)

Explanatory notes

This Act amends the Act respecting the Québec Pension Plan mainly to enhance the Québec Pension Plan by adding an additional plan. Starting in 2019, a first additional contribution, shared by the employer and the worker, will be applicable to income that is less than or equal to the worker's maximum pensionable earnings. The contribution rate for that contribution will progressively increase until it reaches 2% per year. As of 2024, a second additional contribution, with a contribution rate of 8% per year, will be applicable to income exceeding the worker's maximum pensionable earnings. Consequently, the Act amends the calculation of benefits to take into account those new contributions to the additional plan.

Various measures are introduced to stabilize the Québec Pension Plan, including a mechanism for adjusting additional plan contributions and benefits and the obligation to finance improvements to the Québec Pension Plan through contribution rate increases.

An additional amendment to the Act respecting Retraite Québec provides for two investment policies for the Québec Pension Plan, one for sums from the base plan and the other for sums from the additional plan.

(cont'd on next page)

Explanatory notes *(cont'd)*

The Act also amends the Supplemental Pension Plans Act to allow pension plans to set priorities for the appropriation of surplus assets that are different from those established under that Act. Under the Act, the sums an employer pays to reduce a letter of credit and, if the annuity purchasing policy so provides, the sums it pays as a special annuity purchasing payment are now to be recorded to establish the level of surplus assets used.

Finally, the Act proposes various amendments to that Act to simplify administration, including by providing that the degree of solvency for the payment of a member's benefits is the one applicable on the date of the valuation of the benefits, extending the current period for calling the annual meeting from six months to nine, and moving the deadline for sending the notice relating to the financial position of the plan to Retraite Québec from 30 April to 30 September.



Chapter 2

AN ACT TO ENHANCE THE QUÉBEC PENSION PLAN AND TO AMEND VARIOUS RETIREMENT-RELATED LEGISLATIVE PROVISIONS

[Assented to 22 February 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE QUÉBEC PENSION PLAN

1. The Act respecting the Québec Pension Plan (chapter R-9) is amended by inserting the following title before Title I:

“TITLE 0.1

“GENERAL PROVISIONS

“0.1. The Québec Pension Plan comprises a base plan and an additional plan.

“0.2. The base plan is the one under which entitlement to the benefits established by Title IV of this Act is determined. Those benefits are provided for in section 105.

The additional plan is intended to enhance the base plan benefits the amount of which is established according to contributions to that plan.

“0.3. These plans are funded respectively by base contributions and additional contributions.”

2. Section 1 of the Act is amended by striking out paragraph *r*.

3. Section 34 of the Act is amended by replacing the second paragraph by the following paragraph:

“Retraite Québec shall deposit with the Caisse de dépôt et placement du Québec, keeping deposits for the base plan separate from those for the additional plan, all the money received under the first paragraph, except whatever is necessary for the current administration of each plan and for the payment of benefits for a prescribed period.”

4. The Act is amended by inserting the following after section 40.3:

“Additional Maximum Pensionable Earnings

“40.4. For the year 2024, the amount of the Additional Maximum Pensionable Earnings is equal to 107% of the Maximum Pensionable Earnings for the year.

For the year 2025 and each subsequent year, the amount of the Additional Maximum Pensionable Earnings is equal to 114% of the Maximum Pensionable Earnings for the year.

When the amount obtained under the first or second paragraph is not a multiple of \$100, the next lowest multiple of \$100 must be substituted therefor.”

5. Section 41 of the Act is amended by replacing “is excluded from his contributory period under subparagraph *a* of the second paragraph” in subparagraph *a* of the third paragraph by “is excluded from his base contributory period under subparagraph *a* of the third paragraph”.

6. The Act is amended by inserting the following after section 41:

“Worker’s Additional Maximum Pensionable Earnings

“41.1. The additional maximum pensionable earnings of a worker for a year are equal to the Additional Maximum Pensionable Earnings for the year.

However, where one of the events mentioned in the second paragraph of section 41 or subparagraph *a* or *d* of the third paragraph of that section occurs, the additional maximum pensionable earnings of a worker are equal to the amount obtained by multiplying the Additional Maximum Pensionable Earnings by the proportion provided for therein.”

7. The Act is amended by inserting “*and Additional Maximum*” after “*Maximum*” in the heading preceding section 44.

8. Section 44 of the Act is amended

(1) by inserting “For the purposes of the base contribution and the first additional contribution,” before “The maximum contributory earnings”;

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

“For the purposes of the second additional contribution, the additional maximum contributory earnings of a worker for a year are equal to his additional maximum pensionable earnings for the year less his maximum pensionable earnings for the year.”

9. Section 44.1 of the Act is amended by replacing all occurrences of “rate of contribution” by “base contribution rate”, except in the expression “steady-state contribution rate”.

10. The Act is amended by inserting the following sections after section 44.1:

“**44.2.** The first additional contribution rate is

(a) 0.3% for the year 2019;

(b) 0.6% for the year 2020;

(c) 1.0% for the year 2021;

(d) 1.5% for the year 2022;

(e) 2.0% for the year 2023; and

(f) for the year 2024 and each subsequent year, the rate determined in accordance with Division V of Title VI.

“**44.3.** The second additional contribution rate is 8% for the year 2024 and each subsequent year or the rate determined in accordance with Division V of Title VI.”

11. The Act is amended

(1) by replacing “is excluded from his contributory period under subparagraph *a* of the second paragraph” in subparagraph *b* of the second paragraph of section 45 by “is excluded from his base contributory period under subparagraph *a* of the third paragraph”;

(2) by replacing “is excluded from his contributory period under subparagraph *a* of the second paragraph” in subparagraph *a* of the third paragraph of section 48 by “is excluded from his base contributory period under subparagraph *a* of the third paragraph”;

(3) by replacing “is excluded from the worker’s contributory period under subparagraph *a* of the second paragraph” in the third paragraph of section 48.1 by “is excluded from the worker’s base contributory period under subparagraph *a* of the third paragraph”.

12. The heading preceding section 50 of the Act is replaced by the following heading:

“*Contributions of Employee*”.

13. Section 50 of the Act is amended

(1) in the first paragraph,

(a) by replacing the introductory clause by the following:

“50. Every employee who is employed in pensionable employment for an employer shall, by deduction at source, make a base contribution equal to the product of one-half of the base contribution rate, established under section 44.1, for the year and the lesser of the following amounts:”;

(b) by replacing “second paragraph” in subparagraph *a* by “fourth paragraph”;

(c) by replacing “all contributions” and “rate of contribution” in subparagraph *b* by “all base contributions” and “base contribution rate”, respectively;

(2) by inserting the following paragraphs after the first paragraph:

“For the year 2019 and each subsequent year, the employee shall, by deduction at source and in addition to the base contribution provided for in the first paragraph, make a first additional contribution equal to the product of one-half of the first additional contribution rate for the year, established under section 44.2, and the lesser of the following amounts:

(a) the amount determined in respect of the employee for the year under subparagraph *a* of the first paragraph; and

(b) the employee’s maximum contributory earnings for the year, less the amount obtained by dividing the aggregate of all first additional contributions the employee was required to make in the year under a similar plan in respect of the employee’s salary and wages by the first additional contribution rate for employees for the year under that plan.

For the year 2024 and each subsequent year, the employee shall, by deduction at source and in addition to the contributions provided for in the first and second paragraphs, make a second additional contribution equal to the product of one-half of the second additional contribution rate, established under section 44.3, for the year and the lesser of the following amounts:

(a) the amount by which the employee’s salary and wages for the year, referred to in subparagraph *a* of the first paragraph, paid by the employer to or in respect of the employee or deemed to be paid by the employer to the employee exceeds the employee’s maximum pensionable earnings for the year; and

(b) the employee’s additional maximum contributory earnings for the year, less the amount obtained by dividing the aggregate of all second additional contributions the employee was required to make in the year under a similar plan in respect of the employee’s salary and wages by the second additional contribution rate for employees for the year under that plan.”;

(3) by replacing “The salary” in the second paragraph by “The amount of the salary”;

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

“However, such salary and wages do not include any amount paid to the employee, paid in respect of the employee or deemed to be paid to the employee before the employee reaches 18 years of age or in a month that, because of a disability, is excluded from the employee’s base contributory period under subparagraph *a* of the third paragraph of section 101.”

14. The heading preceding section 51 of the Act in the French text is replaced by the following heading:

“*Excédents de cotisation*”.

15. Section 51 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“**51.** An overpayment is established for a year subsequent to the year 2012 where, for the year, the aggregate of the deductions at source by one or more employers, under this Act or under a similar plan, from the salary and wages of an employee who is resident in Québec at the end of 31 December of that year or, if the employee died in the year, was resident in Québec on the date of the employee’s death, exceeds the aggregate of”;

(2) by replacing “rate of contribution” in subparagraphs *a* and *b* of the first paragraph by “base contribution rate”;

(3) by adding the following subparagraphs after subparagraph *b* of the first paragraph:

“(c) an amount equal to the product of the first additional contribution rate for employees for the year under the similar plan and the lesser of the amounts described in subparagraphs i and ii of subparagraph *a*;

“(d) an amount equal to the product of one-half of the first additional contribution rate for the year and the lesser of the amounts described in subparagraphs i and ii of subparagraph *b*;

“(e) an amount equal to the product of the second additional contribution rate for employees for the year under the similar plan and the lesser of the following amounts:

i. the amount by which the aggregate of all amounts each of which is the employee’s pensionable salary and wages for the year in respect of pensionable employment under the similar plan exceeds the proportional share of the

employee's maximum pensionable earnings for the year under the similar plan, and

ii. the amount by which the proportional share of the employee's additional maximum pensionable earnings for the year under the similar plan exceeds the proportional share of the employee's maximum pensionable earnings for the year under the similar plan; and

“(f) an amount equal to the product of one-half of the second additional contribution rate for the year by the lesser of the following amounts:

i. the amount by which the total of the aggregate of all amounts each of which for the year is the employee's pensionable salary and wages, pensionable self-employed earnings and pensionable earnings as a family-type resource or an intermediate resource exceeds the amount by which the employee's maximum pensionable earnings for the year exceed the proportional share of the employee's maximum pensionable earnings for the year under the similar plan, and

ii. the amount by which the employee's additional maximum contributory earnings for the year exceed the lesser of the amounts described in subparagraphs i and ii of subparagraph *e*.”;

(4) by replacing “in subparagraph *a* of the first paragraph” in the second paragraph by “in subparagraph i of subparagraph *b* of the first paragraph”.

16. Section 51.0.1 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“The proportional share of an employee's personal exemption, maximum contributory earnings, maximum pensionable earnings and additional maximum pensionable earnings for a year under a similar plan is equal to the amount obtained by multiplying, as the case may be, the employee's personal exemption, maximum contributory earnings, maximum pensionable earnings or additional maximum pensionable earnings for the year under the plan by the ratio between

(a) the aggregate of all amounts each of which is the employee's pensionable salary and wages for the year in respect of pensionable employment under the similar plan, up to, for each of those amounts,

i. for a year prior to the year 2024, the employee's maximum pensionable earnings for the year under the plan, or

ii. for a year subsequent to the year 2023, the employee's additional maximum pensionable earnings for the year under the plan; and

(b) the aggregate of all amounts each of which is the employee's pensionable salary and wages for the year in respect of pensionable employment under this Act or the similar plan, up to, for each of those amounts,

i. for a year prior to the year 2024, the employee's maximum pensionable earnings for the year under this Act or the similar plan, as the case may be, or

ii. for a year subsequent to the year 2023, the employee's additional maximum pensionable earnings for the year under this Act or the similar plan, as the case may be.

For the purposes of subparagraph *b* of the first paragraph, where an employee is employed in a year in pensionable employment under both this Act and a similar plan, the total of the employee's pensionable salary and wages for the year in respect of the employment may not exceed

(a) for a year prior to the year 2024, the employee's maximum pensionable earnings for the year under this Act; or

(b) for a year subsequent to the year 2023, the employee's additional maximum pensionable earnings for the year under this Act."

17. Section 51.0.2 of the Act is amended by replacing "the employee is deemed to have made an overpayment" by "an overpayment is established".

18. The heading preceding section 52 of the Act is replaced by the following heading:

"Contributions of Employer".

19. Section 52 of the Act is amended by replacing "a contribution equal to the contribution" by "contributions equal to the contributions".

20. The heading preceding section 53 of the Act is replaced by the following heading:

"Contributions of Self-Employed Worker".

21. Section 53 of the Act is amended by replacing "contribution equal to the product of the rate of contribution" in the introductory clause by "base contribution equal to the product of the base contribution rate", and all other occurrences of "contribution" by "base contribution".

22. The Act is amended by inserting the following sections after section 53:

53.1. For the year 2019 and each subsequent year, a self-employed worker, a family-type resource or an intermediate resource shall make a first additional contribution in addition to the base contribution.

The first additional contribution is equal to the product of the first additional contribution rate for the year and the lesser of the amounts established in accordance with the rules in section 53, substituting "first additional contribution" in those rules for "base contribution".

53.2. For the year 2024 and each subsequent year, a self-employed worker, a family-type resource or an intermediate resource shall make a second additional contribution in addition to the base contribution and the first additional contribution.

The second additional contribution is equal to the product of the second additional contribution rate for the year and the lesser of

(a) the amount by which the total of the following amounts exceeds the total of the worker's maximum pensionable earnings and the amount of his salary and wages on which a second additional contribution has been made for the year under this Act or a similar plan:

i. the aggregate, for the year, of the worker's pensionable self-employed earnings and pensionable earnings as a family-type resource or an intermediate resource,

ii. the total of the amount of the worker's salary and wages on which a first additional contribution has been made for the year under this Act or a similar plan and the amount of his salary and wages on which a second additional contribution has been made for the year under this Act or a similar plan, and

iii. the lesser of the following amounts:

(1) the total of the aggregate of all amounts each of which is an amount that an employer has deducted from the worker's salary and wages as a basic exemption for the year and the aggregate of all amounts each of which is an amount that an employer has deducted from the worker's salary and wages as a similar exemption for the year under a similar plan, and

(2) the worker's personal exemption for the year; and

(b) the worker's additional maximum contributory earnings for the year less his salary and wages on which a second additional contribution has been made for the year under this Act or a similar plan."

23. Section 54 of the Act is amended by replacing "contribution" in the first paragraph by "base contribution".

24. The heading preceding section 55 of the Act is replaced by the following heading:

"Optional Contributions".

25. Section 55 of the Act is amended

(1) by replacing all occurrences of "contribution" by "base contribution";

(2) by inserting ", for a year prior to 2019," after "the present section" in the fourth paragraph.

26. The Act is amended by inserting the following sections after section 55:

“55.1. Where an employee makes the election referred to in section 55 for a particular year subsequent to the year 2018, the employee must make a first additional contribution for the particular year, computed under section 53.1, on the amount established under section 55 and on which the employee makes a base contribution under that section.

The amount on which a first additional contribution is made under this section is deemed to be pensionable self-employment earnings.

“55.2. Where an employee makes the election referred to in section 55 for a particular year subsequent to the year 2023, the employee must make a second additional contribution for the particular year, computed under section 53.2, on the amount by which the lesser of the employee’s additional maximum pensionable earnings for the particular year and the employee’s pensionable salary and wages for the particular year to which the prescribed amount for that year is added, where applicable, exceeds the aggregate of the following amounts:

(a) the total of the employee’s salary and wages on which a first additional contribution and, if applicable, a second additional contribution have been made for the particular year and the amount of the employee’s salary and wages on which a first additional contribution and, if applicable, a second additional contribution have been made for the particular year under a similar plan;

(b) the lesser of

i. the total of the aggregate of all amounts each of which is an amount that an employer has deducted from the employee’s salary and wages as a basic exemption for the particular year and the aggregate of all amounts each of which is an amount that an employer has deducted from the employee’s salary and wages as a similar exemption for the particular year under a similar plan, and

ii. the employee’s personal exemption for the particular year; and

(c) the amount computed in accordance with section 55.1.

The amount on which a second additional contribution is made under this section is deemed to be pensionable self-employed earnings.”

27. Section 56 of the Act is amended

(1) in the first paragraph,

(a) by replacing “a contribution” by “a base contribution”;

(b) by replacing “rate of contribution” by “base contribution rate”;

(c) by inserting “on account of the base contribution” after “from the worker’s salary and wages for the year” in subparagraphs *a* and *b*;

(2) in the second paragraph,

(a) by replacing “rate of contribution” and “contribution has” in subparagraph *a* by “base contribution rate” and “base contribution has”, respectively;

(b) by replacing subparagraph *b* by the following subparagraph:

“(b) the amount by which the amount referred to in subparagraph *a* of the first paragraph exceeds the aggregate of the amounts established under subparagraphs *a* and *b* of the first paragraph of section 51.”

28. Section 56.1 of the Act is amended

(1) by replacing “a contribution” and “rate of contribution” by “a base contribution” and “base contribution rate”, respectively;

(2) by inserting “on account of the base contribution” after both occurrences of “worker’s salary and wages for the year” in paragraph *c*.

29. The Act is amended by inserting the following sections after section 56.1:

“56.2. A worker’s salary and wages on which a first additional contribution has been made for a year is equal to the amount obtained by dividing, by one-half of the first additional contribution rate for the year, the amount by which the aggregate of the following amounts exceeds the amount described in the second paragraph:

(a) the aggregate of the deductions at source from the worker’s salary and wages for the year on account of the first additional contribution under this Act or a similar plan; and

(b) any amount that an employer has not deducted at source from the worker’s salary and wages for the year on account of the first additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year.

The amount to which the first paragraph refers is equal to the aggregate of

(a) an amount equal to the product of the first additional contribution rate for employees for the year under the similar plan and the amount of the worker’s salary and wages on which a first additional contribution has been made for the year under the plan; and

(b) the amount by which the amount described in subparagraph *a* of the first paragraph exceeds the aggregate of the amounts established under subparagraphs *c* and *d* of the first paragraph of section 51.

“56.3. A worker’s salary and wages on which a first additional contribution has been made for a year under a similar plan is equal to the lesser of

(a) the amount by which the aggregate of all amounts each of which is the worker’s pensionable salary and wages for the year in respect of pensionable employment under the similar plan exceeds the proportional share of the worker’s personal exemption for the year under the plan;

(b) the proportional share of the worker’s maximum contributory earnings for the year under the similar plan; and

(c) the amount obtained by dividing, by the first additional contribution rate for employees for the year under the similar plan, the aggregate of the deductions at source from the worker’s salary and wages for the year on account of the first additional contribution under this Act or a similar plan and any amount that an employer has not deducted at source from the worker’s salary and wages for the year on account of the first additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year.

“56.4. A worker’s salary and wages on which a second additional contribution has been made for a year is equal to the amount obtained by dividing, by one-half of the second additional contribution rate for the year, the amount by which the aggregate of the following amounts exceeds the amount described in the second paragraph:

(a) the aggregate of the deductions at source from the worker’s salary and wages for the year on account of the second additional contribution under this Act or a similar plan;

(b) any amount that an employer has not deducted at source from the worker’s salary and wages for the year on account of the second additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year; and

(c) the aggregate of the amounts established under subparagraph *b* of the second paragraph of section 56 and subparagraph *b* of the second paragraph of section 56.2.

The amount to which the first paragraph refers is equal to the aggregate of

(a) an amount equal to the product of the second additional contribution rate for employees for the year under the similar plan and the amount of the worker's salary and wages on which a second additional contribution has been made for the year under the plan; and

(b) the excess amount established under the first paragraph of section 51.

“56.5. A worker's salary and wages on which a second additional contribution has been made for a year under a similar plan is equal to the lesser of

(a) the amount by which the aggregate of all amounts each of which is the worker's pensionable salary and wages for the year in respect of pensionable employment under the similar plan exceeds the proportional share of the worker's maximum pensionable earnings for the year under the plan;

(b) the amount by which the proportional share of the worker's additional maximum pensionable earnings for the year under the similar plan exceeds the proportional share of the worker's maximum pensionable earnings for the year under the plan; and

(c) the amount obtained by dividing, by the second additional contribution rate for employees for the year under the similar plan, the aggregate of

i. the aggregate of the deductions at source from the worker's salary and wages for the year on account of the second additional contribution under this Act or a similar plan and any amount that an employer has not deducted at source from the worker's salary and wages for the year on account of the second additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year, and

ii. the aggregate of the amounts established under subparagraph *b* of the second paragraph of section 56 and subparagraph *b* of the second paragraph of section 56.2.”

30. Section 57 of the Act is replaced by the following section:

“57. Where an employer pays, on account of the employee's base contribution, first additional contribution or second additional contribution, as the case may be, for a year under this Act or a similar plan, an amount that the employer has failed to deduct, that amount is, for the purposes of sections 51 and 56 to 56.5, deemed to have been deducted by the employer on account of that contribution for the year.”

31. Section 58 of the Act is amended

(1) in the first paragraph,

(a) by replacing “a contribution has been made by an employee” by “an employee has made contributions”;

(b) by replacing “section 56 or 56.1” by “sections 56 to 56.5”;

(2) by replacing subparagraphs *a* and *b* of the second paragraph by the following subparagraphs:

“(a) for an amount computed under section 56 or 56.1,

i. an amount equal to the product of one-half of the base contribution rate for the year and the amount shown in the return as the salary and wages, less than or equal to the employee’s maximum pensionable earnings, on which the employee has made a base contribution for the year under this Act, and

ii. an amount equal to the product of the base contribution rate for employees for the year under the similar plan and the amount shown in the return as the salary and wages, less than or equal to the employee’s maximum pensionable earnings, on which the employee has made a base contribution for the year under the plan;

“(b) for an amount computed under section 56.2 or 56.3,

i. an amount equal to the product of one-half of the first additional contribution rate for the year and the amount shown in the return as the salary and wages, less than or equal to the employee’s maximum pensionable earnings, on which the employee has made a first additional contribution for the year under this Act, and

ii. an amount equal to the product of the first additional contribution rate for employees for the year under the similar plan and the amount shown in the return as the salary and wages, less than or equal to the employee’s maximum pensionable earnings, on which the employee has made a first additional contribution for the year under the plan; and

“(c) for an amount computed under section 56.4 or 56.5,

i. an amount equal to the product of one-half of the second additional contribution rate for the year and the amount shown in the return as the salary and wages, greater than the employee’s maximum pensionable earnings, on which the employee has made a second additional contribution for the year under this Act, and

ii. an amount equal to the product of the second additional contribution rate for employees for the year under a similar plan and the amount shown in the return as the salary and wages, greater than the employee's maximum pensionable earnings, on which the employee has made a second additional contribution for the year under the plan."

32. Section 59 of the Act is amended by replacing "on account of the employee's contribution" in the first paragraph by "on account of the employee's contributions".

33. Section 63 of the Act is amended by replacing "of the contribution referred to" by "of the contributions referred to".

34. Section 64 of the Act is amended

(1) by replacing "the contribution" in the first paragraph by "the contributions";

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

"Upon payment of the contributions by the employer, the employee is deemed, for the purposes of subparagraph *b* of the first paragraph of each of sections 56, 56.2 and 56.4 and of paragraph *c* of each of sections 56.1, 56.3 and 56.5, to have notified the Minister, within the required time, of the employer's failure."

35. Section 72 of the Act is amended by replacing "on the contribution payable" by "on the contributions payable".

36. Section 74 of the Act is amended

(1) by replacing "of the contribution to be made" by "of the contributions to be made";

(2) by replacing "of the contribution payable" by "of the contributions payable".

37. Section 75 of the Act is amended by replacing "his contribution" by "his contributions".

38. Section 77 of the Act is amended by replacing "on the contribution payable" by "on the contributions payable".

39. Section 78 of the Act is amended by replacing "as a contribution exceeding the contribution required" by "as contributions exceeding the contributions required".

40. Section 78.0.1 of the Act is amended

(1) by replacing “as or on account of the contribution referred to” by “as or on account of the contributions referred to”;

(2) by replacing “second paragraph” by “fourth paragraph”;

(3) by replacing “as or on account of a contribution exceeding the contribution required” by “as or on account of contributions exceeding the contributions required”.

41. Section 79 of the Act is amended by replacing all occurrences of “as a contribution under” by “as contributions under”.

42. Section 95.4 of the Act is amended

(1) by replacing “in sections 106 and 106.1” by “in sections 105.0.1, 106 and 106.1”;

(2) by inserting “or an additional amount for disability after retirement” at the end.

43. Section 96 of the Act is amended by replacing “section 106 or 106.1” in subparagraph *e* of the second paragraph by “section 105.0.1, 106 or 106.1”.

44. The Act is amended by inserting the following section before section 98:

“97.1. A contributor’s unadjusted pensionable earnings are his

(a) base unadjusted pensionable earnings;

(b) first additional unadjusted pensionable earnings; and

(c) second additional unadjusted pensionable earnings.”

45. Section 98 of the Act is amended by replacing all occurrences of

(1) “unadjusted pensionable earnings” by “base unadjusted pensionable earnings”;

(2) “a contribution”, “his contribution” and “rate of contribution” by “a base contribution”, “his base contribution” and “base contribution rate”, respectively;

(3) “contributory period” by “base contributory period”; and

(4) “subparagraph *a* or *b* of the first paragraph” by “subparagraph *a* or *b* of the second paragraph”.

46. The Act is amended by inserting the following sections after section 98:

“98.1. The first additional unadjusted pensionable earnings of a contributor for a year are an amount equal to the least of the three following amounts:

(a) the total of

(1) his pensionable salary and wages,

(2) his pensionable earnings from self-employment, and

(3) his pensionable earnings as a family-type resource or an intermediate resource;

(b) the aggregate of the three following amounts:

(1) the total of his salary and wages on which a first additional contribution has been made and the amount obtained by dividing his first additional contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the first additional contribution rate for the year,

(2) the total, determined in prescribed manner, of his salary and wages on which a first additional contribution has been made under a similar plan and the amount obtained by dividing his first additional contribution under such plan in respect of his self-employed earnings by the first additional contribution rate for the year for a self-employed worker determined under such plan, and

(3) the contributor’s personal exemption for the year; and

(c) his maximum pensionable earnings for the year.

Nevertheless, if, for a year, the amount of the contributor’s first additional unadjusted pensionable earnings does not exceed his personal exemption, such amount is deemed to be nil.

“98.2. The second additional unadjusted pensionable earnings of a contributor for a year are an amount equal to the least of the three following amounts:

(a) the amount by which the total of the amounts referred to in subparagraph *a* of the first paragraph of section 98 exceeds his maximum pensionable earnings for the year;

(b) the aggregate of the two following amounts:

(1) the total of his salary and wages on which a second additional contribution has been made and the amount obtained by dividing his second additional

contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the second additional contribution rate for the year, and

(2) the total, determined in prescribed manner, of his salary and wages on which a second additional contribution has been made under a similar plan and the amount obtained by dividing his second additional contribution under such plan in respect of his self-employed earnings by the second additional contribution rate for the year for a self-employed worker determined under such plan; and

(c) the amount by which his additional maximum pensionable earnings for the year exceed his maximum pensionable earnings for the year.”

47. Section 99 of the Act is amended

(1) by replacing the first, second and third paragraphs by the following paragraphs:

“Any base contribution, first additional contribution or second additional contribution paid for a year shall be deemed to have been made for all months in the year and the base unadjusted pensionable earnings, first additional unadjusted pensionable earnings and second additional unadjusted pensionable earnings for each month are calculated by dividing those earnings for the year by 12.

Nevertheless, for a year in which the contributor reaches 18 years of age or in which a disability pension ceases to be payable to him under this Act or under a similar plan, any of the contributions referred to in the first paragraph shall be deemed to have been made for earnings relating to the months following the day preceding his eighteenth birthday or the day on which the disability pension ceased to be payable.

For a year in which one of the events mentioned in subparagraphs *a* to *d* of this paragraph occurs, any of a contributor’s contributions referred to in the first paragraph shall be deemed to have been made for earnings relating to the months in the year which, as the case may be, are prior to

(*a*) the first month which, by reason of a disability of the contributor, is excluded from his base contributory period under subparagraph *a* of the third paragraph of section 101;

(*b*) the month in which a retirement pension becomes payable to him under this Act or under a similar plan, unless that month is subsequent to 2011, in which case no adjustment is made;

(c) the month of his seventieth birthday, unless that month is subsequent to 2011, in which case no adjustment is made; or

(d) the month following his death.”;

(2) by replacing all occurrences of “contribution”, “contributory period” and “unadjusted pensionable earnings” in the fifth paragraph by “base contribution”, “base contributory period” and “base unadjusted pensionable earnings”, respectively;

(3) by replacing the six and seventh paragraphs by the following paragraphs:

“Where no base contribution, first additional contribution or second additional contribution has been made for a year, the amount of the base unadjusted pensionable earnings, first additional unadjusted pensionable earnings and second additional unadjusted pensionable earnings for which such a contribution is deemed to have been made for each month in that year is deemed to be nil.

For the purposes of this Title, where, for a year, a contributor’s base unadjusted pensionable earnings or first additional unadjusted pensionable earnings exceed his personal exemption, he is deemed to have made a contribution in respect of such earnings for that year; where his base unadjusted pensionable earnings or first additional unadjusted pensionable earnings do not exceed his personal exemption, he is deemed to have made no contribution in respect of such earnings.”;

(4) by replacing “A contribution” and “a contribution” in the eighth paragraph by “A base contribution or a first additional contribution” and “such a contribution”, respectively.

48. Section 101 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“**101.** The base contributory period, first additional contributory period and second additional contributory period of a person begin on his eighteenth birthday or on the following date, if he reached 18 years of age before that date:

(a) 1 January 1966, for his base contributory period;

(b) 1 January 2019, for his first additional contributory period; or

(c) 1 January 2024, for his second additional contributory period.

Each of those periods terminates at the end of the earliest of the following months:”;

(2) in the second paragraph,

(a) by replacing “contributory period” in the introductory clause by “base contributory period”;

(b) by replacing “unadjusted pensionable earnings” in subparagraphs *b* and *c* by “base unadjusted pensionable earnings”.

49. Section 102.3 of the Act is amended by replacing “the sum of their unadjusted pensionable earnings” in the first paragraph by “the sum of their base unadjusted pensionable earnings, the sum of their first additional unadjusted pensionable earnings and the sum of their second additional unadjusted pensionable earnings”.

50. Section 102.4 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraph *c.1* by the following subparagraph:

“(d) solely in respect of the base unadjusted pensionable earnings, months which, by reason of a disability, are excluded from the base contributory period of either of the former spouses under subparagraph *a* of the third paragraph of section 101;”;

(b) by replacing “unadjusted pensionable earnings” in subparagraph *e* by “base unadjusted pensionable earnings”;

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

“In addition, where one of the former spouses has paid a base contribution, a first additional contribution or a second additional contribution to a similar plan for a particular month, partition of the base unadjusted pensionable earnings, the first additional unadjusted pensionable earnings and the second additional unadjusted pensionable earnings shall not be effected in respect of that month, unless partition is also effected under the similar plan.”

51. Section 102.10.5 of the Act is amended

(1) by replacing “the sum of their unadjusted pensionable earnings” in the first paragraph by “the sum of their base unadjusted pensionable earnings, the sum of their first additional unadjusted pensionable earnings and the sum of their second additional unadjusted pensionable earnings”;

(2) by replacing subparagraph *a* of the second paragraph by the following subparagraph:

“(a) the months for which partition is not effected under section 102.4;”.

52. Section 105.0.1 of the Act is amended

(1) by replacing “contributions” in subparagraph 4 of the first paragraph by “base contributions”;

(2) by replacing “second paragraph of section 101” in the second paragraph by “third paragraph of section 101”;

(3) by replacing all occurrences of “contributory period” by “base contributory period”.

53. Section 105.1 of the Act is amended by replacing “contributory period” in the second paragraph by “base contributory period”.

54. The Act is amended by replacing all occurrences of “contributions” and “contributory period” in sections 106, 106.1 and 107 by “base contributions” and “base contributory period”, respectively.

55. Section 107.0.1 of the Act is amended

(1) by replacing all occurrences of “contributions” by “base contributions”;

(2) by replacing both occurrences of “contributory period” by “base contributory period”;

(3) by replacing “cotisation” in the French text by “cotisation de base”;

(4) by replacing “first paragraph of section 101” by “second paragraph of section 101”;

(5) by replacing “second paragraph of section 101” by “third paragraph of section 101”.

56. Section 107.1 of the Act is amended

(1) by replacing “second paragraph of section 101” in paragraph 1 by “third paragraph of section 101”;

(2) by replacing all occurrences of “contributions” by “base contributions”;

(3) by replacing all occurrences of “contributory period” by “base contributory period”.

57. Section 116.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“For the calculation of a benefit, a contributor’s base pensionable earnings for each month are his base unadjusted pensionable earnings for that month multiplied by the ratio between the average Maximum Pensionable Earnings

relating to the year for which his average base monthly pensionable earnings are established and the Maximum Pensionable Earnings for the year that includes that month.”

58. The Act is amended by inserting the following sections after section 116.1:

“116.1.1. For the calculation of a benefit, a contributor’s first additional pensionable earnings for each month are his first additional unadjusted pensionable earnings for that month multiplied by the ratio between the average Maximum Pensionable Earnings, referred to in the second paragraph of section 116.1, relating to the year for which the contributor’s average first additional monthly pensionable earnings are established and the Maximum Pensionable Earnings for the year that includes that month.

For any month of a year prior to the year 2023, the result obtained under the first paragraph is multiplied by one of the following factors, according to the year of the month concerned:

- (a) 0.15 for the year 2019;
- (b) 0.30 for the year 2020;
- (c) 0.50 for the year 2021; or
- (d) 0.75 for the year 2022.

“116.1.2. For the calculation of a benefit, a contributor’s second additional pensionable earnings for each month are his second additional unadjusted pensionable earnings for that month multiplied by the ratio between the average Maximum Pensionable Earnings, referred to in the second paragraph of section 116.1, relating to the year for which the contributor’s average second additional monthly pensionable earnings are established and the Maximum Pensionable Earnings for the year that includes that month.”

59. Section 116.2 of the Act is amended

- (1) by replacing all occurrences of
 - (a) “average monthly pensionable earnings” and “total pensionable earnings” by “average base monthly pensionable earnings” and “total base pensionable earnings”, respectively;
 - (b) “contributory period” by “base contributory period”;
 - (c) “contributory months” by “base contributory months”; and
 - (d) “second paragraph of section 101” by “third paragraph of section 101”;
- (2) by replacing “of the contributory” in paragraph *a* by “of the contributor”.

60. The Act is amended by inserting the following sections after section 116.2:

“**116.2.1.** A contributor’s average first additional monthly pensionable earnings are equal to $G/480$,

where

G is the contributor’s total first additional pensionable earnings for each month included in his first additional contributory period.

Where the total number of months included in the contributor’s first additional contributory period exceeds 480, only the 480 months for which the first additional pensionable earnings are the highest will be considered.

“**116.2.2.** A contributor’s average second additional monthly pensionable earnings are equal to $G''/480$,

where

G'' is the contributor’s total second additional pensionable earnings for each month included in his second additional contributory period.

Where the total number of months included in the contributor’s second additional contributory period exceeds 480, only the 480 months for which the second additional pensionable earnings are the highest will be considered.”

61. Sections 116.3 and 116.4 of the Act are amended by replacing

(1) both occurrences of “average monthly pensionable earnings” in the first paragraph of section 116.3 by “average base monthly pensionable earnings” and all other occurrences of “pensionable earnings” in those sections by “base pensionable earnings”; and

(2) all occurrences of “contributory period” by “base contributory period”.

62. Section 116.5 of the Act is amended by replacing the first paragraph by the following paragraph:

“The contributor’s base pensionable earnings for a year subsequent to 1997 but prior to 2008 that relate to months subsequent to the end of his base contributory period, within the meaning of subparagraph *a* or *b* of the second paragraph of section 101, may be substituted, after months are excluded under section 116.3, for the base pensionable earnings relating to months of the base contributory period in which contributory earnings are lower. The substitution shall first be effected in respect of the months for which contributory earnings are the lowest.”

63. Section 116.6 of the Act is amended by replacing “maximum monthly” by “maximum base monthly”.

64. Section 119 of the Act is amended by inserting “, unless a regulation made under section 218.3 prescribes otherwise,” after “first is” in the first paragraph.

65. Section 120 of the Act is replaced by the following section:

“**120.** The basic monthly amount of a contributor’s retirement pension is equal to the total of the following amounts, calculated as provided in sections 116.1 to 116.5, for the year in which the retirement pension becomes payable:

- (a) 25% of his average base monthly pensionable earnings;
- (b) 8.33% of his average first additional monthly pensionable earnings; and
- (c) 33.33% of his average second additional monthly pensionable earnings.

The amount is adjusted in accordance with sections 120.1 and 120.2.”

66. Section 120.1 of the Act is amended, in the first paragraph,

(1) by replacing “A retirement pension which becomes payable to a contributor on a date other than that of his sixty-fifth birthday is a monthly amount equal to” in the introductory clause by “The monthly amount of a retirement pension which becomes payable to a contributor on a date other than that of his sixty-fifth birthday is equal to”;

(2) by replacing, in subparagraph 1,

(a) “average monthly pensionable earnings” by “average base monthly pensionable earnings”; and

(b) “maximum monthly retirement pension” by “maximum base monthly retirement pension”.

67. Section 120.2 of the Act is amended by replacing, in the second paragraph,

(1) “average monthly pensionable earnings” by “average base monthly pensionable earnings”; and

(2) “maximum monthly retirement pension” by “maximum base monthly retirement pension”.

68. Sections 120.3 and 120.4 of the Act are replaced by the following sections:

“**120.3.** When, for a year subsequent to 2007, a contributor’s unadjusted pensionable earnings relate to months subsequent to the end of his base

contributory period, first additional contributory period or second additional contributory period, within the meaning of subparagraph *a* or *b* of the second paragraph of section 101, subject to section 120.4, 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.

The basic monthly amount of the additional pension is equal to the total of

(a) $\frac{1}{12}$ of 0.5% of the amount of the contributor's total base unadjusted pensionable earnings for the year concerned less the basic exemption. However, for the year in which the contributor's base contributory period ends under subparagraph *a* or *b* of the second paragraph of section 101, the base unadjusted pensionable earnings to be used are those deemed to relate to the months of the year that are subsequent to the end of the contributor's base contributory period and the basic exemption is multiplied by the proportion that the number of those months bears to 12;

(b) $\frac{1}{12}$ of 0.16% of the amount of the contributor's total first additional unadjusted pensionable earnings for the year concerned less the basic exemption, that amount multiplied by 0.15 for the year 2019, by 0.30 for the year 2020, by 0.50 for the year 2021 or by 0.75 for the year 2022. However, for the year in which the contributor's first additional contributory period ends under subparagraph *a* or *b* of the second paragraph of section 101, the first additional unadjusted pensionable earnings to be used are those deemed to relate to the months of the year that are subsequent to the end of the contributor's first additional contributory period and the basic exemption is multiplied by the proportion that the number of those months bears to 12; and

(c) $\frac{1}{12}$ of 0.66% of the amount of the contributor's total second additional unadjusted pensionable earnings for the year concerned. However, for the year in which the contributor's second additional contributory period ends under subparagraph *a* or *b* of the second paragraph of section 101, the second additional unadjusted pensionable earnings to be used are those deemed to relate to the months of the year that are subsequent to the end of his second additional contributory period.

“120.4. From the year 2013, for the calculation of the basic monthly amount of the additional pension under the second paragraph of section 120.3,

(a) the amount obtained under subparagraph 2 of subparagraph *b* of the first paragraph of section 98 for each of the years subsequent to the end of the contributor's base contributory period under subparagraph *a* or *b* of the second paragraph of section 101 is excluded from his total base unadjusted pensionable earnings for the year referred to in subparagraph *a* of the second paragraph of section 120.3;

(b) the amount obtained under subparagraph 2 of subparagraph *b* of the first paragraph of section 98.1 for each of the years subsequent to the end of the contributor's first additional contributory period under subparagraph *a* or *b* of the second paragraph of section 101 is excluded from his total first additional unadjusted pensionable earnings for the year referred to in subparagraph *b* of the second paragraph of section 120.3; and

(c) the amount obtained under subparagraph 2 of paragraph *b* of section 98.2 for each of the years subsequent to the end of the contributor's second additional contributory period under subparagraph *a* or *b* of the second paragraph of section 101 is excluded from his total second additional unadjusted pensionable earnings for the year referred to in subparagraph *c* of the second paragraph of section 120.3.

However, for the year in which the contributor's base contributory period ends under subparagraph *a* or *b* of the second paragraph of section 101, the amount excluded from his total base unadjusted pensionable earnings for the year concerned is the amount obtained under subparagraph 2 of subparagraph *b* of the first paragraph of section 98 multiplied by the proportion that the number of months subsequent to the end of the base contributory period bears to 12 less the number of months referred to in subparagraph *a* of the third paragraph of section 101.

For the year in which the contributor's first additional contributory period ends under subparagraph *a* or *b* of the second paragraph of section 101, the amount excluded from his total first additional unadjusted pensionable earnings for the year concerned is the amount obtained under subparagraph 2 of subparagraph *b* of the first paragraph of section 98.1 multiplied by the proportion that the number of months subsequent to the end of the first additional contributory period bears to 12 less the number of months referred to in subparagraph *a* of the third paragraph of section 101.

For the year in which the contributor's second additional contributory period ends under subparagraph *a* or *b* of the second paragraph of section 101, the amount excluded from his total second additional unadjusted pensionable earnings for the year concerned is the amount obtained under subparagraph 2 of paragraph *b* of section 98.2 multiplied by the proportion that the number of months subsequent to the end of the second additional contributory period bears to 12 less the number of months referred to in subparagraph *a* of the third paragraph of section 101."

69. Section 123 of the Act is amended

(1) by replacing the introductory clause by the following:

"123. The basic monthly amount of the disability pension payable to a contributor consists in";

(2) by replacing paragraph *b* by the following paragraph:

“(b) 75% of the total of the following amounts, calculated as provided in sections 116.1 to 116.4, for the year in which the disability pension becomes payable:

- (1) 25% of his average base monthly pensionable earnings;
- (2) 8.33% of his average first additional monthly pensionable earnings; and
- (3) 33.33% of his average second additional monthly pensionable earnings.”

70. Section 127 of the Act is amended by replacing “the contributory period of a contributor terminates” by “a contributor’s base contributory period, first additional contributory period and second additional contributory period terminate”.

71. Section 128 of the Act is amended by replacing “contributions” in the third paragraph by “base contributions”.

72. Section 133 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“**133.** The basic monthly amount of the surviving spouse’s pension of a spouse under 65 years of age to whom neither a disability pension nor a retirement pension is payable under this Act or under a similar plan is equal to the aggregate of the following four amounts:

- (a) 37.5% of the amount established in accordance with section 137;
- (b) 50% of the amount established in accordance with section 137.1;
- (c) 50% of the amount established in accordance with section 137.2; and
- (d) the amount of the flat benefit applicable as provided in the second paragraph.

The amount of the flat benefit, according to the spouse’s situation, is”;

(2) by replacing both occurrences of “first paragraph” in the second and third paragraphs by “second paragraph”.

73. Section 133.1 of the Act is amended by replacing “of subparagraphs *a* and *b* of the first paragraph of section 133” in the first paragraph by “of subparagraphs *a* and *b* of the second paragraph of section 133”.

74. Section 134 of the Act is amended by replacing “is equal to 60% of the amount established in accordance with section 137” by “is equal to the aggregate of the following three amounts:

- (a) 60% of the amount established in accordance with section 137;
- (b) 50% of the amount established in accordance with section 137.1; and
- (c) 50% of the amount established in accordance with section 137.2”.

75. Section 135 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“**135.** The basic monthly amount of the surviving spouse’s pension of a spouse to whom a disability pension is payable under this Act or under a similar plan is equal to the aggregate of the following three amounts:

(a) the lesser of D and E, calculated as follows:

$$a \times 37.5\% = D$$

$$b - c = E;$$

(b) 50% of the amount established in accordance with section 137.1; and

(c) 50% of the amount established in accordance with section 137.2.

In the formulas in subparagraph *a* of the first paragraph,”;

(2) by replacing “maximum monthly” in the definition of “b” in the first paragraph by “maximum base monthly”;

(3) by replacing the definition of “c” in the first paragraph by the following definition:

““c” is the amount of the disability pension payable to the surviving spouse for the month for which the basic monthly amount is established, reduced by 75% of the amounts calculated under subparagraphs 2 and 3 of paragraph *b* of section 123, adjusted as provided in section 119, and by the amount of the flat benefit included in the disability pension for that month.”

76. Section 136 of the Act is amended

(1) by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

“(a) in the case of a spouse who is under 65 years of age, to the amount of the flat benefit which, if no retirement pension were payable to him, would be included in his surviving spouse’s pension for the month for which the basic monthly amount is established, to which the aggregate of the following three amounts is added:

(1) the lesser of E and F, calculated as follows:

$$a \times 37.5\% = E$$

$$c - d = F;$$

(2) 50% of the amount established in accordance with section 137.1; and

(3) 50% of the amount established in accordance with section 137.2;

“(b) in the case of a spouse who is 65 years of age or over, to the aggregate of the three following amounts:

(1) the lesser of the following amounts:

i. $c - d$; and

ii. the greater of G and H, calculated as follows:

$$a \times 37.5\% = G$$

$$(a \times 60\%) - (d \times 40\%) = H;$$

(2) 50% of the amount established in accordance with section 137.1; and

(3) 50% of the amount established in accordance with section 137.2;”;

(2) by replacing “maximum monthly” in the definition of “c” by “maximum base monthly”;

(3) by inserting “, calculated as provided in subparagraph a of the first paragraph of section 120 and adjusted in accordance with section 119,” in the definition of “d” after “the amount of the retirement pension”.

77. Section 137 of the Act is amended

(1) in the first paragraph,

(a) by replacing “basic monthly amount” by “base portion of the basic monthly amount”;

(b) by replacing subparagraph 1 by the following subparagraph:

“(1) in the case of a contributor to whom a retirement pension was payable, the amount of that pension for the month of his death, established without taking account of the amounts calculated as provided in subparagraphs *b* and *c* of the first paragraph of section 120 and adjusted in accordance with section 119, any partition effected under sections 158.3 to 158.8 or a similar plan, any adjustments provided for in sections 120.1 and 120.2, or any additional pension established under section 120.3. If the basic number of months established in accordance with section 116.2 for the calculation of that portion of the amount of the contributor’s retirement pension is higher than the total number of months included in his base contributory period, that portion of the amount of his retirement pension must be multiplied by the proportion that the basic number bears to 36 or the total number of months included in his base contributory period, whichever is higher;”;

(c) by replacing “average monthly pensionable earnings” in subparagraph 2 by “average base monthly pensionable earnings”;

(2) by replacing “the monthly amount of the deceased contributor’s additional pension established as provided in section 120.3” in the second paragraph by “the base portion of the monthly amount of the deceased contributor’s additional pension established under subparagraph *a* of the second paragraph of section 120.3”;

(3) by replacing “monthly basic amount” in the third paragraph by “base portion of the basic monthly amount”.

78. The Act is amended by inserting the following sections after section 137:

“**137.1.** For the calculation of the first additional portion of the basic monthly amount of the surviving spouse’s pension, the amount to be used is, depending on the contributor’s situation for the month of his death,

(a) in the case of a contributor to whom a retirement pension was payable, the amount of that pension for the month of his death, established without taking account of the amounts calculated as provided in subparagraphs *a* and *c* of the first paragraph of section 120 and adjusted in accordance with section 119, any partition effected under sections 158.3 to 158.8 or a similar plan, any adjustments provided for in sections 120.1 and 120.2, or any additional pension established under subparagraphs *a* and *c* of the second paragraph of section 120.3; and

(b) in other cases, an amount equal to 8.33% of the contributor’s average first additional monthly pensionable earnings, calculated as provided in section 116.2.1, for the year of his death.

The amount obtained is adjusted by multiplying it by the ratio between the Pension Index for the year including the month for which the first additional portion of the basic monthly amount is established and the Pension Index for the year of the contributor's death.

137.2. For the calculation of the second additional portion of the basic monthly amount of the surviving spouse's pension, the amount to be used is, depending on the contributor's situation for the month of his death,

(a) in the case of a contributor to whom a retirement pension was payable, the amount of that pension for the month of his death, established without taking account of the amounts calculated as provided in subparagraphs *a* and *b* of the first paragraph of section 120 and adjusted in accordance with section 119, any partition effected under sections 158.3 to 158.8 or a similar plan, any adjustments provided for in sections 120.1 and 120.2, or any additional pension established under subparagraphs *a* and *b* of the second paragraph of section 120.3; and

(b) in other cases, an amount equal to 33.33% of the contributor's average second additional monthly pensionable earnings, calculated as provided in section 116.2.2, for the year of his death.

The amount obtained is adjusted by multiplying it by the ratio between the Pension Index for the year including the month for which the second additional portion of the basic monthly amount is established and the Pension Index for the year of the contributor's death."

79. Section 145 of the Act is amended by inserting “, additional amounts for disability after retirement” after “except retirement pensions” in the first paragraph.

80. Section 145.1 of the Act is amended by replacing “whose retirement or disability pension” by “and that”.

81. Section 158.5 of the Act is amended by replacing “combined contributory period” in the definition of “c” by “combined base contributory period”.

82. Section 158.6 of the Act is amended

(1) by replacing all occurrences of

(a) “combined contributory period” by “combined base contributory period”;

(b) “contributory period” by “base contributory period”; and

(c) “périodes cotisables” in the French text by “périodes cotisables de base”;

(2) by replacing “second paragraph of section 101” at the end of subparagraph 1 of the first paragraph by “third paragraph of section 101”.

83. Section 180 of the Act is amended by replacing paragraphs *a* and *b* by the following paragraphs:

“(a) the aggregate of his earnings on which a base contribution has been made under this Act, calculated as provided in subparagraph 1 of paragraph *b* of section 98, and those on which a second additional contribution has been made under this Act, calculated as provided in subparagraph 1 of paragraph *b* of section 98.2,

is of

(b) the aggregate of his earnings on which a base contribution has been made and those on which a second additional contribution has been made under this Act and under a similar plan, calculated as provided in subparagraphs 1 and 2 of paragraph *b* of sections 98 and 98.2.”

84. Section 180.1 of the Act is amended by replacing paragraphs *a* and *b* by the following paragraphs:

“(a) the aggregate of his base unadjusted pensionable earnings and his second additional unadjusted pensionable earnings allotted to him as a result of a partition effected under section 102.1 or 102.10.3

is of

(b) the aggregate of his base unadjusted pensionable earnings and his second additional unadjusted pensionable earnings allotted to him as a result of a partition effected under section 102.1 or 102.10.3 and those allotted to him under the similar plan.”

85. Section 186 of the Act is amended by replacing “notified” in the second paragraph by “sent”.

86. Section 188 of the Act is amended by replacing “notification” in the first paragraph by “being sent”.

87. The heading of Division V of Title VI of the Act is replaced by the following:

“FINANCIAL REVIEW OF THE QUÉBEC PENSION PLAN

“§1. — *Actuarial valuation*”.

88. Section 216 of the Act is replaced by the following section:

“**216.** At least once every three years, Retraite Québec shall cause to be prepared an actuarial valuation, for a minimum projection period of at least 50 years, on the operation of this Act and on the state of the base plan’s and

the additional plan's account. The report made after the valuation shall include, in particular,

(a) for each of the 10 subsequent years and for every fifth year within a total period of not less than 40 years thereafter, an estimate of the base plan's and the additional plan's revenues and expenditures;

(b) a study of the long-term effects of the base plan's and the additional plan's revenues and expenditures on the accumulation of their respective reserves;

(c) for the base plan, the steady-state contribution rate; and

(d) for the additional plan, the reference contribution rate.

The steady-state contribution rate referred to in subparagraph *c* of the first paragraph is equal to the contribution rate that meets the following conditions:

(a) from the third year of the minimum projection period, it is the lowest constant rate possible during that period;

(b) it makes the ratio between the reserve at the end of one year and the expenditures of the following year, calculated for the last year of the minimum projection period, at least equal to the ratio calculated for the 20th year preceding the end of the minimum projection period; and

(c) it is established without taking account of the cost of a change in the benefit portions related to the base plan, where that cost is covered by a temporary increase in the base contribution rate.

If the result of the calculation of the steady-state contribution rate has more than two decimals, it is rounded off to the second, which is rounded up if the third decimal is greater than 4.

The reference contribution rate referred to in subparagraph *d* of the first paragraph is equal to the contribution rate that meets the following conditions:

(a) from the third year of the minimum projection period, it is the lowest constant rate applicable to the income that is less than or equal to the Maximum Pensionable Earnings during that period, considering that the contribution rate applicable to the income that is greater than the Maximum Pensionable Earnings is four times greater;

(b) it makes the reserve at the end of the 20th year of the minimum projection period at least equal to the value of the expenditures subsequent to that year in respect of contributions for the years prior to the 21st year of the minimum projection period; and

(c) it is established without taking account of the cost of a change in the benefit portions related to the additional plan, where that cost is covered by a temporary increase in an additional contribution rate.

Where the third year of the minimum projection period referred to in subparagraph *a* of the fourth paragraph is before the year 2023, the first year to be considered for the purposes of that subparagraph is the year 2023 instead of the third year.

If the result of the calculation of the reference contribution rate has more than two decimals, it is rounded off according to the rules provided in the third paragraph.

An actuarial valuation prepared under the first paragraph shall describe the situation of the plan as at 31 December of a year; the valuation report must be available before the end of the following year.

The valuation shall be prepared by using the contribution rates set under sections 44.1 to 44.3.”

89. Section 217.1 of the Act is repealed.

90. The Act is amended by inserting the following section after section 218:

“**218.0.1.** Retraite Québec shall publish in the *Gazette officielle du Québec*, before 1 July of the year that follows the tabling of the report referred to in section 216, the steady-state contribution rate and the reference contribution rate indicated in the report.”

91. Section 218.1 of the Act is amended

(1) by replacing “the state of the Québec Pension Plan’s account” by “the state of the base plan’s and the additional plan’s account”;

(2) by inserting “of each plan” after “reserve”;

(3) by replacing “the rate of contribution” by “the contribution rates”.

92. The Act is amended by inserting the following subdivision after section 218.1:

“§2. — *Adjustment mechanisms for contributions and benefits*

“**218.2.** From the year 2024, the first additional contribution rate and the second additional contribution rate remain the same as those for the preceding year, unless

(a) on 1 September of the year that follows the tabling of the report referred to in section 216, a difference greater than that provided for by regulation is observed between the most recent reference contribution rate, published by Retraite Québec in the *Gazette officielle du Québec*, and the stated first additional contribution rate for 1 January of the following year, subtracting from the latter the temporary contribution rate related to the first additional contribution and provided for in section 218.4, if applicable; and

(b) the difference referred to in subparagraph *a* is observed in two consecutive reports tabled under section 216.

In that case, the first additional contribution rate and the second additional contribution rate are changed in accordance with the rules prescribed by regulation.

However, the Government may, by order, provide that those contribution rates are to remain unchanged.

“218.3. From the year 2024, if the conditions provided in the first paragraph of section 218.2 are met, the portions of the basic monthly amount of a benefit that are related to a contributor’s first additional unadjusted pensionable earnings and to his second additional unadjusted pensionable earnings are changed in accordance with the rules prescribed by regulation.

However, the Government may, by order, provide that the portions of the basic monthly amount of a benefit are to remain unchanged.

“218.4. Any change to the pension plan that increases the cost of benefits under the base plan or the additional plan must be accompanied by an increase in the contribution rates for those plans to cover the additional cost.

The increase in the contribution rates is permanent if the cost increase is related to participation in the plan after the coming into force of the change.

If the cost increase is related to participation in the plan before the coming into force of the change, a temporary increase must be added for a period of not more than 15 years.

“218.5. An order made by the Government under the third paragraph of section 218.2 or the second paragraph of section 218.3 must be published in the *Gazette officielle du Québec* not later than 15 September preceding the year to which it applies.”

93. Section 219 of the Act is amended by inserting the following paragraphs after paragraph *x*:

“(y) determine the difference, referred to in section 218.2, between the most recent reference contribution rate and the first additional contribution rate that causes the contribution and benefit adjustment mechanisms respectively provided for in that section and section 218.3 to apply;

“(z) determine, for the purposes of section 218.2, the rules applicable to the change in the first additional contribution rate and the second additional contribution rate; and

“(z.1) determine, for the purposes of section 218.3, the rules applicable to the change in the portions of the basic monthly amount of a benefit that are related to the contributor’s first additional unadjusted pensionable earnings and to his second additional unadjusted pensionable earnings.”

SUPPLEMENTAL PENSION PLANS ACT

94. Section 14 of the Supplemental Pension Plans Act (chapter R-15.1) is amended by replacing subparagraph 17 of the second paragraph by the following subparagraph:

“(17) in the case of a pension plan to which Chapter X applies, the conditions and procedure for appropriating all or part of the surplus assets referred to in section 146.8 and, if different, the conditions and procedure for appropriating all or part of the balance of surplus assets referred to in the third paragraph of that section, according to one or a combination of the following appropriation methods:

(a) the payment of employer current service contributions;

(b) the payment of member current service contributions;

(c) the payment of the value of the additional obligations arising from an amendment to the plan, in which case the nature of the amendments that may give rise to such an appropriation must be indicated; and

(d) the transfer of amounts to the employer;”.

95. Sections 38.2 and 38.3 of the Act are replaced by the following section:

“38.2. The following are special payments:

(1) the special improvement payment which, in respect of the additional obligations arising from an amendment to the pension plan, is established in accordance with section 139; and

(2) the special annuity purchasing payment which, where it is required on a payment of benefits made in accordance with the annuity purchasing policy, is established in accordance with the provisions of section 142.4.”

96. Section 39 of the Act is amended by striking out “improvement” in subparagraph *b* of subparagraph 2 of the first paragraph.

97. Section 41 of the Act is amended

- (1) by striking out “improvement” in the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:

“The monthly payments must be of equal amounts. However, if they relate to the current service contribution or an amortization payment to which members contribute, the monthly payments may represent an hourly rate or a rate of the remuneration of, or a percentage of the total payroll for, the active members. The monthly payments may also, in the case of a defined contribution plan or with respect to contributions paid under terms in a defined benefit plan that are identical to those of a defined contribution plan, represent an amount paid for each of the active members. That rate, percentage or amount must be uniform, unless it is established by reference to a variable authorized by Retraite Québec.”

98. Section 42.2 of the Act is replaced by the following section:

“**42.2.** The amount of employer contributions that are technical amortization payments or stabilization amortization payments, except those paid by letter of credit, must be the subject of special monitoring. The amount of the following sums paid by the employer must also be included:

- (1) payments in excess of the employer contributions required, excluding interest payable due to a delay in a contribution payment or as the balance of the value of the benefits referred to in section 146;
- (2) payments to reduce a letter of credit, provided that, in the case of a letter of credit relating to a contribution payable before 1 January 2016, the contribution would have been recorded in accordance with section 288.3 had the employer not been relieved of paying it by such a letter of credit; and
- (3) if provided for in the annuity purchasing policy, special annuity purchasing payments.

The amount of member contributions that are technical amortization payments or stabilization amortization payments must also be the subject of special monitoring.

Interest on those amounts, at the rate of return obtained on the investment of the plan assets, reduced by the investment and administration fees, must also be included.

Any surplus assets appropriated to the payment of employer current service contributions or transferred to the employer, in accordance with section 146.8, must be deducted from the amounts recorded under the first paragraph. Likewise, any surplus assets appropriated, in accordance with that section, to the payment of member current service contributions or to the payment of the

value of the additional obligations arising from an amendment to the plan must be deducted from the amounts recorded, if applicable, under the second paragraph.

An employer may apply to the pension committee to have the amounts recorded under the first paragraph reduced by the amount the employer indicates.”

99. Section 48 of the Act is amended

(1) by replacing “les cotisations qui ne sont pas versées à la caisse de retraite ou à l’assureur portent intérêt” in the French text by “toute cotisation qui n’est pas versée à la caisse de retraite ou à l’assureur porte intérêt”;

(2) by adding the following sentence at the end: “However, in the case of a special payment, interest accrues from the day that follows the date on which it becomes payable.”

100. Section 103 of the Act is amended by striking out “or 45”.

101. Section 112.1 of the Act is repealed.

102. Section 118 of the Act is amended by striking out “to the payment of employer contributions” in subparagraph 5 of the first paragraph.

103. Section 119.1 of the Act is amended, in the first paragraph,

(1) by inserting “or under the second paragraph” after “under subparagraph 2 of the first paragraph”;

(2) by replacing “four” by “nine”;

(3) by adding the following sentence at the end: “The notice is no longer required, however, if the report on an actuarial valuation that establishes the degree of solvency of the plan as at a date included in the period from the end date of that fiscal year to the deadline for sending the notice has been sent to Retraite Québec.”

104. Section 121 of the Act is amended by inserting “if it concerns service prior to that date” after “effective” in the third paragraph.

105. Section 124 of the Act is amended by striking out “, calculated on the assumption that the effective date of the amendment is the valuation date” in subparagraph 2 of the first paragraph.

106. Section 142.3 of the Act is amended by replacing “The values referred to in subparagraph 2 of the first paragraph of section 142 and in section 142.1” by “The values referred to in this division”.

107. Section 143 of the Act is amended

(1) by replacing “as established in the last actuarial valuation report transmitted to Retraite Québec or, if the degree of solvency is more recent, in the notice prescribed by section 119.1 sent to Retraite Québec” in the third paragraph by “applicable on the date on which the value of the member’s benefits are established”;

(2) by adding the following sentence at the end of the third paragraph: “The degree of solvency of the plan applicable on the date referred to in the third paragraph is the one established in the last actuarial valuation for which the report was sent to Retraite Québec before that date, or the one established in the notice prescribed by section 119.1 sent to Retraite Québec before that date, if that notice is more recent.”

108. Section 146.8 of the Act is replaced by the following section:

“**146.8.** The amount of surplus assets that may be used over the course of a fiscal year must first be appropriated as provided for in the pension plan in accordance with the second paragraph, up to the following amounts:

(1) the lesser of the amount recorded under the first paragraph of section 42.2 and the amount of the employer current service contributions; and

(2) the lesser of the amount recorded under the second paragraph of that section and the amount of the member current service contributions.

The pension plan shall set out the procedure for appropriating the surplus assets according to one or a combination of the following appropriation methods:

(1) the payment of employer current service contributions;

(2) the payment of member current service contributions;

(3) the payment of the value of the additional obligations arising from an amendment to the plan; and

(4) the transfer of amounts to the employer.

If there is a balance of surplus assets, up to 20% of the balance may, per fiscal year of the plan, be appropriated according to the appropriation method applicable to the amount referred to in the first paragraph or according to another appropriation method provided for in the plan in accordance with the second paragraph.”

109. Section 146.9 of the Act is replaced by the following section:

“**146.9.** If the pension plan provides that the surplus assets are to be appropriated first to the payment of current service contributions, it may also provide that the appropriation applies, despite the limits established in the first paragraph of section 146.8, beyond the amounts recorded under section 42.2.”

110. Section 146.12 of the Act is amended by striking out paragraph 2.

111. Section 146.20 of the Act is amended by replacing “of the application for transfer” in the first paragraph by “on which the value is established”.

112. Section 146.22 of the Act is amended by inserting “, where the date of their valuation is subsequent to 31 December 2014,” after “the date of their valuation”.

113. Section 151.2 of the Act is amended by replacing “may adopt” in the first paragraph by “shall adopt”.

114. Section 152 of the Act is amended by striking out “, except those conferred by sections 243.3 and 243.7,” in the first paragraph.

115. Section 154.3 of the Act is amended by replacing “with this Act” by “with the law”.

116. Section 161 of the Act is amended by replacing the second paragraph by the following paragraph:

“It shall cause to be prepared, within the same time limit, a financial report containing a statement of the financial position of the plan and a statement of changes in the net assets available for the provision of benefits for the fiscal year just ended. The report need not include a statement of the obligations relating to benefits. The report must be audited by a duly authorized accountant, except in the cases provided for by regulation.”

117. Section 162.1 of the Act is amended by replacing “the fault” in the second paragraph by “the compensation”.

118. Section 166 of the Act is amended by replacing “Within six months after the end of each fiscal year of the plan, or within such additional period as may be granted by Retraite Québec” in the first paragraph by “Within nine months after the end of each fiscal year of the plan”.

119. Section 203 of the Act is amended by inserting “, including interest,” after “the contributions referred to in the first paragraph of section 202” in paragraph 2.

120. Section 204 of the Act is amended, in the second paragraph,

(1) by striking out “and the names of the members and beneficiaries affected”;

(2) by replacing “The date of termination” by “That date”;

(3) by striking out “or after”.

121. Section 209.1 of the Act is amended by striking out “who has applied therefor”.

122. Section 210 of the Act is amended

(1) by inserting “, including the surplus assets to which they are entitled,” after “the benefits of each member and beneficiary affected” in the first paragraph;

(2) by replacing “operation” in the second paragraph by “payment of all or part of the benefits”;

(3) by replacing “or within 30 days after” in the last sentence of the second paragraph by “or the expiry of a 30-day period after”;

(4) by striking out the first sentence of the third paragraph;

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

“The surplus assets to which the employer is entitled may not be allocated before all the benefits of the members and beneficiaries affected by the termination have been paid in full.”

123. Section 230.0.0.1 of the Act is amended by inserting the following paragraph after paragraph 3:

“(3.1) the employer is not exempted from the application of the first paragraph of section 228; and”.

124. Section 230.2 of the Act is amended

(1) by replacing “the amount of the contributions recorded” in the first paragraph by “the amounts recorded”;

(2) in the second paragraph,

(a) by replacing “than the total amount of employer and employee contributions recorded” by “than the total of the amounts recorded”;

(b) by replacing “proportionately to the contributions recorded” by “proportionately to the amounts recorded”.

125. Section 244 of the Act is amended by replacing “la vérification” in subparagraph 8.4 of the first paragraph in the French text by “l’audit”.

126. Section 288.1 of the Act is amended

(1) by striking out “or appropriation”;

(2) by replacing “in subparagraphs 16 and 17” by “in subparagraph 16”.

127. The Act is amended by inserting the following sections after section 288.1:

“288.1.1. The provisions of a defined benefit pension plan that pertain to the appropriation of surplus assets of the plan, in force on 31 December 2015, that appropriate all the surplus assets to payment of the employer contributions are deemed to provide, under section 146.9, that the appropriation applies beyond the amounts recorded under section 42.2.

“288.1.2. A pension plan that does not include provisions pertaining to the appropriation of its surplus assets must, before 22 February 2019, be amended according to the rules set out in Division I of Chapter X.1 to bring it into compliance with section 146.2. The application for registration of such an amendment must be submitted without delay to Retraite Québec.

In the absence of such an amendment, the plan must provide that the amount of surplus assets referred to in the first paragraph of section 146.8 is to be appropriated according to a combination of the methods referred to in subparagraphs 1 and 2 of the second paragraph of that section and that, if that amount is less than the caps established in the first paragraph of that section, the appropriation must be proportional to the employer and member current service contributions. The pension committee must, without delay, amend the text of the plan to include these rules, and inform Retraite Québec in writing of the amendment.”

128. The Act is amended by inserting the following section after section 288.3:

“288.3.1. No payment made before 1 January 2016 to reduce a letter of credit may be recorded under section 42.2.

The sums referred to in subparagraph 2 of the first paragraph of section 42.2 that were paid in 2016 and 2017 may be recorded in the actuarial valuation of the plan as at 31 December 2017.”

129. The Act is amended by inserting the following section after section 288.3.1:

“288.3.2. An actuarial valuation as at 31 December 2017 of a pension plan must take into account the provisions of sections 118, 121, 124 and 146.12 in their version in force from 1 January 2018.”

130. Section 289 of the Act is amended by striking out “or 45”.

131. Section 308.1 of the Act is repealed.

132. Section 318.4 of the Act is amended by adding the following sentence at the end of the second paragraph: “The same applies to special annuity purchasing payments.”

ACT RESPECTING RETIREMENT PLANS FOR THE MAYORS AND COUNCILLORS OF MUNICIPALITIES

133. Section 1 of the Act respecting retirement plans for the mayors and councillors of municipalities (chapter R-16) is amended by striking out paragraph *d*.

ACT RESPECTING RETRAITE QUÉBEC

134. Section 33 of the Act respecting Retraite Québec (chapter R-26.3) is amended by replacing “de la politique de placement” in the first and second paragraphs in the French text by “des politiques de placement”.

135. Section 40.1 of the Act is amended

(1) by replacing “de la politique de placement” in the introductory clause in the French text by “des politiques de placement”;

(2) by replacing “a policy for investing the sums deposited” in paragraph 1 by “policies for investing the sums from the base plan and those from the additional plan, deposited”;

(3) by replacing all occurrences of “the investment policy” in paragraphs 2 and 3 by “those policies”.

MISCELLANEOUS AND FINAL PROVISIONS

136. Sums may be borrowed from the account of the base plan of the Québec Pension Plan, no later than 31 December 2020, to cover the additional plan’s implementation costs.

The sums borrowed bear interest, as of the loan date, at the rate set under the second paragraph of section 28 of the Tax Administration Act (chapter A-6.002). Such interest is capitalized daily.

The sums owed must be repaid to the base plan account no later than 31 March 2021.

137. This Act comes into force on 22 February 2018.

However, sections 94 to 98, 102 to 106, 108 to 110, 123, 124 and 126, section 127 except section 288.1.2 of the Supplemental Pension Plans Act (chapter R-15.1) that it enacts, and sections 128, 129 and 132 have effect from 1 January 2018.

2018, chapter 3

AN ACT RESPECTING ACCESS TO CERTAIN DOCUMENTS HELD BY THE CONSEIL EXÉCUTIF OR INTENDED FOR THE CONSEIL EXÉCUTIF

Bill 164

Introduced by Madam Kathleen Weil, Minister responsible for Access to Information
and the Reform of Democratic Institutions

Introduced 15 February 2018

Passed in principle 22 February 2018

Passed 20 March 2018

Assented to 20 March 2018

Coming into force: 20 March 2018

Legislation amended:

Act respecting Access to documents held by public bodies and the Protection of personal
information (chapter A-2.1)

Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4)

Explanatory notes

This Act amends the Act respecting Access to documents held by public bodies and the Protection of personal information to confirm that the protection granted by that Act to certain documents held by the Conseil exécutif extends not only to communications from a member of the Conseil exécutif to one of his or her colleagues, but also to communications between two or more members of the Conseil exécutif.

The Act is also amended to ensure the protection of certain documents released to the Ministère du Conseil exécutif by another public body.

Lastly, the Charter of Ville de Montréal, metropolis of Québec is amended to make the required consequential amendments.



Chapter 3

AN ACT RESPECTING ACCESS TO CERTAIN DOCUMENTS HELD BY THE CONSEIL EXÉCUTIF OR INTENDED FOR THE CONSEIL EXÉCUTIF

[Assented to 20 March 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC
BODIES AND THE PROTECTION OF PERSONAL INFORMATION

1. Section 33 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is amended, in the first paragraph,

(1) by inserting “or more” after “one” in subparagraph 1;

(2) by replacing subparagraph 2 by the following subparagraph:

“(2) communications from one or more members of the Conseil exécutif to one or more other members of the Conseil exécutif, to the Conseil exécutif itself, to the Conseil du trésor or to a cabinet committee, unless the author or, if applicable, authors decide otherwise;”;

(3) by replacing subparagraphs 4 and 5 by the following subparagraphs:

“(4) recommendations from one or more members of the Conseil exécutif to the Conseil exécutif, to the Conseil du trésor or to a cabinet committee, unless the author or, if applicable, authors or the person receiving them decides otherwise;

“(5) studies, opinions and recommendations prepared within the Ministère du Conseil exécutif or the secretariat of the Conseil du trésor, or within another public body to the extent that they are released to the Ministère du Conseil exécutif, regarding a recommendation or request made by one or more ministers, a cabinet committee or a public body, or regarding a document contemplated in section 36;”.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

2. Section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended, in the first paragraph,

(1) by inserting “or more” after “one” in subparagraph 6;

(2) by replacing subparagraph 7 by the following subparagraph:

“(7) a communication from one or more members of the Conseil exécutif to one or more other members of the Conseil exécutif, to the Conseil exécutif itself, to the Conseil du trésor or to a cabinet committee, before the expiry of 25 years from the date of the communication;”;

(3) by replacing “a member” in subparagraph 9 by “one or more members”;

(4) by replacing subparagraph 10 by the following subparagraph:

“(10) a study, opinion or recommendation prepared within the Ministère du Conseil exécutif or the secretariat of the Conseil du trésor, or within another public body to the extent that it is released to the Ministère du Conseil exécutif, regarding a recommendation or request made by one or more ministers, a cabinet committee or a public body, or regarding a preliminary or final draft of a bill or regulation, before the expiry of 25 years from the date of the study, opinion or recommendation;”.

FINAL PROVISIONS

3. This Act is declaratory. In addition, it has effect despite the decisions of the Court of Appeal rendered on 6 December 2017 in records numbered 500-09-025956-160 and 500-09-025330-150 and despite the decisions of the Commission d'accès à l'information and the courts of justice which gave rise to those appeal decisions.

4. This Act comes into force on 20 March 2018.

2018, chapter 4

AN ACT RESPECTING THE IMPLEMENTATION OF RECOMMENDATIONS OF THE PENSION COMMITTEE OF CERTAIN PUBLIC SECTOR PENSION PLANS AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

Bill 163

Introduced by Mr. Pierre Arcand, Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor

Introduced 5 December 2017

Passed in principle 13 February 2018

Passed 21 March 2018

Assented to 21 March 2018

Coming into force: 21 March 2018, except

(1) sections 3, 4, 11, 13, 17, 18, 22, 25 and 27, paragraphs 4 and 5 of section 29, sections 33 to 36, 39 to 42, 57 and 66, paragraphs 4 and 5 of section 68 and sections 70 and 73 to 75, which come into force on the date or dates to be set by the Government; and

(2) sections 5, 12, 14 and 72, which come into force on 1 January 2025.

– 2019-01-01: ss. 3, 4, 11, 13, 17, 18, 22, 25, 27, 29 (par. 4, 5), 33-36, 39-42, 57, 66, 68 (par. 4, 5), 70, 73-75
O.C. 1418-2018
G.O., 2018, Part 2, p. 5329

Legislation amended:

Public Administration Act (chapter A-6.01)

Act respecting the Pension Plan of Certain Teachers (chapter R-9.1)

Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)

Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3)

Act respecting the Government and Public Employees Retirement Plan (chapter R-10)

Act respecting the Teachers Pension Plan (chapter R-11)

Act respecting the Civil Service Superannuation Plan (chapter R-12)

Act respecting the Pension Plan of Management Personnel (chapter R-12.1)

Act respecting Retraite Québec (chapter R-26.3)

Explanatory notes

This Act amends various Acts that establish public sector pension plans in order, in particular, to implement pension committee recommendations.

(cont'd on next page)

Explanatory notes *(cont'd)*

The Act sets out, for the retroactive recognition of service, the conditions and terms for crediting service completed by employees in cases where their employer did not withhold from their salary the annual amount provided for in the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.

The Act also allows employees participating in the Pension Plan of Management Personnel or the Pension Plan of Peace Officers in Correctional Services to use all or part of their accumulated sick leave, if such a measure is provided for in their conditions of employment, to pay the cost of redeeming years of service.

The Act respecting the Pension Plan of Peace Officers in Correctional Services is amended to provide for the equal sharing, by employees and employers, of the cost of redeeming service completed as of 1 January 2025. In addition, the composition of the pension committee of that plan is modified.

The Act also provides for the partition of the benefits accrued under certain pension plans when de facto spouses cease living together.

The Act defines the concept of absence without pay in the Pension Plan of Certain Teachers, the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan and the Pension Plan of Management Personnel.

Lastly, the Act includes consequential amendments and miscellaneous and transitional provisions.



Chapter 4

AN ACT RESPECTING THE IMPLEMENTATION OF RECOMMENDATIONS OF THE PENSION COMMITTEE OF CERTAIN PUBLIC SECTOR PENSION PLANS AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

[Assented to 21 March 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PUBLIC ADMINISTRATION ACT

1. Section 40 of the Public Administration Act (chapter A-6.01) is amended

(1) by replacing “the powers conferred by sections 2 and” in paragraph 2 by “the power conferred by section”;

(2) by striking out paragraph 3;

(3) by replacing “the powers conferred by the third paragraph of section 54 and” in paragraph 4 by “the power conferred by”;

(4) by inserting “paragraphs 1 to 4 and 8 of” after “conferred by” in paragraph 4.1.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

2. The Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is amended by inserting the following section after section 4:

“4.0.1. For the purposes of this plan, an absence without pay is an absence that is provided for in the conditions of employment of the absent person and authorized by his employer, for which the person does not receive pay, and during which the person would have been expected to perform or could have performed work had it not been for the absence.

The Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered a person to whom this plan applies.”

3. The Act is amended by inserting the following section after section 41.1:

“41.1.1. If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee’s or former employee’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

- (1) a child was or is to be born of their union,
- (2) they adopted a child together, or
- (3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

4. Section 41.8 of the Act is amended

- (1) by inserting the following paragraph after paragraph 1.0.0.1:

“(1.0.0.2) determine, for the purposes of section 4.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered a person to whom this plan applies;”;

- (2) by replacing “of section 41.1” in paragraph 2 by “of sections 41.1 and 41.1.1”;

- (3) by inserting the following paragraph after paragraph 2:

“(2.1) determine, for the purposes of section 41.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

**ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN
CORRECTIONAL SERVICES**

5. Section 20 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) is amended by replacing “217.39%” and “117.39%” in the second paragraph by “200%” and “100%”, respectively.

6. Section 30 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the first paragraph.

7. Section 35 of the Act is amended by replacing “Schedule I. The payments” in the second paragraph by “Schedule I or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec. If the amount is paid in instalments, the payments”.

8. Section 41.8 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the fourth paragraph.

9. Section 74.6 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

10. Section 74.7 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

11. The Act is amended by inserting the following section after section 125.1:

“125.1.1. If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee’s or former employee’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

- (1) a child was or is to be born of their union,
- (2) they adopted a child together, or
- (3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

12. Section 127 of the Act is amended by replacing the first paragraph by the following paragraph:

“For the years of service subsequent to 2024, the cost of the plan is shared equally between the employees and the employers.”

13. Section 130 of the Act is amended, in the first paragraph,

(1) by replacing “of section 125.1” in subparagraph 8.2 by “of sections 125.1 and 125.1.1”;

(2) by inserting the following subparagraph after subparagraph 8.2:

“(8.2.1) determine, for the purposes of section 125.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

14. Section 134.1 of the Act is amended, in the second paragraph,

(1) by inserting “and prior to 1 January 2025” after “2012” in subparagraph 2;

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

“(3) in an equal proportion out of those funds for the years of service subsequent to 31 December 2024.”

15. Section 139.4 of the Act is amended, in the first paragraph,

(1) by replacing “10” in the introductory clause by “12”;

(2) by replacing “five” in subparagraph 1 by “six”;

(3) by inserting the following subparagraph after subparagraph *b* of subparagraph 1:

“(b.1) one person referred to in paragraph 4 of section 1, appointed after consultation with the unions representing those employees; and”;

(4) by replacing “five” in subparagraph 2 by “six”.

16. Section 143.4 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his accumulated sick leave. In the latter case, his employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the fourth paragraph.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

17. The Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) is amended by inserting the following section after section 63.1:

“**63.1.1.** If a member or former member of the council and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the member or former member and had been publicly represented as the member’s or former member’s spouse for one year if a child is born or to be born of their union or, otherwise, for not less than three years prior to the date on which they ceased living together, they may agree, within 12 months following that date and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the member or former member under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the member or former member and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the member or former member under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

18. Section 75 of the Act is amended, in the first paragraph,

(1) by replacing “of section 63.1” in subparagraph 4.2 by “of sections 63.1 and 63.1.1”;

(2) by inserting the following subparagraph after subparagraph 4.2:

“(4.2.1) determine, for the purposes of section 63.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the member or former member of the council under this plan;”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

19. Section 2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended, in paragraph 2,

(1) by replacing “ if, at the member’s or person’s request, the Government adopts an order to that effect” by “if the member applies to Retraite Québec to have the plan apply to him or her”;

(2) by inserting “. The plan is applicable to the member from the date specified in his or her application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he or she became such a member” after “(chapter R-12)”.

20. The Act is amended by inserting the following section after section 3:

“3.0.1. For the purposes of this plan, an absence without pay is an absence that is provided for in the employee’s conditions of employment and authorized by the employee’s employer, for which the employee does not receive pay, and during which the employee would have been expected to perform or could have performed work had it not been for the absence.

The Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered an employee.”

21. The Act is amended by inserting the following section after section 3.1:

“3.1.1. Although participation in this plan is mandatory under the first paragraph of section 3.1, no participation may be recognized

(1) for years or parts of a year for which a decision or out-of-court settlement shows that the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) if,

(a) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal's decision and is rendered following a request made under section 39 of the Labour Code (chapter C-27), or in the case of an out-of-court settlement following such a request, those years or parts of a year are prior to the date on which the request was made under section 39;

(b) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal's decision and is rendered following an investigation made under section 39 of the Labour Code, those years or parts of a year are prior to the date of the Tribunal's decision; or

(c) in the case where the decision is a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, those years or parts of a year are prior to the date of the decision of the agency concerned; or

(2) if an application to that effect is received more than 36 months following the first day concerned by the application and is made because the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, and if those years or parts of a year are not the subject of a decision or out-of-court settlement referred to in subparagraph 1.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of sections 24, 74 and 74.1, the employee is deemed not to have held pensionable employment under this plan in relation to the years or parts of a year of service referred to in this section.”

22. Section 10.2 of the Act is amended by adding the following paragraph at the end:

“The same applies for the purposes of the partition or assignment between spouses referred to in section 122.1.1 of the benefits accrued under the pension plan established under section 10.0.1.”

23. Section 17.2 of the Act is amended by inserting “or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave, the salary that he or she would have been entitled to during such a period had it not been for that absence or leave. Where service is credited pursuant to section 115.10.7.1, the pensionable salary of the person is the salary that he or she would have received during the period of service credited if he or she had benefitted from the conditions of employment that should have applied during that period or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave during that period, the salary that the person would have been entitled to, had it not been for that absence or leave, if he or she had benefitted from such conditions of employment” at the end of the first paragraph.

24. Section 31.3 of the Act is amended by inserting “and 115.10.7.3” after “31.2”.

25. Section 98 of the Act is amended by inserting “or 122.1.1” after “122.1” in the second paragraph.

26. The Act is amended by inserting the following sections after section 115.10.7:

“115.10.7.1. If, during years or parts of a year of service completed, a person was an employee of an employer designated in Schedule I or II and was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2), the person may be credited, for pension purposes, with such years or parts of a year up to a maximum of 18 years, except the years or parts of a year during which the employee participated in a pension plan. However, the years or parts of a year of service completed prior to the date that is three years before the date of receipt of the application for redemption may be credited up to a maximum of 15 years.

To be credited with all or part of that service, the person is required to pay to Retraite Québec the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the person’s application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the person’s age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the person applies to have only part of that service credited, the most recent service is credited first.

The application for redemption must be accompanied by a copy of a decision of a competent authority or an out-of-court settlement following a request made under section 39 of the Labour Code (chapter C-27) showing that, during the years or parts of a year completed, the person was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan.

To the extent that the application for redemption is accompanied by a document other than a decision or out-of-court settlement referred to in subparagraph 1 of the first paragraph of section 3.1.1, the person must be participating in the plan on the date of receipt of the application for redemption.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of the second paragraph, the pensionable salary of a person who, at the time of the receipt of his or her application for redemption, is not participating in this plan is established by regulation.

“115.10.7.2. The amount established under section 115.10.7.1 is payable in cash or by instalments spread, before the date of retirement, over the period and payable at the intervals determined by Retraite Québec or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec. If paid by instalments, the amount bears interest, compounded annually, at the rate provided for in Schedule VII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by Retraite Québec expires.

“115.10.7.3. Unless it is listed in Schedule II.2, an employer referred to in section 115.10.7.1 must pay to Retraite Québec an amount equal to the amount determined under that section in relation to the service completed in the three years prior to the date of receipt of the application for redemption. The conditions and terms of payment of the amount are determined by regulation.

“115.10.7.4. To the extent that the document showing that the person was an employee of an employer designated in Schedule I or II or was not excluded from this plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) is a decision rendered by an arbitrator under Division II of Chapter IV of Title III or by any higher authority, the application for redemption that is the subject of that decision is deemed to be an application for redemption submitted in accordance with section 115.10.7.1.

“**115.10.7.5.** For the purposes of sections 115.10.7.1, 115.10.7.3 and 115.10.7.4, the date of receipt of an application for redemption is deemed to be

(1) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision, and that final decision is rendered following a request made under section 39 of the Labour Code (chapter C-27) or a copy of an out-of-court settlement following such a request, the date on which the request was made under that section 39;

(2) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision, and that final decision is rendered following an investigation made under section 39 of the Labour Code, the date of the Tribunal’s decision;

(3) if the application is accompanied by a copy of a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, the date of the decision of the agency concerned; or

(4) in all other cases, the date of receipt of the application for redemption.”

27. The Act is amended by inserting the following section after section 122.1:

“**122.1.1.** If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee’s or former employee’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

28. Section 127 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) the sums paid by the employer under section 115.10.7.3;”.

29. Section 134 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 0.1:

“(0.1.1) determine, for the purposes of section 3.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an employee;”;

(2) in subparagraph 4.2,

(a) by replacing “and 115.10.6” by “, 115.10.6 and 115.10.7.1”;

(b) by inserting “or person’s” after “employee’s”;

(3) by inserting the following subparagraph after subparagraph 14.1:

“(14.1.1) determine, for the purposes of section 115.10.7.3, the conditions and terms of payment by the employer of the amount concerned;”;

(4) by replacing “of section 122.1” in subparagraph 14.3 by “of sections 122.1 and 122.1.1”;

(5) by inserting the following subparagraph after subparagraph 14.3:

“(14.3.1) determine, for the purposes of section 122.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

30. Section 220 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE TEACHERS PENSION PLAN

31. The Act respecting the Teachers Pension Plan (chapter R-11) is amended by inserting the following section after section 2.1:

“2.1.1. For the purposes of this plan, an absence without pay is an absence that is provided for in the teacher’s conditions of employment and authorized by the teacher’s employer, for which the teacher does not receive pay, and during which the teacher would have been expected to perform or could have performed work had it not been for the absence.

The Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered a teacher.”

32. Section 9.0.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“If he is not entitled to such re-assignment, he may, if he applies therefor to Retraite Québec within one year following the date on which he became such a staff member, be a member of this plan from the date specified in his application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he became such a staff member.”

33. Section 24 of the Act is amended by inserting “or 72.1.1” after “72.1” in the second paragraph.

34. The Act is amended by inserting the following section after section 72.1:

“72.1.1. If a teacher or former teacher and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the teacher or former teacher and had been publicly represented as the teacher’s or former teacher’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the teacher or former teacher and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the teacher or former teacher under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the teacher or former teacher and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the teacher or former teacher under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

35. Section 73 of the Act is amended

(1) by inserting the following paragraph after paragraph 2.1:

“(2.2) determine, for the purposes of section 2.1.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered a teacher;”;

(2) by replacing “of section 72.1” in paragraph 9.2 by “of sections 72.1 and 72.1.1”;

(3) by inserting the following paragraph after paragraph 9.2:

“(9.2.1) determine, for the purposes of section 72.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the teacher or former teacher under this plan;”.

36. Section 75.1 of the Act is amended by adding the following sentences at the end of the second paragraph: “In addition, the Government may render applicable to the plan all or some of the rules contained in, or enacted by the Government pursuant to, Chapter V.1 that concern the spouses referred to in section 72.1.1. It may also enact special provisions governing the determination and assessment of the supplementary benefits so granted.”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

37. Section 54 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is amended, in the third paragraph,

(1) by inserting “to Retraite Québec” after “applies therefor”;

(2) by replacing “ and if the Government adopts an order to that effect. The order has effect on the date on which the officer becomes such a member of staff” by “within one year following the date on which he became such a staff member, from the date specified in his application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he became such a staff member”.

38. The Act is amended by inserting the following section after section 55:

“55.0.1. For the purposes of this Act, an absence without pay is an absence that is provided for in the officer’s conditions of employment and authorized by the officer’s employer, for which the officer does not receive pay, and during which the officer would have been expected to perform or could have performed work had it not been for the absence.

The Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered an officer.”

39. Section 90 of the Act is amended by inserting “or 108.1.1” after “108.1” in the first paragraph.

40. The Act is amended by inserting the following section after section 108.1:

“108.1.1. If an officer or former officer and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the officer or former officer and had been publicly represented as the officer’s or former officer’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the officer or former officer and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the officer or former officer under this pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the officer or former officer and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the officer or former officer under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

41. Section 109 of the Act is amended

(1) by inserting the following paragraph after paragraph 3:

“(3.0.1) determine, for the purposes of section 55.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an officer;”;

(2) by replacing “of section 108.1” in paragraph 8.3 by “of sections 108.1 and 108.1.1”;

(3) by inserting the following paragraph after paragraph 8.3:

“(8.3.1) determine, for the purposes of section 108.1.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the officer or former officer under this plan;”.

42. Section 111.2 of the Act is amended by adding the following sentences at the end of the second paragraph: “In addition, the Government may render applicable to the plan all or some of the rules contained in, or enacted by the Government pursuant to, Division III.1 that concern the spouses referred to in section 108.1.1. It may also enact special provisions governing the determination and assessment of the supplementary benefits so granted.”

**ACT RESPECTING THE PENSION PLAN OF MANAGEMENT
PERSONNEL**

43. Section 2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended, in paragraph 5,

(1) by replacing “if, at the member’s request, the Government makes an order to that effect,” by “if the staff member applies to Retraite Québec within 12 months following the date on which he or she became such a staff member to have the plan apply to him or her”;

(2) by inserting “. The plan is applicable to the staff member from the date specified in his or her application, which may precede by not more than 12 months the date on which Retraite Québec receives the application but may not be prior to the date on which he or she became such a staff member” after “(chapter R-12)”.

44. The Act is amended by inserting the following section after section 7:

“7.1. For the purposes of this plan, an absence without pay is an absence that is provided for in the employee’s conditions of employment and authorized by the employee’s employer, for which the employee does not receive pay, and during which the employee would have been expected to perform or could have performed work had it not been for the absence.

The Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered an employee.”

45. The Act is amended by inserting the following section after section 9:

“9.1. Although participation in this plan is mandatory under the first paragraph of section 9, no participation may be recognized

(1) for years or parts of a year for which a decision or out-of-court settlement shows that the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) if,

(a) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision and is rendered following a request made under section 39 of the Labour Code (chapter C-27), or in the case of an out-of-court settlement following such a request, those years or parts of a year are prior to the date on which the request was made under section 39;

(b) in the case where the decision is a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision and is rendered following an investigation made under section 39 of the Labour Code, those years or parts of a year are prior to the date of the Tribunal’s decision; or

(c) in the case where the decision is a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, those years or parts of a year are prior to the date of the decision of the agency concerned; or

(2) if an application to that effect is received more than 36 months following the first day concerned by the application and is made because the person who completed service during the years or parts of a year concerned was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel, and if those years or parts of a year are not the subject of a decision or out-of-court settlement referred to in subparagraph 1.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of sections 38, 111 and 112, the employee is deemed not to have held pensionable employment under this plan in relation to the years or parts of a year of service referred to in this section.”

46. Section 28.1 of the Act is amended by inserting “or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave, the salary that he or she would have been entitled to during such a period had it not been for that absence or leave. Where service is credited pursuant to section 152.8.1, the pensionable salary of the person is the salary that he or she would have received during the period of service credited if he or she had benefitted from the conditions of employment that should have applied during that period or, if the person was an employee entitled to salary insurance benefits or an employee on maternity leave during that period, the salary that the person would have been entitled to, had it not been for that absence or leave, if he or she had benefitted from such conditions of employment” at the end of the first paragraph.

47. Section 40 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the first paragraph.

48. Section 47 of the Act is amended by inserting “and 152.8.3” after “46”.

49. Section 84 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

50. Section 85 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

51. Section 86 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

52. Section 87 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the second paragraph.

53. Section 128 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the third paragraph.

54. Section 130 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of her accumulated sick leave. In the latter case, her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec” in the third paragraph.

55. Section 138.3 of the Act is amended by replacing “a lump sum” in the fifth paragraph by “cash or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec”.

56. Section 138.8 of the Act is amended by replacing “in a lump sum or in instalments over the period and at the times determined by Retraite Québec” in the fourth paragraph by “in cash, by instalments over the period and at the intervals determined by Retraite Québec or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec”.

57. Section 139 of the Act is amended by inserting “or 163.1” after “163” in the second paragraph.

58. Section 144 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “Retraite Québec” in the third paragraph.

59. Section 145 of the Act is amended by inserting the following paragraph after the second paragraph:

“The amount established under the second paragraph is payable in cash or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec.”

60. Section 147 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

61. Section 152.2 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

62. Section 152.5 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

63. Section 152.7 of the Act is amended by inserting “or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec” after “determined by Retraite Québec”.

64. The Act is amended by inserting the following sections after section 152.8:

“152.8.1. If, during years or parts of a year of service completed, a person was an employee of an employer designated in Schedule II and was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1), the person may be credited, for pension purposes, with such years or parts of a year up to a maximum of 18 years, except the years or parts of a year during which the person participated in a pension plan. However, the years or parts of a year of service completed prior to the date that is three years before the date of receipt of the application for redemption may be credited up to a maximum of 15 years.

To be credited with all or part of that service, the person is required to pay to Retraite Québec the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the person’s application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the person’s age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the person applies to have only part of that service credited, the most recent service is credited first.

The application for redemption must be accompanied by a copy of a decision of a competent authority or an out-of-court settlement following a request made under section 39 of the Labour Code (chapter C-27) showing that, during the years or parts of a year completed, the person was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel.

To the extent that the application for redemption is accompanied by a document other than a decision or out-of-court settlement referred to in subparagraph 1 of the first paragraph of section 9.1, the person must be participating in the plan on the date of receipt of the application for redemption.

For the purposes of the first paragraph, any period during which the person was an employee entitled to salary insurance benefits or an employee on maternity leave under the provisions concerning parental leave that form part of her conditions of employment is counted as a period of service.

For the purposes of the second paragraph, the pensionable salary of a person who, at the time of the receipt of his or her application for redemption, is not participating in this plan is established by regulation.

“152.8.2. The amount established under section 152.8.1 is payable in cash or by instalments spread, before the date of retirement, over the period and payable at the intervals determined by Retraite Québec or, if provided for in the employee’s conditions of employment, by using all or part of his or her accumulated sick leave. In the latter case, his or her employer shall pay all or part of the amount according to the terms determined by Retraite Québec. If paid by instalments, the amount bears interest, compounded annually, at the rate provided for in Schedule VIII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by Retraite Québec expires.

“152.8.3. Unless it is listed in Schedule IV, an employer referred to in section 152.8.1 must pay to Retraite Québec an amount equal to the amount determined under that section in relation to the service completed in the three years prior to the date of receipt of the application for redemption. The conditions and terms of payment of the amount are determined by regulation.

“152.8.4. To the extent that the document showing that a person was an employee of an employer designated in Schedule II or was not excluded from this plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) is a decision rendered by an arbitrator under Division II of Chapter XI.2 or by any higher authority, the application for redemption that is the subject of that decision is deemed to be an application for redemption submitted in accordance with section 152.8.1.

“152.8.5. For the purposes of sections 152.8.1, 152.8.3 and 152.8.4, the date of receipt of an application for redemption is deemed to be

(1) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision, and that final decision is rendered following a request made under section 39 of the Labour Code (chapter C-27) or a copy of an out-of-court settlement following such a request, the date on which the request was made under that section 39;

(2) if the application is accompanied by a copy of a final decision of the Administrative Labour Tribunal or, where applicable, of a higher authority concerning the Tribunal’s decision, and that final decision is rendered following an investigation made under section 39 of the Labour Code, the date of the Tribunal’s decision;

(3) if the application is accompanied by a copy of a final decision of the Agence du revenu du Québec or the Canada Revenue Agency or, where applicable, of a higher authority concerning the decision of the agency concerned, the date of the decision of the agency concerned; or

(4) in all other cases, the date of receipt of the application for redemption.”

65. Section 152.9 of the Act is amended by replacing “in a lump sum” in the third paragraph by “in cash”.

66. The Act is amended by inserting the following section after section 163:

“163.1. If an employee or former employee and his or her spouse of the opposite or the same sex have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the employee or former employee and had been publicly represented as the employee’s or former employee’s spouse for a period of not less than three years immediately prior to the date on which they ceased living together, or provided that, during the year preceding that date, the spouse was living in a conjugal relationship with the employee or former employee and

(1) a child was or is to be born of their union,

(2) they adopted a child together, or

(3) one of them adopted a child of the other,

they may agree, within 12 months following the date on which they ceased living together and on the conditions and according to the terms prescribed by regulation, to a partition of the benefits accrued by the employee or former employee under the pension plan; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the employee or former employee and the spouse are entitled to obtain, upon application made to Retraite Québec on the conditions and according to the terms prescribed by regulation, a statement setting out the value of the benefits accrued by the employee or former employee under this plan, established as at the date on which they ceased living together, and any other information determined by the regulation.”

67. Section 177 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) the sums paid by the employer under section 152.8.3;”.

68. Section 196 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 2.2:

“(2.3) determine, for the purposes of section 7.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an employee;”;

(2) in subparagraph 5.1,

(a) by replacing “and 152.6” by “, 152.6 and 152.8.1”;

(b) by inserting “or person’s” after “employee’s”;

(3) by inserting the following subparagraph after subparagraph 12:

“(12.1) determine, for the purposes of section 152.8.3, the conditions and terms of payment by the employer of the amount concerned;”;

(4) by replacing “of section 163” in subparagraph 14 by “of sections 163 and 163.1”;

(5) by inserting the following subparagraph after subparagraph 14:

“(14.1) determine, for the purposes of section 163.1, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under this plan;”.

69. Section 207 of the Act is amended by striking out “, and any order made under paragraph 5 of section 2 may have effect 12 months or less before it is made” in the second paragraph.

70. Section 208 of the Act is amended by adding the following sentences at the end of the second paragraph: “In addition, the Government may render applicable to the plan all or some of the rules contained in, or enacted by the Government pursuant to, Chapter VIII that concern the spouses referred to in section 163.1. It may also enact special provisions governing the determination and assessment of the supplementary benefits so granted.”

71. Section 211.4 of the Act is amended by adding the following paragraph at the end:

“This section does not apply to an employee or former employee who is or was subject to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 2).”

ACT RESPECTING RETRAITE QUÉBEC

72. Section 59.1 of the Act respecting Retraite Québec (chapter R-26.3) is amended by replacing the first paragraph by the following paragraph:

“The sums required to cover the administrative expenses related to the Pension Plan of Peace Officers in Correctional Services are taken in equal proportions

(1) out of the employees’ contribution fund under the plan, at the Caisse de dépôt et placement du Québec; and

(2) out of the employers’ contributory fund under the plan, at the Caisse de dépôt et placement du Québec, and subsequently in accordance with section 134.4 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2).”

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

73. Despite any provision to the contrary, the Government may, by order, make the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and the regulation made under that Act, as well as in section 75 of this Act, applicable, in whole or in part and with the necessary modifications, to the pension plan of the employees of the Centre hospitalier Côte-des-Neiges, O.C. 397-78 (1978, G.O. 2, 1497, French only) for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act.

To that end, the Government may also include special provisions in that order concerning the establishment and assessment of benefits accrued under that pension plan and the reduction, because of payment of the amounts granted to the spouse, of the amounts payable under that plan.

74. Despite any provision to the contrary, the Government may, by regulation, include the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan and the regulation made under that Act, as well as in section 75 of this Act, in the pension plan of the Sûreté du Québec (C.T. 181151 dated 18 August 1992) for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act.

To that end, the Government may include special provisions in that regulation concerning the establishment and assessment of benefits accrued under that pension plan and the reduction, because of payment of the amounts granted to the spouse, of the amounts payable under that plan. It may also include criteria allowing persons to be considered spouses entitled to partition and assignment of the benefits concerned.

75. Despite the fact that sections 41.1.1 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1), 125.1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), 63.1.1 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan, 72.1.1 of the Act respecting the Teachers Pension Plan (chapter R-11), 108.1.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) and 163.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), enacted respectively by sections 3, 11, 17, 27, 34, 40 and 66 of this Act, allow spouses to agree, within 12 months after the date on which they ceased living together, to a partition of the benefits accrued under the pension plan concerned, such persons who ceased living together after 31 August 1990 but before the coming into force, according to the pension plan concerned, of that section 3, 11, 17, 27, 34, 40 or 66, may agree to such partition not later than 12 months following the latter date.

76. Despite section 4.0.1 of the Act respecting the Pension Plan of Certain Teachers, section 3.0.1 of the Act respecting the Government and Public Employees Retirement Plan, section 2.1.1 of the Act respecting the Teachers Pension Plan, section 55.0.1 of the Act respecting the Civil Service Superannuation Plan and section 7.1 of the Act respecting the Pension Plan of Management Personnel, enacted respectively by sections 2, 20, 31, 38 and 44 of this Act, an absence caused by a layoff is an absence without pay if an application to redeem the absence was received by Retraite Québec before 15 February 2018 and if no final decision was rendered before that date regarding the application.

The absence referred to in the first paragraph is an absence without pay despite the fact that, under the second paragraph of sections 59.1 of the Act respecting the Pension Plan of Certain Teachers, 216.1 of the Act respecting the Government and Public Employees Retirement Plan, 10.1 of the Act respecting the Teachers Pension Plan, 111.0.1 of the Act respecting the Civil Service Superannuation Plan and 199 of the Act respecting the Pension Plan of Management Personnel, according to the pension plan concerned, the application for redemption is deemed never to have been made.

77. The first regulation made under paragraph 1.0.0.2 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers after this Act is assented to, the first regulation made under subparagraph 0.1.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan after this Act is assented to, the first regulation made under paragraph 2.2 of section 73 of the Act respecting the Teachers Pension Plan after this Act is assented to, the first regulation made under paragraph 3.0.1 of section 109 of the Act respecting the Civil Service Superannuation Plan after this Act is assented to, and the first regulation made under subparagraph 2.3 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel after this Act is assented to, amended respectively by sections 4, 29, 35, 41 and 68 of this Act, may, if they so provide, have effect from any date not prior to 14 June 2002.

78. The first regulation made under subparagraphs 4.2 and 14.1.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan after this Act is assented to and the first regulation made under subparagraphs 5.1 and 12.1 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel after this Act is assented to may, if they so provide, be effective from any date not prior to 21 March 2018.

79. Sections 17.2, 31.3 and 127 and subparagraph 4.2 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, amended respectively by sections 23, 24, 28 and 29 of this Act, and sections 3.1.1 and 115.10.7.1 to 115.10.7.5 and subparagraph 14.1.1 of the first paragraph of section 134 of that first Act, enacted respectively by sections 21, 26 and 29 of this Act, apply to any person who, before 21 March 2018, submitted an application for redemption to Retraite Québec in relation to years or parts of a year of service completed during which the person was an employee of an employer designated in Schedule I or II to the Act respecting the Government and Public Employees Retirement Plan. A final decision must not have been rendered before 21 March 2018 regarding that application.

80. Sections 28.1, 47 and 177 and subparagraph 5.1 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel, amended respectively by sections 46, 48, 67 and 68 of this Act, and sections 9.1 and 152.8.1 to 152.8.5 and subparagraph 12.1 of the first paragraph of section 196 of that first Act, enacted respectively by sections 45, 64 and 68 of this Act, apply to any person who, before 21 March 2018, submitted an application for redemption to Retraite Québec in relation to years or parts of a year of service completed during which the person was an employee of an employer designated in Schedule II to the Act respecting the Pension Plan of Management Personnel. A final decision must not have been rendered before 21 March 2018 regarding that application.

81. Section 4.0.1 and paragraph 1.0.0.2 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers, section 3.0.1 and subparagraph 0.1.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, section 2.1.1 and paragraph 2.2 of section 73 of the Act respecting the Teachers Pension Plan, section 55.0.1 and paragraph 3.0.1 of section 109 of the Act respecting the Civil Service Superannuation Plan, and section 7.1 and subparagraph 2.3 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel, enacted respectively by sections 2, 4, 20, 29, 31, 35, 38, 41, 44 and 68 of this Act, have effect from 14 June 2002.

Section 71 of this Act has effect from 11 May 2017.

82. This Act comes into force on 21 March 2018, except

(1) sections 3, 4, 11, 13, 17, 18, 22, 25 and 27, paragraphs 4 and 5 of section 29, sections 33 to 36, 39 to 42, 57 and 66, paragraphs 4 and 5 of section 68 and sections 70 and 73 to 75, which come into force on the date or dates to be set by the Government; and

(2) sections 5, 12, 14 and 72, which come into force on 1 January 2025.

2018, chapter 5 AN ACT TO REFORM THE SCHOOL TAX SYSTEM

Bill 166

Introduced by Mr. Sébastien Proulx, Minister of Education, Recreation and Sports

Introduced 7 December 2017

Passed in principle 14 February 2018

Passed 27 March 2018

Assented to 28 March 2018

Coming into force: 1 July 2020, except

(1) sections 36 to 39, 86 to 91, 94 and 95 and Schedule I, which come into force on 27 April 2018;

(2) sections 1 and 2, the provisions of section 6, to the extent that it enacts the definition of “school tax region” in section 302 of the Education Act (chapter I-3), and sections 57 and 59, which come into force on 1 July 2018; and

(3) the provisions of section 6, to the extent that it enacts the heading of subdivision 4 of Division VII of Chapter V and sections 313.5 to 313.7, 313.10 and 313.11 of the Education Act, which come into force on 1 July 2019.

Until 1 July 2020, the provisions specified in subparagraph 3 of the first paragraph are to be read as if “Comité de gestion de la taxe scolaire” were replaced by “Comité de gestion de la taxe scolaire de l’île de Montréal”. In addition, the decisions of the monitoring committee regarding the powers described in section 313.11 may not take effect before 1 July 2020.

Legislation amended:

Charter of Ville de Québec, national capital of Québec (chapter C-11.5)

Cities and Towns Act (chapter C-19)

Municipal Code of Québec (chapter C-27.1)

Act respecting the Commission municipale (chapter C-35)

Act respecting municipal courts (chapter C-72.01)

Act respecting school elections (chapter E-2.3)

Act respecting municipal taxation (chapter F-2.1)

Education Act (chapter I-13.3)

(cont'd on next page)

Regulations amended:

Regulation respecting the municipal and school tax system applicable to the governments of the other provinces, foreign governments and international bodies (chapter F-2.1, r. 12)

Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board (chapter I-13.3, r. 7)

Regulation repealed:

Regulation respecting determination of the base amount for calculation of the maximum yield of the school tax (chapter I-13.3, r. 6)

Explanatory notes

This Act proposes, for the school years 2018–2019 and 2019–2020, a transitional scheme of school taxation applicable throughout the Québec territory that is subject to school taxation, except on the island of Montréal. It establishes that the tax rate of a school board for the school year 2018–2019 will be the same as the lowest rate imposed by an English language or French language school board in a school tax region for the school year 2017–2018 and that the rate will be adjusted for the school year 2019–2020. Consequently, a subsidy to complete the tax revenues intended for school boards is introduced.

For the island of Montréal, the transitional scheme provides, in particular, that the rate of the school tax applicable for the school year 2018–2019 may not exceed the rate set for the preceding school year and that the rate applicable in the school year 2019–2020 may not exceed the result of an indexation formula.

The first \$25,000 in value of the taxable immovables will be exempted from the school tax on a recurring basis starting from the school year 2018–2019. In addition, 18 school tax regions are established.

From the school year 2020–2021, a regional school taxation system will replace the transitional scheme of school taxation applied by the school boards. Accordingly, rules on the determination of the regional school tax rate are provided. That rate will be the same for all the taxable immovables of a school tax region. In addition, a formula for the computation of anticipated complementary revenues, which include the tax revenues and a regional balance subsidy, is introduced.

The mode of computation of the maximum regional school tax rate is specified and it will be possible for a rate that is lower than the rate so computed to be determined if all the school boards of a school tax region adopt a resolution to that effect.

Rules on the collection of the school tax and rules on the apportionment of the school tax proceeds and the subsidies completing the anticipated complementary revenues among the various school boards present in the territory of a school tax region, whether they are English language or French language school boards, are set out. An entity in charge of collecting the school tax for each region will be designated. Such entity may be a school board of that region or the Comité de gestion de la taxe scolaire, which will replace the Comité de gestion de la taxe scolaire de l'île de Montréal. The provisions governing the mode of operation of that committee are modified accordingly. In addition, a committee monitoring the collection, recovery and apportionment of the regional school tax must be established in each school tax region, except in the Montréal school tax region.

Lastly, the Act contains various consequential or transitional provisions.



Chapter 5

AN ACT TO REFORM THE SCHOOL TAX SYSTEM

[Assented to 28 March 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. Section 114 of the Education Act (chapter I-13.3) is amended by adding the following sentence at the end of the first paragraph: “If the name of the school board is mentioned in Schedule I, the order amends the Schedule by substituting the new name of the school board for the old one.”

2. Section 118 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The order may also amend Schedule I.”;

(2) by adding the following sentence at the end of the second paragraph: “However, it shall come into force on 1 July if it amends Schedule I.”

3. Section 193 of the Act is amended by replacing “of subsidies, school tax proceeds and other revenues” in subparagraph 9 of the first paragraph by “of the revenues of the school board”.

4. Section 275 of the Act is amended by replacing “of subsidies, school tax proceeds and its other revenues” by “of its revenues”.

5. Section 275.1 of the Act is amended by replacing “of the revenues referred to in section 275” in the first paragraph by “of its revenues”.

6. Division VII of Chapter V of the Act is amended by replacing the portion before section 315 by the following:

“DIVISION VII

“REGIONAL SCHOOL TAX

“§1. — *Preliminary provisions*

“**302.** In this Act, unless the context indicates otherwise,

“**adjusted standardized assessment**” means the value of the standardized assessment or, if there is a variation in the municipality’s standardized assessment of taxable immovables because of the coming into force of its assessment roll, the adjusted value obtained after the variation in the standardized assessment has been averaged in accordance with the provisions of Division IV.3 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1), with the necessary modifications;

“**clerk**” means a clerk within the meaning of the Act respecting municipal taxation;

“**entity in charge of collecting the school tax**” means the school board designated in accordance with the first paragraph of section 313.6 or section 477.1.6 or the Comité de gestion de la taxe scolaire established under section 399 in any of the situations provided for in the first, second and fourth paragraphs of section 313.6 or in section 478.5;

“**owner**” means the person or trust in whose name a taxable immovable is entered on the assessment roll of a municipality;

“**school tax region**” means a territory identified in Schedule I, described according to the geographical boundaries of the French language school boards and applying to the English language and French language school boards situated in whole or in part in them, subject to section 313.5, and, for tax purposes, to any immovable situated in such territories;

“**standardized assessment**” means the product obtained by multiplying the value entered on the assessment roll of a municipality by the comparative factor established for that roll under section 264 of the Act respecting municipal taxation;

“**taxable immovable**” means a taxable unit of assessment, or the taxable part thereof if it is not entirely taxable, and a non-taxable unit of assessment referred to in the first paragraph of section 208 of the Act respecting municipal taxation, or the part thereof referred to in that paragraph if the reference is not to its entirety.

303. The clerk of a municipal body responsible for property assessment shall provide every entity in charge of collecting the school tax of a school tax region included in whole or in part in the territory of the body with a certified copy of the assessment roll of the taxable immovables situated in the common territory and a certificate attesting the standardization factor for that roll.

The clerk shall send the copy within 15 days after the day on which the Minister of Municipal Affairs, Regions and Land Occupancy communicates to the body the standardizing factor for the municipal fiscal period in which the roll comes into force.

The copy must be provided upon payment of the fees payable for the issue of copies of municipal documents.

“304. Each year, the entity in charge of collecting the school tax shall send to the Minister, according to the form and content determined by the Minister, the information required to compute the maximum regional school tax rate.

The information must be sent on or before 1 May for the school year beginning on the next 1 July and be based on the assessment roll that is up to date on 1 April of the current school year for all the taxable immovables situated in the entity’s school tax region. The information is used for the purposes of the computations described in sections 308 to 313.4.

“§2. — Immovables subject to the regional school tax and taxable value of those immovables

“305. For each school year, a regional school tax is levied on every taxable immovable of a school tax region.

“306. A tax shall be levied in respect of the owner of a taxable immovable on the value of the adjusted standardized assessment of the immovable that exceeds \$25,000.

“§3. — Determination of the regional school tax rate

“307. The regional school tax rate is the same for all the taxable immovables of a school tax region.

It is determined and computed annually, for each school tax region, in accordance with this subdivision.

“308. The regional school tax rate is either the maximum rate computed in accordance with section 309 or a reduced rate determined in accordance with section 310.

“309. The maximum regional school tax rate corresponds to the proportion that the anticipated complementary revenues of a school tax region computed in accordance with section 312, from which the amount for regions with insufficient fiscal resources computed in accordance with section 313.3 and the amount for the regionalization of the school tax computed in accordance with section 313.4 are subtracted, is of the adjusted standardized assessment of all the taxable immovables situated in the school tax region.

The proportion must be multiplied by one hundred in order to have the maximum rate expressed in dollars per \$100 of adjusted standardized assessment. The rate is expressed as a decimal number comprising five decimals. The fifth decimal is increased by 1 if the sixth is greater than 4.

The result of the computation of the maximum rate is sent by the Minister to the entity in charge of collecting the school tax and to the school boards of the school tax region concerned.

“310. A regional school tax rate that is lower than the maximum rate computed in accordance with section 309 may be imposed in a school tax region if all the councils of commissioners of the school boards of a school tax region, which have at least one school established in the territory of that region, adopt a resolution for a lower rate. The lower rate must be specified in the resolution that the school boards are required to send to the Minister on or before 1 June preceding the school year to which the rate will apply. The rate must be expressed in dollars per \$100 of adjusted standardized assessment.

If the resolutions of the school boards do not all specify the same rate and all the rates specified are lower than the maximum rate, the rate that is the closest to the maximum rate is deemed to have been adopted by all the school boards of the region.

“311. At the end of the process carried out under sections 308 to 310, the Minister shall notify the regional school tax rate to the entity in charge of collecting the school tax and to the school boards of the school tax region concerned.

The Minister shall give notice of the rate so determined in the *Gazette officielle du Québec*.

“312. The anticipated complementary revenues of a school tax region for a school year represent the financing that the school boards of a school tax region will be able to obtain for that year as tax revenues or subsidies computed under this division and paid under section 475.

Those anticipated complementary revenues correspond to the sum of the anticipated complementary revenues of any school board whose territory is entirely situated in that region, computed in accordance with section 313, and to which a fractional value of the anticipated complementary revenues of any school board whose territory is included in part in that region is added, if applicable.

The fractional value is obtained by multiplying the anticipated complementary revenues of the school board for the school year by the proportion that the total number of students enrolled on 30 September of the preceding school year in any school of the school board situated in that school tax region is of the total number of students enrolled on that date in all the schools of the school board.

“313. The anticipated complementary revenues of a school board represent the share of the anticipated complementary revenues of a school tax region that is to be apportioned to the school board.

Those revenues are computed, for a school year, in accordance with the regulation made under section 455.1.

“313.1. For each school year, a regional balance subsidy is paid by the Minister, in accordance with section 475, to the entity in charge of collecting the school tax for the purpose of completing the tax revenues coming from the entity’s region to ensure that the anticipated complementary revenues of the school boards of the entity’s region can be reached.

The subsidy comprises an exemption compensation amount computed in accordance with section 313.2, an amount for regions with insufficient fiscal resources computed in accordance with section 313.3 and an amount for the regionalization of the school tax computed in accordance with section 313.4.

“313.2. The exemption compensation amount is computed

(1) by multiplying by \$25,000 the number of taxable immovables situated in the school tax region and whose adjusted standardized assessment is greater than \$25,000;

(2) by adding to the amount obtained under paragraph 1 the aggregate value of the adjusted standardized assessment of all the immovables situated in the school tax region and whose adjusted standardized assessment is of \$25,000 or less; and

(3) by multiplying the amount obtained under paragraph 2 by the regional school tax rate determined in accordance with section 311.

“313.3. The amount for regions with insufficient fiscal resources is computed

(1) by determining the anticipated complementary revenues of the school tax region in accordance with section 312;

(2) by determining, for the school year, the amount that would result from the application of a school tax rate of \$0.35 per \$100 of the adjusted standardized assessment of the taxable immovables situated in the school tax region; and

(3) by subtracting the amount obtained under subparagraph 2 from the amount obtained under subparagraph 1.

Where the result of the computation is less than zero, it is deemed to be equal to zero.

“313.4. The amount for the regionalization of the school tax corresponds to the amount obtained under section 94 of the Act to reform the school tax system (2018, chapter 5) for a school tax region.

“§4. — *Entity in charge of collecting the school tax and monitoring committee*

“**313.5.** This subdivision does not apply to a school board whose territory is part of a school tax region but that has no school established in that territory. Such a school board may not participate in the designation of the entity in charge of collecting the school tax of the region or take part in the monitoring committee established under section 313.10.

“**313.6.** English language and French language school boards of the same school tax region, except the Montréal school tax region, shall designate one of their number or the Comité de gestion de la taxe scolaire as the entity in charge of collecting the school tax. To be valid, a designation must be made unanimously by the school boards of a school tax region.

If no designation has been made for a school tax region, the Comité de gestion de la taxe scolaire is by virtue of office the entity in charge of collecting the school tax for that region.

The school boards shall notify the Minister of the name of the entity in charge of collecting the school tax for their school tax region. The Minister shall give notice of the designation in the *Gazette officielle du Québec*.

The Comité de gestion de la taxe scolaire is in charge of collecting the school tax for the Montréal school tax region.

“**313.7.** The designation of a school board as the entity in charge of collecting the school tax of a school tax region made in accordance with section 313.6 is valid for a period of five school years starting from the school year that follows the notice given in accordance with the third paragraph of that section. The same applies to the designation of the Comité de gestion de la taxe scolaire.

The designation is automatically renewed for successive periods of five school years, unless a school board of the school tax region notifies the school boards of its region and the Minister of its intention to revoke it. The notice must be given not later than 1 July of the last school year for which the designation is valid. In such a case, the school boards of the school tax region have until the following 31 August to make a new designation of an entity in charge of collecting the school tax, in accordance with section 313.6, which will be valid as of the following school year.

However, the school boards of a school tax region may, before the end of the period of five school years provided for in the first paragraph, designate a new entity in charge of collecting the school tax, in accordance with section 313.6, for the remainder of the period of designation.

“313.8. In the case where a new designation is made in accordance with section 313.7, 477.1.6 or 478.5, any right or obligation relating to the school tax and existing on the date of validity of the new designation devolves to the new entity in charge of collecting the school tax for any immovable situated in that region.

Any proceedings for the sale of an immovable for non-payment of school taxes or for the redemption of the immovable begun before the date referred to in the first paragraph are continued by the new entity in charge of collecting the school tax. In addition, judicial proceedings are continued without continuance of suit by the new entity.

“313.9. The entity in charge of collecting the school tax of a school tax region is in charge of collecting and recovering the school tax for that region as well as redistributing it to the school boards of the region in accordance with the apportionment principles set out in section 318.1.

“313.10. The school boards of a school tax region, except the Montréal school tax region, shall establish a committee to monitor the collection, recovery and redistribution of the regional school tax. Each school board shall designate as a member of the monitoring committee one of its commissioners elected or appointed under the Act respecting school elections (chapter E-2.3).

The committee shall elect a chair from among its members. The chair may not be a member appointed by the entity in charge of collecting the school tax.

Decisions of the committee are made by a majority vote of the members present. In the case of a tie vote, the chair has a casting vote.

However, as regards the election of a chair, it is the person who obtained the greatest number of votes cast on the matter who is elected. In the event of a tie vote, a second ballot is held only for the candidates having obtained the greatest number of votes in the first ballot. In the event of another tie vote, a new ballot for which the member designated by the entity in charge of collecting the school tax has a casting vote is held.

The committee shall establish its internal management rules.

“313.11. Subject to the second paragraph, the monitoring committee may

(1) determine the form and content of the rendering of account that must be made by the entity in charge of collecting the school tax;

(2) determine a rate applicable to any unpaid taxes in the school tax region for the purposes of section 316;

(3) approve any administrative process of tax collection and recovery implemented by the entity in charge of collecting the school tax;

(4) demand to be consulted by the entity in charge of collecting the school tax before the chair of the committee or a person it designates avails himself or herself of section 342;

(5) determine that the payment of the amounts to which the school boards are entitled will be made at shorter intervals than that provided for in the third paragraph of section 318.1;

(6) impose oversight measures on the entity in charge of collecting the school tax; and

(7) make recommendations on any subject relating to the collection, recovery and redistribution of the regional school tax to the entity in charge of collecting the school tax.

If the entity in charge of collecting the school tax is the Comité de gestion de la taxe scolaire, only the powers provided for in subparagraphs 2, 4 and 7 of the first paragraph apply.

The entity in charge of collecting the school tax shall provide the committee with any information or document required for the exercise of its functions.

“§5. — *Collection of the regional school tax*

“**314.** After notification of the regional school tax rate by the Minister in accordance with the first paragraph of section 311, the director general of the entity in charge of collecting the school tax shall cause a tax bill to be sent to every owner of a taxable immovable situated in the territory of its school tax region.

The regional school tax is payable by the owner of a taxable immovable to the entity in charge of collecting the school tax.

However, in the case of a tax levied on an immovable owned by a partnership or an immovable held in undivided co-ownership, the tax may be claimed and recovered in its entirety from any member of the partnership or from any co-owner.

“**314.1.** Any person, other than the debtor, who pays a school tax owed by another person is subrogated by operation of law in the prior claims and legal hypothecs of the entity in charge of collecting the school tax on the immovables of the debtor and may recover from the debtor the amount of tax so paid. Such subrogation is of no effect unless the receipt that the entity in charge of collecting the school tax is required to issue states that the payment was made by a third person for the debtor.

The name of such third person must be recorded in the books of the entity in charge of collecting the school tax.”

7. Section 315 of the Act is amended by replacing “the school board” in the fourth paragraph by “the entity in charge of collecting the school tax”.

8. Section 316 of the Act is amended

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

“Interest is payable on the school tax at the rate determined by the monitoring committee established under section 313.10 or, for the Montréal school tax region, by the Comité de gestion de la taxe scolaire. If no rate is so determined, the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002) applies.”;

(2) by replacing “taxes” in the third paragraph in the French text by “taxe”.

9. Section 317 of the Act is replaced by the following section:

“317. No entity in charge of collecting the school tax may waive the payment of the regional school tax or the interest except where an owner’s annual tax bill is for an amount under \$2.”

10. Section 317.1 of the Act is amended by replacing “the school board” in the second paragraph by “the entity in charge of collecting the school tax”.

11. Section 317.2 of the Act is amended by replacing “the school board” and “the school board’s claim” wherever they appear by “the entity in charge of collecting the school tax” and “the claim of the entity in charge of collecting the school tax”, respectively.

12. The Act is amended by inserting the following section after section 318:

“318.1. The entity in charge of collecting the school tax shall apportion, for every school year, the tax revenues, the regional balance subsidy paid under section 475 and any investment income derived from them among the school boards of its school tax region in such a manner as to ensure that each school board receives the anticipated complementary revenues to which it is entitled or the fractional value of those revenues in accordance with the computation provided for in section 312 or 313 or its respective share in proportion to the anticipated complementary revenues of the school tax region where the tax rate determined is lower than the maximum rate.

If there remains a balance after the apportionment, it is redistributed to the school boards of the school tax region in accordance with the respective shares of the school boards in the anticipated complementary revenues of the school tax region, such shares being computed in accordance with section 312 or 313.

Each school board shall receive the amounts to which it is entitled on a quarterly basis starting from the thirty-first day after the sending of the tax bills. The school boards of the Montréal school tax region shall receive, not later than 3 January, the amounts referred to in the first paragraph to which they are entitled.

The entity in charge of collecting the school tax shall send to the school boards of its school tax region and to the Minister, not later than the date set by the Minister, a statement of apportionment of the revenues referred to in the first and second paragraphs, according to the form and content determined by the Minister.

In the case of the Montréal school tax region, the balance, after deducting the amount determined by the Comité for its purposes in relation to that region, is apportioned among the school boards to ensure the upgrading of education in economically disadvantaged areas of the region, at such periods and according to the apportionment rules determined by a resolution adopted by the vote of at least two-thirds of the members of the Comité de gestion de la taxe scolaire having the right to vote on the matter.”

13. Sections 319 to 321 of the Act are repealed.

14. Section 322 of the Act is amended

(1) by replacing “to the school board” in the first paragraph by “to the entity in charge of collecting the school tax”;

(2) by replacing “The school board” in the second paragraph by “The entity in charge of collecting the school tax”.

15. Section 323 of the Act is repealed.

16. Section 324 of the Act is amended by replacing “to the school board” by “to the entity in charge of collecting the school tax”.

17. The heading of subdivision 4 before section 325 of the Act is replaced by the following heading:

“§6. — *Recovery of the regional school tax*”.

18. Section 326 of the Act is amended

(1) by inserting “of the entity in charge of collecting the school tax” after “director general”;

(2) by replacing “school board” by “school tax region”.

19. Section 327 of the Act is amended by replacing “of the school board” wherever it appears by “of the entity in charge of collecting the school tax”.

20. Section 331 of the Act is amended by replacing “of the school board” in the second paragraph by “of the entity in charge of collecting the school tax”.

21. Sections 336 to 339 of the Act are amended by replacing “director general” wherever it appears by “director general of the entity in charge of collecting the school tax”.

22. Section 340 of the Act is amended

(1) by replacing “to the council of commissioners for approval” in the first paragraph by “for approval to the council of commissioners of the entity in charge of collecting the school tax or, as the case may be, to the Comité de gestion de la taxe scolaire, and for information to the monitoring committee established under section 313.10”;

(2) by replacing “director general” in the second paragraph by “director general of the entity in charge of collecting the school tax”.

23. Section 341 of the Act is amended by replacing “director general of a school board” by “director general of the entity in charge of collecting the school tax”.

24. Section 342 of the Act is amended

(1) by replacing “in the territory of a school board”, “the school board may” and “the school board,” in the first paragraph by “in a school tax region”, “the entity in charge of collecting the school tax may, after conducting the consultation required, if applicable, under subparagraph 4 of the first paragraph of section 313.11,” and “the entity,”, respectively;

(2) by replacing “The school board may also” in the second paragraph by “The entity in charge of collecting the school tax may, in the same manner,”;

(3) by replacing “of the school board” and “the school board shall pay” in the third paragraph by “of the entity in charge of collecting the school tax” and “the entity in charge of collecting the school tax shall pay”, respectively.

25. Section 343 of the Act is amended

(1) by replacing “The school board” and “from the school board” in the first paragraph by “The entity in charge of collecting the school tax” and “from the entity in charge of collecting the school tax”, respectively;

(2) by replacing “, the redemption price shall include, in addition to the amount paid by the school board” in the second paragraph by “by the owner of the immovable, the redemption price shall include, in addition to the amount paid by the entity in charge of collecting the school tax”;

(3) by replacing “the bailiff or” and “of the school board” in the fourth paragraph by “the director general of the entity in charge of collecting the school tax, the bailiff or the” and “of the entity in charge of collecting the school tax”, respectively.

26. Section 344 of the Act is replaced by the following section:

“344. Any immovable acquired at auction by the entity in charge of collecting the school tax for which the right of redemption is not exercised within the period fixed by law and that is not required for the carrying on of its activities must be disposed of in accordance with the regulation referred to in the second paragraph of section 272.

Where the entity in charge of collecting the school tax, other than the Comité de gestion de la taxe scolaire, wishes to keep an immovable for the carrying on of its activities, it must inform the monitoring committee. In such a case, the value that corresponds to the purchase price of the immovable is deducted from the revenues to be paid to it under section 318.1.”

27. Subdivision 5 of Division VII of Chapter V of the Act, comprising sections 345 to 353, is repealed.

28. The heading of Chapter VI before section 399 of the Act is amended by striking out “DE L’ÎLE DE MONTRÉAL”.

29. Section 399 of the Act is replaced by the following section:

“399. A school tax management committee is established under the name “Comité de gestion de la taxe scolaire”.

With respect to the school tax, the Comité acts as the entity in charge of collecting the school tax for the Montréal school tax region and for any other region for which it is designated under the first or second paragraph of section 313.6 or section 478.5.

For any other matter assigned to it, the Comité has jurisdiction over the school boards of the Montréal school tax region.”

30. Section 401 of the Act is amended by replacing “on the island of Montréal” in the third paragraph by “of the school tax region for which it is the entity in charge of collecting the school tax”.

31. Section 402 of the Act is replaced by the following section:

“402. The Comité is composed of

(1) a commissioner elected or appointed under the Act respecting school elections (chapter E-2.3) from each school board of the Montréal school tax region, designated by the school board from among its commissioners;

(2) a person domiciled in the Montréal school tax region, designated by the Minister after consultation with the parents' committees of the school boards of that region;

(3) a member of the management personnel of the Ministère de l'Éducation, du Loisir et du Sport, but not entitled to vote, designated by the Minister; and

(4) a commissioner elected or appointed under the Act respecting school elections for each school tax region for which the Comité becomes the entity in charge of collecting the school tax, designated by the Minister, after consultation with the monitoring committee established under section 313.10, from among the commissioners of that region.

No member of the Comité may be a member of the personnel of the Comité or of a school board of a school tax region for which the Comité is in charge of collecting the school tax.

No member of the Comité designated in accordance with subparagraph 4 of the first paragraph is entitled to vote on the matters concerning exclusively the school boards of the Montréal school tax region.

If a school board fails to designate a commissioner in accordance with subparagraph 1 of the first paragraph, the Minister shall, within 30 days of the vacancy, designate a person from among the commissioners of that school board.”

32. Section 403 of the Act is amended

(1) by inserting “of the Montréal school tax region” after “school board”;

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

“For each school tax region for which the Comité becomes the entity in charge of collecting the school tax, the Minister may designate as a substitute another commissioner who is elected or appointed under the Act respecting school elections (chapter E-2.3) from any of the school boards of that region, after consulting with the monitoring committee of that region established under section 313.10.”

33. The Act is amended by inserting the following section after section 403:

“**403.1.** No commissioner whose school electoral division is entirely situated outside the Montréal school tax region may be designated as a member of the Comité under subparagraph 1 of the first paragraph of section 402 or as a substitute under the first paragraph of section 403.”

34. Section 407 of the Act is repealed.

35. Section 411 of the Act is replaced by the following section:

“411. The Comité shall send, at the same time as to its members, a copy of the convocation notice and of the agenda of any extraordinary sitting to each school board of the Montréal school tax region and to the monitoring committee, established under section 313.10, of each region for which it is in charge of collecting the school tax.”

36. Section 412 of the Act is amended by replacing “secretary” by “director general”.

37. Section 415 of the Act is amended

(1) by replacing “, 160, the first paragraph of section 161” by “to 161”;

(2) by replacing “and 175 to 178” by “, 175 to 176, paragraph 3 of section 176.1 and sections 177 to 178”;

(3) by inserting “, with the necessary modifications” at the end of the first sentence.

38. Section 420 of the Act is amended by replacing “Sections 200, 201.1 and 201.2” in the second paragraph by “Sections 200 to 201.2”.

39. Section 421 of the Act is repealed.

40. Division V of Chapter VI of the Act is amended by replacing the portion before section 423 by the following:

“DIVISION V

“FUNCTIONS AND POWERS AS REGARDS LOANS CONTRACTED

“422.1. In this division, the school boards of the Montréal school tax region are considered to be school boards on the island of Montréal.

In addition, “Council” means the Conseil scolaire de l’île de Montréal which is succeeded by the Comité de gestion de la taxe scolaire under section 723.0.1.”

41. The Act is amended by inserting the following after section 429:

“DIVISION VI

“OTHER MEASURES, FUNCTIONS AND POWERS”.

42. Section 430 of the Act is amended by replacing both occurrences of “on the island of Montréal” by “in the Montréal school tax region”.

43. Sections 434.1 to 443 of the Act are repealed.

44. Section 445 of the Act is amended

(1) by striking out the last sentence;

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

“The Comité shall transmit a copy of the documents adopted under the first paragraph to the school boards of the Montréal school tax region and to the monitoring committee, established under section 313.10, of every school tax region for which it is in charge of collecting the school tax.”

45. Section 455.1 of the Act is replaced by the following section:

“455.1. The Government shall, by regulation, determine the method for computing the anticipated complementary revenues of a school board that are provided for in section 313. The method must allow for the determination of basic financing and of financing that takes the number of students into account.

The basic financing prescribed by the regulation may vary according to the categories of school boards or the types of activities.

The financing that takes the number of students into account prescribed by the regulation may include rules for establishing the number of eligible students. In particular, it may vary according to the categories of students, weighting indexes applicable to them, measures to lessen the effect of a decline in the number of students of a school board, and the categories of school boards.

The regulation may prescribe an indexation formula for the amounts it contains or set indexation rates applicable to those amounts.”

46. Section 473.1 of the Act is amended

(1) by replacing “de l’île de Montréal, in order to take into account special situations” in the first paragraph by “, in order to take into account special situations or responsibilities”;

(2) by striking out “de l’île de Montréal” in subparagraph 3 of the second paragraph.

47. Sections 475 and 475.1 of the Act are replaced by the following section:

“475. The Minister shall, in the budgetary rules referred to in section 472, provide for the payment to the entity in charge of collecting the school tax of a regional balance subsidy, computed in accordance with sections 313.1 to 313.4, to ensure that the school boards of a school tax region may obtain their anticipated complementary revenues computed in accordance with section 313.

The amounts apportioned among the school boards in accordance with the second paragraph of section 318.1 must be taken into account in determining the subsidy amounts granted under the budgetary rules referred to in section 472 and may be considered to stand in lieu of subsidies, in whole or in part.”

48. Section 477.1.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “The Government may, for the same reasons, order that the ownership of an immovable acquired by any entity in charge of collecting the school tax under sections 342 to 344 be transferred to another school board if it is useful for the carrying on of the latter’s activities.”

49. The Act is amended by inserting the following section after section 477.1.5:

“477.1.6. The Minister may, after consulting with the monitoring committee of a school tax region and from the date the Minister determines, relieve the Comité de gestion de la taxe scolaire from its responsibility to act as the entity in charge of collecting the school tax of a school tax region, other than the Montréal school tax region, to entrust it to the school board of the Minister’s choice situated in that school tax region for the remainder of the Comité’s period of designation, as if the designation had been made in accordance with subdivision 4 of Division VII of Chapter V.”

50. Section 478.5 of the Act is amended

(1) by striking out “de l’île de Montréal”;

(2) by adding the following sentence at the end: “The Minister may also cancel the designation of a school board as the entity in charge of collecting the school tax of a school tax region and designate the Comité de gestion de la taxe scolaire or, at the request of all the school boards of the school tax region other than the school board in charge of collecting the school tax, one of the school boards of that region to act as the entity in charge of collecting the school tax for the remainder of the school board’s period of designation, as if the designation had been made in accordance with subdivision 4 of Division VII of Chapter V.”

51. Sections 481 to 485 of the Act are repealed.

52. Section 487 of the Act is amended by striking out “, in any one of paragraphs 1 to 3, 6 or 8 of section 481 or in section 485”.

53. Section 488 of the Act is repealed.

54. Section 492 of the Act is amended by replacing “school board or the Conseil” by “school board or the Comité de gestion de la taxe scolaire”.

55. Section 715 of the Act is repealed.

56. The Act is amended by inserting the following section after section 723:

“**723.0.1.** The Comité de gestion de la taxe scolaire replaces the Comité de gestion de la taxe scolaire de l’île de Montréal and the Conseil scolaire de l’île de Montréal. It shall acquire their rights and assume their obligations.”

57. Sections 723.2 to 723.5 of the Act are repealed.

58. The Act is amended by replacing “Comité de gestion de la taxe scolaire de l’île de Montréal” wherever it appears in sections 451, 452, 472, 474, 476, 477, 478, 478.3, 479, 480 and 491 by “Comité de gestion de la taxe scolaire”.

59. The Act is amended by adding the following schedule at the end:

“SCHEDULE I

“(Section 302)

“SCHOOL TAX REGIONS

“The territories identified below, described according to the geographical boundaries of the French language school boards and applying to the English language and French language school boards situated in whole or in part in them, subject to section 313.5, and, for tax purposes, to any immovable situated in such territories, are school tax regions.

School tax region	Description of the territory
Abitibi-Témiscamingue	The territory of the Harricana, Lac-Abitibi, Lac-Témiscamingue, Or-et-des-Bois and Rouyn-Noranda school boards.
Bas-Saint-Laurent	The territory of the Fleuve-et-des-Lacs, Kamouraska–Rivière-du-Loup, Monts-et-Marées and Phares school boards.
Capitale-Nationale	The territory of the Capitale, Charlevoix, Découvreurs, Portneuf and Premières-Seigneuries school boards.
Centre-du-Québec	The territory of the Bois-Francs, Chênes and Riveraine school boards.
Chaudière-Appalaches	The territory of the Appalaches, Beauce-Etchemin, Côte-du-Sud and Navigateurs school boards.
Côte-Nord	The territory of the Estuaire, Fer and Moyenne-Côte-Nord school boards.

Estrie	The territory of the Hauts-Cantons, Région-de-Sherbrooke and Sommets school boards.
Gaspésie	The territory of the Chic-Chocs and René-Lévesque school boards.
Îles-de-la-Madeleine	The territory of the Commission scolaire des Îles.
Lanaudière	The territory of the Affluents and Samares school boards.
Laurentides	The territory of the Laurentides, Pierre-Neveu, Rivière-du-Nord and Seigneurie-des-Mille-Îles school boards.
Laval	The territory of the Commission scolaire de Laval.
Mauricie	The territory of the Chemin-du-Roy and Énergie school boards.
Montérégie	The territory of the Grandes-Seigneuries, Hautes-Rivières, Marie-Victorin, Patriotes, Saint-Hyacinthe, Sorel-Tracy, Trois-Lacs, Val-des-Cerfs and Vallée-des-Tisserands school boards.
Montréal	The territory of the Marguerite-Bourgeoys, Montréal and Pointe-de-l'Île school boards.
Nord-du-Québec	The territory of the Commission scolaire de la Baie-James.
Outaouais	The territory of the Cœur-des-Vallées, Draveurs, Hauts-Bois de l'Outaouais and Portages-de-l'Outaouais school boards.
Saguenay–Lac-Saint-Jean	The territory of the Jonquière, Lac-Saint-Jean, Rives-du-Saguenay and Pays-des-Bleuets school boards.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

60. Section 157 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by striking out “or school” in the first paragraph.

CITIES AND TOWNS ACT

- 61.** Section 29.10.1 of the Cities and Towns Act (chapter C-19) is amended by striking out subparagraph 3 of the second paragraph.
- 62.** Section 497 of the Act is amended by striking out “or school” in the second paragraph.
- 63.** Section 500 of the Act is repealed.

MUNICIPAL CODE OF QUÉBEC

- 64.** Article 14.8.1 of the Municipal Code of Québec (chapter C-27.1) is amended by striking out subparagraph 3 of the second paragraph.
- 65.** Article 203 of the Code is amended by striking out the fourth paragraph.
- 66.** Article 984 of the Code is amended by striking out “or school” in the first paragraph.
- 67.** Article 986 of the Code is repealed.
- 68.** Article 1022 of the Code is amended by replacing “of the school board concerned” in subparagraph 4 of the first paragraph by “of the entity in charge of collecting the school tax concerned, designated under the Education Act (chapter I-13.3)”.
- 69.** Article 1023 of the Code is amended by replacing “school board” in the second paragraph by “entity in charge of collecting the school tax”.
- 70.** Article 1024 of the Code is amended by replacing “of a school board” in the first paragraph by “of an entity in charge of collecting the school tax”.

ACT RESPECTING THE COMMISSION MUNICIPALE

- 71.** Section 65 of the Act respecting the Commission municipale (chapter C-35) is amended
- (1) by replacing “to each school board” in the first paragraph by “to the entity in charge of collecting the school tax, designated under the Education Act (chapter I-13.3),”;
- (2) by replacing “The school board” in the second paragraph by “The entity in charge of collecting the school tax”.
- 72.** Section 76 of the Act is amended by replacing “school board or *fabrique*” in the second paragraph by “*fabrique* or entity in charge of collecting the school tax”.

ACT RESPECTING MUNICIPAL COURTS

73. Section 28 of the Act respecting municipal courts (chapter C-72.01) is amended by striking out paragraph 2.

ACT RESPECTING SCHOOL ELECTIONS

74. Section 1.1 of the Act respecting school elections (chapter E-2.3) is amended by striking out “and pays school taxes to that school board,” in the second paragraph.

75. Section 21 of the Act is amended by replacing the third paragraph by the following paragraph:

“Employees of the Comité de gestion de la taxe scolaire are disqualified for election to the office of school commissioner of any school board of a school tax region for which the Comité is in charge of collecting the school tax.”

ACT RESPECTING MUNICIPAL TAXATION

76. Section 1 of the Act respecting municipal taxation (chapter F-2.1) is amended, in the first paragraph,

(1) by inserting the following definition in alphabetical order:

“**entity in charge of collecting the school tax**” means the school board or the Comité de gestion de la taxe scolaire so designated under the Education Act (chapter I-13.3);”;

(2) by replacing “that a local municipality or a school board imposes on an immovable or in respect of the immovable if the tax or surtax is imposed regardless of use” in the definition of “**property tax**” by “imposed by a local municipality or a tax imposed under the Education Act on an immovable or, if it is imposed regardless of use, in respect of the immovable”.

77. Section 3 of the Act is amended by inserting “, entity in charge of collecting the school tax” after “school board”.

78. Sections 124, 210 and 245 of the Act are amended by replacing “school board” wherever it appears by “the entity in charge of collecting the school tax”, sections 138.5, 149, 179, 213 and 220.4 of the Act are amended by replacing “school board” wherever it appears by “entity in charge of collecting the school tax” and section 250 of the Act is amended by replacing “a school board” by “an entity in charge of collecting the school tax”.

79. Section 253.35 of the Act is amended by replacing “in the case referred to in section 310” in the second paragraph by “where required under Division VII of Chapter V”.

80. Section 264 of the Act is amended by replacing “a school board” in the last paragraph by “an entity in charge of collecting the school tax”.

81. Section 495 of the Act is amended by replacing “No school board may exercise a taxation power” by “No school board or entity in charge of collecting the school tax may exercise a power relating to taxation”.

REGULATION RESPECTING THE MUNICIPAL AND SCHOOL TAX SYSTEM APPLICABLE TO THE GOVERNMENTS OF THE OTHER PROVINCES, FOREIGN GOVERNMENTS AND INTERNATIONAL BODIES

82. Section 6 of the Regulation respecting the municipal and school tax system applicable to the governments of the other provinces, foreign governments and international bodies (chapter F-2.1, r. 12) is amended

(1) by replacing “school board” in the first paragraph by “to the entity in charge of collecting the school tax of the school tax region in which the immovable is situated”;

(2) by striking out the second paragraph.

83. Section 7 of the Regulation is amended by replacing “. If the school tax in lieu of which the sum stands is not collected by a local municipality, the word “municipality” in the Regulation means a school board” in the second paragraph by “and the word “municipality” means the entity in charge of collecting the school tax, designated under the Education Act (chapter I-13.3)”.

REGULATION RESPECTING DETERMINATION OF THE BASE AMOUNT FOR CALCULATION OF THE MAXIMUM YIELD OF THE SCHOOL TAX

84. The Regulation respecting determination of the base amount for calculation of the maximum yield of the school tax (chapter I-13.3, r. 6) is repealed.

REGULATION RESPECTING THE NORMS, CONDITIONS AND PROCEDURE FOR DISPOSING OF AN IMMOVABLE OF A SCHOOL BOARD

85. Section 7 of the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board (chapter I-13.3, r. 7) is amended by replacing “or is adjacent to it” in subparagraph 1 of the first paragraph by “, is adjacent to it or is part of its school tax region”.

TRANSITIONAL AND FINAL PROVISIONS

86. No referendum on the imposition of a tax or surtax may be held under the Education Act (chapter I-13.3), despite sections 308, 345 to 353, 440 to 443, 475, 475.1 and 723.5 of that Act.

87. For the school years 2018–2019 and 2019–2020,

(1) section 302 of the Education Act is to be read

(a) as if “or by its adjusted value under the second and third paragraphs of section 310” were inserted at the end of paragraph 2;

(b) as if “or trust” were inserted after “person” in paragraph 4;

(2) section 303 of the Act is to be read as if “on the Island of Montréal, may levy” in the first paragraph were replaced by “in the Montréal school tax region, shall levy”;

(3) section 308 of the Act is to be read

(a) as if the first paragraph were struck out;

(b) as if “yield of the tax” in the second paragraph were replaced by “tax proceeds of a school board”;

(c) as if the following paragraphs were added at the end:

“The maximum school tax proceeds of a school tax region correspond to the sum of the maximum school tax proceeds of any school board whose territory is entirely situated in that region, computed in accordance with the first paragraph, and to which a fractional value of the maximum school tax proceeds of any school board whose territory is included in part in that region is added, if applicable.

The fractional value is obtained by multiplying the maximum school tax proceeds of the school board for the school year by the proportion that the total number of students enrolled on 30 September of the preceding school year in any school of the school board situated in that school tax region is of the total number of students enrolled on that date in all the schools of the school board.”;

(4) the Act is to be read as if the following section were inserted after section 310:

“310.1. A tax shall be levied in respect of every owner of a taxable immovable on the amount of the standardized assessment of the immovable that exceeds \$25,000.”;

(5) section 311 of the Act is to be read as if the following paragraphs were added at the end:

“Starting from 1 July 2019, as soon as the school board receives the documents from the clerk, it shall send a copy to the entity in charge of collecting the school tax designated in accordance with section 313.6.

In addition, the school board shall also send the entity any document or information it may need in order to fully exercise its functions starting from 1 July 2020 and to have up-to-date information concerning the collection and recovery of the school tax.”;

(6) section 312 of the Act is to be read as follows:

“312. The rate or, where the territory of a school board is situated in more than one school tax region, the rates of the school tax which a school board shall levy for the school year 2018–2019 are shown in Schedule I to the Act to reform the school tax system (2018, chapter 5).

The rate or rates which the school board shall impose for the school year 2019–2020 are those shown in that Schedule, multiplied by the factor determined by the formula

$$(A/B) \times (C/D).$$

For the purposes of the formula in the second paragraph,

(1) A is the maximum school tax proceeds of the school tax region for the school year 2019–2020;

(2) B is the maximum school tax proceeds of the school tax region for the school year 2018–2019;

(3) C is the standardized assessment of the taxable immovables of the school tax region based on the assessment roll that is up to date on 1 May 2018; and

(4) D is the standardized assessment of the taxable immovables of the school tax region based on the assessment roll that is up to date on 1 May 2019.

Where the result of the computation is a rate that exceeds \$0.35 per \$100 of the standardized assessment of the taxable immovables of a school tax region, the tax rate applicable for the school year 2019–2020 is \$0.35 per \$100.

The school boards or, regarding its responsibilities relating to the Montérégie school tax region, the Comité de gestion de la taxe scolaire de l’île de Montréal shall send the Minister, on the date and according to the form and content determined by the Minister, the information required to compute the rates for the school year 2019–2020.

The Minister shall notify the regional school tax rate for the school year 2019–2020 to the school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal. The Minister shall give notice of the rates so determined in the *Gazette officielle du Québec*.”;

(7) section 313 of the Act is to be read as if “situated in the same school tax region” were inserted at the end of the first paragraph;

(8) section 314 of the Act is to be read as if “Once the school tax is levied” were replaced by “After 1 July of the school year concerned”;

(9) section 434.1 of the Act is to be read as if “of the school boards on the island of Montréal to meet their needs” were replaced by “of the Montréal school tax region and in the part of the territory of the Lester-B.-Pearson School Board situated in the territory of the Montérégie school tax region”;

(10) section 434.2 of the Act is to be read as follows:

“434.2. The rate of the school tax levied by the Comité for the school year 2018–2019 for the Montréal school tax region may not exceed \$0.17832 per \$100 of the standardized assessment of the taxable immovables situated in that school tax region.

Nor may the rate exceed the rate required to obtain tax proceeds that correspond to the maximum school tax proceeds of the Montréal school tax region for the school year 2018–2019 computed in accordance with the third and fourth paragraphs of section 308.”;

(11) the Act is to be read as if the following section were inserted after section 434.2:

“434.2.1. The rate of the school tax levied by the Comité for the school year 2019–2020 for the Montréal school tax region may not exceed \$0.17832 per \$100 of the standardized assessment of the taxable immovables of that school tax region, multiplied by the factor determined by the formula in the second paragraph of section 312 applied to the Montréal school tax region. If applicable, the third paragraph of that section applies.

In addition, the rate may not exceed the rate required to obtain tax proceeds that correspond to the maximum school tax proceeds of the Montréal school tax region for the school year 2019–2020 computed in accordance with the third and fourth paragraphs of section 308.

The Comité shall send the Minister, on the date and according to the form and content determined by the Minister, the information required to compute the maximum rate for the Montréal school tax region for the school year 2019–2020.”;

(12) section 434.3 of the Act is to be read as if “, 310.1” were inserted after “310”;

(13) section 434.4 of the Act is to be read

(a) as if the first paragraph were replaced by the following paragraph:

“For the purposes of section 434.1 in relation to the part of the territory of the Lester-B.-Pearson School Board situated in the Montérégie school tax region, the Comité shall exercise, on that part of the territory, in accordance with sections 304 to 307, such functions and powers as would have been exercised by the school board if section 303 were applicable to it.”;

(b) as if “on the island of Montréal” in the second paragraph were replaced by “situated in whole or in part in the Montréal school tax region”;

(14) section 434.5 of the Act is to be read

(a) as if “on the island of Montréal” and “in the second and third paragraphs of section 308” in the first paragraph were replaced by “in the Montréal school tax region” and “in the first and second paragraphs of section 308”, respectively;

(b) as if the following paragraph were inserted after the first paragraph:

“The request of the Lester-B.-Pearson School Board must concern only the part of its territory situated in the Montréal school tax region. The amount requested may not exceed the fractional value of its maximum school tax proceeds, computed in accordance with the fourth paragraph of section 308.”;

(c) as if “on the island of Montréal” in the second paragraph were replaced by “situated in whole or in part in the Montréal school tax region”;

(15) section 435 of the Act is to be read as follows:

“435. The Comité shall, each year, determine the school tax rate for the Montréal school tax region.

In addition, the Comité shall provide the school boards, before the adoption of the resolution referred to in the first paragraph of section 434.5, with a projection of the school tax rate that could result if the school boards of the Montréal school tax region require the maximum school tax proceeds of that school tax region, established by performing the computations provided for in section 308.

Lastly, the school tax rate applicable for the school year 2018–2019 for the part of the territory of the Lester-B.-Pearson School Board situated in the Montérégie school tax region is \$0.17832 per \$100 of the standardized assessment of the taxable immovables. Such a rate is adjusted in accordance with section 312 for the school year 2019–2020.”;

(16) section 439 of the Act is to be read

(a) as if subparagraph 1 of the first paragraph were replaced by the following subparagraphs:

“(1) each school board whose territory is entirely situated in the Montréal school tax region shall receive, not later than 3 January, that part of the school tax proceeds and, as the case may be, of the balance subsidy provided for in section 475.1 that corresponds to the amount requested by the school board; a school board may not receive any amount in excess of the maximum school tax proceeds resulting from the computations provided for in the first and second paragraphs of section 308;

“(1.1) the Lester-B.-Pearson School Board shall receive, not later than 3 January, for the part of its territory situated in the Montréal school tax region, a part of the school tax proceeds and, as the case may be, of the balance subsidy provided for in section 475.1 that corresponds to the amount requested by the school board; the school board may not receive any amount in excess of the fractional value of the maximum school tax proceeds for that region computed in accordance with the fourth paragraph of section 308; and”;

(b) as if the following paragraph were added at the end:

“The Comité shall pay to the Lester-B.-Pearson School Board, not later than 3 January, the school tax proceeds obtained for the part of its territory situated in the Montérégie school tax region.”;

(17) section 475 of the Act is to be read as follows:

“475. The Minister shall, in the budgetary rules set out in section 472, provide for the payment of a balance subsidy to every school board other than a school board to which section 475.1 or 475.1.1 applies. The subsidy shall be fixed by the Minister

(1) by determining, for a school year, the maximum school tax proceeds of the school board by performing the computations provided for in section 308;

(2) by determining, for that school year, the amount that is the school tax proceeds that would have been obtained as at 1 May of the preceding school year by applying the rate or rates to be imposed by the school board to the taxable immovables, with reference to the value mentioned in section 310.1; and

(3) by subtracting the amount obtained under subparagraph 2 from the amount obtained under subparagraph 1.

Where the result obtained under subparagraph 3 of the first paragraph is less than zero, the result corresponds to tax proceeds in excess of the maximum school tax proceeds computed in accordance with section 308. The excess amount must be deducted from the other subsidies that can be paid under section 472.

In addition, the tax proceeds obtained for a school year by a school board in excess of the amount obtained in computing the maximum school tax proceeds, other than that referred to in the second paragraph, is taken into account in determining the subsidy amounts granted under the budgetary rules referred to in section 472 and may be considered to stand in lieu of subsidies, in whole or in part.

The school boards shall send the Minister, on the date and according to the form and content determined by the Minister, the information required to compute the balance subsidy.”;

(18) section 475.1 of the Act is to be read as follows:

“**475.1.** The Minister shall, in the budgetary rules set out in section 472, provide for the payment of a balance subsidy to the Comité de gestion de la taxe scolaire de l’île de Montréal. The subsidy shall be fixed by the Minister

(1) by determining, for a school year, the maximum school tax proceeds for the Montréal school tax region;

(2) by determining, for that school year, the amount that is the school tax proceeds that would have been obtained as at 1 May of the preceding school year by applying the maximum rate that may be determined by the Comité under section 434.2 or 434.2.1, as the case may be, to all the taxable immovables situated in the Montréal school tax region, with reference to the value mentioned in section 310.1; and

(3) by subtracting the amount obtained under subparagraph 2 from the amount obtained under subparagraph 1.

Where the result obtained under subparagraph 3 of the first paragraph is less than zero, it is deemed to be equal to zero.

The Comité shall send the Minister, on the date and according to the form and content determined by the Minister, the information required to compute the balance subsidy.”;

(19) the Act is to be read as if the following section were inserted after section 475.1:

“**475.1.1.** The Minister shall, in the budgetary rules set out in section 472, provide for the payment of a balance subsidy to the Lester-B.-Pearson School Board for the part of its territory situated in the Montérégie school tax region. The subsidy shall be fixed by the Minister

(1) by determining, for a school year, the fractional value of the maximum school tax proceeds of the Lester-B.-Pearson School Board for the part of its territory situated in the Montérégie school tax region computed in accordance with the fourth paragraph of section 308;

(2) by determining, for that school year, the amount that is the portion of the school tax proceeds that would have been obtained as at 1 May of the preceding school year by applying the rate specified in the last paragraph of section 435 to the immovables situated in the Montérégie school tax region that are taxable by the Comité de gestion de la taxe scolaire de l'île de Montréal, with reference to the value mentioned in section 310.1; and

(3) by subtracting the amount obtained under subparagraph 2 from the amount obtained under subparagraph 1.

Where the result obtained under subparagraph 3 of the first paragraph is less than zero, the result corresponds to tax proceeds in excess of the fractional value of the maximum school tax proceeds computed in accordance with subparagraph 1 of the first paragraph. The excess amount must be deducted from the subsidies that can be paid under section 472.

In addition, the tax proceeds obtained for a school year by the Lester-B.-Pearson School Board for the Montérégie school tax region in excess of the amount obtained in computing the fractional value of its maximum school tax proceeds for that region, other than that referred to in the second paragraph, is taken into account in determining the subsidy amounts granted under the budgetary rules referred to in section 472 and may be considered to stand in lieu of subsidies, in whole or in part.

The Comité de gestion de la taxe scolaire de l'île de Montréal and the Lester-B.-Pearson School Board shall send the Minister, on the date and according to the form and content determined by the Minister, the information required to compute the balance subsidy.”

88. The school boards of a school tax region have until 30 June 2019 to designate an entity in charge of collecting the school tax starting from the school year 2020–2021 and inform the Minister in accordance with section 313.6 of the Education Act.

89. For the purpose of applying the school tax to the school year 2020–2021, the formalities necessary for determining the regional school tax rate may validly be completed within the 90 days preceding 1 July 2020, to take effect on that date.

90. A school board may enter into an agreement with the entity in charge of collecting the school tax of its school tax region, designated in accordance with section 88, to allow the entity to exercise on its behalf, for all or part of the school year 2019–2020, any responsibility relating to the collection or recovery of the school tax entrusted to the school board under the Education Act.

91. Any right or obligation relating to the school tax and existing on 1 July 2020 for each school tax region devolves to the entity in charge of collecting the school tax designated under section 313.6 of the Education Act, enacted by section 6 of this Act, in respect of any immovable situated in that region.

Any proceedings for the sale of an immovable for non-payment of school taxes or for the redemption of the immovable begun before 1 July 2020 are continued by the entity in charge of collecting the school tax of the school tax region in which the immovable concerned is situated. In addition, judicial proceedings are continued without continuance of suit by the new entity.

92. Despite the second paragraph of section 318.1 of the Education Act, enacted by section 12 of this Act, the apportionment of amounts collected by the entity in charge of collecting the school tax for amounts owed before 1 July 2020 by owners of immovables situated in its school tax region must be carried out in such a way that the amounts are apportioned, among the school boards of its region, in proportion to the unpaid taxes owed to them as at that date.

93. Unless the context indicates otherwise, in any Act, regulation or other document, a reference to the Comité de gestion de la taxe scolaire de l'île de Montréal is a reference to the Comité de gestion de la taxe scolaire.

94. For the purposes of section 313.4 of the Education Act, enacted by section 6 of this Act, the amount for the regionalization of the school tax of a school tax region that is applicable from the school year 2020–2021 is determined by the formula

$$(A + B) - (C + D).$$

For the purposes of the formula in the first paragraph,

(1) A, which may be negative, is the total of the results obtained under subparagraph 3 of the first paragraph of section 475 of the Education Act for the school year 2019–2020 by any school board whose territory is entirely situated in the school tax region;

(2) B, which may be negative, is the total of the results obtained by performing the following computations for any school board whose territory is situated in part in the school tax region:

(a) determining the fractional value of the maximum school tax proceeds of each school board concerned, for the part of its territory situated in that region, computed in accordance with the fourth paragraph of section 308 for the school year 2019–2020;

(b) determining, for that school year, the amount that is the portion of the school tax proceeds of the school board that would have been obtained according to the assessment roll updated to 1 May 2019 by applying the rate imposed for the year 2019–2020 to the immovables situated in the school tax region that are taxable by the school board, with reference to the value mentioned in section 310.1 of the Education Act; and

(c) subtracting the amount obtained under subparagraph *b* from the amount obtained under subparagraph *a*;

(3) C is the exemption compensation amount computed in accordance with section 313.2 of the Education Act, enacted by section 6 of this Act, as if it had been applicable to the school year 2019–2020, on the basis of the assessment roll that is up to date on 1 May 2019 and by replacing “determined in accordance with section 311” in paragraph 3 of that section by “determined in accordance with section 312 or the third paragraph of section 435, as the case may be, or, for the Montréal school tax region, by the maximum rate that can be determined under section 434.2.1”; and

(4) D is the amount for regions with insufficient fiscal resources computed according to the assessment roll updated to 1 May 2019 in accordance with section 313.3 of the Education Act, enacted by section 6 of this Act, as if it had been applicable to the school year 2019–2020, and by replacing “anticipated complementary revenues of the school tax region in accordance with section 312” in subparagraph 1 of the first paragraph of that section by “maximum school tax proceeds of the school tax region in accordance with section 308”.

Where the result of the addition of A and B in the formula in the first paragraph is less than zero, it is deemed to be equal to zero. The same applies to the amount determined by the whole formula.

For the Montréal school tax region, the result of the addition of A and B in the formula in the first paragraph is replaced by the amount obtained under section 475.1 of the Education Act, enacted by paragraph 18 of section 87 of this Act.

For the Montérégie school tax region, the portion of B attributable to the Lester-B.-Pearson School Board corresponds to the result obtained under subparagraph 3 of the first paragraph of section 475.1.1 of the Education Act, enacted by paragraph 19 of section 87 of this Act.

95. The Government may, by regulation, take, before 28 September 2019, any measure necessary or useful for carrying out this Act and fully achieving its purpose.

Such a regulation may, if it so provides, apply from a date not prior to 28 March 2018 and is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1).

96. This Act comes into force on 1 July 2020, except

(1) sections 36 to 39, 86 to 91, 94 and 95 and Schedule I, which come into force on 27 April 2018;

(2) sections 1 and 2, the provisions of section 6, to the extent that it enacts the definition of “school tax region” in section 302 of the Education Act, and sections 57 and 59, which come into force on 1 July 2018; and

(3) the provisions of section 6, to the extent that it enacts the heading of subdivision 4 of Division VII of Chapter V and sections 313.5 to 313.7, 313.10 and 313.11 of the Education Act, which come into force on 1 July 2019.

Until 1 July 2020, the provisions specified in subparagraph 3 of the first paragraph are to be read as if “Comité de gestion de la taxe scolaire” were replaced by “Comité de gestion de la taxe scolaire de l’île de Montréal”. In addition, the decisions of the monitoring committee regarding the powers described in section 313.11 may not take effect before 1 July 2020.

SCHEDULE I
(Section 87, paragraph 6)

SCHOOL TAX RATES FOR THE SCHOOL YEAR 2018–2019 FOR
SCHOOL BOARDS OTHER THAN THOSE SITUATED IN WHOLE OR
IN PART ON THE ISLAND OF MONTRÉAL

School board	School tax region	School tax rate for the school year 2018–2019¹
Central Québec School Board	Bas-Saint-Laurent	\$0.26107
	Saguenay–Lac-Saint-Jean	\$0.30932
	Capitale-Nationale	\$0.13360
	Mauricie	\$0.30932
	Nord-du-Québec	\$0.30551
	Chaudière-Appalaches	\$0.22586
Commission scolaire des Affluents	Centre-du-Québec	\$0.29640
	Lanaudière	\$0.27072
Commission scolaire des Appalaches	Chaudière-Appalaches	\$0.22586
Commission scolaire de la Baie-James	Nord-du-Québec	\$0.30551
Commission scolaire de la Beauce-Etchemin	Chaudière-Appalaches	\$0.22586
Commission scolaire des Bois-Francis	Centre-du-Québec	\$0.29640
Commission scolaire de la Capitale	Capitale-Nationale	\$0.13360
Commission scolaire de Charlevoix	Capitale-Nationale	\$0.13360
Commission scolaire du Chemin-du-Roy	Mauricie	\$0.30932
Commission scolaire des Chênes	Centre-du-Québec	\$0.29640
Commission scolaire des Chic-Chocs	Gaspésie	\$0.28500
Commission scolaire au Cœur-des-Vallées	Outaouais	\$0.13694
Commission scolaire de la Côte-du-Sud	Chaudière-Appalaches	\$0.22586

Commission scolaire des Découvreurs	Capitale-Nationale	\$0.13360
Commission scolaire des Draveurs	Outaouais	\$0.13694
Commission scolaire de l'Énergie	Mauricie	\$0.30932
Commission scolaire de l'Estuaire	Côte-Nord	\$0.23901
Commission scolaire du Fer	Côte-Nord	\$0.23901
Commission scolaire du Fleuve-et-des-Lacs	Bas-Saint-Laurent	\$0.26107
Commission scolaire des Grandes-Seigneuries	Montérégie	\$0.17832
Commission scolaire Harricana	Abitibi-Témiscamingue	\$0.13694
Commission scolaire des Hautes-Rivières	Montérégie	\$0.17832
Commission scolaire des Hauts-Bois-de- l'Outaouais	Outaouais	\$0.13694
Commission scolaire des Hauts-Cantons	Estrie	\$0.18434
Commission scolaire des Îles	Îles-de-la-Madeleine	\$0.28420
Commission scolaire De La Jonquière	Saguenay-Lac-Saint-Jean	\$0.30932
Commission scolaire de Kamouraska- Rivière-du-Loup	Bas-Saint-Laurent	\$0.26107
Commission scolaire du Lac-Abitibi	Abitibi-Témiscamingue	\$0.13694
Commission scolaire du Lac-Saint-Jean	Saguenay-Lac-Saint-Jean	\$0.30932
Commission scolaire du Lac-Témiscamingue	Abitibi-Témiscamingue	\$0.13694
Commission scolaire des Laurentides	Laurentides	\$0.10540
Commission scolaire de Laval	Laval	\$0.23095

Commission scolaire Marie-Victorin	Montérégie	\$0.17832
Commission scolaire des Monts-et-Marées	Bas-Saint-Laurent	\$0.26107
Commission scolaire de la Moyenne-Côte-Nord	Côte-Nord	\$0.23901
Commission scolaire des Navigateurs	Chaudière-Appalaches	\$0.22586
Commission scolaire de l'Or-et-des-Bois	Abitibi-Témiscamingue	\$0.13694
Commission scolaire des Patriotes	Montérégie	\$0.17832
Commission scolaire du Pays-des-Bleuets	Saguenay-Lac-Saint-Jean	\$0.30932
Commission scolaire des Phares	Bas-Saint-Laurent	\$0.26107
Commission scolaire Pierre-Neveu	Laurentides	\$0.10540
Commission scolaire des Portages-de-l'Outaouais	Outaouais	\$0.13694
Commission scolaire de Portneuf	Capitale-Nationale	\$0.13360
Commission scolaire des Premières-Seigneuries	Capitale-Nationale	\$0.13360
Commission scolaire de la Région-de-Sherbrooke	Estrie	\$0.18434
Commission scolaire René-Lévesque	Gaspésie	\$0.28500
Commission scolaire de la Riveraine	Centre-du-Québec	\$0.29640
Commission scolaire des Rives-du-Saguenay	Saguenay-Lac-Saint-Jean	\$0.30932
Commission scolaire de la Rivière-du-Nord	Laurentides	\$0.10540
Commission scolaire de Rouyn-Noranda	Abitibi-Témiscamingue	\$0.13694
Commission scolaire de Saint-Hyacinthe	Montérégie	\$0.17832

Commission scolaire des Samares	Lanaudière	\$0.27072
Commission scolaire de la Seigneurie-des-Mille-Îles	Laurentides	\$0.10540
Commission scolaire des Sommets	Estrie	\$0.18434
Commission scolaire de Sorel-Tracy	Montérégie	\$0.17832
Commission scolaire des Trois-Lacs	Montérégie	\$0.17832
Commission scolaire du Val-des-Cerfs	Montérégie	\$0.17832
Commission scolaire de la Vallée-des-Tisserands	Montérégie	\$0.17832
Eastern Shores School Board	Bas-Saint-Laurent	\$0.26107
	Côte-Nord	\$0.23901
	Gaspésie	\$0.28500
	Îles-de-la-Madeleine	\$0.28420
Eastern Townships School Board	Estrie	\$0.18434
	Chaudière-Appalaches	\$0.22586
	Montérégie	\$0.17832
	Centre-du-Québec	\$0.29640
New Frontiers School Board	Montérégie	\$0.17832
Riverside School Board	Montérégie	\$0.17832
Sir Wilfrid Laurier School Board	Laval	\$0.23095
	Lanaudière	\$0.27072
	Laurentides	\$0.10540
Western Québec School Board	Outaouais	\$0.13694
	Abitibi-Témiscamingue	\$0.13694
	Laurentides	\$0.10540

¹ Rate expressed per \$100 of the standardized assessment of the taxable immovables.

2018, chapter 6
APPROPRIATION ACT NO. 1, 2018–2019

Bill 177

Introduced by Mr. Pierre Arcand, Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor

Introduced 28 March 2018

Passed in principle 28 March 2018

Passed 28 March 2018

Assented to 28 March 2018

Coming into force: 28 March 2018

Legislation amended: None

Explanatory notes

This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund, for the 2018–2019 fiscal year, a sum not exceeding \$16,404,038,160.00, representing some 27.4% of the appropriations to be voted for each of the portfolio programs listed in Schedule 1.

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

Lastly, the Act also approves expenditure estimates for a total of \$3,677,300,153.00 and investment estimates for a total of \$827,462,575.00, representing some 28.7% of the expenditure estimates and some 25.0% of the investment estimates for the special funds listed in Schedule 2.



Chapter 6

APPROPRIATION ACT NO. 1, 2018–2019

[Assented to 28 March 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding \$16,404,038,160.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2018–2019 fiscal year. The sum is constituted as follows:

(1) a first portion of \$14,969,940,275.00, in appropriations allocated according to the programs listed in Schedule 1, representing 25.0% of the appropriations to be voted in the 2018–2019 Expenditure Budget;

(2) an additional portion of \$1,434,097,885.00, in appropriations allocated according to the programs listed in Schedule 1, representing some 2.4% of the appropriations to be voted in the 2018–2019 Expenditure Budget.

2. The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to that end, for the purposes of and, where applicable, according to the conditions described in the Expenditure Budget.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, provided such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 10.0%, excluding, where applicable, the portion of the appropriation for which provision has been made.

3. The expenditure and investment estimates for the special funds listed in Schedule 2 are approved for the 2018–2019 fiscal year. These sums are constituted as follows:

(1) a first portion of \$3,199,744,975.00, representing 25.0% of the expenditure estimates in the 2018–2019 Special Funds Budget and an additional portion of \$477,555,178.00, representing some 3.7% of the expenditure estimates in the 2018–2019 Special Funds Budget;

(2) a first portion of \$827,312,575.00, representing 25.0% of the investment estimates in the 2018–2019 Special Funds Budget and an additional portion of \$150,000.00.

4. This Act comes into force on 28 March 2018.

SCHEDULE 1

GENERAL FUND

AFFAIRES MUNICIPALES ET OCCUPATION DU TERRITOIRE

	First portion	Additional portion
PROGRAM 1		
Support for Departmental Activities	14,463,575.00	
PROGRAM 2		
Municipal Infrastructure Modernization	111,943,525.00	8,056,475.00
PROGRAM 3		
Compensation in Lieu of Taxes and Support to Municipalities	159,781,250.00	350,925,100.00
PROGRAM 4		
Development of the Regions and Territories	40,865,450.00	1,381,892.00
PROGRAM 5		
Promotion and Development of the Metropolitan Region	31,786,100.00	75,835,557.00
PROGRAM 6		
Commission municipale du Québec	901,725.00	
PROGRAM 7		
Housing	109,959,150.00	
PROGRAM 8		
Consumer Protection	2,002,350.00	
	471,703,125.00	436,199,024.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

	First portion	Additional portion
PROGRAM 1		
Bio-food Business Development, Training and Food Quality	115,343,325.00	120,970,500.00
PROGRAM 2		
Government Bodies	109,797,200.00	
	<hr/>	<hr/>
	225,140,525.00	120,970,500.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

	First portion	Additional portion
PROGRAM 1		
Support for the Conseil du trésor	20,280,075.00	
PROGRAM 2		
Support for Government Operations	47,932,125.00	
PROGRAM 3		
Commission de la fonction publique	1,162,500.00	
PROGRAM 4		
Retirement and Insurance Plans	1,111,125.00	
PROGRAM 5		
Contingency Fund	444,584,625.00	
	<hr/>	
	515,070,450.00	

CONSEIL EXÉCUTIF

	First portion	Additional portion
PROGRAM 1		
Lieutenant-Governor's Office	189,600.00	
PROGRAM 2		
Support Services for the Premier and the Conseil exécutif	23,837,850.00	
PROGRAM 3		
Canadian Relations	3,762,375.00	
PROGRAM 4		
Aboriginal Affairs	70,832,800.00	15,000,000.00
PROGRAM 5		
Youth	11,471,975.00	3,000,000.00
PROGRAM 6		
Access to Information and Reform of Democratic Institutions	2,643,100.00	
PROGRAM 7		
Maritime Affairs	1,909,775.00	
PROGRAM 8		
Relations with English-speaking Quebecers	752,500.00	
	115,399,975.00	18,000,000.00

CULTURE ET COMMUNICATIONS

	First portion	Additional portion
PROGRAM 1		
Internal Management, Centre de conservation du Québec and Conseil du patrimoine culturel du Québec	14,708,050.00	
PROGRAM 2		
Support for Culture, Communications and Government Enterprises	159,428,650.00	6,586,055.00
PROGRAM 3		
Charter of the French Language	7,446,625.00	
	181,583,325.00	6,586,055.00

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET LUTTE
CONTRE LES CHANGEMENTS CLIMATIQUES

	First portion	Additional portion
PROGRAM 1		
Environmental Protection	46,707,650.00	
PROGRAM 2		
Bureau d'audiences publiques sur l'environnement	1,290,125.00	
	<hr/>	
	47,997,775.00	

ÉCONOMIE, SCIENCE ET INNOVATION

	First portion	Additional portion
PROGRAM 1		
Management and Administration	8,699,500.00	
PROGRAM 2		
Economic Development	76,552,075.00	
PROGRAM 3		
Development of Science, Research and Innovation	51,742,275.00	6,700,000.00
PROGRAM 4		
Economic Development Fund Interventions	60,397,750.00	
PROGRAM 5		
Research and Innovation Bodies	57,271,250.00	93,600,000.00
	254,662,850.00	100,300,000.00

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

	First portion	Additional portion
PROGRAM 1		
Administration	52,393,375.00	
PROGRAM 2		
Support for Organizations	27,068,825.00	
PROGRAM 3		
Financial Assistance for Education	245,765,650.00	
PROGRAM 4		
Preschool, Primary and Secondary Education	2,757,102,700.00	
PROGRAM 5		
Higher Education	1,459,787,000.00	202,656,700.00
PROGRAM 6		
Development of Recreation and Sports	21,428,575.00	6,772,000.00
PROGRAM 8		
Status of Women	4,285,525.00	
PROGRAM 9		
Promotion and Development of the Capitale-Nationale	15,025,675.00	12,750,000.00
	4,582,857,325.00	222,178,700.00

ÉNERGIE ET RESSOURCES NATURELLES

	First portion	Additional portion
PROGRAM 1		
Management of Natural Resources	21,045,250.00	5,100,000.00
	<hr/>	<hr/>
	21,045,250.00	5,100,000.00

FAMILLE

	First portion	Additional portion
PROGRAM 1		
Planning, Research and Administration	15,184,275.00	
PROGRAM 2		
Assistance Measures for Families	22,156,875.00	7,182,800.00
PROGRAM 3		
Childcare Services	552,545,325.00	87,927,056.00
PROGRAM 4		
Condition of Seniors	7,557,500.00	
PROGRAM 5		
Public Curator	12,307,000.00	
	<hr/>	<hr/>
	609,750,975.00	95,109,856.00

FINANCES

	First portion	Additional portion
PROGRAM 1		
Management and Administration	7,436,475.00	
PROGRAM 2		
Economic, Taxation, Budgetary and Financial Activities	14,594,925.00	
PROGRAM 3		
Contributions, Bank Service Fees and Provisions for Transferring Appropriations	26,202,625.00	
PROGRAM 4		
Debt Service	250,000.00	
	<hr/>	
	48,484,025.00	

FORÊTS, FAUNE ET PARCS

	First portion	Additional portion
PROGRAM 1		
Forests	83,995,025.00	55,000,000.00
PROGRAM 2		
Wildlife and Parks	36,489,150.00	12,000,000.00
	<hr/>	<hr/>
	120,484,175.00	67,000,000.00

IMMIGRATION, DIVERSITÉ ET INCLUSION

	First portion	Additional portion
PROGRAM 1		
Immigration, Diversity and Inclusion	86,886,400.00	
	<hr/>	
	86,886,400.00	

JUSTICE

	First portion	Additional portion
PROGRAM 1		
Judicial Activity	9,457,750.00	27,500.00
PROGRAM 2		
Administration of Justice	90,651,750.00	14,594,700.00
PROGRAM 3		
Administrative Justice	3,764,475.00	3,643,400.00
PROGRAM 4		
Justice Accessibility	45,021,700.00	15,007,200.00
PROGRAM 5		
Other Body Reporting to the Minister	4,072,325.00	177,500.00
PROGRAM 6		
Criminal and Penal Prosecutions	42,044,600.00	2,818,000.00
	195,012,600.00	36,268,300.00

PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

	First portion	Additional portion
PROGRAM 1		
The Public Protector	4,279,575.00	
PROGRAM 2		
The Auditor General	8,204,575.00	900,000.00
PROGRAM 4		
The Lobbyists Commissioner	879,075.00	
	<hr/>	<hr/>
	13,363,225.00	900,000.00

RELATIONS INTERNATIONALES ET FRANCOPHONIE

	First portion	Additional portion
PROGRAM 1		
Management and Administration	5,039,975.00	
PROGRAM 2		
International Affairs	23,378,225.00	13,702,000.00
	<hr/>	<hr/>
	28,418,200.00	13,702,000.00

SANTÉ ET SERVICES SOCIAUX

	First portion	Additional portion
PROGRAM 1		
Coordination Functions	37,097,575.00	
PROGRAM 2		
Services to the Public	5,705,833,800.00	
PROGRAM 3		
Office des personnes handicapées du Québec	3,275,750.00	
	<hr/>	
	5,746,207,125.00	

SÉCURITÉ PUBLIQUE

	First portion	Additional portion
PROGRAM 1		
Security, Prevention and Internal Management	196,923,200.00	17,832,700.00
PROGRAM 2		
Sûreté du Québec	174,178,100.00	176,495,000.00
PROGRAM 3		
Bodies Reporting to the Minister	13,432,750.00	
	<hr/>	<hr/>
	384,534,050.00	194,327,700.00

TOURISME

	First portion	Additional portion
PROGRAM 1		
Tourism Promotion and Development	46,357,825.00	1,755,750.00
	<hr/> 46,357,825.00	<hr/> 1,755,750.00

TRANSPORTS, MOBILITÉ DURABLE ET ÉLECTRIFICATION DES
TRANSPORTS

	First portion	Additional portion
PROGRAM 1		
Infrastructures and Transportation Systems	171,956,850.00	
PROGRAM 2		
Administration and Corporate Services	14,138,925.00	
	<hr/>	
	186,095,775.00	

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	First portion	Additional portion
PROGRAM 1		
Employment Assistance Measures	204,522,900.00	50,000,000.00
PROGRAM 2		
Financial Assistance Measures	752,488,375.00	50,000,000.00
PROGRAM 3		
Administration	127,238,125.00	15,000,000.00
PROGRAM 4		
Labour	4,635,900.00	700,000.00
	1,088,885,300.00	115,700,000.00

SCHEDULE 2

SPECIAL FUNDS

AFFAIRES MUNICIPALES ET OCCUPATION DU TERRITOIRE

	First portion	Additional portion
TERRITORIES DEVELOPMENT FUND		
Expenditure estimate	30,183,950.00	10,000,000.00
TOTAL		
Expenditure estimate	30,183,950.00	10,000,000.00

CULTURE ET COMMUNICATIONS

	First portion	Additional portion
AVENIR MÉCÉNAT CULTURE FUND		
Expenditure estimate	1,492,025.00	
QUÉBEC CULTURAL HERITAGE FUND		
Expenditure estimate	<u>5,762,875.00</u>	
TOTAL		
Expenditure estimate	7,254,900.00	

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET LUTTE
CONTRE LES CHANGEMENTS CLIMATIQUES

	First portion	Additional portion
FUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE WATERS IN THE DOMAIN OF THE STATE		
Expenditure estimate	6,064,875.00	
Investment estimate	4,312,500.00	
GREEN FUND		
Expenditure estimate	212,950,675.00	
Investment estimate	715,850.00	
TOTALS		
Expenditure estimate	219,015,550.00	
Investment estimate	5,028,350.00	

ÉCONOMIE, SCIENCE ET INNOVATION

	First portion	Additional portion
MINING AND HYDROCARBON CAPITAL FUND		
Expenditure estimate	50,000.00	
Investment estimate	46,250,000.00	
ECONOMIC DEVELOPMENT FUND		
Expenditure estimate	108,906,500.00	
Investment estimate	158,082,250.00	
TOTALS		
Expenditure estimate	108,956,500.00	
Investment estimate	204,332,250.00	

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

	First portion	Additional portion
CAPITALE-NATIONALE REGION FUND		
Expenditure estimate	6,625,000.00	12,750,000.00
SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND		
Expenditure estimate	20,144,850.00	
Investment estimate	32,500,000.00	
UNIVERSITY EXCELLENCE AND PERFORMANCE FUND		
Expenditure estimate	6,250,000.00	
TOTALS		
Expenditure estimate	33,019,850.00	12,750,000.00
Investment estimate	32,500,000.00	

ÉNERGIE ET RESSOURCES NATURELLES

	First portion	Additional portion
ENERGY TRANSITION FUND		
Expenditure estimate	25,000.00	
NATURAL RESOURCES FUND		
Expenditure estimate	8,440,950.00	1,100,000.00
Investment estimate	103,000.00	
TERRITORIAL INFORMATION FUND		
Expenditure estimate	28,590,050.00	
Investment estimate	13,156,450.00	
TOTALS		
Expenditure estimate	37,056,000.00	1,100,000.00
Investment estimate	13,259,450.00	

FAMILLE

	First portion	Additional portion
CAREGIVER SUPPORT FUND		
Expenditure estimate	3,720,000.00	
EDUCATIONAL CHILDCARE SERVICES FUND		
Expenditure estimate	605,820,325.00	371,139,201.00
EARLY CHILDHOOD DEVELOPMENT FUND		
Expenditure estimate	5,312,500.00	4,687,500.00
TOTAL		
Expenditure estimate	614,852,825.00	375,826,701.00

FINANCES

	First portion	Additional portion
FINANCING FUND		
Expenditure estimate	665,275.00	
IFC MONTRÉAL FUND		
Expenditure estimate	337,425.00	1,012,275.00
NORTHERN PLAN FUND		
Expenditure estimate	18,640,200.00	
FUND OF THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL		
Expenditure estimate	722,050.00	
Investment estimate	645,625.00	
TAX ADMINISTRATION FUND		
Expenditure estimate	242,821,025.00	
TOTALS		
Expenditure estimate	263,185,975.00	1,012,275.00
Investment estimate	645,625.00	

FORÊTS, FAUNE ET PARCS

	First portion	Additional portion
NATURAL RESOURCES FUND – SUSTAINABLE FOREST DEVELOPMENT SECTION		
Expenditure estimate	134,485,800.00	51,000,000.00
Investment estimate	2,500,000.00	
	<hr/>	<hr/>
TOTALS		
Expenditure estimate	134,485,800.00	51,000,000.00
Investment estimate	2,500,000.00	

JUSTICE

	First portion	Additional portion
ACCESS TO JUSTICE FUND		
Expenditure estimate	4,437,050.00	
CRIME VICTIMS ASSISTANCE FUND		
Expenditure estimate	7,726,525.00	
Investment estimate	42,250.00	
REGISTER FUND OF THE MINISTÈRE DE LA JUSTICE		
Expenditure estimate	12,496,800.00	
Investment estimate	1,716,950.00	150,000.00
FUND OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC		
Expenditure estimate	10,407,350.00	
Investment estimate	291,425.00	
PUBLIC CONTRACTS FUND		
Expenditure estimate	100,000.00	
TOTALS		
Expenditure estimate	35,167,725.00	
Investment estimate	2,050,625.00	150,000.00

SANTÉ ET SERVICES SOCIAUX

	First portion	Additional portion
HEALTH AND SOCIAL SERVICES INFORMATION RESOURCES FUND		
Expenditure estimate	52,628,500.00	
Investment estimate	7,500,000.00	
<hr/>		
TOTALS		
Expenditure estimate	52,628,500.00	
Investment estimate	7,500,000.00	

SÉCURITÉ PUBLIQUE

	First portion	Additional portion
POLICE SERVICES FUND		
Expenditure estimate	162,528,450.00	
Investment estimate	6,942,750.00	
	<hr/>	
TOTALS		
Expenditure estimate	162,528,450.00	
Investment estimate	6,942,750.00	

TOURISME

	First portion	Additional portion
TOURISM PARTNERSHIP FUND		
Expenditure estimate	50,703,900.00	11,758,050.00
Investment estimate	66,250.00	
<hr/>		
TOTALS		
Expenditure estimate	50,703,900.00	11,758,050.00
Investment estimate	66,250.00	

TRANSPORTS, MOBILITÉ DURABLE ET ÉLECTRIFICATION
DES TRANSPORTS

	First portion	Additional portion
AIR SERVICE FUND		
Expenditure estimate	18,534,375.00	
Investment estimate	5,317,500.00	
ROLLING STOCK MANAGEMENT FUND		
Expenditure estimate	30,797,825.00	
Investment estimate	17,206,925.00	
HIGHWAY SAFETY FUND		
Expenditure estimate	10,785,350.00	
Investment estimate	37,500.00	
LAND TRANSPORTATION NETWORK FUND		
Expenditure estimate	1,044,450,975.00	
Investment estimate	522,718,000.00	
TOTALS		
Expenditure estimate	1,104,568,525.00	
Investment estimate	545,279,925.00	

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	First portion	Additional portion
ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION		
Expenditure estimate	6,425,550.00	6,808,152.00
LABOUR MARKET DEVELOPMENT FUND		
Expenditure estimate	276,736,600.00	7,300,000.00
GOODS AND SERVICES FUND		
Expenditure estimate	29,320,525.00	
Investment estimate	1,127,600.00	
INFORMATION TECHNOLOGY FUND OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE		
Expenditure estimate	5,006,525.00	
Investment estimate	3,942,250.00	
ADMINISTRATIVE LABOUR TRIBUNAL FUND		
Expenditure estimate	21,010,750.00	
Investment estimate	2,137,500.00	
FONDS QUÉBÉCOIS D'INITIATIVES SOCIALES		
Expenditure estimate	7,636,575.00	
TOTALS		
Expenditure estimate	346,136,525.00	14,108,152.00
Investment estimate	7,207,350.00	

2018, chapter 7
**AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND
OTHER PROVISIONS**

Bill 165

Introduced by Mr. André Fortin, Minister of Transport, Sustainable Mobility and Transport
Electrification

Introduced 8 December 2017

Passed in principle 20 February 2018

Passed 17 April 2018

Assented to 18 April 2018

Coming into force: 18 April 2018, except

(1) sections 4, 21, 22, 24 to 27, 35, 40, 41, 43, 45 to 47, section 48 to the extent that it enacts sections 239.1 and 239.2 of the Highway Safety Code (chapter C-24.2), sections 54 to 61, 64, 68, 72 to 74, 81, 82, 84, 85, 89, 90, 93, 94, 95, 97, 105, 107, 108, 112, 116, 119, 120, 122 to 125, 127 to 142, 144, 146, 147, 158, 159, paragraph 2 of section 166 to the extent that it enacts subparagraph 19 of the first paragraph of section 626 of the Highway Safety Code, sections 171 and 172, paragraph 2 of section 180, sections 188 and 196, paragraphs 1 to 3 of section 198 and sections 204 to 207, which come into force on 18 May 2018;

(2) paragraph 2 of section 32, sections 114 and 117, section 143 to the extent that it enacts section 509.2.2 of the Highway Safety Code, paragraphs 2 and 6 of section 164, paragraph 1 of section 180, section 191, paragraph 4 of section 198 and section 200, which come into force on 30 June 2018;

(3) section 154, which comes into force on 17 July 2018;

(4) sections 52, 63, 86 to the extent that it enacts the last paragraph of section 359 of the Highway Safety Code and paragraph 2 of section 101, which come into force on 18 April 2019;

(5) section 148, which comes into force on 1 August 2019;

(6) section 115, which comes into force on 1 December 2019, unless the Government sets an earlier date for its coming into force;

(7) sections 106, 110 and 187, which come into force on 19 April 2020, unless the Government sets an earlier date for their coming into force;

(cont'd on next page)

Coming into force: *(cont'd)*

(8) section 5 to the extent that it enacts section 202.5.1 of the Highway Safety Code, sections 9, 13 to 20 and 29, paragraph 2 of section 31, paragraph 1 of section 32, section 39, section 48 to the extent that it enacts section 239.1.1 of the Highway Safety Code, section 62, section 126, section 143 to the extent that it enacts section 509.2.1 of the Highway Safety Code, sections 145, 149, 152 and 162, paragraphs 4 and 5 of section 164, paragraphs 2 and 3 of section 174 and section 178, which come into force on the date or dates to be set by the Government.

Legislation amended:

Automobile Insurance Act (chapter A-25)
Highway Safety Code (chapter C-24.2)
Act respecting administrative justice (chapter J-3)
Act respecting transport infrastructure partnerships (chapter P-9.001)
Act respecting off-highway vehicles (chapter V-1.2)
Act to amend the Highway Safety Code and other legislative provisions (1996, chapter 56)
Act respecting owners and operators of heavy vehicles (1998, chapter 40)
Act to amend the Highway Safety Code and other legislative provisions (2004, chapter 2)
Act to again amend the Highway Safety Code and other legislative provisions (2008, chapter 14)

Regulations amended:

Ministerial Order concerning driving of buses on certain autoroute shoulders (chapter C-24.2, r. 6.02)
Ministerial Order concerning riding of bicycles on shoulders (chapter C-24.2, r. 6.1)
Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9)
Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects (chapter C-24.2, r. 27)
Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32)
Regulation respecting licences (chapter C-24.2, r. 34)
Regulation respecting demerit points (chapter C-24.2, r. 37)
Pilot Project for the use of a flashing green light on a road vehicle driven by a firefighter responding to an emergency call (chapter C-24.2, r. 39.1.01)
Pilot project concerning motorized mobility aids (chapter C-24.2, r. 39.1.1)

Explanatory notes

This Act proposes numerous amendments relating to road safety.

The Highway Safety Code is amended to clearly state the duty of care that is binding on all road users. All road users must be careful and considerate when travelling on a public highway, especially toward more vulnerable users.

Several new traffic and signage rules applicable to road users are enacted.

Measures to encourage users to share the road, in particular special provisions on shared streets and bicycle boulevards, are introduced. The safe distance that drivers of road vehicles must maintain when passing cyclists on the roadway or shoulder of a public highway is specified, as are the safe behaviours that drivers must adopt in such situations. Similar provisions are also to apply with respect to pedestrians and groups of participants during exceptional events or sports events or competitions.

(cont'd on next page)

Explanatory notes (*cont'd*)

The rules that road users must comply with, in particular in intersections and traffic circles, are set out.

As regards repeat drinking and driving offenders, the Act provides that, from the very first repeat offence, any licence that may subsequently be issued to the repeat offender is to be subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device. That condition may however be lifted after a 10-year period provided certain conditions are met.

The Act contains various rules to regulate sources of distraction while driving, such as the use of cellular telephones or other portable devices as well as display screens. It increases the amounts of the fines and the number of demerit points applicable for contraventions and provides that, in the case of a repeat offence, the offender's licence is immediately suspended.

A midnight to 5 a.m. driving curfew is imposed on novice passenger vehicle or motorcycle drivers during their learning period. The number of passengers 19 years of age or younger that novice passenger vehicle drivers may carry during that curfew and in the first year of their probationary licence is restricted, with some exceptions. The requirement that learner drivers of motorcycles be accompanied is withdrawn. Visual protection is made mandatory for motorcyclists in certain circumstances, and motorcyclists are prohibited from driving between rows of vehicles.

Under specific conditions, peace officers are given the power to immediately suspend the driver's licence of a person who fails a test to check whether he or she is able to orient in space and time.

The date on which an automobile must be equipped with winter tires is moved forward to 1 December. The Minister is given the power to make certain classes of heavy vehicles, tool vehicles and farm machines subject to that obligation. Driving a vehicle covered with ice, snow or any other matter that may detach from the vehicle is prohibited. Several rules relating to the stopping of vehicles are revisited, and peace officers' power to have stopped vehicles moved is clarified, in particular in the event of special weather conditions or inadequate visibility conditions.

The Act amends the fines for speeding violations in school zones to double their amounts. It also includes certain provisions concerning photo radar devices and red light camera systems.

The Act clarifies the Minister's power regarding toll rates for operating a vehicle on a public highway subject to a toll.

Special rules are stipulated as regards operating heavy vehicles and securing their loads. Certain provisions relating to the equipment of certain vehicles and the verification of their compliance are revised. More specifically, heavy vehicles with a dump body must be equipped with a warning light and an audible warning device to indicate that the dump body is not completely lowered.

Provisions are made to afford better protection for flag persons called on to direct traffic because of roadwork as well as to increase the number of demerit points applicable for failing to obey the orders or signals of a peace officer, school crossing guard or flag person.

The Act provides for the special rules that could be set under a pilot project authorized by the Minister to allow autonomous vehicles to operate on the road network; those provisions would prevail over the provisions of the Highway Safety Code and the Automobile Insurance Act. Such pilot projects are to last five years, but may be extended by up to two years.

Special rules are established in relation to a firefighter's use of a flashing green light when responding to an emergency call from a fire safety service.

The Automobile Insurance Act is amended to delimit public plan coverage in relation to certain activities and vehicles.

Lastly, various administrative and penal measures as well as transitional and final provisions are included.



Chapter 7

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER PROVISIONS

[Assented to 18 April 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HIGHWAY SAFETY CODE

1. The heading of the preliminary title of the Highway Safety Code (chapter C-24.2) is replaced by the following heading:

“SCOPE, DUTY OF CARE AND DEFINITIONS”.

2. Section 1 of the Code is amended by inserting “, cyclist and other road user” after “pedestrian” in the first paragraph.

3. The Code is amended by inserting the following section after section 3:

“3.1. All road users have a duty, especially toward more vulnerable users, to be careful and considerate when travelling on a public highway.

Drivers of road vehicles have a duty to show extra care for more vulnerable users such as pedestrians, cyclists and mobility impaired persons.

Vulnerable users, for their part, have a duty to adopt behaviours that enhance their own safety.”

4. Section 4 of the Code, amended by section 2 of chapter 83 of the statutes of 1990 and by section 1 of chapter 14 of the statutes of 2008, is again amended

(1) by inserting the following definition in alphabetical order:

“**“shared street”** means all or part of a public highway on which pedestrian traffic has priority;”;

(2) by inserting the following definition in alphabetical order:

“**“autonomous vehicle”** means a road vehicle equipped with an automated driving system that can operate a vehicle at driving automation level 3, 4 or 5 of the SAE International’s Standard J3016;”;

(3) by inserting the following definition in alphabetical order:

“**bicycle boulevard**” means all or part of a public highway on which bicycle traffic is facilitated;”.

5. Section 5.1 of the Code is amended by replacing “202.2, 202.2.1, 202.4” by “202.2 to 202.2.1.2, 202.4, 202.5.1”.

6. Section 9 of the Code is amended by striking out “, with the approval of the Minister of Transport,”.

7. Section 62 of the Code is amended by replacing the first paragraph by the following paragraph:

“The Société may, on the conditions it determines, recognize driving schools or delegate its power to specific bodies.”

8. Section 63.2 of the Code is repealed.

9. Section 64.1 of the Code is replaced by the following section:

“64.1. The Société shall issue, on the conditions set out in this Code, a licence that is subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device approved by the Société.

The Société shall determine the conditions of use of the alcohol ignition interlock device. The person responsible for managing the data collected by the device must send the data to the Société along with any information the person has concerning the licence holder, in the manner prescribed by agreement.”

10. Section 66.1 of the Code is amended by replacing “recognized by a body approved by the Société” in the first paragraph by “recognized in accordance with section 62”.

11. Section 67 of the Code, amended by section 6 of chapter 14 of the statutes of 2008, is again amended by adding the following paragraph at the end:

“The Société may designate, on the conditions it determines, persons to conduct the theoretical proficiency examinations.”

12. Section 69.1 of the Code is amended by striking out “, with the approval of the Minister of Transport,”.

13. Section 76.1.2 of the Code is amended by replacing the first and second paragraphs by the following paragraph:

“When the offence for which a cancellation or suspension is incurred is an alcohol-related offence and if, during the 10 years before cancellation or suspension, the person incurred no cancellation or suspension for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample, the person must, to obtain a new licence, establish by means of a summary assessment that the person’s relationship with alcohol or drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence applied for.”

14. Section 76.1.3 of the Code is amended

(1) by striking out “or a maintenance assessment provided for in section 76.1.4.1”;

(2) by replacing “either one or two years, depending on whether, during the 10 years before the cancellation or suspension, the person incurred no cancellation or suspension for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample, or one such cancellation or suspension” by “one year”.

15. Section 76.1.4 of the Code is amended

(1) by striking out “and the person must, in order to obtain a new licence, establish by means of a comprehensive assessment that the person’s relationship with alcohol or drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence applied for”;

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

“If, during the 10 years before the cancellation or suspension, the person incurred no cancellation or suspension for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample, the person must, to obtain a new licence, establish by means of a comprehensive assessment that the person’s relationship with alcohol or drugs does not compromise the safe operation of a road vehicle corresponding to the class of licence applied for.”

16. Section 76.1.4.1 of the Code is amended by replacing both occurrences of “in sections 76.1.2 and” by “in section”.

17. Section 76.1.5 of the Code is amended by replacing “either two or three years, depending on whether, during the 10 years before the cancellation or suspension, the person incurred no cancellation or suspension for an alcohol-related offence or for having a high blood alcohol concentration level, or one cancellation or suspension for an alcohol-related offence” by “two years”.

18. Section 76.1.6 of the Code is replaced by the following section:

“76.1.6. When the offence for which a cancellation or suspension is incurred is an alcohol-related offence, having a high blood alcohol concentration level or refusing to provide a breath sample and if, during the 10 years before the cancellation or suspension, the person incurred one or more cancellations or suspensions for any of those offences, the new licence and every subsequent licence issued to the person during the person’s lifetime is subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device approved by the Société.

However, in the case of a second licence cancellation or suspension, the person may, at the expiry of a 10-year period during which the person’s licence is subject to the condition of driving a vehicle equipped with an alcohol ignition interlock device, apply to the Court of Québec, civil practice chamber, to have the condition lifted, the onus being on the person to establish that the person’s relationship with alcohol or drugs does not compromise the safe operation of a road vehicle.

When computing the period referred to in the second paragraph, any time during which the person was not authorized to drive a road vehicle, whether because the person did not hold a licence or the person’s licence was subject to a sanction, must be disregarded.”

19. The Code is amended by inserting the following sections after section 76.1.6:

“76.1.6.1. The application shall be presented before the court of the applicant’s domicile and served on the Société at least 60 days before the date fixed for its presentation.

The application must be accompanied by any document that the applicant intends to produce as evidence.

“76.1.6.2. When the application is served on it, the Société shall transmit to the court and to the applicant, 30 days before the date fixed for the presentation of the application, the data collected by the alcohol ignition interlock device and any relevant information held by the Société in respect of the applicant.

The Société may plead any ground of law or fact to oppose the conclusions sought in the application.

“76.1.6.3. When a person referred to in section 76.1.6 incurs a new cancellation or suspension, the person remains subject to the conditions specified in that section for obtaining a new licence and need not undergo the assessments imposed by sections 76.1.2, 76.1.4 and 76.1.4.1.

“76.1.6.4. The application of the provisions of this Code concerning the medical examinations or the assessments imposed on a person with a disorder related to the consumption of alcohol and the application of the provisions of the second paragraph of section 64 concerning the operation of a vehicle equipped with an alcohol ignition interlock device approved by the Société, at the driver’s request, are suspended with respect to a person referred to in section 76.1.6 for as long as the person’s new licence, or any subsequent licence issued to the person during the person’s lifetime, is subject to the condition of driving a vehicle equipped with an alcohol ignition interlock device.”

20. Section 76.1.10 of the Code is amended by replacing “one-, two- and three-year” by “one- and two-year”.

21. Section 99 of the Code is amended by adding the following paragraphs at the end:

“Holders of a class 5 or class 6A learner’s licence, as determined by regulation, are prohibited from driving a road vehicle covered by either class between midnight and 5 a.m.

The holder of a learner’s licence driving a motorcycle may not carry passengers.

A government regulation may, in the cases and on the conditions it determines, exempt the holder of a learner’s licence from the assistance conditions set out in the first paragraph or prescribe different conditions.”

22. Section 100 of the Code is replaced by the following section:

“100. The driver of a road vehicle who holds a class 5 probationary licence, as determined by regulation, and who is 19 years of age or younger is subject to the following rules in the year after the licence is issued:

(1) for the first six months, the driver may only carry one passenger 19 years of age or younger between midnight and 5 a.m.; and

(2) for the next six months, the driver may only carry three passengers 19 years of age or younger between midnight and 5 a.m.

The rules set out in the first paragraph do not apply if one of the passengers has held, for at least two years, a valid driver’s licence of the appropriate class for driving the vehicle, is seated beside the driver and is in a position to give the driver assistance and advice.

For the purposes of the first paragraph, a passenger who is a member of the driver’s immediate family is not taken into account in the computation of the number of passengers.

“Driver’s immediate family” means

- (1) the driver’s married, civil union or de facto spouse;
- (2) the driver’s children and the driver’s spouse’s children;
- (3) the driver’s brothers and sisters; and
- (4) any other child of the driver’s father or mother or of either’s spouse.

A peace officer who has reasonable grounds to suspect that a driver is contravening this section may ask a passenger to identify himself or herself, in which case the passenger shall give the peace officer the following information, which the passenger may provide verbally:

- (1) the passenger’s name and address;
- (2) the passenger’s date of birth; and
- (3) if applicable, the nature of the passenger’s family relationship with the driver.”

23. Section 110 of the Code is amended by inserting “, except a cyclist or pedestrian,” after “person”.

24. Section 137.1 of the Code is amended by replacing “section 99 or section 100” by “section 99 or a regulatory provision determining the holder’s assistance conditions made under the fifth paragraph of that section”.

25. Section 140.1 of the Code is replaced by the following section:

“**140.1.** A driver who contravenes section 99, a regulatory provision made under the fifth paragraph of section 99 or section 100 is guilty of an offence and is liable to a fine of \$200 to \$300.”

26. Section 156 of the Code is replaced by the following section:

“**156.** A peace officer or an employee of the Société designated for that purpose may enter, at any reasonable time, any establishment of a road vehicle recycler in order to require any information relating to the enforcement of section 155 and any related document, and examine and make copies of any such document. The officer or employee may also examine the road vehicles and major components in the recycler’s possession.

Société employees must identify themselves and show proof of their capacity.”

27. Section 165 of the Code is amended by striking out “, or who contravenes section 156.”.

28. Section 189 of the Code is amended by striking out subparagraph 5 of the first paragraph.

29. The Code is amended by inserting the following section after section 202.5:

“202.5.1. If a peace officer has reasonable grounds to suspect that a person who is driving a road vehicle or who has the care or control of a road vehicle is a danger to himself or to other road users, the peace officer may require the person to undergo a test, at the time the peace officer intercepts him, to check whether he is able to orient in space and time.

If the person fails the test, the peace officer shall immediately suspend, on behalf of the Société, the person’s licence or right to obtain a licence.

The suspension is maintained until the person establishes, through a medical examination carried out as specified in section 73, that the person does not suffer from an illness or deficiency or is not in a condition which, under the medical or health standards established by regulation, is essentially inconsistent with the driving of a road vehicle.

A government regulation determines the tenor of the test and the parameters for establishing whether a person has failed it or not.”

30. Section 202.6 of the Code is amended by replacing “or 202.4” by “, 202.4 or 202.5.1”.

31. Section 202.6.6 of the Code, amended by section 25 of chapter 29 of the statutes of 2002, is again amended

(1) by replacing “section 202.3 or 636.1” in subparagraph 3 of the first paragraph by “section 202.3”;

(2) by adding the following subparagraph at the end of the first paragraph:

“(5) in the case of a suspension under section 202.5.1, that the person was not, by driving or by having the care or control of a vehicle, a danger to himself or to other road users.”

32. Section 209.2 of the Code, amended by section 16 of chapter 29 of the statutes of 2001, is again amended

(1) by replacing “328.1” by “202.5.1, 328.1”;

(2) by replacing “and 434.2” by “, 434.2 and 443.3”.

33. Section 209.12 of the Code is amended by replacing “which shows that the conclusions of the application cannot be granted in whole or in part” by “to oppose the conclusions sought in the application in whole or in part”.

34. Section 209.18 of the Code is amended

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

“Where the value of the road vehicle is greater than \$3,000, the Société shall dispose of it by any method of sale it considers appropriate in the circumstances.”;

(2) by striking out the third paragraph.

35. Section 214 of the Code is replaced by the following section:

“214. No person may put any of the following vehicles into operation:

(1) a road vehicle intended to be operated on a public highway that has undergone alterations which may affect its compliance with the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16);

(2) a road vehicle intended to be operated on a public highway that has undergone alterations, including to the chassis, the body, a system or a mechanism, which may reduce its stability or braking capacity, or that was transformed into another type of vehicle; or

(3) a motor vehicle made by hand.

Despite the first paragraph, vehicles described in that paragraph may be put into operation if they have first undergone an inspection of the alterations made or, in the case of a vehicle made by hand, of its components and their assembly. For that purpose, the Société may also require any information that is necessary to determine whether the vehicle is safe.

The inspection shall be carried out before the mechanical inspection prescribed by subparagraph 8 of the first paragraph of section 521.

The Société shall issue an inspection certificate when it is proved to the Société’s satisfaction that the vehicle is safe.

The inspection prescribed by this section however is not required if the Société considers that the safety of road users is not compromised.

The Société has exclusive jurisdiction to carry out the inspection of altered vehicles or vehicles made by hand and to issue inspection certificates. The Société may, however, on the conditions it determines, appoint persons authorized to carry out the inspection of such vehicles on its behalf.”

36. Section 220.2 of the Code is amended by replacing “or semi-trailer” by “, semi-trailer or truck tractor”.

37. Section 220.3 of the Code is amended by replacing “at least 2.05 m” by “2.05 m or more” and “4,500 kg or more” by “more than 4,536 kg”.

38. Section 226 of the Code is amended by replacing “in the cases and on the conditions prescribed by regulation” in the first paragraph by “and flashing or rotating white lights”.

39. The Code is amended by inserting the following section after section 226.1:

“226.2. Only a firefighter who has obtained authorization from the Société may use a flashing green light on a road vehicle other than an emergency vehicle when responding to an emergency call from a fire safety service. The conditions under which the authorization referred to in this paragraph may be obtained and the technical standards the light must meet and method for its installation are prescribed by government regulation.

Where required by circumstances and when the light is activated, the firefighter is authorized to travel on the shoulder and stop the vehicle in any place. The firefighter must act in a manner that does not endanger human life and safety.”

40. Section 227 of the Code is amended by replacing the first paragraph by the following paragraph:

“In addition to road vehicles that are required by law to be so equipped, the following vehicles may carry flashing or rotating amber lights:

(1) vehicles recognized by the Société in accordance with the criteria established by regulation;

(2) service vehicles;

(3) equipment vehicles;

(4) vehicles used for road maintenance or for snow removal;

(5) vehicles used for work on a public utility and belonging to a telecommunications enterprise or an enterprise acting for it, the Canada Post Corporation, an enterprise operating an electrical transmission system or a public transportation enterprise for the supervision or maintenance of a public transport network;

(6) farm tractors regardless of whether they belong to a farmer;

(7) tool vehicles; and

(8) vehicles that escort participants during exceptional events or sports events or competitions.”

41. The Code is amended by inserting the following section after section 227:

“227.1. Road vehicles belonging to a funeral services business may carry flashing white or purple lights on the front of the vehicle.”

42. Section 230 of the Code is amended by adding the following paragraphs at the end:

“(5) two amber reflectors, one on each side, at the same height, as far forward as practicable; and

“(6) two red reflectors, one on each side, at the same height, as far to the rear as practicable.”

43. Section 232 of the Code is replaced by the following section:

“232. Every bicycle must carry

(1) one white reflector at the front;

(2) one red reflector at the rear;

(3) one amber or white reflector on each pedal;

(4) on the front wheel, an amber or white reflector attached to the spokes and visible on both sides of the bicycle, an amber or white reflective strip attached to each side of the fork, a tire with reflective sidewalls or a rim with a continuous reflective strip around the entire circumference of the wheel on both sides; and

(5) on the back wheel, a red or white reflector attached to the spokes and visible on both sides of the bicycle, a red or white reflective strip on each seat stay, a tire with reflective sidewalls, or a rim with a continuous reflective strip around the entire circumference of the wheel on both sides.

Despite the first paragraph, a bicycle need not carry the reflector required under subparagraph 3 of that paragraph if the cyclist wears a reflective band around each ankle or shoes with reflective strips.

Any equipment or object placed on a bicycle that blocks a prescribed reflector or its substitute must carry a reflector or a reflective strip.

A trailer towed by a bicycle must carry two red reflectors at the rear, as far apart as practicable, or a red reflective strip placed as close to horizontal as possible across the width of the trailer.”

44. Section 233 of the Code is amended

(1) by replacing “at least one white headlight” by “a white headlight or light”;

(2) by inserting “, both of which may be flashing” after “tail-light”.

45. Section 233.1 of the Code is amended

(1) by replacing “carries the reflectors prescribed by” by “complies with the requirements of the first paragraph of”;

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

“However, if the bicycle carries clipless pedals or does not have pedals, the prohibition set out in this section does not apply as regards the reflectors required under subparagraph 3 of the first paragraph of section 232.”

46. Section 237 of the Code is amended by adding the following paragraph at the end:

“If equipment installed on a vehicle blocks the vehicle’s headlights, lights or reflectors, the vehicle or equipment must carry equivalent headlights, lights or reflectors in places where they are visible.”

47. Section 239 of the Code is amended

(1) by replacing “in section 226 or 227” in the first paragraph by “in sections 226 to 227.1”;

(2) by replacing “in section 226 or in section 227” in the second paragraph by “in any of sections 226, 226.2, 227 and 227.1”.

48. The Code is amended by inserting the following sections after section 239:

“239.1. The driver of a road vehicle recognized by the Société, according to the criteria established by regulation, as an emergency vehicle or as a vehicle that may carry flashing or rotating amber lights must have the certificate of recognition with him.

The owner of the vehicle must affix the sticker issued by the Société as required by the regulation.

“239.1.1. The driver of a road vehicle who uses a flashing green light installed on the vehicle must have with him the certificate of authorization allowing the driver to do so.

“239.2. A driver referred to in section 239.1 or 239.1.1 must, at the request of a peace officer, surrender for examination the certificate the driver is required to have under that section.

The peace officer must return the certificate to the driver as soon as the officer has examined it.”

49. Section 240.2 of the Code is replaced by the following section:

“240.2. Except section 240.3, this chapter does not apply to the following vehicles to the extent that the conditions set out in the second paragraph are complied with:

- (1) self-propelled farm machines;
- (2) towed vehicles in a combination of agricultural vehicles, as defined by regulation, belonging to a farmer and used for agricultural purposes or for the exclusive transport of unprocessed timber; and
- (3) trailers in a combination of road vehicles used for the exclusive transport of unprocessed timber.

The conditions to which the first paragraph refers are the following:

- (1) the farm machine or combination of vehicles travels at a speed of less than 40 km/h and is equipped at the rear with the sign required under section 274; and
- (2) the farm machine or combination of vehicles is equipped with two red reflectors at the rear, one on each side of the vertical centreline and as far apart as practicable.”

50. Section 240.3 of the Code is amended by replacing the second paragraph by the following paragraphs:

“Self-propelled farm machines and combinations of farm vehicles as defined by regulation must be equipped with the equipment that meets the safety standards prescribed by regulation, to the extent that the machines or vehicles exceed 2.6 m in width and belong to a farmer.

In addition, the drivers of such machines or combinations of vehicles and the drivers of road vehicles escorting them are subject to the traffic rules prescribed by regulation.”

51. Section 244 of the Code is amended by replacing the third paragraph by the following paragraph:

“This section does not apply to the following combinations of vehicles that comply with the conditions set out in the second paragraph of section 240.2:

(1) combinations of farm vehicles as defined by regulation, including combinations with semi-trailers, whose towed vehicles belong to a farmer and are used for agricultural purposes or for the exclusive transport of unprocessed timber; and

(2) combinations of road vehicles whose trailers and semi-trailers are used for the exclusive transport of unprocessed timber.”

52. The Code is amended by inserting the following section after section 257:

“257.1. Every heavy vehicle with a dump body whose height, when the dump body is raised, exceeds the maximum height prescribed by regulation must be equipped with a flashing red warning light and an audible warning device which must activate automatically when the dump body is not completely lowered.

The Government may prescribe, by regulation, other standards applicable to the warning light and audible warning device required under the first paragraph.”

53. Section 258 of the Code is amended by inserting “, except a vehicle that does not use fuel as its source of energy,” after “vehicle”.

54. Section 275 of the Code is amended by striking out “212.”.

55. The Code is amended by inserting the following section after section 275:

“275.1. The owner or driver of a road vehicle who contravenes section 239.1 is guilty of an offence and is liable to a fine of \$30 to \$60.”

56. Section 276 of the Code is amended

(1) by replacing “\$15 to \$30” by “\$80 to \$100”;

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

“A cyclist whose bicycle is not equipped with the reflector required under subparagraph 3 of the first paragraph of section 232 and who does not wear a reflective band around each ankle or shoes with reflective strips as required under the second paragraph of that section is guilty of an offence and is liable to a fine of \$80 to \$100.”

57. Section 276.1 of the Code is amended by replacing “\$15 to \$30” by “\$80 to \$100”.

58. Section 281.1 of the Code is amended by inserting “whose headlights, lights or reflectors do not comply with the requirements of the second paragraph of section 237 or” after “vehicle”.

59. The Code is amended by inserting the following section after section 281.2:

“**281.3.** The driver of a road vehicle who contravenes the first paragraph of section 239.2 is guilty of an offence and is liable to a fine of \$100 to \$200.”

60. Section 282 of the Code is amended, in the first paragraph,

(1) by inserting “212,” after “210.1,”;

(2) by replacing “, 235, 237,” by “and 235, the first or third paragraph of section 237, any of sections”;

(3) by striking out “258,”.

61. Section 283.1 of the Code is amended by adding the following paragraph at the end:

“The owner of a motor vehicle that does not comply with the requirements of section 258 is guilty of an offence and is liable to a fine of \$200 to \$300.”

62. The Code is amended by inserting the following section after section 283.1:

“**283.2.** Every person who uses a flashing green light or drives or stops a road vehicle in contravention of section 226.2 is guilty of an offence and is liable to a fine of \$200 to \$300.

In the case of non-compliance with a regulatory provision made under the first paragraph of section 226.2, the firefighter is guilty of an offence and is liable to a fine of \$200 to \$300.”

63. The Code is amended by inserting the following section after section 285:

“**285.1.** Every owner or operator of a heavy vehicle that does not comply with the requirements of section 257.1 is guilty of an offence and is liable to a fine of \$350 to \$1,050.”

64. Section 286 of the Code is amended by replacing “\$30 to \$60” in the second paragraph by “\$80 to \$100”.

65. Section 289 of the Code is amended by adding the following sentence at the end of the second paragraph: “Those standards are not subject to the Regulations Act (chapter R-18.1).”

66. The Code is amended by inserting the following section after section 289:

“**289.1.** A road sign or signal does not constitute a business practice.”

67. Section 293 of the Code is amended by inserting “or competitions” after “sports events” in the first paragraph.

68. Section 295 of the Code is amended

(1) by replacing “pedestrian walkways” in paragraph 3 by “pedestrian crosswalks or bicycle crossings”;

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

“(9) reserve spaces for recharging electric road vehicles and plug-in hybrid road vehicles.”

69. The Code is amended by inserting the following section after section 297:

“**297.1.** The person responsible for the maintenance of a public highway must, by means of proper signs or signals, indicate the toll rates for operating a vehicle on a public highway subject to a toll.

In accordance with the first paragraph of section 289, the Minister shall determine the information that must appear on such a sign or signal.

A public highway subject to a toll referred to in the first paragraph is a public highway for which payment of a duty, comprising a toll and any fees, is required to obtain the right to operate a road vehicle on that highway.”

70. The Code is amended by inserting the following section after section 303.2:

“**303.3.** The person responsible for the maintenance of a public highway must, if traffic is to be directed by a flag person because of work, see that the flag person complies with the standards determined by ministerial regulation as regards, in particular, the clothing that the flag person must wear.

This section also applies to any person who, on behalf of the person responsible for the maintenance of a public highway, carries out work on such a highway.

Every flag person is required to comply with those standards.”

71. Section 311 of the Code is amended by replacing “flag man” by “flag person”.

72. Section 313 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “However, in the case of a cyclist, the fine is of \$80 to \$100.”;

(2) by replacing “\$15 to \$30” in the second paragraph by “\$80 to \$100”.

73. Section 314.1 of the Code is amended by replacing “310 to 312” in the first paragraph by “310, 311.1 and 312”.

74. The Code is amended by inserting the following section after section 314.1:

“314.2. Every driver of a road vehicle who contravenes section 311 is guilty of an offence and is liable to a fine of \$200 to \$400.”

75. Section 322 of the Code is amended

(1) by replacing “used in either” by “reserved for making left turns from either”;

(2) by striking out “for passing or”.

76. Section 323 of the Code is amended by replacing “used in either” by “reserved for making left turns from either”.

77. Section 326 of the Code is amended by replacing “any other separation” by “any other raised physical device”.

78. Section 326.1 of the Code is amended

(1) by replacing “lines marking off lanes” in the introductory clause of the first paragraph by “roadway markings”;

(2) by adding the following subparagraph at the end of the first paragraph:

“(4) crosshatch markings.”;

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

“In addition to what is provided for in section 344, subparagraph 1 of the second paragraph of section 348 and section 378, the first paragraph does not apply if the driver can safely

(1) enter a public highway from the shoulder, from a private road or from private land;

- (2) leave a lane that is obstructed or closed to traffic;
- (3) make a left turn to enter a private road or private land;
- (4) make a right turn to pull onto the shoulder or enter a private road or private land;
- (5) enter a lane reserved for left turns from either direction; or
- (6) cross a traffic lane reserved for the exclusive use of certain vehicles.”

79. Section 332 of the Code is replaced by the following section:

“332. The speed of a road vehicle may be measured by means of a photo radar device approved by the Minister of Transport and the Minister of Public Security.

A photograph of a road vehicle obtained by means of such a photo radar device is admissible as evidence in any penal proceedings for the contravention of a speed limit if

- (1) the place where the photograph was taken, with reference to an identifier or otherwise, the date and time it was taken, the authorized speed limit and the speed recorded by the photo radar device are affixed to it; and
- (2) the road vehicle and its registration plate number are visible on it.

In the absence of any evidence to the contrary, the elements affixed to or visible on the photograph are proof of their accuracy and of the place where the photograph was taken, except the authorized speed limit when it is set under any of sections 299, 303.1 and 329.

An order made under the first paragraph is to be published in the *Gazette officielle du Québec*.”

80. Section 335 of the Code is amended by replacing “follow another vehicle” by “follow another road vehicle or a bicycle”.

81. Section 341 of the Code is replaced by the following section:

“341. The driver of a road vehicle may not pass a cyclist within the same traffic lane unless it can be done safely, after reducing the vehicle’s speed and ensuring that a reasonable distance can be kept between the vehicle and the cyclist during the manoeuvre.

In no case may the driver of a road vehicle perform this manoeuvre if the part of the roadway on which the driver must encroach is not clear of traffic for a sufficient distance, in particular if another vehicle is oncoming or is coming up alongside the vehicle. In such a case, the driver must remain in the lane and reduce the vehicle's speed, in particular by staying behind the cyclist. The driver must do the same in the cases referred to in sections 345 and 348.

A reasonable distance is 1.5 m on a road where the maximum authorized speed limit is more than 50 km/h or 1 m on a road where the maximum authorized speed limit is 50 km/h or less.

This section applies to the driver of a road vehicle when meeting or passing a pedestrian, with the necessary modifications. It also applies to such a driver if the cyclist or pedestrian is travelling on the shoulder or on a cycle lane that is not separated from the roadway by a median strip or any other raised physical device.”

82. The Code is amended by inserting the following section after section 341:

“341.1. The driver of a road vehicle must reduce the vehicle's speed when approaching an oncoming group of participants in an exceptional event or sports event or competition escorted by vehicles.

The driver must also

(1) on a two-way roadway, put as much distance as possible between the vehicle and the group of participants while remaining in the same lane; or

(2) on a two-way roadway with two or more traffic lanes, travel in such a way as to leave at least one free lane between the vehicle and the group of participants. The driver must change lanes if necessary, after making sure that he can do so safely.

This section does not apply to such a driver if the lane in which he is driving is separated from the adjacent lane occupied by the group of participants by a median strip or any other raised physical device.”

83. Section 344 of the Code is amended

(1) by replacing “line” by “marking”;

(2) by replacing “or a bicycle” by “, a cyclist or a pedestrian or to return to the right of the roadway after passing”;

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

“The driver of a road vehicle may, in the same manner, cross such a marking when meeting a pedestrian.”

84. Section 348 of the Code is amended by adding the following paragraph at the end:

“Furthermore, no driver of a road vehicle is allowed to pass

(1) on a two-way roadway, when a group of participants in an exceptional event or sports event or competition escorted by vehicles is ahead of him, unless a peace officer authorizes him to pass; or

(2) on a two-way roadway with two or more traffic lanes, when a group of participants in an exceptional event or sports event or competition escorted by vehicles is ahead of him, unless he reduces speed and moves to another lane for travelling in the same direction as the one in which he is travelling.”

85. The Code is amended by inserting the following section after section 358:

“358.1. When approaching a traffic circle, the driver of a vehicle must slow down and yield the right of way to users already in the circle before entering.

When in the traffic circle, the driver must move in a counter-clockwise direction. Section 487 continues to apply to cyclists, with the necessary modifications.”

86. Section 359 of the Code is amended

(1) by replacing “at the near side of the roadway he is about to cross or enter” by “before the near side of the roadway he is about to cross”;

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

“An arrow-shaped red light may be used to regulate stopping before a specific manoeuvre.

Despite the first paragraph and unless otherwise directed by a sign or signal, a cyclist facing a pedestrian light at a red light may proceed. However, the cyclist must stop before a pedestrian crosswalk or stop-line or, if none, before the near side of the roadway he is about to cross and make sure that he may proceed in safety. The cyclist must then ride at a safe, reasonable speed and give pedestrians the priority. In such a case, section 444, except the first paragraph, applies to the cyclist with the necessary modifications.”

87. Section 359.3 of the Code is replaced by the following section:

“359.3. Stopping at a red light may be verified by means of a red light camera system approved by the Minister of Transport and the Minister of Public Security.

A photograph of a road vehicle obtained by means of such a camera system is admissible as evidence in any penal proceedings for an offence under section 359 if

(1) the place where the photograph was taken, with reference to an identifier or otherwise, and the date and time it was taken are affixed to it; and

(2) the traffic light involved, the road vehicle and its registration plate number are visible on it.

In the absence of any evidence to the contrary, the elements affixed to or visible on the photograph are proof of their accuracy and of the place where the photograph was taken.

An order made under the first paragraph is to be published in the *Gazette officielle du Québec*.”

88. Section 361 of the Code is amended by adding the following paragraph at the end:

“An arrow-shaped amber light may be used to regulate stopping before a specific manoeuvre.”

89. The Code is amended by inserting the following section after section 364:

“**364.1.** When facing a bus traffic light, the driver of a bus may proceed in the authorized direction, if it can be done safely.”

90. Section 365 of the Code is amended by adding the following paragraph at the end:

“The driver of a road vehicle must, when facing a flashing horizontal amber arrow installed above the lane in which he is travelling, proceed toward the lane indicated by the arrow, after signalling his intention and ensuring that he can do so safely.”

91. Section 369 of the Code is amended

- (1) by replacing “any person riding a bicycle” by “a cyclist”;
- (2) by inserting “or walking or cycling alongside” after “crossing”.

92. Section 370 of the Code is amended

- (1) by replacing “any person riding a bicycle” by “a cyclist”;
- (2) by inserting “or walking or cycling alongside” after “crossing”.

93. Section 378 of the Code is amended by replacing the second paragraph by the following paragraph:

“The driver is then not bound to comply with sections 299, 303.2, 310 and 312, the first paragraph of section 326.1, sections 328, 329, 335 and 342, paragraph 2 of section 345 and sections 346, 347, 359, 360, 361, 364, 365, 367, 368, 371, 372, 381 to 384, 386, 406.2, 415 to 417, 496.4 and 496.7. In each of the situations referred to in those sections, the driver must however ensure that non-compliance with the prescribed rule can be done safely.”

94. The Code is amended by inserting the following section after section 379:

“379.1. The driver of a road vehicle belonging to a funeral services business may operate the flashing white or purple lights referred to in section 227.1 with which the vehicle is equipped only when he is travelling in a procession.”

95. Section 386 of the Code is amended

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

“(2) less than 3 metres from a fire hydrant;”;

(2) by replacing “pedestrian crosswalk clearly identified as such” in paragraph 4 by “pedestrian crosswalk or bicycle crossing identified by means of proper signs or signals”;

(3) by inserting the following paragraph after paragraph 4:

“(4.1) in a traffic circle;”.

96. Section 388 of the Code is amended by replacing “; the sticker must be hung from the rear-view mirror inside the road vehicle in such a manner that the sticker is visible from the outside” in subparagraph 1 of the first paragraph by “and positioned in the place determined by government regulation”.

97. The Code is amended by inserting the following section after section 388:

“388.1. Only electric road vehicles and plug-in hybrid road vehicles may stop in a space reserved for recharging electric vehicles. However, they may stop in such a space only when they are plugged into a charging station.

In addition to public highways, this section applies on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed.”

98. Section 390 of the Code is amended by inserting the following paragraph after the first paragraph:

“A peace officer may also exercise the power provided for in the first paragraph when a road vehicle is stopped out of necessity, in particular because of special weather conditions or inadequate visibility conditions.”

99. Section 395 of the Code is amended by replacing “No person” by “Subject to section 398, no person”.

100. Section 396 of the Code is amended by inserting “or authorized to partially wear it” after “seat belt” in subparagraph 3 of the second paragraph.

101. Section 397 of the Code is amended

(1) by replacing all occurrences of “cushion” by “seat”;

(2) by replacing “whose sitting height is less than 63 cm, measured from the seat to the top of the head,” in the first paragraph by “who is less than 145 cm tall or under 9 years of age”;

(3) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) for a child authorized by the Société, in accordance with section 398, to use a restraint system other than the one prescribed by the first paragraph.”;

(4) by inserting “or is authorized to partially wear it” after “seat belt” in subparagraph 2 of the third paragraph.

102. Section 398 of the Code is replaced by the following section:

398. On a written application, the Société may grant a person invoking exceptional medical reasons, for the period it determines,

(1) an exemption from wearing a seat belt;

(2) an authorization to partially wear a seat belt;

(3) an authorization to equip the seat belt or restraint system with additional devices; or

(4) an authorization to use a restraint system other than the one prescribed by section 397.

An application concerning the wearing of a seat belt made under subparagraph 1 or 2 of the first paragraph must be supported by a written recommendation of a physician obtained after a medical examination of the applicant.

In the case of the authorizations referred to in subparagraphs 3 and 4 of the first paragraph, the applicant must provide a written recommendation of a physician or occupational therapist, who determines the applicant's specific needs, taking into account the medical diagnosis.

The Société may require that the examination or recommendation required under this section be performed or provided by the physician or occupational therapist that it designates by name.

A certificate attesting that an exemption or authorization has been granted under this section is to be issued by the Société.”

103. Section 399 of the Code is repealed.

104. Section 400 of the Code is replaced by the following section:

“**400.** The person invoking an exemption or authorization obtained under section 398 must have the certificate issued by the Société with him and show it to the peace officer on request.

The peace officer must return the certificate to its holder after examination.”

105. The Code is amended by inserting the following section after section 406.1:

“**406.2.** Unless otherwise directed by a sign or signal, no person may change lanes when approaching or when in an intersection.

This section does not apply to the driver of a bus authorized by a bus traffic light to enter an intersection. In such a case, the driver must however ensure that he can do so safely.”

106. Section 407 of the Code is amended by adding the following paragraph at the end:

“This section applies, with the necessary modifications, on a section of an autoroute or of another limited access highway when a bus is travelling on the autoroute or highway pursuant to section 418.2.”

107. Section 410 of the Code is replaced by the following section:

“**410.** When a pedestrian enters or clearly demonstrates the intention to enter a pedestrian crosswalk, the driver of a road vehicle must stop his vehicle to allow the pedestrian to cross. At such a crossing, a cyclist must also give pedestrians the priority.”

108. Section 418 of the Code is amended

(1) by inserting “or on the sidewalk” after “highway”;

(2) by inserting “or allowed” after “directed”.

109. Section 418.1 of the Code is amended

(1) by inserting “the sidewalk or” after “back up on”;

(2) by inserting “after ensuring that it can be done safely” after “ramps of a limited access highway”.

110. The Code is amended by inserting the following sections after section 418.1:

“**418.2.** The driver of a bus may travel on a section of the shoulder of an autoroute or other limited access highway if all the following conditions are met:

(1) a sign or signal allows the driver to travel on the shoulder section;

(2) the speed of road traffic on the public highway concerned is less than 50 km/h; and

(3) the driver has taken training on driving on shoulder sections.

“**418.3.** When travelling on a shoulder section under section 418.2, the driver of a bus may not exceed the speed of road traffic in the traffic lane contiguous to the shoulder by more than 20 km/h.

Nor may a bus driver exceed a speed of 50 km/h, except to return to the roadway.”

111. Section 425 of the Code is amended

(1) by inserting “at all times” after “his vehicle”;

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

“However, the driver of a motorcycle or moped is required to dim the lights on the front of his vehicle during the day only when he is less than 15 metres behind another vehicle.”

112. Section 432 of the Code is amended

(1) by inserting “, on the shoulder” after “roadway”;

(2) by adding the following sentence at the end: “Before doing so, the driver must make sure that it can be done safely, and if intending to stop the vehicle on the shoulder, that the shoulder is in good condition.”

113. Section 434.0.1 of the Code is amended by replacing “conducteur” in the French text by “cycliste”.

114. Sections 439 to 440 of the Code are repealed.

115. Section 440.1 of the Code is amended

(1) in the first paragraph,

(a) by replacing “15 December” by “1 December”;

(b) by replacing “taxi or a passenger vehicle registered in Québec” by “motorized road vehicle registered in Québec, except a heavy vehicle, tool vehicle or farm machine,”;

(c) by replacing “passenger vehicles not equipped with that type of tires” by “such a vehicle regardless of where it is registered”;

(2) by replacing “a taxi owner or person who owns or rents out a passenger vehicle” in subparagraph 2 of the second paragraph by “the owner of a vehicle referred to in the first paragraph or the person renting out such a vehicle, as applicable,”;

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

“The Minister may, by regulation, determine classes of heavy vehicles, tool vehicles or farm machines to which the prohibition under the first paragraph applies.”

116. Section 442 of the Code is amended by replacing “No person may drive a road vehicle in which” by “No person may drive a road vehicle or ride a bicycle if”.

117. The Code is amended by inserting the following division after section 443:

“DIVISION V

“DISTRACTIONS WHILE DRIVING

“§1. — Prohibitions

“443.1. Every driver of a road vehicle and every cyclist are prohibited from using a cellular telephone or any other portable device designed to transmit or receive information or to be used for entertainment purposes, or from using a display screen, except in the following cases:

(1) the driver of the road vehicle uses a hands-free device; or

(2) the driver of the road vehicle or the cyclist consults the information displayed on a display screen, including that of a portable device, or uses a screen command if the screen

(a) displays only such information as is relevant to driving or riding the vehicle or related to the operation of its usual equipment;

(b) is integrated into the vehicle or mounted on a bracket, whether detachable or not, attached to the vehicle;

(c) is placed so as not to obstruct the driver's or cyclist's view, interfere with driving or riding manoeuvres, or prevent the operation of equipment or reduce its efficiency and in a manner that does not present a risk of injury in case of an accident; and

(d) is positioned and designed in such a way that the driver of the road vehicle or cyclist can operate and consult it easily.

For the purposes of the first paragraph, the driver of a road vehicle or cyclist who is holding a portable device in hand or in any other manner is presumed to be using the device.

The Government may, by regulation, determine the manner in which this section is to be applied, in particular by defining the meaning of certain expressions. It may also prescribe other exceptions to the prohibitions under this section and other standards applicable to display screens.

“443.2. A cyclist may not wear any earphones. The driver of a road vehicle may wear only one earphone.

For the purposes of the first paragraph, devices that are integrated into a protective helmet and allow the persons wearing them to communicate with each other without preventing them from hearing surrounding traffic noises are not earphones.

The Government may, by regulation, prescribe exceptions to the prohibition under the first paragraph.

“§2. — Immediate licence suspension

“443.3. A peace officer shall immediately suspend, on behalf of the Société and for a period of three days, the licence issued under section 61 of a person who is driving a road vehicle in contravention of section 443.1 if the person has been found guilty of an offence under that section during the two years before the offence being ascertained.

The suspension period is increased to seven days if, during the two years before the offence being ascertained, the person was found guilty of two offences under section 443.1. If the person was found guilty of more than two offences during that same period, the suspension is 30 days.

If the person found guilty of an offence under section 443.1 does not hold a licence or holds a licence issued by another administrative authority, the first and second paragraphs apply, with the necessary modifications, to the person's right to obtain a licence under section 61.

“443.4. The driver of a road vehicle whose licence or right to obtain a licence is suspended for a 30-day period in accordance with section 443.3 may, after proving that he was not driving the vehicle in contravention of section 443.1, obtain the lifting of the suspension by a judge of the Court of Québec acting in the civil practice chamber.

“443.5. Sections 202.6.1, 202.6.7 and 202.7, the second paragraph of section 209.11 and section 209.12 apply to the licence suspension under section 443.3, with the necessary modifications.

“§3. — Rules

“443.6. This division applies not only on public highways, but also on highways under the administration of or maintained by the Ministère des Ressources naturelles et de la Faune, on private roads open to public vehicular traffic and on land occupied by shopping centres or other land where public traffic is allowed.

“443.7. Sections 443.1 and 443.2 do not apply

(1) to the driver of a road vehicle, if his vehicle is parked so as not to contravene the provisions of this Code or another law;

(2) to a cyclist, if he is stopped on the side of the roadway or on the shoulder in such a way that does not obstruct traffic.”

118. Section 453 of the Code is amended

(1) by inserting “or on the shoulder” after “the roadway”;

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

“Despite the first paragraph, a pedestrian may walk in the same direction as traffic to avoid crossing the roadway more than once over a short distance or to walk on the lighted side of the public highway or the side where the shoulder is wider, after making sure it can be done safely.”

119. The Code is amended by inserting the following section after section 453.1:

“**453.2.** No pedestrian may cross the roadway of a traffic circle or walk on its central island.”

120. Section 460 of the Code, amended by section 53 of chapter 14 of the statutes of 2008, is again amended

(1) in the first paragraph,

(a) by inserting “or a cyclist” after “road vehicle”;

(b) by replacing “shall not proceed in either direction until” by “shall not meet or pass it until”;

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

“The first paragraph does not apply to the driver of a road vehicle or a cyclist meeting a bus or minibus used for the transportation of school children on an adjacent roadway separated by a median strip or by any other raised physical device.”

121. Section 474 of the Code is amended

(1) by inserting the following paragraph after the second paragraph:

“The devices required under the first paragraph are not necessary when

(1) the equipment whose farthest point extends beyond the rear of the road vehicle is an aerodynamic system that complies with the standards established by a regulation;

(2) the farthest point of the load consists in a passenger vehicle carrying reflectors at the rear and extends 1.2 metres or less beyond the rear of a road vehicle designed to carry three or more passenger vehicles or of a combination of road vehicles designed for that purpose.”;

(2) by replacing “third and fifth” in the last paragraph by “fourth and sixth”.

122. Section 478 of the Code is replaced by the following section:

“**478.** No person may drive a motorcycle or a moped

(1) between rows of vehicles moving in contiguous lanes;

(2) between the side of the roadway and another vehicle travelling in the same lane; or

(3) between a vehicle travelling in the same lane and a vehicle parked to the right or left of that lane.

Subparagraph 1 of the first paragraph applies to cyclists, except when the lane in which the cyclist is travelling is contiguous to a lane reserved for right turns.”

123. Section 479 of the Code is replaced by the following section:

“**479.** No person may drive a motorcycle equipped with a motor having a piston displacement of 125 cc or less or with an electric motor having a power rating of 11 kW or less, drive a moped or ride a bicycle or any other non-motorized vehicle on a limited access highway or on the entrance or exit ramps of such a highway.”

124. The Code is amended by inserting the following section after section 483:

“**483.1.** No person may carry a child who is less than 145 cm tall or who is under 9 years of age in a motorcycle sidecar.”

125. Section 484 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

“The driver of a motorcycle or moped must also wear visual protection if his protective helmet does not have a visor and he is travelling in a zone where the maximum authorized speed limit is over 50 km/h.”;

(2) by inserting “and visual protection” after “helmets” in the second paragraph;

(3) by striking out the third paragraph.

126. The Code is amended by inserting the following sections after section 484:

“**484.1.** No owner of a motorcycle or moped may drive his vehicle or allow it to be driven if the sound level of its exhaust system exceeds the values determined by regulation.

“**484.2.** The sound level of a motorcycle’s or moped’s exhaust system may be measured according to the method prescribed by regulation by means of a sound level meter that complies with the technical and maintenance standards determined by government regulation and used by a peace officer who has successfully completed training recognized by the Société.

The sound level measured under the conditions set out in the first paragraph is proof of its accuracy, in the absence of any evidence to the contrary.

“484.3. When required to do so by a peace officer, the driver of a motorcycle or moped must drive the vehicle to the place indicated, provided it is not over 15 km from the place of interception, and must, in compliance with a peace officer’s orders, help in measuring the sound level of the vehicle’s exhaust system in the manner prescribed by regulation.”

127. Section 487 of the Code is replaced by the following section:

“487. A cyclist must ride as close as possible to the edge or right side of the roadway and in the same direction as traffic, taking into account the condition of the roadway and the risk of car dooring.

A cyclist may also ride on the shoulder in the same direction as traffic.

The first paragraph does not apply to a cyclist about to make a left turn, if he is authorized to ride against traffic or in case of necessity.”

128. Section 490 of the Code is replaced by the following section:

“490. Before turning, a cyclist must signal his intention without interruption and for a sufficient distance, unless doing so endangers his safety.

When turning right, a cyclist must extend his left forearm vertically upwards or extend his right arm horizontally. When turning left, he must extend his left arm horizontally.”

129. Section 492.1 of the Code is replaced by the following section:

“492.1. A cyclist may not ride a bicycle on a sidewalk except in case of necessity or where directed or allowed to do so by a sign or signal. In such a case, the cyclist must ride at a safe, reasonable speed and give pedestrians the priority.”

130. The Code is amended by inserting the following after section 492.6:

“492.7. No person may carry a child who is less than 145 cm tall or under 9 years of age in a low-speed vehicle.

“DIVISION V**“AUTONOMOUS VEHICLES**

“492.8. No person may put an autonomous vehicle into operation on public highways, on highways under the administration of or maintained by the Ministère des Ressources naturelles et de la Faune, on private roads open to public vehicular traffic or on land occupied by shopping centres or other land where public traffic is allowed.

The first paragraph does not apply to autonomous vehicles at driving automation level 3 of the SAE International’s Standard J3016 whose sale is allowed in Canada.”

131. The Code is amended by inserting the following chapter after section 496:

“CHAPTER V.1**“SPECIAL PROVISIONS RESPECTING SHARED STREETS AND BICYCLE BOULEVARDS****“DIVISION I****“MUNICIPAL POWERS**

“496.1. A municipality may, by by-law, identify a shared street or bicycle boulevard on all or part of a public highway under its management.

The by-law must prescribe the boundaries of the shared street or bicycle boulevard. It may also prescribe additional rules applicable to such a street or boulevard without however departing from the rules prescribed under this Code.

The municipality may determine the provisions of the by-law the violation of which constitutes an offence and determine the applicable fines, which may not exceed \$120.

“496.2. A municipality must safely lay out shared streets and bicycle boulevards, in particular by taking into account any application guide developed by the Minister of Transport on the subject. The municipality must install the proper signs and signals.

The layout must be completed on all or part of the public highway concerned before the coming into force of a by-law made under section 496.1.

“496.3. Section 341 applies to shared streets and bicycle boulevards. The driver of a road vehicle is however exempt from complying with the prescribed reasonable distance if there is sufficient space to allow him to safely pass or meet a cyclist or pedestrian.

“DIVISION II**“SHARED STREETS**

“496.4. No person may drive a road vehicle on a shared street at a speed over 20 km/h.

“496.5. A pedestrian may choose where to walk on a shared street. He may go in any direction and cross at any location at any time.

“496.6. The driver of a road vehicle or a cyclist must yield the right of way to any pedestrian using a shared street.

“DIVISION III**“BICYCLE BOULEVARD**

“496.7. No person may drive a road vehicle on a bicycle boulevard at a speed over 30 km/h.

“496.8. A cyclist riding on a bicycle boulevard with a two-way roadway may use the entire width of the lane in the direction of traffic. A cyclist riding on a bicycle boulevard with a one-way roadway may do the same.

“496.9. A cyclist must ride as close as possible to the edge or right side of the roadway of a bicycle boulevard when riding against traffic is authorized.

“496.10. Two cyclists are authorized to ride side-by-side on a bicycle boulevard, unless they are riding against traffic.”

132. Section 498 of the Code is amended by striking out the second paragraph.

133. The Code is amended by inserting the following section after section 498:

“498.1. No person may drive a vehicle covered with snow, ice or any other matter that may detach from the vehicle and that may constitute a hazard for road users.”

134. Section 502 of the Code is replaced by the following section:

“502. Subject to sections 378 and 379, no person may, on private property, use a lighting system or flashing or rotating lights, whether installed on a vehicle or not, that may interfere with the vision of drivers of road vehicles on a public highway or that may distract them.

The owner of the premises may not tolerate the use of such a system or of such lights.”

135. Section 503 of the Code is amended

(1) by replacing “is installed” in the first paragraph by “or flashing or rotating lights are used” and by inserting “or lights” after “the system” in that paragraph;

(2) by replacing “remove the lighting system” in the second paragraph by “may enter the property and remove the lighting system or lights”.

136. Section 504 of the Code is replaced by the following section:

“504. Every cyclist who contravenes any of sections 346, 349, 350, 358.1, 359 to 364, 367 to 371, 402, 404 to 406, 408 to 411 and 421, the second paragraph of section 424 or any of sections 442, 443.1, 443.2, 460, 477 to 479, 485 to 492.1, 496.6, 496.9 and 496.10 is guilty of an offence and is liable to a fine of \$80 to \$100.”

137. Section 504.1 of the Code is amended

(1) by inserting “or user of skates, skis, a skateboard or a toy vehicle who contravenes section 499” after “492.3”;

(2) by replacing “\$25 to \$50” by “\$80 to \$100”.

138. Section 505 of the Code is amended by replacing “453.1” by “453.2”.

139. Section 506 of the Code, amended by section 100 of chapter 14 of the statutes of 2008, is again amended

(1) by striking out “339, 351 to 358,” “372 to 376,” “paragraphs 1 to 7, 8 and 9 of section 386,” “the third paragraph of section 407,” and “440, 442”;

(2) by replacing “, 493 and 499” by “and 493”;

(3) by replacing “section 387,” by “section 387 or”;

(4) by striking out “and every person other than a person riding a bicycle who contravenes section 477”;

(5) by replacing “\$30 to \$60” by “\$60 to \$120”.

140. Section 507 of the Code is amended

(1) by replacing “, any of sections 494 to 496 and 498,” by “or any of sections 492.2, 494 to 496, 498 and 498.1”;

(2) by striking out “and every person other than a person riding a bicycle who contravenes any of sections 361, 402, 424 and 492.1”.

141. Section 508 of the Code is amended by replacing “any of sections 396, 401, 439, 439.1 and 484” by “section 401 or the second paragraph of section 484”.

142. Section 509 of the Code is amended

(1) by replacing “365, paragraph 7.1 of section 386, section 388 or section 391, the first paragraph of section 407” by “339, 351 to 358, 364.1, 365, 372 to 376, 386, 388.1, 391 and 407”;

(2) by striking out “, 492.2”;

(3) by replacing “359, 359.1, 360, 362 to 364, 367 to 371, 404, 405, 408 to 411, 421, 478 and 479” by “358.1, 359, 359.1, 360, 361, 362 to 364, 367 to 371, 402, 404, 405, 408 to 411, 421, 424, 442, 443.2, 477, 478, 479 and 496.6”.

143. The Code is amended by inserting the following sections after section 509.2:

“509.2.1. Every owner of a motorcycle or moped who contravenes section 484.1 is guilty of an offence and is liable to a fine of \$200 to \$300.

“509.2.2. Every driver of a road vehicle who contravenes section 443.1 is guilty of an offence and is liable to a fine of \$300 to \$600. In the case of a second or subsequent offence, the minimum fine is doubled.”

144. Section 510 of the Code, amended by section 109 of chapter 40 of the statutes of 1998, is again amended

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

“Every person who contravenes any of sections 326.1, 340 to 342, 345, 347, 348, 388, 389, 395, 396, 406.1, 406.2, 413, 418.2, 418.3, 423, 426, 427, 430, 437.1, 437.2, 440.1, 455, 458 and 459, the second paragraph of section 472, section 473, the second paragraph of section 474.1, section 483.1 and the first paragraph of section 484 or section 492.7 or 497 or every person other than a cyclist who contravenes any of sections 346, 406 and 460 is guilty of an offence and is liable to a fine of \$200 to \$300.”;

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

“The driver of a motorcycle or moped carrying a passenger under 16 years of age who contravenes the first paragraph of section 484 is guilty of an offence and is liable to the fine prescribed by the first paragraph of this section.”

145. The Code is amended by inserting the following section after section 511:

“**511.0.1.** Every driver of a motorcycle or moped who contravenes section 484.3 is guilty of an offence and is liable to a fine of \$300 to \$600.”

146. Section 512 of the Code is amended by replacing “or 434” by “, 434 or 492.8”.

147. Section 516 of the Code is amended by replacing “or the third paragraph of section 329” in the first paragraph by “, the third paragraph of section 329 or section 496.4 or 496.7”.

148. The Code is amended by inserting the following section after section 516.1:

“**516.2.** Every person who drives over the authorized speed limit in a school zone is liable to double the fine set out in the first paragraph of section 516 if the offence occurs during the school year indicated on a sign or signal erected by the person responsible for the maintenance of the public highway or, in the absence of such a sign or signal, during the period specified in the fourth paragraph of section 329.”

149. The Code is amended by inserting the following division after section 519.29:

“DIVISION III

“SPECIAL PROVISIONS RESPECTING HEAVY VEHICLE CROSSINGS

“**519.29.1.** The person responsible for the maintenance of a public highway may identify a heavy vehicle crossing by means of proper signs or signals on such a highway. If that person is a municipality, its decision is subject to the authorization of the Minister of Transport.

In this division, “heavy vehicle crossing” means the place, on a public highway and for the entire part used as an intersection, where such a highway meets

(1) a highway under the administration of or maintained by the Ministère des Ressources naturelles et de la Faune;

(2) a private road open or closed to public traffic; or

(3) private property.

“519.29.2. Where a sign or signal so indicates, every driver of a heavy vehicle is authorized to enter a heavy vehicle crossing at a right angle to proceed on a highway referred to in subparagraph 1 or 2 of the second paragraph of section 519.29.1 or to enter private property. The following provisions do not apply to a heavy vehicle owner, operator or driver on such a crossing:

(1) sections 462 to 470.1, subparagraph 4 of the first paragraph of section 471, sections 473 to 473.1, section 474 except the second paragraph concerning amber lights with the necessary modifications, sections 474.1 and 474.2 as well as the provisions of Chapter II of this Title except section 519.6, subparagraphs 1 and 2 of the first paragraph of section 519.8.1 and subparagraphs 1 and 2 of the first paragraph of section 519.21.1;

(2) the rules relating to the maximum dimensions and the maximum total loaded mass prescribed by a government regulation made under subparagraph 17 of the first paragraph of section 621; and

(3) the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3).”

150. Section 521 of the Code, amended by section 72 of chapter 14 of the statutes of 2008, is again amended by inserting “or vehicles which the Société has reasonable grounds to believe are not in compliance with this Code” after “hazard” in subparagraph 10.1 of the first paragraph.

151. Section 546.2 of the Code is amended by replacing the first and second paragraphs by the following paragraphs:

“Every insurer who compensates the owner of a road vehicle so seriously damaged that it cannot be rebuilt must, upon payment of the compensation to the owner, notify the Société of the condition of the vehicle. The insurer must do the same in respect of a vehicle so seriously damaged that it must be rebuilt before being driven again, but in that case only if the amount of the compensation is not used to pay to repair the vehicle.

If a vehicle owner is exempt from the obligation of contracting liability insurance guaranteeing compensation for property damage caused by his vehicle under section 101 of the Automobile Insurance Act (chapter A-25) or a regulation made under paragraph *c* of section 196 of that Act, it is incumbent on the vehicle owner, if the vehicle cannot be or has not been rebuilt, to notify the Société of its condition as soon as the owner transfers ownership of it.

A regulation may determine which damaged road vehicles cannot be rebuilt.”

152. Section 546.4 of the Code is amended, in the first paragraph,

(1) by replacing “the following documents and information:” by “the documents and information prescribed by regulation.”;

(2) by striking out subparagraphs 1 to 8.

153. Section 546.5 of the Code is amended by replacing “when he is satisfied, on the basis of an inspection of the vehicle and record of rebuilding, that the vehicle is the vehicle described in the record of rebuilding” in the first paragraph by “when he has made sure that the record of rebuilding meets all the requirements of section 546.4, that it contains all the documents and information prescribed by that section and that the documents and information are legible”.

154. Section 546.6 of the Code is amended by replacing the second and third paragraphs by the following paragraph:

“However, in the case of a vehicle that has been damaged and rebuilt outside Québec and registered there as a rebuilt vehicle, the record of rebuilding need not be submitted at the technical appraisal, unless the Société requires it when such a record exists.”

155. The Code is amended by inserting the following sections after section 546.6:

“546.6.0.1. The Société may prohibit a road vehicle from being put back into operation where it has reasonable grounds to believe

(1) that the vehicle is so seriously damaged that it must be rebuilt before being driven again;

(2) that the vehicle is so seriously damaged or in such a condition that it cannot be rebuilt; or

(3) that the vehicle was seriously damaged and rebuilt without having undergone the technical appraisal prescribed under this title.

In such a case, the Société shall enter the vehicle’s condition in the register it keeps under section 10.

No person may subsequently put the vehicle back into operation, unless it is proven to the satisfaction of the Société, in the case of a vehicle referred to in subparagraph 1 or 3 of the first paragraph, that the vehicle has undergone the technical appraisal and that a certificate of technical inspection and a certificate of mechanical inspection stating that the vehicle meets the requirements of this Code were obtained.

“546.6.0.2. The Société must prohibit a road vehicle from being put back into operation when the vehicle was identified to the Société by its owner, by the insurer that paid compensation to the owner, by another administrative authority or by a peace officer as a vehicle so seriously damaged or in such a condition that it cannot be rebuilt or must be rebuilt before being driven again.

In such a case, the Société shall enter the vehicle's condition in the register it keeps under section 10.

No person may subsequently put a vehicle back into operation, unless it is proven that the vehicle, identified as one that must be rebuilt before being driven again, has undergone the technical appraisal and that a certificate of technical conformity and a certificate of mechanical inspection stating that the vehicle meets the requirements of this Code were obtained."

156. Section 546.6.1 of the Code is amended by replacing "section 101 or section 102 of the Automobile Insurance Act (chapter A-25)" by "section 101 of the Automobile Insurance Act (chapter A-25) or by a regulation made under paragraph *c* of section 196 of the Act".

157. Section 546.7 of the Code is amended by inserting "or the third paragraph of section 546.6.0.1 or 546.6.0.2" after "546.6".

158. Section 592 of the Code is amended, in the second paragraph,

- (1) by inserting ", 299, 303.2" after "171";
- (2) by replacing "443" by "443.2";
- (3) by inserting ", 496.4 and 496.7" after "484".

159. Section 592.4.1 of the Code is amended by replacing "section 359" by "section 359, 496.4 or 496.7".

160. The Code is amended by inserting the following section after section 592.4.1:

"592.4.2. In the case of an offence evidenced by a photograph taken by a photo radar device or a red light camera system, a peace officer, the supplier of the device or system, its manufacturer or any person authorized to carry out maintenance on the device or system is not required to give oral testimony at trial unless a summons authorized by a judge requiring the person to attend to testify is issued in accordance with the Code of Penal Procedure (chapter C-25.1). In such a case, article 63 of that Code does not apply.

The judge shall authorize a summons contemplated in the first paragraph only if he is satisfied that the testimony of that person is useful to allow the prosecutor to prove the commission of an offence, to afford the defendant the benefit of a full and complete defence or to allow the judge to rule on a question submitted to him."

161. The Code is amended by inserting the following section after section 608:

“**608.1.** To allow the Société to verify the origin of an official document emanating from the registrar of civil status or another state authority and establishing the identity of a person applying for a licence, the Société may communicate any information necessary for that purpose to such an authority. It may also collect such information from that authority.”

162. The Code is amended by inserting the following section after section 611.3:

“**611.4.** The data collected by an alcohol ignition interlock device and any other information concerning a licence holder that the Société or the person responsible for managing the data collected by the device has may be released only for the purposes of this Code and the prosecution of a criminal offence.”

163. Section 619 of the Code is amended

(1) by striking out paragraph 1.1;

(2) by inserting the following paragraph after paragraph 6.4:

“(6.5) exempt the holder of a learner’s licence, in the cases and on the conditions it determines, from the assistance conditions set out in the first paragraph of section 99 or prescribe different conditions;”;

(3) by inserting the following paragraph after paragraph 8:

“(8.1) determine the tenor of the test intended to check whether a person is able to orient in space and time and the parameters for finding that a person has failed the test;”.

164. Section 621 of the Code, amended by section 77 of chapter 40 of the statutes of 2007 and by section 86 of chapter 14 of the statutes of 2008, is again amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 5.1:

“(5.2) determine the conditions under which the authorization referred to in the first paragraph of section 226.2 may be obtained and the technical standards the light must meet and the method for its installation;”;

(2) by inserting the following subparagraph after subparagraph 11:

“(11.1) prescribe standards applicable to the height of the dump body of a heavy vehicle and the flashing red warning light or audible warning device required under section 257.1;”;

(3) by inserting the following subparagraphs after subparagraph 27:

“(27.1) prescribe the values for the sound level of a motorcycle’s or moped’s exhaust system according to classes of road vehicles and sound level measurement methods and prescribe measurement methods;

“(27.2) determine the technical standards of the sound level meters and other instruments that may be used to monitor the sound level of a motorcycle’s or moped’s exhaust system;”;

(4) by striking out “or by fire or flood” in subparagraph 31.1;

(5) by replacing subparagraph 31.2 by the following subparagraph:

“(31.2) prescribe the documents and information which must be included in the record of rebuilding of a road vehicle for the purposes of section 546.4 and the cases in which the record need not be submitted;”;

(6) by replacing subparagraph 51 by the following subparagraph:

“(51) determine the manner in which section 443.1 is to be applied, in particular by defining the meaning of certain expressions and prescribing other exceptions to the prohibition under that section as well as other standards applicable to display screens; and”.

165. Section 624 of the Code is amended by inserting the following subparagraphs after subparagraph 8 of the first paragraph:

“(8.1) determine the amount of the fee exigible for the issue of the certificate of recognition and the sticker for vehicles recognized by the Société as emergency vehicles or vehicles that may carry flashing or rotating amber lights;

“(8.2) determine the amount of the fee exigible for the issue of a certificate of authorization to use a flashing green light;”.

166. Section 626 of the Code, amended by section 73 of chapter 2 of the statutes of 2004 and by section 100 of chapter 14 of the statutes of 2008, is again amended, in the first paragraph,

(1) by replacing “the direction of traffic, the meeting of oncoming vehicles and the passing of road vehicles” in subparagraph 8 by “the direction of road vehicle traffic and the meeting and passing of road vehicles”;

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

“(18) determine the zones where free play is permitted and any applicable restrictions on traffic, safety rules and prohibitions respecting free play or any other condition; and

“(19) identify a shared street or bicycle boulevard on all or part of a public highway under its management, prescribe the boundaries of that shared space and prescribe any additional rules that are to be applicable.”

167. Section 633 of the Code is replaced by the following section:

“**633.** The Minister of Transport may, after consultation with the Société, issue a special permit authorizing the operation of a road vehicle or combination of road vehicles to an applicant who does not meet the requirements of a regulation made under subparagraph 20 of the first paragraph of section 621, provided exceptional circumstances justify issuing the permit, issuing the permit is conducive to promoting highway transportation without compromising highway safety or issuing the permit allows

(1) the application of a regulatory relief measure agreed on as part of a Canadian intergovernmental agreement on vehicle weight and dimension regulations;

(2) tests or trials of a vehicle, of a combination of vehicles or of equipment installed on a vehicle;

(3) the operation, in a region or on an established route, of a vehicle or combination of vehicles with a configuration or a weight or dimension limit that is different from what is enacted for the purposes of this Code; or

(4) the recognition of the equivalence of a load securement system with a system authorized under subparagraph 23 of the first paragraph of section 621.

If the Minister grants the permit, the Minister shall determine the conditions attached to it, the fee exigible and the amount and nature of the security guaranteeing payment of any damage that the operation of such a vehicle or combination of vehicles may cause to a public highway.

The Minister may delegate the exercise of a power under this section to a public servant or an employee of the Minister’s department or to any other person or any body the Minister designates.”

168. Section 633.1 of the Code is amended

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

“After consultation with the Société, the Minister may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to this Code. For the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use. The Minister shall set the rules and conditions for the implementation of a pilot project. The Minister may also, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister. The provisions of a pilot project prevail over any inconsistent provision of this Code and its regulations.

As regards pilot projects relating to autonomous vehicles, the Minister may also provide for an exemption from the insurance contribution associated with the authorization to operate a vehicle and set the minimum required amount of liability insurance guaranteeing compensation for property damage caused by an automobile. The Minister may also require the manufacturer or distributor to reimburse the Société for compensation that it will be required to pay in the event of an automobile accident. Those special rules prevail over the rules prescribed by the Automobile Insurance Act (chapter A-25) and its regulations.”;

(2) by inserting “, or five years when they relate to autonomous vehicles,” after “three years” in the third paragraph;

(3) by replacing “\$30 or more than \$360” in the third paragraph by “\$200 or more than \$3,000”.

169. Section 634.3 of the Code is amended

(1) by replacing the first paragraph and the introductory clause of the second paragraph by the following:

“Photo radar devices and red light camera systems may only be used to monitor compliance with highway safety rules”;

(2) by replacing “second” in the third paragraph by “first”;

(3) by replacing “the first or second” in the fourth paragraph by “subparagraph 3 of the first”.

170. The Code is amended by inserting the following section after section 634.3:

“634.4. The Minister of Transport and the Minister of Public Security shall determine, by regulation, conditions and procedures for the use of photo radar devices and red light camera systems.

Those ministers shall also determine, by regulation, the information that must be contained in a register kept by the Sûreté du Québec or by any other person that they designate by regulation to be responsible for keeping one. They shall also determine the persons authorized to make entries in the register.

A regulation made under the first and second paragraphs may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1) but not shorter than 20 days.”

171. Section 638.1 of the Code is amended by adding the following paragraph at the end:

“Despite the first paragraph, the fine is \$600 to \$2,000 if the offence is committed by a road vehicle recycler during an intervention by a peace officer in the performance of duties under section 156 of this Code.”

172. The Code is amended by inserting the following section after section 638.1:

“638.2. A road vehicle recycler who in any way hinders a Société employee in the performance of duties under section 156, in particular by misleading the employee by concealment or false declarations, refusing to provide the employee with any information or document the employee 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 \$600 to \$2,000.”

173. The Code is amended by replacing, with the necessary modifications, all occurrences of “a person riding a bicycle” and “the person riding a bicycle” by “a cyclist”, “no person riding a bicycle” by “no cyclist”, “every person riding a bicycle” and “every person on a bicycle” by “every cyclist” and “driver of a road vehicle or any person riding a bicycle” by “driver of a road vehicle or a cyclist”.

AUTOMOBILE INSURANCE ACT

174. Section 10 of the Automobile Insurance Act (chapter A-25) is amended

(1) by replacing “an automobile contest, show or race” and “the race, the contest or the show” in subparagraph 4 of the first paragraph by “a contest, show, race, open trial, demonstration or exhibition involving one or more automobiles” and “the contest, show, race, open trial, demonstration or exhibition”, respectively, and by inserting “or inside a building” after “automobile traffic” in that subparagraph;

(2) by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) if the injury is caused by a motor-assisted bicycle, a motorized mobility aid or a motorized personal mobility device, as defined by regulation.”;

(3) by replacing “2 and 3” in the third paragraph by “2, 3 and 5”.

175. Section 149 of the Act is amended by replacing “an automobile contest, show or race” and “the race, contest or show” in paragraph 2 by “a contest, show, race, open trial, demonstration or exhibition involving one or more automobiles” and “the contest, show, race, open trial, demonstration or exhibition”, respectively, and by inserting “or inside a building” after “automobile traffic” in that paragraph.

176. Section 195 of the Act is amended by inserting the following paragraph after paragraph 4:

“(4.1) to define, for the purposes of subparagraph 5 of the first paragraph of section 10, the expressions “motor-assisted bicycle”, “motorized mobility aid” and “motorized personal mobility device”;

177. Section 197 of the Act is amended by replacing “and 195.1” by “, paragraphs 31 and 32 of section 195 and section 195.1”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

178. Section 119 of the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraph after paragraph 7:

“(7.1) 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, when the suspension is imposed for failing the test referred to in section 202.5.1 of that Code;”.

ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS

179. Sections 16 and 16.1 of the Act respecting transport infrastructure partnerships (chapter P-9.001) are replaced by the following section:

“**16.** The duties, comprised of tolls and fees, required under this Act and the interest they generate belong to the State. Those duties are credited to the Land Transportation Network Fund established under paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

The partner is deemed to hold those duties and that interest in trust for the State to be paid into the Consolidated Revenue Fund. Those duties and that interest must be considered as forming a fund separate from the partner’s own patrimony and property, whether or not they have in fact been held separately from the partner’s own funds and the general mass of the partner’s own property.”

ACT RESPECTING OFF-HIGHWAY VEHICLES

180. Section 1.1 of the Act respecting off-highway vehicles (chapter V-1.2) is amended

(1) by replacing “to 443” and “and IV” in subparagraph *a* of subparagraph 4 of the second paragraph by “to 443.7” and “, IV and V”, respectively;

(2) by replacing “and 498” in subparagraph *b* of subparagraph 4 of the second paragraph by “, 498 and 498.1”.

181. Section 14.2 of the Act is amended by adding the following sentence at the end of the first paragraph: “Such standards are not subject to the Regulations Act (chapter R-18.1).”

ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

182. Section 84 of the Act to amend the Highway Safety Code and other legislative provisions (1996, chapter 56) is repealed.

ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES

183. Sections 87 and 97 of the Act respecting owners and operators of heavy vehicles (1998, chapter 40) are repealed.

184. Section 109 of the Act is amended by striking out ““413,” and” in paragraph 1.

ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

185. Sections 73 and 74 of the Act to amend the Highway Safety Code and other legislative provisions (2004, chapter 2) are repealed.

ACT TO AGAIN AMEND THE HIGHWAY SAFETY CODE AND OTHER LEGISLATIVE PROVISIONS

186. Sections 27, 29, 33, 79 and 80 of the Act to again amend the Highway Safety Code and other legislative provisions (2008, chapter 14) are repealed.

MINISTERIAL ORDER CONCERNING DRIVING OF BUSES ON CERTAIN AUTOROUTE SHOULDERS

187. The Ministerial Order concerning driving of buses on certain autoroute shoulders (chapter C-24.2, r. 6.02) is repealed.

MINISTERIAL ORDER CONCERNING RIDING OF BICYCLES ON SHOULDERS

188. The Ministerial Order concerning riding of bicycles on shoulders (chapter C-24.2, r. 6.1) is repealed.

REGULATION RESPECTING THE CONDITIONS AND PROCEDURES FOR THE USE OF PHOTO RADAR DEVICES AND RED LIGHT CAMERA SYSTEMS

189. Section 1 of the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9) is amended by replacing “332, 359.3 and 634.3 of the Highway Safety Code (chapter C-24.2) may only be used if it has been” in the introductory clause by “332 and 359.3 of the Highway Safety Code (chapter C-24.2) is”.

REGULATION RESPECTING FEES EXIGIBLE UNDER THE HIGHWAY SAFETY CODE AND THE RETURN OF CONFISCATED OBJECTS

190. Section 4 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects (chapter C-24.2, r. 27) is amended by striking out subparagraphs 4.11 to 4.14 of the first paragraph.

REGULATION RESPECTING SAFETY STANDARDS FOR ROAD VEHICLES

191. Chapter II.1 of the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32), comprising sections 178.1 and 178.2, is repealed.

REGULATION RESPECTING LICENCES

192. Section 1 of the Regulation respecting licences (chapter C-24.2, r. 34) is amended by striking out the definition of “driver’s licence Plus”.

193. Section 5 of the Regulation is amended by striking out subparagraphs 7.2 and 10 of the first paragraph.

194. Section 7.12 of the Regulation is repealed.

195. Sections 32.3 to 32.8 of the Regulation are repealed.

196. Section 35.1 of the Regulation is amended by striking out the second paragraph.

197. The Regulation is amended by replacing all occurrences of “recognized by a body certified by the Société” and “recognized by a body approved by the Société” by “recognized under section 62 of the Highway Safety Code”.

REGULATION RESPECTING DEMERIT POINTS

198. The “Table of demerit points” Schedule to the Regulation respecting demerit points (chapter C-24.2, r. 37) is amended

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

“1. Driving while unaccompanied or during prohibited hours

99 140.1 4”;

(2) by inserting the following element after element 1:

“1.1. Driving during prohibited hours with certain passengers

100 140.1 4”;

(3) by replacing element 4 by the following element:

“4. Failure to obey the orders or signals of a peace officer, school crossing guard or flag person

311 314.2 4”;

(4) by replacing element 26.1 by the following element:

“26.1. Driving while using a cellular telephone, another portable device or a display screen

443.1 509.2.2 5”.

PILOT PROJECT FOR THE USE OF A FLASHING GREEN LIGHT ON A ROAD VEHICLE DRIVEN BY A FIREFIGHTER RESPONDING TO AN EMERGENCY CALL

199. Section 11 of the Pilot Project for the use of a flashing green light on a road vehicle driven by a firefighter responding to an emergency call (chapter C-24.2, r. 39.1.01) is replaced by the following section:

“**11.** This Order is revoked on 24 August 2019.”

PILOT PROJECT CONCERNING MOTORIZED MOBILITY AIDS

200. Section 11 of the Pilot project concerning motorized mobility aids (chapter C-24.2, r. 39.1.1) is amended

(1) by replacing “440” in paragraph 3 by “443.2”;

(2) by replacing “section 439.1” in paragraph 5 by “section 443.1”.

TRANSITIONAL AND FINAL PROVISIONS

201. Any driver's licence Plus issued before 18 April 2018 in accordance with section 63.2 of the Highway Safety Code (chapter C-24.2), as it read before being repealed, remains valid until the date on which it is set to expire, unless it is revoked under the Highway Safety Code.

202. Sections 76.1.2 to 76.1.5 of the Highway Safety Code, as they read before being amended by sections 13 to 17, continue to apply to the issue of a licence after a cancellation or suspension incurred because of a finding of guilt for an offence under section 180 of the Code committed before (*insert the date of coming into force of sections 13 to 17 of this Act*).

203. The holder of a licence subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device under section 76.1.6 of the Highway Safety Code, as it read before being replaced by section 18, may, after a second licence cancellation or suspension incurred because of a finding of guilt for an offence under section 180 of that Code, obtain the lifting of the condition by a judge of the Court of Québec on the conditions set out in sections 76.1.6 to 76.1.6.3, enacted by sections 18 and 19.

204. Until the coming into force of section 110, the first paragraph of section 510 of the Highway Safety Code, as amended by section 144, is to be read as follows:

“Every person who contravenes any of sections 326.1, 340 to 342, 345, 347, 348, 388, 389, 395, 396, 406.1, 406.2, 413, 423, 426, 427, 430, 437.1, 437.2, 440.1, 455, 458 and 459, the second paragraph of section 472, section 473, the second paragraph of section 474.1, section 483.1 and the first paragraph of section 484 or section 492.7 or 497 or every person other than a cyclist who contravenes any of sections 346, 406 and 460 is guilty of an offence and is liable to a fine of \$200 to \$300.”

205. Until the coming into force of section 114, the first paragraph of section 508 of the Highway Safety Code, as amended by section 141, is to be read as follows:

“Every person who contravenes any of sections 401, 439 and 439.1 or the second paragraph of section 484 is guilty of an offence and is liable to a fine of \$80 to \$100.”

206. Until the coming into force of section 117,

(1) section 504 of the Highway Safety Code, as amended by section 136, is to be read as follows:

“**504.** Every cyclist who contravenes any of sections 346, 349, 350, 358.1, 359 to 364, 367 to 371, 402, 404 to 406, 408 to 411 and 421 and the second paragraph of section 424 or any of sections 442, 460, 477 to 479, 485 to 492.1, 496.6, 496.9 and 496.10 is guilty of an offence and is liable to a fine of \$80 to \$100.”;

(2) section 506 of the Highway Safety Code, as amended by section 139, is to be read as follows:

“**506.** Every person who contravenes section 324, the second paragraph of section 325 or any of sections 336, 366, 381 to 385, 387, 412, 417, 428, 429, 431, 432, 435, 436, 480, 481, 482 and 493 is guilty of an offence and is liable to a fine of \$60 to \$120.

Every person who contravenes section 440 commits an offence and is liable to a fine of \$30 to \$60.”

207. Until the coming into force of section 117, section 509 of the Highway Safety Code, as amended by section 142, is to be read as follows:

“**509.** Every person who contravenes any of sections 320, 322, 326, 331, 335, 339, 351 to 358, 364.1, 365, 372 to 376, 386, 388.1, 391, 407, 415, 416, 417.1, 418, 421.1, 473.1, 483, 492.4 to 492.6 and 502 or every person other than a cyclist who contravenes any of sections 349, 350, 358.1, 359, 359.1, 360, 361, 362 to 364, 367 to 371, 402, 404, 405, 408 to 411, 421, 424, 442, 477, 478, 479 and 496.6 is guilty of an offence and is liable to a fine of \$100 to \$200.”

208. The I-422 and I-425 highway road or traffic signs, described and illustrated in Volume V of the manual entitled *Traffic Control Devices* according to the standards determined and set out by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code, are deemed to be proper signs or signals within the meaning of section 297.1 of that Code, enacted by section 69.

The standards determined in that volume that relate to flag persons, in particular those that relate to the clothes they must wear, are deemed to have been determined under section 303.3 of the Highway Safety Code, enacted by section 70, until the coming into force of a regulation made under that section 303.3.

209. Element 26.1 of the “Table of demerit points” Schedule to the Regulation respecting demerit points (chapter C-24.2, r. 37), as it read before being replaced by section 198, continues to apply when a person is found guilty of an offence under section 439.1 of the Highway Safety Code committed before the coming into force of section 443.1 of the Code, enacted by section 117.

210. For the purposes of section 443.3 of the Highway Safety Code, enacted by section 117, only findings of guilt entered after 30 June 2018 are taken into account for the calculation of findings of guilt for an offence under section 443.1 of that Code, enacted by section 117.

211. Until the date of coming into force of the first regulation made by the Government under the third paragraph of section 443.1 and the third paragraph of section 443.2 of the Highway Safety Code, enacted by section 117,

(1) “hands-free device” means a device that can be used to operate another device, in particular a cellular phone, through a vocal command or a simple manual command that the driver can activate without being distracted from driving the vehicle;

(2) the prohibitions set out in section 443.1 do not apply to the following portable devices and display screens, subject to the application of subparagraphs *b* to *d* of subparagraph 2 of the first paragraph of that section:

(a) cordless voice communication devices, also known as two-way radios, which do not allow the parties to speak simultaneously;

(b) a display screen or cellular telephone used by peace officers or drivers of emergency vehicles in the performance of their duties;

(c) a display screen used to manage messages as part of an enterprise’s activities or to collect fees payable by a vehicle passenger;

(d) a display screen used as part of a public utility’s or telecommunications enterprise’s activities; or

(e) a cellular telephone used to make a call to 911 emergency services; and

(3) a peace officer riding a bicycle is authorized to wear a single earphone in the performance of his duties.

212. The first regulation made under subparagraph 27.1 or subparagraph 27.2 of the first paragraph of section 621 of the Highway Safety Code, as amended by section 164, may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 15 days. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

213. The Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9), made under section 634.3 of the Highway Safety Code as it read before being amended by section 169, as amended by section 189, is deemed to have been made under section 634.4, enacted by section 170.

214. Section 66 is declaratory.

The first paragraph has no effect with regard to judicial applications, including applications for authorization to institute a class action, brought before 8 December 2017 concerning a road sign or signal in relation to a toll.

215. Section 592.4.2 of the Highway Safety Code, enacted by section 160, does not apply in the case of penal proceedings for an offence committed before 18 April 2018.

216. The provisions of this Act come into force on 18 April 2018, except

(1) sections 4, 21, 22, 24 to 27, 35, 40, 41, 43, 45 to 47, section 48 to the extent that it enacts sections 239.1 and 239.2 of the Highway Safety Code, sections 54 to 61, 64, 68, 72 to 74, 81, 82, 84, 85, 89, 90, 93, 94, 95, 97, 105, 107, 108, 112, 116, 119, 120, 122 to 125, 127 to 142, 144, 146, 147, 158, 159, paragraph 2 of section 166 to the extent that it enacts subparagraph 19 of the first paragraph of section 626 of the Highway Safety Code, sections 171 and 172, paragraph 2 of section 180, sections 188 and 196, paragraphs 1 to 3 of section 198 and sections 204 to 207, which come into force on 18 May 2018;

(2) paragraph 2 of section 32, sections 114 and 117, section 143 to the extent that it enacts section 509.2.2 of the Highway Safety Code, paragraphs 2 and 6 of section 164, paragraph 1 of section 180, section 191, paragraph 4 of section 198 and section 200, which come into force on 30 June 2018;

(3) section 154, which comes into force on 17 July 2018;

(4) sections 52, 63, 86 to the extent that it enacts the last paragraph of section 359 of the Highway Safety Code and paragraph 2 of section 101, which come into force on 18 April 2019;

(5) section 148, which comes into force on 1 August 2019;

(6) section 115, which comes into force on 1 December 2019, unless the Government sets an earlier date for its coming into force;

(7) sections 106, 110 and 187, which come into force on 19 April 2020, unless the Government sets an earlier date for their coming into force;

(8) section 5 to the extent that it enacts section 202.5.1 of the Highway Safety Code, sections 9, 13 to 20 and 29, paragraph 2 of section 31, paragraph 1 of section 32, section 39, section 48 to the extent that it enacts section 239.1.1 of the Highway Safety Code, section 62, section 126, section 143 to the extent that it enacts section 509.2.1 of the Highway Safety Code, sections 145, 149, 152 and 162, paragraphs 4 and 5 of section 164, paragraphs 2 and 3 of section 174 and section 178, which come into force on the date or dates to be set by the Government.

2018, chapter 8
**AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING MUNICIPAL AFFAIRS AND THE SOCIÉTÉ
D'HABITATION DU QUÉBEC**

Bill 155

Introduced by Mr. Martin Coiteux, Minister of Municipal Affairs and Land Occupancy

Introduced 15 November 2017

Passed in principle 8 February 2018

Passed 18 April 2018

Assented to 19 April 2018

Coming into force: 19 April 2018, except

(1) the following provisions, which come into force on 1 January 2019: sections 5 to 11, 30, 31, 39, 42 to 44, 46, 47 and 50, section 51 to the extent that it concerns section 108.2.0.2 of the Cities and Towns Act (chapter C-19), sections 52, 54 to 56 and 104, section 105 to the extent that it concerns articles 966.2.2 and 966.3 of the Municipal Code of Québec (chapter C-27.1), sections 106, 137, 160 and 198 to 204, paragraph 2 of section 247, and section 248;

(2) sections 179 to 184 and 193 to 195, which come into force on 30 November 2018, subject to paragraphs 3 and 4;

(3) the following provisions, which come into force on 19 October 2018: section 162, section 163 to the extent that it concerns subparagraphs 2 and 3 of the second paragraph of section 5 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), sections 164 and 165, section 166 to the extent that it concerns subparagraphs 4.2 and 4.3 of the second paragraph of section 12 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, sections 167 and 168, section 169 to the extent that it concerns the communication of information to the inspector general of Ville de Montréal or to the Commission municipale du Québec under the second paragraph of section 14 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, sections 170 to 175, section 178, section 184 to the extent that it concerns subparagraph 2 of the first paragraph of section 36.5 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) and sections 187 to 189;

(4) the following provisions, which come into force on the date that is 10 months after the date on which the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 of the Act to facilitate oversight of public bodies' contracts and to establish

(cont'd on next page)

Coming into force: *(cont'd)*

the Autorité des marchés publics (2017, chapter 27) takes office: sections 68, 93, 128 and 151, section 163 to the extent that it concerns subparagraph 1 of the second paragraph of section 5 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 166 to the extent that it concerns subparagraph 4.1 of the second paragraph of section 12 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 169 to the extent that it concerns the communication of information to the Autorité des marchés publics under the second paragraph of section 14 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 184 to the extent that it concerns subparagraph 3 of the first paragraph of section 36.5 of the Municipal Ethics and Good Conduct Act, and sections 226, 246 and 252;

(5) section 254, which comes into force on the date on which the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics takes office;

(6) the following provisions, which come into force on the date on which the vice-president assigned to matters relating to audits of municipalities and municipal bodies is designated under section 3 of the Act respecting the Commission municipale (chapter C-35): sections 109 to 111 and 113, section 114 to the extent that it concerns the first paragraph of section 85, sections 86 to 86.5, the third and fourth paragraphs of section 86.6 and sections 86.7 to 86.10 of the Act respecting the Commission municipale, and section 115;

(7) section 112, and section 114 to the extent that it concerns the second paragraph of section 85 of the Act respecting the Commission municipale, which come into force on 1 April 2019;

(8) section 51 to the extent that it concerns section 108.2.0.1 of the Cities and Towns Act, and section 105 to the extent that it concerns article 966.2.1 of the Municipal Code of Québec, which come into force on 1 January 2020;

(9) section 114 to the extent that it concerns the first and second paragraphs of section 86.6 of the Act respecting the Commission municipale, which comes into force on 1 April 2020.

Legislation amended:

Act respecting land use planning and development (chapter A-19.1)
Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3)
Charter of Ville de Gatineau (chapter C-11.1)
Charter of Ville de Longueuil (chapter C-11.3)
Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4)
Charter of Ville de Québec, national capital of Québec (chapter C-11.5)
Cities and Towns Act (chapter C-19)
Municipal Code of Québec (chapter C-27.1)

(cont'd on next page)

Legislation amended: (cont'd)

Act respecting the Commission municipale (chapter C-35)
Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01)
Act respecting the Communauté métropolitaine de Québec (chapter C-37.02)
Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)
Act respecting elections and referendums in municipalities (chapter E-2.2)
Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1)
Act respecting municipal taxation (chapter F-2.1)
Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1)
Act respecting the Ministère du Conseil exécutif (chapter M-30)
Act respecting labour standards (chapter N-1.1)
Act respecting the Réseau de transport métropolitain (chapter R-25.01)
Civil Protection Act (chapter S-2.3)
Act respecting the Société d'habitation du Québec (chapter S-8)
Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01)
Act respecting public transit authorities (chapter S-30.01)
Act respecting the remuneration of elected municipal officers (chapter T-11.001)
Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1)
Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27)

Regulation amended:

Regulation respecting the awarding of contracts for certain professional services (chapter C-19, r. 2)

Explanatory notes

This Act makes various amendments mainly concerning municipal affairs and the Société d'habitation du Québec.

As regards contracts, the Act introduces various amendments mainly to make Québec's laws consistent with trade agreements, and provides that, on certain conditions, a municipality may enter into a contract by mutual agreement with a solidarity cooperative for the supply of services.

The Act amends provisions concerning municipal by-law adoption procedures and provides that non-compliance with those procedures entails the nullity of the by-laws concerned.

As regards urban planning, the Act provides that by-law amendments aimed at allowing a cemetery to be established do not require approval by way of referendum, and broadens the power of municipalities to intervene with regard to vacant, decrepit or dilapidated immovables.

The Act makes several amendments regarding disclosure of wrongdoings, compliance with municipal codes of ethics, and auditing of municipalities and other municipal bodies, and entrusts new responsibilities in that regard to the Commission municipale du Québec, the Public Protector and the Minister of Municipal Affairs and Land Occupancy. Under the Act, the codes of ethics and conduct applicable to municipal employees must include, for the employees identified by the Act and for those the municipal council may determine, post-term rules that are currently applicable to municipal officers.

The Act makes the payment of elected municipal officers' severance allowances subject to the transition allowance rules enacted in 2016 that apply, in particular, to elected officers whose term ends because they resign or are absent for a prolonged period, because they are disqualified or ousted from office, or because of the nullity of their election. The Act also provides that payment of severance and transition

(cont'd on next page)

Explanatory notes (*cont'd*)

allowances must be suspended until the outcome of judicial proceedings is known and all rights of appeal have expired, in cases where the person whose term ends is the subject of an application for his or her disqualification or of proceedings which could bring about his or her disqualification.

The Act makes amendments to the Act respecting the Autorité régionale de transport métropolitain and the Act respecting the Réseau de transport métropolitain that concern the financial administration of those bodies and aim to ensure better consistency with municipal legislation.

The Act amends certain rules concerning the management of the Capitale-Nationale Region Fund.

The Act also amends the rules on the composition of the boards of directors of housing bureaus, in particular by requiring such a board to be composed of 15 persons, including at least two lessees and two representatives of socioeconomic groups representative of the region. It allows the Société d'habitation du Québec to set up programs aimed at improving the accessibility of various establishments for handicapped persons. In addition, it allows the Société to grant subsidies for studies and research pertaining to housing and for experimental projects, and to obtain the information it requires to manage the programs it implements.

The Act amends the Civil Protection Act to allow the minister responsible for the administration of a financial assistance program to authorize, in a delegation instrument, the subdelegation of the functions he or she specifies. It further amends that Act to allow personal information to be released in certain circumstances without the consent of the person concerned.

Lastly, the Act makes certain technical amendments.



Chapter 8

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS AND THE SOCIÉTÉ D’HABITATION DU QUÉBEC

[Assented to 19 April 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 123.1 of the Act respecting land use planning and development (chapter A-19.1) is amended by adding the following subparagraph at the end of the first paragraph:

“(3) a cemetery.”

2. Section 145.41.5 of the Act is replaced by the following section:

“**145.41.5.** A municipality may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 40 of the Expropriation Act (chapter E-24), been vacant for the period set by the council by by-law, which period may not be less than one year; or

(2) the immovable’s decrepit or dilapidated state entails a risk for the health or safety of persons.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).”

ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

3. Section 85 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is amended by replacing the second paragraph by the following paragraph:

“However, the Authority may contract temporary loans without the authorizations required under the first paragraph.”

4. Section 89 of the Act is repealed.
5. Section 91 of the Act is replaced by the following section:

“**91.** The Authority may adopt by-laws relating to the administration of its finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed.”

6. The Act is amended by inserting the following section after section 91:

“**91.1.** A decision of the Authority authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 91, funds are available for the purposes for which the expenditure is proposed.”

7. Section 99 of the Act is amended by replacing the second sentence of the first paragraph by the following sentence: “The auditor must send his or her report to the treasurer.”

8. Section 100 of the Act is replaced by the following section:

“**100.** The treasurer must, at a board meeting of the Authority, table the financial report, the auditor’s report sent under section 99 and any other document whose tabling is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy.”

9. The Act is amended by inserting the following sections after section 100:

“**100.1.** After the tabling referred to in section 100 and not later than 15 April, the Authority must send the financial report and the auditor’s report to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The Authority must also send the documents and information referred to in the second paragraph of section 98 to the Minister of Municipal Affairs, Regions and Land Occupancy within the time prescribed by the latter.

100.2. If, after the sending referred to in section 100.1, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Authority's board of directors and the Authority must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 98."

10. Section 101 of the Act is amended by striking out subparagraph 5 of the second paragraph.

11. Section 101.1 of the Act, enacted by section 20 of chapter 13 of the statutes of 2017, is repealed.

CHARTER OF VILLE DE GATINEAU

12. Section 12 of the Charter of Ville de Gatineau (chapter C-11.1) is amended

(1) by replacing "committee. The mayor" in the first paragraph by "committee and";

(2) by adding the following sentence at the end of the first paragraph: "The mayor may also appoint a member of the executive committee to act as chair."

CHARTER OF VILLE DE LONGUEUIL

13. Section 58.3.2 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by replacing "no instrument of the city adopted by the council under that Act is subject to approval by way of referendum" in the second paragraph by "the instruments of the city that would otherwise be subject to approval by way of referendum are not so subject, whether adopted under the Act respecting land use planning and development or under this Charter".

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

14. Section 43 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing "city" by "borough", and by adding the following sentence at the end: "It may also fix additional remuneration relating to any special position held by a city councillor on that council or on any committee of the council."

15. Section 89.1.2 of the Charter is amended by replacing “no instrument of the city adopted by the council under that Act is subject to approval by way of referendum” in the second paragraph by “the instruments of the city that would otherwise be subject to approval by way of referendum are not so subject, whether adopted under the Act respecting land use planning and development or under this Charter”.

16. Section 50.6 of Schedule C to the Charter is replaced by the following section:

“50.6. The city may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 40 of the Expropriation Act (chapter E-24), been vacant for the period set by the council by by-law, which period may not be less than one year; or

(2) the immovable’s decrepit or dilapidated state entails a risk for the health or safety of persons.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).”

17. Section 151.5 of Schedule C to the Charter, enacted by section 19 of chapter 16 of the statutes of 2017, is amended by replacing “comes into effect” in the fourth paragraph by “occurs”.

18. Section 201 of Schedule C to the Charter is amended

(1) by replacing “a joint application for public” in the first paragraph by “a joint public call for”;

(2) by replacing “award of an insurance contract or a contract for the supply of material, materials or” in the first paragraph by “awarding of an insurance contract, supply contract or contract for the supply of”;

(3) by replacing “contract for the supply of material” in the second paragraph by “supply contract”;

(4) by replacing “application for public” in the third paragraph by “public call for”, “joint call for public” in the fourth paragraph by “joint public call for”, and “call for public” in the sixth paragraph by “public call for”.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

19. Section 74.5.2 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by replacing “no instrument of the city adopted by the council under that Act is subject to approval by way of referendum” in the second paragraph by “the instruments of the city that would otherwise be subject to approval by way of referendum are not so subject, whether adopted under the Act respecting land use planning and development or under this Charter”.

20. Section 41 of Schedule C to the Charter is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

21. Section 43 of Schedule C to the Charter is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

22. Section 63 of Schedule C to the Charter is repealed.

23. Section 84.3 of Schedule C to the Charter is amended by inserting “, which may be increased to take into account any reasonable incidental expenditures incurred by the city and made necessary because of an intervention carried out under the first paragraph,” after “The expense” in the second paragraph.

24. Section 105.1 of Schedule C to the Charter is amended by replacing “If a building’s dilapidated state is likely to endanger the health or safety of persons” in the first paragraph by “If a building is decrepit or dilapidated”.

25. Section 105.6 of Schedule C to the Charter is replaced by the following section:

“105.6. The city may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 40 of the Expropriation Act (chapter E-24), been vacant for the period set by the council by by-law, which period may not be less than one year; or

(2) the immovable’s decrepit or dilapidated state entails a risk for the health or safety of persons.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).”

CITIES AND TOWNS ACT

26. Section 28 of the Cities and Towns Act (chapter C-19) is amended by inserting “, despite the Municipal Aid Prohibition Act (chapter I-15),” after “A municipality may also” in the first paragraph of subsection 3.

27. Section 29.5 of the Act is amended by replacing “equipment, materials” in subparagraph 1 of the first paragraph by “movable property”.

28. Section 29.9.1 of the Act is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

29. Section 52 of the Act is amended

(1) by inserting “except the chief auditor,” after “employees of the municipality,” in the first paragraph;

(2) by inserting “except the chief auditor,” after “employee of the municipality,” in the second paragraph.

30. Section 105.1 of the Act is amended by striking out “, the chief auditor’s report transmitted under section 107.14 and the external auditor’s report transmitted under section 108.3” in the first paragraph.

31. Section 105.2 of the Act is amended by replacing the first paragraph by the following paragraph:

“Not later than 15 May, the clerk shall transmit to the Minister the financial report and any report of a chief auditor or external auditor under section 108.2 or 108.2.1 that were filed at a sitting of the municipal council.”

32. Section 105.2.2 of the Act, enacted by section 48 of chapter 13 of the statutes of 2017, is amended by replacing “in” in the first paragraph by “not later than”.

33. The Act is amended by inserting the following heading before section 107.1:

“(a) *Appointment*”.

34. Section 107.1 of the Act is amended by inserting “who is a member of the Ordre des comptables professionnels agréés du Québec” at the end.

35. Section 107.2 of the Act is amended by replacing “term of seven years. The term may not be renewed” by “single term of seven years”.

36. The Act is amended by inserting the following section after section 107.2:

“**107.2.1.** The chief auditor shall perform his duties of office exclusively and on a full-time basis. However, he may participate in educational activities, in particular as an instructor, or professional activities within associations of auditors, educational or research institutions, committees within his professional order, or the Association des vérificateurs généraux municipaux du Québec.”

37. Section 107.3 of the Act is amended

(1) by replacing “or a legal person referred to in paragraph 2 of section 107.7” in subparagraph 3 of the first paragraph by “, a legal person referred to in subparagraph 2 of the first paragraph of section 107.7 or a body referred to in subparagraph 3 of that paragraph”;

(2) by adding the following subparagraph at the end of the first paragraph:

“(4) a person who, in the four years preceding his appointment, was a member of a council, or an employee or officer, of the municipality, unless the person was an employee under the direction of the chief auditor during all or part of those years.”

38. The Act is amended by inserting the following heading after section 107.4:

“(b) *Operating expenses*”.

39. Section 107.5 of the Act is amended by replacing the second paragraph by the following paragraph:

“Subject to the third paragraph, the appropriation must be equal to or greater than the sum of $A + B + C$ where

(1) A is \$500,000;

(2) B is the product obtained by multiplying 0.13% by the portion of the appropriations provided for in the budget for operating expenses that is equal to or greater than \$345,000,000 but less than \$510,000,000; and

(3) C is the product obtained by multiplying 0.11% by the portion of the appropriations provided for in the budget for operating expenses that is equal to or greater than \$510,000,000.”

40. The Act is amended by inserting the following heading after section 107.5:

“(c) *Mandate*”.

41. The Act is amended by inserting the following section after section 107.6:

“107.6.1. Despite section 8 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the chief auditor shall perform the duties conferred by that Act on the person in charge of access to documents or the protection of personal information with regard to the documents the chief auditor prepares in performing his duties or with regard to the documents he keeps for the purposes of his mandate, provided the latter documents are not also kept by a body subject to that Act.

The chief auditor shall transmit without delay to the person in charge of access to documents or the protection of personal information within a concerned body any application he receives concerning documents that are also kept by the body.”

42. Section 107.7 of the Act is amended by adding the following at the end:

“(3) of any body referred to in the first paragraph of section 573.3.5, provided

(a) in the case of a body referred to in subparagraph 1 of the first paragraph of that section, it is the mandatary or agent of the municipality;

(b) under subparagraph 2 of the first paragraph of that section, the majority of the members of its board of directors are members of the council of, or are appointed by, the municipality;

(c) its budget is adopted or approved by the municipality;

(d) in the case of a body referred to in subparagraph 4 of the first paragraph of that section, it receives part or all of its financing from the municipality; or

(e) in the case of a body designated under subparagraph 5 of the first paragraph of that section, it has its principal place of business in the territory of the municipality.

If, under this section, section 108.2.0.1, article 966.2.1 of the Municipal Code of Québec (chapter C-27.1) or section 86 of the Act respecting the Commission municipale (chapter C-35), a mandate to audit certain aspects of the accounts and affairs of a body referred to in section 573.3.5 is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

(1) the chief auditor of the municipality with the largest population;

(2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or

(3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.”

43. Section 107.8 of the Act is amended

(1) by replacing “and of any legal person referred to in paragraph 2 of section 107.7 comprises” in the first paragraph by “and of any legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7 includes”;

(2) by replacing “or legal persons referred to in paragraph 2 of section 107.7” in the second paragraph by “or legal persons or bodies referred to in subparagraph 2 or 3 of the first paragraph of section 107.7”;

(3) by replacing “or any legal person referred to in paragraph 2 of section 107.7” in subparagraph 2 of the third paragraph by “or any legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7”.

44. Section 107.10 of the Act is amended

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

“The chief auditor may conduct an audit of the accounts or documents of any person or body having received financial assistance from the municipality or from a legal person or body referred to in subparagraph 2 or 3 of the first paragraph of section 107.7 to verify the use made of such assistance.”;

(2) by inserting “or body” after “person” in the second paragraph;

(3) by inserting “or body” after “person” in the third paragraph.

45. The Act is amended by inserting the following heading after section 107.12:

“(d) *Reporting*”.

46. Section 107.13 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“**107.13.** Not later than 31 August each year, the chief auditor shall transmit a report presenting the results of the audit for the fiscal year ended on 31 December to the mayor of the municipality, or to the legal person or body, that was audited.

A report on the audit of a legal person or body shall also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of section 107.7, subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35), or subparagraph 2 or 3 of the first paragraph of article 966.2 of the Municipal Code of Québec (chapter C-27.1).

Where applicable, the report must also indicate any fact or irregularity concerning, in particular,”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The chief auditor may also, at any time, transmit to the mayor of a municipality or to a legal person or body a report presenting his findings and recommendations. Such a report concerning a person or body must also be transmitted to the mayor of a municipality related to the person or body under the provisions mentioned in the second paragraph.

The mayor of a municipality shall file any report he receives under this section at the first regular sitting of the council following receipt of the report.”

47. Sections 107.14 and 107.15 of the Act are repealed.

48. The Act is amended by inserting the following heading after section 107.15:

“(e) *Immunity*”.

49. Section 108 of the Act is amended

(1) by replacing the first sentence by the following sentence: “The council shall appoint an external auditor for not less than three nor more than five fiscal years.”;

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

“In the case of a municipality with a population of at least 10,000 but less than 100,000 inhabitants, the council may appoint two external auditors. In such a case, the council shall entrust one auditor with the audit mandates under section 108.2 and the other with the audit mandate under section 108.2.0.1.

Every external auditor must be a member of the Ordre des comptables professionnels agréés du Québec.

When carrying out their value-for-money audit mandate and despite any general law or special Act, neither an external auditor nor the employees under the external auditor’s direction or the professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information. A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to this paragraph.

Neither an external auditor nor the employees under the external auditor’s direction may be prosecuted for any act they have done or failed to do in good faith in the performance of the duties related to their value-for-money audit mandate.

No civil action may be instituted for the publication of a report of an external auditor prepared under this Act in connection with a value-for-money audit mandate or the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against an external auditor, the employees under the external auditor's direction or the professionals under contract when the external auditor, employees or professionals are acting in their official capacity in connection with their value-for-money audit mandate."

50. Section 108.2 of the Act is replaced by the following section:

"108.2. The external auditor of a municipality having less than 100,000 inhabitants, or the external auditor designated by the council where two external auditors have been appointed, shall audit, for the fiscal year for which he was appointed,

(1) the financial statements of the municipality and of any legal person referred to in subparagraph 4 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35) that is related to the municipality in the manner provided for in that subparagraph;

(2) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(3) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*."

51. The Act is amended by inserting the following sections after section 108.2:

"108.2.0.1. In addition to his mandate under section 108.2, the external auditor of a municipality having at least 10,000 but less than 100,000 inhabitants, or the designated auditor, as applicable, shall conduct, to the extent he considers appropriate, a value-for-money audit of the municipality and of any legal person or any body referred to in subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35) that is related to the municipality in the manner provided for in that subparagraph.

Such an audit must be completed once every two years.

The auditor shall report to the council on his audit.

If, under this section, section 107.7, article 966.2.1 of the Municipal Code of Québec (chapter C-27.1) or section 86 of the Act respecting the Commission municipale, a mandate to audit certain aspects of the accounts and affairs of a body referred to in the first paragraph of section 573.3.5 is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

- (1) the chief auditor of the municipality with the largest population;
- (2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or
- (3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

“108.2.0.2. A municipality referred to in section 108.2.0.1 may, by by-law, entrust to the Commission municipale du Québec the audit mandate provided for in that section. An authenticated copy of the by-law must be transmitted to the Commission without delay.

A by-law made under the first paragraph applies from the fiscal year following that of its coming into force, provided it comes into force before 1 September; if it does not, the by-law applies from the second fiscal year following that of its coming into force. Section 108.2.0.1 ceases to apply to the municipality's external auditor as of that fiscal year.

Despite the third paragraph of section 86 of the Act respecting the Commission municipale (chapter C-35), the audit mandate entrusted to the Commission by a by-law adopted under this section must be carried out once every two years.

The by-law may not be repealed.”

52. Section 108.2.1 of the Act is replaced by the following section:

“108.2.1. The external auditor of a municipality having 100,000 inhabitants or more shall audit, for the fiscal year for which he was appointed,

- (1) the accounts and affairs of the chief auditor;
- (2) the financial statements of the municipality and of any legal person referred to in subparagraph 2 of the first paragraph of section 107.7;
- (3) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(4) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*.”

53. The Act is amended by inserting the following section after section 108.2.1:

“**108.2.2.** An audit conducted by an external auditor must not call into question the merits of the policies and objectives of the municipality or of a person or body whose accounts and affairs are being audited.”

54. Section 108.3 of the Act is replaced by the following section:

“**108.3.** Each year, not later than on the date determined by the municipal council, the external auditor shall transmit any report for the preceding fiscal year that was made under section 108.2, 108.2.0.1 or 108.2.1 to the treasurer of the municipality concerned or to the legal person or body concerned.

Any report on the audit of a legal person or a body must also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of section 107.7 or under subparagraph 4 or 5 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35).

Any report made under section 108.2.0.1 on the value-for-money audit of a municipality having at least 10,000 but less than 100,000 inhabitants must also be transmitted to the Commission municipale du Québec not later than 30 September following the last fiscal year to which the report pertains. The Commission shall publish the report on its website.

The treasurer of a municipality shall file any report he receives under this section at the first regular sitting of the council following receipt of the report.”

55. Section 108.4 of the Act is amended by adding the following paragraph at the end:

“However, a council may not ask the external auditor for audits that fall under the mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

56. Section 109 of the Act is amended by inserting “or that such an audit does not fall under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35)” at the end of the first paragraph.

57. Section 116.1 of the Act is replaced by the following section:

“116.1. If an appointment or personal designation provided for in this Act is not made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this section is deemed to have been made or fixed by the person or council otherwise competent to make or fix it under this Act.”

58. Section 345.1 of the Act is amended by replacing “second” in the first paragraph by “third”.

59. Section 356 of the Act is replaced by the following section:

“356. The passing of every by-law must be preceded by a notice of motion given at a sitting by a council member.

The passing of a by-law must also, subject to the provisions of a special Act governing the filing, passing or tabling of a draft by-law, be preceded by the filing of a draft by-law by a council member at the same sitting as the one at which the notice of motion was given or at a different sitting.

As soon as possible after the draft by-law is filed, copies of it must be made available to the public.

The council must pass the by-law, with or without changes, at a different sitting than the one at which the notice of motion was given and the one at which the draft by-law was filed, and not earlier than the second day following the date on which the latter of those sittings was held.

At the beginning of the sitting at which the passing of the by-law will be considered, copies of the draft by-law must be made available to the public.

The clerk or a council member must, before the by-law is passed, mention its object and any differences between the draft by-law that was filed and the by-law being submitted for passing.

In addition, if the by-law involves an expenditure, the clerk or a council member must mention that fact as well as any mode of financing, payment or repayment of the expenditure.

Changes made to the by-law submitted for passing must not be such as to change the object of the by-law as specified in the draft by-law that was filed.

Any contravention of the first, second, fourth or eighth paragraph entails the nullity of the by-law.”

60. Section 477.4 of the Act is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

61. Section 573 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph of subsection 1 by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph of subsection 1 by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph of subsection 1 by the following subparagraph:

“(a) covered by a regulation adopted under section 573.3.0.1 or 573.3.0.2, where the contract is made in accordance with that regulation; and”;

(4) by replacing the second paragraph of subsection 1 by the following paragraph:

“For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(5) by replacing “of \$100,000 or more” in the introductory clause of the third paragraph of subsection 1 by “equal to or above the threshold ordered by the Minister”;

(6) by striking out subparagraph 2 of the fourth paragraph of subsection 1;

(7) by replacing “shall not be less than eight days” in the first paragraph of subsection 2 by “must be in accordance with the time ordered by the Minister”;

(8) by striking out the second paragraph of subsection 2;

(9) by replacing subsection 2.1 by the following subsection:

“(2.1) A public call for tenders for a contract referred to in the third paragraph of subsection 1 may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of contracts for the supply of services other than services listed in subparagraph 2.3 of the first paragraph of section 573.3 and involving an expenditure equal to or above the ceiling ordered by the Minister;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2.3 of the first paragraph of section 573.3 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(10) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

62. Section 573.1 of the Act is amended

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

“A contract referred to in any of the subparagraphs of the first paragraph of subsection 1 of section 573 may be awarded only after a call for tenders by written invitation to at least two contractors or, as applicable, two suppliers if it involves an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573.

The time for the receipt of tenders must not be less than eight days.”;

(2) by striking out “The first paragraph of subsection 2 and” in the last paragraph.

63. The Act is amended by inserting the following section after section 573.1:

“573.1.0.0.1. Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

Any municipality that agrees to receive tenders electronically must mention that fact in its calls for tenders or in the documents to which they refer.

However, a municipality may not require that tenders be submitted only electronically.”

64. Section 573.1.0.1.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite subsections 4 and 6 of section 573;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the council accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

65. Section 573.1.0.4 of the Act is replaced by the following section:

“573.1.0.4. Unless otherwise permitted under section 573 or under the regulations made under any of sections 573.3.0.1, 573.3.0.2 and 573.3.1.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

66. The Act is amended by inserting the following section after section 573.1.0.13:

“573.1.0.14. If, in any of the situations mentioned in the second paragraph, a municipality requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the municipality must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 573 or under a regulation made under section 573.3.0.1 or 573.3.0.2, or in any document referred to in such a call for tenders, a municipality requires technical specifications with regard to goods, services or work;

(2) where, under section 573.1.0.1 or 573.1.0.1.1, a municipality evaluates tenders submitted after a call for tenders under section 573 or under a regulation made under section 573.3.0.1 or 573.3.0.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 573.1.0.2 and 573.1.0.3, a municipality establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

67. Section 573.3 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

“573.3. Sections 573 and 573.1 and any regulation made under section 573.3.0.1 or 573.3.0.2 do not apply to a contract”;

(2) by replacing subparagraphs 1, 2 and 2.1 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities;

“(2.1) that is entered into with a non-profit body and that is an insurance contract or a contract for the supply of services other than services listed in subparagraph 2.3 and other than services involving the collection, transport, transfer, recycling or recovery of residual materials;

“(2.2) whose object is the supply of services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM), and that is designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5;

“(2.3) that is a contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of contracts for the supply of services under subsection 2.1 of section 573, and whose object is any of the following:

- (a) courier or mail services, including email;
- (b) fax services;
- (c) real estate services;
- (d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (e) maintenance or repair services for office equipment;
- (f) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (g) architectural or engineering services, except those related to transportation infrastructure construction;
- (h) architectural landscaping services;
- (i) land use and planning services;
- (j) test, analysis or inspection services for quality control;

(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;

“(2.4) that is a supply contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of supply contracts under subsection 2.1 of section 573;”;

(3) by replacing “, subscriptions or computer software for educational purposes” in subparagraph 4 of the first paragraph by “or the supply of subscriptions”;

(4) by replacing “sections 573.1 and 573.3.0.2” in the introductory clause of the second paragraph by “section 573.1 and any regulation made under section 573.3.0.1”;

(5) by inserting “or 573.3.0.2” at the end of subparagraph 1 of the third paragraph;

(6) by replacing “whose object is the supply of insurance, equipment, materials or” in subparagraph 2 of the third paragraph by “that is an insurance contract, supply contract or contract for the supply of”.

68. Section 573.3.0.0.1 of the Act, enacted by section 163 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

69. Section 573.3.0.1 of the Act is amended

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

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

70. Section 573.3.0.2 of the Act is replaced by the following section:

“573.3.0.2. The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

71. Section 573.3.0.3 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

72. Section 573.3.1.2 of the Act, replaced by section 74 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573”.

73. The Act is amended by inserting the following section after section 573.3.3.1:

“573.3.3.1.1. The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under subsection 1 of section 573;

(2) the minimum time for the receipt of tenders after a public call for tenders under that subsection; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under subsection 2.1 of section 573.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

74. Section 573.3.3.2 of the Act, amended by section 165 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

75. Section 573.3.3.3 of the Act, amended by section 166 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

76. Section 573.3.4 of the Act is amended by inserting “, 573.3.0.2” after “573.3.0.1” in the first paragraph.

77. Section 573.3.5 of the Act, enacted by section 75 of chapter 13 of the statutes of 2017, is amended by inserting “, 573.3.0.2” after “573.3.0.1” in the second paragraph.

MUNICIPAL CODE OF QUÉBEC

78. Article 9 of the Municipal Code of Québec (chapter C-27.1) is amended by inserting “, despite the Municipal Aid Prohibition Act (chapter I-15),” after “A municipality may also” in the first paragraph.

79. Article 14.3 of the Code is amended by replacing “equipment, materials” in subparagraph 1 of the first paragraph by “movable property”.

80. Section 14.7.1 of the Code is amended by replacing “equipment or materials” in the first paragraph by “movable property”.

81. Article 169 of the Code is repealed.

82. Article 176.2.2 of the Code, enacted by section 89 of chapter 13 of the statutes of 2017, is amended by replacing “in” in the first paragraph by “not later than”.

83. Article 410 of the Code is replaced by the following article:

“**410.** If an appointment or personal designation provided for in this Code has not been made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this article is deemed to have been made or fixed by the person or council otherwise competent to make or fix it under this Code.”

84. Article 433.1 of the Code is amended by replacing “second” in the first paragraph by “third”.

85. Article 445 of the Code is replaced by the following article:

“445. The passing of every by-law must be preceded by a notice of motion given at a sitting by a council member.

The passing of a by-law must also, subject to the provisions of a special Act governing the filing, passing or tabling of a draft by-law, be preceded by the filing of a draft by-law by a council member at the same sitting as the one at which the notice of motion was given or at a different sitting.

As soon as possible after the draft by-law is filed, copies of it must be made available to the public.

The council must pass the by-law, with or without changes, at a different sitting than the one at which the notice of motion was given and the one at which the draft by-law was filed, and not earlier than the second day following the date on which the latter of those sittings was held.

At the beginning of the sitting at which the passing of the by-law will be considered, copies of the draft by-law must be made available to the public.

The secretary-treasurer or a council member must, before the by-law is passed, mention its object and any differences between the draft by-law that was filed and the by-law being submitted for passing.

In addition, if the by-law involves an expenditure, the secretary-treasurer or a council member must mention that fact as well as any mode of financing, payment or repayment of the expenditure.

Changes made to the by-law submitted for passing must not be such as to change the object of the by-law as specified in the draft by-law that was filed.

Subject to the tenth and eleventh paragraphs, any contravention of the first, second, fourth or eighth paragraph entails the nullity of the by-law.

In the case of a by-law passed by the council of a regional county municipality, the notice of motion and draft by-law may be replaced by a notice given by registered mail to the members of that council. The secretary-treasurer of the regional county municipality must send the notice to the council members at least 10 days before the date of the sitting at which the passing of the by-law mentioned in the notice will be considered, and must post the notice, within the same time, at the office of the regional county municipality. In such a case, the third paragraph does not apply.

The preceding paragraph applies, with the necessary modifications, to by-laws passed by a board of delegates.”

86. Article 935 of the Code is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph of subarticle 1 by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph of subarticle 1 by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph of subarticle 1 by the following subparagraph:

“(a) covered by a regulation adopted under article 938.0.1 or 938.0.2, where the contract is made in accordance with that regulation; and”;

(4) by replacing the second paragraph of subarticle 1 by the following paragraph:

“For the purposes of this article, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(5) by replacing “of \$100,000 or more” in the introductory clause of the third paragraph of subarticle 1 by “equal to or above the threshold ordered by the Minister”;

(6) by striking out subparagraph 2 of the fourth paragraph of subarticle 1;

(7) by replacing “shall not be less than eight days” in the first paragraph of subarticle 2 by “must be in accordance with the time ordered by the Minister”;

(8) by striking out the second paragraph of subarticle 2;

(9) by replacing subarticle 2.1 by the following subarticle:

“2.1. A public call for tenders for a contract referred to in the third paragraph of subarticle 1 may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of contracts for the supply of services other than services listed in subparagraph 2.3 of the first paragraph of article 938, and involving an expenditure equal to or above the ceiling ordered by the Minister; or

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2.3 of the first paragraph of article 938 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure above or below the ceiling ordered by the Minister.”;

(10) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

87. Article 936 of the Code is amended

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

“A contract referred to in any of the subparagraphs of the first paragraph of subarticle 1 of article 935 may be awarded only after a call for tenders by written invitation to at least two contractors or, as applicable, two suppliers if it involves an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935.

The time for the receipt of tenders must not be less than eight days.”;

(2) by striking out “The first paragraph of subarticle 2 and” in the last paragraph.

88. The Code is amended by inserting the following article after article 936:

“936.0.0.1. Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

Any municipality that agrees to receive tenders electronically must mention that fact in its calls for tenders or in the documents to which they refer.

However, a municipality may not require that tenders be submitted only electronically.”

89. Article 936.0.1.1 of the Code is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite subarticles 4 and 6 of article 935;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the council accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

90. Article 936.0.4 of the Code is replaced by the following article:

“936.0.4. Unless otherwise permitted under article 935 or under the regulations made under any of articles 938.0.1, 938.0.2 and 938.1.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

91. The Code is amended by inserting the following article after article 936.0.13:

“936.0.14. If, in any of the situations mentioned in the second paragraph, a municipality requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the municipality must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under article 935 or under a regulation made under article 938.0.1 or 938.0.2, or in any document referred to in such a call for tenders, a municipality requires technical specifications with regard to goods, services or work;

(2) where, under article 936.0.1 or 936.0.1.1, a municipality evaluates tenders submitted after a call for tenders under article 935 or under a regulation made under article 938.0.1 or 938.0.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under articles 936.0.2 and 936.0.3, a municipality establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

92. Article 938 of the Code is amended

(1) by replacing the introductory clause of the first paragraph by:

“**938.** Articles 935 and 936 and any regulation made under article 938.0.1 or 938.0.2 do not apply to a contract”;

(2) by replacing subparagraphs 1, 2 and 2.1 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities;

“(2.1) that is entered into with a non-profit body and that is an insurance contract or a contract for the supply of services other than services listed in subparagraph 2.3 and other than services involving the collection, transport, transfer, recycling or recovery of residual materials;

“(2.2) whose object is the supply of services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM), and that is designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19);

“(2.3) that is a contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of contracts for the supply of services under subarticle 2.1 of article 935, and whose object is any of the following:

- (a) courier or mail services, including email;
- (b) fax services;
- (c) real estate services;
- (d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (e) maintenance or repair services for office equipment;
- (f) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (g) architectural or engineering services, except those related to transportation infrastructure construction;
- (h) architectural landscaping services;
- (i) land use and planning services;
- (j) test, analysis or inspection services for quality control;
- (k) exterior and interior building cleaning services; and
- (l) machinery or equipment repair services;

“(2.4) that is a supply contract entered into with a non-profit body and involving an expenditure below the expenditure ceiling allowing the territory from which the tenders originate to be limited in the case of supply contracts under subarticle 2.1 of article 935;”;

(3) by replacing “, subscriptions or computer software for educational purposes” in subparagraph 4 of the first paragraph by “or the supply of subscriptions”;

(4) by replacing “articles 936 and 938.0.2” in the introductory clause of the second paragraph by “article 936 and any regulation made under article 938.0.1”;

(5) by inserting “or 938.0.2” at the end of subparagraph 1 of the third paragraph;

(6) by replacing “whose object is the supply of insurance, equipment, materials or” in subparagraph 2 of the third paragraph by “that is an insurance contract, supply contract or contract for the supply”.

93. Article 938.0.0.1 of the Code, enacted by section 169 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

94. Article 938.0.1 of the Code is amended

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

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

95. Article 938.0.2 of the Code is replaced by the following article:

“938.0.2. The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this article, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

96. Article 938.0.3 of the Code is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

97. Article 938.1.2 of the Code, replaced by section 100 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935”.

98. The Code is amended by inserting the following article after article 938.3.1:

“938.3.1.1. The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under subarticle 1 of article 935;

(2) the minimum time for the receipt of tenders after a public call for tenders under that subarticle; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under subarticle 2.1 of article 935.

The threshold, ceiling and time ordered under this article may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

99. Article 938.3.2 of the Code, amended by section 171 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

100. Article 938.3.3 of the Code, amended by section 172 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

101. Article 938.4 of the Code is amended by inserting “, 938.0.2” after “938.0.1” in the first paragraph.

102. Article 961.2 of the Code is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

103. Article 966 of the Code is replaced by the following article:

“**966.** The council shall appoint an external auditor for not more than five fiscal years. At the end of the term, the external auditor shall remain in office until replaced or reappointed.

In the case of a municipality having a population of at least 10,000 inhabitants, the council may appoint two external auditors. In such a case, the council entrusts one auditor with the audit mandates under article 966.2 and the other with the audit mandate under article 966.2.1.

Every external auditor must be a member of the Ordre des comptables professionnels agréés du Québec.

When carrying out their value-for-money audit mandate and despite any general law or special Act, neither an external auditor nor the employees under the external auditor’s direction or the professionals under contract may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information. A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to this paragraph.

Neither an external auditor nor the employees under the external auditor’s direction may be prosecuted for any act they have done or failed to do in good faith in the performance of the duties related to their value-for-money audit mandate.

No civil action may be instituted for the publication of a report of an external auditor prepared under this Act in connection with a value-for-money audit mandate or the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against an external auditor, the employees under the external auditor’s direction or the professionals under contract when the external auditor, employees or professionals are acting in their official capacity in connection with their value-for-money audit mandate.”

104. Article 966.2 of the Code is replaced by the following article:

“**966.2.** The external auditor or the external auditor designated by the council, where two external auditors have been appointed, shall audit, for the fiscal year for which he was appointed,

(1) the financial statements of the municipality and of any legal person referred to in subparagraph 2 of the first paragraph of article 966.2.1 that is related to the municipality in the manner provided for in that subparagraph;

(2) the effective aggregate taxation rate to verify its compliance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1); and

(3) any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy by a regulation published in the *Gazette officielle du Québec*.”

105. The Code is amended by inserting the following articles after article 966.2:

“**966.2.1.** In addition to his mandate under article 966.2, the external auditor of a municipality having at least 10,000 inhabitants shall conduct, to the extent he considers appropriate, a value-for-money audit

(1) of the municipality;

(2) of any legal person

(a) that is part of the reporting entity defined in the municipality’s financial statements;

(b) of which the municipality or a mandatary of the municipality appoints more than 50% of the members of the board of directors; or

(c) of which the municipality or a mandatary of the municipality holds more than 50% of the outstanding voting shares or units;

(3) of any body referred to in the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19), provided

(a) in the case of a body referred to in subparagraph 1 of the first paragraph of that section, it is the mandatary or agent of the municipality;

(b) under subparagraph 2 of the first paragraph of that section, the majority of the members of its board of directors are members of the council of, or are appointed by, the municipality;

(c) its budget is adopted or approved by the municipality;

(d) in the case of a body referred to in subparagraph 4 of the first paragraph of that section, it receives part or all of its financing from the municipality; or

(e) in the case of a body designated under subparagraph 5 of the first paragraph of that section, it has its principal place of business in the territory of the municipality.

If, under this section, section 107.7 or 108.2.0.1 of the Cities and Towns Act or section 86 of the Act respecting the Commission municipale (chapter C-35), a mandate to audit certain aspects of the accounts and affairs of a body referred to in the first paragraph of section 573.3.5 of the Cities and Towns Act is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

- (1) the chief auditor of the municipality with the largest population;
- (2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or
- (3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

An audit under the first paragraph must be completed once every two years.

The auditor shall report to the council on his audit.

“966.2.2. A municipality referred to in article 966.2.1 may, by by-law, entrust to the Commission municipale du Québec the audit mandate provided for in that article. An authenticated copy of the by-law must be transmitted to the Commission without delay.

A by-law made under the first paragraph applies from the fiscal year following that of its coming into force, provided it comes into force before 1 September; if it does not, the by-law applies from the second fiscal year following that of its coming into force. Article 966.2.1 ceases to apply to the municipality's external auditor as of that fiscal year.

Despite the third paragraph of section 86 of the Act respecting the Commission municipale (chapter C-35), the audit mandate entrusted to the Commission by a by-law adopted under this article must be carried out once every two years.

The by-law may not be repealed.

“966.2.3. An audit conducted by an external auditor must not call into question the merits of the policies and objectives of the municipality or of a person or body whose accounts and affairs are being audited.

“966.3. Each year, not later than on the date determined by the municipal council, the external auditor shall transmit any report for the preceding fiscal year that was made under articles 966.2 and 966.2.1 to the treasurer of the municipality concerned or to the legal person or body concerned.

Any report on the audit of a legal person or a body must also be transmitted to the mayor of a municipality related to the legal person or body under subparagraph 2 or 3 of the first paragraph of article 966.2.1.

Any report made under article 966.2.1 on the value-for-money audit of a municipality having at least 10,000 inhabitants must also be transmitted to the Commission municipale du Québec not later than 30 September following the last fiscal year to which the report pertains. The Commission shall publish the report on its website.

The treasurer of a municipality shall file any report he receives under this article at the first regular sitting of the council following receipt of the report.”

106. Article 966.5 of the Code is amended by inserting “or provided such an audit does not fall under the mandate of the Commission municipale du Québec to audit municipalities and municipal bodies under the Act respecting the Commission municipale (chapter C-35)” at the end of the first and second paragraphs.

ACT RESPECTING THE COMMISSION MUNICIPALE

107. Section 3 of the Act respecting the Commission municipale (chapter C-35) is amended by adding the following paragraph at the end:

“One of the vice-presidents designated by the Government shall be assigned to matters relating to audits of municipalities and municipal bodies. In addition, despite section 8 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), that vice-president shall, with regard to matters relating to audits of municipalities and municipal bodies, perform the duties conferred by that Act on the person in charge of access to documents or protection of personal information. Persons who are, or were in the past four years, council members or employees of a local municipality having less than 100,000 inhabitants, a regional county municipality or a metropolitan community are disqualified from performing those duties.”

108. Section 5 of the Act is amended by adding the following paragraphs at the end:

“Despite the first sentence of the first paragraph, the vice-president assigned to matters relating to audits of municipalities and municipal bodies is appointed for a period of seven years. A person may not be so appointed more than once. At the end of the seven-year period, such a vice-president remains in office and continues the assignment until he is reappointed as a member of the Commission or replaced.

If the vice-president assigned to matters relating to audits is absent or unable to act, the Government shall designate a member of the Commission to act in that capacity on an interim basis.”

109. Section 8 of the Act is amended by adding the following paragraph at the end:

“The first paragraph does not apply when the Commission exercises, under Division X, its audit functions with regard to municipalities and municipal bodies.”

110. Section 14 of the Act is amended

(1) by replacing “The Government may, whenever it” by “Whenever it”;

(2) by replacing “attach to the Commission experts or technical men” by “the Commission may retain the services of experts or technicians”.

111. Section 17 of the Act is amended by inserting “, nor any experts or technicians referred to in section 14” after “or employees”.

112. Section 20 of the Act is amended

(1) by replacing “encourues” and “encourus” in the first paragraph in the French text by “engagées” and “engagés”, respectively;

(2) by inserting “and out of those received by the Commission in accordance with the second paragraph” at the end of the first paragraph;

(3) by replacing the second and third paragraphs by the following paragraphs:

“However, the Commission may

(1) order that the expenses, except those relating to the salaries of its commissioners and regular employees, that it incurs in the exercise of its functions other than its audit functions with regard to municipalities and municipal bodies, be paid in whole or in part by the municipality it designates; and

(2) order that the expenses it incurs in the exercise of its audit functions with regard to the accounts and affairs of a chief auditor of a municipality having 100,000 inhabitants or more be paid by that municipality.

The amount of the expenses referred to in the second paragraph shall then be established by a certificate signed by a member of the Commission or by its secretary; the certificate is final and may not be contested.”

113. Section 22 of the Act is amended by inserting “Except when exercising its audit functions with regard to municipalities and municipal bodies under Division X,” at the beginning of the first paragraph of subsection 1.

114. The Act is amended by inserting the following division after section 84:

“DIVISION X

“AUDITS OF MUNICIPALITIES AND MUNICIPAL BODIES

“85. The Commission is the auditor of the accounts and affairs of the following municipalities and municipal bodies:

(1) the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec;

(2) every regional county municipality;

(3) every local municipality having less than 100,000 inhabitants;

(4) every legal person

(a) that is part of the reporting entity defined in the financial statements of a local municipality having less than 100,000 inhabitants or of a regional county municipality;

(b) of which a local municipality having less than 100,000 inhabitants, a regional county municipality or a mandatory of either appoints more than 50% of the members of the board of directors; or

(c) of which a local municipality having less than 100,000 inhabitants, a regional county municipality or a mandatory of either holds more than 50% of the outstanding voting shares or units; and

(5) any body referred to in the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19) that is not a legal person referred to in subparagraph 4 or in the first paragraph of section 107.7 of that Act, provided

(a) in the case of a body referred to in subparagraph 1 of the first paragraph of section 107.7 of the Cities and Towns Act, it is the mandatory or agent of at least one local municipality having less than 100,000 inhabitants or one regional county municipality;

(b) under subparagraph 2 of the first paragraph of that section, its board of directors includes at least one member who is a member of the council of, or was appointed by, a local municipality having less than 100,000 inhabitants or a regional county municipality;

(c) its budget is adopted or approved by at least one local municipality having less than 100,000 inhabitants or one regional county municipality;

(d) in the case of a body referred to in subparagraph 4 of the first paragraph of that section, part of the funds it receives from municipalities comes from a local municipality having less than 100,000 inhabitants or a regional county municipality; or

(e) in the case of a body designated under subparagraph 5 of the first paragraph of that section, it has its principal place of business in the territory of a local municipality having less than 100,000 inhabitants or of a regional county municipality.

On an application by the council of a municipality, the Commission may also act as auditor of the chief auditor appointed under section 107.2 of the Cities and Towns Act; such an audit includes, to the extent considered useful by the Commission, auditing of operations to verify their compliance with the Acts, regulations, policies and directives applicable to the chief auditor, and value-for-money auditing.

“86. Audits of the accounts and affairs of metropolitan communities and regional county municipalities, of municipalities having less than 10,000 inhabitants, and of the municipal bodies referred to in subparagraphs 4 and 5 of the first paragraph of section 85 that are related to those municipalities in the manner provided for in those subparagraphs include, to the extent considered appropriate by the Commission, auditing their operations to verify the latter’s compliance with the Acts, regulations, policies and directives applicable to them, and value-for-money auditing.

Audits of the accounts and affairs of municipalities having at least 10,000 but less than 100,000 inhabitants and of the municipal bodies referred to in subparagraphs 4 and 5 of the first paragraph of section 85 that are related to those municipalities in the manner provided for in those subparagraphs include, to the extent considered appropriate by the Commission, auditing their operations to verify the latter’s compliance with the Acts, regulations, policies and directives applicable to them. Such audits also include, in the case of a municipality where a by-law adopted under section 108.2.0.2 of the Cities and

Towns Act (chapter C-19) or article 966.2.2 of the Municipal Code of Québec (chapter C-27.1) is in force, value-for-money auditing of both the municipality and the bodies referred to in subparagraphs 4 and 5 of the first paragraph of section 85 that are related to it in the manner provided for in those subparagraphs.

Such audits are to be conducted at the times and intervals and in the manner determined by the Commission.

If, under this section, section 107.7 or 108.2.0.1 of the Cities and Towns Act or article 966.2.1 of the Municipal Code of Québec, a mandate to audit certain aspects of the accounts and affairs of a body referred to in section 573.3.5 of the Cities and Towns Act is entrusted to more than one auditor, the audit of those aspects must be conducted exclusively by the following designated auditor:

- (1) the chief auditor of the municipality with the largest population;
- (2) if no chief auditor of a municipality is concerned, the Commission municipale du Québec; or
- (3) if neither a chief auditor of a municipality nor the Commission is concerned, the external auditor of the municipality with the largest population.

“86.1. An audit conducted in accordance with sections 85 and 86 must not call into question the merits of the policies and objectives of the municipalities, chief auditors or bodies whose accounts and affairs are being audited.

“86.2. Any municipality or municipal body subject to audit under section 85, as well as its officers and employees, is required to provide the Commission, on request, with the records, reports, documents or data, in whatever form, that the Commission considers necessary for the purposes of its mandate. They must also provide it with any relevant information or explanation.

The Commission may make copies of the records, reports, documents or data obtained in accordance with the first paragraph.

“86.3. For the purposes of its audit mandate, the Commission may assign its employees, experts and technicians to a municipality or municipal body referred to in section 85. The municipality or municipal body must provide them with the premises the Commission considers necessary.

“86.4. The Commission may also audit the records, files, documents and accounts of a person, establishment, institution, body, association or enterprise as regards the use made of any assistance granted by a municipality or municipal body referred to in section 85.

The recipient of assistance and its employees are required to provide the Commission, on request, with any document or data, in whatever form, that the Commission considers necessary for the purposes of the mandate provided for in the first paragraph. They must also provide it with any relevant information or explanation.

The Commission may make copies of the documents or data obtained in accordance with the second paragraph.

“86.5. The auditor of the accounts and affairs of a recipient of assistance referred to in section 86.4 must, at the Commission’s request, promptly transmit to the Commission a copy of

(1) the recipient’s annual financial statements;

(2) the auditor’s report on those statements; and

(3) any other report made to the recipient’s board of directors, executive or chief executive officer, as the case may be, on the auditor’s findings and recommendations.

“86.6. Not later than 30 September each year, the Commission must report on the results of the audit of each municipality or body referred to in section 85 that the Commission conducted for the fiscal year ended on the preceding 31 December.

The report must indicate any fact, irregularity or deficiency the Commission considers advisable to bring up with the municipality or body.

The Commission may also, at any other time, transmit to a municipality or body referred to in section 85 a report presenting any findings or recommendations that, in its opinion, warrant being brought to the attention of the municipality or body.

In any report it produces, the Commission must disclose any situation that could cause a conflict between the interest of any of its commissioners or employees and his duties of office.

“86.7. The Commission must transmit any report made under section 86.6 to the municipality or body that was audited or that is the subject of the report’s findings or recommendations.

If a report concerns a municipal body referred to in subparagraph 4 or 5 of the first paragraph of section 85 or the audit of such a body, it must also be transmitted to the municipality related to the body under that subparagraph.

If a report concerns a chief auditor of a municipality having 100,000 inhabitants or more, it must also be transmitted to that municipality.

If a report concerns a recipient of assistance subject to section 86.4, it must be transmitted to the recipient and to the municipality or municipal body that granted the assistance.

Any report transmitted under this section must be simultaneously transmitted to the Minister and published on the Commission's website.

“86.8. Any Commission report received by a metropolitan community or a municipality under section 86.7 must be tabled at the first meeting of its council following receipt of the report.

“86.9. Despite any other general law or special Act, the Commission's members, secretary and employees, experts and technicians may not be compelled to give testimony relating to information obtained in the exercise of their audit functions or to produce any document containing such information. A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to this paragraph.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised, nor any injunction granted, against the Commission, the employees under its direction or the experts or technicians whose services it retains when the Commission, employees, experts or technicians are acting in their official capacity in the exercise of its or their audit functions.

“86.10. The Commission may not audit the accounts or affairs of a municipality for which it performs the functions of officer or director, makes managerial decisions or performs managerial functions, or of a body related to such a municipality, nor for a period during which it performed such functions.”

115. Section 91 of the Act is amended by adding the following paragraph at the end:

“This section does not apply when the Commission exercises, under Division X, its audit functions with regard to municipalities and municipal bodies.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

116. Section 105.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

117. Section 106 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph by the following subparagraph:

“(a) covered by a regulation adopted under section 112.1 or 112.2, where the contract is made in accordance with that regulation; and”;

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

“Contracts referred to in any of the subparagraphs of the first paragraph may be awarded only in accordance with section 107 if they involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph.

For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”

118. Section 107 of the Act is amended

(1) by replacing “of \$100,000 or less, from among the contracts referred to in the second paragraph of section 106,” in the first paragraph by “below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 106, from among the contracts referred to in the second paragraph of that section,”;

(2) by inserting the following paragraph after the first paragraph:

“The time for the receipt of tenders must not be less than eight days.”;

(3) by striking out “The first sentence of the fourth paragraph and” in the last paragraph.

119. Section 108 of the Act is amended

(1) by replacing “of \$100,000 or more” in the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by striking out subparagraph 2 of the third paragraph;

(3) by replacing “must not be less than eight days” in the fourth paragraph by “must be in accordance with the time ordered by the Minister”;

(4) by striking out the following sentence in the fourth paragraph: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.”;

(5) by replacing the seventh paragraph by the following paragraph:

“A public call for tenders for a contract referred to in the second paragraph may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada for a contract involving an expenditure equal to or above the ceiling ordered by the Minister and whose object is the supply of services other than

(a) courier or mail services, including email;

(b) fax services;

(c) real estate services;

(d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(e) maintenance or repair services for office equipment;

(f) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(g) architectural or engineering services, except those related to transportation infrastructure construction;

(h) architectural landscaping services;

(i) land use and planning services;

(j) test, analysis or inspection services for quality control;

(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(6) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

120. The Act is amended by inserting the following section after section 108.1:

“**108.1.1.** Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

If the Community agrees to receive tenders electronically, it must mention that fact in its calls for tenders or in the documents to which they refer.

However, the Community may not require that tenders be submitted only electronically.”

121. Section 109.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite the ninth paragraph of section 108;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the Community accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

122. Section 112 of the Act is replaced by the following section:

“**112.** Unless otherwise permitted under section 108 or under the regulations made under any of sections 112.1, 112.2 and 113.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

123. The Act is amended by inserting the following section after section 112.0.1:

“**112.0.2.** If, in any of the situations mentioned in the second paragraph, the Community requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the Community must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 108 or under a regulation made under section 112.1 or 112.2, or in any document referred to in such a call for tenders, the Community requires technical specifications with regard to goods, services or work;

(2) where, under section 109 or 109.1, the Community evaluates tenders submitted after a call for tenders under section 108 or under a regulation made under section 112.1 or 112.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 110 and 111, the Community establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

124. Section 112.1 of the Act is amended

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

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

125. Section 112.2 of the Act is replaced by the following section:

“112.2. The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

126. Section 112.3 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

127. Section 112.4 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

“112.4. Section 106 and any regulation made under section 112.1 or 112.2 do not apply to a contract”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities and to municipal bodies such as the Community;”;

(3) by striking out “or computer software for educational purposes” in subparagraph 7 of the first paragraph;

(4) by replacing “section 112.2” in the second paragraph by “a regulation made under section 112.1”;

(5) by replacing the last paragraph by the following paragraph:

“Section 106 does not apply to a contract covered by a regulation made under section 112.1 or 112.2 where the contract is made in accordance with that regulation.”

128. Section 112.5 of the Act, enacted by section 175 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

129. Section 113.2 of the Act, replaced by section 121 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 108.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold of a contract that may be awarded only after a public call for tenders under section 108”.

130. Section 118 of the Act is amended

(1) by replacing “joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing” in the first paragraph by “joint public call for tenders for the purpose of awarding an insurance contract, supply contract or contract for the supply”;

(2) by replacing “contract for the supply of equipment” in the second paragraph by “supply contract”;

(3) by replacing “call for public tenders” in the third, fourth and sixth paragraphs by “public call for tenders”.

131. The Act is amended by inserting the following section after section 118.1:

“118.1.0.1. The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph of section 106 and the first paragraph of section 108;

(2) the minimum time for the receipt of tenders after a public call for tenders under the fourth paragraph of section 108; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under the seventh paragraph of section 108.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

132. Section 118.1.1 of the Act, amended by section 177 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

133. Section 118.1.2 of the Act, amended by section 178 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

134. Section 118.2 of the Act is amended by inserting “, 112.2” after “112.1” in the first paragraph.

135. Section 210.1 of the Act, enacted by section 128 of chapter 13 of the statutes of 2017, is amended, in the first paragraph,

(1) by replacing “in” by “not later than”;

(2) by inserting “highlights of the” after “on the”.

136. Section 212 of the Act is replaced by the following section:

“**212.** During the period from 1 December to 1 May, the Community shall appoint an auditor for the fiscal year beginning during that period. The Community shall fix the auditor’s term of office at not more than five fiscal years.”

137. Section 216 of the Act is amended by adding the following sentence at the end: “However, it may not require any of the audits that fall under the mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

138. Section 234 of the Act is replaced by the following section:

“**234.** If an appointment or personal designation provided for in this Act is not made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council of the Community, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this section is deemed to have been made or fixed by the person or council of the Community otherwise competent to make or fix it under this Act.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

139. Section 98.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

140. Section 99 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph by the following subparagraph:

“(a) covered by a regulation adopted under section 105.1 or 105.2, where the contract is made in accordance with that regulation; and”;

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

“Contracts referred to in any of the subparagraphs of the first paragraph may be awarded only in accordance with section 100 if they involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph.

For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”

141. Section 100 of the Act is amended

(1) by replacing “of less than \$100,000, from among the contracts referred to in the second paragraph of section 99,” in the first paragraph by “below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 99, from among the contracts referred to in the second paragraph of that section,”;

(2) by inserting the following paragraph after the first paragraph:

“The time for the receipt of tenders must not be less than eight days.”;

(3) by striking out “The first sentence of the fourth paragraph and” in the last paragraph.

142. Section 101 of the Act is amended

(1) by replacing “of \$100,000 or more” in the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by striking out subparagraph 2 of the third paragraph;

(3) by replacing “must not be less than eight days” in the fourth paragraph by “must be in accordance with the time ordered by the Minister”;

(4) by striking out the following sentence in the fourth paragraph: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.”;

(5) by replacing the seventh paragraph by the following paragraph:

“A public call for tenders for a contract referred to in the second paragraph may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada, in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada for a contract involving an expenditure equal to or above the ceiling ordered by the Minister and whose object is the supply of services other than

(a) courier or mail services, including email;

(b) fax services;

(c) real estate services;

(d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(e) maintenance or repair services for office equipment;

(f) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(g) architectural or engineering services, except those related to transportation infrastructure construction;

(h) architectural landscaping services;

(i) land use and planning services;

(j) test, analysis or inspection services for quality control;

(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(6) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

143. The Act is amended by inserting the following section after section 101.1:

“101.1.1. Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

If the Community agrees to receive tenders electronically, it must mention that fact in its calls for tenders or in the documents to which they refer.

However, the Community may not require that tenders be submitted only electronically.”

144. Section 102.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite the ninth paragraph of section 101;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the Community accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

145. Section 105 of the Act is replaced by the following section:

“**105.** Unless otherwise permitted under section 101 or under the regulations made under any of sections 105.1, 105.2 and 106.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

146. The Act is amended by inserting the following section after section 105.0.1:

“**105.0.2.** If, in any of the situations mentioned in the second paragraph, the Community requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the Community must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 101 or under a regulation made under section 105.1 or 105.2, or in any document referred to in such a call for tenders, the Community requires technical specifications with regard to goods, services or work;

(2) where, under section 102 or 102.1, the Community evaluates tenders submitted after a call for tenders under section 101 or under a regulation made under section 105.1 or 105.2 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 103 and 104, the Community establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

147. Section 105.1 of the Act is amended

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

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

148. Section 105.2 of the Act is replaced by the following section:

“**105.2.** The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

149. Section 105.3 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

150. Section 105.4 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

“**105.4.** Section 99 and any regulation made under section 105.1 or 105.2 do not apply to a contract”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities and to municipal bodies such as the Community;”;

(3) by striking out “or computer software for educational purposes” in subparagraph 7 of the first paragraph;

(4) by replacing “section 105.2” in the second paragraph by “a regulation made under section 105.1”;

(5) by replacing the last paragraph by the following paragraph:

“Section 99 does not apply to a contract covered by a regulation made under section 105.1 or 105.2 where the contract is made in accordance with that regulation.”

151. Section 105.5 of the Act, enacted by section 181 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

152. Section 106.2 of the Act, replaced by section 135 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 101.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 101”.

153. Section 111 of the Act is amended

(1) by replacing “joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing” in the first paragraph by “joint public call for tenders for the purpose of awarding an insurance contract, supply contract or contract for the supply”;

(2) by replacing “contract for the supply of equipment” in the second paragraph by “supply contract”;

(3) by replacing “call for public tenders” in the third, fourth and sixth paragraphs by “public call for tenders”.

154. The Act is amended by inserting the following section after section 111.1:

“**111.1.0.1.** The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph of section 99 and the first paragraph of section 101;

(2) the minimum time for the receipt of tenders after a public call for tenders under the fourth paragraph of section 101; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under the seventh paragraph of section 101.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

155. Section 111.1.1 of the Act, amended by section 183 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

156. Section 111.1.2 of the Act, amended by section 184 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

157. Section 111.2 of the Act is amended by inserting “, 105.2” after “105.1” in the first paragraph.

158. Section 197.1 of the Act, enacted by section 141 of chapter 13 of the statutes of 2017, is amended, in the first paragraph,

(1) by replacing “in” by “not later than”;

(2) by inserting “highlights of the” after “on the”.

159. Section 199 of the Act is replaced by the following section:

“**199.** During the period from 1 December to 1 May, the Community shall appoint an auditor for the fiscal year beginning during that period. The Community shall fix the auditor’s term of office at not more than five fiscal years.”

160. Section 203 of the Act is amended by adding the following sentence at the end: “However, it may not require any of the audits that fall under the mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

161. Section 221 of the Act is replaced by the following section:

221. If an appointment or personal designation provided for in this Act is not made within the prescribed time or within a period of time the Minister considers reasonable, the Minister may make it. However, the appointment or designation may be made by the competent person or council of the Community, even after the expiry of that time, with the Minister’s permission.

If the Minister makes an appointment or designation, the Minister may, if no remuneration has been fixed for the position concerned or if the Minister considers the remuneration fixed to be inappropriate, fix any remuneration the Minister considers appropriate.

An appointment or designation made, or remuneration fixed, by the Minister under this section is deemed to have been made or fixed by the person or council of the Community otherwise competent to make or fix it under this Act.”

ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS RELATING TO PUBLIC BODIES

162. Section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) is amended by inserting the following paragraph after paragraph 9:

“(9.1) municipal bodies within the meaning of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 307 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and legal persons referred to in subparagraph 2 of the first paragraph of section 107.7 of the Cities and Towns Act (chapter C-19);”.

163. Section 5 of the Act, amended by section 187 of chapter 27 of the statutes of 2017, is again amended by replacing the second paragraph by the following paragraph:

“Moreover, this Act does not apply

(1) to a disclosure of a contravention of an Act or regulation regarding the tendering or awarding process for, or the performance of, a public contract described in the first paragraph of section 20 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (2017, chapter 27);

(2) to a disclosure falling within the inspector general's oversight mandate provided for in section 57.1.8 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4); or

(3) to a disclosure regarding an ethics- or conduct-related violation covered by Division I of Chapter III of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1).”

164. Section 6 of the Act, amended by section 188 of chapter 27 of the statutes of 2017, is again amended by adding the following paragraph at the end:

“If a person wishes to make a disclosure concerning a public body referred to in paragraph 9.1 of section 2, the person may contact the minister responsible for municipal affairs to make the disclosure.”

165. Section 10 of the Act is amended by replacing “section 14” in subparagraph 4 of the first paragraph by “sections 12.1 and 14”.

166. Section 12 of the Act, amended by section 189 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 4.1 of the second paragraph by the following subparagraphs:

“(4.1) that the disclosure concerns a contravention of an Act or regulation regarding the tendering or awarding process for, or the performance of, a public contract described in the first paragraph of section 20 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27);

“(4.2) that the disclosure falls within the inspector general's oversight mandate provided for in section 57.1.8 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

“(4.3) that the disclosure concerns an ethics- or conduct-related violation covered by Division I of Chapter III of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1); or”.

167. The Act is amended by inserting the following section after section 12:

“**12.1.** The Public Protector must put an end to the processing of a disclosure if the alleged wrongdoing exclusively concerns a public body referred to in paragraph 9.1 of section 2 and must forward the information concerning the disclosure to the minister responsible for municipal affairs.

However, if a disclosure concerns both a body referred to in paragraph 9.1 of section 2 and a body referred to in another paragraph of that section, the Public Protector and the minister must agree on the terms for processing the disclosure, unless the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire is involved in the disclosure, in which case the Public Protector processes it alone.

The sending of information between the minister and the Public Protector that is required for the purposes of the first and second paragraphs must be carried out in accordance with the terms and conditions determined in an agreement.”

168. Section 13 of the Act is amended by adding the following sentence at the end of the second paragraph: “The Public Protector may also, in the case of a public body, other than a local municipality, referred to in paragraph 9.1 of section 2, inform any local municipality having ties with that body if the Public Protector deems it appropriate.”

169. Section 14 of the Act, amended by section 190 of chapter 27 of the statutes of 2017, is again amended by replacing the second paragraph by the following paragraph:

“Likewise, if the Public Protector considers that information disclosed to the Public Protector may be communicated under section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), section 20 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) or section 56 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (2017, chapter 27), the Public Protector forwards the information as soon as possible to the inspector general of Ville de Montréal, the Commission municipale du Québec or the Autorité des marchés publics, as applicable.”

170. Section 15 of the Act is amended by inserting the following paragraph after the second paragraph:

“In the case of a public body referred to in paragraph 9.1 of section 2, the Public Protector may, in addition to the communication provided for in the first paragraph and if warranted by the circumstances, report the findings and send the recommendations to the board of directors of the public body and to any local municipality having ties with that body if the latter is not a local municipality.”

171. The Act is amended by inserting the following chapter after section 17:

“CHAPTER III.1

“DISCLOSURES TO THE MINISTER RESPONSIBLE FOR MUNICIPAL AFFAIRS

“**17.1.** Disclosures concerning public bodies referred to in paragraph 9.1 of section 2 are processed by the minister responsible for municipal affairs in compliance with the rules set out in sections 10 to 15, with the necessary modifications.

“17.2. If the minister considers that the disclosure does not fall within the responsibilities assigned to the minister under section 7 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1), or if it involves the minister’s department, the minister transfers the information relating to the disclosure to the Public Protector for processing.

If a disclosure concerns both a body referred to in paragraph 9.1 of section 2 and a body referred to in another paragraph of that section, the minister and the Public Protector must agree on the terms for processing the disclosure.

The sending of information between the minister and the Public Protector that is required for the purposes of the first and second paragraphs must be carried out in accordance with the terms and conditions determined by agreement.”

172. Section 18 of the Act is amended by inserting “or 9.1” after “9”.

173. Section 29 of the Act is amended by adding the following paragraph at the end:

“Sections 24, 25, 30 to 33, 34 and 35 of that Act apply, with the necessary modifications, to the minister responsible for municipal affairs with regard to investigations the minister conducts and other acts the minister carries out under this Act.”

174. Section 32 of the Act is amended

(1) by inserting “Subject to the second paragraph,” at the beginning of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“Any complaint regarding a reprisal that concerns a public body referred to in paragraph 9.1 of section 2 may be addressed, at the complainant’s choice, either to the Public Protector or to the minister responsible for municipal affairs. However, the minister responsible for municipal affairs may not examine a complaint that concerns a disclosure involving the minister and must transfer it to the Public Protector for examination. Once the examination is completed, the Public Protector or the minister must submit his or her recommendations, if any, to the highest ranking administrative official within the public body concerned and, if the Public Protector or the minister considers it appropriate, to the body’s board of directors and to any local municipality having ties with the body if the body is not a local municipality.”;

(3) by inserting “or the minister responsible for municipal affairs, as applicable,” after “Public Protector” in the third paragraph.

175. Section 34 of the Act is amended by inserting “, the minister responsible for municipal affairs” after “Public Protector” in the first paragraph.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

176. Section 312.6 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by striking out the second sentence of the first paragraph.

177. Section 580.1 of the Act is amended by inserting “, with regard to the returning officer, clerk or secretary-treasurer or treasurer,” after “580”.

MUNICIPAL ETHICS AND GOOD CONDUCT ACT

178. Section 16.1 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by adding the following paragraph at the end:

“It must also include the prohibition set out in subparagraph 7 of the first paragraph of section 6 and provide that the prohibition applies, with the necessary modifications, to the following employees of the municipality:

- (1) the director general and the assistant director general;
- (2) the secretary-treasurer and the assistant secretary-treasurer;
- (3) the treasurer and the assistant treasurer;
- (4) the clerk and the assistant clerk; and
- (5) any other employee designated by the council of the municipality.”

179. Division I of Chapter III of the Act and the heading of Division II of that chapter are replaced by the following, and Divisions III and IV of that chapter become Divisions II and III:

“DIVISION I

“COMMUNICATION OF INFORMATION AND INQUIRIES

“**20.** Any person may communicate information to the Commission municipale du Québec concerning a violation of a code of ethics and conduct applicable to a member of a council of a municipality.

The first paragraph applies despite the provisions of the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) that concern the release or communication of information, except section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on a person, including toward an employer or, if applicable, a client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

The Commission must take all necessary measures to protect the identity of persons who have communicated information to it confidentially under the first paragraph.

“21. The Commission may, on its own initiative or after information is communicated under section 20, obtain from any person information it considers necessary concerning a violation referred to in that section. The first two paragraphs of section 91 of the Act respecting the Commission municipale (chapter C-35) apply to the obtaining of such information by the Commission.

“22. The Commission may, if of the opinion that the information in its possession is likely to show that a member of the council of a municipality has violated a rule of the code of ethics and conduct applicable to the member, conduct an inquiry to determine whether such a violation has been committed.

The inquiry must be opened within three years after the end of the member's term.

The Commission must inform the council member that he or she is under inquiry.

“22.1. The inquiry is conducted by a member, lawyer or notary designated by the president of the Commission.

For the purposes of the inquiry, the member has the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.”

180. Section 23 of the Act is repealed.

181. Section 24 of the Act is amended by replacing “whose conduct is under examination” in the first paragraph by “under inquiry”.

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

“27. The Commission must, not later than 90 days after the day on which the council member was informed of the inquiry in accordance with section 22, send its decision to the member and the municipality or, if the inquiry is still under way, inform the council member of the progress of the inquiry and the date on which the Commission will send its decision.”

183. Section 36 of the Act is replaced by the following section:

“36. An inquiry by the Commission under Division I of this chapter and, if applicable, the imposition of a sanction under section 31 do not prevent the bringing of an action for a declaration of disqualification against the council member under inquiry regarding the same facts.”

184. The Act is amended by inserting the following sections after section 36:

“36.1. Any person who, in good faith, communicates information referred to in section 20 to the Commission or cooperates in a search for information or an inquiry conducted by the Commission under Division I of this chapter incurs no civil liability for doing so.

“36.2. It is forbidden to take a reprisal against a person who has, in good faith, communicated information referred to in section 20 to the Commission or cooperated in a search for information or an inquiry conducted by the Commission under Division I of this chapter.

It is also forbidden to threaten to take a reprisal against a person to dissuade him or her from performing an act described in the first paragraph.

The demotion, suspension, termination of employment or transfer of a person referred to in the first paragraph or any disciplinary or other measure that adversely affects the employment or working conditions of such a person is presumed to be a reprisal.

“36.3. Any person who believes a reprisal has been taken against him or her may file a complaint with the Commission in order to have the Commission examine whether the complaint is well-founded and submit any recommendations the Commission considers appropriate to the clerk or the secretary-treasurer of the municipality concerned, who must submit them to the council at the first regular sitting held after their receipt.

The Commission may, for the purpose of examining the merits of the complaint, obtain information in accordance with section 21.

If the reprisal a person believes has been taken against him or her seems, in the opinion of the Commission, to constitute a prohibited practice within the meaning of subparagraph 15 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1), the Commission refers that person to the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

On completing its examination, the Commission informs the complainant of its findings and of any recommendations it may have.

“36.4. Any person who communicates or wishes to communicate information under section 20, who cooperates in a search for information or an inquiry conducted by the Commission under Division I of this chapter or who believes a reprisal has been taken against him or her may contact the Public Protector to obtain the legal advice provided for in section 26 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), in which case the third and fourth paragraphs of that section apply, with the necessary modifications.

“36.5. As soon as possible, the Commission sends the public body concerned the information obtained under Division I of this chapter that it considers may be

(1) communicated to the inspector general of Ville de Montréal under section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

(2) disclosed to the Public Protector or the minister responsible for municipal affairs, as applicable, under section 6 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);

(3) communicated to the Autorité des marchés publics under section 56 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27); or

(4) disclosed to the Anti-Corruption Commissioner under section 26 of the Anti-Corruption Act (chapter L-6.1).

The communication of information by the Commission in accordance with this section must comply with the terms and conditions determined in an agreement.

“36.6. Whoever

(1) communicates information under section 20 that he or she knows to be false or misleading;

(2) contravenes section 36.2;

(3) by an act or omission, helps a person to commit an offence under subparagraph 1 or 2; or

(4) by encouragement, advice or consent or by an authorization or order, induces another person to commit an offence under subparagraph 1 or 2

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases.

For any subsequent offence, the amounts are doubled.

“36.7. Whoever

(1) hinders or attempts to hinder the Commission, refuses to provide information or a document that he or she must send or refuses to make it available, or conceals or destroys a document likely to be useful for an inquiry;

(2) by an act or omission, helps a person to commit an offence under subparagraph 1; or

(3) by encouragement, advice or consent or by an authorization or order, induces another person to commit an offence under subparagraph 1

is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.

For any subsequent offence, the amounts are doubled.”

ACT RESPECTING MUNICIPAL TAXATION

185. Section 244.64.7 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing the third and fourth paragraphs by the following paragraphs:

“However, for the purposes of sections 244.50 to 244.58, if a unit of assessment belongs to two or more subcategories, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the subcategory corresponding to the predominant portion of the value of the unit or part of the unit associated with those subcategories.

Despite the third paragraph, if the value of the unit or part of the unit associated with those subcategories is equal to or greater than 25 million dollars, and each of at least two subcategories represents 30% or more of that value, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate obtained by combining part of the rate specific to each subcategory representing 30% or more of that value, such part being determined on the basis of the proportion that the value of the subcategory concerned is of the total value of the subcategories so retained.”

186. Section 253.54 of the Act is amended by replacing “244.64.4, 244.64.8” in the third paragraph by “244.64.1, 244.64.9”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,
DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

187. Section 14 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by replacing “under section 15 or an investigation under section 16 or under subsection 1 of section 22 of the Act respecting the Commission municipale (chapter C-35),” in the first paragraph by “or an investigation conducted, as the case may be, under section 15 or 16, subsection 1 of section 22 of the Act respecting the Commission municipale (chapter C-35) or section 11 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)”.

188. Section 17.0.1 of the Act is amended by replacing “described in” by “referred to in subparagraph 2 of the first paragraph of”.

189. Section 17.8 of the Act is amended by replacing the third paragraph by the following paragraph:

“The report must also include the following information about the disclosures and complaints received by the Minister under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1):

- (1) the number of disclosures received;
- (2) the number of disclosures transferred to the Public Protector in accordance with the first paragraph of section 17.2 of that Act;
- (3) the number of disclosures whose processing or examination was ended under section 12 of that Act;
- (4) the number of undertaken, ongoing or concluded investigations;
- (5) the number of well-founded disclosures;
- (6) the number of disclosures broken down according to the categories of wrongdoings set out in section 4 of that Act;
- (7) the number of complaints received regarding reprisals;
- (8) the number of well-founded complaints regarding reprisals;
- (9) the number of times information was forwarded under the first three paragraphs of section 14 of that Act; and
- (10) whether the time limits for processing disclosures were complied with.”

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

190. Section 3.41.5 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by replacing the first two paragraphs by the following paragraphs:

“The Minister may, as the person responsible for the Fund and in order to support the development of the Capitale-Nationale region and help further its influence, grant any financial assistance.

The Minister may, to the extent provided by the Minister, allow the recipient of such assistance to use it despite the Municipal Aid Prohibition Act (chapter I-15). In the case of Ville de Québec, the Minister may also allow it to use the assistance not only in its territory, but in all the territory of the Capitale-Nationale region.”

191. The Act is amended by inserting the following section after section 3.41.5:

“3.41.5.1. The Minister may, by means of an agreement setting out the role and responsibilities of each of the parties, delegate the administration of all or part of the Fund to the Communauté métropolitaine de Québec, a municipality, any municipal or supramunicipal body under a municipality, or the band council of a Native community. The delegatee shall administer the sums entrusted to it under, and has all the powers necessary to carry out, the agreement. The delegatee may, if applicable and with the necessary modifications, entrust that administration to its executive committee or a member of that committee or to its director general or general manager.

Such an agreement may, to the extent it stipulates, allow a departure from the Municipal Aid Prohibition Act (chapter I-15).”

192. Section 3.41.6 of the Act is amended by replacing “recipient bodies” in the first paragraph by “recipients”.

ACT RESPECTING LABOUR STANDARDS

193. Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 201 of chapter 27 of the statutes of 2017, is again amended by replacing “14” in the second paragraph by “15”.

194. Section 122 of the Act, amended by section 202 of chapter 27 of the statutes of 2017, is again amended by adding the following subparagraph after subparagraph 14 of the first paragraph:

“(15) on the ground of a communication of information in good faith by the employee under section 20 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) or the employee’s cooperation in a search for information or an inquiry conducted by the Commission municipale du Québec under Division I of Chapter III of that Act.”

195. Section 140 of the Act, amended by section 203 of chapter 27 of the statutes of 2017, is again amended by replacing “, 13 and 14” in paragraph 6 by “and 13 to 15”.

ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

196. Section 53 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is amended by replacing the second paragraph by the following paragraph:

“The Network may, however, contract temporary loans without the authorizations required under the first paragraph.”

197. Section 57 of the Act is repealed.

198. Section 59 of the Act is replaced by the following section:

“**59.** The Network may adopt by-laws relating to the administration of its finances.

However, to ensure the sound administration of those finances, it must adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed.”

199. The Act is amended by inserting the following section after section 59:

“**59.1.** A decision of the Network authorizing an expenditure has no effect unless, in accordance with a by-law adopted under the second paragraph of section 59, funds are available for the purposes for which the expenditure is proposed.”

200. Section 66 of the Act is amended by replacing the second sentence by the following sentence: “The auditor must send his or her report to the treasurer.”

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

“**67.** The treasurer must, at a board meeting of the Network, table the financial report, the auditor’s report sent under section 66 and any other document whose tabling is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy.”

202. The Act is amended by inserting the following sections after section 67:

“**67.1.** After the tabling referred to in section 67 and not later than 15 April, the Network must send the financial report and the auditor’s report to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The Network must also send the documents and information referred to in the second paragraph of section 65 to the Minister of Municipal Affairs, Regions and Land Occupancy within the time prescribed by the latter.

“**67.2.** If, after the sending referred to in section 67.1, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Network’s board of directors and the Network must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 65.”

203. Section 68 of the Act is amended by striking out subparagraph 5 of the second paragraph.

204. Section 68.1 of the Act, enacted by section 198 of chapter 13 of the statutes of 2017, is repealed.

CIVIL PROTECTION ACT

205. Section 108 of the Civil Protection Act (chapter S-2.3) is amended by replacing “subject to specified conditions, to a municipality, an organization or a person for the implementation period or for the period defined in the instrument of delegation” in the second paragraph by “to the extent and subject to the conditions the latter determines, to a minister, a local or regional authority, an organization or any other person for the implementation period or for a period defined in the delegation instrument. The minister may, in the delegation instrument, authorize the subdelegation of the functions the minister specifies”.

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

“In addition, the authority may release personal information to a local or regional authority, without the consent of the person concerned, if releasing the information is necessary for the authority to exercise its rights and powers.”

207. The Act is amended by inserting the following sections after section 111:

“**111.1.** Where a program established under this division is implemented, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) may release personal information, without the consent of the person concerned, to another public body or to a person or body responsible for acting in response to the disaster, provided that releasing the information

(1) is necessary to reach or locate the person concerned; and

(2) is manifestly for the benefit of the person concerned, in particular to maintain or adapt the public services provided to the person.

Only information required for the intended purposes may be released.

“**111.2.** Any release of personal information under the second paragraph of section 111 or under section 111.1 must be recorded in a register in accordance with section 67.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

208. Section 3 of the Act respecting the Société d'habitation du Québec (chapter S-8) is amended by adding the following subparagraph at the end of the first paragraph:

“(7) to allow or improve the accessibility of an establishment for handicapped persons.”

209. Section 3.2 of the Act is replaced by the following section:

“**3.2.** For the pursuit of its objects, the Société may

(1) conduct or commission research, studies, inquiries or surveys on the housing requirements and housing conditions of the population;

(2) grant subsidies for housing studies and research and for experimental projects pertaining to housing; and

(3) obtain from the departments and any public or private body the information it requires to manage the programs it implements.”

210. Section 57 of the Act is amended by replacing the second paragraph of subsection 1 by the following paragraph:

“The petition shall mention the name of the bureau, the location of its head office, the powers, rights and privileges it shall enjoy, and the rules governing the exercise of its powers, and shall designate its directors and officers; the name of the bureau shall include the terms “bureau” and “housing”.”

211. Section 57.1 of the Act is replaced by the following section:

“57.1. The board of directors of a bureau shall consist of a fixed number of directors, varying between five and fifteen, designated in accordance with the provisions of the letters patent of the bureau applicable in that respect. Such letters patent shall provide that at least two of the directors are to be appointed by the Minister from among the socioeconomic groups representative of the region.

The letters patent shall also provide that at least two of the directors are to be elected from among all the lessees of the bureau during a meeting of lessees held for that purpose according to the procedure determined by the lessees. However, if the bureau’s board of directors consists of eleven directors or more, the letters patent shall provide that at least three of them are to be elected in that manner.”

212. Section 58.4 of the Act is amended by striking out “two” in the third sentence.

213. Section 93 of the Act is amended by striking out paragraph *b*.

ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

214. Section 41.1 of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) is amended by replacing “equipment, materials” in the first paragraph by “movable property”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

215. Section 92.1 of the Act respecting public transit authorities (chapter S-30.01) is amended by adding the following paragraphs at the end:

“If a call for tenders contains a contract renewal option, the estimate of the price of the contract must include the renewal and any possible subsequent renewals.

Likewise, if a call for tenders contains an option to make an additional supply of the same goods or services, the estimate of the price of the contract must include the additional supply and any subsequent additional supply.”

216. Section 93 of the Act is amended

(1) by replacing “of \$100,000 or more” in the introductory clause of the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) supply contracts;”;

(3) by replacing subparagraph *a* of subparagraph 4 of the first paragraph by the following subparagraph:

“(a) covered by a regulation adopted under section 100 or 101, where the contract is made in accordance with that regulation; and”;

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

“Contracts referred to in any of the subparagraphs of the first paragraph may be awarded only in accordance with section 94 if they involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph.

For the purposes of this section, “supply contracts” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”

217. Section 94 of the Act is amended

(1) by replacing “of less than \$100,000, from among the contracts referred to in the second paragraph of section 93,” in the first paragraph by “below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 93, from among the contracts referred to in the second paragraph of that section,”;

(2) by inserting the following paragraph after the first paragraph:

“The time for the receipt of tenders must not be less than eight days.”;

(3) by striking out “The first sentence of the fourth paragraph and” in the last paragraph.

218. Section 95 of the Act is amended

(1) by replacing “of \$100,000 or more” in the first paragraph by “equal to or above the threshold ordered by the Minister”;

(2) by striking out subparagraph 2 of the third paragraph;

(3) by replacing “must not be less than eight days” in the fourth paragraph by “must be in accordance with the time ordered by the Minister”;

(4) by striking out the following sentence in the fourth paragraph: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than 15 days.”;

(5) by replacing the seventh paragraph by the following paragraph:

“A public call for tenders for a contract referred to in the second paragraph may also provide that tenders will be considered only if

(1) they are submitted by contractors or suppliers that have an establishment in Canada in the case of supply contracts or contracts for the supply of services involving an expenditure below the ceiling ordered by the Minister;

(2) they are submitted by contractors or suppliers that have an establishment in Canada for a contract involving an expenditure equal to or above the ceiling ordered by the Minister and whose object is the supply of services other than

(a) courier or mail services, including email;

(b) fax services;

(c) real estate services;

(d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(e) maintenance or repair services for office equipment;

(f) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(g) architectural or engineering services, except those related to transportation infrastructure construction;

(h) architectural landscaping services;

(i) land use and planning services;

(j) test, analysis or inspection services for quality control;

(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;

(3) in the case of supply contracts or contracts for the supply of services listed in subparagraph 2 involving an expenditure equal to or above the ceiling ordered by the Minister, they are submitted by contractors or suppliers that have an establishment in Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government; or

(4) in the case of construction contracts, they are submitted by contractors or suppliers that have an establishment in Canada or only in a part of Canada, or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States, and are mentioned in the electronic tendering system approved by the Government according to whether they involve an expenditure below or above the ceiling ordered by the Minister.”;

(6) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

219. The Act is amended by inserting the following section after section 95.1:

“95.1.1. Tenders submitted electronically may only be submitted through the electronic tendering system approved by the Government.

Any transit authority that agrees to receive tenders electronically must mention that fact in its calls for tenders or in the documents to which they refer.

However, a transit authority may not require that tenders be submitted only electronically.”

220. Section 96.1 of the Act is amended

(1) by replacing subparagraph *d* of subparagraph 3 of the first paragraph by the following subparagraph:

“(d) as regards envelopes or electronic sendings containing the proposed price, open only those from persons whose tender has obtained an interim score of at least 70 and return the others unopened to the senders, despite the ninth paragraph of section 95;”;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) despite subparagraph 2, if the transit authority accepts electronic submission of tenders, specify that the tender must be submitted in two separate sendings, the first containing all the documents and the second containing the proposed price;”.

221. Section 99 of the Act is replaced by the following section:

“**99.** Unless otherwise permitted under section 95 or under the regulations made under any of sections 100, 101 and 103.1, no public call for tenders or document to which it refers may discriminate on the basis of the province, territory or country of origin of the goods, services, insurers, suppliers or contractors.”

222. The Act is amended by inserting the following section after section 99.1:

“**99.2.** If, in any of the situations mentioned in the second paragraph, a transit authority requires certain technical specifications, it must describe those specifications in terms of performance or functional requirements rather than in terms of descriptive characteristics. If unable to do so, the transit authority must provide that any description containing what is equivalent to descriptive characteristics will be considered compliant, and may define how equivalency to such characteristics will be evaluated.

The situations concerned are those

(1) where, in a call for tenders under section 95 or under a regulation made under section 100 or 101, or in any document referred to in such a call for tenders, a transit authority requires technical specifications with regard to goods, services or work;

(2) where, under section 96 or 96.1, a transit authority evaluates tenders submitted after a call for tenders under section 95 or under a regulation made under section 100 or 101 on the basis of the technical specifications of the goods, services or work; and

(3) where, under sections 97 and 98, a transit authority establishes a qualification, certification or registration process that takes into account the technical specifications of the goods, services or work.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.”

223. Section 100 of the Act is amended

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

“The Government may, by regulation, determine the procedure for making a contract for the supply of services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, lawyer or notary. Such a regulation must establish the rules applicable to the making of such a contract.”;

(2) by striking out the second paragraph.

224. Section 101 of the Act is replaced by the following section:

“**101.** The Government may, by regulation, allow a contract to be made for the supply of engineering, architectural or design services with the winner of a competition.

The regulation may prescribe all the rules for holding the competition and making and managing the contract. The regulation may also include rules for publishing the competition results.

The regulation may prescribe classes of contracts and services, and different rules according to those classes.

For the purposes of this section, “design” includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.”

225. Section 101.1 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

“**101.1.** Section 93 and any regulation made under section 100 or 101 do not apply to a contract”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) that is a supply contract, or to a contract for the supply of services, for which a tariff is fixed or approved by the Government of Canada or the Gouvernement du Québec or any of its ministers or bodies;

“(2) that is an insurance or supply contract, or to a contract for the supply of services, that is entered into either with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a supplier who, after thorough and documented verification, is found to be the only supplier in all the territories covered by an intergovernmental agreement on the opening of public procurement that is applicable to municipalities and to municipal bodies such as a public transit authority;”;

(3) by striking out “or computer software for educational purposes” in subparagraph 7 of the first paragraph;

(4) by replacing “materials or equipment” in subparagraph 9 of the first paragraph by “movable property”;

(5) by replacing “section 101” in the second paragraph by “a regulation made under section 100”;

(6) by replacing the last paragraph by the following paragraph:

“Section 93 does not apply to a contract covered by a regulation made under section 100 or 101 where the contract is made in accordance with that regulation.”

226. Section 101.2 of the Act, enacted by section 214 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” in the introductory clause by “goods”.

227. Section 102 of the Act is amended by replacing “or a contract for the performance of work, the supply of equipment or materials or the providing” by “, a contract for the performance of work, a supply contract or a contract for the supply”.

228. Section 103.2 of the Act, replaced by section 206 of chapter 13 of the statutes of 2017, is amended

(1) by replacing subparagraph 7 of the third paragraph by the following subparagraph:

“(7) measures to promote rotation among prospective contracting parties for contracts that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least \$25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 95.”;

(2) by replacing “but less than \$100,000” in the fourth paragraph by “but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 95”.

229. Section 108 of the Act is amended

(1) by replacing “joint call for public tenders for the purpose of awarding an insurance contract or a contract for the supply of equipment or materials or the providing” in the first paragraph by “joint public call for tenders for the purpose of awarding an insurance contract, supply contract or contract for the supply”;

(2) by replacing “contract for the supply of equipment” in the second paragraph by “supply contract”;

(3) by replacing “call for public tenders” in the third paragraph by “public call for tenders”.

230. The Act is amended by inserting the following section after section 108.1:

“**108.1.0.1.** The Minister of Municipal Affairs, Regions and Land Occupancy shall order, by regulation,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under the first paragraph of section 93 and the first paragraph of section 95;

(2) the minimum time for the receipt of tenders after a public call for tenders under the fourth paragraph of section 95; and

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under the seventh paragraph of section 95.

The threshold, ceiling and time ordered under this section may vary according to the class of contract, in particular according to the type of contract concerned or the amount of the expenditure involved. They may also vary according to other criteria determined by the Minister.”

231. Section 108.1.1 of the Act, amended by section 216 of chapter 27 of the statutes of 2017, is again amended by replacing “or the supply of insurance, equipment, materials or services” in the first paragraph by “, and any insurance contract, supply contract or contract for the supply of services”.

232. Section 108.1.2 of the Act, amended by section 217 of chapter 27 of the statutes of 2017, is again amended by replacing “pertains to the performance of work or the supply of insurance, equipment, materials or services” in the first paragraph by “that is a contract for the performance of work, insurance contract, supply contract or contract for the supply of services”.

233. Section 108.2 of the Act is amended by inserting “, 101” after “100” in the first paragraph.

234. Section 137 of the Act is amended by adding the following paragraph at the end:

“The transit authority shall fix the auditor’s term at not more than five fiscal years.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

235. Section 30.1 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is amended by replacing “A” in the first paragraph by “Subject to sections 31.0.1 to 31.0.4, 31.1.0.1 and 31.1.1, a”.

236. Section 31 of the Act is amended by inserting the following paragraph after the fifth paragraph:

“A by-law provided for in this section may only be adopted if the vote of the mayor or warden is included in the two-thirds majority vote, in favour of the by-law, of the members of the council of the municipality.”

237. Section 31.0.1 of the Act is amended

(1) by inserting “to the severance allowance provided for in section 30.1 or” after “entitled” in the first paragraph;

(2) by replacing “lui-même” in the first paragraph in the French text by “elle-même”;

(3) by adding the following paragraphs at the end:

“Despite the fifth paragraph, payment of the allowance is suspended if the resigning person is the subject of an application to have him declared disqualified or of proceedings which, under section 301 or 302 of the Act respecting elections and referendums in municipalities (chapter E-2.2), could bring about his disqualification.

The payment may be made, if applicable, on the first of the following dates:

(1) the date on which the applicant withdraws the application for declaration of disqualification, or on which the prosecutor stays all charges in the proceedings; and

(2) the date on which a judgment acquitting the person or dismissing the application for declaration of disqualification becomes final.

In such a case, section 31.0.2 applies, with the necessary modifications.”

238. Section 31.0.2 of the Act is amended

(1) by inserting “reference” before the first occurrence of “period” in the first paragraph;

(2) by striking out “and equal to the period corresponding to the number of months of salary to which he is entitled as a transition allowance” in the first paragraph;

(3) by inserting the following paragraph after the first paragraph:

“For the purposes of the first paragraph, the reference period is the number of months obtained,

(1) in the case of the severance allowance, by dividing the amount of the allowance computed in accordance with section 30.1 by the result obtained by multiplying the bi-weekly value established in accordance with that section by two; or

(2) in the case of the transition allowance, by dividing the amount of the allowance computed in accordance with section 31 by the result obtained by dividing the quarterly value established in accordance with that section by three.”;

(4) by inserting “severance or” after “as a” in the second paragraph;

(5) by inserting “severance or” after “of the” in the third paragraph.

239. Section 31.0.3 of the Act is amended by inserting “severance or” after “entitled to a”.

240. The Act is amended by inserting the following section after section 31.1:

“31.1.0.1. Payment of a severance or transition allowance must be suspended if the person whose term ends is the subject of an application to have him declared disqualified or of proceedings which, under section 301 or 302 of the Act respecting elections and referendums in municipalities (chapter E-2.2), could bring about his disqualification.

The payment may be made, if applicable, on the first of the following dates:

(1) the date on which the applicant withdraws the application for declaration of disqualification or the date on which the prosecutor stays all charges in the proceedings; and

(2) the date on which a judgment acquitting the person or dismissing the application for declaration of disqualification becomes final.

In such a case, section 31.0.2 applies, with the necessary modifications.”

241. Section 31.1.1 of the Act is amended by inserting “severance or” before “transition”.

242. Section 31.1.2 of the Act is amended by inserting “severance or” before “transition”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

243. Section 204 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended

(1) by replacing “insurance contract and no contract for the execution of works or the supply of equipment or materials or for” in the first paragraph of subsection 1 by “insurance contract, supply contract or contract for the performance of work or”;

(2) by replacing the second paragraph of subsection 1 by the following paragraph:

“For the purposes of this section, “supply contract” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(3) by striking out subparagraph 2 of the fourth paragraph of subsection 1;

(4) by striking out the fifth paragraph of subsection 1;

(5) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

244. Section 204.1 of the Act is amended

(1) by replacing “insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services” in the first paragraph by “insurance contract, supply contract or contract for the performance of work or the supply of services other than professional services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary”;

(2) by replacing “contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase” in the third paragraph by “supply contract is defined in the second paragraph of section 204”.

245. Section 204.3 of the Act is amended

(1) by replacing “contract for the supply of equipment, materials or” in paragraph 1 by “supply contract or contract for the supply of”;

(2) by replacing, in paragraph 2,

(a) “contract for the supply of insurance, equipment, materials or” by “supply contract, insurance contract or contract for the supply of”;

(b) “equipment, materials” by “goods”;

(3) by replacing “equipment, materials” in paragraph 3 by “goods”.

246. Section 204.3.1 of the Act, enacted by section 220 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” by “goods”.

247. Section 228 of the Act is amended

(1) by adding the following sentence at the end of subsection 1: “The council shall fix the auditor’s or auditors’ term at not more than five fiscal years.”;

(2) by adding the following sentence at the end of subsection 5: “However, it may not require any audit that falls under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35).”

248. Section 230 of the Act is amended by inserting “or that such an audit does not fall under the audit mandate assigned to the Commission municipale du Québec under the Act respecting the Commission municipale (chapter C-35)” at the end of subsection 1.

249. Section 358 of the Act is amended

(1) by replacing “insurance contract and no contract for the execution of works or the supply of equipment or materials or for” in the first paragraph of subsection 1 by “insurance contract, supply contract or contract for the performance of work or”;

(2) by replacing the second paragraph of subsection 1 by the following paragraph:

“For the purposes of this section, “supply contract” includes, in particular, any contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase.”;

(3) by striking out subparagraph 2 of the fourth paragraph of subsection 1;

(4) by striking out the fifth paragraph of subsection 1;

(5) by replacing all occurrences of “call for public tenders” by “public call for tenders”.

250. Section 358.1 of the Act is amended

(1) by replacing “insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services” in the first paragraph by “insurance contract, supply contract or contract for the performance of work or the supply of services other than professional services that, under an Act or regulation, may be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered professional accountant, advocate or notary”;

(2) by replacing “contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase” in the third paragraph by “supply contract is defined in the second paragraph of section 358”.

251. Section 358.3 of the Act is amended

(1) by replacing “contract for the supply of equipment, materials or” in paragraph 1 by “supply contract or a contract for the supply of”;

(2) by replacing, in paragraph 2,

(a) “contract for the supply of insurance, equipment, materials or” by “supply contract, insurance contract or contract for the supply of”;

(b) “equipment, materials” by “goods”;

(3) by replacing “equipment, materials” in paragraph 3 by “goods”.

252. Section 358.3.1 of the Act, enacted by section 222 of chapter 27 of the statutes of 2017, is amended by replacing “equipment, materials” by “goods”.

**ACT TO FACILITATE OVERSIGHT OF PUBLIC BODIES’ CONTRACTS
AND TO ESTABLISH THE AUTORITÉ DES MARCHÉS PUBLICS**

253. Section 20 of the Act to facilitate oversight of public bodies’ contracts and to establish the Autorité des marchés publics (2017, chapter 27) is amended by replacing “a contract for the performance of work or the supply of insurance, equipment, materials or” in subparagraph *b* of subparagraph 1 of the first paragraph and subparagraphs 2 and 3 of the second paragraph by “an insurance or supply contract or contract for the performance of work or the supply of”.

254. Section 71 of the Act is amended by replacing the first paragraph by the following paragraph:

“As soon as possible, the Authority sends the public body concerned the information brought to the Authority’s attention that it considers may be

(1) communicated to the inspector general of Ville de Montréal under section 57.1.13 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

(2) disclosed to the Public Protector or the minister responsible for municipal affairs, as applicable, under section 6 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);

(3) communicated to the Commission municipale du Québec under section 20 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1); or

(4) disclosed to the Anti-Corruption Commissioner under section 26 of the Anti-Corruption Act (chapter L-6.1).”

REGULATION RESPECTING THE AWARDING OF CONTRACTS FOR CERTAIN PROFESSIONAL SERVICES

255. The heading of Chapter II of the Regulation respecting the awarding of contracts for certain professional services (chapter C-19, r. 2) is replaced by the following heading:

“AWARDING OF CONTRACTS FOR CERTAIN SERVICES OF AN ARCHITECT”.

256. Divisions I and II of Chapter II of the Regulation, comprising sections 3 to 23, are repealed.

257. The heading of Division III of Chapter II of the Regulation is struck out.

258. Section 23.1 of the Regulation is amended by striking out “Despite sections 3 to 23;” in the first paragraph.

259. Section 24 of the Regulation is amended by replacing “\$100,000” by “\$101,100”.

260. The heading of Chapter IV of the Regulation is amended by striking out “, VETERINARY SURGEON”.

261. Section 27 of the Regulation is amended by striking out “, veterinary surgeon”.

262. Section 28 of the Regulation is repealed.

OTHER AMENDING PROVISIONS

263. Any reference to the fourth paragraph of article 445 of the Municipal Code of Québec is replaced, in the following provisions, by a reference to the tenth paragraph of that section:

(1) the third paragraph of section 64 and the second paragraph of section 79.19.1 of the Act respecting land use planning and development (chapter A-19.1);

(2) the first paragraph of section 112 of the Municipal Powers Act (chapter C-47.1);

(3) the second paragraph of section 11 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1); and

(4) the fourth paragraph of section 8 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

264. All occurrences of “call for public tenders” in the following provisions are replaced by “public call for tenders”:

(1) section 573.1.0.2 of the Cities and Towns Act (chapter C-19);

(2) article 936.0.2 of the Municipal Code of Québec (chapter C-27.1);

(3) sections 109 and 110 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

(4) sections 102 and 103 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

(5) sections 96 and 97 of the Act respecting public transit authorities (chapter S-30.01); and

(6) sections 204.1.2, 204.1.4, 286.1, 358.1.2 and 358.1.4 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

TRANSITIONAL AND FINAL PROVISIONS

265. Sections 185 and 186 have effect from 16 June 2017.

266. Section 236 has effect from 13 February 2018.

267. Any housing bureau the composition of whose board of directors does not, on 19 April 2018, comply with section 57.1 of the Act respecting the Société d'habitation du Québec (chapter S-8), as enacted by section 211, must make the necessary amendments by supplementary letters patent before 31 December 2019.

268. Despite section 282 of the Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers (2017, chapter 13), subparagraph 7 of the third paragraph of section 573.3.1.2 of the Cities and Towns Act (chapter C-19), enacted by section 74 of that Act, subparagraph 7 of the third paragraph of article 938.1.2 of the Municipal Code of Québec (chapter C-27.1), enacted by section 100 of that Act, subparagraph 7 of the third paragraph of section 113.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), enacted by section 121 of that Act, subparagraph 7 of the third paragraph of section 106.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), enacted by section 135 of that Act, and subparagraph 7 of the third paragraph of section 103.2 of the Act respecting public transit authorities (chapter S-30.01), enacted by section 206 of that Act, apply to municipalities, metropolitan communities and public transit authorities as of the earlier of the following dates:

(1) 30 June 2018; and

(2) the date of coming into force of the first rules governing the making of contracts involving an expenditure of at least \$25,000 but less than \$100,000 that a municipality, metropolitan community or public transit authority may specify in its contract management by-law.

The first paragraph has effect from 1 January 2018.

269. Sections 107.2 and 107.2.1 and paragraph 4 of section 107.3 of the Cities and Towns Act, as enacted or amended by this Act, do not apply to chief auditors in office on 19 April 2018.

270. Sections 72, 97, 129, 152, 228 and 268 have effect from 1 January 2018.

271. Despite any inconsistent provision, all the assets and liabilities of the Régime complémentaire de retraite de l'Association des pompiers de LaSalle, registered under number 30506, and all those of the Régime de retraite des pompiers de la Ville de Montréal, registered under number 22503, are amalgamated as of 31 December 2007.

None of the acts performed or decisions made since 31 December 2007 regarding the amalgamation, including Retraite Québec decisions 30506-014 and 22503-038 dated 24 February 2017, may be invalidated on the grounds that the amalgamation was not carried out in accordance with the law.

The first and second paragraphs apply despite any quasi-judicial or judicial decision invalidating the amalgamation.

272. Until the coming into force of the first regulation made under, as applicable, section 573.3.3.1.1 of the Cities and Towns Act, enacted by section 73, article 938.3.1.1 of the Municipal Code of Québec, enacted by section 98, section 118.1.0.1 of the Act respecting the Communauté métropolitaine de Montréal, enacted by section 131, section 111.1.0.1 of the Act respecting the Communauté métropolitaine de Québec, enacted by section 154, or section 108.1.0.1 of the Act respecting public transit authorities, enacted by section 230,

(1) the expenditure threshold for a contract that may be awarded only after a public call for tenders under, as applicable, subsection 1 of section 573 of the Cities and Towns Act, subarticle 1 of article 935 of the Municipal Code of Québec, the first paragraph of sections 106 and 108 of the Act respecting the Communauté métropolitaine de Montréal, the first paragraph of sections 99 and 101 of the Act respecting the Communauté métropolitaine de Québec or the first paragraph of sections 93 and 95 of the Act respecting public transit authorities is \$101,100;

(2) the minimum time for the receipt of tenders after a public call for tenders under, as applicable, subsection 1 of section 573 of the Cities and Towns Act, subarticle 1 of article 935 of the Municipal Code of Québec, the fourth paragraph of section 108 of the Act respecting the Communauté métropolitaine de Montréal, the fourth paragraph of section 101 of the Act respecting the Communauté métropolitaine de Québec or the fourth paragraph of section 95 of the Act respecting public transit authorities is

(a) 8 days in the case of an insurance contract or a contract for the performance of work, other than a construction contract;

(b) 15 days in the case of a supply contract or a contract for the supply of services involving an expenditure of less than \$365,700;

(c) 15 days in the case of a contract involving an expenditure equal to or greater than \$365,700 that is a contract for the supply of services other than

- i. courier or mail services, including email;
- ii. fax services;
- iii. real estate services;
- iv. computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- v. maintenance or repair services for office equipment;
- vi. management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

vii. architectural or engineering services, except those related to transportation infrastructure construction;

viii. architectural landscaping services;

ix. land use and planning services;

x. test, analysis or inspection services for quality control;

xi. exterior and interior building cleaning services; and

xii. machinery or equipment repair services;

(d) 30 days in the case of a supply contract or a contract for the supply of services listed in subparagraph *c* involving an expenditure equal to or greater than \$365,700;

(e) 15 days in the case of a construction contract involving an expenditure of less than \$9,100,000; and

(f) 30 days in the case of a construction contract involving an expenditure equal to or greater than \$9,100,000;

(3) the expenditure ceiling allowing the territory from which tenders originate to be limited under, as applicable, subsection 2.1 of section 573 of the Cities and Towns Act, subarticle 2.1 of article 935 of the Municipal Code of Québec, the seventh paragraph of section 108 of the Act respecting the Communauté métropolitaine de Montréal, the seventh paragraph of section 101 of the Act respecting the Communauté métropolitaine de Québec or the seventh paragraph of section 95 of the Act respecting public transit authorities is \$365,700 in the case of a supply contract or a contract for the supply of services; and

(4) for the purposes of the provisions mentioned in paragraph 3,

(a) in the case of a construction contract involving an expenditure of less than \$252,700, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Québec or Ontario will be considered;

(b) in the case of a construction contract involving an expenditure equal to or greater than \$252,700 but less than \$9,100,000, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Canada will be considered; and

(c) in the case of a construction contract involving an expenditure equal to or greater than \$9,100,000, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government will be considered.

273. Divisions I and II of Chapter III of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1), as they read on 29 November 2018, continue to apply to requests that are the subject of a preliminary examination or an inquiry by the Commission municipale du Québec on that date.

274. Despite section 286 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27), sections 191 and 192 of that Act come into force on 19 October 2018, and sections 193, 194, 210 and 211 of that Act come into force on 19 April 2018.

275. This Act comes into force on 19 April 2018, except

(1) the following provisions, which come into force on 1 January 2019: sections 5 to 11, 30, 31, 39, 42 to 44, 46, 47 and 50, section 51 to the extent that it concerns section 108.2.0.2 of the Cities and Towns Act, sections 52, 54 to 56 and 104, section 105 to the extent that it concerns articles 966.2.2 and 966.3 of the Municipal Code of Québec, sections 106, 137, 160 and 198 to 204, paragraph 2 of section 247, and section 248;

(2) sections 179 to 184 and 193 to 195, which come into force on 30 November 2018, subject to paragraphs 3 and 4 of this section;

(3) the following provisions, which come into force on 19 October 2018: section 162, section 163 to the extent that it concerns subparagraphs 2 and 3 of the second paragraph of section 5 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), sections 164 and 165, section 166 to the extent that it concerns subparagraphs 4.2 and 4.3 of the second paragraph of section 12 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, sections 167 and 168, section 169 to the extent that it concerns the communication of information to the inspector general of Ville de Montréal or to the Commission municipale du Québec under the second paragraph of section 14 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, sections 170 to 175, section 178, section 184 to the extent that it concerns subparagraph 2 of the first paragraph of section 36.5 of the Municipal Ethics and Good Conduct Act and sections 187 to 189;

(4) the following provisions, which come into force on the date that is 10 months after the date on which the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics takes office: sections 68, 93, 128 and 151, section 163 to the extent that it concerns subparagraph 1 of the second paragraph of section 5 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 166 to the extent that it concerns subparagraph 4.1 of the second paragraph of section 12 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 169 to the extent that it concerns the communication of information to the Autorité des marchés publics under the second paragraph of section 14 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, section 184 to the extent that it concerns subparagraph 3 of the first paragraph of section 36.5 of the Municipal Ethics and Good Conduct Act, and sections 226, 246 and 252;

(5) section 254, which comes into force on the date on which the first president and chief executive officer of the Autorité des marchés publics appointed under section 4 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics takes office;

(6) the following provisions, which come into force on the date on which the vice-president assigned to matters relating to audits of municipalities and municipal bodies is designated under section 3 of the Act respecting the Commission municipale (chapter C-35): sections 109 to 111 and 113, section 114 to the extent that it concerns the first paragraph of section 85, sections 86 to 86.5, the third and fourth paragraphs of section 86.6 and sections 86.7 to 86.10 of the Act respecting the Commission municipale, and section 115;

(7) section 112, and section 114 to the extent that it concerns the second paragraph of section 85 of the Act respecting the Commission municipale, which come into force on 1 April 2019;

(8) section 51 to the extent that it concerns section 108.2.0.1 of the Cities and Towns Act, and section 105 to the extent that it concerns article 966.2.1 of the Municipal Code of Québec, which come into force on 1 January 2020;

(9) section 114 to the extent that it concerns the first and second paragraphs of section 86.6 of the Act respecting the Commission municipale, which comes into force on 1 April 2020.

2018, chapter 9
APPROPRIATION ACT NO. 2, 2018–2019

Bill 180

Introduced by Mr. Pierre Arcand, Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor

Introduced 8 May 2018

Passed in principle 8 May 2018

Passed 8 May 2018

Assented to 8 May 2018

Coming into force: 8 May 2018

Legislation amended: None

Explanatory notes

This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund, for the 2018–2019 fiscal year, a sum not exceeding \$43,475,722,940.00, including \$219,000,000.00 for the payment of expenditures chargeable to the 2019–2020 fiscal year, representing the appropriations to be voted for each of the portfolio programs, less the appropriations already authorized.

Moreover, the Act indicates which programs are covered by a net voted appropriation. It also determines to what extent the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.

Lastly, the Act approves the balance of the expenditure and investment estimates for the special funds for the 2018–2019 fiscal year, and the excess special fund expenditures and investments for the 2016–2017 fiscal year.



Chapter 9

APPROPRIATION ACT NO. 2, 2018–2019

[Assented to 8 May 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding \$43,475,722,940.00 to defray part of the Expenditure Budget of Québec tabled in the National Assembly for the 2018–2019 fiscal year, for which provision has not otherwise been made, including an amount of \$219,000,000.00 for the payment of expenditures chargeable to the 2019–2020 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 \$16,404,038,160.00 of the appropriations voted pursuant to Appropriation Act No. 1, 2018–2019 (2018, chapter 6).

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

3. The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to this end, for the purposes of and, where applicable, according to the conditions described in the Expenditure Budget.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, insofar as such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 10.0%, excluding, where applicable, the portion of the appropriation for which provision has been made.

4. The balance of the expenditure and investment estimates for the special funds listed in Schedule 3 is approved for the 2018–2019 fiscal year.

5. The excess special fund expenditures and investments for the 2016–2017 fiscal year listed in Schedule 4 are approved.

6. This Act comes into force on 8 May 2018.

SCHEDULE 1

GENERAL FUND

AFFAIRES MUNICIPALES ET OCCUPATION DU TERRITOIRE

PROGRAM 1

Support for Departmental Activities	43,390,725.00
-------------------------------------	---------------

PROGRAM 2

Municipal Infrastructure Modernization	327,774,100.00
--	----------------

PROGRAM 3

Compensation in Lieu of Taxes and Support to Municipalities	128,418,650.00
--	----------------

PROGRAM 4

Development of the Regions and Territories	121,214,458.00
---	----------------

PROGRAM 5

Promotion and Development of the Metropolitan Region	19,522,743.00
---	---------------

PROGRAM 6

Commission municipale du Québec	2,705,175.00
---------------------------------	--------------

PROGRAM 7

Housing	329,877,450.00
---------	----------------

PROGRAM 8

Consumer Protection	6,007,050.00
	<hr/>
	978,910,351.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

PROGRAM 1

Bio-food Business Development, Training and Food Quality	225,059,475.00
---	----------------

PROGRAM 2

Government Bodies	329,391,600.00
	<hr/>
	554,451,075.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

PROGRAM 1	
Support for the Conseil du trésor	60,840,225.00
PROGRAM 2	
Support for Government Operations	143,796,375.00
PROGRAM 3	
Commission de la fonction publique	3,487,500.00
PROGRAM 4	
Retirement and Insurance Plans	3,333,375.00
PROGRAM 5	
Contingency Fund	1,333,753,875.00
	<hr/>
	1,545,211,350.00

CONSEIL EXÉCUTIF

PROGRAM 1	
Lieutenant-Governor's Office	568,800.00
PROGRAM 2	
Support Services for the Premier and the Conseil exécutif	71,513,550.00
PROGRAM 3	
Canadian Relations	11,287,125.00
PROGRAM 4	
Aboriginal Affairs	197,498,400.00
PROGRAM 5	
Youth	31,415,925.00
PROGRAM 6	
Access to Information and Reform of Democratic Institutions	7,929,300.00
PROGRAM 7	
Maritime Affairs	5,729,325.00
PROGRAM 8	
Relations with English-speaking Quebecers	2,257,500.00
	<hr/>
	328,199,925.00

CULTURE ET COMMUNICATIONS

PROGRAM 1

Internal Management, Centre de conservation du Québec and Conseil du patrimoine culturel du Québec	44,124,150.00
--	---------------

PROGRAM 2

Support for Culture, Communications and Government Enterprises	471,699,895.00
--	----------------

PROGRAM 3

Charter of the French Language	22,339,875.00
	<hr/>
	538,163,920.00

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET LUTTE
CONTRE LES CHANGEMENTS CLIMATIQUES

PROGRAM 1

Environmental Protection	140,122,950.00
--------------------------	----------------

PROGRAM 2

Bureau d'audiences publiques sur l'environnement	3,870,375.00
---	--------------

	143,993,325.00
--	----------------

ÉCONOMIE, SCIENCE ET INNOVATION

PROGRAM 1	
Management and Administration	26,098,500.00
PROGRAM 2	
Economic Development	229,656,225.00
PROGRAM 3	
Development of Science, Research and Innovation	148,526,825.00
PROGRAM 4	
Economic Development Fund Interventions	181,193,250.00
PROGRAM 5	
Research and Innovation Bodies	78,213,750.00
	<hr/>
	663,688,550.00

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

PROGRAM 1	
Administration	157,180,125.00
PROGRAM 2	
Support for Organizations	81,206,475.00
PROGRAM 3	
Financial Assistance for Education	737,296,950.00
PROGRAM 4	
Preschool, Primary and Secondary Education	8,271,308,100.00
PROGRAM 5	
Higher Education	4,176,704,300.00
PROGRAM 6	
Development of Recreation and Sports	57,513,725.00
PROGRAM 8	
Status of Women	12,856,575.00
PROGRAM 9	
Promotion and Development of the Capitale-Nationale	32,327,025.00
	<hr/>
	13,526,393,275.00

ÉNERGIE ET RESSOURCES NATURELLES

PROGRAM 1

Management of Natural Resources	58,035,750.00
	<hr/>
	58,035,750.00

FAMILLE

PROGRAM 1

Planning, Research and Administration	45,552,825.00
---------------------------------------	---------------

PROGRAM 2

Assistance Measures for Families	59,287,825.00
----------------------------------	---------------

PROGRAM 3

Childcare Services	1,569,708,919.00
--------------------	------------------

PROGRAM 4

Condition of Seniors	22,672,500.00
----------------------	---------------

PROGRAM 5

Public Curator	36,921,000.00
----------------	---------------

	1,734,143,069.00
--	------------------

FINANCES

PROGRAM 1

Management and Administration	22,309,425.00
-------------------------------	---------------

PROGRAM 2

Economic, Taxation, Budgetary and Financial Activities	43,784,775.00
---	---------------

PROGRAM 3

Contributions, Bank Service Fees and Provisions for Transferring Appropriations	78,607,875.00
---	---------------

PROGRAM 4

Debt Service	750,000.00
--------------	------------

	145,452,075.00
--	----------------

FORÊTS, FAUNE ET PARCS

PROGRAM 1

Forests	196,985,075.00
---------	----------------

PROGRAM 2

Wildlife and Parks	97,467,450.00
--------------------	---------------

	294,452,525.00
--	----------------

IMMIGRATION, DIVERSITÉ ET INCLUSION

PROGRAM 1

Immigration, Diversity and Inclusion	<u>260,659,200.00</u>
	260,659,200.00

JUSTICE

PROGRAM 1

Judicial Activity	28,345,750.00
-------------------	---------------

PROGRAM 2

Administration of Justice	257,360,550.00
---------------------------	----------------

PROGRAM 3

Administrative Justice	7,650,025.00
------------------------	--------------

PROGRAM 4

Justice Accessibility	120,057,900.00
-----------------------	----------------

PROGRAM 5

Other Body Reporting to the Minister	12,039,475.00
--------------------------------------	---------------

PROGRAM 6

Criminal and Penal Prosecutions	123,315,800.00
---------------------------------	----------------

	548,769,500.00
--	----------------

PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

PROGRAM 1

The Public Protector	12,838,725.00
----------------------	---------------

PROGRAM 2

The Auditor General	23,713,725.00
---------------------	---------------

PROGRAM 4

The Lobbyists Commissioner	2,637,225.00
----------------------------	--------------

	39,189,675.00
--	---------------

RELATIONS INTERNATIONALES ET FRANCOPHONIE

PROGRAM 1

Management and Administration	15,119,925.00
-------------------------------	---------------

PROGRAM 2

International Affairs	56,432,675.00
-----------------------	---------------

	71,552,600.00
--	---------------

SANTÉ ET SERVICES SOCIAUX

PROGRAM 1

Coordination Functions	111,292,725.00
------------------------	----------------

PROGRAM 2

Services to the Public	17,117,501,400.00
------------------------	-------------------

PROGRAM 3

Office des personnes handicapées du Québec	9,827,250.00
--	--------------

	17,238,621,375.00
--	-------------------

SÉCURITÉ PUBLIQUE

PROGRAM 1

Security, Prevention and Internal Management	572,936,900.00
---	----------------

PROGRAM 2

Sûreté du Québec	346,039,300.00
------------------	----------------

PROGRAM 3

Bodies Reporting to the Minister	40,298,250.00
----------------------------------	---------------

	959,274,450.00
--	----------------

TOURISME

PROGRAM 1

Tourism Promotion and Development	<u>137,317,725.00</u>
	137,317,725.00

TRANSPORTS, MOBILITÉ DURABLE ET ÉLECTRIFICATION DES
TRANSPORTS

PROGRAM 1

Infrastructures and Transportation Systems	515,870,550.00
---	----------------

PROGRAM 2

Administration and Corporate Services	42,416,775.00
	<hr/>
	558,287,325.00

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

PROGRAM 1

Employment Assistance Measures	563,568,700.00
--------------------------------	----------------

PROGRAM 2

Financial Assistance Measures	2,207,465,125.00
-------------------------------	------------------

PROGRAM 3

Administration	366,714,375.00
----------------	----------------

PROGRAM 4

Labour	13,207,700.00
--------	---------------

	3,150,955,900.00
--	------------------

	43,475,722,940.00
--	-------------------

SCHEDULE 2

GENERAL FUND

APPROPRIATIONS TO BE VOTED FOR EXPENDITURES
CHARGEABLE TO THE 2019–2020 FISCAL YEAR

FAMILLE

PROGRAM 3

Childcare Services

219,000,000.00

219,000,000.00

219,000,000.00

SCHEDULE 3

SPECIAL FUNDS

AFFAIRES MUNICIPALES ET OCCUPATION DU TERRITOIRE

TERRITORIES DEVELOPMENT FUND

Expenditure estimate	80,551,850.00
	<hr/>
SUBTOTAL	
Expenditure estimate	80,551,850.00

CULTURE ET COMMUNICATIONS

AVENIR MÉCÉNAT CULTURE FUND

Expenditure estimate	4,476,075.00
----------------------	--------------

QUÉBEC CULTURAL HERITAGE
FUND

Expenditure estimate	<u>17,288,625.00</u>
----------------------	----------------------

SUBTOTAL

Expenditure estimate	21,764,700.00
----------------------	---------------

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET LUTTE
CONTRE LES CHANGEMENTS CLIMATIQUESFUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE
WATERS IN THE DOMAIN OF THE STATE

Expenditure estimate	18,194,625.00
Investment estimate	12,937,500.00

GREEN FUND

Expenditure estimate	638,852,025.00
Investment estimate	2,147,550.00

SUBTOTALS

Expenditure estimate	657,046,650.00
Investment estimate	15,085,050.00

ÉCONOMIE, SCIENCE ET INNOVATION

MINING AND HYDROCARBON
CAPITAL FUND

Expenditure estimate	150,000.00
Investment estimate	138,750,000.00

ECONOMIC DEVELOPMENT FUND

Expenditure estimate	326,719,500.00
Investment estimate	474,246,750.00

SUBTOTALS

Expenditure estimate	326,869,500.00
Investment estimate	612,996,750.00

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

CAPITALE-NATIONALE REGION FUND

Expenditure estimate	7,125,000.00
----------------------	--------------

SPORTS AND PHYSICAL ACTIVITY
DEVELOPMENT FUND

Expenditure estimate	60,434,550.00
Investment estimate	97,500,000.00

UNIVERSITY EXCELLENCE AND
PERFORMANCE FUND

Expenditure estimate	18,750,000.00
----------------------	---------------

SUBTOTALS

Expenditure estimate	86,309,550.00
Investment estimate	97,500,000.00

ÉNERGIE ET RESSOURCES NATURELLES

ENERGY TRANSITION FUND

Expenditure estimate	75,000.00
----------------------	-----------

NATURAL RESOURCES FUND

Expenditure estimate	24,222,850.00
Investment estimate	309,000.00

TERRITORIAL INFORMATION FUND

Expenditure estimate	85,770,150.00
Investment estimate	39,469,350.00

SUBTOTALS

Expenditure estimate	110,068,000.00
Investment estimate	39,778,350.00

FAMILLE

CAREGIVER SUPPORT FUND

Expenditure estimate	11,160,000.00
----------------------	---------------

EDUCATIONAL CHILDCARE
SERVICES FUND

Expenditure estimate	1,446,321,774.00
----------------------	------------------

EARLY CHILDHOOD
DEVELOPMENT FUND

Expenditure estimate	11,250,000.00
----------------------	---------------

SUBTOTAL

Expenditure estimate	1,468,731,774.00
----------------------	------------------

FINANCES

FINANCING FUND

Expenditure estimate	1,995,825.00
----------------------	--------------

NORTHERN PLAN FUND

Expenditure estimate	55,920,600.00
----------------------	---------------

FUND OF THE FINANCIAL
MARKETS ADMINISTRATIVE
TRIBUNAL

Expenditure estimate	2,166,150.00
Investment estimate	1,936,875.00

TAX ADMINISTRATION FUND

Expenditure estimate	728,463,075.00
----------------------	----------------

SUBTOTALS

Expenditure estimate	788,545,650.00
Investment estimate	1,936,875.00

FORÊTS, FAUNE ET PARCS

NATURAL RESOURCES FUND –
SUSTAINABLE FOREST
DEVELOPMENT SECTION

Expenditure estimate	352,457,400.00
Investment estimate	7,500,000.00
	<hr/>
SUBTOTALS	
Expenditure estimate	352,457,400.00
Investment estimate	7,500,000.00

JUSTICE

ACCESS TO JUSTICE FUND

Expenditure estimate	13,311,150.00
----------------------	---------------

CRIME VICTIMS ASSISTANCE FUND

Expenditure estimate	23,179,575.00
Investment estimate	126,750.00

REGISTER FUND OF THE
MINISTÈRE DE LA JUSTICE

Expenditure estimate	37,490,400.00
Investment estimate	5,000,850.00

FUND OF THE ADMINISTRATIVE
TRIBUNAL OF QUÉBEC

Expenditure estimate	31,222,050.00
Investment estimate	874,275.00

PUBLIC CONTRACTS FUND

Expenditure estimate	300,000.00
----------------------	------------

SUBTOTALS

Expenditure estimate	105,503,175.00
Investment estimate	6,001,875.00

SANTÉ ET SERVICES SOCIAUX

HEALTH AND SOCIAL SERVICES
INFORMATION RESOURCES FUND

Expenditure estimate	157,885,500.00
Investment estimate	22,500,000.00
	<hr/>
SUBTOTALS	
Expenditure estimate	157,885,500.00
Investment estimate	22,500,000.00

SÉCURITÉ PUBLIQUE

POLICE SERVICES FUND

Expenditure estimate	487,585,350.00
Investment estimate	20,828,250.00

SUBTOTALS

Expenditure estimate	487,585,350.00
Investment estimate	20,828,250.00

TOURISME

TOURISM PARTNERSHIP FUND

Expenditure estimate	140,353,650.00
Investment estimate	198,750.00

SUBTOTALS

Expenditure estimate	140,353,650.00
Investment estimate	198,750.00

TRANSPORTS, MOBILITÉ DURABLE ET ÉLECTRIFICATION DES
TRANSPORTS

AIR SERVICE FUND

Expenditure estimate	55,603,125.00
Investment estimate	15,952,500.00

ROLLING STOCK MANAGEMENT
FUND

Expenditure estimate	92,393,475.00
Investment estimate	51,620,775.00

HIGHWAY SAFETY FUND

Expenditure estimate	32,356,050.00
Investment estimate	112,500.00

LAND TRANSPORTATION
NETWORK FUND

Expenditure estimate	3,133,352,925.00
Investment estimate	1,568,154,000.00

SUBTOTALS

Expenditure estimate	3,313,705,575.00
Investment estimate	1,635,839,775.00

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

ASSISTANCE FUND FOR INDEPENDENT
COMMUNITY ACTION

Expenditure estimate	12,468,498.00
----------------------	---------------

LABOUR MARKET DEVELOPMENT
FUND

Expenditure estimate	822,909,800.00
----------------------	----------------

GOODS AND SERVICES FUND

Expenditure estimate	87,961,575.00
Investment estimate	3,382,800.00

INFORMATION TECHNOLOGY FUND
OF THE MINISTÈRE DE L'EMPLOI ET
DE LA SOLIDARITÉ SOCIALE

Expenditure estimate	15,019,575.00
Investment estimate	11,826,750.00

ADMINISTRATIVE LABOUR TRIBUNAL
FUND

Expenditure estimate	63,032,250.00
Investment estimate	6,412,500.00

FONDS QUÉBÉCOIS D'INITIATIVES
SOCIALES

Expenditure estimate	22,909,725.00
----------------------	---------------

SUBTOTALS

Expenditure estimate	1,024,301,423.00
Investment estimate	21,622,050.00

TOTALS

Expenditure estimate	9,121,679,747.00
Investment estimate	2,481,787,725.00

SCHEDULE 4

EXCESS SPECIAL FUND EXPENDITURES AND INVESTMENTS FOR
THE 2016–2017 FISCAL YEAR

ÉCONOMIE, SCIENCE ET INNOVATION

MINING AND HYDROCARBON CAPITAL FUND

Expenditure excess	39,155,300.00
	<hr/>
SUBTOTAL	
Expenditure excess	39,155,300.00

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

UNIVERSITY EXCELLENCE AND
PERFORMANCE FUND

Expenditure excess	5,758,000.00
	<hr/>
SUBTOTAL	
Expenditure excess	5,758,000.00

FINANCES

NORTHERN PLAN FUND

Expenditure excess	22,286,100.00
--------------------	---------------

FUND OF THE FINANCIAL
MARKETS ADMINISTRATIVE
TRIBUNAL

Investment excess	<u>2,100.00</u>
-------------------	-----------------

SUBTOTALS

Expenditure excess	22,286,100.00
Investment excess	2,100.00

JUSTICE

CRIME VICTIMS ASSISTANCE FUND

Investment excess	36,200.00
	<hr/>
SUBTOTAL	
Investment excess	36,200.00

SÉCURITÉ PUBLIQUE

POLICE SERVICES FUND

Expenditure excess	26,775,800.00
	<hr/>
SUBTOTAL	
Expenditure excess	26,775,800.00

TOURISME

TOURISM PARTNERSHIP FUND

Expenditure excess	9,959,500.00
	<hr/>
SUBTOTAL	
Expenditure excess	9,959,500.00

TRANSPORTS, MOBILITÉ DURABLE ET ÉLECTRIFICATION DES
TRANSPORTS

HIGHWAY SAFETY FUND

Investment excess	1,653,800.00
	<hr/>
SUBTOTAL	
Investment excess	1,653,800.00

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

LABOUR MARKET DEVELOPMENT
FUND

Expenditure excess	24,445,800.00
--------------------	---------------

FONDS QUÉBÉCOIS D'INITIATIVES
SOCIALES

Expenditure excess	<u>623,400.00</u>
--------------------	-------------------

SUBTOTAL

Expenditure excess	<u>25,069,200.00</u>
--------------------	----------------------

TOTALS

Expenditure excess	129,003,900.00
Investment excess	1,692,100.00

2018, chapter 10

AN ACT TO ENACT THE ACT RESPECTING THE IMPLEMENTATION OF THE CANADIAN FREE TRADE AGREEMENT AND TO BRING MEASURES RELATING TO CONTRACTING BY PUBLIC BODIES INTO COMPLIANCE WITH THAT AGREEMENT, THE TRADE AND COOPERATION AGREEMENT BETWEEN ONTARIO AND QUÉBEC AND THE COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT BETWEEN CANADA AND THE EUROPEAN UNION AND ITS MEMBER STATES

Bill 171

Introduced by Mr. Robert Poëti, Minister for Integrity in Public Procurement
and for Information Resources

Introduced 22 February 2018

Passed in principle 3 May 2018

Passed 10 May 2018

Assented to 10 May 2018

Coming into force: 10 May 2018, except sections 4 to 6 and 8, which come into force on 25 January 2019, and sections 11, 16, 22, 27, 33 and 34, which come into force on 25 May 2019

Legislation amended:

Act respecting contracting by public bodies (chapter C-65.1)

Act respecting the Société du Plan Nord (chapter S-16.011)

Integrity in Public Contracts Act (2012, chapter 25)

Legislation repealed:

Act respecting the implementation of the Agreement on Internal Trade (chapter M-35.1.1)

Legislation enacted:

Act respecting the implementation of the Canadian Free Trade Agreement (2018, chapter 10, section 1)

Regulations amended:

Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1)

(cont'd on next page)

Regulations amended: (cont'd)

Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2)

Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4)

Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5)

Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1)

Explanatory notes

This Act enacts the Act respecting the implementation of the Canadian Free Trade Agreement.

The Act also amends the Act respecting contracting by public bodies and certain regulations made under that Act to bring them into compliance with various measures relating to public procurement provided for in the Canadian Free Trade Agreement, the Trade and Cooperation Agreement between Ontario and Québec and the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States.

The Act provides, in particular, for

(1) including leasing contracts among the contracts subject to the conditions established under the Act respecting contracting by public bodies;

(2) applying certain rules to contracts entered into by subsidiaries of public bodies and of government enterprises;

(3) taking options into account in determining the estimated value of a government contract to be entered into; and

(4) enacting or amending rules concerning the qualification of suppliers, service providers and contractors.

Lastly, the Act includes various repealing and consequential provisions as well as transitional measures relating to public calls for tenders and qualification procedures that will begin on or after the coming into force of the provisions concerned of the Act.



Chapter 10

AN ACT TO ENACT THE ACT RESPECTING THE IMPLEMENTATION OF THE CANADIAN FREE TRADE AGREEMENT AND TO BRING MEASURES RELATING TO CONTRACTING BY PUBLIC BODIES INTO COMPLIANCE WITH THAT AGREEMENT, THE TRADE AND COOPERATION AGREEMENT BETWEEN ONTARIO AND QUÉBEC AND THE COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT BETWEEN CANADA AND THE EUROPEAN UNION AND ITS MEMBER STATES

[Assented to 10 May 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ENACTMENT OF THE ACT RESPECTING THE IMPLEMENTATION OF THE CANADIAN FREE TRADE AGREEMENT

1. The Act respecting the implementation of the Canadian Free Trade Agreement, the text of which appears in this chapter, is enacted.

“ACT RESPECTING THE IMPLEMENTATION OF THE CANADIAN FREE TRADE AGREEMENT

“1. The purpose of this Act is to implement the Canadian Free Trade Agreement (the Agreement).

“2. The Minister responsible for this Act represents Québec on the Committee on Internal Trade.

“3. The Government may appoint persons qualified under the Agreement to be registered on the roster of individuals who may act as members of a Presiding Body.

“4. The Minister may appoint persons as Québec representatives to committees and working groups established under the Agreement and to any position the Minister considers necessary for the application of the Agreement.

“5. For the purpose of suspending benefits with respect to a Party or imposing retaliatory measures of equivalent effect against a Party in accordance with what is provided by the Agreement, the Government may

(1) suspend rights or privileges granted to the Party by the Government under the Agreement;

(2) modify or suspend the application of a measure with respect to the Party; and

(3) extend the application of a measure to the Party.

“Measure” means any law, regulation, directive, requirement, prescription, guideline, program, policy, administrative practice or other procedure.

6. On being filed with the office of the Superior Court, the certified copy of an order for a Monetary Penalty or for Tariff Costs made by a Presiding Body in a final report has all the effects of a Superior Court judgment that has become final and becomes enforceable 60 days after the date on which it is made.

7. No judicial proceedings may be brought against persons appointed under section 3 for acts performed in good faith in the performance of their functions as members of a Presiding Body.

8. The Government designates the Minister responsible for the administration of this Act.”

ACT RESPECTING THE IMPLEMENTATION OF THE AGREEMENT ON INTERNAL TRADE

2. The Act respecting the implementation of the Agreement on Internal Trade (chapter M-35.1.1) is repealed.

CHAPTER II

CHANGES TO THE NORMATIVE FRAMEWORK APPLICABLE TO CONTRACTING BY PUBLIC BODIES

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

3. Section 3 of the Act respecting contracting by public bodies (chapter C-65.1) is amended by inserting the following paragraph after the second paragraph:

“A leasing contract is considered to be a supply contract.”

4. Section 4 of the Act, amended by section 90 of chapter 27 of the statutes of 2017, is again amended

(1) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) subsidiaries of one or more public bodies referred to in subparagraph 4, 5 or 6 of this paragraph;”;

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

“For the purposes of subparagraph 6.1 of the first paragraph, a legal person or partnership controlled by one or more public bodies is a subsidiary of one or more public bodies.

A legal person is controlled by one or more public bodies when the body or bodies hold, directly or through legal persons the body or bodies control, more than 50% of the voting rights attached to the participations of the legal person or when the body or bodies can elect a majority of its directors.

A partnership is controlled by one or more public bodies when the body or bodies hold, directly or through legal persons the body or bodies control, more than 50% of the participations. However, a limited partnership is controlled by one or more public bodies when the body or bodies or a legal person the body or bodies control is the general partner of the partnership.”

5. Section 7 of the Act, amended by section 91 of chapter 27 of the statutes of 2017, is again amended

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

“Government enterprises listed in Schedule 3 to the Financial Administration Act (chapter A-6.001) and their subsidiaries must adopt a contracting policy. Those bodies must make their policy public not later than 30 days after its adoption.”;

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

“For the purposes of the first paragraph, a legal person or partnership that is controlled by one or more government enterprises and does not compete with the private sector is a subsidiary. The fourth and fifth paragraphs of section 4 apply, with the necessary modifications.”;

(3) by replacing “Section” in the third paragraph by “Furthermore, section”.

6. Section 8 of the Act, amended by section 92 of chapter 27 of the statutes of 2017, is again amended by replacing “in any of subparagraphs 2 to 4, 6 and 7 of the first paragraph” in the first paragraph by “in any of subparagraphs 2 to 4 and 6 to 7 of the first paragraph”.

7. Section 10 of the Act is amended by inserting “, including, if applicable, the value of the options,” after “involving an expenditure” in subparagraph 1 of the first paragraph.

ACT RESPECTING THE SOCIÉTÉ DU PLAN NORD

8. Section 13 of the Act respecting the Société du Plan Nord (chapter S-16.011) is repealed.

INTEGRITY IN PUBLIC CONTRACTS ACT

9. Section 94 of the Integrity in Public Contracts Act (2012, chapter 25) is repealed.

REGULATION RESPECTING SUPPLY CONTRACTS, SERVICE
CONTRACTS AND CONSTRUCTION CONTRACTS OF BODIES
REFERRED TO IN SECTION 7 OF THE ACT RESPECTING
CONTRACTING BY PUBLIC BODIES

10. Section 1.2 of the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1) is amended

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

“(2.1) the expected duration of the contract or the calendar for the delivery of the goods, the provision of the services or the performance of the construction work;

“(2.2) if applicable, a brief description of the options;”;

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

“For the purposes of this Regulation, “option” means a renewal option or an option concerning, as the case may be, the acquisition of additional goods identical to those initially acquired or the provision of additional services or performance of additional construction work of the same nature as those or that initially required, to the extent that the goods, services or work are or is offered at the same price and intended to fulfil the procurement requirements described under subparagraph 2 of the second paragraph.”

11. Section 1.11 of the Regulation is amended, in the first paragraph,

(1) by replacing “and the period of validity of the list of qualified enterprises or” in subparagraph 1 by “, the period of validity of the list of qualified enterprises and the means used to renew or cancel it or, if the period of validity is not specified, an indication of”;

(2) by replacing “so as to allow the qualification of other enterprises” in subparagraph 3 by “inviting other enterprises to qualify”;

(3) by adding the following subparagraph at the end:

“(5) an enterprise may, at any time, apply for qualification, in which case the body qualifies the enterprise within a reasonable time.”

REGULATION RESPECTING CERTAIN SUPPLY CONTRACTS OF PUBLIC BODIES

12. Section 1 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) is amended by inserting “and to the contract considered as such in accordance with the third paragraph of that section,” after “Act respecting contracting by public bodies (chapter C-65.1)”.

13. Section 4 of the Regulation, amended by section 231 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) a brief description of the procurement requirements, the place of delivery and the expected duration of the contract or the calendar for the delivery of the goods;”.

14. Section 7 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the fourth paragraph of section 12, the closing date”.

15. Section 12 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

16. The Regulation is amended by inserting the following chapter after section 32:

“CHAPTER V.1**“QUALIFICATION OF SUPPLIERS**

“32.1. When a public body uses a qualification process to qualify suppliers before issuing a call for tenders for a supply contract,

(1) the qualification process must be preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, the information required under subparagraphs 1, 2 and 4 to 6.1 of the second paragraph of section 4, except the period for receiving applications for qualification that may not be under 25 days following the date of publication of the public notice of qualification, the period of validity of the list of qualified suppliers and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used;

(2) the list of qualified suppliers must be published on the electronic tendering system and every supplier must be informed of its acceptance for entry on the list or the reason for refusal if entry is denied;

(3) a public notice of qualification must be published again at least once a year inviting other suppliers to qualify during the period of validity of the list;

(4) the public notice of qualification must remain accessible on the electronic tendering system for the entire period of validity of the list; and

(5) a supplier may, at any time, apply for qualification, in which case the public body qualifies the supplier within a reasonable time.

The third paragraph of section 4, the first, third and fourth paragraphs of section 9 and Division II.1 of Chapter II apply, with the necessary modifications, to the qualification of suppliers.

“32.2. When the public body evaluates the quality of applications for qualification, it sets up a selection committee in accordance with the second paragraph of section 24 and applies the evaluation conditions in Schedule 1 or in sections 1 to 7 of Schedule 2.

“32.3. Every supply contract subsequent to the qualification of suppliers under section 32.1 that involves an expenditure equal to or above the public tender threshold must be awarded through a call for tenders open only to qualified suppliers.”

REGULATION RESPECTING CERTAIN SERVICE CONTRACTS OF PUBLIC BODIES

17. Section 1 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended by replacing “under the third paragraph of that section” by “in accordance with the fourth paragraph of that section”.

18. Section 4 of the Regulation, amended by section 236 of chapter 27 of the statutes of 2017, is again amended by inserting “and the expected duration of the contract or the calendar for the provision of the services” at the end of subparagraph 2 of the second paragraph.

19. Section 7 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the third paragraph of section 12, the closing date”.

20. Section 12 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

21. Section 24 of the Regulation is amended by striking out the second and third paragraphs.

22. Section 43 of the Regulation, amended by section 239 of chapter 27 of the statutes of 2017, is again amended, in the first paragraph,

(1) by inserting “, the period of validity of the list of qualified service providers and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used” at the end of subparagraph 1;

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

“(3) a public notice of qualification is published again at least once a year inviting other service providers to qualify during the period of validity of the list;”;

(3) by adding the following subparagraph at the end:

“(5) a service provider may, at any time, apply for qualification, in which case the public body qualifies the service provider within a reasonable time.”

23. Section 45 of the Regulation is amended by replacing “public call for tenders only open” by “call for tenders open only”.

REGULATION RESPECTING CONSTRUCTION CONTRACTS OF PUBLIC BODIES

24. Section 4 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5), amended by section 241 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) a brief description of the construction work required, the site of the work and the expected duration of the contract or the calendar for the performance of the work;”.

25. Section 7 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the third paragraph of section 15, the closing date”.

26. Section 15 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

27. Section 36 of the Regulation, amended by section 244 of chapter 27 of the statutes of 2017, is again amended, in the first paragraph,

(1) by striking out “pertaining to transport infrastructures” in the introductory clause;

(2) by inserting “, the period of validity of the list of qualified contractors and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used” at the end of subparagraph 1;

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

“(3) a public notice of qualification is published again at least once a year inviting other contractors to qualify during the period of validity of the list;”;

(4) by adding the following subparagraph at the end:

“(5) a contractor may, at any time, apply for qualification, in which case the public body qualifies the contractor within a reasonable time.”

28. Section 38 of the Regulation is amended by replacing “public call for tenders open” by “call for tenders open”.

REGULATION RESPECTING CONTRACTING BY PUBLIC BODIES IN THE FIELD OF INFORMATION TECHNOLOGIES

29. Section 1 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended by replacing “under the third paragraph” in the first paragraph by “in accordance with the fourth paragraph”.

30. Section 4 of the Regulation, amended by section 246 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) a brief description of the procurement requirements, the place where the goods are to be delivered and the expected duration of the contract or the calendar for the delivery of the goods or the provision of the services, as the case may be;”.

31. Section 8 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the fourth paragraph of section 26, the closing date”.

32. Section 26 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

33. The heading of Chapter VII of the Regulation is amended by inserting “SUPPLIERS OR” after “OF”.

34. Section 54 of the Regulation, amended by section 250 of chapter 27 of the statutes of 2017, is replaced by the following section:

“**54.** A public body may qualify suppliers or service providers prior to the acquisition process if

(1) the qualification process is preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, the information required under subparagraphs 1, 2 and 6 to 10.1 of the second paragraph of section 4, except the period for receiving applications for qualification that may not be under 25 days following the date of publication of the public notice of qualification, the period of validity of the list of qualified suppliers or service providers and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used;

(2) the list of qualified suppliers or service providers is published on the electronic tendering system and every supplier or service provider is informed of its acceptance for entry on the list or the reason for refusal if entry is denied;

(3) a public notice of qualification is published again at least once a year inviting other suppliers or service providers to qualify during the period of validity of the list;

(4) the public notice of qualification remains accessible on the electronic tendering system for the entire period of validity of the list; and

(5) a supplier or service provider may, at any time, apply for qualification, in which case the body qualifies the supplier or service provider within a reasonable time.

The third paragraph of section 4, the first, third and fourth paragraphs of section 11 and Division III of Chapter II apply, with the necessary modifications, to the qualification of suppliers or service providers.”

35. Section 56 of the Regulation is replaced by the following section:

“56. Except in the cases described in section 13 of the Act, every contract in the field of information technologies subsequent to the qualification is limited to qualified suppliers or service providers only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a call for tenders open only to those suppliers or service providers.”

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

36. Sections 3, 7, 10, 13 to 15, 18 to 21, 24 to 26 and 30 to 32 apply only to public calls for tenders made through a notice published on or after 10 May 2018.

37. Sections 4 and 5 apply only to public calls for tenders made through a notice published on or after 25 January 2019.

38. Sections 11, 16, 22, 27 and 34 apply only to qualification procedures begun on or after 25 May 2019.

39. Any contract entered into by a subsidiary referred to in section 4 or 7 of the Act respecting contracting by public bodies (chapter C-65.1) in progress on 25 January 2019 is continued in accordance with the Act respecting contracting by public bodies and the regulations made under that Act. If a provision of that Act or those regulations is incompatible with a provision of the contract, the latter provision prevails.

40. This Act comes into force on 10 May 2018, except sections 4 to 6 and 8, which come into force on 25 January 2019, and sections 11, 16, 22, 27, 33 and 34, which come into force on 25 May 2019.

2018, chapter 11
**AN ACT MAINLY TO INTRODUCE A BASIC INCOME FOR
PERSONS WITH A SEVERELY LIMITED CAPACITY FOR
EMPLOYMENT**

Bill 173

Introduced by Mr. François Blais, Minister of Employment and Social Solidarity

Introduced 14 March 2018

Passed in principle 19 April 2018

Passed 15 May 2018

Assented to 15 May 2018

Coming into force: on the date or dates to be determined by the Government, except

(1) section 7, which comes into force on 15 May 2018; and

(2) sections 9 to 11, 17 and 18, and section 19 where it enacts section 133.3 of the Individual and Family Assistance Act (chapter A-13.1.1), insofar as the latter section concerns the Social Solidarity Program, which come into force on 1 January 2019.

Legislation amended:

Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02)

Individual and Family Assistance Act (chapter A-13.1.1)

Health Insurance Act (chapter A-29)

Act respecting prescription drug insurance (chapter A-29.01)

Code of Civil Procedure (chapter C-25.01)

Act respecting pre-hospital emergency services (chapter S-6.2)

Act to allow a better match between training and jobs and to facilitate labour market entry (2016, chapter 25)

Regulation amended:

Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1)

Explanatory notes

This Act first amends the Individual and Family Assistance Act mainly to introduce the Basic Income Program, whose goal is to grant enhanced financial assistance to persons with a severely limited capacity for employment and who are recipients of the Social Solidarity Program.

(cont'd on next page)

Explanatory notes *(cont'd)*

As regards the Basic Income Program, the Act provides, in particular

- (1) that the eligibility conditions for the program are to be determined by regulation;
- (2) that an eligible person may elect not to take advantage of the program or elect to take advantage of it subsequently under the conditions determined by regulation;
- (3) various specific rules, including the possibility for an eligible person to own certain property or liquid assets, as determined by regulation;
- (4) that the basic income is established and paid monthly and is calculated according to the method prescribed by regulation; and
- (5) that the basic income may be increased by the amount of special benefits.

Second, other amendments are made to the Individual and Family Assistance Act as regards, in particular

- (1) the introduction of a work income supplement for recipients of a last resort financial assistance program;
- (2) the potential adjustments to the social solidarity allowance for recipients under the program; and
- (3) the possibility of increasing the amount of personal expense allowance paid to a person being sheltered who receives financial assistance under the Social Solidarity Program or the Basic Income Program.

Lastly, the Government is empowered to make the necessary regulations for the purposes of the Basic Income Program, and amending, transitional and final provisions are introduced.



Chapter 11

AN ACT MAINLY TO INTRODUCE A BASIC INCOME FOR PERSONS WITH A SEVERELY LIMITED CAPACITY FOR EMPLOYMENT

[Assented to 15 May 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

INDIVIDUAL AND FAMILY ASSISTANCE ACT

- 1.** Section 1 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by adding the following sentence at the end of the second paragraph: “It is also designed to foster their social participation.”
- 2.** Section 2 of the Act is amended by adding the following sentence at the end: “The measures, programs and services are also established to contribute to those persons’ economic inclusion.”
- 3.** Section 15 of the Act is amended by replacing “or the Social Solidarity Program” in the first paragraph by “, the Social Solidarity Program or the Basic Income Program”.
- 4.** Section 25 of the Act is amended by adding the following paragraph at the end:

“Subparagraphs 2 and 3 of the first paragraph do not apply within the framework of the Basic Income Program.”
- 5.** Section 30 of the Act is amended by adding “or an application made under the Basic Income Program” in the second paragraph after “financial assistance”.
- 6.** Section 33 of the Act, amended by section 25 of chapter 25 of the statutes of 2016, is again amended by replacing “last resort financial assistance program” in paragraph 2 by “financial assistance program provided for in Chapter I, II, V or VI of Title II”.

7. Section 45 of the Act is amended by replacing “To foster the objectives” by “In order to foster the achievement of the objectives”.

8. Section 47 of the Act, amended by section 27 of chapter 25 of the statutes of 2016, is again amended by inserting “or the Basic Income Program” after “Solidarity Program”.

9. Section 55 of the Act, amended by section 28 of chapter 25 of the statutes of 2016, is again amended by adding the following paragraph at the end:

“Moreover, when the amount obtained under the first paragraph is greater than zero, the benefit is increased, in the cases and under the conditions determined by regulation, by a work income supplement, the amount of which is calculated in accordance with the method provided for in that paragraph.”

10. Section 56 of the Act is amended by replacing “paragraph 2 of section 55” in the first paragraph by “subparagraph 2 of the first paragraph of section 55”.

11. Section 72 of the Act is amended

(1) by inserting the following paragraph at the beginning:

“The Government may, by regulation, prescribe for recipients under the program the amounts of the adjustments for adults, which may vary according to the time elapsed since they became recipients under the program, and determine the cases in which and the conditions under which those amounts are to be granted.”;

(2) by inserting “also” after “The Government may” in the second paragraph.

12. Section 81 of the Act is amended

(1) by replacing “or the Social Solidarity Program” by “, the Social Solidarity Program or the Basic Income Program”;

(2) by replacing “either of those last resort financial assistance programs, to the extent that they are also eligible under those last resort programs” by “any of those financial assistance programs, to the extent that they are also eligible under those programs”.

13. The Act is amended by inserting the following section after section 83.5, enacted by section 31 of chapter 25 of the statutes of 2016:

“83.5.1. Section 58 applies to the Aim for Employment Program.”

14. The Act is amended by inserting the following after section 83.14, enacted by section 31 of chapter 25 of the statutes of 2016:

“CHAPTER VI

“BASIC INCOME PROGRAM

“83.15. The purpose of the Basic Income Program is to grant enhanced financial assistance to persons with a severely limited capacity for employment. A further purpose is to foster their social participation and contribute to their economic inclusion.

“83.16. In order to foster the achievement of the objectives of the Basic Income Program, the Minister may, in accordance with Title I, offer employment-assistance and social assistance and support measures, programs and services to persons eligible under the program and, where applicable, adapt them to meet the particular needs of the persons concerned by the program.

“83.17. A person is eligible under the Basic Income Program if, during the period determined by regulation, the person has a severely limited capacity for employment within the meaning of section 70 and is a recipient under the Social Solidarity Program, and if the person meets the other conditions determined by regulation.

Despite the first paragraph, a person is also eligible under the Basic Income Program if, in the cases and under the conditions determined by regulation, the person has a severely limited capacity for employment that should in all likelihood prevent the person from acquiring economic self-sufficiency permanently or indefinitely.

The provisions of this chapter apply by operation of law to any person who meets the eligibility requirements of the program.

“83.18. A person may not receive an allowance granted under the Social Solidarity Program if he or she is eligible under the Basic Income Program.

Despite the first paragraph, an eligible person may elect not to take advantage of the Basic Income Program in the cases and under the conditions determined by regulation.

However, the person may at any subsequent time apply to take advantage of the program in accordance with the conditions determined by regulation.

“83.19. A person who is no longer eligible under the program becomes eligible again in the cases and under the conditions determined by regulation.

“83.20. The benefit granted under the program takes the form of a basic income.

“83.21. The basic income is established monthly and calculated in accordance with the method determined by regulation.

For the calculation of the basic income, the regulation may, among other things,

(1) establish the amount of the applicable basic income, in the cases and under the conditions it determines;

(2) prescribe, in the cases and under the conditions it determines, any adjustment amount that may increase the basic income and any amount that may be subtracted from the income, and exclude any amount from the calculation; and

(3) prescribe special rules for the month of the application.

The basic income is increased by any special benefit amount granted under the Social Solidarity Program, in the same cases and under the same conditions, subject to the exceptions determined by regulation.

“83.22. In the cases and under the conditions determined by regulation, a person eligible under the program may own certain property or liquid assets in order to foster the person’s social participation and economic inclusion.

“83.23. The basic income is paid monthly according to the terms determined by regulation.

“83.24. Sections 49 to 51, 58, 59, 63, 64 and 69 apply to the Basic Income Program.

“83.25. When there is failure to fulfil any of the obligations imposed by sections 30, 31, 36, 63 and 64, the Minister may, as the case may be, refuse or cease to pay financial assistance or reduce it.

Decisions made by the Minister under this section must include reasons and be communicated in writing to the person concerned.”

15. Sections 87 and 88, the first paragraph of section 90, section 91, the first paragraph of sections 92 to 94 and the second paragraph of section 107 of the Act are amended by inserting “or the Basic Income Program” after “last resort financial assistance program”.

16. Section 114 of the Act, amended by section 35 of chapter 25 of the statutes of 2016, is again amended by replacing “II or V” in the second paragraph by “II, V or VI”.

17. Section 132 of the Act is amended by inserting the following paragraph after paragraph 15:

“(15.1) prescribing the method for calculating the amount of the work income supplement, and determining the cases in which and the conditions under which it is granted;”.

18. Section 133 of the Act is amended by replacing paragraph 2 by the following paragraphs:

“(2) prescribing, for the purposes of the first paragraph of section 72, the amounts of the adjustments for adults, which may vary according to the time elapsed since they became recipients under the program, and determining the cases in which and the conditions under which those amounts are to be granted; and

“(3) prescribing, for the purposes of the second paragraph of section 72, more flexible rules concerning the matters referred to in that paragraph.”

19. The Act is amended by inserting the following sections after section 133.1, enacted by section 38 of chapter 25 of the statutes of 2016:

“**133.2.** For the purposes of the Basic Income Program, the Government may make regulations

(1) prescribing, for the purposes of the first paragraph of section 83.17, the period during which a person must have a severely limited capacity for employment and be a recipient under the Social Solidarity Program, as well as the other eligibility requirements for the program;

(2) prescribing, for the purposes of the second paragraph of section 83.17, the cases in which and the conditions under which a person who has a severely limited capacity for employment that should in all likelihood prevent the person from acquiring economic self-sufficiency permanently or indefinitely is also eligible under the Basic Income Program;

(3) prescribing, for the purposes of the second paragraph of section 83.18, the cases in which and the conditions under which a person may elect not to take advantage of the program;

(4) prescribing, for the purposes of the third paragraph of section 83.18, the cases in which and the conditions under which a person may apply to take advantage of the program;

(5) prescribing, for the purposes of section 83.19, the cases in which and the conditions under which a person who is no longer eligible under the program becomes eligible again;

(6) prescribing, for the purposes of section 83.21, the method for calculating the basic income;

(7) prescribing, for the purposes of the third paragraph of section 83.21, the exceptions to the cases in which and the conditions under which a special benefit is granted;

(8) prescribing, for the purposes of section 83.22, the cases in which and the conditions under which a person may own certain property or liquid assets; and

(9) prescribing, for the purposes of section 83.23, the terms for payment of the basic income.

“133.3. Despite any provision to the contrary, the Government may, on the joint recommendation of the Minister of Employment and Social Solidarity and the Minister of Health and Social Services, prescribe by regulation the cases and the manner in which the amount of personal expense allowance referred to in the second paragraph of section 512 of the Act respecting health services and social services (chapter S-4.2) or section 161 of the Act respecting health services and social services for Cree Native persons (chapter S-5) may be increased for a person who receives financial assistance under the Social Solidarity Program or the Basic Income Program.”

OTHER AMENDING PROVISIONS

ACT TO PROMOTE ACCESS TO JUSTICE THROUGH THE ESTABLISHMENT OF THE SERVICE ADMINISTRATIF DE RAJUSTEMENT DES PENSIONS ALIMENTAIRES POUR ENFANTS

20. Section 15 of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02) is amended by inserting “or the Basic Income Program” after “last resort program” in the second paragraph.

HEALTH INSURANCE ACT

21. The Health Insurance Act (chapter A-29) is amended by replacing “last resort financial assistance program provided for in” in the fourth paragraph of section 67 and in sections 70 to 71.1 by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

22. Section 15 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by replacing “last resort financial assistance program provided for in” in paragraph 2 by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

23. Section 17 of the Act is amended by replacing “last resort financial assistance program provided for in” in the definition of “person suffering from a functional impairment” in paragraph 1 by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

CODE OF CIVIL PROCEDURE

24. Article 449 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing “or social solidarity” by “, social solidarity or basic income”.

25. Article 698 of the Code, amended by section 40 of chapter 25 of the statutes of 2016, is again amended by replacing “or a social solidarity allowance” in subparagraph 3 of the second paragraph by “, a social solidarity allowance or a basic income”.

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

26. Section 118 of the Act respecting pre-hospital emergency services (chapter S-6.2) is amended by replacing “last resort financial assistance program provided for in” in the first paragraph by “financial assistance program provided for in Chapter I, II, V or VI of Title II of”.

ACT TO ALLOW A BETTER MATCH BETWEEN TRAINING AND JOBS AND TO FACILITATE LABOUR MARKET ENTRY

27. Section 43 of the Act to allow a better match between training and jobs and to facilitate labour market entry (2016, chapter 25) is amended by replacing “by the Minister under section 84 of the Individual and Family Assistance Act before the date of coming into force of section 83.1 of that Act” in the first paragraph by “by the Minister of Employment and Social Solidarity in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) before the date of coming into force of section 83.1 of the Individual and Family Assistance Act”.

INDIVIDUAL AND FAMILY ASSISTANCE REGULATION

28. Section 177.23 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), introduced by section 24 of the Regulation to amend the Individual and Family Assistance Regulation, enacted by Order in Council 1085-2017 dated 8 November 2017, is amended by replacing “an amount calculated” in the second paragraph by “a work income supplement, the amount of which is calculated”.

29. Section 177.28 of the Regulation, introduced by section 24 of the Regulation to amend the Individual and Family Assistance Regulation, enacted by Order in Council 1085-2017 dated 8 November 2017, is amended by striking out “additional” in the first paragraph.

TRANSITIONAL AND FINAL PROVISIONS

30. In any agreement entered into by the Minister of Employment and Social Solidarity in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) before the date of coming into force of section 83.15 of the Individual and Family Assistance Act (chapter A-13.1.1), enacted by section 14, a provision relating to the Social Assistance Program or a last resort financial assistance program also applies to the Basic Income Program from that date unless, in the year following that date, one of the parties notifies the other party in writing of its intention not to include that program, in whole or in part, in the agreement.

The first paragraph ceases to apply to an agreement on the day the first amendment made to the agreement by the parties after the date of coming into force of section 83.15 of that Act, enacted by section 14, becomes effective.

The first paragraph applies despite section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

31. Sections 6, 21 to 23 and 26, insofar as they concern Chapter V of Title II of the Individual and Family Assistance Act, and sections 13 and 27 to 29 have effect from 1 April 2018.

32. The provisions of this Act come into force on the date or dates to be determined by the Government, except

(1) section 7, which comes into force on 15 May 2018; and

(2) sections 9 to 11, 17 and 18, and section 19 where it enacts section 133.3 of the Individual and Family Assistance Act, insofar as the latter section concerns the Social Solidarity Program, which come into force on 1 January 2019.

2018, chapter 12
**AN ACT TO AMEND VARIOUS LABOUR-RELATED
LEGISLATIVE PROVISIONS MAINLY TO GIVE EFFECT TO
CERTAIN CHARBONNEAU COMMISSION
RECOMMENDATIONS**

Bill 152

Introduced by Madam Dominique Vien, Minister responsible for Labour

Introduced 15 November 2017

Passed in principle 22 February 2018

Passed 31 May 2018

Assented to 31 May 2018

Coming into force: on the date or dates to be set by the Government, except section 8, which comes into force on the date of coming into force of section 165 of chapter 16 of the statutes of 2013

– 2018-06-20: ss. 1-28
 O.C. 869-2018
 G.O., 2018, Part 2, p. 2755

Legislation amended:

Act respecting labour standards (chapter N-1.1)

Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Act respecting occupational health and safety (chapter S-2.1)

Explanatory notes

The main purpose of this Act is to give effect to certain recommendations of the final report of the Commission d'enquête sur l'octroi et la gestion des contrats publics dans l'industrie de la construction by introducing amendments to the Act respecting labour relations, vocational training and workforce management in the construction industry and the Act respecting occupational health and safety.

Under the Act, public recognized clients are required to report all demonstrations of violence or intimidation in connection with the construction work they carry out or cause to be carried out to the Commission de la construction du Québec (Commission). The penal provision prohibiting the use of intimidation or threats is broadened to include any intimidating or threatening behaviour reasonably likely to disrupt activities on a job site.

New offences are added to the list of offences disqualifying a convicted person from leading or representing an employers' association or union association.

(cont'd on next page)

Explanatory notes (*cont'd*)

In addition, the prescription period applicable in penal matters is extended to three years from the date on which the prosecutor becomes aware of the commission of the offence but may not exceed seven years after the offence was committed. The Act also extends, from one to three years, the prescription period applicable to civil proceedings arising from a collective agreement or from the Act respecting labour relations, vocational training and workforce management in the construction industry.

The Act standardizes the rules concerning the documents the employers' associations and the union associations must provide to the Commission and the rules relating to the information those associations must file with the Commission and keep up to date, and introduces penal provisions for non-compliance with those rules.

The Commission's inspection powers are increased.

Immunity against civil proceedings and protection against reprisals is granted to any person who, in good faith, communicates information to the Commission concerning an act or omission that the person believes constitutes a violation or offence with respect to the Act respecting labour relations, vocational training and workforce management in the construction industry or the regulations. Penal provisions are introduced for cases where persons take reprisals or where they provide information to the Commission that they know to be false or misleading.

The Act also places a limit on the number of terms, consecutive or not, that certain members of the board of directors of the Commission de la construction du Québec and certain members of the board of directors of the Commission des normes, de l'équité, de la santé et de la sécurité du travail may complete. It prohibits a person holding a management position within an employers' association or a union association from being a member of the board of directors of one of those bodies if that person is already a member of the other body's board of directors.

Lastly, the Act contains consequential, transitional and final provisions.



Chapter 12

AN ACT TO AMEND VARIOUS LABOUR-RELATED LEGISLATIVE PROVISIONS MAINLY TO GIVE EFFECT TO CERTAIN CHARBONNEAU COMMISSION RECOMMENDATIONS

[Assented to 31 May 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LABOUR STANDARDS

1. Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 201 of chapter 27 of the statutes of 2017, is again amended by replacing “14” in the second paragraph by “15”.

2. Section 122 of the Act, amended by section 202 of chapter 27 of the statutes of 2017, is again amended by adding the following subparagraph at the end of the first paragraph:

“(15) on the ground that the employee has, in good faith, communicated information referred to in section 123.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) to the Commission de la construction du Québec or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.”

3. Section 140 of the Act, amended by section 203 of chapter 27 of the statutes of 2017, is again amended by replacing “, 13 and 14” in paragraph 6 by “and 13 to 15”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

4. Section 3.3 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing the second sentence of the third paragraph by the following sentence: “However, members other than the chair may not be reappointed more than three times, for a consecutive or non-consecutive term.”

5. The Act is amended by inserting the following section after section 3.8:

“3.8.1. A person holding a management position in an association listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1 may not be a member of both the board of directors of the Commission and that of the Commission des normes, de l'équité, de la santé et de la sécurité du travail.”

6. Section 7.1 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(3) take photographs or make videos or sound recordings on a construction site and use them.”

7. Section 41.2 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing the introductory clause of the second paragraph by “The constitution and by-laws of every association listed in subparagraph *c* or *c.2* of the first paragraph of section 1 must, among other things, set out”.

8. Section 83 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) every employer who does not keep all or part of a document for the time prescribed under paragraph *a.1* of section 82;”.

9. Section 86 of the Act is amended by replacing “in the form” and “immediately forward the declaration to the Commission, in the manner determined by it” in the fourth paragraph of paragraph 1 of the second paragraph by “within 10 days of his election and in the form” and “forward the declaration to the Commission within 10 days of receiving it, in the manner determined by the Commission”, respectively.

10. The Act is amended by inserting the following section after section 86:

“86.1. Every association listed or described in any of subparagraphs *a* to *c* or *c.2* of the first paragraph of section 1 must file the following information with the Commission and keep it up to date:

(1) its name;

(2) the address of its head office and, if the head office is outside Québec, the address of its establishment in Québec;

(3) the name and address of its officers and of its representatives other than job-site stewards, the position held by each one and a statement that each of them complies with the conditions set out in section 26;

(4) the name and address of any union, federation, confederation, trades council or federation of such councils with which it is affiliated or with which it has entered into a service contract; and

(5) its legal status.

The association must also provide the Commission with a true copy of its constitution and by-laws or, if it is not endowed with legal personality, of the contract by which it is constituted.

The documents and information required under the first and second paragraphs must be sent to the Commission in the manner it specifies, along with a declaration of an officer attesting that they are true. Any modification to the documents and information must be sent to the Commission within 30 days of the modification.”

11. Section 95 of the Act is repealed.

12. Section 96 of the Act is amended by replacing the introductory clause of subsection 2 by “The constitution of a professional union representing construction employees as well as the contract for the constitution of a group of construction employees not constituted as a legal person must meet the following minimum standards:”.

13. Section 109.1 of the Act is amended by replacing “subsection 4 of section 122 shall be prescribed by one year” and “five” by “this Act are prescribed by three years” and “seven”, respectively.

14. Section 113 of the Act is amended by replacing “\$57 to \$199” by “\$199 to \$965”.

15. Section 113.1 of the Act is amended by replacing “to cause” by “that are reasonably likely to cause”.

16. Section 113.2 of the Act is amended

(1) by replacing “requires an employer to hire specific employees or a specific number of employees” in the first paragraph by “uses intimidation or threats that are reasonably likely to compel an employer to make a decision regarding workforce management in the construction industry or to prevent the employer from making such a decision, or otherwise imposes such a decision”;

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

“Any act listed or described in the second paragraph of section 101 constitutes a decision regarding workforce management.”

17. The Act is amended by inserting the following section after section 113.2:

“**113.3.** Any person who requires or imposes the payment of wages or benefits not reported in the monthly report referred to in subparagraph *b* of the first paragraph of section 82 or of any other benefit not provided for by a collective agreement, makes, receives or participates in such a payment, or incites a person to make such a payment is guilty of an offence and is liable to a fine of \$1,137 to \$11,370.”

18. The Act is amended by inserting the following section after section 113.3:

“**113.4.** Any person who offers, requires from or imposes on an employee, in consideration for hiring the latter, conditions of employment that are inferior to those provided for in a law, regulation or collective agreement is guilty of an offence and is liable to a fine of \$1,137 to \$11,370.”

19. Section 115.1 of the Act is amended by adding the following paragraph at the end:

“(4) any association that contravenes section 86.1.”

20. The Act is amended by inserting the following section after section 119.0.4:

“**119.0.5.** The following are guilty of an offence and liable to a fine of \$2,000 to \$20,000 in the case of a natural person and to a fine of \$10,000 to \$250,000 in other cases:

(1) any person who, when communicating information under section 123.5, provides information that the person knows to be false or misleading; and

(2) any person who contravenes section 123.7.

For any subsequent conviction, the fines are doubled.”

21. Section 119.11 of the Act is amended

(1) by replacing “113.2, 115, 119, 119.0.1” by “113.1, 113.2, 115, 119, 119.0.1, 119.0.3, 119.0.5”;

(2) by inserting “or from being a member of the Commission’s board of directors or of a committee established under this Act” after “representative association”.

22. Section 122 of the Act is amended

(1) by replacing the introductory clause of subsection 2 by “Except where section 123.7 applies, every employer who, without valid reason, proof of which lies on him, dismisses, suspends or lays off an employee or threatens to do so”;

- (2) by inserting “or section 123.7” after “subsection 2” in subsection 3;
- (3) by striking out both occurrences of “knowingly” in subsection 4;
- (4) by replacing “\$3,638” in subparagraph *b* of subsection 4 by “\$5,685”.

23. The Act is amended by inserting the following section after section 123.4.4:

“123.4.5. A public body listed or described in section 4 or 7 of the Act respecting contracting by public bodies (chapter C-65.1) or a municipal body that carries out or causes to be carried out construction work within the meaning of this Act must report to the Commission all demonstrations of violence, threats or intimidation in connection with the carrying out of that work that are brought to its attention.

For the purposes of this section,

(1) “municipal body” means a municipality, metropolitan community, intermunicipal board, public transit authority or northern village, the Kativik Regional Government, a mixed enterprise company or any other body that, under the law, is subject to sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19), articles 934 to 938.4 of the Municipal Code of Québec (chapter C-27.1), sections 106 to 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01); and

(2) “mixed enterprise company” means such a company established under the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or any similar body established under any of chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004.”

24. Section 123.5 of the Act is replaced by the following:

“CHAPTER XIII.2

“IMMUNITY AND PROTECTION AGAINST REPRISALS

“123.5. Any person may communicate to the Commission information concerning an act or omission that the person believes constitutes a violation or offence with respect to this Act or the regulations.

The first paragraph applies despite the provisions on the communication of information provided for in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those provided for in section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on the person, including toward his employer or, if applicable, his client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“123.6. Any person who, in good faith, communicates to the Commission information referred to in section 123.5 or any other information required or authorized to be communicated under this Act or the regulations does not incur any civil liability for doing so.

“123.7. It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, communicated information referred to in section 123.6 or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from communicating information to the Commission or from cooperating in an inquiry, verification or inspection carried out on the basis of such a communication.

The demotion, suspension, dismissal or transfer of a person having communicated information or any measure that adversely affects such a person’s employment or conditions of employment is presumed to be a reprisal.

“123.8. The Commission shall take the measures necessary to ensure that any information communicated to it, including the identity of the person who communicated it, remains confidential.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to or rectify information communicated to the Commission.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

25. Section 144 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by replacing “two” in the first sentence by “three”;

(2) by replacing the second sentence by the following sentence: “They may be reappointed only three times, for consecutive or non-consecutive terms, in accordance with the appointment procedure set out in section 141.”

26. The Act is amended by inserting the following section after section 153:

“**153.1.** A person holding a management position in an employers’ association or a union association may not be a member of both the board of directors of the Commission and that of the Commission de la construction du Québec.”

TRANSITIONAL AND FINAL PROVISIONS

27. Despite section 4, any person, other than the chair, who is a member of the board of directors of the Commission de la construction du Québec on the date of coming into force of that section remains in office. Such a member is considered to be starting a first term on that date.

Such a member may not be reappointed more than three times, for consecutive or non-consecutive terms.

28. Despite section 25, any person, other than the chair of the board of directors and chief executive officer, who is a member of the board of directors of the Commission des normes, de l’équité, de la santé et de la sécurité du travail on the date of coming into force of that section remains in office. Such a member is considered to be starting a first term on that date.

Such a member may not be reappointed more than three times, for consecutive or non-consecutive terms.

29. The provisions of this Act come into force on the date or dates to be set by the Government, except section 8, which comes into force on the date of coming into force of section 165 of chapter 16 of the statutes of 2013.

2018, chapter 13
**AN ACT TO AMEND THE BUILDING ACT AND OTHER
LEGISLATIVE PROVISIONS MAINLY TO GIVE EFFECT TO
CERTAIN CHARBONNEAU COMMISSION
RECOMMENDATIONS**

Bill 162

Introduced by Madam Lise Thériault, Minister responsible for Consumer Protection
and for Housing

Introduced 1 December 2017

Passed in principle 22 March 2018

Passed 30 May 2018

Assented to 31 May 2018

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

– 2018-09-04: ss. 1-45
 O.C. 995-2018
 G.O., 2018, Part 2, p. 3198

Legislation amended:

Building Act (chapter B-1.1)

Act respecting labour standards (chapter N-1.1)

Explanatory notes

The main purpose of this Act is to give effect to certain recommendations of the final report of the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry by introducing various amendments to the Building Act.

Under the Act, the definition of “officer” is amended so that a shareholder holding 10% or more of the voting rights attached to the shares may be considered to be an officer, in particular for purposes of assessment, by the Régie du bâtiment du Québec (Board), of an undertaking’s integrity.

The notion of “guarantor” is added to the Building Act to describe a natural person who, as he has applied for a licence on behalf of a partnership or legal person or holds a licence, becomes responsible for managing the activities for which the licence was issued, including relations between the undertaking and the Board for the purposes of the Act.

The Act introduces a new condition for the issue of a licence, namely, a requirement to hold liability insurance whose nature, coverage and other terms are determined by regulation of the Board.

(cont'd on next page)

Explanatory notes (*cont'd*)

A conviction for certain offences which already warrant a restricted access to public contracts will lead to refusal by the Board to issue a licence and may lead to the cancellation or suspension of a licence. When such a conviction has resulted in a term of imprisonment, a licence cannot be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence. Likewise, a licence will contain a restriction as regards the obtention of a public contract until five years have elapsed since the end of the term of imprisonment imposed by the sentence.

In addition, the Board must cancel a licence if the licence holder or one of the latter's officers has been convicted of an offence or indictable offence referred to in the Building Act after having already been convicted of any such offence or indictable offence in the five years preceding the new conviction.

New grounds related to an undertaking's integrity are introduced to allow the Board to refuse to issue or to suspend or cancel a licence, in particular where the structure of the undertaking enables the latter to evade the application of the Building Act.

The time limit for replacing a guarantor is extended from 90 to 120 days in the case of a guarantor who has died, and from 60 to 90 days in the other cases where a guarantor has ceased to act in that capacity.

A natural person, partnership or legal person whose licence is suspended or cancelled must, at the Board's request and within the time it specifies, provide a list of its construction work under way and the name of the clients concerned and the contact information necessary for the Board to contact them to provide them with useful information for the completion of the work. The above information may also be requested by the Board to enable it to ensure that the ruling it delivered on the suspension or cancellation of the licence is complied with. In addition, a penal provision is added in connection with this new obligation.

Immunity against civil proceedings and protection against reprisals are granted to any person who, in good faith, communicates information to the Board concerning an act or omission that the person believes constitutes a violation or offence with respect to the Building Act. Penal provisions are introduced for cases where persons take reprisals or where they provide information to the Board that they know to be false or misleading.

A new penal offence concerning the use of prête-noms is introduced. In addition, the prescription period applicable in penal matters is extended from one to three years from the date on which the prosecutor becomes aware of the commission of the offence but may not exceed seven years after the offence was committed.

Lastly, the Act contains consequential, transitional and final provisions.



Chapter 13

AN ACT TO AMEND THE BUILDING ACT AND OTHER LEGISLATIVE PROVISIONS MAINLY TO GIVE EFFECT TO CERTAIN CHARBONNEAU COMMISSION RECOMMENDATIONS

[Assented to 31 May 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BUILDING ACT

1. Section 1 of the Building Act (chapter B-1.1) is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(3) to ensure the vocational qualifications, integrity and solvency of contractors and owner-builders.”;

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

“A further purpose of this Act is to establish the Régie du bâtiment du Québec (Board).”

2. Section 7 of the Act is amended by inserting the following definition in alphabetical order:

““**officer**” means a member of a partnership or, in the case of a legal person, a director, an officer within the meaning of the Business Corporations Act (chapter S-31.1) or a shareholder holding 10% or more of the voting rights attached to the shares of the legal person;”.

3. Section 8 of the Act is amended by replacing “less than one year after the completion of earlier work” in paragraph 2 by “less than two years after the date a municipality issued the building permit for previous work or, if no such permit was issued, after the start date of the earlier work”.

4. Section 44 of the Act is amended by replacing “business” in paragraph 2 by “activities”.

5. Section 45 of the Act is repealed.

6. Section 52 of the Act is replaced by the following sections:

“52. The licence for a partnership or legal person is applied for on its behalf by a natural person who wishes to qualify as a guarantor.

To qualify as a guarantor, the person must be an officer of the partnership or legal person, except in the cases prescribed by regulation of the Board, and meet the conditions set out in subparagraphs 1, 3 and 5 of the first paragraph of section 58 and any other requirement prescribed by regulation of the Board.

Where a person other than an officer may, in a case prescribed by regulation, qualify as a guarantor, all provisions of this Act or the regulations that apply to an officer apply to such a person both at the time of application and once the person has qualified.

For the purposes of this Act, a natural person who holds a licence is also considered to be a guarantor.

“52.1. If two or more persons wish to qualify as guarantors, the partnership or legal person shall designate one of them to file the application. However, the Board may, by regulation, require each such person to sign the application.

“52.2. Guarantors are responsible for managing activities in the field for which their knowledge or experience has been recognized by the Board, and must, as such, participate actively and on an ongoing basis in such management.

Guarantors are also responsible for all communications with the Board, in particular as concerns the documents and information the licence holder is required to send the Board under this Act or the regulations. If there are two or more guarantors, the licence holder shall designate one of them to assume that responsibility.”

7. Section 54 of the Act is replaced by the following section:

“54. A person may not be a guarantor for more than one licence, except in the cases authorized by regulation of the Board.”

8. Section 58 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) he holds liability insurance whose nature, coverage and other terms are determined by regulation of the Board;”;

(2) by replacing subparagraph 8 of the first paragraph by the following subparagraph:

“(8) unless he has obtained a pardon, he has not, in the five years preceding the application, been convicted of

(a) an offence under a fiscal law or an indictable offence related to the activities he intends to carry on in the construction industry;

(b) an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(c) an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19); or

(d) an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);”;

(3) by replacing “under a fiscal law or an indictable offence” in subparagraph 8.2 of the first paragraph by “or indictable offence referred to in subparagraph 8”;

(4) by replacing “under a fiscal law or indictable offences” in subparagraph 8.3 of the first paragraph by “or indictable offences referred to in subparagraph 8”;

(5) by inserting “or indictable offence” after “offence” in subparagraph 8.4 of the first paragraph;

(6) by inserting the following subparagraphs after subparagraph 8.4 of the first paragraph:

“(8.5) he has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain a licence;

“(8.6) he has provided a copy of photo identification issued by a government authority;”;

(7) by inserting the following paragraph after the second paragraph:

“Despite subparagraph 8 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a licence may not be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence, unless the person on whom the term of imprisonment was imposed has obtained a pardon.”;

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

“The copy of photo identification filed under subparagraph 8.6 of the first paragraph shall be kept by the Board until the issue date of the licence, the date of the final decision refusing to issue the licence or the date on which the licence application is abandoned. The copy shall then be destroyed in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the Archives Act (chapter A-21.1).”

9. Section 59 of the Act is amended by striking out the third paragraph.

10. Section 59.1 of the Act is amended by striking out “who applies for a licence for himself or on behalf of a partnership or a legal person”.

11. Section 60 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) it holds liability insurance whose nature, coverage and other terms are determined by regulation of the Board;”;

(2) by replacing subparagraphs 6 and 6.0.1 of the first paragraph by the following subparagraphs:

“(6) unless a pardon has been obtained, neither the partnership or legal person or any of its officers or, if it is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), any of its shareholders has, in the five years preceding the application, been convicted of

(a) an offence under a fiscal law or an indictable offence related to the activities it intends to carry on in the construction industry;

(b) an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(c) an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19); or

(d) an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);

“(6.0.1) none of the officers of any of its members in the case of a partnership, or of any of its shareholders in the case of a legal person, has, in the five years preceding the application, been convicted of an offence or indictable offence referred to in subparagraph 6, unless he has obtained a pardon;”;

(3) by replacing “under a fiscal law or indictable offences” in subparagraph 6.3 of the first paragraph by “or indictable offences referred to in subparagraph 6”;

(4) by inserting “or indictable offence” after “offence” in subparagraph 6.4 of the first paragraph;

(5) by inserting the following subparagraphs after subparagraph 6.4 of the first paragraph:

“(6.5) it has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain a licence;

“(6.6) it has provided a copy of photo identification issued by a government authority for each officer;”;

(6) by replacing “under a fiscal law or an indictable offence” in subparagraph 8 of the first paragraph by “or indictable offence referred to in subparagraph 6”;

(7) by inserting the following paragraphs after the second paragraph:

“Despite subparagraphs 6 and 6.0.1 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a licence may not be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence, unless the person on whom the term of imprisonment was imposed has obtained a pardon.

The copy of any photo identification filed under subparagraph 6.6 of the first paragraph shall be kept by the Board until the issue date of the licence, the date of the final decision refusing to issue the licence or the date on which the licence application is abandoned. The copy shall then be destroyed in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the Archives Act (chapter A-21.1).”

12. Section 61 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) was an officer of a partnership or legal person which, in the five years preceding the application, was convicted of an offence or indictable offence referred to in subparagraph 6 of the first paragraph of section 60, unless the partnership or legal person has obtained a pardon;”.

13. Section 62.0.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Board may also refuse to issue a licence where it considers that

(1) the construction work the person or partnership applying for the licence intends to carry out or cause to be carried out is incommensurate with the person’s or partnership’s legal sources of financing; or

(2) the structure of the person or partnership applying for the licence enables that or another person or partnership to evade the application of this Act.”

14. Section 62.0.2 of the Act is amended by replacing “, in actual fact, directly or indirectly under the direction or control” by “directly or indirectly under the direction or the legal or de facto control”.

15. The Act is amended by inserting the following sections after section 62.0.2:

“62.0.3. The Board may refuse to issue a licence where a person or, in the case of a partnership or legal person, any of its officers has, in a previous application, falsified, misrepresented or failed to report a fact in order to obtain a licence.

“62.0.4. The Board may refuse to issue a licence where it considers that the person or partnership applying for the licence is the continuation of another person or partnership that would not have obtained the licence had that person or partnership applied for it.”

16. Section 65.1 of the Act is amended

(1) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) if the licence holder or, in the case of a partnership or a legal person, a person referred to in subparagraph 6 of the first paragraph of section 60 has been convicted, in the last five years,

(a) of an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(b) of an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19); or

(c) of an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);”;

(2) by adding the following subparagraph after subparagraph 4 of the second paragraph:

“(5) if the licence holder is named in the register of enterprises ineligible for public contracts under the Act respecting contracting by public bodies (chapter C-65.1).”;

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

“Despite subparagraph 1 of the second paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, the licence contains a restriction until five years have elapsed since the end of the term of imprisonment imposed by the sentence.”

17. Section 65.4 of the Act is amended by replacing “subdivision” in the first paragraph by “Act”.

18. Section 66 of the Act is amended by replacing “and of the natural persons referred to in section 52, the licence numbers and the classes or subclasses of such licences and any restriction under section 65.1” by “and of the guarantors of partnerships and legal persons, the licence numbers and the classes or subclasses of such licences, the names of sureties and any restriction as regards the obtention of a public contract”.

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

67. The licence holder shall, within 30 days, inform the Board in writing of any change in the holder’s legal structure, in particular in the case of a merger, sale or transfer.

Within the same period, the licence holder shall inform the Board in writing of any change in information or any modification to a document the holder has provided to the Board, in particular with respect to any offences or indictable offences for which the holder, a money lender or, in the case of a partnership or legal person, a person referred to in subparagraph 6 or 6.0.1 of the first paragraph of section 60 has been convicted.

The guarantor shall also, without delay, inform the Board in writing upon ceasing to act in that capacity.”

20. Section 69 of the Act is amended by replacing “person referred to in section 52” in the first paragraph by “guarantor”.

21. Section 70 of the Act is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) no longer meets one of the conditions set out in sections 58 to 62.0.4 for obtaining a licence;”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) has submitted falsified facts to the Board or misrepresented facts, or has failed to provide the Board with information;”;

(3) by replacing subparagraphs 3.1 and 3.2 of the first paragraph by the following subparagraphs:

“(3.1) has failed to send a document or information to the Board even though required to do so under this Act or the regulations;

“(3.2) enters into a contract for the loan of money with a lender even though he was notified by the Board that the lender or an officer of the lender was convicted of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60 and did not obtain a pardon, or was convicted of an offence under paragraph 2 of section 194;”;

(4) by striking out “under a fiscal law” in subparagraph 3.3 of the first paragraph;

(5) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) has failed to comply with an order issued under this Act;”;

(6) by inserting the following subparagraphs after subparagraph 5 of the first paragraph:

“(5.1) has submitted a bid for a public contract or entered into such a contract even though his licence contained a restriction as regards the obtention of a public contract;

“(5.2) has acted as a contractor or owner-builder even though his licence was suspended or cancelled;”;

(7) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) has an officer who has not been discharged after being declared bankrupt;”;

(8) by adding the following subparagraph at the end of the first paragraph:

“(13) has failed to provide the Board with what is needed to carry out a verification or inspection.”;

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

“The Board must also cancel a licence where the licence holder or, in the case of a partnership or legal person, one of its officers has been convicted of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60, after having already been convicted of any such offence or indictable offence in the five years preceding the new conviction, unless, in the meantime, the holder or officer has obtained a pardon.”

22. The Act is amended by inserting the following section after section 70:

“**70.0.1.** The Board may suspend or cancel a licence where a guarantor has submitted falsified facts to it or misrepresented facts, failed to provide it with information or failed to comply with any of his obligations under this Act or the regulations.”

23. Section 72 of the Act is amended

(1) by replacing “business” by “latter’s activities”;

(2) by replacing “90” by “120”.

24. Section 73 of the Act is replaced by the following section:

“**73.** The licence of a partnership or legal person ceases to have effect 90 days after the date on which the guarantor ceases to act in that capacity. In the case of the death of the guarantor, the period is increased to 120 days.

However, that partnership’s or legal person’s licence remains in force if another guarantor is responsible for managing activities in the same area as that for which the knowledge or experience of the guarantor referred to in the first paragraph was recognized.

In addition, where a licence includes several subclasses and the guarantor referred to in the first paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another person acts as a guarantor for each of the other subclasses and is responsible for managing the activities in every other skill area.”

25. Section 75 of the Act is amended by replacing “deciding on the suspension or cancellation of any licence” in the first paragraph by “refusing to issue a licence or before ordering the suspension or cancellation of a licence”.

26. The Act is amended by inserting the following section after section 76:

“76.1. A natural person, partnership or legal person whose licence is suspended or cancelled shall, at the Board’s request and within the time it specifies, provide the list of construction work under way, the name of the clients concerned and the contact information necessary for the Board to contact them to provide them with useful information for the completion of the work.

The information required under the first paragraph may also be requested by the Board to enable it to ensure that the ruling it delivered on the suspension or cancellation of the licence is complied with.”

27. Section 109.6 of the Act is amended

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

“(1) to decide whether a licence or an amendment to a licence may be refused in light of the conditions set out in any of

(a) subparagraph 4, subparagraph *a* of subparagraph 8 and subparagraphs 8.2 to 8.5 of the first paragraph of section 58;

(b) sections 59 and 59.1;

(c) subparagraph 3, subparagraph *a* of subparagraph 6, and subparagraphs 6.0.1, 6.3 to 6.5 and 8 of the first paragraph of section 60; and

(d) sections 61 to 62.0.4;”;

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

“(4) to decide to suspend or cancel a licence under any of

(a) subparagraphs 1, 3 to 5.2 and 11 to 13 of the first paragraph of section 70 and the second paragraph of that section;

(b) subparagraph 2 of the first paragraph of section 70 but only insofar as the decision is related either to one of the conditions referred to in paragraph 1 of this section or to subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60; and

(c) section 70.0.1;”.

28. Section 111 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) to cooperate in efforts to prevent and to fight corruption and fraudulent practices in the construction industry;”.

29. Section 129 of the Act is amended by adding the following paragraph at the end:

“This section also applies to a commissioner in the exercise of the functions provided for in section 109.6.”

30. Section 129.2 of the Act is replaced by the following:

“DIVISION II.2

“IMMUNITY AND PROTECTION AGAINST REPRISALS

“**129.2.** Any person may communicate to the Board information concerning an act or omission that the person believes constitutes a violation or offence with respect to this Act or the regulations.

The first paragraph applies despite the provisions on the communication of information provided for in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those provided for in section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on the person, including toward his employer or, if applicable, his client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“**129.2.1.** Any person who, in good faith, communicates to the Board information referred to in section 129.2 or any other information required or authorized to be communicated under this Act or the regulations does not incur any civil liability for doing so.

“**129.2.2.** It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, communicated information referred to in section 129.2.1 or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from communicating information to the Board or from cooperating in an inquiry, verification or inspection carried out on the basis of such a communication.

The demotion, suspension, dismissal or transfer of a person having communicated information or any other measure that adversely affects such a person’s employment or conditions of employment is presumed to be a reprisal.

“129.2.3. The Board shall take the measures necessary to ensure that any information communicated to it, including the identity of the person who communicated it, remains confidential.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to or rectify information communicated to the Board under section 129.2.”

31. Section 130 of the Act is amended

(1) by inserting “and the first two paragraphs of section 129” after “117” in subparagraph 2 of the third paragraph;

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

“The instrument of delegation may authorize the president and chief executive officer to subdelegate, in writing, the powers mentioned in subparagraph 2 of the third paragraph to any person designated under that subparagraph.”

32. Section 145 of the Act is amended by striking out “a commissioner,” in the first paragraph.

33. Section 185 of the Act is amended

(1) by replacing “all or certain natural persons who are licence holders and all or certain natural persons referred to in section 52” in paragraph 9.1 by “all or certain guarantors”;

(2) by inserting the following paragraph after paragraph 9.1:

“(9.2) prescribe that documents required under this Act or a regulation must be sent or received using the medium, technology or method of transmission specified in the regulation;”;

(3) by replacing “on behalf of” in paragraph 10 by “who wishes to qualify as a guarantor for”;

(4) by inserting the following paragraphs after paragraph 11:

“(11.1) determine the nature, coverage and other terms of liability insurance a natural person, partnership or legal person applying for a licence must hold;

“(11.2) require each natural person who wishes to qualify as a guarantor for the same licence to sign the licence application;”;

(5) by replacing “apply for a licence on behalf of a partnership or legal person” in paragraph 12 by “be a guarantor”;

(6) by replacing “to apply for a licence on behalf of more than one partnership or legal person” in paragraph 13 by “to be a guarantor for more than one licence”.

34. Section 194 of the Act is amended

(1) by replacing “for purposes of obtaining a licence” in paragraph 1 by “or fail to provide information in order to obtain a licence”;

(2) by inserting “or the regulations” after “this Act” in paragraph 2;

(3) by inserting “76.1,” after “69,” in paragraph 7.

35. Section 196.2 of the Act is amended by replacing “within the meaning of section 45 was convicted, in the five years preceding the loan, of an indictable offence connected with the lender’s business, or an indictable offence under sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46), unless he has obtained a pardon,” by “was convicted, in the five years preceding the loan, of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60 and has not obtained a pardon”.

36. Section 197.1 of the Act is replaced by the following section:

“197.1. Any person who contravenes section 46 or 48 is guilty of an offence and is liable, as the case may be, to a fine

(1) of \$5,606 to \$28,028 in the case of an individual and \$16,817 to \$84,087 in the case of a legal person if the individual or legal person does not hold a licence of the appropriate class or subclass or uses the services of another person who does not hold a licence of the appropriate class or subclass; or

(2) of \$11,213 to \$84,087 in the case of an individual and \$33,635 to \$168,172 in the case of a legal person if the individual or legal person does not hold a licence or uses the services of another person who does not hold a licence.”

37. The Act is amended by inserting the following section after section 197.1:

“197.2. Any person who, on applying for a licence or at any time during the licence’s term of validity, acts as a prête-nom, calls on a prête-nom or has a prête-nom among its officers is guilty of an offence and is liable to a fine of \$11,213 to \$84,087 in the case of an individual and \$33,635 to \$168,172 in the case of a legal person.”

38. The Act is amended by inserting the following section after section 199:

“**199.1.** Any person who

(1) provides information that the person knows to be false or misleading when communicating information under section 129.2.1, or

(2) contravenes section 129.2.2,

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of an individual and \$10,000 to \$250,000 in the case of a legal person.

On a subsequent conviction, the fines are doubled.”

39. Section 212 of the Act is amended

(1) by replacing “one year” by “three years”;

(2) by replacing “five” by “seven”.

ACT RESPECTING LABOUR STANDARDS

40. Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 201 of chapter 27 of the statutes of 2017, is again amended by replacing “14” in the second paragraph by “15”.

41. Section 122 of the Act, amended by section 202 of chapter 27 of the statutes of 2017, is again amended by adding the following subparagraph at the end of the first paragraph:

“(15) on the ground that the employee has, in good faith, communicated information to the Régie du bâtiment du Québec under section 129.2.1 of the Building Act (chapter B-1.1) or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.”

42. Section 140 of the Act, amended by section 203 of chapter 27 of the statutes of 2017, is again amended by replacing “11, 13 and 14” in paragraph 6 by “11 and 13 to 15”.

TRANSITIONAL AND FINAL PROVISIONS

43. The Régie du bâtiment du Québec may suspend or cancel a licence it issued before the date of coming into force of paragraph 7 of section 8 or paragraph 7 of section 11, as applicable, on the ground that the licence could not have been issued on the date it was issued if either of those paragraphs had been in force.

44. A licence issued before the coming into force of paragraph 3 of section 16 contains, if applicable, the restriction referred to in the third paragraph of section 65.1 of the Building Act (chapter B-1.1), enacted by that paragraph 3, even if more than five years have elapsed since the conviction for an offence or indictable offence contemplated in subparagraph 1 of the second paragraph of section 65.1.

In such a case, the Board must indicate on the licence that it contains a restriction.

45. A function which, before the date of coming into force of section 27, was performed by a commissioner under section 109.6 of the Building Act continues to be performed by the commissioner where the notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) was notified before that date.

46. The provisions of this Act come into force on the date or dates to be set by the Government.

2018, chapter 14
**AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING CONSUMER PROTECTION**

Bill 178

Introduced by Madam Lise Thériault, Minister responsible for Consumer Protection
and for Housing

Introduced 18 April 2018

Passed in principle 16 May 2018

Passed 6 June 2018

Assented to 6 June 2018

Coming into force: 6 June 2018, except

(1) section 1, paragraph 3 of section 2, and sections 3 to 6 and 25, which come into force on the date or dates to be set by the Government;

(2) sections 10, 17, 18, 22, 24 and 27, which come into force on 1 October 2018; and

(3) paragraph 2 of section 15, and sections 16 and 23, which respectively come into force on the date or dates to be set by the Government for the coming into force of sections 9, 67 and 71 of chapter 24 of the statutes of 2017.

Legislation amended:

Travel Agents Act (chapter A-10)

Act respecting prearranged funeral services and sepultures (chapter A-23.001)

Consumer Protection Act (chapter P-40.1)

Regulation amended:

Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3)

Explanatory notes

This Act proposes various amendments to protect consumers.

The Act makes amendments to the Act respecting prearranged funeral services and sepultures. It makes the inclusion of certain information compulsory in contracts relating to funeral services or a sepulture intended for a deceased person that are entered into after the person's death, and consequently amends the title of that Act since the Act will no longer be restricted to contracts entered into before death. The

(cont'd on next page)

Explanatory notes (*cont'd*)

Act requires the Minister responsible for the administration of that Act to create a register of prearranged funeral services contracts and pre-purchased sepulture contracts and to determine the terms governing its operation.

The Act also proposes amendments to the Consumer Protection Act to introduce a protection regime governing contracts relating to timeshare accommodation rights whose object is, in particular, to enable consumers to obtain accommodation rights that allow them to use an accommodation unit, or points or another medium of exchange that can be exchanged for accommodation rights.

The Act introduces rules specific to the making of that type of contract and sets out the compulsory information such a contract must include. It prohibits making the entering into or the performance of such a contract conditional on the entering into of a credit contract. It provides that any accessory contract entered into on the making of or in relation to a contract relating to timeshare accommodation rights is subject to the same obligations as the principal contract. It grants consumers the right to resolve the contract without charge or penalty within 10 days of signing it and specifies the circumstances in which that right is extended to one year.

The Act imposes on merchants who enter into a contract relating to timeshare accommodation rights the obligation to establish a payment schedule for each year covered by the contract. It sets out the elements to be included in the schedule as well as the terms and conditions applicable to the payments. Furthermore, the Act introduces a disclosure obligation related to promotion made by merchants engaged in the business of such contracts, prohibits certain stipulations and provides that such contracts may not be automatically renewed.

The Act makes the Consumer Protection Act applicable to contracts relating to the resale of tickets entered into between two merchants. It requires resellers to inform the consumer of the place or seat the resold ticket authorizes the ticket holder to occupy, and of the fact that the price paid for the ticket will be refunded to the consumer under certain circumstances. It prohibits the resale of tickets when they are not in the possession or under the control of the reseller. It also prohibits the use or sale, for the purpose of purchasing tickets, of software that circumvents a safety measure or control system put in place by the producer of a show or by the authorized seller, and prohibits the resale of tickets obtained using such software.

The Act provides that a merchant or the latter's representative may not propose variable credit in person to consumers in certain educational institutions. However, it provides that the prohibition does not apply to a merchant who makes such a proposal in the latter's establishment if it is located in an educational institution.

Lastly, the Act makes certain technical amendments to the Travel Agents Act and the Consumer Protection Act.



Chapter 14

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING CONSUMER PROTECTION

[Assented to 6 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

1. The title of the Act respecting prearranged funeral services and sepultures (chapter A-23.001) is amended by replacing “prearranged” by “arrangements for”.

2. Section 2 of the Act is amended

(1) by inserting “, subject to section 81.1,” after “except” in the first paragraph;

(2) by replacing “person” in the first paragraph by “buyer”;

(3) by adding the following sentence at the end of the first paragraph: “This Act, except Chapter II, excluding section 3, Chapters III and IV, excluding section 39, and Chapter V, also applies, with the necessary modifications, to contracts relating to funeral services or a sepulture entered into after a death.”

3. Chapter II of the Act is amended by replacing the portion before section 3 by the following:

“CHAPTER II

“PREARRANGED FUNERAL SERVICES CONTRACTS AND PREPURCHASED SEPULTURE CONTRACTS

“DIVISION I

“PRELIMINARY PROVISIONS

“2.1. This chapter applies to prearranged funeral services contracts and pre-purchased sepulture contracts.”

4. The Act is amended by inserting the following chapter after section 18:

“CHAPTER II.1

“CONTRACTS RELATING TO FUNERAL SERVICES OR A SEPULTURE ENTERED INTO AFTER DEATH

“18.1. This chapter applies to contracts relating to funeral services or a sepulture intended for a deceased person that are entered into after the person’s death.

“18.2. Every contract must be evidenced in writing and the rules governing the making of contracts set out in sections 24 to 28 and 30 to 33 of the Consumer Protection Act (chapter P-40.1) apply, with the necessary modifications, to such a contract, including any modification to it.

“18.3. Every contract must set forth

- (1) the name and address of the buyer and those of the deceased person;
- (2) the name and address of the seller and, if applicable, those of his representative;
- (3) the number and date of the contract and the address where it is signed;
- (4) the description of each item of goods and service;
- (5) the price of each item of goods and service and the charges exigible under federal or provincial law;
- (6) the total amount the buyer must pay for goods, the total amount he must pay for services and the total price of the contract;
- (7) the terms and conditions of payment; and
- (8) any other information prescribed by regulation.

Every contract modification must identify the contract and describe the changes to which the parties have agreed, including any resulting changes in the information required under subparagraphs 5, 6 and 7 of the first paragraph. Every contract modification is deemed to form part of the contract.”

5. Section 55 of the Act is amended

- (1) by replacing “set out in section 4” in the first paragraph by “contemplated in sections 4 and 18.2”;

(2) by inserting the following paragraph after the first paragraph:

“Despite the first paragraph, the buyer may not apply for the nullity of a contract contemplated in Chapter II.1 if the seller has already begun to provide the services stipulated in the contract.”

6. Section 64 of the Act is amended

(1) by replacing “referred to in section 4” in paragraph 1 by “referred to in sections 4 and 18.2”;

(2) by inserting the following paragraph after paragraph 3:

“(3.1) fails to indicate, in a contract referred to in Chapter II.1 or in a modification to such a contract, any particular prescribed by section 18.3 for the contract or modification;”.

7. The Act is amended by inserting the following section after section 81:

“81.1. The Minister must, by regulation and within 24 months after the coming into force of this provision, establish a register of prearranged funeral services contracts and prepurchased sepulture contracts. The regulation may prescribe

(1) the contracts and the information they contain that must be entered in the register;

(2) the conditions, terms and periods for making or cancelling entries in the register;

(3) the persons authorized to consult or modify the register and the terms for consulting or modifying it;

(4) the seller’s obligation, prior to entering into a contract, to consult the register and inform the buyer of any contract already entered into concerning the person for whom the goods or services stipulated in the proposed contract are intended;

(5) the fees for making, modifying and cancelling entries in the register and for consulting the register;

(6) any other measure for the efficient use and operation of the register; and

(7) the provisions of the regulation whose violation constitutes an offence and, for each offence, the minimum and maximum amounts of the fine to which the offender is liable, without exceeding \$10,000.

Despite section 2, the regulation may apply to contracts entered into between a buyer and the operator of a religious cemetery and contracts for which partial or total payment need not be made before death.

The Minister may assume the operations management of the register or entrust it to a body subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). The Minister shall enter into a written agreement with that manager.”

CONSUMER PROTECTION ACT

8. Section 1 of the Consumer Protection Act (chapter P-40.1) is amended by inserting the following subparagraph after subparagraph *d* of the first paragraph:

“(d.1) “ticket” means any document or instrument that, on presentation, grants the ticket holder admission to a show, sporting event, cultural event, exhibition or any other kind of entertainment;”.

9. The Act is amended by inserting the following section after section 2.1:

“**2.2.** Despite section 2, sections 236.1, 236.2, 236.4, 261 and 263 to 267, Chapter III of Title IV and Title V also apply, with the necessary modifications, where a merchant enters or proposes to enter into a contract for the resale of tickets with other merchants.”

10. Section 23 of the Act is amended by inserting “187.14,” after “158,”.

11. Section 54.4 of the Act is amended by inserting the following subparagraph after subparagraph *d* of the first paragraph:

“(d.1) if applicable, the information required under subparagraph *c* of the second paragraph of section 236.1 and under section 236.3;”.

12. Section 54.9 of the Act is amended by replacing “tickets to an event” and “attend” in paragraph *b* by “a ticket” and “be admitted to”, respectively.

13. The Act is amended by inserting the following section after section 54.9:

“**54.9.1.** In addition to the cases provided for in sections 54.8 and 54.9, in the case of a distance contract relating to a resale ticket, the consumer may cancel the contract

(a) at any time after the date on which the event to which the ticket grants admission is cancelled, but before, if applicable, the new scheduled date of the event;

(b) at any time after the merchant has performed his principal obligation, but before the event to which the ticket grants admission, in any of the situations referred to in paragraph *c* of section 236.3.”

14. Section 54.12 of the Act is amended by replacing “another merchant” in the third paragraph by “a third-party merchant”.

15. Section 62 of the Act, amended by section 9 of chapter 24 of the statutes of 2017, is again amended

(1) by replacing “another merchant” in the second paragraph by “a third-party merchant”;

(2) by replacing “other merchant” in the third paragraph by “third-party merchant”.

16. Section 150.22 of the Act is replaced by the following section:

“150.22. In addition to the information that may be required by regulation, a contract of lease with guaranteed residual value must contain or state the following, presented in conformity with the model prescribed by regulation:

- (a) a description of the goods to be provided under the contract;
- (b) the retail value of the goods and, if applicable, the payment on account paid by the consumer and the amount of the net obligation;
- (c) the value of any goods given in exchange;
- (d) the implied credit charges claimed from the consumer and the consumer’s maximum obligation under the contract;
- (e) the term of the contract;
- (f) the implied credit rate;
- (g) the date on which the implied credit charges begin to accrue, or how that date is determined;
- (h) the amount and due date of each payment;
- (i) if entering into an insurance contract is a condition for entering into the contract, a statement that the consumer has the right to use an existing insurance policy or to purchase insurance from the insurer and insurance representative of the consumer’s choice, subject to the merchant’s right to disapprove the insurance selected or held by the consumer on reasonable grounds; and
- (j) the date of delivery of the goods.”

17. The Act is amended by inserting the following division after section 187.9, enacted by section 44 of chapter 24 of the statutes of 2017:

“DIVISION V.3

“CONTRACT RELATING TO TIMESHARE ACCOMMODATION RIGHTS

“187.10. For the purposes of this division, a contract relating to timeshare accommodation rights is a contract whose object is the obtaining, by onerous title, of

(a) one or more accommodation rights, allowing the use of an accommodation unit or item of goods, whether situated in Québec or not, for a determinate or determinable period, with or without the possibility of exchanging the right as consideration for another determinate or determinable item of goods or service, including another accommodation unit;

(b) points or any other medium of exchange conferring on the consumer the right to exchange them as consideration for one or more accommodation rights defined in subparagraph *a*;

(c) a right to participate in an exchange system that allows the consumer to obtain, as consideration for the goods or services contemplated in subparagraphs *a* and *b*, another accommodation right, item of goods, service or benefit.

This division does not apply to a contract whose term is less than one year unless, by way of a clause of renewal or another stipulation, the contract could extend beyond a one-year period.

A consideration referred to in the first paragraph may be accompanied by a benefit, service or medium of exchange allowing the acquisition of goods or services and it may be offered by the merchant or by a third-party merchant with whom the merchant cooperates with a view to granting goods, services or other benefits under the contract relating to timeshare accommodation rights.

For the purposes of this division, any other contract having the characteristics determined by regulation is also a contract relating to timeshare accommodation rights.

“187.11. This division, except section 187.13, applies, with the necessary modifications, to any contract not otherwise contemplated in this division and entered into by the consumer, even with a third-party merchant, on the making of or in relation to a contract relating to timeshare accommodation rights.

“187.12. Sections 56, 58 and 60 to 63 and Divisions V.1 and V.2 do not apply to contracts relating to timeshare accommodation rights.

“**187.13.** A contract relating to timeshare accommodation rights is deemed to be a service contract.

“**187.14.** A contract relating to timeshare accommodation rights must be evidenced in writing. In addition to the information that may be required by regulation, it must contain or state the following, presented in conformity with the model prescribed by regulation:

(a) a statement, in the title and before any other indication, that the contract is a contract relating to timeshare accommodation rights;

(b) the date on which the contract is made and the address where it is signed;

(c) the consumer’s name, address, telephone number and, if applicable, technological address;

(d) the merchant’s name, the address and telephone number of the merchant’s principal establishment in Québec and, if applicable, the merchant’s fax number, technological address, itinerant merchant’s permit number and Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(e) if applicable, the name, address and telephone number of any accommodation establishment mentioned in the contract where the consumer obtains mainly an accommodation right or, as the case may be, the location of any item of goods where the consumer obtains mainly such a right;

(f) if applicable, the name, address, telephone number, technological address and, if any, fax number of each representative of the merchant, or of any enterprise and each of its representatives acting on behalf of the merchant, that made representations to the consumer or negotiated or signed the contract;

(g) the date on which the merchant must begin to perform his principal obligation and, if applicable, the start and end dates of any period during which the merchant is required to perform the obligations stipulated in the contract;

(h) the term and expiry date of the contract;

(i) a detailed description of the goods and services to be provided under the contract, including a description of any other goods and services put at the consumer’s disposal, as well as the conditions for the consumer to benefit from them, including, if applicable, the deadline for the consumer to set the date on which he will exercise his accommodation right during a performance period and the fees to benefit from optional goods or services;

(j) the fees to obtain an accommodation right, their amount on an annual basis if they are calculated on a basis other than annual, and the total of such amounts for the entire term of the contract;

(k) a detailed description of the compulsory associated costs under the contract, other than those referred to in subparagraph *n*, as well as their amount on an annual basis if they are calculated on a basis other than annual, and the total of such amounts for the entire term of the contract;

(l) if applicable, a detailed description of the rights granted under the exchange system and the conditions applicable to the exercise of those rights;

(m) if applicable, the name of the third-party merchant providing an exchange system, and that merchant's address, telephone number and, if any, technological address and fax number;

(n) if applicable, a detailed description of the fees charged for participation in the exchange system, including membership fees and compulsory associated costs, their amount on an annual basis if they are calculated on a basis other than annual, and the total of such amounts for the entire term of the contract;

(o) the total amount to be paid by the consumer under the contract, including any credit charges;

(p) if applicable, the total amount to be paid by the consumer under any contract entered into with a third-party merchant on the making of the contract relating to timeshare accommodation rights, including any credit charges;

(q) the total of the amounts referred to in subparagraphs *o* and *p*;

(r) the terms and conditions of payment, including a payment schedule that complies with section 187.17 and the currency in which all amounts owing are payable if not Canadian dollars;

(s) if the contract is also a credit contract, the terms and conditions of payment indicated as provided for in section 115, 125 or 150, as the case may be;

(t) a statement that the merchant may not collect payment from the consumer before beginning to perform his obligation;

(u) the right granted to the consumer to resolve the contract at his sole discretion within 10 days after that on which each of the parties is in possession of a duplicate of the contract; and

(v) the other circumstances in which the consumer may resolve or resiliate the contract, any applicable conditions and the time within which the merchant must refund the consumer.

The merchant must attach a Statement of consumer resolution and resiliation rights and a resolution and resiliation form that are in conformity with the model prescribed by regulation to the duplicate of the contract which he remits to the consumer.

For the purposes of subparagraph *d* of the first paragraph, “principal establishment” means the establishment or office in which the merchant mainly carries on business. The merchant must, after the signing of the contract, notify the consumer of any change regarding that place.

“**187.15.** Any stipulation that results in the automatic renewal of a contract relating to timeshare accommodation rights is prohibited.

“**187.16.** The merchant may not make the entering into or the performance of a contract relating to timeshare accommodation rights dependent upon the entering into of a credit contract.

“**187.17.** The total of the amounts referred to in subparagraph *q* of the first paragraph of section 187.14 is divided into approximately equal annual instalments.

The annual instalments must appear in a payment schedule stating the total to be paid each year and the dates on which the instalments must be paid.

“**187.18.** Any stipulation that results in a departure from the conditions provided for in section 187.17 is prohibited.

“**187.19.** The merchant may not collect a partial or full payment from the consumer before the expiry of the resolution period provided for in the first paragraph of section 187.21.

“**187.20.** The merchant must send the consumer a statement of account at least 21 days before the date on which the creditor may demand payment of the annual instalment concerned.

The statement of account must mention the amount payable and, if applicable, the deadline for the consumer to fulfill his obligation without being required to pay credit charges.

The statement of account may be sent to the consumer’s technological address if expressly authorized by the consumer. The consumer may withdraw his authorization at either time by notifying the merchant.

The statement of account must be sent in such a way that the consumer is able to easily retain it by printing it or otherwise.

“**187.21.** The contract may be resolved at the discretion of the consumer within 10 days following that on which each of the parties is in possession of a duplicate of the contract.

That period is, however, extended to one year from the date on which the contract is made in either of the following cases:

(a) the contract is inconsistent with any of the rules set out in sections 25 to 28 for the making of contracts, or one of the particulars required under section 187.14 does not appear in the contract; or

(b) a Statement of consumer resolution and resiliation rights and a resolution and resiliation form that are in conformity with the model prescribed by regulation were not attached to the contract at the time the contract was made.

“187.22. The consumer avails himself of the right of resolution or resiliation by returning the form provided for in section 187.14 or by sending the merchant or the merchant’s representative another written notice to that effect.

“187.23. The contract is resolved by operation of law from the sending of the form or notice.

“187.24. Any contract entered into by a consumer, even with a third-party merchant, on the making of or in relation to a contract relating to timeshare accommodation rights and that results from an offer, representation or other action by the merchant who is party to the contract relating to timeshare accommodation rights forms a whole with the latter contract and is resolved or resiliated by operation of law at the time the contract relating to timeshare accommodation rights is resolved or resiliated.

In addition, the consumer may, with respect to a contract entered into with a third-party merchant and contemplated in the first paragraph, exercise directly against the merchant a recourse based on the non-performance of the contract or on the provisions of this Act.

The third-party merchant to whom the first paragraph applies because of a credit contract may not, before the expiry of the resolution period provided for in the first paragraph of section 187.21, remit directly to the merchant all or part of the sum for which credit is extended to the consumer.

“187.25. Within 15 days after resolution or resiliation, for the reason set out in section 187.26, of the contract relating to timeshare accommodation rights, the merchant must refund all sums paid by the consumer under the contract and under any other contract contemplated in section 187.24, including sums paid to a third-party merchant.

Within 15 days after such resolution or resiliation of the contract, the consumer must, if applicable, make restitution to the merchant of the goods provided under the contract in the condition in which they were received by the consumer.

The merchant shall assume the costs of restitution.

“**187.26.** The consumer may, at his discretion, resiliate the contract without cost or penalty before the merchant begins performing his principal obligation.

“**187.27.** If the parties to a contract relating to timeshare accommodation rights agree to amend the contract and if the amendment increases the consumer’s obligation or reduces the merchant’s obligation, the merchant must sign a new contract containing the amendments agreed on and provide it to the consumer for signature.”

18. The Act is amended by inserting the following sections after section 229:

“**229.1.** No person may, when making or promoting a contract relating to timeshare accommodation rights, make representations implying that the contract is an investment, unless the person gives the consumer a document showing the truthfulness of the representations.

“**229.2.** No merchant engaged in the business of contracts relating to timeshare accommodation rights may make representations to directly or indirectly promote timeshare accommodation rights without indicating that the merchant is engaged in such business.”

19. Section 236.1 of the Act is amended

(1) by adding the following subparagraph at the end of the second paragraph:

“iii. of the place or seat the ticket authorizes the ticket holder to occupy, unless no specific place or seat is assigned by the ticket.”;

(2) by striking out the third paragraph.

20. The Act is amended by inserting the following sections after section 236.1:

“**236.2.** No person may sell or use software enabling the purchase of tickets by circumventing a security measure or control system put in place by the producer of a show or by the seller authorized by the producer.

No person may resell, or facilitate the resale of, a ticket obtained using software referred to in the first paragraph.

“**236.3.** No person may resell a ticket without first informing the consumer that the price paid for the ticket will be refunded to the consumer in any of the following situations:

(a) the event to which the ticket grants admission is cancelled;

(b) the ticket does not grant the buyer admission to the event for which the ticket was purchased; or

(c) the event to which the ticket grants admission, the place or seat the ticket authorizes the ticket holder to occupy or the value of the ticket does not correspond to the representations made to the consumer.

“236.4. No person may resell a ticket that is not in his possession or under his control.”

21. The Act is amended by inserting the following section after section 245.2, enacted by section 56 of chapter 24 of the statutes of 2017:

“245.3. No merchant may, personally or through a representative, in an educational institution referred to in any of paragraphs *a*, *b* and *e* to *g*.1 of section 188, propose variable credit in person to consumers.

The first paragraph does not apply where the proposal takes place in the establishment of the merchant that is situated in an educational institution.”

22. Section 350 of the Act is amended by adding the following paragraph after paragraph *z*.5:

“(z.6) determining the characteristics of any other contract that constitutes a contract relating to timeshare accommodation rights for the purposes of Division V.3 of Chapter III of Title I.”

TRAVEL AGENTS ACT

23. Section 36 of the Travel Agents Act (chapter A-10), amended by section 71 of chapter 24 of the statutes of 2017, is again amended by replacing “maintenance” in subparagraph *b*.2 of the first paragraph by “renewal”.

REGULATION RESPECTING THE APPLICATION OF THE CONSUMER PROTECTION ACT

24. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by inserting the following after section 45.4:

“DIVISION III.2

“CONTRACT RELATING TO TIMESHARE ACCOMMODATION RIGHTS

“45.5. The Statement of consumer resolution and resiliation rights and the resolution and resiliation form that the merchant must attach to the contract under the second paragraph of section 187.14 of the Act constitute a document on which appears only the compulsory notice immediately followed by the following compulsory form:

“(CONSUMER PROTECTION ACT, SECTION 187.14)

STATEMENT OF CONSUMER RESOLUTION AND RESILIATION RIGHTS

You may resolve this contract for any reason within 10 days after you receive a duplicate of the contract along with the other documents that must be attached to it.

The resolution period may be extended to one year if the contract does not comply with the provisions of the Act.

You may also resiliate the contract for any reason, without cost or penalty, before the merchant begins performing his principal obligation.

To resolve or resiliate the contract, you must send the merchant or the merchant’s representative the resolution and resiliation form printed below, or send him another written notice to that effect. The form or notice must be sent to the merchant at the address indicated on the form, or at any other address of the merchant or merchant’s representative indicated in the contract. You may give notice of resolution or resiliation by personal delivery or by any other method. It is recommended to use a method that will allow you to prove that you gave notice, including registered mail, email, fax or courier.

If the contract is resolved or resiliated for the above reason, the merchant must, if applicable and within 15 days, refund all amounts you have paid him. You also have 15 days to return to the merchant any goods you received under the contract.

It is in your interest to refer to sections 187.21 to 187.26 of the Consumer Protection Act (chapter P-40.1).

A contract related to timeshare accommodation rights is considered a service contract. You may resiliate your contract for other reasons, and you have other rights and recourses.

For further information, you may contact a legal adviser or the Office de la protection du consommateur.

RESOLUTION AND RESILIATION FORM (detachable from schedule)

TO BE COMPLETED BY THE MERCHANT

To:
(name of merchant)

.....

.....
(address of merchant or representative)

Telephone number of merchant or representative:

(.....)

Fax number of merchant or representative:

(.....)

Technological address of merchant or representative:

.....

TO BE COMPLETED BY THE CONSUMER

DATE: (date on which form is sent)

Under section 187.21 or 187.26 of the Consumer Protection Act, I hereby cancel contract No. (CONTRACT NUMBER, IF ANY) entered into on (date on which contract was entered into)

..... (name of consumer)

Telephone number of consumer: (.....)

Fax number of consumer: (.....)

Technological address of consumer:

.....
(address of consumer)

.....
(signature of consumer)".

The statement must show

- (a) the heading, in bold type of at least 12 points;
- (b) the statement of the 10-day resolution rights contained in the first paragraph, in typeface of at least 12 points;
- (c) all numbers in bold type.

The remainder of the text of the statement and of the resolution and resiliation form must be in typeface of at least 10 points.”

TRANSITIONAL AND FINAL PROVISIONS

25. Unless the context indicates otherwise, in any Act, regulation or other document, a reference to the Act respecting prearranged funeral services and sepultures (chapter A-23.001) becomes a reference to the Act respecting arrangements for funeral services and sepultures.

26. The provisions of this Act do not apply to contracts in force at the time those provisions come into force, except contracts relating to timeshare accommodation rights for the purposes of sections 187.10, 187.13, 187.24 and 187.26 of the Consumer Protection Act (chapter P-40.1), as enacted by this Act.

Stipulations in contracts in force that are contrary to section 187.15 of the Consumer Protection Act, as enacted by this Act, are without effect for the future.

27. Until a regulation made under paragraph *b* of section 350 of the Consumer Protection Act for the purposes of the first paragraph of section 187.14 of that Act, enacted by section 17, prescribes a model for contracts relating to timeshare accommodation rights, any such contract must put more emphasis on the information referred to in subparagraphs *a*, *d*, *g*, *o* to *r*, *t* and *u* of the first paragraph of section 187.14.

28. This Act comes into force on 6 June 2018, except

(1) section 1, paragraph 3 of section 2, and sections 3 to 6 and 25, which come into force on the date or dates to be set by the Government;

(2) sections 10, 17, 18, 22, 24 and 27, which come into force on 1 October 2018; and

(3) paragraph 2 of section 15, and sections 16 and 23, which respectively come into force on the date or dates to be set by the Government for the coming into force of sections 9, 67 and 71 of chapter 24 of the statutes of 2017.

2018, chapter 15

AN ACT TO DEFER THE NEXT GENERAL SCHOOL ELECTION AND TO ALLOW THE GOVERNMENT TO PROVIDE FOR THE USE OF A REMOTE VOTING METHOD

Bill 185

Introduced by Mr. Sébastien Proulx, Minister of Education, Recreation and Sports

Introduced 15 May 2018

Passed in principle 5 June 2018

Passed 6 June 2018

Assented to 6 June 2018

Coming into force: 6 June 2018

Legislation amended:

Act to amend the Education Act (2016, chapter 26)

Explanatory notes

The purpose of this Act is to defer the general school election to be held on 4 November 2018 until 1 November 2020.

For that purpose, the Act provides that the division of the territory of a school board into electoral divisions made for the 4 November 2018 election applies to the 1 November 2020 general election. Moreover, on the date of coming into force of the Act, the Act moves forward the period during which a vacancy for the office of commissioner is to be filled by the council of commissioners, rather than by holding a by-election.

The Act gives the Government the power to allow, by regulation, the use of a remote voting method for the 1 November 2020 general school election.

Lastly, consequential amendments and transitional measures are set out.



Chapter 15

AN ACT TO DEFER THE NEXT GENERAL SCHOOL ELECTION AND TO ALLOW THE GOVERNMENT TO PROVIDE FOR THE USE OF A REMOTE VOTING METHOD

[Assented to 6 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 2 of the Act respecting school elections (chapter E-2.3), the general school election to be held on 4 November 2018 is deferred until 1 November 2020.
- 2.** The dates and time limits prescribed by the provisions of Chapter III of the Act respecting school elections apply to the general school election of 1 November 2020 as if it were held on 4 November 2018, except for the date referred to in the second paragraph of section 10.3, which must be 1 June 2020.
- 3.** Despite section 200 of the Act respecting school elections, any vacancy for the office of commissioner occurring before 1 November 2019 is to be filled by the council of commissioners in the manner provided for in the first paragraph of section 199 of that Act.
- 4.** Expenses related to the 4 November 2018 school election that are incurred before 6 June 2018 by an authorized candidate are fully reimbursed to the candidate. The first and fourth paragraphs of section 207 and section 208 of the Act respecting school elections apply to the reimbursement, with the necessary modifications.

The candidate must, within 30 days following reimbursement of the expenses, reimburse the electors who made a contribution to the candidate and file a financial report with the director general of the school board showing that the contributions have been reimbursed and that all the debts arising from the expenses have been paid.

The authorization required under section 206.6 of the Act respecting school elections expires on 6 June 2018.

- 5.** The Government may, by regulation, after consulting the Chief Electoral Officer, allow the use of a remote voting method for the general school election of 1 November 2020 and determine the applicable conditions and procedure.

The regulation applies despite any contrary or incompatible provision of the Act respecting school elections.

The regulation must be examined by the competent committee of the National Assembly for three hours before it is enacted by the Government.

Such a regulation is not subject to sections 8 and 17 of the Regulations Act (chapter R-18.1). It comes into force on the date of its publication in the *Gazette officielle du Québec*.

ACT TO AMEND THE EDUCATION ACT

6. Section 61 of the Act to amend the Education Act (2016, chapter 26) is amended by replacing “Until 4 November 2018” by “Until 1 November 2020”.

7. Section 62 of the Act is amended by replacing paragraph 3 by the following paragraphs:

“(3) paragraph 2 of section 25, which comes into force on 4 November 2018;

“(3.1) sections 22 to 24, which come into force on 1 November 2020;”.

FINAL PROVISION

8. This Act comes into force on 6 June 2018.

2018, chapter 16

AN ACT CONCERNING THE ACQUISITION OF ADDITIONAL CARS FOR THE MONTRÉAL SUBWAY

Bill 186

Introduced by Mr. André Fortin, Minister of Transport, Sustainable Mobility and Transport
Electrification

Introduced 15 May 2018

Passed in principle 31 May 2018

Passed 6 June 2018

Assented to 6 June 2018

Coming into force: 6 June 2018

Legislation amended: None

Explanatory notes

The purpose of this Act is the amendment of the contract entered into on 22 October 2010 under the Act respecting the acquisition of cars for the Montréal subway and approved by the Government to allow, among other things, the acquisition of additional subway cars by the Société de transport de Montréal.

A further purpose of the Act is to rule out any legal action relating to acts performed under this Act.



Chapter 16

AN ACT CONCERNING THE ACQUISITION OF ADDITIONAL CARS FOR THE MONTRÉAL SUBWAY

[Assented to 6 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Société de transport de Montréal (the Société) must make an offer to the other parties bound by the contract entered into on 22 October 2010 under the Act respecting the acquisition of cars for the Montréal subway (2010, chapter 22) and approved by Order in Council 898-2010 dated 27 October 2010 (2010, G.O. 2, 4456, French only) to amend the contract in order to allow the Société to acquire additional subway cars equipped with rubber tires.

The additional cars may be manufactured in accordance with specifications that differ from those initially set out in the contract so as to take into account, among other things, the Société's needs, the cars' upgrading and improvement, and technological innovations and developments.

2. The Minister of Transport, Sustainable Mobility and Transport Electrification may give directives to the Société concerning the amendments to be made to the contract. The directives are binding on the Société, which must comply with them.

3. The contract must be amended by the parties no later than 6 July 2018. The Minister of Transport, Sustainable Mobility and Transport Electrification may grant additional time for that purpose if the Minister considers it advisable.

If the contract has not been amended by 6 July 2018, the Government may, as of that date and, if applicable, even if the extension has not expired, amend the contract in the name of the Société, on the terms the Government determines. The contract, as amended, is binding on the Société.

4. The amendments made to the contract under the first paragraph of section 3 are binding only if they are approved by the Government.

5. No legal action may be brought against the Société or the Attorney General for any act performed under this Act.

- 6.** The provisions of this Act prevail over any other legislative or regulatory provision.
- 7.** This Act comes into force on 6 June 2018.

2018, chapter 17

AN ACT RESPECTING THE SERVICES AVAILABLE TO A FORMER PRIME MINISTER

Bill 140

Introduced by Madam Kathleen Weil, Minister responsible for Access to Information and the Reform of Democratic Institutions

Introduced 5 December 2017

Passed in principle 14 February 2018

Passed 12 June 2018

Assented to 12 June 2018

Coming into force: 12 June 2018

Legislation amended:

Executive Power Act (chapter E-18)

Explanatory notes

This Act amends the Executive Power Act to define the services available to a former Prime Minister. To that end, it describes those services and specifies how long they may be provided.



Chapter 17

AN ACT RESPECTING THE SERVICES AVAILABLE TO A FORMER PRIME MINISTER

[Assented to 12 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EXECUTIVE POWER ACT

1. The Executive Power Act (chapter E-18) is amended by inserting the following division after section 11:

“DIVISION II.0.1

“SERVICES AVAILABLE TO A FORMER PRIME MINISTER

“**11.0.1.** The following services are available to a former Prime Minister for one year after he leaves office:

(1) protection provided in the territory of Québec by a person designated by the Minister of Public Security, and a vehicle provided by the Government;

(2) protection provided by a person designated by the Minister of Public Security during a mission outside Québec sent on behalf of the Government, if the threat assessment of the Minister of Public Security warrants it;

(3) continued use of the security and video surveillance systems for his residence, connected to the Sûreté du Québec’s surveillance station; and

(4) administrative support comprising solely

(a) an office with a usable area of not more than 100 m², provided by the Société québécoise des infrastructures;

(b) office and mobile telephone furniture, supplies and equipment corresponding to government standards, provided by the Ministère du Conseil exécutif; and

(c) one or two persons of his choice, whose combined annual remuneration may not exceed the salary to which a political attaché is entitled at the maximum of the salary scale applicable to that position according to the scales determined by the Conseil du trésor in accordance with section 11.6, remunerated from an envelope reserved out of the maximum payroll authorized for the remuneration of the sitting Prime Minister’s entire office staff.

The period during which the services described in the first paragraph are available to a former Prime Minister is extended by three months, up to a total of one year, for each complete year he served as Prime Minister. If the period during which the former Prime Minister held office includes a fraction of a year, the extension for that fraction is calculated in proportion to the number of days it comprises.

“11.0.2. The services described in subparagraph 4 of the first paragraph of section 11.0.1 are available to a former Prime Minister to ensure a transition after he leaves his former office as Prime Minister and to allow him to fulfill requests related to that office, particularly for educational, social, documentary or historical purposes. The services may not be used for personal, professional or partisan purposes.

For the purposes of subparagraph 4 of the first paragraph of section 11.0.1, the one-year period provided for in that section begins three months after the former Prime Minister leaves office or, if it is earlier, on the date on which any of the elements of administrative support mentioned in that subparagraph is first made available to the former Prime Minister. If the former Prime Minister remains a leader of a parliamentary group within the meaning of the Standing Orders of the National Assembly, the period begins, in the same manner, when the former Prime Minister leaves office as leader of such a parliamentary group.

“11.0.3. The services mentioned in subparagraphs 1 and 3 of the first paragraph of section 11.0.1 may be made available to the former Prime Minister for a period exceeding the period provided for in that section if the threat assessment of the Minister of Public Security warrants it.

“11.0.4. According to the means available, reception and support services are also available to a former Prime Minister during a mission outside Québec, on behalf of the Government or at the sitting Prime Minister’s request, to Canadian provinces or territories or to States where Québec is represented.”

FINAL PROVISION

2. This Act comes into force on 12 June 2018.

2018, chapter 18

**AN ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ
DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER
REGULATE THE DIGITAL ECONOMY AS REGARDS
E-COMMERCE, REMUNERATED PASSENGER
TRANSPORTATION AND TOURIST ACCOMMODATION AND
TO AMEND VARIOUS LEGISLATIVE PROVISIONS**

Bill 150

Introduced by Mr. Carlos J. Leitão, Minister of Finance

Introduced 31 October 2017

Passed in principle 15 February 2018

Passed 12 June 2018

Assented to 12 June 2018

Coming into force: 12 June 2018, except

(1) sections 1, 3 and 6, paragraph 2 of section 9 and sections 13 and 33 to 43, which come into force on 27 July 2018;

(2) sections 111, 113 and 116 to 126, which come into force on 10 September 2018;

(3) sections 61 to 74 and 76 to 80, which come into force on

(a) 1 January 2019, in respect of

i. a foreign specified supplier; and

ii. a person who operates a specified digital platform, but only in respect of a supply made by a foreign specified supplier through the platform; or

(b) 1 September 2019, in respect of

i. a Canadian specified supplier; and

ii. a person who operates a specified digital platform, but only in respect of a supply made by a specified supplier, other than a foreign specified supplier, through the platform;

(4) section 75, which comes into force on 1 September 2019; and

(cont'd on next page)

Coming into force: *(cont'd)*

(5) sections 2, 4, 5, 7 and 8, paragraph 1 of section 9, sections 10 to 12 and 14 to 27, paragraphs 4 to 6 of section 28, paragraphs 2, 3 and 4 of section 29, section 30, paragraphs 2, 4 and 5 of section 31, sections 32, 54 to 57 and 59, paragraph 2 of section 60, and section 87 to the extent that it amends section 60.4 of the Tax Administration Act (chapter A-6.002) to refer to paragraph 2 of section 350.62 of the Act respecting the Québec sales tax (chapter T-0.1), which come into force on the date or dates to be set by the Government.

Legislation amended:

Financial Administration Act (chapter A-6.001)
Tax Administration Act (chapter A-6.002)
Highway Safety Code (chapter C-24.2)
General and Vocational Colleges Act (chapter C-29)
Act respecting duties on transfers of immovables (chapter D-15.1)
Act respecting tourist accommodation establishments (chapter E-14.2)
Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003)
Act respecting the Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02)
Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)
Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2)
Act respecting the Government and Public Employees Retirement Plan (chapter R-10)
Act respecting the Pension Plan of Management Personnel (chapter R-12.1)
Act respecting the Québec sales tax (chapter T-0.1)

Legislation repealed:

Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021)

Regulations amended:

Regulation respecting road vehicle registration (chapter C-24.2, r. 29)
Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1)
Regulation respecting the Québec sales tax (chapter T-0.1, r. 2)

Explanatory notes

This Act amends the Highway Safety Code to allow certain road vehicle owners to apply for a registration plate bearing a personalized number. Under the Act, the validity of the registration certificate of a road vehicle is made permanent provided the road vehicle is owned by the same person, driver's licences and the authorizations to put a road vehicle into operation are renewed automatically, the payment of duties for a driver's licence and the payment of duties and fees for the registration of a road vehicle are synchronized, and the Société de l'assurance automobile du Québec is allowed to send and receive documents by means of information technologies, including in connection with the registration of road vehicles and driver's licences.

The Tax Administration Act is amended to allow information to be sent to the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Minister of Families, the Minister of Tourism and the Ethics Commissioner. In addition, Revenu Québec is allowed to establish and implement a financial compensation program for organizations participating in the Volunteer Program.

(cont'd on next page)

Explanatory notes (*cont'd*)

The Tax Administration Act and the Act respecting the Québec sales tax are amended to provide for a technological solution that exploits the possibilities regarding recording sales in the remunerated passenger transportation sector. These Acts are also amended to make amendments that deal with the application of the tax on lodging with respect to businesses operating a digital platform offering accommodation units.

The Tax Administration Act and the Act respecting the Québec sales tax are amended to require suppliers who do not carry on a business in Québec and do not have a permanent establishment in Québec to register with Revenu Québec, through a new registration system, for the purpose of collecting and remitting the Québec sales tax applicable to their taxable supplies of incorporeal movable property and services made in Québec to Québec consumers.

In addition, in the case of suppliers situated in Canada who do not carry on a business in Québec and do not have a permanent establishment in Québec, the registration requirement will also apply for the purpose of collecting and remitting the Québec sales tax in respect of taxable supplies of corporeal movable property made in Québec to Québec consumers. The obligations arising from the implementation of the new registration system will apply to the digital platforms that enable suppliers situated outside Québec to make taxable supplies of incorporeal movable property and services to Québec consumers.

The Act respecting tourist accommodation establishments is amended to allow the Government to exempt certain types of residence, in accordance with the terms prescribed by regulation, from certain provisions of that Act and to entrust Revenu Québec with inspection and investigation powers in tourist accommodation matters.

The Act respecting the Institut de tourisme et d'hôtellerie du Québec is amended to increase the minimum and maximum numbers of directors, further define the composition of the board of directors, extend to three years the term of the directors, who may be reappointed only twice for a consecutive or non-consecutive term, allow the institute to establish a college centre for technology transfer with the authorization of the minister responsible for general and vocational colleges, provide that the staff members of the institute will no longer be public service employees and will be appointed in accordance with a staffing plan, and allow the minister responsible for that Act to authorize the institute to award the degrees, diplomas, certificates or other attestations of university studies to which a university-level program leads.

The Government may determine the additional information that must be provided in the application form for registration in the land register of a deed evidencing the transfer of an immovable and the transmission of a compilation of that information to the Minister of Finance for the development by that Minister of economic, fiscal, budgetary and financial policies.

The Financial Administration Act is amended to allow the Minister of Finance to carry out certain financial transactions where the Minister deems it advisable for the sound and efficient management of the financial business of bodies or categories of bodies designated by the Government.

The Act to establish the Fund for the Promotion of a Healthy Lifestyle is repealed and the financing of the Sports and Physical Activity Development Fund that is derived from the proceeds of the tobacco tax is increased.

Lastly, the Act contains consequential and transitional provisions necessary for its application.



Chapter 18

AN ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER REGULATE THE DIGITAL ECONOMY AS REGARDS E-COMMERCE, REMUNERATED PASSENGER TRANSPORTATION AND TOURIST ACCOMMODATION AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

[Assented to 12 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

IMPROVEMENT OF THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

DIVISION I

AMENDING PROVISIONS

HIGHWAY SAFETY CODE

1. Section 4 of the Highway Safety Code (chapter C-24.2) is amended by inserting the following definition in alphabetical order:

“**personalized registration plate**” means a registration plate bearing a number chosen by the applicant;”.

2. Section 10.1 of the Code is amended by striking out “and the person in whose name registration is effected must renew them upon expiry” in the second paragraph.

3. The Code is amended by inserting the following sections after section 10.2:

“**10.3.** Every registration plate issued by the Société remains the property of the Société.

“**10.4.** A personalized registration plate may, on payment of the fees prescribed by regulation and in the cases and on the conditions prescribed by government regulation, be issued to any person having a file at the Société relating to the registration of a road vehicle or to a licence authorizing the person to drive a road vehicle, provided that the person is the owner of such a vehicle or, if the person is not, that the person gives an undertaking to the Société to become the owner.

The Société is not responsible for any injury or damage which may result from an applicant's choice of number."

4. Section 21 of the Code is amended

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

"The authorization to put a registered road vehicle into operation is valid for the period determined by regulation and is renewed by operation of law, unless

(1) the vehicle is prohibited from being put back into operation; or

(2) the owner

(a) elects not to put his vehicle into operation by notifying the Société on or before the due date prescribed by regulation,

(b) is in default of payment to the Société of sums due under this Code or another Act in respect of another authorization or transaction,

(c) no longer complies with the conditions and formalities established by regulation, or

(d) has not obtained the prior authorization of the Commission des transports du Québec required under subparagraph 4 of the first paragraph.

The owner of a vehicle who, when registering the vehicle, notifies the Société of his election not to put the vehicle into operation is not required to pay the amounts referred to in the first paragraph, except the acquisition duty and the fees.

The owner who has elected not to put his vehicle into operation, who is no longer in default of payment to the Société or to whom the grounds preventing the renewal provided for in the second paragraph no longer apply may obtain authorization to put his vehicle back into operation if the owner complies with the requirements of the first paragraph, except the payment of the acquisition duty.

If the authorization to put the vehicle into operation is not renewed by operation of law under the second paragraph, no person may, as of the day following the due date and without a notice by the Société being necessary, put the vehicle back into operation.

If, when registering a vehicle, the owner of the vehicle elects not to put it into operation, no person may, as of the date of registration of the vehicle and without a notice by the Société being necessary, put the vehicle into operation.";

(2) by replacing “the sums referred to in the second paragraph have been paid by the owner or, in the case of a heavy vehicle, before” in the third paragraph by “, in the case of a heavy vehicle,”.

5. Section 31.1 of the Code is amended

(1) by replacing “To retain the right to drive a registered road vehicle, the owner thereof must, unless exempted by regulation, pay to the Société, at the intervals and over the periods determined by regulation,” in the first paragraph by “On the expiry of the authorization to put a vehicle into operation, the owner of the vehicle must, unless exempted by regulation, pay to the Société, for the renewal of the authorization,”;

(2) by replacing the second, third and fourth paragraphs by the following paragraph:

“At any time during the period of validity of the authorization to put a road vehicle into operation, the owner of the vehicle may waive the authorization for the unexpired portion of the period by notifying the Société. As of the date specified in the waiver notice, no person may, without a notice to that effect by the Société being necessary, put the vehicle back into operation.”

6. The Code is amended by inserting the following sections after section 32:

“32.1. Every registration plate number must be made up of Latin alphabet capital letters, Arabic numerals or a combination of both. It must be compatible with the plate numbering system established by the Société and be easy to read.

A registration plate number must not cause confusion with another plate number and, in the case of a personalized number, must not include an expression or a message, including when read in reverse, that

(1) falsely suggests that the owner of the road vehicle is, or is related to, a public authority;

(2) conveys a careless attitude with respect to road safety;

(3) expresses an obscene or scandalous notion;

(4) promotes the commission of a criminal offence;

(5) the law reserves for another person or prohibits from being used; or

(6) is not in conformity with the Charter of the French language (chapter C-11).

In the event of non-compliance with the conditions of this section, the Société may refuse to issue the plate or may invalidate it if the non-compliance is identified after the issuance of the plate.

A government regulation may prescribe rules for the creation of a plate number, in particular to allow the use of special characters; such rules may vary according to the classes of road vehicles.

“32.2. Every personalized registration plate must, prior to its utilization, be activated in order to be associated, in the Société’s register, with the vehicle on which it will be affixed. The time limit and other conditions of activation are prescribed by government regulation.

“32.3. The holder of a personalized registration plate is required to pay the management fee for the administration of the personalized registration plate system, at the intervals and during the periods prescribed by government regulation.

The management fee is payable even if the holder no longer intends to associate the plate with his vehicle, does not have the authorization to put the vehicle into operation or transfers it to a third person.

If the holder fails to pay the management fee, the Société may invalidate the registration plate.

“32.4. Where a personalized registration plate is invalidated, the road vehicle owner must apply to the Société for the replacement of the plate and pay the fees exigible prescribed by regulation.

Where the plate is invalidated under the third paragraph of section 32.1, the Société shall, when the plate is replaced, reimburse the fees paid in accordance with section 10.4.

“32.5. The conditions for the reuse of a personalized number by another person having a registration file or a licence file at the Société are prescribed by government regulation.”

7. Section 35 of the Code is amended by inserting “in the form determined by regulation” after “copy of it” in the first paragraph.

8. Section 37 of the Code is amended by adding the following paragraph at the end:

“If the copy of the registration certificate is illegible or damaged, the person referred to in the first paragraph must make a new copy of the certificate.”

9. Section 39 of the Code is amended, in the first paragraph,

(1) by replacing “Every person contemplated in section 10.2” by “The transferor of a road vehicle who does not request the transfer of a registration plate to another vehicle, a person contemplated in section 10.2”;

(2) by inserting “or where the registration plate is invalid or has not been activated in accordance with section 32.2” at the end.

10. Section 39.1 of the Code is amended by inserting “or under the second paragraph of section 573.0.1” after “202.0.1”.

11. Section 40 of the Code is amended by replacing “the transferor must remit to the Société the registration certificate and the registration plate issued for the vehicle, after endorsing the certificate, and the new purchaser” by “the transferor and the new owner must declare the transfer of ownership to the Société in the manner determined by the Société and the new owner”.

12. Section 41 of the Code is repealed.

13. The Code is amended by inserting the following sections after section 54:

“54.1. Every owner of a road vehicle who drives the vehicle or allows it to be driven while it is carrying a registration plate that has not been activated in accordance with section 32.2 is guilty of an offence and is liable to a fine of \$100 to \$200.

“54.2. Every owner of a road vehicle who drives the vehicle or allows it to be driven while it is carrying an invalid personalized registration plate is guilty of an offence and is liable to a fine of \$200 to \$300.”

14. Section 59 of the Code is amended by replacing “the third, fourth or fifth paragraph of section 21, the third or fifth paragraph of section 31.1” in the first paragraph by “the fifth, sixth, seventh, eighth or ninth paragraph of section 21, the second or third paragraph of section 31.1”.

15. Section 69 of the Code is amended

(1) by striking out “or renew” and “, to obtain a licence” in the first paragraph;

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

“A driver’s licence or a restricted licence issued under section 76.1.1 is valid for the period determined by regulation and is renewed by operation of law, unless

(1) the licence is suspended or the title evidencing it was not replaced when it expired; or

(2) the licence holder

(a) notifies the Société on or before the due date prescribed by regulation that he does not intend to apply for its renewal,

(b) is in default of payment to the Société of sums due under this Code or another Act in respect of another authorization or transaction, or

(c) no longer complies with the conditions or formalities established by regulation.

If a licence is not renewed by operation of law under the third paragraph, the person who held the licence may not, as of the day following the due date and without a notice to that effect by the Société being necessary, drive a road vehicle.”

16. Section 73 of the Code is amended, in the first paragraph,

(1) by striking out “or for the renewal of a licence,”;

(2) by inserting “, or may require that person, on the renewal of his licence” after “removed”.

17. Section 81 of the Code is amended by striking out paragraph 5.

18. Section 93.1 of the Code is amended

(1) in the first paragraph,

(a) by replacing “The holder of a driver’s licence or a restricted licence issued under section 76.1.1 must, at the intervals prescribed by regulation, pay the Société” by “At the expiry of the period of validity of a driver’s licence or of a restricted licence issued under section 76.1.1, the holder must, for the renewal of the licence, pay to the Société”;

(b) by striking out “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.”;

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

“The holder of a driver’s licence or of a restricted licence issued under section 76.1.1 is required to replace the title evidencing the licence when it expires and pay to the Société the fees prescribed by regulation.”;

(3) by striking out the third and fourth paragraphs.

19. Section 95 of the Code is amended by replacing “or renewing a licence” in the first paragraph by “a licence or replacing the title evidencing it”.

20. Section 141 of the Code is amended by replacing “first paragraph of section 93.1” in the first paragraph by “fourth paragraph of section 69”.

21. Section 188 of the Code is amended by striking out paragraphs 4, 6 and 7.

22. Section 190 of the Code is amended

(1) by replacing “or renewing his licence or the class applied for” in paragraph 5 by “his licence or the class applied for, when replacing the title evidencing it”;

(2) by striking out paragraphs 7 and 8.

23. Section 209.1 of the Code is amended by adding the following paragraph at the end:

“A person whose licence has not been renewed by operation of law solely because of failure to pay the Société is not subject to this section.”

24. The Code is amended by inserting the following section after section 549:

“549.1. The Société shall publish, on its website, the cases in which and conditions on which a document or information may be transmitted to the Société by means of information technologies and shall specify, in particular, the location where such a document or information must be filed.

Despite the second paragraph of section 31 of the Act to establish a legal framework for information technology (chapter C-1.1), only a notice from the Société confirms receipt of such a document or information.

A document or information is not presumed to have been received in a case where a notice concerning its unintelligibility has been filed at the designated location.”

25. The Code is amended by inserting the following section after section 550.1:

“550.2. Despite the fourth paragraph of section 550 and section 550.1, if a person has agreed to a decision or the notice referred to in section 553 being transmitted to him by means of information technologies at the location designated by the Société, the document is deemed to be received once the Société has filed it at that location and a notice informing the person concerned of the filing has been notified by the technological means last preferred by that person as of the date of the transmission, as it appears in the Société’s record.”

26. Section 553 of the Code is amended by inserting “or of its filing at the location designated by the Société” after “from the time of mailing of the notice” in the first paragraph.

27. The Code is amended by inserting the following section before section 573.1:

“573.0.1. Failure to pay sums that the Société is responsible for collecting under this Code or another Act entails by operation of law the imposition, on the day following the date on which the sums become payable, of the recovery fee and the interest prescribed by regulation. In addition, no authorization or other transaction may be issued, renewed or carried out, as the case may be, by the Société as long as the person concerned is in default of payment.

If a person has failed to pay a sum to the Société, the Société may revoke the authorizations obtained by the person or suspend the right to obtain them. In such a case, no authorization may be issued as long as the default of payment continues.”

28. Section 618 of the Code is amended

(1) by replacing “in which cases and subject to what conditions the Société may issue one or more of the following documents” in paragraph 2 by “in which cases and subject to what conditions any of the following documents are issued or invalidated”;

(2) by inserting “, the form of those certificates and of copies of them,” after “temporary registration certificate” in paragraph 4.1;

(3) by adding “or for renewing the authorization to put a road vehicle into operation” at the end of paragraph 7;

(4) by striking out paragraph 8.7;

(5) by replacing paragraph 8.8 by the following paragraph:

“(8.8) determine the period of validity of the authorization to operate a road vehicle and the period within which the duties, fees and insurance contribution and, where applicable, the contribution of motorists to public transit or the contribution of off-highway vehicle owners and the additional duties exigible under section 31.1 in respect of a registered road vehicle must be paid, periods which may vary according to criteria determined by the Government;”;

(6) by striking out paragraph 11.2.

29. Section 619 of the Code is amended

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

“(1) determine, according to the nature of each licence, the information that the title evidencing it must include and the form of that title;

“(1.0.1) determine the period of validity of each licence and of the title evidencing it, except as regards a restricted licence issued under section 118;”;

(2) by striking out paragraph 4.1;

(3) by striking out paragraph 5.2;

(4) by replacing “or renewal of such a licence” and “for obtaining or renewing that licence” in paragraph 6 by “or renewal of such a licence, the replacement of the title evidencing it” and “for obtaining or renewing that licence or replacing the title evidencing it”, respectively.

30. Section 619.3 of the Code is amended by inserting “or, as the case may be, renewing” after “for obtaining” in subparagraph 2 of the first paragraph.

31. Section 624 of the Code is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 1:

“(1.0.1) determine the amount of the management fee exigible for the administration of the personalized registration plate system;”;

(2) by striking out subparagraph 1.1;

(3) by inserting the following subparagraph after subparagraph 1.1:

“(1.2) determine the amount of the fee for the issue of personalized registration plates;”;

(4) by replacing “or renewing such a licence” in subparagraph 3 by “such a licence or for replacing the title evidencing it;”;

(5) by striking out subparagraph 3.1;

(6) by replacing subparagraph 15 by the following subparagraphs:

“(15) fix the amount of the fee exigible in respect of any mode of payment or any transaction rejected by a financial institution;

“(15.1) fix the amount of the recovery fee and the interest rate in respect of the sums it is responsible for collecting under this Code or another Act and establish rules for calculating the fee and the interest;”.

32. Section 648.4 of the Code is amended, in the first paragraph,

(1) by inserting “and the fourth paragraph” after “subparagraphs 3, 5 and 6 of the first paragraph” in subparagraph 1;

(2) by replacing “the first and fourth paragraphs” in subparagraph 2 by “the first paragraph”.

REGULATION RESPECTING ROAD VEHICLE REGISTRATION

33. Section 3 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by replacing paragraph 3 by the following paragraph:

“(3) the number of the registration plate, if applicable;”.

34. Section 5 of the Regulation is amended by striking out the first paragraph.

35. The Regulation is amended by inserting the following sections after section 7.1:

“7.2. Only persons who are not legal persons may obtain a personalized registration plate. Such a plate may be associated only with the following road vehicles, unless they are discarded:

(1) passenger vehicles, for which this Regulation does not prescribe a registration plate bearing a prefix;

(2) motorcycles, mopeds or motor homes with a net weight of 3,000 kg or less; and

(3) all-terrain vehicles and snowmobiles with a net weight of 450 kg or less.

“7.3. A personalized registration plate may not be affixed to a vehicle before being activated. The plate must be activated according to the instructions enclosed with the plate when it is sent to the recipient, which are also published on the Société’s website.

The plate must be activated within 48 months after the date it is received. Failing that, the plate number becomes available and may be reused by another person as of the day following the date of the default.

A personalized registration plate may not be associated with a road vehicle not belonging to the applicant or be transferred to another person.

“7.4. Despite section 5, every personalized registration plate becomes invalid at the expiry of 48 months after the day on which

(1) the owner of the vehicle for which the plate was issued notifies the Société that he no longer wishes to associate the plate with the vehicle;

(2) the vehicle with which the plate is associated is prohibited from being put into operation; or

(3) ownership of the vehicle is transferred.

However, the plate remains valid beyond the time limit prescribed in the first paragraph if, before the expiry of the time limit, the holder requests the Société to associate the plate with another vehicle owned by the holder or the prohibition referred to in subparagraph 2 of the first paragraph is lifted.

“7.5. Unless it results from the application of the third paragraph of section 32.1 of the Highway Safety Code (chapter C-24.2), the invalidation of a personalized registration plate makes the plate number available; in such a case, the number may be reused by another person who applies for it in accordance with section 10.4 of the Code.

However, if the invalidation of a personalized registration plate results from a failure to pay the management fee provided for in section 32.3 of the Code, the number becomes available only at the expiry of 48 months after the date of invalidation.

“7.6. Despite sections 7.3 and 7.5, if a personalized registration plate is reported lost or stolen, the number may be reused at the expiry of 60 months after the date on which the loss or theft was reported.

“7.7. Sections 19 to 25.7 apply, with the necessary modifications, to payment of the management fee for the administration of the personalized registration plate system.”

36. Section 139 of the Regulation is amended

(1) by inserting the following paragraph after the first paragraph:

“Despite the first paragraph, a personalized registration plate affixed to an all-terrain vehicle shall bear the prefix “V” followed by a hyphen.”;

(2) by replacing “the first paragraph” in the second paragraph by “this section”.

37. Section 141 of the Regulation is amended

(1) by inserting the following paragraph after the first paragraph:

“However, a personalized registration plate affixed to a snowmobile referred to in the first paragraph shall bear the prefix “V” followed by a hyphen.”;

(2) by replacing “the first paragraph” in the second paragraph by “this section”.

DIVISION II**SPECIAL TRANSITIONAL PROVISIONS**

38. Until a regulation is made under subparagraph 1.0.1 of the first paragraph of section 624 of the Highway Safety Code (chapter C-24.2), enacted by paragraph 1 of section 31, the management fee for the administration of the personalized registration plate system is \$30.

39. Until a regulation is made under subparagraph 1.2 of the first paragraph of section 624 of the Highway Safety Code, enacted by paragraph 3 of section 31, the fee payable under section 10.4 of that Code, enacted by section 3, for the issue of a personalized registration plate is \$217.

40. Until a regulation is made under subparagraph 5 of the first paragraph of section 624 of the Highway Safety Code concerning the fee payable for the replacement of a personalized registration plate by a plate bearing the same number, the fee is \$50.

41. Despite section 648 of the Highway Safety Code, the fees collected under sections 38 to 40 of this Act belong to the Société de l'assurance automobile du Québec.

42. Section 32.3 of the Highway Safety Code, enacted by section 6, applies to road vehicle owners who have not paid the fees fixed in section 38.

43. The fees fixed in sections 38 to 40 are indexed in accordance with Chapter VIII.1 of the Financial Administration Act (chapter A-6.001), despite section 83.11 of that Act.

44. Section 31.1 of the Highway Safety Code, as it read before the coming into force of section 5, and the related provisions of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) continue to apply in respect of the owner of a registered road vehicle who is not a legal person within the meaning of that Regulation until the day before the owner's next birthday. That birthday corresponds to the date on which section 31.1 of that Code, as amended by section 5, begins to apply in respect of the owner and also corresponds to the first payment due date for the amounts payable under that section 31.1.

45. When, in respect of the owner of a registered road vehicle who is not a legal person within the meaning of the Regulation respecting road vehicle registration, the first payment due date for the amounts required to be paid under the first paragraph of section 31.1 of the Highway Safety Code, as amended by paragraph 1 of section 5, occurs, the amounts that have been paid for the period remaining between that due date and the one fixed under the Regulation respecting road vehicle registration, as it read before the coming into force of paragraph 1 of section 5, are subtracted from the amounts payable on that first payment due date.

The deduction provided for in the first paragraph is calculated in accordance with the calculation rules for reimbursing the duties, the insurance contribution, the contribution of motorists to public transit and the contribution of off-highway vehicle owners that are prescribed, as the case may be, by the Regulation respecting road vehicle registration or the Regulation respecting insurance contributions (chapter A-25, r. 3.2), as they read before the coming into force of paragraph 1 of section 5.

46. If, at the time of the coming into force of paragraph 1 of section 5, the owner of a registered road vehicle who is not a legal person within the meaning of the Regulation respecting road vehicle registration pays by pre-authorized debit the amounts payable under section 31.1 of the Highway Safety Code, as it read before that date, the frequency of the pre-authorized debit is maintained until the first payment due date for the amounts payable under the first paragraph of section 31.1 of that Code, as amended by paragraph 1 of section 5.

47. On the first payment due date for the amounts payable under the first paragraph of section 31.1 of the Highway Safety Code, as amended by paragraph 1 of section 5, a registration certificate is issued to the owner of a registered road vehicle and replaces the certificate previously issued to that owner.

48. From the date of coming into force of sections 15 and 18 and until the driver's licences, and the restricted licences referred to in section 76.1.1 of the Highway Safety Code, issued before that date have been replaced, the French expression "expire le" appearing on the titles evidencing the licences refers to the expiry of the period of validity of the titles on which the licences are issued.

49. From the date of coming into force of sections 4, 21 and 22, the decisions of the Société de l'assurance automobile du Québec, in force or rendered but not yet in force, to prohibit putting a road vehicle back into operation under the second paragraph of section 21 of the Highway Safety Code or any of paragraphs 4, 6 and 7 of section 188 of that Code and its decisions to suspend a licence under paragraph 7 or 8 of section 190 of that Code become, without further notice, revocations of the authorization to operate a vehicle or, as the case may be, of the authorization to drive. Section 573.0.1 of that Code, enacted by section 27, applies to the owner of the vehicle or to the licence holder concerned, except the provisions relating to the recovery fee and the interest.

50. Until a regulation is made under subparagraph 15.1 of the first paragraph of section 624 of the Highway Safety Code, enacted by paragraph 6 of section 31, the recovery fee payable under section 573.0.1 of the Code, enacted by section 27, corresponds to the greater of

(1) \$11.10; and

(2) the amount corresponding to 5% of the sums due.

The interest payable under section 573.0.1 of the Code is calculated daily on the balance due for the period beginning on the day following the due date and ending on the reimbursement day, on the basis of the interest rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

CHAPTER II

PROVISIONS RELATING TO THE ADMINISTRATION OF CERTAIN ACTS UNDER THE RESPONSIBILITY OF REVENU QUÉBEC

DIVISION I

COMMUNICATION OF INFORMATION AND VOLUNTEER PROGRAM

TAX ADMINISTRATION ACT

51. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended, in the second paragraph,

(1) by inserting “, the identification number and the amounts paid by the employer as contributions under section 39.0.2 of that Act” after “Act respecting labour standards (chapter N-1.1)” in subparagraph g;

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

“(z.4) the Minister of Families, Seniors and the Status of Women, in respect of inspections and investigations conducted under the Educational Childcare Act (chapter S-4.1.1) in relation to the application of any of sections 6, 13 and 16 of that Act;

“(z.5) the Minister of Tourism, in respect of information held for the purposes of section 55.1 of the Act respecting tourist accommodation establishments (chapter E-14.2), to the extent that the information is required for the purposes of that Act; and

“(z.6) the Ethics Commissioner, in respect of verifications and inquiries conducted or authorized by the Ethics Commissioner under the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1), the Regulation respecting the rules of conduct applicable to the office staff of ministers (chapter C-23.1, r. 2) and the rules of ethics applicable to the staff of the Members and the office staff of the House officers of the National Assembly adopted under section 124.3 of the Act respecting the National Assembly (chapter A-23.1).”

52. Section 69.8 of the Act is amended by replacing “and z.1 of the second paragraph” in the portion before subparagraph *a* of the first paragraph by “, z.1 and z.6 of the second paragraph of that section 69.1”.

53. The Act is amended by inserting the following division after section 94.9:

“DIVISION I.3

“VOLUNTEER PROGRAM

“94.10. The Minister may establish and implement a financial compensation program to subsidize the organizations that participate in the Volunteer Program for the costs related to filing fiscal returns in accordance with section 1000 of the Taxation Act (chapter I-3) on behalf of others.”

DIVISION II

**SYSTEM FOR RECORDING SALES IN THE REMUNERATED
PASSENGER TRANSPORTATION SECTOR**

TAX ADMINISTRATION ACT

54. Section 17.3 of the Tax Administration Act (chapter A-6.002) is amended by replacing “any of sections 350.52 to 350.52.2” in subparagraph *n* of the first paragraph by “any of sections 350.52 to 350.52.2 or paragraph 1 of section 350.62”.

55. Section 17.5 of the Act is amended by replacing “any of sections 350.52 to 350.52.2” in subparagraph *p* of the first paragraph by “any of sections 350.52 to 350.52.2 or paragraph 1 of section 350.62”.

56. Section 60.3 of the Act is amended by replacing “section 350.53” by “section 350.53 or 350.63”.

57. Section 61.0.0.1 of the Act is amended

(1) by replacing “or any of sections 350.52 to 350.52.2 of the Act respecting the Québec sales tax (chapter T-0.1)” by “any of sections 350.52 to 350.52.2 and 350.61 of the Act respecting the Québec sales tax (chapter T-0.1) or paragraph 1 of section 350.62 of that Act”;

(2) by replacing “prescribed by this Act” by “otherwise provided”.

ACT RESPECTING THE QUÉBEC SALES TAX

58. Section 1 of the Act respecting the Québec sales tax (chapter T-0.1) is amended by replacing the definition of “taxi business” by the following definition:

““taxi business” means

(1) a business carried on in Québec of transporting passengers by taxi for fares that are regulated by the Act respecting transportation services by taxi (chapter S-6.01); or

(2) a business carried on in Québec by a person of transporting passengers, for a fare, by motor vehicle—which vehicle would be an automobile within the meaning that would be assigned by section 1 of the Taxation Act if the definition it sets out were read without reference, in its paragraph *b*, to “a motor vehicle acquired or leased primarily for use as a taxi,” and without reference to its paragraph *d*—within and in the vicinity of the territory of a municipality if the transportation is organized or coordinated through an electronic platform or system other than

(a) the part of the business that is not a business of making taxable supplies;

(b) the part of the business that is a business of offering sightseeing services or providing transportation for elementary or secondary school students; or

(c) a prescribed business or a prescribed activity of a business;”.

59. The Act is amended by inserting the following division after section 350.60:

“DIVISION XXIII

“TAXI TRANSPORTATION SERVICES

“**350.61.** A person who holds a taxi owner’s permit issued under the Act respecting transportation services by taxi (chapter S-6.01) must equip the vehicle attached to the permit with equipment that allows any person referred to in section 350.62 who uses the vehicle in the course of carrying on the person’s taxi business to comply with the obligations set out in that section and ensure the proper operation of that equipment.

“**350.62.** If a person engaged in a taxi business makes a taxable supply of a passenger transportation service (other than a prescribed service) in the course of that business, the person must, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) provide an invoice produced in the prescribed manner and containing the prescribed information to the recipient without delay at the end of the trip, and keep a copy of it.

“350.63. No person referred to in section 350.62 or person acting on that person’s behalf may print or send the invoice containing the information provided for in paragraph 2 of section 350.62 more than once, except when providing it to the recipient for the purpose of that section. If such a person generates or transmits a copy, duplicate, facsimile or any other type of partial or total reproduction for another purpose, the person must do so in the prescribed manner.

Such a person may not provide a recipient of a supply who is referred to in paragraph 2 of section 350.62 with any other document stating the consideration paid or payable by the recipient for the supply and the tax payable in respect of the supply, except in the prescribed cases and on the prescribed conditions.

“350.64. The Minister may, on such terms and conditions as the Minister determines, exempt a person or class of persons from a requirement set out in sections 350.61 to 350.63. The Minister may, however, revoke the exemption or modify its terms and conditions.

“350.65. Whoever fails to comply with paragraph 1 of section 350.62 incurs a penalty of \$300; with paragraph 2 of section 350.62, a penalty of \$100; and with section 350.63, a penalty of \$200.

“350.66. In any proceedings respecting an offence under section 60.3 of the Tax Administration Act (chapter A-6.002), when it refers to section 350.63, an offence under section 60.4 of the Tax Administration Act, when it refers to paragraph 2 of section 350.62, or an offence under section 61.0.0.1 of the Tax Administration Act, when it refers to paragraph 1 of section 350.62, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee had knowledge that an invoice was provided to the recipient by a person engaged in a taxi business referred to in section 350.62, or by a person acting on his behalf, is proof, in the absence of any proof to the contrary, that the invoice was provided by the person and that the amount shown in the invoice as being the consideration corresponds to the consideration received by the person from the recipient for a supply.

“350.67. In proceedings respecting an offence referred to in section 350.66, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee analyzed an invoice and found that it did not contain the information prescribed in accordance with paragraph 2 of section 350.62 is proof, in the absence of any proof to the contrary, that the invoice does not contain the prescribed information in accordance with that paragraph 2.”

60. Section 677 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 2.1:

“(2.1.1) determine, for the purposes of the definition of “taxi business” in section 1, the prescribed businesses and prescribed activities;”;

(2) by inserting the following subparagraphs after subparagraph 33.7:

“(33.8) determine, for the purposes of section 350.62, the prescribed services, prescribed cases and conditions, prescribed manner, prescribed time and prescribed information;

“(33.9) determine, for the purposes of section 350.63, the prescribed manner and prescribed cases and conditions;”.

DIVISION III

COLLECTION AND REMITTANCE OF THE QUÉBEC SALES TAX AS REGARDS E-COMMERCE

TAX ADMINISTRATION ACT

61. Section 17.2 of the Tax Administration Act (chapter A-6.002) is amended by replacing the portion before paragraph *a* by the following:

“**17.2.** Subject to section 17.2.1, every person who”.

62. The Act is amended by inserting the following section after section 17.2:

“**17.2.1.** A person registered or required to be registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) shall, in applying for registration under Division I of Chapter VIII of that Title I, give and thereafter maintain the security provided for in section 17.2.”

63. Section 17.3 of the Act is amended

(1) by inserting “or of the person’s registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1)” after “issued under a fiscal law” in the portion before subparagraph *a* of the first paragraph;

(2) by replacing “section 468” in subparagraph *e* of the first paragraph by “section 468 or 477.10”;

(3) by replacing “that has been revoked” in subparagraph *f* of the first paragraph by “or has been registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax and the registration certificate, permit or registration has been revoked”;

(4) by inserting “or registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax” after “under a fiscal law” in subparagraph *g* of the first paragraph;

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

“The Minister may also require the person who has held a registration certificate or permit or has been registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax, where the registration certificate, permit or registration has been revoked by reason of subparagraph *d* or *f* of the first paragraph of section 17.5 in the 24 months preceding the application, to remedy the failure referred to in those subparagraphs.”

64. Section 17.5 of the Act is amended

(1) by replacing the portion before subparagraph *a* of the first paragraph by the following:

“**17.5.** The Minister may refuse to issue a registration certificate or permit under a fiscal law to a person or refuse to register a person under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1), suspend or revoke such a certificate, permit or registration or refuse to renew such a permit, where the person”;

(2) by replacing “a registration certificate or for obtaining or renewing a permit” in subparagraph *e* of the first paragraph by “the registration certificate, for obtaining or renewing the permit or for registering under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax”;

(3) by replacing “section 468” in subparagraph *f* of the first paragraph by “section 468 or 477.10”;

(4) by replacing “that has been revoked” in subparagraph *g* of the first paragraph by “or has been registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax and the registration certificate, permit or registration has been revoked”;

(5) by inserting “or registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax” after “under a fiscal law” in subparagraph *h* of the first paragraph;

(6) by inserting “, suspend or revoke registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax or refuse such registration” after “issue the registration certificate” in the second paragraph.

65. Section 17.8 of the Act is amended by replacing “or the suspension” in the first paragraph by “of a registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) or”.

66. Section 17.9 of the Act is amended by replacing “or the revocation” in the first paragraph by “of a registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) or”.

67. Section 20 of the Act is amended by replacing “section 468 or 470” in the third paragraph by “any of sections 468, 470 and 477.10”.

68. Section 21 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(3) an amount that a person registered under Division I of Chapter VIII of Title I of the Act respecting the Québec sales tax has paid as or on account of tax under that Act in respect of a supply made by a person registered under Division II of Chapter VIII.1 of that Title I.”

69. Section 24.0.1 of the Act is amended by replacing “net tax refund within the meaning of” in the second paragraph by “refund of the net tax or specified net tax under”.

70. Section 27.2 of the Act is amended by inserting “where the person is registered under Division II of Chapter VIII.1 of Title I of the said Act or” after “does not apply” in the second paragraph.

71. Section 30.6 of the Act is amended by replacing “of net tax” and “to that net tax” in the first paragraph by “of net tax or specified net tax” and “to that net tax or specified net tax”, respectively.

72. The Act is amended by inserting the following section after section 37.1.4:

“37.1.5. A person who is required to be registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) shall send to the Minister by way of electronic filing the application for registration referred to in the second paragraph of section 477.5 of that Act, according to the terms and conditions determined by the Minister.

A person registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax shall also send to the Minister by way of electronic filing the return referred to in section 477.10 of that Act, according to the terms and conditions determined by the Minister.”

73. Section 91.1 of the Act is amended by replacing “37.1.4” in the first paragraph by “37.1.5”.

ACT RESPECTING THE QUÉBEC SALES TAX

74. Section 1 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

(1) by inserting the following definition in alphabetical order:

““specified Québec consumer” has the meaning assigned by section 477.2;”;

(2) by inserting the following definitions in alphabetical order:

““Canadian specified supplier” has the meaning assigned by section 477.2;

““specified supplier” has the meaning assigned by section 477.2;”;

(3) by inserting the following definition in alphabetical order:

““specified digital platform” has the meaning assigned by section 477.2;”.

75. Section 17 of the Act is amended by adding the following paragraph at the end:

“Subparagraph 5 of the fourth paragraph applies only to corporeal property the supply of which is made outside Québec otherwise than by reason of section 23.”

76. Section 23 of the Act is amended by adding the following paragraphs at the end:

“(4) the person is a specified supplier registered under Division II of Chapter VIII.1 and the supply is a supply of incorporeal movable property or a service made to a specified Québec consumer;

“(5) the person is a Canadian specified supplier registered under Division II of Chapter VIII.1 and the supply is a supply of corporeal movable property made to a specified Québec consumer; or

“(6) the person is a specified supplier and the supply is a supply of incorporeal movable property or a service made to a specified Québec consumer through a specified digital platform operated by a person registered under Division I of Chapter VIII or Division II of Chapter VIII.1.”

77. Section 400 of the Act is amended

(1) by replacing the portion before paragraph 3 by the following:

400. Subject to section 401, a person who has paid an amount as or on account of, or that was taken into account as, tax, net tax, specified net tax, penalty, interest or other obligation under this Title in circumstances where the amount was not payable or remittable by the person, whether the amount was paid by mistake or otherwise, is entitled to a rebate of that amount, except to the extent that

(1) the amount was taken into account as tax, net tax or specified net tax for a reporting period of the person and the person has been assessed for the period;

(2) the amount paid was tax, net tax, specified net tax, penalty, interest or any other amount assessed;”;

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

“(4) the person is registered under Division I of Chapter VIII and the amount was paid to another person registered under Division II of Chapter VIII.1.”

78. The Act is amended by inserting the following chapter after section 477.1:

“CHAPTER VIII.1

“TAX COLLECTION AND REMITTANCE — NON-RESIDENT SUPPLIERS

“DIVISION I

“DEFINITIONS AND GENERAL RULES

“477.2. For the purposes of this chapter,

“Canadian specified supplier” means a specified supplier registered under section 240 of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15);

“foreign specified supplier” means a specified supplier who does not carry on a business in Canada, does not have a permanent establishment in Canada and is not registered under section 240 of the Excise Tax Act;

“Québec consumer”, in respect of a particular supply, means the recipient of the supply who is a consumer whose usual place of residence, determined in accordance with section 477.3, is situated in Québec;

“specified digital platform” means a digital platform for the distribution of property or services through which a particular person enables another person who is a specified supplier to make a taxable supply in Québec of incorporeal movable property or a service to a recipient, provided the particular person controls the essential elements of the transaction between the specified supplier and the recipient such as billing, the terms and conditions of the transaction and the terms of delivery;

“specified Québec consumer”, in respect of a particular supply, means the recipient of the supply who is a person who is not registered under Division I of Chapter VIII and whose usual place of residence, determined in accordance with section 477.3, is situated in Québec;

“specified supplier” means a supplier who does not carry on a business in Québec, does not have a permanent establishment in Québec and is not registered under Division I of Chapter VIII;

“specified threshold” of a person for a particular calendar month means the total of all amounts each of which is the value of the consideration that became due in the 12-month period preceding the first day of the particular month, or was paid in that period without having become due, for any of the following supplies made in Québec to a recipient who can reasonably be considered to be a consumer:

- (1) a taxable supply made by the person of incorporeal movable property or a service (other than a supply made through a specified digital platform);
- (2) where the person is a Canadian specified supplier, a taxable supply made by the person of corporeal movable property; or
- (3) where the person is the operator of a specified digital platform, a taxable supply of incorporeal movable property or a service that a specified supplier made through that platform.

For the purposes of the definition of “specified threshold” in the first paragraph, the following rules apply:

- (1) this Title is to be read, in respect of a supply made by a person who is not resident in Québec, without reference to section 23;
- (2) a supply of incorporeal movable property or a service made remotely by a foreign specified supplier to a recipient who can reasonably be considered to be a Québec consumer in respect of the supply is, despite sections 22.10 to 22.32, deemed to be made in Québec; and
- (3) where the consideration for a supply is expressed in foreign currency, the person referred to in that definition shall, despite section 56, use a fair and reasonable conversion method to convert the value of the consideration into Canadian currency, provided the method is used consistently by the person to determine the total described in that definition.

“477.3. To determine whether the usual place of residence of the recipient of a supply is situated in Québec, the following rules apply:

- (1) a person referred to in the definition of “specified threshold” in the first paragraph of section 477.2 shall, at the time of the supply, have obtained in the ordinary course of the person’s operations one or more pieces of information from among the following that reasonably support that conclusion:
 - (a) the recipient’s billing address,
 - (b) the recipient’s home or business address,
 - (c) the IP address of the device used by the recipient at the time the agreement relating to the supply is entered into or similar data obtained at that time through another geolocation method,

(d) the recipient's payment-related bank information or the billing address used by the bank,

(e) the information from a SIM card used by the recipient,

(f) the place at which a landline telephone service is supplied to the recipient, or

(g) any other relevant information; and

(2) a person referred to in section 477.6 shall, at the time of the supply, have obtained in the ordinary course of the person's operations two pieces of information from among those listed in subparagraphs *a* to *g* of subparagraph 1 in support of that conclusion.

Where the person referred to in subparagraph 2 of the first paragraph has obtained, in the ordinary course of the person's operations, two pieces of information from among those provided for in subparagraphs *a* to *g* of subparagraph 1 of that paragraph in support of the conclusion that the usual place of residence of the recipient of a supply is situated in Québec and at least two other pieces of information from among those provided for in those subparagraphs in support of the conclusion that that usual place of residence is situated outside Québec, the person shall select the pieces of information that are the most reliable in determining the place of residence.

Where the person referred to in subparagraph 2 of the first paragraph cannot, because of the person's business practices, obtain two non-contradictory pieces of information to determine, in the ordinary course of the person's operations, the usual place of residence of the recipient of a supply, the Minister may allow an alternative method to be used.

“477.4. For the purposes of this Title, a supply of incorporeal movable property or a service made remotely by a foreign specified supplier to a specified Québec consumer is, despite sections 22.10 to 22.32, deemed to be made in Québec.

“DIVISION II

“REGISTRATION

“477.5. A person who is a specified supplier or the operator of a specified digital platform (other than a person registered or required to be registered under Division I of Chapter VIII) is required to be registered under this division from the first day of a particular calendar month for which the person's specified threshold exceeds \$30,000.

An application for registration must be filed with the Minister by a person on or before the day from which the person is required to be registered.

The Minister may register the person applying for registration and, for that purpose, the Minister, or any person the Minister authorizes, shall assign a registration number to the person and notify the person of the registration number and the effective date of the registration.

“DIVISION III

“COLLECTION

“**477.6.** A specified supplier registered under Division II who makes a taxable supply in Québec of incorporeal movable property or a service to a specified Québec consumer (other than a supply referred to in the third paragraph) shall, as a mandatary of the Minister, collect the tax payable by the specified Québec consumer under section 16 in respect of the supply.

A Canadian specified supplier registered under Division II who makes a taxable supply in Québec of corporeal movable property to a specified Québec consumer shall, as a mandatary of the Minister, collect the tax payable by the specified Québec consumer under section 16 in respect of the supply.

A person registered under Division II of this chapter or Division I of Chapter VIII who operates a specified digital platform and receives an amount for the taxable supply of incorporeal movable property or a service made in Québec by a specified supplier to a specified Québec consumer shall, as a mandatary of the Minister, collect the tax payable by the specified Québec consumer under section 16 in respect of the supply.

For the purposes of the first, second and third paragraphs, a person referred to in this section may consider that the recipient of a supply is not a specified Québec consumer if the recipient informs the person that the recipient is registered under Division I of Chapter VIII and provides the person with a registration number as such.

“**477.7.** A person who is required under section 477.6 to collect tax in respect of a supply shall indicate to the recipient, in the invoice or receipt provided to, or in an agreement entered into with, the recipient,

(1) the consideration paid or payable by the recipient for the supply and the tax payable in respect of the supply in a manner that clearly indicates the amount of the tax; or

(2) that the amount paid or payable by the recipient for the supply includes the tax payable in respect of the supply.

Where the person indicates to the recipient the rate of the tax, the person shall indicate it apart from the rate of any other tax.

In addition, the tax must be referred to by its name, an abbreviation of its name or a similar designation.

“DIVISION IV

“REPORTING AND REMITTANCE

“§1. — Reporting period

“477.8. For the purposes of this chapter, the reporting period of a person registered under Division II at a particular time corresponds to the calendar quarter that includes that time.

“477.9. Where a person becomes registered under Division II on a particular day, the period beginning on the particular day and ending on the last day of the calendar quarter that includes the particular day is deemed to be a reporting period of the person.

Where a person ceases to be registered under Division II on a particular day, the period beginning on the first day of the calendar quarter that includes the particular day and ending on the day immediately before the particular day is deemed to be a reporting period of the person.

“§2. — Filing of the return

“477.10. Every person registered under Division II shall file a return for each of the person’s reporting periods within the month following the end of the reporting period.

“§3. — Determination of the specified net tax

“477.11. The specified net tax for a particular reporting period of a person registered under Division II is the positive or negative amount determined by the formula

$$A - B.$$

For the purposes of the formula in the first paragraph,

(1) A is the total of

(a) all amounts that became collectible and all other amounts collected by the person in the particular reporting period as or on account of tax under section 16, and

(b) all amounts that would be required to be added under section 446 in determining the person’s specified net tax for the particular reporting period if that section were read as if “net tax” were replaced by “specified net tax”; and

(2) B is the total of all amounts each of which is an amount that may be deducted by the person under section 477.16 in determining the person's specified net tax for the particular reporting period, or that could be so deducted under section 444 or 449 if those sections and section 444.1 were read as if "net tax" were replaced by "specified net tax" and if sections 444.1 and 446.1 were read as if "this chapter" were replaced by "Chapter VIII.1", and that is claimed by the person in the return filed under this chapter for that period.

“477.12. An amount must not be included in the total described in subparagraph 1 of the second paragraph of section 477.11 for a reporting period of a person to the extent that that amount was included in that total for a preceding reporting period of the person.

An amount must not be included in the total described in subparagraph 2 of the second paragraph of section 477.11 for a reporting period of a person to the extent that that amount was included as a deduction in that total for a preceding reporting period of the person.

“§4. — *Tax remittance*

“477.13. A person who is required to file a return under section 477.10 shall determine in that return the person's specified net tax for the reporting period.

If the specified net tax for a reporting period of a person is a positive amount, the person shall remit that amount to the Minister, in the manner determined by the Minister, on or before the day on which the person is required to file the return for that period.

If the specified net tax for a reporting period of a person is a negative amount, the person may, in the return for that period, claim that amount as a specified net tax refund. That amount is payable to the person by the Minister.

“477.14. The Minister shall pay, with all due dispatch, the specified net tax refund that is payable to a person who claims the refund under the third paragraph of section 477.13.

Where the person has elected, under the third paragraph of section 477.15, to determine the amount of the person's specified net tax in a foreign currency, the Minister shall make the payment in that currency.

However, the Minister is required to pay the refund to the person only if the Minister considers that all the information that was to be given by the person on the person's application for registration pursuant to this chapter has been provided and is accurate.

“477.15. Where in a reporting period a person collects, under section 477.6, the tax payable in respect of a supply, the consideration for the supply is expressed in foreign currency and the person does not make the election under the third paragraph for the reporting period, the following rules apply:

(1) section 56 does not apply in respect of the consideration for the supply; and

(2) for the purpose of determining the amount of the person’s specified net tax for the reporting period under section 477.11, the value of the consideration for the supply must be converted into Canadian currency using the exchange rate applicable on the last day of the reporting period or any other conversion method acceptable to the Minister.

For the purposes of subparagraph 2 of the first paragraph, the method for converting into Canadian currency used by a person for the purpose of determining the amount of the person’s specified net tax for a reporting period must be used consistently for at least 24 months.

A person who is required, under the first paragraph of section 477.13, to determine the amount of the person’s specified net tax for a reporting period may elect to determine the amount, in the return for that reporting period, in a prescribed foreign currency. In such a case, the amount to be remitted to the Minister by the person, if applicable, under the second paragraph of section 477.13 for the reporting period must be remitted in that same prescribed foreign currency.

“§5. — Adjustment or refund

“477.16. Despite section 447, a person registered under Division II who, in a reporting period, has charged to, or collected from, another person registered under Division I of Chapter VIII an amount as or on account of tax under section 16 that exceeds the tax the person was required to collect from the other person shall, within two years after the day on which the amount was charged or collected,

(1) adjust the amount of tax charged, if the excess amount was charged but not collected; or

(2) refund or credit the excess amount to the other person, if it was collected.

Where the person has adjusted, refunded or credited an amount in favour of, or to, the other person in accordance with the first paragraph, the following rules apply:

(1) the person shall, within a reasonable time, issue to the other person a credit note for the amount of the adjustment, refund or credit; and

(2) the amount may be deducted in determining the person's specified net tax for the person's reporting period in which the credit note is issued to the other person, to the extent that the amount has been included in determining the person's specified net tax for the reporting period, or a preceding reporting period, of the person.

“477.17. Subject to the third and fourth paragraphs, a person who is resident in Canada and is the recipient of a particular supply of incorporeal movable property or a service made remotely by a foreign specified supplier is entitled to a rebate of the tax paid by the person under section 16 in respect of the supply equal to the amount determined by the formula

$$A \times B.$$

For the purposes of the formula in the first paragraph,

(1) A is the amount of the tax; and

(2) B is the extent, expressed as a percentage, to which the incorporeal movable property or service is acquired by the person for consumption, use or supply in a participating province within the meaning of subsection 1 of section 123 of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15).

No person is entitled to a rebate under the first paragraph in respect of a particular supply unless the person has paid tax under section 218.1 of the Excise Tax Act in respect of the particular supply and submits to the Minister evidence of the payment of that tax that is satisfactory to the Minister.

However, no rebate provided for in the first paragraph is paid to a person that, at the time that tax under section 16 in respect of the particular supply was paid, was a listed financial institution described in paragraph 6 or 9 of the definition of “listed financial institution” in section 1 or a selected listed financial institution.

“477.18. No rebate provided for in section 353.0.3 is paid to a person who has paid tax under section 16 in respect of a supply referred to in the first paragraph of section 477.17.

“DIVISION V

“PENALTY

“477.19. The recipient of a supply of movable property or a service who evades or attempts to evade the payment of tax under section 16 in respect of the supply by providing false information to a person referred to in section 477.6 shall incur a penalty equal to the greater of \$100 and 50% of the amount the payment of which the recipient evaded or attempted to evade.”

79. Section 677 of the Act is amended by inserting the following subparagraph after subparagraph 50.1.1 of the first paragraph:

“(50.1.2) determine, for the purposes of section 477.15, the prescribed foreign currencies;”.

REGULATION RESPECTING THE QUÉBEC SALES TAX

80. The Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended by inserting the following after section 473.1.1R1:

“PRESCRIBED FOREIGN CURRENCIES

“**477.15R1.** For the purposes of section 477.15 of the Act, the following currencies are prescribed foreign currencies:

- (1) the U.S. dollar; and
- (2) the euro.”

DIVISION IV

SPECIAL PROVISION

81. The Minister of Revenue may establish and implement a transitional financial compensation program to subsidize the costs of acquiring and installing the equipment referred to in section 350.61 of the Act respecting the Québec sales tax (chapter T-0.1), enacted by section 59.

CHAPTER III

REGULATING TOURIST ACCOMMODATION ESTABLISHMENTS

DIVISION I

SUPERVISION

ACT RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

82. Section 7 of the Act respecting tourist accommodation establishments (chapter E-14.2) is amended, in the third paragraph,

- (1) by inserting “, a type of residence” after “class of establishment”;
- (2) by inserting “in accordance with the terms specified in the regulation” after “provisions”.

83. Divisions IV and IV.1 of the Act, comprising sections 32.2 to 35.3, are repealed.

84. Section 37 of the Act is amended

(1) by replacing “or 32 or of the first paragraph of section 34” in paragraph 5 by “or 32”;

(2) by striking out paragraph 7.

85. Section 55 of the Act is amended by replacing “The” by “Subject to section 55.1, the”.

86. The Act is amended by inserting the following section after section 55:

“55.1. The Minister of Revenue is responsible for inspections and investigations relating to the enforcement of this Act and the regulations and for the administration of Division VI; for those purposes, this Act is deemed to be a fiscal law for the purposes of the Tax Administration Act (chapter A-6.002).”

TAX ADMINISTRATION ACT

87. Section 60.4 of the Tax Administration Act (chapter A-6.002) is amended by replacing “or any of sections 350.55, 350.56 and 350.56.1” by “, any of sections 350.55, 350.56 and 350.56.1, paragraph 2 of section 350.62 or any of sections 541.25 to 541.28, 541.30 and 541.32”.

ACT RESPECTING THE QUÉBEC SALES TAX

88. Section 541.23 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

(1) by replacing the definition of “sleeping-accommodation establishment” by the following definition:

““sleeping-accommodation establishment” means an establishment in which at least one accommodation unit is offered for rent to tourists, in return for payment, for a period not exceeding 31 days, on a regular basis in the same calendar year, the availability of which unit is made public;”;

(2) by replacing the definition of “ready-to-camp unit” by the following definition:

““ready-to-camp unit” means a structure installed on a platform, on wheels or directly on the ground, and provided with the equipment necessary to stay there, including self-catering kitchen facilities;”;

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

“For the purposes of the definition of “sleeping-accommodation establishment” in the first paragraph, a group of movables and immovables, adjacent or grouped together, having accessories or dependencies in common, may constitute a single sleeping-accommodation establishment provided that the movables and immovables composing it are operated by the same person and are all the same type of prescribed sleeping-accommodation establishment referred to in the first paragraph of section 541.24.”

REGULATION RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

89. Section 16.1 of the Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1) is replaced by the following section:

“**16.1.** The regulatory provision referred to in section 36.2 of the Act respecting tourist accommodation establishments (chapter E-14.2) is any of sections 11.1, 11.2, 13.1 and 16.”

DIVISION II

TAX ON LODGING

TAX ADMINISTRATION ACT

90. Section 69.0.0.1 of the Tax Administration Act (chapter A-6.002) is amended by adding the following paragraph at the end:

“In the case of a person referred to in section 541.31.1 of the Act respecting the Québec sales tax (chapter T-0.1), the date on which the cancellation of the person’s registration is scheduled to become effective is public information as well.”

ACT RESPECTING THE QUÉBEC SALES TAX

91. Section 541.23 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

(1) by inserting the following definition in alphabetical order:

““supplier” has the meaning assigned by section 1;”;

(2) by inserting the following definition in alphabetical order:

““digital accommodation platform” means a digital platform through which a person brings together the supplier of an accommodation unit and a recipient, provides a framework for their interaction and manages their financial transactions;”;

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

“For the purposes of the definition of “sleeping-accommodation establishment” in the first paragraph, an accommodation unit offered for rent through a digital accommodation platform operated by a person who is a registrant under this Title is deemed to be offered for rent on a regular basis in the same calendar year.”

92. Section 541.24 of the Act is amended

(1) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) where the supply is made by the operator of a sleeping-accommodation establishment and is not a supply to which subparagraph 2.1 applies, a tax computed at the rate of 3.5% of the value of the consideration for the overnight stay;

“(2) where the supply is made by an intermediary and is not a supply to which subparagraph 2.1 or 2.2 applies, a specific tax equal to \$3.50 per overnight stay for each unit;

“(2.1) where the supply is made through a digital accommodation platform operated by a person who is a registrant under this Title, a tax computed at the rate of 3.5% of the value of the consideration for the overnight stay; or

“(2.2) where the supply is made by an intermediary, the initial supply of the accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit is not supplied again by an intermediary through such a platform, a tax equal to the amount that is 3.5% of the value of the consideration for the overnight stay received for the initial supply of the unit.”;

(2) by replacing “subparagraph 1” in the second paragraph by “subparagraphs 1 and 2.1”.

93. Section 541.25 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

“The operator of a sleeping-accommodation establishment or the intermediary who receives an amount from a person other than a customer for the supply of such an accommodation unit shall, as a mandatary of the Minister, collect, at that time, an amount that is equal to the tax or would be equal to the tax if subparagraph 2.1 of the first paragraph of section 541.24 were read as if “a tax computed at the rate of 3.5% of the value of the consideration for the overnight stay” were replaced by “a specific tax equal to \$3.50 per overnight stay for each unit”.

However, the operator of a sleeping-accommodation establishment or the intermediary who makes a supply of such an accommodation unit through a digital accommodation platform operated by a person is not required to collect the tax or the amount referred to in the second paragraph in respect of the supply if the bill is issued by the person at a time when the person's registration is effective.

A person operating a digital accommodation platform who receives an amount for the supply of such an accommodation unit shall, as a mandatory of the Minister, collect, at that time, where the amount is received from a customer, the tax or, where the amount is received from a person other than a customer, an amount computed at the rate of 3.5% of the value of the consideration for the overnight stay (in this chapter referred to as the "particular amount"), if

(1) the supply of the unit is made through the person's digital accommodation platform; and

(2) the bill is issued by the person at a time when the person's registration is effective.

Despite the second paragraph, the intermediary who receives an amount from a person other than a customer for the supply of such an accommodation unit shall, as a mandatory of the Minister, if the initial supply of the unit has been made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit has not been supplied again through such a platform, collect, at that time, an amount equal to the particular amount that was or should have been collected by the latter person in respect of the initial supply.

The operator of a sleeping-accommodation establishment or the intermediary who makes a supply of such an accommodation unit for no consideration, otherwise than through a digital accommodation platform, shall, as a mandatory of the Minister, collect, at the time the supply is made,

(1) where the supply is made to a customer by an intermediary, the tax provided for in subparagraph 2 of the first paragraph of section 541.24;

(2) where the supply is made to a person other than a customer, an amount equal to the tax provided for in subparagraph 2 of the first paragraph of section 541.24;

(3) where the supply is made to a customer by an intermediary, the initial supply of the accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit has not been supplied again by an intermediary through such a platform, the tax provided for in subparagraph 2.2 of the first paragraph of section 541.24; or

(4) where the supply is made to a person other than a customer by an intermediary, the initial supply of the accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit has not been supplied again by an intermediary through such a platform, an amount equal to the amount that was or should have been collected by the person in respect of the initial supply.

The rules set out in the second and third paragraphs of section 541.24 apply to the fourth paragraph.”

94. Section 541.26 of the Act is replaced by the following section:

“541.26. Every person who is required to collect the tax or any of the amounts referred to in section 541.25 shall keep an account thereof and, on or before the last day of the month following the end of each calendar quarter, render an account to the Minister, in the prescribed form containing prescribed information, of the tax or any of those amounts that the person has collected or should have collected for the preceding calendar quarter and, therewith, remit the tax or amount to the Minister.

A person shall render an account to the Minister even if no amount relating to the supply of an accommodation unit giving rise to the tax or to any of the amounts referred to in section 541.25 was received during the calendar quarter.

However, a person is not required to render an account to the Minister, unless the latter demands it, or to remit the tax or the amount referred to in the second paragraph of section 541.25 in respect of the supply of an accommodation unit that the person has acquired from another person, where the person has remitted, in respect of the supply,

(1) an amount referred to in the second paragraph of section 541.25 to that other person; or

(2) a particular amount where it is equal to or greater than the tax or the amount referred to in subparagraph 1 that the person is required to collect.

In addition, where the initial supply of an accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the accommodation unit has not been supplied again by an intermediary through such a platform, the intermediary who acquired the accommodation unit from the operator or another intermediary is not required to render an account to the Minister, unless the latter demands it, or to remit, in respect of the supply of that unit, the tax referred to in subparagraph 2.2 of the first paragraph of section 541.24 or the amount that the intermediary has collected under the fifth paragraph of section 541.25 where the intermediary has remitted, in respect of the supply, the particular amount or an amount equal to that amount, as the case may be.

An amount that a person is required to collect in accordance with section 541.25 is deemed to be a duty within the meaning of the Tax Administration Act (chapter A-6.002).”

95. Section 541.27 of the Act is amended by replacing the first paragraph by the following paragraphs:

“Where a person reimburses the total amount paid for an overnight stay in an accommodation unit to another person, the person shall also reimburse the tax or any of the amounts referred to in section 541.25 that the person has collected in its respect.

Where the person reimburses part of the amount paid for an overnight stay in an accommodation unit, the person shall also reimburse the tax provided for in subparagraph 1 or 2.1 of the first paragraph of section 541.24, or the particular amount, the person collected in respect of that part.”

96. The Act is amended by inserting the following section after section 541.27:

“**541.27.1.** Where a person referred to in the fourth paragraph of section 541.25 collects from a customer or a person other than a customer an amount as or on account of the tax or a particular amount, as the case may be, in excess of the amount the person was required to collect, and renders an account of and remits the amount to the Minister, the person may, within four years after the day the amount was collected, reimburse the excess amount to the other person.

The reimbursement is deducted from the amount of the tax and the particular amounts collected by the person for the reporting period in which the person makes the reimbursement.”

97. Sections 541.28 to 541.30 of the Act are replaced by the following sections:

“**541.28.** Every person required to remit the tax or the amount referred to in the second paragraph of section 541.25 to the Minister, unless the person is an intermediary, is required to register and to hold a registration certificate issued in accordance with section 541.30.

“**541.29.** Every person required to register under section 541.28 who, immediately before the particular day on which the tax provided for in this Title becomes applicable, holds a registration certificate issued under Title I is deemed, for the purposes of this Title, to hold, on the particular day, a registration certificate issued in accordance with section 541.30.

“**541.30.** Every person required to register under section 541.28 shall apply to the Minister for registration before the day on which the person is first required to collect the tax or the amount referred to in the second paragraph of section 541.25.

For the purposes of the first paragraph and section 541.28, sections 412, 415 and 415.0.4 to 415.0.6 apply, with the necessary modifications.”

98. The Act is amended by inserting the following section after section 541.30:

“**541.30.1.** A person who operates a digital accommodation platform may apply to the Minister for registration.

For the purposes of the first paragraph, sections 412 and 415 apply, with the necessary modifications.”

99. The Act is amended by inserting the following section after section 541.31:

“**541.31.1.** Where a person who operates a digital accommodation platform files with the Minister a request for the cancellation of the person’s registration as of a particular date, the Minister cancels the registration from that date if the request was filed with the Minister in writing at least 60 days before that date.

Where the obligations arising from the application of this Title have not been met by a person who operates a digital accommodation platform, the Minister may cancel the person’s registration after giving the person a written notice of at least 60 days before the cancellation becomes effective.

Where the Minister cancels a person’s registration under the first or second paragraph, the Minister shall give the person a written notice of the cancellation and of the date on which it becomes effective.

The person whose registration is cancelled shall, within 30 days after the date on which the cancellation becomes effective, render an account to the Minister of the tax and the particular amounts that were or should have been collected by the person and, at that time, remit them to the Minister.”

100. Section 541.32 of the Act is amended by replacing the portion before subparagraph 1 of the second paragraph by the following:

“**541.32.** Every person required under section 541.25 to collect the tax or another amount shall indicate the tax or the amount on the invoice, receipt, writing or other document recording the amount paid or payable for an accommodation unit.

However, where subparagraph 1 or 2.1 of the first paragraph of section 541.24 or the fourth paragraph of section 541.25 applies, the person shall indicate the amount of the tax separately and specify that the amount is the 3.5% tax on lodging if”.

DIVISION III**SPECIAL TRANSITIONAL PROVISIONS**

101. Subject to the conditions of employment applicable to them, employees of the Ministère du Tourisme who are assigned inspection or investigation duties relating to the enforcement of the Act respecting tourist accommodation establishments (chapter E-14.2) and are identified by the Deputy Minister of Tourism on 12 June 2018 become, from 11 August 2018, employees of the Agence du revenu du Québec.

102. An employee transferred to the Agence du revenu du Québec under section 101 may apply for a transfer to a position in the public service or enter a promotion-only qualification process for such a position in accordance with the Public Service Act (chapter F-3.1.1) if, at the time of the employee's transfer to the Agency, the employee was a public servant with permanent tenure.

Section 35 of the Public Service Act applies to an employee who enters a promotion-only qualification process.

103. An employee referred to in section 102 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification that the employee had in the public service on the date of transfer, as well as the years of experience and the level of schooling attained while in the employ of the Agence du revenu du Québec.

If an employee is transferred into the public service under section 102, the deputy minister or the chief executive officer of the body assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

If an employee is promoted under section 102, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

104. If some or all of the operations of the Agence du revenu du Québec are discontinued, an employee referred to in section 101 who had permanent tenure on the date of his or her transfer to the Agency is entitled to be placed on reserve in the public service with the same classification the employee had on the date of the transfer.

If only some of those operations are discontinued, the employee continues to exercise his or her functions within the Agency until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

When placing an employee under this section, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 103.

105. An employee with permanent tenure referred to in section 101 who, in accordance with the conditions of employment applicable to him or her, refuses to be transferred to the Agence du revenu du Québec is temporarily assigned to the Agency until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

106. Subject to remedies available under a collective agreement, an employee referred to in section 101 who is dismissed may bring an appeal under section 33 of the Public Service Act if, on the date of his or her transfer to the Agence du revenu du Québec, the employee had permanent tenure.

107. The records and other documents of the Ministère du Tourisme relating to the administration of Divisions IV and IV.1 of the Act respecting tourist accommodation establishments, as they read before being repealed, as well as any software and computer applications used for the administration of those divisions are transferred to the Agence du revenu du Québec.

108. The rights and obligations of the Minister of Tourism under Divisions IV and IV.1 of the Act respecting tourist accommodation establishments, as they read before being repealed, continue to be exercised and performed, from 12 June 2018, by the Minister of Revenue.

CHAPTER IV

INSTITUT DE TOURISME ET D'HÔTELLERIE DU QUÉBEC

DIVISION I

AMENDING PROVISIONS

GENERAL AND VOCATIONAL COLLEGES ACT

109. Section 17.2 of the General and Vocational Colleges Act (chapter C-29) is amended by adding the following paragraph at the end:

“For the purposes of this section, the Institut de tourisme et d’hôtellerie du Québec is considered to be a college.”

110. Section 25 of the Act is amended by adding the following paragraph at the end:

“Such rules may also provide for the allocation of subsidies to the Institut de tourisme et d’hôtellerie du Québec to establish and maintain a college centre for technology transfer. In such a case, the Minister shall also consult the institute before establishing the rules.”

ACT RESPECTING THE INSTITUT DE TOURISME ET D'HÔTELLERIE
DU QUÉBEC

111. Section 5 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02) is amended

(1) by replacing “7” and “11” in the first paragraph by “11” and “15”, respectively;

(2) by adding the following sentences at the beginning of the second paragraph: “One member of the board shall be a director of the institute designated by the member’s peers. One member of the board shall be a teacher at the institute designated by the member’s peers.”

112. Section 7 of the Act is amended

(1) by replacing “two” in the first paragraph by “three”;

(2) by inserting the following paragraphs after the first paragraph:

“Board members may be reappointed twice to serve in that capacity only for a consecutive or non-consecutive term.

In addition to terms served as a board member, the chair of the board may be reappointed twice to serve in that capacity for a consecutive or non-consecutive term.”

113. Section 14 of the Act is replaced by the following section:

“**14.** The other staff members of the institute shall be appointed in accordance with the staffing plan and the standards it establishes.

Subject to the provisions of a collective agreement, the institute shall determine the standards and scales of remuneration, employment benefits and other conditions of employment of its staff members in accordance with the conditions defined by the Government.”

114. Section 17 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) establish a college centre for technology transfer in accordance with the third paragraph of section 17.2 of the General and Vocational Colleges Act (chapter C-29);”.

115. Section 19 of the Act is amended by adding the following paragraphs at the end:

“The Minister may also, on the conditions determined by the Minister, authorize the institute to award the degrees, diplomas, certificates or other attestations of university studies to which a university-level program leads.

The Minister may determine the necessary information, analyses and documents the institute must provide to the Minister before it applies for authorization under this section.”

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

116. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting the following in alphabetical order:

“—The Institut de tourisme et d’hôtellerie du Québec”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

117. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing “the Institut du tourisme et de l’hôtellerie du Québec, in respect of employees of the Adult Education Service” in paragraph 1 by “the Institut de tourisme et d’hôtellerie du Québec”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

118. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing “the Institut du tourisme et de l’hôtellerie du Québec, in respect of employees of the Adult Education Service” in paragraph 1 by “the Institut de tourisme et d’hôtellerie du Québec”.

DIVISION II

SPECIAL TRANSITIONAL PROVISIONS

119. Subject to the conditions of employment applicable to them, staff members of the Institut de tourisme et d’hôtellerie du Québec in office on 9 September 2018 are, from 10 September 2018, deemed to be appointed in accordance with section 14 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02), as replaced by section 113.

120. The appointment of institute employees under section 119 is deemed to constitute the alienation of an undertaking or enterprise for the purposes of sections 45 and 46 of the Labour Code (chapter C-27) and article 2097 of the Civil Code.

121. Any employee of the institute referred to in section 119 may apply for a transfer to a position in the public service or enter a promotion-only qualification process in accordance with the Public Service Act (chapter F-3.1.1) if, on 9 September 2018, the employee was a public servant with permanent tenure.

Section 35 of the Public Service Act applies to an employee who participates in such a promotion-only qualification process.

122. An employee referred to in section 121 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification that the employee had in the public service on 9 September 2018, as well as the years of experience and the level of schooling attained while deemed to be appointed in accordance with section 14 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec, as replaced by section 113.

If an employee is transferred into the public service under section 121, the deputy minister or chief executive officer the employee comes under assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

If an employee is promoted under section 121, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

123. If some or all of the institute's activities are discontinued, an employee referred to in section 119 who was a public servant with permanent tenure on 9 September 2018 is entitled to be placed on reserve in the public service with the same classification the employee had on that date.

If some of the institute's activities are discontinued, the employee placed on reserve continues to exercise his or her functions within the institute until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

When placing an employee who is placed on reserve, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 122.

124. A public servant with permanent tenure of the institute who, in accordance with the conditions of employment applicable to him or her, is placed on reserve in the public service before 9 September 2018 is assigned to the institute until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

125. Subject to remedies available under a collective agreement, an employee referred to in section 119 who is dismissed may bring an appeal under section 33 of the Public Service Act if, on 9 September 2018, the employee was a public servant with permanent tenure.

126. The members of the board of directors of the Institut de tourisme et d'hôtellerie du Québec in office on 10 September 2018 continue in office on the same terms, for the unexpired portion of their term.

CHAPTER V

MONITORING OF TRANSACTIONS ON IMMOVABLES

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

127. Section 9 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended by adding the following paragraph at the end:

“In addition, the information determined by government regulation, on the recommendation of the Minister of Finance and the minister responsible for natural resources, must be entered on the form made available for presenting an application for registration in the land register under the third paragraph of article 2982 of the Civil Code. Such information is collected for the purposes of the development, by the Minister of Finance, of economic, fiscal, budgetary and financial policies in accordance with section 2 of the Act respecting the Ministère des Finances (chapter M-24.01).”

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

128. Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following paragraph after paragraph 17.7:

“(17.8) collecting the information referred to in the third paragraph of section 9 of the Act respecting duties on transfers of immovables (chapter D-15.1), compiling it and sending it to the Minister of Finance in the manner agreed on with that Minister;”.

129. Section 17.4 of the Act is amended by replacing “and 17.7” in the first paragraph by “, 17.7 and 17.8”.

CHAPTER VI

OTHER PROVISIONS

FINANCIAL ADMINISTRATION ACT

130. Section 16 of the Financial Administration Act (chapter A-6.001) is amended by inserting “or of any other body or category of bodies designated by the Government” after “section 77” in the portion before subparagraph 1 of the first paragraph.

131. Section 78 of the Act is amended by inserting “and according to the conditions determined by the Government, if applicable” after “their power to borrow”.

ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE

132. The Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021) is repealed.

ACT TO ESTABLISH THE SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND

133. Section 5 of the Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003) is amended

- (1) by replacing “\$60,000,000” in the first paragraph by “\$70,000,000”;
- (2) by replacing “\$8,000,000” and “\$5,000,000” in the second paragraph by “\$69,000,000” and “\$68,000,000”, respectively.

CHAPTER VII

FINAL PROVISIONS

134. Section 58 and paragraph 1 of section 60 have effect from 1 July 2017 and sections 90 to 100 have effect from 29 August 2017.

135. This Act comes into force on 12 June 2018, except

- (1) sections 1, 3 and 6, paragraph 2 of section 9 and sections 13 and 33 to 43, which come into force on 27 July 2018;
- (2) sections 111, 113 and 116 to 126, which come into force on 10 September 2018;
- (3) sections 61 to 74 and 76 to 80, which come into force on
 - (a) 1 January 2019, in respect of
 - i. a foreign specified supplier; and
 - ii. a person who operates a specified digital platform, but only in respect of a supply made by a foreign specified supplier through the platform; or
 - (b) 1 September 2019, in respect of
 - i. a Canadian specified supplier; and

ii. a person who operates a specified digital platform, but only in respect of a supply made by a specified supplier, other than a foreign specified supplier, through the platform;

(4) section 75, which comes into force on 1 September 2019; and

(5) sections 2, 4, 5, 7 and 8, paragraph 1 of section 9, sections 10 to 12 and 14 to 27, paragraphs 4 to 6 of section 28, paragraphs 2, 3 and 4 of section 29, section 30, paragraphs 2, 4 and 5 of section 31, sections 32, 54 to 57 and 59, paragraph 2 of section 60, and section 87 to the extent that it amends section 60.4 of the Tax Administration Act (chapter A-6.002) to refer to paragraph 2 of section 350.62 of the Act respecting the Québec sales tax (chapter T-0.1), which come into force on the date or dates to be set by the Government.

AN ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ DE
L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER REGULATE
THE DIGITAL ECONOMY AS REGARDS E-COMMERCE,
REMUNERATED PASSENGER TRANSPORTATION AND TOURIST
ACCOMMODATION AND TO AMEND VARIOUS LEGISLATIVE
PROVISIONS

TABLE OF CONTENTS

	SECTIONS
CHAPTER I	IMPROVEMENT OF THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC (1-50)
DIVISION I	AMENDING PROVISIONS (1-37)
DIVISION II	SPECIAL TRANSITIONAL PROVISIONS (38-50)
CHAPTER II	PROVISIONS RELATING TO THE ADMINISTRATION OF CERTAIN ACTS UNDER THE RESPONSIBILITY OF REVENU QUÉBEC (51-81)
DIVISION I	COMMUNICATION OF INFORMATION AND VOLUNTEER PROGRAM (51-53)
DIVISION II	SYSTEM FOR RECORDING SALES IN THE REMUNERATED PASSENGER TRANSPORTATION SECTOR (54-60)
DIVISION III	COLLECTION AND REMITTANCE OF THE QUÉBEC SALES TAX AS REGARDS E-COMMERCE (61-80)
DIVISION IV	SPECIAL PROVISION (81)
CHAPTER III	REGULATING TOURIST ACCOMMODATION ESTABLISHMENTS (82-108)
DIVISION I	SUPERVISION (82-89)

DIVISION II	TAX ON LODGING	(90-100)
DIVISION III	SPECIAL TRANSITIONAL PROVISIONS	(101-108)
CHAPTER IV	INSTITUT DE TOURISME ET D'HÔTELLERIE DU QUÉBEC	(109-126)
DIVISION I	AMENDING PROVISIONS	(109-118)
DIVISION II	SPECIAL TRANSITIONAL PROVISIONS	(119-126)
CHAPTER V	MONITORING OF TRANSACTIONS ON IMMOVABLES	(127-129)
CHAPTER VI	OTHER PROVISIONS	(130-133)
CHAPTER VII	FINAL PROVISIONS	(134-135)

2018, chapter 19

AN ACT TO CONSTITUTE THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS, TO ENACT THE CANNABIS REGULATION ACT AND TO AMEND VARIOUS HIGHWAY SAFETY-RELATED PROVISIONS

Bill 157

Introduced by Madam Lucie Charlebois, Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living

Introduced 16 November 2017

Passed in principle 13 February 2018

Passed 12 June 2018

Assented to 12 June 2018

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

(1) section 6, except to the extent that it enacts section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), and sections 8 to 18, 22, 66 and 67, which come into force on 12 June 2018;

(2) section 19, to the extent that it enacts Chapters XI and XIV of the Cannabis Regulation Act (2018, chapter 19, section 19), which comes into force on 12 June 2018; and

(3) sections 27, 28 and 29, which come into force on the date of coming into force of sections 13, 15 and 18 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), respectively.

– 2018-08-07

ss. 1-5, 6 (to the extent that it enacts s. 23.2 (except 1st par. (subpar. 2, 3)) of the Act respecting the Société des alcools du Québec (chapter S-13)), 7, 19 (to the extent that it enacts ss. 23-26, 44-47, 49, 56, 67-82, 112, 113 of the Cannabis Regulation Act (2018, chapter 19, s. 19)), 23, 43 (to the extent that it enacts s. 202.3.1 of the Highway Safety Code (chapter C-24.2)), 58 (to the extent that it enacts the Government's power to provide exceptions by regulation), 59 (to the extent that it enacts the Government's power to provide exceptions by regulation), 61, 65 (to the extent that it enacts the Government's power to provide exceptions by regulation)

O.C. 1084-2018

G.O., 2018, Part 2, p. 4277, 4278

(cont'd on next page)

Coming into force: *(cont'd)*

- 2018-10-17 ss. 6 (to the extent that it enacts s. 23.2 (1st par. (subpar. 2, 3)) of the Act respecting the Société des alcools du Québec (chapter S-13)), 19 (except to the extent that it enacts ss. 22-26, 44-47, 49, 56, 58-60, 63-82, 112, 113 of the Cannabis Regulation Act (2018, chapter 19, s. 19)), 63, 64, 74 (with regard to the adjustments related to the Cannabis Act (Statutes of Canada, 2018, chapter 16))
O.C. 1084-2018
G.O., 2018, Part 2, p. 4277, 4278
- 2018-12-18 ss. 20, 21, 24-26, 30, 32, 33, 35-41, 44, 45 (except to the extent that it enacts s. 202.4.1 (1st par. (subpar. 2)) of the Highway Safety Code (chapter C-24.2)), 46-49, 50 (except par. 1), 51, 54-57, 60, 62, 68-73, 74 (with regard to the adjustments related to the Act to amend the Criminal Code (offences relating to conveyance) and to make consequential amendments to other Acts (Statutes of Canada, 2018, chapter 21))
O.C. 1084-2018
G.O., 2018, Part 2, p. 4277, 4278

Legislation amended:

Automobile Insurance Act (chapter A-25)
Cities and Towns Act (chapter C-19)
Highway Safety Code (chapter C-24.2)
Municipal Code of Québec (chapter C-27.1)
Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2)
Act respecting administrative justice (chapter J-3)
Tobacco Control Act (chapter L-6.2)
Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2)
Act respecting the Government and Public Employees Retirement Plan (chapter R-10)
Act respecting the Pension Plan of Management Personnel (chapter R-12.1)
Act respecting occupational health and safety (chapter S-2.1)
Act respecting transportation services by taxi (chapter S-6.01)
Act respecting the Société des alcools du Québec (chapter S-13)
Courts of Justice Act (chapter T-16)
Act respecting off-highway vehicles (chapter V-1.2)
Act to amend the Highway Safety Code and other provisions (2018, chapter 7)

Legislation enacted:

Cannabis Regulation Act (2018, chapter 19, section 19)

Regulations amended:

Regulation under the Tobacco Control Act (chapter L-6.2, r. 1)
Safety Code for the construction industry (chapter S-2.1, r. 4)

Explanatory notes

This Act constitutes the Société québécoise du cannabis (SQDC), a capital stock company that is a subsidiary of the Société des alcools du Québec and whose purpose is to ensure the sale of cannabis from a health protection perspective in order to integrate consumers into, and maintain them in, the

(cont'd on next page)

Explanatory notes (*cont'd*)

legal market without encouraging cannabis consumption. Among other things, the Act specifies the rules applicable to the SQDC in matters of governance and human resources, in particular by putting in place a security clearance process for SQDC directors and employees. Other provisions pertain to the SQDC's financing. The Act also establishes the Cannabis Sales Revenue Fund at the Ministère des Finances.

The Act then enacts the Cannabis Regulation Act. The enactment contains various measures regarding cannabis possession and cultivation for personal purposes, among which are the prohibition against minors possessing cannabis and the prohibition against anyone cultivating cannabis for personal purposes in a dwelling-house. The Cannabis Regulation Act essentially prohibits cannabis smoking in the same places where tobacco use is prohibited. It also prohibits cannabis production for commercial purposes in Québec, except in the case of a cannabis producer who has the qualifications and meets the conditions determined by the Government. As well, it provides that the Government may establish standards relating to the composition and characteristics of cannabis.

The Cannabis Regulation Act identifies the sole persons who are authorized to transport and store cannabis for commercial purposes. It also establishes that only the SQDC and cannabis producers may sell cannabis. However, it specifies that a producer may sell cannabis only to the SQDC, after obtaining an authorization to contract from the Autorité des marchés publics, or to another producer, unless the cannabis is shipped outside Québec. The Act sets the conditions applicable to the retail sale of cannabis by the SQDC, including by setting the minimal distance required between an educational institution providing preschool education services or elementary or secondary school instructional services and a cannabis retail outlet, requiring SQDC employees to hold a certificate confirming successful completion of training on the sale of cannabis, prohibiting minors from being admitted to cannabis retail outlets, limiting the products the SQDC may sell and requiring that cannabis be visible only from the inside of cannabis retail outlets.

The Cannabis Regulation Act moreover specifies the rules applicable to cannabis, advertising, promotion and packaging. It gives the Government the power to authorize the implementation by the Minister of Health and Social Services of pilot projects which, however, may not pertain to the retail sale of cannabis. The Act also gives the Government the power to enter into agreements with Aboriginal communities for the purpose of adapting the matters within the scope of its provisions to Aboriginal realities. In addition, it allows the financing, through dedicated funds, of cannabis-related activities, programs and care by establishing the Cannabis Prevention and Research Fund at the Ministère de la Santé et des Services sociaux. It establishes an oversight committee entrusted with advising the Minister of Health and Social Services on any cannabis-related matter and, more particularly, with evaluating the application of the measures provided for by law as well as the activities of the SQDC. It includes certain provisions for monitoring the measures it introduces, notably inspection powers, and contains penal provisions.

Lastly, the Act amends the Highway Safety Code and other transportation-related laws to adapt them to the new federal legislation, which more particularly proposes a substantial revision of the section of the Criminal Code on transportation-related offences in connection with alcohol and drug consumption. In that context, the Act introduces a new zero tolerance principle for drugs by prohibiting any person from driving or having the care or control of a road vehicle if there is a detectable presence of cannabis or any other drug in the person's saliva. It also sets forth new control and penalty mechanisms. It thus allows a peace officer who reasonably suspects the presence of cannabis or any other drug in a person's body to order the person to immediately provide such samples of saliva as in the officer's opinion are necessary to enable a proper analysis to be made by means of approved screening equipment. The officer is to immediately suspend, for 90 days, the licence of any person driving or having the care or control of a road vehicle in such cases as when the saliva screening test conducted shows that cannabis or any other drug is present in the person's body.



Chapter 19

AN ACT TO CONSTITUTE THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS, TO ENACT THE CANNABIS REGULATION ACT AND TO AMEND VARIOUS HIGHWAY SAFETY-RELATED PROVISIONS

[Assented to 12 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

CONSTITUTION OF THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

CHAPTER I

AMENDMENTS TO THE ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

1. The heading of Division II of the Act respecting the Société des alcools du Québec (chapter S-13) is replaced by the following heading:

“MISSION AND POWERS”.

2. Section 16 of the Act is amended

(1) by replacing “function” and “it may” in the first paragraph by “mission” and “the Société may”, respectively;

(2) by replacing “exercise its functions and powers” in the second paragraph by “carry out its mission and exercise its powers”.

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

“16.1. The Société’s mission is also to ensure the sale of cannabis in accordance with the Cannabis Regulation Act (2018, chapter 19, section 19) and from a health protection perspective, in order to integrate consumers into, and maintain them in, the legal market without encouraging cannabis consumption.

The Société carries out that mission exclusively through the Société québécoise du cannabis constituted under section 23.1.”

4. Section 17 of the Act is amended, in the first paragraph,

(1) by replacing “for carrying out its functions” in the introductory clause by “to accomplish its alcoholic beverages trading mission”;

(2) by replacing “for the carrying out of its functions” in subparagraph *b* by “to carry out its mission”.

5. Section 20 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) acquire, construct or assign an immovable in excess of the limits or contrary to the terms and conditions determined by the Government; or”.

6. The Act is amended by inserting the following division after section 23:

“DIVISION II.1

“SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

“§1. — Constitution and powers

“23.1. A joint stock company to be known as the “Société québécoise du cannabis” is constituted.

The Société québécoise du cannabis is a subsidiary of the Société.

It is designated in this division as “the Subsidiary” and may also be designated by the initialism “SQDC”.

“23.2. The Subsidiary’s purpose is to carry out the Société’s mission as regards the sale of cannabis. To that end, it may, in particular,

(1) buy cannabis that meets the standards provided for in section 44 of the Cannabis Regulation Act (2018, chapter 19, section 19) or the regulations and that is produced for commercial purposes by a cannabis producer authorized by the Autorité des marchés publics in accordance with section 26 of that Act;

(2) operate cannabis retail outlets;

(3) sell cannabis over the Internet;

(4) authorize a person to engage, on the Subsidiary’s behalf, in the transportation, including the delivery, and storage of the cannabis that the Subsidiary sells; and

(5) inform consumers about cannabis-related health risks, promote responsible cannabis consumption, raise awareness of the appropriate assistance resources and direct persons who wish to stop using cannabis to those resources.

Cannabis purchases by the Subsidiary may be made preferentially from producers situated in the territory of Québec, to the extent allowed by the intergovernmental and international commercial agreements entered into by Québec or to which Québec has declared itself bound in accordance with the Act respecting the Ministère des Relations internationales (chapter M-25.1.1).

The Minister may set the parameters on the basis of which the Subsidiary must determine the sale price of cannabis.

“23.3. In no case may the Subsidiary, without the authorization of the Government,

(1) make a financial commitment in excess of the limits, terms and conditions fixed by the Government;

(2) acquire, construct or assign an immovable in excess of the limits or contrary to the terms and conditions determined by the Government; or

(3) contract a loan which brings the total amount of its outstanding borrowings to an amount greater than that fixed by the Government.

“23.4. The Subsidiary may not constitute subsidiaries of its own nor may it acquire or hold equity securities in another legal person or a partnership.

“23.5. Sections 19, 21 and 22 apply to the Subsidiary, with the necessary modifications.

“§2. — Organization and operation

“I. — Board of directors

“23.6. The Subsidiary’s board of directors is composed of 9 to 11 members, including the chair of the board and the president and chief executive officer.

The Société shall appoint the members of the board of directors, other than the chair of the board and the president and chief executive officer, based on the expertise and experience profiles established by the board. The board must include members who collectively have significant expertise or experience in public health, education, substance abuse and youth intervention.

The members of the board are appointed for a term of up to four years.

The Minister of Municipal Affairs, Regions and Land Occupancy, the Minister of Finance, the Minister of Health and Social Services and the Minister of Public Security shall each designate an observer to the board. The observers shall participate in board meetings, but shall not have the right to vote.

“23.7. A person may not be appointed as a member of the board of directors or remain a member of the board if the person has been found guilty of an offence listed in Schedule I, unless the person has obtained a pardon.

Likewise, a person may not be appointed as a member of the board of directors or remain a member of the board if, in the Société’s opinion, the person does not have the integrity necessary to hold such an office within the Subsidiary.

The verifications required for the purposes of the first and second paragraphs are conducted in accordance with the security clearance process set out in subdivision 4.

The Government may amend Schedule I.

“23.8. A vacancy on the board of directors shall be filled in accordance with the rules of appointment to the board.

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

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

“23.10. 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.

However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“23.11. Each member of the board of directors shall remain in office, despite the expiry of the member’s term, until reappointed or replaced.

“23.12. The minutes of the sittings of the board of directors approved by it and certified true by the chair of the board, the president and chief executive officer, the secretary or any other person authorized to do so by by-law of the Subsidiary are authentic. The same applies to documents or copies emanating from the Subsidiary or forming part of its records when they are so certified.

“II.— President and chief executive officer

“23.13. The Société shall appoint the president and chief executive officer on the recommendation of the board of directors, based on the expertise and experience profile established by the Subsidiary.

The president and chief executive officer is appointed for a term of up to five years.

The board of directors shall determine the remuneration and other conditions of employment of the president and chief executive officer in keeping with the parameters set by the Government.

“23.14. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 23.13 within a reasonable time, the Société may appoint the president and chief executive officer after notifying the board members.

“23.15. If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Subsidiary’s personnel to exercise the functions of that position.

“III. — Application of the Act respecting the governance of state-owned enterprises and the Companies Act

“23.16. The Act respecting the governance of state-owned enterprises (chapter G-1.02), except Chapter VII, applies to the Subsidiary, subject to the following:

(1) in section 3 of that Act,

(a) the word “Minister” defined in that section must be understood to mean the Société, except in section 34;

(b) the word “enterprise” defined in that section must be understood to mean the Subsidiary, and

(c) the word “officer” defined in that section must be understood to mean the president and chief executive officer of the Subsidiary or any person with management responsibilities who reports directly to the president and chief executive officer;

(2) for the purposes of the first paragraph of section 4 and sections 14 and 35 of that Act, a reference to the Government is a reference to the Société;

(3) in addition to the cases referred to in the third paragraph of section 4 of that Act, a director is deemed not to be independent if the director is or has been, within the three years preceding the date of the director’s appointment, employed by the Société or any of its wholly-owned subsidiaries;

(4) for the purposes of section 5 of that Act, the Société replaces the Government for the examination of situations within the scope of the policy the Government may adopt;

(5) paragraphs 4 and 14 of section 15 and subparagraph 2 of the first paragraph of section 22 of that Act do not apply to the Société with respect to the Subsidiary;

(6) paragraph 15 of section 15 of that Act applies to the Subsidiary as if it had been mentioned in it; and

(7) for the purposes of section 34 of that Act, the Subsidiary's strategic plan is to be established according to the form, content and timetable applicable to the Société's strategic plan.

“23.17. Section 179 of the Companies Act (chapter C-38) does not apply to the Subsidiary.

“§3. — *Human resources*

“23.18. The employees of the Subsidiary shall be appointed in accordance with the staff requirements and mode of appointment established by by-law of the Subsidiary.

Subject to the provisions of a collective agreement, the Subsidiary shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

“23.19. The Subsidiary may not hire or retain in its employment a person who has been found guilty of an offence listed in Schedule I, unless the person has obtained a pardon.

Likewise, the Subsidiary may not hire or retain in its employment a person who does not have the integrity necessary to hold employment with the Subsidiary, given the abilities and conduct required to hold employment with the Subsidiary.

The verifications required for the purposes of the first and second paragraphs are conducted in accordance with the security clearance process set out in subdivision 4.

“§4. — *Security clearance process*

“23.20. The following elements must, among others, be considered by the Société or the Subsidiary, as the case may be, to establish whether a person has the integrity necessary to hold an office or employment within the Subsidiary:

(1) the person maintains or has maintained connections with a criminal organization within the meaning of subsection 1 of section 467.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or with any other person

or entity that engages in laundering proceeds of crime or in trafficking in a substance included in any of Schedules I to IV to the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);

(2) the person has been prosecuted for any of the offences listed in Schedule I;

(3) the person has been found guilty by a foreign court of an offence which, if committed in Canada, could have resulted in criminal or penal proceedings for an offence listed in Schedule I;

(4) the person has been prosecuted for or has been found guilty of any other criminal or penal offence; or

(5) the person has repeatedly evaded or attempted to evade compliance with the law.

A finding of guilt must be disregarded if a pardon has been obtained. The facts and circumstances surrounding an offence for which a pardon has been obtained may nevertheless be taken into consideration.

“23.21. For security clearance purposes, the Société or the Subsidiary shall, for each person concerned, send the Sûreté du Québec a copy of photo identification issued by a government, a government department or a public body which shows the person’s name and date of birth.

Within 30 days after receiving the information, the Sûreté du Québec shall issue to the Société or the Subsidiary, as the case may be, a security clearance report indicating whether the person has committed an offence listed in Schedule I and containing all the information necessary to enable it to assess whether the person has the integrity necessary to hold an office or employment within the Subsidiary. The Sûreté du Québec may consult any other police force for the purpose of preparing the report.

“23.22. The security clearance process must be conducted every three years for each member of the board of directors and each member of the personnel.

It must be conducted again for any such person whenever the Société or the Subsidiary, as the case may be, is informed of a fact likely to affect the content of the report concerning that person.

“§5. — Financial provisions

“I. — Capital stock

“23.23. The Subsidiary’s authorized capital stock shall be \$100,000,000. It shall be divided into one class “A” share of a par value of \$1,000 and 99,999 class “B” shares of a par value of \$1,000 each.

The Société shall subscribe and hold the class “A” share.

Only the Minister of Finance may subscribe class “B” shares.

“23.24. The class “A” share shall carry only the right to vote at any shareholders meeting.

Class “B” shares shall carry only the right to receive any declared dividend or to receive a share of the remaining property of the Subsidiary on liquidation.

“23.25. After the board of directors of the Subsidiary has made its offer, the Minister of Finance may, with the authorization of the Government, subscribe shares in the Subsidiary.

“23.26. The Société and the Minister of Finance shall pay the par value of the shares they subscribe; they are then issued the certificates.

“23.27. The Subsidiary shall pay the dividends fixed by the Minister of Finance in the manner indicated by the Minister.

The Subsidiary shall send the Minister the financial information necessary to fix the dividends.

The sums paid by the Subsidiary as dividends shall be paid into the Cannabis Sales Revenue Fund.

“II.— *Subsidiary’s financing*

“23.28. The Government may, on the conditions it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the Subsidiary and the performance of its obligations;

(2) make any commitment in relation to the realization or financing of a project of the Subsidiary; and

(3) authorize the Minister of Finance to advance to the Subsidiary any amount considered necessary for the attainment of its purpose.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

“23.29. For the purposes of subparagraph 6 of the first paragraph of section 24 of the Act respecting the Ministère des Finances (chapter M-24.01), the Subsidiary is deemed to be a government enterprise.

“III. — Cannabis Sales Revenue Fund

“23.30. The Cannabis Sales Revenue Fund shall be established at the Ministère des Finances. The Fund shall be dedicated to

- (1) the elimination of any deficit that the Subsidiary may incur;
- (2) the transfer that the Minister of Finance must make each year to the Cannabis Prevention and Research Fund established under the Cannabis Regulation Act (2018, chapter 19, section 19); and
- (3) the prevention of, and the fight against the harm associated with, psychoactive substance use.

“23.31. The following sums shall be credited to the Cannabis Sales Revenue Fund:

- (1) the sums paid by the Subsidiary as dividends;
- (2) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;
- (3) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;
- (4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and
- (5) the interest earned by the sums credited to the Fund.

“23.32. The sums required to pay any expenses necessary to achieve and finance the purposes set out in paragraphs 1 and 2 of section 23.30 shall be debited from the Cannabis Sales Revenue Fund.

To achieve and finance the purposes set out in paragraph 3 of section 23.30, a minister designated in accordance with section 23.33 may debit from the Fund such sums as are provided for in the order designating the minister.

“23.33. When a department’s activities include the implementation of measures related to the prevention of, and the fight against the harm associated with, psychoactive substance use, the Government may, on the joint recommendation of the Minister of Finance and the minister responsible for that department, designate the latter minister to allow that minister to debit sums from the Cannabis Sales Revenue Fund.

The designating order must, for each of the fiscal years in which it will be applicable, specify how the sums are to be used and the maximum amount that may be debited from the Fund.

The minister concerned must table the order in the National Assembly within 15 days after the order is made or, if the Assembly is not sitting, within 15 days of resumption.

“23.34. The amount of the transfer provided for in paragraph 2 of section 23.30 must, for a fiscal year, correspond to the majority of the revenues of the Cannabis Sales Revenue Fund, minus any expenditure required to eliminate any deficit the Subsidiary may incur, unless the Government fixes a greater amount before the Special Funds Budget for that fiscal year is submitted to it.

“§6. — *Regulations*

“23.35. The Government may make regulations

(1) determining standards for the purchase and sale of cannabis by the Subsidiary;

(2) determining the conditions that a person must meet to be authorized by the Subsidiary to transport or store cannabis, in particular those related to security clearances;

(3) determining conditions for the sale of cannabis by the Subsidiary over the Internet;

(4) requiring the conservation of documents relating to the Subsidiary’s activities; and

(5) prescribing any other useful measure for the administration of this division.

“§7. — *Directives*

“23.36. The Minister may, after consulting with the Minister of Health and Social Services, issue directives on the direction and general objectives to be pursued by the Subsidiary. The Minister may also issue written directives to the board of directors on matters which, in the Minister’s opinion, relate to public interest issues.

Such directives must be approved by the Government and come into force on the day they are approved. Once approved, they are binding on the Subsidiary.

The directives must be tabled in the National Assembly within 15 days after they are approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

“23.37. The Minister of Public Security may, after consulting with the Société or the Subsidiary, issue a directive establishing the minimal verifications that must be conducted by the Sûreté du Québec to enable the Société or the Subsidiary, as the case may be, to establish whether a person has the integrity necessary to hold an office or employment within the Subsidiary. Such verifications may vary according to job classes.

The Minister may also, after consulting with the Subsidiary, establish by directive the minimal verifications that must be conducted under a regulation made under paragraph 2 of section 23.35 before a person is authorized by the Subsidiary to transport or store cannabis.

“§8. — *Accounts and reports*

“23.38. The fiscal year of the Subsidiary shall expire on the last Saturday in March each year.

“23.39. Before the beginning of each fiscal year, the Subsidiary must prepare an investment budget and an operating budget and send them to the Minister of Finance for approval on the date and in the form determined by the Minister.

The Subsidiary shall also send its investment budget and operating budget to the Société.

“23.40. The Subsidiary must, on a quarterly basis, send the Minister of Finance a statement of its revenues and expenditures and a statement of their correlation with the budgetary forecasts of the Subsidiary.

“23.41. Each year, the Subsidiary must send its financial statements and annual report for its previous fiscal year to the Société.

The Subsidiary must also send the Société any strategic plan established in accordance with section 34 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

“23.42. The books and accounts of the Subsidiary shall be audited jointly every year by the Auditor General and an external auditor appointed by the Government in accordance with section 60. The remuneration of the external auditor shall be paid out of the revenues of the Subsidiary. The joint report must accompany the Subsidiary’s annual report.

“23.43. The Minister must, not later than 7 August 2021, and subsequently every five years, report to the Government on the implementation of section 16.1 and this division.

The Minister must table the report in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly shall examine the report.”

7. Section 59 of the Act is amended

(1) by inserting “and be accompanied by the separate financial statements, the annual report and, if applicable, the strategic plan of the Société québécoise du cannabis” at the end of the first paragraph;

(2) by inserting “of the Société as well as the financial statements, the annual report and, if applicable, the strategic plan of the Société québécoise du cannabis” after “statements” in the second paragraph.

8. The Act is amended by adding the following schedule at the end:

“SCHEDULE I

“(Sections 23.7, 23.19, 23.20 and 23.21)

“LIST OF OFFENCES

“1. Offences under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46):

(a) offences involving the financing of terrorism against any of sections 83.02 to 83.04;

(b) offences involving corruption against any of sections 119 to 125;

(c) offences involving fraud against any of sections 380 to 382;

(d) the offence of laundering proceeds of crime against section 462.31;

(e) offences involving a criminal organization against any of sections 467.11 to 467.13; and

(f) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in any of paragraphs *a* to *e*.

“2. Drug-related offences:

(a) any offence under Part I of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), except an offence against subsection 1 of section 4;

(b) any criminal offence under the Cannabis Act (Statutes of Canada, 2018, chapter 16), except offences against section 8; and

(c) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in paragraphs *a* and *b*.”

CHAPTER II

AMENDING PROVISIONS

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

9. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting “— The Société québécoise du cannabis” in alphabetical order.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

10. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by inserting “the Société québécoise du cannabis” in paragraph 1 in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

11. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by inserting “the Société québécoise du cannabis” in paragraph 1 in alphabetical order.

CHAPTER III

TRANSITIONAL PROVISIONS

12. Until 25 January 2019, the reference to the Autorité des marchés publics in subparagraph 1 of the first paragraph of section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 6, is to be read as a reference to the Autorité des marchés financiers.

13. Despite section 23.6 of the Act respecting the Société des alcools du Québec, enacted by section 6, the Société des alcools du Québec appoints the first members of the board of directors of the Société québécoise du cannabis without taking into account the requirements set out in the second paragraph of that section, except as regards the requirement that certain members have significant expertise or experience in public health, education, substance abuse and youth intervention.

Despite the third paragraph of section 23.6 of the Act respecting the Société des alcools du Québec, enacted by section 6, at least one-third of the members of the first board of directors, other than the chair of the board and the president and chief executive officer, are appointed for a term of up to two years. The other members are appointed for a term of up to four years.

The Société des alcools du Québec must appoint the members of the board of directors not later than 12 September 2018.

14. For the purposes of section 23.10 of the Act respecting the Société des alcools du Québec, enacted by section 6, the members of the board of directors are remunerated and their expenses are reimbursed on the conditions and to the extent determined for the members of the board of directors of the Société des alcools du Québec until the Government determines otherwise.

15. Despite section 23.13 of the Act respecting the Société des alcools du Québec, enacted by section 6, the Société des alcools du Québec appoints the first president and chief executive officer of the Société québécoise du cannabis taking into account the expertise and experience profile it establishes.

The president and chief executive officer assumes the day-to-day management of the Société québécoise du cannabis until the board of directors is established.

The remuneration and other conditions of employment of the president and chief executive officer of the Société québécoise du cannabis are set by the Société des alcools du Québec within the parameters the Government determines.

16. Despite section 23.25 of the Act respecting the Société des alcools du Québec, enacted by section 6, the Minister of Finance is authorized to subscribe a class “B” share of the Société québécoise du cannabis without the Government’s authorization.

17. For the purposes of section 23.35 of the Act respecting the Société des alcools du Québec, enacted by section 6, a regulation made before 12 September 2018 may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

18. The expenditure and investment estimates for the Cannabis Sales Revenue Fund, set out in Schedule I, are approved for the 2018–2019 fiscal year.

PART II

ENACTMENT OF THE CANNABIS REGULATION ACT

19. The Cannabis Regulation Act, the text of which appears in this Part, is enacted.

“CANNABIS REGULATION ACT**“CHAPTER I****“PRELIMINARY PROVISIONS**

“1. The purpose of this Act is to prevent and reduce cannabis harm in order to protect the health and security of the public and of young persons in particular. The Act also aims to ensure the preservation of the cannabis market’s integrity.

To those ends, it regulates such aspects as the possession, cultivation, use, sale and promotion of cannabis.

This Act is binding on the State.

“2. For the purposes of this Act, “cannabis”, “cannabis accessory” and “dried cannabis” have the meaning assigned by the Cannabis Act (Statutes of Canada, 2018, chapter 16).

“3. This Act, except Chapter IV, does not apply to cannabis whose production and possession for medical purposes are governed by federal regulations or to industrial hemp whose production, importation, exportation, sale and supply are governed by such regulations, to the extent that the activities concerned are carried out in compliance with those regulations.

“CHAPTER II**“POSSESSION OF CANNABIS FOR PERSONAL PURPOSES**

“4. It is prohibited for a minor to possess cannabis or give cannabis.

A minor who contravenes the first paragraph by possessing a total amount of cannabis equivalent to five grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16) or by giving cannabis commits an offence and is liable to a fine of \$100.

“5. It is prohibited to possess a cannabis plant.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

“6. The Government may, by regulation, determine the standards applicable to possession of cannabis in a public place by a person of full age, in particular by prescribing a lesser amount than the amount that may be possessed under the Cannabis Act (Statutes of Canada, 2018, chapter 16).

It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$750 or, for a subsequent offence, \$1,500.

For the purposes of this section and section 7, the expression “public place” has the meaning assigned by the Cannabis Act (Statutes of Canada, 2018, chapter 16).

“7. It is prohibited for a person of full age to possess, in one or more places other than a public place, a total amount of cannabis equivalent to more than 150 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16).

Furthermore, in a residence where two or more persons of full age live, it is prohibited for each of those persons to possess cannabis if they know this results in the total amount of cannabis in the residence being equivalent to more than 150 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16).

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

“8. It is prohibited for anyone to possess cannabis

(1) on grounds, on premises or in buildings placed at the disposal of an educational institution providing preschool education services, elementary and secondary school instructional services, educational services in vocational training or educational services to adults in general education, as the case may be;

(2) on the premises or in the buildings of a college-level educational institution, except student residences;

(3) on the grounds and in the facilities of a childcare centre or day care centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(4) on grounds, on premises or in buildings used for detention within the meaning of the Act respecting the Québec correctional system (chapter S-40.1).

The Government may, by regulation, determine other places where it is prohibited to possess cannabis.

Anyone who contravenes the first paragraph or a regulation made under the second paragraph by possessing a total amount of cannabis equivalent to 30 grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16) commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

“9. In all places, cannabis must be kept in a safe manner, somewhere that is not easily accessible to minors.

In a private residence where the services of an intermediate resource or of a family-type resource governed by the Act respecting health services and social services (chapter S-4.2) are offered or in a private residence where home childcare services are provided, regardless of whether the childcare providers are recognized home childcare providers under the Educational Childcare Act, cannabis must, in addition, be kept under lock.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

“CHAPTER III

“CANNABIS CULTIVATION FOR PERSONAL PURPOSES

“10. It is prohibited to cultivate cannabis for personal purposes.

That prohibition against cultivating cannabis applies, in particular, to the planting of seeds and plants, the propagation of plants from cuttings, the cultivation of plants and the harvesting of their production.

Anyone who contravenes the first paragraph by cultivating four cannabis plants or less in their dwelling-house commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

For the purposes of the third paragraph, “dwelling-house” has the meaning assigned by subsection 8 of section 12 of the Cannabis Act (Statutes of Canada, 2018, chapter 16).

“CHAPTER IV

“RESTRICTION ON CANNABIS USE IN CERTAIN PLACES

“DIVISION I

“MEANING OF “TO SMOKE” AND “SMOKING”

“11. For the purposes of this chapter, “to smoke” and “smoking” also apply to the use of a pipe, a bong, an electronic cigarette or any other device of that nature.

“DIVISION II**“ENCLOSED SPACES**

“12. Subject to sections 13 to 15, cannabis smoking is prohibited in all the following enclosed spaces:

(1) facilities maintained by a health or social services institution governed by the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and premises where the services of an intermediary resource governed by the Act respecting health services and social services are offered, except if the premises are situated in a private residence;

(2) premises or buildings of a university-level institution;

(3) private residences where home childcare services are provided, regardless of whether the childcare providers are recognized home childcare providers under the Educational Childcare Act, during the hours childcare is provided;

(4) enclosed spaces where sports, recreational, judicial, cultural or artistic activities or conferences, conventions or other similar activities are held;

(5) enclosed spaces where community or recreational activities intended for minors are held, except if the activities are held in a private residence;

(6) enclosed spaces where the activities held may be attended only by persons explicitly or implicitly invited or authorized by the host, whether or not an admission fee is charged and regardless of the purpose of the activities, except if the activities are held in a private residence;

(7) enclosed spaces used by a non-profit legal person or by an association, circle or club, whether a legal person or not, to which only members and their guests have access, except if the enclosed spaces are situated in a private residence;

(8) the common areas of residential buildings comprising two or more dwellings;

(9) the common areas of private seniors' residences within the meaning of the second paragraph of section 346.0.1 of the Act respecting health services and social services;

(10) palliative care hospices and places where prevention, assistance and support services, including temporary lodging services, are offered to persons in distress or in need of assistance, except if the services are offered in a private residence;

(11) tourist accommodation establishments governed by the Tourist Accommodation Establishments Act (chapter E-14.2) and the buildings of outfitting operations within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);

(12) specially set up enclosed spaces where meals for consumption on the premises are ordinarily offered to the public in return for remuneration;

(13) establishments operating under a bar permit within the meaning of the Act respecting liquor permits (chapter P-9.1);

(14) casinos, bingo halls and other gambling facilities;

(15) workplaces, except workplaces situated in a private residence;

(16) means of shared transportation and other means of transportation used in the course of employment; and

(17) all other enclosed spaces that are open to the public.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$1,500. In addition, anyone who smokes in an enclosed space referred to in the first paragraph of section 8 or a regulation made under the second paragraph of that section commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first or second paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary showing that the product smoked was not cannabis.

“13. A closed smoking room where cannabis smoking is permitted may be set up in the following enclosed spaces:

(1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered;

(2) the common areas of residential buildings comprising two or more dwellings;

(3) the common areas of private seniors' residences; and

(4) palliative care hospices and places where prevention, assistance and support services are offered to persons in distress or in need of assistance.

If a closed smoking room has already been set up in such places under section 3 of the Tobacco Control Act (chapter L-6.2), that smoking room is the only one that may be used for cannabis use.

The smoking room must be used only for cannabis use and, if applicable, tobacco use. It must be used only by persons living or lodged in the place.

The smoking room must also be delimited by floor-to-ceiling partitions or walls so as to be fully enclosed, and must be equipped with a ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building. In addition, the smoking room door must be equipped with a properly functioning self-closing device.

The Government may, by regulation, determine other standards relating to the construction or set-up and the ventilation system of smoking rooms.

In the case of a contravention of the second, third or fourth paragraph or a regulation made under the fifth paragraph, the operator of a place described in the first paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.

14. Rooms where cannabis smoking is permitted may be identified in the following enclosed spaces:

(1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered; and

(2) palliative care hospices and temporary lodging facilities where prevention, assistance and support services are offered to persons in distress or in need of assistance.

Only persons admitted to or lodged in those places may smoke in such rooms.

The number of rooms where cannabis smoking is permitted may not exceed 20% of the rooms available for all the clientele. Furthermore, the rooms where smoking is permitted must be grouped together so as to provide maximum protection to non-smokers given the total floor space, use and ventilation of the place. If rooms have already been identified for tobacco use under the second paragraph of section 5 of the Tobacco Control Act, they must be the first ones identified for cannabis use.

The operator of a place referred to in the first paragraph may set certain conditions for cannabis use in a room where smoking is permitted or prohibit a person from smoking in such a room if the operator has reasonable grounds to believe that the person's cannabis use would pose a threat to the person's own safety or the safety of others.

“15. A room where cannabis smoking is permitted for research purposes may be set up in a research centre operated by

- (1) a health or social services institution;
- (2) a college- or university-level educational institution;
- (3) a commercial cannabis producer; or
- (4) a legal person that is a mandatary of the State and that participates in research activities in the field of health and social services.

The Government may, by regulation, determine other places where it is permitted to set up such a room.

Only persons who are research subjects may smoke in the room as part of research.

The standards prescribed in the fourth paragraph of section 13 or a regulation made under the fifth paragraph of that section apply to such a room.

The operator of a research centre or of any other place specified in a regulation made under the second paragraph must inform the Minister before beginning to use such a room.

In the case of a contravention of the third, fourth or fifth paragraph, the operator of a research centre or of any other place specified in a regulation made under the second paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.

“DIVISION III

“OTHER PLACES

“16. Cannabis smoking is prohibited

- (1) in bus shelters and outdoor areas used to wait for shared transportation;
- (2) in tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;
- (3) on the grounds of a health or social services institution;
- (4) on the grounds of a post-secondary educational institution;
- (5) on terraces and in other outdoor areas operated as part of a commercial activity and set up for rest, relaxation or the consumption of products;

(6) in outdoor play areas intended for children that are open to the public, including splash pads, wading pools and skateparks;

(7) on sports fields and playgrounds, including areas reserved for spectators, that are frequented by minors and open to the public;

(8) on the grounds of day camps and vacation camps as well as at skating rinks and outdoor pools that are frequented by minors and open to the public; and

(9) on lanes specifically built for bicycle traffic.

That prohibition also applies within a nine-metre radius from

(1) any part of the perimeter of a place referred to in subparagraph 6 of the first paragraph; and

(2) any door, air vent or openable window of an enclosed space referred to in the first paragraph of section 12, except the places referred to in subparagraphs 8, 9 and 16 of that paragraph.

However, if the nine-metre radius or a portion of that radius exceeds the boundaries of the grounds on which the place referred to in the second paragraph is situated, smoking is prohibited only up to those boundaries.

The Government may, by regulation, determine other places where smoking is prohibited.

Anyone who contravenes the first or second paragraph or a regulation made under the fourth paragraph commits an offence and is liable to a fine of \$500 to \$1,500. In addition, anyone who smokes on the grounds of an enclosed space referred to in the first paragraph of section 8 or in any other outdoor place determined by a regulation made under the second paragraph of that section commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first, second or fifth paragraph or a regulation made under the fourth paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary showing that the product smoked was not cannabis.

“DIVISION IV**“OBLIGATIONS OF THE OPERATOR OF A PLACE**

“17. The operator of a place to which this chapter or a regulation made under the fourth paragraph of section 16 applies must post signs visible to the persons frequenting the place, indicating the areas where smoking is prohibited.

It is prohibited to remove or alter such signs.

The Government may, by regulation, determine the standards applicable to such signs.

An operator who contravenes the first or second paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

“18. The operator of a place to which this chapter or a regulation made under the fourth paragraph of section 16 applies must not tolerate a person smoking cannabis in an area where cannabis smoking is prohibited.

An operator who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

In penal proceedings for such a contravention, evidence that a person was smoking in an area where smoking is prohibited is sufficient to establish that the operator tolerated a person doing so in that area, unless it is established that the operator exercised due diligence and took all necessary precautions to prevent the offence.

“DIVISION V**“OTHER RULES APPLICABLE TO CANNABIS USE**

“19. A person who must, while working or providing services, take care of, or otherwise provide care to, a minor, a senior or any person in a vulnerable situation may not use cannabis during the hours the person works or provides services.

For the purposes of the first paragraph, a person in a vulnerable situation means a person of full age whose ability to request or obtain assistance is temporarily or permanently limited because of factors such as a restraint, limitation, illness, disease, injury, impairment or handicap, which may be physical, cognitive or psychological in nature.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

“20. The Government may, by regulation, make all or part of this chapter applicable to other forms of cannabis use or determine any other standard applicable to such forms of use.

“21. Under their managerial prerogative, employers may regulate, including prohibit, any form of cannabis use by members of their personnel in a workplace within the meaning of the Act respecting occupational health and safety (chapter S-2.1), unless it is already prohibited there under this chapter.

“CHAPTER V

“CANNABIS PRODUCTION

“22. Only a cannabis producer who has the qualifications and meets the conditions determined by government regulation may produce cannabis in Québec. Cannabis production includes, but is not limited to, the cultivation, processing, packaging and labelling of cannabis for commercial purposes.

The Government may, by regulation, determine the standards applicable to cannabis production, which may in particular relate to the preparation, conditioning or preservation of cannabis, and the substances and methods used. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

“CHAPTER VI

“TRANSPORTATION AND STORAGE OF CANNABIS

“23. Only the Société québécoise du cannabis, a person it authorizes in accordance with subparagraph 4 of the first paragraph of section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), a cannabis producer or any other person determined by government regulation may transport, including deliver, and store cannabis for commercial purposes.

The Government may, by regulation, prescribe the standards and conditions applicable to the transportation and storage of cannabis. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

“24. Nothing in this Act may be construed as forbidding the transportation of cannabis in transit in Québec; however, in the absence of any evidence to the contrary, the transportation of cannabis without a bill of lading indicating the names and addresses of the shipper and the receiver constitutes proof that it is intended for delivery in Québec.

“CHAPTER VII

“SALE OF CANNABIS

“DIVISION I

“GENERAL PROVISIONS

“25. Only the Société québécoise du cannabis and a cannabis producer may purchase cannabis from a producer and sell cannabis. However, a producer may sell cannabis only to the Société or to another producer, unless the producer ships it outside Québec.

The Government may, by regulation, prescribe the conditions applicable to the sale of cannabis between producers and the standards they must comply with. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

“26. A cannabis producer who wishes to enter into a contract with the Société québécoise du cannabis for the sale of cannabis must obtain an authorization to contract from the Autorité des marchés publics (the Authority), as though the contract were a public contract described in section 3 of the Act respecting contracting by public bodies (chapter C-65.1). Chapter V.2 of that Act, except sections 21.17 to 21.17.2, and sections 25.0.2 to 25.0.5 of that Act apply in such a case, with the necessary modifications.

In appraising the high standards of integrity expected from a cannabis producer under section 21.27 of that Act, the Authority must, among other things, consider the cannabis producer’s funding sources, in particular on the basis of the documents and information prescribed by the Authority under section 21.23 of that Act.

“DIVISION II**“RETAIL SALE OF CANNABIS BY THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS****“§1. — *General provisions***

“27. Cannabis sold retail by the Société québécoise du cannabis must be sold in a cannabis retail outlet, unless it is sold over the Internet.

Such a cannabis retail outlet must be a fixed place that is permanently delimited by continuous floor-to-ceiling partitions or walls and that is accessible to customers only through an opening equipped with a door.

“28. Only the following products may be sold by the Société québécoise du cannabis:

- (1) cannabis belonging to one of the following classes:
 - (a) dried cannabis;
 - (b) cannabis oil;
 - (c) fresh cannabis;
 - (d) cannabis resin; and
 - (e) any other class of cannabis determined by government regulation, including edible and non-edible cannabis products;
- (2) cannabis accessories;
- (3) specialized publications about cannabis; and
- (4) any other product determined by government regulation.

“29. Cannabis sold in a cannabis retail outlet may not be altered there in any way.

“30. A cannabis sales employee must hold a certificate confirming successful completion of such training on the sale of cannabis as is determined by ministerial regulation. Such a regulation also prescribes conditions as to training updates.

“31. The Société québécoise du cannabis may not sell a total amount of cannabis equivalent to more than 30 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16) to a purchaser in the course of a same visit to a cannabis retail outlet.

In the course of a cannabis sale, the Société québécoise du cannabis must communicate the information prescribed by ministerial regulation to the purchaser, by any of the means prescribed in the regulation.

The Government may, by regulation, reduce the amount of cannabis that may so be sold and establish the minimum amount of cannabis that must be sold to a purchaser in the course of a same visit.

“32. The Société québécoise du cannabis may not sell cannabis to a person whose behaviour is clearly altered by drugs or alcohol.

Nor may it sell cannabis to a person when it knows the person is purchasing cannabis for another person whose behaviour is clearly altered in such a manner.

“33. The Société québécoise du cannabis may not operate a cannabis retail outlet near an educational institution providing preschool education services or elementary or secondary school instructional services.

A cannabis retail outlet is considered to be near an educational institution if, from the boundaries of the grounds on which the institution is situated, the shortest route to the retail outlet by a public road, within the meaning of the third paragraph of section 66 of the Municipal Powers Act (chapter C-47.1), is less than 250 metres or, in the territory of Ville de Montréal, less than 150 metres.

The Government may, by regulation, prescribe other standards relating to the location of cannabis retail outlets. Those standards may in particular relate to the minimal distance required between a cannabis retail outlet and other places frequented by minors or places frequented by vulnerable clientele.

The first paragraph and the regulation made under the third paragraph apply subject to any municipal zoning by-law which, by express derogation, specifically authorizes the operation of a cannabis retail outlet.

“§2. — Prohibition against admitting minors and selling to minors

“34. A minor may not be admitted to a cannabis retail outlet and a minor’s presence may not be tolerated there.

“35. It is prohibited to sell cannabis to a minor.

“36. A person who wishes to be admitted to or to purchase cannabis in a cannabis retail outlet is required to provide proof of age on the request of an employee of the Société québécoise du cannabis.

When required to provide proof of age, such a person must produce photo identification issued by a government, a government department or a public body showing the person’s name and date of birth.

The employee must refuse to admit a person to a retail outlet or refuse to sell cannabis to the person if the employee considers that the identification produced cannot prove the person's identity.

“37. The Société québécoise du cannabis may not sell cannabis to a person of full age if it knows the person is purchasing cannabis for a minor.

“38. It is prohibited for a minor to purchase cannabis.

A minor who contravenes the first paragraph commits an offence and is liable to a fine of \$100.

“39. It is prohibited for a person of full age to purchase cannabis for a minor.

A person of full age who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$1,500. Those amounts are doubled for a subsequent offence.

“§3. — *Display*

“40. Cannabis must be displayed in such a way that customers may not have access to it without the assistance of an employee and that it is visible only from the inside of the cannabis retail outlet.

The Government may, by regulation, determine other standards relating to the display of cannabis.

“§4. — *Signage*

“41. The Société québécoise du cannabis must install the sign provided by the Minister concerning the prohibition against admitting minors to a cannabis retail outlet and the prohibition against selling cannabis to minors. The sign may contain a warning attributed to the Minister concerning the harmful effects of cannabis on health. It must be installed on the entrance door or close to it.

It is prohibited to remove such a sign.

The Minister may, by regulation, specify the standards applicable to the sign.

“42. The Government may, by regulation, prescribe other standards relating to signage in cannabis retail outlets.

“CHAPTER VIII**“RETAIL SALE OF CANNABIS ACCESSORIES BY OPERATORS
OTHER THAN THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS**

“43. The provisions of the Tobacco Control Act on retail sale, including those on display and signage, apply to the retail sale of cannabis accessories by any operator of a business other than the Société québécoise du cannabis, as if such accessories were accessories referred to in section 1.1 of that Act.

“CHAPTER IX**“COMPOSITION AND CHARACTERISTICS OF CANNABIS AND
CANNABIS ACCESSORIES**

“44. Dried cannabis, cannabis oil, fresh cannabis and cannabis resin may not contain any additives or any other substances intended to modify their odour, taste or colour, except to the extent provided for by government regulation.

The Government may, by regulation, determine other standards relating to the composition and characteristics or other properties of cannabis, including the standards applicable to edible and non-edible cannabis products.

Those standards may in particular relate to the varieties of cannabis produced or used, the level or concentration of cannabis in certain substances and the pureness, strength and quality of cannabis. They may vary according to the intended use of or customer base for the cannabis.

A cannabis producer who contravenes the first paragraph or a regulation made under the second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“45. Cannabis accessories may not have any flavour or aroma.

Anyone who sells a cannabis accessory that contravenes the first paragraph or whose packaging so suggests commits an offence and is liable to a fine of \$2,500 to \$125,000. However, if the offender is a cannabis producer, the producer is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“46. Sections 44 and 45 do not apply to cannabis or cannabis accessories intended for sale exclusively outside Québec.

“CHAPTER X**“PROMOTION, ADVERTISING AND PACKAGING****“DIVISION I****“SCOPE**

“47. For the purposes of this chapter, unless the context indicates otherwise,

“cannabis” also includes cannabis accessories;

“cannabis producer” also includes a cannabis accessory manufacturer, except in the case of sections 48, 49 and 50, where it also includes a cannabis accessory distributor or manufacturer.

For the purposes of sections 48 and 49, “Société québécoise du cannabis” also includes the operator of a business where cannabis accessories are sold retail.

“DIVISION II**“PROMOTION**

“48. Neither the Société québécoise du cannabis nor a cannabis producer may

(1) supply or distribute cannabis free of charge or furnish cannabis for promotional purposes of any kind to consumers;

(2) reduce the retail price of cannabis on the basis of volume, otherwise than as part of regular marketing operations by the producer, or offer or grant consumers a rebate on the market price of cannabis; or

(3) offer consumers a gift or rebate or a right to participate in a lottery, contest or game or any other form of benefit if consumers must, in return, provide information on cannabis or their cannabis consumption, or purchase or present proof of purchase of a cannabis product.

For the purposes of this chapter, a cannabis producer includes any person or partnership that is controlled by or that controls the producer.

The Government may, by regulation, determine standards relating to promotion.

Anyone, other than the Société, who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“49. It is prohibited for a cannabis producer to offer the Société québécoise du cannabis, including its employees, rebates, gratuities or any other form of benefit related to the sale or the retail price of cannabis.

A producer who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“50. The operator of a business or a cannabis producer may not sell or give an object that is not cannabis or supply such an object as part of an exchange if a name, logo, distinguishing guise, design, image or slogan that is directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer appears on the object.

The operator of a business who contravenes the first paragraph commits an offence and is liable to a fine of \$2,500 to \$62,500. A producer who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“51. Any direct or indirect sponsorship that is associated in any manner whatsoever with the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited.

The first paragraph does not prevent the cannabis industry from making gifts to the extent that the gifts are made without any promotional association. The communication of information by the donor or donee concerning the nature of the gift and the name of the donor, otherwise than through an advertising or commercial message, does not constitute a promotional association within the meaning of this paragraph.

The Government may, by regulation, prescribe the cases and circumstances in which a mode of communication constitutes a promotional association within the meaning of the second paragraph.

Anyone who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“52. No name, logo, distinguishing guise, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer may be associated with a sports, cultural or social facility, a facility maintained by a health or social services institution or a research centre.

Furthermore, no name, logo, distinguishing guise, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société or a cannabis producer may be associated with a sports, cultural or social event, subject to the second paragraph of section 51.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“DIVISION III

“ADVERTISING

“**53.** All direct or indirect advertising for the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited where the advertising

- (1) is directed at minors;
- (2) is false or misleading, or is likely to create an erroneous impression about the characteristics, health effects or health hazards of cannabis;
- (3) directly or indirectly associates the use of cannabis with a particular lifestyle;
- (4) uses testimonials or endorsements;
- (5) uses a slogan;
- (6) contains a text that refers to real or fictional persons, characters or animals;
- (7) contains anything apart from text, with the exception of an illustration of the package or packaging of cannabis occupying not more than 10% of the surface area of the advertising material; or
- (8) is disseminated otherwise than
 - (a) in printed newspapers and magazines that are sent and addressed to a person of full age who is identified by name; or
 - (b) by means of signage visible only from the inside of a cannabis retail outlet.

However, advertising that is intended to provide consumers with factual information about cannabis, including about the price or the intrinsic characteristics of cannabis, brands of cannabis and the Société, is permitted to the extent that it does not constitute advertising or a form of advertising prohibited under the first paragraph. Despite subparagraph 8 of the first paragraph, the Société may nevertheless communicate such factual information to consumers on its cannabis sales website, provided it takes all the measures necessary to ensure that minors cannot access it.

Advertising disseminated in printed newspapers or magazines that are sent and addressed to a person of full age who is identified by name must include the warning attributed to the Minister and prescribed by regulation concerning the harmful effects of cannabis on health. The advertising must be forwarded to the Minister on being disseminated. The Minister may, by regulation, prescribe the warning required under this paragraph and the standards applicable to such a warning.

The Government may, by regulation, determine standards relating to advertising.

Anyone who contravenes the first or third paragraph or a regulation made under the fourth paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“54. Indirect advertising for the promotion of cannabis within the meaning of the first paragraph of section 53 includes the use, on a facility, vehicle or sign or on any other object that is not cannabis, of a name, logo, distinguishing guise, design, image or slogan that is not directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer but that may reasonably be said to evoke a brand of cannabis, the Société or a producer because of its graphic design, presentation or association with a cannabis display stand or a cannabis retail outlet.

“55. The provisions of section 53 and of a regulation made under that section do not apply to advertising carried by publications imported into Québec. In no case, however, may a person doing business in Québec disseminate advertising that is prohibited under section 53 or that does not comply with a regulation made under the fourth paragraph of that section.

Nor do those provisions apply to advertising that is directed at the cannabis industry and does not reach consumers either directly or indirectly.

“DIVISION IV

“PACKAGING

“56. The use of a concept referred to in subparagraphs 1 to 6 of the first paragraph of section 53 on cannabis packaging and containers is prohibited.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“57. The Government may, by regulation, determine standards relating to cannabis containers, packaging and display. Those standards may vary according to the various classes of cannabis determined and according to the intended use of or customer base for the cannabis.

The Government may also, by regulation, require cannabis producers to print on cannabis packaging certain particulars that the Minister determines and messages attributed to the Minister that the latter indicates about the harmful effects of cannabis on health.

Anyone who contravenes a regulation made under the first or second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“CHAPTER XI

“CANNABIS PREVENTION AND RESEARCH FUND

“**58.** The Cannabis Prevention and Research Fund (the Fund) is established at the Ministère de la Santé et des Services sociaux. The Fund is dedicated to the financing of

(1) monitoring and research activities and programs relating to the effects of cannabis on the health status of the population;

(2) curative care in relation to cannabis use; and

(3) cannabis harm prevention activities and programs and health promotion activities and programs.

“**59.** The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under paragraph 2 of section 23.30 of the Act respecting the Société des alcools du Québec;

(2) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and

(4) the interest earned on the sums credited to the Fund.

“**60.** The sums required to pay any expenses necessary to finance the activities, programs and care described in section 58 are debited from the Fund.

“CHAPTER XII**“PILOT PROJECT**

“61. The Government may, by order, authorize the Minister to implement a pilot project on any matter within the scope of this Act or the regulations with a view to studying, improving or defining standards applicable to those matters. However, such a pilot project may not pertain to the retail sale of cannabis.

All pilot projects must be in line with the objectives pursued by this Act.

The Government determines the standards and obligations applicable within the framework of a pilot project, which may differ from the standards and obligations provided for by this Act or the regulations. It also determines the monitoring and reporting mechanisms applicable within the framework of a pilot project, and the information that is necessary for the purposes of those mechanisms and that must be sent to it or to the Minister, as the case may be, by any person or partnership, including a cannabis producer.

A pilot project is established for a period of up to three years which the Government may extend by up to one year. The Government may modify or terminate a pilot project at any time.

The Government may also determine the provisions of a pilot project whose violation constitutes an offence and set the amount of the fine to which an offender is liable, which may not be less than \$200 or greater than \$3,000.

“CHAPTER XIII**“ABORIGINAL COMMUNITIES**

“62. For the purpose of adapting the measures provided for in this Act to Aboriginal realities, the Government is authorized to enter into an agreement on any matter within the scope of the Act or the regulations with an Aboriginal nation represented by all the band councils, or councils in the case of northern villages, of the communities that make up that nation, the Makivik Corporation, the Cree Nation Government, an Aboriginal community represented by its band council, or council in the case of a northern village, a group of communities so represented or, in the absence of such councils, any other Aboriginal group. Such an agreement may also cover the adaptation to Aboriginal realities of other cannabis-related government measures that are not provided for by an Act or a regulation, such as cannabis harm prevention programs. It must pursue the same objectives as those pursued by this Act.

Such an agreement has precedence over this Act and the regulations. However, a person covered by an agreement is exempt from the incompatible provisions of this Act or the regulations only to the extent that that person complies with the agreement.

An agreement entered into under this section must be tabled in the National Assembly within 15 days of its signature or, if the Assembly is not sitting, within 15 days of resumption. It must also be published in the *Gazette officielle du Québec*.

“CHAPTER XIV

“OVERSIGHT COMMITTEE

“63. A cannabis oversight committee responsible for advising the Minister on any cannabis-related matter is established under the name “Comité de vigilance en matière de cannabis” (the Committee).

“64. For the purpose of carrying out its mandate, the Committee may, in particular,

(1) advise the Minister on any cannabis-related matter that the Minister submits to it;

(2) evaluate the application of the measures provided for by this Act and of the provisions relating to the Société québécoise du cannabis in the Act respecting the Société des alcools du Québec and whether they attained their objectives;

(3) refer to the Minister any emerging cannabis-related phenomenon or any other cannabis-related issue that deserves the attention of or action by the Government, and submit its recommendations to the Minister; and

(4) carry out any other mandate entrusted to it by the Minister.

The Committee may also require the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to provide any information or documents the Committee considers necessary to carry out its mandate.

“65. The Committee is composed of members appointed by the Minister, the majority of whom must collectively have significant expertise or experience in public health, education, substance abuse, youth intervention, municipal affairs and public security and the remainder of whom must collectively have significant expertise or experience in governance and ethics, risk management, and finance and auditing. No member of the Committee may, directly or indirectly, have any link with the cannabis industry or any interest in that industry, including any financial, commercial, professional or philanthropic interest.

The Minister designates the chair and the vice-chair from among the members.

The members of the Committee are appointed for a term of up to five years, which may not be consecutively renewed more than once. At the expiry of their term, they remain in office until replaced or reappointed.

The members of the Committee are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

The Committee may make any by-law for the conduct of its affairs and its internal management.

“66. Not later than 30 September each year, the Committee must submit an annual report of its activities to the Minister.

Within the next 30 days, the Minister must make the report public, except the parts containing commercial information that is confidential by nature.

“CHAPTER XV

“MONITORING

“DIVISION I

“CANNABIS TRACKING

“67. The Government may, by regulation, determine the measures that must be taken by the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to reduce the risk of cannabis in their possession being diverted to the illicit market.

The Government may also determine the provisions of a regulation made under this section whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000 and, in the case of a subsequent offence, \$500,000.

“DIVISION II

“REPORTS

“68. The Government may, by regulation, determine the reports that must be sent to the Minister by a cannabis producer.

Such a regulation indicates the content, form and frequency of the reports and the manner in which they must be sent.

A cannabis producer who refuses or neglects to send a report, who knowingly gives false or misleading information or who contravenes a regulation made under the second paragraph commits an offence and is liable to a fine of \$1,000 to \$100,000. Those amounts are doubled for a subsequent offence.

“DIVISION III

“INSPECTION, SEIZURE AND INVESTIGATION

“§1. — *Inspection*

“69. The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations, except sections 4 to 8, Chapter III and the first paragraph of sections 23 and 25, as well as compliance with the regulations made under section 23.35 of the Act respecting the Société des alcools du Québec.

In addition, a local municipality may, except in respect of workplaces and public bodies, authorize any person to act as an inspector for the purpose of verifying compliance with Chapter IV and the regulations made under it. In such a case, the municipality must inform the Minister that it has done so.

“70. An inspector may, in the performance of inspection functions,

- (1) enter, at any reasonable hour,
 - (a) any place where cannabis smoking is prohibited under Chapter IV,
 - (b) any place where a cannabis retail outlet or a business where cannabis accessories are sold retail is operated,
 - (c) any place where cannabis is stored,
 - (d) any place operated by a cannabis producer, and
 - (e) any place where cannabis or cannabis accessories are promoted or advertised and any place where information relating to the promotion or advertising of cannabis or cannabis accessories is found;
- (2) inspect a vehicle used for transporting cannabis or order any such vehicle to be stopped for inspection;
- (3) open containers or packaging and collect or cause to be collected, free of charge, samples of cannabis or of any substance if, in the latter case, the inspector has reasonable grounds to believe the substance is cannabis;
- (4) require the production of any document for examination or copying, if the inspector has reasonable grounds to believe that it contains information relating to the application of this Act or the regulations;

(5) take photographs of the place inspected and of the equipment, property or products found there; and

(6) require any person present in a cannabis retail outlet or leaving a retail outlet to provide proof of age by producing the identification referred to in the second paragraph of section 36.

However, a person authorized to act as an inspector by a local municipality has only the powers provided for in subparagraph *a* of subparagraph 1 and in subparagraphs 4 and 5 of the first paragraph.

The owner of or person responsible for a place or vehicle being inspected, and any other person in the place or vehicle, are bound to provide assistance to the inspector.

If the place referred to in subparagraph *a* of subparagraph 1 of the first paragraph is in the nature of a dwelling for the occupant, the inspector must obtain the occupant's consent before conducting the inspection unless the place is one where home child care services within the meaning of the Educational Childcare Act are provided.

Before requiring that a person mentioned in subparagraph 6 of the first paragraph provide proof of age, an inspector must be reasonably convinced that the person is a minor.

“71. An inspector may, by a request sent by registered mail or personal service, require a person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act or the regulations.

Anyone who refuses or neglects to comply, within the time specified, with a request made under the first paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

“72. A police force member may enforce Chapters II, III and IV, the first paragraph of sections 23 and 25 and the regulations made under them in any territory in which the member provides police services.

“§2. — *Seizure*

“73. An inspector performing inspection functions or a police force member may immediately seize any thing they have reasonable grounds to believe may be used as evidence of an offence under this Act or the regulations.

The rules established in Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to the things seized.

However, if cannabis is seized in the course of the verification of compliance with Chapter II, III or VI or section 25, the seizer may destroy it or cause it to be destroyed as of the 30th day following the seizure, unless, before that day, the person from whom the cannabis was seized or the person who claims to have a right in it applies to a judge of the Court of Québec to establish their right to possession and serves on the seizer a prior notice of not less than one clear day of the application.

Proof of the cannabis so destroyed may be made by means of samples kept in sufficient quantity.

“§3. — *Investigation*

“**74.** The Minister may designate any person to investigate any matter relating to the application of this Act, except sections 4 to 8, Chapter III and the first paragraph of sections 23 and 25, as well as the application of a regulation made under section 23.35 of the Act respecting the Société des alcools du Québec.

“§4. — *Identification, immunity and hindrance*

“**75.** Inspectors and investigators must, on request, identify themselves and produce a certificate of authority.

“**76.** No proceedings may be brought against an inspector or investigator for an act or omission in good faith in the performance of inspection or investigation functions.

“**77.** Anyone who in any way hinders an inspector, investigator or police force member in the performance of inspection or investigation functions, deceives an inspector, investigator or police force member by concealment or misrepresentation or refuses to provide information or a document to an inspector that the inspector is entitled to require or examine, or destroys information, a document or a thing relevant to an inspection or investigation, commits an offence.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$2,500 to \$62,500. However, in the case of a cannabis producer, the offender is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“§5. — *Special provisions applicable to police force members*

“**78.** A police force member who is authorized in accordance with the Code of Penal Procedure to search an electronic device, computer system or other medium for data that could constitute evidence of an offence against the first paragraph of section 23 or 25 may also use any computer, equipment or other thing that is in the place to access such data and to search for, examine, copy or print out such data there. The police force member may, if applicable, seize and remove such a copy or printout.

“79. For the purposes of an investigation relating to an offence under the first paragraph of section 23 or 25, a judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by a police force member, issue an authorization in writing permitting any police force member to use any investigative technique or procedure or do anything described by the judge that would, if not so authorized, constitute an unreasonable search or seizure in respect of a person or a person’s property.

The authorization may be obtained by telewarrant in accordance with the procedure set out in the Code of Penal Procedure, with the necessary modifications.

The judge may not, however, authorize the interception of a private communication, as defined in section 183 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46). Nor may the judge authorize the observation by means of a television camera or other similar electronic device of any person who is engaged in an activity in circumstances in which the person has a reasonable expectation of privacy.

The judge may issue the authorization if the judge is satisfied

(a) that there are reasonable grounds to believe that an offence against the first paragraph of section 23 or 25 has been or will be committed and that information concerning the offence will be obtained through the use of the technique or procedure or the doing of the thing;

(b) that it is in the best interests of the administration of justice to issue the authorization; and

(c) that there is no provision in the Code of Penal Procedure that would provide for a warrant, authorization or order permitting the technique or procedure to be used or the thing to be done.

Nothing in the first paragraph may be construed as permitting interference with the physical integrity of any person.

The authorization must set out such terms and conditions as the judge considers appropriate, in the circumstances, to ensure that the search or seizure is reasonable and to protect lawyers’ and notaries’ professional secrecy.

In the case of an authorization to enter and search a place covertly, the judge must require that notice of the entry and search be given after its execution within the time that the judge considers appropriate in the circumstances.

Where the judge who grants an authorization to enter and search covertly or any other judge having jurisdiction to grant such an authorization is satisfied, on an *ex parte* application made on the basis of an affidavit submitted in support of an application for extension, that the interests of justice warrant the granting of the application, the judge may grant an extension, or a subsequent extension, of the period referred to in the seventh paragraph, but no extension may exceed one year.

The execution of an authorization issued under this section may not commence more than 15 days after it is issued or end more than 30 days after the expiry of that 15-day period. However, if the judge is satisfied, on an *ex parte* application made on the basis of an affidavit submitted in support of an application for extension to complete the execution of the authorization, that the interests of justice warrant the granting of the application, the judge may grant an extension of not more than 30 days. The execution of the authorization may not commence, without the written authorization of the judge who granted it, before 7 a.m. or after 8 p.m., or on a holiday.

The powers and duties conferred on or assigned to a judge of the Court of Québec under this section may also be exercised by a justice of the peace within the limits provided by law and specified in the justice’s deed of appointment.

“30. A police force member who has reasonable grounds to believe that a vehicle is being used to transport cannabis may require the driver to stop the vehicle and require the driver, the owner or the person responsible for the vehicle, as applicable, to produce for examination a document prescribed by government regulation showing that the cannabis is being transported by one of the persons referred to in the first paragraph of section 23, or the bill of lading referred to in section 24. The driver, the owner or the person responsible for the vehicle must comply with such requirements without delay.

The police force member may also order that the vehicle not be moved if the driver, the owner or the person responsible for the vehicle fails to produce the document required under the first paragraph or produces a document containing inaccurate or incomplete information, or if the police force member has reasonable grounds to believe that an offence under the first paragraph of section 23 was committed.

Unless a police force member authorizes otherwise, the vehicle must not be moved until an application for a search warrant or telewarrant is made, with due diligence, in accordance with the Code of Penal Procedure, a judge rules on the application and, where applicable, the vehicle is seized.

A driver who does not comply with a requirement or an order of a police force member under the first or second paragraph, or who contravenes the third paragraph, commits an offence and is liable to a fine of \$2,500 to \$62,500. Those amounts are doubled for a subsequent offence.

“81. In the case referred to in section 80, a police force member may cause a vehicle stopped in contravention of Division II of Chapter II of Title VIII of the Highway Safety Code (chapter C-24.2) to be removed and impounded in the nearest suitable place.

“82. The rules established under Division IV of Chapter III of the Code of Penal Procedure apply, with the necessary modifications, to things seized under sections 78, 79 and 80. The third and fourth paragraphs of section 73 also apply, with the necessary modifications, to things seized under sections 79 and 80.

“CHAPTER XVI

“MISCELLANEOUS PROVISIONS

“83. An inspector or a police force member may submit a sample of cannabis or of any substance seized to an analyst for analysis and examination; the analyst may issue a report setting out the results of the analysis and examination.

The Minister may authorize an analyst to set up a room where cannabis may be used to conduct the analysis or examination requested.

Only the persons identified by the analyst may smoke in the room as part of the analysis or examination.

The standards prescribed in the fourth paragraph of section 13 or by a regulation made under the fifth paragraph of that section apply to the room.

“84. In any proceedings under this Act, the report relating to the analysis of a cannabis sample signed by the analyst referred to in the first paragraph of section 83 is accepted as proof, in the absence of any evidence to the contrary, of the facts set out in the report or of the capacity of the person who signed the report, without further proof of the person’s signature. The cost of the analysis is included in the costs of the proceedings, and the amounts collected as such belong to and are to be remitted to the Minister.

If a substance that has been seized in a place operated by a cannabis producer is in packaging identified as containing cannabis, it is presumed to be cannabis, in the absence of any evidence to the contrary. The same applies to a substance that has been seized in a place where cannabis smoking is prohibited under Chapter IV and that is in sealed packaging identified as containing cannabis.

However, a defendant who contests that the substance seized is cannabis must, not less than 10 days before the date set for the beginning of the trial, give the prosecuting party prior notice of an application for analysis of the substance, unless the prosecuting party waives the notice. Article 172 of the Code of Penal Procedure applies to the application.

“85. If a person is found guilty of an offence under this Act or the regulations, the judge may impose an additional fine in addition to any other penalty, on an application by the prosecuting party appended to the statement of offence, equal to the amount of the monetary benefit that was acquired by or that accrued to the person as a result of the offence, even if the maximum fine is imposed under another provision.

“86. In any penal proceedings relating to an offence under this Act or the regulations, evidence that the offence was committed by a representative, mandatory or employee of any party is sufficient to establish that it was committed by that party, unless it is established that the party exercised due diligence and took all necessary precautions to prevent the offence.

“87. If a legal person or a representative, mandatory or personnel member of a legal person commits an offence under this Act or the regulations, the directors or officers of the legal person are presumed to have committed the offence, unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

“88. Anyone who assists a person in committing an offence under this Act or the regulations or who, by encouragement, advice or consent or by an authorization or an order, induces a person to commit an offence under this Act or the regulations commits an offence and is liable to the same penalty as that prescribed for the offence they assisted in committing or induced to commit.

“89. Penal proceedings for an offence under Chapter IV or the regulations made under that chapter may be instituted by a local municipality if the offence was committed in its territory. Such proceedings may be instituted before the competent municipal court. The fines imposed belong to the prosecuting municipality.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of that Code.

“90. The Minister must, not later than 17 October 2021 and every five years after that, report to the Government on the implementation of this Act.

Such a report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

In the first report, the Minister must, in particular, evaluate the sales model established by this Act.

“91. The Minister of Health and Social Services is responsible for the administration of this Act.

“CHAPTER XVII

“AMENDING PROVISIONS

“CITIES AND TOWNS ACT

“92. Section 500.1 of the Cities and Towns Act (chapter C-19), enacted by section 64 of chapter 13 of the statutes of 2017, is amended by inserting the following subparagraph after subparagraph 10 of the second paragraph:

“(10.1) a tax in respect of cannabis within the meaning of section 2 of the Cannabis Act (Statutes of Canada, 2018, chapter 16);”.

“MUNICIPAL CODE OF QUÉBEC

“93. Article 1000.1 of the Municipal Code of Québec (chapter C-27.1), enacted by section 108 of chapter 13 of the statutes of 2017, is amended by inserting the following subparagraph after subparagraph 10 of the second paragraph:

“(10.1) a tax in respect of cannabis within the meaning of section 2 of the Cannabis Act (Statutes of Canada, 2018, chapter 16);”.

“ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

“94. Schedule 1 to the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by inserting “—Cannabis Regulation Act (2018, chapter 19, section 19);” in alphanumerical order.

“TOBACCO CONTROL ACT

“95. Section 2 of the Tobacco Control Act (chapter L-6.2) is amended

(1) by replacing “within the meaning of that Act is provided, during the hours when childcare is provided” in paragraph 4 by “services are provided, regardless of whether the childcare providers are recognized home childcare providers under that Act, during the hours childcare is provided”;

(2) by replacing paragraph 8.3 by the following paragraph:

“(8.3) casinos, bingo halls and other gambling facilities;”.

“96. Section 2.1 of the Act is amended by inserting “day camps and” after “grounds of” in subparagraph 8 of the first paragraph.

“97. Section 3 of the Act is amended by replacing the second paragraph by the following paragraph:

“Subject to section 13 of the Cannabis Regulation Act (2018, chapter 19, section 19), the smoking room must be used only for tobacco use and only by persons living or lodged in the place.”

“98. Section 23 of the Act is amended by replacing “brand element” in the first and second paragraphs by “distinguishing guise”.

“99. Section 24.1 of the Act is amended by replacing “brand element” by “distinguishing guise”.

“100. Section 27 of the Act is amended by replacing “brand element” in the first and second paragraphs by “distinguishing guise”.

“ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

“101. The Act respecting occupational health and safety (chapter S-2.1) is amended by inserting the following section after section 49:

“49.1. A worker must not perform his work if his condition represents a risk to his health, safety or physical well-being or that of other persons at or near the workplace by reason, in particular, of his being impaired by alcohol, drugs, including cannabis, or any similar substance.

On a construction site, the condition of a worker who is impaired by alcohol, drugs, including cannabis, or any similar substance, represents a risk for the purposes of the first paragraph.”

“102. The Act is amended by inserting the following section after section 51.1:

“51.2. The employer must see to it that a worker does not perform his work if his condition represents a risk to his health, safety or physical well-being or that of other persons at or near the workplace by reason, in particular, of his being impaired by alcohol, drugs, including cannabis, or any similar substance.

On a construction site, the condition of a worker who is impaired by alcohol, drugs, including cannabis, or any similar substance, represents a risk for the purposes of the first paragraph.”

“COURTS OF JUSTICE ACT

“**103.** Schedule V to the Courts of Justice Act (chapter T-16) is amended by replacing “and the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27)” at the end of the first item of the list in paragraph 1 by “, the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27) and the Cannabis Act (Statutes of Canada, 2018, chapter 16)”.

“REGULATION UNDER THE TOBACCO CONTROL ACT

“**104.** Section 1 of the Regulation under the Tobacco Control Act (chapter L-6.2, r. 1) is amended by inserting the following paragraph after the first paragraph:

“Except for Chapter II of the Act, the first paragraph does not apply to cannabis within the meaning of the Cannabis Regulation Act (2018, chapter 19, section 19).”

“**105.** Section 1.1 of the Regulation is repealed.

“SAFETY CODE FOR THE CONSTRUCTION INDUSTRY

“**106.** Section 2.4.2 of the Safety Code for the construction industry (chapter S-2.1, r. 4) is amended by striking out subparagraph *e* of the first paragraph.

“CHAPTER XVIII

“TRANSITIONAL PROVISIONS

“**107.** A lessor may, until 15 January 2019, modify the conditions of the lease of a dwelling by adding a prohibition against smoking cannabis.

To that end, the lessor must give the lessee a notice of modification describing the prohibition against smoking cannabis applicable to the use of the leased premises.

The lessee may refuse the modification for medical reasons. The lessee must do so by informing the lessor of the refusal within 30 days after receiving the notice of modification. In such a case, the lessor may apply to the Régie du logement, within 30 days after receiving the notice of refusal, for a ruling on the modification of the lease.

In the absence of a refusal, the prohibition is deemed entered in the lease 30 days after the lessee received the notice of modification.

“**108.** The first regulation made under section 20 must be examined by the competent committee of the National Assembly for a period not exceeding three hours before it is adopted by the Government.

“**109.** Until 25 January 2019, the reference to the Autorité des marchés publics in the first paragraph of section 26 is to be read as a reference to the Autorité des marchés financiers.

“**110.** Despite the first paragraph of section 66, the first annual report from the cannabis oversight committee must be submitted to the Minister not later than 30 September 2019.

“**111.** For each of the fiscal years from 2018–2019 to 2022–2023, should the transfer to the Cannabis Prevention and Research Fund made under paragraph 2 of section 23.30 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 5, not reach the minimum threshold of \$25,000,000, the Minister of Finance is to transfer the sum required to make up the difference out of the General Fund to be credited to the Fund.

“**112.** The Government may, by a regulation made before 17 October 2019, take any measure necessary for carrying out this Act and fully achieving its purpose.

A regulation made under this section is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1); in addition, once published and if it so provides, it may apply from any date not prior to 12 June 2018.

“**113.** A regulation made before 17 January 2019 for the purposes of this Act may have a shorter publication period than that required under section 11 of the Regulations Act, but not shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

“**114.** The expenditure and investment estimates for the Cannabis Prevention and Research Fund, set out in Schedule I, are approved for the 2018–2019 fiscal year.

“SCHEDULE I
“(Section 114)

“CANNABIS PREVENTION AND RESEARCH FUND
“EXPENDITURE AND INVESTMENT ESTIMATES
(millions of dollars)

	2018–2019
Revenues	25
Expenditures	–25
Surplus (deficit) of the fiscal year	—
Ending cumulative surplus (deficit)	—
Investments	
Financing Fund loan balance or balance of advances to (from) the general fund	—
Total borrowings or advances	—”.

PART III**PROVISIONS RESPECTING HIGHWAY SAFETY****CHAPTER I****AMENDING PROVISIONS****AUTOMOBILE INSURANCE ACT**

20. Section 83.30 of the Automobile Insurance Act (chapter A-25) is amended by replacing “by reason of an offence described in paragraph *a* of subsection 1 or in subsection 3 or 4 of section 249, subsection 1 of section 252, section 253, subsection 5 of section 254 or subsection 2 or 3 of section 255 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if the offence is committed with an automobile, in section 220, 221 or 236 of that Code” in the first paragraph by “by reason of an offence described in any of sections 320.13 to 320.16 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if the offence is committed with an automobile, any of sections 220, 221 and 236 of that Code”.

HIGHWAY SAFETY CODE

21. Section 4 of the Highway Safety Code (chapter C-24.2) is amended by inserting the following definition in alphabetical order:

““**drug**” includes cannabis and the other substances included in the types of drugs listed in subsection 5 of section 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);”.

22. Section 5.1 of the Code, amended by section 5 of chapter 7 of the statutes of 2018, is again amended by replacing the portion before “a person is deemed to have the care or control” by “**5.1.** For the purposes of this Code,”.

23. Section 73 of the Code is amended by replacing the fifth paragraph by the following paragraph:

“If the medical examination of a person shows that the person has a disorder related to the consumption of alcohol or if a health assessment establishes that the person’s relationship with alcohol or drugs compromises the safe operation of a road vehicle corresponding to the class of licence concerned, the person may be authorized to drive such a vehicle under a driver’s licence or a probationary licence only if the vehicle is equipped with an alcohol ignition interlock device approved by the Société.”

24. Section 76 of the Code is amended by replacing “an order prohibiting the offender from operating a road vehicle under any of subsections 1, 2 and 3.1 to 3.4 of section 259 of the Criminal Code” in the second paragraph by “an order prohibiting the offender from operating a road vehicle under Part VIII.1 of the Criminal Code on offences relating to conveyances”.

25. Section 76.1 of the Code is amended by replacing “evading a police car or leaving the scene of an accident” by “fleeing from a peace officer or failing to stop after an accident”.

26. Section 76.1.1 of the Code is amended by replacing “for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample” by “for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs”.

27. Section 76.1.2 of the Code, amended by section 13 of chapter 7 of the statutes of 2018, is again amended, in the first paragraph,

(1) by replacing “is an alcohol-related offence” by “is an alcohol- or drug-related offence”;

(2) by replacing “for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample” by “for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs”.

28. Section 76.1.4 of the Code, amended by section 15 of chapter 7 of the statutes of 2018, is again amended

(1) by replacing “is refusing to provide a breath sample” in the first paragraph by “is failing or refusing to comply with a peace officer’s demand”;

(2) by replacing “for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample” in the second paragraph by “for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs”.

29. Section 76.1.6 of the Code, replaced by section 18 of chapter 7 of the statutes of 2018, is amended, in the first paragraph,

(1) by replacing “an alcohol-related offence” by “an alcohol- or drug-related offence”;

(2) by replacing “refusing to provide a breath sample” by “failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs”.

30. Section 76.1.7 of the Code is amended by replacing paragraphs 1 to 5 by the following paragraphs:

“(1) “an alcohol- or drug-related offence” means any offence under section 320.14 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) other than having a high blood alcohol concentration level;

“(2) “having a high blood alcohol concentration level” means any offence under section 320.14 of the Criminal Code for which a court decision states that the offender’s blood alcohol concentration level at the time of the offence was equal to or in excess of 160 mg of alcohol in 100 ml of blood;

“(3) “failing or refusing to comply with a peace officer’s demand” means any offence under section 320.15 of the Criminal Code following an order made under section 320.27 or 320.28 of the Criminal Code;

“(4) “failing to stop after an accident” means any offence under section 320.16 of the Criminal Code; and

“(5) “fleeing from a peace officer” means any offence under section 320.17 of the Criminal Code.”

31. Section 76.1.12 of the Code is amended by replacing the last two sentences by the following: “The person, in such a case, is prohibited from operating a vehicle or having the care or control of a vehicle if alcohol, cannabis or any other drug is present in the person’s body, subject to the exceptions provided for by government regulation. The Société may require the person to provide information and documents concerning the person’s relationship with alcohol or drugs.

For the purposes of this section, the prohibited presence of cannabis or any other drug in the person’s body means a presence that is detectable in oral fluid by means of the screening equipment referred to in section 202.3.”

32. Section 141 of the Code is amended by replacing “an alcohol-related offence” in the second paragraph by “an alcohol- or drug-related offence”.

33. Section 143 of the Code is amended by inserting “, 202.4.1” after “202.4”.

34. Section 143.1 of the Code is amended by replacing “and subparagraph 2 of the first paragraph of section 202.4” by “, subparagraph 2 of the first paragraph of section 202.4 and subparagraph 2 of the first paragraph of section 202.4.1”.

35. Section 144 of the Code is amended by inserting “, subparagraph 1 of the first paragraph of section 202.4.1” after “202.4”.

36. Section 180 of the Code is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) sections 220, 221 and 236 (criminal negligence causing death or bodily harm, or manslaughter);

“(2) section 320.13 (dangerous operation);

“(3) section 320.14 (operation while impaired by alcohol or a drug);

“(4) section 320.15 (failure or refusal to comply with a peace officer’s demand made under section 320.27 or 320.28 of the Criminal Code);

“(5) section 320.16 (failure to stop after an accident); and

“(6) section 320.17 (flight from a peace officer).”

37. Section 181 of the Code is amended by replacing “for more than one offence under section 253, subsection 5 of section 254 or subsection 2, 2.1, 2.2, 3, 3.1 or 3.2 of section 255 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)” in the second paragraph by “for more than one offence under section 320.14 or 320.15 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

38. Section 202.0.1 of the Code is amended by replacing,

(1) in the introductory clause of the first paragraph,

(a) “convicted of an alcohol-related offence” by “convicted of an alcohol- or drug-related offence”;

(b) “an alcohol-related offence or at least once for an offence relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident” by “an alcohol- or drug-related offence or at least once of an offence relating to a high blood alcohol concentration level, for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs, for failing to stop after an accident or for fleeing from a peace officer”;

(2) in the second paragraph,

(a) “relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident” by “relating to a high blood alcohol concentration level, for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs, for failing to stop after an accident or for fleeing from a peace officer”;

(b) “alcohol-related” by “alcohol- or drug-related”.

39. Section 202.0.3 of the Code is replaced by the following section:

“202.0.3. For the purposes of section 202.0.1, the definitions in section 76.1.7 apply.”

40. Section 202.1.4 of the Code is amended by inserting “or 202.4.1” after “202.4” in the second paragraph.

41. Section 202.1.5 of the Code is repealed.

42. The Code is amended by inserting the following section after section 202.2.1.2:

“202.2.1.3. It is prohibited for any person to drive or have the care or control of a road vehicle if cannabis or any other drug is present in the person’s body, subject to the exceptions provided for by government regulation.

For the purposes of this section, the prohibited presence of cannabis or any other drug in a person’s body means a presence that is detectable in oral fluid by means of the screening equipment referred to in section 202.3.”

43. Section 202.3 of the Code is amended by replacing everything after the first sentence of the first paragraph by the following:

“A peace officer who reasonably suspects the presence of cannabis or any other drug in the body of a person subject to the prohibition set out in section 202.2.1.3 may also order that person to immediately provide such samples of oral fluid as in the opinion of the peace officer are necessary to enable a proper analysis to be made by means of the screening equipment approved by the Minister of Public Security.

The peace officer may, for the purpose of collecting breath samples or oral fluid samples, order a person to accompany him or her.

Any screening device or equipment referred to in this section must be maintained and used in accordance with the standards prescribed by regulation by persons who have received the training prescribed by regulation.

“202.3.1. The Government shall, by regulation, determine maintenance standards for screening devices and equipment and conditions for their use as well as the training that peace officers must undergo.”

44. Section 202.4 of the Code is amended by replacing both occurrences of “a breath test carried out by means of an approved instrument” and both occurrences of “a breath test conducted by means of an approved instrument” by “an analysis of a sample of the person’s breath made by means of an approved instrument” and by replacing all occurrences of “in excess of 80 mg”, “equal to or less than 80 mg” and “under section 202.3” by “equal to or in excess of 80 mg”, “less than 80 mg” and “in accordance with section 202.3”, respectively.

45. The Code is amended by inserting the following section after section 202.4:

“202.4.1. On behalf of the Société, a peace officer shall immediately suspend, for 90 days, the licence of any person driving or having the care or control of a road vehicle

(1) if, according to the evaluation conducted by an evaluating officer in accordance with paragraph a of subsection 2 of section 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), the person is impaired by cannabis or any other drug or by a combination of cannabis or any other drug and alcohol; or

(2) if the analysis by means of drug screening equipment in accordance with section 202.3 or the Criminal Code demonstrates that cannabis or any other drug is present in the person’s body.

The suspension applies to any licence authorizing the operation of a road vehicle and to the right to obtain such a licence.”

46. Section 202.5 of the Code is replaced by the following section:

“202.5. On behalf of the Société, a peace officer may also immediately suspend, for 90 days, the licence of any person who fails or refuses to comply with an order given to the person by a peace officer under section 202.3 of this Code or a peace officer’s demand under section 320.27 or 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).”

47. Section 202.6 of the Code, amended by section 30 of chapter 7 of the statutes of 2018, is again amended by replacing “under section 202.1.4, 202.1.5, 202.4 or 202.5.1” by “under section 202.1.4, 202.4, 202.4.1, 202.5 or 202.5.1”.

48. Section 202.6.4 of the Code is amended by replacing “a copy of any certificate of a qualified technician under section 258 of the Criminal Code” by “a copy of a certificate of a qualified technician or of a document sent to the person stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

49. Section 202.6.5 of the Code is amended by replacing paragraph 3 by the following paragraph:

“(3) a copy of a certificate of a qualified technician or, if applicable, of a document stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46); and”.

50. Section 202.6.6 of the Code, amended by section 31 of chapter 7 of the statutes of 2018, is again amended

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

“(1) in the case of a suspension under subparagraph 2 of the first paragraph of section 202.4 or of section 202.4.1, that no alcohol or, as the case may be, cannabis or other drug was present in the person’s body;”;

(2) by inserting “was equal to or” before “exceeded” in subparagraph 2;

(3) by inserting the following subparagraph after subparagraph 2:

“(2.1) that the person was driving or had the care or control of the road vehicle without being impaired by cannabis or any other drug, whether combined with alcohol or not;”;

(4) by replacing “or section 254 of the Criminal Code” in subparagraph 3 by “or under section 320.27 or 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

51. Section 202.6.7 of the Code is amended by replacing “referred to in section 258 of the Criminal Code” in the second paragraph by “or of a document stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

52. Section 202.8 of the Code is amended by adding the following paragraphs at the end:

“A person who contravenes section 202.2.1.3 is also guilty of an offence and is liable to the same fine. The fine is doubled in the case of a second or subsequent offence.

However, if the person who contravenes section 202.2 or 202.2.1.3 is the holder of a licence authorizing the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device or if that person is exempted under section 76.1.12 from the requirement to so equip a road vehicle, that person is liable to a fine of \$1,500 to \$3,000.”

53. Section 209.1 of the Code is amended by inserting “and to the holder of a licence authorizing the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device who drives a road vehicle or has the care or control of the road vehicle in contravention of the prohibitions under sections 202.2 and 202.2.1.3” at the end of the third paragraph.

54. Section 209.2 of the Code is amended by replacing “202.1.5, 202.4” by “202.4, 202.4.1”.

55. Section 209.2.1 of the Code is amended

(1) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) has a blood alcohol concentration level that is shown, by an analysis of a sample of the person’s breath made by means of an approved instrument in accordance with the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), to be equal to or in excess of 160 mg of alcohol in 100 ml of blood and, during the 10 years before the seizure, the person’s licence was not cancelled for an alcohol- or drug-related offence, for having a high blood alcohol concentration level, for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs, for fleeing from a peace officer or for failing to stop after an accident; or

“(2) fails or refuses, without a reasonable excuse, to comply with a peace officer’s demand under section 320.27 or 320.28 of the Criminal Code and, during the 10 years before the seizure, the person’s licence was not cancelled for any of the offences referred to in subparagraph 1;”;

(2) by replacing “in order to undergo the breath analysis test until the time the test is completed” in the second paragraph by “for the analysis of a sample of the person’s breath to be made by means of an approved instrument until the time the analysis is completed”.

56. Section 209.2.1.1 of the Code is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) has a blood alcohol concentration level that is shown, by an analysis of a sample of the person’s breath made by means of an approved instrument in accordance with the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), to be equal to or in excess of 80 mg of alcohol in 100 ml of blood and, during the 10 years before the seizure, the person’s licence was cancelled for an alcohol- or drug-related offence, for having a high blood alcohol concentration level, for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs, for fleeing from a peace officer or for failing to stop after an accident;

“(2) fails or refuses, without a reasonable excuse, to comply with a peace officer’s demand under section 320.27 or 320.28 of the Criminal Code and, during the 10 years before the seizure, the person’s licence was cancelled for any of the offences referred to in subparagraph 1; or

“(3) is impaired by cannabis or any other drug or by a combination of cannabis or any other drug and alcohol according to the evaluation conducted by an evaluating officer in accordance with paragraph a of subsection 2 of section 320.28 of the Criminal Code and, during the 10 years before the seizure, the person’s licence was cancelled for any of the offences referred to in subparagraph 1.”

57. Section 209.2.1.3 of the Code is amended by replacing “202.0.3” by “76.1.7”.

58. Section 443 of the Code is amended by replacing “therein” in the first paragraph by “or consume cannabis or other drugs, subject to the exceptions provided for by government regulation, in the vehicle”.

59. Section 489 of the Code is amended by adding the following sentence at the end: “The same applies to the consumption of cannabis or any other drug, subject to the exceptions provided for by government regulation.”

60. Section 587 of the Code is amended

(1) by replacing “under any of subsections 1, 2 and 3.1 to 3.4 of section 259 of the Criminal Code (R.S.C. 1985, c. C-46)” in the second paragraph by “under Part VIII.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) on offences relating to conveyances”;

(2) by replacing “exceeded” in the third paragraph by “was equal to or in excess of”.

61. Section 619 of the Code is amended by striking out paragraph 7.1.

ACT RESPECTING ADMINISTRATIVE JUSTICE

62. Section 119 of the Act respecting administrative justice (chapter J-3) is amended by inserting “or drugs” after “alcohol” in paragraph 7.

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

63. Section 18 of the Act respecting transportation services by taxi (chapter S-6.01) is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

“(2) has been found guilty in the last five years of an offence under any of sections 5 to 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or any of sections 9, 10, 11 and 14 of the Cannabis Act (Statutes of Canada, 2018, chapter 16); or”.

64. Section 26 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) if the person has been convicted, in the last five years, of an offence under any of sections 5 to 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or any of sections 9, 10, 11 and 14 of the Cannabis Act (Statutes of Canada, 2018, chapter 16); and”.

ACT RESPECTING OFF-HIGHWAY VEHICLES

65. Section 24 of the Act respecting off-highway vehicles (chapter V-1.2) is replaced by the following section:

“24. No person shall consume alcoholic beverages in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle, nor may a person consume cannabis or any other drug in or on such a vehicle, sleigh or trailer, subject to the exceptions provided for by government regulation.”

ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER PROVISIONS

66. Section 5 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7) is repealed.

67. Section 216 of the Act is amended by striking out “section 5 to the extent that it enacts section 202.5.1 of the Highway Safety Code,” in paragraph 8.

CHAPTER II

TRANSITIONAL PROVISIONS

68. For the purpose of determining administrative penalties or assessing a subsequent offence or repeated offences in the enforcement of the Highway Safety Code (chapter C-24.2), convictions for an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) to which the Highway Safety Code refers in any version that precedes the coming into force of this section are to be taken into account.

69. Until the coming into force of section 27, section 76.1.2 of the Highway Safety Code is to be read as if

(1) “is an alcohol-related offence” in the first paragraph were replaced by “is an alcohol- or drug-related offence”; and

(2) “for refusing to provide a breath sample or for an alcohol-related offence” in subparagraphs 1 and 2 of the second paragraph were replaced by “for an alcohol- or drug-related offence or for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs”.

70. Until the coming into force of section 14 of chapter 7 of the statutes of 2018, section 76.1.3 of the Highway Safety Code is to be read as if “for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample” were replaced by “for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer’s demand in connection with alcohol or drugs”.

71. Until the coming into force of section 28, section 76.1.4 of the Highway Safety Code is to be read as if “is refusing to provide a breath sample” were replaced by “is failing or refusing to comply with a peace officer’s demand”.

72. Until the coming into force of section 17 of chapter 7 of the statutes of 2018, section 76.1.5 of the Highway Safety Code is to be read as if both occurrences of “for an alcohol-related offence” were replaced by “for an alcohol- or drug-related offence”.

73. Until the coming into force of section 29, section 76.1.6 of the Highway Safety Code is to be read as if all occurrences of

- (1) “alcohol-related” were replaced by “alcohol- or drug-related”; and
- (2) “for refusing to provide a breath sample” were replaced by “for failing or refusing to comply with a peace officer’s demand”.

PART IV

FINAL PROVISIONS

74. For the purposes of this Act, the updating of the Compilation of Québec Laws and Regulations also implies the power to adjust, as needed, the numbers of the federal provisions to which this Act refers so that they are consistent with the final numbering of those provisions in the Cannabis Act (Statutes of Canada, 2018, chapter 16) and the Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts (Statutes of Canada, 2018, chapter 21).

75. The provisions of this Act come into force on the date or dates to be set by the Government, except

(1) section 6, except to the extent that it enacts section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), and sections 8 to 18, 22, 66 and 67, which come into force on 12 June 2018;

(2) section 19, to the extent that it enacts Chapters XI and XIV of the Cannabis Regulation Act (2018, chapter 19, section 19), which comes into force on 12 June 2018; and

(3) sections 27, 28 and 29, which come into force on the date of coming into force of sections 13, 15 and 18 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), respectively.

SCHEDULE I
(Section 18)CANNABIS SALES REVENUE FUND
EXPENDITURE AND INVESTMENT ESTIMATES
(millions of dollars)

	2018–2019
Revenues	
Québec component of the excise duty	23
Amounts paid as dividends – Société québécoise du cannabis	—
Other revenues (appropriations, gifts, legacies, etc.)	32
Total revenues	55
Expenditures	
Cannabis Prevention and Research Fund	– 25
Elimination of deficit – Société québécoise du cannabis	– 9
Expenditures in connection with the prevention of, and the fight against the harm associated with, psychoactive substance use – allowed by designating order	– 21
Total expenditures	– 55
SURPLUS (DEFICIT)	—
Investments	
Financing Fund loan balance or balance of advances to (from) the general fund	—
Total borrowings or advances	—

2018, chapter 20

AN ACT TO MODERNIZE THE LEGAL REGIME APPLICABLE TO LIQUOR PERMITS AND TO AMEND VARIOUS OTHER LEGISLATIVE PROVISIONS WITH REGARD TO ALCOHOLIC BEVERAGES

Bill 170

Introduced by Mr. Martin Coiteux, Minister of Public Security

Introduced 21 February 2018

Passed in principle 3 May 2018

Passed 12 June 2018

Assented to 12 June 2018

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

(1) paragraph 1 of section 18, section 19, section 34 to the extent that it enacts section 77.4 of the Act respecting liquor permits (chapter P-9.1), sections 49 and 60, paragraph 1 of section 70, paragraph 3 of section 93, sections 103 and 106, paragraphs 1, 2 to the extent that it enacts the third paragraph of section 26 of the Act respecting the Société des alcools du Québec (chapter S-13) and 3 of section 107, and sections 108, 109, 114, 116, 118, 124, 125, 138, 142 and 143, which come into force on 12 June 2018;

(2) section 10, paragraph 2 of section 18, sections 21, 22, 25, 33 and 39, subparagraph *c* of paragraph 2 of section 46, paragraph 7 of section 56, section 63, paragraph 2 of section 64, section 65, paragraph 4 of section 70, sections 74 to 84, 86 and 87, paragraph 3 of section 89 to the extent that it strikes out subparagraph 1.3 of the first paragraph of section 108 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1), paragraph 4 of section 90, paragraphs 1 and 2 of section 92, paragraph 1 of section 93, section 99, paragraph 2 of section 107 to the extent that it enacts the fourth paragraph of section 26 of the Act respecting the Société des alcools du Québec, and sections 112 and 141, which come into force on 1 July 2018; and

(3) sections 61 and 62, paragraph 3 of section 89 to the extent that it strikes out subparagraph 2 of the first paragraph of section 108 of the Act respecting offences relating to alcoholic beverages, paragraph 2 of section 93, and sections 105, 111, 113, 121 to 123, 126 and 127, which come into force on 12 June 2020.

(cont'd on next page)

Legislation amended:

Act respecting offences relating to alcoholic beverages (chapter I-8.1)
Act respecting liquor permits (chapter P-9.1)
Police Act (chapter P-13.1)
Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1)
Act respecting the Société des alcools du Québec (chapter S-13)
Act respecting the Québec sales tax (chapter T-0.1)

Regulations amended:

Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec (chapter A-7.003, r. 1)
Regulation respecting liquor permits (chapter P-9.1, r. 5)
Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6)
Regulation respecting the Québec sales tax (chapter T-0.1, r. 2)

Regulation repealed:

Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1)

Explanatory notes

This Act proposes several amendments to the legal framework applicable to liquor permits and to certain legislative provisions concerning alcoholic beverages.

The Act first updates the various classes of permits. It amends the designation of certain permits and clarifies or broadens the activities they authorize. It also creates two new classes of permits, the accessory permit and the delivery permit, and grants the Government the power to determine other classes of permits. Furthermore, certain permits will be allowed to include a “no minors” option, or a “caterer”, “service” or “domestic manufacture” option authorizing the holder of the permit to carry out specific activities.

Amendments are made to the conditions for issuing permits. Persons who are not Canadian citizens may obtain a permit even if they do not reside in Québec as permanent residents, provided they have a work permit issued by Canadian immigration authorities that allows them to work in Québec. The Régie des alcools, des courses et des jeux (the board) must refuse to issue a permit to an applicant if the person responsible for managing the establishment where the permit would be used has, in the five years preceding the application, committed an indictable offence or offence that would have prevented the applicant from obtaining the permit. Lastly, the board is granted the power to impose, on issuing a permit, any condition related to the use of the permit that it considers relevant to ensure public safety or public tranquility.

The Act also makes several amendments to the conditions for using the various permits, allowing, for instance, a permit to be issued for seasonal use. It extends the hours during which a grocery permit may be used by one hour to make it possible for the authorized activities to begin at 7 a.m., and allows the board to modify the hours of use for certain other permits on statutory holidays or during a cultural, social, sporting or tourist event.

The Act provides that a bar permit will now allow minors on a terrace until 10 p.m. rather than 8 p.m. provided, as is currently the case, that they are accompanied by a person having parental authority. It extends by 30 minutes the period during which a person’s presence may be tolerated after the hours

(cont'd on next page)

Explanatory notes (cont'd)

during which a bar permit may be used, thus allowing patrons to remain in the establishment until 4 a.m. It allows alcoholic beverages to be served to patrons, on certain conditions, in an establishment where a restaurant permit is used, without the patrons being absolutely required to consume food there. It limits to 7% the alcohol content of beer blends that may be sold by a grocery permit holder.

Under the Act, bottles of alcoholic beverages may be opened and carafes of wine and alcoholic beverage mixes prepared in advance, empty alcoholic beverage bottles not bearing the appropriate stamp may be used for decorative purposes, and alcoholic beverages may be used or made for educational or research purposes.

The Act allows the consumption of alcoholic beverages in the common areas of a lodging facility, subject to the board's approval.

The Act allows alcoholic beverage producers to use their production permit to participate in tasting shows to promote their products without being required to obtain an event permit. It allows small-scale beer producer's permit holders to sell the alcoholic beverages they make to an event permit holder, and distiller's permit holders to sell the alcohol and spirits they make at the place where they are produced for consumption elsewhere, except to a holder of a permit authorizing the sale of alcoholic beverages. It prohibits the simultaneous possession of an industrial wine maker's or distiller's permit and a small-scale production permit.

Under the Act, permit holders, persons responsible for managing the establishment where a permit is used and any other member of a permit holder's personnel determined by the Government are required to take training on the responsible consumption of alcoholic beverages. During the hours during which a permit authorizing alcoholic beverages to be sold or served may be used, the permit holder or a member of the holder's personnel who has taken training recognized by the board must be present in the establishment.

The Government may determine the conditions for obtaining or using a permit that do not apply to one or more classes of permits and, where that is the case, the rules applicable. It may also determine the cases in which an authorization is required.

The board is granted the power to suspend or revoke a permit issued under the Act respecting liquor permits or the Act respecting the Société des alcools du Québec, or to impose on the permit holder a monetary administrative penalty, for failure to comply with the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages. The board may reject as of right an objection to certain requests it receives when the objection is made solely on economic or competitive grounds. The board may also take any measure aimed at encouraging permit holders to comply with the law.

The Act grants the board additional powers to make orders, which powers may be exercised at hearings held before the board within less than 20 days in cases where the holder of a permit issued under the Act respecting the Société des alcools du Québec makes alcoholic beverages in a manner not in compliance with the legal framework or selling alcoholic beverages to a person who holds a permit but is not authorized to sell them. Such orders are published on the board's website, and any permit holder who keeps or possesses alcoholic beverages in his or her establishment that are the subject of such an order must comply with the order.

The Act abolishes, on 12 June 2020, the obligation regarding the identification of alcoholic beverage containers.

Lastly, the Act contains consequential amendments to various other Acts, as well as transitional provisions.



Chapter 20

AN ACT TO MODERNIZE THE LEGAL REGIME APPLICABLE TO LIQUOR PERMITS AND TO AMEND VARIOUS OTHER LEGISLATIVE PROVISIONS WITH REGARD TO ALCOHOLIC BEVERAGES

[Assented to 12 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LIQUOR PERMITS

1. Section 1 of the Act respecting liquor permits (chapter P-9.1) is amended by adding the following paragraph at the end:

“In addition, the expression “lodging facility” means a tourist accommodation establishment for which a classification certificate has been issued under the Act respecting tourist accommodation establishments (chapter E-14.2) and which falls into one of the classes determined by the Government by regulation.”

2. Sections 25 to 34.2 of the Act are replaced by the following:

“§1. — *General provision*

“**25.** The permits issued under this Act are the bar permit, restaurant permit, accessory permit, event permit, grocery permit, delivery permit, cider seller’s permit, and winemaking and brewing centre permit.

In addition to the permits provided for in this Act, the Government may, by regulation, determine any other permit that may be issued under this Act, specify the activities involving alcoholic beverages that such a permit authorizes and prescribe the conditions for obtaining and using it.

“§2. — *Permit authorizing consumption on the premises*

“**26.** A bar permit authorizes, as principal activity in an establishment, the sale of alcoholic beverages for consumption on the premises.

A bar permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased in the establishment, provided the container has been securely resealed.

“27. A restaurant permit authorizes, in an establishment whose principal and usual activity is to prepare and sell food on the premises, the sale of alcoholic beverages for consumption on the premises if such beverages are generally served as an accompaniment to the food.

A restaurant permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased in the establishment, provided the container has been securely resealed.

The restaurant permit also authorizes the sale, for take out or delivery in a sealed container, of alcoholic beverages other than alcohol and spirits if such beverages are sold with food prepared by the permit holder.

“28. An accessory permit authorizes, as a secondary activity at the place it indicates, the sale of alcoholic beverages for consumption on the premises during tourist, social, family, sporting, cultural or other activities.

“29. A bar, restaurant or accessory permit, when used in a lodging facility, authorizes the sale of alcoholic beverages at the front desk of the facility, by means of a minibar installed in a guest room of the facility or, in accordance with the conditions of use determined by regulation, by means of a vending machine installed in the facility.

In these circumstances, such a permit also authorizes alcoholic beverages sold in accordance with the first paragraph to be consumed in a guest room of the lodging facility and, in accordance with the conditions prescribed by regulation, in the common areas of the facility approved by the board.

“30. An event permit authorizes, in the cases and on the conditions determined by regulation, the sale or service of alcoholic beverages for consumption on the premises at the place indicated on the permit.

“§3. — Permit authorizing consumption elsewhere than on the premises

“31. A grocery permit authorizes the sale and delivery, for consumption at a place other than the establishment, of beer and cider, as well as the wines and alcoholic beverages determined by a regulation made under paragraph 7 of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), other than alcohol, spirits, and beer blends containing more than 7% alcohol by volume.

A grocery permit also authorizes the holder to offer, in the cases and on the conditions determined by regulation, free tasting in the holder’s establishment of the alcoholic beverages the holder is authorized to sell.

A grocery permit also authorizes the holder to sell at retail specific constituents of beer or wine, including malt, malt extracts, grapes, wort or must and concentrates, as well as equipment for the domestic manufacture of wine or beer for personal use, provided the holder purchases such products from the holder of a winemaking and brewing centre permit who sells them at wholesale.

“32. A delivery permit authorizes, on the conditions determined by regulation, the transportation of alcoholic beverages

(1) for delivery to a patron who acquires them from a restaurant permit holder in the manner provided for in the third paragraph of section 27; or

(2) in the course of the provision of a public transportation service, in which case the holder is authorized to purchase the alcoholic beverages from a person authorized to sell them.

“33. A cider seller’s permit authorizes the sale of cider for consumption at a place other than the establishment.

“34. A winemaking and brewing centre permit authorizes the holder to sell at retail or wholesale specific constituents of beer or wine, including malt, malt extracts, grapes, wort or must and concentrates, as well as equipment for the domestic manufacture of beer or wine for personal use.

The holder of such a permit who sells at retail specific constituents of beer or wine as well as equipment for the domestic manufacture of beer or wine is required to purchase those products from the holder of a winemaking and brewing centre permit who sells them at wholesale.

“DIVISION I.1

“OPTIONS

“34.1. The board may, on an application, attach any of the following options, as applicable, to certain permits issued under this Act:

- (1) “no minors”;
- (2) “caterer”;
- (3) “service”; or
- (4) “domestic manufacture”.

A permit with a “no minors” option prohibits, at all times, the presence of minors at the place where the permit is used.

A permit with a “caterer” option authorizes the sale of alcoholic beverages, served with food prepared by the permit holder, at the place where the holder serves the food.

A permit with a “service” option authorizes the holder to serve to his patrons, or allow them to consume on the premises at the place where the permit is used, alcoholic beverages the patrons have brought with them and which they may subsequently take away with them, provided those beverages are not alcohol, spirits or home-made beverages. However, a permit with such an option may not be used at a place for which a permit authorizing the sale of alcoholic beverages, other than an event permit, is already being used.

A permit with a “domestic manufacture” option authorizes the holder to place at the disposal of his patrons the space and equipment required to manufacture beer or wine for personal use.

The Government may, by regulation, determine other options that the board may, on an application, attach to a permit, and may specify the activities authorized by the options and the conditions for obtaining and using them.”

3. Section 36 of the Act is replaced by the following section:

“36. To obtain a permit, a person must be of full age; if he is not a Canadian citizen, he must reside in Québec as a permanent resident or hold a work permit issued by Canadian immigration authorities that authorizes him to work in Québec, unless he is applying for an event permit as the authorized representative of a government, country, province or state.”

4. Section 39 of the Act is amended by striking out “or, in the case of a “Man and his World” permit or an “Olympic Grounds” permit, have obtained a concession from, respectively, the City of Montréal or the Régie des installations olympiques” in subparagraph 1 of the first paragraph.

5. Section 40 of the Act is amended

(1) by replacing paragraphs 1 and 1.1 by the following paragraph:

“(1) show that he fulfils the conditions provided in this division and any other condition fixed by regulation,”;

(2) by replacing “and terrace” in paragraph 2 by “, terrace or other place”;

(3) by inserting “if the application is for a permit authorizing the sale or service of alcoholic beverages for consumption on the premises,” after “used,” in paragraph 2.1.

6. Section 41 of the Act is amended, in the second paragraph,

(1) by inserting “or, in the case of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, the person responsible for the management of the establishment concerned” after “if the applicant”;

(2) by replacing “la réhabilitation” in the French text by “le pardon”.

7. Section 42 of the Act is amended

(1) by inserting “or, in the case of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, the person responsible for the management of the establishment concerned” at the end of the introductory clause;

(2) by replacing “the applicant” in the last paragraph by “the applicant or the person responsible for the management of the establishment”;

(3) by striking out “ou la réhabilitation” in the last paragraph in the French text.

8. Section 42.2 of the Act is replaced by the following section:

“**42.2.** The board may, on issuing a permit, impose any condition it considers appropriate concerning the use of the permit, including a restriction or prohibition, provided such a condition is aimed at ensuring public security or public tranquility.”

9. Section 43 of the Act is repealed.**10.** Section 46 of the Act is replaced by the following section:

“**46.** The board may issue an event permit despite the prohibitions or restrictions of any municipal by-law or the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The issue of such a permit does not exempt the permit holder from the requirement to obtain any authorizations required under the Act respecting the preservation of agricultural land and agricultural activities and under municipal by-laws.”

11. Section 47 of the Act is replaced by the following section:

“**47.** A permit issued by the board indicates

(1) the permit holder’s name and the address of the establishment;

(2) the class of the permit and any options attached to it;

- (3) the rooms or terraces of the establishment or any other place where the permit may be used;
- (4) the seasonal or annual period during which the permit may be used and, in the case of a seasonal period, the start and end dates of that period;
- (5) the number of persons who may be present simultaneously in each room or on each terrace of the establishment where the permit may be used;
- (6) the payment date for the annual duties;
- (7) if applicable, whether the presentation of a show, the projection of a film or dancing is authorized and, if applicable, the type of show authorized;
- (8) if applicable, the common areas of a lodging facility that have been approved by the board; and
- (9) any other information the board considers necessary.”

12. Section 50 of the Act is amended

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

“Subparagraphs 1 to 3 of the first paragraph of section 39, the second and third paragraphs of that section, paragraph 2.1 of section 40, subparagraphs 1 to 1.2 of the first paragraph of section 41, sections 42 and 45 and paragraphs 4 to 6 of section 47 do not apply in the case of an event permit.”;

- (2) by replacing “do not apply to an application for” in the second paragraph by “and paragraph 5 of section 47 do not apply in the case of”;

- (3) by striking out the third paragraph;

- (4) by replacing the fourth paragraph by the following paragraph:

“Subparagraph 3 of the first paragraph of section 39 and paragraph 5 of section 47 do not apply in the case of a delivery permit. Nor do they apply in the case of a winemaking and brewing centre permit, unless it has a “domestic manufacture” option, in which case subparagraph 3 of the first paragraph of section 39 applies.”;

- (5) by replacing “or authorization” in the last paragraph by “, application to have an option attached to the permit, or application for an additional approval, authorization or place”.

13. Section 51 of the Act is amended

(1) in the second paragraph,

(a) by replacing “a reunion permit, a “Man and his World” permit or an “Olympic Grounds” permit” in the second paragraph by “an event permit”;

(b) by adding the following sentence at the end: “In addition, the issue of an event permit for a place covered by another permit in force has the effect of preventing the holder of that other permit from selling alcoholic beverages in that place during the entire period indicated on the event permit.”;

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

“The first paragraph does not have the effect of allowing a holder to use his permit during the period for which it has been suspended.”

14. The Act is amended by inserting the following section after section 51:

“51.1. The period during which a permit may be used is either seasonal or annual.

A permit that may be used during a seasonal period may not be used outside the continuous period it indicates even though the permit remains in force.

More than one permit for a seasonal period may be used in the same place by different holders, provided the activities authorized by the permits are not carried on simultaneously.”

15. Section 53 of the Act is amended

(1) by replacing “administrative monetary penalty” in the first and second paragraphs by “monetary administrative penalty”;

(2) by striking out “not less than 30 days” in the second paragraph.

16. The Act is amended by inserting the following section after section 58:

“58.1. A permit for a seasonal period authorizes the holder to use the permit during the continuous period it indicates, which may not exceed 183 days.”

17. Section 59 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “If the alcoholic beverages are sold by means of a minibar in a guest room of a lodging facility, they may be sold at any time.”;

(2) by replacing “sales permit” in the second paragraph by “permit or the transportation of alcoholic beverages authorized by the delivery permit”;

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

“In addition, the board shall fix the hours, between 8 a.m. and 3 a.m. the following morning, during which each event permit may be used.”

18. Section 60 of the Act is amended

(1) by striking out “and a cider seller’s permit”;

(2) by replacing “eight o’clock in the morning and eleven o’clock in the evening” by “7 a.m. and 11 p.m”.

19. The Act is amended by inserting the following section after section 60:

“60.0.1. A cider seller’s permit may be used every day within the period comprised between 8 a.m. and 11 p.m. during which a patron may be admitted to the establishment in accordance with the Act respecting hours and days of admission to commercial establishments (chapter H-2.1).”

20. Section 60.1 of the Act is amended by replacing “A raw material and equipment wholesaler’s or retailer’s” by “A winemaking and brewing centre”.

21. Section 61 of the Act is replaced by the following section:

“61. Subject to section 61.1, the board may, on an application and if the board does not consider it to be contrary to the public interest or public security or likely to disturb public tranquility, change the hours during which a permit authorizing alcoholic beverages to be sold or served for consumption on the premises may be used on a statutory holiday or during a cultural, social, sporting or tourist event.

The board’s decision may concern one or more permit holders or one or more classes of permits and may apply to all or part of the territory of Québec.

Before rendering its decision, the board shall consult the clerk or secretary-treasurer of the local municipality concerned as well as the director of the Sûreté du Québec or of the police force established for that territory and authorized under section 111.”

22. Sections 62 and 63 of the Act are replaced by the following sections:

“62. The holder of a bar permit shall not admit a person to the rooms or terraces indicated on the permit outside the hours during which the permit may be used, nor tolerate a person’s remaining there for more than one hour after those hours, unless the person is an employee of the establishment.

However, between 6 a.m. and 8 a.m., the permit holder may admit a person to the rooms or terraces indicated on the permit if no alcoholic beverage is consumed there and no video lottery machine can be played there.

63. The holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, other than a bar permit, may admit a person to the rooms or terraces indicated on the permit outside the hours during which the permit may be used.

No alcoholic beverage may be consumed there more than 30 minutes after those hours.”

23. Section 65 of the Act is replaced by the following section:

65. Despite section 59, in the passenger terminals of the Montréal Pierre-Elliott-Trudeau International Airport, the Québec City Jean-Lesage International Airport and any other passenger terminal determined by regulation, permits authorizing alcoholic beverages to be sold or served for consumption on the premises may be used at any time.”

24. Section 66 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “However, a permit holder who uses the permit elsewhere than in the establishment where it is posted must make copies of it and keep one in his possession.”;

(2) by replacing “restaurant sales permit” in the second paragraph by “restaurant permit”.

25. Section 68 of the Act is amended by adding the following paragraph at the end:

“During such a reception, the permit holder may allow the presentation of a show, the projection of a film or dancing without having to obtain the authorization provided for in section 73.”

26. Section 69.1 of the Act is amended by replacing “or on any terrace” by “, on any terrace or in any other place”.

27. Section 70.1 of the Act is amended

(1) by replacing “The holder of a raw material and equipment wholesaler’s or retailer’s permit and the holder of a grocery permit who carries on activities authorized by a raw material and equipment retailer’s permit” in the introductory clause of the first paragraph by “The holder of a winemaking and brewing centre permit and the holder of a grocery permit who sells specific constituents of beer or wine at retail”;

(2) by replacing “raw material and equipment wholesaler” in subparagraph 2 of the first paragraph by “holder of a winemaking and brewing centre permit who sells at wholesale”.

28. Section 71 of the Act is amended by replacing “social insurance number” by “date of birth”.

29. Section 72.1 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The same rule applies to the holder of a permit with a “caterer” option, at the place where he serves the food he has prepared.”;

(2) by replacing “service permit” in subparagraph 1 of the second paragraph by “permit with a “service” option”;

(3) by striking out “at a meal” in subparagraph 1 of the second paragraph;

(4) by replacing “a reunion permit” in the introductory clause of subparagraph 2 of the second paragraph by “an event permit”.

30. Section 73 of the Act is replaced by the following section:

“73. The holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, other than an event permit or accessory permit, shall not allow, in a room or on a terrace where he uses the permit, the presentation of a show, the projection of a film or dancing, unless authorized to do so by the board. However, the board’s authorization is not required to use a radio, television or sound reproduction device in a room or on a terrace.”

31. Section 74 of the Act is amended by striking out “by means of a facsimile of the signature of its secretary” in the second paragraph.

32. Section 76 of the Act is repealed.

33. Sections 77.1 and 77.2 of the Act are repealed.

34. The Act is amended by inserting the following sections after section 77.2:

“77.3. A permit holder, the person responsible for the management of the establishment where the permit is used, and the other members of the holder’s personnel determined by government regulation must take training recognized by the board on the responsible consumption of alcoholic beverages.

The Government may, by regulation, determine the criteria the board must take into account in recognizing training offered in or outside Québec on the responsible consumption of alcoholic beverages, as well as the procedure for obtaining such recognition.

The Government may also, by regulation, determine any terms for implementing the training requirement, including with regard to the content of the training, which may vary according to the persons taking the training and the class of permit, and prescribe exemptions or transitional conditions for permit holders, persons responsible for the management of establishments, and permit holders' other personnel members.

During the hours during which a permit authorizing alcoholic beverages to be sold or served may be used, the permit holder or a member of the holder's personnel who has received training recognized by the board must be present in the establishment.

“77.4. A permit holder who keeps or possesses in his establishment alcoholic beverages that are the subject of a recall order made in accordance with section 35.2.1 of the Act respecting the Société des alcools du Québec (chapter S-13) must comply with the order. For that purpose, he must immediately cease selling the alcoholic beverages subject to the recall and remove them from his display.”

35. The heading of Division V of Chapter III of the Act is amended by inserting “, PERIOD” after “PLACE”.

36. The heading of subdivision 2 of Division V of Chapter III of the Act is amended by inserting “*or period*” after “*place*”.

37. The Act is amended by inserting the following section before section 82:

“81.1. A permit holder may, while the permit is in force, apply

(1) before the 30th day preceding the end date of the permit's seasonal period, to change the period to an annual period, on payment of the duties fixed by regulation; or

(2) before the 183rd day following the anniversary date of the issue of a permit for an annual period, to change the period to a seasonal period.”

38. Section 84 of the Act is amended by replacing “authorize the temporary change of any of the places covered by a permit” in the first paragraph by “temporarily authorize a change of one or all of the places where a permit is used”.

39. The Act is amended by inserting the following section after section 84:

“84.0.1. When major changes are being made to the floor arrangement of a place where a permit is used, the board may, on payment of the duties determined by regulation, temporarily authorize a change of one or all of the places where the permit is used.

A permit holder who applies for an authorization for such a change must comply with the applicable conditions provided in sections 39 and 40.

The authorization may be renewed for the period fixed by the board.”

40. Section 84.1 of the Act is replaced by the following section:

“84.1. Any change made to the floor arrangement of a place where a permit authorizing consumption on the premises is used must be authorized by the board.

A permit holder who applies for authorization to make such a change must comply with the applicable conditions provided in sections 39 and 40.

The board shall specify the floor plan considered to grant the authorization.”

41. Section 85 of the Act is amended by replacing “or an authorization” by “, an authorization or approval, or an option attached to a permit”.

42. Section 85.1 of the Act is amended

(1) by replacing “an administrative monetary penalty” in the introductory clause by “a monetary administrative penalty”;

(2) by replacing “paragraph 15.2” in paragraph 5 by “paragraph 12 or 15.2”.

43. Section 86 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraphs 6 and 7 by the following subparagraph:

“(6) the permit holder or the establishment where the permit is used no longer fulfils one of the conditions for the issue of the permit prescribed by regulation or imposed by the board in accordance with section 42.2;”;

(b) by inserting the following subparagraph after subparagraph 8:

“(8.1) the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114, other than one for which a monetary administrative penalty is prescribed by that regulation or by the regulation made under paragraph 15.2 of that section;”;

(c) by inserting “or the person responsible for the management of the establishment where the permit is used,” after “mentioned in that section” in subparagraph 9;

(d) by replacing “, section 135 of the Youth Protection Act (chapter P-34.1) or section 33 of the Juvenile Delinquents Act (Revised Statutes of Canada, 1970, c. J-3)” in subparagraph 9 by “or section 135 of the Youth Protection Act (chapter P-34.1)”;

(2) by inserting “or the person responsible for the management of the establishment where the permit is used,” after “mentioned in section 38” in subparagraph 3 of the fourth paragraph;

(3) by replacing all occurrences of “administrative monetary penalty” by “monetary administrative penalty”, with the necessary grammatical modifications.

44. Section 86.0.1 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or approval” after “an authorization” and by replacing “the authorization” by “it”;

(b) by replacing “the conditions for obtaining it are no longer being complied with” by “the permit holder no longer complies with the conditions attached to it”;

(2) by inserting the following paragraph after the first paragraph:

“In addition, the board may revoke an option attached to a permit or suspend the option for the period it determines if the permit holder no longer fulfils the conditions for obtaining or using the option.”;

(3) in the second paragraph,

(a) by inserting “, approval or option” after “authorization”;

(b) by replacing “an administrative monetary penalty” by “a monetary administrative penalty”.

45. Section 87 of the Act is amended

(1) by striking out “the second paragraph of section 76, section” in the first paragraph;

(2) by replacing “, 6 or 7” in the second paragraph by “or 6”;

(3) by replacing all occurrences of “an administrative monetary penalty” by “a monetary administrative penalty”.

46. Section 87.1 of the Act is amended

(1) by replacing “or terrace” in the introductory clause of the first paragraph by “, terrace or other place”;

(2) in the second paragraph,

(a) by replacing “second” by “first”;

(b) by replacing “or terrace” by “, terrace or place”;

(c) by replacing “30 minutes” by “one hour”;

(3) by replacing “, for the same hours, a restriction of the use of an authorization granted under section 73, if any” in the third paragraph by “, if applicable, a restriction for the same hours of the use of an authorization granted under section 73 or of the options attached to the permit”.

47. Section 89 of the Act is amended by striking out “subparagraph 9 of the first paragraph of”.

48. Section 89.2 of the Act is repealed.

49. The Act is amended by inserting the following section after section 90.1:

“**90.2.** Where alcoholic beverages are the subject of a recall order made in accordance with section 35.2.1 of the Act respecting the Société des alcools du Québec (chapter S-13), the board or, at its request, a member of a police force authorized under section 111 or a member of the Sûreté du Québec may put under seal the alcoholic beverages subject to that order that are then in the possession of the permit holder.”

50. Section 95 of the Act is replaced by the following section:

“**95.** Any application filed with the board, except an application for an event permit or an application referred to in the second paragraph of section 79, must include the processing costs determined by regulation. These costs may vary depending on the type of application and are not reimbursable.”

51. Section 96 of the Act is amended by inserting “an application to attach a “no minors” option to a permit,” after “application for a permit,” in the introductory clause of the first paragraph.

52. Section 97 of the Act is amended

(1) by replacing paragraphs 1 to 1.2 by the following paragraphs:

“(1) an application for an event permit, grocery permit, delivery permit, cider seller’s permit, or winemaking and brewing centre permit;

“(1.1) an application for a restaurant permit with a “caterer” option, if the applicant intends to exercise that option exclusively;”;

(2) by replacing “or authorization” in paragraphs 3 and 4 by “, application to have an option attached to the permit, or application for an additional authorization or place”.

53. Section 99 of the Act is amended, in the first paragraph,

(1) by striking out “and sworn”;

(2) by inserting “on grounds other than economic or competitive grounds” after “object”.

54. Section 102 of the Act is amended

(1) by inserting the following paragraph after paragraph 1:

“(1.1) reject an objection made under section 99 solely on economic or competitive grounds;”;

(2) by inserting “, or of an option attached to a permit” at the end of paragraph 2;

(3) by replacing “a permit,” in paragraph 4 by “a permit or an option attached to it, or an authorization or approval”.

55. The Act is amended by inserting the following section before section 114:

113.1. The Government may, by regulation, determine the conditions for obtaining or using a permit that do not apply to one or more classes of permits and, where that is the case, the rules applicable.

It may also determine the cases in which the authorization provided for in section 73 is not required.”

56. Section 114 of the Act is amended

(1) by replacing “The board may, in plenary session,” in the introductory clause by “The Government may also, after consulting the board;”;

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

“(1) determining classes of tourist accommodation establishments for the purpose of determining what constitutes a lodging facility;”;

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

“(2) prescribing any other permit that may be issued under this Act, specifying the activities involving alcoholic beverages that such a permit authorizes and prescribing the conditions for obtaining and using the permit;

“(2.1) determining the options that may be attached to a permit and specifying the activities such options authorize and the conditions for obtaining or using the options;

“(2.2) determining the conditions for the issue and use of a permit under this Act, and the cases in which and conditions on which an event permit may be issued;

“(2.3) determining the conditions on which the holder of a delivery permit issued under this Act may transport alcoholic beverages;

“(2.4) determining the conditions that must be fulfilled to obtain approval for consumption of alcoholic beverages in the common areas in a lodging facility and the conditions for using a vending machine installed inside such a facility;

“(2.5) determining, for the purposes of section 65, the passenger terminals in which permits authorizing the sale or service of alcoholic beverages for consumption on the premises may be used at any time;”;

(4) by striking out paragraph 3;

(5) by striking out paragraph 6.1;

(6) by replacing “it” in paragraph 7 by “the board”;

(7) by replacing “sections 63 and 87.1 and in the second paragraph of section 76” in paragraph 10 by “section 87.1”;

(8) by striking out paragraph 10.1;

(9) by replacing “it” in paragraph 11 by “the board”;

(10) by inserting “, determining the failures to comply with that regulation that may give rise to a monetary administrative penalty and establishing the amount for each failure” at the end of paragraph 12;

(11) by inserting the following paragraphs after paragraph 13.1:

“(13.2) determining the criteria the board must take into account in recognizing training offered in or outside Québec on the responsible consumption of alcoholic beverages, as well as the procedure for obtaining such recognition;

“(13.3) determining the members of a permit holder’s personnel who must take the training recognized by the board;

“(13.4) determining any terms for implementing the requirement to take the training recognized by the board, including with regard to the content of the training, which may vary according to the persons taking the training and the class of permit, and prescribe exemptions or transitional conditions for permit holders, persons responsible for the management of establishments, and permit holders’ other personnel members;”;

(12) by striking out paragraph 14;

(13) by replacing “administrative monetary penalty” in paragraphs 15.1 and 15.2 by “monetary administrative penalty”, with the necessary grammatical modifications.

57. Section 116 of the Act is repealed.

58. The Act is amended by replacing all occurrences of “administrative monetary penalty” in sections 55, 79 and 85.2 by “monetary administrative penalty”, with the necessary grammatical modifications.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

59. Section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended

(1) by striking out paragraph 2;

(2) by inserting “or place” after “any premises” in paragraph 13;

(3) by striking out paragraph 17;

(4) by replacing “or served” in paragraph 18 by “, served or transported”;

(5) by striking out paragraphs 20 and 26;

(6) by replacing “section 91” in subparagraph *g* of paragraph 32 by “a provision of section 91 or 91.0.1”.

60. Section 83 of the Act is amended

(1) by replacing “alcohol and spirits not purchased directly from the Corporation or a person authorized by it” in paragraph 1 by “and alcohol and spirits not purchased directly from the Corporation, from a person authorized by it or from a distiller’s permit holder”;

(2) by replacing “the holder of a grocery permit” in paragraph 4.1 by “a grocery permit or brewer’s permit holder”.

61. Section 83.2 of the Act is repealed.**62.** Section 84 of the Act is repealed.**63.** The Act is amended by inserting the following section after section 84:

“84.0.1. Despite any provision to the contrary, the holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises may keep in his establishment any alcoholic beverage container to which the Corporation’s stamp is not affixed, any container of an alcoholic beverage made by the holder of a small-scale production permit to which a numbered sticker issued by the board is not affixed, or any beer container that is not identified in accordance with the Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1) provided the container is empty and displayed in public view solely for decorative purposes.”

64. Section 84.1 of the Act is amended

(1) by striking out “that meets the standards prescribed by regulation of the board” in the first paragraph;

(2) by striking out the third paragraph.

65. The Act is amended by inserting the following section after section 84.1:

“84.2. Despite any provision to the contrary, the holder of a permit authorizing alcoholic beverages to be sold for consumption on the premises may prepare carafes of wine or mix alcoholic beverages in advance, as of the beginning of the hours during which the permit may be used, provided that at the end of those hours, he has destroyed or eliminated any wine remaining in the carafes and any remaining mix.”

66. Section 85 of the Act is replaced by the following section:

“85. In any establishment where a permit is used, it is forbidden to sell or serve alcoholic beverages elsewhere than in the places indicated on the permit or authorized by law.”

67. Section 91 of the Act is amended

- (1) by inserting “or transportation” after “the sale” in paragraph *b*;
- (2) by striking out “sales permit” in paragraph *j*.

68. The Act is amended by inserting the following section after section 91:

“91.0.1. Beer or wine made in the establishment of a winemaking and brewing centre permit holder by a person for personal use may be kept and possessed by the holder for the purposes authorized by his permit.”

69. Section 91.1 of the Act is amended

- (1) by striking out “a small-scale production permit or a brewer’s permit issued under”;
- (2) by replacing “restaurant service permit” by “permit with a “service” option”.

70. Section 92 of the Act is amended

- (1) by replacing “or a brewer’s” in paragraph *f* by “, brewer’s permit or distiller’s”;
- (2) by striking out “sales permit” in paragraph *g*;
- (3) by replacing “sales” in paragraph *h* by “or delivery”;
- (4) by adding the following paragraph at the end:
“(i) by any user referred to in section 100.”

71. Section 93 of the Act is amended, in the first paragraph,

- (1) by striking out “sales” in subparagraph *f*;
- (2) by replacing “sales” in subparagraph *g* by “or delivery”.

72. The Act is amended by inserting the following section after section 93:

“93.1. A person who has made beer or wine for personal use in the establishment of a winemaking and brewing centre permit holder is authorized to transport it.”

73. Section 94 of the Act is amended by striking out “where no prohibition by-law is in force” at the end of the first paragraph.

74. Section 96 of the Act is replaced by the following section:

“**96.** No provision of this Act shall prohibit members of a professional order from purchasing and using alcoholic beverages

(a) for solution or sterilization purposes;

(b) in any preparation for external application that they administer themselves; or

(c) in compounding medicines.”

75. The Act is amended by inserting the following section after section 96:

“**96.1.** No provision of this Act shall prohibit the purchase, possession, making or serving of alcoholic beverages, or allowing their consumption, for research or educational purposes.”

76. Section 97 of the Act is repealed.

77. Section 98 of the Act is amended by replacing “97” by “96.1”.

78. Section 99 of the Act is repealed.

79. Section 100 of the Act is replaced by the following section:

“**100.** No provision of this Act shall prevent the sale and delivery of alcohol by a person authorized by the Corporation or by a distiller who holds a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) directly to a user who uses the alcohol for purposes other than making an alcoholic beverage that can be used as a beverage for a person, provided that each quantity of alcohol so sold and delivered is not less than 4 litres.

The distiller and the person authorized by the Corporation must keep an annual register of sales made to users that specifies their name and address and the quantity and type of product sold, and send it to the board or Corporation at its request.

Such a register must be kept for five years from the date of the last sale.”

80. Section 101 of the Act is repealed.

81. Section 102 of the Act is amended

(1) in the first paragraph,

(a) by inserting “in particular” after “sale” in the introductory clause;

(b) by striking out “solid” in subparagraph *a*;

(c) by striking out “, provided that such product does not contain alcohol in excess of the quantity required as a solvent or preservative, or provided that it is so compounded as to render it unsuitable for use as a beverage” in subparagraph *b*;

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

“However, if, after analysis, the board is of the opinion that a product listed in the first paragraph contains alcoholic beverages and can be used as a beverage for a person, it may notify the user, the vendor, the distiller, the person authorized by the Corporation or any person concerned.”;

(3) in the third paragraph,

(a) by replacing “date” by “notification”;

(b) by inserting “to be” after “deemed”.

82. Section 103 of the Act is repealed.

83. Section 103.1 of the Act is replaced by the following section:

“**103.1.** The holder of a permit issued under the Act respecting liquor permits (chapter P-9.1) or the Act respecting the Société des alcools du Québec (chapter S-13) shall not sell or serve alcoholic beverages to a minor nor allow a minor to consume them in the establishment where the permit is used. Nor shall he sell or serve them to a person of full age if he knows that the person is buying or being served them for a minor.”

84. Section 103.2 of the Act is amended by replacing “twenty hours” in subparagraph 1 of the second paragraph by “10 p.m.”.

85. Section 103.3 of the Act is replaced by the following section:

“**103.3.** Section 103.2 does not apply when the permit is used on the production premises of the holder of a small-scale production permit, a small-scale beer producer’s permit or a brewer’s permit.”

86. Section 103.5 of the Act is amended by replacing “twenty hours” by “10 p.m.”.

87. Section 103.9 of the Act is amended by replacing “twenty hours” in subparagraph 3 of the first paragraph by “10 p.m.”.

88. Section 107.1 of the Act is replaced by the following section:

“107.1. Whosoever

(1) sells at retail or wholesale specific constituents of beer or wine and equipment for the domestic manufacture of beer or wine without being the holder of a winemaking and brewing centre permit issued under the Act respecting liquor permits (chapter P-9.1) or makes the space and equipment required to make such alcoholic beverages available to his customers without his permit having a “domestic manufacture” option;

(2) being the holder of a winemaking and brewing centre permit or grocery permit authorized to sell at retail specific constituents of beer or wine and equipment for the domestic manufacture of these alcoholic beverages, buys such products from a permit holder who is not authorized to sell them at wholesale

is guilty of an offence and liable, for a first offence, to a fine of \$500 to \$1,000 and, for a second or subsequent offence, to a fine of \$1,000 to \$2,000.”

89. Section 108 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1.1 by the following subparagraph:

“(1.1) with a “service” option, serves or allows his customers to consume alcohols, spirits or home-made alcoholic beverages;”;

(2) by replacing “service permit” in subparagraph 1.2 by “permit with a “service” option”;

(3) by striking out subparagraphs 1.3 and 2;

(4) by inserting “or transport” after “to sell” in subparagraph 5.

90. Section 109 of the Act is amended

(1) by striking out “, subject to the second paragraph of section 28 of the Act respecting liquor permits (chapter P-9.1),” in paragraph 1;

(2) by striking out “his small-scale production permit or brewer’s permit issued under” in paragraph 3;

(3) by inserting the following paragraph after paragraph 5:

“(5.1) is the holder of a permit and does not have a copy of it in his possession when he uses it elsewhere than in the establishment where it is posted;”;

(4) by replacing “section 62” in paragraph 8 by “section 62 or 63”.

91. Section 111 of the Act is amended by replacing “section 95.1” in paragraph *a* by “section 91.0.1 or 95.1”.

92. Section 112 of the Act is amended

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

“(1) having acquired for resale a product containing alcoholic beverages that can be used as a beverage for a person, sells it as being one of the products listed in the first paragraph of section 102 after the notice provided for in that section was notified to him;”;

(2) by striking out paragraph 2;

(3) by striking out “of a small-scale production permit or a brewer’s permit issued under” in paragraph 3;

(4) by inserting “or transport” after “sell” in paragraph 3;

(5) by inserting “or transports” after “buys” in paragraph 7.

93. Section 114 of the Act is amended

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

“(1) sells a product containing alcoholic beverages that can be used as a beverage for a person as being one of the products listed in the first paragraph of section 102 after the notice provided for in that section was notified to him;”;

(2) by striking out paragraph 3;

(3) by replacing “section 90.1 of the Act respecting liquor permits (chapter P-9.1) or section” in paragraph 4 by “sections 90.1 and 90.2 of the Act respecting liquor permits (chapter P-9.1) or sections 35.2.2 and”.

94. Section 116 of the Act is amended by striking out “a small-scale production permit or a brewer’s permit issued under”.

95. Section 132.1 of the Act is amended

(1) by replacing “or served” by “, served or transported”;

(2) by striking out “small-scale production permit or a brewer’s”.

POLICE ACT

96. Section 117 of the Police Act (chapter P-13.1) is amended by replacing “sales permit or a restaurant service permit described in section 28 or 28.1” in the second paragraph by “permit described in section 27”.

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET
DES JEUX

97. Section 19 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) a register of applications presented under the Act respecting liquor permits (chapter P-9.1), permits issued under that Act, indicating the options attached to them, and the authorizations and approvals granted under that Act.”

98. Section 23 of the Act is amended by inserting “options, approvals,” after “licences,” in paragraph 1.

99. The Act is amended by inserting the following section after section 23:

“**23.1.** The board may, to ensure the protection of the public and achieve its mission, take any measures to encourage permit holders to comply with the laws under its administration and assume their responsibilities concerning, in particular, the responsible consumption of alcoholic beverages.”

100. Section 25 of the Act is amended by inserting “options, approvals,” after “licences,” in subparagraph 1 of the first paragraph.

101. Section 29 of the Act is amended

(1) in subparagraph 2 of the first paragraph,

(a) by replacing “reunion permits” by “event permits”;

(b) by replacing “raw materials and equipment wholesaler’s or retailer’s permits” by “winemaking and brewing centre permits”;

(2) by replacing “fifth” in subparagraph 3 of the first paragraph by “fourth”;

(3) by inserting “or section 34.2 of the Act respecting the Société des alcools du Québec” after “Act respecting liquor permits” in the second and third paragraphs;

(4) by replacing all occurrences of “an administrative monetary penalty” by “a monetary administrative penalty”.

102. Section 32.1 of the Act is amended by inserting “option, approval,” after “licence,” in the first paragraph.

103. Section 32.1.1 of the Act is replaced by the following section:

“**32.1.1.** For the purposes of section 32.1, the board may grant a shorter period of time before the hearing

(1) in urgent circumstances and where continuation of the activities concerned could endanger human life or health or cause serious or irreparable damage to property;

(2) where the holder of a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) has made alcoholic beverages in contravention of that Act or the regulations or has sold alcoholic beverages to a person who holds a permit but is not authorized to sell them.

In addition, the board may use any means other than the one provided for in section 32.1 to inform the person concerned of the reasons for the summons and of the possible consequences provided for by law. In such a case, a copy of the notice of hearing and of the relevant documents on which it is based must be produced before or at the hearing.”

104. Section 39 of the Act is amended by inserting “, option, approval” after “permit” in the second paragraph.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

105. Section 24.1 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended, in the second paragraph,

(1) by striking out “, provided that a numbered sticker issued by the board is affixed by the permit holder to each container, in numerical order, at the time of sale” at the end of subparagraph 2;

(2) by striking out “, provided that a numbered sticker issued by the board is affixed by the permit holder to each original container, in numerical order” at the end of subparagraph 3.

106. Section 24.2 of the Act is amended

(1) by inserting the following paragraph after the second paragraph:

“He may also sell the alcoholic beverages he makes to the holder of an event permit issued under the Act respecting liquor permits.”;

(2) by inserting “, subject to the third paragraph,” after “or” in the fourth paragraph.

107. Section 26 of the Act is amended

- (1) by striking out “also” in the second paragraph;
- (2) by inserting the following paragraphs after the second paragraph:

“He may also sell the alcohol and spirits he makes at the place where they are produced for consumption elsewhere provided they were purchased from the Société. However, he may not sell them to the holder of a permit issued under the Act respecting liquor permits (chapter P-9.1).

The holder of a distiller’s permit may also sell the alcohol he makes to a user if the following conditions are met:

- (1) the alcohol is intended for making products other than alcoholic beverages that can be used as a beverage for a person;
- (2) the products are not the subject of a notice by the board under section 102 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- (3) he enters the sale in his register.”;

(3) by adding the following sentence at the end of the third paragraph: “Nor may such a holder hold a small-scale production permit authorizing him to make alcoholic beverages requiring the same raw materials, with the exception of cider and other apple-based alcoholic beverages.”

108. Section 27 of the Act is amended by adding the following paragraph at the end:

“The holder of a wine maker’s permit may not hold a small-scale production permit authorizing him to make alcoholic beverages requiring the same raw materials.”

109. Section 28 of the Act is amended by replacing “cider maker’s” in the second paragraph by “distiller’s”.**110.** The Act is amended by inserting the following section after section 28:

“28.1. The holder of a permit issued under this Act may, with the board’s authorization and in the cases and on the conditions prescribed by regulation, participate in a tasting show or an exhibition held, in whole or in part, to present or discover alcoholic beverages.

During such an event, the holder is authorized, according to the modalities prescribed by regulation, to sell for consumption on the premises, at the tasting show or exhibition, the alcoholic beverages he makes.”

111. Section 29.1 of the Act is repealed.

112. Section 33 of the Act is amended by adding the following paragraph at the end:

“In addition, in accordance with section 100 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1), the holder of a distiller’s permit shall keep up to date the annual register provided for in that section.”

113. Section 33.1 of the Act is amended

(1) by replacing “, the quantity sold and the numbers of the stickers affixed to the containers of the alcoholic beverages sold” in the second paragraph by “and the quantity sold”;

(2) by replacing “, the brand of the products, the numbers of the stickers affixed to the containers and the date on which they were affixed” in the third paragraph by “and the brand of the products”.

114. Section 33.2 of the Act is amended

(1) in the first paragraph,

(a) by inserting “59,” after “sections”;

(b) by replacing the second sentence by the following sentence: “However, holders of a small-scale production permit, small-scale beer producer’s permit, brewer’s permit or distiller’s permit are subject to section 60.0.1 of that Act in the case of the sale of alcoholic beverages for consumption elsewhere than at the place where they are produced.”;

(2) by replacing “paragraphs 4 and” in the second paragraph by “paragraph”.

115. The Act is amended by inserting the following sections after section 34.1:

“**34.2.** The board may impose a monetary administrative penalty in an amount prescribed by regulation if the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114 of the Act respecting liquor permits (chapter P-9.1).

“**34.3.** If a monetary administrative penalty is imposed on a holder for a failure to comply under section 34.2, the board notifies a notice of claim to the holder.

Such a notice must state

(1) the amount claimed and the reasons for it;

(2) the terms of payment of the amount claimed;

(3) the way the notice of claim may be contested;

(4) that the holder will be convened to a hearing before the board if the holder fails to pay the amount owed and that this failure could result in the cancellation of his permit.”

116. Section 35 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 4 by the following subparagraph:

“(4) the permit holder contravenes a provision of this section or a regulation made under it;”;

(2) by inserting the following subparagraph after subparagraph 6:

“(7) the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114 of the Act respecting liquor permits (chapter P-9.1) other than one for which a monetary administrative penalty is prescribed by that regulation;”.

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

“**35.0.1.** The board may, instead of cancelling or suspending a permit for a failure to comply referred to in subparagraph 7 of the first paragraph of section 35, impose on the permit holder a monetary administrative penalty in an amount not exceeding \$100,000.

“**35.0.2.** The board must revoke or suspend a permit if the holder fails to pay the monetary administrative penalty after it is imposed on the holder in accordance with section 34.2 and for which the time limit for contesting has expired.”

118. The Act is amended by inserting the following sections after section 35.2:

“**35.2.1.** Where a permit holder has made alcoholic beverages in contravention of this Act or the regulations or has sold alcoholic beverages to a person who holds a permit but is not authorized to sell them, the board may

(1) order the permit holder to immediately cease making and selling the alcoholic beverages;

(2) order the recall of the alcoholic beverages to the permit holder’s establishment, or order the permit holder to keep the alcoholic beverages if they are already there or to dispose of them at the permit holder’s expense within the time determined by the board;

(3) order the destruction of the alcoholic beverages at the permit holder’s expense;

(4) order that the alcoholic beverages be turned over to the Société for disposal in the manner provided for in section 42 or 42.1.

Where the board makes an order in accordance with the first paragraph, the order is published on its website.

In addition, the permit holder shall promptly notify any holder of a permit issued under this Act or the Act respecting liquor permits (chapter P-9.1) to whom he sold the alcoholic beverages subject to the order of the nature of the order.

35.2.2. Where alcoholic beverages are the subject of an order made in accordance with section 35.2.1, the board or, at its request, a member of a police force authorized under section 34 or a member of the Sûreté du Québec may put under seal the alcoholic beverages subject to the order that are then in the possession of the permit holder.”

119. Section 36 of the Act is amended by inserting “who was imposed a monetary administrative penalty or” after “person”.

120. Section 37 of the Act is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(8.1) determining the cases in which and conditions on which the holder of a permit issued under this Act may participate in a tasting show or an exhibition held, in whole or in part, to present or discover alcoholic beverages, and the modalities of sale of the alcoholic beverages he makes during such an event;”.

ACT RESPECTING THE QUÉBEC SALES TAX

121. Sections 485.1 and 485.2 of the Act respecting the Québec sales tax (chapter T-0.1) are repealed.

122. Section 677 of the Act is amended by striking out subparagraph 22 of the first paragraph.

REGULATION RESPECTING THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE AGENCE DU REVENU DU QUÉBEC

123. Section 13 of the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec (chapter A-7.003, r. 1) is amended by striking out paragraph 3.

REGULATION RESPECTING LIQUOR PERMITS

124. Section 15.1 of the Regulation respecting liquor permits (chapter P-9.1, r. 5) is amended by inserting “or a holder of a small-scale beer producer’s permit issued under the Act respecting the Société des alcools du Québec (chapter S-13)” after “grocery permit”.

**REGULATION RESPECTING PROMOTION, ADVERTISING AND
EDUCATIONAL PROGRAMS RELATING TO ALCOHOLIC
BEVERAGES**

125. Section 12 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6) is amended by replacing “a small-scale production permit” in subparagraph 1 of the first paragraph by “a small-scale production permit or a distiller’s permit”.

**REGULATION RESPECTING THE PRESCRIBED MANNER OF
IDENTIFYING A BEER CONTAINER**

126. The Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1) is repealed.

REGULATION RESPECTING THE QUÉBEC SALES TAX

127. Sections 677R1 to 677R9.3 of the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2), and the heading “IDENTIFICATION OF CERTAIN BEVERAGE CONTAINERS” and subheading “DEFINITIONS” preceding section 677R1, are repealed.

OTHER AMENDING PROVISIONS

128. In any regulation made under the Act respecting liquor permits (chapter P-9.1), “administrative monetary penalty” is replaced by “monetary administrative penalty”, with the necessary grammatical adjustments.

129. In any Act and any statutory instrument under such an Act, “reunion permit” is replaced by “event permit”, with the necessary grammatical adjustments.

TRANSITIONAL AND FINAL PROVISIONS

130. A person who, on the date of coming into force of section 2, is the holder of a restaurant service permit is deemed to be the holder of a restaurant permit with a “service” option.

131. A person who, on the date of coming into force of section 2, is the holder of a restaurant sales permit is deemed to be the holder of a restaurant permit.

132. A person who, on the date of coming into force of section 2, is the holder of a bar permit allowing the sale of alcoholic beverages solely by means of minibars or vending machines or at the front desk of a tourist accommodation establishment is deemed to be the holder of an accessory permit.

133. A person who, on the date of coming into force of section 2, is the holder of a permit indicating that it may be used in a theatre or amphitheatre, at a race track or in a sports centre or hunting or fishing lodge is deemed to be the holder of an accessory permit.

134. A person who, on the date of coming into force of section 2, is the holder of a permit used in a means of public transportation is deemed to be the holder of a delivery permit.

135. A person who, on the date of coming into force of section 2, is the holder of a club permit, “Man and his World” permit or “Olympic Grounds” permit is deemed to be the holder of an accessory permit.

136. A person who, on the date of coming into force of section 2, is the holder of a raw material and equipment wholesaler’s permit or raw material and equipment retailer’s permit is deemed to be the holder of a winemaking and brewing centre permit.

137. In the year following the date of coming into force of section 2, the Régie des alcools, des courses et des jeux must replace the permits in force, other than event permits, according to the classes of permits provided for in the Act respecting liquor permits (chapter P-9.1), including the options that may be attached to the permits, as amended by section 2, and according to what the permits authorize and the requirements for using them.

138. Until the coming into force of section 2, the first paragraph of section 31 of the Act respecting liquor permits is to be read as follows:

“A grocery permit entitles the holder to sell beer except draught beer, cider, and the wines and alcoholic beverages determined by regulation under paragraph 7 of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), except alcohol, spirits, and beer blends containing more than 7% alcohol by volume, for consumption at a place other than the establishment and its dependencies.”

139. Any regulation in force on the date of coming into force of paragraph 1 of section 56 and made by the Régie des alcools, des courses et des jeux in plenary session under section 114 of the Act respecting liquor permits, as it read before being amended by paragraph 1 of section 56 of this Act, is deemed to have been made by the Government and applies as long as it is not replaced or revoked.

140. Permit applications being processed on the date of coming into force of section 2 are continued and decided in accordance with the provisions of the Act respecting liquor permits, as amended by section 2.

141. A failure by a permit holder to comply with a provision of the Act respecting liquor permits, the Act respecting offences relating to alcoholic beverages (chapter I-8.1), the Act respecting the Société des alcools du Québec (chapter S-13) or a regulation made under them before the coming into force of a provision of this Act that amends, replaces or repeals that provision is governed by that provision as it read before being amended, replaced or repealed by this Act.

142. A holder of a wine maker's permit or distiller's permit issued under the Act respecting the Société des alcools du Québec who, on 12 June 2018, also holds a small-scale production permit authorizing the holder to make alcoholic beverages requiring the same raw materials must, before 12 June 2019, dispose of one of the two permits or cease making the alcoholic beverages covered by the prohibition under, as applicable, the second sentence of the fifth paragraph of section 26 or the third paragraph of section 27 of that Act, as enacted respectively by paragraph 3 of section 107 and section 108, and notify the Régie des alcools, des courses et des jeux before that date.

The Régie must send a notice to the permit holder notifying the holder that his or her permits will be cancelled by operation of law on 12 June 2019 if the holder has not, before that date, applied for the cancellation of one of the two permits or ceased making the alcoholic beverages referred to in the first paragraph.

The holder may, until 12 June 2021, sell alcoholic beverages the holder is no longer authorized to make under the second sentence of the fifth paragraph of section 26 and the third paragraph of section 27 of the Act respecting the Société des alcools du Québec, as enacted respectively by paragraph 3 of section 107 and section 108, and which he or she has in stock. The rules applicable either to the cancelled permit or to the permit relating to alcoholic beverages he or she has ceased making apply to the sale of such alcoholic beverages.

143. Section 84.0.1 of the Act respecting offences relating to alcoholic beverages, as enacted by section 63, is repealed on 12 June 2020.

144. The provisions of this Act come into force on the date or dates to be set by the Government, except

(1) paragraph 1 of section 18, section 19, section 34 to the extent that it enacts section 77.4 of the Act respecting liquor permits, sections 49 and 60, paragraph 1 of section 70, paragraph 3 of section 93, sections 103 and 106, paragraphs 1, 2 to the extent that it enacts the third paragraph of section 26 of the Act respecting the Société des alcools du Québec and 3 of section 107, and sections 108, 109, 114, 116, 118, 124, 125, 138, 142 and 143, which come into force on 12 June 2018;

(2) section 10, paragraph 2 of section 18, sections 21, 22, 25, 33 and 39, subparagraph *c* of paragraph 2 of section 46, paragraph 7 of section 56, section 63, paragraph 2 of section 64, section 65, paragraph 4 of section 70, sections 74 to 84, 86 and 87, paragraph 3 of section 89 to the extent that it strikes out subparagraph 1.3 of the first paragraph of section 108 of the Act respecting offences relating to alcoholic beverages, paragraph 4 of section 90, paragraphs 1 and 2 of section 92, paragraph 1 of section 93, section 99, paragraph 2 of section 107 to the extent that it enacts the fourth paragraph of section 26 of the Act respecting the Société des alcools du Québec, and sections 112 and 141, which come into force on 1 July 2018; and

(3) sections 61 and 62, paragraph 3 of section 89 to the extent that it strikes out subparagraph 2 of the first paragraph of section 108 of the Act respecting offences relating to alcoholic beverages, paragraph 2 of section 93, and sections 105, 111, 113, 121 to 123, 126 and 127, which come into force on 12 June 2020.

2018, chapter 21

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS AND OTHER LEGISLATIVE PROVISIONS MAINLY TO FACILITATE FAMILY-WORK BALANCE

Bill 176

Introduced by Madam Dominique Vien, Minister responsible for Labour

Introduced 20 March 2018

Passed in principle 31 May 2018

Passed 12 June 2018

Assented to 12 June 2018

Coming into force: 12 June 2018, except

(1) sections 4, 7, 9, 11, 14 and 18, subparagraph *a* of paragraph 1 and paragraphs 2 and 3 of section 21, sections 30 to 32 and section 34, which come into force on 1 January 2019; and

(2) section 2, except as concerns the reference to Division I.1 of Chapter V of the Act respecting labour standards (chapter N-1.1), sections 5 and 37, insofar as it concerns sections 92.5, 92.6 and 92.8 to 92.12 of the Act respecting labour standards, and sections 38, 47, 48 and 52, insofar as it concerns the reference to section 92.8 of that Act, which come into force on the date of coming into force of the first regulation made under section 92.7 of the Act respecting labour standards.

Legislation amended:

Act respecting labour standards (chapter N-1.1)

Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Act to establish the Administrative Labour Tribunal (chapter T-15.1)

Explanatory notes

This Act proposes certain amendments to the Act respecting labour standards. More particularly, it increases the number of weeks of absence authorized for certain events associated with parental responsibilities. It clarifies the definition of “relative” by broadening it and provides that certain days of absence may also be taken for the benefit of persons, other than relatives, for whom an employee acts as a caregiver. In addition, it provides that certain days of absence are to be remunerated.

The Act specifies that conduct, verbal comments, actions or gestures of a sexual nature may be a form of psychological harassment.

(cont'd on next page)

Explanatory notes *(cont'd)*

The Act requires personnel placement agencies and recruitment agencies for temporary foreign workers to hold a licence and provides for the implementation of regulations concerning such agencies. Enterprises that retain the services of such an agency that does not hold a licence will be liable to a penal sanction. In addition, personnel placement agencies and the client enterprises that retain their services will from now on be solidarily liable to an employee for the pecuniary obligations fixed by the Act respecting labour standards.

Different wage rates based solely on employees' employment status are prohibited, as is, in relation to pension plans or other employee benefits, differential treatment based solely on the employees' hiring date.

The number of overtime hours that an employee is required to accept is reduced to two, an employee may refuse to work if he has not been informed of his work schedule far enough in advance, and, under certain conditions, working hours may be staggered.

Lastly, athletes whose membership in a sports team is conditional on their continued participation in an academic program are excluded from the scope of the Act respecting labour standards.



Chapter 21

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS AND OTHER LEGISLATIVE PROVISIONS MAINLY TO FACILITATE FAMILY-WORK BALANCE

[Assented to 12 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LABOUR STANDARDS

1. Section 3 of the Act respecting labour standards (chapter N-1.1) is amended

(1) by replacing “sections 79.7 to 79.16,” in paragraph 3 by “section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16,”;

(2) by inserting the following paragraph after paragraph 5:

“(5.1) to an athlete whose membership in a sports team is conditional on his continued participation in an academic program; or”;

(3) by replacing “sections 79.7 to 79.16,” in paragraph 6 by “section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16,”.

2. Section 28.1 of the Act is amended by replacing “under Divisions II to III” in the first paragraph by “under Division VIII.2 of Chapter IV and Divisions I.1 to III”.

3. Section 39 of the Act is amended by adding the following paragraph at the end:

“(17) enter into an agreement, in accordance with the applicable legislative provisions, with a government department or body, with another government or an international organization, or with a body of such a government or organization, for the application of this Act and the regulations.”

4. Section 41.1 of the Act is amended

(1) by replacing “to other” and “for the sole reason that the employee usually works less” in the first paragraph by “to his other” and “solely because of the employee’s employment status, and in particular because the employee usually works fewer”, respectively;

(2) by striking out the second paragraph.

5. The Act is amended by inserting the following section after section 41.1:

“41.2. No personnel placement agency may remunerate an employee at a lower rate of wage than that granted to the employees of the client enterprise who perform the same tasks in the same establishment solely because of the employee’s employment status, and in particular because the employee is remunerated by such an agency or usually works fewer hours each week.”

6. Section 42 of the Act is amended by replacing everything after “sealed envelope” in the first paragraph by “, by cheque or by bank transfer.”

7. Section 50 of the Act is amended by replacing “80, 81, 81.1 and 83” in the fourth paragraph by “79.7, 79.16, 80, 81, 81.1, 83 and 84.0.13”.

8. Section 53 of the Act is amended

(1) by replacing “the norm provided in the Act” in the first paragraph by “the standard provided for in the law”;

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

“The employer and the employee may also agree, on the same conditions, on the staggering of working hours on a basis other than a weekly basis, without the authorization provided for in the first paragraph being necessary. In such a case, the following conditions also apply:

(1) the agreement must be evidenced in writing and provide for the staggering of working hours over a maximum period of four weeks;

(2) a work week may not exceed the standard provided for in the law or the regulations by more than 10 hours; and

(3) either the employee or the employer may resiliate the agreement with notice of at least two weeks before the expected end of the staggering period agreed upon.”

9. Section 59.0.1 of the Act is amended, in the first paragraph,

(1) by replacing “four” in subparagraph 1 by “two”;

(2) by adding the following subparagraph after subparagraph 2:

“(3) if he was not informed at least five days in advance that he would be required to work, unless the nature of his duties requires him to remain available, he is a farm worker, or his services are required within the limits set out in subparagraph 1.”

10. Section 64 of the Act is amended by inserting “or if such a holiday does not coincide with the employee’s regular work schedule” after “section 60”.

11. Section 69 of the Act is amended

(1) by replacing “five” by “three”;

(2) by replacing “employer,” by “employer”.

12. Section 70 of the Act is amended by replacing “owing to sickness, an organ or tissue donation for transplant, an accident or a criminal offence” in the third paragraph by “for any of the reasons set out in section 79.1”.

13. Section 74 of the Act is amended by replacing “owing to sickness, an organ or tissue donation for transplant or an accident under the first paragraph of section 79.1,” in the second paragraph by “for any of the reasons listed in the first paragraph of section 79.1”.

14. Section 74.1 of the Act is amended

(1) by replacing “to other” by “to his other”;

(2) by replacing “for the sole reason that the employee usually works less” by “solely because of the employee’s employment status, and in particular because the employee usually works fewer”.

15. Section 75 of the Act is amended

(1) by inserting “or in the manner applicable for the regular payment of his wages” at the end of the first paragraph;

(2) by replacing “in the case of a farm worker hired on a daily basis” in the second paragraph by “where it is warranted by the seasonal or otherwise intermittent activities of an employer”.

16. The heading of Division V.0.1 before section 79.1 of the Act is replaced by the following heading:

“ABSENCES OWING TO SICKNESS, AN ORGAN OR TISSUE DONATION, AN ACCIDENT, DOMESTIC VIOLENCE, SEXUAL VIOLENCE OR A CRIMINAL OFFENCE”.

17. Section 79.1 of the Act is amended by replacing “or an accident” in the first paragraph by “, an accident, domestic violence or sexual violence of which the employee has been a victim”.

18. Section 79.2 of the Act is amended by replacing “An employee must be credited with three months of uninterrupted service to take advantage of section 79.1, and the absence shall be without pay. In addition, the employee must” in the first paragraph by “An employee must”.

19. Section 79.4 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of any of the events mentioned in section 79.1 or the repetitive nature of the absences constitute good and sufficient cause.”

20. The Act is amended by inserting the following section before section 79.7:

“79.6.1. For the purposes of sections 79.7 to 79.8.1, “relative” means, in addition to the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse as well as those persons’ spouses, their children and their children’s spouses.

The following are also considered to be an employee’s relative for the purposes of those sections:

(1) a person having acted, or acting, as a foster family for the employee or the employee’s spouse;

(2) a child for whom the employee or the employee’s spouse has acted, or is acting, as a foster family;

(3) a tutor or curator of the employee or the employee’s spouse or a person under the tutorship or curatorship of the employee or the employee’s spouse;

(4) an incapable person having designated the employee or the employee’s spouse as mandatary; and

(5) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person’s state of health.”

21. Section 79.7 of the Act is amended

(1) in the first paragraph,

(a) by striking out “, without pay.”;

(b) by replacing “of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” by “of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)”;

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

“If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.”;

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

“The first two days taken annually shall be remunerated according to the calculation formula described in section 62, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with three months of uninterrupted service, even if he was absent previously.”

22. Section 79.8 of the Act is amended by replacing the first paragraph by the following paragraph:

“An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where he must stay with a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.”

23. The Act is amended by inserting the following section after section 79.8:

“79.8.1. An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where he must stay with a relative, other than his minor child, or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate.”

24. Section 79.10 of the Act is amended by replacing “52” by “104”.

25. The Act is amended by inserting the following section after section 79.10:

“79.10.1. An employee may be absent from work for a period of not more than 104 weeks by reason of the death of the employee’s minor child.”

26. Section 79.11 of the Act is amended

- (1) by replacing “52” by “104”;
- (2) by replacing “or child” by “, father, mother or child of full age”.

27. Section 79.12 of the Act is amended by inserting “of full age” after “child”.**28.** Section 79.13 of the Act is amended

- (1) by replacing “79.9 to 79.12” in the first paragraph by “79.9, 79.10, 79.11 and 79.12”;
- (2) by striking out “, if that person is the spouse or a child of full age,” in the second paragraph.

29. Section 79.15 of the Act is amended

- (1) by striking out “52 or” in the first paragraph;
- (2) in the second paragraph,
 - (a) by striking out “52 or”;
 - (b) by replacing “it is the longer period that applies,” by “the maximum period of absence for those two events may not exceed 104 weeks”.

30. Section 79.16 of the Act is amended by adding the following paragraph at the end:

“The right provided for in the fifth paragraph of section 79.7 applies in the same manner to absences authorized under section 79.1. However, the employer is not required to pay remuneration for more than two days of absence during the same year, when the employee is absent from work for any of the reasons set out in those sections.”

31. Section 80 of the Act is amended

- (1) by replacing “one day” by “two days”;
- (2) by replacing “four” by “three”.

32. Section 81.1 of the Act is amended by striking out “if the employee is credited with 60 days of uninterrupted service” in the first paragraph.

33. Section 81.18 of the Act is amended by adding the following sentence at the end of the first paragraph: “For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.”

34. Section 81.19 of the Act is amended by adding the following sentence at the end of the second paragraph: “They must, in particular, adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature.”

35. Section 87.1 of the Act is amended by adding the following paragraph at the end:

“Any distinction made solely on the basis of a hiring date, in relation to pension plans or other employee benefits, that affects employees performing the same tasks in the same establishment is also prohibited.”

36. Section 89 of the Act is amended by inserting “, domestic violence, sexual violence” after “an accident” in paragraph 6.

37. The Act is amended by inserting the following division before Division IX:

“DIVISION VIII.2

“PERSONNEL PLACEMENT AND TEMPORARY FOREIGN WORKERS

“§1. — *Placement agencies and recruitment agencies*

“92.5. No one may operate a personnel placement agency or a recruitment agency for temporary foreign workers unless they hold a licence issued by the Commission, in accordance with a regulation of the Government.

“92.6. No client enterprise may retain the services of a personnel placement agency or a recruitment agency for temporary foreign workers that does not hold a licence issued by the Commission, in accordance with a regulation of the Government.

The Commission shall make available to the public a list of holders of such licences that it draws up and keeps up to date.

“92.7. The Government may, by regulation,

(1) define, for the purposes of this Act, what constitutes a personnel placement agency, a recruitment agency for temporary foreign workers, a client enterprise and a temporary foreign worker;

(2) establish categories of licences and determine, for each category, the activities that may be carried on by an agency;

(3) determine the period of validity of a licence and specify any condition, restriction or prohibition relating to its issue, maintenance and renewal;

(4) prescribe the administrative measures that apply to a licence holder if the obligations under this Act or the regulations are not complied with;

(5) determine the obligations of a personnel placement agency or a recruitment agency for temporary foreign workers and those of a client enterprise that retains the services of such an agency; and

(6) prescribe any other measure to protect the rights of employees to whom this division applies.

“92.8. An agency whose licence application is denied, whose licence is suspended, revoked or not renewed or on which an administrative measure is imposed under paragraph 4 of section 92.7 may contest the Commission’s decision before the Administrative Labour Tribunal within 30 days of notification of the decision.

“§2. — Obligations of a temporary foreign worker’s employer

“92.9. An employer who hires a temporary foreign worker must, without delay, inform the Commission of the worker’s date of arrival, of the term of his contract and, if his departure date does not coincide with the end of the contract, of his departure date and the reasons for his departure.

The employer must in addition record that information in the registration system or register kept by the employer in accordance with the regulation made under section 29.

“92.10. If, following an inquiry, the Commission has grounds to believe that one of the rights of a temporary foreign worker under this Act or a regulation has been violated, the Commission may, even if no complaint is filed and if no settlement is reached, exercise any recourse on behalf of the worker.

“92.11. No employer may require a temporary foreign worker to entrust custody of personal documents or property to the employer.

“92.12. No employer may charge a temporary foreign worker fees related to his recruitment, other than fees authorized under a Canadian government program.”

38. Section 95 of the Act is amended

- (1) by replacing “responsible jointly and severally” by “solidarily liable”;
- (2) by adding the following paragraph at the end:

“A personnel placement agency and a client enterprise that, within the framework of a contract with the agency, uses an employee’s services are solidarily liable for the pecuniary obligations fixed by this Act or the regulations.”

39. The Act is amended by inserting the following division after section 121:**“DIVISION I.1****“RECOURSE AGAINST CERTAIN DIFFERENCES IN TREATMENT**

“121.1. An employee who believes he has been the victim of a distinction referred to in the third paragraph of section 87.1 may file a complaint in writing with the Commission. Such a complaint must be filed within 12 months of the distinction becoming known to the employee. It may also be filed, on behalf of an employee who consents to it in writing, by a non-profit organization dedicated to the defence of employees’ rights.

If the complaint is filed within that time with the Administrative Labour Tribunal, failure to file the complaint with the Commission cannot be invoked against the complainant.

“121.2. If an employee is subject to a collective agreement or a decree, the complainant must then prove to the Commission that he has not exercised his recourses arising out of that agreement or decree, or that, having exercised them, he discontinued proceedings before a final decision was rendered.

“121.3. On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

Sections 103 to 110 and 123.3 apply to the inquiry, with the necessary modifications.

“121.4. If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization, with the employee’s written consent, may, within 30 days of the Commission’s decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Administrative Labour Tribunal.

“**121.5.** At the end of the inquiry, if no settlement is reached between the parties and the Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Administrative Labour Tribunal.

“**121.6.** The Commission may represent an employee in a proceeding under this division before the Administrative Labour Tribunal.

“**121.7.** The provisions of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.

“**121.8.** If the Administrative Labour Tribunal considers that the employee has been the victim of a prohibited distinction, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including

- (1) order that the distinction no longer be made;
- (2) order that an employee be made a member of a pension plan, or make other employee benefits applicable to the employee; and
- (3) order the employer to pay the employee an indemnity for the loss resulting from the distinction.”

40. Section 122 of the Act is amended by replacing “of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” in subparagraph 6 of the first paragraph by “of a relative within the meaning of section 79.6.1 or a person for whom the employee acts as a caregiver”.

41. Section 123.6 of the Act is amended by adding the following paragraph at the end:

“With the employee’s consent, the Commission shall send to the Commission des droits de la personne et des droits de la jeunesse, under the terms of an agreement entered into by those organizations and approved by the Minister, any complaint that concerns discriminatory behaviour filed in accordance with this division. The agreement must also stipulate cooperative arrangements between those two organizations, in particular to ensure any delay in sending the complaint is not prejudicial to the employee.”

42. Section 123.7 of the Act is amended by replacing “90 days” by “two years”.

43. Section 123.8 of the Act is amended by inserting “and 123.3” after “103 to 110” in the second paragraph.

44. Section 123.10 of the Act is amended by adding the following paragraph at the end:

“The third paragraph of section 123.3 applies to the mediation provided for in the first paragraph.”

45. Section 123.15 of the Act is amended by inserting “the discriminatory nature of the behaviour, such as” after “, including” in the introductory clause.

46. Section 140 of the Act is amended by replacing “Every employer” in the introductory clause by “Every person”.

47. The Act is amended by inserting the following section after section 140:

“**140.1.** Every person who contravenes section 92.5 or 92.6 is guilty of an offence and is liable to a fine of \$600 to \$6,000 and, for any subsequent conviction, to a fine of \$1,200 to \$12,000.”

48. Section 141 of the Act is amended by replacing “139 and 140” by “139 to 140.1”.

49. Section 142 of the Act is replaced by the following section:

“**142.** If a legal person or a representative, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or its regulations, the directors or officers of the legal person, partnership or association without legal personality are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.”

50. The Act is amended by inserting the following section after section 169:

“**169.1** The Minister shall, every seven years, report to the Government on the carrying out of this Act.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly shall examine the report.”

AMENDING PROVISIONS

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

51. Section 62 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by inserting “according to sections 81.18 to 81.20 of the Act respecting labour standards (chapter N-1.1),” after “harassment,” in the first paragraph.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

52. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting “92.8, 121.5,” after “86.1,” in paragraph 16.

TRANSITIONAL AND FINAL PROVISIONS

53. The third paragraph of section 87.1 of the Act respecting labour standards (chapter N-1.1), as enacted by section 35, does not apply to a distinction made solely on the basis of a hiring date and existing on 11 June 2018.

54. A personnel placement agency or a recruitment agency for temporary foreign workers that is carrying on its activities on the date of coming into force of section 92.5 of the Act respecting labour standards, as enacted by section 37, and that applies for a licence within 45 days of that date, may continue to carry on its activities without holding a licence under that section 92.5 until the Commission des normes, de l'équité, de la santé et de la sécurité du travail renders a decision on the application.

55. This Act comes into force on 12 June 2018, except

(1) sections 4, 7, 9, 11, 14 and 18, subparagraph *a* of paragraph 1 and paragraphs 2 and 3 of section 21, sections 30 to 32 and section 34, which come into force on 1 January 2019; and

(2) section 2, except as concerns the reference to Division I.1 of Chapter V of the Act respecting labour standards, sections 5 and 37, insofar as it concerns sections 92.5, 92.6 and 92.8 to 92.12 of the Act respecting labour standards, and sections 38, 47, 48 and 52, insofar as it concerns the reference to section 92.8 of that Act, which come into force on the date of coming into force of the first regulation made under section 92.7 of the Act respecting labour standards.

2018, chapter 22

AN ACT TO PROMOTE THE PROTECTION OF PERSONS BY ESTABLISHING A FRAMEWORK WITH REGARD TO DOGS

Bill 128

Introduced by Mr. Martin Coiteux, Minister of Public Security

Introduced 13 April 2017

Passed in principle 5 June 2018

Passed 13 June 2018

Assented to 13 June 2018

Coming into force: 13 June 2018

Legislation repealed:

Agricultural Abuses Act (chapter A-2)

Explanatory notes

The purpose of this Act is to promote the protection of persons by establishing a framework to govern dogs.

For that purpose, the Act allows the Government to establish, by regulation, dog supervision and ownership standards, and the powers a local municipality may exercise with regard to a dog or its owner or custodian, as well as the terms of exercise of such powers.

The Act also allows the Government to exempt, in the cases and on the conditions it determines, any dog from all or part of the application of the regulation made under this Act, and to determine the regulatory provisions with regard to which non-compliance constitutes an offence, as well as the amounts of the related fines.

The Act grants the Government the power to make veterinary surgeons, physicians or any other person subject to the obligation to report dog-inflicted injuries, and to determine the information that must be included in, and specify any other terms relating to, such a report.

The Act makes local municipalities responsible for applying, in their territory, any regulation made under the Act. To that end, the Act allows them to entrust any person, by agreement, with ensuring compliance with such a regulation.

(cont'd on next page)

Explanatory notes (*cont'd*)

The Act does not prevent local municipalities from adopting stricter standards than those prescribed by a regulation made under it, provided the former are not inconsistent with the latter. Local municipalities may also institute any penal proceedings for offences under such a regulation. Such proceedings are instituted before any municipal court having jurisdiction in the territory in which the offence was committed.

The Act does not apply to the Native territories it determines, but it does allow a Native community, the Kativik Regional Government and the Cree Nation Government to apply to the Minister of Public Security to have all or some of the provisions of a regulation made under it made applicable in a territory in which they are situated.

Lastly, the Act repeals the Agricultural Abuses Act because it has become outdated and to eliminate any risk of conflict between its provisions regarding dogs and the provisions of this Act.



Chapter 22

AN ACT TO PROMOTE THE PROTECTION OF PERSONS BY ESTABLISHING A FRAMEWORK WITH REGARD TO DOGS

[Assented to 13 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Act is to promote the protection of persons by establishing a framework with regard to dogs.

To that end, the Government may, by regulation,

(1) establish dog supervision and ownership standards;

(2) establish the powers a local municipality may exercise with regard to a dog or its owner or custodian, as well as the terms of exercise of such powers, including

i. requiring that a dog undergo an examination by a veterinary surgeon for evaluation of its condition and dangerousness;

ii. imposing measures, including euthanasia, with regard to a dog that constitutes a risk for public health and safety;

iii. prohibiting the owner or custodian from owning any dog;

iv. conferring powers of inspection, seizure and investigation on the local municipality; and

v. imposing fees on the owner or custodian;

(3) exempt, in the cases and on the conditions it determines, any dog from all or part of the application of the provisions of a regulation made under this section;

(4) make veterinary surgeons, physicians or any other person subject to the obligation to report dog-inflicted injuries, and determine the information that must be included in, and specify any other terms relating to, such a report; and

(5) determine the provisions, from among those established under subparagraphs 1 and 2, with regard to which non-compliance constitutes an offence, as well as the amounts of the related fines.

The reporting obligation prescribed under subparagraph 4 of the second paragraph applies even with regard to information protected by professional secrecy and despite any other provision relating to the concerned person's duty to maintain confidentiality. No judicial proceedings may be instituted against a person who, in good faith, fulfills his or her reporting obligation.

2. The provisions of the Animal Welfare and Safety Act (chapter B-3.1) may not be interpreted as preventing the application of a regulation made under this Act.

3. Subject to section 4, this Act does not apply in any of the following territories:

(1) the territory of an Indian settlement or reserve;

(2) the territory of a northern village, constituted as a municipality under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), and the lands where the Kativik Regional Government acts as a municipality under section 244 of that Act;

(3) the territory of a Cree village or that of a Naskapi village, constituted as municipalities under the Cree Villages and the Naskapi Village Act (chapter V-5.1), and the territory where a Cree or Naskapi band exercises a regulatory power under the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18); and

(4) lands where the Cree Nation Government has affirmed its jurisdiction under sections 6.1 and 6.2 of the Act respecting the Cree Nation Government (chapter G-1.031) with respect to a field of jurisdiction in which municipalities act with regard to dogs.

4. A Native community may apply to have all or some of the provisions of a regulation made under this Act made applicable in a territory referred to in section 3 in which the community is situated by sending the Minister of Public Security a resolution to that effect passed by its band council or by the northern, Cree or Naskapi village council, as applicable. The Kativik Regional Government and the Cree Nation Government may also file such an application.

When granting an application, the Minister publishes an order in the *Gazette officielle du Québec* specifying the provisions being made applicable in the territory, the date from which they are to apply and the territory concerned. In such a case, the powers and responsibilities granted or assigned to local municipalities by a regulation made under this Act are exercised, in the territory concerned, by the band council, the village council, the Kativik Regional Government or the Cree Nation Government, as applicable.

5. Every local municipality is responsible for applying, in its territory, any regulation made under this Act. To that end, each may designate one of its officers or employees to act as inspector or investigator in its territory to ensure compliance with such a regulation.

Officers and employees so designated must, on request, provide identification and produce a certificate of authority. No legal proceedings may be instituted against them for acts done in good faith in the performance of their duties.

6. Any local municipality may enter into an agreement with any person for the latter to ensure compliance with any regulation made under this Act. The person with whom the municipality enters into an agreement and the person's employees have the powers of an officer or employee of the municipality designated solely for the purpose of ensuring compliance with such a regulation.

7. This Act does not prevent a local municipality from adopting stricter standards than those prescribed by a regulation made under this Act, provided they are not incompatible with those prescribed by such a regulation.

Any municipal by-law containing a less strict standard than one prescribed by a regulation made under this Act is deemed to have been amended and the standard in the municipal by-law replaced by the one prescribed by the regulation made under this Act.

8. Each local municipality must make available, in the form and in accordance with the terms the Minister specifies, the information the Minister determines with regard to the application of this Act.

Local municipalities may communicate personal information to each other without the consent of the person concerned if doing so is necessary to exercise the powers assigned to them under a regulation made under this Act.

9. Local municipalities may institute penal proceedings for offences under a regulation made under this Act committed in their territory.

Fines belong to the municipality if it instituted the proceedings.

Proceedings under the first paragraph are instituted before any municipal court having jurisdiction in the territory in which the offence was committed. The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant or imposed on the municipality under article 223 of that Code.

10. Any member of a police force may enforce the provisions of a regulation made under this Act whose violation constitutes an offence in any territory in which that member provides police services.

11. A working group formed by the Minister of Public Security and the Minister of Agriculture, Fisheries and Food is responsible for proposing recommendations concerning the regulation of dog breeders in order to promote the protection of persons and ensure the safety and welfare of dogs.

The working group must submit a report to the ministers within 12 months after the group is formed.

12. The Agricultural Abuses Act (chapter A-2) is repealed.

13. The Minister of Public Security is responsible for the administration of this Act.

14. This Act comes into force on 13 June 2018.

2018, chapter 23

AN ACT MAINLY TO IMPROVE THE REGULATION OF THE FINANCIAL SECTOR, THE PROTECTION OF DEPOSITS OF MONEY AND THE OPERATION OF FINANCIAL INSTITUTIONS

Bill 141

Introduced by Mr. Carlos J. Leitão, Minister of Finance

Introduced 5 October 2017

Passed in principle 15 February 2018

Passed 13 June 2018

Assented to 13 June 2018

Coming into force: 13 July 2018, except

(1) section 26, paragraph 2 of section 373, sections 496, 569, 572, 601, 604, 606 to 609, 620, 652, 653, 676, 677, 682, 686 to 691, 693 to 696, 701 and 706, paragraphs 1 to 3 of section 710, and sections 779, 810, 812 and 813, which come into force on 13 June 2018;

(2) sections 638 and 648 which, with respect to divided co-ownerships established on or after 13 June 2018, come into force on 13 December 2018 and which, with respect to other divided co-ownerships, come into force on 13 June 2020;

(3) sections 642 and 644, which come into force on 13 December 2018;

(4) sections 3 to 25, 65 and 66, section 70 insofar as it repeals section 74 of the Act respecting financial services cooperatives (chapter C-67.3), sections 79, 80, 106, 232, 253, 256, 265 and 266, paragraph 1 and subparagraph *a* of paragraph 2 of section 267, sections 269, 270, 275, 276, 278, 279 and 281 to 283, paragraph 1 of section 284, paragraph 1 of section 285, section 286, subparagraphs *c* and *d* of paragraph 2 of section 292, section 332 insofar as it enacts subparagraph *b* of subparagraph 1 of the first paragraph of section 601.4 of the Act respecting financial services cooperatives, subparagraph *f* of subparagraph 3 of that paragraph, subparagraphs *a* and *b* of paragraph 1 of section 601.5 of that Act and subparagraphs *d* and *e* of paragraph 3 of that section, sections 345 to 368, section 369 except insofar as it repeals section 40 of the Deposit Insurance Act (chapter A-26), sections 370 to 372, paragraph 1 of section 373, sections 375 and 377 to 381, section 382 except its paragraphs 8 and 11, sections 383 to 389, 391 and 395, paragraph 1 of section 429, sections 442 to 444, 505, 510 to 512, 515 and 518 to 521, section 522 except paragraph 3, section 524 insofar as it enacts the third paragraph of section 71 of the Act respecting the distribution of financial products and services (chapter D-9.2),

(cont'd on next page)

Coming into force: *(cont'd)*

sections 525, 526 and 529, section 532 insofar as it enacts the first paragraph of section 86.0.1 of that Act, sections 533 to 536, 542, 543, 546 to 548, 553 and 554, paragraph 2 of section 555, sections 557, 559, 561, 562, 568, 573 to 597, 605, 610, 612, 613 and 666, paragraph 2 of section 678, sections 679, 683, 685 and 697, section 710 insofar as it enacts paragraph 27.0.4 of section 331.1 of the Securities Act (chapter V-1.1), sections 711, 713 to 715, 717 to 727, 729 to 765, 767, 768, 783 to 803 and 806 to 808 and paragraphs 1, 2 and 4 of section 811, which come into force on 13 June 2019;

(5) section 517, section 524 insofar as it enacts the second paragraph of section 71 of the Act respecting the distribution of financial products and services, sections 527 and 531, section 532 insofar as it enacts the second paragraph of section 86.0.1 of that Act, and sections 541, 549 to 552 and 565, which come into force on 13 December 2019;

(6) section 374 and paragraph 8 of section 382, which come into force on the date of coming into force of the first regulation made under the second paragraph of section 40.3 of the Deposit Insurance Act, enacted by paragraph 2 of section 373;

(7) section 40.51 of the Deposit Insurance Act, enacted by section 376, which comes into force on the date of coming into force of the first regulation made under paragraph 3 of section 43 of the Deposit Insurance Act, enacted by paragraph 11 of section 382;

(8) section 397, paragraph 2 of section 416, subparagraph a of paragraph 1 of section 431, paragraph 1 of section 447, sections 484, 485, 513 and 514, paragraph 3 of section 522, sections 523 and 537, paragraph 1 of section 555 and section 631 insofar as it enacts sections 112 and 115.15.42 to 115.15.45 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), which come into force on 1 May 2020;

(9) sections 636, 639, 640, 645 to 647 and 649 to 651, which come into force on the date of coming into force of the first regulation made under article 1072 of the Civil Code;

(10) section 637, which comes into force on the date of coming into force of the first regulation made under article 1064.1 of the Civil Code;

(11) section 641, which comes into force on the date of coming into force of the first regulation made under article 1073 of the Civil Code;

(12) section 643, which comes into force on the date of coming into force of the first regulation made under the first paragraph of article 1075 of the Civil Code;

(13) sections 570, 571, 598, 657 and 661 to 665, paragraph 2 of section 667 and sections 669 and 675, which come into force on the date or dates to be set by the Government; and

(cont'd on next page)

Coming into force: *(cont'd)*

(14) section 315, insofar as it enacts the provisions of Chapter XIII.1, other than sections 547.1 to 547.4, of the Act respecting financial services cooperatives, which comes into force on the date of coming into force of the by-laws of the Groupe coopératif Desjardins referred to in section 547.1 of that Act.

Legislation amended:

Civil Code of Québec
Travel Agents Act (chapter A-10)
Act respecting prearranged funeral services and sepultures (chapter A-23.001)
Automobile Insurance Act (chapter A-25)
Deposit Insurance Act (chapter A-26)
Hospital Insurance Act (chapter A-28)
Health Insurance Act (chapter A-29)
Act respecting prescription drug insurance (chapter A-29.01)
Act respecting insurance (chapter A-32)
Act respecting the Autorité des marchés financiers (chapter A-33.2)
Building Act (chapter B-1.1)
Unclaimed Property Act (chapter B-5.1)
Act respecting the Caisse de dépôt et placement du Québec (chapter C-2)
Act constituting Capital régional et coopératif Desjardins (chapter C-6.1)
Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4)
Charter of Ville de Québec, national capital of Québec (chapter C-11.5)
Cities and Towns Act (chapter C-19)
Code of Civil Procedure (chapter C-25.01)
Professional Code (chapter C-26)
Municipal Code of Québec (chapter C-27.1)
Companies Act (chapter C-38)
Act respecting the Conseil des arts et des lettres du Québec (chapter C-57.02)
Act respecting the conservation and development of wildlife (chapter C-61.1)
Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1)
Act respecting contracting by public bodies (chapter C-65.1)
Cooperatives Act (chapter C-67.2)
Act respecting financial services cooperatives (chapter C-67.3)
Real Estate Brokerage Act (chapter C-73.2)
Forestry Credit Act (chapter C-78)
Act to promote forest credit by private institutions (chapter C-78.1)
Act respecting the distribution of financial products and services (chapter D-9.2)
Land Transfer Duties Act (chapter D-17)
Act respecting elections and referendums in municipalities (chapter E-2.2)
Act respecting school elections (chapter E-2.3)
Election Act (chapter E-3.3)
Money-Services Businesses Act (chapter E-12.000001)
Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1)
Act respecting fabriques (chapter F-1)
Act respecting municipal taxation (chapter F-2.1)
Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14)
Derivatives Act (chapter I-14.01)
Act respecting administrative justice (chapter J-3)

(cont'd on next page)

Legislation amended: (cont'd)

Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5)
Act respecting labour standards (chapter N-1.1)
Notaries Act (chapter N-3)
Act respecting the protection of personal information in the private sector (chapter P-39.1)
Consumer Protection Act (chapter P-40.1)
Act respecting the legal publicity of enterprises (chapter P-44.1)
Act respecting the collection of certain debts (chapter R-2.2)
Act respecting the Government and Public Employees Retirement Plan (chapter R-10)
Supplemental Pension Plans Act (chapter R-15.1)
Voluntary Retirement Savings Plans Act (chapter R-17.0.1)
Private Security Act (chapter S-3.5)
Act respecting the Société des loteries du Québec (chapter S-13.1)
Business Corporations Act (chapter S-31.1)
Professional Syndicates Act (chapter S-40)
Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002)
Securities Act (chapter V-1.1)
Act respecting Promutuel réassurance (1985, chapter 62)
Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, chapter 7)
Act to amend the Securities Act and other legislative provisions (2009, chapter 25)
Act respecting the legal publicity of enterprises (2010, chapter 7)
Act concerning the possibility for the municipal founder to stand surety for the Société d'économie mixte d'énergie renouvelable de la région de Rivière-du-Loup inc. (2013, chapter 38)

Legislation repealed:

Act respecting the Mouvement Desjardins (2000, chapter 77)

Legislation replaced:

Act respecting insurance (chapter A-32)
Act respecting trust companies and savings companies (chapter S-29.01)

Legislation enacted:

Insurers Act (2018, chapter 23, section 3)
Trust Companies and Savings Companies Act (2018, chapter 23, section 395)

Explanatory notes

This Act proposes a reform of the laws governing the financial sector.

It enacts the Insurers Act to replace the Act respecting insurance. The Insurers Act contains provisions governing the supervision and control of insurance business and of the activities of authorized Québec insurers, including

- (1) the conditions for granting the authorization required to carry on insurer activities in Québec;
- (2) the commercial practices, prudential rules and governance rules applicable to authorized insurers;
- (3) the roles of actuaries and auditors, respectively charged with analyzing the financial position and auditing the books and accounts of authorized insurers;

(cont'd on next page)

Explanatory notes (cont'd)

(4) the notices, annual statements, reports and other communications to be transmitted to the Autorité des marchés financiers (the Authority);

(5) the terms, in various circumstances, governing the review, revocation or suspension of an insurer's authorization or the attachment of conditions or restrictions to such an authorization;

(6) the maintenance of a register of authorized insurers and the confidentiality of information on the supervision of authorized insurers; and

(7) provisions specific to the supervision of the insurer activities of self-regulatory organizations and authorized reciprocal unions.

The Insurers Act also contains provisions governing the constitution, organization, operation, continuation, amalgamation and dissolution of authorized Québec insurers, including

(1) the procedure whereby a business corporation constituted under the Business Corporations Act becomes regulated by the Insurers Act;

(2) the terms governing the constitution of a mutual company and the suppletive application of the Business Corporations Act to such a company;

(3) the special powers of Québec insurers, the restrictions on their activities, loans, hypothecs and other securities, and their contributed capital;

(4) the composition and operation of their boards of directors and committees;

(5) the rights and obligations of their members and the rules governing their meetings; and

(6) the specific rules applicable to self-regulatory organizations.

In addition, the Insurers Act contains provisions governing the constitution, organization, operation, guarantee fund, segregated investment funds and dissolution of federations of mutual companies, and the federations' role in supervising and controlling their member companies. It also assigns responsibility for the supervision and control of insurance activities to the Authority. It determines the Authority's enforcement and other powers, in particular its powers to issue instructions, guidelines and orders, adopt conservatory measures, request injunctions, intervene in proceedings relating to the administration or enforcement of that Act, and cancel contracts or suspend their performance. Lastly, the Insurers Act sets out prohibitions, monetary administrative penalties and penal provisions.

The Professional Code is amended to, in particular, define the role, functions and powers of the board of directors of a professional order and its professional liability insurance decision-making committee with respect to the order's insurance business and, if applicable, insurer activities.

The Act respecting financial services cooperatives is amended to, among other things,

(1) specify the rules for organizing a network of financial services cooperatives and a financial group, including the conditions governing control of legal persons or corporations, as well as the specific application of certain provisions of that Act to such a network or group;

(2) specify the common characteristic shared by members of a member credit union of a federation that the credit union may indicate in its articles and set out terms for distinguishing between credit unions based on that characteristic;

(cont'd on next page)

Explanatory notes (*cont'd*)

(3) as regards capital shares and investment shares of financial services cooperatives, specify the rules for issuing such shares, prescribe, in the event of the winding-up, insolvency or dissolution of a cooperative, the rank of those shares, based on whether the cooperative is a member of a federation, and the rules governing their repurchase, and amend how the interest to which the shares give entitlement is to be determined and paid;

(4) distinguish between the role of officer and that of manager of a financial services cooperative and determine how they are to carry out their functions;

(5) specify the standards applicable to credit unions with respect to sound commercial practices and a federation's role in that regard, if applicable;

(6) revise how certain powers of a federation are to be exercised, and revise the powers and the composition and operating rules of a credit union's or federation's board of directors and a federation's board of ethics and professional conduct;

(7) add the possibility for a financial services cooperative constituted under the laws of a jurisdiction other than Québec to be continued as a credit union governed by that Act;

(8) grant federations special powers, in certain circumstances, with regard to member credit unions' activities and, consequently, determine the Authority's role and powers in that regard;

(9) amend the rules concerning financial services cooperatives' capital, liquid assets and investments and prescribe penalties;

(10) add a chapter concerning the Groupe coopératif Desjardins, to replace the Act respecting the Mouvement Desjardins, which will be repealed; this new chapter includes special rules governing its by-laws, the issue of shares, and its officers, managers, board of supervision, board of ethics and professional conduct, federation and security fund; and

(11) add monetary administrative penalties.

The Deposit Insurance Act is renamed the "Deposit Institutions and Deposit Protection Act" and amended to, in particular,

(1) add a scheme to supervise and control deposit institution business and authorized deposit institutions, including commercial practices standards, prudential and governance rules, the auditor's role, the conditions for authorizing a deposit institution, the review of such an authorization in various circumstances and the revocation or suspension of, or the attachment of conditions or restrictions to, such an authorization;

(2) determine the Authority's responsibilities and powers with regard to supervision and control;

(3) add the possibility for the Authority, as the insurer of deposits made with authorized deposit institutions, to take different measures to reduce the risk to the Authority or to avert or reduce a threatened loss to the Authority and to plan operations to resolve problems that could arise from the failure of financial institutions belonging to a cooperative group;

(4) prescribe miscellaneous prohibitions and monetary administrative penalties; and

(*cont'd on next page*)

Explanatory notes (cont'd)

(5) set the conditions under which the Minister of Finance may enter into agreements allowing a cooperative outside Québec having a mission similar to that of a financial services cooperative to obtain an authorization to carry on deposit institution activities in Québec.

A new Trust Companies and Savings Companies Act is enacted to replace the Act respecting trust companies and savings companies, which will be repealed. The new Act introduces a scheme regarding trust companies and savings companies that is equivalent to the one set out in the Insurers Act.

The Real Estate Brokerage Act is amended to, in particular, define real estate brokerage contracts, transfer supervision and control of mortgage brokerage to the Authority, and modify the composition of, and the rules for appointing members to, the board of directors of the Organisme d'autoréglementation du courtage immobilier du Québec, and the term of office of the members of the discipline committee.

The Act respecting the distribution of financial products and services is amended to, in particular, add provisions regarding mortgage brokerage supervision and control, allow firms to offer financial products and services by technological means, and eliminate restricted certificates for distribution without a representative.

The Act respecting the distribution of financial products and services is amended to specify that damage insurance brokers must, when offering certain insurance products to a client, be able to obtain quotes from at least three insurers, provide that damage insurance firms must be registered as agencies or as brokerage firms, prohibit the registration of a brokerage firm if a financial institution or a financial group or a legal person affiliated with it holds an interest in the firm that is greater than the limit prescribed by law and, lastly, specify when the Authority may replace the registration of a brokerage firm that is no longer able to meet such obligations to that of an agency.

The Act respecting the Autorité des marchés financiers is renamed the "Act respecting the regulation of the financial sector". It is amended to, in particular, protect persons who disclose failures to comply to the Authority, establish within the Authority the "Comité consultatif des consommateurs de produits et utilisateurs de services financiers" and update the provisions concerning the establishment, jurisdiction, procedures, members and conduct of business of the Financial Markets Administrative Tribunal.

The Civil Code is amended with regard to divided co-ownership of an immovable to, in particular, provide that co-owners must take out third person liability insurance the minimum amount of which is determined by government regulation, provide that the syndicate must establish a self-insurance fund to be used to pay the deductibles provided for by the insurance it has taken out, specify the rules applicable to the immovable's insurance and to contributions to the self-insurance fund, and enable the Government to determine by regulation the terms applicable to such insurance and contributions.

The Automobile Insurance Act is amended to specify how information concerning the automobile driving experience of insured persons is to be communicated to an authorized insurer when automobile insurance is obtained or renewed.

The Money-Services Businesses Act is amended to, among other things, provide for checks to be conducted on a money-services business, every three years after its licence is issued, by the Sûreté du Québec and by the police force in the local municipality in which the business offers its services, and provide that a freeze order, unless otherwise provided in the order, has effect for a renewable period of 12 months, except if revoked or amended by the Financial Markets Administrative Tribunal.

The Derivatives Act is amended to add derivatives trading facilities between regulated entities, provide that a freeze order, unless otherwise provided in the order, has effect for a renewable period of 12 months, except if revoked or amended by the Financial Markets Administrative Tribunal, and provide that the

(cont'd on next page)

Explanatory notes *(cont'd)*

Tribunal must, in certain circumstances, approve the terms of administration and distribution, by the Authority, of amounts disgorged to it during execution of an order of the Tribunal because of a failure to comply with the Act which resulted in a loss for other persons.

The Securities Act is amended to replace the definition of “non-redeemable investment fund”, prescribe the rules applicable to benchmarks and benchmark administrators, prescribe restrictions on sharing the commission received by a mutual fund dealer or a scholarship plan dealer, provide that a request for authorization to bring an action for damages, filed under that Act, suspends prescription against the plaintiff, provide that a freeze order, unless otherwise provided in the order, has effect for a renewable period of 12 months, except if revoked or amended by the Financial Markets Administrative Tribunal, and provide that the Tribunal must, under certain circumstances, approve the terms of administration and distribution, by the Authority, of amounts disgorged to it during execution of an order of the Tribunal because of a failure to comply with the Act which resulted in a loss for other persons.

Lastly, consequential amendments are made to several Acts and transitional provisions are included.



Chapter 23

AN ACT MAINLY TO IMPROVE THE REGULATION OF THE FINANCIAL SECTOR, THE PROTECTION OF DEPOSITS OF MONEY AND THE OPERATION OF FINANCIAL INSTITUTIONS

[Assented to 13 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

PURPOSE

1. The amendments provided for in this Act are aimed mainly at strengthening consumer protection while allowing financial institutions and market intermediaries to adapt their practices to ongoing developments in their sector and their clients' new needs.

2. The measures provided for in this Act are aimed more specifically at

(1) establishing new supervisory and regulatory regimes for insurers, financial services cooperatives and other financial institutions that are harmonized with each other and consistent with the laws that complement them, such as the Civil Code and the Business Corporations Act (chapter S-31.1);

(2) tightening the regulation of brokers and representatives governed by the Real Estate Brokerage Act (chapter C-73.2) and the Act respecting the distribution of financial products and services (chapter D-9.2), respectively, and adapting the regulatory framework to new practices relating to the online distribution of financial products and services;

(3) reinforcing the role and status of the Financial Markets Administrative Tribunal, in particular, by establishing rules governing its operation and the recruitment, remuneration and conduct of its members, and by increasing its jurisdiction in disciplinary matters; and

(4) ensuring the continued alignment of the regulation of derivatives, securities and other financial products with evolving industry practices.

PART II**FINANCIAL INSTITUTIONS****CHAPTER I****INSURERS****DIVISION I****ENACTMENT OF THE INSURERS ACT**

3. The Insurers Act, the text of which appears in this division, is enacted.

“INSURERS ACT**“TITLE I****“PURPOSE, DEFINITIONS AND OTHER INTRODUCTORY
PROVISIONS**

“1. This Act applies to the supervision and control of insurance business and of the activities of authorized insurers, in particular, their insurer activities and their other financial institution activities.

In addition, it establishes or supplements, through appropriate specific rules, the constitution, operation, dissolution and liquidation regime applicable to Québec insurers regulated by its Title III and, if they have an insurance fund, to that fund, as well as that applicable to federations of mutual companies.

“2. Insurer activities consist in undertaking to make a payment under an insurance contract if a risk covered by the insurance occurs.

Insurer activities include acting as surety or, for the purposes of a life or fixed-term annuity contract, as debtor.

“3. For the purposes of this Act, financial institution activities are, in addition to insurer activities and credit, the activities that a legal person may not carry on without being an authorized financial institution or a bank within the meaning of the Bank Act (Statutes of Canada, 1991, chapter 46).

“4. The following are authorized financial institutions:

- (1) insurers authorized to carry on insurer activities under this Act;
- (2) deposit institutions authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26);
- (3) financial services cooperatives within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

(4) trust companies authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395); and

(5) legal persons registered as dealers or advisers under the Derivatives Act (chapter I-14.01) or the Securities Act (chapter V-1.1) or registered as investment fund managers under the latter Act.

“5. For the purposes of this Act, an insurance contract is said to be underwritten by an insurer if it is a party to the contract as insurer.

A suretyship contract is said to be underwritten by an insurer if it is a party to the contract as surety.

“6. The following are Québec insurers:

(1) insurance companies regulated by Title III and any legal person that the law considers to be such a company;

(2) if they establish an insurance fund, self-regulatory organizations governed by an Act of Québec, including the professional orders;

(3) legal persons constituted under a private Act of Québec that authorizes them to carry on insurer activities; and

(4) any reciprocal union, if the mandatary referred to in subparagraph 3 of the first paragraph of section 188 is domiciled in Québec.

“7. A group of persons reciprocally bound by insurance contracts is a reciprocal union.

“8. In the case of a legal person constituted under the laws of a jurisdiction other than Québec, the organ on which the powers usually conferred on a board of directors are conferred is considered such a board. In that context, “director” means a member of that organ.

A legal person constituted under the laws of a jurisdiction other than Québec that, in a manner similar to that of a business corporation, confers voting rights otherwise than on a one member, one vote basis is considered a business corporation. If such rights are conferred through securities that it issues, the securities are considered shares.

“9. For the purposes of this Act, “holder of control” of the following groups means,

(1) in the case of a business corporation, the holder of shares conferring more than 50% of the voting rights or whoever can otherwise choose the majority of its directors;

(2) in the case of a federation of mutual companies, its member mutual companies;

(3) in the case of a partnership that is a limited partnership, the general partner, and in the case of any other partnership, the partner who can determine the outcome of collective decisions, if applicable;

(4) in the case of a trust, the trustee;

(5) in the case of co-owners in indivision, the manager or, in the absence of a manager, if one of the co-owners can determine the outcome of collective decisions made by majority vote, that co-owner; and

(6) in the case of the legal person constituted by the Act respecting Promutuel réassurance (1985, chapter 62), amended by chapter 86 of the statutes of 1995 and by chapter 23 of the statutes of 2018, the federation that appoints its board of directors.

No one is the holder of control of a financial services cooperative, of a mutual company or of any other group that confers voting rights on a one member, one vote basis.

“10. Each of the following is the holder of a significant interest in a business corporation:

(1) the holder of a significant interest in the decisions of the corporation, that is, whoever can exercise 10% or more of the voting rights attached to the shares issued by the corporation; and

(2) the holder of a significant interest in the corporation’s equity capital, that is, the holder of shares issued by the corporation representing 10% or more of its equity capital.

“11. Control, in cases which allow it, also results from participation in the concerted and ongoing exercise of rights within the group controlled or of powers over that group, even though none of the participants in the exercise of such rights or powers would alone be the holder of control; in such cases, each of the participants is deemed to be the holder of control.

The same is true for a significant interest in the decisions of a business corporation; each of the participants in the concerted and ongoing exercise of the voting rights attached to the shares issued by the corporation is deemed to be a holder of a significant interest.

“12. The following are deemed to participate in the concerted and ongoing exercise of their rights or powers and, consequently, to be the holders of control of a group:

(1) the participants that are controlled by a same holder of control as well as that holder, if the holder is a participant;

- (2) the trustees of a same trust;
- (3) the member mutual companies of a same federation; and
- (4) the natural persons between whom family ties are considered to exist.

The participants described in the first paragraph are deemed to participate in the concerted and ongoing exercise of their voting rights or of their rights in shares with a view to being the holders of a significant interest in a business corporation.

The presumptions under the first and second paragraphs regarding member mutual companies of a same federation also apply to the other member mutual companies of that federation that neither have rights within or powers over the group.

“13. The holder of control of a group is also, if that group is the holder of control of another group, the holder of control of that other group.

“14. For the purposes of this Act, the holder of control of a group is deemed

- (1) to hold any significant interest that is held by the group;
- (2) to hold such rights to acquire shares or other securities as are held by the group itself; and
- (3) to exercise the voting rights that the group may exercise.

“15. For the purposes of this Act, a security entitlement to a share or to another security is considered such a share or security, unless the holder of the security entitlement is a securities intermediary acting in that capacity.

“Securities intermediary” and “security entitlement” have the meaning assigned by the Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002).

“16. Groups that have a common holder of control are affiliates, as is the holder of control, unless the latter is a natural person.

If one group among an aggregate of affiliated groups is an authorized insurer, the aggregate of affiliated groups is a financial group.

“17. Economic ties are considered to exist only between

- (1) natural persons between whom family ties are considered to exist;
- (2) the holder of a significant interest in a business corporation and the business corporation itself;

- (3) a partner in a partnership and the partnership;
- (4) each of the partners in a same partnership;
- (5) a legal person and its directors and officers; and

(6) a person and a succession or trust in which the person has a substantial interest similar to that of a beneficiary or in respect of which the person serves as liquidator of the succession, trustee or other administrator of the property of others, mandatary or depositary.

Economic ties include any other ties between persons or groups that the Autorité des marchés financiers may determine by regulation.

“18. Family ties are considered to exist only between a person and

- (1) his or her spouse;
- (2) his or her children or spouse’s children; and
- (3) his or her parents or spouse’s parents.

“19. The contributed capital of a legal person is composed of the consideration paid to the legal person for,

- (1) in the case of a business corporation, the shares of its share capital;
- (2) in the case of a joint-stock company, the shares of its capital stock; and
- (3) in the case of a cooperative, a financial services cooperative or a mutual company, the shares of its capital stock or share capital.

The contributed capital of a partnership is composed,

- (1) in the case of a general partnership, of the contribution made by each partner to obtain a share in the partnership; and
- (2) in the case of a limited partnership, of the contribution made by the special partners to the partnership’s common stock.

“TITLE II**“SUPERVISION AND CONTROL OF INSURER ACTIVITIES AND
OTHER INSURANCE BUSINESS****“CHAPTER I****“SUPERVISION AND CONTROL OF INSURANCE BUSINESS**

“20. The Autorité des marchés financiers (the Authority) supervises and controls insurance business in Québec.

“CHAPTER II**“AUTHORIZATION OF THE AUTHORITY****“DIVISION I****“OBLIGATION TO BE AUTHORIZED**

“21. Unless otherwise provided by this Act, the Authority’s authorization is required to carry on insurer activities in Québec if such activities constitute the operation of an enterprise, regardless of any other activities that may be carried on by the operator.

The carrying on of insurer activities by each of the persons in a reciprocal union is considered to constitute the operation of an enterprise.

“22. With regard to non-marine insurance, an insurer carries on its insurer activities in Québec if it underwrites a contract governed by an Act of Québec or if its offer or invitation is made with a view to underwriting such a contract, unless that Act applies only by reason of the parties’ consent.

With regard to marine insurance contracts or suretyship contracts, the insurer carries on its insurer activities in Québec if its offer or invitation is accepted in Québec by a person resident there, or if it signs or delivers a contract in Québec.

“23. Only Québec insurers and legal persons constituted under the laws of a jurisdiction other than Québec that have the capacity to carry on insurer activities may obtain the Authority’s authorization, if they have at least \$5,000,000 in capital.

The Authority may however grant its authorization to a self-regulatory organization even though it does not have such capital. The same is true for a reciprocal union even though it is not a legal person and does not have such capital.

“24. The authorization granted by the Authority is for the activities included in the classes established by regulation of the Authority that the Authority specifies.

“25. Lloyd’s may obtain the Authority’s authorization; for the purposes of this Act, it is considered a legal person constituted under the laws of a jurisdiction other than Québec.

The attorney designated by Lloyd’s under section 26 of the Act respecting the legal publicity of enterprises (chapter P-44.1) may, in that capacity and in his or her own name, despite any inconsistent provision of an Act of Québec, exercise before the courts, as plaintiff or defendant, the rights of Lloyd’s members that have underwritten an insurance contract.

“26. For the purposes of this Act,

“authorized insurer” means a legal person that is authorized by the Authority to carry on insurer activities;

“authorized Québec insurer” means an authorized insurer that is a Québec insurer;

“authorized reciprocal union” means a reciprocal union authorized by the Authority to carry on insurer activities.

“27. The following do not require the Authority’s authorization under this Act:

(1) a professional syndicate which, in order to carry on insurer activities, establishes and administers a special fund in accordance with subparagraph 1 of the second paragraph of section 9 of the Professional Syndicates Act (chapter S-40);

(2) a person who, in terms of insurance, enters only into contracts of additional warranty under which it gives an undertaking to another person to directly or indirectly assume any portion of the cost of repairing or replacing property or any part of the property in case of defect;

(3) an insurer that, in Québec, delivers only damage insurance contracts through a firm acting through a special broker governed by the Act respecting the distribution of financial products and services (chapter D-9.2), if the insurer has no establishment in Québec and does not publicize its business in Québec;

(4) an employer that establishes an uninsured employee benefit plan for the benefit of its employees; and

(5) each of the persons in a reciprocal union, if the Authority’s authorization has been granted to the union.

An uninsured employee benefit plan is a plan that is accessory to a contract of employment and by which an employer undertakes to pay a benefit to an employee or a beneficiary designated by the employee if a risk of the nature of risks covered by insurance of persons occurs.

“28. The following persons are not required to obtain the Authority’s authorization to carry on insurer activities:

(1) a person constituted under the laws of a jurisdiction other than Québec who carries on only reinsurer activities in Québec; and

(2) a person who, without being a Québec insurer, carries on insurer activities in Québec only as surety or as debtor of an annuity.

Such an authorization may nevertheless be granted to a legal person that applies for it, as if it were required.

“29. The provisions of this Title, other than Chapter I and this chapter, apply to a self-regulatory organization and an authorized reciprocal union only to the extent provided for in Chapter XIII of this Title or Chapter XVI of Title III.

“DIVISION II

“APPLICATION FOR AUTHORIZATION

“30. A legal person or reciprocal union that intends to carry on insurer activities, when such activities require the Authority’s authorization, is responsible for filing an application with the Authority for its authorization.

An applicant must, in its application, show that it is able to comply with the applicable provisions of this Act.

The applicant must also include the following information:

(1) its name, the name it intends to use in Québec if different, the address of its head office and, if the latter is not in Québec, the proposed address of its principal establishment in Québec, if any;

(2) the classes of activities for which it is applying for the Authority’s authorization and, if applicable, the conditions and restrictions it wishes to have attached to the authorization;

(3) the name and address of the actuary and the auditor charged with the functions provided for in Chapter VII;

(4) except if the applicant is a self-regulatory organization or a reciprocal union,

(a) a description of its financial structure; and

(b) if applicable, the name and address of each holder of a significant interest in its decisions, as well as a description of that interest;

(5) if the applicant is not a Québec insurer, the name of the regulatory authority of its domicile (home regulator);

(6) if applicable, the name and address of the attorney designated under section 26 of the Act respecting the legal publicity of enterprises;

(7) if it belongs to a financial group, the name under which the group is known, if any, and, if applicable, the names of the other financial institutions that belong to the group; and

(8) the other information prescribed by regulation of the Authority.

“31. The home regulator of an insurer is the competent authority with respect to the insurer’s insurer activities, under the laws of the jurisdiction whose legislation governs the insurer’s constituting act.

However, in the case of a reciprocal union, the union’s home regulator is the Authority, unless the contract to which each person in the union is a party designates another competent authority as such and the latter authority has issued a licence to the union or granted it an authorization similar to that granted by the Authority under this Act.

“32. For the purpose of applying subparagraph 1 of the third paragraph of section 30 to a reciprocal union, the name of the mandatary referred to in subparagraph 3 of the first paragraph of section 188 must be specified in the application, in addition to that of the union; the address of the applicant’s head office is the mandatary’s address.

“33. If the applicant is already an authorized insurer or an authorized reciprocal union, only the following information is required:

(1) the information required under subparagraph 2 of the third paragraph of section 30;

(2) if applicable, the information required under subparagraph 6 of that paragraph; and

(3) the information required to update the other information contained in the register provided for in section 176.

“34. The following must be filed with the application for authorization:

(1) a list of the applicant’s directors and officers, including their names and domiciliary addresses;

(2) the résumé of each director and officer;

(3) a copy of the applicant’s constituting act and by-laws or of any other document established for the same purposes;

(4) if applicable, a copy of the applicant's audited financial statements for its most recent fiscal year ended and the financial statements it is required to file with its home regulator, to the extent and in the manner that may be determined by regulation of the Authority;

(5) a three-year business plan that specifies, in particular, the means by which the applicant will deal with clients for the insurance contracts it intends to underwrite, the activities it will carry on and, if applicable, those it carries on or will carry on outside Québec;

(6) the other documents prescribed by regulation of the Authority; and

(7) the fees and charges prescribed by government regulation.

“35. If the applicant is a self-regulatory organization, the documents required under paragraphs 1, 2 and 3 of section 34 need not be filed with the application. However, the following documents must be filed with it:

(1) the organization's plan of operation in relation to its insurer activities;

(2) the act that imposes on persons who are governed by the organization, certain classes of such persons and, if applicable, such persons who carry on their activities within a partnership or company the obligation to be a party to an insurance contract underwritten by the organization;

(3) if applicable, the contract entered into with the manager to whom the organization has entrusted the day-to-day operation of its insurance fund; and

(4) the résumé of each member of the professional liability insurance decision-making committee referred to in section 361.

If the applicant is a professional order, the act described in subparagraph 2 of the first paragraph may be a draft regulation pending approval under the Professional Code (chapter C-26) and the partnership or company referred to in that subparagraph is a partnership or company referred to in Chapter VI.3 of that Code.

“36. If the applicant is a reciprocal union, the constituting act referred to in paragraph 3 of section 34 is the contract described in section 188. A list of the persons in the reciprocal union must also be filed with the application.

The contract need not be in force provided its text is established.

“37. If the applicant is already an authorized insurer or an authorized reciprocal union, the only documents required are those referred to in paragraphs 4 and, if applicable, 5 and 6 of section 34. If the authorized insurer is a self-regulatory organization, the financial statements described in paragraph 4 of section 34 are those of its insurance fund, and the required documents must be filed together with the act described in subparagraph 2 of the first paragraph of section 35.

“38. If an insurer is constituted under the laws of a jurisdiction other than Québec and requests that the authorization it is applying for be restricted to reinsurer activities, the Authority may exempt the insurer from providing the information and documents required under sections 30 and 34 that the Authority determines.

“DIVISION III

“GRANTING OF AUTHORIZATION

“39. The Authority grants its authorization to an applicant that meets the following conditions:

(1) the applicant has provided the information and documents required under this Act and has paid the fees and charges payable; and

(2) in the Authority’s opinion,

(a) the applicant has shown that it is able to comply with the applicable provisions of this Act,

(b) there are no serious reasons to believe that a holder of a significant interest in the applicant’s decisions is likely to interfere with the applicant’s adherence to sound commercial practices or sound and prudent management practices, and

(c) the applicant’s name is not misleading.

“40. The Authority may, in granting its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

The Authority may also, in granting its authorization, attach the conditions and restrictions it considers necessary for that purpose.

“41. The authorization granted by the Authority to a self-regulatory organization is limited to professional liability insurance covering persons governed by the organization at the time of the injurious act or omission, unless the Authority authorizes the organization, on its application, to provide the following services:

(1) insuring those persons against misappropriations of funds required to be deposited in a trust account, committed without complicity on the insured’s part, and for the legal costs arising out of such misappropriations; or

(2) insuring a partnership or a company against liability the partnership or company may incur as a result of professional misconduct by persons who are authorized to engage in their professional activities within the partnership or company and who are governed by the organization.

If the self-regulatory organization is a professional order, the partnership or company referred to in subparagraph 2 of the first paragraph is the one referred to in Chapter VI.3 of the Professional Code.

“42. The authorization granted by the Authority to a reciprocal union allows the persons in the union to carry on insurer activities among themselves only.

That authorization does not allow them to reinsure persons in another reciprocal union or to carry on activities in the field of the insurance of persons.

“43. The authorization granted by the Authority entails, for the authorized insurer or authorized reciprocal union, the obligation to maintain its existence until the full and final revocation of that authorization.

“44. The Authority notifies the applicant in writing of its decision.

Before refusing to grant its authorization or granting an authorization with conditions or restrictions attached, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the applicant in writing and grant the latter at least 10 days to submit observations, unless the conditions or restrictions are attached at the applicant’s request.

“CHAPTER III

“APPLICATION OF CERTAIN PROVISIONS TO FINANCIAL GROUPS AND LEGAL PERSONS ACTING ON BEHALF OF AN AUTHORIZED INSURER

“45. The obligations of an authorized insurer under the provisions of this Act remain unchanged by the mere fact that the insurer entrusts a third person to carry on any part of an activity governed by those provisions.

“46. An authorized insurer must ensure that any group in respect of which the insurer is the holder of control complies with the prohibitions imposed on the insurer by this Act.

A prohibition imposed on such an insurer applies to the groups in respect of which it is the holder of control not only when each of them is acting alone, but also when the acts or omissions of all or some of them would have contravened that prohibition had they been done or made by only one of them.

This section does not prohibit a group in respect of which an authorized insurer is the holder of control from carrying on activities the group is permitted to carry on by the Act governing it even though the insurer is not permitted to carry on those activities, provided the group is a financial institution or a federation of mutual companies subject to the supervision of a regulatory authority.

“47. An authorized insurer is liable for failures to comply with this Act by a group in respect of which the insurer is the holder of control or by whoever is the holder of control of the group and performs an obligation of the insurer on the insurer’s behalf, as if those failures to comply were the insurer’s own.

“48. The Authority’s inspection functions and powers, provided for by the Act respecting the regulation of the financial sector (chapter A-33.2), that may be exercised in relation to an authorized insurer extend to any affiliated group if the person authorized to inspect the insurer considers it necessary to inspect the group in order to complete the verification of the insurer’s compliance with this Act, even though the group does not carry on activities governed by an Act referred to in section 7 of that Act.

“49. The Authority may prohibit that an authorized insurer’s obligations under this Act be performed by a third person on the insurer’s behalf if, in the Authority’s opinion, such performance would render the application of this Act difficult or ineffective.

Before rendering its decision, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the insurer in writing and grant the latter at least 15 days to submit observations.

“CHAPTER IV

“COMMERCIAL PRACTICES

“DIVISION I

“GENERAL PROVISIONS

“50. An authorized insurer must adhere to sound commercial practices.

In carrying on its financial institution activities, such practices include providing fair treatment to its clientele, in particular by

- (1) providing appropriate information;
- (2) adopting a policy for processing complaints filed by members of that clientele and resolving disputes with them; and
- (3) keeping a complaints register.

“51. An authorized insurer must be able to show to the Authority that it adheres to sound commercial practices.

“DIVISION II

“COMPLAINT PROCESSING AND DISPUTE RESOLUTION POLICY AND EXAMINATION OF COMPLAINT RECORDS BY THE AUTHORITY

“52. The complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 50 must, in particular,

- (1) set out the characteristics that make a communication to the insurer a complaint that must be registered in the complaints register kept under subparagraph 3 of the second paragraph of section 50; and
- (2) provide for a record to be opened for each complaint and prescribe rules for keeping such records.

The insurer must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on its website and disseminate it by any appropriate means to reach the clientele concerned.

“53. Within 10 days after a complaint is registered in the complaints register, the authorized insurer must send the complainant a notice stating the complaint registration date and the complainant’s right, under section 54, to have the complaint record examined.

“54. A complainant whose complaint has been registered in the complaints register may, if dissatisfied with the insurer’s processing of the complaint or the outcome, request the insurer to have the complaint record examined by the Authority.

If the insurer is a mutual company that is a member of a federation, the record is examined by the federation rather than the Authority.

The authorized insurer is required to comply with the complainant's request and send the record to the Authority or, in the case of a mutual company that is a member of a federation, to the federation.

“55. The Authority examines the complaint records that are sent to it.

It may, with the parties' consent, act as conciliator or mediator or designate a person to act as such.

Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

“56. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted into evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

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 one has a right of access to a document contained in the conciliation or mediation record.

“57. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Authority may not communicate a complaint record without the authorization of the insurer that has sent it.

“58. On the date set by the Authority, an authorized insurer must send it a report on the complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 50 stating the number of complaints that the insurer has registered in the complaints register and their nature.

The report must cover the period determined by the Authority.

“DIVISION III**“UNDERWRITING OF NON-MARINE INSURANCE CONTRACTS AND
ENROLLMENT IN GROUP INSURANCE CONTRACTS****“§1. — *Underwriting of non-marine insurance contracts***

“59. To underwrite an insurance contract, an authorized insurer must deal with the client concerned either through a natural person, whether employed by the insurer or not, or without the intermediary of such a person. If the insurer deals with the client through a natural person, that person must be an insurance representative holding a certificate issued by the Authority in accordance with the Act respecting the distribution of financial products and services and must be authorized to act with respect to the contract.

However, the insurer may deal with the client for a damage insurance contract or an individual insurance of persons contract through a natural person who is not an insurance representative if

(1) the natural person is a distributor within the meaning of the second paragraph of section 408 of the Act respecting the distribution of financial products and services or has been assigned that task by such a distributor; and

(2) the insurance contract is an insurance product subject to Title VIII of that Act.

This section does not apply to the renewal of an insurance contract the only amendment to which is the premium.

“60. For the purposes of this division, a natural person is considered an insurance representative holding a certificate issued by the Authority under the Act respecting the distribution of financial products and services if any of the following provisions of that Act apply to him or her:

(1) subparagraph 1 or 2 of the third paragraph of section 3;

(2) the second paragraph of section 4; and

(3) section 7.

“61. This division does not apply to maritime insurance contracts or suretyship contracts, even if, in the latter case, they are designated as surety insurance contracts.

“§2.—*Obligations of authorized insurers with respect to certain clients or certain participants and rights of the latter*

“I.—*General provisions*

“**62.** An authorized insurer must see that the client or the participant, as the case may be, is provided in sufficient time with the information necessary to make an enlightened decision and for contract performance purposes

(1) if the insurer deals with the client otherwise than through a firm, independent representative or independent partnership registered for an insurance sector; or

(2) if the insurer has underwritten a group insurance of persons contract in which a person may enroll as a participant without interacting with an insurance representative at the time of enrollment.

Such information includes

(1) the extent of the coverage considered and the exclusions;

(2) the time limits, in accordance with the Civil Code, within which a loss must be reported and within which the insurer is required to pay the sums insured or the indemnity provided for; and

(3) the information required to communicate to the insurer a complaint to be registered in the complaints register provided for in subparagraph 3 of the second paragraph of section 50, including the time limit within which a complaint must be communicated.

“**63.** If, for the purpose of underwriting an individual insurance of persons contract, an authorized insurer receives a proposal that was completed without an insurance representative interacting with the client at the time it was completed, the insurer must see that the client can be temporarily insured until a final contract is made or until one of the parties is informed of the other party’s decision not to make a contract. The temporary insurance contract must provide the broadest coverage in return for which the client agrees to pay the premium for that contract.

The client is required to reply within 30 days after receiving a request for information from the insurer for the purpose of making the final contract. If the client fails to reply within that time limit, the insurer may cancel the temporary contract.

“**64.** The client for an insurance contract may, if no insurance representative interacted with the client at the time the latter consented to the contract, cancel the contract within 10 days after receiving the policy, unless the contract has already expired at that time.

A participant may also, if no insurance representative interacted with the participant at the time he or she enrolled, cancel his or her enrollment on the same condition and within the same time limit after receiving the insurance certificate.

In the case of an individual insurance of persons contract, the policy referred to in the first paragraph is the one that evidences the existence of the final contract.

If an insurance contract is made or a participant enrolls under that contract at the same time another contract is entered into, the other contract retains all its effects despite the cancellation of the insurance contract or of the enrollment, as the case may be.

The first and second paragraphs do not apply to insurance expiring within 10 days after the client's consent or the participant's enrollment, as the case may be.

“II. — Liability of an insurer with respect to distributors

“65. An authorized insurer is liable for the acts done by distributors, or natural persons to whom the latter have assigned the task of dealing with clients or participants, toward underwriting an insurance contract or enrolling a participant.

“66. An authorized insurer must, without delay, send the Authority a list of the contracts with respect to which a distributor will be dealing with clients or participants and a list of such distributors. The list of distributors must include the names and addresses of the distributors and the insurance contracts for which the insurer is doing business with them. The list of contracts must include a description of the insurance coverage provided by those contracts.

The insurer must, without delay, inform the Authority of any change to either list.

“III. — Absence of intermediation by a natural person or a firm

“67. If a means of formulating and submitting a proposal without the intermediary of a natural person or a firm and otherwise than by an application in writing referred to in article 2400 of the Civil Code is made available to a client, the insurer must deliver to the client, together with the policy, a document describing any proposal submitted by such means.

The document delivered by the insurer is equivalent to an application in writing referred to in article 2400 of the Civil Code.

“68. The Authority may issue an order provided for in section 465 or 467 to require an authorized insurer to cease dealing, without the intermediary of a representative, with clients for the contracts it determines.

“DIVISION IV**“SPECIAL PROVISIONS RESPECTING ANNUITIES AND CERTAIN
OTHER CONTRACTS**

“69. In an annuity contract, the fact that an authorized insurer offers a choice of investments does not preclude the insurer from controlling the capital accumulated for the payment of the annuity.

The right to withdraw all or part of the capital accumulated for the payment of an annuity may be stipulated, but the exercise of that right reduces the insurer’s obligations correlatively.

In addition, the amount of the annuity to be paid periodically must, at the time the contract is entered into, be determinate, or at least determinable according to variables and a computation method specified in the contract.

“70. For the capital accumulated for the payment of an annuity to be exempt from seizure, a person must be designated, in accordance with article 2457 or 2458 of the Civil Code, as qualified to receive the capital or the related annuity following the death of the annuitant or of the person who furnishes the capital.

“71. The form and terms of insurance policies relating to the ownership or use of motor vehicles must be approved by the Authority. The same is true for any riders that may be attached to those policies.

An authorized insurer may attach a rider whose form and terms are not approved by the Authority to such a policy if the rider

- (1) provides for terms stipulated solely for the benefit of the insureds; and
- (2) has been sent to the Authority.

“72. The conditions applicable to group insurance contracts underwritten by an authorized insurer are prescribed by government regulation.

“DIVISION V**“SPECIAL PROVISIONS RESPECTING ACTIVITIES BETWEEN
FINANCIAL INSTITUTIONS**

“73. Except for the first paragraph of section 50 and Division IV, this chapter does not apply if the authorized insurer’s client is a bank or another financial institution.

Nor does this chapter apply to reinsurer activities.

“CHAPTER V**“PRUDENTIAL RULES****“DIVISION I****“MANAGEMENT PRACTICES**

“74. An authorized insurer must adhere to sound and prudent management practices ensuring, in particular, good governance and compliance with the laws governing its activities.

With respect to the insurer’s financial management, such practices must, in particular, provide that the insurer maintain

- (1) adequate assets to meet its liabilities, as and when they become due; and
- (2) adequate capital to ensure its sustainability.

“75. An authorized insurer must be able to show to the Authority that it adheres to sound and prudent management practices.

“76. No authorized insurer may contract liabilities that vary according to the market value of property that, through those liabilities, it binds itself to hold, unless

- (1) it is an insurer authorized to carry on life insurance activities; and
- (2) the property constitutes a segregated fund to be used to meet the liabilities for which the property is held before any of the insurer’s other liabilities.

Except for this division, the provisions of this chapter do not apply to segregated funds.

“77. The Authority may, if it considers that an authorized insurer’s capital is not adequate to ensure the insurer’s sustainability, order the insurer to adopt a compliance program within the time it prescribes and for the reasons it specifies.

Before exercising the power provided for in the first paragraph, the Authority must notify the insurer and give it at least 10 days to submit observations.

The Authority may not order an authorized insurer other than a Québec insurer to adopt such a program if it may hinder measures taken by the insurer’s home regulator.

“78. The compliance program describes the measures that must be implemented by the authorized insurer within the time limits specified in it.

“79. The compliance program adopted by the authorized insurer is submitted for approval to the Authority.

“80. The authorized insurer is required to implement the compliance program approved by the Authority.

“81. An authorized insurer that is required to implement a compliance program must provide the Authority with any report the Authority may require on the implementation of the program at such intervals, in such form and with such content as the Authority determines.

“DIVISION II

“INVESTMENTS

“§1. — *Provisions applicable to all authorized insurers*

“82. An authorized insurer must adopt an investment policy approved by its board of directors.

The investment policy must, in particular,

(1) provide for the matching of the respective maturities of the insurer’s investments with the insurer’s liabilities;

(2) provide for the appropriate diversification of those investments; and

(3) include a description of the types of investments and other financial transactions that it authorizes and the limits applicable to them.

The insurer must send its investment policy to the Authority at the Authority’s request.

“83. An authorized insurer must follow the investment policy approved by its board of directors.

“§2. — *Provisions applicable to authorized Québec insurers*

“I. — *Acquisition of participations and co-ownership*

“84. No authorized Québec insurer may acquire or hold contributed capital securities issued by a legal person or a partnership or participations in a trust in excess of

(1) 30% of the value of those securities or participations; or

(2) the number of those securities or participations allowing it to exercise more than 30% of the voting rights.

Nor may an authorized Québec insurer be the co-owner of property if its share of the right of ownership is greater than 30% without exceeding 50%, alone or together with the shares of groups affiliated with it.

85. Despite section 84, an authorized Québec insurer may acquire and hold up to all the contributed capital securities issued by a legal person or a partnership, up to all the participations in a trust or a share of a right of ownership in cases where the insurer will be the holder of control of the person, partnership, trust or property after the acquisition and in the cases determined by government regulation.

Neither a mutual company that is a member of a federation nor a business corporation of which such a mutual company is the holder of control and which is authorized to carry on activities in the same class as that mutual company may make an acquisition under this section without the federation's authorization.

“II. — Accessory guarantees for certain investments

86. An authorized Québec insurer may become the owner or holder of property in contravention of section 84 only if it does so to obtain or preserve an accessory guarantee for one of its investments or for any other financial transaction.

“III. — Penalties

87. If an authorized Québec insurer holds or owns property, as the case may be, in contravention of section 84, it must dispose of that property as soon as market conditions permit.

88. Directors of an authorized Québec insurer who agree to a contravention of section 84 are held solidarily liable for any resulting losses to the insurer.

A director cannot be held liable under the first paragraph if the director acted with a reasonable degree of prudence and diligence in the circumstances.

Furthermore, for the purposes of the first paragraph, the court may, after considering all the circumstances and on the terms the court considers appropriate, relieve a director, either wholly or partly, from the liability the director would otherwise incur if it appears to the court that the director has acted reasonably, honestly and loyally, and ought fairly to be excused.

“DIVISION III

“COMPENSATION BODIES

89. An authorized insurer must be a member, for the classes for which it is authorized to carry on an activity, of a compensation body recognized by the Authority for that class.

The first paragraph does not apply to the activities carried on by a mutual company that is a member of a federation for which the federation stands surety. Neither does that paragraph apply to reinsurer activities.

For the purposes of this Act, a compensation body is a body whose members are insurers and whose purpose is to protect the holders of insurance contracts underwritten by one of those insurers from excessive financial loss in the event of that insurer's insolvency.

“90. The Authority may recognize a compensation body if it considers that the body offers sufficient protection to the insureds and is able to assume its obligations.

The Authority may, by regulation, determine the conditions that a body must meet in order to be recognized.

“91. The Authority must post a list of the recognized compensation bodies on its website.

“CHAPTER VI

“GOVERNANCE

“DIVISION I

“GENERAL PROVISIONS

“92. An authorized insurer must have a board of directors composed of at least seven members.

“93. A director of an authorized insurer who resigns must declare his or her reasons to the insurer and to the Authority in writing.

“94. The board of directors must ensure that the authorized insurer adheres to sound commercial practices and sound and prudent management practices.

To that end, it must entrust certain directors it designates or a committee of such directors with the responsibility of seeing that such practices are adhered to and situations contrary to such practices are detected.

Within three months after the closing date of the insurer's fiscal year, the directors or the committee, as the case may be, report to the board of directors on the performance of the responsibility entrusted to them or it and, if applicable, on the other activities they or it carries on for the insurer.

“95. A director designated in accordance with section 94 or the committee provided for in that section, as the case may be, must, on becoming aware of a situation that is likely to appreciably deteriorate the authorized insurer’s financial position, of another situation that is contrary to sound and prudent management practices or of a situation that is contrary to sound commercial practices, notify the board of directors in writing.

The board of directors must then see to it that the situation is promptly remedied.

“96. The director or committee that notified the board of directors in accordance with section 95 must, on finding that the situation mentioned in the notice has not been corrected, send the Authority a copy of the notice given under that section.

A description of any relevant events that have occurred since the notice was drafted and any other information the director or committee considers relevant must be sent with the notice.

“97. A director designated in accordance with section 94 or a director on the committee provided for in that section, as the case may be, who, in good faith, notifies the board of directors or the Authority in accordance with section 95 or 96 incurs no civil liability for doing so.

The same is true for any person who, in good faith, provides information or documents to one or more of those directors and for a director who makes a declaration under section 93.

“DIVISION II

“PROVISIONS SPECIFIC TO AUTHORIZED QUÉBEC INSURERS

“§1. — *Composition of the board of directors*

“98. More than half of the board of directors of an authorized Québec insurer must be composed of persons other than employees of that insurer or of a group of which it is the holder of control.

“99. An authorized Québec insurer must implement a policy aimed at fostering, in particular, the independence, competence and diversity of the members of its board of directors and of the members of the committees of the board.

“§2. — *Establishment and composition of the audit committee and ethics committee*

“100. The board of directors of an authorized Québec insurer must establish an audit committee and an ethics committee from among its members.

“101. The audit committee and the ethics committee of an authorized Québec insurer are each composed of at least three directors, a majority of whom are not

- (1) officers or employees of the insurer;
- (2) members of both the ethics committee and the audit committee;
- (3) directors, officers or other mandataries or employees of a group of which the insurer is the holder of control; or
- (4) holders of a significant interest in the insurer or in a business corporation affiliated with the insurer.

“102. The Authority may, if an authorized Québec insurer shows that the exercise of the committee’s functions will not be adversely affected, authorize

- (1) the establishment of a committee whose composition does not comply with section 101; or
- (2) the exercise by one of the committees mentioned in that section of the functions usually assigned to the other committee, in addition to its own functions.

The Authority may, in granting such an authorization, require any undertaking it considers necessary to ensure compliance with this Act.

“§3. — *Functions of the audit committee*

“103. The audit committee must examine all financial statements intended for the board of directors before they are submitted to the board.

The audit committee may be convened by one of its members or by the auditor. The auditor must be notified of every committee meeting and attend every meeting to which he or she is convened. The committee must give the auditor an opportunity to be heard.

The committee must cause any error or misstatement in financial statements to be corrected and, if the financial statements were sent to the shareholders or mutual members, as the case may be, inform the meeting of shareholders or mutual members accordingly.

“§4. — *Functions of the ethics committee*

“104. An authorized Québec insurer must have rules of ethics; they must be adopted by its ethics committee and be sent to the Authority.

Those rules must pertain to such subjects as

- (1) the conduct of the insurer's directors and officers;
- (2) the conduct of the insurer with natural persons or groups that are restricted parties with respect to it; and
- (3) the formalities and conditions governing contracts with such persons or groups.

“105. An authorized Québec insurer must follow the rules of ethics adopted by its ethics committee; they are binding on the board of directors.

“106. The ethics committee of an authorized Québec insurer must see that the rules of ethics are complied with and notify the board of directors, in writing and without delay, of any violation of those rules.

“107. Each year, the ethics committee of an authorized Québec insurer must send the Authority, within two months after the closing date of the insurer's fiscal year, a report on the committee's activities in that fiscal year.

The report must include or describe

- (1) the committee members' names and addresses;
- (2) any change among the committee members;
- (3) the list of conflict of interest situations and contracts with natural persons or groups that are restricted parties with respect to the insurer which have come to the committee's notice;
- (4) the measures taken to see that the rules of ethics are complied with; and
- (5) violations of the rules of ethics.

“108. An authorized Québec insurer must, when doing business with natural persons or groups that are restricted parties with respect to it, act in the same manner as it would when dealing at arm's length.

Consequently, a contract entered into between the insurer and a natural person or group that is a restricted party with respect to it may not be less advantageous for the insurer than if it had been entered into at arm's length.

“109. Section 108 does not apply to the remuneration of directors or any other matter connected with a contract of employment.

“110. The following natural persons and groups are restricted parties with respect to an authorized Québec insurer:

- (1) the insurer’s directors and officers;
- (2) the directors and officers of the group that is the holder of control of the insurer or, if the insurer is a mutual company that is a member of a federation, the federation’s directors and officers;
- (3) the holder of a significant interest in the insurer;
- (4) natural persons and groups having economic ties with the persons described in subparagraphs 1 to 3, except a group of which the insurer is the holder of control;
- (5) a group whose board of directors is composed, in the majority, of members of the insurer’s board of directors; and
- (6) any other person or group designated under section 112.

An authorized financial institution is not a group that is a restricted party with respect to an insurer if the financial institution is the holder of exclusive control of the insurer, or if it is the holder of control of the insurer and both the authorized financial institution and the insurer have the same holder of exclusive control.

“111. For the purposes of section 110, the holder of control of a business corporation has exclusive control of the corporation if that holder alone can choose all the directors and exercise the voting rights attached to all the shares issued by the corporation, provided that, if applicable, the holder holds all the securities that are convertible into such shares carrying voting rights and all the rights to acquire such shares.

Similarly, the member mutual companies of a federation are considered to have exclusive control of a business corporation if only member mutual companies of the federation can choose all the directors of the corporation and exercise the voting rights attached to all the shares issued by the corporation, provided that, if applicable, they hold all the securities that are convertible into such shares carrying voting rights and all the rights to acquire such shares.

“112. The Authority may designate a natural person or a group as a restricted party if, in its opinion, that person or group is likely to receive preferential treatment to the detriment of the authorized insurer.

The Authority may review a designation at the request of the person or group designated or the insurer concerned.

Before making or refusing to review a designation, the Authority must give the natural person or group and the insurer concerned an opportunity to submit observations.

The Authority notifies the person or group designated and the insurer concerned of its decision on the designation or the review request, as applicable.

“113. Unless the obligations of an authorized Québec insurer under the following contracts are minimal, such contracts must be submitted to its board of directors for approval:

(1) a contract for the acquisition, by the insurer, of securities issued by a natural person or group that is a restricted party with respect to the insurer or for the transfer of assets between them; and

(2) a service contract between the insurer and a natural person or group that is a restricted party with respect to the insurer.

Before approving such contracts, the board of directors must obtain the opinion of the ethics committee.

“114. Except to the extent authorized by its rules of ethics, no authorized Québec insurer may extend credit to its directors or officers, to natural persons or groups having economic ties with them or to the directors or officers of a legal person affiliated with the insurer.

“CHAPTER VII

“ACTUARY AND AUDITOR

“DIVISION I

“QUALIFICATIONS AND BEGINNING AND END OF TERM

“115. An actuary and an auditor must, for each authorized insurer, be charged with the functions provided for in this chapter.

A mutual company may not charge an actuary or auditor with such functions if the company is a member of a federation that provides it with the services of persons charged with those functions.

“116. An actuary charged with the functions provided for in this chapter must be a Fellow of the Canadian Institute of Actuaries.

An auditor charged with the functions provided for in this chapter must be a member of the Ordre professionnel des comptables professionnels agréés du Québec and hold a public accountancy permit.

However, in the case of an authorized insurer, other than a Québec insurer, that carries on its activities in Québec and elsewhere in Canada, the auditor is not required to be a member of that order or to hold that permit if he or she holds an authorization of the same nature issued elsewhere in Canada.

“117. The auditor charged with the functions provided for in this chapter is the auditor elected, appointed or otherwise determined by the authorized insurer in accordance with the Act under which it is constituted or, in the case of an authorized reciprocal union, in accordance with a contract referred to in section 188. If the auditor does not meet the conditions set out in section 116, another auditor must be charged with those functions.

“118. The term of an actuary or auditor ends on the appointment of his or her successor, unless it ends as a result of his or her death, resignation, dismissal or bankruptcy or the institution of protective supervision for him or her or if he or she no longer has the qualifications required under this division.

“119. The authorized insurer must, within 10 days after the actuary’s or auditor’s term has ended, notify the Authority of the fact.

“120. If an authorized insurer fails to charge an actuary or an auditor with the functions provided for in this chapter within the time specified by the Authority, the Authority may appoint one and determine the remuneration that the insurer must pay him or her.

“121. An authorized insurer must, before dismissing an actuary or auditor from office, give him or her at least 10 days’ prior notice in writing and send a copy of the notice to the Authority, unless the latter authorizes it to proceed earlier.

The prior notice must give the reasons for the dismissal.

“122. An actuary or auditor who resigns or who believes he or she was dismissed for reasons connected with his or her functions or with the conduct of the authorized insurer’s business or the business of a member of its financial group must declare those reasons to the Authority in writing.

The author of the declaration must send a copy of it to the authorized insurer’s secretary or, in the case of an authorized reciprocal union, its mandatary.

The author must send those documents within 10 days after tendering his or her letter of resignation or learning of his or her dismissal, as the case may be.

“123. Before accepting the office of actuary or auditor provided for by this chapter, a person must ask the authorized insurer’s secretary whether the former actuary or auditor made the declaration required under section 122. In the case of an authorized reciprocal union, the question is directed to its mandatary.

The secretary or mandatary, as the case may be, must provide the person with a copy of the declaration, if applicable.

“DIVISION II

“DUTIES, POWERS AND FUNCTIONS OF THE ACTUARY AND AUDITOR

“§1. — *Duties and powers*

“**124.** An authorized insurer is required to see that its directors, officers and employees send the actuary or auditor the information or documents regarding the insurer, the groups of which the insurer is the holder of control and any other group whose financial information is consolidated with its own that the actuary or auditor requests in the course of his or her functions.

The insurer is also required to see that persons having custody of such documents do so as well.

“**125.** An actuary who, in the course of his or her functions, becomes aware of a situation that, in his or her opinion, has or is likely to have material adverse effects on the authorized insurer’s financial condition must draft a detailed report on the situation.

An auditor who becomes aware of a situation that is likely to appreciably limit the insurer’s ability to fulfill its obligations must report on the situation in the ordinary course of his or her audit.

The same is true for an actuary or auditor who believes that a refusal or failure to provide information or a document requested by him or her is hindering the exercise of his or her functions.

The author of the report must send the report to the board of directors. If applicable, he or she must also send a copy of it to the attorney designated under section 26 of the Act respecting the legal publicity of enterprises. If the author of the report is the actuary, he or she must send a copy of it to the auditor, and vice versa. The board of directors must then see to it that the situation is remedied.

“**126.** If the author of the report submitted under section 125 finds that the situation that justified its being drafted has not been corrected, he or she must send a copy of it to the Authority.

A description of any relevant events that have occurred since the report was drafted and any other information the author considers relevant must be sent with the report.

“127. An actuary or auditor who, in good faith, makes a declaration under section 122, submits a report under section 125 or sends a copy of the latter to the Authority under section 126 incurs no civil liability for doing so.

The same is true for a person who, in good faith, provides information or documents under section 124.

“§2. — Functions of the actuary

“128. The actuary must prepare, on the dates determined by the Authority, a study concerning the authorized insurer’s financial position, a report on the state of the actuarial reserves and a certificate attesting that state.

The study must also include a forecast of the authorized insurer’s financial position and must describe the potential financial repercussions of the insurer’s activities. The report must also include any other information determined by the Authority.

The actuary must send a copy of the study and the report to the board of directors and the auditor.

The actuary must present the study and the report to the board of directors, unless the board asks him or her to present them to the audit committee.

“129. In exercising his or her functions, the actuary must apply generally accepted actuarial standards or any other standard established by the Authority.

“§3. — Functions of the auditor

“130. The auditor is to audit the authorized insurer’s books and accounts for the purposes of this Act.

If the authorized insurer is neither an authorized Québec insurer nor another insurer constituted under an Act of another jurisdiction in Canada, the scope of the audit is limited to the activities carried on in Québec. However, the audit may, at the insurer’s choice, examine the insurer’s activities across Canada.

“§4. — Supervisory and control measures

“131. If it considers it necessary, the Authority may

(1) order the preparation, in the manner and within the time it specifies, of an actuarial study regarding any matter, in particular, an assessment of an authorized insurer’s actuarial reserves and financial position; or

(2) order that the annual audit of an authorized insurer’s books and accounts be continued, that its scope be broadened or that a special audit be conducted.

The Authority may designate an actuary or an auditor, other than the one appointed by the insurer, to be charged with the study or audit.

The expenses incurred in such a case are payable by the insurer after approval by the Authority.

“CHAPTER VIII

“ANNUAL STATEMENTS AND OTHER COMMUNICATIONS WITH THE AUTHORITY

“**132.** An authorized insurer must prepare an annual statement of the position of its affairs as at the date determined by the Authority and include financial statements audited under section 130.

The annual statement must be certified by two of the insurer’s directors; its form and content and the date on which it must be sent to the Authority are determined by the Authority.

If the authorized insurer is neither an authorized Québec insurer nor an insurer constituted under an Act applicable in Canada, the additional financial statements referred to in the first paragraph may include only the information relating to the activities examined by the audit conducted under the second paragraph of section 130.

“**133.** Each year, on the dates determined by the Authority, an authorized insurer must send the Authority

(1) the financial statements prepared for the purposes of the Act under which the insurer is constituted;

(2) the auditors’ reports;

(3) the study of the insurer’s financial position, the report on the state of the actuarial reserves and the certificate attesting that state prepared under section 128; and

(4) the résumé of each director and officer if it has not already been sent to the Authority.

If the authorized insurer is a self-regulatory organization, the résumé of each member of the decision-making committee referred to in section 361 is substituted for the résumé referred to in subparagraph 4 of the first paragraph.

“**134.** If the Authority is of the opinion that an asset considered in the financial statements sent to it by an authorized insurer is overvalued, it may either require the insurer to cause an appraiser the choice of whom is approved by it to appraise that asset or appraise the asset itself. If the asset is a loan the repayment of which is guaranteed by property, the property is appraised.

If the results of the appraisal justify it, the Authority may require the insurer to modify its books and accounts as well as the financial statements referred to in the first paragraph to reflect the market value of the asset or, in the case of a loan, the value of the realization of the property guaranteeing the repayment. If a loan or another asset is that of a group of which the insurer is the holder of control, the Authority may, for those same purposes, require that the value of the insurer's investment in the group be modified. The Authority notifies the auditor charged with the functions provided for in Chapter VII of the modification requested.

“135. Before exercising a power conferred on it by section 134, the Authority must give the authorized insurer concerned at least 10 days to submit observations.

“136. The cost of the appraisal of an overvalued asset further to a decision of the Authority under section 134 is to be borne by the authorized insurer concerned, unless the Authority decides otherwise.

“137. An authorized insurer must send the Authority, according to the content and form and at the time or intervals it determines, the documents it considers useful to determine whether the insurer is complying with this Act.

Lloyd's must send the Authority a list of its underwriters in Québec and see that it is kept up-to-date. The same is true for an authorized reciprocal union with regard to the list of the persons in the union.

“138. The Authority may require an authorized insurer, the holder of control of the authorized insurer or a member of the authorized insurer's financial group to provide the documents or information the Authority considers useful for the purposes of this Act or that it or he or she otherwise provide access to those documents and information. In the case of an authorized reciprocal union, the Authority may require the attorney, the mandatary and each person in the union to do the same.

The Authority may likewise require the actuary or auditor of an authorized insurer to provide the documents or information he or she holds regarding the insurer.

The person to whom such a request is made is required to reply by not later than the date determined by the Authority.

“139. An authorized insurer must notify the Authority of the name and address of whoever has become or intends to become the holder of its control within 10 days from the time it becomes aware of either situation.

If the authorized insurer is a business corporation, it must also, within the same time, send such a notice to the Authority regarding whoever has become or intends to become the holder of a significant interest in its decisions.

The insurer must, within the same time, notify the Authority whenever the holder of control or of a significant interest ceases to be so.

“CHAPTER IX

“REVIEW OF AN AUTHORIZATION

“DIVISION I

“GENERAL PROVISIONS

“**140.** The Authority, on its own initiative, on the authorized insurer’s application in the cases provided for in Division III or when it is informed of certain operations described in Division IV, reviews the authorization it has granted to an authorized insurer.

“**141.** After reviewing an authorization, the Authority may maintain it as is, attach certain conditions or restrictions to it, withdraw existing conditions or restrictions, or revoke or suspend it.

“DIVISION II

“REVIEW ON THE AUTHORITY’S INITIATIVE

“**142.** The Authority may, on its own initiative, review an authorization it has granted whenever it considers it necessary to do so in order to ensure compliance with this Act.

Unless the authorization is maintained as is, the Authority, in accordance with Chapter X, revokes or suspends it or attaches conditions or restrictions to it.

“DIVISION III

“REVIEW ON AN INSURER’S APPLICATION

“**143.** The Authority is required to review the authorization it has granted to an insurer if the latter applies for such a review to have an attached condition or restriction withdrawn.

“**144.** The application for review must specify the condition or restriction the insurer wishes to have withdrawn and the reasons for the withdrawal.

The application must also include any other information prescribed by regulation of the Authority. The costs and fees prescribed by government regulation must be filed with the application.

“145. On receipt of the application and the required information, costs and fees, the Authority reviews the authorization to determine whether or not it may grant the application.

The Authority may, in withdrawing a condition or restriction, require any undertaking it considers necessary to ensure compliance with this Act.

When the Authority rules on an application for review filed by an authorized insurer, it sends the insurer a document justifying its decision.

“DIVISION IV

“REVIEW IN LIGHT OF CERTAIN OPERATIONS

“146. The Authority is required to review an authorization on being notified of any of the following operations:

- (1) the amalgamation of the authorized insurer with another legal person;
- (2) a change as to the authorized insurer’s home regulator, in particular as a result of a continuance or another operation of the same nature;
- (3) an operation not referred to in subparagraph 1 or 2 where the authorized insurer changes its juridical form or transmits its patrimony or part of it due to its division;
- (4) a change of name of the authorized insurer; and
- (5) in the case of an authorized Québec insurer, its becoming the holder of control of a group or either of the following events having a significant effect on it:
 - (a) an acquisition of assets by the insurer or by a group of which it is the holder of control, or
 - (b) the transfer of any part of the insurer’s assets or of the assets of such a group; and
- (6) in the case of a mutual company that is a member of a federation, the mutual company’s withdrawal from the federation.

An authorized Québec insurer’s ceasing to be the holder of control of a group is deemed to be a transfer, by the group, of all its assets.

“147. For the purposes of subparagraph 5 of the first paragraph of section 146, an acquisition or transfer is deemed to not have a significant effect on an insurer if the resulting variation in the value of its assets does not exceed 5%.

The variation in the value of the insurer's assets is established in relation to the value of those assets at the end of the fiscal year preceding the acquisition or transfer.

“148. An authorized insurer must inform the Authority of its intention to carry out one or more operations giving rise to a review not later than the 30th day before the operation or, in the case of more than one operation, before the first operation, by filing a notice with the Authority in the form determined by the Authority.

The costs and fees prescribed by government regulation must be filed with the notice.

“149. A notice of intention to amalgamate must include

(1) the name and address of each of the legal persons proposing to amalgamate;

(2) the proposed name of the legal person resulting from the amalgamation;

(3) the juridical form of the legal person resulting from the amalgamation;

(4) the classes of activities carried on by all the authorized insurers proposing to amalgamate;

(5) a statement specifying that the legal person resulting from the amalgamation will carry on activities in the same classes as the authorized insurers proposing to amalgamate or specifying the classes of activities for which the legal person resulting from the amalgamation intends to apply for the Authority's authorization or those for which it intends to apply to have the authorization revoked;

(6) the location of the proposed head office of the legal person resulting from the amalgamation; and

(7) any other information required by the Authority.

A document including the same information as that required to be included in an initial application for authorization and the documents that must be filed with such an application must be filed with the notice of intention to amalgamate for the legal person resulting from the amalgamation.

In the case of an amalgamation involving more than one authorized insurer, a joint notice may be filed.

“150. A notice of intention to change the authorized insurer's home regulator must include

(1) a description of the operation from which the change results;

(2) the insurer's name and address;

(3) the title of and exact reference to the Act of the jurisdiction of the home regulator that will govern the insurer's insurance activities following the change and the title of and exact reference to the Act of the jurisdiction that will govern the insurer's affairs, if different;

(4) the location of the insurer's proposed head office following the change, if different from that of its head office at the time the notice is sent; and

(5) any other information required by the Authority.

“151. A notice of intention to carry out an operation described in subparagraph 3 of the first paragraph of section 146 must include

(1) a description of the proposed operation;

(2) if applicable, the authorized insurer's new juridical form following the operation as well as the title of and exact reference to the Act that will govern its affairs;

(3) if applicable, the names and addresses of all the groups, other than the authorized insurer, involved in the operation;

(4) the location of the authorized insurer's proposed head office following the operation, if different from that of its head office at the time the notice is sent; and

(5) any other information required by the Authority.

A document including the same information as that required to be included in an initial application for authorization and, if required by the Authority, the documents that must be filed with such an application must be filed with the notice of intention for each legal person resulting from the operation that will carry on insurer activities in Québec.

“152. A notice of intention to change names must include the name and address of the authorized insurer, in addition to its proposed name.

“153. A notice of intention to carry out an acquisition or transfer of assets having a significant effect on an authorized Québec insurer must include

(1) a description of the proposed acquisition or transfer, in particular, a description of the assets to be acquired or transferred by the insurer or the group of which it is the holder of control;

(2) the names and addresses of the parties to the acquisition or transfer; and

(3) any other information required by the Authority.

“154. A notice of intention to withdraw from a federation must include, in addition to the name and address of the mutual company that wishes to withdraw from the federation, the name of the federation and the address of its head office as well as any other information required by the Authority.

“155. On receipt from an authorized insurer of a notice of intention to carry out one or more operations giving rise to a review mentioned in section 146 and, if applicable, the required documents, costs and fees, the Authority publishes the notice in its bulletin and reviews the authorization it has granted to the insurer to determine whether it can be maintained.

The Authority may, to maintain its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

A notice of intention to carry out an acquisition or transfer of assets having a significant effect on an authorized Québec insurer is not published.

“156. Unless the Authority considers that it must revoke or suspend an insurer’s authorization, that authorization becomes the authorization of the insurer resulting from the operation, with any conditions and restrictions the Authority may attach to it.

“157. The sending of a notice by an authorized insurer in accordance with this chapter does not relieve the insurer of its obligation to file an application for revocation if the operation giving rise to a review involves the voluntary revocation of an authorization, nor does it relieve the insurer of its obligation to file an application for authorization, if the operation involves the carrying on of an activity requiring the Authority’s authorization, when the insurer does not have it.

“158. The granting of the Authority’s authorization is governed by Chapter II; the revocation or suspension of, and the attachment of conditions or restrictions to, the authorization are governed by Chapter X.

“CHAPTER X

“REVOCATION AND SUSPENSION OF, AND CONDITIONS OR RESTRICTIONS THAT MAY BE ATTACHED TO, AN AUTHORIZATION

“DIVISION I

“GENERAL PROVISIONS

“159. The authorization granted by the Authority to an insurer is revoked by operation of law, by the Authority acting on its own initiative or on an application by the authorized insurer.

Revocation is said to be voluntary if it is ordered by the Authority on an application by an insurer; it is said to be forced in all other cases.

The Authority may also, where provided for by law, suspend an authorization or attach the conditions and restrictions it considers necessary to ensure compliance with this Act.

“160. Revocation by operation of law is full, that is, it has effect with regard to all the classes authorized.

The same is true for a revocation ordered by the Authority, unless it is partial, that is, unless it applies to only some of the classes authorized.

“161. The revocation of an authorization, even a partial revocation, becomes final when the insurer concerned ceases to be bound by the contracts entered into in accordance with the authorization.

“162. An insurer continues to be an authorized insurer as long as a revocation is not final. However, it may not bind itself under a contract included in a class to which the revocation applies if the contract is entered into after the revocation date, or offer to enter into a contract or invite a proposal with a view to so binding itself, except to honour a right conferred on a policyholder or participant under a contract in force on that date.

Suspension produces the same effects for its duration.

“DIVISION II

“FORCED REVOCATION, SUSPENSION AND CONDITIONS OR RESTRICTIONS

“163. The authorization granted by the Authority to an insurer is revoked by operation of law if the insurer is dissolved or liquidated due to any external cause.

The insurer must notify the Authority, without delay, of its dissolution or liquidation.

“164. The Authority may, if it considers that it is in the public interest, revoke or suspend the authorization it has granted to an authorized insurer if,

(1) in its opinion,

(a) the insurer is failing or is about to fail to comply with its obligations under an Act administered by the Authority,

(b) the insurer often fails to perform, in full, properly and without delay, its obligations under an insurance contract, or

(c) there are serious reasons to believe that the holder of control of the insurer or of another significant interest in the insurer's decisions is likely to interfere with the insurer's adherence to sound commercial practices or sound and prudent management practices;

(2) the insurer has not carried on an authorized activity in Québec for at least three years, whether as an insurer or a reinsurer;

(3) the Authority is informed by a competent authority that the insurer has failed to comply with an Act that is not administered by the Authority and is of the opinion that the failure is contrary to sound and prudent management practices; or

(4) the insurer fails to adopt or implement a compliance program or to provide the Authority with any report the latter requires on the implementation of such a program.

“165. In the cases described in section 164, instead of revoking or suspending the authorization granted to the authorized insurer and in order to allow the insurer to remedy the situation, the Authority may attach such conditions or restrictions to the authorization as it considers necessary to ensure compliance with this Act.

“166. Before ordering the forced revocation or the suspension of an authorization or attaching a condition or restriction to it, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the authorized insurer in writing and grant the latter at least 10 days to submit observations.

“167. A decision under section 164 or 165 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested decision.

“168. The Authority publishes in its bulletin a notice of any revocation of the authorization granted to an insurer on the expiry of the time within which the latter was entitled, under section 167, to contest the revocation. The Authority publishes the notice without delay in the case of a revocation by operation of law.

“DIVISION III**“VOLUNTARY REVOCATION**

“169. The Authority may not revoke the authorization of an authorized insurer that applies for its revocation and that, at the time of the application, is bound by contracts underwritten in accordance with the authorization, unless the insurer

(1) continues to be bound by those contracts; or

(2) has made the necessary arrangements to have at least one other authorized financial institution or a bank succeed it in its financial institution activities as of the date on which it plans to cease to be bound by those contracts.

“170. The voluntary revocation of an authorization requires the filing of an application with the Authority for that purpose.

In addition, a written notice concerning the application, the documents prescribed by regulation of the Authority and the costs and fees prescribed by government regulation must be filed with the application.

“171. An application for revocation must specify whether the revocation is to be full or partial; if a partial revocation is being sought, the application must list the classes to which it would apply.

The application must also describe any arrangements made to have an authorized financial institution or a bank succeed the applicant.

The application must include any other information determined by regulation of the Authority.

“172. A notice concerning an application for revocation must state the authorized activities the insurer intends to cease, the date on which it intends to do so, and the names and addresses of the authorized financial institutions or banks that will succeed it, if applicable.

“173. The Authority publishes a notice concerning an application for revocation in its bulletin.

If an authorized financial institution or a bank is to succeed the applicant, the latter must send the published notice to each holder of an insurance contract and to each participant in a group insurance contract as well as to each holder of rights relating to an investment in a segregated fund for which there will be a successor insurer.

“174. The Authority grants an application for revocation only if the applicant shows that

(1) it is not bound by any contract underwritten in accordance with the authorization whose revocation it is applying for;

(2) it can continue to be bound, until the date of maturity, by the contracts entered into in accordance with the authorization whose revocation it is applying for, while complying with this Act; or

(3) the arrangements made to have an authorized financial institution or a bank succeed the applicant are adequate and ensure the protection of holders of contracts or rights, and that it has sent the latter the notice of application required under the second paragraph of section 173.

The Authority refuses to grant the application for revocation of a mutual company that is a member of a federation if, in its opinion, the federation would thereby become unable to meet its obligations, in particular, with respect to compliance with guarantee fund capital requirements. Sections 166 and 167 apply to that decision, whether the Authority grants or denies the application.

“175. The Authority must send the insurer a document attesting its decision and publish the document in its bulletin.

“CHAPTER XI

“REGISTER OF AUTHORIZED INSURERS

“176. The Authority must establish and keep up to date a register of authorized insurers that contains the following information for each of them:

(1) its name, the name it uses in Québec if different, the address of its head office and, if its head office is not in Québec, the address of its principal establishment in Québec, or, in the case of an authorized reciprocal union, its name and the name and address of the mandatary referred to in subparagraph 3 of the first paragraph of section 188;

(2) if applicable, the name and address of the attorney designated under section 26 of the Act respecting the legal publicity of enterprises;

(3) the classes of activities to which the authorization granted to it by the Authority pertains, as well as the restrictions attached, if any;

(4) the recognized compensation bodies, referred to in section 89, of which it is a member;

(5) the name and address of the actuary and the auditor charged with the functions provided for in Chapter VII;

(6) the name of the financial group it belongs to or, if the group does not have a name, the names of the financial institutions that are members of it; and

(7) any other information considered by the Authority to be useful to the public.

The information contained in the register of authorized insurers is public information; it may be set up against third persons as of the date it is entered and is proof of its contents for the benefit of third persons in good faith.

“177. An authorized insurer must declare to the Authority any change required to be made to the information concerning itself that is contained in the register, unless the Authority was otherwise informed by a notice or other document sent in accordance with this Act.

The declaration must be filed within 30 days of the date of the event giving rise to the change.

“CHAPTER XII

“CONFIDENTIALITY OF SUPERVISORY INFORMATION

“178. Such information as is determined by the Minister by regulation that is held by an authorized insurer in relation to the Authority’s supervision of the insurer is confidential. It may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose.

No one may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information.

“179. Despite section 178,

(1) the Attorney General, the Minister, the Authority or, if the authorized insurer is a professional order, the Office des professions du Québec may use the information made confidential by that section as evidence;

(2) the authorized insurer concerned may, in accordance with the regulation made by the Minister, use that information as evidence in any proceedings concerning the administration or enforcement of this Act or the Business Corporations Act that are brought by the insurer, the Minister, the Authority or the Attorney General; and

(3) anyone who may be compelled to testify or to produce a document relating to that information in any proceedings regarding the application of this Act or any other Act administered by the Authority to an authorized insurer or of the Business Corporations Act to an insurance company may use that information provided the proceedings are brought by the insurer concerned, the Attorney General, the Minister or the Authority.

“180. The communication of information referred to in this chapter otherwise than in the cases provided for by its provisions does not entail a waiver of the confidentiality conferred by those provisions.

“181. This chapter does not apply to information that must be made public by law. Nor does it apply to information held by an authorized insurer if the information is contained in a document that was sent in accordance with another Act.

“CHAPTER XIII

“PROVISIONS SPECIFIC TO THE SUPERVISION OF THE INSURER ACTIVITIES OF AUTHORIZED SELF-REGULATORY ORGANIZATIONS AND RECIPROCAL UNIONS

“DIVISION I

“SELF-REGULATORY ORGANIZATIONS

“182. A self-regulatory organization must, in the financial management of its insurance business, adhere to sound and prudent management practices to ensure that its insurance fund maintains

(1) adequate assets to meet the liabilities charged against the fund, as and when they become due; and

(2) adequate capital to guarantee the sustainability of the organization’s insurance business.

“183. A self-regulatory organization must be able to show to the Authority that it adheres to sound and prudent management practices in the financial management of its insurance business.

“184. If the Authority anticipates that the sums payable by holders of insurance contracts underwritten by a self-regulatory organization will no longer be sufficient to maintain adequate assets in its insurance fund to meet the liabilities charged against the fund, as and when they become due, or adequate capital to guarantee the sustainability of the organization’s insurance business, the Authority may order the organization, after giving it at least 10 days to submit observations, to increase, by the amount and for the period the Authority determines, the premiums and other sums collected in the course of its insurer activities.

“185. An order placing an authorized self-regulatory organization under receivership, issued under the Act respecting the regulation of the financial sector, may only apply to its insurance business.

Despite section 19.2 of that Act, the receivership order only empowers the receiver to take possession of the fund and of any other property held for the organization’s insurance business and to liquidate the fund.

“186. Chapter III, Division II of Chapter V, section 112, Chapters VII and VIII, Divisions I to III of Chapter IX and Chapters X to XII apply to the insurance business of authorized self-regulatory organizations.

“187. The only regulations and guidelines applicable to authorized self-regulatory organizations are those established to be applicable to those organizations only and pertaining only to the maintenance of sound and prudent management practices in the financial management of their insurance business.

“DIVISION II

“AUTHORIZED RECIPROCAL UNIONS

“188. An authorized reciprocal union must, by a contract to which each person in the union is a party, take the measures necessary for its operation, including

- (1) determining the union’s name;
- (2) constituting the union’s organs, such as a board of directors or a meeting of persons reciprocally bound by insurance contracts, and providing for their mode of operation;
- (3) providing for the designation of a mandatary, who will be the same for all the persons in the union, to represent them and perform the acts necessary for the union’s operation, among other things;
- (4) determining rules
 - (a) governing how persons may join or quit the union or be excluded from it, and
 - (b) governing the dissolution of the union and the liquidation of the assets held by the mandatary;
- (5) providing for the appointment of an auditor and an actuary;
- (6) providing for the pooling of the sums necessary for the persons in the union to carry on their insurer activities and establishing a procedure for determining and collecting the assessments and the additional assessments payable by those persons;
- (7) prohibiting persons in the union from accepting, in any insurance contract to which they are a party, a risk which, if it occurred, would respectively oblige them to pay, after reinsurance, if applicable, an amount that exceeds 10% of the net value of their assets; and
- (8) providing for any other measure determined by regulation of the Authority.

In addition, the parties to the contract may designate as the union's home regulator a competent authority other than the Authority if that other authority issues a licence to the union or grants it an authorization similar to that granted by the Authority under this Act.

“189. The pooled sums must enable the authorized reciprocal union to meet the liabilities contracted by the persons in the union as part of their insurer activities, as and when they become due.

“190. An amendment to the contract referred to in section 188 entails a review of the authorization granted by the Authority to the authorized reciprocal union.

The mandatory of the union must, without delay, send the amended contract to the Authority.

Sections 146 to 158 apply, with the necessary modifications, to the review of the authorization; the contract sent to the Authority is substituted for the notice of intention required under those sections, but is not published by the Authority in its bulletin.

“191. The mandatory or the attorney the mandatory designates under section 26 of the Act respecting the legal publicity of enterprises may, in that capacity and in the mandatory's or attorney's own name, despite any inconsistent provision of an Act of Québec, exercise before the courts, as plaintiff or defendant, the rights of the persons in the reciprocal union.

“192. If the Authority anticipates that the sums payable to the mandatory by persons in an authorized reciprocal union will not be sufficient to enable the mandatory to maintain, for the union, adequate assets to meet the liabilities contracted by those persons in their insurer activities, as and when they become due, the Authority may order the mandatory, after giving the latter at least 10 days to submit observations, to increase, by the amount and for the period the Authority determines, the sums collected from the persons in the union.

“193. An order placing an authorized reciprocal union under receivership, issued under the Act respecting the regulation of the financial sector, may only apply to the mandatory, the union's organs or the persons in the union. The order has effect only in relation to the insurer activities they carry on.

Despite section 19.2 of that Act, the receivership order only empowers the receiver to take possession of the property held for the union by the mandatory and to liquidate the assets held by the mandatory.

“194. Chapter III and Chapters VII to XII apply to authorized reciprocal unions.

“195. The only regulations and guidelines applicable to authorized reciprocal unions are those established to be applicable to those unions only and relating only to the maintenance by the mandatory of adequate assets to meet the liabilities contracted by those persons in their insurer activities, as and when they become due.

“TITLE III

**“INSURANCE COMPANIES AND CERTAIN OTHER QUÉBEC
INSURERS**

“CHAPTER I

“CORPORATIONS AND COMPANIES CONCERNED

“196. Insurance companies are either business corporations constituted, continued or amalgamated under the Business Corporations Act (chapter S-31.1) or mutual companies.

The other Québec insurers to which this Title applies are self-regulatory organizations, to which only Chapter XVI applies, and authorized insurers constituted under a private Act of Québec, to which Chapter XIII applies for the purpose of entitling them to apply for continuance as an insurance company and to which the other provisions of this Title apply to the extent provided for in section 535.

“197. For the purposes of this Title, a regulated business corporation or any other authorized Québec insurer is said to be a “mutual-interest” regulated business corporation or authorized Québec insurer if it is governed by a private Act that constitutes a mutual legal person required, by that same Act, to be the holder of control of the corporation or insurer or the holder of any other interest in its capital.

“CHAPTER II

“APPLICATION OF THE BUSINESS CORPORATIONS ACT

“DIVISION I

“GENERAL PROVISIONS

“198. Subject to the other provisions of this Title that may limit or exclude its application in specific matters, the provisions of the Business Corporations Act apply, with the necessary modifications, to insurance companies, except sections 3 to 6, 8 to 10 and 126, Division III of Chapter VII, section 239 and Chapters X, XIV, XVI and XVII.

For the purpose of applying the provisions of that Act to insurance companies, the elements relating to a unanimous shareholder agreement are deemed not written.

“DIVISION II**“MODIFICATIONS SPECIFIC TO MUTUAL COMPANIES**

“199. In addition to the provisions specified in section 198, the following provisions of the Business Corporations Act do not apply to mutual companies: sections 11 and 40 to 42, Chapter V, sections 106 and 111, the third paragraph of section 113, paragraphs 12 to 15 of section 118, sections 155, 156, 176 to 179 and 182, subdivisions 4 and 6 of Division I of Chapter VII, Division IV of Chapter VII, the second paragraph of section 224, the third paragraph of section 308, sections 309 to 311, subdivisions 3, 4 and 5 of Division I of Chapter XIII, sections 324 and 341 to 346, subdivision 6 of Division II of Chapter XIII, Division III of Chapter XIII and Chapter XV.

In addition, Division II of Chapter VIII of that Act does not apply to a mutual company if it is a member of a federation that provides it with the services of an auditor.

“200. For the purpose of applying the provisions of the Business Corporations Act to mutual companies, the following modifications must be made:

(1) the Authority is substituted for the enterprise registrar, except as regards maintaining an enterprise register; the Authority must send the enterprise registrar the documents relating to a corporation that must be filed with the enterprise register under the Business Corporations Act and this Act;

(2) “mutual member” must be substituted for “shareholder”, except in the first paragraph of section 224, where “mutual members and shareholders” must be substituted for “shareholders”;

(3) “part” in the French text must be substituted for “action” and “interest” must be substituted for “dividend”; and

(4) a reference to articles of constitution is a reference to articles of constitution under this Act.

“CHAPTER III**“REGULATION BY THIS TITLE AND CONSTITUTION OF MUTUAL
COMPANIES****“DIVISION I****“GENERAL PROVISIONS**

“201. Business corporations constituted, continued or amalgamated under the Business Corporations Act become regulated by this Title as a result of a decision to that effect by the Minister, following the filing of an application for that purpose with the Authority and the publication of a notice of intention to apply to become regulated by this Title. The same is true for the constitution of a mutual company.

“DIVISION II**“BECOMING REGULATED BY THIS TITLE****“§1. —***Provisions applicable to business corporations*

“202. A business corporation may apply to become regulated by this Title only if it is authorized to do so by its shareholders.

“203. Shareholder authorization is given by special resolution.

By that resolution, the shareholders also authorize a director or an officer of the business corporation to see to the preparation of the documents necessary for it to become regulated by this Title and of those necessary for its change of name, and to sign those documents.

“204. The adoption of the special resolution authorizing a business corporation to apply to become regulated by this Title and change its name confers on shareholders the right to demand the repurchase of their shares.

That right is exercised in accordance with Chapter XIV of the Business Corporations Act as if it were provided for in section 372 of that Act.

The adoption of such a resolution confers on shareholders who do not own shares with voting rights the right to demand, in the same manner, that the corporation repurchase all their shares.

“§2. —*Provisions applicable to mutual companies*

“205. The constitution of a mutual company and its becoming regulated by this Title are the outcome of a same decision by the Minister and cannot be dissociated.

A decision by the Minister to make a mutual company subject to regulation by this Title entails the order to constitute the company. Conversely, an order by the Minister to constitute a mutual company entails the company’s being subject to regulation by this Title. The same applies to the Minister’s refusal to make a mutual company subject to regulation by this Title or to order the constitution of a mutual company.

“206. An application for the constitution of a mutual company may be filed on the initiative of one or more promoters, if at least 200 persons have undertaken to enter, within the year after the Authority’s authorization is obtained, into an insurance contract or to enroll in a group insurance contract underwritten by the company.

The promoters must be qualified to serve as directors of the mutual company.

The Act respecting the distribution of financial products and services does not apply to the obtaining of an undertaking referred to in the first paragraph.

“207. The promoters must designate a provisional secretary, see to the preparation of the documents necessary for the constitution of the mutual company, in particular the articles of constitution, and sign the documents.

They must also see that an organization meeting is called within 60 days after the date on which the mutual company is constituted.

If the proposed mutual company will be a member of a federation, the promoters must obtain a resolution attesting the federation’s undertaking to admit the company as a member.

“208. The articles of constitution of a mutual company must state its name. They may set out any provision permitted by this Act to be set out in the by-laws of a mutual company. In case of conflict, the articles of constitution prevail over the by-laws.

“DIVISION III

“NOTICE OF INTENTION AND APPLICATION TO BECOME REGULATED BY THIS TITLE

“§1. — *Notice of intention*

“209. A notice of intention to apply to become regulated by this Title must state

(1) the proposed name of the insurance company and, in the case of a business corporation, its name at the time the notice is sent, if different;

(2) the juridical form of the insurance company, namely, whether it is a business corporation or a mutual company;

(3) in the case of a mutual company, the name and address of its promoters;

(4) the classes of activities for which the corporation or company is applying for the Authority’s authorization; and

(5) the location of the insurance company’s proposed head office and, in the case of a business corporation, the location of its head office at the time the notice is sent, if different.

The notice of intention must accompany the application to become regulated by this Title filed with the Authority.

“§2.—Application

“210. An application to become regulated by this Title must include the information prescribed by regulation of the Minister in addition to the information stated in the notice of intention.

It may also include the date and, if applicable, the time as of which the applicant wishes to become regulated by this Title, if later than the date and time of the Minister’s decision.

“211. An application to become regulated by this Title filed by a business corporation must, in addition, state the name and address of each holder of a significant interest in the corporation.

“212. An application to become regulated by this Title filed by a mutual company must, in addition, include

(1) the names and addresses of the persons who have undertaken to enter into or enroll in an insurance contract to be underwritten by the mutual company and the names and addresses of the promoters;

(2) the name and address of the person designated, if applicable, as provisional secretary of the mutual company; and

(3) a description of the manner in which the organization meeting will be called and the time limit for doing so.

“213. In addition to the notice of intention, the following must be filed with the application:

(1) the articles of the business corporation or the articles of constitution of the mutual company;

(2) a description of the projected capital structure of the corporation or company and its business plan and financial forecasts for a three-year period;

(3) in the case of a mutual company that intends to become a member of a federation, a certified copy of the resolution of the federation attesting that it has undertaken to admit the company as a member;

(4) in the case of a business corporation, a certified copy of the special resolution authorizing it to file an application to become regulated by this Title;

(5) the other documents prescribed by regulation of the Minister; and

(6) the fees prescribed by government regulation.

“214. An application to become regulated by this Title must be filed with the Authority together with the required documents and fees.

“215. On receipt of the application to become regulated by this Title and the required documents and fees, the Authority publishes the notice of intention in its bulletin.

“216. The Authority must prepare a report on the reasons for granting or denying the application to become regulated by this Title in which it assesses consumer interest and the impact of the decision on the insurance market in Québec.

The report must cover such matters as

(1) the nature and scope of the financial means gathered for the ongoing financial support of the insurance company;

(2) if applicable, the grounds for disqualification for office as director of an insurance company that exist

(a) if the applicant is a business corporation, with respect to a director of, or a holder of a significant interest in, the business corporation, and

(b) if the applicant is a mutual company, with respect to a promoter of the mutual company;

(3) the quality and feasibility of the business plan and the financial forecasts for the carrying on and development of the insurance company’s activities; and

(4) the compliance of the insurance company’s proposed name with this Act.

In the case of a business corporation, the report must also assess the competency and experience of its directors and officers.

“217. To the extent that the company’s proposed name is compliant with the requirements of this Act, the Authority sends its report to the Minister together with the application to become regulated by this Title and the accompanying documents.

“DIVISION IV

“MINISTER’S DECISION

“218. The Minister may, if the Minister considers it advisable, make a business corporation or mutual company subject to regulation by this Title.

“219. When the Minister makes a business corporation or mutual company subject to regulation by this Title, the Minister sends a document attesting that decision to the corporation or company and to the Authority.

The document must include the date and time of the Minister's decision and, if different, the date and time specified in the application for becoming regulated by this Title.

“220. On receipt of a document attesting that a mutual company is regulated by this Title, the Authority processes the articles of constitution, issues the certificate of constitution in accordance with Chapter XVIII of the Business Corporations Act then sends a copy of the certificate and the articles to the enterprise registrar, who deposits them in the enterprise register.

The Authority enters on the certificate the date and, if applicable, time shown on the document as of which the mutual company is regulated by this Title.

“221. A mutual company is constituted as of the effective date and, if applicable, time shown on the certificate of constitution issued by the Authority. It is a legal person as of that time.

“CHAPTER IV

“ORGANIZATION OF AN INSURANCE COMPANY

“DIVISION I

“GENERAL PROVISIONS

“222. “Organization”, in relation to an insurance company, means the actions that must be taken, as of the time the company becomes regulated by this Title, in order to obtain the Authority's authorization.

According to the context, “organization” also means the period after the insurance company becomes regulated by this Title during which those actions must be taken.

“DIVISION II

“PROVISION SPECIFIC TO BUSINESS CORPORATIONS

“223. The consideration paid in money for which shares of a regulated business corporation are issued during its organization must be deposited with a bank or with a deposit institution authorized under the Deposit Institutions and Deposit Protection Act.

“DIVISION III

“PROVISIONS SPECIFIC TO MUTUAL COMPANIES

“224. The provisional secretary of a mutual company must call an organization meeting in the manner described in the application to become regulated by this Title and within the specified time limit.

The Minister may extend that time limit or, if it has expired, set a new one.

“225. The persons who, on the date the organization meeting is called, have undertaken to enter into an insurance contract or enroll in a group insurance contract underwritten by the mutual company must be called to the meeting.

“226. If the provisional secretary is absent or unable to act, the organization meeting may be called by a promoter or by two other persons among those who must be called to the meeting.

The mutual company must reimburse the expenses reasonably incurred to call and hold the meeting.

“227. The persons attending the organization meeting must adopt by-laws and elect the directors.

They may take any other measure relating to the affairs of the mutual company.

“228. The directors elected at the organization meeting must hold a subsequent organization meeting during which they must, in particular,

(1) issue the shares of the share capital of the mutual company that, if applicable, were subscribed and paid; and

(2) take any other measure toward organizing the company that is not reserved to the mutual members' meeting.

“DIVISION IV

“CONCLUSION OF THE ORGANIZATION OF AN INSURANCE COMPANY

“229. The organization of an insurance company concludes when the Authority grants or refuses to grant its authorization or when such authorization has not been obtained on the expiry of a one-year period after the corporation became regulated by this Title without there having been a refusal to grant it.

The Minister may, on the company's application, extend its organization for a period not exceeding one year.

“230. A business corporation whose organization ends without its having obtained the Authority's authorization must repurchase the shares it issued for consideration paid in money, unless the shareholder who holds them refuses.

The repurchase price of a share corresponds to that consideration, less, if applicable, an aliquot share corresponding to the proportion that the sums incurred for the corporation to become regulated by this Title and for its organization are of the total number of shares in circulation at the time the organization ended.

A corporation that is unable to pay the full repurchase price because there are reasonable grounds for believing that it is, or would after the payment be, unable to pay its liabilities as they become due is only required to pay the maximum amount it may legally pay. In that case, the shareholders remain creditors of the corporation for the unpaid balance of the repurchase price and are entitled to be paid as soon as the corporation is legally able to do so or, in the event of liquidation, are entitled to be collocated after the other creditors but by preference over the other shareholders.

“231. A business corporation ceases to be regulated by this Title, except the third paragraph of section 230, once it has repurchased all the shares for which a shareholder has not refused the repurchase.

“232. A mutual company whose organization ends without its having obtained the Authority’s authorization must liquidate and dissolve.

“CHAPTER V

“NAME

“233. For the purpose of applying Division I of Chapter IV of the Business Corporations Act, which pertains to a corporation’s name, to an insurance company, the Authority exercises the functions and powers conferred on the enterprise registrar.

Section 23 of that Act, and the provisions of section 27 of the same Act allowing the enterprise registrar to replace a name by a designating number, do not apply to insurance companies. In addition, section 20 of that Act does not apply to a mutual company and section 21 of the same Act applies to a mutual company that is a member of a federation only to the extent and on the conditions provided in the federation’s by-laws.

“234. The expression “mutual company” is reserved for mutual companies.

“235. A change of name of an insurance company does not affect its rights and obligations and any proceedings to which it is a party may be continued under its new name without continuance of suit.

“236. This chapter applies despite the Act respecting the legal publicity of enterprises.

“CHAPTER VI**“SPECIAL POWERS OF AN INSURANCE COMPANY AND
RESTRICTIONS ON ITS ACTIVITIES****“DIVISION I****“SPECIAL POWERS**

“237. An insurance company authorized to carry on life insurance activities may, by resolution of its board of directors, establish segregated funds to comply with section 76.

Such funds are each a division of the insurance company’s patrimony. Each of them is to be used to meet the liabilities for which the corporation is required to hold the property constituting them, before any of the corporation’s other liabilities.

“DIVISION II**“RESTRICTION ON ACTIVITIES**

“238. The Authority may require an insurance company to establish a legal person of which the company will be the holder of control in order to carry on an activity other than insurer activities,

(1) if it constitutes the operation of an enterprise, regardless of the insurance company’s other activities; and

(2) if, in the Authority’s opinion, it renders the application of this Act difficult or ineffective.

For the purposes of the first paragraph, an activity is deemed not to constitute the operation of an enterprise if it generates less than 2% of an insurance company’s gross income.

“239. Mutual companies may not establish a federation otherwise than under this Act.

“240. A mutual company may be the holder of control of a business corporation authorized to carry on activities in the same class only if the business corporation is regulated by this Title.

The Minister may however authorize, for a period the Minister determines, a mutual company to become the holder of control of a business corporation constituted under the laws of a jurisdiction other than Québec, provided the mutual company undertakes to continue that business corporation as an insurance company before the end of that period.

“241. No mutual company that is a member of a federation may, without the federation’s authorization, carry on financial institution activities other than those of an insurer.

“CHAPTER VII

“LOANS, HYPOTHECS AND OTHER SECURITIES

“242. Except in the case of a short-term loan to meet liquidity requirements, no insurance company may borrow by issuing debt obligations unless the loan is unsecured.

In addition, the total unsecured loans for which debt obligations were issued by an insurance company may not exceed the limits determined by regulation of the Authority. The regulation may prescribe the terms of the debt obligations.

Each issue of debt obligations must be the subject of a resolution by the board of directors which must set the terms of the issue. The Authority may, by regulation, determine the terms required to be set by that resolution.

However, a mutual company that is a member of a federation may only issue such debt obligations if it is authorized to do so by the federation.

“243. No insurance company may, without the Authority’s authorization, grant a hypothec or other security on its movable property, except

(1) to secure a short-term loan contracted to meet liquidity requirements;

(2) to obtain an advance under section 40.5 of the Deposit Institutions and Deposit Protection Act, or if it receives deposits outside Québec, to obtain an advance from a federal or provincial body that guarantees or insures deposits;
or

(3) to become a member of a securities clearing house recognized by the Authority as a self-regulatory organization or of any association the object of which is to organize a clearing and settlement system for payment instruments or securities transactions, and to provide the necessary guarantees.

The Authority may, in granting its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

“CHAPTER VIII**“CONTRIBUTED CAPITAL****“DIVISION I****“SHARE CAPITAL OF A REGULATED BUSINESS CORPORATION****“§1. — Issue**

“244. Despite section 53 of the Business Corporations Act, the shares of a regulated business corporation are issued only when they are fully paid.

“§2. — Maintenance of share capital

“245. A regulated business corporation may not make a payment to purchase or redeem shares if, in addition to the grounds referred to in section 95 of the Business Corporations Act, there are reasonable grounds for believing that the corporation is, or would after the payment be, unable to maintain, in accordance with section 74, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

The reference to section 95 of the Business Corporations Act in sections 97 and 98 of that Act is replaced by a reference to the first paragraph when those sections apply to a regulated business corporation.

“246. A regulated business corporation may not reduce the amount of its issued share capital if, in addition to the grounds referred to in section 101 of the Business Corporations Act, there are reasonable grounds for believing that the corporation is, or would after the reduction be, unable to maintain, in accordance with section 74, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

“247. A regulated business corporation may not declare or pay a dividend, except by issuing shares or options or rights to acquire shares, if, in addition to the grounds referred to in section 104 of the Business Corporations Act, there are reasonable grounds for believing that the corporation is, or would after the payment be, unable to maintain, in accordance with section 74, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

“§3. — Disclosure of certain interests and restrictions concerning the exercise of the voting rights carried by the shares issued by a regulated business corporation

“248. Anyone who intends to become the holder of a significant interest in a regulated business corporation’s decisions must send a notice of intention to the Authority not later than the 30th day before the day on which the person will become the holder of that interest.

The same is true for whoever is already the holder of such an interest but not the holder of control of the corporation and intends to become the holder of control.

“249. A notice of intention under section 248 must include

(1) the name and address of the person or group that intends to become the holder of the interest referred to in that section and, in the case of a natural person, his or her résumé, or, in the case of a group, its juridical form and, if applicable, the identity of the holder of control of the group; and

(2) a description of the shares issued by an insurance company the voting rights attached to which would make the person or group the holder of the interest referred to in section 248.

“250. On receipt of the notice of intention, the Authority must prepare a report on the effect of the transaction on the regulated business corporation and on its development as well as on the insurance industry in Québec.

The Authority must send the report to the Minister.

“251. The Minister may, if the Minister considers it advisable, approve the acquisition of control or the acquisition of another significant interest referred to in section 248.

“252. The Authority may order that the voting rights conferred by the shares issued by a regulated business corporation on the holder of an interest referred to in section 248 be exercised by an administrator of the property of others appointed by the Authority if the holder of that interest has not obtained the Minister’s approval.

“253. Instead of revoking or suspending the authorization granted to a regulated business corporation under subparagraph *c* of subparagraph 1 of the first paragraph of section 164, or attaching a condition or restriction to the authorization under section 165, the Authority may order that the voting rights conferred by the shares issued by the corporation on the holder of control of the corporation or the holder of a significant interest in the decisions of the corporation be exercised by an administrator of the property of others appointed by the Authority.

The order may not be effective for more than five years from the day it was made.

“254. An order under section 252 or 253 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested order.

“§4. — *Interest in the profits of certain business corporations*

“**255.** A regulated business corporation of which a mutual company is the holder of control and which is authorized to carry on activities in the same class as the latter may declare and pay, for a particular year, a portion of its profits to its members, other than shareholders.

“DIVISION II

“SHARE CAPITAL OF A MUTUAL COMPANY

“§1. — *General provisions*

“**256.** A mutual company’s share capital is unlimited.

It may consist of one or more classes of shares.

“**257.** A share may be issued only if the contribution required for its issue is fully paid, unless it is issued in accordance with an amalgamation agreement.

The contribution must be paid in money.

“**258.** Shares must be in registered form. No share may entitle its holder to be called to, to attend or to vote at a meeting, or to be eligible for any office in the mutual company.

“**259.** Shares entitle their holder, in the event of liquidation or dissolution, to the reimbursement of the contribution paid for their issue, if the liquidator has performed the mutual company’s other obligations, obtained forgiveness of those obligations or otherwise made provision for them.

Unless otherwise provided in the by-laws,

(1) shares are not redeemable; or

(2) if shares are redeemable, the redemption price of a share is the amount of the contribution paid for its issue and the interest declared but not yet paid.

“**260.** The rights of holders of shares of the same class are equal in all respects.

“**261.** A mutual company attests the existence of shares by making an entry in its securities register.

“**262.** Shares may be transferred only in accordance with the conditions and in the manner prescribed in the mutual company’s by-laws.

They are however transmissible to their holder’s heirs or legatees by particular title, unless the by-laws provide for redemption on the holder’s death.

“263. A mutual company must, in its by-laws, determine, for each class of shares prescribed in the by-laws,

- (1) the contribution required per share for its issue;
- (2) the maximum interest that may be paid on the shares;
- (3) the conditions on which and manner in which shares may be transferred;
- (4) the redemption terms, if applicable;
- (5) the order in which shares are repaid in the event of liquidation or dissolution; and
- (6) other rights, privileges and restrictions attached to the shares.

The mutual company must send the Authority a copy of its by-laws.

“§2. — Maintenance of share capital

“264. A mutual company may not declare or pay any interest if there are reasonable grounds for believing that the company is, or would after the payment be, unable to maintain, in accordance with section 74, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

“265. Except for shares redeemed on their holder’s death or when the holder otherwise ceases to be a member of a mutual company, the company may not redeem shares if there are reasonable grounds for believing that the company is, or would after the payment be, unable to maintain, in accordance with section 74, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

A mutual company that redeems shares on their holder’s death or when the holder otherwise ceases to be a member of the mutual company may not pay the redemption price of the shares if the company would, after the payment, be unable to maintain such assets and such capital.

The former holder of those shares becomes a creditor of the company and is entitled to be paid as soon as the company may legally do so or, in the event of liquidation, is entitled to be collocated after the other creditors but ahead of the shareholders.

The company must provide an evidence of indebtedness to the former shareholder.

“CHAPTER IX**“DIRECTORS AND OFFICERS****“DIVISION I****“BOARD OF DIRECTORS**

“266. A majority of an insurance company’s directors must be resident in Québec.

“267. The fixed number of directors or the minimum and maximum number of directors of a Québec insurer constituted under a private Act may, despite any provision to the contrary, be prescribed by the insurer’s by-laws.

A decision concerning the number of directors must be made by special resolution.

“268. The board of directors of a regulated business corporation of which a mutual company is the holder of control and which is authorized to carry on activities in the same class as the latter must include at least one director elected exclusively by its members, other than shareholders, present at the meeting during which the other directors are elected.

The number of directors that must be elected by those members is determined by the business corporation’s by-laws. It may not exceed one-third of the board of directors.

“DIVISION II**“DISQUALIFICATION****“§1. — *General provisions***

“269. In addition to persons disqualified for office as directors under the Civil Code, a person found guilty of an indictable or other offence involving fraud or dishonesty cannot be a director of an insurance company, unless the person has obtained a pardon.

“270. The Authority may remove a director holding office in an insurance company if the person is disqualified for office as such.

“271. Before removing a director of an insurance company, the Authority notifies the prior notice prescribed by section 5 of the Act respecting administrative justice to the director and the company in writing and grants them at least 10 days to submit observations.

“272. A decision under section 270 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested decision.

“§2. — *Provision specific to business corporations*

“**273.** In addition to persons who cannot be directors of an insurance company, a person who, by reason of an order issued by the Authority under section 252 or 253, cannot exercise the voting rights conferred on the person by shares issued by such a company cannot be a director of a regulated business corporation.

“§3. — *Provisions specific to mutual companies*

“**274.** At least half of the board of directors of a mutual company must consist of mutual members.

“**275.** A mutual member’s eligibility and the nomination by a mutual member of another person as a candidate for office as director may be subject to the mutual member having had that status for the minimum period determined by the mutual company’s by-laws, which may not exceed 90 days.

“**276.** An employee of a mutual company that is a member of a federation may not be a director of that company, even if the employee is a mutual member.

The same is true for an employee of a group affiliated with the company.

“**DIVISION III**

“**QUORUM**

“**277.** Despite section 138 of the Business Corporations Act, the quorum at a meeting of the board of directors of an insurance company may not be less than the majority of the directors in office.

“**DIVISION IV**

“**FUNCTIONS AND POWERS OF THE BOARD OF DIRECTORS**

“**278.** Other than the powers of a board of directors which, in accordance with section 118 of the Business Corporations Act, may not be delegated, the board of directors of an insurance company may not delegate the power to appoint and dismiss the actuary charged with the functions provided for in Chapter VII of Title II, or the power to determine the actuary’s remuneration.

“**279.** The restriction set out in section 278 is applicable to a mutual company only to the extent that the federation of which it is a member does not provide it with the services of an actuary.

“DIVISION V**“PROHIBITED ACTS AND LIABILITY****“§1. — Provisions specific to business corporations**

“280. For the purpose of applying section 156 of the Business Corporations Act to a regulated business corporation, the following modifications must be made:

(1) the reference to section 95 of that Act in paragraph 3 of that section 156 is replaced by a reference to section 245 of this Act; and

(2) the reference to section 104 of that Act in paragraph 4 of that section 156 is replaced by a reference to section 247 of this Act.

“§2. — Provisions specific to mutual companies

“281. Directors of a mutual company who vote for or consent to a resolution authorizing any of the following are solidarily liable to restore to the mutual company any amounts involved and not otherwise recovered by the company:

(1) the payment of an unreasonable commission to a person in consideration of the person’s purchasing or agreeing to purchase shares or other securities of the mutual company from the company, or agreeing to procure purchasers for any such shares or securities;

(2) the payment of interest contrary to section 264;

(3) the redemption of a share contrary to the first paragraph of section 265 or the payment of a share contrary to the second paragraph of that section; or

(4) the payment of an indemnity contrary to section 160 of the Business Corporations Act.

“282. For the purpose of applying sections 157 and 158 of the Business Corporations Act to a mutual company, a reference to section 155 is deemed not written, and a reference to section 156 is replaced by a reference to section 281 of this Act.

“CHAPTER X**“MEMBERS AND MEETINGS****“DIVISION I****“MEMBERS**

“283. The members of an insurance company are

(1) in the case of a business corporation,

(a) its shareholders, and

(b) if the holder of control of the corporation is a mutual company and the corporation is authorized to carry on activities in the same class as the latter, the persons who, if the corporation were a mutual company, would be mutual members; and

(2) in the case of a mutual company, the mutual members, that is,

(a) each of the holders of an insurance contract underwritten by the company, except a subrogated holder, if any, and

(b) if applicable, the client for a group insurance contract underwritten by the company and each of the participants.

Until they become mutual members or terminate their undertaking, the persons referred to in section 206 who undertook to enter into an insurance contract underwritten by a mutual company or to enroll in such an insurance contract within the year after the Authority grants its authorization to that mutual company are deemed, for the year, to be mutual members.

“DIVISION II

“REGISTER

“**284.** A mutual company must keep in its books a register of mutual members containing their names and addresses.

A regulated business corporation of which a mutual company is the holder of control and which is authorized to carry on activities in the same class as the latter must keep in its books a register of its members, other than shareholders, containing the name and address of each member.

“DIVISION III

“MUTUAL MEMBERS’ MEETINGS

“**285.** Each mutual member is entitled to one vote at a meeting.

“**286.** Unless otherwise prescribed by the company’s by-laws, the mutual members present at a meeting constitute a quorum.

If the quorum prescribed by by-law is not reached, the meeting may be called a second time. If the quorum is still not reached, the meeting may be validly held and must deal with the same matters as those stated in the first notice of meeting.

“287. Mutual members may be represented at a meeting by a proxyholder, in accordance with the Business Corporations Act, to the extent that the mutual company’s by-laws allow it.

The proxyholder may not represent more than one person.

“288. For the purpose of applying the Business Corporations Act to a mutual company, the following modifications must be made:

(1) the first paragraph of section 163 of that Act is to be read without reference to “not later than 18 months after the corporation is constituted and, subsequently,”;

(2) if a mutual company is a member of a federation, section 165 of that Act applies subject to the mutual company’s by-laws.

“CHAPTER XI

“FINANCIAL STATEMENTS AND CALLS TO MEETINGS FOR ACTUARY OR AUDITOR

“289. A member may call an auditor or actuary to a meeting.

Section 166 of the Business Corporations Act applies to the calling of an actuary or an auditor to a meeting.

If a mutual company is a member of a federation that provides the company with an actuary’s or auditor’s services, and one of the two is called to a meeting, the federation must assume the costs.

“290. The members, other than shareholders, of a regulated business corporation of which a mutual company is the holder of control and which is authorized to carry on activities in the same class as the latter have the same rights as the shareholders in respect of financial statements of the business corporation.

“CHAPTER XII

“AMENDMENT, CONSOLIDATION, CORRECTION AND CANCELLATION OF ARTICLES

“DIVISION I

“GENERAL PROVISIONS

“291. The amendment of the articles of an insurance company requires the Authority’s permission. The same is true for the consolidation and correction of the articles, the only exception being the correction of an obvious error.

The amendment of the articles of an insurance company requires the Minister's permission when it affects entrenched provisions, within the meaning of section 316, included in the articles following the continuance of an authorized insurer constituted under a private Act of Québec.

The cancellation of articles also requires the Authority's permission, except the cancellation of articles of amalgamation or continuance, which requires the Minister's permission.

“292. To obtain the Authority's or the Minister's permission, an insurance company must file an application for permission with the Authority.

“293. The information that an application for permission must include is determined by regulation of the Minister or of the Authority, depending on whose permission must be requested.

“294. The following must be filed with the application:

(1) the proposed articles of amendment, if the application is for permission to amend or correct the insurance company's articles;

(2) the proposed consolidated articles, if the application is for permission to consolidate the company's articles;

(3) the other documents prescribed by regulation of the Minister or the Authority, as the case may be; and

(4) the fees prescribed by government regulation.

“295. On receipt of an application for permission and the required documents and fees, the Authority,

(1) when the permission that must be requested is the Minister's, prepares a report for the Minister on the reasons for granting or denying the application; or

(2) when the permission that must be requested is its own, grants the application if it considers it advisable.

“296. The Minister may, if the Minister considers it advisable, grant an insurance company permission to cancel its articles of amalgamation or continuance.

“297. The Authority may order an insurance company to consolidate its articles.

“DIVISION II**“PROVISIONS SPECIFIC TO REGULATED BUSINESS
CORPORATIONS**

“298. When ruling on an application filed by a regulated business corporation, the Minister or the Authority must send the corporation a document justifying the decision.

“299. A regulated business corporation may, from the receipt of the document granting the permission requested, send the enterprise registrar, as applicable,

(1) the articles of amendment that were filed with the application for permission to amend or correct the corporation’s articles;

(2) the consolidated articles that were filed with the application for permission to consolidate the corporation’s articles; or

(3) the application for cancellation of the articles.

In all cases, the document granting the permission requested must be filed with the application or the articles sent to the enterprise registrar.

“300. When a regulated business corporation’s articles of amendment or consolidated articles are deposited in the enterprise register, the enterprise registrar must send a certified copy of them to the Authority.

“301. In addition to the amendments it may make to its articles under the Business Corporations Act, a mutual-interest regulated business corporation may, subject to the second paragraph, amend its articles to add any provision departing from the applicable sections of the private Act governing it, or provide that all or some of those sections cease to have effect and replace them by any other provision not contrary to the Business Corporations Act or this Act.

Any amendment to the articles of a mutual-interest regulated business corporation that affects the rights in the corporation conferred on the mutual legal person and its members by the private Act governing the corporation, or that affects the obligation imposed on that legal person to be the holder of control of the corporation or the holder of any other interest in its capital, is without effect.

The same applies to the cancellation of articles requested by such a corporation.

“DIVISION III**“PROVISIONS SPECIFIC TO MUTUAL COMPANIES**

“302. When ruling on an application filed by a mutual company, the Minister must send the Authority a document attesting the Minister’s decision. When the Authority receives the document or when it grants an application filed by a mutual company, the Authority processes the articles or the cancellation application received, issues the appropriate certificate in accordance with Chapter XVIII of the Business Corporations Act then sends a copy of the certificate and of the articles to the enterprise registrar, who deposits them in the enterprise register.

“CHAPTER XIII**“CONTINUANCE****“DIVISION I****“CONTINUANCE AS AN INSURANCE COMPANY****“§1. — *General provisions***

“303. The following legal persons may be continued as insurance companies:

(1) a legal person constituted under the laws of a jurisdiction other than Québec, if the Act governing the legal person confers on it the capacity to carry on insurer activities; and

(2) an authorized insurer constituted under a private Act of Québec.

An insurer is continued as a business corporation if it is of the nature of such a corporation; otherwise, it is continued as a mutual company.

“§2. — *Application for continuance*

“304. In addition to the articles of continuance required to be filed under section 289 of the Business Corporations Act, continuance as an insurance company requires a permission granted by the Minister following the filing of an application for continuance with the Authority.

An application for continuance by an authorized insurer that is of the nature of a business corporation must include the name and address of each of the holders of a significant interest in the insurer.

“305. The following must be filed with the application for continuance:

(1) the articles of continuance and other documents that, under section 292 of the Business Corporations Act, must be sent to the enterprise registrar;

(2) the other documents prescribed by regulation of the Minister; and

(3) the fees prescribed by government regulation for processing the application for continuance.

“306. A legal person constituted under the laws of a jurisdiction other than Québec that files an application for continuance but that is not an authorized insurer is required, when filing that application, to also file an application for authorization with the Authority.

“307. On receipt of the application for continuance and the required documents and fees, the Authority processes, if applicable, the application for authorization and prepares a report on the reasons for granting or denying the application for continuance.

The report must also include the information from the report it must prepare in accordance with section 216 when processing an application to become regulated by this Title.

“308. The Authority sends its report to the Minister, together with the application for continuance and the accompanying documents, unless the Authority denies the application for authorization made, if applicable, in accordance with section 306.

“§3. — Minister’s decision

“309. The Minister may, if the Minister considers it advisable, allow the continuance of the authorized insurer.

“310. When ruling on an application filed by an authorized insurer, the Minister must send the insurer and the Authority a document attesting the decision.

“§4. — Provisions applicable to continuance as a business corporation

“311. An authorized insurer that is continued as a regulated business corporation may, from receipt of the document attesting the Minister’s permission, send the enterprise registrar the articles of continuance that were filed with the application for continuance.

The document attesting the Minister’s permission must be filed with the articles sent to the enterprise registrar.

“312. An authorized insurer becomes, as of the date and, if applicable, the time shown on the certificate of continuance issued by the enterprise registrar, a regulated business corporation.

In addition, in the case of an authorized Québec insurer constituted under a private Act, the articles of continuance are, as of that time, substituted for that Act, which ceases to have effect. However, in the case of a mutual-interest insurer, the private Act remains in force and any reference in it to the insurer is replaced by a reference to the mutual-interest regulated business corporation resulting from the continuance. Subject to the third paragraph, the articles of continuance may contain any provision departing from the sections of the private Act that apply to the regulated business corporation, or provide that all or some of those sections cease to have effect and replace them by any other provision not contrary to the Business Corporations Act or this Act.

The rights in the mutual-interest insurer conferred on the mutual legal person and its members by the private Act governing the insurer, and the obligation imposed on that legal person to be the holder of control of the insurer or the holder of any other interest in its capital, are unaffected by the continuance. Any provision to the contrary in the articles of continuance is deemed unwritten.

“313. When the articles of continuance of an authorized insurer continued as a business corporation are deposited in the enterprise register, the enterprise registrar sends a certified copy of them to the Authority.

“§5. — Provisions applicable to continuance as a mutual company

“314. On receipt of a document attesting the permission granted by the Minister for the continuance of an authorized insurer as a mutual company, the Authority processes the articles of continuance received, issues the appropriate certificate in accordance with Chapter XVIII of the Business Corporations Act then sends a copy of the certificate and of the articles to the enterprise registrar, who deposits them in the enterprise register.

In addition, in the case of an authorized Québec insurer constituted under a private Act, the articles of continuance are, as of that time, substituted for that Act, which ceases to have effect.

*“§6. — Provisions applicable to the continuance of authorized insurers
constituted under a private Act of Québec*

“315. Despite any provision to the contrary, an authorized insurer constituted under a private Act of Québec may apply for the Minister’s permission under section 309 provided the insurer has been authorized to do so by a special resolution of its members.

“316. The Minister may require that the articles of continuance of an authorized insurer constituted under a private Act of Québec include the conditions or restrictions prescribed by that Act if they are not prescribed by this Act.

Those conditions and restrictions are called “entrenched provisions”.

“DIVISION II**“CONTINUANCE UNDER THE LAWS OF A JURISDICTION OTHER
THAN QUÉBEC****“§1. — *General provisions***

“317. An insurance company may not, without the Minister’s permission, apply for continuance under the laws of a jurisdiction other than Québec under section 297 of the Business Corporations Act.

A mutual company that is a member of a federation may not apply for the Minister’s permission without being authorized to do so by the federation.

A mutual-interest regulated business corporation may not be continued under the laws of a jurisdiction other than Québec.

“318. To obtain the Minister’s permission, an insurance company must file an application for permission with the Authority.

The company must, in the application, show that the holders of insurance contracts it has underwritten, its other creditors and its members will not suffer injury as a result of the continuance.

“319. The following must be filed with the application for permission:

(1) the notice of intention to change the corporation’s home regulator described in section 150;

(2) if applicable, a certified copy of the federation’s resolution authorizing the mutual company that is a member of the federation to apply for the Minister’s permission;

(3) the other documents prescribed by regulation of the Minister; and

(4) the fees prescribed by government regulation.

“§2. — *Application and Authority’s report*

“320. On receipt of the application and the required documents and fees, in addition to publishing the notice of intention and reviewing the authorization under section 155, the Authority must prepare a report on the reasons for granting or denying the application.

Among other things, the Authority indicates in the report whether, in its opinion, the holders of insurance contracts underwritten by the insurance company, its other creditors and its members will not suffer injury as a result of the continuance.

“321. The Authority sends its report to the Minister, together with the application for permission and the accompanying documents.

“§3. — Minister’s decision

“322. The Minister may, if the Minister considers it advisable, grant the insurance company the permission to apply for continuance under the laws of a jurisdiction other than Québec under section 297 of the Business Corporations Act.

The Minister does not grant permission if the continuance entails the demutualization of the mutual company or is likely to allow mutual members to appropriate the company’s surplus.

“323. When ruling on an application by an insurance company, the Minister must send the company and the Authority a document attesting the decision.

The company must include the document with the application it sends to the enterprise registrar in accordance with section 297 of the Business Corporations Act.

“324. An insurance company ceases to be regulated by this Title as of the date and, if applicable, the time shown on the certificate of discontinuance issued under section 302 of the Business Corporations Act.

The enterprise registrar sends the Authority a certified copy of the certificate of discontinuance that the registrar issued in respect of a regulated business corporation.

“CHAPTER XIV

“AMALGAMATION

“DIVISION I

“GENERAL PROVISIONS

“325. In addition to the articles of amalgamation and, as applicable, the amalgamation agreement required to be filed under the Business Corporations Act, an amalgamation involving an insurance company requires the Minister’s permission and the filing of an application for that purpose with the Authority, together with a notice of intention to amalgamate under section 149.

“326. The amalgamation of a regulated business corporation with one or more other business corporations, regardless of whether the latter are regulated business corporations, is allowed only if the amalgamated corporation is an authorized insurer.

“327. Only a mutual company may amalgamate with another mutual company.

Despite section 281 of the Business Corporations Act, the short-form amalgamation of mutual companies is not allowed.

“328. An amalgamation agreement entered into by mutual companies must contain, rather than the elements set out in section 277 of the Business Corporations Act, the following elements:

(1) in respect of the amalgamated mutual company, the provisions that are required to be included in such a company’s articles of constitution;

(2) the name and domicile of each director of the amalgamated mutual company;

(3) the members’ rights and obligations referred to in the certificates of participation issued to the members, if applicable;

(4) the number of shares issued by each of the amalgamating mutual companies, and the amount of the contribution required for their issue, the maximum interest that may be paid on such shares and, if applicable, the manner in which they may be converted;

(5) the by-laws proposed for the amalgamated mutual company, or a statement that the by-laws of the amalgamated mutual company are to be those of one of the amalgamating mutual companies;

(6) if applicable, the name of the federation of which the amalgamated mutual company will be a member; and

(7) details of any arrangements necessary to complete the amalgamation and to provide for the subsequent management and operation of the amalgamated mutual company.

“DIVISION II

“APPLICATION FOR PERMISSION TO AMALGAMATE

“329. An application for permission to amalgamate must include, in addition to the information required to be included in a notice of intention to amalgamate under section 149, the information prescribed by regulation of the Authority.

The application must also include the name and address of each holder of a significant interest in the amalgamated business corporation, if any.

In the case of an amalgamation involving more than one insurance company, the application must be a joint one.

“330. In addition to the notice of intention, the following must be filed with the application:

- (1) the articles of amalgamation;
- (2) the amalgamation agreement, except in the case of a short-form amalgamation, within the meaning of the Business Corporations Act, where one of the amalgamating business corporations is a regulated business corporation;
- (3) the special resolutions of the shareholders or, as applicable, the mutual members authorizing the amalgamation of each amalgamating company;
- (4) the resolution of the federation that has undertaken to admit the amalgamated mutual company, if applicable;
- (5) the other documents prescribed by regulation of the Minister; and
- (6) the fees prescribed by government regulation.

“331. On receipt of the application and the required documents and fees, in addition to publishing the notice of intention and reviewing the authorization under section 155, the Authority must prepare a report for the Minister on the reasons for granting or denying the application for permission to amalgamate.

The report must include, in particular, the information from the report the Authority must prepare in accordance with section 216 when processing an application to become regulated by this Title.

“332. The Authority sends the Minister its report, together with the application for permission to amalgamate and the documents filed with it, unless it determines that the amalgamated company would not be an authorized insurer.

“DIVISION III

“MINISTER’S DECISION

“§1. — *General provisions*

“333. The Minister may, if the Minister considers it advisable, allow the amalgamation of an insurance company.

“334. The Minister may require that the amalgamated insurance company’s articles of amalgamation include any entrenched provision, within the meaning of section 316, contained in the articles of any of the amalgamating companies.

“335. When ruling on an application for permission to amalgamate, the Minister must send the Authority and the amalgamating companies a document attesting the decision.

“§2. — Provisions applicable to the amalgamation of business corporations

“336. Amalgamating business corporations may, from receipt of the document by which the Minister grants permission, send the enterprise registrar the articles of amalgamation that were filed with the application for permission to amalgamate.

The document by which the Minister grants permission must be filed with the articles of amalgamation sent to the enterprise registrar.

“337. The amalgamated corporation is, as of the date and, if applicable, the time shown on the certificate of amalgamation issued by the enterprise registrar, a regulated business corporation.

If one of the amalgamating corporations is a mutual-interest regulated business corporation, the amalgamated corporation is also a mutual-interest regulated business corporation. Any reference to such an amalgamating corporation in the private Act governing it is replaced by a reference to the amalgamated mutual-interest regulated business corporation. Subject to the third paragraph, the articles of amalgamation may contain any provision departing from the sections of that private Act that apply to the regulated business corporation, or provide that all or some of those sections cease to have effect and replace them by any other provision not contrary to the Business Corporations Act or this Act.

The rights in the mutual-interest regulated business corporation conferred on the mutual legal person and its members by the private Act, and the obligation imposed on that legal person to be the holder of control of the corporation or the holder of any other interest in its capital, are unaffected by the amalgamation. Any provision to the contrary in the articles of amalgamation is deemed unwritten.

“338. When the articles of amalgamation of a regulated business corporation are deposited in the enterprise register, the enterprise registrar sends a certified copy of them to the Authority.

“§3. — Provisions applicable to the amalgamation of mutual companies

“339. On receipt of a document attesting the permission granted by the Minister for the amalgamation of mutual companies, the Authority processes the articles of amalgamation, issues the certificate of amalgamation in accordance with Chapter XVIII of the Business Corporations Act then sends a copy of the certificate and of the articles to the enterprise registrar, who deposits them in the enterprise register.

“CHAPTER XV**“TERMINATION OF REGULATION BY THIS TITLE****“DIVISION I****“GENERAL PROVISION**

“340. Unless it is continued under the laws of a jurisdiction other than Québec, an insurance company may cease to be regulated by this Title only if the revocation of the authorization granted to it by the Authority is full and final.

“DIVISION II**“PROVISIONS SPECIFIC TO REGULATED BUSINESS
CORPORATIONS**

“341. A business corporation ceases to be regulated by this Title when the full revocation of the authorization granted to it by the Authority becomes final.

“342. A regulated business corporation may apply for a full revocation of the authorization only if it is authorized to do so by its shareholders and the latter have authorized it to change its name for one that does not include a word or expression reserved under section 489.

“343. Shareholder authorization is given by special resolution.

By that resolution, the shareholders also authorize a director or an officer of the business corporation to see to the preparation of the documents necessary for the revocation and of those necessary for the corporation’s change of name, and to sign those documents.

“344. A consent, declaration or decision referred to in section 304 of the Business Corporations Act and whose object is the dissolution of a regulated business corporation has no effect other than granting the authorizations referred to in section 342, until the corporation ceases to be regulated by this Title.

“DIVISION III**“PROVISIONS SPECIFIC TO MUTUAL COMPANIES**

“345. A mutual company the revocation of whose authorization is full and final may continue to carry on its activities only in order to liquidate and dissolve. Its dissolution terminates its being regulated by this Title.

As a result, a mutual company may apply for a full revocation of the authorization granted to it by the Authority only if the mutual members have consented to its dissolution and appointed a liquidator.

“346. Despite section 304 of the Business Corporations Act, a mutual company may not be dissolved otherwise than by the consent of the mutual members or the closure of the liquidation ordered within the scope of a receivership ordered under Chapter III.1 of Title I of the Act respecting the regulation of the financial sector.

“347. A mutual company must be liquidated before it is dissolved.

The liquidation of a mutual company may begin only once the full revocation of the authorization granted to it by the Authority becomes final.

“348. All proceedings against the property of a mutual company, in particular by seizure in the hands of a third person, seizure before judgment or seizure in execution, are to be suspended as soon as notice of the mutual company’s intention to apply for the full revocation of the authorization is published in accordance with section 173.

The costs incurred by a creditor after being informed of the liquidation must not be collocated out of the proceeds of the property of the mutual company that are distributed as a result of the liquidation.

A judge of the Superior Court of the district in which the mutual company’s head office is located may however, on the conditions the judge considers appropriate, authorize the institution of, or put an end to the stay of, a proceeding.

“349. The liquidation of a mutual company is carried out under the Authority’s supervision and control.

“350. Any application made to the court under the Business Corporations Act must be notified to the Authority.

“351. The liquidator must send the summary accounts rendered and the final account produced in accordance with sections 336 and 339 of the Business Corporations Act to the Authority at the time those accounts are sent to the mutual members.

“352. Despite section 323 of the Business Corporations Act, the remaining property of a mutual company may not be distributed among the mutual members; it must be remitted to the federation of which the mutual company is a member for the federation to pay into its guarantee fund or, if the mutual company is not a member of a federation, to a mutual company designated by the mutual members. In the absence of such a designation, the remaining property is remitted to the Minister of Finance.

“353. Section 305 of the Business Corporations Act and paragraphs 6, 7 and 8 of section 354 of that Act apply, with the necessary modifications, to the legal person that receives the remaining property of a mutual company.

“CHAPTER XVI**“SELF-REGULATORY ORGANIZATIONS****“DIVISION I****“GOVERNANCE****“§1. — *Board of directors***

“354. The board of directors of a self-regulatory organization exercises functions and powers relating to the organization’s insurance business; the board must establish a professional liability insurance decision-making committee.

Within the limits provided by law, the board may delegate the exercise of some of those functions and powers. However, it must delegate exclusively to the professional liability insurance decision-making committee all functions and powers relating to the processing of notices of loss likely to fall under the coverage of the insurance contracts underwritten by the organization.

“355. The board of directors of a self-regulatory organization may not delegate the exercise of the following functions and powers:

- (1) appointing the members of the decision-making committee;
- (2) approving an investment policy for the insurance fund established by the organization;
- (3) determining the extent of the coverage offered and the tariff of rates and amounts of premiums;
- (4) imposing a special assessment in order to maintain in the insurance fund adequate assets to meet the liabilities charged against it, as and when they become due, and adequate capital to guarantee that it can serve its purpose; and
- (5) appointing the auditor and the actuary of the insurance fund.

“356. A member of the decision-making committee of a self-regulatory organization who resigns must declare his or her reasons in writing to the organization and the Authority.

The same is true for a member of the board of directors who, while not a member of the decision-making committee, resigns for reasons relating to the organization’s insurance business.

“357. The asset investment activities of the insurance fund and its other financial transactions with natural persons or groups that are restricted parties with respect to the fund must be carried on in the same manner as they would when carried on at arm’s length.

Consequently, a contract affecting the insurance fund entered into with a natural person or group that is a restricted party with respect to the fund must be as advantageous for the fund than if it had been entered into at arm's length.

“358. For the purposes of section 357, the following natural persons and groups are restricted parties with respect to a self-regulatory organization:

(1) the self-regulatory organization, its directors and officers and the members of its decision-making committee;

(2) the manager of the fund's day-to-day operations referred to in section 359 and, if applicable, that manager's directors and officers;

(3) the natural persons and groups having economic ties with the persons described in paragraphs 1 and 2; and

(4) any other person or group designated under section 112.

“§2. — Manager of the insurance fund's day-to-day operations

“359. A self-regulatory organization may, in addition, entrust a manager with the day-to-day operations of its insurance fund, including the collection of premiums, the delivery of policies, the payment of indemnities, reinsurance transfers, fund asset investment activities and its other financial transactions.

“360. Sections 45 to 49 apply to a self-regulatory organization and the manager of the insurance fund's day-to-day operations as if the organization were the holder of control of the manager.

“§3. — Professional liability insurance decision-making committee

“361. The professional liability insurance decision-making committee to be established under section 354 must be composed of at least three members, only one of whom is also on the board of directors of the self-regulatory organization.

“362. A person need not be governed by the self-regulatory organization to be part of its decision-making committee, except for the committee member who is also on the organization's board of directors.

“363. In addition to persons disqualified for office under the Civil Code, the following cannot be members of the decision-making committee:

(1) insurance representatives and claims adjusters, within the meaning assigned to those expressions by the Act respecting the distribution of financial products and services, and directors or officers of another legal person dealing with the self-regulatory organization in a similar capacity; or

(2) a director, officer or employee of the manager that has been entrusted with the fund's day-to-day operations.

“364. If members of the decision-making committee of a self-regulatory organization are sued by a third person for an act done in the exercise of their functions, the self-regulatory organization assumes their defence and pays any damages awarded as compensation for the injury resulting from that act, unless they committed a gross fault or a personal fault separable from their functions.

In penal or criminal proceedings, however, the organization pays the defence costs of the committee members only if they had reasonable grounds for believing that their conduct was lawful or if they have been discharged or acquitted.

If the organization sues a committee member for an act done in the exercise of his or her functions and loses its case, it pays the committee member's defence costs if the court so decides.

If the organization wins its case only in part, the court may determine the amount of the defence costs the organization must pay.

“DIVISION II

“INSURANCE FUND

“§1. — *Composition and administration*

“365. The insurance fund of an authorized self-regulatory organization consists of premiums and other sums generated by the organization's insurer activities.

The organization's board of directors must approve the investment policy of the fund.

The organization must send the investment policy to the Authority at the Authority's request.

“366. The assets of the insurance fund constitute a division of the authorized self-regulatory organization's patrimony to be used exclusively for the organization's insurance business. The liabilities contracted by the organization as part of such business are charged against the fund.

The fund's assets must be reported as separate items in the organization's books, registers and accounts.

“367. No creditor of the self-regulatory organization has any right in the assets of the insurance fund except under a claim resulting from the organization's insurance business.

Conversely, no creditor of the insurance fund has any right in the organization's other assets.

“368. An authorized self-regulatory organization must maintain in the insurance fund adequate assets to meet the liabilities charged against the fund, as and when they become due, and adequate capital to guarantee that the fund can serve its purpose.

“369. All costs relating to the self-regulatory organization's insurance business are charged against the insurance fund.

“370. An authorized self-regulatory organization must send holders of an insurance contract underwritten by the organization an annual report that includes

(1) the names of the members of its decision-making committee and, if applicable, the name and address of the manager of the insurance fund's day-to-day operations;

(2) the number of persons governed by the organization that it insures;

(3) the fund's audited financial statements, accompanied by the auditor's report; and

(4) any other information required by regulation of the Authority.

The report appears in a document setting out the organization's activities and financial position that the organization is otherwise required to send annually to the persons governed by it.

The fund's fiscal year ends on the same date as the organization's fiscal year.

“§2. — Liquidation

“371. The insurance fund of a self-regulatory organization may not be liquidated before the full and final revocation of the authorization granted to the organization by the Authority.

“372. The liquidation of an insurance fund arises from a resolution of the board of directors of the self-regulatory organization that established the fund or from an order made within the scope of a receivership ordered under Chapter III.1 of the Act respecting the regulation of the financial sector.

“373. In order to liquidate the insurance fund, a liquidator must be appointed by the board of directors or the Superior Court, depending on whether the liquidation arises from a decision of the board or of the Court. On being appointed, the liquidator has the seisin of the insurance fund, and the decision-making committee ceases to exist.

“374. Sections 347 to 351 apply, with the necessary modifications, to the liquidation of the insurance fund, except any reference made to the Business Corporations Act.

“375. After performing or obtaining forgiveness of the self-regulatory organization’s obligations in relation to its insurance business or otherwise making provision for them, the liquidator sends a final account to the organization’s board of directors and to the Authority.

The remaining property of the insurance fund, if any, is remitted to the organization.

“CHAPTER XVII

“MINISTER’S POWERS

“376. The Minister may request the Authority to provide the documents and information the Minister considers useful in assessing the applications on which the Minister is to rule in accordance with this Title.

“TITLE IV

“FEDERATION OF MUTUAL COMPANIES

“CHAPTER I

“GENERAL PROVISIONS

“377. A federation of mutual companies is a legal person. The constitution, organization, operation, dissolution and liquidation regime applicable to a federation under this Title is supplemented by the one applicable to a mutual company, except Division IV of Chapter IV, Chapters VI to VIII, subdivision 3 of Division II and Divisions III and IV of Chapter IX and Chapters X, XI, XIII and XIV.

“378. A federation has no share capital.

“CHAPTER II

“CONSTITUTION, ORGANIZATION AND NAME

“379. A federation may be constituted if at least nine mutual companies that are authorized insurers undertake to become members of the federation and the sums that the companies must pay into the guarantee fund are available.

The guarantee fund is a distinct autonomous patrimony.

The companies are the federation’s promoters. The constitution of a federation entails the creation of its guarantee fund.

“380. The mutual members of a promoting mutual company authorize, by special resolution, a director of the company to represent it for the purpose of constituting and organizing the federation.

“381. A mutual company that is a member of a federation may promote another federation. The company must notify the federation of which it is a member of the meeting to be held at which the special resolution referred to in section 380 is to be discussed.

A representative of the federation may attend the meeting and be heard.

“382. On receiving the application for the constitution of a federation, the Authority must, if applicable, send the federations of which the promoting mutual companies are members a notice specifying the time limit for submitting their observations to the Authority.

The federations’ observations are attached to the report the Authority must make to the Minister in accordance with section 216.

“383. The promoting mutual companies are, by operation of law, members of the federation as soon as it is constituted.

“384. The representatives authorized by the promoting mutual companies under section 380 must be called to the federation’s organization meeting.

“385. The name of a federation must include the words “federation of mutual companies” as well as an expression to be included in the name of every member mutual company.

“CHAPTER III

“MISSION

“386. A federation promotes the development of its member mutual companies and supports them in their insurer activities, thereby facilitating their compliance with their obligations.

For that purpose, the federation

- (1) defines the objectives of the financial group and coordinates its activities;
- (2) to the extent provided by this Act, supervises and controls the member companies and the partnerships and legal persons that are controlled by them;
- (3) administers a guarantee fund; and
- (4) provides services to the member companies and their mutual members as well as to the partnerships or legal persons belonging to the financial group.

In addition, a federation promotes mutuality.

“387. A federation is, by operation of law, surety for the member companies toward their insureds and toward the holders of insurance contracts that the member companies underwrite.

The suretyship is limited by the assets in the guarantee fund.

“388. A federation may be the holder of control of any group, unless the group carries on the same insurer activities as the mutual companies that are members of the federation.

However, a federation may be the holder of control of a reinsurer even if the reinsurer carries on such activities.

“CHAPTER IV

“EXAMINATION OF COMPLAINT RECORDS AND MANAGEMENT PRACTICES

“DIVISION I

“EXAMINATION OF COMPLAINT RECORDS

“389. A federation must adopt a policy on the examination of complaint records for complaints filed by complainants who are clients of its members.

“390. The federation must also keep a register of the complaint records submitted for its examination.

“391. Within 10 days after receiving a complaint record, the federation must send the complainant a notice stating the date of receipt and the complainant’s right under section 392 to have the record reviewed by the Authority.

“392. A complainant whose complaint record has been sent to the federation may, if dissatisfied with the examination carried out by the federation or its outcome, request the federation to have the record reviewed by the Authority.

The federation is required to comply with the request and send the record to the Authority.

“393. Sections 55 to 57 apply, with the necessary modifications, to the review of the record or to conciliation or mediation to which the federation is party.

“394. On the date set by the Authority, the federation must send it a report on the complaint record examination policy adopted in accordance with section 389 stating in particular the number of complaint records that the federation has registered in the register of complaint records submitted for its examination and their nature.

The report must cover the period determined by the Authority.

“DIVISION II

“MANAGEMENT PRACTICES

“395. A federation must adhere to sound and prudent management practices.

Such practices must, in particular, conduce to good governance and compliance with the laws governing the federation’s activities.

“396. The federation must be able to show to the Authority that it adheres to sound and prudent management practices.

“CHAPTER V

“DIRECTORS AND OFFICERS

“397. A majority of the directors of a federation must be elected from among the directors of its member mutual companies who are mutual members.

The federation’s by-laws prescribe the manner in which all members of the board of directors are to be elected. They may provide that the general managers of the member companies may be elected as federation directors. However, such managers may not make up more than one-third of the federation’s board of directors.

“398. The term of office of a federation director is not more than three years.

“399. A federation must establish, within its board of directors, an audit committee whose functions are the same as those, under section 103, of the audit committee of an authorized Québec insurer.

“400. The general manager of a federation or of a mutual company that is a member of the federation may not be the president or the vice-president of the federation or the chair or vice-chair of its board of directors.

“CHAPTER VI**“MEMBERS****“DIVISION I****“ADMISSION, WITHDRAWAL AND EXPULSION****“§1. — *Admission***

“401. Only mutual companies that are Québec insurers may be members of a federation.

Only mutual companies that all carry on insurer activities either only in insurance of persons or only in damage insurance may be members of a same federation.

“402. A federation’s by-laws establish the conditions on which mutual companies may be admitted as members and members may withdraw or be expelled as well as members’ rights and obligations.

Those conditions, rights and obligations are submitted to the Authority for approval.

“403. To be a member of a federation, a mutual company must apply for membership after being authorized to do so by a special resolution of its mutual members.

“404. A federation may give an undertaking to the promoters of a mutual company, before its constitution, to admit the mutual company as a member.

Despite section 403, the mutual company is, by operation of law, a member of the federation as soon as the latter is constituted.

“405. The federation must send its decision on the admission application of a mutual company to the company or, if applicable, the company’s promoters.

The federation must send a copy of the decision to the Authority.

“406. A mutual company may, within 15 days after receiving the federation’s decision on its admission application, apply to the Authority for a review of the decision.

The mutual company and the federation must have access to the record relating to the application for review. The Authority must give them an opportunity to submit observations.

The company’s application for review suspends the federation’s decision.

“407. The Authority’s decision must include reasons and be sent to the mutual company and the federation. The Authority’s decision is final.

“§2. — *Withdrawal*

“408. A mutual company that is a member of a federation may withdraw from the federation only if, in the Authority’s opinion, the federation does not as a result become unable to fulfill its obligations, in particular as regards maintaining the required capital in the guarantee fund.

The Authority rules on the mutual company’s withdrawal at the same time as it conducts a review, in accordance with subparagraph 6 of the first paragraph of section 146, of the authorization granted to the mutual company. Before ruling on the withdrawal, the Authority sends to the federation and the company the notice prescribed under section 166. Sections 167 and 168 apply to the contestation of the Authority’s decision, with the necessary modifications.

“§3. — *Expulsion*

“409. The federation must, at least 30 days before expelling a member company, send the company and the Authority a notice of the decision.

“410. Sections 406 and 407 apply to a federation’s decision to expel a member company, with the necessary modifications.

“DIVISION II

“MEETINGS

“411. The meeting of the member companies of a federation is composed of those of their directors that represent them. The federation’s by-laws prescribe the number of directors that the member companies may designate in order to represent them at the meeting.

Each representative is entitled to only one vote.

“412. A federation’s board of directors must call a special meeting to make any decision requiring the vote of at least two-thirds of the member company representatives present.

Any amendment to the by-laws requires confirmation by the vote of at least two-thirds of the representatives present.

“413. Quorum at a meeting may not be less than 20% of all the representatives who make up the meeting of the member companies of the federation.

“414. One-third of the member companies of the federation may, by means of a notice, requisition the board of directors to call a special meeting for the purposes stated in the requisition.

“DIVISION III**“ASSESSMENTS AND FEES**

“415. A federation may require that its member companies pay the assessments it considers necessary for its operation.

A federation may also impose fees on a member company that avails itself of services that the federation offers.

“CHAPTER VII**“GUARANTEE FUND****“DIVISION I****“INTRODUCTORY PROVISIONS**

“416. The guarantee fund of a federation is to be used to provide financial support to its member companies in order to protect the rights of their insureds and of the holders of insurance contracts that they underwrite.

The fund consists of capital made up of the contributions of the member companies and, if applicable, the remaining property from the liquidation of a member company.

“417. The federation determines the amount of capital that must be maintained in the guarantee fund.

It informs the Authority of the amount as well as the reasons that led to that amount being determined and, if applicable, the circumstances justifying its modification.

“418. The creditors of the federation have no right to the assets of the guarantee fund.

“DIVISION II**“CONTRIBUTION**

“419. The federation must require its member companies to pay a contribution whenever this is necessary to maintain the capital of the guarantee fund.

“420. The federation must send each member company an annual statement showing

(1) the sum of the contributions the member company has paid into the capital of the guarantee fund since its admission; and

(2) the proportion that that sum is of the total contributions of the member companies.

“421. A member company resigning or expelled from the federation may, by sending a written notice at least 90 days before the end of the guarantee fund’s fiscal year, request the repayment of its contributions.

The repayment corresponds to the lesser of

(1) the total contributions the member company paid; and

(2) the amount obtained by multiplying the surplus of the assets of the guarantee fund over its liabilities by the proportion referred to in paragraph 2 of section 420.

The repayment may not be made before the following fiscal year.

“DIVISION III

“SUPPORT TO MEMBER COMPANIES

“422. A federation may pay rebates to its member companies out of the revenue generated by the guarantee fund, in the proportion referred to in paragraph 2 of section 420.

“423. In addition to using the guarantee fund for the purposes of the suretyship under section 387, a federation may use it to

(1) make loans and grants to its member companies;

(2) guarantee the repayment of an advance or loan granted to a member company;

(3) acquire all or some of a member company’s assets; and

(4) acquire shares of a member company.

“424. The federation may, when providing support to a member company, impose measures on it to correct its management practices.

“425. If the federation exercises the right to request the redemption of the shares that it has acquired in compliance with this division, the amount of the shares for which it requests redemption in a year must be limited to the lesser of

(1) the balance of the non-redeemed shares;

(2) 50% of the net profit realized by the member company in the fiscal year; and

(3) the sum whose payment would decrease a member company's capital below the amount necessary to ensure its sustainability.

“DIVISION IV

“INVESTMENTS

“426. An investment policy must be approved by the federation's board of directors for the guarantee fund.

The investment policy must, in particular,

(1) provide for the appropriate diversification of those investments; and

(2) include a description of the types of investments and other financial transactions that it authorizes and the limits applicable to those investments and transactions.

The federation must send its investment policy to the Authority at the Authority's request.

“427. The federation must follow the investment policy approved by its board of directors.

“CHAPTER VIII

“SEGREGATED INVESTMENT FUNDS

“428. A federation may, by resolution, establish and administer funds, segregated from its other assets, to grow the sums contributed to the funds by investing them for profit.

The federation may make a public offering of securities to establish or increase a segregated investment fund and may issue negotiable instruments.

“429. A contribution to a segregated investment fund confers the right, in proportion to the contribution and according to the conditions and at the intervals determined by the federation's by-laws, to participate in the sharing of the fund's net revenue and in its capital. That right is a claim against the federation.

Such funds are each a division of the federation's patrimony to be used for the performance of that claim, to the exclusion of any other obligation of the federation.

“430. A federation may designate any group of which it is the holder of control as an investment fund.

The sole purpose of such a group is then to grow the sums contributed to it as consideration for the securities it issues by investing those sums for profit.

The provisions of this Act that are applicable to a federation's segregated investment funds, except sections 428 and 429, apply to such an investment fund, with the necessary modifications.

“431. The segregated investment funds are assessed annually.

The Authority determines, by regulation, standards for financial disclosure to participating members and, if applicable, to other holders of securities issued as consideration for a contribution to such a fund.

“CHAPTER IX

“SUPERVISION AND CONTROL OF MEMBER COMPANIES

“DIVISION I

“GENERAL POWERS

“432. A federation may, in particular,

(1) develop policies on the carrying on by member companies of their activities;

(2) examine the books and accounts of member companies;

(3) whenever it considers it necessary, require member companies to provide any information and file any document;

(4) enter into agreements with member companies for the supervision, administration or management of their affairs for a specified period;

(5) designate the insurers with which member companies may enter into contracts of reinsurance;

(6) negotiate reinsurance agreements for member companies;

(7) act as receiver in accordance with Chapter III.1 of Title I of the Act respecting the regulation of the financial sector; and

(8) act as the liquidator or sequestrator of a member company.

“433. The federation is alone liable for a failure to comply for which one of its member companies is held liable under Chapter III of Title II.

In addition, the federation must ensure that each group in its financial group complies with a prohibition imposed on such a company by this Act not only when each of those groups is acting alone, but also when the acts or omissions of all or some of them would have contravened the prohibition had they been done or made by only one of them.

“434. A federation must see to it that the services of an auditor and an actuary are provided to its member companies.

“435. Only the board of directors may authorize, on the terms and conditions that it determines, one or more member companies of the federation

(1) to carry on, in accordance with the law, activities other than those of an insurer; or

(2) to be the holder of control of a business corporation that carries on insurer activities.

“436. A federation may register a member company as a firm for an insurance sector in accordance with the Act respecting the distribution of financial products and services.

“437. A federation’s by-laws may include

(1) the description of the territory in which each member company is to carry on its activities;

(2) the extent to and conditions under which a member company may avail itself of section 21 of the Business Corporations Act;

(3) the standards applicable to member companies as regards any financial or administrative matter; and

(4) the content and form of the report that each member company must prepare so that the federation can determine the amount of its assessments and the procedure for sending it.

The description of the territory in which each member company is to carry on its activities must be approved by a resolution passed by at least three-quarters of the votes cast by the member companies.

“438. The mutual members of a member company of a federation and third persons may presume that the member company is exercising its powers in accordance with the federation’s policies and by-laws and the resolutions of the federation’s board of directors.

“DIVISION II**“MEMBER COMPANIES’ COMMON BY-LAWS**

“439. The meeting of member companies passes, by special resolution, the common by-laws that apply to all the member companies.

Each member company may, by special resolution, pass by-laws that apply to its own affairs and that diverge from the common by-laws to the extent that the common by-laws allow.

“440. The meeting may, by special resolution, delegate to the federation’s board of directors the power to adopt common by-laws.

“441. The federation sends the common by-laws to the Authority. Each member company that passes by-laws applicable to its own affairs must send them to the federation, which sends them to the Authority.

“DIVISION III**“INSPECTION OF MEMBER COMPANIES**

“442. The affairs of the member companies of a federation are inspected by the federation at least once every other year or whenever it considers it necessary for the protection of the insureds and of the holders of insurance contracts that the member companies underwrite.

The inspection of the affairs of a member company must cover such matters as

- (1) its administrative structure;
- (2) whether it conducts its affairs in an orderly manner;
- (3) the effectiveness of its board of directors;
- (4) the availability of reliable financial information; and
- (5) whether the obligations imposed on member companies under this Act have been satisfied.

The federation produces a report of its inspection and sends it to the Authority and to the member company’s board of directors. If the federation calls a meeting or at the request of the member company’s board of directors, the report is presented to the member company’s directors, and the federation is required to provide them with the explanations they request.

“443. A federation may, by agreement with the Authority, inspect the member companies registered as firms under the Act respecting the distribution of financial products and services.

An agreement may specify

(1) the content and form of the report that the federation must submit to the Authority and the procedure for sending it; and

(2) any other measure that the Authority considers appropriate.

Sections 107 and 113 of that Act apply, with the necessary modifications, to inspections performed under this section.

“444. The federation may, following an inspection, order that a special meeting of mutual members of the inspected company be called to communicate to them the information the federation considers relevant and propose measures for adoption.

“CHAPTER X

“BOOKS AND ACCOUNTS

“445. A federation must keep, in addition to its own books and accounts, separate books and accounts for its guarantee fund and, if applicable, for each of its segregated investment funds.

“446. A federation’s books and accounts must be audited annually.

“447. The fiscal year of a federation’s guarantee fund and, if applicable, segregated investment funds, is that of the federation.

“448. Chapter VII of Title II applies, with the necessary modifications, to the federation’s auditor.

“CHAPTER XI

“ANNUAL REPORT AND STATEMENTS

“449. The annual report of a federation must include

(1) the names and addresses of its directors;

(2) its financial statements;

(3) the financial statements of its guarantee fund and, if applicable, of its segregated investment funds;

(4) a statement of each member company’s contribution to the capital of the guarantee fund; and

(5) the auditors’ reports.

The federation must send a copy of its annual report to the member companies.

“450. A federation must prepare, in accordance with the content and form that the Authority determines, an annual statement as at the closing date of its most recent fiscal year.

The annual statement must separately show the financial positions of the federation and of the guarantee fund.

The annual statement must be certified by two of the federation’s directors.

The federation’s annual report and the résumé of each of the directors and officers must be filed with the annual statement, if they have not already been sent to the Authority.

“451. The annual statement and documents filed with it must be sent to the Authority on the date it determines.

“CHAPTER XII

“DISSOLUTION AND LIQUIDATION

“DIVISION I

“DISSOLUTION

“452. A federation may be liquidated then dissolved only by order of the Minister.

The order to dissolve a federation entails the liquidation of its guarantee fund and, if applicable, that of its segregated investment funds.

Unless the Authority is itself acting in that capacity, it must designate the liquidator of the federation and its funds.

“453. The Minister may, if the Minister considers it advisable, order the Authority to dissolve a federation that has not remedied one of the following failures within the specified time limit:

- (1) the organization meeting is not held within the time limit specified in its application for constitution;
- (2) fewer than nine mutual companies are members of the federation; or
- (3) an annual meeting has not been held for two consecutive years.

“454. If the Authority finds that a federation is in default, the Authority must send it a notice stating

- (1) the default noted;
- (2) the possibility that the Minister may order the dissolution of the federation; and
- (3) the time granted to the federation to remedy the default or submit observations.

The Authority publishes the notice in its bulletin.

“455. If the default has not been remedied on the expiry of the time specified in the notice, the Authority prepares a report stating that fact and the reasons for dissolving or not dissolving the federation.

Any observations from the federation are filed with the report.

The report is sent to the Minister and the federation.

“456. Any interested person may, within three years of the dissolution ordered by the Minister, ask the Minister to revoke the decision.

The Minister may, if the Minister considers it advisable, order the Authority to revive the federation on the conditions the Minister determines. Sections 367 to 371 of the Business Corporations Act apply to the revival, with the necessary modifications.

“DIVISION II

“LIQUIDATION

“§1. — *General provisions*

“457. The notice of liquidation must include a statement that the liquidation of the federation entails that of its guarantee fund and, if applicable, that of its segregated investment funds.

The notice must also state the address to which claims may be sent by interested persons and, if applicable, the name and address of the liquidator designated by the Authority.

“458. The liquidator designated by the Authority must, within seven days after the end of every three-month period following the date of his or her appointment, make a summary report of his or her activities for that period to the Authority.

The report must show the receipts and expenses of the liquidation and include a statement of the federation's assets and liabilities, guarantee fund and, if applicable, segregated investment funds as at the end of that three-month period.

“§2. — *Conduct of the liquidation*”

“**459.** The following claims are the prior claims, by preference over other claims, and are collocated in the following order:

(1) the costs and fees of the liquidation; and

(2) the salaries and wages of paid federation staff members, up to three months of unpaid salary.

“**460.** The balance of the federation's assets, guarantee fund and, if applicable, segregated investment funds is shared between the member companies in proportion to their contribution.

“**TITLE V**”

“**MEASURES AND OTHER POWERS OF THE AUTHORITY**”

“**CHAPTER I**”

“**INTRODUCTORY PROVISION**”

“**461.** For the purposes of this Title, “authorized insurer” includes an authorized reciprocal union.

“**CHAPTER II**”

“**INSTRUCTIONS, GUIDELINES AND ORDERS**”

“**462.** The Authority may establish instructions for an authorized insurer or a federation of which such an insurer is a member.

Instructions must be in writing and must be specific to the addressee, but need not be published.

The Authority must, before sending instructions, notify the addressee and give it an opportunity to submit observations.

“**463.** The Authority may establish guidelines for all authorized insurers, a single class of such insurers or a federation of which such insurers are members.

Guidelines must be general and impersonal; the Authority publishes them in its bulletin after sending a copy of them to the Minister.

“464. A guideline informs its addressees of measures that, in the Authority’s opinion, they may establish to satisfy their obligations under Titles II and IV.

Instructions inform their addressee of the obligations that, in the Authority’s opinion, are incumbent on it under those titles.

“465. The Authority may order an authorized insurer, or the federation of which it is a member, to cease a course of action or to implement specified measures if the Authority is of the opinion that the insurer or federation is failing to perform its obligations under this Act in full, properly and without delay.

The Authority may, for the same reasons, issue an order against a legal person that, on behalf of an authorized insurer, carries on its activities or performs its obligations.

At least 15 days before issuing an order, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the contravener in writing, stating the reasons which appear to justify the order, the date on which the order is to take effect and the contravener’s right to submit observations.

“466. The Authority’s order must state the reasons for which it is issued. The order must be served on all the groups or persons to whom it applies.

The order takes effect on the date it is served or on any later date specified in it.

“467. The Authority may, without prior notice, issue a provisional order valid for up to 15 days if, in its opinion, any period of time granted to the person concerned to submit observations may be detrimental.

The order must include reasons and takes effect on the date it is served on the person concerned. The latter may, within six days after receiving the order, submit observations to the Authority.

“468. The Authority may revoke or amend an order it has issued under this Act.

“CHAPTER III**“CONSERVATORY MEASURES**

“469. The Authority, for the purposes or in the course of an investigation or when it is informed that an authorized insurer is voluntarily dissolving or liquidating in contravention of section 43 or intends to do so, may request the Financial Markets Administrative Tribunal

(1) to order a person or group not to dispose of funds, securities or other property in the person’s or group’s possession; or

(2) to order a person or group to refrain from withdrawing funds, securities or other property on deposit with or under the control or in the safekeeping of any other person or group.

Such an order takes effect from the time the person or group concerned is notified of it and, unless otherwise provided, remains binding for a 12-month period; the order may be revoked or otherwise amended during that period.

An order directed at an authorized self-regulatory organization may only apply to the organization’s insurance business.

“470. The person or group concerned must be notified at least 15 days before any hearing during which the Financial Markets Administrative Tribunal is to consider an application for the renewal of an order.

The Tribunal may renew the order if the person or group concerned has not requested to be heard or has failed to establish that the reasons for the initial order have ceased to exist.

“471. A person or group named in an order issued under section 469 who has put a safety deposit box at the disposal of a third person or has allowed a third person to use a safety deposit box must immediately notify the Authority.

On the Authority’s request, the person or the group’s duly authorized representative must 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 or group concerned.

“472. An order that names a bank or another financial institution applies only to the agencies or branches specified.

“473. A person or group directly affected by an order issued under section 469, if in doubt as to the application of the order to particular funds, securities or other property, may apply to the Financial Markets Administrative Tribunal for clarification; such a person or group may also apply for an amendment to or the revocation of the order.

A written notice setting out the reasons for the application for amendment or revocation must be filed with the Tribunal. The notice must be served on the Authority at least 15 days before the hearing set to hear the application.

“474. An order issued under section 469 is admissible for publication in the same register as that in which rights in the funds, securities or other property covered by the order are required to be published or admissible for publication.

Likewise, the order may be published in a register kept outside Québec if such orders are admissible for publication under the Act governing that register.

“475. In addition to any measure imposed in an order, the Financial Markets Administrative Tribunal may require a person or group named in the order to repay to the Authority the costs incurred in connection with the inspection or investigation that established non-compliance with the provision concerned, according to the tariff set by government regulation.

“476. The Financial Markets Administrative Tribunal may prohibit a person from acting as a director or officer of an authorized insurer on the grounds set out in article 329 of the Civil Code or when a sanction has been imposed on the person under this Act.

The prohibition imposed by the Tribunal may not exceed five years.

The Tribunal may, at the request of the person concerned, lift the prohibition on such conditions as it considers appropriate.

“CHAPTER IV

“INJUNCTION AND PARTICIPATION IN PROCEEDINGS

“477. The Authority may apply to a judge of the Superior Court for an injunction in respect of any matter relating to the carrying out of this Act.

The application for an injunction constitutes a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure (chapter C-25.01) applies, except that the Authority cannot be required to give security.

“478. The Authority may, on its own initiative and without notice, intervene in any proceeding relating to a provision of this Act or the Business Corporations Act that is applicable to an insurance company.

“CHAPTER V**“CANCELLATION OF A CONTRACT OR SUSPENSION OF ITS
PERFORMANCE**

“479. The Authority may apply to a court to cancel or suspend the performance of a contract entered into by an insurer in contravention of this Act if the Authority shows that the cancellation or suspension is in the interest of the holders of insurance contracts underwritten by the insurer and that, under the circumstances, that interest must prevail over the legal security of parties to the contract and of other persons whose rights and obligations would be affected by the cancellation or suspension.

The cancellation or suspension may not be applied for after the end of the 10th year after the contract concerned came into effect.

The court may also order that directors who are party to such a contract, who have authorized it or who have facilitated its entering into, be solidarily required to pay the authorized insurer the amount of damages awarded as compensation for the injury suffered or the sum paid by the authorized insurer because of the contract.

“CHAPTER VI**“ADMINISTRATION OF THE ACT, REPORTS AND MISCELLANEOUS
PROVISIONS**

“480. The Authority may require an authorized insurer or anyone who files an application under this Act to provide any document or information that is useful in assessing the applications on which the Authority or the Minister is to rule in accordance with this Act.

“481. The costs that must be incurred by the Authority for the administration of this Act are to be borne by the authorized insurers; they are determined annually by the Government based on the forecasts provided to it by the Authority.

Such costs, for each insurer, correspond to the sum of the minimum contribution set by the Government and the proportion of those costs corresponding to the proportion that the insurer’s total direct premium income for the preceding year in Québec is of the aggregate of the similar income of all the insurers for the same period.

The difference noted between the forecast of the costs that must be incurred for the administration of this Act for a year and those actually incurred for the same year must be carried over to similar costs determined by the Government for the year after the difference is noted.

The certificate of the Authority must definitively establish the amount payable by each insurer under this section.

“482. For the purposes of section 481, “total direct premium income” means

(1) in insurance of persons, the total income from direct premiums paid by Québec residents, less policy dividends or rebates granted to them; and

(2) in damage insurance, the total income from direct premiums paid in respect of property situated in Québec, less policy dividends or related return premiums granted to the holders of insurance contracts relating to the property.

“483. The Authority must, before 30 June each year, report to the Minister, on the basis of the information obtained from the authorized insurers and following the investigations, inspections and evaluations made by the Authority, on the affairs of all insurers carrying on business in Québec for the year ending on the preceding 31 December.

“484. The Minister tables the Authority’s report in the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 15 days of resumption.

“CHAPTER VII

“REGULATIONS

“485. In addition to other regulations that it may make under this Act, the Authority may, by regulation, determine the standards applicable

(1) to authorized insurers in relation to their commercial practices and their management practices; and

(2) to federations of mutual companies in relation to their management practices.

“486. A regulation made under this Act by the Authority is approved by the Minister with or without amendment.

The Minister may make such a regulation if the Authority fails to do so within the time specified by the Minister.

A draft of a regulation must be published in the Authority’s bulletin with the notice required under section 10 of the Regulations Act (chapter R-18.1).

The draft of the regulation may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft.

A regulation under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in it. It must also be published in the Authority's bulletin. If the regulation published in the Authority's bulletin differs from the one published in the *Gazette officielle du Québec*, the latter prevails.

Sections 4 to 8, 11 and 17 to 19 of the Regulations Act do not apply to a regulation of the Authority under this Act.

487. The fees payable for the formalities prescribed by regulation of the Authority or the Minister are prescribed by government regulation.

“TITLE VI

“PROHIBITIONS, MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

“CHAPTER I

“PROHIBITIONS

488. No one may hold out a matter or contract that is not an insurance contract or a prestation that is not related to such a contract as being insurance, except an authorized insurer in respect of a suretyship contract that it underwrites.

489. No one may, if not covered by the second paragraph, hold themselves out as an insurer or use a name that includes one of the following words or combinations of words:

- (1) “insurer” or “reinsurer”; or
- (2) “insurance” or “reinsurance” with “company”, “mutual company”, “corporation” or any other word or expression indicating a juridical form.

The following may hold themselves out as an insurer or use a name that includes a word or combination of words listed in the first paragraph:

- (1) an authorized insurer;
- (2) a legal person constituted under the laws of a jurisdiction other than Québec and carrying on only reinsurer activities in Québec;
- (3) an insurer that delivers only damage insurance policies in Québec through a firm acting through a special broker referred to in the Act respecting the distribution of financial products and services, if the insurer does not have an establishment in Québec and does not advertise in Québec;

(4) a regulated company that is not an authorized insurer, during its organization; and

(5) a legal person constituted under the laws of a jurisdiction other than Québec that is authorized under those laws to carry on insurer activities and that exercises rights and performs obligations in Québec without such exercise and performance constituting insurer activities.

“490. A member of a financial group that administers or establishes an uninsured employee benefit plan, offers such a plan to employees or signs employees up as members of such a plan may not address a communication to employees and other persons benefitting from the plan unless it mentions that the sums intended for the payment of the benefits provided for by the plan are not under the Authority’s supervision and control. The same is true for an authorized insurer that is not a member of a financial group.

“CHAPTER II

“MONETARY ADMINISTRATIVE PENALTIES

“DIVISION I

“FAILURES TO COMPLY

“491. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on

(1) an authorized insurer

(a) that, in contravention of section 58, fails to send the Authority a report on its complaint processing and dispute resolution policy,

(b) that, in contravention of section 66, fails to notify the Authority of the fact that it has started or ceased doing business with a distributor,

(c) that, in contravention of section 71, uses an insurance policy relating to the ownership of motor vehicles without having had its form and terms approved by the Authority,

(d) whose ethics committee, in contravention of section 107, fails to send the Authority a report on its activities,

(e) that, in contravention of section 119, fails to notify the Authority of the end of the actuary’s or auditor’s term,

(f) that, in contravention of section 132, fails to send the Authority an annual statement of the position of its affairs,

(g) that, in contravention of section 133, fails to send the Authority the financial statements, an auditor's or actuary's report, or the certificate referred to in that section, or

(h) that, being Lloyd's, fails to send the Authority the list of its underwriters in Québec or does not keep that list up to date in contravention of section 137;

(2) an insurance company that, in contravention of section 225 of the Business Corporations Act, fails to send its financial statements to a member who requests them;

(3) a self-regulatory organization that, in contravention of section 370, fails to send holders of an insurance contract underwritten by the organization the annual report of its insurance fund;

(4) a federation of mutual companies that

(a) in contravention of section 394, fails to report to the Authority on the number of complaint records it has registered in the register of complaint records submitted for its examination and their nature,

(b) in contravention of section 449, fails to send its annual report to its members, or

(c) in contravention of section 451, fails to send the Authority an annual statement under section 450; or

(5) an authorized insurer, the holder of control of the insurer, a member of its financial group, its actuary or its auditor if it or he or she refuses to communicate or provide access to a document or information required by the Authority for the purposes of this Act.

The penalties prescribed by the first paragraph also apply if the information or documents concerned are incomplete, or are not sent before the specified time limit.

492. A monetary administrative penalty of \$2,500 may be imposed on

(1) an authorized insurer

(a) that fails to perform its obligations under an undertaking given to the Authority under section 40, 102, 145 or 155,

(b) that, in contravention of section 50, fails to adopt a complaint processing policy or that, in contravention of section 82, fails to adopt an investment policy approved by its board of directors or whose ethics committee, in contravention of section 104, fails to adopt rules of ethics,

(c) that, in contravention of section 50, fails to keep the register of complaint records submitted for its examination prescribed by that section,

(d) if, in contravention of section 94, neither a director nor a committee has reported to the board of directors on the responsibility conferred on the director or committee of seeing that sound commercial practices and sound and prudent management practices are adhered to and situations contrary to such practices are detected, or

(e) that, without the Authority's authorization under section 102, has not, in contravention of section 100, established an audit committee or an ethics committee or has established one whose composition contravenes section 101;

(2) an insurance company that

(a) fails to perform its obligations under an undertaking given to the Authority under section 243, or

(b) is bound by insurance contracts conferring rights to policy dividends on its beneficiaries without having established, in contravention of section 543, a policy approved by its board of directors for determining the dividend and the bonuses payable to the holders of such contracts;

(3) a self-regulatory organization that, in contravention of section 365, fails to establish an investment policy approved by its board of directors for its insurance fund; or

(4) a federation of mutual companies that

(a) in contravention of section 389, fails to establish a policy on the examination of complaint records,

(b) in contravention of section 390, fails to keep the register of complaint records submitted for its examination prescribed by that section,

(c) in contravention of section 399, fails to establish an audit committee within its board of directors,

(d) in contravention of section 400, has as its president or vice-president or as the chair or vice-chair of its board of directors its general manager or the general manager of one of its member companies, or

(e) in contravention of section 426, fails to establish an investment policy approved by its board of directors for its guarantee fund.

“493. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on

(1) an authorized insurer

(a) that holds contributed capital securities issued by a legal person or partnership, participations in a trust or a share in a co-ownership acquired in contravention of the limits prescribed by section 84 without such holdings being authorized by section 85,

(b) that, in contravention of section 89, is not a member, for the classes for which it is authorized to carry on an activity, of a compensation body recognized by the Authority for those classes,

(c) more than half of whose board of directors, in contravention of section 98, is not composed of persons other than its employees or employees of a group of which it is the holder of control,

(d) for which no actuary or auditor, in contravention of section 115, has been charged with the functions provided for in Chapter VII of Title II or for which an actuary or auditor has been charged with those functions but does not have the qualifications required under section 116,

(e) that, in contravention of any of sections 149 to 154, fails to notify the Authority of any of the operations described in section 146, sends the Authority an incomplete notice of intention or fails to comply with the time limit prescribed by section 148 for filing the notice of intention, or

(f) that, in contravention of section 21, carries on insurer activities in a class not covered by the authorization it has been granted by the Authority;

(2) the authorized mandatary of a reciprocal union that, in contravention of section 190, fails to send the Authority a contract referred to in section 188, when it is amended;

(3) an insurance company

(a) that has outstanding debt obligations issued in contravention of section 242 or whose movable property is charged with a hypothec or other security granted in contravention of section 243,

(b) that has outstanding shares that were issued without being fully paid, in contravention of section 244 or 257, as the case may be, or

(c) whose board of directors, in contravention of section 266, is not composed of a majority of directors who are resident in Québec;

(4) a self-regulatory organization whose board of directors has not, in contravention of section 354, established a professional liability insurance decision-making committee or has established one whose composition of contravenes section 361 or 363; or

(5) a federation of mutual companies

(a) more than one-third of whose board of directors, in contravention of section 397, is made up of general managers of member companies,

(b) for which no auditor, in contravention of sections 115 and 448, has been charged with the functions provided for in Chapter VII of Title II or for which an auditor has been charged with those functions but does not have the qualifications required under section 116,

(c) that, in contravention of section 417, has not determined the amount of the capital that must be maintained in its guarantee fund,

(d) that fails to inspect its member companies' affairs as required under section 442, or

(e) whose books and accounts are not audited annually in contravention of section 446.

“494. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on anyone who fails to comply with an order or other decision of the Authority.

“495. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

“496. The Minister or the Authority may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty.

The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the maximum amounts provided for in section 494.

“DIVISION II

“NOTICE OF NON-COMPLIANCE AND IMPOSITION

“497. In the event of a failure to comply referred to in Division I, a notice of non-compliance may be notified to the party responsible for the failure urging that the necessary measures be taken immediately to remedy it.

Such a notice must mention that the failure may give rise to a monetary administrative penalty.

“498. The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

“499. The monetary administrative penalty for a failure to comply with a provision of this Act may not be imposed on the party responsible for the failure to comply if a statement of offence has already been served for a failure to comply with the same provision on the same day, based on the same facts.

For the purposes of this chapter, “party responsible for a failure to comply” means the person or group on whom or which a monetary administrative penalty is imposed or may be imposed, as the case may be, for a failure to comply referred to in Division I.

“500. A monetary administrative penalty is imposed on the party responsible for a failure to comply by the notification of a notice of claim.

The notice must state

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which it bears interest;
- (4) the right, under section 501, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and
- (5) the right to contest the review decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The party responsible for the failure to comply must also be informed that failure to pay the amount owing may give rise to the amendment, suspension or revocation of any authorization granted under this Act or to a refusal to grant such an authorization and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

“DIVISION III

“REVIEW

“501. The party responsible for a failure to comply may apply in writing to the Authority for a review of the decision to impose a monetary administrative penalty within 30 days after notification of the notice of claim.

The persons responsible for the review are designated by the Authority; they must not come under the same administrative authority as the persons responsible for imposing such penalties.

“502. The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner.

“503. The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant’s right to contest the decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to submit observations or documents, the interest provided for in the fourth paragraph of section 500 on the amount owing ceases to accrue until the decision is rendered.

“504. A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Financial Markets Administrative Tribunal by the party responsible for the failure to comply to which the decision pertains, within 60 days after notification of the review decision.

The Tribunal may only confirm or quash a contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

“DIVISION IV

“RECOVERY

“505. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“506. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of this division, “debtor” means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that party for the payment of the penalty.

“507. The debtor and the Authority may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“508. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor’s name and address and the amount of the debt.

“509. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act, be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

“510. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“511. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.

“DIVISION V

“REGISTER

“512. The Authority keeps a register relating to monetary administrative penalties.

The register must contain at least the following information:

- (1) the date the penalty was imposed;

(2) the date and nature of the failure, and the legislative provisions under which the penalty was imposed;

(3) if the penalty was imposed on a legal person, its name and the address of its head office or that of one of its establishments or of the business establishment of one of its agents;

(4) if the penalty was imposed on a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the ordinary course of business of the person's enterprise, the enterprise's name and address;

(5) the amount of the penalty imposed;

(6) the date of receipt of an application for review and the date and conclusions of the decision;

(7) the date a proceeding is brought before the Financial Markets Administrative Tribunal and the date and conclusions of the decision rendered by the Tribunal, as soon as the Authority is made aware of the information;

(8) the date a proceeding is brought against the decision rendered by the Financial Markets Administrative Tribunal, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Authority is made aware of the information; and

(9) any other information the Authority considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final.

“CHAPTER III

“PENAL PROVISIONS

“513. Anyone who contravenes section 488 or 490 commits an offence and is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$3,000 to \$30,000 in any other case.

The secretary of an authorized insurer or the mandatary of an authorized reciprocal union who contravenes the second paragraph of section 123 by refusing or neglecting to provide the declaration sent to him or her by an actuary or auditor in accordance with section 122 or who destroys or falsifies the declaration commits an offence and is liable to the fine prescribed in the first paragraph.

“514. Anyone who

- (1) fails to comply with a request made under section 54,
- (2) deals with clients in contravention of section 59,
- (3) dismisses an actuary or auditor otherwise than in accordance with section 121, or

(4) fails to notify the Authority in accordance with section 139 or to notify it of an operation described to in subparagraph 5 or 6 of the first paragraph of section 146, in accordance with section 153 or, as the case may be, section 154,

commits an offence and is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and \$7,500 to \$75,000 in any other case.

“515. Anyone who

(1) contravenes the capital maintenance rules prescribed by any of sections 245 to 247, 264 and 265,

(2) holds themselves out as an insurer or uses a name that includes a word or combination of words listed in the first paragraph of section 489 without being permitted to do so by the second paragraph of that section,

(3) carries on insurer activities without the Authority’s authorization although the authorization is required under this Act,

(4) provides a document or information that they know is false or inaccurate, or access to such a document or information, to the Minister or the Authority, a member of the Minister’s or Authority’s staff or a person appointed by the Minister or Authority in the course of activities governed by this Act, or

(5) hinders or attempts to hinder, in any manner, the exercise of a function by a member of the Authority’s staff or by a person appointed by the Authority for the purposes of this Act,

commits an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$15,000 to \$150,000 in any other case.

“516. Anyone who

(1) contravenes an order, or

(2) carries on insurer activities although the authorization required under this Act has been refused or revoked, or carries on insurer activities beyond what this Act authorizes if the authorization is suspended,

commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$100,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$2,000,000.

An authorized insurer that, in contravention of section 43, decides to dissolve or liquidates voluntarily commits an offence and is liable to the fine prescribed in the first paragraph.

A director of such an insurer who gives his or her assent to the dissolution or liquidation in contravention of section 43 commits an offence and is liable to the fine and imprisonment prescribed in the first paragraph; the same is true of a liquidator who agrees to proceed with such a liquidation.

“517. Despite sections 513 to 516, the Minister may determine the regulatory provisions made under this Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Minister. The Government may also provide that, despite article 231 of the Code of Penal Procedure, a contravention renders the offender liable to a term of imprisonment, or both the fine and imprisonment.

The maximum penalties under the first paragraph may vary according to the seriousness of the offence, without exceeding those prescribed in section 516.

“518. The fines prescribed by sections 513 to 516 or by the regulations are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

If an offender commits an offence under this Act after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilty pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 516, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

“519. If an offence under this Act is committed by a director or officer of a legal person or of another group, regardless of its juridical form, the minimum and maximum fines that would apply in the case of a natural person are doubled.

“520. If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.

“521. Anyone who, by an act or an omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under this Act commits an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

“522. In any penal proceedings relating to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the offence.

“523. If a legal person or an agent, mandatary or employee of a legal person, of a partnership or of an association without legal personality commits an offence under this Act, the directors of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

“524. In determining the penalty, the judge may take into account aggravating factors such as

- (1) the intentional, negligent or reckless nature of the offence;
- (2) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (3) the offender’s attempts to cover up the offence or failure to try to mitigate its consequences;
- (4) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and
- (5) the offender’s failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender’s ability to do so.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

“525. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has also been imposed.

“526. When determining a fine higher than the minimum fine prescribed by this Act, or when determining the time within which an amount must be paid, the judge may take into account the offender’s inability to pay, provided the offender furnishes proof of assets and liabilities.

“527. Penal proceedings for offences under this Act are prescribed by 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.

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

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

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

“TITLE VII

“TRANSITIONAL PROVISIONS

“CHAPTER I

“GENERAL PROVISION

“530. Juridical acts which may be annulled when the new legislation comes into force may not be annulled after that time for any reason which is no longer recognized under the new legislation.

“CHAPTER II

“SUPERVISION AND CONTROL

“531. Insurers that, on 12 June 2019, hold a licence issued under the Act respecting insurance (chapter A-32) are, by operation of law, authorized insurers from 13 June 2019.

The conditions and restrictions imposed by the Authority in relation to the operations of an insurer authorized under the first paragraph become the conditions and restrictions attached to the authorization.

However, if the sole purpose of the conditions or restrictions is to prevent the insurer from underwriting a new insurance contract or suretyship contract except, if applicable, to honour a right that a contract in force confers on a client or participant, the insurer holding a licence becomes an insurer whose authorization has been revoked without the revocation having become final.

“532. Despite any provision of Chapter VI of Title II, an insurance company that meets the following conditions is not required to establish an ethics committee:

- (1) its authorization is revoked under the third paragraph of section 531; and
- (2) on 12 June 2019, the company was a funeral insurance company.

“533. Section 89 does not apply to

(1) the Sons of Scotland Benevolent Association, whose Québec business number is 1145106044;

(2) the Order of United Commercial Travelers of America, whose Québec business number is 1145703782;

(3) the Ukrainian National Association, Inc., whose Québec business number is 1144727709;

(4) the Knights of Columbus, whose Québec business number is 1145122561;

(5) the Supreme Council of the Royal Arcanum, whose Québec business number is 1148945158;

(6) the Grand Orange Lodge of British America Benefit Fund, whose Québec business number is 1149026875;

(7) the Independent Order of Foresters, whose Québec business number is 1145375250;

(8) the Teachers’ Life Insurance Society (Fraternal), whose Québec business number is 1168335322; and

(9) the Croatian Fraternal Union of America, whose Québec business number is 1145293107.

Only insurers referred to in the first paragraph may use the words “mutual benefit association” in their names or in the course of their activities.

“534. A proceeding brought before the Administrative Tribunal of Québec under section 366 of the Act respecting insurance prior to 13 June 2019 is continued before the Tribunal, unless the hearing has not commenced by then; in such a case, the proceeding is continued before the Financial Markets Administrative Tribunal.

“CHAPTER III**“INSURANCE COMPANIES AND OTHER QUÉBEC INSURERS****“DIVISION I****“CONTINUANCE**

“535. An insurance company within the meaning of the Act respecting insurance, other than a mutual insurance company, becomes a business corporation regulated by Title III on 13 June 2019.

A mutual insurance company within the meaning of the Act respecting insurance becomes a mutual company regulated by Title III on that date. The same is true of a mutual insurance association within the meaning of the Act respecting insurance.

For the purposes of Title III, except Chapters XII to XV, and of the other provisions of this Act that refer to Title III, from 13 June 2019,

(1) the following Québec insurers are deemed to be business corporations regulated by that Title:

(a) Québec insurers to which a continuance certificate has been issued under section 200.0.16 of the Insurers Act;

(b) L'Alpha compagnie d'assurance inc., whose Québec business number is 1145104445; and

(c) La Capitale Civil Service Insurer Inc., whose Québec business number is 1141715509; and

(2) L'Assurance mutuelle des fabriques de Québec, whose Québec business number is 1142783258, is deemed to be a mutual company regulated by that Title.

In case of conflict, the provisions of the Acts constituting the insurers referred to in the third paragraph prevail over the provisions of Title III and over the provisions of the Business Corporations Act applicable to those insurers under this Act. However, the provisions of those constituting Acts may not depart from the following provisions of that Title: Chapter VII, section 244, subdivision 3 of Division I of Chapter VIII and sections 266, 267, 269 to 273, 277 and 278.

“536. The patrimony of a guarantee fund constituted as a legal person under the Act respecting insurance becomes, as of 13 June 2019, the guarantee fund, described in the second paragraph of section 379, of the federation of mutual companies whose members are the same.

The extra-patrimonial rights and obligations of the guarantee fund constituted as a legal person become, as of that date, the extra-patrimonial rights and obligations of that federation of mutual companies.

That federation becomes, for the guarantee fund described in the second paragraph of section 379, a party to any act and to any judicial or administrative proceeding to which the guarantee fund constituted as a legal person was a party.

“537. The first named insured in a contract designating several insureds underwritten before 13 June 2019 by a mutual insurance company governed on that date by Division III of Chapter III of Title III of the Act respecting insurance remains, while the contract is in force, a member of the mutual company resulting from the continuance provided for in the second paragraph of section 535.

“538. An insurer’s ethics committee appointed in accordance with the Act respecting insurance becomes by operation of law the ethics committee that the insurer must appoint in accordance with this Act.

“DIVISION II

“INSURANCE COMPANIES BOUND BY INSURANCE CONTRACTS CONFERRING RIGHTS TO POLICY DIVIDENDS

“539. The provisions of this division apply to insurance companies that, before 13 June 2019, were bound by insurance contracts conferring rights to policy dividends arising from those contracts entered into before that date.

Such contracts are also called “participating policies”.

“540. At least one-third of the members of the board of directors of an insurance company bound by insurance contracts conferring rights to policy dividends must be elected exclusively by the holders of such contracts as soon as there are at least 100 such holders.

Such holders are entitled to vote in the election, each of them having one vote; in addition, they are entitled to attend all meetings of the company members.

“541. Divisions I and II of Chapter VII of the Business Corporations Act, except sections 177, 179, 180, 182, 191, 192 and 194 to 206, apply to holders of such contracts and members of the insurance company.

The agenda set out in the notice of meeting under section 167 of that Act must, if the notice is sent to the holder of an insurance contract conferring rights to policy dividends, expressly mention the election of directors that must be exclusively elected by such holders.

A statement in prominent and conspicuous type on the premium notices and premium receipts, specifying the date, time and place of the meetings, may be substituted for the notice of meeting that must be sent to holders of insurance contracts conferring rights to policy dividends.

“542. Holders of insurance contracts conferring rights to policy dividends are entitled to share in that portion of the profits set apart that has been distinguished as having been derived from that class of contract in a proportion of at least

(1) 90% of such profits in any year in which the average of the participating fund does not exceed \$250,000,000;

(2) 92.5% of such profits in any year in which the average of the participating fund exceeds \$250,000,000 but does not exceed \$500,000,000;

(3) 95% of such profits in any year in which the average of the participating fund exceeds \$500,000,000 but does not exceed \$1,000,000,000; and

(4) 97.5% of such profits in any year in which the average of the participating fund exceeds \$1,000,000,000.

“543. An insurance company bound by insurance contracts conferring rights to policy dividends must establish a policy for determining the dividends and bonuses payable to the holders of such contracts.

The policy must be approved by the board of directors. The board of directors may distribute any form of benefit to such holders of insurance contracts, including dividends or bonuses, in compliance with the policy established in that regard.

In so doing, the board of directors must take into account the opinion given by the actuary charged with the functions provided for in Chapter VII of Title II in a report to the board of directors on the compliance of the distribution with the policy established in that regard.

“544. An insurance company bound by insurance contracts conferring rights to policy dividends may not make a transfer from its participating fund to a surplus account or a retained earnings account unless it has established a participating fund surplus management policy approved by the board of directors.

The policy must provide a method for calculating the surplus to be maintained in the participating fund, including for the purpose of guaranteeing the performance of the company’s obligations toward holders of insurance contracts conferring rights to policy dividends.

The policy must be presented at a members’ meeting.

“545. A copy of any policy established under section 543 or section 544 must be sent to the Authority.

“546. Before each and any transfer from the participating fund to a surplus account or a retained earnings account, the actuary charged with the functions provided for in Chapter VII of Title II must produce a report certifying that the transfer is in conformity with the participating fund surplus management policy.

The company must send the actuary’s report to the Authority at least 30 days before the date of the transfer.

“547. The Authority may forbid the transfer, or allow it subject to certain conditions, if the Authority considers it advisable in the interest of the holders of insurance contracts conferring rights to policy dividends.

“548. The Authority may require any relevant information or document for the purposes of this division.

“549. The Authority may, where it considers it advisable, give companies bound by insurance contracts conferring rights to policy dividends written instructions as to the management of participating fund surpluses.

Before exercising the power set out in the first paragraph, the Authority must notify the company and give it an opportunity to submit observations.

“TITLE VIII

“FINAL PROVISIONS

“550. The costs incurred by the Government for the administration of this Act, as determined each year by the Government, are borne by the Authority.

“551. The Minister must, at least once every five years, report to the National Assembly on the carrying out of this Act and make recommendations on the advisability of maintaining or amending its provisions.

“552. This Act replaces the Act respecting insurance.

“553. The Authority is responsible for the administration of this Act.

“554. The Minister of Finance is responsible for the carrying out of this Act.”

DIVISION II**PROFESSIONAL ORDERS**§1.—*Amending provisions***PROFESSIONAL CODE**

4. Section 80 of the Professional Code (chapter C-26) is amended by inserting “, or, if applicable, any person exercising a function or power relating to professional liability insurance business under section 86.1” after “inquiry” in the fourth paragraph.

5. The Code is amended by inserting the following section after section 85.1:

“85.1.1. In addition to imposing on the members of the order the obligation to furnish and maintain security to cover professional liability in accordance with paragraphs *d* and *g* of section 93, the board shall, pursuant to those provisions, approve either

(1) the standard insurance or suretyship contract or the other means determined by regulation;

(2) the member’s contract for joining the group plan contract entered into by the order; or

(3) the subscription contract for the professional liability insurance fund established under section 86.1.”

6. Section 86.1 of the Code is amended

(1) by replacing “set up” and “with the Act respecting insurance (chapter A-32)” in the first paragraph by “establish” and “with the provisions of the Insurers Act (2018, chapter 23, section 3) that are applicable to self-regulatory organizations”, respectively;

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

“In addition to the exclusive functions and powers delegated to the professional liability insurance decision-making committee by the board of directors under the second paragraph of section 354 of the Insurers Act, the board may delegate other functions and powers to it within the limits provided for in sections 354 and 355 of that Act. The order must take the measures necessary to preserve at all times the autonomy of the decision-making committee in the exercise of its functions and powers relating to the processing of notices of loss likely to fall under the coverage of the insurance contracts underwritten by the order.”;

(3) in the third paragraph,

(a) by inserting “ or, if applicable, for a period of time determined in a regulation made under paragraph *d* or *g* of section 93” after “less”;

(b) by replacing “equity” by “assets”;

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

“Nothing in this Code prevents a professional order, if it is so authorized in accordance with the Insurers Act, from providing the services described in section 41 of that Act.”

7. The Code is amended by inserting the following sections after section 86.1:

“86.2. The board of directors shall ensure that the officers and managers and at least two-thirds of the members of the decision-making committee who exercise functions and powers in connection with the order’s insurer activities and other insurance business have the skills and experience required in such matters.

The board of directors shall determine the standards of ethics and professional conduct applicable to the persons mentioned in the first paragraph and to the other employees assigned to the order’s insurer activities and other insurance business.

The order must ensure public access to those standards, including on its website, and publish them in its annual report.

“86.3. The board of directors must determine by regulation the functions and powers it may delegate to the officers or managers or to the members of the decision-making committee within the limits provided for in the Insurers Act (2018, chapter 23, section 3).

“86.4. The decision-making committee shall, in accordance with a regulation made under paragraph *d* or *g* of section 93, apply the rules governing the conduct of its affairs and, if not stipulated in the insurance contract, the procedure for processing notices of loss.

The decision-making committee may, with the authorization of the order’s board of directors, retain the services of an expert or of any other person to assist it in the exercise of its functions and powers.

The members of the decision-making committee and any person assisting the committee or one of its members shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing within the order of information or documents required to protect the public.

“86.5. The order’s functions and powers with regard to professional liability insurance are to be exercised in its name in its capacity as an authorized insurer.

Any proceedings relating to the order’s insurer activities are to be brought by the order in its capacity as an authorized insurer or taken against the order acting in that capacity.

“86.6. The decision-making committee shall, on its own initiative or at the request of the board of directors, disclose to the board the following personal information obtained in the exercise of its functions or powers if the information is required to protect the public:

(1) the name of any member or former member concerned by a notice of loss and, if applicable, his membership number;

(2) the fact that a notice of loss against the member or former member has been sent to the committee or that the member or former member has filed a notice of loss regarding his professional liability;

(3) the fact that the member or former member, his successors or the order are implicated in proceedings, to the extent that the order is clearly identified, as well as the originating application; and

(4) the nature of the fault alleged against the member or former member in the exercise of his profession.

The information referred to in the first paragraph that concerns a partnership or other group of professionals must also be disclosed.

“86.7. The decision-making committee or one of its members shall inform the syndic if it or he has reasonable grounds to believe that a professional has committed an offence referred to in the second paragraph of section 116.

The decision-making committee or one of its members shall inform the professional inspection committee if it or he has reasonable grounds to believe that a professional’s practice of the profession or professional competence should be the subject of an inspection under section 112.

“86.8. The board of directors is to have access, on request or at least once a year, to the information, other than personal information, obtained in connection with the order’s insurer activities or other insurance business and required to establish the amount referred to in section 85.2. Such information may include the types of permits issued, the professional activities concerned, the risk experience and loss experience, the frequency and amount of claims, the region in which the professional activities are engaged in, and whether they are engaged in alone, in a partnership or in a group of professionals.”

8. Section 93 of the Code is amended

(1) by replacing the last sentence of paragraph *d* by the following sentences: “The regulation must prescribe the minimum amount of coverage, the rules governing the conduct of the professional liability insurance decision-making committee’s affairs and, if not stipulated in the contract, the procedure for processing notices of loss. It may also prescribe special rules or exemptions based, in particular, on the professional activities engaged in by the members and the risk they represent.”;

(2) by inserting “. It must also prescribe the rules governing the conduct of the professional liability insurance decision-making committee’s affairs and, if not stipulated in the contract, the procedure for processing notices of loss” at the end of paragraph *g*.

9. Section 95.2 of the Code is amended by inserting “, 86.3” after “65” in the first paragraph.

10. Section 108.6 of the Code is amended

(1) by replacing “and the secretary of the disciplinary council and members of the personnel” in paragraph 1 by “, the secretary of the disciplinary council, the officers and managers exercising the functions and powers relating to the order’s insurance business, and the personnel members”;

(2) by inserting “, the professional liability insurance decision-making committee” after “executive committee” in paragraph 3.

11. Section 193 of the Code is amended by inserting the following paragraph after paragraph 2:

“(2.1) a professional liability insurance decision-making committee, one of its members, or an expert or other person assisting the committee in the exercise of its functions and powers relating to a notice of loss record concerning a member or former member;”.

12. Schedule II to the Code is amended by inserting “86.4,” after “62.1,” in the portion preceding “OATH OF DISCRETION”.

§2.—*Special transitional provision*

13. Until standards of ethics and professional conduct are adopted in accordance with the second paragraph of section 86.2 of the Professional Code, enacted by section 7, the standards of ethics and professional conduct applicable to administrators of the order apply, with the necessary modifications, to the members of the professional liability insurance decision-making committee.

DIVISION III**PROMUTUEL RÉASSURANCE****ACT RESPECTING PROMUTUEL RÉASSURANCE**

14. Section 5 of the Act respecting Promutuel réassurance (1985, chapter 62), amended by chapter 86 of the statutes of 1995, is replaced by the following section:

5. The Business Corporations Act (chapter S-31.1) applies, with the necessary modifications, to the association, except Chapter II, sections 16 to 18 and 20 to 28, Division II of Chapter IV, sections 31 to 37 and 40 to 42, Chapter V, Division I of Chapter VI, sections 112 to 114, 117, 126, 147, 153, 155 and 156 and Chapters VII to XVII.

Although the association is not an insurance company regulated by Title III of the Insurers Act (2018, chapter 23, section 3), paragraph 1 of section 200 and sections 238, 242, 243, 269 to 272, 278, 281 and 282 of that Title apply to the association, with the necessary modifications.

For the purpose of applying those provisions to the association,

(1) “shareholders” means the members of the federation’s board of directors;

(2) “shareholders meeting” means a meeting of that board;

(3) “articles” means this Act;

(4) the reference to section 264 of the Insurers Act in paragraph 2 of section 281 of that Act is replaced by a reference to section 26 of this Act;

(5) the reference to section 265 of the Insurers Act in paragraph 3 of section 281 of that Act is replaced by a reference to section 18 or 21 of this Act, as the case may be.”

15. Section 9 of the Act is repealed.

16. Section 10 of the Act, replaced by section 3 of chapter 86 of the statutes of 1995, is amended by replacing “the word “subsidiary” has the meaning assigned to it by section 1.2 of the Act respecting insurance (R.S.Q., chapter A-32)” in the second paragraph by “a legal person is the subsidiary of another legal person if it is controlled directly by that legal person”.

17. Section 18 of the Act is replaced by the following section:

18. In no case may the association proceed with the reimbursement of the participation of a member if

(1) there are reasonable grounds to believe that it is, or would after the reimbursement be, unable to maintain, in accordance with section 74 of the Insurers Act, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability; or

(2) the reimbursement would result in reducing the excess amount of assets over liabilities of the association below \$3,000,000.”

18. Section 20 of the Act is replaced by the following section:

“20. In addition to the sums paid by its members as their participation in the capital under section 12, the association may issue the shares referred to in section 256 of the Insurers Act, in which case sections 256 to 263 of that Act are applicable.”

19. Section 21 of the Act is replaced by the following section:

“21. In no case may the association redeem the shares referred to in section 256 of the Insurers Act that it has issued if

(1) there are reasonable grounds to believe that it is, or would after the redemption be, unable to maintain, in accordance with section 74 of that Act, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability; or

(2) the redemption would result in reducing the excess amount of assets over liabilities of the association below \$3,000,000.”

20. Section 22 of the Act is repealed.

21. Section 26 of the Act is replaced by the following section:

“26. In no case may the association make a payment in application of section 25 if

(1) there are reasonable grounds to believe that it is, or would after the payment be, unable to maintain, in accordance with section 74 of the Insurers Act, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability; or

(2) the payment would result in reducing the excess amount of assets over liabilities of the association below \$3,000,000.”

22. Section 29 of the Act is amended by replacing “of paragraph *d* of section 1 of the Act respecting insurance” by “of the Insurers Act”.

23. Section 32 of the Act is repealed.

24. Section 33 of the Act is amended by replacing “, of the federation or of the guarantee fund corporation related to” by “or of the”.

25. Sections 35 to 39 and 42 to 53 of the Act are repealed.

DIVISION IV

MUTUAL-INTEREST INSURANCE COMPANIES

ACT RESPECTING INSURANCE

26. The Act respecting insurance (chapter A-32) is amended by inserting the following section after section 177:

“177.1. Where an insurance company governed by one of the following private Acts amalgamates, the company resulting from the amalgamation is also governed by that Act:

(1) An Act respecting “Québec Health Services” “Les Services de Santé du Québec” (1991, chapter 102);

(2) An Act respecting Mutuelle des Fonctionnaires du Québec (1991, chapter 103);

(3) An Act respecting the conversion of LS Mutual Life Insurance Company (2012, chapter 33).

Any reference to such an amalgamating company in the private Act governing it is replaced by a reference to the insurance company resulting from the amalgamation. Subject to the third paragraph, the articles of amalgamation may contain any provision departing from the sections of the private Act that apply to the insurance company or may provide that all or some of those sections cease to have effect and replace them by any other provision not contrary to the Business Corporations Act (chapter S-31.1) or this Act.

The amalgamation of an insurance company governed by an Act referred to in the first paragraph does not affect the rights in the company conferred on the mutual management corporation and its members by the Act, nor does it affect that legal person’s obligation to have a controlling interest in the insurance company or to hold any other interest in its capital. Any provision to the contrary in the articles of amalgamation is deemed unwritten.

For the purposes of this section, “mutuelle de gestion” in the French text also means a mutual management corporation.”

CHAPTER II

FINANCIAL SERVICES COOPERATIVES

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

27. The heading of Chapter I of the Act respecting financial services cooperatives (chapter C-67.3) is amended by inserting “, FINANCIAL SERVICES COOPERATIVES” after “INTERPRETATION”.

28. The Act is amended by inserting the following after the heading of Chapter I:

“DIVISION I

“FINANCIAL SERVICES COOPERATIVES AND MISSION”.

29. Sections 2 and 3 of the Act are repealed.

30. Section 5 of the Act is amended

(1) in the first paragraph,

(a) by striking out “from its members” in subparagraph 1;

(b) by replacing “financial products and services to its members and, as an ancillary activity, to any other person or partnership, for the benefit of its members” in subparagraph 2 by “products and services”;

(c) by inserting “, financial” after “economic” in subparagraph 4;

(2) by replacing “The mission of a cooperative that is a credit union” in the second paragraph by “A cooperative may carry on the activities referred to in subparagraphs 1 and 2 of the first paragraph not only with regard to its members, but also with regard to any user; if it is a credit union, its mission”.

31. Section 6 of the Act is amended

(1) by striking out paragraph 3;

(2) by striking out “whether the common characteristic is determined on the basis of such a criterion as territory, employment or occupation” in paragraph 4;

(3) by inserting “financial” before “group” in paragraph 5;

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

“The provisions of this Act imposing a requirement to comply with a by-law or standard of a federation do not apply to a credit union that is not a member of a federation.”

32. The Act is amended by inserting the following after section 6:

“DIVISION II

“GROUPS AND GENERAL MATTERS RELATING TO GROUPS

“6.1. A federation and its member credit unions form a network of financial services cooperatives.

“6.2. All the financial services cooperatives forming a network, together with any security fund the members of whose board of directors are appointed by the federation belonging to that network, are a cooperative group.

The cooperative group to which the Fédération des caisses Desjardins du Québec belongs is called the “Groupe coopératif Desjardins”.

“6.3. All the financial services cooperatives belonging to a network, together with every group the holder of control of which is one of those cooperatives, are a financial group.

The financial group to which the Fédération des caisses Desjardins du Québec belongs is called the “Mouvement Desjardins”.

A credit union that is not a member of a federation, together with every group of which it is the holder of control, is also a financial group.

“6.4. Chapters II to XIII apply to the financial services cooperatives and the security fund included in the Groupe coopératif Desjardins only to the extent that Chapter XIII.1 does not depart from those chapters.

“6.5. For the purposes of this Act, “holder of control” of the following groups means,

(1) in the case of a business corporation, the holder of shares conferring more than 50% of the voting rights or whoever can otherwise choose the majority of its directors;

(2) in the case of a partnership that is a limited partnership, the general partner and, in the case of any other type of partnership, the partner who can determine the outcome of collective decisions, if applicable;

(3) in the case of a trust, the trustee;

(4) in the case of co-owners in indivision, the manager or, in the absence of a manager, if one of the co-owners can determine the outcome of collective decisions made by majority vote, that co-owner; and

(5) in the case of a security fund, the federation belonging to the same cooperative group.

No one is the holder of control of a financial services cooperative, of a mutual company or of any other group that confers voting rights on a one member, one vote basis.

“6.6. In the case of a legal person constituted under the laws of a jurisdiction other than Québec, the organ on which the powers usually conferred on a board of directors are conferred is considered such a board. In that context, “director” means a member of that organ.

A legal person constituted under the laws of a jurisdiction other than Québec that, in a manner similar to that of a business corporation, confers voting rights otherwise than on a one member, one vote basis is considered a business corporation. If those rights are conferred through securities that it issues, the securities are considered shares.

“6.7. Control, in cases which allow it, also results from participation in the concerted and ongoing exercise of rights within the group controlled or of powers over that group, even though none of the participants in the exercise of such rights or powers would alone be the holder of control; in such cases, each of the participants is deemed to be the holder of control.

“6.8. The following are deemed to participate in the concerted and ongoing exercise of their rights or powers and, consequently, to be the holders of control of a group:

(1) the participants that are controlled by a same holder of control as well as that holder, if the holder is a participant;

(2) the trustees of a same trust;

(3) the member credit unions of a same federation; and

(4) the natural persons between whom family ties are considered to exist.

“6.9. The holder of control of a group is also, if that group is the holder of control of another group, the holder of control of that other group.

“6.10. For the purposes of this Act, the holder of control of a group is deemed

(1) to hold any rights to acquire shares and other securities that are held by the group; and

(2) to exercise the voting rights that the group may exercise.

“6.11. For the purposes of this Act, a security entitlement to a share or to another security is considered such a share or security, unless the holder of the security entitlement is a securities intermediary acting in that capacity.

“Security entitlement” and “securities intermediary” have the meaning assigned by the Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002).

“DIVISION III

“ECONOMIC AND FAMILY TIES

“6.12. Economic ties are considered to exist only between

(1) natural persons between whom family ties are considered to exist;

(2) a business corporation and

(a) the person who can exercise 10% or more of the voting rights attached to the shares issued by the corporation; and

(b) the holder of shares issued by the corporation representing more than 10% of its equity capital;

(3) a partner in a partnership and the partnership;

(4) each of the partners in a same partnership;

(5) a legal person, other than a financial services cooperative, and its directors and officers;

(6) a financial services cooperative and its officers and managers; and

(7) a person and a succession or trust in which the person has a substantial interest similar to that of a beneficiary or in respect of which the person serves as liquidator of the succession, trustee or other administrator of the property of others, mandatary or depositary.

Economic ties include any other ties between persons or groups that the Autorité des marchés financiers may determine by regulation.

“6.13. Family ties are considered to exist only between a person and

(1) his or her spouse;

- (2) his or her children or spouse's children; and
- (3) his or her parents or spouse's parents.

“DIVISION IV

“APPLICATION OF CERTAIN PROVISIONS TO FINANCIAL GROUPS AND LEGAL PERSONS ACTING ON BEHALF OF A FINANCIAL SERVICES COOPERATIVE

“6.14. The obligations of a financial services cooperative or security fund under the provisions of this Act remain unchanged by the mere fact that the cooperative or fund entrusts a third person to carry on any part of an activity governed by those provisions.

“6.15. A financial services cooperative or security fund shall ensure that any group in respect of which the cooperative or fund is the holder of control complies with the prohibitions imposed on the cooperative or fund by this Act.

A prohibition imposed on such a cooperative or fund applies to the groups in its financial group not only when each of them is acting alone, but also when the acts or omissions of all or some of them would have contravened the prohibition had they been done or made by only one of them.

This section does not prohibit a group in respect of which a financial services cooperative or security fund is the holder of control from carrying on activities the group is permitted to carry on by the Act governing it even though the cooperative or fund is not permitted to carry on those activities, provided the group is a financial institution subject to the supervision of a regulatory authority.

“6.16. A financial services cooperative or security fund is liable for failures to comply with this Act by a group in respect of which the cooperative or fund is the holder of control, as if those failures to comply were the cooperative's own.

“6.17. The inspection functions and powers of the Authority, provided for by the Act respecting the regulation of the financial sector (chapter A-33.2), that may be exercised in relation to a financial services cooperative or security fund extend to any group that is part of the cooperative's or fund's financial group if the person authorized to inspect the cooperative or fund considers it necessary to inspect the former group in order to complete the verification of the cooperative's or fund's compliance with this Act, even though that group does not carry on activities governed by an Act referred to in section 7 of that Act.

6.18. The Authority may prohibit that the obligations of a financial services cooperative or security fund under this Act be performed by a third person on the cooperative's behalf if, in the Authority's opinion, such performance would render the application of this Act difficult or ineffective.

Before rendering its decision, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the cooperative or fund in writing and grant the cooperative or fund at least 15 days to present observations."

33. Section 8 of the Act is amended by replacing "common characteristic" in paragraph 4 by "a common characteristic when such conditions are".

34. Section 10 of the Act is amended

(1) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) in the case of a credit union, the name of the federation of which it will be a member;"

(2) by replacing the second and third paragraphs by the following paragraphs:

"The articles of a credit union that is a member of a federation may indicate the common characteristic that must be shared by members, other than auxiliary members, that the credit union may recruit. The common characteristic must be determined on the basis of occupation, on the basis of employment status with the same employer or with an employer belonging to a group of employers who are related to each other or who carry on their activities in the same economic sector, or on the basis of other criteria recognized by the federation. A credit union whose articles indicate such a common characteristic is called a "group credit union". Any other credit union that is a member of a federation is called a "territory credit union", and the common characteristic of its members is to be resident, to be domiciled or to work in Québec.

The articles of a credit union that is not a member of a federation may also contain any provision that the credit union, under this Act, may provide for in its by-laws."

35. Section 12 of the Act is amended

(1) by replacing "et" in paragraph 7 in the French text by "ou";

(2) by adding the following paragraph after paragraph 9:

"(10) the fees prescribed by regulation of the Government."

36. Section 14 of the Act is replaced by the following sections:

“**14.** After receiving the articles, the documents and fees that must accompany them and any additional documents or information it requires, the Authority shall prepare a report on the reasons for granting or denying the application in which it assesses consumer interest and the impact of the decision on the relevant markets in Québec.

In its report, the Authority shall cover such matters as

(1) the nature and scope of the guarantees ensuring the protection of the members of the financial services cooperative;

(2) the quality and feasibility of the financial forecasts for the carrying on and development of the cooperative’s activities; and

(3) the compliance of the cooperative’s proposed name with this Act.

“**14.1.** To the extent that the proposed name of a financial services cooperative is compliant with the requirements of this Act, the Authority shall send its report to the Minister together with the application requesting the Minister to authorize the establishment of the cooperative.”

37. Section 15 of the Act is amended, in the first paragraph,

(1) by striking out “and after obtaining the advice of the Authority”;

(2) by replacing “cette dernière” in the French text by “l’Autorité”.

38. Section 16 of the Act is amended by adding the following paragraph at the end:

“The cooperative is a legal person as of that time.”

39. Section 18 of the Act is amended

(1) by replacing “a financial services cooperative” in the first paragraph by “a credit union”;

(2) by striking out the second paragraph;

(3) by replacing “A credit union whose members share a common characteristic determined on the basis of territory cannot” in the third paragraph by “Only a group credit union may”;

(4) by replacing “the first and second paragraphs” in the fourth paragraph by “the first paragraph”.

40. Section 20 of the Act is repealed.

- 41.** Section 25.1 of the Act is amended by striking out “20,”.
- 42.** Section 28 of the Act is amended by adding the following paragraph at the end:
- “In addition to the expression “financial services cooperative”, the other names by which a financial services cooperative identifies itself may contain the term “cooperative”, “cooperation” or “co-op”, despite section 16 of the Cooperatives Act (chapter C-67.2).”
- 43.** Section 30 of the Act is repealed.
- 44.** Section 36 of the Act is amended
- (1) in the first paragraph,
 - (a) by striking out “internal management” in subparagraph 1;
 - (b) by replacing “prescribed by by-law of the financial services cooperative or, in the absence of such a by-law,” in subparagraph 2 by “specified in those by-laws or, if such a number is not specified,”;
 - (c) by replacing “members of the board of directors and, where applicable, the members of the board of supervision or of the board of ethics and professional conduct” in subparagraph 3 by “officers”;
 - (d) by replacing “vérificateur” in subparagraph 4 in the French text by “auditeur”;
 - (e) by replacing subparagraph 5 by the following subparagraph:

“(5) in the case of a federation, adopt the standards required under the second paragraph of section 369.”;
 - (2) by striking out “adopt any other by-law or” in the second paragraph.
- 45.** Section 37 of the Act is amended, in the first paragraph,
- (1) by replacing “member of the board of directors and of the board of supervision or the board of ethics and professional conduct, as the case may be” in subparagraph 1 by “officer”;
 - (2) by replacing subparagraph 4 by the following subparagraph:

“(4) if applicable, a notice stating the name of the auditor appointed by the assembly.”

46. Section 38 of the Act is amended

(1) by replacing “a by-law of the cooperative” at the end of the first paragraph by “special resolution”;

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

“The resolution must designate the person authorized to sign the request. If the cooperative is a credit union that is a member of a federation, the resolution must be submitted for approval to the federation, unless the object of the resolution is the termination, by a credit union, of its membership in the federation.”

47. Section 40 of the Act is amended

(1) by replacing “the financial services cooperative’s by-law approving” in paragraph 2 by “the special resolution authorizing”;

(2) by replacing “a” and “amendment to or replacement of” in paragraph 3 by “where applicable, a” and “the resolution authorizing the amendment to or replacement of”, respectively.

48. Section 44 of the Act is amended by replacing “other classes of shares, where the by-laws of the cooperative so allow” by “capital shares and investment shares, if the by-laws of the cooperative so allow”.

49. Section 45 of the Act is amended by striking out “and may be issued only to members”.

50. Section 46 of the Act is repealed.

51. Section 47 of the Act is amended by replacing the second paragraph by the following paragraph:

“If the cooperative is a credit union that is a member of a federation, the resolution must be submitted for approval to the federation.”

52. Section 48 of the Act is amended

(1) by inserting “, exchange” after “redemption” in paragraph 2;

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

“(4) on the conversion of debt obligations.”

53. Section 49 of the Act is amended by replacing “making an entry in a computerized register established by by-law” in the first paragraph by “by merely registering them in the securities register under section 133”.

54. Section 50 of the Act is amended

(1) by replacing “déterminé par règlement” and “, par règlement de la fédération” in the French text by “déterminé par le règlement intérieur” and “membre d’une fédération, par celui de cette dernière”, respectively;

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

“Such shares may be issued only to members.”

55. Section 53 of the Act is amended by replacing “a credit union”, “credit unions” and “the credit union” by “a member”, “members” and “the member”, respectively.

56. Sections 54 and 55 of the Act are replaced by the following sections:

“54. In this Act, unless the context indicates otherwise,

“capital share” means a share on which interest and, if applicable, additional interest are payable at the discretion of a financial services cooperative or, in the case of shares issued by a credit union that is a member of a federation, at the discretion of the federation;

“investment share” means a share which, according to its terms, entails the obligation to pay such interest as is determined by the financial services cooperative.

For the purposes of the acquisition and holding by the Caisse de dépôt et placement du Québec of bonds or other debt obligations issued by the Fédération des caisses Desjardins du Québec, the capital shares of the federation and of its members, except auxiliary members, are deemed to be common shares for the purposes of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2).

The permanent shares issued by a credit union before 1 July 2001, converted into capital shares of a class carrying the same rights, privileges, conditions and restrictions as those attached to those permanent shares and deemed to be issued in accordance with this Act under section 66 of the Act respecting the Mouvement Desjardins (2000, chapter 77), as it read at the time of its repeal on 13 July 2018, may be designated by the name “permanent shares”.

“55. The by-laws of a financial services cooperative that authorize it to issue capital shares and investment shares must set out the rights, privileges, conditions and restrictions attaching to each class of shares provided for in the by-laws.

Unless otherwise provided by this Act, a cooperative may not issue capital shares or investment shares to an acquirer other than

- (1) one of its members;
- (2) a fund established by the by-laws of the cooperative for the purpose of holding shares for the benefit of the members;
- (3) the security fund of a cooperative group;
- (4) an issuing corporation referred to in section 475;
- (5) a member of a credit union that is a member of the federation issuing the shares; or
- (6) a federation of which the credit union issuing the shares is a member.

When a federation apportions all or part of the proceeds of an issue referred to in subparagraph 5 of the second paragraph among member credit unions, section 481 applies, with the necessary modifications.”

57. Section 58 of the Act is repealed.

58. Section 59 of the Act is amended by replacing “paragraph 1 of section 46” in the third paragraph by “subparagraph 2 of the second paragraph of section 55”.

59. Section 60 of the Act is amended

(1) by striking out “capital share or investment” and “However, such shares have priority over qualifying shares.” in the first paragraph;

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

“In the event of the winding-up, insolvency or dissolution of a financial services cooperative, the shares it has issued rank among themselves as follows:

(1) in the case of a credit union that is not a member of a federation, investment shares and capital shares rank equally among themselves and have priority over qualifying shares; and

(2) in the case of other financial services cooperatives,

(a) investment shares have priority over capital shares and qualifying shares, and

(b) capital shares and qualifying shares rank equally among themselves.”

60. Section 61 of the Act is amended by inserting “, other than those held by a member credit union of the federation,” after “by a federation” in the second paragraph.

61. The Act is amended by inserting the following sections after section 61:

“**61.1.** A financial services cooperative that belongs to a network may not purchase, repurchase or redeem the shares it has issued if there are reasonable grounds to believe that the network is, or would after the payment be, unable to maintain, in accordance with the first paragraph of section 440.1, adequate capital to ensure its sustainability, or

(1) if the cooperative is a credit union, it is, or would after the payment be, unable to maintain, in accordance with section 461, adequate assets to meet its liabilities, as and when they become due; or

(2) if the cooperative is a federation, it is, or would after the payment be, unable to maintain,

(a) in accordance with the second paragraph of section 440.1, adequate capital to ensure its sustainability; or

(b) in accordance with section 466, such liquid assets as are adequate to meet its requirements and obligations.

“**61.2.** A financial services cooperative that does not belong to a network may not purchase, repurchase or redeem the shares it has issued if there are reasonable grounds to believe that it is, or would after the payment be, unable to maintain adequate capital to ensure its sustainability in accordance with section 451 or unable to maintain adequate assets to meet its liabilities, as and when they become due, in accordance with section 464.

“**61.3.** The Authority may not authorize the redemption or repurchase of shares under section 61 if such a redemption or repurchase is prohibited under section 61.1 or 61.2.”

62. Section 62 of the Act is replaced by the following sections:

“**62.** The interest that may be paid on capital shares is determined by the board of directors of the cooperative that issued the shares unless the cooperative is a member of a federation; in that case, it is determined by the board of directors of the federation.

The additional interest that may be paid on capital shares issued by a credit union that is not a member of a federation is determined by the credit union’s general meeting, at its annual meeting.

“62.1. The interest paid on capital shares issued by a federation or a member credit union of the federation may be taken out of surplus earnings, the stabilization reserve and, if those are insufficient, the general reserve.

In the case of a credit union that is not a member of a federation, the interest is taken out of the stabilization reserve, as is the additional interest, which may also be taken out of surplus earnings.”

63. Section 63 of the Act is replaced by the following sections:

“63. The federation may pay interest on the shares issued by its member credit unions.

“63.1. Interest may not be determined or paid on capital shares issued by a financial services cooperative that belongs to a network if there are reasonable grounds to believe that the network is, or would after the payment be, unable to maintain, in accordance with the first paragraph of section 440.1, adequate capital to ensure its sustainability, or

(1) if the interest is payable by a credit union on shares it has issued, the credit union is, or would after the payment be, unable to maintain, in accordance with section 461, adequate assets to meet its liabilities, as and when they become due; or

(2) if the interest is payable by a federation on shares it has issued or, under section 63, by a member credit union of the federation, the federation is, or would after the payment be, unable to maintain,

(a) in accordance with the second paragraph of section 440.1, adequate capital to ensure its sustainability; or

(b) in accordance with section 466, such liquid assets as are adequate to meet its requirements and obligations.

“63.2. A cooperative that is not a member of a network may not determine or pay interest on capital shares it has issued if there are reasonable grounds to believe that it is, or would after the payment be, unable to maintain adequate capital to ensure its sustainability in accordance with section 451, or unable to maintain adequate assets to meet its liabilities, as and when they become due, in accordance with section 464.”

64. Section 64 of the Act is repealed.

65. Section 66 of the Act is amended by inserting “ensuring, in particular, good governance and compliance with the laws governing its activities” after “practices”.

66. Section 66.1 of the Act is replaced by the following sections:

“66.1. A financial services cooperative must adhere to sound commercial practices.

Such practices include providing fair treatment to its clientele, in particular by

- (1) providing appropriate information;
- (2) adopting a policy for processing complaints filed by members of that clientele and resolving disputes with them; and
- (3) keeping a complaints register.

“66.2. A financial services cooperative must be able to show to the Authority, and if applicable to the federation of which it is a member, that it adheres to sound and prudent management practices and sound commercial practices.”

67. Sections 67 and 68 of the Act are repealed.

68. Section 71 of the Act is amended

(1) by replacing “à ses règlements” in paragraph 1 in the French text by “à son règlement intérieur”;

(2) by inserting “and managers” after “officers” in paragraph 3;

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

“(4) the documents of the cooperative issued by one of its officers or managers or other mandataries are valid.”

69. Section 73 of the Act is amended

(1) by striking out “and La Caisse centrale Desjardins du Québec, where the federation and the credit unions are members thereof,” in the first paragraph;

(2) by replacing “members of the group are not considered to be third persons in relation to each other” in the second paragraph by “groups within the financial group to which they belong are not considered to be third persons in relation to each other”.

70. Sections 74, 75 and 78 of the Act are repealed.

71. Section 81 of the Act is amended

(1) by replacing the introductory clause by the following:

“**81.** No federation may, without the Authority’s permission, grant a hypothec or other security on its movable property, except”;

(2) by inserting “or any loan contracted with the Bank of Canada” at the end of paragraph 1;

(3) by striking out paragraph 2;

(4) by replacing “40 of the Deposit Insurance Act (chapter A-26)” in paragraph 3 by “40.5 of the Deposit Institutions and Deposit Protection Act (chapter A-26) or, if it receives deposits from outside Québec, to obtain an advance from a federal or provincial body that guarantees or insures deposits”;

(5) by striking out paragraph 4;

(6) by striking out “recognized by the Authority as a self-regulatory organization” in paragraph 5;

(7) by replacing paragraph 6 by the following paragraph:

“(6) to act on behalf of its members or users for the clearing and settlement of instruments of payment or securities transactions;”;

(8) by striking out paragraphs 7 and 8;

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

“The Authority may, in granting its permission, require any undertaking it considers necessary to ensure compliance with this Act.”

72. Section 81.1 of the Act is amended by adding the following paragraph at the end:

“Any authorization given under the first paragraph may include conditions and restrictions and may apply to a category or group of financial services cooperatives.”

73. Section 82 of the Act is amended

(1) by striking out “for the purposes set out in section 81” in the first paragraph;

(2) by striking out the second and third paragraphs.

74. Section 84 of the Act is amended

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

“(3) in the case of a federation or a member credit union of the federation, paying interest on capital shares;

“(3.1) in the case of a credit union that is not a member of a federation, paying additional interest on capital shares;”;

(2) by striking out “in the case of a credit union,” in subparagraph 4.1 of the first paragraph;

(3) by inserting “, including auxiliary members,” after “cooperative” in subparagraph 5 of the first paragraph;

(4) by replacing “The allocation” in the third paragraph by “However, in the case of a federation or a member credit union of the federation, the allocation of surplus earnings to the payment of interest on capital shares is a matter under the jurisdiction of the federation’s board of directors. In addition, the allocation”.

75. Section 85 of the Act is amended by adding the following paragraph at the end:

“In the circumstances referred to in the first paragraph of section 62.1, the general reserve of a federation or a member credit union of the federation may be drawn upon to pay interest on the capital shares it has issued.”

76. Section 86 of the Act is amended by replacing “Les règlements” in the French text by “Le règlement intérieur”.**77.** Section 87 of the Act is amended

(1) in the first paragraph,

(a) by striking out “investment deposits of a credit union in an investment fund established pursuant to section 414, of the capital”;

(b) by replacing “by-law” by “the by-laws”;

(2) by replacing “by-law” in the introductory clause of the second paragraph by “the by-laws”.

78. Section 87.1 of the Act is amended by replacing “règlement” in the first paragraph in the French text by “son règlement intérieur”.

79. Section 88 of the Act is amended by replacing both occurrences of “capital base” by “capital” and “is sufficient to ensure sound and prudent management” by “is adequate to ensure its sustainability”.

80. Section 89 of the Act is amended by replacing “the capital base of the credit union is in conformity” by “its capital is in conformity”.

81. Section 90.1 of the Act is amended by adding the following paragraph at the end:

“The same is true for a transfer of sums from that reserve to the community development fund.”

82. Section 91 of the Act is amended by replacing “règlement de” in the first paragraph in the French text by “le règlement intérieur de”.

83. The heading of Chapter V of the Act is amended by inserting “, MANAGERS” after “OFFICERS”.

84. The heading of Division I of Chapter V of the Act is amended by inserting “AND MANAGERS” after “OFFICERS”.

85. Sections 92 to 96 of the Act are replaced by the following sections:

“92. The officers of a financial services cooperative are the members of its board of directors together with, in the case of a credit union, the members of the credit union’s board of supervision or, in the case of a federation, the members of the federation’s board of ethics and professional conduct.

In this Act, “officer”, when used with an expression referring to a legal person or to another group that is not a financial services cooperative, does not refer to a member of a board of directors.

“93. For the purposes of this Act, the managers of a financial services cooperative are

(1) the person chiefly responsible for the management of the cooperative (chief manager);

(2) any person appointed to a managerial position; and

(3) any person who, without being appointed to such a position, is designated as such by the cooperative’s board of directors.

“94. A financial services cooperative’s managerial positions are created by the cooperative’s board of directors; except as otherwise provided by this Act, the board may appoint any person to such a position and specify his or her functions.

“95. Despite section 94, the board of directors of a credit union that is a member of a federation may create managerial positions only to the extent provided for in the by-laws of the federation.

“96. The chief manager of a credit union may not be president or vice-president of the credit union’s board of directors.”

86. Section 97 of the Act is amended

(1) by replacing “director general” in the first paragraph by “chief manager”;

(2) by replacing “director general” in the second paragraph by “chief manager”.

87. Section 98 of the Act is amended

(1) by replacing “A director general”, “the director general” and “director general’s” in the first paragraph by “The chief manager of a cooperative”, “the chief manager” and “chief manager’s”, respectively;

(2) by replacing “The director general” in the second paragraph by “The chief manager of a cooperative” and by striking out “and from any meeting at which the conditions of employment of the director general are being discussed”.

88. Section 100 of the Act is amended

(1) by inserting “and managers” after “the officers” in the first paragraph;

(2) by inserting “and managers” after “such officers” in the second paragraph.

89. Section 101 of the Act is repealed.

90. Sections 102 and 103 of the Act are replaced by the following sections:

“102. Subject to this division, the officers of a financial services cooperative are bound by the same obligations as are imposed by the Civil Code on any director of a legal person.

Consequently, in the exercise of their functions, the officers are duty-bound toward the financial services cooperative to act with prudence and diligence, honesty and loyalty and in the interest of the cooperative.

In their capacity as mandataries of the financial services cooperative, the managers are bound, among other things, by the same obligations as are imposed on the directors under the first paragraph.

“103. An officer of a financial services cooperative is presumed to have fulfilled the obligation to act with prudence and diligence if the officer relied, in good faith and on reasonable grounds, on a report, information or an opinion provided by

(1) a manager of the financial services cooperative or, if applicable, of another cooperative that is a member of the same network as that cooperative, who the officer believes to be reliable and competent in the functions performed;

(2) legal counsel, professional accountants or other persons retained by the cooperative or a member of the network to which it belongs as to matters involving skills or expertise the officer believes are matters within the particular person’s professional or expert competence and as to which the particular person merits confidence;

(3) a committee of the board of directors of which the officer is not a member if the officer believes the committee merits confidence; or

(4) in the case of an officer of a credit union that is a member of a federation, the federation or a person it retains.”

91. Section 104 of the Act is amended by inserting “or manager” after “does not release any officer”.

92. Section 105 of the Act is amended by replacing “an officer of the cooperative or a” by “each of its officers and managers and any”.

93. Section 106 of the Act is amended by inserting “or manager” after “No officer”.

94. Section 107 of the Act is replaced by the following section:

“107. A financial services cooperative shall assume the defence of its officers and managers, and of persons who have acted in that capacity for the cooperative, who are prosecuted by a third person for an act done in the performance of their duties and shall pay any injury resulting from that act, unless they have committed a gross negligence or a personal fault separable from the performance of their duties.

In penal or criminal proceedings, however, the cooperative shall assume payment of the expenses of its officers and managers, and of persons who have acted in that capacity for the cooperative, only where they had reasonable grounds to believe that their conduct was in conformity with the law or where they have been discharged or acquitted, or where the proceedings have been withdrawn or dismissed.”

95. Section 108 of the Act is amended by replacing “of an officer or of a person who has acted in that capacity for the cooperative and whom” and “the officer’s or person’s” in the first paragraph by “of its officers or managers, or of persons who have acted for it in that capacity, whom” and “their”, respectively.

96. The Act is amended by inserting the following section after section 113:

“113.1. An officer cannot be held liable under section 110, 111 or 479.2 if the officer acted with a reasonable degree of prudence and diligence in the circumstances.

Furthermore, for the purposes of sections 110, 111 and 479.2, the court may, after considering all the circumstances and on the terms the court considers appropriate, relieve an officer, either wholly or partly, from the liability the officer would otherwise incur if it appears to the court that the officer has acted reasonably, honestly and loyally, and ought fairly to be excused.”

97. Section 114 of the Act is amended

(1) in the second paragraph,

(a) by replacing “The officer” by “An officer or manager who is suspended”;

(b) by inserting “or manager” after “capacity of officer” and by striking out “of officer”;

(c) by inserting “financial” after “the same”;

(2) by inserting “or manager” after “an officer” and “or manager’s” after “the officer’s” in the third paragraph.

98. Sections 115 to 117 of the Act are repealed.

99. Section 118 of the Act is replaced by the following sections:

“118. An officer or manager who is in a conflict of interest situation must, on pain of dismissal, disclose the situation.

The chief manager participating in deliberations and decisions relating to his or her conditions of employment is, in particular, a conflict of interest situation.

“118.1. Except in the case of a conflict of interest situation involving an officer who discloses the situation at a meeting of the board of directors of which he or she is a member, every conflict of interest situation involving an officer or manager must be disclosed by the officer or manager to the board of directors, in writing, as soon as he or she becomes aware of it.

A disclosure made during a board meeting must be entered in the minutes of the meeting.

“118.2. In addition to disclosing any conflict of interest situation involving him or her, an officer must, on pain of dismissal, abstain from voting on matters concerning the situation and avoid influencing the decision relating to it. The officer must also withdraw from any meeting while the situation is being discussed or voted on.”

100. Section 119 of the Act is amended by replacing “who is dismissed for having contravened section 118” by “or manager who is dismissed for having contravened section 118 or 118.2”.

101. Section 120 of the Act is amended by replacing “may give written instructions to the legal persons and partnerships it controls” in the first paragraph by “must give written instructions to the groups of which it is the holder of control”.

102. Sections 121 to 125 of the Act are replaced by the following sections:

“121. A financial services cooperative must, when doing business with natural persons or groups that are restricted parties with respect to it, act in the same manner as it would when dealing at arm’s length.

Consequently, a contract entered into between the cooperative and a natural person or group that is a restricted party with respect to it may not be less advantageous for the cooperative than if it had been entered into at arm’s length.

“122. Section 121 does not apply to the remuneration of officers or any other matter connected with a contract of employment.

“123. The following natural persons and groups are restricted parties with respect to a financial services cooperative:

- (1) the cooperative’s officers and managers;
- (2) if the cooperative is a credit union that is a member of a federation, the federation’s officers and managers;
- (3) a group whose board of directors is composed, in the majority, of officers of the cooperative;
- (4) natural persons and groups having economic ties with the officers or managers referred to in subparagraphs 1 to 3; and
- (5) any other person or group designated under section 124.

A group that belongs to the same financial group as a financial services cooperative is not a restricted party with respect to the cooperative.

“124. The Authority may designate a natural person or group as a restricted party if, in its opinion, that person or group is likely to receive preferential treatment to the detriment of the financial services cooperative.

The Authority may review a designation at the request of the person or group designated or the cooperative concerned.

Before making or refusing to review a designation, the Authority must give the natural person or group and the cooperative concerned an opportunity to present observations.

The Authority shall notify the person or group designated and the cooperative concerned of its decision on the designation or the review request, as applicable.

“125. Unless the obligations of a financial services cooperative under the following contracts are minimal, such contracts must be submitted to its board of directors for approval:

(1) a contract for the acquisition, by the cooperative, of securities issued by a natural person or group that is a restricted party with respect to the cooperative or for the transfer of assets between them; and

(2) a service contract between the cooperative and a natural person or group that is a restricted party with respect to it.

Before approving such contracts, the board of directors must obtain the opinion of the board of supervision or the board of ethics and professional conduct, as the case may be.”

103. Sections 126 to 129 of the Act are repealed.

104. Section 130 of the Act is amended

(1) by replacing “any of its officers or to any person who is an associate of its officers” in the first paragraph by “its officers or managers or to natural persons or groups having economic ties with them”;

(2) by replacing “its group” in the second paragraph by “the financial group to which the cooperative belongs”.

105. Section 131 of the Act is amended by replacing “or an associate of an officer where the officer” in paragraph 2 by “or manager or to a natural person or group having economic ties with the officer or manager, where he or she”.

106. Sections 131.1 to 131.7 of the Act are replaced by the following sections:

“131.1. The complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 66.1 must, in particular,

(1) set out the characteristics that make a communication to the financial services cooperative a complaint that must be registered in the complaints register kept under subparagraph 3 of the second paragraph of section 66.1; and

(2) provide for a complaint record to be opened for each complaint and prescribe rules for keeping such records.

The financial services cooperative must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on its website and disseminate it by any appropriate means to reach the clientele concerned.

“131.2. Within 10 days after a complaint is registered in the complaints register, the financial services cooperative must send the complainant a notice stating the complaint registration date and the complainant’s right to have the complaint record examined under section 131.3.

“131.3. A person whose complaint has been registered in the complaints register may, if dissatisfied with the cooperative’s processing of the complaint or the outcome, request the cooperative to have the complaint record examined by the Authority.

If the cooperative is a credit union that is a member of a federation, the complaint record is examined by the federation rather than the Authority.

The cooperative is required to comply with the complainant’s request and send the record to the Authority or, in the case of a credit union that is a member of a federation, to the federation.

“131.4. The Authority shall examine the complaint records that are sent to it.

It may, with the parties’ consent, act as conciliator or mediator or designate a person to act as such.

Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

“131.5. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted into evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

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 a document contained in the conciliation or mediation record.

“131.6. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Authority may not communicate a complaint record without the authorization of the financial services cooperative that has sent it.

“131.7. On the date set by the Authority, a financial services cooperative shall send it a report on the complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 66.1 stating the number of complaints that the cooperative has registered in the complaints register and their nature.

The report must cover the period determined by the Authority.

On sending the report to the Authority, a credit union that is a member of a federation shall send a copy of it to the federation.”

107. Sections 132 to 135 of the Act are replaced by the following sections:

“132. A financial services cooperative shall prepare and maintain, at its head office, books containing

- (1) its articles and the Authority’s certificates relating to them, its by-laws, and any notice concerning the address of its head office;
- (2) the minutes and resolutions of its meetings;
- (3) the names and domiciles of the members of its board of directors, and the dates of the beginning and end of their terms of office;
- (4) a securities register; and
- (5) a list of the fees required by the cooperative for the services it provides.

The members may examine the cooperative’s books mentioned in the first paragraph, except the securities register, during its regular office hours and obtain extracts from them without charge. They are also entitled, on request and without charge, to one copy of the articles and by-laws.

“133. In addition to the information referred to in the second paragraph of section 49, the securities register of a financial services cooperative must contain the following information with regard to the issued shares of its share capital:

- (1) the names, in alphabetical order, and the addresses of the shareholders;
- (2) the number of shares held by each such shareholder;
- (3) the date and details of the issue and, if applicable, transfer of each share; and
- (4) any amount due on any share.

The register must contain, if applicable, the same information with respect to the cooperative’s debentures, bonds and notes, with the necessary modifications.

“134. A financial services cooperative must prepare and maintain, at its head office, accounting records and books containing

- (1) the minutes of meetings and resolutions of the board of directors and its committees and of the board of supervision or the board of ethics and professional conduct;
- (2) the compliance programs of the cooperative;
- (3) the orders of the Authority and of the Minister;
- (4) the written instructions issued under this Act; and
- (5) if the cooperative is a credit union that is a member of a federation, the management agreements it has entered into with the federation or with the security fund established by the federation.

Unless otherwise provided by law, only the officers and the auditor may have access to the records and books referred to in the first paragraph.

“135. The accounting records that must be maintained by a financial services cooperative include

- (1) the registers and accounting records required for preparing financial statements; and
- (2) statements of account indicating, on a daily basis and for each depositor, the transactions between the cooperative and that depositor as well as the depositor’s credit balance or debit balance.

However, if the cooperative is a credit union that is a member of a federation, it is required to maintain only those accounting records that are necessary for preparing its financial report and the combined financial statements.

The content of a credit union's financial report is prescribed by a standard of the federation; the combined financial statements present, in a combined form, the financial position of the credit unions that are members of the federation."

108. Section 137 of the Act is replaced by the following sections:

"137. Unless otherwise provided by law, a financial services cooperative may keep all or any of the books it is required to keep under this Act at a place outside its head office, if

(1) it is a credit union that is a member of a federation and is authorized to do so under the federation's standards, or it is a federation and is authorized to do so under its by-laws;

(2) the information contained in those books is available for inspection, in an appropriate medium, during regular office hours at the head office of the financial services cooperative or any other place in Québec designated by the board of directors; and

(3) the financial services cooperative provides technical assistance to facilitate the inspection of the information contained in the books.

If the books and registers are not kept at the head office, the cooperative shall send the Authority a notice specifying where they are kept.

"137.1. If accounting records of a financial services cooperative are kept outside Québec, books adequate to enable the officers to ascertain the financial position of the cooperative with reasonable accuracy on a quarterly basis must be kept at the head office of the cooperative or any other place in Québec designated by the board of directors.

"137.2. A financial services cooperative must be able to reproduce, in intelligible form and within a reasonable time, the information contained in the books it prepares and maintains under this Act.

A financial services cooperative must take reasonable precautions to prevent the loss or destruction of its books, to ensure their integrity and to facilitate detection and correction of inaccuracies they may contain.

"137.3. In any action or proceeding against a financial services cooperative or any of its members, the books of the cooperative are proof of their contents in the absence of evidence to the contrary."

109. Section 138 of the Act is amended by replacing “paragraph 8” by “subparagraph 5 of the first paragraph”.

110. Section 144 of the Act is replaced by the following section:

“**144.** In no case may the auditor be an officer, manager, other employee or member of the financial services cooperative that has appointed him or her, or a person having economic ties with an officer or manager.

Nor may the auditor responsible for auditing the combined financial statements be an officer, manager, other employee or person having economic ties with an officer or manager of a credit union that is a member of the federation that appointed him or her.”

111. Section 149 of the Act is amended

(1) by replacing “Le vérificateur” in the first paragraph in the French text by “L’auditeur”;

(2) by inserting “, managers” after “officers” in the second paragraph;

(3) in the third paragraph,

(a) by replacing “Le vérificateur chargé de la vérification” in the French text by “L’auditeur chargé de l’audit”;

(b) by inserting “, managers” after “officers”.

112. Section 156 of the Act is amended

(1) by replacing “If a director, the director general or the assistant-secretary becomes aware” by “If an officer or manager becomes aware”;

(2) by replacing “they must” by “the officer or manager must”.

113. Section 161 of the Act is amended by replacing “de ses règlements” in the French text by “de son règlement intérieur”.

114. Section 162 of the Act is amended

(1) in the first paragraph,

(a) by inserting “and managers” after “officers” in subparagraph 2;

(b) by replacing “du vérificateur” in subparagraph 7 in the French text by “de l’auditeur”;

(c) by replacing “by-law of the cooperative” in subparagraph 9 by “its by-laws”;

(2) by replacing “133” in the second paragraph by “135”.

115. Section 165 of the Act is amended by replacing the first sentence by the following sentence: “Every member who requests a copy of the annual report is entitled to one, free of charge, as of the 10th day preceding the annual meeting at which the report will be presented.”

116. Section 170 of the Act is amended by replacing “belonging to the group” in the third paragraph by “that is a member of the federation”.

117. Section 173 of the Act is amended by inserting “; sections 61.1 to 61.3 do not apply to such a redemption” after “respective ranks” in the first paragraph.

118. The Act is amended by inserting the following section after section 178:

“178.1. A debtor who would have been entitled to an acquittance from a credit union that, before its winding-up, was a member of a federation, but may not obtain it because of the winding-up, may obtain it from the federation.

The federation may also release the debtor from a hypothec and consent to cancelling its registration, if applicable, in the registers kept at the registry office.

A credit union that was wound up before 1 July 2001 and that, prior to its winding-up, was a member of a federation or amalgamating confederation under section 689, is considered to be a credit union that was a member of the Fédération des caisses Desjardins du Québec.”

119. The Act is amended by inserting the following after section 185:

“185.1. Section 178.1 applies, with the necessary modifications, to a credit union that is dissolved.

“DIVISION III

“FINANCIAL CONTRACTS

“185.2. Neither the winding-up nor the dissolution of a federation prevents performance of the financial contracts determined by the Authority under section 40.22 of the Deposit Institutions and Deposit Protection Act (chapter A-26) and entered into by the federation, or compensation against an amount payable under or in regard to such a contract, in accordance with the terms of the contract.”

120. Section 190 of the Act is amended by replacing “by 2/3 of the votes cast” in the first paragraph by “by a special resolution passed”.

121. Sections 191 and 192 of the Act are amended by replacing “a by-law or resolution, as the case may be,” in the first paragraph by “any resolution necessary”.

122. Section 195 of the Act is amended

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

“(2) subscribe and pay for one qualifying share or for any other number of qualifying shares that may be prescribed by by-law of the credit union;”;

(2) by replacing “les règlements” in paragraph 3 in the French text by “le règlement intérieur”.

123. Section 198 of the Act is amended by replacing “A credit union shall establish by by-law,” by “The by-laws of a credit union must provide for”.

124. Section 200 of the Act is repealed.

125. Section 203 of the Act is amended by inserting “, if the member owes no debts to the credit union,” after “A member may” in the first paragraph.

126. Section 204 of the Act is amended by replacing “les règlements” in paragraph 1 in the French text by “le règlement intérieur”.

127. Section 212 of the Act is amended

(1) by replacing “by by-law” in the first paragraph by “by by-law of the credit union”;

(2) by replacing “by-law” in the second paragraph by “special resolution”.

128. Section 214 of the Act is amended by replacing “in the by-laws” in the first paragraph by “by by-law”.

129. The Act is amended by inserting the following sections after section 216:

“**216.1.** Except when it is holding an election, the meeting shall make its decisions by a majority of the votes cast or, where this Act so provides, by a 2/3 majority of the votes cast.

Unless otherwise provided by the by-laws of the credit union, in the event of a tie vote, the person chairing the meeting shall have a casting vote.

“**216.2.** A decision that must be made by a majority of the votes cast at the general meeting is called a resolution or ordinary resolution; a decision that must be made by a 2/3 majority of the votes cast is called a special resolution.”

130. Section 217 of the Act is amended

(1) by replacing “Decisions are taken by a majority of the votes cast. In the event of a tie, the person chairing the meeting has a casting vote. However, at” by “In the case of”;

(2) by replacing “aux règlements” in the French text by “au règlement intérieur”.

131. Section 217.1 of the Act is amended by replacing “règlement” in the first and second paragraphs in the French text by “le règlement intérieur”.

132. Section 218 of the Act is replaced by the following section:

“218. The by-laws of the credit union are passed by special resolution of the general meeting.

The general meeting may, where applicable, delegate to the board of directors the power to pass by-laws on the subjects determined by the general meeting, in accordance with the standards of the federation.

Any amendments made by a credit union to its by-laws must be sent to the Authority and, if applicable, to the federation of which the credit union is a member.”

133. Section 221 of the Act is amended

(1) by replacing “determine” in paragraph 4 by “if the credit union is not a member of a federation, determine”;

(2) by inserting “and on the transfer of any sum from that reserve to the community development fund” at the end of paragraph 4.1;

(3) by replacing “vérificateur” in paragraph 6 in the French text by “auditeur”;

(4) by replacing “les règlements” in paragraphs 8 and 9 in the French text by “le règlement intérieur”.

134. Section 222 of the Act is amended by replacing “the president or the vice-president of the credit union or the board of directors of the federation” by “the president or vice-president of the board of directors of the credit union, the board of directors of the federation, or any other person determined by the by-laws of the credit union”.

135. Section 223 of the Act is amended by inserting “who are entitled to vote at such a meeting” after “credit union members” in the first paragraph.

136. The Act is amended by inserting the following section after section 223:

“223.1. Business mentioned in a requisition to hold a meeting may not be presented at the meeting if

- (1) a meeting has already been called to discuss that business;
- (2) the business is not within the powers of the members;
- (3) the business is intended to enforce a personal claim or redress a personal grievance against the credit union or, if applicable, the federation or another member of the federation of which the credit union is a member, or their officers, managers or members;
- (4) the business does not relate in a significant way to the internal affairs or the activities of the credit union; or
- (5) the business has already been submitted to and rejected by the members within the year preceding the requisition.

The requisition is inadmissible if none of the business it mentions may be presented at the meeting.”

137. Section 224 of the Act is amended by replacing “a copy of the list referred to in paragraph 5 of section 132, notwithstanding the second paragraph of section 137” in the first paragraph by “, free of charge, an extract from the securities register under section 133 containing the names and addresses of the persons who, at that time, hold qualifying shares issued by the credit union”.

138. Section 227 of the Act is replaced by the following section:

“227. A natural person who is a member of the credit union may be a member of its board of directors and of its board of supervision, unless that person is disqualified for office as a member of such boards.

In addition to persons disqualified for office as directors under the Civil Code, and persons convicted of an offence or an indictable offence involving fraud or dishonesty who have not obtained a pardon, the following persons are disqualified for office as members of a board:

- (1) a member who has been a member for less than 90 days, unless he or she is a founder;
- (2) an auxiliary member;
- (3) the chief manager of the credit union or another of its employees, or an employee of the federation, where applicable, or of another legal person or partnership belonging to the financial group;

(4) a member of another board of the credit union;

(5) an officer or employee of another credit union; and

(6) a person dismissed in the past five years under section 118, 118.2 or 335.”

139. Section 228 of the Act is amended by replacing “The credit union determines, by by-law,” in the second paragraph by “The by-laws of the credit union must determine”.

140. Section 230 of the Act is amended by adding the following paragraph at the end:

“The notice must include the reasons for the resignation.”

141. Section 231 of the Act is amended

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

“A notice under section 230 must be given to the credit union and the Authority or, if the credit union is a member of a federation, to the federation.”;

(2) by replacing “makes such a declaration” in the second paragraph by “gives such notice”.

142. Section 232 of the Act is amended by replacing “A member” in the first paragraph by “In addition to the cases in which a member of a board may be dismissed by the federation, a member”.

143. Section 233 of the Act is amended by adding the following paragraph at the end:

“A credit union or any of its officers or managers who, in good faith, present facts at the meeting that justify a dismissal shall not thereby incur any civil liability.”

144. Section 234 of the Act is amended

(1) by replacing “A vacancy” by “Subject to the power of the board of directors of the federation under the second paragraph of section 335 to fill a vacancy”;

(2) by inserting “, such a vacancy” after “board”.

145. Section 236 of the Act is amended by inserting “financial” before “group” in the fourth paragraph.

146. Section 236.1 of the Act is amended by replacing “by-law” in the first and second paragraphs by “by-laws”.

147. Section 242 of the Act is replaced by the following sections:

“242. The board of directors shall exercise all the powers necessary to manage, or supervise the management of, the internal affairs and the activities of the credit union, and those powers may be delegated to an officer, a manager or one or more committees of the board.

Except to the extent provided by law, the powers of the board of directors relating to the reception of deposits and the provision of credit and other products and services may not be restricted or withdrawn.

The by-laws of the credit union may determine the powers relating to the internal affairs of the credit union that the board of directors may exercise only with the authorization of the general meeting.

“242.1. A credit union must implement a policy to foster, in particular, the independence, competence and diversity of the members of its board of directors and of the members of the committees of the board.”

148. Section 243 of the Act is amended

(1) by replacing paragraph 6 by the following paragraphs:

“(6) establish a charging policy for the products and services provided by the credit union and a policy for setting savings and credit interest rates;

“(6.1) determine the rate of interest on investment shares and, if the credit union is not a member of a federation, on capital shares;”;

(2) by replacing paragraph 8 by the following paragraph:

“(8) insure the credit union against the risks of fire, theft and embezzlement by its officers, managers and other employees, and provide the credit union with civil liability insurance and officers’ and managers’ liability insurance;”;

(3) by replacing “la vérification” in paragraph 11 in the French text by “l’audit”;

(4) by replacing “de vérification” in paragraph 13 in the French text by “d’audit”.

149. Section 244 of the Act is amended by replacing “The credit union shall determine, by by-law,” by “The by-laws of the credit union must determine”.

150. Section 245 of the Act is amended by replacing “The credit union may, by by-law,” in the first paragraph by “The by-laws of the credit union may”.

151. Section 248 of the Act is amended by inserting “intérieur” after “règlement” in the first paragraph in the French text.

152. Section 249 of the Act is amended by replacing “des règlements” in the French text by “du règlement intérieur”.

153. Section 250 of the Act is amended by replacing “règlement” in the first paragraph in the French text by “le règlement intérieur”.

154. Section 253.1 of the Act is amended

(1) by replacing “de vérification” in the first paragraph in the French text by “d’audit”;

(2) in the second paragraph,

(a) by replacing “de vérification” in the introductory clause in the French text by “d’audit”;

(b) by replacing “vérifiés” in subparagraph 3 in the French text by “audités” and by replacing “133” in that subparagraph by “135”;

(3) by replacing “de vérification” in the fourth paragraph in the French text by “d’audit”.

155. Section 254 of the Act is amended by replacing “employees” in the third paragraph by “managers, other employees”.

156. Section 257 of the Act is amended, in the second paragraph,

(1) by replacing “credit union officers” in paragraph 2 by “officers and managers of the credit union”;

(2) by replacing “aux règlements” in paragraph 8 in the French text by “au règlement intérieur”.

157. Section 260 of the Act is replaced by the following section:

“**260.** The board of supervision of a credit union is composed of three members, or of a greater number that may be prescribed by by-law of the credit union.”

158. Section 260.1 of the Act is amended by replacing “The credit union may, by by-law,” in the first paragraph by “The by-laws of the credit union may”.

159. Section 263 of the Act is amended by replacing “the officers and” by “the officers, managers and other”.

160. Section 265 of the Act is amended

(1) by replacing “any employee or officer” in the first paragraph by “a manager, any other employee or an officer”;

(2) by inserting “or manager” after “officer” in the third paragraph.

161. The Act is amended by inserting the following after the heading of Division V of Chapter VIII before section 271:

“§1. — *General provision*

“**270.1.** The following may amalgamate with each other:

(1) credit unions that are not members of any federation;

(2) credit unions that are members of the same federation; or

(3) credit unions that are members of the same federation and credit unions that are not members of any federation.

The regular or long form of amalgamation may, in cases allowing it, be replaced by amalgamation by absorption.

“§2. — *Long-form amalgamation*”.

162. Section 271 of the Act is amended

(1) by striking out “Two or more credit unions may amalgamate.” in the introductory clause;

(2) by replacing “, the judicial district of its head office and, if applicable, the name of the federation of which it will be a member” in paragraph 1 by “and the judicial district in which its head office will be situated”;

(3) by striking out paragraphs 6 and 7.

163. Section 272 of the Act is replaced by the following section:

“**272.** The amalgamation of a credit union that is a member of a federation with another credit union requires the consent of that federation.”

164. Section 274 of the Act is amended by replacing “by by-law” and “The by-law” by “by special resolution” and “The resolution”, respectively.

165. Section 276 of the Act is amended

(1) by replacing “the amalgamation by-laws are adopted, the amalgamating credit unions” by “the amalgamation agreement is adopted by each of the amalgamating credit unions, the latter”;

(2) by replacing “, in addition to the provisions that may be included in constituting instruments pursuant to this Act, those set out in” by “the particulars that are required to be included in the articles of constitution of a credit union, except the particulars concerning the founders. In addition, they must contain the information required under”.

166. Section 277 of the Act is amended by replacing “of the first amalgamation by-law by one of the amalgamating credit unions” by “of the first of the special resolutions adopting the amalgamation agreement”.

167. Section 278 of the Act is amended

(1) by replacing “each by-law approving the amalgamation” in paragraph 3 by “each special resolution adopting the amalgamation agreement”;

(2) by replacing “du vérificateur” in paragraph 6 in the French text by “de l’auditeur”;

(3) by striking out paragraph 7;

(4) by replacing paragraph 8 by the following paragraph:

“(8) a copy of a document attesting the consent of the federation required under section 272; and”.

168. Section 281 of the Act is replaced by the following section:

“281. On the effective date of the amalgamation, the amalgamating credit unions are continued as the amalgamated credit union and their patrimonies are joined together to form the patrimony of the amalgamated credit union. The rights and obligations of the amalgamating credit unions become those of the amalgamated credit union and the latter becomes a party to any judicial or administrative proceeding to which the amalgamating credit unions were a party.

If one of the amalgamating credit unions is a member of a federation, the amalgamated credit union is, by operation of law, a member of that federation.”

169. The Act is amended by inserting the following heading after section 281:

“§3. — *Amalgamation by absorption*”.

170. The Act is amended by inserting the following sections after section 282:

“282.1. In an amalgamation by absorption,

(1) the officers of the amalgamated credit union are those of the absorbing credit union;

(2) the mode of election of the officers to be elected after the amalgamation is the same as that prescribed for the election of the officers of the absorbing credit union;

(3) the composition of the share capital of the amalgamated credit union is that of the share capital of the absorbing credit union, and the shares of the amalgamating credit unions are converted into shares of the amalgamated credit union;

(4) the provisions of the articles of amalgamation concerning the head office, as well as the conditions and restrictions concerning the exercise of certain powers or the pursuit of certain activities, are identical to those set out in the articles of the absorbing credit union; and

(5) the by-laws of the amalgamated credit union are those of the absorbing credit union.

“282.2. In an amalgamation by absorption, the absorbing credit union may approve the amalgamation agreement provided for in section 271 by a simple resolution of its board of directors.

The absorbing credit union must send a certified copy of the resolution to the Authority and the federation.”

171. Section 283 of the Act is replaced by the following section:

“283. The provisions relating to a long-form amalgamation apply, in all other respects, to an amalgamation by absorption, with the necessary modifications.”

172. Section 284 of the Act is repealed.

173. The Act is amended by inserting the following division after section 284:

“DIVISION V.1

“CONTINUANCE UNDER THIS ACT

“284.1. If the Minister allows it, a cooperative that is established under an Act of a jurisdiction other than Québec and that has a mission similar to that of a credit union within the meaning of this Act, but whose principal establishment is located outside Québec, may continue as such a credit union if

(1) the Act governing it allows such continuance;

(2) either a federation agrees to admit it as a member once it is continued and undertakes to furnish, at the request of the Authority, guarantees that the Authority considers sufficient to ensure the protection of the credit union's members, or the cooperative itself furnishes guarantees that the Authority considers sufficient to ensure such protection; and

(3) it will be able to retain its principal establishment outside Québec.

The guarantees required for the purposes of subparagraph 2 of the first paragraph may be furnished by a security fund rather than a federation.

“284.2. Continuance requires the filing of an application for the Minister's permission, together with articles of continuance, with the Authority.

“284.3. The articles of continuance must contain the particulars required to be set out in the articles of constitution of a credit union, except the particulars concerning the founders and, if the credit union resulting from the continuance is a member of a federation, the particulars concerning the head office.

A cooperative that continues as a credit union governed by this Act may, by those articles, make any amendment to its constituting act that such a credit union may make to its articles under this Act.

The articles of continuance must also contain the title of and exact reference to the Act under which the cooperative was constituted and the date of constitution or, if applicable, the date of the most recent continuance or conversion.

“284.4. The application filed with the Authority must be accompanied with

(1) the articles of continuance;

(2) a notice containing the names and addresses of the directors;

(3) a notice containing the address of the cooperative's principal establishment;

(4) if applicable, a copy of the document attesting the federation's consent under subparagraph 2 of the first paragraph of section 284.1;

(5) the documents attesting the guarantees provided for in subparagraph 2 of the first paragraph of section 284.1;

(6) the budgeted statements of the assets and liabilities and of the results for the first year of the credit union's activities following the continuance;

(7) a report assessing the needs to be met by the continuance of the cooperative; and

(8) the fees prescribed by regulation of the Government.

“284.5. The Authority may require any additional documents or information it specifies for the purpose of examining the application.

“284.6. After receiving the application for permission referred to in section 284.2, the required documents and fees and any additional documents or information it requires, the Authority shall prepare a report on the reasons for granting or denying the application.

The report must also include the information from the report the Authority must prepare under section 14 when processing an application requesting the Minister to authorize the constitution of a financial services cooperative.

“284.7. To the extent that the proposed name of the credit union is compliant with the requirements of this Act, the Authority shall send its report to the Minister together with the application.

“284.8. The Minister may, if the Minister considers it advisable, allow the continuance of the cooperative.

If the Minister allows the cooperative’s continuance, the Authority shall process the articles of continuance received and issue the certificate and the copies of it in accordance with the second paragraph of section 15.

“284.9. The continuance certificate issued by the Authority attests the continuance of the cooperative as a credit union governed by this Act as of the date and, if applicable, the time shown on the certificate.

As of that date and time, the articles of continuance are deemed to be the articles of constitution of the credit union; if the latter is a member of a federation, the head office of the credit union is deemed to be situated at the head office of the federation.

“284.10. The rights, obligations and acts of a cooperative continued as a credit union under this Act, and those of the members of the cooperative, are unaffected by the continuance.

The continued credit union shall remain a party to any judicial or administrative proceeding to which the cooperative was a party.

“284.11. The Authority shall send a copy of the certificate of continuance to the authority responsible for the administration of the Act that governed the cooperative before its continuance.”

174. Section 286 of the Act is amended, in the second paragraph,

- (1) by replacing “Any other legal person” by “Any other user of its services”;
- (2) by striking out “any partnership, any group of persons and any natural person recommended by a credit union”.

175. The Act is amended by replacing “A federation may, by by-law, establish” in section 287 and “The federation may identify by by-law” in section 287.1 by “The by-laws of a federation may determine” and by replacing “The by-law” in section 287.1 by “The by-laws”.

176. Section 288 of the Act is amended by replacing “of a by-law passed by the federation” by “of the by-laws of the federation made”.

177. Section 288.1 of the Act is amended

- (1) by replacing “determined by by-law” by “determined by the by-laws”;
- (2) by replacing “The regulation may not permit the participating auxiliary members” by “In no case may such members be permitted”.

178. Section 289 of the Act is amended

(1) by replacing “les règlements et les normes de la fédération” in paragraph 2 in the French text by “le règlement intérieur de la fédération et ses normes”;

(2) by replacing paragraphs 3 and 4 by the following paragraphs:

“(3) subscribe and pay for one qualifying share or any other number of qualifying shares that the by-laws of the federation may prescribe;

“(4) be admitted by the federation, except in the case of a founding credit union.”

179. Section 291 of the Act is amended by replacing “A federation shall, by by-law, prescribe” by “The by-laws of a federation shall determine”.

180. Section 293 of the Act is amended by replacing “in a by-law” in the first paragraph by “by the by-laws”.

181. Section 294 of the Act is amended by replacing the introductory clause by the following introductory clause:

“**294.** The by-laws of a federation shall determine”.

182. Section 294.1 of the Act is amended by replacing “règlement” in the first and second paragraphs in the French text by “le règlement intérieur”.

183. Section 295 of the Act is amended by replacing “The federation” by “The by-laws of the federation”.

184. Section 296 of the Act is amended by replacing “where a federation establishes” in the first paragraph by “where the by-laws of a federation establish”.

185. Section 297 of the Act is amended by replacing the introductory clause by the following introductory clause:

“**297.** The by-laws of the federation must, when establishing councils of representatives, prescribe”.

186. Section 300 of the Act is replaced by the following sections:

“**299.1.** Except when it is holding an election, the meeting shall make its decisions by a majority of the votes cast or, where this Act so provides, by a 2/3 majority of the votes cast.

Unless otherwise provided by the by-laws of the federation, in the event of a tie vote, the person chairing the meeting shall have a casting vote.

“**299.2.** A decision that must be made by a majority of the votes cast at the general meeting is called a resolution or ordinary resolution; a decision that must be made by a 2/3 majority of the votes cast is called a special resolution.

“**300.** The by-laws of the federation are adopted by special resolution of the general meeting.

The general meeting may delegate to the board of directors, to a council of representatives or to another organ of the federation the power to adopt by-laws specific to the federation on subjects determined by the general meeting.

Any amendments to the by-laws of the federation must be sent to the Authority.”

187. Section 303 of the Act is amended

(1) by striking out paragraph 4;

(2) by replacing “the by-laws of the federation referred to in section 309” in paragraph 5 by “the by-laws of the federation”;

(3) by replacing “vérificateur” in paragraph 6 in the French text by “auditeur”;

(4) by replacing “les règlements” in paragraphs 8 and 9 in the French text by “le règlement intérieur”.

188. Section 304 of the Act is amended by replacing “and the president or the vice-president of the federation” by “the president or vice-president of the federation, or any person determined by by-law of the federation,”.

189. Section 305 of the Act is amended by replacing “the by-laws” in the first paragraph by “its by-laws”.

190. The Act is amended by inserting the following section after section 305:

“**305.1.** Business mentioned in a requisition to hold a meeting may not be presented at the meeting if

(1) a meeting has already been called to discuss that business;

(2) the business is not within the powers of the members;

(3) the business is intended to enforce a personal claim or redress a personal grievance against the federation or a credit union, or their officers, managers or members;

(4) the business does not relate in a significant way to the internal affairs or the activities of the federation; or

(5) the business has already been submitted to and rejected by the members within the year preceding the requisition.

The requisition is inadmissible if none of the business it mentions may be presented at the meeting.”

191. Section 309 of the Act is replaced by the following section:

“**309.** The members of the board of directors, except the president of the federation, are elected or appointed from among the members of the general meeting, unless they are elected in accordance with the by-laws of the federation.”

192. Section 310 of the Act is amended by replacing “The federation must determine by by-law” in the second paragraph by “The by-laws of the federation must provide for”.

193. Section 312 of the Act is amended by replacing “In the event” in the first paragraph by “Unless otherwise provided in the by-laws of a federation, in the event”.

194. Section 313 of the Act is amended by adding the following paragraph at the end:

“The notice must include the reasons for the resignation.”

195. Section 314 of the Act is amended

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

“A notice under section 313 must be given to the federation and the Authority.”;

(2) by replacing “makes such a declaration” in the second paragraph by “gives such notice”.

196. Section 316 of the Act is amended by adding the following paragraph at the end:

“A federation or any of its officers or managers who, in good faith, present facts at the meeting that justify a dismissal shall not thereby incur any civil liability.”

197. Section 323 of the Act is amended by replacing the second paragraph by the following paragraph:

“The directors may be remunerated in accordance with the by-laws of the federation.”

198. Section 324 of the Act is replaced by the following sections:

“324. The board of directors shall exercise all the powers necessary to manage, or supervise the management of, the internal affairs and the activities of the federation, and those powers may be delegated to an officer, a manager or one or more of the board’s committees.

Except to the extent provided by law, the powers of the board of directors relating to the reception of deposits and the provision of credit and other products and services may not be restricted or withdrawn.

The by-laws of the federation may determine the powers relating to the internal affairs of the federation that the board of directors may exercise only with the authorization of the general meeting.

“324.1. A federation must implement a policy to foster, in particular, the independence, competence and diversity of the members of its board of directors and of the members of the committees of the board.”

199. Section 325 of the Act is amended

(1) by replacing “les règlements de la fédération” in paragraph 1 in the French text by “le règlement intérieur de la fédération”;

(2) by replacing “fixing interest rates on savings and credit” in paragraph 6 by “setting the federation’s savings and credit interest rates”;

(3) by inserting the following paragraph after paragraph 6:

“(6.1) determine the rate of interest on capital shares issued by credit unions that are members of the federation;”;

(4) by replacing paragraph 8 by the following paragraph:

“(8) insure the federation against the risks of fire, theft or embezzlement by its officers, managers and other employees, and provide the federation with civil liability insurance and officers’ and managers’ liability insurance;”;

(5) by replacing “la vérification” in paragraph 11 in the French text by “l’audit”.

200. Section 326 of the Act is amended

(1) by replacing “The federation shall determine, by by-law,” in the first paragraph by “The by-laws of the federation must prescribe”;

(2) in the second paragraph,

(a) by replacing “In no case may a majority of the members of the board of directors consist of director generals of the federation or of the credit unions, or” by “The board of directors must be composed of a majority of directors who do not hold office as chief manager of the federation or of a credit union and who are not”;

(b) by replacing “by by-law” by “by the by-laws”.

201. Section 327 of the Act is amended by replacing “The federation may, by by-law,” by “The by-laws of the federation may”.

202. Section 328 of the Act is replaced by the following section:

“328. In addition to persons disqualified for office as directors under the Civil Code, and persons convicted of an offence or an indictable offence involving fraud or dishonesty who have not obtained a pardon, the following persons are disqualified for office as members of the board of directors:

(1) an employee of the federation or of one of its member credit unions, except a chief manager;

- (2) a member of the board of ethics and professional conduct;
- (3) an officer, manager or other employee of another federation;
- (4) a person dismissed in the past five years under section 118, 118.2 or 335; and
- (5) a person otherwise disqualified under the by-laws of the federation.”

203. Section 329 of the Act is amended by replacing “aux règlements” in the French text by “au règlement intérieur”.

204. Section 330 of the Act is replaced by the following section:

“**330.** The by-laws of the federation must set out the number of times that a board member’s term of office may be renewed, whether consecutively or otherwise.”

205. Sections 331 and 332 of the Act are repealed.

206. Section 334 of the Act is amended by replacing “des règlements” in the French text by “du règlement intérieur”.

207. Section 335 of the Act is replaced by the following section:

“**335.** The board of directors of a federation may, at the request of the board of supervision of a credit union, suspend or dismiss any manager, other employee or officer of the credit union by following the procedure required prior to a decision to be rendered under section 265. It may, on its own initiative and in accordance with that procedure, suspend or dismiss an officer or manager who does not fulfil his or her obligations.

If the suspended or dismissed person is the chief manager or an officer of a credit union, the federation may designate a replacement for the duration of the suspension or for the interim period until the credit union replaces that person.”

208. Section 337 of the Act is replaced by the following section:

“**337.** If so authorized by the by-laws of the federation, the board of directors may establish any committee of the board.”

209. Sections 338 to 340 of the Act are repealed.

210. Section 341 of the Act is amended by inserting “special” before “committee” in the second paragraph.

211. Section 342 of the Act is amended by replacing “employees” by “managers, other employees”.

212. Section 346 of the Act is amended

(1) by inserting “financial” before “group” in the second paragraph;

(2) in the fourth paragraph,

(a) by replacing “and employees” by “, managers and other employees”;

(b) by inserting “financial” before “group”.

213. Section 349 of the Act is amended by inserting “intérieur” after “règlement” in the French text.

214. Section 351 of the Act is amended by replacing “and employees” by “, managers and other employees”.

215. Section 354 of the Act is amended by inserting “, a manager” after both occurrences of “an officer” in the second paragraph.

216. Section 355 of the Act is amended

(1) by inserting “manager, other” after “suspend any” in the first paragraph;

(2) by inserting “or manager” after “an officer” in the third paragraph.

217. Section 359 of the Act is amended by replacing “shall, by by-law, determine” by “must, in its by-laws, establish”.

218. Section 360 of the Act is amended by replacing “may, by by-law,” by “may, in its by-laws,”.

219. Section 361 of the Act is amended

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

“In addition to persons disqualified for office as directors under the Civil Code, and persons convicted of an offence or an indictable offence involving fraud or dishonesty who have not obtained a pardon, the following persons may not be members of the board of ethics and professional conduct:

(1) an employee of the federation or of one of its member credit unions;

(2) a member of the board of directors of the federation;

(3) an officer, manager or other employee of another federation;

(4) a person dismissed in the past five years under section 118, 118.2 or 335; and

(5) a person otherwise disqualified under the by-laws of the federation.”;

(2) by inserting “financial” before both occurrences of “group” in the second paragraph.

220. Section 364 of the Act is amended by replacing “controlled” in the second paragraph by “chosen”.

221. Section 366 of the Act is amended by replacing “controlled” by “chosen”.

222. Section 366.1 of the Act is amended by replacing “133” in the first paragraph by “135”.

223. Section 367 of the Act is amended by inserting “or their members” after “where the credit unions”.

224. Section 368 of the Act is amended by inserting “financial” before “group”.

225. Section 369 of the Act is replaced by the following section:

“369. The federation may adopt standards applicable to the activities and management practices of its member credit unions.

It must, however, adopt standards applicable to those credit unions as regards

(1) their commercial practices;

(2) the contents of the financial report provided for in the second paragraph of section 135;

(3) the hiring of the chief manager, his or her conditions of employment and the termination of his or her contract of employment;

(4) the management of their capital and assets;

(5) the processing of complaints and resolution of disputes;

(6) their investments; and

(7) the reserves to be maintained for doubtful debts and contingent losses.

A standard adopted under subparagraph 2 of the second paragraph is subject to the Authority’s approval.”

226. Sections 370 to 374 of the Act are repealed.

227. Section 375 of the Act is amended

(1) by striking out “by-laws or” in the first paragraph;

(2) in the second paragraph,

(a) by striking out “by-laws or”;

(b) by replacing “qu’ils” in the French text by “qu’elles”.

228. Section 376 of the Act is amended by replacing “The by-laws and standards of the federation shall be transmitted” by “The federation shall transmit the by-laws and standards it has adopted”.

229. Sections 377 to 381 of the Act are repealed.

230. Section 382 of the Act is replaced by the following section:

“382. The federation may withdraw or restrict the power of any member credit union to allocate its surplus earning or its shareable reserves.”

231. Section 383 of the Act is amended

(1) by replacing “The federation may, by by-law,” in the first paragraph by “The by-laws of the federation may”;

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

“The board of directors of a federation fixes, by resolution, the assessments it considers necessary for the pursuit of the federation’s missions.

A credit union that is a member of the federation is bound to pay those assessments.”

232. The Act is amended by inserting the following subdivision after section 385:

“§3. — *Examination of complaint records*

“385.1. A federation must adopt a policy on the examination of complaint records for complaints filed by complainants who are clients of its member credit unions.

“385.2. A federation must also keep a register of the complaint records submitted for its examination.

“385.3. Within 10 days after receiving a complaint record, the federation must send the complainant a notice stating the date of receipt and the complainant’s right under section 385.4 to have the record reviewed by the Authority.

“385.4. A complainant whose complaint record has been sent to the federation may, if dissatisfied with the examination carried out by the federation or its outcome, request the federation to have the record reviewed by the Authority.

The federation is bound to comply with the request and send the record to the Authority.

“385.5. Sections 131.4 to 131.6 apply, with the necessary modifications, to the review of the record and to conciliation or mediation to which the federation is a party.

“385.6. On the date set by the Authority, a federation shall send it a report on the complaint record examination policy adopted in accordance with section 385.1 stating in particular the number of complaint records that the federation has registered in the register of complaint records submitted for its examination and their nature.

The report must cover the period determined by the Authority.”

233. Section 387 of the Act is amended

(1) in the first paragraph,

(a) by replacing “president of the federation” in the first sentence by “board of directors of the federation”;

(b) by replacing “may only be removed from office by the president of the federation with the Authority’s approval” in the fourth sentence by “may not be dismissed without the Authority’s prior approval”;

(2) by replacing “president” in the second paragraph by “board”.

234. Section 388 of the Act is amended by replacing “de vérification” in the French text by “d’audit” and by replacing “be directors general” by “hold office as chief manager”.

235. Section 389 of the Act is amended

(1) by replacing “de vérification” in the introductory clause in the French text by “d’audit”;

(2) by replacing “du vérificateur” in paragraph 2 in the French text by “de l’auditeur”;

(3) by replacing “règlement” in paragraph 3 in the French text by “le règlement intérieur”.

236. Section 391 of the Act is amended

(1) by striking out “periodically”;

(2) by inserting “, or the activities carried on on its behalf, at the intervals the federation considers appropriate” after “of a credit union”;

(3) by replacing “18 months. However, the Authority may determine an interval of less than 18 months” by “three years”.

237. Section 396 of the Act is amended, in the first paragraph,

(1) by inserting “or managers” at the end of subparagraph 2;

(2) by replacing “or concerning partnerships or legal persons belonging to the group” in subparagraph 4 by “or managers or concerning the partnerships or legal persons belonging to the financial group to which the credit union belongs”.

238. Section 399 of the Act is amended by inserting “cooperative” before “group” in the fourth paragraph.

239. The heading of Division VI of Chapter IX before section 403 of the Act is replaced by the following heading:

“SPECIAL POWERS”.

240. The Act is amended by inserting the following after the heading of Division VI of Chapter IX:

“§1. — *Powers of the federation*

“**402.1.** If the federation considers that a credit union is not adhering to sound and prudent management practices or sound commercial practices, has contravened this Act or an instrument adopted under this Act, has failed to resolve a conflict of interest or has failed to maintain a satisfactory financial position, it may

(1) give written instructions to the credit union respecting the measures it considers appropriate to remedy the situation, and specify the time within which the credit union is required to comply with those instructions;

(2) order the credit union to adopt and implement a compliance program in accordance with its directives, within the time it prescribes and for the reasons it specifies.

In addition, the federation may give written instructions to a credit union at the request of the credit union's board of supervision.

Before giving written instructions or issuing an order, the federation must notify the credit union and give it an opportunity to present observations.

“402.2. The written instructions given by a federation under this Act are binding on the persons to whom they are addressed.”

241. Section 403 of the Act is replaced by the following section:

“403. A federation may suspend the powers of the board of directors or board of supervision of a credit union for a maximum period of 30 days and appoint a provisional administrator to exercise the responsibilities of the board temporarily, as soon as the federation has reason to believe that

(1) there has been misappropriation or embezzlement;

(2) there has been a serious fault or substantial breach in the performance of obligations on the part of the board of directors or of an officer or manager of the credit union; or

(3) control over the property of the credit union is insufficient to adequately protect its members' rights.”

242. Section 404 of the Act is amended

(1) by replacing “Before granting authorization under section 403, the Authority shall” in the first paragraph by “Before ordering a suspension under section 403, the federation must”;

(2) by replacing “where warranted by the urgency of the situation, the Authority may grant authorization” in the second paragraph by “urgent action is required or to prevent irreparable injury, the federation may order such a suspension”.

243. The Act is amended by inserting the following after section 407:

“407.1. If a credit union fails to comply with written instructions or an order under section 402.1 or if, after expiry of the 30-day period provided for in the first paragraph of section 403, the findings or recommendations contained in the report of the provisional administrator under section 406 so warrant, the federation may take one or more of the following measures:

(1) enter with the board of supervision of the credit union into an agreement entrusting the federation with the supervision, management or administration of the affairs of the credit union for a specified period;

(2) designate a person to work, under the control of the federation, with the board of directors, an officer or a manager for the period determined by the federation; and

(3) suspend the powers of a board for the period determined by the federation or extend the 30-day suspension ordered under section 403, dismiss and replace an officer or manager of the credit union, or appoint a provisional administrator or extend his or her term, as the case may be.

Before exercising the powers under the first paragraph, the federation must notify the credit union and any officers or managers concerned of its intention and give them an opportunity to present observations.

“§2. — *Powers of the Authority*

“**407.2.** The federation must notify the Authority, within 10 days, of any instructions given or orders made under section 402.1, of any suspension ordered under section 403 or of any measure taken under section 407.1.

The federation must also notify the Authority of any failure on the part of a credit union to comply with written instructions given or an order issued under section 402.1.

“**407.3.** The Authority may, after giving the federation and the credit union an opportunity to present written observations within the time determined by the Authority, approve with or without amendment the written instructions given, or the order issued, by the federation.

Once approved, the written instructions or order of the federation are deemed to be, as the case may be, written instructions or order of the Authority.

“**407.4.** If the Authority believes that the federation is neglecting to exercise the powers granted to it under subparagraph 1 or 2 of the first paragraph of section 402.1 or under the first paragraph of section 407.1, the Authority may, after giving the federation an opportunity to present written observations within a specified time, give the credit union or the federation the written instructions it considers appropriate.”

244. Sections 408 and 409 of the Act are replaced by the following sections:

“**408.** The by-laws of the federation may establish any fund.

“**409.** The by-laws of the federation must contain provisions concerning the administration of the funds it establishes.

The federation may adopt an investment policy for each of the funds established by its by-laws.”

245. Section 412 of the Act is amended

(1) by replacing “the federation may, by by-law, establish a fund whose assets are separate from those of the federation” in the first paragraph by “the federation’s by-laws may establish a fund whose assets are separate from those of the federation”;

(2) by inserting “intérieur” after “règlement” in the second paragraph in the French text.

246. Section 414 of the Act is amended by replacing “as deposits or as capital shares in an investment fund,” by “as consideration for shares”.**247.** Section 415 of the Act is amended

(1) by replacing “capital shares” by “shares”;

(2) by striking out “shall have no par value and” and the last sentence;

(3) by adding the following paragraphs at the end:

“Shares in relation to an investment fund are capital shares within the meaning of the first paragraph of section 54 even if they do not bear interest. They may be paid for in cash in accordance with section 48 but they may also, despite that section, be paid for by converting or exchanging all or some of the other shares issued by the federation.

Despite section 56, such shares have no par value.”

248. Section 416 of the Act is repealed.**249.** Section 417 of the Act is amended

(1) by striking out “capital”;

(2) by replacing “aux règlements” in the French text by “au règlement intérieur”.

250. Section 418 of the Act is repealed.**251.** Section 419 of the Act is repealed.**252.** Section 420 of the Act is amended

(1) by replacing “A federation may, by by-law,” in the first paragraph by “The by-laws of a federation may”;

(2) by replacing “4 of the first paragraph of section 46” in the second paragraph by “5 of the second paragraph of section 55”;

(3) by replacing “paragraph 1 of section 46” in the fourth paragraph by “subparagraph 2 of the second paragraph of section 55”.

253. Section 422 of the Act is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company” in the first paragraph.

254. Section 424 of the Act is amended, in the first paragraph,

(1) by replacing “vérifiés” and “vérificateur” in subparagraph 5 in the French text by “audités” and “auditeur”, respectively;

(2) by replacing subparagraph 6 by the following subparagraph:

“(6) if the federation is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), a statement of the remuneration received by the five most highly compensated officers of the financial group to which the federation belongs setting out separately, for each of them, salaries, bonuses and any other form of remuneration.”

255. Section 425 of the Act is replaced by the following section:

“**425.** Every member who requests a copy of the annual report is entitled to one, free of charge, as of the 10th day preceding the annual meeting at which the report will be presented.”

256. Section 426 of the Act is amended

(1) by replacing “the adequacy of the capital base of its network, a report on the adequacy of its liquid assets” in the first paragraph by “the adequacy of its capital to ensure the sustainability of its network, a report on the adequacy of its assets to meet the liabilities of the financial services cooperatives belonging to the network”;

(2) by replacing “the adequacy of its capital base, a report on the adequacy of its liquid assets” in the second paragraph by “the adequacy of its capital to ensure its sustainability, a report on the adequacy of its assets to meet its liabilities”.

257. Section 427 of the Act is amended by replacing “133” in the second paragraph by “135”.

258. Section 430 of the Act is amended by replacing “by by-law” and “The by-law” by “by special resolution” and “The resolution”, respectively.

259. Section 432 of the Act is amended

(1) by replacing “the amalgamation by-laws are adopted, the amalgamating federations” by “the amalgamation agreement is adopted by each of the amalgamating federations, the latter”;

(2) by replacing “, in addition to the provisions that may be included in articles of constitution pursuant to this Act, those set out in” by “the particulars that are required to be included in the articles of constitution of a federation, except the particulars concerning the founders. In addition, they must contain the information required under”.

260. Section 433 of the Act is amended by replacing “of the first amalgamation by-law by one of the amalgamating federations” by “of the first of the special resolutions adopting the amalgamation agreement”.

261. Section 434 of the Act is amended

(1) by replacing “each by-law approving the amalgamation” in paragraph 3 by “each special resolution adopting the amalgamation agreement”;

(2) by replacing “du vérificateur” in paragraph 6 in the French text by “de l’auditeur”.

262. Section 437 of the Act is replaced by the following section:

“**437.** On the effective date of the amalgamation, the amalgamating federations are continued as the amalgamated federation and their patrimonies are joined together to form the patrimony of the amalgamated federation. The rights and obligations of the amalgamating federations become those of the amalgamated federation and the latter becomes a party to any judicial or administrative proceeding to which the amalgamating federations were a party.”

263. Section 439 of the Act is amended by replacing “437” by “436”.

264. Section 440 of the Act is replaced by the following section:

“**440.** On the effective date of the amalgamation, the absorbed federation is continued as the absorbing federation and their patrimonies are joined together to form the patrimony of the absorbing federation. The rights and obligations of the absorbed federation become those of the absorbing federation and the latter becomes a party to any judicial or administrative proceeding to which the absorbed federation was a party.”

265. The heading of Chapter X before section 441 of the Act is replaced by the following heading:

“CAPITAL”.

266. The Act is amended by inserting the following section after the heading of Division I of Chapter X:

“440.1. The sound and prudent management practices that the financial services cooperatives belonging to a network must adhere to must, in particular and with regard to their financial management, provide for the maintenance of adequate capital to ensure the network’s sustainability.

The management practices that the federation is required to adhere to must, in addition, provide for the maintenance, by the federation, of adequate capital to ensure its own sustainability.”

267. Section 441 of the Act is amended

(1) by replacing “an adequate capital base consistent with sound and prudent management” in the first paragraph by “adequate capital to ensure its sustainability”;

(2) in the second paragraph,

(a) by replacing both occurrences of “capital base” by “capital”;

(b) by striking out the second sentence.

268. Section 442 of the Act is repealed.

269. Section 443 of the Act is amended by replacing “the capital base of a network is inadequate” in the first paragraph by “the capital of a network is not adequate to ensure its sustainability”.

270. Section 444 of the Act is amended by striking out “appropriate” and “to ensure the adequacy of the capital base of the network,”.

271. Section 445 of the Act is amended by striking out “, who may approve it with or without amendment”.

272. Section 446 of the Act is amended by striking out the second and third paragraphs.

273. Section 448 of the Act is amended by replacing “377” by “402.1”.

274. The Act is amended by inserting the following section after section 449:

“449.1. If the Authority considers that the federation’s capital is inadequate to ensure the federation’s sustainability, sections 443 to 449 apply to the federation, excluding the credit unions belonging to its network.”

275. Section 450 of the Act is amended by adding the following paragraph at the end:

“The principles of sound and prudent management that such a credit union must adhere to in its financial management must, in particular, provide that it maintain adequate capital to ensure its sustainability.”

276. Section 451 of the Act is replaced by the following section:

“**451.** A credit union must maintain adequate capital to ensure its sustainability.”

277. Section 452 of the Act is repealed.

278. Section 453 of the Act is amended by replacing “the capital base of the credit union is inadequate” in the first paragraph by “the capital of a credit union is inadequate to ensure its sustainability”.

279. Section 454 of the Act is amended by striking out “appropriate” and “to ensure the adequacy of its capital base,”.

280. Section 460 of the Act is repealed.

281. The heading of Chapter XI before section 461 of the Act in the French text is replaced by the following heading:

“ACTIFS LIQUIDES”.

282. The Act is amended by inserting the following section after the heading of Division I of Chapter XI:

“**460.1.** The principles of sound and prudent management that a credit union must adhere to with regard to its financial management must provide that it maintain adequate assets to meet its liabilities, as and when they become due.

For the purpose of determining the assets to be maintained, demand deposits are considered payable when and to the extent considered usual in the economic conditions prevailing at the time.”

283. Section 461 of the Act is amended

(1) by replacing “at all times maintain such liquid assets as are adequate to ensure sound and prudent management” in the first paragraph by “maintain adequate liquid assets to meet its liabilities, as and when they become due”;

(2) by replacing “liquid assets” in the second paragraph by “assets described in the first paragraph”.

284. Section 462 of the Act is amended

(1) by replacing “the liquid assets” by “the assets described in the first paragraph of section 461”;

(2) by replacing “by-law” by “by-laws”.

285. Section 463 of the Act is amended, in the first paragraph,

(1) by replacing the first sentence by the following sentence: “The assets described in the first paragraph of section 461 maintained by the credit unions and administered by the federation may be paid in whole or in part into any fund established by the federation.”;

(2) by replacing “any applicable by-law” by “the by-laws”.

286. Section 464 of the Act is amended by replacing “at all times maintain such liquid assets as are adequate to ensure sound and prudent management” by “maintain adequate assets to meet its liabilities, as and when they become due”.

287. Sections 465 and 467 of the Act are repealed.

288. Sections 468 and 469 of the Act are replaced by the following:

“DIVISION I**“INVESTMENT POLICY**

“468. A financial services cooperative must follow an investment policy.

The policy must, in particular,

(1) provide for the matching of the respective maturities of the cooperative’s investments with its liabilities;

(2) provide for the appropriate diversification of those investments; and

(3) include a description of the types of investments and other financial transactions it authorizes and the limits applicable to them.

The policy a federation must follow applies to the investments made out of the funds it establishes under section 408 unless it has not adopted specific policies for those funds under section 409.

“469. A federation must establish and adopt the investment policy that its member credit unions must follow.”

289. Section 470 of the Act is amended by replacing “sound and prudent management policies in relation to its investments” by “and adopt its investment policy”.

290. Sections 471 and 472 of the Act are replaced by the following section:

“**471.** A financial services cooperative that is not a member credit union of a federation shall send its investment policy to the Authority at its request and a federation, the policy that its member credit unions must follow.”

291. Sections 473 to 477 of the Act are replaced by the following:

“DIVISION II

“ACQUISITION OF PARTICIPATIONS AND CO-OWNERSHIP

“**473.** No financial services cooperative may acquire or hold contributed capital securities issued by a legal person or a partnership or participations in a trust in excess of

- (1) 30% of the value of those securities or participations; or
- (2) the number of those securities or participations allowing it to exercise more than 30% of the voting rights.

Nor may a financial services cooperative be the co-owner of property if its share of the right of ownership is greater than 30% without exceeding 50%, alone or together with the shares of groups in the same financial group.

“**473.1.** For the purposes of this division, “contributed capital security” means the writing that attests the existence of

- (1) a share of the share capital of a business corporation;
- (2) a share of the capital stock of a joint-stock company;
- (3) a share of the capital stock or share capital of a cooperative, financial services cooperative or mutual company; or
- (4) a share of a partner in a general partnership or of a special partner in a limited partnership’s common stock.

“**474.** Despite section 473, a financial services cooperative may acquire and hold up to all the contributed capital securities issued by a legal person or a partnership, up to all the participations in a trust or a share of a right of ownership in cases where the cooperative will be the holder of control of the person, partnership, trust or property after the acquisition and in the cases determined by government regulation.

A credit union that is a member of a federation may not make an acquisition under this section without the federation's authorization.

“475. Sections 473 and 474 do not allow a credit union that is a member of a federation to acquire or hold contributed capital securities issued by an issuing corporation, nor do they allow a federation to acquire or hold such securities of such a corporation otherwise than in accordance with Division VI of this chapter.

“476. For the purposes of this Act, an issuing corporation means a business corporation constituted or continued under the Business Corporations Act (chapter S-31.1) whose articles limit its activities to making public issues of securities and acquiring, in consideration for them, securities issued either by the federation that holds all the shares carrying voting rights issued by that corporation, or by the member credit unions of that federation.

“DIVISION III

“ACCESSORY GUARANTEE FOR CERTAIN INVESTMENTS

“477. A financial services cooperative may become the owner or holder of property in contravention of section 473 only if it does so to obtain or preserve an accessory guarantee for one of its investments or for any other financial transaction.

“DIVISION IV

“SUPERVISION OF CERTAIN INVESTMENTS”.

292. Section 478 of the Act is amended

(1) by striking out the first paragraph;

(2) in the second paragraph,

(a) by replacing “controls a financial institution through” by “is the holder of control of”;

(b) by inserting “and that company is itself the holder of control of a financial institution” after “Business Corporations Act (chapter S-31.1)”;

(c) by replacing “capital, liquid assets” by “capital, assets”;

(d) by inserting “the Deposit Institutions and Deposit Protection Act (chapter A-26),” after “(chapter S-29.01),”.

293. Section 479 of the Act is amended by inserting “financial” before “group”.

294. The Act is amended by inserting the following after section 479:

“DIVISION V

“PENALTIES

“479.1. If a financial services cooperative holds or owns property, as the case may be, in contravention of section 473, it must dispose of that property as soon as market conditions permit.

“479.2. Officers of a financial services cooperative who agree to a contravention of section 473 are held solidarily liable for any resulting losses to the cooperative.

“DIVISION VI

“ISSUING CORPORATION”.

295. Section 480 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “legal person referred to in the first paragraph” in the second paragraph by “issuing corporation referred to in section 475”;

(3) by replacing “of a legal person referred to in the first paragraph” in the third paragraph by “of the issuing corporation”.

296. Section 481 of the Act is amended

(1) by replacing “a legal person referred to in the first paragraph of section 480” and “controlling the legal person” in the first paragraph by “an issuing corporation referred to in section 475” and “that is the holder of control of the issuing corporation”, respectively;

(2) by replacing “The federation shall also determine, by resolution,” in the second paragraph by “The board of directors of the federation shall also determine”;

(3) by replacing “of the federation” in the third paragraph by “passed by the board of directors of the federation under the second paragraph”;

(4) in the fourth paragraph,

(a) by replacing “of the federation” by “passed by the board of directors of the federation under the second paragraph”;

(b) by striking out “a by-law or”, “or by-law” and both occurrences of “by-laws”.

297. Section 482 of the Act is amended by replacing “a legal person referred to in the first paragraph of section 480” in the first paragraph by “an issuing corporation referred to in section 475”.

298. Section 483 of the Act is amended by replacing “A legal person referred to in the first paragraph of section 480” by “An issuing corporation referred to in section 475”.

299. Section 484 of the Act is amended by replacing “and officers of a legal person referred to in the first paragraph of section 480” by “of an issuing corporation referred to in section 475”.

300. Section 485 of the Act is amended, in the first paragraph,

(1) by replacing “legal person referred to in the first paragraph of section 480” in subparagraph 1 by “issuing corporation referred to in section 475”;

(2) by replacing all occurrences of “legal person” in subparagraphs 2 and 3 by “issuing corporation”.

301. Section 486 of the Act is amended by replacing “a legal person referred to in the first paragraph of section 480” by “an issuing corporation referred to in section 475”.

302. The Act is amended by inserting the following section after section 486:

“**486.1.** A director cannot be held liable under section 484 if the director acted with a reasonable degree of prudence and diligence in the circumstances.

Furthermore, for the purposes of section 484, the court may, after considering all the circumstances and on the terms the court considers appropriate, relieve a director, either wholly or partly, from the liability the director would otherwise incur if it appears to the court that the director has acted reasonably, honestly and loyally, and ought fairly to be excused.”

303. Section 488 of the Act is amended by inserting “of its board of directors” after “resolution” in the first paragraph.

304. Section 497 of the Act is replaced by the following sections:

“**497.** The affairs of the fund are administered by a board of directors composed of seven members designated by the board of directors of the federation.

The person appointed to be in charge of inspections under section 387 shall attend the meetings of the board of directors as an observer.

“**497.1.** The board of directors shall adopt the by-laws of the fund.”

305. Section 498 of the Act is amended by replacing “provided for by by-law of the fund” by “provided for by the by-laws of the fund”.

306. Sections 499 and 500 of the Act are replaced by the following sections:

“**499.** The board of directors may establish any committee of the board and delegate the exercise of its powers to such a committee.

“**500.** The term of members of the board of directors is three years. Board members may be reappointed only twice to serve in that capacity only for a consecutive or non-consecutive term.”

307. Section 501 of the Act is amended by striking out “appointed under subparagraph 2 of the first paragraph of section 497”.

308. Section 502 of the Act is amended

(1) by striking out “appointed under subparagraph 2 of the first paragraph of section 497”;

(2) by inserting “, for the remainder of the term,” after “is filled”.

309. Section 505 of the Act is amended

(1) by replacing “by-law” in the first paragraph by “resolution”;

(2) in the second paragraph,

(a) by replacing “such by-law must be approved” in the first sentence by “such a resolution must be approved”;

(b) by replacing both remaining occurrences of “by-law” by “resolution”.

310. Section 514 of the Act is amended by replacing “by-law” in the first and second paragraphs by “resolution”.

311. Section 517 of the Act is replaced by the following section:

“**517.** The fund may not make investments other than those authorized under its investment policy.

The investment policy of the fund is established by its board of directors and approved by the Authority.”

312. Section 518 of the Act is amended by replacing “a legal person referred to in the first paragraph of section 480” by “an issuing corporation referred to in section 475”.

313. Section 520 of the Act is amended by replacing “the by-laws of the fund and the minutes of the sittings of the board of directors and of the executive committee” by “the by-laws and resolutions of the fund as well as the minutes of the meetings of the board of directors and its committees”.

314. Section 532 of the Act is amended by striking out “by by-law” in the second paragraph.

315. The Act is amended by inserting the following chapter before Chapter XIV:

“CHAPTER XIII.1

“GROUPE COOPÉRATIF DESJARDINS

“DIVISION I

“BY-LAWS OF THE GROUPE COOPÉRATIF DESJARDINS

“547.1. The by-laws of the Groupe coopératif Desjardins (in this chapter referred to as “the Group”) are made by the board of directors of the Fédération des caisses Desjardins du Québec (in this chapter referred to as “the Federation”) and must be submitted to the general meeting of the latter for approval, which may, by special resolution, ratify, amend or reject them; the by-laws have effect from the time of their approval by the general meeting or from any later date of coming into force they may specify.

The rules of this section apply, with the necessary modifications and subject to the by-laws of the Group, to any amendment or repeal of by-laws.

“547.2. The by-laws of the Group, in addition to the provisions they may contain under this Act, must contain provisions to ensure the Group’s cohesion and operation, except rules governing relations between the financial services cooperatives and the Fonds de sécurité (in this chapter referred to as “the Fund”) that form the Group.

The by-laws of the Group may, as regards the financial services cooperatives that belong to it,

(1) in matters referred to in sections 94, 95, 98, 211 to 214, 216, 216.1, 217 and 217.1, the first paragraph of section 220, sections 223 and 224, subparagraphs 1 to 6 of the second paragraph of section 227, sections 229, 234 to 236, 237, 239, 244 to 247, 249 to 256 and 294.1 to 299, the first paragraph of section 302 and sections 304, 305, 306, 309 to 312, 317, 318, 320, 323, 329, 334, 337 and 341 to 344, contain any provision departing from those sections or provide that all or some of those sections do not apply and substitute other provisions for those sections;

(2) contain any useful provision to complement the provisions of this Act for the purpose of creating any organ within a cooperative and seeing to the exercise of its functions and powers; and

(3) restrict or withdraw the powers conferred on the general meeting of the Federation by this Act so that they may be exercised by another organ of the Federation.

The by-laws of the Group may also contain any provision aimed at allowing transfers of members between credit unions belonging to the Group or at allowing any member of such a credit union to receive, in any establishment of any other credit union belonging to the Group, the services and other prestations offered at that establishment on the same conditions as if it were the establishment of the credit union of which that member is a member.

The by-laws of the Group may also contain any provision that, under this Act, may be contained in the by-laws of a financial services cooperative.

“547.3. The by-laws of the Group apply to all the financial services cooperatives belonging to it.

However, the by-laws may establish classes of financial services cooperatives, corporations and persons, and prescribe conditions, terms and restrictions applicable to each class.

“547.4. A financial services cooperative that belongs to the Group may make by-laws only to the extent and only with regard to matters expressly provided for in the by-laws of the Group.

The provisions of the by-laws of the Group prevail over any conflicting provisions in the by-laws of the cooperative.

In this Act, a reference to the by-laws of a financial services cooperative belonging to the Group is a reference to the by-laws of the Group and, if the by-laws of the Group allow the cooperative to make its own by-laws, a reference to the latter by-laws.

“DIVISION II

“WITHDRAWAL

“547.5. The financial services cooperatives that form the Group may not withdraw from the Group otherwise than by their dissolution.

Consequently, a credit union belonging to the Group may not, despite sections 189 to 191, 291 and 292, be excluded from or apply for its withdrawal from the Federation.

“DIVISION III**“ISSUE OF SHARES AND OTHER SECURITIES****“§1. — *Shares***

“547.6. A financial services cooperative that belongs to the Group may, if the by-laws of the Group so provide, issue capital shares and investment shares to third persons, which means that such shares may be issued not only to acquirers referred to in the second paragraph of section 55, but also to any other acquirer.

Despite section 59 and the second paragraph of section 420, shares that may be issued to third persons may also subsequently be transferred to third persons, unless the by-laws of the Group restrict their transfer. In addition, a separate fund established to purchase capital shares may be used to purchase any capital share issued by a financial services cooperative belonging to the Group, despite the second paragraph of section 420.

“547.7. Despite section 56, if the by-laws of the Group provide for the issue of capital shares or investment shares to third persons, they must also provide for the rights, privileges, conditions and restrictions attaching to such shares.

“547.8. Any amendment to the by-laws of the Group that adversely affects the rights, privileges, conditions or restrictions attaching to capital shares or investment shares can only have effect if it is approved by the meeting of the holders of the shares so affected.

The meeting approves the amendment by a resolution passed by a 2/3 majority of the votes cast; unless the by-laws of the Group provide otherwise, each holder of such shares has one vote only, regardless of the number of shares held.

“547.9. The meeting of the shareholders must be called and conducted in accordance with the rules applicable to special meetings of the Federation.

A shareholder, including a natural person, may be represented at the meeting in accordance with the second paragraph of section 298.

“§2. — *Other securities*

“547.10. The Federation and, if the by-laws of the Group so provide, a member credit union of the Federation, may issue any security which is not a share of its capital stock or share capital and the characteristics of which are designed to maintain adequate capital to ensure the sustainability of the Group.

Provided that the terms of such a security so provide, interest will be payable on it at the sole discretion of the Federation, despite article 1500 of the Civil Code. The rules relating to the interest payable on capital shares set out in sections 62, 62.1, 63, 63.1, 84, 85, 90 and 325 apply, with the necessary modifications, to the interest payable on the security.

“DIVISION IV

“OFFICERS, MANAGERS, BOARD OF SUPERVISION AND BOARD OF ETHICS AND PROFESSIONAL CONDUCT

“§1. — *Officers and managers*

“**547.11.** The officers of a financial services cooperative that belongs to the Group are bound by the obligations referred to in section 102 not only toward and in the interest of their own cooperative, but also toward the cooperatives and the Fund that form the Group and in the interest of the Group; consequently, in the exercise of their functions, the officers are duty-bound toward the cooperatives and the Fund to act with prudence and diligence, honesty and loyalty and in the interest of the Group. They must, if the cooperative’s interest does not correspond with the Group’s interest, favour the latter.

The managers of such a financial services cooperative, in their capacity as mandataries of the cooperative, are bound by, among other obligations, the same ones as are binding on officers under the first paragraph.

In determining whether something is in the interest of the Group, the latter must be considered as a single legal person comprising the cooperatives and Fund that form it, even though the Group is not a legal person.

“**547.12.** For the purpose of applying section 103 to a financial services cooperative belonging to the Group, a reference to a member of a network becomes a reference to a financial services cooperative or to the Fund belonging to the Group.

“§2. — *Board of supervision and board of ethics and professional conduct*

“**547.13.** The by-laws of the Group may, with regard to the board of supervision of a credit union or the board of ethics and professional conduct of the Federation, contain any provision departing from sections 260 to 262 or 359 to 363, as applicable, or provide that all or some of those sections do not apply and substitute other provisions for those sections.

In addition, the by-laws of the Group may, despite sections 226 and 308, provide that a credit union not establish a board of supervision or that the Federation not establish a board of ethics and professional conduct, as applicable, or, if such boards have been established, that the Federation may order their dissolution in accordance with the terms and conditions specified in those by-laws.

“547.14. If a credit union does not establish a board of supervision or its board has been dissolved, the functions and powers of that board are assumed by the board of directors of the credit union unless the by-laws of the Group provide that they are to be assumed by the Federation or by another organ of the credit union.

Likewise, if the Federation dissolves its board of ethics and professional conduct, the functions and powers of that board are assumed by the board of directors of the Federation, unless they are assumed by another organ of the Federation specified in those by-laws.

“547.15. The rules of ethics and professional conduct that must be adopted under section 346 relate to the protection of the interests of the Group, the financial services cooperatives belonging to it and the members of those cooperatives.

“DIVISION V

“CAPITAL

“547.16. For the purpose of applying sections 61.1 and 63.1 and Division I of Chapter X to legal persons belonging to the Group, “Group” must be substituted for “network”.

“DIVISION VI

“PROVISIONS SPECIFIC TO THE FÉDÉRATION DES CAISSES DESJARDINS DU QUÉBEC

“§1. — *Mission*

“547.17. The mission of the Federation, in addition to what is provided for in sections 5 and 6, is to

- (1) look after the risk management of the Mouvement Desjardins; and
- (2) see to the financial health of the Group and its sustainability.

“§2. — Forced exchange or transfer of shares

“547.18. The Federation may exchange capital shares and investment shares of a class or series issued by one or more credit unions belonging to the Group for shares issued by the same credit unions or by another cooperative belonging to the Group.

“547.19. Unless it proceeds on a consent basis with each of the holders of shares of the class or series concerned, the Federation may compel the latter to exchange the shares, provided the exchange is approved by a meeting of the holders of those shares in the same manner as if it were an amendment to the by-laws of the Group that adversely affected the rights, privileges, conditions or restrictions attaching to the shares.

“547.20. The passing, by the meeting of the holders of the shares, of the resolution approving the exchange confers on the Federation the right to proceed with the exchange with holders of shares who did not vote against the resolution, and the right to compel holders of shares who voted against the resolution to transfer their shares to the Federation.

The shares are purchased at par value.

“§3. — Special powers of the Federation

“547.21. The Federation may, if it considers that the financial position of the Group so warrants, exercise the powers conferred on it under section 402.1 against any financial services cooperative belonging to the Group, even in the absence of the facts referred to in that section and giving rise to its application.

“547.22. Each time the Federation may exercise the powers provided for in section 407.1, it may also ask the Fund to intervene under section 547.34.

“§4. — Recovery operations and plan of the Group

“547.23. The objective of the recovery operations of the Group is to ensure continuity of the activities of the cooperatives belonging to the Group in the event of a deterioration in its financial position.

The Federation shall establish the recovery plan of the Group in which it shall specify, among other things, the operations it intends to carry out to meet that objective.

“547.24. The recovery plan of the Group must be revised at the intervals determined by the Authority and each time the Authority requires it.

The plan, and any amendment to it, must be submitted to the Authority.

“547.25. If the Authority considers that the recovery plan of the Group does not ensure continuity of the activities of the financial services cooperatives belonging to the Group or that there are potential problems concerning the plan’s implementation, the Authority shall, after giving the Federation an opportunity to present its written observations within the time determined by the Authority, give the Federation the written instructions it considers appropriate.

“547.26. The Federation shall notify the Authority without delay of any deterioration in the financial position of the financial services cooperatives belonging to the Group.

“547.27. If the Authority considers it is in the public interest to do so, it shall order the Federation to implement the recovery operations.

Unless it makes such an order at the Federation’s request, the Authority may not order the Federation to implement those operations without first giving it an opportunity to present its observations with all dispatch considering the circumstances. The time granted to present such observations cannot be considered unreasonable for the sole reason that it is shorter than one day.

“547.28. The Authority’s order is final in all regards and may not be questioned or reviewed in any court. It is recorded in writing and the Authority publishes it in its bulletin.

“547.29. By the sole effect of the Authority’s order, and for the duration of recovery operations, the Federation is invested with all the powers that this Act confers on the Fund; it may exercise them without the consent, authorization or approval of any organ, member or officer of the legal persons belonging to the Group or of their managers or other employees. In addition, the Federation may, for the purposes of the recovery operations, dispose of the sums and other assets of the Fund.

During this period, the powers of the board of directors of the Fund are suspended.

“547.30. Recovery operations end when the Authority orders their closure after ascertaining that the financial position of the financial services cooperatives belonging to the Group has been rectified, or when the resolution board orders the implementation of resolution operations under section 40.12 of the Deposit Institutions and Deposit Protection Act (chapter A-26).

“DIVISION VII**“PROVISIONS SPECIFIC TO THE FUND****“§1. — Mission and special powers**

“547.31. The Fund must ensure that the distribution of capital and other assets between the legal persons belonging to the Group allows each of those legal persons to perform its obligations to its depositors and other creditors in full, correctly and without delay; to that end, the Fund has the powers conferred on it under this subdivision, in addition to those conferred on it under Chapter XIII.

“547.32. The Fund shall mutualize, between the financial services cooperatives belonging to the Group, the cost of its interventions.

“547.33. The Fund shall intervene with regard to a financial services cooperative each time it appears necessary to do so in order to protect the cooperative’s creditors.

“547.34. In its interventions with regard to a credit union, the Fund may,

- (1) order the assignment of any part of the enterprise of a credit union belonging to the Group or order the transfer of any such part between such credit unions;
- (2) order the amalgamation or dissolution of credit unions; and
- (3) establish a legal person to facilitate the liquidation of a credit union’s bad assets.

If it orders the transfer of part of the enterprise of a credit union to another credit union, the Fund must absorb any related deficit and pay the compensation it determines for the detriment caused to the credit union. This also applies in cases where it orders an amalgamation.

The Fund may not order the dissolution of a credit union without first transferring the deposits the credit union has received to another deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26).

“547.35. The Fund may, as regards the Federation, exercise the powers conferred on it by paragraphs 1 to 3 of section 510 and section 511, as if the Federation were a credit union.

“547.36. Despite section 499, the board of directors of the Fund may not delegate the powers conferred on the Fund by sections 547.34 and 547.35.

“547.37. In its interventions with regard to a financial services cooperative, the Fund may act on behalf of the credit union.

“547.38. The Fund must, before intervening with regard to the Federation, give at least 24 hours’ notice to the Authority.

“547.39. The financial resources of the Fund must be at least adequate for, but not disproportionate to, the pursuit of its mission.

If the Fund considers that its financial resources are inadequate for the purposes of the first paragraph, it may set and require from any financial services cooperative belonging to the Group a special assessment for each fiscal year the Fund determines.

“547.40. The amount of an assessment set by the Fund may vary and may be collected in accordance with the terms and conditions it determines.

A cooperative that belongs to the Group is required to send the Group any information it requests for the purpose of setting the amount of the assessment to be paid by the cooperative.

“§2. — Amalgamation ordered by the Fund

“547.41. An amalgamation of credit unions ordered by the Fund under subparagraph 2 of the first paragraph of section 547.34 does not require a resolution of the general meeting, a resolution of the board of directors of the amalgamating credit unions or an amalgamation agreement; the articles of amalgamation are prepared by the Federation.

Despite section 282, the amalgamation may be by absorption even if the absorbed credit union’s liabilities consisting of members’ deposits exceed 25% of the absorbing credit union’s liabilities consisting of members’ deposits.

“547.42. In addition to the articles of amalgamation, the Federation shall prepare the following documents with regard to an amalgamated credit union:

(1) a notice of the names and addresses of the first officers of the amalgamated credit union, unless, in the case of an amalgamation by absorption, those officers are the same as the ones of the absorbing credit union before the amalgamation; and

(2) a document stating the number of shares issued by each amalgamating credit union, or stating

(a) that all such shares will be converted into shares of the amalgamated credit union;

(b) the price of each share; and

(c) the manner in which such shares will be converted into shares of the amalgamated credit union.

The Federation must also provide the details of any arrangements necessary to complete the amalgamation and to provide for the subsequent management and operation of the amalgamated credit union.

“547.43. The articles of amalgamation, prepared in duplicate and signed by the person authorized for that purpose by the Federation, must be transmitted to the Authority.

The documents referred to in paragraphs 5, 6 and 9 of section 278, prepared by the Federation and signed by the person it authorizes for that purpose, must be attached to the articles.

“547.44. Sections 279 to 281 apply, with the necessary modifications, to an amalgamation of credit unions ordered by the Fund.

Despite the first paragraph of section 280, the Authority is bound to authorize the amalgamation.

“§3. — Dissolution ordered by the Fund

“547.45. In addition to being dissolvable following a decision by the Minister in accordance with Division II of Chapter VII like any other financial services cooperative, a financial services cooperative belonging to the Group may, except if it is the Federation, be dissolved by order of the Fund under subparagraph 2 of the first paragraph of section 547.34 or, in all cases, by the Authority if, under section 40.14 of the Deposit Institutions and Deposit Protection Act (chapter A-26), it is vested with the powers set out in paragraphs 1 to 9 of section 19.2 of the Act respecting the regulation of the financial sector (chapter A-33.2).

A financial services cooperative belonging to the Group may not be dissolved in any other manner.

“547.46. The Authority shall carry out any dissolution of a credit union that is ordered by the Fund under subparagraph 2 of the first paragraph of section 547.34.

Despite section 184, the Fund, rather than the Minister of Revenue, shall act as liquidator and have the seizin of property in the case of a dissolution ordered by the Fund.

“§4. — Winding-up of the Group

“547.47. All the financial services cooperatives belonging to the Group, together with the Fund, may be amalgamated into a single legal person to be wound up.

Such an amalgamation/winding-up requires a joint declaration of amalgamation/winding-up by the Federation and the Fund, approved by a resolution passed by a 3/4 majority of the votes cast by the credit unions that belong to the Group and whose members make up at least 3/4 of all the members of those credit unions.

A credit union belonging to the Group may not be wound up in any other manner. The same applies to the Federation and the Fund.

“547.48. The declaration of amalgamation/winding-up must include

- (1) the names of one or more of the liquidators and their remuneration;
- (2) the effective date of the amalgamation/winding-up; and
- (3) the name of the legal person being wound up.

“547.49. The Federation must send the Authority a certified copy of the declaration of amalgamation/winding-up. It must also notify the enterprise registrar by filing a declaration to that effect, in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1), not later than 10 days after the resolution is passed.

The Federation must publish a notice to that effect stating the name and address of the liquidator and the address to which claims may be sent by interested persons.

“547.50. Upon receipt of the declaration of amalgamation/winding-up and the fees prescribed by government regulation, the Authority shall prepare in duplicate a certificate attesting the amalgamation and stating its effective date as given in the declaration, which may be subsequent to the date on which the certificate is made.

The Authority shall send a copy of the certificate attesting the amalgamation to the enterprise registrar, who shall deposit it in the enterprise register.

“547.51. As of the effective date shown on the certificate,

- (1) all the financial services cooperatives belonging to the Group, together with the Fund, are continued as a legal person to be wound up and their patrimonies are joined together to form the patrimony of the legal person; and
- (2) the rights and obligations of the cooperatives and the Fund become rights and obligations of the legal person to be wound up and the latter becomes a party to any judicial or administrative proceeding to which the cooperatives and the Fund were parties.

The legal person to be wound up is without organs or members; it has neither articles nor by-laws. It is dissolved immediately following the amalgamation provided for in the first paragraph and, as provided for in article 357 of the Civil Code, its legal personality subsists for the purposes of the winding-up.

“547.52. The liquidator shall exercise the rights and perform the obligations of the legal person to be wound up under the name of the financial services cooperative or Fund that, before the amalgamation referred to in the first paragraph of section 547.51, held those rights and owed those obligations.

The liquidator shall exercise the rights the legal person has acquired and perform the obligations to which it is bound after the amalgamation under the name that must be assigned to it in the declaration of amalgamation/winding-up.

Creditors of a financial services cooperative or of the Fund before the amalgamation referred to in the first paragraph of section 547.51 may file any judicial application against the legal person to be wound up, whether under the latter’s name or the cooperative’s or Fund’s name.

“547.53. The legal person to be wound up shall have its head office at the place where the Federation had its head office before the amalgamation referred to in the first paragraph of section 547.51.

For the purpose of determining the court having territorial jurisdiction in Québec to hear a judicial application based on a right held or obligation owed by a financial services cooperative or the Fund before the amalgamation referred to in the first paragraph of section 547.51, the court of the cooperative’s or Fund’s domicile before the amalgamation also has jurisdiction, at the plaintiff’s option.

“547.54. Any natural person fully capable of exercising his or her civil rights may be appointed liquidator.

A legal person authorized by law to administer the property of others may also be appointed liquidator.

The liquidator is entitled to the reimbursement of the expenses incurred in the performance of the duties of office.

“547.55. A liquidator is obliged to take out insurance or to provide security for the performance of the liquidator’s obligations; a liquidator who refuses or neglects to do so forfeits the office unless relieved from the default by the Authority.

“547.56. The Authority may dismiss and replace a liquidator, and is bound to fill any vacancy in the office of liquidator without delay.

The Authority may modify the remuneration set in the declaration of amalgamation/winding-up if it considers that it is insufficient to retain the services of a liquidator.

“547.57. Winding-up consists in determining the assets of the legal person, recovering its claims, performing or obtaining forgiveness of its obligations or otherwise making provision for them, paying the winding-up expenses, redeeming shares and subsequently giving a final account to the Authority and distributing the legal person’s remaining property to the deposit insurance fund.

“547.58. As of the dissolution under the second paragraph of section 547.51 of the legal person to be wound up and for the time required for the winding-up, the liquidator has the seizin of the legal person’s property.

The liquidator shall act as administrator of the property of others charged with full administration.

The officers and managers of a financial services cooperative or of the Fund must, at the request of the liquidator, provide the liquidator with any document in their possession or explanation concerning the rights held and obligations owed by the cooperative or by the Fund before the amalgamation referred to in the first paragraph of section 547.51.

“547.59. The liquidator shall send a notice of the legal person’s winding-up without delay to the enterprise registrar, who shall deposit it in the enterprise register.

The notice must be filed with a certified copy of the declaration of amalgamation/winding-up, along with the resolution approving the declaration by the credit unions.

“547.60. If the winding-up continues for more than one year, the liquidator must, at the end of the first year and at least once a year after that, render a summary account of his or her management to the Authority.

“547.61. The liquidator may demand payment of any amount outstanding on shares issued by a financial services cooperative before the amalgamation referred to in the first paragraph of section 547.51, even if they are not yet due.

“547.62. The liquidator shall perform the obligations of the legal person to be wound up of which forgiveness has not been obtained, as and when the creditors come forward or in accordance with terms agreed on with the legal person’s creditors. However, the liquidator may constitute adequate provision for the performance of those obligations and make any arrangement with an authorized financial institution or a bank to assume the deposit liabilities of the legal person to be wound up.

“547.63. After performing or obtaining forgiveness of the obligations of the legal person to be wound up or otherwise making provision for them, the liquidator shall redeem the shares in accordance with the order referred to in subparagraph 2 of the second paragraph of section 60 as if the shares had been issued by one and the same financial services cooperative.

“547.64. After redeeming the shares, the liquidator shall produce a final account.

“547.65. The purpose of the final account is to determine the assets of the legal person to be wound up at the time the liquidator is appointed and its remaining property.

In the final account, the liquidator shall report on the disposal of the property of the legal person to be wound up, the sums realized, the obligations of the legal person that were performed, those of which the liquidator obtained forgiveness and those for which the liquidator otherwise made provision, and the overall manner in which the winding-up was conducted.

“547.66. The final account must be approved by the Authority. If such approval cannot be given, the winding-up continues under the supervision of the court.

“547.67. The winding-up of the legal person to be wound up is terminated by sending the enterprise registrar a notice of closure of the winding-up.

In the notice, the liquidator shall state that the final account has been approved, describe the conduct of the winding-up in accordance, if applicable, with the orders of the court, and sign the notice.

“547.68. The liquidator must preserve the books of the legal person for five years after the closure of the winding-up, or for a longer period if they are required as evidence in a judicial or administrative proceeding.

“547.69. The liquidator, the Authority or another interested person may ask the court to order that the legal person to be wound up be so under court supervision.

The application to that effect must be notified to the Authority and the liquidator, unless they are applicants.

“547.70. As soon as the judgment ordering that the legal person be wound up under court supervision is rendered, the clerk of the court shall send a copy of the judgment to the enterprise registrar, who shall deposit it in the enterprise register.

If the judgment is appealed, the clerk shall send notice of the appeal without delay to the enterprise registrar, who shall deposit it in the enterprise register.

“547.71. When ruling on an application, the court may make any order concerning the winding-up of the legal person. It may, among other things,

(1) suspend any judicial or administrative proceeding against the legal person, on the conditions the court considers appropriate;

(2) prescribe any measure to identify and perform the obligations of the legal person or make provision for them;

(3) give instructions to the liquidator;

(4) approve the performance of any obligation or the execution of any arrangement made with an authorized financial institution or a bank to assume the deposit liabilities of the legal person to be wound up;

(5) order that provision be made for the performance of any obligation of the legal person to be wound up;

(6) fix, on the conditions it determines, a time after which no person may, without the authorization of the court, make a claim against the legal person;

(7) specify the order in which the shares of the different classes and series issued before the amalgamation referred to in the first paragraph of section 547.51 will be redeemed by the financial services cooperatives; and

(8) approve the liquidator’s final account.”

316. Section 556 of the Act is amended by replacing “legal person referred to in the first paragraph of section 480 or holding company controlled by the cooperative” by “issuing corporation referred to in section 475 or holding company of which the cooperative is the holder of control”.

317. The Act is amended by inserting the following sections after section 564:

“564.1. Such information as is determined by the Minister by regulation that is held by a financial services cooperative in relation to the Authority’s supervision of the cooperative is confidential. It may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose.

No person may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information.

“564.2. Despite section 564.1,

(1) the Attorney General, the Minister or the Authority may use the information made confidential by that section as evidence;

(2) the financial services cooperative concerned may, in accordance with the regulation made by the Minister, use that information as evidence in any proceedings concerning the administration or enforcement of this Act that are brought by the cooperative, the Minister, the Authority or the Attorney General; and

(3) anyone who may be compelled to testify or to produce a document relating to that information in any proceedings regarding the application of this Act or any other Act administered by the Authority to a cooperative may use that information provided the proceedings are brought by the cooperative concerned, the Attorney General, the Minister or the Authority.

“564.3. The communication of information referred to in sections 564.1 and 564.2 otherwise than in the cases provided for by their provisions does not entail a waiver of the confidentiality conferred by those provisions.

“564.4. The provisions of sections 564.1 to 564.3 do not apply to information that must be made public by law. Nor do they apply to information held by a financial services cooperative if the information is contained in a document that was sent in accordance with the provisions of another Act.”

318. Sections 565 and 566 of the Act are replaced by the following sections:

“564.5. The Authority may require a financial services cooperative to establish a legal person of which the cooperative will be the holder of control to carry on an activity other than the activities of a financial services cooperative,

(1) if the activity constitutes the operation of an enterprise, regardless of the cooperative’s other activities; and

(2) if, in the Authority’s opinion, the activity renders the application of this Act difficult or ineffective.

For the purposes of the first paragraph, an activity is deemed not to constitute the operation of an enterprise if it generates less than 2% of the gross income of a financial services cooperative.

“565. The Authority may establish instructions for a financial services cooperative or a security fund.

Instructions must be in writing and must be specific to the addressee, but need not be published.

The Authority must, before sending instructions, notify the addressee and give it an opportunity to present observations.

“565.1. The Authority may establish guidelines for all financial services cooperatives or a single class of such cooperatives, or for credit unions or a federation of which such credit unions are members.

The federation may also establish a guideline concerning all legal persons belonging to a cooperative group; such a guideline may be addressed to the federation belonging to that group.

Guidelines must be general and impersonal; the Authority publishes them in its bulletin after sending a copy of them to the Minister.

“566. A guideline informs its addressees of measures that, in the Authority’s opinion, they may establish to satisfy their obligations under this Act.

Instructions, on the other hand, inform their addressee of the obligations that, in the Authority’s opinion, are incumbent on it under that Act.”

319. Section 567 of the Act is replaced by the following section:

“567. The Authority may order a financial services cooperative or a security fund to cease a course of action or to implement specified measures if the Authority is of the opinion that the cooperative or fund is failing to perform its obligations under this Act in full, properly and without delay.

An order concerning two or more legal persons belonging to a cooperative group may be issued against the federation that belongs to the group.

The Authority may, for the same reasons, issue an order against a legal person that, on behalf of a financial services cooperative or a security fund, carries on its activities or performs its obligations.”

320. Section 568 of the Act is repealed.

321. Section 569 of the Act is amended by striking out the second paragraph.

322. The Act is amended by inserting the following section after section 569:

“569.1. At least 15 days before issuing an order under this division, the Authority shall notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the contravener in writing and, if applicable, to the federation of which the contravener is a member, stating the reasons which appear to justify the order, the date on which the order is to take effect and the right of the contravener or, if applicable, the federation, to present observations.

Where the contravener belongs to a cooperative group, the notice must also be notified to the federation belonging to that group.”

323. Section 570 of the Act is amended by striking out the second paragraph.

324. Section 571 of the Act is amended by replacing “upon receiving such an order” in the second paragraph by “within six days of receiving such an order”.

325. Section 572 of the Act is replaced by the following section:

“**572.** The Authority may revoke or amend an order it has issued under this division.”

326. Section 573 of the Act is amended by striking out “or a government regulation thereunder” in the first paragraph.

327. The Act is amended by inserting the following sections after section 573:

“**573.1.** The Authority may, on its own initiative and without notice, intervene in any proceeding relating to a provision of this Act.

“**573.2.** The Authority may apply to a court to cancel or suspend the performance of a contract entered into by a financial services cooperative in contravention of this Act if the Authority shows that the cancellation or suspension is in the interest of depositors and that, under the circumstances, that interest must prevail over the legal security of parties to the contract and of other persons whose rights and obligations would be affected by the cancellation or suspension.

The cancellation or suspension may not be applied for after the end of the 10th year after the contract concerned came into effect.

The court may also order that the officers who are party to such a contract, who have authorized it or who have otherwise facilitated its entering into, be solidarily required to pay the cooperative the amount of damages awarded as compensation for the injury suffered or the amount paid by the cooperative because of the contract.”

328. Section 590 of the Act is repealed.

329. Section 591 of the Act is replaced by the following section:

“**591.** The costs that must be incurred by the Authority for the administration of this Act are to be borne by the federations and the credit unions that are not members of a federation; they are determined annually by the Government based on the forecasts provided to it by the Authority.

The difference noted between the forecast of the costs that must be incurred for the administration of this Act for a year and those actually incurred for the same year must be carried over to the similar costs determined by the Government for the year after the difference is noted.”

330. Section 599 of the Act is amended

(1) in the first paragraph,

(a) by striking out subparagraphs 6 and 7;

(b) by replacing “le vérificateur” in subparagraph 8 in the French text by “l’auditeur”;

(c) by replacing “de vérification” in subparagraph 9 in the French text by “d’audit”;

(d) by replacing subparagraph 10 by the following subparagraph:

“(10) determine the cases where, despite section 473, a financial services cooperative may acquire and hold up to all the contributed capital securities issued by a legal person or a partnership, up to all the participations in a trust or a share of a right of ownership;”;

(e) by striking out subparagraphs 11 to 14 and 17;

(2) by striking out the second paragraph.

331. Section 600 of the Act is amended by replacing “standards under sections 369 and 371” in the first paragraph by “the standards it must adopt under the second paragraph of section 369”.

332. The Act is amended by inserting the following after section 601:

“**601.1.** The Authority may, by regulation, determine the standards applicable to financial services cooperatives in relation to their business and management practices.

“**601.2.** A regulation made under section 601.1 by the Authority is approved by the Minister with or without amendment.

The Minister may make such a regulation if the Authority fails to do so within the time specified by the Minister.

A draft of a regulation must be published in the Authority’s bulletin with the notice required under section 10 of the Regulations Act (chapter R-18.1).

The draft of the regulation may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft.

A regulation under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in it. It must also be published in the Authority's bulletin. If the regulation published in the Authority's bulletin differs from the one published in the *Gazette officielle du Québec*, the latter prevails.

Sections 4 to 8, 11 and 17 to 19 of the Regulations Act do not apply to a regulation of the Authority under this Act.

“601.3. The fees payable for the formalities prescribed by regulation of the Authority are prescribed by government regulation.

“CHAPTER XV.1

“MONETARY ADMINISTRATIVE PENALTIES

“DIVISION I

“FAILURES TO COMPLY

“601.4. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on

(1) a financial services cooperative

(a) that, in contravention of section 37, fails to send the required documents to the Authority within 30 days following its organization meeting,

(b) that, in contravention of section 131.7, fails to send a report on its complaint processing policy to the Authority,

(c) that, in contravention of section 147, fails to inform the Authority of the resignation of the auditor,

(d) that, in contravention of section 165, fails to send a copy of its annual report to a member who requests it, or

(e) that, in contravention of section 166, fails to send a copy of its annual report to the Authority;

(2) a credit union

(a) that, in contravention of section 218, fails to send the amendments made to its by-laws to the Authority,

(b) that, in contravention of section 221, fails to hold its annual meeting within four months from the end of its fiscal year, or

(c) that, not being a member of a federation, in contravention of section 426, fails to send a report to the Authority;

(3) a federation

(a) that, in contravention of section 303, fails to hold its annual meeting within four months from the end of its fiscal year,

(b) whose by-laws, in contravention of section 330, do not set out the number of times that a board member's term of office may be renewed, whether consecutively or otherwise,

(c) that, in contravention of section 333, fails to give notice to the Authority of a change made among the directors of the board of directors,

(d) whose board of ethics and professional conduct, in contravention of section 353, fails to transmit a yearly report of its activities in matters of ethics and professional conduct to the Authority,

(e) that, in contravention of section 376, fails to transmit its by-laws and the standards it has adopted to the Authority,

(f) that, in contravention of section 385.6, fails to report to the Authority on the number of complaint records it has registered in the register of complaint records submitted for its examination and their nature,

(g) whose audit and inspection commission, in contravention of section 390, fails to send the Authority a report on its activities up to the closing date of its last fiscal year,

(h) that, in contravention of section 425, fails to send a copy of its annual report to a member who requests it,

(i) that, in contravention of section 426, fails to send a report to the Authority, or

(j) that, in contravention of section 427 or 463, fails to send its financial statements to the Authority;

(4) a security fund that, in contravention of section 528, fails to send a statement of operations for the fiscal year just ended to the Authority, prepared in the form prescribed by the Authority and in compliance with the requirements set out in sections 529 and 530;

(5) an auditor, other than the auditor referred to in the fifth paragraph of section 152, who, in contravention of that section, fails to send the required report to the Authority; or

(6) a financial services cooperative, a member of its financial group or its auditor if it or he or she refuses to communicate or provide access to a document or information required by the Authority for the purposes of this Act.

The penalties prescribed by the first paragraph also apply if the information or documents concerned are incomplete, or are not sent before the specified time limit.

601.5. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on

(1) a financial services cooperative

(a) that, in contravention of section 66.1, fails to adopt a complaint processing policy,

(b) that, in contravention of section 66.1, fails to keep the complaints register prescribed by that section, or

(c) that, in contravention of section 470, fails to adopt an investment policy;

(2) a credit union

(a) that has not, in contravention of section 253.1, established an audit committee or that has established one whose composition contravenes that section, unless otherwise provided in the by-laws of the Group made under section 547.2, or

(b) whose board of supervision, in contravention of section 259, fails to adopt rules of ethics and professional conduct;

(3) a federation

(a) that fails to perform its obligations under an undertaking given to the Authority under section 81,

(b) whose board of ethics and professional conduct, in contravention of sections 346 and 347, fails to adopt rules of ethics and professional conduct,

(c) whose board of ethics and professional conduct, in contravention of section 355, fails to notify the Authority in writing within five days of its decision to suspend a director or a manager,

(d) that, in contravention of section 385.1, fails to adopt a policy on the examination of complaint records,

(e) that, in contravention of section 385.2, fails to keep the register of complaint records submitted for its examination prescribed by that section,

(f) whose board of directors, in contravention of section 388, fails to establish an audit and inspection commission formed in accordance with that section,

(g) that, in contravention of section 469, fails to establish the investment policy to be followed by its member credit unions, or

(h) that, belonging to the Group, fails to revise the recovery plan of the Group, in contravention of section 547.24;

(4) a security fund that, in contravention of section 517, fails to adopt an investment policy approved by the Authority; or

(5) the chief manager of a credit union who, in contravention of section 96, does not resign from that position if he or she becomes president or vice-president of the credit union's board of directors.

“601.6. A monetary administrative penalty of \$5,000 may be imposed on

(1) a financial services cooperative

(a) whose shares, in contravention of section 60, entitle its holder, in the event of the winding-up, insolvency or dissolution of the cooperative, to be reimbursed before the deposits and the other debts of the cooperative have been repaid,

(b) that, in contravention of section 61, purchases, repurchases or redeems shares without the authorization of the Authority,

(c) that, in contravention of section 82, hypothecates or gives property as security before obtaining the authorization of the Authority or the federation it is a member of, as the case may be, or

(d) that, in contravention of section 139, fails to cause its books and accounts to be audited every year by an auditor or whose auditor does not meet the qualification criteria set out in sections 143 and 144;

(e) that holds contributed capital securities issued by a legal person or partnership, participations in a trust or a share in a co-ownership acquired in contravention of the limits prescribed by section 473 without such holdings being authorized by section 474;

(2) a credit union

(a) that, not being a member of a federation, in contravention of section 88, does not comply with the government regulations referred to in that section,

(b) whose board of directors includes a member who is a disqualified person in contravention of section 227, or a number of directors that contravenes section 244, unless otherwise provided for in the by-laws of the Group made under section 547.2, or

(c) whose board of supervision includes a member who is a disqualified person, in contravention of section 227, or whose board of supervision, in contravention of section 260, is composed of fewer than three members, unless otherwise provided for in the by-laws of the Group made under section 547.2 or section 547.13;

(3) a federation

(a) whose movable property, in contravention of section 81, is charged with a hypothec or other security given,

(b) that, in contravention of section 87, allocates to a reserve any asset or liability not contemplated in that section,

(c) that permits, in contravention of section 288.1, its auxiliary members to exercise together more than 30% of the voting rights at a general meeting of the federation,

(d) whose board of directors, in contravention of section 326, is composed of fewer than five members or, in contravention of section 328, includes a member who is a disqualified person,

(e) whose board of ethics and professional conduct, in contravention of section 359, is composed of fewer than five members or, in contravention of section 361, includes a member who is a disqualified person, unless otherwise provided for in the by-laws of the Group made under section 547.2 or section 547.13,

(f) that, in contravention of section 391, fails to inspect the internal affairs and the activities of a credit union or the activities carried on on its behalf or, in contravention of section 399, fails to transmit a copy of its inspection report to the Authority,

(g) that, in contravention of section 413, entrusts all or part of the management of the funds it has established to any other person, without the authorization of the Authority, or

(h) that, in contravention of section 480, does not hold directly all the shares carrying voting rights of the issuing corporation referred to in section 475; or

(4) an issuing corporation that, in contravention of section 481, makes a public issue of securities without the amount and terms and conditions of such issue having received the prior approval of the federation that is the holder of control of the corporation.

“601.7. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on anyone who fails to comply with an order or a decision of the Authority.

“601.8. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

“601.9. The Minister or the Authority may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty.

The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the maximum amounts provided for in section 601.7.

“DIVISION II

“NOTICE OF NON-COMPLIANCE AND IMPOSITION

“601.10. In the event of a failure to comply referred to in Division I, a notice of non-compliance may be notified to the party responsible for the failure urging that the necessary measures be taken immediately to remedy it.

Such a notice must mention that the failure may give rise to a monetary administrative penalty.

“601.11. The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

“601.12. The monetary administrative penalty for a failure to comply with a provision of this Act may not be imposed on the party responsible for the failure to comply after the commencement of penal proceedings against that party for a failure to comply with the same provision on the same day, based on the same facts.

For the purposes of this chapter, “party responsible for a failure to comply” means the person or group on whom or which a monetary administrative penalty is imposed or may be imposed, as the case may be, for a failure to comply referred to in Division I of this chapter.

“601.13. A monetary administrative penalty is imposed on the party responsible for a failure to comply by the notification of a notice of claim.

The notice must state

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which it bears interest;

(4) the right, under section 601.14, to obtain a review of the imposition of the penalty and the time limit for exercising that right; and

(5) the right to contest the review decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The party responsible for the failure to comply must also be informed that failure to pay the amount owing may give rise to the amendment, suspension or revocation of any authorization granted under this Act or to a refusal to grant such an authorization, and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

“DIVISION III

“REVIEW

“**601.14.** The party responsible for a failure to comply may apply in writing to the Authority for a review of the decision to impose a monetary administrative penalty within 30 days after notification of the notice of claim.

The persons responsible for the review are designated by the Authority; they must not come under the same administrative authority as the persons responsible for imposing such penalties.

“**601.15.** The application for review must be dealt with promptly. After giving the applicant an opportunity to present observations and produce any documents to complete the record, the person responsible for the review shall render a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner.

“**601.16.** The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant’s right to contest the decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to present observations or documents, the interest provided for in the fourth paragraph of section 601.13 on the amount owing ceases to accrue until the decision is rendered.

“601.17. A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Financial Markets Administrative Tribunal by the party responsible for the failure to comply to which the decision pertains, within 60 days after notification of the review decision.

The Tribunal may only confirm or quash a contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

“DIVISION IV

“RECOVERY

“601.18. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its officers and managers, in the case of a financial services cooperative, or its directors and officers, in any other case, are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“601.19. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of this division, “debtor” means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its officers and managers, in the case of a financial services cooperative, or each of its directors and officers, in any other case, who are solidarily liable with that party for the payment of the penalty.

“601.20. The debtor and the Authority may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“601.21. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

“601.22. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

“601.23. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“601.24. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.

“DIVISION V

“REGISTER

“601.25. The Authority shall keep a register relating to monetary administrative penalties.

The register must contain at least the following information:

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure, and the legislative provisions under which the penalty was imposed;
- (3) if the penalty was imposed on a legal person, its name and the address of its head office or that of one of its establishments;
- (4) if the penalty was imposed on a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the ordinary course of business of the person's enterprise, the enterprise's name and address;
- (5) the amount of the penalty imposed;
- (6) the date of receipt of an application for review and the date and conclusions of the decision;
- (7) the date a proceeding is brought before the Financial Markets Administrative Tribunal and the date and conclusions of the decision rendered by the Tribunal, as soon as the Authority is made aware of the information;

(8) the date a proceeding is brought against the decision rendered by the Financial Markets Administrative Tribunal, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Authority is made aware of the information; and

(9) any other information the Authority considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final.”

333. Section 602 of the Act is amended by replacing “third” and “133” by “second” and “135”, respectively.

334. Sections 609 and 610 of the Act are replaced by the following sections:

“**609.** Every person who fails to comply with an order issued by the Authority under section 23, 443, 453, 567, 569 or 571 is guilty of an offence.

“**610.** A financial services cooperative that, in contravention of section 130, extends credit to any of the following is guilty of an offence:

(1) a person it knows to be one of its officers or one of its managers;

(2) a natural person or a group it knows to have economic ties with an officer or manager referred to in paragraph 1; and

(3) a person it knows to be an officer of a legal person belonging to the financial group to which it belongs.”

335. Section 685 of the Act is amended by replacing “by resolution” in the first and second paragraphs by “by resolution of its board of directors”.

336. Section 725 of the Act is amended by replacing “2006” in the first paragraph by “2022”.

337. The Act is amended by replacing “vérificateur”, “vérifier”, “vérifiés” and “vérification” wherever they appear in the French text in sections 139, 141, 142, 143, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 259, 390, 523, 524, 525, 530 and 550 and in the heading of Chapter VI, Division V of Chapter IX and Division III of Chapter XIII by “auditeur”, “auditer”, “audités” and “audit”, respectively, with the necessary modifications.

DIVISION II**SPECIAL TRANSITIONAL PROVISIONS**

338. The Act respecting financial services cooperatives (chapter C-67.3) is to be read, from 13 July 2018 to 12 June 2019, as if

(1) section 61.1, enacted by section 61, were replaced by the following section:

“61.1. A financial services cooperative that belongs to a network may not purchase, repurchase or redeem the shares it has issued if there are reasonable grounds to believe that the network is, or would after the payment be, unable to maintain, in accordance with the first paragraph of section 441, an adequate capital base consistent with sound and prudent management, or

(1) if the cooperative is a credit union, it is, or would after the payment be, unable to maintain, in accordance with section 461, such liquid assets as are adequate to ensure sound and prudent management; or

(2) if the cooperative is a federation, it is, or would after the payment be, unable to maintain,

(a) for its operations, an adequate capital base consistent with sound and prudent management; or

(b) in accordance with section 466, such liquid assets as are adequate to meet its requirements and obligations.”;

(2) “adequate capital to ensure its sustainability” and “adequate assets to meet its liabilities as and when they become due” in section 61.2, enacted by section 61, were replaced by “an adequate capital base consistent with sound and prudent management” and “such liquid assets as are adequate to ensure sound and prudent management”, respectively;

(3) section 63.1, enacted by section 63, were replaced by the following section:

“63.1. Interest may not be determined or paid on capital shares issued by a financial services cooperative that belongs to a network if there are reasonable grounds to believe that the network is, or would after the payment be, unable to maintain, in accordance with the first paragraph of section 441, an adequate capital base consistent with sound and prudent management, or

(1) if the interest is payable by a credit union on shares it has issued, the credit union is, or would after the payment be, unable to maintain, in accordance with section 461, such liquid assets as are adequate to ensure sound and prudent management; or

(2) if the interest is payable by a federation on shares it has issued or, under section 63, by a member credit union of the federation, the federation is, or would after the payment be, unable to maintain,

(a) for its operations, an adequate capital base consistent with sound and prudent management; and

(b) in accordance with section 466, such liquid assets as are adequate to meet its requirements and obligations.”;

(4) “adequate capital to ensure its sustainability” and “adequate assets to meet its liabilities as and when they become due” in section 63.2, enacted by section 63, were replaced by “an adequate capital base consistent with sound and prudent management” and “such liquid assets as are adequate to ensure sound and prudent management”, respectively;

(5) “Deposit Institutions and Deposit Protection Act” in paragraph 3 of section 81, amended by section 71, were replaced by “Deposit Insurance Act”;

(6) “Deposit Institutions and Deposit Protection Act” in section 185.2, enacted by section 119, were replaced by “Deposit Insurance Act”;

(7) subparagraph 4 of the second paragraph of section 369, replaced by section 225, were replaced by the following subparagraph:

“(4) the management of the capital base and liquid assets;”;

(8) “the federation’s capital is inadequate to ensure the federation’s sustainability” in section 449.1, enacted by section 274, were replaced by “the federation’s capital base is insufficient to ensure sound and prudent management”;

(9) “adequate capital to ensure its sustainability” in section 451, replaced by section 276, were replaced by “an adequate capital base consistent with sound and prudent management”;

(10) “adequate capital to ensure the sustainability of the Group” in section 547.10, enacted by section 315, were replaced by “an adequate capital base consistent with sound and prudent management”;

(11) the heading of Division V before section 547.16, enacted by section 315, were replaced by “CAPITAL BASE”;

(12) “Deposit Institutions and Deposit Protection Act” in section 547.30, enacted by section 315, were replaced by “Deposit Insurance Act”;

(13) “capital and other assets” in section 547.31, enacted by section 315, were replaced by “capital base and liquid assets”;

(14) “deposit institution authorized under the Deposit Institutions and Deposit Protection Act” in the third paragraph of section 547.34, enacted by section 315, were replaced by “financial institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act”;

(15) “Deposit Institutions and Deposit Protection Act” in the first paragraph of section 547.45, enacted by section 315, were replaced by “Deposit Insurance Act”.

339. From 13 July 2018, a credit union whose members share a common characteristic determined otherwise than on the basis of territory is deemed to be a group credit union described in the second paragraph of section 10 of the Act respecting financial services cooperatives (chapter C-67.3), as amended by section 34, and the provisions of its articles relating to the common characteristic are deemed to be in compliance with that paragraph.

From that date, a reference to a common characteristic made in the articles of any other member credit union of a federation is deemed not written.

340. Members of the board of directors of a security fund, other than the person responsible for the inspection of the federation, who are in office on 12 July 2018, continue in office on the same terms for the unexpired portion of their term, until replaced or reappointed.

341. Despite section 547.1 of the Act respecting financial services cooperatives, enacted by section 315, the first by-laws of the Groupe coopératif Desjardins are those adopted for it by the board of directors of the Fédération des caisses Desjardins du Québec before 13 December 2018.

342. The Fédération des caisses Desjardins du Québec must send the Authority a notice of the coming into force of the by-laws of the Groupe coopératif Desjardins.

343. Unless the context indicates otherwise, in any document, a reference to the Caisse centrale Desjardins or to La Caisse centrale Desjardins du Québec is a reference to the Fédération des caisses Desjardins du Québec.

344. The repeal of the Act respecting the Mouvement Desjardins (2000, chapter 77) under section 804 does not affect the amalgamation of the Fédération des caisses Desjardins du Québec with La Caisse centrale Desjardins du Québec.

The same is true of the repeal of any regulation made for the purposes of that Act entailed by the repeal of that same Act.

CHAPTER III**DEPOSIT INSTITUTIONS****DIVISION I****AMENDING PROVISIONS****DEPOSIT INSURANCE ACT**

345. The title of the Deposit Insurance Act (chapter A-26) is replaced by the following title:

“DEPOSIT INSTITUTIONS AND DEPOSIT PROTECTION ACT”.

346. Division I of the Act becomes Title I.

347. Section 1 of the Act is amended

(1) by replacing “The purpose of this Act is to foster” by “This Act applies to the supervision and control of the activities of authorized deposit institutions, in particular their deposit institution activities and their other financial institution activities. In addition, it fosters”;

(2) by replacing “a registered institution” by “an authorized deposit institution”.

348. The Act is amended by inserting the following section after section 1:

“**1.0.1.** Deposit institution activities consist in soliciting and receiving deposits of money from the public.”

349. Section 1.1 of the Act is amended by striking out subparagraph 1 of the second paragraph.

350. Section 1.2 of the Act is replaced by the following sections:

“**1.2.** For the purposes of this Act, financial institution activities are, in addition to deposit institution activities and credit, the activities that a legal person may not carry on without being an authorized financial institution or a bank within the meaning of the Bank Act (Statutes of Canada, 1991, chapter 46).

“**1.3.** The following are authorized financial institutions:

(1) insurers authorized under the Insurers Act (2018, chapter 23, section 3);

(2) financial services cooperatives within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

(3) trust companies authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395);

(4) authorized deposit institutions other than financial institutions referred to in paragraphs 1 to 3; and

(5) legal persons registered as dealers or advisers under the Derivatives Act (chapter I-14.01) or the Securities Act (chapter V-1.1) or registered as investment fund managers under the latter Act.

“1.4. In the case of a legal person constituted under the laws of a jurisdiction other than Québec, the organ on which the powers usually conferred on a board of directors are conferred is considered such a board. In that context, “director” means a member of that organ.

A legal person constituted under the laws of a jurisdiction other than Québec that, in a manner similar to that of a business corporation, confers voting rights otherwise than on a one member, one vote basis is considered a business corporation. If such rights are conferred through securities that it issues, the securities are considered shares.

“1.5. For the purposes of this Act, “holder of control” of the following groups means,

(1) in the case of a business corporation, the holder of shares conferring more than 50% of the voting rights or whoever can otherwise choose the majority of its directors;

(2) in the case of a federation of mutual companies, its member mutual companies;

(3) in the case of a partnership that is a limited partnership, the general partner, and in the case of any other partnership, the partner who can determine the outcome of collective decisions, if applicable;

(4) in the case of a trust, the trustee; and

(5) in the case of co-owners in indivision, the manager or, in the absence of a manager, if one of the co-owners can determine the outcome of collective decisions made by majority vote, that co-owner.

No one is the holder of control of a financial services cooperative, of a mutual company or of any other group that confers voting rights on a one member, one vote basis.

“1.6. Each of the following is the holder of a significant interest in a business corporation:

(1) the holder of a significant interest in the decisions of the corporation, that is, whoever can exercise 10% or more of the voting rights attached to the shares issued by the corporation; and

(2) the holder of a significant interest in the corporation’s equity capital, that is, the holder of shares issued by the corporation representing 10% or more of its equity capital.

“1.7. Control, in cases which allow it, also results from participation in the concerted and ongoing exercise of rights within the group controlled or of powers over that group, even though none of the participants in the exercise of such rights or powers would alone be the holder of control; in such cases, each of the participants is deemed to be the holder of control.

The same is true for a significant interest in the decisions of a business corporation; each of the participants in the concerted and ongoing exercise of voting rights attached to the shares issued by the corporation is deemed to be a holder of a significant interest.

“1.8. The following are deemed to participate in the concerted and ongoing exercise of their rights or powers and, consequently, to be the holders of control of a group:

(1) the participants that are controlled by a same holder of control as well as that holder, if the holder is a participant;

(2) the trustees of a same trust; and

(3) the natural persons between whom family ties are considered to exist.

The participants described in the first paragraph are deemed to participate in the concerted and ongoing exercise of their voting rights or of their rights in shares with a view to being the holders of a significant interest in a business corporation.

The presumptions under the first and second paragraphs regarding member mutual companies of a same federation also apply to the other member mutual companies of that federation that neither have rights within or powers over the group.

“1.9. The holder of control of a group is also, if that group is the holder of control of another group, the holder of control of that other group.

“1.10. For the purposes of this Act, the holder of control of a group is deemed

- (1) to hold any significant interest that is held by the group;
- (2) to hold such rights to acquire shares or other securities as are held by the group itself; and
- (3) to exercise the voting rights that the group may exercise.

“1.11. For the purposes of this Act, a security entitlement to a share or to another security is considered such a share or security, unless the holder of the security entitlement is a securities intermediary acting in that capacity.

“Securities intermediary” and “security entitlement” have the meaning assigned by the Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002).

“1.12. Groups that have a common holder of control are affiliates, as is the holder of control, unless the latter is a natural person.

If one group among an aggregate of affiliated groups is an authorized deposit institution, the aggregate of affiliated groups is a financial group.

“1.13. Economic ties are considered to exist only between

- (1) natural persons between whom family ties are considered to exist;
- (2) the holder of a significant interest in a business corporation and the business corporation itself;
- (3) a partner in a partnership and the partnership;
- (4) each of the partners in a same partnership;
- (5) a legal person and its directors and officers; and
- (6) a person and a succession or trust in which the person has a substantial interest similar to that of a beneficiary or in respect of which the person serves as liquidator of the succession, trustee or other administrator of the property of others, mandatary or depositary.

Economic ties include any other ties between persons or groups that the Autorité des marchés financiers may determine by regulation.

“1.14. Family ties are considered to exist only between a person and

- (1) his or her spouse;
- (2) his or her children or spouse’s children; and
- (3) his or her parents or spouse’s parents.

“1.15. The contributed capital of a legal person is composed of the consideration paid to the legal person for,

- (1) in the case of a business corporation, the shares of its share capital;
- (2) in the case of a joint-stock company, the shares of its capital stock; and
- (3) in the case of a cooperative, a financial services cooperative or a mutual company, the shares of its capital stock or share capital.

The contributed capital of a partnership is composed,

- (1) in the case of a general partnership, of the contribution made by each partner to obtain a share in the partnership; and
- (2) in the case of a limited partnership, of the contribution made by the special partners to the partnership’s common stock.

“1.16. “Equivalent scheme” means any law providing depositor protection similar to that provided by Title III of this Act.”

351. Division II of the Act is replaced by the following:

“TITLE II

**“SUPERVISION AND CONTROL OF DEPOSIT INSTITUTION
ACTIVITIES**

“CHAPTER I

“SUPERVISION AND CONTROL

“2. The Autorité des marchés financiers (the Authority) shall supervise and control the carrying on of deposit institution activities in Québec.”

352. Division III of the Act is replaced by the following:

“CHAPTER II

“AUTHORIZATION OF THE AUTHORITY

“DIVISION I

“OBLIGATION TO BE AUTHORIZED

“23. Except in the case of a bank listed in Schedule I or II to the Bank Act (Statutes of Canada, 1991, chapter 46), the Authority’s authorization is required to carry on deposit institution activities in Québec.

“24. Only the following legal persons may obtain the Authority’s authorization:

(1) insurers authorized under the Insurers Act (2018, chapter 23, section 3) other than a self-regulatory organization, a reciprocal union or Lloyd’s;

(2) financial services cooperatives within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

(3) trust companies authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395);

(4) business corporations regulated by Title III of the Trust Companies and Savings Companies Act that are not authorized, under that Act, to carry on the activities of a trust company;

(5) cooperatives established under the laws of a jurisdiction other than Québec and whose mission is similar to that of a financial services cooperative covered by an agreement under section 56.2;

(6) legal persons, other than cooperatives referred to in subparagraph 5, established under the laws of a jurisdiction other than Québec and that have the capacity to receive deposits of money from the public; and

(7) other legal persons constituted under an Act of Québec determined by regulation, except cooperatives within the meaning of the Cooperatives Act (chapter C-67.2).

To obtain the Authority’s authorization, the legal persons referred to in subparagraphs 4 to 7 of the first paragraph must hold at least \$5,000,000 in capital.

“24.1. For the purposes of this Act,

“authorized deposit institution” means a legal person referred to in the first paragraph of section 24 that has obtained the Authority’s authorization under section 23;

“authorized Québec deposit institution” means an authorized deposit institution constituted under an Act of Québec;

“Québec savings company” means a business corporation referred to in subparagraph 4 of the first paragraph of section 24 that has obtained the Authority’s authorization.”

353. Division IV of the Act is amended by replacing the portion before section 32 by the following:

“DIVISION II

“APPLICATION FOR AUTHORIZATION

“27. A legal person that intends to carry on deposit institution activities, when such activities require the Authority’s authorization, is responsible for filing an application with the Authority for its authorization.

An applicant must, in its application, show that it is able to comply with the applicable provisions of this Act.

It must also include the following information:

(1) its name, the name it intends to use in Québec if different, the address of its head office and, if the latter is not in Québec, the proposed address of its principal establishment in Québec, if any;

(2) if applicable, the conditions and restrictions it wishes to have attached to the authorization;

(3) a description of its financial structure;

(4) if applicable, the name and address of each holder of a significant interest in its decisions, as well as a description of that interest;

(5) if the applicant is not constituted under the laws of Québec, the name of the regulatory authority of its domicile (home regulator);

(6) if applicable, the name and address of the attorney designated under section 26 of the Act respecting the legal publicity of enterprises (chapter P-44.1);

(7) if it belongs to a financial group, the name under which the group is known, if any, and, if applicable, the names of the other financial institutions that belong to the group; and

(8) the other information prescribed by regulation of the Authority.

“27.1. The home regulator of a legal person is the competent authority with respect to the legal person’s deposit institution activities, under the laws of the jurisdiction whose legislation governs the legal person’s constituting act.

“27.2. If the applicant is an authorized financial institution referred to in any of subparagraphs 1 to 3 of the first paragraph of section 24, only the following information is required:

(1) the information required under subparagraph 2 of the third paragraph of section 27;

(2) if applicable, the information required under subparagraph 6 of that paragraph; and

(3) the information required to update the other information contained in the register provided for in section 32.9.

“27.3. The following must be filed with the application for authorization:

(1) a list of the applicant’s directors and officers, including their names and domiciliary addresses;

(2) the résumé of each director and officer;

(3) a copy of the applicant’s constituting act and by-laws or of any other document established for the same purpose;

(4) if applicable, a copy of the applicant’s audited financial statements for its most recent fiscal year ended and the financial statements it is required to file with its home regulator, to the extent and in the manner that may be determined by regulation of the Authority;

(5) the other documents prescribed by regulation of the Authority; and

(6) the fees and charges prescribed by government regulation.

“27.4. If the applicant is an authorized financial institution referred to in any of subparagraphs 1 to 3 of the first paragraph of section 24, the only documents required are those referred to in paragraphs 3 and, if applicable, 5 and 6 of section 27.3.

“DIVISION III

“GRANTING OF AUTHORIZATION

“28. The Authority shall grant its authorization to an applicant that meets the following conditions:

(1) the applicant has provided the information and documents required under this Act and has paid the fees and charges payable; and

(2) in the Authority’s opinion,

(a) the applicant has shown that it is able to comply with the applicable provisions of this Act,

(b) there are no serious reasons to believe that a holder of a significant interest in the applicant's decisions is likely to interfere with the applicant's adherence to sound commercial practices or sound and prudent management practices, and

(c) the applicant's name is not misleading.

“28.1. The Authority may, in granting its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

The Authority may also, in granting its authorization, attach the conditions and restrictions it considers necessary for that purpose.

“28.2. The authorization granted by the Authority entails, for the authorized deposit institution, the obligation to maintain its existence until the final revocation of that authorization.

“28.3. The Authority shall notify the applicant in writing of its decision.

Before refusing to grant its authorization or granting an authorization with conditions or restrictions attached, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the applicant in writing and grant the latter at least 10 days to submit observations, unless the conditions or restrictions are attached at the applicant's request.

“CHAPTER III

“SPECIAL POWERS OF AUTHORIZED DEPOSIT INSTITUTIONS

“28.4. An authorized deposit institution may receive deposits of money from a minor or a person of full age who does not have legal capacity to contract, without anyone's authorization or intervention.

“CHAPTER IV

“NON-APPLICATION OF CERTAIN PROVISIONS FOR SOME AUTHORIZED FINANCIAL INSTITUTIONS

“28.5. The provisions of Chapters V to IX, except the third paragraph of section 28.21, do not apply to an authorized financial institution that is an authorized insurer, a financial services cooperative or an authorized trust company.

“CHAPTER V**“APPLICATION OF CERTAIN PROVISIONS TO FINANCIAL GROUPS
AND LEGAL PERSONS ACTING ON BEHALF OF AN AUTHORIZED
DEPOSIT INSTITUTION**

“28.6. The obligations of an authorized deposit institution under the provisions of this Act remain unchanged by the mere fact that the deposit institution entrusts a third person to carry on any part of an activity governed by those provisions.

“28.7. An authorized deposit institution must ensure that any group in respect of which the deposit institution is the holder of control complies with the prohibitions imposed on the deposit institution by this Act.

A prohibition imposed on such an institution applies to the groups in respect of which it is the holder of control not only when each of them is acting alone, but also when the acts or omissions of all or some of them would have contravened that prohibition had they been done or made by only one of them.

This section does not prohibit a group in respect of which an authorized deposit institution is the holder of control from carrying on activities the group is permitted to carry on by the Act governing it even though the deposit institution is not permitted to carry on those activities, provided the group is a financial institution.

“28.8. An authorized deposit institution is liable for failures to comply with this Act by a group in respect of which the deposit institution is the holder of control or by whoever is the holder of control of the group and performs an obligation of the deposit institution on the deposit institution’s behalf, as if those failures to comply were the deposit institution’s own.

“28.9. The Authority’s inspection functions and powers, provided for by the Act respecting the regulation of the financial sector (chapter A-33.2), that may be exercised in relation to an authorized deposit institution extend to any affiliated group if the person authorized to inspect the deposit institution considers it necessary to inspect the group in order to complete the verification of the deposit institution’s compliance with this Act, even though the group does not carry on activities governed by an Act referred to in section 7 of that Act.

“28.10. The Authority may prohibit that an authorized deposit institution’s obligations under this Act be performed by a third person on the deposit institution’s behalf if, in the Authority’s opinion, such performance would render the application of this Act difficult or ineffective.

Before rendering its decision, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the deposit institution in writing and grant the latter at least 15 days to submit observations.

“CHAPTER VI**“COMMERCIAL PRACTICES****“DIVISION I****“GENERAL PROVISIONS**

“28.11. An authorized deposit institution must adhere to sound commercial practices.

In carrying on its financial institution activities, such practices include providing fair treatment to its clientele, in particular by

(1) providing appropriate information;

(2) adopting a policy for processing complaints filed by members of that clientele and resolving disputes with them; and

(3) keeping a complaints register.

“28.12. An authorized deposit institution must be able to show to the Authority that it adheres to sound commercial practices.

“DIVISION II**“COMPLAINT PROCESSING AND DISPUTE RESOLUTION POLICY
AND EXAMINATION OF COMPLAINT RECORDS BY THE
AUTHORITY**

“28.13. The complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 28.11 must, in particular,

(1) set out the characteristics that make a communication to the authorized deposit institution a complaint that must be registered in the complaints register kept under subparagraph 3 of the second paragraph of section 28.11; and

(2) provide for a record to be opened for each complaint and prescribe rules for keeping such records.

The authorized deposit institution must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on its website and disseminate it by any appropriate means to reach the clientele concerned.

“28.14. Within 10 days after a complaint is registered in the complaints register, the authorized deposit institution must send the complainant a notice stating the complaint registration date and the complainant’s right, under section 28.15, to have the complaint record examined.

“28.15. A complainant whose complaint has been registered in the complaints register may, if dissatisfied with the deposit institution’s processing of the complaint or the outcome, request the deposit institution to have the complaint record examined by the Authority.

The deposit institution is required to comply with the complainant’s request and send the complaint record to the Authority.

“28.16. The Authority shall examine the complaint records that are sent to it.

It may, with the parties’ consent, act as conciliator or mediator or designate a person to act as such.

Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

“28.17. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted into evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

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 one has a right of access to a document contained in the conciliation or mediation record.

“28.18. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Authority may not communicate a complaint record without the authorization of the authorized deposit institution that has sent it.

“28.19. On the date set by the Authority, an authorized deposit institution shall send it a report on the complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 28.11 stating the number of complaints that the deposit institution has registered in the complaints register and their nature.

The report must cover the period determined by the Authority.

“DIVISION III**“SPECIAL PROVISIONS RESPECTING BUSINESS BETWEEN
FINANCIAL INSTITUTIONS**

“28.20. Except for the first paragraph of section 28.11, this chapter does not apply if the authorized deposit institution’s client is a bank or another financial institution.

“CHAPTER VII**“PRUDENTIAL RULES****“DIVISION I****“MANAGEMENT PRACTICES**

“28.21. An authorized deposit institution must adhere to sound and prudent management practices ensuring, in particular, good governance and compliance with the laws governing its activities.

With respect to the deposit institution’s financial management, such practices must, in particular, provide that the deposit institution maintain

- (1) adequate assets to meet its liabilities, as and when they become due; and
- (2) adequate capital to ensure its sustainability.

For the purpose of determining the assets to be maintained, demand deposits are considered payable when and to the extent considered usual in the economic conditions prevailing at the time.

“28.22. An authorized deposit institution must be able to show to the Authority that it adheres to sound and prudent management practices.

“28.23. An authorized deposit institution must hold a fidelity insurance policy for an amount considered sufficient by the Authority according to generally accepted practices and to the volume of the deposit institution’s activities.

“28.24. The Authority may, if it considers that an authorized deposit institution’s capital is not adequate to ensure the deposit institution’s sustainability, order the deposit institution to adopt a compliance program within the time it prescribes and for the reasons it specifies.

Before exercising the power provided for in the first paragraph, the Authority must notify the deposit institution of its intention and give it at least 10 days to submit observations.

The Authority may not order an authorized deposit institution other than an authorized Québec deposit institution to adopt such a program if it may hinder the measures taken by the deposit institution's home regulator.

“28.25. The compliance program describes the measures that must be implemented by the authorized deposit institution within the time limits specified in it.

“28.26. The compliance program adopted by the authorized deposit institution is submitted for approval to the Authority.

“28.27. The authorized deposit institution is required to implement the compliance program approved by the Authority.

“28.28. An authorized deposit institution that is required to implement a compliance program must provide the Authority with any report the Authority may require on the implementation of the program at such intervals, in such form and with such content as the Authority determines.

“DIVISION II

“INVESTMENTS

“§1. — *Provisions applicable to all authorized deposit institutions*

“28.29. An authorized deposit institution must adopt an investment policy approved by its board of directors.

The investment policy must, in particular,

(1) provide for the matching of the respective maturities of the deposit institution's investments with the deposit institution's liabilities;

(2) provide for the appropriate diversification of those investments; and

(3) include a description of the types of investments and other financial transactions that it authorizes and the limits applicable to them.

The deposit institution must send its investment policy to the Authority at the Authority's request.

“28.30. An authorized deposit institution must follow the investment policy approved by its board of directors.

“§2. — *Provisions applicable to authorized Québec deposit institutions*

“I. — *Acquisition of participations and co-ownership*

“**28.31.** No authorized Québec deposit institution may acquire or hold contributed capital securities issued by a legal person or a partnership or participations in a trust in excess of

- (1) 30% of the value of those securities or participations; or
- (2) the number of those securities or participations allowing it to exercise more than 30% of the voting rights.

Nor may an authorized Québec deposit institution be the co-owner of property if its share of the right of ownership is greater than 30% without exceeding 50%, alone or together with the shares of groups affiliated with it.

“**28.32.** Despite section 28.31, an authorized Québec deposit institution may acquire and hold up to all the contributed capital securities issued by a legal person or a partnership, up to all the participations in a trust or a share of a right of ownership in cases where the deposit institution will be the holder of control of the person, partnership, trust or property after the acquisition and in the cases determined by government regulation.

“II. — *Accessory guarantees for certain investments*

“**28.33.** An authorized Québec deposit institution may become the owner or holder of property in contravention of section 28.31 only if it does so to obtain or preserve an accessory guarantee for one of its investments or for any other financial transaction.

“III. — *Penalties*

“**28.34.** If an authorized Québec deposit institution holds or owns property, as the case may be, in contravention of section 28.31, it must dispose of that property as soon as market conditions permit.

“**28.35.** Directors of an authorized Québec deposit institution who agree to a contravention of section 28.31 are held solidarily liable for any resulting losses to the deposit institution.

A director cannot be held liable under the first paragraph if the director acted with a reasonable degree of prudence and diligence in the circumstances.

Furthermore, for the purposes of the first paragraph, the court may, after considering all the circumstances and on the terms the court considers appropriate, relieve a director, either wholly or partly, from the liability the director would otherwise incur if it appears to the court that the director has acted reasonably, honestly and loyally, and ought fairly to be excused.

“CHAPTER VIII**“GOVERNANCE****“DIVISION I****“GENERAL PROVISIONS**

“28.36. An authorized deposit institution must have a board of directors composed of at least seven members.

“28.37. A director of an authorized deposit institution who resigns must declare his or her reasons to the deposit institution and to the Authority in writing.

“28.38. The board of directors must ensure that the authorized deposit institution adheres to sound commercial practices and sound and prudent management practices.

To that end, it must entrust certain directors it designates or a committee of such directors with the responsibility of seeing that sound commercial practices and sound and prudent management practices are adhered to and situations contrary to such practices are detected.

Within three months after the closing date of the authorized deposit institution’s fiscal year, the directors or the committee, as the case may be, shall report to the board of directors on the performance of the responsibility entrusted to them or it and, if applicable, on the other activities they or it carries on for the authorized deposit institution.

“28.39. A director designated in accordance with section 28.38 or the committee provided for in that section, as the case may be, must, on becoming aware of a situation that is likely to appreciably deteriorate the authorized deposit institution’s financial position, of another situation that is contrary to sound and prudent management practices or of a situation that is contrary to sound commercial practices, notify the board of directors in writing.

The board of directors must then see to it that the situation is promptly remedied.

“28.40. The director who or committee that notified the board of directors in accordance with section 28.39 shall, on finding that the situation mentioned in the notice has not been corrected, send the Authority a copy of the notice given under that section.

A description of any relevant events that have occurred since the notice was drafted and any other information the director or committee considers relevant must be sent with the notice.

“28.41. A director designated in accordance with section 28.38 or a director on the committee provided for in that section, as the case may be, who, in good faith, notifies the board of directors or the Authority in accordance with section 28.39 or 28.40 incurs no civil liability for doing so.

The same is true for any person who, in good faith, provides information or documents to one or more of those directors and for a director who makes a declaration under section 28.37.

“DIVISION II

“PROVISIONS SPECIFIC TO AUTHORIZED QUÉBEC DEPOSIT INSTITUTIONS

“§1. — *Composition of board of directors*

“28.42. More than half of the board of directors of an authorized Québec deposit institution must be composed of persons other than employees of that deposit institution or of a group of which it is the holder of control.

“28.43. An authorized Québec deposit institution must implement a policy aimed at fostering, in particular, the independence, competence and diversity of the members of its board of directors and of the members of the committees of the board.

“§2. — *Establishment and composition of audit committee and ethics committee*

“28.44. The board of directors of an authorized Québec deposit institution must establish an audit committee and an ethics committee from among its members.

“28.45. The audit committee and the ethics committee of an authorized Québec deposit institution must each be composed of at least three directors, a majority of whom are not

- (1) officers or employees of the deposit institution;
- (2) members of both the ethics committee and the audit committee;
- (3) directors, officers or other mandataries or employees of a group of which the deposit institution is the holder of control; or
- (4) holders of a significant interest in the deposit institution or in a business corporation affiliated with the deposit institution.

“28.46. The Authority may, if an authorized Québec deposit institution shows that the exercise of the committee’s functions will not be adversely affected, authorize

(1) the establishment of a committee whose composition does not comply with section 28.45; or

(2) the exercise by one of the committees mentioned in that section of the functions usually assigned to the other committee, in addition to its own functions.

The Authority may, in granting such an authorization, require any undertaking it considers necessary to ensure compliance with this Act.

“§3. — *Functions of the audit committee*

“**28.47.** The audit committee must examine all financial statements intended for the board of directors before they are submitted to the board.

The audit committee may be convened by one of its members or by the auditor. The auditor must be notified of every committee meeting and attend every meeting to which he or she is convened. The committee must provide the auditor an opportunity to be heard.

The committee must cause any error or misstatement in financial statements to be corrected and, if the financial statements were sent to the members, inform the meeting of the members accordingly.

“§4. — *Functions of the ethics committee*

“**28.48.** An authorized Québec deposit institution must have rules of ethics; they must be adopted by its ethics committee and be sent to the Authority.

Those rules must pertain to such subjects as

(1) the conduct of the deposit institution’s directors and officers;

(2) the conduct of the deposit institution with natural persons or groups that are restricted parties with respect to it; and

(3) the formalities and conditions governing contracts with such persons or groups.

“**28.49.** An authorized Québec deposit institution must follow the rules of ethics adopted by its ethics committee; they are binding on its board of directors.

“**28.50.** The ethics committee of an authorized Québec deposit institution must see that the rules of ethics are complied with and notify the board of directors, in writing and without delay, of any violation of those rules.

“28.51. Each year, the ethics committee of an authorized Québec deposit institution shall send the Authority, within two months after the closing date of the deposit institution’s fiscal year, a report on the committee’s activities in that fiscal year.

The report must include or describe

- (1) the committee members’ names and addresses;
- (2) any change among the committee members;
- (3) the list of conflict of interest situations and contracts with natural persons or groups that are restricted parties with respect to the deposit institution which have come to the committee’s notice;
- (4) the measures taken to see that the rules of ethics are complied with; and
- (5) violations of the rules of ethics.

“28.52. An authorized Québec deposit institution must, when doing business with natural persons or groups that are restricted parties with respect to it, act in the same manner as it would when dealing at arm’s length.

Consequently, a contract entered into between the deposit institution and a natural person or group that is a restricted party with respect to it may not be less advantageous for the deposit institution than if it had been entered into at arm’s length.

“28.53. Section 28.52 does not apply to the remuneration of directors or any other matter connected with a contract of employment.

“28.54. The following natural persons and groups are restricted parties with respect to an authorized Québec deposit institution:

- (1) the deposit institution’s directors and officers;
- (2) the directors and officers of the group that is the holder of control of the deposit institution;
- (3) if the deposit institution is a Québec savings company, the holder of a significant interest in the company;
- (4) natural persons and groups having economic ties with the persons described in subparagraphs 1 to 3, except a group of which the deposit institution is the holder of control;
- (5) a group whose board of directors is composed, in the majority, of members of the deposit institution’s board of directors; and

(6) any other person or group designated under section 28.56.

An authorized financial institution is not a group that is a restricted party with respect to a deposit institution if the financial institution is the holder of exclusive control of the deposit institution, or if it is the holder of control of the deposit institution and both the authorized financial institution and the deposit institution have the same holder of exclusive control.

“28.55. For the purposes of section 28.54, the holder of control of a business corporation has exclusive control of the corporation if that holder alone can choose all the directors and exercise the voting rights attached to all the shares issued by the corporation, provided that, if applicable, the holder holds all the securities that are convertible into such shares carrying voting rights and all the rights to acquire such shares.

“28.56. The Authority may designate a natural person or a group as a restricted party if, in its opinion, that person or group is likely to receive preferential treatment to the detriment of the authorized Québec deposit institution.

The Authority may review a designation at the request of the person or group designated or the deposit institution concerned.

Before making or refusing to review a designation, the Authority must give the natural person or group and the deposit institution concerned an opportunity to submit observations.

The Authority shall notify the person or group designated and the deposit institution concerned of its decision on the designation or the review request, as applicable.

“28.57. Unless the obligations of an authorized Québec deposit institution under the following contracts are minimal, such contracts must be submitted to its board of directors for approval:

(1) a contract for the acquisition, by the deposit institution, of securities issued by a natural person or group that is a restricted party with respect to the deposit institution or for the transfer of assets between them; and

(2) a service contract between the deposit institution and a natural person or group that is a restricted party with respect to the deposit institution.

Before approving such contracts, the board of directors shall obtain the opinion of the ethics committee.

“28.58. Except to the extent authorized by its rules of ethics, no authorized Québec deposit institution may extend credit to its directors or officers, to natural persons or groups having economic ties with them or to the directors or officers of a legal person affiliated with the deposit institution.

“CHAPTER IX**“AUDITOR****“DIVISION I****“QUALIFICATIONS AND BEGINNING AND END OF TERM**

“28.59. An auditor must be charged with auditing an authorized deposit institution’s books and accounts.

“28.60. An auditor charged with the audit provided for in section 28.59 must be a member of the Ordre professionnel des comptables professionnels agréés du Québec and hold a public accountancy permit.

However, in the case of an authorized deposit institution, other than an authorized Québec deposit institution, that carries on its activities in Québec and elsewhere in Canada, the auditor is not required to be a member of that order or to hold that permit if he or she holds an authorization of the same nature issued elsewhere in Canada.

“28.61. The auditor charged with the audit provided for in section 28.59 is the auditor elected, appointed or otherwise determined by the authorized deposit institution in accordance with the Act under which it is constituted. If the auditor does not meet the conditions set out in section 28.60, another auditor must be charged with those functions.

“28.62. The term of an auditor ends on the appointment of his or her successor, unless it ends as a result of his or her death, resignation, dismissal or bankruptcy or the institution of protective supervision for him or her or if he or she no longer has the qualifications required under this division.

“28.63. The authorized deposit institution must, within 10 days after the auditor’s term has ended, notify the Authority of the fact.

“28.64. If an authorized deposit institution fails to charge an auditor with the audit provided for in section 28.59 within the time specified by the Authority, the Authority may appoint one and determine the remuneration that the deposit institution must pay him or her.

“28.65. An authorized deposit institution must, before dismissing an auditor, give him or her at least 10 days’ prior notice in writing and send a copy of the notice to the Authority, unless the latter authorizes it to proceed earlier.

The prior notice must give the reasons for the dismissal.

“28.66. An auditor who resigns or who believes he or she was dismissed for reasons connected with his or her functions or with the conduct of the authorized deposit institution’s business or the business of a member of its financial group must declare those reasons to the Authority in writing.

The auditor must send a copy of the declaration to the deposit institution’s secretary.

The auditor must send those documents within 10 days after tendering his or her letter of resignation or learning of his or her dismissal, as the case may be.

“28.67. Before accepting the office of auditor provided for by this chapter, a person must ask the authorized deposit institution’s secretary whether the former auditor made the declaration required under section 28.66.

The secretary must provide the person with a copy of the declaration, if applicable.

“DIVISION II

“DUTIES AND POWERS

“28.68. An authorized deposit institution is required to see that its directors, officers and employees send the auditor the information or documents regarding the deposit institution, the groups of which it is the holder of control and any other group whose financial information is consolidated with its own that the auditor requests in the course of his or her functions.

The deposit institution is also required to see that persons having custody of such documents do so as well.

“28.69. An auditor who becomes aware of a situation that is likely to appreciably limit the authorized deposit institution’s ability to fulfill its obligations must report on the situation in the ordinary course of his or her audit.

The same is true for an auditor who believes that a refusal or failure to provide information or a document requested by him or her is hindering the exercise of his or her functions.

The auditor must send the report to the board of directors. If applicable, he or she must also send a copy of it to the attorney designated under section 26 of the Act respecting the legal publicity of enterprises (chapter P-44.1). The board of directors must then see to it that the situation is remedied.

“28.70. If an auditor becomes aware or is informed of an error or misstatement in financial statements that he or she has audited, and if in his or her opinion the error or misstatement is material, the auditor must inform the board of directors.

On receiving the auditor's report, the board of directors must send a copy of it to the shareholders or other members within 15 days.

“28.71. If the auditor finds that the situation that justified the drafting of the report submitted under section 28.69 has not been corrected, he or she must send a copy of it to the Authority.

A description of any relevant events that have occurred since the report was drafted and any other information the auditor considers relevant must be sent with the report.

“28.72. An auditor who, in good faith, makes a declaration under section 28.66, submits a report under section 28.69 or sends a copy of the latter to the Authority under section 28.71 incurs no civil liability for doing so. The same is true for a person who, in good faith, provides information or documents under section 28.68.

“DIVISION III

“CONTINUATION OR BROADENING OF AN AUDIT, SPECIAL AUDIT AND OTHER MEASURES

“28.73. If it considers it necessary, the Authority may order that the annual audit of an authorized deposit institution's books and accounts be continued, that its scope be broadened or that a special audit be conducted.

The expenses incurred in such a case are payable by the deposit institution after approval by the Authority.

“28.74. If the Authority is of the opinion that an asset considered in the financial statements sent to it by an authorized deposit institution is overvalued, it may either require the deposit institution to cause an appraiser the choice of whom is approved by it to appraise that asset or appraise that asset itself. If the asset is a loan the repayment of which is guaranteed by property, the property is appraised.

If the results of the appraisal justify it, the Authority may require the deposit institution to modify its books and accounts as well as the financial statements referred to in the first paragraph to reflect the market value of the asset or, in the case of a loan, the value of the realization of the property guaranteeing the repayment. If a loan or another asset is that of a group of which the deposit institution is the holder of control, the Authority may, for those same purposes, require that the value of the deposit institution's investment in the group be modified. The Authority shall notify the auditor described in section 28.61 of the modification requested.

“28.75. Before exercising a power conferred on it by section 28.74, the Authority must give the authorized deposit institution at least 10 days to submit observations.

“28.76. The cost of the appraisal of an overvalued asset further to a decision of the Authority under section 28.74 is to be borne by the authorized deposit institution concerned, unless the Authority decides otherwise.

“28.77. Semi-annually, on the dates determined by the Authority, an authorized deposit institution shall send the latter statements showing the changes in its investments and loans during the preceding half year. The statements must be certified by two of the deposit institution’s directors; they must be presented on the forms provided by the Authority.

“28.78. An authorized deposit institution must send the Authority, according to the content and form and at the time or intervals the latter determines, the documents the latter considers useful to determine whether the deposit institution is complying with this Act.

“28.79. The Authority may require an authorized deposit institution, the holder of control of the authorized deposit institution or a member of the authorized deposit institution’s financial group to provide the documents or information the Authority considers useful for the purposes of this Act or that it or he or she otherwise provide access to those documents and information.

The Authority may likewise require the auditor of an authorized deposit institution to provide the documents or information he or she holds regarding the deposit institution.

The person to whom such a request is made is required to reply by not later than the date determined by the Authority.

“28.80. An authorized deposit institution must notify the Authority of the name and address of whoever has become or intends to become the holder of its control within 10 days from the time it becomes aware of either situation.

If the authorized deposit institution is a business corporation, it must also, within the same time, send such a notice to the Authority regarding whoever has become or intends to become the holder of a significant interest in its decisions.

The deposit institution must, within the same time, notify the Authority whenever the holder of control or of a significant interest ceases to be so.

“CHAPTER X**“REVIEW OF AN AUTHORIZATION****“DIVISION I****“GENERAL PROVISIONS**

“28.81. The Authority shall, on its own initiative, on the deposit institution’s application in the cases provided for in Division III or when it is informed of certain operations described in Division IV, review the authorization it has granted to an authorized deposit institution.

“28.82. After reviewing an authorization, the Authority may maintain it as is, attach certain conditions or restrictions to it, withdraw existing conditions or restrictions, or revoke or suspend it.

“DIVISION II**“REVIEW ON THE AUTHORITY’S INITIATIVE**

“28.83. The Authority may, on its own initiative, review an authorization it has granted whenever it considers it necessary to do so in order to ensure compliance with this Act.

Unless the authorization is maintained as is, the Authority shall, in accordance with Chapter XI, revoke or suspend it or attach conditions or restrictions to it.

“DIVISION III**“REVIEW ON AN AUTHORIZED DEPOSIT INSTITUTION’S
APPLICATION**

“28.84. The Authority is required to review the authorization it has granted to a deposit institution if the latter applies for such a review to have an attached condition or restriction withdrawn.

“28.85. The application for review must specify the condition or restriction the deposit institution wishes to have withdrawn and the reasons for the withdrawal.

The application must also include any other information prescribed by regulation of the Authority. The costs and fees prescribed by government regulation must be filed with the application.

“28.86. On receipt of the application and the required information, costs and fees, the Authority shall review the authorization to determine whether or not it may grant the application.

The Authority may, in withdrawing a condition or restriction, require any undertaking it considers necessary to ensure compliance with this Act.

When the Authority rules on an application for review filed by an authorized deposit institution, it shall send the deposit institution a document justifying its decision.

“DIVISION IV

“REVIEW IN LIGHT OF CERTAIN OPERATIONS

“**29.** The Authority is required to review an authorization on being notified of any of the following operations:

(1) the amalgamation of the authorized deposit institution with another legal person;

(2) a change as to the authorized deposit institution’s home regulator, in particular as a result of a continuance or another operation of the same nature;

(3) an operation not referred to in subparagraph 1 or 2 where the authorized deposit institution changes its juridical form or transmits its patrimony or part of it due to its division;

(4) a change of name of the authorized deposit institution; and

(5) in the case of an authorized Québec deposit institution, its becoming the holder of control of a group or either of the following events having a significant effect on it:

(a) an acquisition of assets by the deposit institution or by a group of which it is the holder of control, or

(b) the transfer of any part of the deposit institution’s assets or of the assets of such a group.

An authorized Québec deposit institution’s ceasing to be the holder of control of a group is deemed to be a transfer, by the group, of all its assets.

“**30.** For the purposes of subparagraph 5 of the first paragraph of section 29, an acquisition or transfer is deemed not to have a significant effect on a deposit institution if the resulting variation in the value of its assets does not exceed 5%.

The variation in the value of the deposit institution’s assets is established in relation to the value of those assets at the end of the fiscal year preceding the acquisition or transfer.

“30.1. An authorized deposit institution must inform the Authority of its intention to carry out one or more operations giving rise to a review not later than the 30th day before the operation or, in the case of more than one operation, before the first operation, by filing a notice with the Authority in the form determined by the Authority.

The costs and fees prescribed by government regulation must be filed with the notice.

However, the authorized deposit institution is not required to inform the Authority if it is also an authorized insurer or an authorized trust company and has filed a notice of the same nature, in accordance with section 148 of the Insurers Act (2018, chapter 23, section 3) or with section 128 of the Trust Companies and Savings Companies Act (2018, chapter 23, section 395).

“30.2. A notice of intention to amalgamate must include

- (1) the name and address of each of the legal persons proposing to amalgamate;
- (2) the proposed name of the legal person resulting from the amalgamation;
- (3) the juridical form of the legal person resulting from the amalgamation;
- (4) the location of the proposed head office of the legal person resulting from the amalgamation; and
- (5) any other information required by the Authority.

A document including the same information as that required to be included in an initial application for authorization and the documents that must be filed with such an application must be filed with the notice of intention to amalgamate for the legal person resulting from the amalgamation.

In the case of an amalgamation involving more than one authorized deposit institution, a joint notice may be filed.

“30.3. A notice of intention to change the authorized deposit institution’s home regulator must include

- (1) a description of the operation from which the change results;
- (2) the deposit institution’s name and address;
- (3) the title of and exact reference to the Act of the jurisdiction of the home regulator that will govern the deposit institution’s deposit institution activities following the change and the title of and exact reference to the Act of the jurisdiction that will govern the deposit institution’s affairs, if different;

(4) the location of the deposit institution's proposed head office following the change, if different from that of its head office at the time the notice is sent; and

(5) any other information required by the Authority.

“30.4. A notice of intention to carry out an operation described in subparagraph 3 of the first paragraph of section 29 must include

(1) a description of the proposed operation;

(2) if applicable, the authorized deposit institution's new juridical form following the operation as well as the title of and exact reference to the Act that will govern its affairs;

(3) if applicable, the names and addresses of all the groups, other than the authorized deposit institution, involved in the operation;

(4) the location of the authorized deposit institution's proposed head office following the operation, if different from that of its head office at the time the notice is sent; and

(5) any other information required by the Authority.

A document including the same information as that required to be included in an initial application for authorization and, if required by the Authority, the documents that must be filed with such an application, must be filed with the notice of intention for each legal person resulting from the operation that will carry on deposit institution activities in Québec.

“30.5. A notice of intention to change names must include the name and address of the authorized deposit institution, in addition to its proposed name.

“30.6. A notice of intention to carry out an acquisition or transfer of assets having a significant effect on an authorized Québec deposit institution must include

(1) a description of the proposed acquisition or transfer, in particular, a description of the assets to be acquired or transferred by the deposit institution or the group of which it is the holder of control;

(2) the names and addresses of the parties to the acquisition or transfer; and

(3) any other information required by the Authority.

“30.7. On receipt from an authorized deposit institution of a notice of intention to carry out one or more operations giving rise to a review mentioned in section 29 and, if applicable, the required documents, costs and fees, the Authority shall publish the notice in its bulletin and review the authorization it has granted to the deposit institution to determine whether it can be maintained.

The Authority may, to maintain its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

A notice of intention to carry out an acquisition or transfer of assets having a significant effect on an authorized Québec deposit institution is not published.

“30.8. Unless the Authority considers that it must revoke or suspend a deposit institution’s authorization, that authorization becomes the authorization of the deposit institution resulting from the operation, with any conditions and restrictions the Authority may attach to it.

“30.9. The sending of a notice by an authorized deposit institution in accordance with this chapter does not relieve the deposit institution of its obligation to file an application for revocation if the operation giving rise to a review involves the voluntary revocation of an authorization, nor does it relieve the deposit institution of its obligation to file an application for authorization if the operation involves the carrying on of an activity requiring the Authority’s authorization, when the deposit institution does not have it.

“30.10. The granting of the Authority’s authorization is governed by Chapter II; the revocation or suspension of, and the attachment of conditions or restrictions to, the authorization are governed by Chapter XI.

“CHAPTER XI

“REVOCATION AND SUSPENSION OF, AND CONDITIONS OR RESTRICTIONS THAT MAY BE ATTACHED TO, AN AUTHORIZATION

“DIVISION I

“GENERAL PROVISIONS

“30.11. The authorization granted by the Authority to a deposit institution is revoked by operation of law, by the Authority acting on its own initiative or on an application by the authorized deposit institution.

Revocation is said to be voluntary if it is ordered by the Authority on an application by a deposit institution; it is said to be forced in all other cases.

The Authority may also, where provided for by law, suspend an authorization or attach the conditions and restrictions it considers necessary to ensure compliance with this Act.

“30.12. The revocation of an authorization becomes final when the deposit institution concerned ceases to owe the deposits received in carrying on deposit institution activities.

“30.13. A deposit institution continues to be an authorized deposit institution as long as a revocation is not final. However, it may not solicit or receive deposits of money from the public, except to honour a right conferred on a depositor under a contract in force on that date.

Suspension produces the same effects for its duration.

“DIVISION II

“FORCED REVOCATION, SUSPENSION AND CONDITIONS OR RESTRICTIONS

“30.14. The authorization granted by the Authority to a deposit institution is revoked by operation of law if

(1) the deposit institution is dissolved or liquidated or wound up due to any external cause; or

(2) the authorization, if any, granted to it by the Authority to carry on activities as an insurer or trust company, is subject to forced revocation.

The deposit institution shall notify the Authority, without delay, of a fact referred to in subparagraph 1 of the first paragraph.

“31. The Authority may, if it considers that it is in the public interest, revoke or suspend the authorization it has granted to an authorized deposit institution if,

(1) in its opinion,

(a) the deposit institution is failing to comply or is about to fail to comply with its obligations under an Act administered by the Authority,

(b) the deposit institution has failed, without valid reasons, to repay a deposit of money at maturity or to pay interest on a deposit when due, or

(c) there are serious reasons to believe that the holder of control of the deposit institution or of another significant interest in the deposit institution’s decisions is likely to interfere with the deposit institution’s adherence to sound commercial practices or sound and prudent management practices;

(2) the deposit institution has not carried on deposit institution activities in Québec for at least three years;

(3) the Authority is informed by a competent authority that the deposit institution has failed to comply with an Act that is not administered by the Authority and is of the opinion that the failure is contrary to sound and prudent management practices; or

(4) the deposit institution fails to adopt or implement a compliance program or to provide the Authority with any report the latter requires on the implementation of such a program.

“31.1. In the cases described in section 31, instead of revoking or suspending the authorization granted to the authorized deposit institution and in order to allow the institution to remedy the situation, the Authority may attach such conditions or restrictions to the authorization as it considers necessary to ensure compliance with this Act.

“31.2. Before ordering the forced revocation or the suspension of an authorization or attaching a condition or restriction to it, the Authority shall notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the authorized deposit institution in writing and grant the latter at least 10 days to submit observations.

“31.3. A decision under section 31 or 31.1 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested decision.”

354. Section 32 of the Act is amended

(1) by replacing “An institution” by “A deposit institution”;

(2) by replacing “permit has been suspended or cancelled” by “authorization has been suspended or revoked”.

355. Section 32.1 of the Act is replaced by the following section:

“32.1. The Authority shall publish in its bulletin a notice of any suspension or revocation of an authorization granted to a deposit institution on the expiry of the time within which the latter was entitled, under section 31.3, to contest the suspension or revocation. The Authority shall publish the notice without delay in the case of a revocation by operation of law.”

356. Division V of the Act is amended by replacing the portion before section 33.1 by the following:

“DIVISION III

“VOLUNTARY REVOCATION

“32.2. The Authority may not revoke the authorization of an authorized deposit institution that applies for its revocation and that, at the time of the application, owes deposits of money received in carrying on deposit institution activities, unless the deposit institution

(1) will continue to owe those deposits; or

(2) has made the necessary arrangements to have at least one other authorized financial institution or a bank succeed it and owe those deposits as of the date on which it plans to cease to owe them.

“32.3. The voluntary revocation of an authorization requires the filing of an application with the Authority for that purpose.

In addition, a written notice concerning the application, the documents prescribed by regulation of the Authority and the costs and fees prescribed by government regulation must be filed with the application.

“32.4. An application for revocation must describe any arrangements made to have an authorized financial institution or a bank succeed the applicant.

The application must include any other information determined by regulation of the Authority.

“32.5. A notice concerning an application for revocation must state the date on which the authorized deposit institution intends to cease its deposit institution activities, and the names and addresses of the authorized financial institutions or banks that will succeed it, if applicable.

“32.6. The Authority shall publish a notice concerning an application for revocation in its bulletin.

If an authorized financial institution or a bank is to succeed the authorized deposit institution, the latter must send the published notice to each of its depositors.

“32.7. The Authority shall grant an application for revocation only if the authorized deposit institution shows that

(1) it no longer owes deposits of money received in carrying on deposit institution activities;

(2) it can continue to owe such deposits, without soliciting or receiving new ones, until their maturity date, in compliance with the provisions of this Act; or

(3) the arrangements made to have an authorized financial institution or a bank succeed the applicant are adequate and ensure the protection of depositors, and that it has sent the latter the notice of application required under the second paragraph of section 32.6.

“32.8. The Authority shall send the deposit institution a document attesting its decision and publish the document in its bulletin.

“CHAPTER XII

“REGISTER OF AUTHORIZED DEPOSIT INSTITUTIONS

“32.9. The Authority shall establish and keep up to date a register of authorized deposit institutions that contains the following information for each of them:

(1) its name, the name it uses in Québec if different, the address of its head office and, if its head office is not in Québec, the address of its principal establishment in Québec;

(2) if applicable, the name and address of its attorney designated under section 26 of the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the restrictions, if any, attached to the authorization granted by the Authority;

(4) the name and address of the auditor designated under section 28.61;

(5) the name of the financial group it belongs to or, if the group does not have a name, the names of the financial institutions that are members of it; and

(6) any other information considered by the Authority to be useful to the public.

The information contained in the register of authorized deposit institutions is public information; it may be set up against third persons as of the date it is entered and is proof of its contents for the benefit of third persons in good faith.

“32.10. An authorized deposit institution must declare to the Authority any change required to be made to the information concerning itself that is contained in the register, unless the Authority was otherwise informed by a notice or other document sent in accordance with this Act.

The declaration must be filed within 30 days of the date of the event giving rise to the change.

“CHAPTER XIII**“CONFIDENTIALITY OF SUPERVISORY INFORMATION**

“32.11. Such information as is determined by the Minister by regulation that is held by an authorized deposit institution in relation to the Authority’s supervision of the authorized deposit institution is confidential. It may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose.

No one may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information.

“32.12. Despite section 32.11,

(1) the Attorney General, the Minister or the Authority may use the information made confidential by that section as evidence;

(2) the authorized deposit institution concerned may, in accordance with the regulation made by the Minister, use that information as evidence in any proceedings concerning the administration or enforcement of this Act or, in the case of a Québec savings company, the Business Corporations Act (chapter S-31.1), that are brought by the deposit institution concerned, the Minister, the Authority or the Attorney General; and

(3) anyone who may be compelled to testify or to produce a document relating to that information in any proceedings regarding the application of this Act or any other Act administered by the Authority to an authorized deposit institution or of the Business Corporations Act to a Québec savings company may use that information provided the proceedings are brought by the deposit institution concerned, the Attorney General, the Minister or the Authority.

“32.13. The communication of information referred to in this chapter otherwise than in the cases provided for by its provisions does not entail a waiver of the confidentiality conferred by those provisions.

“32.14. This chapter does not apply to information that must be made public by law. Nor does it apply to information held by an authorized deposit institution if the information is contained in a document that was sent in accordance with another Act.

“TITLE III**“PROTECTION OF DEPOSITS OF MONEY****“CHAPTER I****“GUARANTEE OF DEPOSITS OF MONEY”.**

357. Section 33.1 of the Act is amended by replacing “a registered institution” by “an authorized deposit institution” in the first paragraph.

358. Section 34 of the Act is amended

(1) by replacing “a registered” in the first paragraph by “an authorized deposit”;

(2) in the second paragraph,

(a) by replacing “permit” by “authorization”;

(b) by replacing “any institution” by “a deposit institution”.

359. Section 34.1 of the Act is amended

(1) in the first paragraph,

(a) by inserting “authorized deposit” before “institution” in the introductory clause;

(b) by inserting “deposit” before “institution” in subparagraph *a*;

(c) by replacing subparagraphs *b* to *e* by the following subparagraph:

“(b) the deposit institution is in the process of voluntary or forced liquidation or winding-up or is being dissolved;”;

(2) by replacing “the word “institution” includes” in the second paragraph by “the expression “deposit institution” includes”.

360. Section 34.2 of the Act is repealed.

361. Section 34.3 of the Act is amended by replacing “registered institution” in the second paragraph by “authorized deposit institution”.

362. Section 34.4 of the Act is amended

(1) by inserting “deposit” before “institution”;

(2) by striking out “of subparagraphs *d* and *e*”.

363. Section 35 of the Act is amended by replacing “registered institution” in the first and second paragraphs by “authorized deposit institution”.

364. Section 36 of the Act is amended

(1) in the first paragraph,

(a) by replacing “an institution on the date of issue of a permit or” by “a deposit institution on the date the Authority’s authorization is granted or on the date of issue”;

(b) by replacing “a registered institution” by “an authorized deposit institution”;

(2) by replacing “an institution” in the second paragraph by “a deposit institution”.

365. Section 37 of the Act is amended

(1) in the first paragraph,

(a) by replacing “an institution” by “a deposit institution”;

(b) by replacing “its permit” by “the authorization granted by the Authority”;

(2) by striking out the second paragraph;

(3) by replacing “The institutions” in the third paragraph by “The deposit institutions”.

366. Section 38 of the Act is amended by inserting “deposit” before “institution”.

367. Section 38.1 of the Act is amended

(1) by inserting “deposit” before all occurrences of “institutions” in the first paragraph;

(2) by replacing all occurrences of “the institution” in the first and second paragraphs by “the deposit institution”.

368. Section 38.2 of the Act is amended

(1) by replacing “by a registered institution” and “of a registered institution or a bank, or of an institution whose permit has been suspended or cancelled” in the first paragraph by “by an authorized deposit institution” and “of an authorized deposit institution or a bank”, respectively;

(2) by inserting “deposit” before all occurrences of “institutions” and “institution” in the second paragraph.

- 369.** Division VI of the Act, comprising sections 40 to 40.0.9, is repealed.
- 370.** Division VI.1 of the Act is amended by replacing the portion before section 40.1 by the following:

“CHAPTER II

“PREMIUM”.

- 371.** Section 40.2 of the Act is amended by replacing “registered institution” by “authorized deposit institution”.
- 372.** Section 40.2.1 of the Act is amended by replacing both occurrences of “a registered institution” by “an authorized deposit institution”.
- 373.** Section 40.3 of the Act is amended

(1) by replacing “institution and registered” in paragraph *a* by “authorized deposit institution”;

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

“A regulation made for the purposes of subparagraph *b* of the first paragraph may authorize the Authority to take into account, in determining the amount of the premium, the fact that a deposit institution is a member of a cooperative group referred to in Division II of Chapter III. Such an amount may then be applicable to all the members of the cooperative group, to a certain category of them or to the federation of which they are members.”

- 374.** Sections 40.3.1 and 40.3.4 of the Act are repealed.
- 375.** Section 40.4 of the Act is amended by replacing “a registered institution” by “an authorized deposit institution”.
- 376.** Division VII of the Act is amended by replacing the portion before section 41 by the following:

“CHAPTER III

“MITIGATION OF RISKS AND LOSSES, AND RESOLUTION PROCESS

“DIVISION I

“MITIGATION OF RISKS AND LOSSES

“40.5. The Authority may, in particular, on the conditions it determines, for the purpose of reducing a risk to the Authority or averting or reducing a threatened loss to the Authority,

- (1) make advances of money, with or without security, to an authorized deposit institution or guarantee payment of the debts of such an institution;
- (2) acquire the assets of an authorized deposit institution;
- (3) make a deposit or guarantee a deposit made with an authorized deposit institution;
- (4) guarantee an authorized deposit institution against any loss it may incur following an amalgamation with an authorized deposit institution or following the acquisition of the assets together with the take-over of the liabilities of such an institution;
- (5) with the authorization of the Minister, enter, with any body or agency which, in the opinion of the Authority, administers an equivalent scheme, into an agreement concerning a deposit institution whose deposits are guaranteed or insured partly by the Authority and partly by such a body or agency;
- (6) constitute a legal person or a partnership under an Act of Québec to carry out the liquidation or winding-up of the assets acquired from an authorized deposit institution;
- (7) acquire any security issued by an authorized deposit institution; and
- (8) apply to the Superior Court for an order to force the sale or amalgamation of an authorized deposit institution.

The Authority may, in addition, act as liquidator of a deposit institution whose authorization has been revoked or act as receiver of an authorized deposit institution.

“DIVISION II

“RESOLUTION PROCESS

“§1. — *Resolution planning and resolution board*

“**40.6.** The Authority shall plan operations to resolve problems that could arise from the failure of authorized deposit institutions belonging to a cooperative group within the meaning of section 6.2 of the Act respecting financial services cooperatives (chapter C-67.3) and implement them when their implementation is ordered.

“**40.7.** The functions of a resolution board are to approve the plan established by the Authority, order the implementation and closure of the resolution operations, and authorize any resolution operation that was not provided for in the plan.

“40.8. The resolution board is composed of the person appointed as Deputy Minister of Finance under section 6 of the Act respecting the Ministère des Finances (chapter M-24.01), the President and Chief Executive Officer of the Authority appointed under section 20 of the Act respecting the regulation of the financial sector (chapter A-33.2), who are both members of the board by virtue of office, and a third person appointed by the Minister.

The board shall adopt operating rules.

The Authority must provide the resolution board with the services and equipment the board requests from it, free of charge.

“40.9. The objective of resolution operations is to ensure the sustainability of a cooperative group’s deposit institution activities despite the group’s failure and without recourse to public funds.

The Authority shall establish a resolution plan specifying, in particular, the operations it intends to implement in case of an institution’s failure in order to achieve that objective. The operations may be those provided for under this subdivision or other measures that the Authority is authorized by law to take.

“40.10. The resolution plan shall be submitted to the resolution board for approval. The same shall apply to any amendments that may be made to the plan.

The board may ask the Authority to update the plan; it may also request any information about the plan that it considers necessary from the Authority.

“§2. — Implementation of resolution operations

“40.11. The Authority shall notify the resolution board without delay if it considers that the failure of deposit institutions belonging to the cooperative group is likely to cause the failure of the other deposit institutions belonging to the group and that the powers conferred on it by the Act respecting financial services cooperatives (chapter C-67.3) are insufficient to remedy the situation.

“40.12. The resolution board shall order the implementation of resolution operations if it deems it to be in the public interest.

“40.13. The order of the resolution board is, in all respects, final and conclusive and may not be questioned or reviewed in any court. It must be recorded in writing and a copy of the writing must be sent to the Authority, which must publish it without delay in its bulletin.

“§3. — Impacts of the resolution board’s order

“40.14. The resolution board’s order designates the Authority as the receiver of all the legal persons belonging to the cooperative group, including the security fund within the meaning of section 487 of the Act respecting financial services cooperatives (chapter C-67.3), until the closure of the resolution operations.

The Authority is then vested with the powers provided for in paragraphs 1 to 9 of section 19.2 of the Act respecting the regulation of the financial sector (chapter A-33.2), and sections 19.3 to 19.5 and 19.9 of that Act apply to the receivership so established, except any reference to an order of the Superior Court.

“40.15. Unless otherwise provided in this Act, no civil, administrative or arbitration proceedings may be brought against the legal persons belonging to the cooperative group during the resolution operations. The same shall apply to measures to be taken prior to the exercise of a right or power against those legal persons.

During the resolution process, the following are suspended by operation of law:

(1) the measures to be taken by a creditor prior to the exercise of a right or power against those legal persons;

(2) the civil, administrative or arbitration proceedings brought against any legal person belonging to the group; and

(3) the execution, forced or voluntary, of judgments and other juridical acts on which the law confers the same force and effect as a judgment against those legal persons.

“40.16. Unless otherwise provided in this Act, compensation may not, during the resolution operations, be claimed from legal persons belonging to the cooperative group, but the legal persons may claim compensation.

They may not, however, claim an amount to which they would not have been entitled had it not been for the impossibility to claim compensation from them.

“40.17. Unless otherwise provided in this Act, no one may, during the resolution operations, terminate a contract entered into with a legal person belonging to the cooperative group, amend it, or cause the legal person to lose the benefit of the term stipulated in the contract for any of the following reasons:

(1) insolvency or deteriorated financial position of the legal person, any other legal person in the group, the group, its guarantor or any providers of credit support;

(2) a default, before the resolution operations were implemented, by the legal person or another legal person belonging to the cooperative group in the performance of obligations under the contract, unless it is a monetary default that is not remedied within the first 60 days of the resolution operations;

(3) the resolution board's order to implement the resolution operations;

(4) any resolution operation; or

(5) the conversion of any of the legal person's securities or liabilities in accordance with their terms.

The provisions of a contract to which such a legal person is a party that are inconsistent with the provisions of the first paragraph and provisions which, for the reasons described in the first paragraph, cause the legal person to lose a right or create new obligations for the institution are inoperative.

“40.18. Unless otherwise provided in this Act, no legal person or organization of which a legal person belonging to the cooperative group is a member at the time the resolution operations are implemented may, for the reasons described in the first paragraph of section 40.17, withdraw the legal person's membership or otherwise cause it to lose its membership or the rights it confers.

The provisions of a constituting act or of the by-laws of a legal person or organization of which the legal person belonging to the cooperative group is a member that are inconsistent with the provisions of the first paragraph and provisions which, for the reasons described in the first paragraph of section 40.17, cause the legal person to lose a right or create new obligations for the legal person are inoperative.

“40.19. Sections 40.15 to 40.18 do not prohibit requiring that a legal person belonging to the cooperative group pay a sum of money as consideration for a prestation.

They do not require the lending of a sum of money or the provision of any service that would be provided on credit because of the resolution operations.

“40.20. A security agreement on the property of a legal person belonging to the cooperative group and the rights it confers on that legal person's creditor are exempt from the application of sections 40.15 to 40.17 in either of the following cases:

(1) the security guarantees a claim of the Bank of Canada or the Authority; or

(2) the agreement has been exempted from the application of those sections under section 40.21.

“40.21. At the request of a legal person belonging to the cooperative group, the Authority may, if so authorized by the resolution board, exempt a security agreement on that legal person’s property from the application of sections 40.15 to 40.17. The Authority may not exercise that power during the resolution operations.

As a result of that exemption, the Authority is not required to ensure that the secured obligation will be assumed by a third person, or to provide the third person with financial assistance enabling it to perform that obligation.

“40.22. A regulation of the Authority is to specify how sections 40.15 to 40.18 are to apply to the financial contracts the Authority determines by regulation.

“40.23. The Authority may exempt a legal person belonging to the cooperative group from the application of any part of sections 40.15 to 40.18 to the extent provided by the resolution plan or, failing that, if it has received prior authorization from the resolution board to do so.

“40.24. The Superior Court may, on the conditions it considers appropriate, authorize a person to do anything that the person would otherwise be prohibited from doing under sections 40.15 to 40.18, if it is satisfied that

- (1) the person would suffer serious injury if the authorization was not granted; or
- (2) it is equitable on other grounds to grant the authorization.

The Authority is a party to any application under the first paragraph as a defendant and is entitled to receive notice of the application in the manner the Court considers appropriate.

“§4. — *Resolution operations*

“I. — *Consent, authorization and approval*

“40.25. The Authority may implement any resolution operation without the consent, authorization or approval of anyone if the operation is in the resolution plan, or with the sole authorization of the resolution board if it is not in the resolution plan, despite any other Act applicable to the Authority or to any such operation.

The Authority may, subject to the same conditions, exercise all the powers that are conferred by the Act respecting financial services cooperatives (chapter C-67.3) on the federation or on the security fund belonging to the cooperative group.

The first paragraph of section 39 of the Act respecting the regulation of the financial sector (chapter A-33.2) and sections 77.1 to 77.3 of the Financial Administration Act (chapter A-6.001) apply to the Authority only if it makes a borrowing or an investment, an acquisition or transfer of assets or a financial commitment that was neither provided for in the resolution plan nor authorized by the resolution board.

“II. — *Amalgamation/continuance and amalgamation/winding-up*

“**40.26.** The Authority may amalgamate all the financial services cooperatives as well as the security fund belonging to the same cooperative group and have them continued as one Québec savings company. The Authority may also do so with regard to any part of those legal persons that it determines.

That amalgamation/continuance process requires articles of amalgamation/continuance.

“**40.27.** The articles of amalgamation/continuance must contain the provisions required to be set out in the articles of constitution of a business corporation that elects to become regulated by Title III of the Trust Companies and Savings Companies Act (2018, chapter 23, section 395), except the particulars concerning the founders.

They must also contain the following information as regards the shares issued by the amalgamating financial services cooperatives:

(1) the manner in which they are to be converted into shares of the Québec savings company resulting from the amalgamation/continuance;

(2) if the shares of one of the financial services cooperatives are not to be wholly converted into shares of the savings company, the amount of money or other form of payment the holders of those shares will be entitled to receive in addition to or instead of shares of the Québec savings company resulting from the amalgamation/continuance;

(3) if applicable, the amount of money or other form of payment that is to be received instead of fractional shares of the Québec savings company resulting from the amalgamation/continuance; and

(4) if applicable, a provision stating that any shares of a financial services cooperative held by another legal person belonging to the cooperative group are to be cancelled when the amalgamation/continuance becomes effective without any repayment of capital in respect of those shares, and that such shares are not to be converted into shares of the Québec savings company resulting from the amalgamation/continuance.

“40.28. After having prepared the articles of amalgamation/continuance, the Authority shall prepare, in duplicate, a certificate attesting the amalgamation/continuance and stating its date of effect, which may be subsequent to the date on which the certificate is made.

The Authority shall send a copy of the articles and of the certificate attesting the amalgamation/continuance to the enterprise registrar, who shall deposit them in the enterprise register.

“40.29. As of the date of effect shown on the certificate,

(1) all the legal persons involved in the amalgamation/continuance are continued as one Québec savings company and their patrimonies are joined together to form the patrimony of that savings company; and

(2) the rights and obligations of the legal persons involved in the amalgamation/continuance become rights and obligations of the Québec savings company resulting from the amalgamation/continuance and the latter becomes a party to any judicial or administrative proceeding to which those legal persons were parties.

“40.30. The Québec savings company resulting from the amalgamation/continuance shall exercise the rights and perform the obligations under the name of the financial services cooperative or the security fund which, before the amalgamation/continuance, held those rights or owed those obligations.

The savings company shall exercise the rights it has acquired and perform the obligations to which it is bound after the amalgamation/continuance under the name that is assigned to it in the articles of amalgamation/continuance.

Creditors of a financial services cooperative or of the security fund before the amalgamation/continuance may file a judicial application against the savings company, whether under the latter’s name or under the name of the cooperative or fund.

“40.31. The Québec savings company resulting from the amalgamation/continuance shall have its head office at the place where the federation had its head office before the amalgamation/continuance.

For the purpose of determining the court having territorial jurisdiction in Québec to hear a judicial application based on a right held or obligation owed by a financial services cooperative or the security fund before the amalgamation/continuance, the court of the cooperative’s or fund’s domicile before the amalgamation also has jurisdiction, at the plaintiff’s option.

“40.32. The Authority may, as the receiver of the federation and the fund under section 40.14, exercise the power conferred on them by section 547.47 of the Act respecting financial services cooperatives (chapter C-67.3) to carry out an amalgamation/winding-up not only with respect to all the financial services cooperatives belonging to the cooperative group and the fund, but also with respect to any number of those legal persons that it determines.

If the amalgamation/winding-up does not involve all the legal persons belonging to the group, the declaration of amalgamation/winding-up required under section 547.48 of that Act must specify the legal persons involved. The other provisions of that same Act relating to an amalgamation/winding-up apply with the necessary modifications.

“40.33. The provisions of this Act that are applicable, in the event of resolution, to a legal person belonging to a cooperative group apply to any other legal person in which the legal person belonging to that group has been continued, even if, because of such a continuance, the cooperative group as defined by law ceases to exist.

Those provisions continue to apply to the legal persons that belonged to the group and were not continued or dissolved at the time it ceased to exist.

“III. — Establishment and operation of a bridge institution and an asset management company

“40.34. The Authority may establish one of the following deposit institutions in order to have it assume the liabilities, in relation to deposits of money, of a deposit institution belonging to the cooperative group:

- (1) a financial services cooperative;
- (2) a Québec savings company; or
- (3) a trust company.

Such a deposit institution is referred to as a “bridge institution”. The Authority shall grant the authorization referred to in section 28 to the bridge institution as soon as it is established and without an application being filed by that deposit institution.

“40.35. The Authority acting alone may found a financial services cooperative that is to be a bridge institution. If the cooperative is a credit union, it is not required to be a member of a federation.

As and when the cooperative that is the bridge institution assumes liabilities in relation to deposits of money, the depositors concerned become members of that cooperative by operation of law.

Sections 7, 8, 11 to 15, 33 to 37, 186 to 190, 195 and 286 of the Act respecting financial services cooperatives (chapter C-67.3) do not apply to a cooperative that is a bridge institution.

“40.36. If the Authority acts as the founder of a business corporation that will be a trust company or a Québec savings company, sections 162 to 181 of the Trust Companies and Savings Companies Act (2018, chapter 23, section 395) do not apply. In addition, if the business corporation is to be a trust company, the Authority shall grant it the authorization required under section 17 of that Act as soon as it is incorporated and without an application being filed by the corporation.

“40.37. The Authority may establish a business corporation with a view to transferring any part of the assets or liabilities of a legal person belonging to the cooperative group to the corporation, except liabilities in relation to deposits of money.

For the purposes of this Act, such a corporation is called an “asset management company”.

“40.38. The Authority shall be the receiver of the bridge institution and of the asset management company, unless it designates a person to act as receiver.

The receiver is then vested with the powers provided for in paragraphs 1 to 9 of section 19.2 of the Act respecting the regulation of the financial sector (chapter A-33.2), and sections 19.3 to 19.5 and 19.9 of that Act apply to the receivership thus established, except any reference to an order from the Superior Court.

“40.39. Despite any contrary provision, bridge institutions and asset management companies are not mandataries of the Authority or of the State.

Likewise, the legislative provisions applicable to a body for any of the following reasons do not apply to a bridge institution or an asset management company:

- (1) at least half of its expenditures are borne directly or indirectly by the Consolidated Revenue Fund;
- (2) at least half of its financing, resources or share capital is derived from that fund; or
- (3) its capital stock forms part of the domain of the State.

“IV. — Transfer of a legal person’s assets and liabilities

“40.40. The Authority may transfer the assets and liabilities of a legal person belonging to the cooperative group to any acquirer. It may also renounce the exercise of a right or concede a right in an asset or a liability.

A transfer or concession may relate to specific assets or liabilities or a universality of assets and liabilities. The Authority is not limited as to the number of such acts it may perform.

A transfer, renunciation or concession may be by gratuitous or onerous title.

“40.41. If a transfer or concession is made between the legal person and, as the case may be, the Authority, the bridge institution or the asset management company, the Authority shall unilaterally determine the assets or liabilities to be transferred, the rights to be conceded, the consideration to be paid as well as the other terms of the contract.

If a transfer or a concession is made with a third person, the Authority may, on behalf of the legal person, agree on the terms of the contract.

“40.42. Unless the Authority decides otherwise, the transfer of an asset purges the real rights charging it, unless the asset is part of a universality and the rights charging it secure the liabilities that are part of that universality.

“40.43. If the Authority transfers to a bridge institution all the deposits of money that are guaranteed by the Authority and entered, at the time the bridge institution is established, in the registers of a same deposit institution belonging to the cooperative group, the deposits and withdrawals made with the latter deposit institution until that time but not yet entered in its registers, as well as the deposits and withdrawals made after that time, are deemed to have been made with the bridge institution. The bridge institution is responsible for the interest accruing on those deposits.

“40.44. A bridge institution that assumes a liability in relation to a deposit of money that is not entirely guaranteed by the Authority is subrogated pleno jure in all the rights of the depositor against the deposit institution with which the deposit was made for the entire deposit.

Despite the first paragraph of article 1658 of the Civil Code, the depositor may not exercise his or her rights against the deposit institution belonging to the cooperative group, unless the bridge institution receives an amount equal to the non-guaranteed part of the deposit.

“40.45. Despite any contrary provision of this Act, the assumption by a bridge institution of a liability in relation to a deposit of money does not grant a depositor a guarantee that is superior to the guarantee the depositor would have been granted had the bridge institution not assumed the liability.

“40.46. Sections 40.15 to 40.19 and 40.24 apply, with the necessary modifications, to any acquirer of the assets and liabilities of a legal person belonging to the cooperative group who, because of such an acquisition, becomes a party to a proceeding to which that legal person was a party, becomes a party to a contract to which that legal person was a party or becomes a member of a legal person or of any other organization of which that legal person was a member.

The prohibition under the first paragraph of section 40.15 and the suspension under the second paragraph of that section are only effective for 90 days from the date of acquisition, but the acquirer may renounce it.

“V.—Guarantees and other financial obligations of the Authority

“40.47. To enable a member of Payments Canada to act as a clearing agent on behalf of a deposit institution belonging to the cooperative group, or on behalf of the bridge institution, the Authority may, in accordance with the Canadian Payments Act (Revised Statutes of Canada, 1985, chapter C-21) and Payments Canada’s rules and regulations, undertake to

(1) unconditionally guarantee the deposit institution’s obligations to the clearing agent as clearing agent; or

(2) ensure that the deposit institution’s obligations to the clearing agent as clearing agent are assumed by the bridge institution.

“40.48. The Authority may incur any financial obligation necessary to ensure the implementation of the resolution plan.

“VI.—Transfer, cancellation and conversion of securities and of certain debts

“40.49. The Authority may order the transfer, in its favour, in favour of the bridge institution or in favour of the asset management company, of any part that it determines of the shares and subordinated debt obligations issued by the deposit institutions belonging to the cooperative group.

The transfer takes place as soon as it is entered in the issuer’s registers and, as a result, the acquirer of those shares or obligations becomes a protected purchaser within the meaning of the Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002).

“40.50. The Authority may cancel any part of the shares issued by a deposit institution belonging to the cooperative group. It may also convert such shares into contributed capital securities of a legal person constituted or resulting from an amalgamation/continuance or other conversion carried out for the purposes of the resolution.

The Authority may write off any part of the negotiable and transferable unsecured debts that belong, at the time of issue, to a class prescribed by regulation of the Authority. It may also convert them into contributed capital securities of a legal person constituted or resulting from an amalgamation/continuation or other conversion carried out for the purposes of the resolution.

“40.51. The Authority must prescribe an indemnification plan by regulation and determine the holders of securities issued by deposit institutions belonging to the cooperative group and the creditors of those institutions that are eligible for the plan.

Only eligible holders of securities and creditors that, because of the resolution operations, are in a worse financial position than they would have been had the deposit institution belonging to the cooperative group been liquidated or wound up are entitled to receive an indemnity.

“§5. — Closure of resolution operations

“40.52. The Authority shall notify the resolution board when it considers that the resolution operations are finished with respect to a legal person belonging to the cooperative group.

“40.53. The resolution board shall order the closure of the resolution operations with respect to a legal person when it considers that it is in the public interest to do so.

“40.54. The order of the resolution board is, for all purposes, final and conclusive and may not be questioned or reviewed in any court. It must be recorded in writing and a copy of the writing must be sent to the Authority, which must publish it without delay in its bulletin.

As soon as the decision is published, the provisions of this division cease to apply to the legal person named in it.

“§6. — Administration of resolution operations and immunities

“40.55. The Authority shall recover, out of the assets of any legal person belonging to the cooperative group and in priority to all other claims, all the costs, charges and expenses properly incurred by the Authority in connection with the resolution operations.

“40.56. During the resolution operations, the resolution board may ask the Authority to provide any information the board considers desirable to obtain.

“40.57. Neither the Authority nor the Government are liable for the obligations of legal persons belonging to the cooperative group.

“TITLE IV**“ENFORCEMENT AND REGULATIONS****“CHAPTER I****“RETURNS”.****377.** Section 41 of the Act is amended

- (1) by replacing “registered” in the first paragraph by “authorized deposit”;
- (2) in the second paragraph,
 - (a) by replacing “133” and “registered” in subparagraph 1 by “135” and “deposit”, respectively;
 - (b) by replacing “du vérificateur” in subparagraph 2 in the French text by “de l’auditeur”.

378. Section 41.1 of the Act is amended by replacing “registered” by “authorized deposit”.**379.** Section 41.3 of the Act is amended by replacing “a registered institution” in the first paragraph and “registered” in the second paragraph by “an authorized deposit institution” and “authorized deposit”, respectively.**380.** Section 42 of the Act is amended

- (1) by replacing “registered” in the first paragraph by “authorized deposit”;
- (2) by replacing all occurrences of “an institution”, “the institution”, “that institution” and “institutions” in the second, third and fourth paragraphs by “a deposit institution”, “the deposit institution”, “that deposit institution” and “deposit institutions”, respectively.

381. Division VIII of the Act is amended by replacing the portion before section 43 by the following:**“CHAPTER II****“INSTRUCTIONS, GUIDELINES AND ORDERS**

“42.1. The Authority may establish instructions for an authorized deposit institution or a federation of which such an institution is a member.

Instructions must be in writing and must be specific to the addressee, but need not be published.

The Authority must, before sending instructions, notify the addressee and give it an opportunity to submit observations.

“42.2. The Authority may establish guidelines for all authorized deposit institutions, a single class of such institutions or the federations of which such institutions are members.

Guidelines must be general and impersonal; the Authority shall publish them in its bulletin after sending a copy of them to the Minister.

“42.3. A guideline informs its addressees of measures that, in the Authority’s opinion, they may establish to satisfy their obligations under this Act.

Instructions inform their addressee of the obligations that, in the Authority’s opinion, are incumbent on it under that Act.

“42.4. The Authority may order an authorized deposit institution, or the federation of which it is a member, to cease a course of action or to implement specified measures if the Authority is of the opinion that the institution or federation is failing to perform its obligations under this Act in full, properly and without delay.

The Authority may, for the same reasons, issue an order against a legal person that, on behalf of an authorized deposit institution, carries on its activities or performs its obligations.

At least 15 days before issuing an order, the Authority shall notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the contravener in writing, stating the reasons which appear to justify the order, the date on which the order is to take effect and the contravener’s right to submit observations.

“42.5. The Authority’s order must state the reasons for which it is issued. The order must be served on all the groups or persons to whom it applies.

The order takes effect on the date it is served or on any later date specified in it.

“42.6. The Authority may, without prior notice, issue a provisional order valid for up to 15 days if, in its opinion, any period of time granted to the person concerned to submit observations may be detrimental.

The order must include reasons and takes effect on the date it is served on the person concerned. That person may, within six days of receiving the order, submit observations to the Authority.

“42.7. The Authority may revoke or amend any order it has issued under this Act.

“CHAPTER III**“CONSERVATORY MEASURES**

“42.8. The Authority, for the purposes or in course of an investigation or when it is informed that an authorized deposit institution is voluntarily dissolving or liquidating or winding up in contravention of section 28.2 or intends to do so, may request the Financial Markets Administrative Tribunal

(1) to order a person or group not to dispose of funds, securities or other property in the person’s or group’s possession; or

(2) to order a person or group to refrain from withdrawing funds, securities or other property on deposit with or under the control or in the safekeeping of any other person or group.

Such an order takes effect from the time the person or group concerned is notified of it and, unless otherwise provided, remains binding for a 12-month period; the order may be revoked or otherwise amended during that period.

“42.9. The person or group concerned must be notified at least 15 days before any hearing during which the Tribunal is to consider an application for the renewal of an order.

The Tribunal may renew the order if the person or group concerned has not requested to be heard or has failed to establish that the reasons for the initial order have ceased to exist.

“42.10. A person or group named in an order issued under section 42.8 who has put a safety deposit box at the disposal of a third person or has allowed a third person to use a safety deposit box shall immediately notify the Authority.

On the Authority’s request, the person or the group’s duly authorized representative shall 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 or group concerned.

“42.11. No order applies to funds or securities deposited with a clearing-house or a transfer agent, unless the order so provides.

“42.12. An order applies also to funds, securities and other property received after the order becomes effective.

“42.13. An order that names a bank or another financial institution applies only to the agencies or branches specified.

“42.14. A person or group directly affected by an order issued under section 42.8, if in doubt as to the application of the order to particular funds, securities or other property, may apply to the Financial Markets Administrative Tribunal for clarification; such a person or group may also apply for an amendment to or the revocation of the order.

A written notice setting out the reasons for the application for amendment or revocation must be filed with the Tribunal. The notice must be served on the Authority at least 15 days before the hearing set to hear the application.

“42.15. An order issued under section 42.8 is admissible for publication in the same register as that in which rights in the funds, securities or other property covered by the order are required to be published or admissible for publication.

Likewise, the order may be published in a register kept outside Québec if such orders are admissible for publication under the Act governing that register.

“42.16. In addition to any measure imposed in an order, the Financial Markets Administrative Tribunal may require a person or group named in the order to repay to the Authority the costs incurred in connection with the inspection or investigation that established non-compliance with the provision concerned, according to the tariff set by government regulation.

“42.17. The Financial Markets Administrative Tribunal may prohibit a person from acting as a director or officer of an authorized deposit institution on the grounds set out in article 329 of the Civil Code or when a sanction has been imposed on the person under this Act.

The prohibition imposed by the Tribunal may not exceed five years.

The Tribunal may, at the request of the person concerned, lift the prohibition on such conditions as it considers appropriate.

“CHAPTER IV

“INJUNCTION AND PARTICIPATION IN PROCEEDINGS

“42.18. The Authority may apply to a judge of the Superior Court for an injunction in respect of any matter relating to the carrying out of this Act.

The application for an injunction constitutes a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure (chapter C-25.01) applies, except that the Authority cannot be required to give security.

“**42.19.** The Authority may, on its own initiative and without notice, intervene in any proceeding relating to a provision of this Act or, if it is applicable to an authorized deposit institution, of the Business Corporations Act (chapter S-31.1) or of another Act of Québec governing the authorized financial institution’s constituting act and administered by the Authority.

“CHAPTER V

“CANCELLATION OF A CONTRACT OR SUSPENSION OF ITS PERFORMANCE

“**42.20.** The Authority may apply to a court to cancel or suspend the performance of a contract entered into by an authorized deposit institution in contravention of this Act if the Authority shows that the cancellation or suspension is in the interest of the deposit institution’s depositors and that, under the circumstances, that interest must prevail over the legal security of parties to the contract and of other persons whose rights and obligations would be affected by the cancellation or suspension.

The cancellation or suspension may not be applied for after the end of the 10th year after the contract concerned came into effect.

The court may also order that directors who are party to such a contract, who have authorized it or who have otherwise facilitated its entering into, be solidarily required to pay the authorized deposit institution the amount of damages awarded as compensation for the injury suffered or the sum paid by the authorized deposit institution because of the contract.

“CHAPTER VI

“REGULATIONS”.

382. Section 43 of the Act is amended

(1) in paragraph *a*,

(*a*) by replacing “institution applying for a permit or” by “legal person applying for”;

(*b*) by striking out “permit or”;

(2) by striking out paragraphs *a.1* to *c.1*;

(3) by replacing paragraph *d* by the following paragraph:

“(*d*) determining the form and tenor of applications for policies, the form and tenor of policies, and the form of applications for authorization;”;

(4) by replacing “Division VI.1” and “an institution becomes a registered institution” in paragraph *e.1* by “Chapter II of Title III” and “a legal person becomes an authorized deposit institution”, respectively;

(5) by replacing paragraph *g* by the following paragraph:

“(g) determining the books and accounts that authorized deposit institutions other than authorized insurers and authorized trust companies must keep;”;

(6) by striking out paragraph *h*;

(7) by replacing all occurrences of “a registered” in paragraphs *i* and *i.1* by “an authorized deposit”;

(8) by striking out paragraph *k*;

(9) by replacing “registered” in paragraphs *l* and *m.1* by “authorized deposit”;

(10) by striking out paragraphs *m.2*, *n*, *n.2* and *s*;

(11) by inserting the following paragraphs after paragraph *s*:

“(s.1) clarifying the application of sections 40.15 to 40.18 to the financial contracts it determines;

“(s.2) providing for the classes of negotiable and transferable unsecured debts that may be written off or converted into contributed capital securities under the second paragraph of section 40.50;

“(s.3) providing for the indemnification plan for the holders of shares or securities transferred under section 40.49 or the holders of shares that were cancelled or converted under the first paragraph of section 40.50 and for creditors whose debts were written off or converted under the second paragraph of that section;”;

(12) by replacing paragraph *u* by the following paragraph:

“(u) determining the standards applicable to authorized deposit institutions in relation to their commercial practices and their management practices.”

383. Section 45 of the Act is amended by replacing “paragraph *c.1*, *l.1*, *m.1* or *s*” in the second paragraph by “paragraph *l.1*”.

384. Section 45.1 of the Act is repealed.

385. Division IX of the Act is amended by replacing the portion before section 48.1 by the following:

“TITLE V

**“PROHIBITIONS, MONETARY ADMINISTRATIVE PENALTIES AND
PENAL PROVISIONS**

“CHAPTER I

“PROHIBITIONS

“45.2. No one may falsely purport, in any manner whatsoever, that the deposits of money received by them are guaranteed under this Act.

“45.3. No one may, if not covered by the second paragraph, hold themselves out as a deposit institution or use a name that includes those words. Similarly, no one may, if not covered by the third paragraph, hold themselves out as a savings company or use a name that includes those words.

The following may hold themselves out as a deposit institution or use a name that includes those words:

- (1) an authorized deposit institution;
- (2) a bank within the meaning of the Bank Act (Statutes of Canada, 1991, chapter 46); and
- (3) a legal person constituted under the laws of a jurisdiction other than Québec that is authorized under those laws to carry on deposit institution activities and that exercises rights and performs obligations in Québec without such exercise and performance constituting deposit institution activities.

The following may hold themselves out as a savings company or use a name that includes those words:

- (1) a corporation regulated by Title III of the Trust Companies and Savings Companies Act (2018, chapter 23, section 395) that only applies for or obtains the Authority’s authorization to carry on deposit institution activities;
- (2) an authorized deposit institution that is a legal person referred to in subparagraph 6 of the first paragraph of section 24; and
- (3) a legal person referred to in subparagraph 3 of the second paragraph.

“CHAPTER II**“MONETARY ADMINISTRATIVE PENALTIES****“DIVISION I****“FAILURES TO COMPLY**

“45.4. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on

(1) an authorized deposit institution

(a) that, in contravention of section 28.19, fails to send the Authority a report on its complaint processing policy,

(b) whose ethics committee, in contravention of section 28.51, fails to send the Authority a report on its activities,

(c) that, in contravention of section 28.63, fails to notify the Authority of the end of the auditor’s term, or

(d) that, in contravention of section 41, fails to furnish the Authority with a detailed return of its operations at the times determined by the regulations; or

(2) an authorized deposit institution, the holder of control of the deposit institution, a member of its financial group, or its auditor, if it or he or she refuses to communicate or provide access to a document or information required by the Authority for the purposes of this Act.

The penalties prescribed by the first paragraph also apply if the information or documents concerned are incomplete, or are not sent before the specified time limit.

“45.5. A monetary administrative penalty of \$2,500 may be imposed on an authorized deposit institution

(1) that fails to perform its obligations under an undertaking given to the Authority under section 28.1, 28.46, 28.86 or 30.7;

(2) that, in contravention of section 28.11, fails to adopt a complaint processing policy or that, in contravention of section 28.29, fails to adopt an investment policy approved by its board of directors or whose ethics committee, in contravention of section 28.48, fails to adopt rules of ethics;

(3) that, in contravention of section 28.11, fails to keep the complaints register prescribed by that section;

(4) if, in contravention of section 28.38, neither a director nor a committee has reported to the board of directors on the responsibility conferred on the director or committee of seeing that sound commercial practices and sound and prudent management practices are adhered to and situations contrary to such practices are detected; or

(5) that, without the Authority's authorization under section 28.46, has not, in contravention of section 28.44, established an audit committee or an ethics committee or has established one whose composition contravenes section 28.45.

“45.6. A monetary administrative penalty of \$5,000 may be imposed on an authorized deposit institution

(1) that holds contributed capital securities issued by a legal person or partnership, participations in a trust or a share in a co-ownership acquired in contravention of the limits prescribed by section 28.31 without such holdings being authorized by section 28.32;

(2) more than half of whose board of directors, in contravention of section 28.42, is not composed of persons other than its employees or employees of a group of which it is the holder of control;

(3) for which no auditor, in contravention of section 28.59, has been charged with the functions provided for in that section or for which an auditor has been charged with those functions but does not have the qualifications required under section 28.60; or

(4) that, in contravention of any of sections 30.2 to 30.6, fails to notify the Authority of any of the operations described in section 29, sends the Authority an incomplete notice of intention or fails to comply with the time limit prescribed by section 30.1 for filing the notice of intention although it is not exempted from filing such a notice under the latter section.

“45.7. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on anyone who fails to comply with an order or other decision of the Authority.

“45.8. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

“45.9. The Minister or the Authority may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty.

The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the maximum amounts provided for in section 45.7.

“DIVISION II**“NOTICE OF NON-COMPLIANCE AND IMPOSITION**

“45.10. In the event of a failure to comply referred to in Division I, a notice of non-compliance may be notified to the party responsible for the failure urging that the necessary measures be taken immediately to remedy it.

Such a notice must mention that the failure may give rise to a monetary administrative penalty.

“45.11. The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

“45.12. The monetary administrative penalty for a failure to comply with a provision of this Act may not be imposed on the party responsible for a failure to comply if a statement of offence has already been served for a failure to comply with the same provision on the same day, based on the same facts.

For the purposes of this chapter, “party responsible for a failure to comply” means the person or group on whom or which a monetary administrative penalty is imposed or may be imposed, as the case may be, for a failure to comply referred to in Division I.

“45.13. A monetary administrative penalty is imposed on the party responsible for a failure to comply by the notification of a notice of claim.

The notice must state

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which it bears interest;
- (4) the right, under section 45.14, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and
- (5) the right to contest the review decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The party responsible for the failure to comply must also be informed that failure to pay the amount owing may give rise to the amendment, suspension or revocation of any authorization granted under this Act or to a refusal to grant such an authorization, and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

“DIVISION III

“REVIEW

“**45.14.** The party responsible for a failure to comply may apply in writing to the Authority for a review of the decision to impose a monetary administrative penalty within 30 days after notification of the notice of claim.

The persons responsible for the review are designated by the Authority; they must not come under the same administrative authority as the persons responsible for imposing such penalties.

“**45.15.** The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for the review shall render a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner.

“**45.16.** The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant’s right to contest the decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to submit observations or documents, the interest provided for in the fourth paragraph of section 45.13 on the amount owing ceases to accrue until the decision is rendered.

“**45.17.** A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Financial Markets Administrative Tribunal by the party responsible for the failure to comply to which the decision pertains, within 60 days after notification of the review decision.

The Tribunal may only confirm or quash a contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

“DIVISION IV**“RECOVERY**

“45.18. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“45.19. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of this division, “debtor” means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that party for the payment of the penalty.

“45.20. The debtor and the Authority may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“45.21. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor’s name and address and the amount of the debt.

“45.22. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act, be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

“45.23. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“45.24. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.

“DIVISION V

“REGISTER

“45.25. The Authority shall keep a register relating to monetary administrative penalties.

The register must contain at least the following information:

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure, and the legislative provisions under which the penalty was imposed;
- (3) if the penalty was imposed on a legal person, its name and the address of its head office or that of one of its establishments or of the business establishment of one of its agents;
- (4) if the penalty was imposed on a natural person, the person’s name, the name of the municipality in whose territory the person resides and, if the failure occurred during the ordinary course of business of the person’s enterprise, the enterprise’s name and address;
- (5) the amount of the penalty imposed;
- (6) the date of receipt of an application for review and the date and conclusions of the decision;
- (7) the date a proceeding is brought before the Financial Markets Administrative Tribunal and the date and conclusions of the decision rendered by the Tribunal, as soon as the Authority is made aware of the information;
- (8) the date a proceeding is brought against the decision rendered by the Financial Markets Administrative Tribunal, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Authority is made aware of the information; and
- (9) any other information the Authority considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final.

“CHAPTER III**“PENAL PROVISIONS**

“46. The secretary of an authorized deposit institution who contravenes the second paragraph of section 28.67 by refusing or neglecting to provide the declaration sent to him or her by an auditor in accordance with section 28.66 or who destroys or falsifies the declaration commits an offence and is liable to a fine of \$1,000 to \$10,000.

“46.1. Anyone who

- (1) fails to comply with a request made under section 28.15,
- (2) dismisses an auditor otherwise than in accordance with section 28.65, or
- (3) fails to notify the Authority in accordance with section 28.80 or to notify it of an operation described in subparagraph 5 of the first paragraph of section 29, in accordance with section 30.6,

commits an offence and is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and \$7,500 to \$75,000 in any other case.

“46.2. Anyone who

- (1) contravenes section 45.2 or 45.3,
- (2) solicits or receives deposits of money from the public without being authorized to carry on deposit institution activities,
- (3) provides a document or information that they know is false or inaccurate, or access to such a document or information, to the Minister or the Authority, a member of the Minister’s or Authority’s staff or a person appointed by the Minister or Authority in the course of activities governed by this Act, or
- (4) hinders or attempts to hinder, in any manner, the exercise of a function by a member of the Authority’s staff or by a person appointed by the Authority for the purposes of this Act,

commits an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$15,000 to \$150,000 in any other case.

“46.3. Anyone who

- (1) contravenes an order, or
- (2) carries on deposit institution activities although the authorization required under this Act has been refused or revoked, or carries on deposit institution activities beyond what this Act authorizes if the authorization is suspended,

commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$100,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$2,000,000.

An authorized deposit institution that, in contravention of section 28.2, decides to dissolve or liquidates or winds up voluntarily commits an offence and is liable to the fine prescribed in the first paragraph.

A director of such a deposit institution who gives his or her assent to the dissolution or liquidation or winding-up in contravention of section 28.2 commits an offence and is liable to the fine and imprisonment prescribed in the first paragraph; the same shall apply to a liquidator who agrees to proceed with such a liquidation or winding-up.

“46.4. Despite sections 46 to 46.3, the Minister may determine the regulatory provisions made under this Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Minister. The Government may also provide that, despite article 231 of the Code of Penal Procedure (chapter C-25.1), a contravention renders the offender liable to a term of imprisonment, or both the fine and imprisonment.

The maximum penalties under the first paragraph may vary according to the seriousness of the offence, without exceeding those prescribed in section 46.3.

“46.5. The fines prescribed by sections 46 to 46.3 or the regulations are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

If an offender commits an offence under this Act after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilty pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 46.3, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

“**46.6.** If an offence under this Act is committed by a director or officer of a legal person or of another group, regardless of its juridical form, the minimum and maximum fines that would apply in the case of a natural person are doubled.

“**46.7.** If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.

“**46.8.** Anyone who, by an act or an omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under this Act commits an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

“**46.9.** In any penal proceedings relating to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the offence.

“**47.** If a legal person or an agent, mandatary or employee of a legal person, of a partnership or of an association without legal personality commits an offence under this Act, the directors of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

“**47.1.** In determining the penalty, the judge shall take into account aggravating factors such as

- (1) the intentional, negligent or reckless nature of the offence;
- (2) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (3) the offender’s attempts to cover up the offence or failure to mitigate its consequences;
- (4) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and
- (5) the offender’s failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender’s ability to do so.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

“47.2. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has also been imposed.

“48. When determining a fine higher than the minimum fine prescribed in this Act, or when determining the time within which an amount must be paid, the judge may take into account the offender’s inability to pay, provided the offender furnishes proof of assets and liabilities.”

386. Section 48.3 of the Act is amended by replacing “for an offence under section 46” in the first paragraph by “for an offence under a provision of this Act”.

387. Division X of the Act becomes Title VI.

388. Section 52 of the Act is amended by replacing “under this Act” in the second paragraph by “under Title III, under section 45.2 or under Title VI, except section 56.1.”.

389. Section 52.1 of the Act is amended by replacing “Division VI.1” by “Chapter II of Title III”.

390. Section 53 of the Act is amended by replacing “40” by “40.5”.

391. Division XI of the Act is amended by replacing the portion before section 57 by the following:

“56.1. The costs that must be incurred by the Authority for the administration of the provisions of this Act other than Titles III and VI and section 45.2 are to be borne by the authorized deposit institutions; they are determined annually by the Government based on the forecasts provided to it by the Authority.

Such costs, for each deposit institution, correspond to the sum of the minimum contribution set by the Government and the proportion of those costs corresponding to the proportion that the deposit institution’s gross income in Québec for the preceding year is of the aggregate of the similar income of all the authorized deposit institutions for the same period.

The difference noted between the forecast of the costs that must be incurred for the administration of this Act for a year and those actually incurred for the same year must be carried over to similar costs determined by the Government for the year after the difference is noted.

The certificate of the Authority shall definitively establish the amount payable by each deposit institution under this section.

The Government may apportion the costs it determines under the first paragraph differently among deposit institutions depending on whether they are only authorized to carry on deposit institution activities, whether they are also authorized to carry on insurer activities or trust company activities or whether they are financial services cooperatives.

“TITLE VII

“FINAL PROVISIONS

“56.2. The Minister, with the Government’s approval, may make agreements with the government of another province or a territory of Canada or with the government of a foreign State allowing a cooperative having a similar mission to that of a financial services cooperative and constituted under an Act of that province, territory or State to obtain the authorization prescribed in section 28.

The Minister may make such an agreement only if

(1) the laws of that province, territory or State grant financial services cooperatives constituted under the laws of Québec a status equivalent to the status granted by those laws to cooperatives constituted under the laws of that province, territory or State;

(2) deposits received in Québec by the cooperative constituted under the laws of that province, territory or State are guaranteed or insured by the body or agency of that province, territory or State which administers a scheme equivalent to the one provided for by this Act.”

DIVISION II

SPECIAL TRANSITIONAL PROVISIONS

392. The Deposit Insurance Act (chapter A-26) is to be read, from 13 July 2018 to 12 June 2019, as if

(1) the following definitions were inserted in alphabetical order in section 1.2:

““contributed capital”, with respect to a legal person, means capital composed of the consideration paid to the legal person for,

(1) in the case of a business corporation, the shares of its share capital;

(2) in the case of a joint-stock company, the shares of its capital stock; and

(3) in the case of a cooperative, a financial services cooperative or a mutual damage-insurance company, the shares of its capital stock or share capital;

““registered institution activities” means activities that consist in soliciting and receiving deposits of money from the public.”;

(2) Chapter III of Title III, comprising sections 40.5 to 40.57, enacted by section 376, were Division VI.2 and the headings included in the chapter were amended accordingly;

(3) all occurrences of “authorized deposit institution” and “deposit institution” and all occurrences of “authorized deposit institutions” and “deposit institutions” in sections 40.5, 40.6, 40.9, 40.11, 40.34, 40.43, 40.44, 40.47, 40.49, 40.50 and 40.51, enacted by section 376, were replaced by “registered institution” and “registered institutions”, respectively;

(4) all occurrences of “legal person” and “legal persons” in sections 40.14, 40.15, 40.16, 40.17, 40.18, 40.19, 40.20, 40.21, 40.23, 40.32, 40.33, 40.37, in the heading before section 40.40, and in sections 40.41, 40.46, 40.52, 40.53, 40.54, 40.55 and 40.57, enacted by section 376, were replaced by “institution” and “institutions”, respectively, with the necessary modifications;

(5) “that elects to become regulated by Title III of the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” in the first paragraph of section 40.27, enacted by section 376, were replaced by “whose deposit is subject to the Minister’s authorization under the second paragraph of section 11 of the Act respecting trust companies and savings companies (chapter S-29.01)”;

(6) section 40.36, enacted by section 376, were replaced by the following section:

“40.36. If the Authority acts as the founder of a Québec trust company or a Québec savings company, the second paragraph of section 11 of the Act respecting trust companies and savings companies (chapter S-29.01) and sections 12 to 16 of that Act do not apply. In addition, the Authority shall issue the licence required under section 221 of that Act to the company as soon as it is established and without an application being filed by the company.”;

(7) the headings after section 40.57, enacted by section 376, were replaced by the following headings:

“DIVISION VII

“RETURNS AND INSPECTION”.

393. Institutions that, on 12 June 2019, hold licences issued under the Deposit Insurance Act are, by operation of law, authorized deposit institutions from 13 June 2019.

394. The first regulation made under the second paragraph of section 40.3 of the Deposit Insurance Act, enacted by paragraph 2 of section 373, comes into force on 1 May following its approval by the Minister under section 45 of the Deposit Insurance Act.

CHAPTER IV

TRUST COMPANIES AND SAVINGS COMPANIES

395. The Trust Companies and Savings Companies Act, the text of which appears below, is enacted.

“TRUST COMPANIES AND SAVINGS COMPANIES ACT

“TITLE I

“PURPOSE, DEFINITIONS AND OTHER INTRODUCTORY PROVISIONS

“**1.** This Act applies to the supervision and control of the business of trust companies and authorized trust companies and of their financial institution activities in particular.

In addition, it supplements, through appropriate specific rules, the operation, dissolution and liquidation regime applicable to business corporations that, because they are regulated by its Title III, may be authorized either

(1) to carry on trust company activities and therefore be authorized Québec trust companies; or

(2) to carry on only deposit institution activities under the Deposit Institutions and Deposit Protection Act (chapter A-26) and therefore be Québec savings companies.

“**2.** Trust company activities, for a legal person, consist in being a trustee, an adviser to a person of full age, a tutor or curator to property, a sequestrator or the liquidator of a succession, legal person or partnership.

“**3.** For the purposes of this Act, financial institution activities are, in addition to trust company activities and credit, the activities that a legal person may not carry on without being an authorized financial institution or a bank within the meaning of the Bank Act (Statutes of Canada, 1991, chapter 46).

“4. The following are authorized financial institutions:

(1) trust companies authorized to carry on trust company activities under this Act;

(2) deposit institutions authorized under the Deposit Institutions and Deposit Protection Act, except a company referred to in paragraph 1;

(3) financial services cooperatives within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

(4) insurers authorized under the Insurers Act (2018, chapter 23, section 3); and

(5) legal persons registered as dealers or advisers under the Derivatives Act (chapter I-14.01) or the Securities Act (chapter V-1.1) or registered as investment fund managers under the latter Act.

“5. In the case of a legal person constituted under the laws of a jurisdiction other than Québec, the organ on which the powers usually conferred on a board of directors are conferred is considered such a board. In that context, “director” means a member of that organ.

A legal person constituted under the laws of a jurisdiction other than Québec that, in a manner similar to that of a business corporation, confers voting rights otherwise than on a one member, one vote basis is considered a business corporation. If those rights are conferred through securities that it issues, the securities are considered shares.

“6. For the purposes of this Act, “holder of control” of the following groups means

(1) in the case of a business corporation, the holder of shares conferring more than 50% of the voting rights or whoever can otherwise choose the majority of its directors;

(2) in the case of a federation of mutual companies, its member mutual companies;

(3) in the case of a partnership that is a limited partnership, the general partner, and in the case of any other type of partnership, the partner who can determine the outcome of collective decisions, if applicable;

(4) in the case of a trust, the trustee; and

(5) in the case of co-owners in indivision, the manager or, in the absence of a manager, if one of the co-owners can determine the outcome of collective decisions made by majority vote, that co-owner.

No one is the holder of control of a financial services cooperative, of a mutual company or of any other group that confers voting rights on a one member, one vote basis.

“7. Each of the following is the holder of a significant interest in a business corporation:

(1) the holder of a significant interest in the decisions of the corporation, that is, whoever can exercise 10% or more of the voting rights attached to the shares issued by the corporation; and

(2) the holder of a significant interest in the corporation’s equity capital, that is, the holder of shares issued by the corporation representing 10% or more of its equity capital.

“8. Control, in cases which allow it, also results from participation in the concerted and ongoing exercise of rights within the group controlled or of powers over that group, even though none of the participants in the exercise of such rights or powers would alone be the holder of control; in such cases, each of the participants is deemed to be the holder of control.

The same is true for a significant interest in the decisions of a business corporation: each of the participants in the concerted and ongoing exercise of the voting rights attached to the shares issued by the corporation is deemed to be a holder of a significant interest.

“9. The following are deemed to participate in the concerted and ongoing exercise of their rights or powers and, consequently, to be the holder of control of a group:

(1) the participants that are controlled by a same holder of control as well as that holder, if the holder is a participant;

(2) the trustees of a same trust;

(3) the member mutual companies of a same federation; and

(4) the natural persons between whom family ties are considered to exist.

The participants described in the first paragraph are deemed to participate in the ongoing and concerted exercise of their voting rights or of their rights in shares with a view to being the holders of a significant interest in a business corporation.

The presumptions under the first and second paragraphs regarding member mutual companies of a same federation also apply to the other member mutual companies of that federation that neither have rights within or powers over that group.

“10. The holder of control of a group is also, if that group is the holder of control of another group, the holder of control of that other group.

“11. For the purposes of this Act, the holder of control of a group is deemed

- (1) to hold any significant interest that is held by the group;
- (2) to hold such rights to acquire shares or other securities as are held by the group itself; and
- (3) to exercise the voting rights that the group may exercise.

“12. For the purposes of this Act, a security entitlement to a share or to another security is considered such a share or security, unless the holder of the security entitlement is a securities intermediary acting in that capacity.

“Security entitlement” and “securities intermediary” have the meaning assigned by the Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002).

“13. Groups that have a common holder of control are affiliates, as is the holder of control, unless the latter is a natural person.

If one group among an aggregate of affiliated groups is an authorized trust company, the aggregate of affiliated groups is a financial group.

“14. Economic ties are considered to exist only between

- (1) natural persons between whom family ties are considered to exist;
- (2) the holder of a significant interest in a business corporation and the business corporation itself;
- (3) a partner in a partnership and the partnership;
- (4) each of the partners in a same partnership;
- (5) a legal person and its directors and officers; and
- (6) a person and a succession or trust in which the person has a substantial interest similar to that of a beneficiary or in respect of which the person serves as liquidator of the succession, trustee or other administrator of the property of others, mandatary or depositary.

Economic ties include any other ties between persons or groups that the Autorité des marchés financiers may determine by regulation.

“15. Family ties are considered to exist only between a person and

- (1) his or her spouse;
- (2) his or her children and spouse’s children; and
- (3) his or her parents and spouse’s parents.

“TITLE II

**“SUPERVISION AND CONTROL OF TRUST COMPANY ACTIVITIES
AND OTHER TRUST COMPANY BUSINESS**

“CHAPTER I

“SUPERVISION AND CONTROL

“16. The Autorité des marchés financiers (the Authority) supervises and controls trust company business in Québec.

“CHAPTER II

“AUTHORIZATION OF THE AUTHORITY

“DIVISION I

“OBLIGATION TO BE AUTHORIZED

“17. Unless otherwise provided by this Act, the Authority’s authorization is required to carry on trust company activities in Québec if such activities constitute the operation of an enterprise, regardless of any other activities that may be carried on by the operator.

“18. Trust company activities are carried on in Québec in the following cases:

- (1) if they consist in being a trustee, when the settlor or another person who transfers some of his or her property to a trust patrimony is domiciled in Québec;
- (2) if they consist in being tutor to the property of a minor person or of a person of full age, or curator to the property of a person of full age or adviser to a person of full age, when that person is domiciled in Québec;
- (3) if they consist in being the liquidator
 - (a) of a succession, when the last domicile of the deceased is in Québec; or
 - (b) of a legal person or a partnership, when the liquidation is governed by the laws of Québec; and

(4) if they consist in being sequestrator, when the contract is governed by the laws of Québec or the sequestration is ordered under the Code of Civil Procedure (chapter C-25.01).

“19. Only the following legal persons may obtain the Authority’s authorization if they have at least \$5,000,000 in capital:

- (1) business corporations regulated by Title III; and
- (2) legal persons constituted under the laws of a Canadian jurisdiction other than Québec and having the capacity to carry on trust company activities.

For the purposes of this Act,

“authorized Québec trust company” means a business corporation regulated by Title III that has been authorized by the Authority to carry on trust company activities;

“authorized trust company” means a legal person referred to in the first paragraph who has been authorized by the Authority to carry on trust company activities.

“20. Insurers authorized under the Insurers Act and financial services cooperatives governed by the Act respecting financial services cooperatives are not required to obtain the Authority’s authorization to carry on trust company activities to the extent provided by government regulation.

“21. Financial institutions that carry on trust company activities in accordance with section 20 and legal persons authorized by the Authority in accordance with section 109.6 of the Securities Act are subject to Division II of Chapter V as if they were authorized trust companies.

“DIVISION II

“APPLICATION FOR AUTHORIZATION

“22. A legal person that intends to carry on trust company activities requiring the Authority’s authorization is responsible for filing an application with the Authority for its authorization.

An applicant must, in its application, show that it is able to comply with the applicable provisions of this Act.

It must also include the following information:

- (1) its name, the name it intends to use in Québec if different, the address of its head office and, if the latter is not in Québec, the proposed address of its principal establishment in Québec, if any;

- (2) if applicable, the conditions and restrictions it wishes to have attached to the authorization;
- (3) a description of its financial structure;
- (4) if applicable, the name and address of each holder of a significant interest in its decisions, as well as a description of that interest;
- (5) if the applicant is not a business corporation regulated by Title III, the name of the regulatory authority of its domicile (home regulator);
- (6) if applicable, the name and address of the attorney designated under section 26 of the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (7) if it belongs to a financial group, the name under which the group is known, if any, and, if applicable, the names of the other financial institutions that belong to the group; and
- (8) the other information prescribed by regulation of the Authority.

“23. The home regulator of a trust company is the competent authority with respect to the company’s trust company activities, under the laws of the jurisdiction whose legislation governs the company’s constituting act.

“24. The following must be filed with the application for authorization:

- (1) a list of the applicant’s directors and officers, including their names and domiciliary addresses;
- (2) the résumé of each director and officer;
- (3) a copy of the applicant’s constituting act and by-laws or of any other documents established for the same purposes;
- (4) if applicable, a copy of the applicant’s audited financial statements for its most recent fiscal year ended and the financial statements it is required to file with its home regulator, to the extent and in the manner determined by regulation of the Authority;
- (5) the other documents prescribed by regulation of the Authority; and
- (6) the fees and charges prescribed by government regulation.

“DIVISION III**“GRANTING OF AUTHORIZATION**

“25. The Authority grants its authorization to an applicant that meets the following conditions:

(1) the applicant has provided the information and documents required under this Act and paid the fees and charges payable;

(2) in the Authority’s opinion,

(a) the applicant has shown that it is able to comply with the applicable provisions of this Act,

(b) there are no serious reasons to believe that a holder of a significant interest in the applicant’s decisions is likely to interfere with the applicant’s adherence to sound commercial practices or sound and prudent management practices, and

(c) the applicant’s name is not misleading.

“26. The Authority may, in granting its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

The Authority may also, in granting its authorization, attach the conditions and restrictions it considers necessary for that purpose.

“27. The authorization granted by the Authority entails, for the authorized trust company, the obligation to maintain its existence until the final revocation of that authorization.

“28. The Authority notifies the applicant in writing of its decision.

Before refusing to grant its authorization or issuing an authorization with conditions or restrictions attached, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the applicant in writing and grant the latter at least 10 days to submit observations, unless the conditions or restrictions are attached at the applicant’s request.

“CHAPTER III**“APPLICATION OF CERTAIN PROVISIONS TO FINANCIAL GROUPS
AND LEGAL PERSONS ACTING ON BEHALF OF AN AUTHORIZED
TRUST COMPANY**

“29. The obligations of an authorized trust company under the provisions of this Act remain unchanged by the mere fact that the company entrusts a third party to carry on any part of an activity governed by those provisions.

“30. An authorized trust company must ensure that any group in respect of which the company is the holder of control complies with the prohibitions imposed on the company by this Act.

A prohibition imposed on such a trust company applies to the groups in respect of which it is the holder of control not only when each of them is acting alone, but also when the acts or omissions of all or some of them would have contravened that prohibition had they been done or made by only one of them.

This section does not prohibit a group in respect of which an authorized trust company is the holder of control from carrying on activities the group is permitted to carry on by the Act governing it even though the company is not permitted to carry on those activities, provided the group is a financial institution.

“31. An authorized trust company is liable for failures to comply with this Act by a group in respect of which the company is the holder of control or by whoever is the holder of control of the group and performs an obligation of the company on the company’s behalf, as if those failures were the company’s own.

“32. The Authority’s inspection functions and powers, provided for by the Act respecting the regulation of the financial sector (chapter A-33.2), that may be exercised in relation to an authorized trust company extend to any affiliated group if the person authorized to inspect the company considers it necessary to inspect the group in order to complete the verification of the company’s compliance with this Act, even though the group does not carry on activities governed by an Act referred to in section 7 of that Act.

“33. The Authority may prohibit that an authorized trust company’s obligations under this Act be performed by a third person on the company’s behalf if, in the Authority’s opinion, such performance would render the application of this Act difficult or ineffective.

Before rendering its decision, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the company in writing and grant the latter at least 15 days to submit observations.

“CHAPTER IV

“COMMERCIAL PRACTICES

“DIVISION I

“GENERAL PROVISIONS

“34. An authorized trust company must adhere to sound commercial practices.

In carrying on its financial institution activities, such practices include providing fair treatment to its clientele, in particular by

- (1) providing appropriate information;
- (2) adopting a policy for processing complaints filed by members of that clientele and resolving any disputes with them; and
- (3) keeping a complaints register.

“35. An authorized trust company must be able to show to the Authority that it adheres to sound commercial practices.

“DIVISION II

“COMPLAINT PROCESSING AND DISPUTE RESOLUTION POLICY AND EXAMINATION OF COMPLAINT RECORDS BY THE AUTHORITY

“36. The complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 34 must, in particular,

- (1) set out the characteristics that make a communication to the authorized trust company a complaint that must be registered in the complaints register kept under subparagraph 3 of the second paragraph of section 34; and
- (2) provide for a record to be opened for each complaint and prescribe rules for keeping such records.

The authorized trust company must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on its website and disseminate it by any appropriate means to reach the clientele concerned.

“37. Within 10 days after a complaint is registered in the complaints register, the authorized trust company must send the complainant a notice stating the complaint registration date and the complainant’s right, under section 38, to have the complaint record examined.

“38. A complainant whose complaint has been registered in the complaints register may, if dissatisfied with the company’s processing of the complaint or the outcome, request the company to have the complaint record examined by the Authority.

The company is required to comply with the complainant’s request and send the record to the Authority.

“39. The Authority examines the complaint records that are sent to it.

It may, with the parties' consent, act as conciliator or mediator or designate a person to act as such.

Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

“40. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court or before a person or body of the administrative branch exercising adjudicative functions.

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 one has a right of access to a document contained in conciliation or mediation records.

“41. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Authority may not communicate a complaint record without the authorization of the authorized trust company that has sent it.

“42. On the date set by the Authority, an authorized trust company must submit a report on the complaint processing and dispute resolution policy adopted under subparagraph 2 of the second paragraph of section 34 stating the number of complaints that the company has registered in the register and their nature.

The report must cover the period determined by the Authority.

“DIVISION III

“SPECIAL PROVISIONS RESPECTING FIXED TERM ANNUITIES AND CERTAIN INVESTMENT FUNDS

“43. In a fixed term annuity contract, the fact that an authorized trust company offers a choice of investments does not preclude it from controlling the capital accumulated for the payment of the annuity.

The right to withdraw all or part of the capital accumulated for the payment of an annuity may be stipulated, but the exercise of that right reduces the company's obligations correlatively.

In addition, the amount of the annuity to be paid periodically must, at the time the contract is entered into, be determinate, or at least determinable according to variables and a computation method specified in the contract.

“44. The capital accumulated for the payment of a fixed term annuity is unseizable in the hands of the authorized trust company as if it were a fixed term annuity transacted by an authorized insurer.

For the capital accumulated for the payment of an annuity to be exempt from seizure, a person must be designated, in accordance with article 2457 or 2458 of the Civil Code, as qualified to receive the capital or the related annuity following the death of the annuitant or of the person who furnishes the capital.

“DIVISION IV

“SPECIAL PROVISIONS RESPECTING ACTIVITIES BETWEEN FINANCIAL INSTITUTIONS

“45. Except for the first paragraph of section 34 and Division III, this chapter does not apply if the authorized trust company’s client is a bank or another financial institution.

“CHAPTER V

“PRUDENTIAL RULES

“DIVISION I

“MANAGEMENT PRACTICES

“46. An authorized trust company must adhere to sound and prudent management practices ensuring, in particular, good governance and compliance with the laws governing its activities.

With respect to the company’s financial management, such practices must, in particular, provide that the company maintain

- (1) adequate assets to meet its liabilities, as and when they become due; and
- (2) adequate capital to ensure its sustainability.

“47. An authorized trust company must be able to show to the Authority that it adheres to sound and prudent management practices.

“48. An authorized trust company must hold a fidelity insurance policy for an amount considered sufficient by the Authority according to generally accepted practices and to the volume of the company’s activities.

“49. An authorized trust company may establish and manage an investment fund governed by the Securities Act and offer units of participation in the fund to the public.

“50. The Authority may, if it considers that an authorized trust company’s capital is not adequate to ensure the company’s sustainability, order the company to adopt a compliance program within the time it prescribes and for the reasons it specifies.

Before exercising the power provided for in the first paragraph, the Authority must notify the company and give it at least 10 days to submit observations.

The Authority may not order an authorized trust company other than an authorized Québec trust company to adopt such a program if it may hinder measures taken by the company’s home regulator.

“51. The compliance program describes the measures that must be implemented by the authorized trust company within the time limits specified in it.

“52. The compliance program adopted by the authorized trust company is submitted for approval to the Authority.

“53. The authorized trust company is required to implement the compliance program approved by the Authority.

“54. An authorized trust company that is required to implement a compliance program must provide the Authority with any report the Authority may require on the implementation of the program at such intervals, in such form and with such content as the Authority determines.

“DIVISION II

“ADMINISTRATION OF THE PROPERTY OF OTHERS

“55. An authorized trust company must keep a separate account in its books for each administration.

“56. Despite article 1262 of the Civil Code, an authorized trust company may establish a trust by resolution or by any other unilateral act.

Despite article 1275 of the Civil Code, a trust company that, further to such an act, is the settlor and trustee of the trust is not required to act jointly with a trustee who is neither the settlor nor a beneficiary.

“57. Despite article 1344 of the Civil Code, an authorized trust company may make investments in its sole name without indicating its quality.

“58. An authorized trust company that carries on securities brokerage activities may not acquire, on behalf of the beneficiary of the administration of the property of others entrusted to the company, acquire securities held by it or held by a group affiliated with it as broker, except with the consent of the beneficiary after disclosing its interest to the latter.

“59. Unless the act constituting the administration expressly provides otherwise, an authorized trust company may not invest funds administered by it for others in the following securities or lend such funds on the security of such securities:

- (1) the shares it issues;
- (2) the debt securities it issues that confer on their holders a claim ranking lower than the company’s unsecured claims; or
- (3) contributed capital securities, participations and debt obligations issued by a group affiliated with it.

“60. If an authorized trust company holds, on behalf of another, its own shares or those of a legal person affiliated with it and may exercise voting rights in respect of those shares or may dispose of them at its discretion, any decision regarding the vote, the disposition or an offer to acquire the shares must be approved by the company’s board of directors if the aggregate of the shares it holds is equal to or greater than 10% of the shares of any class of shares or of all the shares of the company or affiliated legal person.

The reasons for the decision must be entered in the minutes of the meeting of the board of directors.

“61. An authorized trust company must keep an up-to-date register of the shares referred to in section 60 describing the shares and giving the reasons for which they were retained.

“62. The contributed capital of a legal person is composed of the consideration paid to the legal person for,

- (1) in the case of a business corporation, the shares of its share capital;
- (2) in the case of a joint-stock company, the shares of its capital stock; or
- (3) in the case of a cooperative, a financial services cooperative or a mutual company, the shares of its capital stock or share capital.

The contributed capital of a partnership is composed,

- (1) in the case of a general partnership, of the contribution made by each partner to obtain a share in the partnership; or

(2) in the case of a limited partnership, of the contribution made by the special partners to the partnership's common stock.

“DIVISION III

“INVESTMENTS

“§1. — *General provisions*

“**63.** This division does not apply to an authorized trust company acting as an administrator of the property of others.

However, it does apply to such a company in its administration of the deposits it receives if it is authorized to carry on deposit institution activities, even if it receives them as the administrator of the property of others; the rules for the administration of the property of others set out in the Civil Code and those set out in Division II of this chapter, other than in section 59, do not apply to the administration of such deposits.

“**64.** For the purposes of this Act, “deposit” means a deposit of money within the meaning of the Deposit Institutions and Deposit Protection Act.

“§2. — *Provisions applicable to all authorized trust companies*

“**65.** An authorized trust company must adopt an investment policy approved by its board of directors.

The investment policy must, in particular,

(1) provide for the matching of the respective maturities of the company's investments with the company's liabilities;

(2) provide for the appropriate diversification of those investments; and

(3) include a description of the types of investments and other financial transactions it authorizes and the limits applicable to them.

The company must send its investment policy to the Authority at the Authority's request.

“**66.** An authorized trust company must follow the investment policy approved by its board of directors.

“**67.** An authorized trust company must identify and keep in a separate account assets in an amount equal to the aggregate of the money received as deposits.

Such assets may be used only for the repayment of deposits received by the company. The balance, if any, must be used to pay the company's other obligations.

“§3. — *Provisions specific to authorized Québec trust companies*

“I. — *Acquisition of participations and co-ownership*

“68. No authorized Québec trust company may acquire or hold contributed capital securities issued by a legal person or a partnership or participations in a trust in excess of

(1) 30% of the value of those securities or participations; or

(2) the number of those securities or participations allowing it to exercise more than 30% of the voting rights.

Nor may an authorized Québec trust company be the co-owner of property if its share of the right of ownership is greater than 30% without exceeding 50%, alone or together with the shares of groups affiliated with it.

“69. Despite section 68, an authorized Québec trust company may acquire and hold up to all the contributed capital securities issued by a legal person or a partnership, up to all the participations in a trust or a share of a right of ownership in cases where the company will be the holder of control of the person, partnership, trust or property after the acquisition and in the cases determined by government regulation.

“II. — *Accessory guarantees for certain investments*

“70. An authorized Québec trust company may become the owner or holder of property in contravention of section 68 only if it does so to obtain or preserve an accessory guarantee for one of its investments or for any other financial transaction.

“III. — *Penalties*

“71. If an authorized Québec trust company holds or owns property, as the case may be, in contravention of section 68, it must dispose of that property as soon as market conditions permit.

“72. Directors of an authorized Québec trust company who agree to a contravention of section 68 are held solidarily liable for any resulting losses to the company.

A director cannot be held liable under the first paragraph if the director acted with a reasonable degree of prudence and diligence in the circumstances.

Furthermore, for the purposes of the first paragraph, the court may, after considering all the circumstances and on the terms the court considers appropriate, relieve a director, either wholly or partly, from the liability the director would otherwise incur if it appears to the court that the director has acted reasonably, honestly and loyally, and ought fairly to be excused.

“CHAPTER VI

“GOVERNANCE

“DIVISION I

“GENERAL PROVISIONS

“**73.** An authorized trust company must have a board of directors composed of at least seven members.

“**74.** A director of an authorized trust company who resigns must declare his or her reasons to the company and to the Authority in writing.

“**75.** The board of directors must ensure that the authorized trust company adheres to sound commercial practices and sound and prudent management practices.

To that end, it must entrust certain directors it designates or a committee of such directors with the responsibility of seeing that sound commercial practices and sound and prudent management practices are adhered to and situations contrary to such practices are detected.

Within three months after the closing date of the company’s fiscal year, the directors or the committee, as the case may be, report to the board of directors on the carrying out of the responsibility entrusted to them and it, if applicable, on the other activities carried on by them or it for the company.

“**76.** A director designated in accordance with section 75 or the committee provided for in that section, as the case may be, must, on becoming aware of a situation that is likely to appreciably deteriorate the authorized trust company’s financial position, of another situation that is contrary to sound and prudent management practices or of a situation that is contrary to sound commercial practices, notify the board of directors in writing.

The board of directors must then see to it that the situation is remedied.

“**77.** The director or committee that notified the board of directors in accordance with section 76 must, on finding that the situation mentioned in the notice has not been corrected, send the Authority a copy of the notice given under that section.

A description of any relevant events that have occurred since the notice was drafted and any other information the director or committee considers relevant must be sent with the notice.

“78. A director designated in accordance with section 75 or a director on the committee provided for in that section who, in good faith, notifies the board of directors or the Authority in accordance with section 76 or 77 incurs no civil liability for doing so.

The same is true for any person who, in good faith, provides information or documents to one or more of those directors and for a director who makes a declaration under section 74.

“DIVISION II

“PROVISIONS SPECIFIC TO AUTHORIZED QUÉBEC TRUST COMPANIES

“§1. — Composition of the board of directors

“79. More than half of the board of directors of an authorized Québec trust company must be composed of persons other than employees of that company or of a group of which it is the holder of control.

“80. An authorized Québec trust company must implement a policy to foster, in particular, the independence, competence and diversity of the members of its board of directors and of the members of the committees of the board.

“§2. — Establishment and composition of the audit committee and ethics committee

“81. The board of directors of an authorized Québec trust company must establish an audit committee and an ethics committee from among its members.

“82. The audit committee and the ethics committee of an authorized Québec trust company are each composed of at least three directors, a majority of whom are not

- (1) officers or employees of the company;
- (2) members of both the ethics committee and the audit committee;
- (3) directors, officers or other mandataries or employees of a group of which the company is the holder of control; or
- (4) holders of a significant interest in the company or in a business corporation affiliated with the company.

“83. The Authority may, if an authorized Québec trust company shows that the exercise of the committee’s functions will not be adversely affected, authorize

(1) the establishment of a committee whose composition does not comply with section 82; or

(2) the exercise by one of the committees mentioned in that section of the functions usually assigned to the other committee, in addition to its own functions.

The Authority may, in granting such an authorization, require any undertaking it considers necessary to ensure compliance with this Act.

“§3. — Functions of the audit committee

“84. The audit committee must examine all financial statements intended for the board of directors before they are submitted to the board.

The audit committee may be convened by one of its members or by the auditor. The auditor must be notified of every committee meeting and attend every meeting to which he or she is convened. The committee must give the auditor an opportunity to be heard.

The committee must cause any error or misstatement in the financial statements to be corrected and, if the financial statements were sent to the shareholders, inform the shareholders’ meeting accordingly.

“§4. — Functions of the ethics committee

“85. An authorized Québec trust company must have rules of ethics; they must be adopted by its ethics committee and be sent to the Authority.

Those rules must pertain to such subjects as

(1) the conduct of the company’s directors and officers;

(2) the conduct of the company with natural persons or groups that are restricted parties with respect to it; and

(3) the formalities and conditions governing contracts with such persons or groups.

“86. An authorized Québec trust company must follow the rules of ethics adopted by its ethics committee; they are binding on its board of directors.

“87. The ethics committee of an authorized Québec trust company must see that the rules of ethics are complied with and notify the board of directors, in writing and without delay, of any violation of those rules.

“88. Each year, the ethics committee of an authorized Québec trust company must send the Authority, within two months after the closing date of the company’s fiscal year, a report on the committee’s activities in that fiscal year.

The report must include or describe

- (1) the committee members’ names and addresses;
- (2) any change among the committee members;
- (3) a list of conflict of interest situations and contracts with natural persons or groups that are restricted parties with respect to the company which have come to the committee’s notice;
- (4) the measures taken to see that the rules of ethics are complied with; and
- (5) violations of the rules of ethics.

“89. An authorized Québec trust company, when doing business with natural persons or groups that are restricted parties with respect to it, must act in the same manner as it would when dealing at arm’s length.

Consequently, a contract entered into between the company and a natural person or group that is a restricted party with respect to it may not be less advantageous for the company than if it had been entered into at arm’s length.

“90. Section 89 does not apply to the remuneration of directors or any other matter connected with a contract of employment.

“91. The following natural persons and groups are restricted parties with respect to an authorized Québec trust company:

- (1) the company’s directors and officers;
- (2) the directors and officers of the group that is the holder of control of the company;
- (3) the holder of a significant interest in the company;
- (4) natural persons and groups having economic ties with the persons described in subparagraphs 1 to 3, except a group of which the company is the holder of control;
- (5) a group whose board of directors is composed, in the majority, of members of the company’s board of directors; and
- (6) any other person or group designated under section 93.

An authorized financial institution is not a group that is a restricted party with respect to the company if the financial institution is the holder of exclusive control of the company, or if it is the holder of control of the company and both the authorized financial institution and the company have the same holder of exclusive control.

“92. For the purposes of section 91, the holder of control of a business corporation has exclusive control of the corporation if that holder alone can choose all the directors and exercise the voting rights attached to all the shares issued by the corporation, provided that, if applicable, the holder holds all the securities that are convertible into such shares carrying voting rights and all the rights to acquire such shares.

“93. The Authority may designate a natural person or a group as a restricted party if, in its opinion, that person or group is likely to receive preferential treatment to the detriment of the authorized trust company.

The Authority may review a designation at the request of the person or group designated or the company concerned.

Before making or refusing to review a designation, the Authority must give the natural person or group and the company concerned an opportunity to submit observations.

The Authority notifies the person or group designated and the company concerned of its decision regarding the designation or review request, as applicable.

“94. Unless the obligations of an authorized Québec trust company under the following contracts are minimal, such contracts must be submitted to its board of directors for approval:

(1) a contract for the acquisition, by the company, of securities issued by a natural person or group that is a restricted party with respect to the company or for the transfer of assets between them; and

(2) a service contract between a company and a natural person or group that is a restricted party with respect to the company.

Before approving such contracts, the board of directors must obtain the opinion of the ethics committee.

“95. Except to the extent authorized by its rules of ethics, no authorized Québec trust company may extend credit to its directors or officers, to natural persons or groups having economic ties with them or to the directors or officers of a legal person affiliated with the company.

“CHAPTER VII**“AUDITOR****“DIVISION I****“QUALIFICATIONS AND BEGINNING AND END OF TERM**

“96. An auditor must be charged with auditing the books and accounts of an authorized trust company.

“97. An auditor charged with the audit provided for in section 96 must be a member of the Ordre professionnel des comptables professionnels agréés du Québec and hold a public accountancy permit.

However, in the case of an authorized trust company, other than an authorized Québec trust company, that carries on its activities in Québec and elsewhere in Canada, the auditor is not required to be a member of that order or hold that permit if he or she holds an authorization of the same nature issued elsewhere in Canada.

“98. An auditor charged with conducting the audit referred to in section 97 is the auditor elected, appointed or otherwise determined by the authorized trust company in accordance with the Act under which the company is constituted. If the auditor does not meet the conditions set out in section 97, another auditor must be charged with conducting that audit.

“99. The term of an auditor ends on the appointment of his or her successor, unless it ends as a result of his or her death, resignation, dismissal or bankruptcy or the institution of protective supervision for him or her or if he or she no longer has the qualifications required under this division.

“100. The authorized trust company must, within 10 days after an auditor’s term has ended, inform the Authority of the fact.

“101. If an authorized trust company fails to charge an auditor with the audit provided for in section 96 within the time specified by the Authority, the Authority may appoint one and determine the remuneration that the company must pay him or her.

“102. An authorized trust company must, before dismissing an auditor, give him or her at least 10 days’ prior notice in writing and send a copy of the notice to the Authority, unless the latter authorizes it to proceed earlier.

The prior notice must give the reasons for the dismissal.

“103. An auditor who resigns or who believes he or she was dismissed for reasons connected with his or her functions or with the conduct of the authorized trust company’s business or the business of a member of its financial group must declare those reasons to the Authority in writing.

The auditor must send a copy of the declaration to the secretary of the authorized trust company.

The auditor must send those documents within 10 days after tendering his or her letter of resignation or learning of his or her dismissal, as the case may be.

“104. Before accepting the office of auditor provided for in this chapter, a person must ask the authorized trust company’s secretary whether the former auditor made the declaration required under section 103.

The secretary must provide the person with a copy of the declaration, if applicable.

“DIVISION II

“DUTIES AND POWERS

“105. An authorized trust company is required to see that its directors, officers and employees send the auditor the information or documents regarding the company, the groups of which the company is the holder of control or any other group whose financial information is consolidated with its own that the auditor requests in the course of his or her functions.

The company must also see that persons having custody of such documents do so as well.

“106. An auditor who becomes aware of a situation that is likely to appreciably limit the authorized trust company’s ability to fulfill its obligations must report on the situation in the ordinary course of his or her audit.

The same is true for an auditor who believes that a refusal or failure to provide information or a document requested by him or her is hindering the exercise of his or her functions.

The auditor must send the report to the board of directors, and, if applicable, a copy of it to the attorney designated under section 26 of the Act respecting the legal publicity of enterprises. The board of directors must then see to it that the situation is remedied.

“107. If the auditor becomes aware or is informed of an error or misstatement in financial statements that he or she has audited and, if in his or her opinion, the error or misstatement is material, the auditor must inform the board of directors.

On receiving the auditor’s report, the board of directors must send a copy of it to the shareholders within 15 days.

“108. If the auditor finds that the situation that justified the drafting of the report submitted under section 106 has not been corrected, he or she must send a copy of it to the Authority.

A description of any relevant events that have occurred since the report was drafted and any other information the author considers relevant must be sent with the report.

“109. An auditor who, in good faith, makes a declaration under section 103, submits a report under section 106 or sends a copy of the latter to the Authority under section 108 incurs no civil liability for doing so. The same is true for a person who, in good faith, provides information or documents under section 105.

“DIVISION III

“CONTINUATION OR BROADENING OF AN AUDIT, AND SPECIAL AUDIT

“110. If it considers it necessary, the Authority may order that the annual audit of an authorized trust company’s books and accounts be continued, that its scope be broadened or that a special audit be conducted.

The expenses incurred in such a case are payable by the company after approval by the Authority.

“CHAPTER VIII

“ANNUAL STATEMENTS AND OTHER COMMUNICATIONS WITH THE AUTHORITY

“111. An authorized trust company must prepare an annual statement of the position of its affairs as at the date determined by the Authority and include financial statements audited by the auditor described in section 98.

The annual statement must be certified by two of the company’s directors; its form and content and the date on which it must be sent to the Authority are determined by the Authority.

“112. Each year, on the dates determined by the Authority, an authorized trust company must send

(1) the financial statements prepared for the purposes of the Act under which the company is constituted;

(2) the auditors’ reports; and

(3) the résumé of each director and officer if it has not already been sent to the Authority.

An authorized Québec trust company must, in addition, send a statement of its overdue loans and unproductive investments as at the closing date of its fiscal year.

The Authority may, by regulation, define the expressions “overdue loans” and “unproductive investments” for the purposes of the second paragraph.

“113. If the Authority is of the opinion that an asset considered in the financial statements sent to it by an authorized trust company is overvalued, it may either require the company to cause an appraiser the choice of whom is approved by it to appraise the asset or to appraise that asset itself. If the asset is a loan the repayment of which is guaranteed by property, the property is appraised.

If the results of the appraisal justify it, the Authority may require the company to modify its books and accounts as well as the financial statements referred to in the first paragraph to reflect the market value of the asset or, in the case of a loan, the value of the realization of the property guaranteeing the repayment. If a loan or another asset is that of a group of which the company is the holder of control, the Authority may, for those same purposes, require that the value of the company’s investment in the group be modified. The Authority notifies the auditor described in section 98 of the modification requested.

“114. Before exercising a power conferred on it by section 113, the Authority must give the authorized trust company at least 10 days to submit observations.

“115. The cost of the appraisal of an overvalued asset further to a decision of the Authority under section 113 is to be borne by the authorized trust company concerned, unless the Authority decides otherwise.

“116. Semi-annually, on the dates determined by the Authority, an authorized trust company must file statements showing the changes in its investments and loans during the preceding half year. The statements must be certified by two of the company’s directors.

“117. An authorized trust company must send the Authority, according to the content and form and at the time or intervals it determines, the documents it considers useful to determine whether the company is complying with this Act.

“118. The Authority may require an authorized trust company, the holder of control of the authorized trust company or a member of the authorized trust company’s financial group to provide the documents or information the Authority considers useful for the purposes of this Act or that it or he or she otherwise provide access to those documents and information.

The Authority may likewise require the auditor of an authorized trust company to provide the documents or information he or she holds regarding the company.

The person to whom such a request is made is required to reply not later than the date determined by the Authority.

“119. An authorized trust company must notify the Authority of the name and address of whoever has become or intends to become the holder of its control within 10 days from the time it becomes aware of either situation.

If the authorized trust company is a business corporation, it must also, within the same time, send the Authority such a notice regarding whoever has become or intends to become the holder of a significant interest in its decisions.

The company must, within the same time, notify the Authority whenever the holder of control or of a significant interest ceases to be so.

“CHAPTER IX

“REVIEW OF AN AUTHORIZATION

“DIVISION I

“GENERAL PROVISIONS

“120. The Authority shall, on its own initiative, on the authorized trust company’s application in the cases provided for in Division III or when it is informed of certain operations described in Division IV, review an authorization it has granted to an authorized trust company.

“121. After reviewing an authorization, the Authority may maintain it as is, attach certain conditions or restrictions to it, withdraw existing conditions or restrictions, or revoke or suspend it.

“DIVISION II

“REVIEW ON THE AUTHORITY’S INITIATIVE

“122. The Authority may, on its own initiative, review an authorization it has granted whenever it considers it necessary to do so to ensure compliance with this Act.

Unless the authorization is maintained as is, the Authority, in accordance with the provisions of Chapter X, revokes or suspends it or attaches conditions or restrictions to it.

“DIVISION III

“REVIEW ON AN AUTHORIZED TRUST COMPANY’S APPLICATION

“123. The Authority is required to review the authorization it has granted to a trust company if the latter applies for such a review to have an attached condition or restriction withdrawn.

“124. The application for review must specify the condition or restriction the trust company wishes to have withdrawn and the reasons for the withdrawal.

The application must also include any other information prescribed by regulation of the Authority. The costs and fees prescribed by government regulation must be filed with the application.

“125. On receipt of the application and the required information, costs and fees, the Authority reviews the authorization to determine whether or not it may grant the application.

The Authority may, in withdrawing a condition or restriction, require any undertaking it considers necessary to ensure compliance with this Act.

When the Authority rules on an application for review filed by an authorized trust company, it sends the company a document justifying its decision.

“DIVISION IV

“REVIEW IN LIGHT OF CERTAIN OPERATIONS

“126. The Authority is required to review an authorization on being notified of any of the following operations:

(1) the amalgamation of the authorized trust company with another legal person;

(2) a change as to the authorized trust company’s home regulator, in particular as a result of a continuance or other operation of the same nature;

(3) an operation not referred to in subparagraph 1 or 2 where the authorized trust company changes its juridical form or transmits its patrimony or part of it due to its division;

(4) a change of name of the authorized trust company; and

(5) in the case of an authorized Québec trust company, its becoming the holder of control of a group or either of the following events having a significant effect on it:

(a) an acquisition of assets by the company or by a group of which it is the holder of control, or

(b) the transfer of any part of the company’s assets or of the assets of such a group.

An authorized Québec trust company’s ceasing to be the holder of control of a group is deemed to be a transfer, by the group, of all its assets.

“127. For the purposes of subparagraph 5 of the first paragraph of section 126, an acquisition or transfer is deemed to not have a significant effect on a trust company if the resulting variation in the value of its assets does not exceed 5%.

The variation in the value of the company’s assets is established in relation to the value of those assets at the end of the fiscal year preceding the acquisition or transfer.

“128. An authorized trust company must inform the Authority of its intention to carry out one or more operations giving rise to a review not later than the 30th day before the operation or, in the case of more than one operation, before the first operation, by filing a notice with the Authority in the form determined by the Authority.

The costs and fees prescribed by government regulation must be filed with the notice.

“129. A notice of intention to amalgamate must include

- (1) the name and address of each of the legal persons proposing to amalgamate;
- (2) the proposed name of the legal person resulting from the amalgamation;
- (3) the juridical form of the legal person resulting from the amalgamation;
- (4) the location of the proposed head office of the legal person resulting from the amalgamation; and
- (5) any other information required by the Authority.

A document including the same information as that required to be included in an initial application for authorization and the documents that must be filed with such an application must be filed with the notice of intention to amalgamate for the legal person resulting from the amalgamation.

In the case of an amalgamation involving more than one authorized trust company, a joint notice may be filed.

“130. A notice of intention to change the authorized trust company’s home regulator must include

- (1) a description of the operation from which the change results;
- (2) the trust company’s name and address;

(3) the title of and exact reference to the Act of the jurisdiction of the home regulator that will govern the company's trust company activities following the change and the title of and exact reference to the Act of the jurisdiction that will govern the company's affairs, if different;

(4) the location of the company's proposed head office following the change, if different from that of its head office at the time the notice is sent; and

(5) any other information required by the Authority.

“131. A notice of intention to carry out an operation referred to in subparagraph 3 of the first paragraph of section 126 must include

(1) a description of the proposed operation;

(2) if applicable, the authorized trust company's new juridical form following the operation as well as the title of and exact reference to the Act that will govern its affairs;

(3) if applicable, the names and addresses of all the groups, other than the authorized trust company, involved in the operation;

(4) the location of the authorized trust company's proposed head office following the operation, if different from that of its head office at the time the notice is sent; and

(5) any other information required by the Authority.

A document including the same information as that required to be included in an initial application for authorization and, if required by the Authority, the documents that must be filed with such an application must be filed with the notice for each legal person resulting from the operation that will carry on trust company activities in Québec.

“132. A notice of intention to change names must include the name and address of the authorized trust company, in addition to its proposed name.

“133. A notice of intention to carry out an acquisition or transfer of assets having a significant effect on an authorized Québec trust company must include

(1) a description of the proposed acquisition or transfer, in particular, a description of the assets to be acquired or transferred by the company or the group of which it is the holder of control;

(2) the names and addresses of the parties to the acquisition or transfer; and

(3) any other information required by the Authority.

“134. On receipt from an authorized trust company of a notice of intention to carry out one or more operations giving rise to a review referred to in section 126 and, if applicable, the required documents, costs and fees, the Authority publishes the notice in its bulletin and reviews the authorization it has granted to the company to determine whether it can be maintained.

The Authority may, to maintain its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

A notice of intention to carry out an acquisition or a transfer of assets having a significant effect on an authorized Québec trust company is not published.

“135. Unless the Authority considers that it must revoke or suspend a trust company’s authorization, that authorization becomes the authorization of the company resulting from the operation, with the conditions and restrictions the Authority may attach to it.

“136. The sending of a notice by an authorized trust company in accordance with this chapter does not relieve the company of its obligation to file an application for revocation if the operation giving rise to a review involves the voluntary revocation of an authorization, nor does it relieve the company of its obligation to file an application for authorization, if the operation involves the carrying on of an activity requiring the Authority’s authorization, when the company does not have it.

“137. The granting of the Authority’s authorization is governed by Chapter II; the revocation or suspension of, and the attachment of conditions or restrictions to, the authorization are governed by Chapter X.

“CHAPTER X

“REVOCATION AND SUSPENSION OF, AND CONDITIONS OR RESTRICTIONS THAT MAY BE ATTACHED TO, AN AUTHORIZATION

“DIVISION I

“GENERAL PROVISIONS

“138. The authorization granted by the Authority to a trust company is revoked by operation of law, by the Authority acting on its own initiative or on an application by the authorized trust company.

Revocation is said to be voluntary if it is ordered by the Authority on an application by a trust company; it is said to be forced in all other cases.

The Authority may also, where provided for by law, suspend an authorization or attach the conditions and restrictions it considers necessary to ensure compliance with this Act.

“139. The revocation of an authorization becomes final when the trust company concerned ceases to be bound by the contracts and other acts made under the authorization.

“140. A trust company continues to be an authorized trust company as long as a revocation is not final. However, it may not bind itself under a contract or other act made in accordance with the authorization to which the revocation applies if the contract or act is made after the revocation date, or offer to make a contract, except to honour a right conferred on the other party under a contract in force on that date.

Suspension produces the same effects for its duration.

“DIVISION II

“FORCED REVOCATION, SUSPENSION AND CONDITIONS OR RESTRICTIONS

“141. The authorization granted by the Authority to a trust company is revoked by operation of law if the company is dissolved or liquidated due to any external cause.

The company must notify the Authority, without delay, of its dissolution or liquidation.

“142. The Authority may, if it considers that it is in the public interest, revoke or suspend the authorization it has granted to an authorized trust company if

(1) in its opinion

(a) the company is failing to or is about to fail to comply with its obligations under an Act administered by the Authority,

(b) the company often fails to perform, in full, properly and without delay, its obligations under the contracts and other acts it has made in accordance with the authorization granted to it by the Authority, or

(c) there are serious reasons to believe that the holder of control of the company or of another significant interest in the company’s decisions is likely to interfere with the company’s adherence to sound commercial practices or sound and prudent management practices;

(2) the company has not carried on trust company activities in Québec for at least three years;

(3) the Authority is informed by a competent authority that the company has failed to comply with an Act that is not administered by the Authority and is of the opinion that the failure is contrary to sound and prudent management practices; or

(4) the company fails to adopt or implement a compliance program or to provide the Authority with any report the latter requires on the implementation of such a program.

“143. In the cases described in section 142, instead of revoking or suspending the authorization granted to the authorized trust company and in order to allow the company to remedy the situation, the Authority may attach such conditions and restrictions to the authorization as it considers necessary to ensure compliance with this Act.

“144. Before ordering the forced revocation or the suspension of an authorization or attaching a condition or restriction to it, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the authorized trust company in writing and grant the latter at least 10 days to submit observations.

“145. A decision under section 142 or 143 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested decision.

“146. The Authority publishes in its bulletin a notice of any revocation of an authorization granted to a trust company on the expiry of the time within which the latter was entitled, under section 145, to contest the revocation. The Authority publishes the notice without delay in the case of a revocation by operation of law.

“DIVISION III

“VOLUNTARY REVOCATION

“147. The Authority may not revoke the authorization of an authorized trust company that applies for its revocation and, at the time of the application, is bound by contracts or other acts made in accordance with the authorization, unless the company

(1) continues to be bound by those contracts or other acts; or

(2) has made the necessary arrangements to have at least one other authorized financial institution or a bank succeed it in its financial institution activities as of the date on which it plans to cease to be bound by those contracts or other acts.

“148. The voluntary revocation of an authorization requires the filing of an application with the Authority for that purpose.

In addition, a written notice concerning the application, the documents prescribed by regulation of the Authority and the costs and fees prescribed by government regulation must be filed with the application.

“149. An application for revocation must describe any arrangements made to have an authorized financial institution or a bank succeed the applicant.

The application must include any other information determined by regulation of the Authority.

“150. A notice concerning an application for revocation must state the date on which the authorized trust company intends to cease carrying on trust company activities, and the names and addresses of the authorized financial institutions or banks that will succeed it, if applicable.

“151. The Authority publishes a notice concerning an application for revocation in its bulletin.

If an authorized financial institution or a bank is to succeed the authorized trust company, the latter must send the published notice to each party to a contract it entered into in accordance with the authorization whose revocation it is applying for, and to every other person on whom rights are conferred by another act made in accordance with that authorization.

“152. The Authority grants an application for revocation only if the authorized trust company shows that

(1) it is not bound by any contract or other act made in accordance with the authorization whose revocation it is applying for;

(2) it can continue to be bound, until the date of maturity, by contracts and other acts made in accordance with the authorization whose revocation it is applying for, while complying with this Act; or

(3) the arrangements made to have an authorized financial institution or a bank succeed it are adequate and ensure the protection of the parties to a contract it has entered into in accordance with the authorization whose revocation it is applying for and of other persons on whom rights are conferred by another act made in accordance with that authorization, and it has sent those parties and persons the notice of application required under the second paragraph of section 151.

“153. The Authority must send the trust company a document attesting its decision and publish the document in its bulletin.

“CHAPTER XI**“REGISTER OF AUTHORIZED TRUST COMPANIES**

“154. The Authority must establish and keep up to date a register of authorized trust companies that contains the following information for each of them:

(1) its name, the name it uses in Québec if different, the address of its head office and, if its head office is not in Québec, the address of its principal establishment in Québec;

(2) if applicable, the name and address of the attorney designated under section 26 of the Act respecting the legal publicity of enterprises;

(3) if applicable, the restrictions attached to the authorization granted to it by the Authority;

(4) the name and address of the auditor designated under section 98;

(5) the name of the financial group it belongs to or, if the group does not have a name, the names of the financial institutions that are members of it; and

(6) any other information considered by the Authority to be useful to the public.

The information contained in the register of authorized trust companies is public information; it may be set up against third persons as of the date it is recorded and is proof of its contents for the benefit of third persons in good faith.

“155. An authorized trust company must declare to the Authority any change to be made to the information concerning itself that is contained in the register, unless the Authority was otherwise informed by a notice or other document sent in accordance with this Act.

The declaration must be filed within 30 days after the date of the event giving rise to the change.

“CHAPTER XII**“CONFIDENTIALITY OF SUPERVISORY INFORMATION**

“156. Such information as is determined by the Minister by regulation that is held by an authorized trust company in relation to the Authority’s supervision of the trust company is confidential. It may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose.

No one may be compelled, in any civil or administrative proceedings, to testify or produce a document relating to that information.

“157. Despite section 156,

(1) the Attorney General, the Minister or the Authority may use the information made confidential by that section as evidence;

(2) the authorized trust company concerned may, in accordance with the regulation made by the Minister, use that information as evidence in any proceedings concerning the administration or enforcement of this Act or the Business Corporations Act (chapter S-31.1) that are brought by the company, the Attorney General, the Minister or the Authority; and

(3) anyone who may be compelled to testify or to produce a document relating to that information in any proceedings regarding the application of this Act or any other Act administered by the Authority to an authorized trust company or of the Business Corporations Act to an authorized trust company may use that information provided the proceedings are brought by the trust company concerned, the Attorney General, the Minister or the Authority.

“158. The communication of information referred to in this chapter otherwise than in the cases provided for by its provisions does not entail a waiver of the confidentiality conferred by those provisions.

“159. This chapter does not apply to information that must be made public by law. Nor does it apply to information held by an authorized trust company if the information is contained in a document that was sent in accordance with another Act.

“TITLE III

“QUÉBEC TRUST COMPANIES AND QUÉBEC SAVINGS COMPANIES

“CHAPTER I

“REGULATION BY THIS TITLE

“DIVISION I

“COMPANIES CONCERNED

“160. This Title applies to business corporations constituted, continued or amalgamated under the Business Corporations Act that elect to become regulated by it.

“161. Business corporations become regulated by this Title as a result of a decision to that effect by the Minister, following the filing of an application for that purpose with the Authority and the publication of a notice of intention to apply to become regulated by this Title.

“DIVISION II**“BECOMING REGULATED BY THIS TITLE**

“162. A business corporation may apply to become regulated by this Title only if it is authorized to do so by its shareholders.

“163. Shareholder authorization is given by special resolution.

By that resolution, the shareholders also authorize a director or an officer of the business corporation to see to the preparation of the documents necessary for it to become regulated by this Title and of those necessary for its change of name, and to sign those documents.

“164. The adoption of the special resolution authorizing a business corporation to apply to become regulated by this Title and change its name confers on shareholders the right to demand the repurchase of their shares.

That right is exercised in accordance with Chapter XIV of the Business Corporations Act as if it were provided for in section 372 of that Act.

The adoption of such a resolution confers on shareholders who do not own shares with voting rights the right to demand, in the same manner, that the corporation repurchase all their shares.

“DIVISION III**“NOTICE OF INTENTION AND APPLICATION TO BECOME
REGULATED BY THIS TITLE**

“165. A notice of intention to apply to become regulated by this Title must state

(1) the proposed name of the business corporation once it becomes regulated by this Title and its name at the time the notice is sent if different;

(2) the trust company activities or the deposit institution activities, within the meaning of the Deposit Institutions and Deposit Protection Act, for which the corporation is applying for the Authority’s authorization; and

(3) the location of the proposed head office of the regulated corporation and, if different, the location of its head office at the time the notice is sent.

The notice of intention must accompany the application to become regulated by this Title filed with the Authority.

“166. An application to become regulated by this Title filed by a business corporation must include the information prescribed by regulation of the Minister in addition to the information stated in the notice of intention.

It may also include the date and, if applicable, the time as of which the applicant wishes to become regulated by this Title, if later than the date and time of the Minister's decision.

“167. An application to become regulated by this Title filed by a business corporation must, in addition, state the name and address of each holder of a significant interest in the corporation.

“168. In addition to the notice of intention, the following must be filed with the application:

- (1) the articles of the business corporation;
- (2) a description of the projected capital structure of the corporation and its business plan and financial forecasts for a three-year period;
- (3) a certified copy of the special resolution authorizing the corporation to file an application to become regulated by this Title;
- (4) the other documents prescribed by regulation of the Minister; and
- (5) the fees prescribed by government regulation.

“169. An application to become regulated by this Title must be filed with the Authority together with the required documents and fees.

“170. On receipt of the application to become regulated by this Title and the required documents and fees, the Authority publishes the notice of intention in its bulletin.

“171. The Authority must prepare a report on the reasons for granting or denying the application to become regulated by this Title in which it assesses consumer interest and the impact of the decision on the relevant markets in Québec.

The report must cover such matters as

- (1) the nature and scope of the financial means gathered for the ongoing financial support of the business corporation;
- (2) if applicable, the grounds for disqualification for office as director of a regulated corporation that exist with respect to a director of, or a holder of a significant interest in, the applicant;
- (3) the quality and feasibility of the business plan and the financial forecasts for the carrying on and development of the corporation's activities;
- (4) the compliance of the corporation's proposed name with this Act.

The report must also assess the competency and experience of the corporation's directors and officers.

172. To the extent that the corporation's proposed name is compliant with the requirements of this Act, the Authority sends its report to the Minister together with the application to become regulated by this Title and the accompanying documents.

“DIVISION IV

“MINISTER'S DECISION

173. The Minister may, if the Minister considers it advisable, make a business corporation that has filed an application to that end subject to regulation by this Title.

174. When the Minister makes a business corporation subject to regulation by this Title, the Minister sends a document attesting that decision to the corporation and to the Authority.

The document must include the date and time of the Minister's decision and, if different, the date and time specified in the application to become regulated by this Title.

“CHAPTER II

“APPLICATION OF THE BUSINESS CORPORATIONS ACT TO A REGULATED CORPORATION

175. Subject to the other provisions of this Title that may limit or exclude their application in specific matters, the provisions of the Business Corporations Act continue to apply, with the necessary modifications, to regulated corporations, except sections 3 to 6, 8 to 10 and 126, Division III of Chapter VII, section 239 and Chapters X, XIV, XVI and XVII.

“CHAPTER III

“ORGANIZATION OF A REGULATED CORPORATION

“DIVISION I

“GENERAL PROVISIONS

176. “Organization”, in relation to a regulated corporation, means the actions that must be taken, as of the time the corporation becomes regulated by this Title, in order to obtain the Authority's authorization.

According to the context, “organization” also means the period after the corporation becomes regulated by this Title during which those actions must be taken.

“177. The consideration paid in money for which shares of a regulated corporation are issued during its organization must be deposited with a bank or with a deposit institution authorized under the Deposit Institutions and Deposit Protection Act.

“DIVISION II

“CONCLUSION OF THE ORGANIZATION OF A REGULATED CORPORATION

“178. The organization of a regulated corporation concludes when the Authority, in accordance this Act, grants its authorization to carry on trust company activities, when it grants its authorization, under the Deposit Institutions and Deposit Protection Act, to carry on financial institution activities, or when it refuses to grant such authorizations or when such authorizations have not been obtained on the expiry of a one-year period after the corporation became regulated by this Title without there having been a refusal to grant it.

The Minister may, on the corporation’s application, extend its organization for a period not exceeding one year.

“179. A regulated corporation that has obtained the Authority’s authorization to carry on trust company activities is an authorized Québec trust company, regardless of whether it is authorized to carry on deposit institution activities.

“180. A regulated corporation whose organization ends without its having obtained the Authority’s authorization must repurchase the shares it issued for consideration paid in money, unless the shareholder who holds them refuses.

The repurchase price of a share corresponds to that consideration, less, if applicable, an aliquot share corresponding to the proportion that the sums incurred for the corporation to become regulated by this Title and for its organization are of the total number of shares in circulation at the time the organization ended.

A corporation that is unable to pay the full repurchase price offered because there are reasonable grounds for believing that it is, or would after the payment be, unable to pay its liabilities as they become due is only required to pay the maximum amount it may legally pay. In that case, the shareholders remain creditors of the corporation for the unpaid balance of the repurchase price and are entitled to be paid as soon as the corporation is legally able to do so or, in the event of liquidation, are entitled to be collocated after the other creditors but by preference over the other shareholders.

“181. A business corporation ceases to be regulated by this Title, except the third paragraph of section 180, once it has repurchased all the shares for which a shareholder has not refused the repurchase.

“CHAPTER IV

“NAME

“182. Sections 23 and 27 of the Business Corporations Act do not apply to a regulated corporation’s name.

For the purpose of applying the other provisions of Division I of Chapter IV of that Act to corporations, the Authority exercises the functions and powers conferred on the enterprise registrar.

“183. A change of name of a regulated corporation does not affect its rights and obligations and any proceedings to which it is a party may be continued under its new name without continuance of suit.

“184. This chapter applies despite the Act respecting the legal publicity of enterprises.

“CHAPTER V

“RESTRICTIONS ON ACTIVITIES

“185. The Authority may require a regulated corporation to establish a legal person of which the corporation will be the holder of control in order to carry on an activity other than trust company activities or deposit institution activities,

(1) if it constitutes the operation of an enterprise, regardless of the regulated corporation’s other activities; and

(2) if, in the Authority’s opinion, it renders the application of this Act difficult or ineffective.

For the purposes of the first paragraph, an activity is deemed not to constitute the operation of an enterprise if it generates less than 2% of a corporation’s gross income.

“CHAPTER VI

“LOANS, HYPOTHECS AND OTHER SECURITIES

“186. Except in the case of a short-term loan to meet liquidity requirements, no regulated corporation may borrow by issuing debt obligations unless the loan is unsecured.

In addition, the total unsecured loans for which debt obligations were issued by a corporation may not exceed the limits determined by regulation of the Authority. The regulation may prescribe the terms of the debt obligations.

Each issue of debt obligations must be the subject of a resolution by the board of directors which must set the terms of the issue. The Authority may, by regulation, determine the terms required to be set by that resolution.

“187. No regulated corporation may, without the Authority’s authorization, grant a hypothec or other security on its movable property, except to secure a short-term loan contracted to meet liquidity requirements.

The Authority may, in granting its authorization, require any undertaking it considers necessary to ensure compliance with this Act.

“CHAPTER VII

“SHARE CAPITAL

“DIVISION I

“ISSUE

“188. Despite section 53 of the Business Corporations Act, the shares of a regulated corporation are issued only when they are fully paid.

“DIVISION II

“MAINTENANCE OF SHARE CAPITAL

“189. A regulated corporation may not make a payment to purchase or redeem shares if, in addition to the grounds referred to in section 95 of the Business Corporations Act, there are reasonable grounds for believing that the corporation is, or would after the payment be, unable to maintain, in accordance with section 46, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

The reference to section 95 of the Business Corporations Act in sections 97 and 98 of that Act is replaced by a reference to the first paragraph when those sections apply to a regulated corporation.

“190. A regulated corporation may not reduce the amount of its issued share capital if, in addition to the grounds referred to in section 101 of the Business Corporations Act, there are reasonable grounds for believing that the corporation is, or would after the reduction be, unable to maintain, in accordance with section 46, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

“191. A regulated corporation may not declare or pay a dividend, except by issuing shares or options or rights to acquire shares, if, in addition to the grounds referred to in section 104 of the Business Corporations Act, there are reasonable grounds for believing that the corporation is, or would after the payment be, unable to maintain, in accordance with section 46, adequate assets to meet its liabilities, as and when they become due, and adequate capital to ensure its sustainability.

“DIVISION III

“DISCLOSURE OF CERTAIN INTERESTS AND RESTRICTIONS CONCERNING THE EXERCISE OF THE VOTING RIGHTS CARRIED BY THE SHARES ISSUED BY A REGULATED CORPORATION

“192. Anyone who intends to become the holder of a significant interest in a regulated business corporation’s decisions must send a notice of intention to the Authority not later than the 30th day before the day on which the person will become the holder of that interest.

The same is true for whoever is already the holder of such an interest but not the holder of control of the corporation and who intends to become the holder of such control.

“193. A notice of intention under section 192 must include

(1) the name and address of the person or group that intends to become the holder of the interest referred to in that section, and in the case of a natural person, his or her résumé, or, in the case of a group, its juridical form and, if applicable, the identity of the holder of control of the group; and

(2) a description of the shares issued by the corporation the voting rights attached to which would make the person or group the holder of the interest referred to in section 192.

“194. On receipt of the notice of intention, the Authority must prepare a report on the effect of the transaction on the regulated business corporation and its development as well as on the relevant markets in Québec.

The Authority must send the report to the Minister.

“195. The Minister may, if the Minister considers it advisable, approve the acquisition of control or the acquisition of another significant interest referred to in section 192.

“196. The Authority may order that the voting rights conferred by the shares issued by a regulated business corporation on the holder of an interest referred to in section 192 be exercised by an administrator of the property of others appointed by the Authority if the holder has not obtained the Minister’s certification.

“197. Instead of revoking or suspending the authorization granted to a regulated corporation under subparagraph *c* of subparagraph 1 of the first paragraph of section 142, or attaching a condition or restriction to the authorization under section 143, the Authority may order that the voting rights conferred by the shares issued by the corporation on the holder of control of the corporation or the holder of a significant interest in the decisions of the corporation be exercised by an administrator of the property of others appointed by the Authority.

The order may not be effective for more than five years from the day it was made.

“198. An order under section 196 or 197 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested order.

“CHAPTER VIII

“DIRECTORS AND OFFICERS

“DIVISION I

“BOARD OF DIRECTORS

“199. A majority of a regulated corporation’s directors must be resident in Québec.

“DIVISION II

“DISQUALIFICATION

“200. In addition to persons disqualified for office as directors under the Civil Code, the following persons cannot be directors of a regulated corporation:

(1) a person found guilty of an indictable offence or other offence involving fraud or dishonesty, unless the person has obtained a pardon; and

(2) a person who, by reason of an order issued by the Authority under section 196 or 197, cannot exercise the voting rights conferred on the person by shares issued by the corporation.

“201. The Authority may remove a director holding office in a regulated corporation if the director is disqualified for office as such.

“202. Before removing a director of a regulated corporation, the Authority notifies the prior notice prescribed by section 5 of the Act respecting administrative justice to the director and the corporation in writing and grants them at least 10 days to submit observations.

“203. A decision under section 201 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested decision.

“DIVISION III

“QUORUM

“204. Despite section 138 of the Business Corporations Act, the quorum at a meeting of the board of directors of a regulated corporation may not be less than a majority of the directors in office.

“DIVISION IV

“DIRECTOR’S DUTY

“205. Any director who, after the annual shareholders’ meeting, becomes aware of facts that would have entailed material amendments to the corporation’s financial statements must inform the auditor and the board of directors immediately; the latter must, without delay, send the auditor revised financial statements.

“DIVISION V

“PROHIBITED ACTS AND LIABILITY

“206. For the purpose of applying section 156 of the Business Corporations Act to a regulated corporation, the following modifications must be made:

(1) the reference to section 95 of that Act in paragraph 3 of that section 156 is replaced by a reference to section 189 of this Act; and

(2) the reference to section 104 of that Act in paragraph 4 of that section 156 is replaced by a reference to section 191 of this Act.

“CHAPTER IX

“AMENDMENT, CONSOLIDATION, CORRECTION AND CANCELLATION OF ARTICLES

“207. The amendment of the articles of a regulated corporation requires the Authority’s permission. The same is true for the consolidation and correction of the articles, the only exception being the correction of an obvious error.

The cancellation of articles also requires the Authority’s permission, except the cancellation of articles of amalgamation or continuance, which requires the Minister’s permission.

“208. The Authority may order a regulated corporation to consolidate its articles.

“209. To obtain the Authority’s or the Minister’s permission, a regulated corporation must file an application for permission with the Authority.

“210. The information that an application for permission must include is determined by regulation of the Minister or of the Authority, depending on whose permission must be requested.

“211. The following must be filed with the application:

(1) the proposed articles of amendment, if the application is for permission to amend or correct the regulated corporation’s articles;

(2) the proposed consolidated articles, if the application is for permission to consolidate the regulated corporation’s articles;

(3) the other documents prescribed by regulation of the Minister or the Authority, as the case may be; and

(4) the fees prescribed by government regulation.

“212. On receipt of an application for permission and the required documents and fees, the Authority,

(1) when the permission that must be requested is the Minister’s, prepares a report for the Minister on the reasons for granting or denying the application; or

(2) when the permission that must be requested is its own, grants the application if it considers it advisable.

“213. The Minister may, if the Minister considers it advisable, grant a regulated corporation permission to cancel its articles of amalgamation or continuance.

“214. When ruling on an application filed by a regulated corporation, the Minister or Authority must send the corporation a document justifying the decision.

“215. A regulated corporation may, from the receipt of the document granting the permission requested, send the enterprise registrar, as applicable,

(1) the articles of amendment that were filed with the application for permission to amend or correct the corporation’s articles;

(2) the consolidated articles that were filed with the application for permission to consolidate the corporation’s articles; or

(3) the application for cancellation of the articles.

In all cases, the document granting the permission requested must be filed with the application or the articles sent to the enterprise registrar.

“216. If a regulated corporation’s articles of amendment or consolidated articles are deposited in the enterprise register, the enterprise registrar must send a certified copy of them to the Authority.

“CHAPTER X

“CONTINUANCE

“DIVISION I

“CONTINUANCE AS A REGULATED CORPORATION

“217. The following legal persons may be continued as regulated corporations:

(1) a legal person of the nature of a business corporation constituted under the laws of a jurisdiction other than Québec, if the Act governing the corporation confers on it the capacity to carry on trust company activities or to solicit or receive deposits of money from the public; and

(2) legal persons forming part of a cooperative group in the case provided for in section 40.26 of the Deposit Institutions and Deposit Protection Act.

The continuance of legal persons forming part of a cooperative group is governed by the Deposit Institutions and Deposit Protection Act.

“218. In addition to the articles of continuance required to be filed under section 289 of the Business Corporations Act, continuance as a regulated corporation requires a permission granted by the Minister following the filing of an application for continuance with the Authority.

An application for continuance must include the name and address of each of the holders of a significant interest in the corporation.

“219. The following must be filed with the application for continuance:

(1) the articles of continuance and other documents that, under section 292 of the Business Corporations Act, must be sent to the enterprise registrar;

(2) the other documents prescribed by regulation of the Minister; and

(3) the fees prescribed by government regulation for processing the application for continuance.

“220. A legal person that files an application for continuance but that is not an authorized trust company or an authorized deposit institution is required, when filing that application, to also file either an application with the Authority for authorization to carry on trust company activities or an application for authorization to carry on deposit institution activities in accordance with the Deposit Institutions and Deposit Protection Act.

“221. On receipt of the application for continuance and the required documents and fees, the Authority processes, if applicable, the application for authorization and prepares a report on the reasons for granting or denying the application for continuance.

The report must include the information from the report it must prepare in accordance with section 171 when processing an application to become regulated by this Title.

“222. The Authority sends its report to the Minister, together with the application for continuance and the accompanying documents, unless the Authority denies the application for authorization made, if applicable, in accordance with section 220.

“223. The Minister may, if the Minister considers it advisable, allow the continuance of the authorized trust company or authorized deposit institution.

“224. When ruling on an application filed by a legal person, the Minister must send the legal person and the Authority a document attesting the decision.

“225. A legal person that is continued as a regulated corporation may, from receipt of the document attesting the Minister’s permission, send the enterprise registrar the articles of continuance that were filed with the application for continuance.

The document attesting the Minister’s permission must be filed with the articles sent to the enterprise registrar.

“226. A legal person becomes, as of the date and, if applicable, the time shown on the certificate of continuance issued by the enterprise registrar, a regulated business corporation.

“227. When the articles of continuance are deposited in the enterprise register, the enterprise registrar must send a certified copy of them to the Authority.

“DIVISION II**“CONTINUANCE UNDER THE LAWS OF A JURISDICTION OTHER
THAN QUÉBEC**

“228. A regulated corporation may not, without the Minister’s permission, apply for continuance under the laws of a jurisdiction other than Québec under section 297 of the Business Corporations Act.

“229. To obtain the Minister’s permission, a regulated corporation must file an application for permission with the Authority.

The corporation must, in the application, show that the parties to contracts it has entered into in accordance with the authorization granted to it by the Authority, the persons on whom rights are conferred by any other act made in accordance with that authorization, or its other creditors or its shareholders will not suffer injury as a result of the continuance.

“230. The following must be filed with the application for permission:

(1) the notice of intention to change the corporation’s home regulator described in section 130;

(2) the other documents prescribed by regulation of the Minister; and

(3) the fees prescribed by government regulation.

“231. On receipt of the application and the required documents and fees, in addition to publishing the notice of intention and reviewing the authorization under section 134, the Authority must prepare a report on the reasons for granting or denying the application.

The Authority must indicate in the report whether, in its opinion, the parties to a contract the regulated corporation has entered into in accordance with the authorization granted to it by the Authority, its other creditors and its shareholders will not suffer injury as a result of the continuance.

“232. The Authority sends its report to the Minister, together with the application for permission and the accompanying documents.

“233. The Minister may, if the Minister considers it advisable, grant the regulated corporation the permission to apply for continuance under the laws of a jurisdiction other than Québec under section 297 of the Business Corporations Act.

“234. When ruling on an application by a regulated corporation, the Minister must send the Authority a document attesting the decision.

The corporation must include the document with the application it sends to the enterprise registrar in accordance with section 297 of the Business Corporations Act.

“235. A corporation ceases to be regulated by this Title as of the date and, if applicable, the time shown on the certificate of discontinuance issued under section 302 of the Business Corporations Act.

The enterprise registrar sends the Authority a certified copy of the certificate of discontinuance that the registrar issued in respect of a regulated business corporation.

“CHAPTER XI

“AMALGAMATION

“DIVISION I

“GENERAL PROVISIONS

“236. In addition to the articles of amalgamation and, as applicable, the amalgamation agreement required to be filed under the Business Corporations Act, an amalgamation involving a regulated corporation requires the Minister’s permission and the filing of an application for that purpose with the Authority, together with a notice of intention to amalgamate under section 129.

“237. The amalgamation of a regulated corporation with one or more other business corporations, regardless of whether the latter are regulated business corporations, is allowed only if the amalgamated corporation is authorized to carry on the same activities as each of the amalgamating regulated corporations.

“DIVISION II

“APPLICATION FOR PERMISSION TO AMALGAMATE

“238. An application for permission to amalgamate must include, in addition to the information required to be included in a notice of intention to amalgamate under section 129, the information prescribed by regulation of the Authority.

The application must also include the name and address of each holder of a significant interest in the amalgamated business corporation, if any.

In the case of an amalgamation involving more than one regulated corporation, the application must be a joint one.

“239. In addition to the notice of intention, the following must be filed with the application:

- (1) the articles of amalgamation;

(2) the amalgamation agreement, except in the case of a short-form amalgamation, within the meaning of the Business Corporations Act, where one of the amalgamating business corporations is a regulated business corporation;

(3) the special resolutions of the shareholders authorizing the amalgamation of each amalgamating corporation;

(4) the other documents prescribed by regulation of the Minister; and

(5) the fees prescribed by government regulation.

“240. On receipt of the application and the required documents and fees, in addition to publishing the notice of intention and reviewing the authorization under section 134, the Authority must prepare a report for the Minister on the reasons for granting or denying the application for permission to amalgamate.

The report must include, in particular, the information from the report the Authority must prepare in accordance with section 171 when processing an application to become regulated by this Title.

“241. The Authority sends the Minister its report, together with the application for permission to amalgamate and the documents filed with it, unless it determines that the amalgamated corporation would not be authorized to carry on the same activities as each of the amalgamating regulated corporations.

“DIVISION III

“MINISTER’S DECISION

“242. The Minister may, if the Minister considers it advisable, allow the amalgamation of a regulated corporation.

“243. When ruling on an application for permission to amalgamate, the Minister must send the Authority and the amalgamating corporations a document attesting the decision.

“244. Amalgamating corporations may, from receipt of the document by which the Minister grants permission, send the enterprise registrar the articles of amalgamation that were filed with the application for permission to amalgamate.

The document by which the Minister grants permission must be filed with the articles of amalgamation sent to the enterprise registrar.

“245. The amalgamated corporation is, as of the date and, if applicable, the time shown on the certificate of amalgamation issued by the enterprise registrar, a regulated corporation.

“246. When the articles of amalgamation of a regulated business corporation are deposited in the enterprise register, the enterprise registrar sends a certified copy of them to the Authority.

“CHAPTER XII

“TERMINATION OF REGULATION BY THIS TITLE

“247. Unless it is continued under the laws of a jurisdiction other than Québec, a corporation may cease to be regulated by this Title only if the revocation of every authorization granted to it by the Authority under this Act to carry on trust company activities, or under the Deposit Institutions and Deposit Protection Act to carry on deposit institution activities, is final.

If two authorizations are being revoked, a business corporation ceases to be regulated by this Title when the revocation of the last authorization becomes final.

“248. A business corporation ceases to be regulated by this Title when the full revocation of its authorization becomes final. If, in the situation referred to in section 247, two authorizations were granted to a same corporation, the corporation ceases to be regulated by this Title when the revocation of the last authorization becomes final.

“249. A regulated business corporation may apply for the revocation of its authorization only if it is so authorized by its shareholders and the latter have authorized it to change its name for one that does not include a word or expression reserved under section 280 of this Act or under section 45.3 of the Deposit Institutions and Deposit Protection Act.

“250. Shareholder authorization is given by special resolution.

By that resolution, the shareholders also authorize a director or an officer of the business corporation to see to the preparation of the documents necessary for the revocation and of those necessary for its change of name, and to sign the documents.

“251. A consent, declaration or decision referred to in section 304 of the Business Corporations Act, whose object is the dissolution of a regulated business corporation has no effect other than granting the authorizations referred to in section 250, until the corporation ceases to be regulated under this Title.

“CHAPTER XIII

“MINISTER’S POWERS

“252. The Minister may request the Authority to provide the documents and information the Minister considers useful in assessing the applications on which the Minister is to rule in accordance with this Title.

“TITLE IV**“ENFORCEMENT AND OTHER POWERS OF THE AUTHORITY****“CHAPTER I****“INSTRUCTIONS, GUIDELINES AND ORDERS**

“253. The Authority may establish instructions for an authorized trust company.

Instructions must be in writing and specific to the addressee, but need not be published.

The Authority must, before sending instructions, notify the addressee and give it the opportunity to submit observations.

“254. The Authority may establish guidelines for all authorized trust companies or a single class of them.

Guidelines must be general and impersonal; the Authority publishes them in its bulletin after sending a copy of them to the Minister.

“255. A guideline informs its addressees of measures that, in the Authority’s opinion, they may establish to satisfy their obligations under Title II.

Instructions inform their addressee of the obligations that, in the Authority’s opinion, are incumbent on it under that title.

“256. The Authority may order an authorized trust company to cease a course of action or to implement specified measures if the Authority is of the opinion that the company is failing to perform its obligations under this Act in full, properly and without delay.

The Authority may, for the same reasons, issue an order against a legal person that, on behalf of an authorized trust company, carries on its activities or performs its obligations.

At least 15 days before issuing an order, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the contravener in writing, stating the reasons which appear to justify the order, the date on which the order is to take effect and the contravener’s right to submit observations.

“257. The Authority’s order must state the reasons for which it is issued. The order must be served on all of the groups or all the persons to whom it applies.

The order takes effect on the date it is served or on any later date specified in it.

“258. The Authority may, without prior notice, issue a provisional order valid for up to 15 days if, in its opinion, any period of time granted to the person concerned to submit observations may be detrimental.

The order must include reasons and takes effect on the date it is served on the person concerned. The latter may, within six days after receiving the order, submit observations to the Authority.

“259. The Authority may revoke or amend an order it has issued under this Act.

“CHAPTER II

“CONSERVATORY MEASURES

“260. The Authority, for the purposes of or in the course of an investigation or when it is informed that an authorized trust company is voluntarily dissolving or liquidating in contravention of section 27 or intends to do so, may request the Financial Markets Administrative Tribunal

(1) to order a person or group not to dispose of funds, securities or other property in the person’s or group’s possession; or

(2) to order a person or group to refrain from withdrawing funds, securities or other property on deposit with, under the control of or in the safekeeping of any other person or group.

Such an order takes effect from the time the person or group concerned is notified of it and, unless otherwise provided, remains binding for a 12-month period; the order may be revoked or otherwise amended during that period.

“261. The person or group concerned must be notified at least 15 days before any hearing during which the Financial Markets Administrative Tribunal is to consider an application for the renewal of an order.

The Tribunal may renew the order if the person or group concerned has not requested to be heard or has failed to establish that the reasons for the initial order have ceased to exist.

“262. A person or group named in an order issued under section 260 who has put a safety deposit box at the disposal of a third person or has allowed a third person to use a safety deposit box must immediately notify the Authority.

On the Authority’s request, the person or the group’s duly authorized representative must 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 or group concerned.

“263. No order applies to funds or securities deposited with a clearing-house or a transfer agent, unless the order so provides.

“264. An order also applies to funds, securities and other property received after the order becomes effective.

“265. An order that names a bank or another financial institution applies only to the agencies or branches specified.

“266. A person or group directly affected by an order issued under section 260, if in doubt as to the application of the order to particular funds, securities or other property, may apply to the Financial Markets Administrative Tribunal for clarification; such a person or group may also apply for an amendment to or the revocation of the order.

A written notice setting out the reasons for the application for amendment or revocation must be filed with the Tribunal. The notice must be served on the Authority at least 15 days before the hearing set to hear the application.

“267. An order issued under section 260 is admissible for publication in the same register as that in which rights in the funds, securities or other property covered by the order are required to be published or admissible for publication.

Likewise, the order may be published in a register kept outside Québec if such orders are admissible for publication under the Act governing that register.

“268. In addition to any measure imposed in an order, the Financial Markets Administrative Tribunal may require a person or group named in the order to repay the costs incurred in connection with the inspection or inquiry that established non-compliance with the provision concerned, according to the tariff set by government regulation.

“269. The Financial Markets Administrative Tribunal may prohibit a person from acting as a director or officer of an authorized trust company on the grounds set out in article 329 of the Civil Code or when a sanction has been imposed on the person under this Act.

The prohibition imposed by the Tribunal may not exceed five years.

The Tribunal may, at the request of the person concerned, lift the prohibition on such conditions as it considers appropriate.

“CHAPTER III

“INJUNCTION AND PARTICIPATION IN PROCEEDINGS

“270. The Authority may apply to a judge of the Superior Court for an injunction in respect of any matter relating to the carrying out of this Act.

The application for an injunction constitutes a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure applies, except that the Authority cannot be required to give security.

“271. The Authority may, on its own initiative and without notice, intervene in any proceeding relating to a provision of this Act or of the Business Corporations Act that is applicable to a company governed by this Act.

“CHAPTER IV

“CANCELLATION OF A CONTRACT OR SUSPENSION OF ITS PERFORMANCE

“272. The Authority may apply to a court to cancel or suspend the performance of a contract entered into by an authorized trust company in contravention of this Act if the Authority shows that the cancellation or suspension is in the interest of the company’s co-contracting parties and that, under the circumstances, that interest must prevail over the legal security of parties to the contract and of other persons whose rights and obligations would be affected by the cancellation or suspension.

The cancellation or suspension may not be applied for after the end of the 10th year after the contract concerned came into effect.

The court may also order that directors who are party to such a contract, who have authorized it or who have facilitated its entering into, be solidarily required to pay the authorized trust company the amount of damages awarded as compensation for the injury suffered or the sum paid by the authorized trust company because of the contract.

“CHAPTER V

“ADMINISTRATION OF THE ACT, REPORTS AND MISCELLANEOUS PROVISIONS

“273. The Authority may require an authorized trust company, a regulated corporation or anyone who files an application under this Act to provide any document or information that is useful in assessing the applications on which the Authority or the Minister is to rule in accordance with this Act.

“274. The costs that must be incurred by the Authority for the administration of this Act are to be borne by the authorized trust companies; they are determined annually by the Government based on the forecasts provided to it by the Authority.

Such costs, for each company, correspond to the sum of the minimum contribution set by the Government and the proportion of those costs corresponding to the proportion that the company's gross income in Québec for the preceding year is of the aggregate of the similar income of all the companies for the same period.

The difference noted between the forecast of the costs that must be incurred for the administration of this Act for a year and those actually incurred for the same year must be carried over to the similar costs determined by the Government for the year after the difference is noted.

A certificate of the Authority must definitively establish the amount payable by each company under this section.

“275. The Authority must, before 30 June each year, report to the Minister, on the basis of the information obtained from the authorized trust companies and other regulated corporations and following the investigations, inspections and evaluations made by the Authority, on the affairs of all the companies and corporations carrying on business in Québec for the year ending on the preceding 31 December.

“276. The Minister tables the Authority's report in the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within the 15 days of resumption.

“CHAPTER VI

“REGULATIONS

“277. In addition to other regulations that it may make under this Act, the Authority may, by regulation, determine the standards applicable to authorized trust companies in relation to their commercial and management practices.

“278. A regulation made under this Act by the Authority is approved by the Minister with or without amendment.

The Minister may make such a regulation if the Authority fails to do so within the time period specified by the Minister.

A draft of a regulation must be published in the Authority's bulletin with the notice required under section 10 of the Regulations Act (chapter R-18.1).

The draft of the regulation may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft.

A regulation under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in it. It must also be published in the Authority's bulletin. If the regulation published in the Authority's bulletin differs from the one published in the *Gazette officielle du Québec*, the latter prevails.

Sections 4 to 8, 11 and 17 to 19 of the Regulations Act do not apply to a regulation of the Authority under this Act.

“279. The fees payable for the formalities prescribed by regulation of the Authority or the Minister are prescribed by government regulation.

“TITLE V

“PROHIBITIONS, MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

“CHAPTER I

“PROHIBITIONS

“280. No one may, if not covered by the second paragraph, hold themselves out as a trust company or use a name that includes the word “fidéicomis” or, subject to article 1266 of the Civil Code, “fiducie” or “trust”.

The following may hold themselves out as a trust company or use a name that includes a word specified in the first paragraph:

- (1) an authorized trust company;
- (2) a regulated corporation applying for the Authority's authorization to carry on trust company activities; and
- (3) a legal person constituted under the laws of a jurisdiction other than Québec that is authorized under those laws to carry on trust company activities and that exercises rights and performs obligations in Québec without such exercise and performance constituting trust company activities.

“CHAPTER II

“MONETARY ADMINISTRATIVE PENALTIES

“DIVISION I

“FAILURES TO COMPLY

“281. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on

- (1) an authorized trust company

(a) that, in contravention of section 42, fails to send the Authority a report on its complaint processing and dispute resolution policy,

(b) whose ethics committee, in contravention of section 88, fails to send the Authority a report on its activities,

(c) that, in contravention of section 100, fails to notify the Authority of the end of the auditor's term,

(d) that, in contravention of section 111, fails to send the Authority an annual statement of the position of its affairs,

(e) that, in contravention of the first paragraph of section 112, fails to send the Authority the financial statements or an auditor's report referred to in that section, or

(f) that, being a Québec company and in contravention of the second paragraph of section 112, fails to send the Authority a statement of its overdue loans and unproductive investments;

(2) a regulated corporation that, in contravention of section 225 of the Business Corporations Act, fails to send its financial statements to a shareholder who requests them; or

(3) an authorized trust company, the holder of control of the company, a member of its financial group or its auditor if it or he or she refuses to communicate or provide access to a document or information required by the Authority for the purposes of this Act.

The penalties prescribed by the first paragraph also apply if the documents or information concerned are incomplete, or are not sent before the specified time limit.

“282. A monetary administrative penalty of \$2,500 may be imposed on

(1) an authorized trust company

(a) that fails to perform its obligations under an undertaking given to the Authority under section 26, 83, 125 or 134,

(b) that, in contravention of section 34, fails to adopt a complaint processing policy or that, in contravention of section 65, fails to adopt an investment policy approved by its board of directors, or whose ethics committee, in contravention of section 85, fails to adopt rules of ethics,

(c) that, in contravention of section 34, fails to keep the complaints register prescribed by that section,

(d) if, in contravention of section 75, neither a director nor a committee has reported to the board of directors on the responsibility conferred on them of seeing that sound commercial practices and sound and prudent management practices are adhered to and situations contrary to such practices are detected, or

(e) that, without the Authority's authorization under section 83 has not, in contravention of section 81, established an audit committee or an ethics committee or has established one whose composition contravenes section 82; or

(2) a regulated corporation that fails to perform its obligations under an undertaking given to the Authority under section 187.

“283. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on

(1) an authorized trust company

(a) that holds contributed capital securities issued by a legal person or partnership, participations in a trust or a share in a co-ownership acquired in contravention of the limits prescribed in section 68 without such holdings being authorized by section 69,

(b) more than half of whose board of directors, in contravention of section 79, is not composed of persons other than its employees or employees of a group of which it is the holder of control,

(c) for which no auditor, in contravention of section 96, has been charged with the functions provided for in that section or for which an auditor has been charged with those functions but does not have the qualifications required under section 97, or

(d) that, in contravention of any of sections 129 to 133, fails to notify the Authority of any of the operations described in section 126, sends the Authority an incomplete notice of intention or fails to comply with the time limit prescribed by section 128 for filing the notice of intention; or

(2) a regulated corporation

(a) whose board of directors, in contravention of section 199, is not composed of a majority of directors who are resident in Québec,

(b) that has outstanding debt obligations issued in contravention of section 186 or whose movable property is charged with a hypothec or other security granted in contravention of section 187, or

(c) that has outstanding shares that were issued without being fully paid, in contravention of section 188.

“284. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on any person who fails to comply with an order or other decision of the Authority.

“285. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

“286. The Minister or the Authority may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty.

The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the maximum amounts provided for in section 284.

“DIVISION II

“NOTICE OF NON-COMPLIANCE AND IMPOSITION

“287. In the event of a failure to comply referred to in Division I, a notice of non-compliance may be notified to the party responsible for the failure urging that the necessary measures be taken immediately to remedy it.

Such a notice must mention that the failure may give rise to a monetary administrative penalty.

“288. The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

“289. The monetary administrative penalty for a failure to comply with a provision of this Act may not be imposed on the party responsible for the failure if a statement of offence has already been served on the person for a failure to comply with the same provision on the same day, based on the same facts.

For the purposes of this chapter, “party responsible for a failure to comply” means the person or group on whom or which a monetary administrative penalty is imposed or may be imposed, as the case may be, for a failure to comply referred to in Division I.

“290. A monetary administrative penalty is imposed on the party responsible for a failure to comply by notification of a notice of claim.

The notice must include

- (1) the amount of the claim;
- (2) the reasons for it;

(3) the time from which it bears interest;

(4) the right, under section 291, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and

(5) the right to contest the review decision before the Financial Markets Administrative Tribunal and the time for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The party responsible for the failure to comply must also be informed that failure to pay the amount owing may give rise to the amendment, suspension or revocation of any authorization granted under this Act or to a refusal to grant such an authorization, and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

“DIVISION III

“REVIEW

“**291.** The party responsible for a failure to comply may apply in writing to the Authority for a review of the decision to impose a monetary administrative penalty within 30 days after notification of the notice of claim.

The persons responsible for the review are designated by the Authority; they must not come under the same administrative authority as the persons responsible for imposing such penalties.

“**292.** The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner.

“**293.** The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant’s right to contest the decision before the Financial Markets Administrative Tribunal and the time limit prescribed for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to submit observations or documents, the interest provided for in the fourth paragraph of section 290 on the amount owing ceases to accrue until the decision is rendered.

“294. A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Financial Markets Administrative Tribunal by the party responsible for the failure to comply to which the decision pertains, within 60 days after notification of the review decision.

The Tribunal may only confirm or quash a contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

“DIVISION IV

“RECOVERY

“295. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

“296. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

For the purposes of this division, “debtor” means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, as applicable, each of its directors and officers are solidarily liable with that party for the payment of the penalty.

“297. The debtor and the Authority may enter into a payment agreement with regard to the monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

“298. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor’s name and address and the amount of the debt.

“299. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act, be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

“300. On the filing of a recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“301. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.

“DIVISION V

“REGISTER

“302. The Authority keeps a register relating to monetary administrative penalties.

The register must contain at least the following information:

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure, and the legislative provisions under which the penalty was imposed;
- (3) if the penalty was imposed on a legal person, its name and the address of its head office or one of its establishments or of the business establishment or of one of its agents;
- (4) if the penalty was imposed on a natural person, the person’s name, the name of the municipality in whose territory the person resides and, if the failure occurred during the ordinary course of business of the person’s enterprise, the enterprise’s name and address;
- (5) the amount of the penalty imposed;
- (6) the date of receipt of an application for review and the date and conclusions of the decision;
- (7) the date a proceeding is brought before the Financial Markets Administrative Tribunal and the date and conclusions of the decision rendered by the Tribunal, as soon as the Authority is made aware of the information;

(8) the date a proceeding is brought against the decision rendered by the Financial Markets Administrative Tribunal, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Authority is made aware of the information; and

(9) any other information the Authority considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final.

“CHAPTER III

“PENAL PROVISIONS

“**303.** The secretary of an authorized trust company who contravenes the second paragraph of section 104 by refusing or neglecting to provide the declaration sent to him or her by an auditor in accordance with section 103 or who destroys or falsifies the declaration commits an offence and is liable to a fine of \$1,000 to \$10,000.

“**304.** Anyone who

(1) fails to comply with a request made under section 38,

(2) removes an auditor from office otherwise than in accordance with section 102, or

(3) fails to notify the Authority in accordance with section 119 or to notify it of an operation described in subparagraph 5 of the first paragraph of section 126, in accordance with section 133,

commits an offence and is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and \$7,500 to \$75,000 in any other case.

“**305.** Anyone who

(1) contravenes the capital maintenance rules prescribed by any of sections 189 to 191,

(2) holds themselves out as a trust company or uses a name that includes a word or a combination of words prohibited listed in section 280,

(3) carries on trust company activities without the Authority’s authorization although the authorization is required under this Act,

(4) provides a document or information that they know is false or inaccurate, or access to such a document or information, to the Minister or the Authority, a member of the Minister’s or Authority’s staff or a person appointed by the Minister or Authority, in the course of activities governed by this Act,

(5) hinders or attempts to hinder, in any manner, the exercise of a function of a member of the Authority's staff or by a person appointed by the Authority for the purposes of this Act,

commits an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$15,000 to \$150,000 in any other case.

“306. Anyone who

(1) contravenes an order, or

(2) carries on trust company activities although the authorization required under this Act has been refused or revoked, or carries on trust company activities beyond what this Act authorizes if the authorization is suspended,

commits an offence and is liable to a fine of \$5,000 to \$100,000 in the case of a natural person or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$2,000,000.

An authorized trust company that, in contravention of section 27, decides to dissolve or liquidates voluntarily commits an offence and is liable to the fine prescribed in the first paragraph.

A director of such a company who gives his or her assent to the dissolution or liquidation in contravention of section 27 commits an offence and is liable to the fine and imprisonment prescribed in the first paragraph; the same is true for a liquidator who agrees to proceed with such a liquidation.

“307. Despite sections 303 to 306, the Minister may determine the regulatory provisions made under this Act whose contravention constitutes an offence and renders the offender liable to a fine of which the minimum and maximum amounts are set by the Minister. The Government may also provide that, despite article 231 of the Code of Penal Procedure, a contravention renders the offender liable to a term of imprisonment, or both the fine and imprisonment.

The maximum penalties under the first paragraph may vary according to the severity of the offence, without exceeding those prescribed in section 306.

“308. The fines prescribed by sections 303 to 306 or the regulations are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

If an offender commits an offence under this Act after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilty pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 306, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

“309. If an offence under this Act is committed by a director or officer of a legal person, or of another group, regardless of its juridical form, the minimum and maximum fines that would apply in the case of a natural person are doubled.

“310. If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.

“311. Anyone who, by an act or an omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under this Act commits an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

“312. In any penal proceedings relating to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the offence.

“313. If a legal person or an agent, mandatary or employee of a legal person, of a partnership or of an association without legal personality commits an offence under this Act, the directors of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

“314. In determining the penalty, the judge may take into account aggravating factors such as

- (1) the intentional, negligent or reckless nature of the offence;
- (2) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (3) the offender’s attempts to cover up the offence or his or her failure to try to mitigate its consequences;
- (4) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and
- (5) the offender’s failure to take measures to prevent the commission of the offence or to mitigate its consequences despite the offender’s ability to do so.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

“315. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has also been imposed.

“316. When determining a fine higher than the minimum fine prescribed by this Act, or when determining the time within which an amount must be paid, the judge may take into account the offender’s ability to pay, provided the offender furnishes proof of assets and liabilities.

“317. Penal proceedings for offences under this Act are prescribed by 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.

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.

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

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

“TITLE VI**“TRANSITIONAL PROVISIONS**

“320. Trust companies that, on 12 June 2019, hold a licence issued under the Act respecting trust companies and savings companies (chapter S-29.01) are, by operation of law, authorized trust companies as of 13 June 2019.

The conditions and restrictions imposed by the Authority in relation to the operations of a trust company that holds a licence referred to in the first paragraph become the conditions and restrictions attached to the authorization.

However, if the sole purpose of the conditions or restrictions is to prevent the company from signing new contracts, the company holding the licence becomes a company whose authorization has been revoked without the revocation having become final.

“321. A proceeding brought before the Administrative Tribunal of Québec under section 251 of the Act respecting trust companies and savings companies prior to 13 June 2019 is continued before the Tribunal, unless the hearing has not commenced by then; in such a case, the proceeding is continued before the Financial Markets Administrative Tribunal.

“TITLE VII**“FINAL PROVISIONS**

“322. The costs incurred by the Government for the administration of this Act, as determined each year by the Government, are borne by the Authority.

“323. The Minister must, at least once every five years, report to the National Assembly on the carrying out of this Act and make recommendations on the advisability of maintaining or amending its provisions.

“324. This Act replaces the Act respecting trust companies and savings companies.

“325. The Authority is responsible for the administration of this Act.

“326. The Minister of Finance is responsible for the carrying out of this Act.”

PART III**BROKERAGE AND DISTRIBUTION****CHAPTER I****REAL ESTATE BROKERAGE****DIVISION I****AMENDING PROVISIONS****REAL ESTATE BROKERAGE ACT**

396. Sections 1 to 3 of the Real Estate Brokerage Act (chapter C-73.2) are replaced by the following sections:

“1. For the purposes of this Act, a “real estate brokerage contract” means

(1) a contract by which a party, the client, for the purpose of entering into an agreement for the sale or lease of an immovable, asks the other party to act as its intermediary in dealing with persons who might be interested in purchasing or leasing the immovable and, possibly, in bringing about an agreement of wills between the client and a buyer, promisor-buyer or promisor-lessee;

(2) a contract by which a party, the client, for the purpose of entering into an agreement for the purchase or lease of an immovable, asks the other party to act as its intermediary in dealing with persons who are offering an immovable for sale or lease and, possibly, in bringing about an agreement of wills between the client and a seller, promisor-seller or promisor-lessor.

A contract by which an intermediary obligates himself or herself without remuneration is not a real estate brokerage contract under this Act.

“1.1. For the purposes of section 1,

(1) the following are considered to be immovables:

(a) a promise of sale of an immovable;

(b) an enterprise, if the enterprise’s property, according to its market value, consists mainly of immovable property; and

(c) a mobile home placed on a chassis; and

(2) an exchange is considered to be a sale.

“2. No person, except the persons referred to in section 3, may be the intermediary party to a real estate brokerage contract for the sale or purchase of an immovable without holding a broker’s or agency licence issued in accordance with this Act or a special authorization from the real estate self-regulatory organization known as the *Organisme d’ autoréglementation du courtage immobilier du Québec* (the Organization) established under section 31.

Consequently, the intermediary party to a real estate brokerage contract for the lease of any immovable is not required to hold a broker’s or agency licence. Such a licence may nevertheless be issued if the intermediary applies for it, as if the licence were necessary.

Subject to Division IV of Chapter II, a person who contravenes the first paragraph may not claim or receive remuneration for performing the obligations of an intermediary.

“2.1. No person may, without holding the licence required under this Act, use, in any manner whatsoever, the title of “real estate broker” or “real estate agency” or any other title that may lead others to believe that the person holds such a licence.

“3. The persons referred to in any of the following paragraphs are not required to hold a licence when they are parties, as intermediaries, to a real estate brokerage contract under that paragraph, unless they use a title that is restricted under this Act:

(1) advocates, notaries, chartered appraisers, liquidators, sequestrators, trustees in bankruptcy or trustees, provided the contract is entered into in the exercise of their functions;

(2) forest engineers, provided the contract concerns a forest property;

(3) members in good standing of the *Ordre professionnel des comptables professionnels agréés du Québec*, provided the contract concerns the purchase or sale of an enterprise, a promise to purchase or sell an enterprise, or the purchase or sale of such a promise;

(4) chartered administrators, provided the contract is entered into incidentally to the exercise of their real estate management functions and is not governed by section 23;

(5) trust companies authorized under the *Trust Companies and Savings Companies Act* (2018, chapter 23, section 395), provided the contract concerns an immovable they hold or administer for others;

(6) the spouse, child, father, mother, brother or sister of the owner of an immovable, provided the contract is entered into with the owner of the immovable and concerns that immovable; and

(7) the sole shareholder of a legal person if the contract is entered into with the legal person.

3.1. “Brokerage transaction” means the actions taken in performing the obligations of the holder of a licence issued under this Act or of a special authorization issued by the Organization who is a party to a real estate brokerage contract as an intermediary even if the real estate brokerage contract does not require that the intermediary hold such a licence or authorization.

“Brokerage transaction” also includes the actions taken by such a licence holder with the intent to enter into a real estate brokerage contract as an intermediary.”

397. The heading of Chapter II of the Act is amended by striking out “AND MORTGAGE BROKERAGE”.

398. The heading of Division I of Chapter II of the Act is replaced by the following heading:

“REAL ESTATE BROKER’S LICENCE”.

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

4. A real estate broker’s licence authorizes its holder to be a party, as an intermediary, to a real estate brokerage contract, provided he or she personally performs his or her obligations under the contract, or to engage in a brokerage transaction for a real estate agency, personally or within a business corporation. The licence also authorizes its holder to hold himself or herself out as a real estate broker.

Only a natural person may hold a broker’s licence.

No broker’s licence holder who engages in a brokerage transaction through the intermediary of a person who is not a licence holder may claim or receive remuneration for the transaction.”

400. Section 6 of the Act is amended, in the first paragraph,

(1) by replacing “broker” in the first sentence by “broker’s licence holder”;

(2) by replacing “broker” and “the broker’s” in the second sentence by “broker’s licence holder” and “his or her”, respectively.

401. Section 7 of the Act is repealed.

402. Section 8 of the Act is amended

(1) by replacing “broker” in the first paragraph by “broker’s licence holder”;

(2) by replacing “the broker” in the second paragraph by “he or she”.

403. Section 9 of the Act is amended

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

“A broker’s licence is suspended by operation of law if its holder fails to comply with section 8.”;

(2) by replacing “The broker” in the second paragraph by “The broker’s licence holder”.

404. Section 10 of the Act is amended

(1) by replacing “a broker”, “the broker’s” and “the broker” in the first paragraph by “a broker’s licence holder”, “his or her” and “him or her”, respectively;

(2) by replacing “into the financing fund established under section 47, as specified in the Organization’s regulations” in the second paragraph by “to the Organization, as specified in the Organization’s regulations”.

405. Section 11 of the Act is amended

(1) by replacing “broker” and “the broker’s” in the first paragraph by “broker’s licence holder” and “his or her”, respectively;

(2) by replacing “broker” in the second paragraph by “broker’s licence holder”.

406. Section 12 of the Act is amended by replacing “broker” by “broker’s licence holder”.

407. The heading of Division II of Chapter II of the Act is replaced by the following heading:

“REAL ESTATE AGENCY LICENCE”.

408. Section 13 of the Act is replaced by the following section:

“13. A real estate agency licence authorizes its holder to be a party, as an intermediary, to a real estate brokerage contract, provided the licence holder causes the licence holder’s obligations under the contract to be performed by natural persons acting for the licence holder and that those persons hold a real estate broker’s licence. The licence also authorizes its holder to hold himself, herself or itself out as a real estate agency.

No real estate agency licence holder who engages in a brokerage transaction through the intermediary of a natural person who is not a licence holder may claim or receive remuneration for the transaction.”

409. Section 15 of the Act is amended

(1) by replacing “An agency” in the first paragraph by “An agency licence holder”;

(2) by replacing “agency’s” in the second paragraph by “licence holder’s”.

410. Section 16 of the Act is replaced by the following section:

“16. An agency licence holder must disclose to the Organization the names of the broker’s licence holders through whom the agency licence holder is acting and inform the Organization of any changes in this regard.”

411. Section 17 of the Act is amended

(1) by replacing “An agency” in the first paragraph by “An agency licence holder”;

(2) by replacing “agency” in the second paragraph by “licence holder”.

412. Sections 18 and 19 of the Act are replaced by the following sections:

“18. An agency licence holder is liable for any injury caused to a person or partnership by the fault of one of its broker’s licence holders in the performance of the broker’s functions.

The agency licence holder nevertheless has a right of action against the broker concerned.

“19. An agency licence holder and, if applicable, its directors and executive officers must oversee the conduct of the broker’s licence holders who represent the agency licence holder and ensure that they comply with this Act.”

413. Section 20 of the Act is amended by replacing “An agency” and “its” by “An agency licence holder” and “the licence holder’s”, respectively.

414. The Act is amended by inserting the following section after section 20:

“20.1. Only a broker’s licence holder who has carried on brokerage activities during the period determined by regulation of the Organization may be an executive officer of an agency licence holder.”

415. Section 21 of the Act is amended by replacing “Brokers, agencies and the directors and executive officers of agencies” in the first paragraph by “Licence holders and, if applicable, their directors and executive officers”.

416. Section 22 of the Act is amended

(1) by replacing “brokers and agencies” in the first paragraph by “licence holders”;

(2) by striking out “or mortgage” in the second paragraph.

417. The heading of Division IV of Chapter II before section 22.1 of the Act is replaced by the following heading:

“ACTIVITIES OF CERTAIN BROKER’S LICENCE HOLDERS”.

418. Section 22.1 of the Act is amended

(1) by replacing “A broker” and “the broker” in the first paragraph by “A broker’s licence holder” and “he or she”, respectively;

(2) by replacing “the broker for” and “by the broker” in the second paragraph by “the broker’s licence holder” and “by him or her”, respectively.

419. Section 22.2 of the Act is amended by replacing all occurrences of “broker” by “broker’s licence holder”.

420. Section 22.3 of the Act is amended by replacing “broker” by “broker’s licence holder”.

421. Section 22.4 of the Act is amended by replacing “A broker”, “the broker” and “the broker’s” by “A broker’s licence holder”, “he or she” and “his or her”, respectively.

422. Section 22.5 of the Act is amended

(1) by replacing “a broker” and “the broker” in the first paragraph by “a broker’s licence holder” and “he or she”, respectively;

(2) by replacing “broker” in the second paragraph by “broker’s licence holder”.

423. Section 22.6 of the Act is amended by replacing “broker” by “broker’s licence holder”.

424. Section 23 of the Act is amended by replacing the introductory clause by the following:

“**23.** This chapter applies to real estate brokerage contracts concerning any of the following immovables:”.

425. Section 24 of the Act is replaced by the following section:

“**24.** The contract must be evidenced in writing on the mandatory form prepared by the Organization.

The contract is formed only when the parties have signed the form.”

426. Section 25 of the Act is amended by replacing “broker or agency” in the first paragraph by “licence holder”.

427. Section 26 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “it does not include all the information or particulars required by regulation” in the second paragraph by “the mandatory form evidencing the contract has not been filled out”.

428. Section 27 of the Act is amended

(1) by replacing “a broker or an agency” in the first paragraph by “a licence holder”;

(2) in the second paragraph,

(a) by replacing “broker” in the introductory clause by “licence holder”;

(b) by replacing “broker” after “interested through the” in subparagraph 2 by “broker’s licence holder”;

(c) by replacing “broker or another agency” in subparagraph 3 by “licence holder”.

429. Section 28 of the Act is amended

(1) by striking out “, unless the client has written in its entirety and signed a waiver” in the first paragraph;

(2) by replacing “broker or to the agency” in the second paragraph by “licence holder”.

430. Section 29 of the Act is amended by replacing “The broker or agency” by “A licence holder”.

431. Section 32 of the Act is amended

(1) in the first paragraph,

(a) by striking out “and mortgage”;

(b) by replacing “brokers and agencies. It is to ensure, among other things, that the transactions engaged in by brokers and agencies” by “licence holders. The Organization is in particular to ensure that brokerage transactions”;

(2) by replacing “brokers and agency executive officers” in the second paragraph by “broker’s licence holders and executive officers of agency licence holders”.

432. Section 34 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Organization may act as conciliator or mediator in disputes between a licence holder and a client, if the parties so request.”

433. Section 37 of the Act is amended by replacing “brokerage-related” in paragraph 3 by “related to brokerage transactions”.**434.** Section 38 of the Act is amended

(1) by replacing “of a broker” and “the broker” in the introductory clause by “of a broker’s licence holder” and “he or she”, respectively;

(2) by replacing “brokerage-related” in paragraph 3 by “related to brokerage transactions”.

435. Section 39 of the Act is amended by replacing “the broker or the agency” in the second paragraph by “the licence holder”.**436.** Section 43 of the Act is amended

(1) by replacing “, 38 or” in the first paragraph by “or 38 or from a decision to suspend a licence made under section”;

(2) by striking out the third paragraph.

437. Section 46 of the Act is amended

(1) by replacing “broker or an executive officer of an agency” in paragraph 1 by “broker’s licence holder or an executive officer of an agency licence holder”;

(2) in paragraph 2,

(a) by inserting “continuing or” after “governing”;

(b) by replacing “an agency’s brokers or executive officers” by “the broker’s licence holders or of the executive officers of agency licence holders”;

(3) by replacing “brokers and to executive officers of an agency” in paragraph 5 by “broker’s licence holders or executive officers of agency licence holders”;

(4) by replacing “, a broker or an agency” in paragraph 6 by “or executive officer or by a licence holder”;

(5) by replacing “1” in paragraph 8 by “3.1”;

(6) by replacing “brokers and agencies” in paragraph 9 by “licence holders”;

(7) by replacing paragraph 11 by the following paragraph:

“(11) the real estate brokerage contracts to which, on an ad hoc basis or occasionally, persons, partnerships or groups of persons or partnerships, other than licence holders, may be parties as intermediaries following a special authorization, the terms and conditions applicable to the resulting brokerage transactions and the fees chargeable for such transactions;”;

(8) by replacing “agency” in paragraph 12 by “agency licence holder”;

(9) by striking out paragraph 13;

(10) by replacing “brokers and agencies” in paragraph 14 by “licence holders”;

(11) by replacing “the fee that must be paid by brokers and agencies” and “for that fee” in paragraph 17 by “the contributions that must be paid by licence holders” and “for those contributions”, respectively.

438. Section 47 of the Act is repealed.

439. Section 48 of the Act is amended by replacing “broker” by “broker’s licence holder”.

440. Section 49 of the Act is amended by replacing “real estate brokers, mortgage brokers, real estate agencies or mortgage agencies” by “licence holders”.

441. Section 51 of the Act is repealed.

442. Section 52 of the Act is replaced by the following section:

“52. If the Autorité des marchés financiers grants an authorization to the Organization in accordance with section 41 of the Insurers Act (2018, chapter 23, section 3), the Organization may establish an insurance fund and administer it in accordance with that Act and require licence holders to subscribe to it.

The Organization determines, by resolution, the tariff of rates and amounts of the premiums broker’s or agency licence holders must pay.”

443. Section 53 of the Act is amended by striking out the first paragraph.

444. The Act is amended by inserting the following section after section 53:

“53.1. The professional liability insurance decision-making committee that the Organization must establish, under section 354 of the Insurers Act (2018, chapter 23, section 3), when establishing an insurance fund must notify the syndic immediately if it has reasonable grounds to believe that an offence under this Act has been committed.

The same applies to a member of the decision-making committee.”

445. Section 54 of the Act is amended by striking out the second paragraph.

446. Section 56 of the Act is repealed.

447. Section 57 of the Act is amended

(1) by replacing “13” by “12”;

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

“Directors may not hold office for more than 10 years, whether consecutively or otherwise.”

448. Section 58 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“After consulting the Organization, the Minister appoints six directors who are neither broker’s licence holders nor directors or executive officers of agency licence holders.

The licence holders elect from among their number the other directors of the board; three of the directors must engage mainly in brokerage transactions relating to the contracts referred to in section 23 and the three others must engage mainly in other brokerage transactions. The internal by-laws must prescribe the rules applicable to the election of the directors.”;

(2) by replacing “real estate brokers, agencies or” in the third paragraph by “licence holders or”.

449. The Act is amended by inserting the following section after section 58:

“**58.1.** The members of the board of directors designate, in the manner prescribed in the internal by-laws, a chair from among the members appointed by the Minister.”

450. The Act is amended by inserting the following sections after section 59:

“**59.1.** A vacancy among the directors appointed by the Minister is filled by the Minister; a vacancy among the other directors is filled by the board of directors.

A director who is appointed or elected to fill a vacancy holds office for the unexpired portion of his or her predecessor’s term.

“**59.2.** A member’s absence from the number of board meetings determined by the Organization’s internal by-laws constitutes a vacancy, in the cases and circumstances they specify.”

451. Section 61 of the Act is amended by adding the following paragraph at the end:

“However, the Act respecting the protection of personal information in the private sector (chapter P-39.1) applies to personal information held by a liability insurance fund established in accordance with section 52.”

452. Section 63 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

“The register must contain the name of each broker’s licence holder, the titles he or she may use, the address where he or she carries on brokerage activities and, if applicable, the name of the agency licence holder that he or she represents, a statement that he or she carries on brokerage activities within a business corporation, the name of the business corporation and any restrictions or conditions on his or her licence.

The register must contain the name of each agency licence holder, the address of the agency licence holder’s head office, the restrictions or conditions on the agency licence holder’s licence, and the names of the broker’s licence holders through whose intermediary the agency licence holder carries on activities.”

453. Section 64 of the Act is amended, in the French text,

(1) by replacing “vérifier” and “vérificateur” in the first paragraph by “auditer” and “auditeur”, respectively;

(2) by replacing “vérifier”, “cette vérification” and “vérificateur” in the second paragraph by “auditer”, “cet audit” and “auditeur”, respectively.

454. Section 65 of the Act is amended by replacing “Le vérificateur” in the first paragraph in the French text by “L’auditeur”.

455. Section 66 of the Act is amended by replacing “Le vérificateur” in the French text by “L’auditeur”.

456. Section 68 of the Act is amended

(1) by striking out “audited” in the first paragraph;

(2) by adding the following sentence at the end of the second paragraph: “The auditor’s report must be attached.”

457. Section 74 of the Act is amended

(1) by replacing “brokers and agencies” by “licence holders”;

(2) by replacing “which brokers” by “which broker’s licence holders”.

458. Section 75 of the Act is amended

(1) by replacing “broker or agency” in the first paragraph by “licence holder”;

(2) in the third paragraph,

(a) by replacing “broker or an executive officer of an agency” by “broker’s licence holder or an executive officer of an agency licence holder”;

(b) by replacing “The broker or” by “The broker’s licence holder or”.

459. Section 78 of the Act is amended, in the first paragraph,

(1) by replacing “broker or agency” and “which the broker” in subparagraph 1 by “licence holder” and “which the broker’s licence holder”, respectively;

(2) by replacing “activities of the broker or agency” in subparagraph 2 by “licence holder’s activities”.

460. Section 84 of the Act is amended by replacing “broker or an agency, including” and “of an agency” in the first and second paragraphs by “licence holder and, if applicable,” and “of the licence holder”, respectively.

461. Section 85 of the Act is amended by replacing “broker” in the first paragraph by “broker’s licence holder”.

462. Section 88 of the Act is amended

(1) by replacing the first sentence by the following sentence: “The syndic or an assistant syndic may, by way of a complaint, seize the discipline committee of any decision finding a broker’s licence holder, the business corporation within which he or she carries on brokerage activities or an agency licence holder guilty of an offence or an indictable offence which, in the syndic’s or assistant syndic’s opinion, is related to the licence holder’s activities.”;

(2) by replacing “broker or the agency” in the last sentence by “licence holder”.

463. Section 92 of the Act is amended by adding “make one of the following decisions:” at the end of the introductory clause.

464. The Act is amended by inserting the following section after section 92:

“**92.1.** An ad hoc syndic’s decision to file or not to file a complaint under subparagraph 3 of the first paragraph of section 92 may not be submitted to the review committee for a ruling.”

465. Section 93 of the Act is amended by replacing “broker or an agency, including” and “of an agency” in the second paragraph by “broker’s licence holder or agency licence holder, including, in the latter case,” and “of the licence holder”, respectively.

466. Section 94 of the Act is amended

(1) by striking out “appointed for a term of three years” in the first paragraph;

(2) by replacing “brokers” in the third paragraph by “broker’s licence holders”;

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

“The term of office of the members appointed by the Minister is not more than five years and that of the other members is three years; the terms of office are renewable.”

467. Section 95 of the Act is amended by adding the following paragraphs at the end:

“Any proceedings before the discipline committee are public. Anyone may attend committee hearings wherever they are held, and have access to the committee’s records.

The discipline committee may make an exception to the principle of open proceedings if, in its opinion, public order requires that the hearing be held in camera, that access to a document or the disclosure or release of information or documents specified by the committee be prohibited or restricted, or that the anonymity of the persons involved be protected.”

468. Section 96 of the Act is amended by replacing “broker or an agency has ceased to hold a licence issued by the Organization” by “licence holder has ceased to hold a licence”.

469. Section 98 of the Act is amended

(1) in the first paragraph,

(a) by replacing “broker or the agency, including a director or executive officer of the agency” in the introductory clause by “licence holder, including, in the case of an agency licence holder, a director or executive officer of the agency licence holder”;

(b) by replacing “broker’s or the agency’s” in subparagraph 2 by “licence holder’s”;

(c) by replacing “\$1,000 nor more than \$12,500” in subparagraph 3 by “\$2,000 nor more than \$50,000”;

(d) by replacing “broker or agency” in subparagraph 4 by “licence holder”;

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

“When a licence holder is found guilty of having appropriated, without entitlement, sums of money or other assets held by the licence holder for others, or of having used such sums of money or assets for purposes other than those for which they were entrusted to the licence holder, the discipline committee imposes on the licence holder at least the licence suspension prescribed by subparagraph 2 of the first paragraph.”;

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

“In determining the amount of a fine, the discipline committee considers such factors as the injury suffered as a result of and the benefits derived from the offence.”

470. Section 98.1 of the Act is amended

(1) by replacing “a newspaper distributed in the place where the broker’s or agency’s establishment is located” in the first paragraph by “the newspaper it considers most likely to be read by the licence holder’s clientele”;

(2) by replacing the three occurrences of “broker or agency” in the first and second paragraphs by “licence holder”;

(3) by replacing both occurrences of “broker or agency” in the third paragraph by “licence holder”;

(4) by replacing “ordering the broker” in the third paragraph by “ordering the licence holder”.

471. Section 102 of the Act is amended by replacing “broker or agency” by “licence holder”.

472. Section 103 of the Act is amended

(1) by replacing “broker or an agency” in the first paragraph by “licence holder”;

(2) in the second paragraph,

(a) by striking out “broker’s or agency’s”;

(b) by replacing “broker or agency” by “licence holder”.

473. Section 104 of the Act is amended, in the first paragraph,

(1) by replacing “A broker or agency whose licence has been suspended or made” by “The holder of a licence that has been suspended or made”;

(2) by adding the following sentence at the end: “The syndic may contest the petition; the licence holder must serve the petition on the syndic, in accordance with the Code of Civil Procedure (chapter C-25.01), at least 10 days before it is to be presented.”

474. Section 108 of the Act is amended by replacing “broker or agency” in the second paragraph by “licence holder”.

475. Section 109 of the Act is amended

(1) in the first paragraph,

(a) by replacing “fees” by “contributions”;

(b) by replacing “broker or agency” by “licence holder”;

(2) by replacing “amount of fees” in the third paragraph by “contribution”.

476. The heading of Chapter VI before section 113 of the Act is amended by replacing “INSPECTION” by “OVERSIGHT”.

477. Section 124 of the Act is amended

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

“Any person who

(1) contravenes section 2.1, or

(2) without holding the licence required by law, in any manner whatsoever, enters into a real estate brokerage contract, claims to have the right to enter into such a contract, or acts in such a way as to lead others to believe that the person is authorized to enter into such a contract, subject to sections 2 and 3 and to special authorizations granted by the Organization,

is guilty of an offence.”;

(2) in the second paragraph,

(a) by inserting “of subparagraph 2” after “For the purposes”;

(b) by replacing “engaged in a brokerage transaction described in section 1, the transaction is deemed to have been engaged in” by “was a party to a real estate brokerage contract as an intermediary, the defendant is presumed to have bound himself, herself or itself”.

478. Section 125 of the Act is amended

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

“The following are guilty of an offence and are liable to a fine of not less than \$2,500 nor more than \$62,500 in the case of natural persons and to a fine of not less than \$5,000 nor more than \$125,000 in other cases:

(1) an agency licence holder or a director or executive officer of the agency licence holder who, in contravention of section 19, neglects or fails to oversee the conduct of the broker’s licence holders who represent the agency licence holder or to ensure that they comply with this Act;

(2) an agency licence holder who, in contravention of section 20, neglects or fails to ensure that the licence holder’s directors, executive officers and employees comply with this Act;

(3) a broker’s licence holder who, in exercising brokerage activities within a business corporation, neglects or fails, in contravention of section 22.3, to ensure that its directors, executive officers and employees comply with this Act; and

(4) anyone who contravenes any of sections 80, 116 and 124.”;

(2) by replacing “\$1,500 nor more than \$20,000” in the second paragraph by “\$2,500 nor more than \$62,500”.

479. The heading of Chapter VIII of the Act is amended by inserting “MANDATORY FORMS AND” at the beginning.

480. Section 129 of the Act, enacted by section 129 of chapter 9 of the statutes of 2008, is replaced by the following:

“DIVISION I

“MANDATORY FORMS

“129. The Minister determines the brokerage contracts and other acts relating to brokerage transactions that must be evidenced on a mandatory form.

“129.1. The Organization prepares the mandatory forms for the contracts and other acts determined by the Minister under section 129.

The forms so prepared are submitted to the Minister for approval.

The Organization posts the forms on its website on their being approved by the Minister and makes them available to licence holders. The Organization also determines, by regulation, the manner in which the forms must be completed.

“129.2. The Minister may prepare a form if the Organization fails to do so within the time specified by the Minister.

“DIVISION II

“MISCELLANEOUS PROVISIONS”.

481. Section 131 of the Act is repealed.

482. Section 132 of the Act is replaced by the following section:

“132. The costs incurred by the Government for the administration of this Act, as determined each year by the Government, are borne by the Organization.”

483. Section 134 of the Act is amended, in the first paragraph,

(1) by replacing both occurrences of “broker or a director” by “broker’s licence holder or a director”;

(2) by replacing both occurrences of “of an agency” by “of an agency licence holder”;

(3) by replacing “the broker, director or executive officer” by “the licence holder, including the licence holder’s director or executive officer,”;

(4) by striking out “ou qu’elle” in the French text.

484. Section 146 of the Act is amended by striking out the second paragraph.

485. Section 147 of the Act is amended by striking out the second paragraph.

DIVISION II

SPECIAL TRANSITIONAL PROVISIONS

486. As of 13 July 2018, the Real Estate Brokerage Act (chapter C-73.2) is,

(1) until 30 April 2020, to be read as if,

(a) in section 2, enacted by section 396, the third paragraph were replaced by the following sections:

“2.0.1. A person or partnership that, for others and in return for remuneration, engages in a brokerage transaction relating to a loan secured by immovable hypothec must hold the licence required under this Act.

“2.0.2. Subject to Division IV of Chapter II, a person who contravenes the first paragraph of section 2 or section 2.0.1 may not claim or receive remuneration for performing the person’s obligations as an intermediary or, as applicable, for the brokerage transaction in which the person engaged.”;

(b) in section 2.1, enacted by section 396, “or “real estate agency”” were replaced by “, “mortgage broker”, “real estate agency” or “mortgage agency””;

(c) in section 3, enacted by section 396, the following paragraphs were added at the end:

“The following persons and partnerships are not required to hold a licence if, for others and in return for remuneration, they engage in a brokerage transaction relating to a loan secured by immovable hypothec, unless they use a title that is restricted under the law:

(1) tutors, curators and other persons referred to in subparagraph 1 of the first paragraph, provided they engage in such a transaction in the exercise of their functions;

(2) the persons referred to in any of subparagraphs 3, 4, 6 and 7 of the first paragraph;

(3) insurers authorized under the Insurers Act (2018, chapter 23, section 3), banks, deposit institutions authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) and trust companies authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395), their employees and their exclusive representatives when acting in the context of a brokerage transaction relating to a loan secured by immovable hypothec, on behalf of their financial institution or of another financial institution that belongs to the same financial group;

(4) 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 that 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; and

(5) an employee who, in the course of the employee's principal occupation, engages in such a transaction for the account of the employer, provided the latter does not hold a broker's or agency licence.

For the purposes of subparagraph 4 of the second paragraph, "financial group" has the meaning assigned in section 147 of the Act respecting the distribution of financial products and services (chapter D-9.2).";

(d) in section 3.1, enacted by section 396, both occurrences of "Brokerage transaction" were replaced by "Real estate brokerage transaction";

(e) in the heading of Division I of Chapter II, replaced by section 398, "OR MORTGAGE" were inserted after "REAL ESTATE";

(f) in section 4, enacted by section 399,

i. the following sentence were added at the end of the first paragraph: "Lastly, it authorizes its holder to engage in brokerage transactions relating to loans secured by immovable hypothec.";

ii. the following paragraph were inserted after the first paragraph:

"A mortgage broker's licence authorizes its holder to engage solely in brokerage transactions relating to loans secured by immovable hypothec. The licence also authorizes its holder to hold himself or herself out as a mortgage broker.";

(g) in the heading of Division II of Chapter II, replaced by section 407, "OR MORTGAGE" were inserted after "REAL ESTATE";

(h) in section 13, enacted by section 408,

i. the following sentence were added at the end of the first paragraph: “Lastly, it authorizes its holder to engage in brokerage transactions relating to loans secured by immovable hypothec through the intermediary of a broker’s licence holder.”;

ii. the following paragraph were inserted after the first paragraph:

“A mortgage agency’s licence authorizes its holder to engage solely in brokerage transactions relating to loans secured by immovable hypothec through the intermediary of a mortgage broker’s licence holder. The licence also authorizes its holder to hold himself or herself out as a mortgage agency.”;

(i) in section 46, amended by section 437,

i. “in section 3.1” in paragraph 8 were replaced by “in sections 2.0.1 and 3.1”;

ii. the following paragraph were inserted after paragraph 11:

“(11.1) the brokerage transactions relating to loans secured by immovable hypothec that, following a special authorization, may be engaged in on an *ad hoc* basis or occasionally, 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;”;

(j) in section 124, amended by section 477,

i. “, engages in a brokerage transaction relating to a loan secured by immovable hypothec” were inserted after “real estate brokerage contract” in the first paragraph;

ii. “or engaged in a brokerage transaction relating to a loan secured by immovable hypothec” were inserted after “as an intermediary” in the second paragraph;

(2) until 12 June 2019, to be read as if

(a) in section 3, replaced by section 396,

i. “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” in subparagraph 5 of the first paragraph were replaced by “holding a licence issued under the Act respecting trust companies and savings companies (chapter S-29.01)”;

ii. “insurers authorized under the Insurers Act (2018, chapter 23, section 3), banks, deposit institutions authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) and trust companies authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” in subparagraph 3 of the second paragraph, introduced by subparagraph *c* of paragraph 1 of this section, were replaced by “banks, financial services cooperatives, insurance companies, mutual insurance associations, mutual benefit associations, savings companies and trust companies”;

(*b*) in section 52, replaced by section 442, “broker or an agency” in the second paragraph were replaced by “broker’s or agency licence holder”.

487. Any proceedings relating to an offence against a provision of the Real Estate Brokerage Act applicable to mortgage brokerage that are instituted before 1 May 2020 and to which the Organisme d’autoréglementation du courtage immobilier du Québec (the Organization) is a party are continued by the Organization.

488. Applications received before 1 May 2020 for a licence authorizing the licence holder to engage in brokerage transactions relating to loans secured by immovable hypothec are to be processed, after that date, by the Organization in accordance with the Real Estate Brokerage Act and the regulations, as they read on 30 April 2020. The Organization must process these applications within 30 days of receiving them.

The licences issued under the first paragraph are, for the purposes of this division, considered to have been issued before 30 April 2020.

489. The exemption under the third paragraph of section 1 of the Regulation respecting the issue of broker’s and agency licences (chapter C-73.2, r. 3), as it reads on 13 June 2018 applies, with the necessary modifications, to an application for a licence in the mortgage brokerage sector and to an application for registration for that sector, if the applicant held a licence authorizing him or her to engage in brokerage transactions relating to loans secured by immovable hypothec, issued under the Real Estate Brokerage Act, that was revoked in the 12 months before 1 May 2020.

490. The holder of a mortgage broker’s licence issued under the Real Estate Brokerage Act before 30 April 2020 becomes, as of 1 May 2020, a representative holding a certificate issued under the Act respecting the distribution of financial products and services (chapter D-9.2) authorizing him or her to carry on activities in the mortgage brokerage sector.

As of that date, brokers who do not act for a mortgage agency are deemed to be registered with the Autorité des marchés financiers (the Authority) as independent representatives for that sector.

491. A legal person or partnership that holds a mortgage agency licence issued under the Real Estate Brokerage Act before 30 April 2020 becomes, as of 1 May 2020, as the case may be, a firm or an independent partnership registered with the Authority under the Act respecting the distribution of financial products and services for the mortgage brokerage sector.

492. A natural person who, on 13 June 2018, is a mortgage agency licence holder must, before 1 April 2020, constitute a legal person to pursue the activities of a mortgage agency after 1 May 2020. If that legal person is controlled by that licence holder, it is deemed to be the holder of a mortgage agency licence as of the date of its constitution for the purposes of sections 490 and 491.

493. The holder of a real estate broker's or real estate agency licence issued under the Real Estate Brokerage Act that allows the licence holder to engage in mortgage brokerage transactions must, not later than 1 August 2019, notify the Organization of the licence holder's intention to pursue those transactions after 1 May 2020.

A real estate agency licence holder who sends the notice referred to in the first paragraph within the required time is deemed to be the holder of a mortgage agency licence for the purposes of sections 491 and 492. Likewise, the holder of a real estate broker's licence who sends the notice referred to in the first paragraph within the required time is deemed to be the holder of a mortgage broker's licence for the purposes of section 490.

A real estate broker's licence holder who, while having sent the notice mentioned in the first paragraph within the required time, acts on behalf of a real estate agency that does not send such a notice within that time must, not later than 13 March 2019, notify the Organization of his or her intention to act, as of 1 May 2020, either on behalf of the firm or independent partnership he or she specifies or as an independent representative.

494. A civil liability insurance contract subscribed for by the licence holders referred to in sections 490 to 493 before 1 May 2020 with the insurance fund established by the Organization remains in force after that date and for the remainder of its duration; it is deemed, for that period, to be insurance that complies with section 76 or 131, as applicable, of the Act respecting the distribution of financial products and services.

495. The certificate authorizing a real estate broker referred to in section 493 and who obtained his or her licence before 1 May 2010 to carry on activities in the mortgage brokerage sector is revoked by operation of law if the certificate holder has not, before 1 May 2022, met the requirements relating to professional development determined in accordance with paragraph 2 of section 202.1 of the Act respecting the distribution of financial products and services.

496. The Organization must cooperate with the Authority on any transitional measure concerning their respective missions relating to mortgage brokerage.

To that end, the Organization and the Authority may enter into any agreement on the sharing and transfer of documents and information. In addition, the Authority is to have access to a copy of the register provided for in section 63 of the Real Estate Brokerage Act containing information relating to holders of a mortgage broker's or agency licence.

497. The rights and obligations of the Organization under the contracts in force on 1 May 2020 entered into with an educational institution in relation to mortgage brokerage become, as of that date, the rights and obligations of the Authority.

498. Any investigation by a syndic of the Organization relating to mortgage brokerage that is in progress on 1 May 2020 is continued by the Authority.

499. The Organization's discipline committee continues to exercise its functions relating to mortgage brokerage to conclude cases concerning a complaint made before 1 May 2020.

500. The Organization remits the portion of the fees received from brokers and agencies authorized to carry on brokerage transactions relating to loans secured by immovable hypothec before 1 May 2020 to the Authority.

The sums thus remitted form a patrimony that is separate from the Fonds d'indemnisation des services financiers' other assets and are dedicated to the payment of indemnities to victims of fraud, fraudulent tactics or misappropriation of funds occurring before that date.

501. The Authority continues the examination of the indemnity claims begun before 1 May 2020 by the indemnity committee, in accordance with section 106 of the Real Estate Brokerage Act, on which the committee has not yet ruled on that date.

Claims filed with the Authority for compensation for fraud, fraudulent tactics or embezzlement under section 258 of the Act respecting the distribution of financial products and services are governed by the legislation in force at the time of the fraud, fraudulent tactics or embezzlement.

502. Should the sums referred to in the second paragraph of section 500 prove insufficient to meet the claims relating to acts committed before 1 May 2020, the Authority may impose a special assessment on independent representatives, independent partnerships and firms registered in the mortgage brokerage sector.

503. The Government may, as of 1 May 2025, authorize the Authority to integrate the sums referred to in the second paragraph of section 500 into the Fonds d'indemnisation des services financiers.

504. A member of the board of directors of the Organization who is in office on 12 July 2018 remains in office until that member is replaced. However, the duties of the board member who represents licence holders entitled to engage in brokerage transactions relating to loans secured by immovable hypothec are maintained until 1 May 2020.

All board members not appointed by the Minister must be elected not later than 1 May 2020. To allow staggering the terms of the members of the board of directors, three of the members elected by licence holders and three of those appointed by the Minister may be elected or appointed for a term that is shorter than that specified in the first paragraph of section 57 of the Real Estate Brokerage Act, amended by section 447. The board of directors of the Organization determines, before the election, the terms that are thus reduced.

Any vacancy on the board between 12 July 2018 and the date the board members are replaced, including a vacancy in a seat reserved for a member appointed by the Minister, is filled by the board. The person appointed to fill the vacancy in the seat of the board member who represents licence holders entitled to engage in brokerage transactions relating to loans secured by immovable hypothec must hold a mortgage broker's or mortgage agency licence.

CHAPTER II

DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

505. Section 1 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended by replacing “or a financial planner” by “, a financial planner or a mortgage broker”.

506. Section 3 of the Act is amended

(1) by striking out “acts as an advisor in the field of individual insurance of persons and” in the second paragraph;

(2) by striking out “that does not guarantee the payment of a benefit upon the occurrence of a risk” in subparagraph 2 of the third paragraph.

507. Section 4 of the Act is amended by striking out the second sentence of the first paragraph.

508. Section 5 of the Act is amended

- (1) by striking out the second sentence of the first paragraph;
- (2) by striking out the second paragraph.

509. Section 6 of the Act is amended by striking out the last sentence.**510.** The Act is amended by inserting the following section after section 7:

“7.1. A suretyship contract is not an insurance product even if it is designated as a suretyship insurance contract.”

511. Section 8 of the Act is replaced by the following section:

“8. An insurer is an insurer authorized under the Insurers Act (2018, chapter 23, section 3), other than a self-regulatory organization authorized to insure the professional liability of the persons governed by it.”

512. Section 10 of the Act is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) natural persons responsible for appraising damage to automobiles.”

513. The Act is amended by inserting the following sections after section 11:

“11.1. A mortgage broker is a natural person who, for others and in return for remuneration that is contingent on the making of a loan secured by immovable hypothec, engages in a brokerage transaction relating to such a loan.

“11.2. The following persons are not mortgage brokers when they engage in a mortgage brokerage transaction:

- (1) advocates, notaries, chartered appraisers, liquidators, sequestrators, trustees in bankruptcy and trustees, provided they engage in such a transaction in the exercise of their functions;
- (2) members in good standing of the Ordre professionnel des comptables professionnels agréés du Québec;
- (3) persons employed by a hypothecary creditor, provided they engage in such a transaction in the course of their principal occupation and only for that creditor;

(4) employees and exclusive representatives of an insurer, bank, deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) or trust company authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395), when acting on behalf of their financial institution or of another financial institution that is part of the same financial group, in the context of a brokerage transaction relating to a loan secured by immovable hypothec; and

(5) a person who is a member in good standing of a professional order or who is 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 or person does so as an ancillary activity.

The expression “financial group” has the meaning assigned to it by section 147.”

514. Section 13 of the Act is amended by adding the following dash at the end:

“—mortgage brokerage.”

515. Section 20 of the Act is amended by adding the following paragraph at the end:

“The first paragraph and section 19 do not apply to an insurance contract expiring within 10 days of its being signed.”

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

“**27.** Insurance representatives must inquire into their clients’ situation to assess their needs.

They must ensure to appropriately advise their clients regarding matters that fall within the sectors in which they are authorized to act; if they can, they shall offer their clients a product that meets their needs.”

517. Section 38 of the Act is replaced by the following section:

“**38.** Damage insurance brokers who offer insurance products directly to the public must, each time they offer an insurance product belonging to a class determined by regulation of the Authority to a client who is a natural person, be able to obtain quotes from at least three insurers who do not belong to the same financial group, within the meaning assigned to that expression by section 147.

Such brokers must keep the information allowing them to prove that they made every effort to comply with the first paragraph and must update such information regularly.

The regulation made for the purposes of this section may only pertain to damage insurance products intended to meet personal, family or household insurance needs.”

518. Section 39 of the Act is amended by replacing “Damage insurance agents and brokers must, when renewing an insurance policy,” by “When the renewal of an insurance policy includes a change other than to the premium, damage insurance agents and brokers must”.

519. Section 41 of the Act is replaced by the following section:

“**41.** Only a special broker may offer the insurance products of an outside insurer if the firm for which the special broker is acting has met the requirements of the second paragraph of section 77.

A special broker is a damage insurance broker who acts for a firm and who is authorized to act in that capacity on the conditions that the Authority determines by regulation. The broker’s certificate shall include the relevant particulars.

An outside insurer is a damage insurer that, under subparagraph 3 of the first paragraph of section 27 of the Insurers Act (2018, chapter 23, section 3), does not require the Authority’s authorization.”

520. Section 42 of the Act is amended by striking out “and surety insurance”.

521. Section 43 of the Act is amended by replacing “does not hold an insurance licence in Québec” in the first paragraph by “is not an insurer authorized to carry on its activities in Québec”.

522. Section 70 of the Act is amended

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

“A legal person offering financial products and services acts either as a single-sector firm or a multi-sector firm.”;

(2) by striking out “through representatives” in the second paragraph;

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

“A firm is considered to offer products and services in the mortgage brokerage sector if it engages in mortgage brokerage transactions.”

523. The Act is amended by inserting the following section after section 70:

“**70.1.** For the purposes of section 70, a hypothecary creditor is not a firm operating in the mortgage brokerage sector.”

524. Section 71 of the Act is amended by adding the following paragraphs at the end:

“No person may act as or purport to be a damage insurance brokerage firm without being registered as such with the Authority.

A legal person that, without acting as a firm, receives a commission or other remuneration based on the sale of financial products or the provision of financial services must be registered with the Authority. As of its registration, the legal person is, for the purposes of this Act, considered to be acting as a firm in the sector in which the products and services are offered.”

525. The Act is amended by inserting the following section after section 71:

“**71.1.** A firm may offer products and services in a given sector without the intermediary of a natural person. However, it must take the necessary steps to ensure that representatives of its own interact, in sufficient time, with clients who express the need to interact with a representative; the firm must also inform its clients that such representatives are available.”

526. Section 72 of the Act is amended by replacing “within the meaning of the Act respecting trust companies and savings companies (chapter S-29.01)” in the fifth dash in the second paragraph by “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)”.

527. Section 75 of the Act is amended by adding the following paragraphs at the end:

“A firm registered for the damage insurance sector is so registered as a damage insurance agency except when it may be registered as a brokerage firm for that sector.

Only a firm that meets the following criteria may be registered as a damage insurance brokerage firm:

- (1) it is not an insurer;
- (2) its capital complies with section 150;
- (3) its representatives who offer damage insurance products are brokers who comply with sections 6 and 38, where those insurance products belong to a class prescribed by the regulation made for the purposes of the latter section;

(4) when offering insurance products without the intermediary of a natural person, the firm complies with sections 6 and 38, where the insurance products belong to a class prescribed by the regulation made for the purposes of the latter section.”

528. Section 76 of the Act is amended by striking out the second paragraph.

529. Section 82 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “the provisions of the first paragraph” by “section 71.1, 74, 76 or 77”.

530. Section 83 of the Act is amended by striking out “or, if an insurance fund has been established, pay the insurance premium fixed by the Authority” and “or, if an insurance fund has been established, has paid the insurance premium fixed by the Authority”.

531. The Act is amended by inserting the following section after section 83:

“83.1. A damage insurance firm or damage insurance brokerage firm must disclose, on its website and in its written communications with its clients, the names of the insurers for which it offers insurance products.

A firm must disclose, in the same manner, the name of any insurer to which it is bound by an exclusive contract and the products covered by that contract.

A brokerage firm must disclose, in the same manner, the following information:

(1) the name of the financial institution, the financial group or the legal person related thereto that holds an interest in shares issued by the firm representing more than 20% of the value of the firm’s equity capital; and

(2) the name of any insurer to which are paid more than 60% of the premiums stipulated in the contracts entered into by the firm and belonging to a single class prescribed by the regulation made for the purposes of section 38.

For the purposes of subparagraph 1 of the third paragraph, a firm’s equity capital does not include shares that do not carry the right to vote or the right to receive a share of the firm’s remaining property on liquidation.”

532. The Act is amended by inserting the following section after section 86:

“86.0.1. Sections 17 to 19, 26 to 28, 31, 32, 35, 36 and 39 apply, with the necessary modifications, to firms that offer a product or service without the intermediary of a natural person.

In addition, sections 6 and 38 apply, with the necessary modifications, to a firm registered as a damage insurance brokerage firm offering insurance products in that sector without the intermediary of a natural person.”

533. Section 95 of the Act is amended

(1) in the first paragraph,

(a) by replacing “sections 23 and 24 of the Deposit Insurance Act” by “section 23 of the Deposit Institutions and Deposit Protection Act”;

(b) by inserting “authorized under that Act or a member bank of the Canada Deposit Insurance Corporation” after “deposit institution”;

(2) by inserting “or bank” after “deposit institution” in the second paragraph.

534. Section 100 of the Act is amended

(1) by replacing “a deposit institution” in the first paragraph by “an authorized deposit institution, a bank, an authorized foreign bank, an authorized trust company”;

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

“A person receiving an amount from the sharing of a commission made in accordance with this section is not required, by virtue of that fact, to be registered with the Authority under the third paragraph of section 71.”

535. Section 101 of the Act is amended by replacing the second paragraph by the following paragraph:

“Likewise, the following may make themselves known as offering financial planning services:

(1) a firm or an independent partnership acting through a financial planner;

(2) a firm that, without acting through the intermediary of a natural person, employs at least one financial planner.”

536. Sections 103 to 103.4 of the Act are replaced by the following sections:

“**103.** Every firm must process the complaints filed with it in a fair manner. To that end, a firm must

(1) follow a policy for processing complaints filed by its clients and resolving disputes with them; and

(2) keep a complaints register.

Unless such a policy is fully set out in a regulation made under section 216.1, the firm must adopt one itself.

“103.1. The complaint processing and dispute resolution policy adopted under subparagraph 1 of the first paragraph of section 103 must, in particular,

(1) set out the characteristics that make a communication to the firm a complaint that must be registered in the complaints register kept under subparagraph 2 of the first paragraph of section 103; and

(2) provide for a record to be opened for each complaint and prescribe rules for keeping such records.

The firm must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on its website, if the firm has one, and disseminate it by any appropriate means to reach the clientele concerned.

“103.2. Within 10 days after a complaint is registered in the complaints register, the firm must send the complainant a notice stating the complaint registration date and the complainant’s right, under section 103.3, to have the complaint record examined.

“103.3. A complainant whose complaint has been registered in the complaints register may, if dissatisfied with the firm’s processing of the complaint or the outcome, request the firm to have the complaint record examined by the Authority.

If the firm is a mutual company that is a member of a federation, the record is examined by the latter instead of by the Authority.

The firm is required to comply with a request made to it and send the record to the Authority or, in the case of a mutual company that is a member of a federation, to the federation.

Sections 389 to 394 of the Insurers Act (2018, chapter 23, section 3) apply, with the necessary modifications, to the federation; complaint records filed in accordance with this Act are complaint records within the meaning of those sections.

“103.4. The Authority shall examine the complaint records that are sent to it.

It may, with the parties’ consent, act as conciliator or mediator or designate a person to act as such.

Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

“103.5. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted into evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Notwithstanding 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 a document contained in the conciliation or mediation record.

“103.6. Notwithstanding sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Authority may not communicate a complaint record without the authorization of the firm that has sent it.

“103.7. On the date set by the Authority, a firm must send it a report on the complaint processing and dispute resolution policy adopted under subparagraph 1 of the first paragraph of section 103 stating the number of complaints that the firm has registered in the complaints register and their nature.

The report must cover the period determined by the Authority.”

537. Section 115 of the Act is amended by replacing the last sentence of the first paragraph by the following sentence: “The Tribunal may also impose an administrative penalty not exceeding \$2,000,000 for each contravention, except for a contravention of the rules of ethics determined by regulation under section 202.1 that are applicable to mortgage brokers, in which case the administrative penalty is not less than \$2,000 and not more than \$50,000 for each contravention.”

538. Section 115.3 of the Act is amended by replacing “for a renewable period of 120 days as of the time the party concerned is notified” in the second paragraph by “from the time the party concerned is notified of it and, unless otherwise provided, remains binding for a 12-month period; the order may be revoked or otherwise amended during that period”.

539. Section 115.7 of the Act is amended

(1) by inserting “; they may also apply for an amendment to or the revocation of the order” at the end;

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

“A written notice setting out the reasons for the application for amendment or revocation must be filed with the Tribunal. The notice must be served on the Authority at least 15 days before the hearing set to hear the application.”

540. The Act is amended by inserting the following sections after section 115.9:

“115.9.1. If the Tribunal issues an order under paragraph 7 of section 115.9, the Tribunal must, if the proof justifying the order shows that persons have sustained a loss in the course of the non-compliance referred to in that paragraph 7, order the Authority to submit to the Tribunal the terms under which the amounts disgorged to the Authority will be administered and may be distributed to the persons who have sustained a loss, unless it is shown to the Tribunal that the amounts so disgorged are less than those to be incurred for their distribution.

The terms must provide the following at a minimum:

(1) the rules according to which the amounts will be deposited with a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) or a bank or otherwise invested until the distribution ends;

(2) the conditions to meet to be entitled to participate in the distribution of the amounts disgorged, including the time limit after which a person may not participate;

(3) the means that must be taken to notify the persons concerned of the possibility of participating in the distribution of the amounts; and

(4) the date on which the distribution is to end should the amounts disgorged not be distributed in their entirety.

“115.9.2. The Authority must publish the terms that it proposes in its bulletin at least 30 days before submitting them to the Tribunal.

Any interested person may contest the terms before the Tribunal, except the representative, firm or other person responsible for the non-compliance against whom or which the order was issued under paragraph 7 of section 115.9.

The Tribunal shall approve the terms submitted by the Authority with or without amendments; it may also order the Authority to submit new terms.

“115.9.3. The Authority shall administer and distribute the amounts in accordance with the terms approved by the Tribunal.

The rules for the simple administration of the property of others apply to the Authority with respect to the amounts disgorged to it while the terms of their administration and distribution have not been approved by the Tribunal.

The Authority may amend the terms by following the procedure provided for in section 115.9.2.

“115.9.4. If the Tribunal issues an order under paragraph 7 of section 115.9 directing that amounts be disgorged to the Authority without ordering the Authority to submit terms of administration and distribution, the Authority must pay the amounts to the Minister of Finance.

The same applies to the balance of the amounts disgorged to the Authority remaining, if any, on the date on which a distribution ends.”

541. The Act is amended by inserting the following sections before section 126:

“125.1. If, following the inspection of a firm registered as a damage insurance brokerage firm, the Authority considers that the proof referred to in the second paragraph of section 38 is insufficient, the Authority may register the firm as a damage insurance agency if it has not remedied the situation within the time the Authority granted it to do so.

“125.2. The decision under section 125.1 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.”

542. Section 128 of the Act is amended by replacing “and claims adjusters” in the first paragraph by “, claims adjusters and mortgage brokers”.

543. Section 129 of the Act is amended by inserting “or trust company” after “deposit institution”.

544. Section 131 of the Act is amended by striking out the second paragraph.

545. Section 136 of the Act is amended by striking out “or, if an insurance fund has been established, pay the insurance premium fixed by the Authority” in the first paragraph.

546. Section 142 of the Act is amended

(1) in the first paragraph,

(a) by replacing “sections 23 and 24 of the Deposit Insurance Act” by “section 23 of the Deposit Institutions and Deposit Protection Act”;

(b) by inserting “authorized under that Act or a member bank of the Canada Deposit Insurance Corporation” after “deposit institution”;

(2) by inserting “or bank” after “deposit institution” in the second paragraph.

547. Section 143 of the Act is amended

(1) by inserting “or a trust company,” after “a deposit institution” in the first paragraph;

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

“A person receiving an amount from the sharing of a commission made in accordance with this section is not required, by virtue of that fact, to be registered with the Authority under the third paragraph of section 71.”

548. Section 146 of the Act is amended

(1) in the first paragraph,

(a) by replacing “103.4” by “103.7”;

(b) by inserting “125.1,” after “114.1,”;

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

“Section 71.1, the first paragraph of section 72 and sections 74, 75, 79, 82, 84, 86.0.1, 90, 91, 102, 103 to 103.7, 106 to 113, 114.1, 125.1, 126 and 127 apply, with the necessary modifications, to independent partnerships.”

549. The heading of Chapter III of Title II before section 147 of the Act is amended by replacing “OWNERSHIP OF DAMAGE INSURANCE” by “INTEREST IN DAMAGE INSURANCE BROKERAGE”.

550. Section 147 of the Act is amended by replacing the definition of “firm” by the following definition:

“— “*firm*” means a firm registered as a damage insurance brokerage firm;”.

551. Section 148 of the Act is repealed.

552. Section 150 of the Act is replaced by the following section:

“150. A firm may not be registered with the Authority as a damage insurance firm if a financial institution, a financial group or a legal person related thereto holds an interest allowing it to exercise more than 20% of the voting rights attached to the shares issued by the firm or an interest representing more than 50% of the value of the firm’s equity capital.

For the purposes of the first paragraph, a firm’s equity capital does not include shares that do not carry the right to vote or the right to receive a share of the firm’s remaining property on liquidation.

This section shall not operate to prohibit a financial institution and a firm from entering into a financing agreement or a contract for services, restrict the provisions of such an agreement or contract, or prevent a firm from allotting its shares or registering a transfer of its shares to give effect to a contract entered into before 21 December 1988.”

553. Section 154 of the Act is amended by replacing “act through a damage insurance broker or purport to be acting through a damage insurance broker” by “offer a product or service through a natural person or without the intermediary of such a person or purport to do so”.

554. Section 157 of the Act is amended by replacing “act through a damage insurance broker or purport to be acting through a damage insurance broker” by “offer a product or service through a natural person or without the intermediary of such a person or purport to do so”.

555. Section 193 of the Act is amended

(1) by inserting “, an excerpt from the roll of hearings of the Financial Markets Administrative Tribunal concerning cases relating to the administration of this Act” after “discipline committees”;

(2) by striking out “and restricted certificate holders”.

556. Sections 198 and 199 of the Act are repealed.

557. The Act is amended by inserting the following section after section 202.1:

“**202.2.** The Authority may, for each sector, determine by regulation the information and documents that a firm acting without the intermediary of a natural person must give to clients, as well as their form.”

558. Section 203 of the Act is amended by striking out paragraph 5.

559. Section 208 of the Act is amended by replacing “and damage insurance brokers” by “, damage insurance brokers and firms that are not insurers or that are not bound by an exclusive contract with an insurer”.

560. Section 211 of the Act is amended by replacing “representatives in insurance of persons upon replacing an insurance policy” by “insurance representatives upon the replacement or renewal of an insurance or annuity contract”.

561. Section 216 of the Act is amended by replacing “or claims adjuster” in paragraph 1 by “, claims adjuster or mortgage broker”.

562. The Act is amended by inserting the following section after section 216:

“216.1. The Authority may, by regulation,

(1) determine the policy that firms must follow pursuant to section 103 or elements of such a policy;

(2) determine the policy that independent representatives must follow pursuant to the first paragraph of section 146 and section 103 or elements of such a policy; and

(3) determine the policy that independent partnerships must follow pursuant to the second paragraph of section 146 and section 103 or elements of such a policy.”

563. Section 217 of the Act is amended by replacing “any of sections 115.2 and 198, paragraph 2 of section 203, sections 225, 226, 228, 274.1 and 278, paragraph 3 of section 423, paragraph 6 of section 449 and section 452” in the second paragraph by “section 115.2, paragraph 2 of section 203 or any of sections 225, 226, 228, 274.1 and 278”.

564. Section 223 of the Act is amended by striking out paragraph 14.

565. Section 235 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: “Where applicable, the register shall specify whether the firm is a damage insurance agency or a damage insurance brokerage firm.”;

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

“In the case of a damage insurance agency, the register shall contain the information that the agency is required to disclose under the second paragraph of section 83.1, while in the case of a damage insurance brokerage firm, the register shall contain the information that the firm is required to disclose under the third paragraph of that section.”

566. Section 240 of the Act is amended by replacing “may, with the authorization of the Government, keep” in the first paragraph by “shall keep”.

567. Section 243 of the Act is replaced by the following section:

“243. A client who subscribed for a life insurance policy or a person whose life is insured under the policy may obtain any information recorded in the register concerning the policy from the Authority.

Upon proof of a person's death, only the following persons may obtain information from the Authority concerning the existence of an insurance policy on the deceased person's life and, if such a policy exists, have access to the information contained in the register: the liquidator of the succession, an heir, a successor or a beneficiary of the life insurance, the holder of parental authority over an heir, a successor or a beneficiary of the life insurance, and the advocates or notaries mandated by any of those persons.

The Authority shall, on payment of the fees set by government regulation, give the information contained in the register to any person who is entitled to obtain it.”

568. Section 256 of the Act is amended by replacing “, independent partnerships and the holders of restricted-practice certificates” in the third paragraph by “and independent partnerships”.

569. Section 258 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The fund shall be assigned to the payment of indemnities payable to victims of fraud, fraudulent tactics or embezzlement in relation to financial products and services provided or offered by representatives, firms, independent representatives, independent partnerships, mutual fund dealers or scholarship plan dealers registered in accordance with Title V of the Securities Act (chapter V-1.1) or a representative of such dealers, regardless of the sector or class of sectors in which they are authorized to act under their certificate or registration.

The suspension or cancellation of the certificate of a representative responsible for fraud, fraudulent tactics or embezzlement or of such a representative's right to transact business does not deprive the victim of the right to the indemnity provided for in the second paragraph if

(1) the victim was doing business with the representative before the suspension or revocation; and

(2) the fraud, fraudulent tactics or embezzlement occurred in the two years after the revocation or after the beginning of the suspension.

The same applies to the cancellation and suspension of a firm's independent representative's or independent partnership's registration.”

570. Section 277 of the Act is amended by adding the following paragraphs at the end:

“The filing of a claim with the Authority to obtain the indemnity referred to in the second paragraph of section 258 suspends prescription against the claimant for any right the claimant may assert with respect to the fraud, fraudulent tactics or embezzlement for which the claim is made.

The suspension lasts as long as an irrevocable decision has not been rendered with respect to the claim; the suspension may not, however, exceed two years.”

571. The Act is amended by inserting the following section after section 277:

“277.1. The claimant may, within 30 days of the Authority’s decision to summarily dismiss the claimant’s claim or of a decision of the indemnity committee, apply to the Financial Markets Administrative Tribunal for a review. The Tribunal proceeds on the record only and may confirm or quash the initial decision and, in the latter case, render the decision that should have been rendered.

Notwithstanding section 115.16 of the Act respecting the regulation of the financial sector (chapter A-33.2), the Tribunal’s decision may not be appealed.”

572. Section 312 of the Act is amended by inserting “, other than sections 62.1 to 62.4,” after “the provisions of Title III” in the second paragraph.

573. Section 360 of the Act is amended by replacing “a deposit institution” by “an authorized deposit institution, a bank, an authorized foreign bank or an authorized trust company”.

574. Section 361 of the Act is amended by replacing “a deposit institution” in the first paragraph by “an authorized deposit institution, a bank, an authorized foreign bank or an authorized trust company”.

575. Section 408 of the Act is amended by adding the following paragraph at the end:

“Only a natural person may distribute an insurance product on behalf of a distributor.”

576. Sections 410 to 418 of the Act are repealed.

577. Section 419 of the Act is amended by replacing “section 226 or 423” in the first paragraph by “section 226”.

578. Sections 420 to 423 of the Act are repealed.

579. Section 424 of the Act is amended by replacing “422 of the Act respecting insurance (chapter A-32)” in paragraph 5 by “71 of the Insurers Act (2018, chapter 23, section 3)”.

580. Section 425 of the Act is amended by replacing “A deposit institution” in the first paragraph by “An authorized deposit institution or an authorized trust company”.

581. Sections 429 and 430 of the Act are repealed.

582. Section 431 of the Act is amended by inserting “, whether the person is a distributor or a natural person assigned that task by the distributor,” after “who distributes an insurance product” in the first paragraph.

583. Section 435 of the Act is repealed.

584. Section 436 of the Act is amended by replacing “under section 423” in the first paragraph by “made under the Insurers Act (2018, chapter 23, section 3)”.

585. Section 438 of the Act is replaced by the following section:

“**438.** A distributor who, after having been notified by an insurer of its decision to cease distributing an insurance product through the distributor, sells that product to a client is liable for any injury the client may suffer.”

586. Section 441 of the Act is amended by adding the following paragraph at the end:

“The first paragraph and section 440 do not apply to an insurance contract expiring within 10 days of its being signed.”

587. Chapter III of Title VIII of the Act, comprising sections 445 to 460, is repealed.

588. The Act is amended by inserting the following section after section 462:

“**462.1.** Every person that offers products and services in a given sector directly to the public, without the intermediary of a natural person, is guilty of an offence, unless the person is a firm or an independent partnership registered with the Authority, or a distributor.”

589. Section 463 of the Act is amended by replacing “a representative or the holder of a restricted certificate” by “a representative”.

590. Section 464 of the Act is amended by replacing “a representative or the holder of a restricted certificate” by “a representative”.

591. Section 466 of the Act is amended by inserting “or a firm for which a financial planner exclusively pursues his or her activities,” after “through a financial planner,”.

592. Section 469 of the Act is repealed.

593. Section 470 of the Act is amended by striking out both occurrences of “or the holder of a restricted certificate”.

594. Sections 473 to 476 of the Act are repealed.

595. Section 479 of the Act is replaced by the following section:

“**479.** An offence under any of sections 463, 464, 471, 472, 477 and 478 committed by a natural person to whom a distributor has entrusted the distribution of an insurance product is deemed to have been committed by the distributor.”

596. Section 481 of the Act is repealed.

597. Title IX.1 of the Act, comprising section 494.1, is repealed.

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

598. Section 82 of the Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions (2008, chapter 7) is amended by inserting the following section after section 274.1:

“**274.1.1.** The Authority may summarily dismiss any claim without a decision from the indemnity committee if the Authority considers the claim to be frivolous or clearly unfounded.”

DIVISION II

SPECIAL TRANSITIONAL PROVISIONS

599. Section 115.9.1 of the Act respecting the distribution of financial products and services (chapter D-9.2), enacted by section 540, is, for the period from 13 July 2018 to 12 June 2019, to be read as if “deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26)” in subparagraph 1 of the second paragraph were replaced by “financial institution registered with the Autorité des marchés financiers under the Deposit Insurance Act (chapter A-26)”.

600. Section 146 of the Act, amended by section 548, is to be read, for the period from 13 June 2019 to 13 December 2019, by striking out the references to section 125.1.

601. Claims filed with the Authority for compensation for fraud, fraudulent tactics or embezzlement under section 258 of the Act respecting the distribution of financial products and services are governed by the legislation in force at the time of the fraud, fraudulent tactics or embezzlement.

602. Despite section 137 of chapter 25 of the statutes of 2009, paragraph 4 of section 424 of the Act respecting the distribution of financial products and services, enacted by section 105 of chapter 25 of the statutes of 2009, comes into force on 13 June 2018.

PART IV

REGULATION OF THE FINANCIAL SECTOR

ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

603. The title of the Act respecting the Autorité des marchés financiers (chapter A-33.2) is replaced by the following title:

“ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR”.

604. The heading of Chapter III of Title I of the Act is replaced by the following:

“INSPECTIONS AND INVESTIGATIONS, WHISTLEBLOWER PROTECTION AND IMMUNITY AND PENAL PROVISIONS

“DIVISION I

“INSPECTIONS AND INVESTIGATIONS”.

605. Section 15.1 of the Act is amended by striking out “section 15 of the Act respecting insurance (chapter A-32),” and “, section 312 of the Act respecting trust companies and savings companies (chapter S-29.01)” in the first paragraph.

606. Section 15.6 of the Act is amended by replacing “the Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information” in paragraph 3 by “a multilateral memorandum of understanding concerning consultation and cooperation and the exchange of information”.

607. The Act is amended by inserting the following after section 17:

“DIVISION II

“WHISTLEBLOWER PROTECTION

“**17.0.1.** Any person who wishes to make a disclosure may do so by communicating any information to the Authority that the person believes could show that a contravention of an Act referred to in section 7 has been committed or is about to be committed, or that could show that the person has been asked to commit such a contravention.

A person who discloses such a contravention may do so despite the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Act respecting the protection of personal information in the private sector (chapter P-39.1), any other communication restrictions under other laws of Québec, any provision of a contract or any duty of loyalty or confidentiality that may be binding on the person, in particular with respect to an employer or client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“17.0.2. The Authority must take all the measures necessary to protect the identity of persons who make a disclosure. However, the Authority may communicate the identity of such a person to the Director of Criminal and Penal Prosecutions or to another competent authority.

“17.0.3. If a person makes a disclosure to the Authority that should have been made to the Anti-Corruption Commissioner or to another competent authority, the Authority must inform the person of that fact, unless the Authority is unable to contact the person.

“17.0.4. It is forbidden to take a reprisal against a person who, in good faith, makes a disclosure to the Authority or who cooperates in an investigation conducted under this Act, or to threaten to take a reprisal against a person so that he or she will abstain from making such a disclosure or cooperating in such an investigation.

“17.0.5. For the purposes of this division, the demotion, suspension, dismissal or transfer of an employee or any disciplinary or other measure that adversely affects his or her employment or working conditions is presumed to be a reprisal.

“DIVISION III

“IMMUNITY AND PENAL PROVISIONS”.

608. Section 17.1 of the Act is amended by replacing “A person of good faith who” by “A person who, in good faith and in accordance with section 17.0.1.”.

609. Section 19 of the Act is replaced by the following sections:

“19. Anyone who

(1) provides information, when making a disclosure under section 17.0.1, that they know to be false or misleading, or

(2) contravenes section 17.0.4,

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases.

The fines are doubled for a subsequent offence.

“19.0.1. Anyone who

(1) hinders or attempts to hinder the action of an inspector or investigator in the exercise of inspection or investigation functions or powers or who hides, destroys or refuses to provide information, a document or a thing the inspector or investigator is entitled to require or examine when exercising those functions or powers, or

(2) fails to appear after summons or refuses to testify in connection with an inspection or investigation,

is guilty of an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$15,000 to \$150,000 in all other cases.

The minimum and maximum fines are doubled for a second offence and tripled for a subsequent offence.

“19.0.2. Anyone who helps a person to commit an offence under section 19 or 19.0.1 or who, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is guilty of an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.”

610. Section 19.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Authority may also request that the Court issue a receivership order if the authorization granted under the Insurers Act (2018, chapter 23, section 3), the Deposit Institutions and Deposit Protection Act (chapter A-26) or the Trust Companies and Savings Companies Act (2018, chapter 23, section 395) was suspended and the causes for the suspension were not remedied within 30 days after the suspension took effect, or in cases where a person, partnership or other entity is carrying on activities without having been granted such an authorization although the authorization is required.”

611. Section 19.6 of the Act is amended by replacing “if it is imperative to do so” in the first paragraph by “if urgent action is required or to prevent irreparable injury”.

612. Section 19.8 of the Act is replaced by the following section:

“19.8. Receivership with respect to the property of a federation of mutual companies governed by the Insurers Act (2018, chapter 23, section 3) includes receivership with respect to its guarantee fund and, if applicable, receivership with respect to its segregated investment funds.”

613. Section 19.12 of the Act is replaced by the following section:

“**19.12.** The liquidator of a federation of mutual companies must, within 10 days after the decision of the Court ordering the winding-up of the federation, notify the federation’s member companies.”

614. The Act is amended by inserting the following section after section 25:

“**25.0.1.** An attestation issued by the Authority concerning any matter relating to the administration of this Act or an Act referred to in section 7 constitutes proof of its content in any proceeding without further proof of the signature or authority of the signatory, until proof to the contrary.”

615. The Act is amended by inserting the following section after section 36:

“**36.1.** Despite section 8 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the President and Chief Executive Officer of the Authority may delegate to a member of the management staff of the agency authorized under section 178 of the Automobile Insurance Act (chapter A-25) the functions assigned to the person responsible for access to documents or the protection of personal information by the Act respecting Access to documents held by public bodies and the Protection of personal information concerning the exercise of the rights of access and correction with regard to the information referred to in section 177 of the Automobile Insurance Act, but only as concerns insured persons’ automobile driving experience.”

616. Sections 38.1 and 38.2 of the Act are replaced by the following sections:

“**38.1.** The Authority shall remit half the sums collected as fines or administrative sanctions or penalties to the Minister of Finance, at the intervals the latter determines. However, the sums collected as penalties under sections 115.2 and 419 of the Act respecting the distribution of financial products and services (chapter D-9.2), except the sums collected in a case prescribed by regulation, must be remitted in full to the Minister.

“**38.2.** Despite section 38.1, the Authority shall keep all the sums it receives under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5) as monetary administrative penalties or fines.”

617. Section 46 of the Act is replaced by the following section:

“**46.** The Authority shall send the Minister an activity plan according to the form, content and timetable the Minister determines.

The advisory opinion of the Conseil consultatif de régie administrative, provided for in paragraph 2 of section 57, must be attached to the activity plan.”

618. Section 49 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“These persons are chosen for their expertise in administrative management and their knowledge of the financial sector.

However, a person holding employment or an office or exercising a function that may, directly or indirectly, place the person’s interest in conflict with the person’s duties as a member of the Council may not be appointed to the Council.”

619. The Act is amended by inserting the following after section 58:

“TITLE II.1

**“COMITÉ CONSULTATIF DES CONSOMMATEURS DE PRODUITS ET
UTILISATEURS DE SERVICES FINANCIERS**

“CHAPTER I

“ESTABLISHMENT

“58.1. The “Comité consultatif des consommateurs de produits et utilisateurs de services financiers”, hereinafter called “the Committee”, is established within the Authority.

“58.2. The Committee is composed of not fewer than five or more than nine members.

The President and Chief Executive Officer shall appoint the members of the Committee after consultation with the Council and designate the chair of the Committee from among them.

Sections 50 and 56 apply, with the necessary modifications, to the Committee members.

“58.3. Any vacancy occurring during a term of office is filled by the chair of the Committee, after consultation with the Council, for the unexpired portion of the term of the member to be replaced.

Absence from the number of Committee meetings determined by the Committee’s by-laws constitutes a vacancy, in the cases and circumstances indicated in the by-laws.

“58.4. The Committee shall meet at least once every three months and more often if necessary, at the request of the chair or a majority of the members. However, it may not meet more than 12 times per year.

The Committee may hold its meetings anywhere in Québec.

“58.5. Committee members receive no remuneration, except in the cases, on the conditions and to the extent determined by a regulation of the Authority.

However, Committee members are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the regulation.

“58.6. The Authority may make a regulation with respect to the Committee for the purpose of

- (1) determining the criteria for selecting its members;
- (2) establishing its rules of governance;
- (3) determining the role and responsibilities of its chair;
- (4) determining the rules of ethics and professional conduct and confidentiality rules applicable to its members; and
- (5) determining the conditions and terms applicable to the services and equipment it is required to provide to the Committee under section 58.11.

“58.7. A draft regulation made under section 58.5 or 58.6 must be sent to the Minister. The Authority may not make the regulation before the expiry of a period of 30 days after receipt of the draft regulation by the Minister; during that period, the Minister may indicate to the Authority any changes it must make to the draft regulation.

“CHAPTER II

“MISSION AND FUNCTIONS

“58.8. The mission of the Committee is to present the opinion of financial product consumers and financial service users before the Authority.

“58.9. In the pursuit of its mission, the functions of the Committee are

- (1) to comment on the Authority’s policies, rules, guidelines and other publications, in cases where they are likely to affect financial product consumers and financial service users, and to make any recommendations on them that the Committee considers useful; and
- (2) to make its observations and recommendations to the Authority on any subject that concerns those consumers and users.

“58.10. The Committee may, in the exercise of its functions, require that any research paper or information used by the Authority in drafting its policies, rules, guidelines or other publications that affect financial product consumers and financial service users be communicated to the Committee.

The Authority's officers, employees and mandataries must, on request, communicate such papers or information to the Committee and facilitate their examination.

“58.11. The Authority must provide the Committee with the services and equipment it requires to exercise its functions.

“58.12. Not later than 30 June each year, the Committee must submit a report to the Authority on its activities for the previous fiscal year. The Committee's report must be appended to the Authority's activity report.”

620. The Act is amended by inserting the following sections after section 62:

“62.1. If a recognized organization conducts an investigation, within the meaning of its rules of operation, into the conduct of its members or participants as regards the carrying on, in Québec, of an activity governed by an Act referred to in Schedule 1, it may request any person to communicate any document or information relating to the member or participant concerned that it considers useful to the investigation.

“62.2. A recognized organization hearing a disciplinary matter, within the meaning of its rules of operation, may call the witnesses it or the other party considers useful to have them give an account of the facts of which they have personal knowledge or produce any document relating to the matter.

“62.3. The persons designated by a recognized organization to hear a disciplinary matter referred to in section 62.2 and the organization's personnel members assisting them must take the oath set out in Schedule II to the Professional Code (chapter C-26).

“62.4. If a person fails to respond to a request under section 62.1 or to attend in response to a subpoena under section 62.2, the recognized organization may request the Financial Markets Administrative Tribunal to order the person to comply with the request or subpoena.”

621. Section 63 of the Act is amended by replacing the first paragraph by the following paragraph:

“No proceedings may be brought against a recognized organization, the members of its board of directors, a committee formed by the organization, or the organization's personnel for acts performed in good faith in the exercise of the functions or powers delegated to them in accordance with this chapter or in the exercise of functions relating to the supervision or regulation of the conduct of the organization's members or participants.”

622. Section 63.1 of the Act is amended by replacing “in the exercise of the powers delegated to it under this division” in the first paragraph by “, the members of its board of directors, a committee formed by the organization, or the organization’s personnel in the exercise of the functions and powers delegated to them in accordance with this chapter or in the exercise of functions relating to the supervision or regulation of the conduct of the organization’s members or participants”.

623. Section 68 of the Act is amended by replacing “to exercise its functions and powers” in the first paragraph by “to carry on its activities”.

624. Section 70.1 of the Act is amended by replacing “exercise its functions and powers” in paragraph 3 by “carry on its activities”.

625. Section 81 of the Act is amended by replacing “Within the scope of the exercise of its functions and powers” in the first paragraph by “In carrying on its activities”.

626. Section 83 of the Act is amended by replacing “in the exercise of its functions and powers” by “in carrying on its activities”.

627. The heading of Chapter I of Title IV before section 92 of the Act is replaced by the following heading:

“ESTABLISHMENT AND JURISDICTION”.

628. Section 93 of the Act is amended

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

“The function of the Tribunal is to make determinations with respect to matters brought under this Act, the Money-Services Businesses Act (chapter E-12.000001) and the Acts listed in Schedule I. Except where otherwise provided by law, the Tribunal shall exercise its jurisdiction to the exclusion of any other tribunal or adjudicative body.”;

(2) by replacing “The” in the third paragraph by “In reviewing a decision rendered by the Authority under the Securities Act or the Derivatives Act, the”;

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

“In this Title, unless the context indicates otherwise, “matters” also includes any application, complaint, contestation or motion, as well as any action falling within the jurisdiction of the Tribunal.”

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

“94. At the request of the Authority, the Tribunal may take any measure conducive to ensuring compliance with an undertaking given to the Authority under any of the Acts listed in the first paragraph of section 93 or compliance with those Acts.”

630. Section 97 of the Act is renumbered 96 and is amended by striking out the second, third and fourth paragraphs.

631. Sections 97.1 to 115 and Chapter II of Title IV of the Act, comprising sections 115.1 to 115.15, are replaced by the following:

“97. The Tribunal has the power to decide any issue of law or fact necessary for the exercise of its jurisdiction.

In addition to the other powers conferred on it by law, the Tribunal may

(1) summarily reject any matter it considers abusive or dilatory, or make it subject to conditions;

(2) render a decision on any pre-hearing application;

(3) make any order, including a provisional order, it considers appropriate to safeguard the parties’ rights or if required to protect the public;

(4) confirm, vary or quash the contested decision or order and, if appropriate, render or make the decision or order that, in its opinion, should have been rendered or made initially;

(5) order that a party pay costs determined by law or by regulation;

(6) ratify an agreement, if it is in compliance with the law; and

(7) render any other decision it considers appropriate.

“98. The Tribunal and its members have the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“CHAPTER II**“PROCEDURE****“DIVISION I****“COMMENCEMENT**

“99. A matter is commenced by a pleading, called the originating pleading, being filed at the secretariat of the Tribunal in accordance with the Tribunal’s rules of evidence and procedure.

“100. The originating pleading must specify the conclusions sought and set out the grounds invoked in support of them.

It must also contain any other information required by the Tribunal’s rules of evidence and procedure.

“101. The Tribunal may accept a pleading despite a defect of form or an irregularity.

“102. The Tribunal may extend a time limit or relieve a person from the consequences of failing to act within the allotted time if it is shown that the person could not reasonably have acted within that time and if, in the Tribunal’s opinion, no other party suffers serious injury as a result.

“103. A proceeding before the Tribunal does not suspend the execution of the contested decision, unless a provision of law provides otherwise or, on a motion heard and judged by preference, a member of the Tribunal orders otherwise because of the urgency of the situation or because of the risk of irreparable injury.

If the law provides that the proceeding suspends the execution of the decision, or if the Tribunal issues such an order, the proceeding is heard and judged by preference.

“104. The rules pertaining to the notices provided for in articles 76 and 77 of the Code of Civil Procedure (chapter C-25.01) apply, with the necessary modifications, to matters brought before the Tribunal.

“105. The notification of pleadings must be made in accordance with the rules established by the Tribunal.

“106. Whether or not the same parties are involved, matters in which the issues in dispute are substantially the same or could fittingly be combined may be joined by order of the president of the Tribunal or a person designated by the president, on specified conditions.

On its own initiative or at a party's request, the Tribunal may revoke such an order if, on hearing the matter, it is of the opinion that the interests of justice will thus be better served.

The Tribunal may also order that a matter be separated into different matters if it considers it advisable in order to protect the parties' rights.

“DIVISION II

“PRE-HEARING CONFERENCE

“107. The Tribunal may call the parties to a pre-hearing conference.

“108. The pre-hearing conference is held by a Tribunal member. Its purpose is

- (1) to define the issues to be argued at the hearing;
- (2) to assess the advisability of clarifying and specifying the parties' contentions and the conclusions sought;
- (3) to ensure that all documentary evidence is exchanged by the parties;
- (4) to plan the conduct of the proceeding and the order of presentation of evidence at the hearing;
- (5) to examine the possibility for the parties of admitting certain facts or of proving them by means of sworn statements; and
- (6) to examine any other matter likely to simplify or accelerate the conduct of the hearing.

The pre-hearing conference may also allow the parties to come to an agreement and thus terminate the matter.

“109. Minutes of the pre-hearing conference must be drawn up in accordance with the Tribunal's rules of evidence and procedure. The points on which the parties have reached an agreement, the facts admitted, and the decisions made by the member are recorded in the minutes. The minutes must be filed in the record and a copy of them sent to the parties.

Agreements, admissions and decisions recorded in the minutes govern, as far as they may apply, the conduct of the proceeding, unless the Tribunal, when hearing the matter, permits a departure from them to prevent an injustice.

“110. If the parties fail to comply with the timetable, the member may make the appropriate determinations, including foreclosure. The member may, on request, relieve a defaulting party from default if he considers doing so required in the interest of justice.

“DIVISION III**“HEARING**

“111. Every matter is heard by a Tribunal member.

If the president considers it appropriate, the president may assign a matter to a panel of not more than three members.

The president or the member designated by the president to preside the hearing may conduct the hearing and decide any application made in the course of the proceeding alone.

“112. A member hearing a matter whose sole object is sanctioning a violation of the rules of ethics applicable to mortgage brokers that are determined by regulation under section 202.1 of the Act respecting the distribution of financial products and services (chapter D-9.2) is assisted by two assessors appointed under section 115.15.42, who shall advise the member on any issue of a professional nature.

“113. The president may, in the interests of the sound administration of justice, determine that a matter must be heard and decided by preference or as a matter of priority.

“114. A member who has knowledge of a valid cause for recusation must declare that cause in a writing filed in the record and advise the parties of it.

“115. A party may, at any time before the decision and provided the party acts with dispatch, apply for the recusation of a member seized of the matter if the party has serious reasons to believe that there is a cause for recusation.

The application for recusation must be addressed to the president. Unless the member removes himself or herself from the matter, the application is decided by the president, or by a member designated by the president, in particular when the matter concerns the president personally.

“115.1. Before rendering its decision, the Tribunal shall allow the parties to be heard by any means provided for in its rules of evidence and procedure. However, with the parties' consent, the Tribunal may proceed on the record if it considers doing so appropriate.

However, a decision adversely affecting the rights of a person may, if urgent action is required or to prevent irreparable injury, be rendered without a prior hearing.

In such a case, the person concerned has 15 days after the decision is rendered to file a notice of contestation with the Tribunal.

“**115.2.** Except in the cases and on the conditions provided for by the Tribunal’s rules of evidence and procedure, the Tribunal shall hold its hearings at its head office.

If the Tribunal holds a hearing in a locality where a court of justice sits, the court clerk shall allow the Tribunal to use court premises unless they are being used for court sittings.

“**115.3.** Notice must be sent to the parties, in accordance with the Tribunal’s rules of evidence and procedure, within a reasonable time before the hearing, stating

- (1) the purpose, date, time and place of the hearing;
- (2) that the parties have the right to be assisted or represented; and
- (3) that the Tribunal has the authority to proceed without further delay or notice despite a party’s failure to appear at the stated time and place if no valid excuse is provided.

“**115.4.** If a duly notified party does not appear at the time set for the hearing and has not provided a valid excuse for the party’s absence, or chooses not to be heard, the Tribunal may proceed with hearing the matter and render a decision.

“**115.5.** A party who wishes to have witnesses heard and to produce documents shall proceed in the manner prescribed by the rules of evidence and procedure.

“**115.6.** The Tribunal may reject any evidence that is irrelevant or that was obtained under such circumstances that fundamental rights and freedoms are violated and whose use could bring the administration of justice into disrepute.

“**115.7.** The Tribunal’s sittings are public. The Tribunal may, however, on its own initiative or at a party’s request, order a closed-door hearing in the interest of good morals or public order.

“**115.8.** The Tribunal may, on its own initiative or at a party’s request and where necessary to maintain good morals or public order, prohibit or restrict the disclosure, publication or release of information or documents it specifies.

“**115.9.** A member may order an expert appraisal by a qualified person the member designates to examine and assess the facts relating to a matter that is before the member. In such a case, the member shall specify the mission entrusted to the expert, give the expert the instructions needed to carry out the appraisal, set the time within which the expert must file his or her report, and rule on the expert’s fees and how they are to be paid. The decision must be notified to the expert without delay.

“115.10. The mission of an expert whose services have been retained by a single party or by the parties jointly or who has been appointed by the Tribunal is to enlighten the Tribunal in its decision-making. This mission overrides the parties’ interests.

Experts must fulfill their mission objectively, impartially and thoroughly.

“115.11. If a member cannot continue a hearing owing to an inability to act, another member designated by the president may, with the parties’ consent, continue the hearing and rely, as regards testimonial evidence, on the notes and minutes of the hearing or, if applicable, on the stenographer’s notes or the recording of the hearing, subject to a witness being recalled or other evidence being required if the member finds the notes or the recording insufficient.

The same rule applies to the continuance of a hearing after a member ceases to hold office and to any matter heard but not yet determined at the time a member is removed from the matter.

If a matter is heard by more than one member, the hearing is continued by the remaining members.

“115.12. In the absence of provisions applicable to a particular case, the Tribunal may remedy the inadequacy by any procedure consistent with this Act and its rules of evidence and procedure.

“DIVISION IV

“DECISION

“115.13. A matter is decided by the member who heard it. If a matter is heard by more than one member, the decision is made by the majority.

If opinions are equally divided on an issue, the issue is referred to the president or a member designated by the president, to be decided according to law. In such a case, the president or designated member may, with the parties’ consent, rely, as regards testimonial evidence, on the notes and minutes of the hearing or, if applicable, on the stenographer’s notes or the recording of the hearing, subject to a witness being recalled or other evidence being required if the president or designated member finds the notes or the recording insufficient.

“115.14. In all matters, whatever their nature, the decision must be rendered within six months after the matter is taken under advisement.

The president may extend the time limit for rendering a decision. Before doing so, the president must take the parties’ circumstances and interests into account.

“**115.15.** Failure by the Tribunal to observe either of the time limits provided for in section 115.14 does not cause the matter to be withdrawn from the member or invalidate a decision or order rendered or made by the member after the expiry of the time limit.

However, if a member to whom a matter is referred does not render a decision within the applicable time limit, the president may, on his or her own initiative or at a party’s request, remove the member from the matter.

Before taking such action, the president must take the parties’ circumstances and interests into account.

“**115.15.1.** Where a member is removed from a matter, the matter may be continued in the manner provided for in section 115.11.

“**115.15.2.** A member who, after taking a matter under advisement, notes that a rule of law or a principle material to the outcome of the case was not debated during the hearing and that he or she must make a determination on the relevant issue in order to decide the dispute must give the parties an opportunity to make submissions in the manner the member considers most appropriate.

Alternatively, the hearing may be ordered reopened on the member’s own initiative or at a party’s request. Such a decision must give reasons and state how the reopened hearing is to be conducted. The member must send the decision without delay to the president of the Tribunal and to the parties.

“**115.15.3.** The Tribunal’s decisions must be communicated in clear and concise terms.

A decision which terminates a matter must give reasons and be set out in writing, signed and sent to the interested parties.

The Tribunal may, on the conditions it determines, ask a party to notify the decision that was rendered following an *ex parte* hearing. In such a case and on receiving proof of the notification, the Tribunal is not required to send the decision to the interested parties.

“**115.15.4.** Unless an order of the Tribunal states otherwise, decisions of the Tribunal are published in the bulletin provided for in section 34.

The full text of a decision of the Tribunal need not be published in the bulletin if it is published on the Société’s website in accordance with the regulation made under section 21 of the Act respecting the Société québécoise d’information juridique (chapter S-20). In such a case, a mention of the decision and a reference to the text so published must nevertheless be published in the bulletin.

“115.15.5. The Tribunal or any interested person may file an authentic copy of a decision of the Tribunal at the office of the clerk of the Superior Court of the district in which the residence or domicile of the person who is the subject of the decision is situated or, if the person has neither residence nor domicile in Québec, at the office of the Superior Court of the district of Montréal.

The decision, on being filed, becomes enforceable in the same way as, and has all the effects of, a decision of the Superior Court.

“115.15.6. A decision containing an error in writing or calculation or any other clerical error may be corrected on the record and without further formality by the member who rendered the decision, on the member’s own initiative or on request; the same applies to a decision which, through obvious inadvertence, grants more than was sought or fails to rule on part of the matter.

If the person is unable to act or has ceased to hold office, another Tribunal member designated by the president may correct the decision.

“115.15.7. The Tribunal may, on application, review or revoke a decision or an order it has rendered or made

(1) if a new fact is discovered which, had it been known in sufficient time, could have warranted a different decision;

(2) if an interested party, owing to reasons considered sufficient, could not make representations or be heard; or

(3) if a substantive or procedural defect is of a nature likely to invalidate the decision.

In the case described in subparagraph 3 of the first paragraph, the decision or order may not be reviewed or revoked by the member who rendered or made it.

“115.15.8. An application to the Tribunal for a review of a decision does not suspend the execution of the decision, unless the Tribunal decides otherwise.

“CHAPTER II.1

“TRIBUNAL MEMBERS

“DIVISION I

“RECRUITING AND SELECTION

“115.15.9. Only a person who, in addition to having the qualifications required by law, has 10 years’ experience relevant to the exercise of the Tribunal’s functions may be a member of the Tribunal.

“115.15.10. Tribunal members appointed by the Government under section 96 are chosen from among persons declared qualified according to the recruiting and selection procedure established by government regulation.

The regulation must, in particular,

(1) determine the publicity to be made for recruitment purposes and its content;

(2) determine the application procedure to be followed by candidates;

(3) authorize the establishment of selection committees to assess the qualifications of candidates and formulate an opinion concerning them;

(4) determine the composition of the committees and the mode of appointment of committee members, ensuring, where applicable, adequate representation of the sectors concerned;

(5) determine the selection criteria to be taken into account by a committee; and

(6) determine the information a committee may require from a candidate and the consultations it may hold.

“115.15.11. The names of the persons declared qualified are recorded in a register kept at the Ministère du Conseil exécutif.

“115.15.12. A certificate of qualification is valid for a period of 18 months or for any other period determined by government regulation.

“115.15.13. The members of a selection committee receive no remuneration except in the cases, on the conditions and to the extent that may be determined by the Government.

They are, however, entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“115.15.14. No legal proceedings may be brought against members of a selection committee for acts performed in good faith in the exercise of their functions.

“DIVISION II

“TERM AND RENEWAL

“115.15.15. Tribunal members are appointed for a term of five years.

However, the Government may determine a shorter term of a fixed duration in a member's instrument of appointment if the candidate so requests for serious reasons or if special circumstances stated in the instrument of appointment require it.

“115.15.16. The term of a Tribunal member that has terminated because it has expired is renewed for five years according to the procedure provided for in section 115.15.17,

(1) unless the member is otherwise notified by the agent authorized for that purpose by the Government, at least three months before the expiry of the member's term; or

(2) unless the member requests otherwise and so notifies the Minister at least three months before the expiry of the member's term.

A variation of the term is valid only for a fixed period of less than five years determined in the instrument of renewal and, unless it is requested by the member for serious reasons, only if special circumstances stated in the instrument of renewal require it.

“115.15.17. The renewal of a Tribunal member's term must be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) determine the composition of the committees and the mode of appointment of committee members, who must not belong to the Administration within the meaning of the Public Administration Act (chapter A-6.01) or represent it;

(3) determine the criteria to be taken into account by a committee; and

(4) determine the information a committee may require from a Tribunal member and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a Tribunal member's term without first informing the member of its intention to do so and its reasons for doing so, and without giving the member an opportunity to make representations.

“115.15.18. The members of an examination committee receive no remuneration except in the cases and on the conditions that may be determined by the Government.

They are, however, entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions determined by the Government.

“**115.15.19.** No proceedings may be brought against members of an examination committee for acts performed in good faith in the exercise of their functions.

“DIVISION III

“REMUNERATION AND OTHER CONDITIONS OF EMPLOYMENT

“**115.15.20.** The Government shall make regulations determining

(1) the mode of remuneration of the members and the applicable standards and scales as well as the method for determining the annual percentage of salary advancement up to the maximum salary rate and the annual percentage of the adjustment of the remuneration of members whose salary has reached the maximum rate; and

(2) the conditions under which and the extent to which a member may be reimbursed for expenses incurred in the exercise of the functions of office.

The Government may also make regulations determining other conditions of employment applicable to all or some members, including employee benefits other than a pension plan.

Regulatory provisions may vary according to whether they apply to a full-time or part-time member or a member holding an administrative office referred to in section 115.15.38.

The regulations come into force on the 15th day following the date of their publication in the *Gazette officielle du Québec* or on a later date specified in the regulations.

“**115.15.21.** The Government shall determine the members’ remuneration, employee benefits and other conditions of employment in accordance with the regulations.

“**115.15.22.** Once a member’s remuneration has been set, it may not be reduced.

However, additional remuneration attaching to an administrative office within the Tribunal ceases on termination of the office.

“**115.15.23.** The pension plan of full-time members of the Tribunal is determined pursuant to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

“DIVISION IV**“ETHICS AND IMPARTIALITY**

“115.15.24. Before entering office, members shall take an oath, solemnly affirming the following: “I (...) swear that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge and abilities.”

Members shall take the oath before the president of the Tribunal; the president takes the oath before a judge of the Court of Québec.

“115.15.25. The Government shall, after consultation with the president, establish a code of ethics applicable to the members.

The Tribunal must publish the code on its website.

“115.15.26. The code of ethics must set out the rules of conduct of members and their duties toward the public, the parties, the parties’ witnesses and the persons representing the parties; it must define, in particular, conduct that is derogatory to the honour, dignity or integrity of members. In addition, it may determine the activities or situations that are incompatible with their office, their obligations concerning the disclosure of interests, and the functions they may exercise free of charge.

The code of ethics may provide specific rules for part-time members.

“115.15.27. A member may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that may cause the member’s personal interest to conflict with the duties of office, unless the interest devolves to the member by succession or gift and the member renounces it or disposes of it with dispatch.

“115.15.28. In addition to complying with conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics established under this Title, members must refrain from engaging in activities or placing themselves in situations that are incompatible, within the meaning of that code, with the exercise of their functions.

“115.15.29. Full-time members must devote themselves exclusively to their office, but may, with the president’s written consent, engage in teaching activities for which they may be remunerated. They may also carry out any mandate conferred on them by the Government after consultation with the president.

“DIVISION V**“END OF TERM AND SUSPENSION**

“115.15.30. A member’s term may terminate prematurely only if the member retires or resigns or is dismissed or otherwise removed from office in the circumstances described in this division.

“115.15.31. To resign, a member must give the Minister reasonable notice in writing and send a copy to the president.

“115.15.32. The Government may dismiss a Tribunal member if the Conseil de la justice administrative (the council) so recommends, following an inquiry into a complaint for a breach of the code of ethics, of a duty under this Act or of the requirements relating to conflicts of interest or incompatible functions. It may also suspend or reprimand the member.

Any person may lodge a complaint with the council against a Tribunal member for such a breach. The complaint must be in writing, briefly state the grounds on which it is based and be sent to the seat of the council.

“115.15.33. When examining a complaint brought against a Tribunal member, the council shall act in accordance with sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

However, if the council forms an inquiry committee for the purposes of section 186 of that Act, two committee members, at least one of whom neither practises a legal profession nor is a member of a body of the Administration whose president or chair is a member of the council, must be chosen from among the council members referred to in paragraphs 1 to 4 and 7 to 9 of section 167 of that Act. The third member of the inquiry committee is the council member referred to in paragraph 4.2 of that section or is chosen from a list drawn up by the president of the Tribunal, after consultation with all the members of the Tribunal. In the latter case, if the inquiry committee finds the complaint to be justified, the third member shall take part in the deliberations of the council for the purpose of determining a penalty.

“115.15.34. The Government may remove a Tribunal member from office for loss of a qualification required by law to exercise the functions of office or if in its opinion a permanent disability prevents the member from satisfactorily performing the duties of office. Permanent disability is ascertained by the council after an inquiry is conducted at the request of the Minister or of the president of the Tribunal.

When conducting an inquiry to determine whether a member has a permanent disability, the council shall act in accordance with sections 193 to 197 of the Act respecting administrative justice (chapter J-3), with the necessary modifications; however, the formation of an inquiry committee is subject to the rules set out in the second paragraph of section 115.15.33.

“115.15.35. A Tribunal member who has been replaced and whose term has terminated otherwise than by the member’s resignation, dismissal or because he or she was otherwise removed from office may, with the authorization of and for the time determined by the president of the Tribunal, continue to exercise the functions of office in order to conclude the matters the member has begun to hear but has yet to determine; in such instances, the member is considered to be a supernumerary member for the time required.

“CHAPTER II.2

“CONDUCT OF TRIBUNAL’S BUSINESS

“DIVISION I

“ADMINISTRATIVE OFFICE

“115.15.36. The Government shall designate a president and vice-presidents from among the Tribunal members or the other persons declared qualified according to the recruiting and selection procedure referred to in section 115.15.10.

Those persons must meet the requirements set out in section 115.15.9. On being appointed, they become Tribunal members holding an administrative office.

“115.15.37. The Minister shall designate a vice-president to temporarily replace the president or another vice-president when required.

If the vice-president so designated is absent or unable to act, the Minister shall designate another vice-president as a replacement.

“115.15.38. The administrative office of the president or a vice-president is of a fixed duration of up to five years determined in the instrument of appointment or renewal.

“115.15.39. The administrative office of the president or a vice-president may terminate prematurely only if they relinquish that office, if their appointment as member expires, or if they are dismissed or removed from administrative office in the circumstances described in section 115.15.40.

“115.15.40. The Government may remove the president or a vice-president from administrative office for loss of a qualification required by law to hold that office.

The Government may also remove those persons from administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister's request concerning a breach pertaining only to their administrative powers and duties. The council shall act in accordance with sections 193 to 197 of the Act respecting administrative justice (chapter J-3), with the necessary modifications; however, the formation of an inquiry committee is subject to the rules set out in the second paragraph of section 115.15.33.

“DIVISION II

“MANAGEMENT AND ADMINISTRATION

“115.15.41. In addition to the powers and duties that may otherwise be assigned to the president, the president is responsible for the Tribunal's administration and general management.

The president's functions include

(1) directing the Tribunal's personnel and ensuring that they carry out their functions;

(2) fostering members' participation in the formulation of guiding principles for the Tribunal so as to maintain a high level of quality and coherence in its decisions;

(3) designating a member to be responsible for the administration of the Tribunal;

(4) coordinating the work of and assigning work to the Tribunal members, who must comply with the president's orders and directives in that regard;

(5) seeing that standards of ethical conduct are complied with;

(6) promoting the professional development of Tribunal members and personnel as regards the exercise of their functions; and

(7) periodically evaluating the knowledge and skills of the members in the exercise of their functions as well as their contribution to processing the cases before the Tribunal and to achieving the objectives of this Act.

“115.15.42. To expedite Tribunal business involving disciplinary matters, the president shall appoint part-time or temporary assessors and determine their fees.

Assessors are not members of the Tribunal's personnel.

“**115.15.43.** Assessors are chosen from among mortgage brokers within the meaning of the Act respecting the distribution of financial products and services (chapter D-9.2) who

(1) have 10 years’ experience relevant to the exercise of the Tribunal’s disciplinary functions; and

(2) are declared qualified according to the recruiting and selection procedure established by the president.

The recruiting and selection procedure must be published in the bulletin provided for in section 34.

“**115.15.44.** The names of the representatives declared qualified are recorded in a register kept at the Tribunal; a certificate of qualification is valid for a period of three years.

“**115.15.45.** The president must establish a code of ethics applicable to assessors and see that it is observed.

The code comes into force on the 15th day following the date of its publication in the bulletin provided for in section 34 or on any later date specified in the bulletin. It must also be published on the Tribunal’s website.

“**115.15.46.** The president may delegate all or some of the president’s powers and duties to the vice-presidents.

In addition to the powers and duties that may be delegated to them by the president or otherwise be assigned to them, the vice-presidents shall assist and advise the president in the exercise of the president’s functions and perform their administrative functions under the president’s authority.

“DIVISION III

“PERSONNEL AND MATERIAL AND FINANCIAL RESOURCES

“**115.15.47.** The secretary and the other members of the Tribunal’s personnel are appointed in accordance with the Public Service Act (chapter F-3.1.1).

“**115.15.48.** The secretary has custody of the Tribunal’s records.

“**115.15.49.** Documents emanating from the Tribunal are authentic if they are signed or, in the case of copies, if they are certified by the president, a vice-president or the secretary or by a person designated by the president for that purpose.

“**115.15.50.** The Financial Markets Administrative Tribunal Fund is established.

The Fund is dedicated to financing the Tribunal's activities.

“115.15.51. The following are credited to the Fund:

(1) the sums transferred by the Minister out of the appropriations granted for that purpose by Parliament;

(2) the sums paid by the Authority in the amount and according to the terms and conditions determined by the Government;

(3) the sums collected pursuant to the tariff of administrative fees, professional fees and other charges related to matters heard by the Tribunal; and

(4) the sums transferred to it by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001).

Despite section 51 of the Financial Administration Act, the books of account of the Financial Markets Administrative Tribunal Fund need not be kept separately from the Tribunal's books and accounts. In addition, section 53, the second paragraph of section 54 and section 56 of that Act do not apply to the Fund.

“115.15.52. The sums required for the purposes of this Title are debited from the Fund.

“115.15.53. The Tribunal's fiscal year ends on 31 March.

“115.15.54. Each year, the president of the Tribunal shall submit the Tribunal's budgetary estimates for the following fiscal year to the Minister according to the form and content and at the time determined by the Minister. The estimates are submitted to the Government for approval.

The Tribunal's budgetary estimates must include, in relation to the Financial Markets Administrative Tribunal Fund, the elements listed in subparagraphs 1 to 5 of the second paragraph of section 47 of the Financial Administration Act (chapter A-6.001) and, if applicable, the excess amount referred to in section 52 of that Act.

The third paragraph of section 47 of the Financial Administration Act does not apply to the Financial Markets Administrative Tribunal Fund.

Once approved by the Government, the Tribunal's budgetary estimates are sent to the Minister of Finance, who shall include the elements relating to the Financial Markets Administrative Tribunal Fund in the special funds budget.

“115.15.55. The Tribunal's books and accounts are audited by the Auditor General each year and whenever the Government so orders.

“115.15.56. Not later than 31 July each year, the Tribunal must submit to the Minister its financial statements as well as a report on its activities for the previous fiscal year.

The report must not refer by name to any person involved in matters heard by the Tribunal.

“115.15.57. The Minister shall table the Tribunal’s activity report and financial statements before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

The Auditor General’s report must accompany those documents.

“DIVISION IV

“REGULATIONS

“115.15.58. In a regulation passed by a majority of its members, the Tribunal may make rules of evidence and procedure specifying the manner in which the rules established by this Act or by the Acts under which matters are heard by the Tribunal are to be applied.

“115.15.59. The Government may, by regulation, determine the tariff of administrative fees, professional fees and other charges relating to matters heard by the Tribunal, as well as the classes of persons who may be exempted from such fees and charges.

“DIVISION V

“IMMUNITY AND RECOURSES

“115.15.60. No proceedings may be brought against the Tribunal, its members, members of its personnel, or assessors for acts performed in good faith in the exercise of their functions.

The same applies to any person or organization governed by Chapter II of Title X of the Securities Act (chapter V-1.1) when that person or organization exercises the functions or powers of a person mentioned in the first paragraph.

“115.15.61. If proceedings are brought against a Tribunal member by a third party for an act performed in the exercise of the functions of office, the Tribunal shall assume the member’s defence and pay any damages awarded as compensation for the injury resulting from the act, unless the member committed a gross fault or a personal fault separable from the exercise of those functions.

However, in penal or criminal proceedings, the Tribunal shall pay the defence costs of a Tribunal member only if the member had reasonable grounds to believe that his or her conduct was in conformity with the law, or if the member was discharged or acquitted.

“115.15.62. If the Tribunal brings proceedings against a Tribunal member for an act performed in the exercise of the functions of office and loses its case, it shall pay the member’s defence costs if a court of justice so decides.

If the Tribunal wins its case only in part, a court of justice may determine the amount of the defence costs it must pay.

“115.15.63. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against the Tribunal or Tribunal members acting in their official capacity.

A judge of the Court of Appeal may, on an application, summarily annul any decision, order or injunction made or granted contrary to this section.”

632. Sections 115.17 and 115.18 of the Act are replaced by the following sections:

“115.17. The appeal is brought by filing a notice to that effect with the Court of Québec within 30 days after the date the parties receive the final decision.

The notice of appeal must be filed at the office of the Court of Québec in the judicial district of Québec or Montréal, depending on whether the district in which the Tribunal held its hearings is under the territorial jurisdiction of the Court of Appeal sitting at Québec or at Montréal under article 40 of the Code of Civil Procedure (chapter C-25.01).

“115.18. The notice of appeal must be served on the parties and notified to the Tribunal within 10 days after it is filed at the office of the Court of Québec.

At the request of the clerk of the Court of Québec, the secretary of the Tribunal shall send the office a copy and list of the exhibits in the record.”

633. Section 115.20 of the Act is replaced by the following sections:

“115.20. The clerk of the Court of Québec shall, without delay, send the decision on the appeal to the secretary of the Tribunal.

“115.20.1. The Court of Québec may, in the manner prescribed in the Courts of Justice Act (chapter T-16), adopt the regulations considered necessary for the application of this chapter.”

634. Title V of the Act, comprising sections 116 to 156, is repealed.

635. Sections 733 and 739 of the Act are repealed.

PART V

OTHER MEASURES CONCERNING THE FINANCIAL SECTOR

CHAPTER I

DIVIDED CO-OWNERSHIP INSURANCE

DIVISION I

AMENDING PROVISIONS

CIVIL CODE OF QUÉBEC

636. Article 1064 of the Civil Code of Québec is amended by replacing “the contingency fund established under article 1071” by “to the contingency fund and the self-insurance fund established under articles 1071 and 1071.1, respectively”.

637. The Code is amended by inserting the following article after article 1064:

“**1064.1.** Each co-owner shall take out third person liability insurance the minimum compulsory amount of which is determined by government regulation.”

638. Article 1070 of the Code is amended by adding the following paragraph at the end:

“In addition, the syndicate keeps at the disposal of the co-owners a description of the private portions that is sufficiently precise to allow any improvements made by co-owners to be identified. The same description may be valid for two or more portions having the same characteristics.”

639. The Code is amended by inserting the following article after article 1071:

“**1071.1.** The syndicate establishes a self-insurance fund which is liquid and available on short notice. The syndicate is the owner of the fund.

The self-insurance fund is to be used to pay the deductibles provided for by the insurance taken out by the syndicate.

It is also to be used to make reparation for injury caused to property in which the syndicate has an insurable interest, where the contingency fund or an insurance indemnity cannot provide for such reparation.

The self-insurance fund is established on the basis of those deductibles and a reasonable additional amount to provide for the other payments for which the fund is to be used.”

640. Article 1072 of the Code is amended

(1) by inserting “and the self-insurance fund” at the end of the first paragraph;

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

“The Government determines, by regulation, the terms according to which the co-owners’ minimum contribution to the self-insurance fund is determined.”

641. Article 1073 of the Code is amended

(1) in the first paragraph,

(a) by replacing “against ordinary risks, such as fire and theft, on” by “against ordinary risks providing for a reasonable deductible and covering”;

(b) by inserting “, where they can be identified in relation to the description of that portion” after “his portion”;

(c) by replacing “is equal to the replacement cost of the immovable” by “must cover the reconstruction of the immovable in accordance with the standards, usage and good practice applicable at that time; the amount must be evaluated at least every five years by a member of a professional order designated by government regulation”;

(2) by inserting the following at the end of the second paragraph: “for itself and for the members of its board of directors and the manager as well as for the president and the secretary of the general meeting of the co-owners and the other persons responsible for seeing to its proper conduct”;

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

“The Government may prescribe, by regulation, the criteria according to which a deductible is considered unreasonable. In addition, an insurance contract entered into by a syndicate covers, by operation of law, at least the risks prescribed by government regulation, unless the policy or a rider sets out, expressly and in clearly legible characters, which of those risks are excluded. The regulations may establish categories of buildings, in particular on the basis of their size, value or geographic location.”

642. The Code is amended by inserting the following articles after article 1074:

“1074.1. When a loss occurs which falls under the coverage provided for by a property insurance contract entered into by the syndicate and the syndicate decides not to avail itself of the insurance, it shall with dispatch see that the damage caused to the insured property is repaired.

A syndicate that does not avail itself of insurance may not sue the following persons for the damages for which it would otherwise have been indemnified by the insurance:

- (1) a co-owner;
- (2) a person who is a member of a co-owner’s household; or
- (3) a person in respect of whom the syndicate is required to enter into an insurance contract to cover the person’s liability.

“1074.2. The sums incurred by the syndicate to pay the deductibles and make reparation for the injury caused to property in which the syndicate has an insurable interest may not be recovered from the co-owners otherwise than by their contribution for common expenses, subject to damages it can obtain from the co-owner bound to make reparation for the injury caused by the co-owner’s fault.

Any stipulation which is inconsistent with the provisions of the first paragraph is deemed unwritten.

“1074.3. Where insurance against the same risks and covering the same property has been taken out separately by the syndicate and a co-owner, the insurance taken out by the syndicate constitutes primary insurance.”

643. Article 1075 of the Code is amended

(1) by replacing “designated by the syndicate” in the first paragraph by “to a trustee who must be designated without delay by the syndicate”;

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

“A government regulation may determine the criteria for characterizing a loss as substantial.”

644. The Code is amended by inserting the following article after article 1075:

“**1075.1.** An insurer may not, despite article 2474, be subrogated to the rights of any of the following persons against another such person:

- (1) the syndicate;
- (2) a co-owner;
- (3) a person who is a member of a co-owner’s household; or
- (4) a person in respect of whom the syndicate is required to enter into an insurance contract to cover the person’s liability.

An exception to this rule applies in the case of bodily or moral injury or if the injury is due to an intentional or gross fault.”

645. Article 1078 of the Code is amended by inserting “, or against the self-insurance fund, unless the judgment is in respect of the recovery of an amount for the payment of which the fund is to be used” after “common portions” in the second paragraph.

646. Article 1086 of the Code is amended by inserting “or the self-insurance fund” after “or to the contingency fund”.

647. Article 1094 of the Code is amended by inserting “or the self-insurance fund” after “contingency fund”.

648. The Code is amended by inserting the following article after article 1106:

“**1106.1.** Within 30 days after the special meeting of the co-owners, the developer shall transmit to the syndicate the description of the private portions provided for in article 1070.”

649. Article 1791 of the Code is amended by inserting “and the self-insurance fund” after “contingency fund” in the second paragraph.

650. Article 2724 of the Code is amended by inserting “and the self-insurance fund” after “contingency fund” in paragraph 3.

651. Article 2729 of the Code is amended by inserting “or the self-insurance fund” after “contingency fund”.

DIVISION II**SPECIAL TRANSITIONAL PROVISIONS**

652. The first regulation made under article 1064.1 of the Civil Code, enacted by section 637, will come into force on the date that is six months after the date of its publication in the *Gazette officielle du Québec*.

The first regulation made under the third paragraph of article 1072 of that Code, amended by section 640, will come into force on the date that is 24 months after the date of its publication in the *Gazette officielle du Québec*, while the first regulation made under the third paragraph of article 1073 of that Code, amended by section 641, will come into force on the date that is 12 months after the date of its publication in the *Gazette officielle du Québec*.

Those regulations must be published not later than 13 June 2020.

653. For the purposes of article 1070 of the Civil Code, amended by section 638, in divided co-ownerships established before 31 October 2017, the private portions are deemed, in the condition they are in on that date, to include no improvement made by a co-owner, unless the syndicate has already placed a description of the private portions that complies with that article at the disposal of the co-owners.

CHAPTER II**COMMUNICATION OF INFORMATION RELATING TO AUTOMOBILE
INSURANCE****AUTOMOBILE INSURANCE ACT**

654. Section 179.1 of the Automobile Insurance Act (chapter A-25) is amended

(1) by replacing the introductory clause of the first paragraph by the following:

“**179.1.** The Autorité des marchés financiers may communicate the following information to the authorized insurer who so requests for the purpose of issuing or renewing an automobile insurance policy:”;

(2) by inserting the following paragraphs after the first paragraph:

“That information may be communicated at the time a person expresses the intention to apply for or renew an automobile insurance policy with an insurer; that information may only be used for purposes of classification and rate application based on the risk the person represents.

If the insurer issues a policy, the information referred to in the first paragraph is presumed to have been confirmed by that person, subject to any other circumstances the person is required to declare in that respect, and the obligation relating to that declaration is presumed to have been properly discharged.”

655. Section 180 of the Act is amended by replacing “one copy of his rate manual with the Autorité des marchés financiers immediately upon its being compiled and, thereafter, within 10 days of any amendment” in the first paragraph by “a copy of its rate manual with the Autorité des marchés financiers on the dates and in the form the Autorité des marchés financiers determines”.

656. The Act is amended by inserting the following section after section 181:

“**181.1.** If it is brought to its attention that an authorized insurer has failed to comply with section 180 or 181, the Autorité des marchés financiers may, once the facts have been established, impose on that authorized insurer a monetary administrative penalty not exceeding \$1,000.

Sections 495 and 497 to 512 of the Insurers Act (2018, chapter 23, section 3) apply, with the necessary modifications, if the Autorité des marchés financiers imposes such a penalty.”

CHAPTER III

MEASURES CONCERNING MONEY-SERVICES BUSINESSES

MONEY-SERVICES BUSINESSES ACT

657. Section 27 of the Money-Services Businesses Act (chapter E-12.000001) is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“Every three years after a money-services business’s licence is issued and whenever informed of a fact likely to affect the validity of the licence or to render any of sections 11 to 17 applicable, the Authority sends the information on the licence holder concerned to the Sûreté du Québec and the police force in the local municipal territory where the business offers money services so that they may conduct such checks as they consider necessary.

The Sûreté du Québec must then issue new security clearance reports to the Authority stating the grounds on which the business’s licence should be suspended or revoked, if that is the case.”;

(2) by replacing “a licence” in the third paragraph by “the business’s licence”.

658. Section 50 of the Act is amended by replacing “for a renewable period of 120 days from the time the person or entity concerned is notified” in the second paragraph by “from the time the person or entity concerned is notified and, unless otherwise provided, remains binding for a renewable period of 12 months; it may be revoked or otherwise amended during that period.”

659. Section 54 of the Act is amended

(1) by inserting “; the person or entity may also apply for an amendment to or the revocation of the order” at the end of the first paragraph;

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

“A written notice stating the grounds for the application for amendment or revocation must be filed with the Tribunal. The notice must be served on the Authority at least 15 days before the hearing set to hear the application.”

660. Section 77 of the Act is repealed.

CHAPTER IV

MEASURES CONCERNING DERIVATIVES

DIVISION I

AMENDING PROVISIONS

DERIVATIVES ACT

661. Section 3 of the Derivatives Act (chapter I-14.01) is amended

(1) by inserting “a derivatives trading facility,” after “a trade repository,” in the definition of “regulated entity”;

(2) by replacing all occurrences of “standardized derivative” and “standardized derivatives” by “exchange-traded derivative” and “exchange-traded derivatives”, respectively.

662. Section 7 of the Act is amended by replacing “153” in the second paragraph by “152”.

663. Section 10 of the Act is amended by replacing “A standardized derivative” by “An exchange-traded derivative”.

664. Section 12 of the Act is amended by inserting “a derivatives trading facility,” after “a trade repository,” in the first paragraph.

665. Section 39 of the Act is amended by replacing “a standardized derivative” by “an exchange-traded derivative”.

666. Sections 74 to 77 of the Act are replaced by the following sections:

“74. All dealers and advisers must process the complaints filed with them in a fair manner. To that end, they must

(1) follow a policy for processing complaints filed by their clients and resolving disputes with them; and

(2) keep a complaints register.

Unless such a policy is fully set out in a regulation made under subparagraph 19.1 of the first paragraph of section 175, dealers and advisers must adopt one themselves.

“75. The complaint processing and dispute resolution policy adopted under subparagraph 1 of the first paragraph of section 74 must, in particular,

(1) set out the characteristics that make a communication to a dealer or adviser a complaint that must be registered in the complaints register kept under subparagraph 2 of the first paragraph of section 74; and

(2) provide for a record to be opened for each complaint and prescribe rules for keeping such records.

Dealers and advisers must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on their website, if they have one, and disseminate it by any appropriate means to reach the clientele concerned.

“76. Within 10 days after a complaint is registered in the complaints register, the dealer or adviser must send the complainant a notice stating the complaint registration date and the complainant’s right, under section 77, to have the complaint record examined.

“77. A complainant whose complaint has been registered in the complaints register may, if dissatisfied with the dealer’s or adviser’s processing of the complaint or the outcome, request the dealer or adviser to have the complaint record examined by the Authority.

The dealer or adviser is required to comply with the complainant’s request and send the record to the Authority.

“77.1. The Authority examines the complaint records that are sent to it.

It may, with the parties’ consent, act as conciliator or mediator or designate a person to act as such.

Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

“77.2. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted into evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

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 one has a right of access to a document contained in the conciliation or mediation record.

“77.3. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Authority may not communicate a complaint record without the authorization of the dealer or adviser that has sent it.

“77.4. On the date set by the Authority, dealers and advisers must send it a report on the complaint processing and dispute resolution policy adopted under subparagraph 1 of the first paragraph of section 74 stating the number of complaints they have registered in the complaints register and their nature.

The report must cover the period determined by the Authority.”

667. Section 82 of the Act is amended, in the first paragraph,

(1) by striking out “recognized”;

(2) by inserting “, other than an exchange-traded derivative,” after “markets a derivative”.

668. Section 82.2 of the Act is amended by striking out “, especially as regards the independence of directors and the auditing of financial statements”.

669. Section 90 of the Act is amended by inserting the following subparagraph after subparagraph 5.3 of the first paragraph:

“(5.4) a recognized derivatives trading facility or one of its subscribers;”.

670. Section 102 of the Act is repealed.

671. Section 115 of the Act is amended by adding the following paragraph at the end:

“The Authority may also inspect the affairs of a person to verify compliance with the provisions applicable to the person with respect to over-the-counter derivatives under this Act.”

672. Section 120 of the Act is amended by replacing “, for a renewable period of 120 days” in the first paragraph by “and, unless otherwise provided, remains binding for a 12-month period; it may be revoked or otherwise amended during that period.”

673. Section 125 of the Act is amended

(1) by inserting “; the person may also apply for an amendment to or the revocation of the order” at the end of the first paragraph;

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

“A written notice stating the grounds for the application for amendment or revocation must be filed with the Tribunal. The notice must be served on the Authority at least 15 days before the hearing set to hear the application.”

674. The Act is amended by inserting the following sections after section 127:

“127.1. If the Tribunal issues an order under paragraph 7 of section 127, the Tribunal must, if the proof justifying the order shows that persons have sustained a loss in the course of the non-compliance referred to in that paragraph 7, order the Authority to submit to the Tribunal the terms under which the amounts disgorged to the Authority will be administered and may be distributed to the persons who have sustained a loss, unless it is shown to the Tribunal that the amounts so disgorged are less than those to be incurred for their distribution.

The terms must provide the following at a minimum:

(1) the rules according to which the amounts will be deposited with a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) or a bank or otherwise invested until the distribution ends;

(2) the conditions to meet to be entitled to participate in the distribution of the amounts disgorged, including the time limit after which a person may not participate;

(3) the means that must be taken to notify the persons concerned of the possibility of participating in the distribution of the amounts; and

(4) the date on which the distribution is to end should the amounts disgorged not be distributed in their entirety.

“127.2. The Authority must publish the terms that it proposes in its bulletin at least 30 days before submitting them to the Tribunal.

Any interested person may contest the terms before the Tribunal, except the representative, firm or other person responsible for the non-compliance against whom or which the order was issued under paragraph 7 of section 127.

The Tribunal shall approve the terms submitted by the Authority with or without amendments; it may also order the Authority to submit new terms.

“127.3. The Authority shall administer and distribute the amounts in accordance with the terms approved by the Tribunal.

The rules for the simple administration of the property of others apply to the Authority with respect to the amounts disgorged to it while the terms of their administration and distribution have not been approved by the Tribunal.

The Authority may amend the terms by following the procedure provided for in section 127.2.

“127.4. If the Tribunal issues an order under paragraph 7 of section 127 directing that amounts be disgorged to the Authority without ordering the Authority to submit terms of administration and distribution, the Authority must pay the amounts to the Minister of Finance.

The same applies to the balance of the amounts disgorged to the Authority remaining, if any, on the date on which a distribution ends.”

675. Section 145.1 of the Act is amended by replacing all occurrences of “a standardized derivative”, “the standardized derivative” and “standardized derivatives” by “an exchange-traded derivative”, “the exchange-traded derivative” and “exchange-traded derivatives”, respectively.

676. Section 151 of the Act is amended by adding the following paragraph at the end:

“A person who attempts to commit an offence described in the first paragraph is also guilty of an offence.”

677. Section 166 of the Act is amended by replacing “any of sections 145.1, 150, 151 and” by “section 145.1 or 150, the first paragraph of section 151 or any of sections”.

678. Section 175 of the Act, amended by section 61 of the Act to amend various legislative provisions mainly concerning the financial sector (2011, chapter 26), is again amended, in the first paragraph,

(1) by replacing subparagraph 11 by the following subparagraph:

“(11) make rules concerning derivatives transactions, in particular, rules concerning record keeping, declarations, transparency, guarantees, security, margins, capital, trading, compensation and settlement in relation to a derivative;”;

(2) by inserting the following subparagraph after subparagraph 19:

“(19.1) determine the policy that dealers and advisers must adopt under section 74, or elements of that policy;”.

679. Section 176 of the Act is amended by striking out paragraph 3.

680. The Act is amended by inserting the following section after section 176:

“176.1. A provision of a regulation made for the purposes of this Act that does not apply to the Government does not apply to the following bodies either:

(1) a body referred to in paragraph 2 of section 77 of the Financial Administration Act (chapter A-6.001) other than the Caisse de dépôt et placement du Québec and its subsidiaries;

(2) a municipality, metropolitan community or school board or the Comité de gestion de la taxe scolaire de l’île de Montréal;

(3) a transit authority constituted under an Act of Québec, the Autorité régionale de transport métropolitain and the Réseau de transport métropolitain;

(4) a public institution or regional council within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) or a public institution or health services and social services agency referred to in the Act respecting health services and social services (chapter S-4.2);

(5) a university-level educational institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(6) general and vocational colleges; and

(7) intermunicipal boards.”

DIVISION II**SPECIAL TRANSITIONAL PROVISION**

681. Section 127.1 of the Derivatives Act, enacted by section 674, is, for the period from 13 July 2018 to 12 June 2019, to be read as if “deposit institution authorized under the Deposit Institutions and Deposit Protection Act” in subparagraph 1 of the second paragraph were replaced by “financial institution registered with the Authority under the Deposit Insurance Act”.

CHAPTER V**MEASURES CONCERNING SECURITIES****DIVISION I****AMENDING PROVISIONS****SECURITIES ACT**

682. Section 5 of the Securities Act (chapter V-1.1) is amended

(1) by inserting the following definitions in alphabetical order:

““benchmark” means a price, estimate, rate, index or value that is regularly determined by applying a formula or method to one or more underlying interests or by evaluating those interests, that is published or made available to the public by onerous or gratuitous title, and that is used as a reference for such purposes as setting the interest or any other sum payable under a contract or a financial instrument, including a derivative within the meaning of the Derivatives Act (chapter I-14.01), setting the purchase or sale price or the value of a contract or a financial instrument, including such a derivative, or measuring the performance of a financial instrument or of an investment fund;

““benchmark administrator” means a person who controls the creation or provision of a benchmark;”;

(2) by replacing the definition of “non-redeemable investment fund” by the following definition:

““non-redeemable investment fund” means an issuer having all the following characteristics:

(1) its primary purpose is to invest money provided to it by its security holders;

(2) it does not invest for the following purposes:

(a) exercising or seeking to exercise control of an issuer, except any issuer that is a mutual fund or a non-redeemable investment fund; or

(b) being actively involved in the management of any issuer in which it invests, except any issuer that is a mutual fund or a non-redeemable investment fund; and

(3) it is not a mutual fund;”;

(3) by striking out “under section 43 or prescribed by regulation” in paragraph 3 of the definition of “distribution”.

683. Section 148.3 of the Act is amended

(1) in the first paragraph,

(a) by replacing “sections 23 and 24 of the Deposit Insurance Act” by “section 23 of the Deposit Institutions and Deposit Protection Act”;

(b) by inserting “authorized under that Act or a member bank of the Canada Deposit Insurance Corporation” after “deposit institution”;

(2) by inserting “or bank” after “deposit institution” in the second paragraph.

684. The Act is amended by inserting the following section after section 160.1:

“160.1.1. A dealer registered as a mutual fund dealer or scholarship plan dealer may share a commission the dealer receives only with another dealer or adviser governed by this Act, a firm, an independent representative or independent partnership governed by the Act respecting the distribution of financial products and services (chapter D-9.2), a broker’s or agency licence holder governed by the Real Estate Brokerage Act (chapter C-73.2), a dealer or adviser governed by the Derivatives Act (chapter I-14.01), a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26), a bank, an authorized foreign bank, a trust company authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395), an insurer authorized under the Insurers Act (2018, chapter 23, section 3) or a federation within the meaning of the Act respecting financial services cooperatives (chapter C-67.3).

The commission is to be shared in the manner determined by regulation of the Authority.

The dealer shall enter every sharing of a commission in a register, in accordance with the regulations.”

685. Sections 168.1.1 to 168.1.5 of the Act are replaced by the following sections:

“168.1.1. All dealers and advisers must process the complaints filed with them in a fair manner. To that end, they must

- (1) follow a policy for processing complaints filed by their clients and resolving disputes with them; and
- (2) keep a complaints register.

Unless such a policy is fully set out in a regulation made under paragraph 27.0.4 of section 331.1, dealers and advisers must adopt one themselves.

“168.1.2. The complaint processing and dispute resolution policy adopted under subparagraph 1 of the first paragraph of section 168.1.1 must, in particular,

- (1) set out the characteristics that make a communication to a dealer or adviser a complaint that must be registered in the complaints register kept under subparagraph 2 of the first paragraph of section 168.1.1; and
- (2) provide for a record to be opened for each complaint and prescribe rules for keeping such records.

Dealers and advisers must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on their website, if they have one, and disseminate it by any appropriate means to reach the clientele concerned.

“168.1.3. Within 10 days after a complaint is registered in the complaints register, the dealer or adviser must send the complainant a notice stating the complaint registration date and the complainant’s right, under section 168.1.4, to have the complaint record examined.

“168.1.4. A complainant whose complaint has been registered in the complaints register may, if dissatisfied with the dealer’s or adviser’s processing of the complaint or the outcome, request the dealer or adviser to have the complaint record examined by the Authority.

The dealer or adviser is required to comply with the complainant’s request and send the record to the Authority.

“168.1.5. The Authority shall examine the complaint records that are sent to it.

It may, with the parties’ consent, act as conciliator or mediator or designate a person to act as such.

Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

“168.1.6. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted into evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

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 one has a right of access to a document contained in the conciliation or mediation record.

“168.1.7. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Authority may not communicate a complaint record without the authorization of the dealer or adviser that has sent it.

“168.1.8. On the date set by the Authority, dealers and advisers shall send it a report on the complaint processing and dispute resolution policy adopted pursuant to subparagraph 1 of the first paragraph of section 168.1.1 stating the number of complaints they have registered in the complaints register and their nature.

The report must cover the period determined by the Authority.”

686. The heading of Title VI before section 169 of the Act is amended by replacing “AND CREDIT RATING ORGANIZATIONS” by “, CREDIT RATING ORGANIZATIONS, BENCHMARKS AND BENCHMARK ADMINISTRATORS”.

687. Section 186.1 of the Act is amended by adding the following paragraphs at the end:

“It may also, in accordance with the criteria and conditions determined by regulation, make this Act applicable to a benchmark and designate the benchmark. In such a case, the benchmark administrator becomes subject to this Act.

For the purposes of section 35 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), the decision to make this Act applicable to a benchmark is deemed to be an individual decision in respect of the benchmark administrator. The administrator is deemed to be a citizen within the meaning of the Act respecting administrative justice (chapter J-3).”

688. The Act is amended by inserting the following section after section 186.2:

“**186.2.1.** A benchmark administrator subject to this Act must comply with the requirements set by regulation, including requirements relating to

- (1) governance, internal controls and conflict of interest management;
- (2) the establishment, publication and enforcement of a code of conduct for contributors as well as the minimum requirements of such a code;
- (3) the integrity and reliability of the designated benchmarks that the administrator administers;
- (4) any restriction or prohibition relating to the provision and administration of a designated benchmark;
- (5) the keeping of the books and registers necessary for the conduct of its business;
- (6) the disclosure of information to the Authority, the public or the users of a designated benchmark that the administrator administers;
- (7) the methods used to establish the designated benchmarks that the administrator administers; and
- (8) the control framework for its activities, in particular operational risk management, business continuity and disaster recovery.”

689. Section 186.3 of the Act is amended by inserting “and the affairs of a benchmark administrator subject to this Act” after “organization” in the first paragraph.

690. Section 186.4 of the Act is amended

- (1) by replacing “or another person acting on its behalf” by “, a benchmark administrator subject to this Act or another person acting on their behalf”;
- (2) by inserting “or the benchmark administrator subject to this Act” at the end.

691. Section 186.6 of the Act is amended by inserting “or of a benchmark administrator subject to this Act” after “organization”.

692. Section 199 of the Act is amended by inserting the following subparagraph after subparagraph *a* of subparagraph 4 of the first paragraph:

“(a.1) the declaration is authorized by regulation;”.

693. Section 199.1 of the Act is amended by adding the following paragraph at the end:

“A person who attempts to commit an offence described in the first paragraph is also guilty of an offence.”

694. The Act is amended by inserting the following section after section 199.1:

“199.2. A person who directly or indirectly engages or participates in any act, practice or course of conduct is guilty of an offence if the person knows, or ought reasonably to know, that the act, practice or course of conduct

(1) constitutes or contributes to providing false or misleading information or data to be used in establishing a designated benchmark; or

(2) constitutes or contributes to manipulating the computation of a designated benchmark.

A person who attempts to commit an offence described in the first paragraph is also guilty of an offence.”

695. Section 204.1 of the Act is amended by replacing “section 11” and “or 199.1” by “section 11 or 12” and “, 199.1 or 199.2”, respectively.

696. Section 208.1 of the Act is amended by replacing “or who contravenes any of sections 187 to 191.1, 195.2, 196, 197,” by “or 12 or who contravenes any of sections 187 to 191.1, 195.2, 196 and 197, the first paragraph of sections 199.1 and 199.2 or any of sections”.

697. Section 211 of the Act is amended by replacing “168.1.3” in the first paragraph by “168.1.4”.

698. Section 225.3 of the Act is amended by replacing “d’offre établie pour le” in the definition of “document essentiel” in the French text by “de”.

699. Section 225.4 of the Act is amended by adding the following paragraph at the end:

“The request for authorization and, if applicable, the application for authorization to institute a class action required under article 574 of the Code of Civil Procedure (chapter C-25.01) must be made to the court concomitantly.”

700. Section 235 of the Act is amended by adding the following paragraph at the end:

“The prescription provided for by this section is suspended by the filing of a request for authorization with the court under section 225.4; moreover, the suspension of prescription provided for by article 2908 of the Civil Code is effective only as of the filing of that request. The suspension ceases, as the case may be,

(1) when the court has rendered its decision on the request for authorization and the decision can no longer be appealed;

(2) when the plaintiff has discontinued the action; or

(3) at the time provided for in article 2908 of the Civil Code, with respect to a member of the group that is the object of a class action who is excluded from the class action by a judgment subsequent to that authorizing the action under section 225.4.”

701. Section 237 of the Act is amended by adding the following subparagraph after subparagraph 10 of the first paragraph:

“(11) a benchmark administrator subject to this Act, a person whose activities are governed by an Act listed in Schedule 1 to the Act respecting the Autorité des marchés financiers (chapter A-33.2) or by an equivalent Act of another legislative authority in Canada and who provides information or data applied to establish a designated benchmark, or a person responsible for the computation of a designated benchmark.”

702. Section 250 of the Act is amended by replacing “for a renewable period of 120 days from the time the person concerned is notified” in the first paragraph by “from the time the person concerned is notified and, unless otherwise provided, remains binding for a 12-month period; it may be revoked or otherwise amended during that period.”

703. Section 255 of the Act is amended

(1) by inserting “; the person may also apply for an amendment to or the revocation of the order” at the end;

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

“A written notice stating the reasons for the application for amendment or revocation must be filed with the Tribunal. The notice must be served on the Authority not less than 15 days before the hearing set to hear the application.”

704. The Act is amended by inserting the following sections after section 262.1:

“262.2. If the Tribunal issues an order under paragraph 9 of section 262.1, the Tribunal must, if the proof justifying the order shows that persons sustained a loss in the course of the non-compliance referred to in that paragraph 9, order the Authority to submit to the Tribunal the terms under which the amounts disgorged to the Authority will be administered and may be distributed to the persons who have sustained a loss, unless it is shown to the Tribunal that the amounts so disgorged are less than those to be incurred for their distribution.

The terms must provide the following at a minimum:

(1) the rules according to which the amounts will be deposited with a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) or a bank or otherwise invested until the distribution ends;

(2) the conditions to meet to be entitled to participate in the distribution of the amounts disgorged, including the time limit after which a person may not participate;

(3) the means that must be taken to notify the persons concerned of the possibility of participating in the distribution of the amounts; and

(4) the date on which the distribution is to end should the amounts disgorged not be distributed in their entirety.

“262.3. The Authority must publish the terms that it proposes in its bulletin at least 30 days before submitting them to the Tribunal.

Any interested person may contest the terms before the Tribunal, except the person responsible for the non-compliance against whom the order was issued under paragraph 9 of section 262.1.

The Tribunal shall approve the terms submitted by the Authority with or without amendments; it may also order the Authority to submit new terms.

“262.4. The Authority shall administer and distribute the amounts in accordance with the terms approved by the Tribunal.

The rules for the simple administration of the property of others apply to the Authority with respect to the amounts disgorged to it while the terms of their administration and distribution have not been approved by the Tribunal.

The Authority may amend the terms by following the procedure provided for in section 262.3.

“262.5. If the Tribunal issues an order under paragraph 9 of section 262.1 directing that amounts be disgorged to the Authority without ordering the Authority to submit terms of administration and distribution, the Authority must pay the amounts to the Minister of Finance.

The same applies to the balance of the amounts disgorged to the Authority remaining, if any, on the date on which a distribution ends.”

705. Section 295 of the Act is repealed.

706. Section 308.2.1.1 of the Act is amended by replacing “or credit rating organization” by “, credit rating organization or benchmark administrator”.

707. Section 312.1 of the Act is repealed.

708. Section 323.8.1 of the Act is amended

(1) by replacing “115.1 to 115.10” in the first paragraph by “102, 107 to 110, 115, 115.1, 115.3, 115.5, 115.6 and 115.15.58”;

(2) by replacing “If it is imperative to do so” in the second paragraph by “If urgent action is required or to prevent irreparable injury”.

709. Section 323.8.2 of the Act is repealed.

710. Section 331.1 of the Act is amended

(1) by inserting the following paragraph after paragraph 9.2:

“(9.2.1) determine the criteria and conditions in accordance with which the Authority may make this Act applicable to a benchmark;”;

(2) in paragraph 9.3,

(a) by inserting “or to benchmark administrators subject to this Act” after “organizations”;

(b) by replacing “and the person whose securities are being rated” by “, the person whose securities are being rated, or users of a designated benchmark”;

(3) by inserting the following paragraphs after paragraph 9.4:

“(9.5) prescribe requirements under section 186.2.1 in respect of a benchmark administrator subject to this Act;

“(9.6) determine the rules applicable to designated benchmarks, which may vary according to the classes the Authority establishes;”;

(4) by inserting the following paragraphs after paragraph 27.0.2:

“(27.0.3) determine the manner in which a commission is to be shared under section 160.1.1;

“(27.0.4) determine the policy that dealers and advisers must adopt under section 168.1.1, or elements of that policy.”

711. Section 332 of the Act is amended by striking out paragraph 3.

DIVISION II

SPECIAL TRANSITIONAL PROVISION

712. The Securities Act (chapter V-1.1) is, for the period from 13 July 2018 to 12 June 2019, to be read as if

(1) “deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26), a bank, an authorized foreign bank, a trust company authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395), an insurer authorized under the Insurers Act (2018, chapter 23, section 3)” in the first paragraph of section 160.1.1, enacted by section 684, were replaced by “financial institution registered with the Authority under the Deposit Insurance Act (chapter A-26), a bank, an authorized foreign bank, a trust company holding a licence issued under the Act respecting trust companies and savings companies (chapter S-29.01), an insurer holding a licence issued under the Act respecting insurance (chapter A-32)”;

(2) “deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26)” in the first paragraph of section 262.2, enacted by section 704, were replaced by “financial institution registered with the Authority under the Deposit Insurance Act (chapter A-26)”.

PART VI

AMENDING PROVISIONS

CIVIL CODE OF QUÉBEC

713. Article 1339 of the Civil Code of Québec is amended

(1) by replacing paragraph 6 by the following paragraph:

“(6) bonds or other evidences of indebtedness issued by a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26);”;

(2) by replacing “a hypothecary insurance policy issued by a company holding a licence under the Act respecting insurance (chapter A-32)” in subparagraph *c* of paragraph 7 by “a hypothecary insurance contract underwritten by an insurer authorized under the Insurers Act (2018, chapter 23, section 3)”.

714. Article 1583 of the Code is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company” in the first paragraph.

715. Article 2713.6 of the Code is amended by replacing “trust companies, savings companies and” in the second paragraph by “trust companies authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395), deposit institutions authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) and”.

TRAVEL AGENTS ACT

716. Section 3 of the Travel Agents Act (chapter A-10) is amended by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) holders of a real estate broker’s or real estate agency licence issued under the Real Estate Brokerage Act (chapter C-73.2) for a brokerage transaction governed by that Act.”

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

717. Section 20 of the Act respecting prearranged funeral services and sepultures (chapter A-23.001) is amended by replacing the third paragraph by the following paragraph:

““Financial institution” means a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) or a bank.”

718. Section 26 of the Act is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company” in the first sentence of the second paragraph.

AUTOMOBILE INSURANCE ACT

719. Section 156 of the Automobile Insurance Act (chapter A-25) is amended by replacing “Act respecting insurance (chapter A-32), holding a permit issued by the Autorité des marchés financiers” in the second paragraph by “Insurers Act (2018, chapter 23, section 3)”.

HOSPITAL INSURANCE ACT

720. Section 11 of the Hospital Insurance Act (chapter A-28) is amended by replacing the fifth paragraph by the following paragraph:

““Insurer” means a legal person authorized by the Autorité des marchés financiers to carry on insurance of persons activities.”

HEALTH INSURANCE ACT

721. Section 15 of the Health Insurance Act (chapter A-29) is amended by replacing the fourth paragraph by the following paragraph:

““Insurer” means a legal person authorized by the Autorité des marchés financiers to carry on insurance of persons activities.”

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

722. Section 4 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by replacing the first paragraph by the following paragraph:

““Insurer” means a legal person authorized by the Autorité des marchés financiers to carry on insurance of persons activities.”

BUILDING ACT

723. Section 58 of the Building Act (chapter B-1.1) is amended by replacing the third paragraph by the following paragraph:

“Subparagraph 8.2 of the first paragraph does not apply to the authorized financial institutions referred to in paragraphs 1 to 4 of section 4 of the Insurers Act (2018, chapter 23, section 3) or to the banks listed in Schedules I and II to the Bank Act (Statutes of Canada, 1991, chapter 46).”

724. Section 60 of the Act is amended by replacing the second sentence of the third paragraph by the following sentence: “However, under no circumstances does it apply to the authorized financial institutions referred to in paragraphs 1 to 4 of section 4 of the Insurers Act (2018, chapter 23, section 3) or to the banks listed in Schedules I and II to the Bank Act (Statutes of Canada, 1991, chapter 46).”

UNCLAIMED PROPERTY ACT

725. Section 3 of the Unclaimed Property Act (chapter B-5.1) is amended by replacing “financial services cooperative, a savings company, a trust company or any other institution authorized by law to receive deposits of money” in subparagraph 1 of the first paragraph by “deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26)”.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU
QUÉBEC

726. Section 28 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) is amended by replacing “an insurance company authorized to issue hypothecary insurance policies” in subparagraph *i* of subparagraph *a* of the second paragraph by “an insurer authorized under the Insurers Act (2018, chapter 23, section 3) to underwrite hypothecary insurance contracts”.

ACT CONSTITUTING CAPITAL RÉGIONAL ET COOPÉRATIF
DESJARDINS

727. Section 20 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1) is amended by replacing “financial institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act” in subparagraph 3 of the fourth paragraph by “deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

728. Section 32 of the Act is amended by replacing “472 of the Act respecting financial services cooperatives (chapter C-67.3), the Société is deemed to be a legal person that is not controlled by the Fédération des caisses Desjardins du Québec” by “6.5 of the Act respecting financial services cooperatives (chapter C-67.3), the Fédération des caisses Desjardins du Québec is deemed not to be the holder of control of the Société”.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

729. Section 263 of Schedule C to the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing “fire insurance companies doing business in its territory and” in paragraph 1 by “insurers authorized under the Insurers Act (2018, chapter 23, section 3) doing business in its territory and”.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

730. Section 162 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by inserting “authorized to do business in the province of Québec” after “trust companies” in the first paragraph.

CITIES AND TOWNS ACT

731. Section 99 of the Cities and Towns Act (chapter C-19) is amended

(1) by replacing “any legally constituted bank, financial services cooperative or trust company” in the first paragraph by “any bank or any deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26)”;

(2) by replacing “any legally constituted bank, financial services cooperative or trust company” in the second paragraph by “any bank or any deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

732. Section 464 of the Act is amended by replacing “a life insurance company or a trust company” in the first paragraph of subparagraph 8 of the first paragraph by “an insurer authorized under the Insurers Act (2018, chapter 23, section 3) or a trust company authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)”.

733. Section 465.10 of the Act is replaced by the following section:

“465.10. For the application of the Insurers Act (2018, chapter 23, section 3) to a legal person, the latter is considered to be a mutual company. However, unlike such a company,

(a) the legal person is prohibited from pursuing any other object than that provided for in section 465.1;

(b) despite Division II of Chapter VIII of Title III of that Act, the legal person does not have capital stock;

(c) despite Chapter XII of Title III of that Act, the legal person’s letters patent are to be amended only under this subdivision; and

(d) despite Chapters XIII and XIV of Title III of that Act, the legal person may not be continued under any other Act or amalgamate with another mutual company.

Despite section 23 of the Insurers Act, the Authority may grant its authorization to a legal person that does not have at least \$5,000,000 in capital. In addition, the legal person is not required, in its investments, to comply with sections 84 and 85 of that Act.

Despite section 352 of that Act, in the case of the winding-up of the legal person, persons who were mutual members in any of the three years preceding the commencement of the winding-up shall share the legal person’s remaining property in proportion to the sums they paid over the course of those years.”

734. Section 465.15 of the Act is amended by striking out the eighth paragraph.

735. Section 465.17 of the Act is replaced by the following section:

“465.17. Despite section 89 of the Insurers Act (2018, chapter 23, section 3), a legal person is not required to be a member of a compensation body recognized by the Authority.”

CODE OF CIVIL PROCEDURE

736. Article 216 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing “be licensed under the Act respecting trust companies and savings companies (chapter S-29.01)” in the first paragraph by “be authorized to carry on trust company activities under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)”.

737. Article 547 of the Code is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company” in subparagraph 5 of the second paragraph.

PROFESSIONAL CODE

738. Section 16.8 of the Professional Code (chapter C-26) is amended by replacing “deposits in a bank or financial institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act” in paragraph 2 by “deposits with a bank or deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

MUNICIPAL CODE OF QUÉBEC

739. Article 203 of the Municipal Code of Québec (chapter C-27.1) is amended, in the first paragraph,

(1) by replacing “any legally constituted bank, financial services cooperative or trust company” in the first sentence by “any bank or any deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26)”;

(2) by replacing “such legally constituted bank, financial services cooperative or trust company as” in the second sentence by “any bank or any deposit institution authorized under the Deposit Institutions and Deposit Protection Act which”.

740. Article 704 of the Code is amended by replacing “a life insurance company or a trust company” in the first paragraph by “an authorized insurer or trust company”.

741. Article 711.11 of the Code is replaced by the following article:

“711.11. For the application of the Insurers Act (2018, chapter 23, section 3) to a legal person, the latter is considered to be a mutual company. However, unlike such a company,

(1) the legal person is prohibited from pursuing any other object than that provided for in article 711.2;

(2) despite Division II of Chapter VIII of Title III of that Act, the legal person does not have capital stock;

(3) despite Chapter XII of Title III of that Act, the legal person's letters patent are to be amended only under this Title; and

(4) despite Chapters XIII and XIV of Title III of that Act, the legal person may not be continued under any other Act or amalgamate with another mutual company.

Despite section 23 of the Insurers Act, the Authority may grant its authorization to a legal person that does not have capital in the amount of at least \$5,000,000. In addition, the legal person is not required, in its investments, to comply with sections 84 and 85 of that Act.

Despite section 352 of that Act, in the case of the winding-up of the legal person, persons who were mutual members in any of the three years preceding the commencement of the winding-up shall share the legal person's remaining property in proportion to the sums they paid over the course of those years."

742. Article 711.16 of the Code is amended by striking out the eighth paragraph.

743. Article 711.18 of the Code is replaced by the following article:

"711.18. Despite section 89 of the Insurers Act (2018, chapter 23, section 3), a legal person is not required to be a member of a compensation body recognized by the Authority."

COMPANIES ACT

744. Section 51 of the Companies Act (chapter C-38) is amended by inserting "authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)" after "trust company" in paragraph 3.

745. Section 125 of the Act is amended by replacing "insurance companies constituted" in the second paragraph by "insurers constituted".

746. Section 149 of the Act is amended by inserting "authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)" after "trust company" in paragraph 3.

ACT RESPECTING THE CONSEIL DES ARTS ET DES LETTRES DU
QUÉBEC

747. Section 25 of the Act respecting the Conseil des arts et des lettres du Québec (chapter C-57.02) is amended by replacing “financial institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act,” in paragraph 3 by “deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF
WILDLIFE

748. Section 151 of the Act respecting the conservation and development of wildlife (chapter C-61.1) is amended by replacing “registered institution within the meaning of the Deposit Insurance Act” in paragraph 1 by “deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D’ART
DRAMATIQUE DU QUÉBEC

749. Section 61 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1) is amended by replacing “financial institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act,” in paragraph 3 by “deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

750. Schedule I to the Act respecting contracting by public bodies (chapter C-65.1) is amended

(1) by inserting the following in alphabetical order:

Insurers Act (2018, chapter 23, section 3)	515 (4)	Providing a document or information that is false or inaccurate, or access to such a document or information, to the Autorité des marchés financiers
Deposit Institutions and Deposit Protection Act (chapter A-26)	46.2 (3)	Providing a document or information that is false or inaccurate, or access to such a document or information, to the Autorité des marchés financiers
Trust Companies and Savings Companies Act (2018, chapter 23, section 395)	305 (4)	Providing a document or information that is false or inaccurate, or access to such a document or information, to the Autorité des marchés financiers

(2) by striking out all references to the Deposit Insurance Act (chapter A-26), the Act respecting insurance (chapter A-32) and the Act respecting trust companies and savings companies (chapter S-29.01).

COOPERATIVES ACT

751. Section 2 of the Cooperatives Act (chapter C-67.2) is amended by replacing “the activities of a trust company or a savings company governed by the Act respecting trust companies and savings companies (chapter S-29.01)” by “trust company activities within the meaning of the Trust Companies and Savings Companies Act (2018, chapter 23, section 395) or deposit institution activities within the meaning of the Deposit Institutions and Deposit Protection Act (chapter A-26)”.

FORESTRY CREDIT ACT

752. Section 46.2 of the Forestry Credit Act (chapter C-78) is amended by striking out “or as investments under sections 243 to 274 of the Act respecting insurance (chapter A-32) and section 201 of the Act respecting trust companies and savings companies (chapter S-29.01)” in the second paragraph.

753. Section 46.5 of the Act is amended by replacing “an institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act” in the first paragraph by “a deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

754. Section 55 of the Act to promote forest credit by private institutions (chapter C-78.1) is amended by striking out “or as investments under sections 243 to 274 of the Act respecting insurance (chapter A-32) or under section 201 of the Act respecting trust companies and savings companies (chapter S-29.01)” in the third paragraph.

755. Section 58 of the Act is amended by replacing “an institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act” in the first paragraph by “a deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

LAND TRANSFER DUTIES ACT

756. Section 41 of the Land Transfer Duties Act (chapter D-17) is amended by replacing paragraph *a* of subsection 2 by the following paragraph:

“(a) an insurer authorized under the Insurers Act (2018, chapter 23, section 3) or a corporation authorized under an Act of a jurisdiction other than Québec to carry on insurer activities elsewhere in Canada;”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN
MUNICIPALITIES

757. Section 364 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company” in the definition of “financial institution”.

758. Sections 499.5 and 512.14 of the Act are amended by replacing all occurrences of “trust company” by “authorized trust company”.

ACT RESPECTING SCHOOL ELECTIONS

759. Section 206.1 of the Act respecting school elections (chapter E-2.3) is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company” in the definition of “financial institution”.

760. Section 209.20 of the Act is amended by inserting “authorized” before “trust company” in the third paragraph.

ELECTION ACT

761. Section 80 of the Election Act (chapter E-3.3) is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company”.

762. Sections 88, 95, 99, 104.1, 127.5, 414 and 457.15 of the Act are amended by replacing all occurrences of “trust company” by “authorized trust company”.

ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF
THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL
AND WORKPLACE INTEGRATION

763. Section 26 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) is amended by replacing “insurance companies” in paragraph *a* by “insurers authorized under the Insurers Act (2018, chapter 23, section 3)”.

764. Sections 26.4 and 75 of the Act are amended by replacing all occurrences of “insurance company” by “authorized insurer”.

ACT RESPECTING FABRIQUES

765. Section 18 of the Act respecting fabriques (chapter F-1) is amended by replacing “of a mutual fire insurance company or be a member of a financial services cooperative which is a registered institution within the meaning of the Deposit Insurance Act (chapter A-26)” in paragraph *t* by “of an authorized Québec insurer, other than a regulated business corporation, within the meaning of the Insurers Act (2018, chapter 23, section 3) or be a member of a financial services cooperative that is a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26)”.

ACT RESPECTING MUNICIPAL TAXATION

766. Section 232.1 of the Act respecting municipal taxation (chapter F-2.1) is replaced by the following section:

“**232.1.** Nothing in section 128 of the Cooperatives Act (chapter C-67.2) shall prevent the application of section 232 to a body to which that section 128 applies.”

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

767. Section 309 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) is amended by replacing “an insurance company lawfully constituted” by “an insurer authorized under the Insurers Act (2018, chapter 23, section 3)”.

DERIVATIVES ACT

768. Section 6 of the Derivatives Act (chapter I-14.01) is amended by replacing “holding a licence under the Act respecting insurance (chapter A-32) or under other insurance legislation in Canada” in paragraph 3 by “authorized under the Insurers Act (2018, chapter 23, section 3) or by a legal person authorized under an Act of a legislative authority other than Québec to carry on insurer activities elsewhere in Canada”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

769. Section 167 of the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraphs after paragraph 4:

“(4.1) the president of the Financial Markets Administrative Tribunal;

“(4.2) a member of the Financial Markets Administrative Tribunal, other than a vice-president, chosen after consultation with all its members;”.

770. Section 168 of the Act is amended by inserting “4.2,” after “paragraphs 2, 4,”.

771. Schedule IV to the Act is amended by striking out paragraphs 4 and 23.

ACT RESPECTING TRANSPARENCY MEASURES IN THE MINING,
OIL AND GAS INDUSTRIES

772. Section 20 of the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5) is amended

(1) by replacing “Persons within the Authority who are designated by the Minister” in the first paragraph by “The Authority”;

(2) by replacing “the Minister” in the second paragraph by “the Authority”.

773. Section 23 of the Act is amended

(1) by replacing “When a person designated by the Minister” in the first paragraph by “When the Authority”;

(2) by replacing “the person imposing the penalty” in the second paragraph by “the Authority”.

774. Section 25 of the Act is replaced by the following section:

“**25.** The persons responsible for reviewing a decision to impose an administrative penalty are designated by the Authority; they must not come under the same administrative authority as the persons responsible for imposing such penalties.”

775. Section 33 of the Act is amended by replacing “The person designated by the Minister under section 23” in the first paragraph by “The Authority”.

776. Section 40 of the Act is amended by striking out “and, despite section 38.2 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), are not paid into the Education and Good Governance Fund”.

777. Section 44 of the Act is amended by striking out “and, despite section 38.2 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), is not paid into the Education and Good Governance Fund”.

ACT RESPECTING LABOUR STANDARDS

778. Section 77 of the Act respecting labour standards (chapter N-1.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) the holder of a broker’s licence issued under the Real Estate Brokerage Act (chapter C-73.2), remunerated entirely by commission;”.

779. Section 122 of the Act is amended, in subparagraph 7 of the first paragraph,

(1) by inserting “, on the ground of a non-compliance with an Act referred to in section 7 of the Act respecting the regulation of the financial sector (A-33.2)” after “Anti-Corruption Act (chapter L-6.1)”;

(2) by adding “or non-compliance” at the end.

NOTARIES ACT

780. Section 18 of the Notaries Act (chapter N-3) is amended by replacing “engages in a real estate brokerage transaction within the meaning of the Real Estate Brokerage Act (chapter C-73.1)” in paragraph *b* by “is a party, as an intermediary, to a real estate brokerage contract governed by the Real Estate Brokerage Act (chapter C-73.2), engages in a real estate brokerage transaction relating to a loan secured by immovable hypothec governed by the Act respecting the distribution of financial products and services (chapter D-9.2)”.

Paragraph *b* of section 18 of the Notaries Act, as amended by the first paragraph, is to be read, for the period from 13 July 2018 to 1 May 2020, as if “the Act respecting the distribution of financial products and services (chapter D-9.2)” were replaced by “that Act”.

ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

781. Section 97 of the Act respecting the protection of personal information in the private sector (chapter P-39.1) is amended by striking out the third paragraph.

CONSUMER PROTECTION ACT

782. Section 3 of the Consumer Protection Act (chapter P-40.1) is amended, in the first paragraph,

(1) by striking out “or section 64 of the Act respecting financial services cooperatives (chapter C-67.3)”;

(2) by replacing “and financial services cooperatives are subject” by “are subject”.

783. Section 257 of the Act is amended by replacing “institution authorized by the Deposit Insurance Act” in the first paragraph by “deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

784. Section 260.9 of the Act is amended

(1) by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “trust company” in the first paragraph;

(2) by inserting “authorized” before “trust company” in the second paragraph.

785. Section 321 of the Act is amended by replacing “a legal person authorized to act in Québec as an insurer and holding a permit issued by the Autorité des marchés financiers” in paragraph *d* by “an insurer authorized under the Insurers Act (2018, chapter 23, section 3)”.

786. Sections 257, 260.9, 260.11, 260.12 and 323.1 of the Act as well as Schedule 11 to the Act are amended by replacing all occurrences of “a trust company” and “trust company” by “an authorized trust company” and “authorized trust company”, respectively.

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

787. Section 21 of the Act respecting the legal publicity of enterprises (chapter P-44.1) is amended by adding the following subparagraph after subparagraph 8 of the first paragraph:

“(9) a union of persons reciprocally bound by insurance contracts to which the laws of Québec apply.”

788. Schedule II to the Act is amended

(1) by replacing the item relating to a certificate of constitution or of revival by the following item:

“Certificate of constitution or of revival \$300”;

(2) by replacing all occurrences of “insurance company” by “insurance company, trust company and savings company”.

ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

789. Section 6 of the Act respecting the collection of certain debts (chapter R-2.2) is amended by replacing “a trust company” in paragraph 1 by “an authorized trust company”.

790. Section 27 of the Act is amended by replacing “, financial services cooperative, trust company or other institution authorized by the Deposit Insurance Act (chapter A-26) to receive deposits,” in the first paragraph by “or a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26)”.

**ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES
RETIREMENT PLAN**

791. Section 76 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing “an insurance company holding a licence issued under the Act respecting insurance (chapter A-32)” by “an insurer authorized under the Insurers Act (2018, chapter 23, section 3)”.

SUPPLEMENTAL PENSION PLANS ACT

792. Section 164 of the Supplemental Pension Plans Act (chapter R-15.1) is amended by inserting “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)” after “a trust company”.

VOLUNTARY RETIREMENT SAVINGS PLANS ACT

793. Section 14 of the Voluntary Retirement Savings Plans Act (chapter R-17.0.1) is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) insurers authorized, within the meaning of the Insurers Act (2018, chapter 23, section 3), to carry on insurer activities in life insurance;

“(2) authorized trust companies within the meaning of the Trust Companies and Savings Companies Act (2018, chapter 23, section 395); and”.

794. Section 28 of the Act is amended by replacing “licensed as an insurer, trust company or deposit institution under an Act of Canada or of a Canadian province or territory” in subparagraph 2 of the second paragraph by “authorized under an Act of a legislative authority in Canada to carry on insurer, trust company or deposit institution activities”.

795. Section 39 of the Act is amended by replacing “no longer holds an insurer’s licence under the Act respecting insurance (chapter A-32), no longer holds a trust company licence under the Act respecting trust companies and savings companies (chapter S-29.01),” by “is no longer authorized, as the case may be, to carry on the activities of an insurer or trust company in accordance with the Insurers Act (2018, chapter 23, section 3) or the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)”.

796. Section 107 of the Act is amended by striking out the second paragraph.

PRIVATE SECURITY ACT

797. Section 2 of the Private Security Act (chapter S-3.5) is amended

(1) by striking out “or licences” and “and the Act respecting insurance (chapter A-32)” in paragraph 4;

(2) by inserting the following paragraph after paragraph 4:

“(4.1) insurers authorized under the Insurers Act (2018, chapter 23, section 3);”.

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

798. Section 18 of the Act respecting the Société des loteries du Québec (chapter S-13.1) is amended by replacing “an institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act” by “a deposit institution authorized under the Deposit Institutions and Deposit Protection Act”.

BUSINESS CORPORATIONS ACT

799. Section 404 of the Business Corporations Act (chapter S-31.1) is amended by replacing “, trust company, bank or other institution governed by the Deposit Insurance Act (chapter A-26) or” in the second paragraph by “a trust company authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395), a bank or a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) or governed by”.

PROFESSIONAL SYNDICATES ACT

800. Section 9 of the Professional Syndicates Act (chapter S-40) is amended by striking out “, which shall be governed exclusively by the by-laws approved by the Autorité des marchés financiers” in subparagraph 1 of the second paragraph.

801. Section 20 of the Act is amended by replacing “The approval by the Autorité des marchés financiers of the by-laws governing an insurance or an indemnity fund established by a confederation,” in the second paragraph by “The establishment by a confederation of an insurance or indemnity fund”.

ACT RESPECTING THE TRANSFER OF SECURITIES AND THE ESTABLISHMENT OF SECURITY ENTITLEMENTS

802. Section 8 of the Act respecting the transfer of securities and the establishment of security entitlements (chapter T-11.002) is amended by replacing “trust companies, savings companies and” in the first paragraph by “trust companies authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395) and deposit institutions authorized under the Deposit Institutions and Deposit Protection Act (chapter A-26) as well as”.

SECURITIES ACT

803. Section 3 of the Securities Act (chapter V-1.1) is amended

(1) by striking out “an investment deposit and” and “capital” in paragraph 4.3;

(2) by replacing “group referred to in section 3” in paragraph 4.4 by “financial group referred to in section 6.3”;

(3) by replacing “La Caisse centrale Desjardins and distributed to a legal person belonging to a group referred to in section 3” in paragraph 4.5 by “the Fédération des caisses Desjardins du Québec and distributed to a legal person belonging to the financial group referred to in the second paragraph of section 6.3”;

(4) by replacing paragraph 5.1 by the following paragraph:

“(5.1) a share in a mutual company within the meaning of the Insurers Act (2018, chapter 23, section 3), issued to a member or a person wishing to become a member;”;

(5) by replacing paragraph 9 by the following paragraph:

“(9) a deposit of money within the meaning of the Deposit Institutions and Deposit Protection Act (chapter A-26), provided that it is received by a deposit institution authorized under that Act or by a bank or an authorized foreign bank listed in Schedule I, II or III to the Bank Act (Statutes of Canada, 1991, chapter 46);”;

(6) by replacing “holding a licence in accordance with the Act respecting trust companies and savings companies (chapter S-29.01)” in paragraph 11 by “authorized under the Trust Companies and Savings Companies Act (2018, chapter 23, section 395)”;

(7) by replacing “holding a licence under the Act respecting insurance” in paragraph 13 by “authorized under the Insurers Act”.

ACT RESPECTING THE MOUVEMENT DESJARDINS

804. The Act respecting the Mouvement Desjardins (2000, chapter 77) is repealed.

ACT TO AMEND THE SECURITIES ACT AND OTHER LEGISLATIVE PROVISIONS

805. Sections 48 to 51 of the Act to amend the Securities Act and other legislative provisions (2009, chapter 25) are repealed.

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

806. Sections 184 and 185 of the Act respecting the legal publicity of enterprises (2010, chapter 7) are repealed.

807. Section 302 of the Act is amended by striking out paragraphs 1 and 2.

ACT CONCERNING THE POSSIBILITY FOR THE MUNICIPAL
FOUNDER TO STAND SURETY FOR THE SOCIÉTÉ D'ÉCONOMIE
MIXTE D'ÉNERGIE RENOUVELABLE DE LA RÉGION DE
RIVIÈRE-DU-LOUP INC.

808. Section 1 of the Act concerning the possibility for the municipal founder to stand surety for the Société d'économie mixte d'énergie renouvelable de la région de Rivière-du-Loup inc. (2013, chapter 38) is amended by replacing “holding a license in conformity with the laws in force in Québec that authorizes it” in the second paragraph by “authorized under the Insurers Act (2018, chapter 23, section 3)”.

OTHER AMENDING PROVISION

809. The expression “administrative monetary penalty” is replaced by “monetary administrative penalty” wherever it appears in the following provisions:

(1) the first paragraph of section 115.2 of the Act respecting the distribution of financial products and services (chapter D-9.2);

(2) section 101 and subparagraph 4 of the first paragraph of section 174 of the Derivatives Act (chapter I-14.01); and

(3) section 274.1 and subparagraph 11.1 of the first paragraph of section 331 of the Securities Act (chapter V-1.1).

PART VII

TRANSITIONAL AND FINAL PROVISIONS

810. The Government may, by a regulation made before 13 June 2020, enact any other transitional measure necessary for the carrying out of this Act.

Such a regulation is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). Despite section 17 of that Act, the Government may set the date of coming into force of the regulation on any day later than the date of assent to this Act.

811. Unless the context indicates otherwise, in any Act or statutory instrument and in any other document,

(1) a reference to the Deposit Insurance Act (chapter A-26) or any of its provisions is replaced by a reference to the Deposit Institutions and Deposit Protection Act (chapter A-26), or, as the case may be, to the corresponding provision of that Act;

(2) a reference to the Act respecting insurance (chapter A-32) or any of its provisions is replaced by a reference to the Insurers Act (2018, chapter 23, section 3) or, as the case may be, to the corresponding provision of that Act;

(3) a reference to the Act respecting the Autorité des marchés financiers (chapter A-33.2) or any of its provisions is replaced by a reference to the Act respecting the regulation of the financial sector (chapter A-33.2) or, as the case may be, to the corresponding provision of that Act; and

(4) a reference to the Act respecting trust companies and savings companies (chapter S-29.01) or any of its provisions is replaced by a reference to the Trust Companies and Savings Companies Act (2018, chapter 23, section 395) or, as the case may be, to the corresponding provision of that Act.

812. To the extent that they are consistent with the new legislation, regulations enacted under a provision of the Deposit Insurance Act (chapter A-26), the Act respecting insurance (chapter A-32), the Act respecting the Autorité des marchés financiers (chapter A-33.2), the Act respecting financial services cooperatives (chapter C-67.3), the Real Estate Brokerage Act (chapter C-73.2), the Act respecting the distribution of financial products and services (chapter D-9.2) or the Act respecting trust companies and savings companies (chapter S-29.01) that has been repealed or replaced remain in force, with the necessary modifications, until they are replaced or repealed by a regulation made under the new legislation.

813. Section 26 has effect from 1 December 2017; sections 569 and 601 have effect from 12 June 2015.

814. The provisions of this Act come into force on 13 July 2018, except

(1) section 26, paragraph 2 of section 373, sections 496, 569, 572, 601, 604, 606 to 609, 620, 652, 653, 676, 677, 682, 686 to 691, 693 to 696, 701 and 706, paragraphs 1 to 3 of section 710, and sections 779, 810, 812 and 813, which come into force on 13 June 2018;

(2) sections 638 and 648 which, with respect to divided co-ownerships established on or after 13 June 2018, come into force on 13 December 2018 and which, with respect to other divided co-ownerships, come into force on 13 June 2020;

(3) sections 642 and 644, which come into force on 13 December 2018;

(4) sections 3 to 25, 65 and 66, section 70 insofar as it repeals section 74 of the Act respecting financial services cooperatives (chapter C-67.3), sections 79, 80, 106, 232, 253, 256, 265 and 266, paragraph 1 and subparagraph *a* of paragraph 2 of section 267, sections 269, 270, 275, 276, 278, 279 and 281 to 283, paragraph 1 of section 284, paragraph 1 of section 285, section 286, subparagraphs *c* and *d* of paragraph 2 of section 292, section 332 insofar as it enacts subparagraph *b* of subparagraph 1 of the first paragraph of section 601.4 of the Act respecting financial services cooperatives, subparagraph *f* of subparagraph 3 of that paragraph, subparagraphs *a* and *b* of paragraph 1 of section 601.5 of that Act and subparagraphs *d* and *e* of paragraph 3 of that section, sections 345 to 368, section 369 except insofar as it repeals section 40 of the Deposit Insurance Act (chapter A-26), sections 370 to 372, paragraph 1 of section 373, sections 375 and 377 to 381, section 382 except its paragraphs 8 and 11, sections 383 to 389, 391 and 395, paragraph 1 of section 429, sections 442 to 444, 505, 510 to 512, 515 and 518 to 521, section 522 except paragraph 3, section 524 insofar as it enacts the third paragraph of section 71 of the Act respecting the distribution of financial products and services, sections 525, 526 and 529, section 532 insofar as it enacts the first paragraph of section 86.0.1 of that Act, sections 533 to 536, 542, 543, 546 to 548, 553 and 554, paragraph 2 of section 555, sections 557, 559, 561, 562, 568, 573 to 597, 605, 610, 612, 613 and 666, paragraph 2 of section 678, sections 679, 683, 685 and 697, section 710 insofar as it enacts paragraph 27.0.4 of section 331.1 of the Securities Act (chapter V-1.1), sections 711, 713 to 715, 717 to 727, 729 to 765, 767, 768, 783 to 803 and 806 to 808 and paragraphs 1, 2 and 4 of section 811, which come into force on 13 June 2019;

(5) section 517, section 524 insofar as it enacts the second paragraph of section 71 of the Act respecting the distribution of financial products and services, sections 527 and 531, section 532 insofar as it enacts the second paragraph of section 86.0.1 of that Act, and sections 541, 549 to 552 and 565, which come into force on 13 December 2019;

(6) section 374 and paragraph 8 of section 382, which come into force on the date of coming into force of the first regulation made under the second paragraph of section 40.3 of the Deposit Insurance Act, enacted by paragraph 2 of section 373;

(7) section 40.51 of the Deposit Insurance Act, enacted by section 376, which comes into force on the date of coming into force of the first regulation made under paragraph *s.3* of section 43 of the Deposit Insurance Act, enacted by paragraph 11 of section 382;

(8) section 397, paragraph 2 of section 416, subparagraph *a* of paragraph 1 of section 431, paragraph 1 of section 447, sections 484, 485, 513 and 514, paragraph 3 of section 522, sections 523 and 537, paragraph 1 of section 555 and section 631 insofar as it enacts sections 112 and 115.15.42 to 115.15.45 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), which come into force on 1 May 2020;

(9) sections 636, 639, 640, 645 to 647 and 649 to 651, which come into force on the date of coming into force of the first regulation made under article 1072 of the Civil Code;

(10) section 637, which comes into force on the date of coming into force of the first regulation made under article 1064.1 of the Civil Code;

(11) section 641, which comes into force on the date of coming into force of the first regulation made under article 1073 of the Civil Code;

(12) section 643, which comes into force on the date of coming into force of the first regulation made under the first paragraph of article 1075 of the Civil Code;

(13) sections 570, 571, 598, 657 and 661 to 665, paragraph 2 of section 667 and sections 669 and 675, which come into force on the date or dates to be set by the Government; and

(14) section 315, insofar as it enacts the provisions of Chapter XIII.1, other than sections 547.1 to 547.4, of the Act respecting financial services cooperatives, which comes into force on the date of coming into force of the by-laws of the Groupe coopératif Desjardins referred to in section 547.1 of that Act.

AN ACT MAINLY TO IMPROVE THE REGULATION OF THE
FINANCIAL SECTOR, THE PROTECTION OF DEPOSITS OF MONEY
AND THE OPERATION OF FINANCIAL INSTITUTIONS

TABLE OF CONTENTS

	SECTIONS
PART I	PURPOSE 1-2
PART II	FINANCIAL INSTITUTIONS 3-395
CHAPTER I	INSURERS 3-26
DIVISION I	ENACTMENT OF THE INSURERS ACT 3
“INSURERS ACT	
“ TITLE I	PURPOSE, DEFINITIONS AND OTHER INTRODUCTORY PROVISIONS 1-19
“ TITLE II	SUPERVISION AND CONTROL OF INSURER ACTIVITIES AND OTHER INSURANCE BUSINESS 20-195
“ CHAPTER I	SUPERVISION AND CONTROL OF INSURANCE BUSINESS 20
“ CHAPTER II	AUTHORIZATION OF THE AUTHORITY 21-44
“ DIVISION I	OBLIGATION TO BE AUTHORIZED 21-29
“ DIVISION II	APPLICATION FOR AUTHORIZATION 30-38
“ DIVISION III	GRANTING OF AUTHORIZATION 39-44
“ CHAPTER III	APPLICATION OF CERTAIN PROVISIONS TO FINANCIAL GROUPS AND LEGAL PERSONS ACTING ON BEHALF OF AN AUTHORIZED INSURER 45-49
“ CHAPTER IV	COMMERCIAL PRACTICES 50-73
“ DIVISION I	GENERAL PROVISIONS 50-51

“DIVISION II	COMPLAINT PROCESSING AND DISPUTE RESOLUTION POLICY AND EXAMINATION OF COMPLAINT RECORDS BY THE AUTHORITY	52-58
“DIVISION III	UNDERWRITING OF NON-MARINE INSURANCE CONTRACTS AND ENROLLMENT IN GROUP INSURANCE CONTRACTS	59-68
	“§1. — <i>Underwriting of non-marine insurance contracts</i>	59-61
	“§2. — <i>Obligations of authorized insurers with respect to certain clients or certain participants and rights of the latter</i>	62-68
	“I. — <i>General provisions</i>	62-64
	“II. — <i>Liability of an insurer with respect to distributors</i>	65-66
	“III. — <i>Absence of intermediation by a natural person or a firm</i>	67-68
“DIVISION IV	SPECIAL PROVISIONS RESPECTING ANNUITIES AND CERTAIN OTHER CONTRACTS	69-72
“DIVISION V	SPECIAL PROVISIONS RESPECTING ACTIVITIES BETWEEN FINANCIAL INSTITUTIONS	73
“CHAPTER V	PRUDENTIAL RULES	74-91
“DIVISION I	MANAGEMENT PRACTICES	74-81
“DIVISION II	INVESTMENTS	82-88
	“§1. — <i>Provisions applicable to all authorized insurers</i>	82-83
	“§2. — <i>Provisions applicable to authorized Québec insurers</i>	84-88
	“I. — <i>Acquisition of participations and co-ownership</i>	84-85
	“II. — <i>Accessory guarantees for certain investments</i>	86
	“III. — <i>Penalties</i>	87-88
“DIVISION III	COMPENSATION BODIES	89-91
“CHAPTER VI	GOVERNANCE	92-114
“DIVISION I	GENERAL PROVISIONS	92-97

“DIVISION II	PROVISIONS SPECIFIC TO AUTHORIZED QUÉBEC INSURERS	98-114
	“§1.— <i>Composition of the board of directors</i>	98-99
	“§2.— <i>Establishment and composition of the audit committee and ethics committee</i>	100-102
	“§3.— <i>Functions of the audit committee</i>	103
	“§4.— <i>Functions of the ethics committee</i>	104-114
“CHAPTER VII	ACTUARY AND AUDITOR	115-131
“DIVISION I	QUALIFICATIONS AND BEGINNING AND END OF TERM	115-123
“DIVISION II	DUTIES, POWERS AND FUNCTIONS OF THE ACTUARY AND AUDITOR	124-131
	“§1.— <i>Duties and powers</i>	124-127
	“§2.— <i>Functions of the actuary</i>	128-129
	“§3.— <i>Functions of the auditor</i>	130
	“§4.— <i>Supervisory and control measures</i>	131
“CHAPTER VIII	ANNUAL STATEMENTS AND OTHER COMMUNICATIONS WITH THE AUTHORITY	132-139
“CHAPTER IX	REVIEW OF AN AUTHORIZATION	140-158
“DIVISION I	GENERAL PROVISIONS	140-141
“DIVISION II	REVIEW ON THE AUTHORITY’S INITIATIVE	142
“DIVISION III	REVIEW ON AN INSURER’S APPLICATION	143-145
“DIVISION IV	REVIEW IN LIGHT OF CERTAIN OPERATIONS	146-158
“CHAPTER X	REVOCATION AND SUSPENSION OF, AND CONDITIONS OR RESTRICTIONS THAT MAY BE ATTACHED TO, AN AUTHORIZATION	159-175
“DIVISION I	GENERAL PROVISIONS	159-162
“DIVISION II	FORCED REVOCATION, SUSPENSION AND CONDITIONS OR RESTRICTIONS	163-168

“DIVISION III	VOLUNTARY REVOCATION	169-175
“CHAPTER XI	REGISTER OF AUTHORIZED INSURERS	176-177
“CHAPTER XII	CONFIDENTIALITY OF SUPERVISORY INFORMATION	178-181
“CHAPTER XIII	PROVISIONS SPECIFIC TO THE SUPERVISION OF THE INSURER ACTIVITIES OF AUTHORIZED SELF-REGULATORY ORGANIZATIONS AND RECIPROCAL UNIONS	182-195
“DIVISION I	SELF-REGULATORY ORGANIZATIONS	182-187
“DIVISION II	AUTHORIZED RECIPROCAL UNIONS	188-195
“TITLE III	INSURANCE COMPANIES AND CERTAIN OTHER QUÉBEC INSURERS	196-376
“CHAPTER I	CORPORATIONS AND COMPANIES CONCERNED	196-197
“CHAPTER II	APPLICATION OF THE BUSINESS CORPORATIONS ACT	198-200
“DIVISION I	GENERAL PROVISIONS	198
“DIVISION II	MODIFICATIONS SPECIFIC TO MUTUAL COMPANIES	199-200
“CHAPTER III	REGULATION BY THIS TITLE AND CONSTITUTION OF MUTUAL COMPANIES	201-221
“DIVISION I	GENERAL PROVISIONS	201
“DIVISION II	BECOMING REGULATED BY THIS TITLE	202-208
	“§1.—Provisions applicable to business corporations	202-204
	“§2.—Provisions applicable to mutual companies	205-208

“DIVISION III	NOTICE OF INTENTION AND APPLICATION TO BECOME REGULATED BY THIS TITLE	209-217
	“§1.— <i>Notice of intention</i>	209
	“§2.— <i>Application</i>	210-217
“DIVISION IV	MINISTER’S DECISION	218-221
“CHAPTER IV	ORGANIZATION OF AN INSURANCE COMPANY	222-232
“DIVISION I	GENERAL PROVISIONS	222
“DIVISION II	PROVISION SPECIFIC TO BUSINESS CORPORATIONS	223
“DIVISION III	PROVISIONS SPECIFIC TO MUTUAL COMPANIES	224-228
“DIVISION IV	CONCLUSION OF THE ORGANIZATION OF AN INSURANCE COMPANY	229-232
“CHAPTER V	NAME	233-236
“CHAPTER VI	SPECIAL POWERS OF AN INSURANCE COMPANY AND RESTRICTIONS ON ITS ACTIVITIES	237-241
“DIVISION I	SPECIAL POWERS	237
“DIVISION II	RESTRICTION ON ACTIVITIES	238-241
“CHAPTER VII	LOANS, HYPOTHECS AND OTHER SECURITIES	242-243
“CHAPTER VIII	CONTRIBUTED CAPITAL	244-265
“DIVISION I	SHARE CAPITAL OF A REGULATED BUSINESS CORPORATION	244-255
	“§1.— <i>Issue</i>	244
	“§2.— <i>Maintenance of share capital</i>	245-247
	“§3.— <i>Disclosure of certain interests and restrictions concerning the exercise of the voting rights carried by the shares issued by a regulated business corporation</i>	248-254
	“§4.— <i>Interest in the profits of certain business corporations</i>	255

“DIVISION II	SHARE CAPITAL OF A MUTUAL COMPANY	256-265
	“§1.— <i>General provisions</i>	256-263
	“§2.— <i>Maintenance of share capital</i>	264-265
“CHAPTER IX	DIRECTORS AND OFFICERS	266-282
“DIVISION I	BOARD OF DIRECTORS	266-268
“DIVISION II	DISQUALIFICATION	269-276
	“§1.— <i>General provisions</i>	269-272
	“§2.— <i>Provision specific to business corporations</i>	273
	“§3.— <i>Provisions specific to mutual companies</i>	274-276
“DIVISION III	QUORUM	277
“DIVISION IV	FUNCTIONS AND POWERS OF THE BOARD OF DIRECTORS	278-279
“DIVISION V	PROHIBITED ACTS AND LIABILITY	280-282
	“§1.— <i>Provisions specific to business corporations</i>	280
	“§2.— <i>Provisions specific to mutual companies</i>	281-282
“CHAPTER X	MEMBERS AND MEETINGS	283-288
“DIVISION I	MEMBERS	283
“DIVISION II	REGISTER	284
“DIVISION III	MUTUAL MEMBERS’ MEETINGS	285-288
“CHAPTER XI	FINANCIAL STATEMENTS AND CALLS TO MEETINGS FOR ACTUARY OR AUDITOR	289-290
“CHAPTER XII	AMENDMENT, CONSOLIDATION, CORRECTION AND CANCELLATION OF ARTICLES	291-302
“DIVISION I	GENERAL PROVISIONS	291-297
“DIVISION II	PROVISIONS SPECIFIC TO REGULATED BUSINESS CORPORATIONS	298-301
“DIVISION III	PROVISIONS SPECIFIC TO MUTUAL COMPANIES	302
“CHAPTER XIII	CONTINUANCE	303-324

“DIVISION I	CONTINUANCE AS AN INSURANCE COMPANY	303-316
	“§1.— <i>General provisions</i>	303
	“§2.— <i>Application for continuance</i>	304-308
	“§3.— <i>Minister’s decision</i>	309-310
	“§4.— <i>Provisions applicable to continuance as a business corporation</i>	311-313
	“§5.— <i>Provisions applicable to continuance as a mutual company</i>	314
	“§6.— <i>Provisions applicable to the continuance of authorized insurers constituted under a private Act of Québec</i>	315-316
“DIVISION II	CONTINUANCE UNDER THE LAWS OF A JURISDICTION OTHER THAN QUÉBEC	317-324
	“§1.— <i>General provisions</i>	317-319
	“§2.— <i>Application and Authority’s report</i>	320-321
	“§3.— <i>Minister’s decision</i>	322-324
“CHAPTER XIV	AMALGAMATION	325-339
“DIVISION I	GENERAL PROVISIONS	325-328
“DIVISION II	APPLICATION FOR PERMISSION TO AMALGAMATE	329-332
“DIVISION III	MINISTER’S DECISION	333-339
	“§1.— <i>General provisions</i>	333-335
	“§2.— <i>Provisions applicable to the amalgamation of business corporations</i>	336-338
	“§3.— <i>Provisions applicable to the amalgamation of mutual companies</i>	339
“CHAPTER XV	TERMINATION OF REGULATION BY THIS TITLE	340-353
“DIVISION I	GENERAL PROVISION	340
“DIVISION II	PROVISIONS SPECIFIC TO REGULATED BUSINESS CORPORATIONS	341-344
“DIVISION III	PROVISIONS SPECIFIC TO MUTUAL COMPANIES	345-353
“CHAPTER XVI	SELF-REGULATORY ORGANIZATIONS	354-375

“DIVISION I	GOVERNANCE	354-364
	“§1.— <i>Board of directors</i>	354-358
	“§2.— <i>Manager of the insurance fund’s day-to-day operations</i>	359-360
	“§3.— <i>Professional liability insurance decision-making committee</i>	361-364
“DIVISION II	INSURANCE FUND	365-375
	“§1.— <i>Composition and administration</i>	365-370
	“§2.— <i>Liquidation</i>	371-375
“CHAPTER XVII	MINISTER’S POWERS	376
“TITLE IV	FEDERATION OF MUTUAL COMPANIES	377-460
“CHAPTER I	GENERAL PROVISIONS	377-378
“CHAPTER II	CONSTITUTION, ORGANIZATION AND NAME	379-385
“CHAPTER III	MISSION	386-388
“CHAPTER IV	EXAMINATION OF COMPLAINT RECORDS AND MANAGEMENT PRACTICES	389-396
“DIVISION I	EXAMINATION OF COMPLAINT RECORDS	389-394
“DIVISION II	MANAGEMENT PRACTICES	395-396
“CHAPTER V	DIRECTORS AND OFFICERS	397-400
“CHAPTER VI	MEMBERS	401-415
“DIVISION I	ADMISSION, WITHDRAWAL AND EXPULSION	401-410
	“§1.— <i>Admission</i>	401-407
	“§2.— <i>Withdrawal</i>	408
	“§3.— <i>Expulsion</i>	409-410
“DIVISION II	MEETINGS	411-414
“DIVISION III	ASSESSMENTS AND FEES	415
“CHAPTER VII	GUARANTEE FUND	416-427
“DIVISION I	INTRODUCTORY PROVISIONS	416-418
“DIVISION II	CONTRIBUTION	419-421
“DIVISION III	SUPPORT TO MEMBER COMPANIES	422-425

“DIVISION IV	INVESTMENTS	426-427
“CHAPTER VIII	SEGREGATED INVESTMENT FUNDS	428-431
“CHAPTER IX	SUPERVISION AND CONTROL OF MEMBER COMPANIES	432-444
“DIVISION I	GENERAL POWERS	432-438
“DIVISION II	MEMBER COMPANIES’ COMMON BY-LAWS	439-441
“DIVISION III	INSPECTION OF MEMBER COMPANIES	442-444
“CHAPTER X	BOOKS AND ACCOUNTS	445-448
“CHAPTER XI	ANNUAL REPORT AND STATEMENTS	449-451
“CHAPTER XII	DISSOLUTION AND LIQUIDATION	452-460
“DIVISION I	DISSOLUTION	452-456
“DIVISION II	LIQUIDATION	457-460
	“§1.— <i>General provisions</i>	457-458
	“§2.— <i>Conduct of the liquidation</i>	459-460
“TITLE V	MEASURES AND OTHER POWERS OF THE AUTHORITY	461-487
“CHAPTER I	INTRODUCTORY PROVISION	461
“CHAPTER II	INSTRUCTIONS, GUIDELINES AND ORDERS	462-468
“CHAPTER III	CONSERVATORY MEASURES	469-476
“CHAPTER IV	INJUNCTION AND PARTICIPATION IN PROCEEDINGS	477-478
“CHAPTER V	CANCELLATION OF A CONTRACT OR SUSPENSION OF ITS PERFORMANCE	479
“CHAPTER VI	ADMINISTRATION OF THE ACT, REPORTS AND MISCELLANEOUS PROVISIONS	480-484

“CHAPTER VII	REGULATIONS	485-487
“TITLE VI	PROHIBITIONS, MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS	488-529
“CHAPTER I	PROHIBITIONS	488-490
“CHAPTER II	MONETARY ADMINISTRATIVE PENALTIES	491-512
“DIVISION I	FAILURES TO COMPLY	491-496
“DIVISION II	NOTICE OF NON-COMPLIANCE AND IMPOSITION	497-500
“DIVISION III	REVIEW	501-504
“DIVISION IV	RECOVERY	505-511
“DIVISION V	REGISTER	512
“CHAPTER III	PENAL PROVISIONS	513-529
“TITLE VII	TRANSITIONAL PROVISIONS	530-549
“CHAPTER I	GENERAL PROVISION	530
“CHAPTER II	SUPERVISION AND CONTROL	531-534
“CHAPTER III	INSURANCE COMPANIES AND OTHER QUÉBEC INSURERS	535-549
“DIVISION I	CONTINUANCE	535-538
“DIVISION II	INSURANCE COMPANIES BOUND BY INSURANCE CONTRACTS CONFERRING RIGHTS TO POLICY DIVIDENDS	539-549
“TITLE VIII	FINAL PROVISIONS	550-554
DIVISION II	PROFESSIONAL ORDERS	4-13
	§1. — <i>Amending provisions</i>	4-12
	§2. — <i>Special transitional provision</i>	13
DIVISION III	PROMUTUEL RÉASSURANCE	14-25
DIVISION IV	MUTUAL-INTEREST INSURANCE COMPANIES	26
CHAPTER II	FINANCIAL SERVICES COOPERATIVES	27-344
DIVISION I	AMENDING PROVISIONS	27-337

DIVISION II	SPECIAL TRANSITIONAL PROVISIONS	338-344
CHAPTER III	DEPOSIT INSTITUTIONS	345-394
DIVISION I	AMENDING PROVISIONS	345-391
DIVISION II	SPECIAL TRANSITIONAL PROVISIONS	392-394
CHAPTER IV	TRUST COMPANIES AND SAVINGS COMPANIES	395
 “TRUST COMPANIES AND SAVINGS COMPANIES ACT		
“TITLE I	PURPOSE, DEFINITIONS AND OTHER INTRODUCTORY PROVISIONS	1-15
“TITLE II	SUPERVISION AND CONTROL OF TRUST COMPANY ACTIVITIES AND OTHER TRUST COMPANY BUSINESS	16-159
“CHAPTER I	SUPERVISION AND CONTROL	16
“CHAPTER II	AUTHORIZATION OF THE AUTHORITY	17-28
“DIVISION I	OBLIGATION TO BE AUTHORIZED	17-21
“DIVISION II	APPLICATION FOR AUTHORIZATION	22-24
“DIVISION III	GRANTING OF AUTHORIZATION	25-28
“CHAPTER III	APPLICATION OF CERTAIN PROVISIONS TO FINANCIAL GROUPS AND LEGAL PERSONS ACTING ON BEHALF OF AN AUTHORIZED TRUST COMPANY	29-33
“CHAPTER IV	COMMERCIAL PRACTICES	34-45
“DIVISION I	GENERAL PROVISIONS	34-35
“DIVISION II	COMPLAINT PROCESSING AND DISPUTE RESOLUTION POLICY AND EXAMINATION OF COMPLAINT RECORDS BY THE AUTHORITY	36-42

“DIVISION III	SPECIAL PROVISIONS RESPECTING FIXED TERM ANNUITIES AND CERTAIN INVESTMENT FUNDS	43-44
“DIVISION IV	SPECIAL PROVISIONS RESPECTING ACTIVITIES BETWEEN FINANCIAL INSTITUTIONS	45
“CHAPTER V	PRUDENTIAL RULES	46-72
“DIVISION I	MANAGEMENT PRACTICES	46-54
“DIVISION II	ADMINISTRATION OF THE PROPERTY OF OTHERS	55-62
“DIVISION III	INVESTMENTS	63-72
	“§1. — <i>General provisions</i>	63-64
	“§2. — <i>Provisions applicable to all authorized trust companies</i>	65-67
	“§3. — <i>Provisions specific to authorized Québec trust companies</i>	68-72
	“I. — <i>Acquisition of participations and co-ownership</i>	68-69
	“II. — <i>Accessory guarantees for certain investments</i>	70
	“III. — <i>Penalties</i>	71-72
“CHAPTER VI	GOVERNANCE	73-95
“DIVISION I	GENERAL PROVISIONS	73-78
“DIVISION II	PROVISIONS SPECIFIC TO AUTHORIZED QUÉBEC TRUST COMPANIES	79-95
	“§1. — <i>Composition of the board of directors</i>	79-80
	“§2. — <i>Establishment and composition of the audit committee and ethics committee</i>	81-83
	“§3. — <i>Functions of the audit committee</i>	84
	“§4. — <i>Functions of the ethics committee</i>	85-95
“CHAPTER VII	AUDITOR	96-110
“DIVISION I	QUALIFICATIONS AND BEGINNING AND END OF TERM	96-104

“DIVISION II	DUTIES AND POWERS	105-109
“DIVISION III	CONTINUATION OR BROADENING OF AN AUDIT, AND SPECIAL AUDIT	110
“CHAPTER VIII	ANNUAL STATEMENTS AND OTHER COMMUNICATIONS WITH THE AUTHORITY	111-119
“CHAPTER IX	REVIEW OF AN AUTHORIZATION	120-137
“DIVISION I	GENERAL PROVISIONS	120-121
“DIVISION II	REVIEW ON THE AUTHORITY’S INITIATIVE	122
“DIVISION III	REVIEW ON AN AUTHORIZED TRUST COMPANY’S APPLICATION	123-125
“DIVISION IV	REVIEW IN LIGHT OF CERTAIN OPERATIONS	126-137
“CHAPTER X	REVOCAION AND SUSPENSION OF, AND CONDITIONS OR RESTRICTIONS THAT MAY BE ATTACHED TO, AN AUTHORIZATION	138-153
“DIVISION I	GENERAL PROVISIONS	138-140
“DIVISION II	FORCED REVOCAION, SUSPENSION AND CONDITIONS OR RESTRICTIONS	141-146
“DIVISION III	VOLUNTARY REVOCAION	147-153
“CHAPTER XI	REGISTER OF AUTHORIZED TRUST COMPANIES	154-155
“CHAPTER XII	CONFIDENTIALITY OF SUPERVISORY INFORMATION	156-159
“TITLE III	QUÉBEC TRUST COMPANIES AND QUÉBEC SAVINGS COMPANIES	160-252
“CHAPTER I	REGULATION BY THIS TITLE	160-174
“DIVISION I	COMPANIES CONCERNED	160-161
“DIVISION II	BECOMING REGULATED BY THIS TITLE	162-164

“DIVISION III	NOTICE OF INTENTION AND APPLICATION TO BECOME REGULATED BY THIS TITLE	165-172
“DIVISION IV	MINISTER’S DECISION	173-174
“CHAPTER II	APPLICATION OF THE BUSINESS CORPORATIONS ACT TO A REGULATED CORPORATION	175
“CHAPTER III	ORGANIZATION OF A REGULATED CORPORATION	176-181
“DIVISION I	GENERAL PROVISIONS	176-177
“DIVISION II	CONCLUSION OF THE ORGANIZATION OF A REGULATED CORPORATION	178-181
“CHAPTER IV	NAME	182-184
“CHAPTER V	RESTRICTIONS ON ACTIVITIES	185
“CHAPTER VI	LOANS, HYPOTHECS AND OTHER SECURITIES	186-187
“CHAPTER VII	SHARE CAPITAL	188-198
“DIVISION I	ISSUE	188
“DIVISION II	MAINTENANCE OF SHARE CAPITAL	189-191
“DIVISION III	DISCLOSURE OF CERTAIN INTERESTS AND RESTRICTIONS CONCERNING THE EXERCISE OF THE VOTING RIGHTS CARRIED BY THE SHARES ISSUED BY A REGULATED CORPORATION	192-198
“CHAPTER VIII	DIRECTORS AND OFFICERS	199-206
“DIVISION I	BOARD OF DIRECTORS	199
“DIVISION II	DISQUALIFICATION	200-203
“DIVISION III	QUORUM	204
“DIVISION IV	DIRECTOR’S DUTY	205
“DIVISION V	PROHIBITED ACTS AND LIABILITY	206
“CHAPTER IX	AMENDMENT, CONSOLIDATION, CORRECTION AND CANCELLATION OF ARTICLES	207-216

“CHAPTER X	CONTINUANCE	217-235
“DIVISION I	CONTINUANCE AS A REGULATED CORPORATION	217-227
“DIVISION II	CONTINUANCE UNDER THE LAWS OF A JURISDICTION OTHER THAN QUÉBEC	228-235
“CHAPTER XI	AMALGAMATION	236-246
“DIVISION I	GENERAL PROVISIONS	236-237
“DIVISION II	APPLICATION FOR PERMISSION TO AMALGAMATE	238-241
“DIVISION III	MINISTER’S DECISION	242-246
“CHAPTER XII	TERMINATION OF REGULATION BY THIS TITLE	247-251
“CHAPTER XIII	MINISTER’S POWERS	252
“TITLE IV	ENFORCEMENT AND OTHER POWERS OF THE AUTHORITY	253-279
“CHAPTER I	INSTRUCTIONS, GUIDELINES AND ORDERS	253-259
“CHAPTER II	CONSERVATORY MEASURES	260-269
“CHAPTER III	INJUNCTION AND PARTICIPATION IN PROCEEDINGS	270-271
“CHAPTER IV	CANCELLATION OF A CONTRACT OR SUSPENSION OF ITS PERFORMANCE	272
“CHAPTER V	ADMINISTRATION OF THE ACT, REPORTS AND MISCELLANEOUS PROVISIONS	273-276
“CHAPTER VI	REGULATIONS	277-279
“TITLE V	PROHIBITIONS, MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS	280-319
“CHAPTER I	PROHIBITIONS	280

“CHAPTER II	MONETARY ADMINISTRATIVE PENALTIES	281-302
“DIVISION I	FAILURES TO COMPLY	281-286
“DIVISION II	NOTICE OF NON-COMPLIANCE AND IMPOSITION	287-290
“DIVISION III	REVIEW	291-294
“DIVISION IV	RECOVERY	295-301
“DIVISION V	REGISTER	302
“CHAPTER III	PENAL PROVISIONS	303-319
“TITLE VI	TRANSITIONAL PROVISIONS	320-321
“TITLE VII	FINAL PROVISIONS	322-326
PART III	BROKERAGE AND DISTRIBUTION	396-602
CHAPTER I	REAL ESTATE BROKERAGE	396-504
DIVISION I	AMENDING PROVISIONS	396-485
DIVISION II	SPECIAL TRANSITIONAL PROVISIONS	486-504
CHAPTER II	DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES	505-602
DIVISION I	AMENDING PROVISIONS	505-598
DIVISION II	SPECIAL TRANSITIONAL PROVISIONS	599-602
PART IV	REGULATION OF THE FINANCIAL SECTOR	603-635
PART V	OTHER MEASURES CONCERNING THE FINANCIAL SECTOR	636-712
CHAPTER I	DIVIDED CO-OWNERSHIP INSURANCE	636-653
DIVISION I	AMENDING PROVISIONS	636-651
DIVISION II	SPECIAL TRANSITIONAL PROVISIONS	652-653
CHAPTER II	COMMUNICATION OF INFORMATION RELATING TO AUTOMOBILE INSURANCE	654-656

CHAPTER III	MEASURES CONCERNING MONEY-SERVICES BUSINESSES	657-660
CHAPTER IV	MEASURES CONCERNING DERIVATIVES	661-681
DIVISION I	AMENDING PROVISIONS	661-680
DIVISION II	SPECIAL TRANSITIONAL PROVISION	681
CHAPTER V	MEASURES CONCERNING SECURITIES	682-712
DIVISION I	AMENDING PROVISIONS	682-711
DIVISION II	SPECIAL TRANSITIONAL PROVISION	712
PART VI	AMENDING PROVISIONS	713-809
PART VII	TRANSITIONAL AND FINAL PROVISIONS	810-814

2018, chapter 24

AN ACT TO AMEND THE ACT RESPECTING THE ESTATE OF THE HONOURABLE TREFFLÉ BERTHIAUME AND LA COMPAGNIE DE PUBLICATION DE LA PRESSE, LIMITÉE

Bill 400

Introduced by Madam Marie Montpetit, Minister of Culture and Communications

Introduced 31 May 2018

Passed in principle 11 June 2018

Passed 14 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended:

Act respecting the estate of the Honourable Trefflé Berthiaume and La Compagnie de Publication de La Presse, Limitée (1966-1967, chapter 168)

Explanatory notes

This Act proposes to repeal section 3 of the Act respecting the estate of the Honourable Trefflé Berthiaume and La Compagnie de Publication de La Presse, Limitée, which imposes certain restrictions concerning transfers of shares and assets of La Presse, Itée.



Chapter 24

AN ACT TO AMEND THE ACT RESPECTING THE ESTATE OF THE HONOURABLE TREFFLÉ BERTHIAUME AND LA COMPAGNIE DE PUBLICATION DE LA PRESSE, LIMITÉE

[Assented to 15 June 2018]

AS the late Honourable Trefflé Berthiaume died on 2 January 1915, leaving a will and certain deeds of gift under which the greater part, if not the whole, of the property left or bequeathed consisted of common and preferred shares of La Compagnie de Publication de La Presse Limitée;

AS the Act respecting the estate of the late Honourable Trefflé Berthiaume and La Compagnie de Publication de La Presse Limitée (1954-1955, chapter 173) and the Act respecting the fiduciary gift and estate of the late Honourable Trefflé Berthiaume (1960-1961, chapter 175) were adopted in the context of the renewal and modernization of a large portion of the equipment of the company in order to secure its financial and administrative stability, implement the provisions of the will and deeds of gift, and end numerous and costly judicial difficulties;

AS section 5 of the Act respecting the fiduciary gift and estate of the late Honourable Trefflé Berthiaume was adopted in order to prohibit the alienation of the common and preferred shares of La Compagnie de Publication de La Presse Limitée until the youngest of the great-grandchildren of the late Honourable Trefflé Berthiaume attained his majority;

AS the Act respecting the estate of the Honourable Trefflé Berthiaume and La Compagnie de Publication de La Presse, Limitée (1966-1967, chapter 168) was adopted to allow, despite section 5 of the Act respecting the fiduciary gift and estate of the late Honourable Trefflé Berthiaume, the sale of those shares to the Trans-Canada Corporation Fund, but with certain restrictions in its section 3 concerning subsequent transfers of those shares and of the assets belonging to La Compagnie de Publication de La Presse Limitée;

AS Gesca Ltée, having acquired in 1968 from the Trans-Canada Corporation Fund all the common shares of La Compagnie de Publication de La Presse Limitée, was authorized to request the repeal of that section 3 by a resolution of its directors made on 7 May 2018, and as a request to this effect was sent to the Prime Minister on 8 May 2018;

AS it is appropriate, given in particular that the officers of the newspaper *La Presse* have formally announced their intention to transfer the principal assets of *La Presse* to a non-profit structure under a Québec social trust that will be independent from the current shareholder of La Presse, Itée (formerly La Compagnie de Publication de La Presse Limitée), to grant the request;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 3 of the Act respecting the estate of the Honourable Trefflé Berthiaume and La Compagnie de Publication de La Presse, Limitée (1966-1967, chapter 168) is repealed.
- 2.** This Act comes into force on 15 June 2018.

2018, chapter 25

AN ACT TO PROMOTE THE ESTABLISHMENT OF A PUBLIC FAST-CHARGING SERVICE FOR ELECTRIC VEHICLES

Bill 184

Introduced by Mr. Pierre Moreau, Minister of Energy and Natural Resources

Introduced 15 May 2018

Passed in principle 7 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended:

Hydro-Québec Act (chapter H-5)

Act respecting the Régie de l'énergie (chapter R-6.01)

Explanatory notes

The purpose of this Act is to promote the establishment of a public fast-charging service for electric vehicles. To that end, the Hydro-Québec Act is amended to allow the Government to set the rates for such a service by regulation.

The Act respecting the Régie de l'énergie is also amended to allow the Régie de l'énergie to consider, when setting electricity distribution rates, the revenues required by Hydro-Québec for the operation of such a service.



Chapter 25

AN ACT TO PROMOTE THE ESTABLISHMENT OF A PUBLIC FAST-CHARGING SERVICE FOR ELECTRIC VEHICLES

[Assented to 15 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HYDRO-QUÉBEC ACT

1. The Hydro-Québec Act (chapter H-5) is amended by inserting the following section after section 22.0.1:

“**22.0.2.** The Government shall, by regulation, fix the rates for using a public fast-charging service for electric vehicles established by the Company.”

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

2. The Act respecting the Régie de l'énergie (chapter R-6.01) is amended by inserting the following section after section 52.1.1:

“**52.1.2.** When fixing or modifying rates under section 52.1, the Régie shall consider the revenues required by the electric power distributor for the operation of the public fast-charging service for electric vehicles referred to in section 22.0.2 of the Hydro-Québec Act (chapter H-5).

Those revenues shall be determined by the Régie after giving due consideration, in particular, to the fair value of the assets it considers prudently acquired and useful for the operation of such a public service, the overall amounts of expenditure it considers necessary for the provision of the service and the operating revenues collected by the electric power distributor from the provision of the service.

The Régie shall also consider such economic, social and environmental concerns as have been identified by order by the Government.”

FINAL PROVISION

3. This Act comes into force on 15 June 2018.

2018, chapter 26
**AN ACT TO PROTECT THE CONFIDENTIALITY OF
JOURNALISTIC SOURCES**

Bill 187

Introduced by Madam Stéphanie Vallée, Minister of Justice

Introduced 15 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended:

Code of Civil Procedure (chapter C-25.01)

Code of Penal Procedure (chapter C-25.1)

Explanatory notes

This Act establishes rules for protecting the confidentiality of journalistic sources.

The Act grants journalists and any person who assists them the right to object to disclosing information or a document before a court, body or person with the power to compel the production of information on the grounds that the information or document identifies or could identify a journalistic source.

The Act sets out the criteria according to which a court, body or person may authorize the disclosure of information or a document that identifies or could identify a journalistic source.

The Code of Civil Procedure is amended to provide for an appeal as of right if a judgment of the Superior Court or the Court of Québec disallows an objection to the disclosure of information or a document based on the protection of the confidentiality of a journalistic source.

Lastly, the Act makes certain rules in the Criminal Code regarding searches of journalistic material applicable to penal matters.



Chapter 26

AN ACT TO PROTECT THE CONFIDENTIALITY OF JOURNALISTIC SOURCES

[Assented to 15 June 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Act is to establish rules to govern the exercise of the rights it confers to protect the confidentiality of journalistic sources.

2. For the purposes of this Act,

“journalist” means a person whose main occupation is to contribute directly, either regularly or occasionally, for consideration, to the collection, writing or production of information for dissemination by the media, or anyone who assists such a person; and

“journalistic source” means a source whose anonymity is essential to the relationship between the source and the journalist to whom the source confidentially transmits information on the journalist’s undertaking not to divulge the identity of the source.

3. A journalist may object to disclosing information or a document before a court, body or person with the power to compel the production of information on the grounds that the information or document identifies or could identify a journalistic source.

A person who was a journalist when information that identifies or could identify a journalistic source was transmitted to the person may also object, in accordance with the first paragraph, to disclosing information or a document.

4. The court, body or person with the power to compel may, on the court’s, body’s or person’s own initiative, raise the application of section 3.

5. The disclosure of information or a document that identifies or could identify a journalistic source may not be authorized unless

(1) the information or document cannot be produced in evidence by any other reasonable means; and

(2) the public interest for the administration of justice in disclosing information or a document outweighs the public interest in preserving the confidentiality of the journalistic source given such considerations as the importance of the information or document to a central issue in the proceeding, the nature of the dispute, freedom of the press, and the impact of disclosure on the journalistic source and the journalist.

6. The court's, body's or person's decision may set out any conditions the court, body or person considers appropriate to protect the identity of the journalistic source.

7. The person requesting the disclosure of information or a document has the burden of proving that the conditions set out in section 5 authorize the disclosure.

CODE OF CIVIL PROCEDURE

8. Article 31 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing "or on professional secrecy" in the first paragraph by ", on professional secrecy or on the protection of the confidentiality of a journalistic source".

CODE OF PENAL PROCEDURE

9. The Code of Penal Procedure (chapter C-25.1) is amended by inserting the following article after article 8.1:

"8.2. In search- and seizure-related matters, subsections 1 and 3 to 10 of section 488.01 and section 488.02 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) apply, with the necessary modifications and despite any inconsistent provision of any Act, to an application for and the execution of a warrant, telewarrant, order or other judicial authorization, for the purposes of a penal investigation, that allows the use of an investigative technique or method or the performance of any act mentioned in the warrant, telewarrant, order or authorization, where the application or execution concerns a journalist's communications or a thing, document or data relating to or in the possession of a journalist.

A judge having jurisdiction to issue a warrant, telewarrant, order or other judicial authorization referred to in the first paragraph has jurisdiction to exercise the powers necessary for the application of subsections 9 and 10 of section 488.01 of the Criminal Code."

10. This Act comes into force on 15 June 2018.

2018, chapter 27
AN ACT TO PROCLAIM HISPANIC HERITAGE MONTH

Bill 1094

Introduced by Madam Carole Poirier, Member for Hochelaga-Maisonneuve

Introduced 6 December 2017

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended: None

Explanatory notes

The purpose of this Act is to proclaim October Hispanic Heritage Month.



Chapter 27

AN ACT TO PROCLAIM HISPANIC HERITAGE MONTH

[Assented to 15 June 2018]

AS Québec's Hispanic community represents an important social group within Québec society;

AS many individuals in Québec report that they are of Latin American or Spanish origin and that Spanish is their mother tongue;

AS Québec's Hispanic community contributes to Québec's economic development;

AS the cultural and social heritage of Québec's Hispanic community is rich and diversified;

AS this cultural heritage includes the contributions of the Indigenous peoples of the Americas;

AS this cultural heritage includes the contributions of the communities of African descent;

AS celebrating Hispanic Heritage Month would help recognize the contributions of Québec's Hispanic community to Québec society;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** October is proclaimed Hispanic Heritage Month.
- 2.** This Act comes into force on 15 June 2018.

2018, chapter 28

**AN ACT TO RATIFY THE AGREEMENT RELATING TO THE
CONCEPT OF PARLIAMENTARY GROUP, TO THE CONDUCT
OF PROCEEDINGS IN THE ASSEMBLY AND IN
PARLIAMENTARY COMMITTEES AS WELL AS TO
BUDGETARY ASPECTS FOR THE DURATION OF
THE 42ND LEGISLATURE**

Bill 4

Introduced by Mr. Simon Jolin-Barrette, Government House Leader and
Minister of Immigration, Diversity and Inclusiveness; Mr. Sébastien Proulx,
Official Opposition House Leader; Mr. Harold LeBel, Member for Rimouski;
Mr. Gabriel Nadeau-Dubois, Member for Gouin

Introduced 7 December 2018

Passed in principle 7 December 2018

Passed 7 December 2018

Assented to 7 December 2018

Coming into force: 7 December 2018

Legislation amended:

Act respecting the National Assembly (chapter A-23.1)

Act respecting the conditions of employment and the pension plan of the Members of the National
Assembly (chapter C-52.1)

Explanatory notes

The purpose of this Act is to ratify the Agreement relating to the concept of parliamentary group, to the
conduct of proceedings in the Assembly and in parliamentary committees as well as to budgetary
aspects for the duration of the 42nd Legislature.

The Act modifies the composition of the Office of the National Assembly for the duration of the
42nd Legislature to include, in addition to the President of the National Assembly, six members from
the Government party, three from the Official Opposition party and one from each of the other opposition
parties represented in the National Assembly following the 1 October 2018 general election.

(cont'd on next page)

Explanatory notes (*cont'd*)

The Act also modifies, for the same duration, the conditions for opposition parties other than the Official Opposition party to be entitled to the parliamentary offices of Leader and House Leader, thus granting that possibility to all the parties represented in the National Assembly following the last general election.

Lastly, the Act empowers the Office of the National Assembly to make any regulation necessary to implement these changes; such a regulation may be retroactive to the date of the beginning of the 42nd Legislature.



Chapter 28

AN ACT TO RATIFY THE AGREEMENT RELATING TO THE CONCEPT OF PARLIAMENTARY GROUP, TO THE CONDUCT OF PROCEEDINGS IN THE ASSEMBLY AND IN PARLIAMENTARY COMMITTEES AS WELL AS TO BUDGETARY ASPECTS FOR THE DURATION OF THE 42ND LEGISLATURE

[Assented to 7 December 2018]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE NATIONAL ASSEMBLY

1. Section 87 of the Act respecting the National Assembly (chapter A-23.1) is amended by adding the following paragraph at the end:

“For the duration of the 42nd Legislature, the first paragraph is amended by replacing “nine” by “eleven”.”

2. Section 88 of the Act is amended by adding the following paragraph at the end:

“For the duration of the 42nd Legislature, the first paragraph is amended

(1) by replacing “five” in paragraph 1 by “six”;

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

“(2) three from the Official Opposition party and one from each of the other opposition parties represented in the Assembly following the 1 October 2018 general election.”

3. Section 97 of the Act is amended by adding the following paragraph at the end:

“For the duration of the 42nd Legislature, the first paragraph is amended by replacing “Five” by “Six”.”

4. Section 124.1 of the Act is amended by adding the following paragraph at the end:

“For the duration of the 42nd Legislature, the first paragraph is amended by replacing “, the Chief Official Opposition Whip and the Whip of a party contemplated in subparagraph 6 of the first paragraph of section 7 of the said Act,” by “and the Chief Official Opposition Whip”.”

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

5. Section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1) is amended by replacing the third paragraph by the following paragraph:

“For the duration of the 42nd Legislature, the first paragraph is amended

(1) by replacing subparagraph 6 by the following subparagraph:

“(6) any Member, other than the Member contemplated in subparagraph 4, who leads an opposition party represented in the Assembly following the 1 October 2018 general election shall receive on an annual basis an indemnity equal to 35% of the annual indemnity;”;

(2) by striking out “Whip of a party contemplated in paragraph 6,” in subparagraph 11.”

MISCELLANEOUS AND FINAL PROVISIONS

6. For the purposes of the second paragraph of section 88 of the Act respecting the National Assembly (chapter A-23.1), as amended by section 2, the additional members and substitute members must be designated not later than 17 December 2018.

If a list of Members has already been adopted in accordance with section 91 of the Act respecting the National Assembly at the time the additional members and substitute members are designated, the President of the National Assembly submits the list of those additional members to the Assembly, which adopts or rejects it as a whole.

7. The persons appointed as members of the staff of a Member who holds the position of Leader or House Leader of a party referred to in subparagraph 6 of the first paragraph of section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1), as amended by section 5, during the period beginning on 10 October 2018 and ending on 6 December 2018, are deemed to have been appointed as members of the Member’s office staff.

8. The Office of the National Assembly may make any regulation necessary for the purposes of this Act. Such a regulation may have retroactive effect to any date not prior to 10 October 2018.

9. This Act comes into force on 7 December 2018.

TABLE OF AMENDMENTS TO PUBLIC ACTS IN 2018

This table contains the amendments made in 2018 to the laws of Québec included in the Compilation of Québec Laws and Regulations 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 included in the Compilation of Québec Laws and Regulations, follow the laws of Québec included in the Compilation of Québec Laws and Regulations.

The cumulative table of amendments, listing all amendments made since 1977 to the laws of Québec included in the Compilation of Québec Laws and Regulations 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.pdf.

Abbreviations

a. = article	c. = chapter	ss. = sections
aa. = articles	Rp. = Replaced	Sched. = Schedule
Ab. = Abrogated	s. = section	

Reference	Title Amendments
-----------	---------------------

1- LAWS OF QUÉBEC INCLUDED IN THE COMPILATION OF QUÉBEC LAWS AND REGULATIONS

c. A-2	Agricultural Abuses Act Ab. , 2018, c. 22, s. 12
c. A-2.02	Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants 15 , 2018, c. 11, s. 20
c. A-2.1	Act respecting Access to documents held by public bodies and the Protection of personal information 33 , 2018, c. 3, s. 1
c. A-6.001	Financial Administration Act 16 , 2018, c. 18, s. 130 78 , 2018, c. 18, s. 131
c. A-6.002	Tax Administration Act 17.2 , 2018, c. 18, s. 61 17.2.1 , 2018, c. 18, s. 62 17.3 , 2018, c. 18, ss. 54, 63 17.5 , 2018, c. 18, ss. 55, 64 17.8 , 2018, c. 18, s. 65 17.9 , 2018, c. 18, s. 66 20 , 2018, c. 18, s. 67 21 , 2018, c. 18, s. 68 24.0.1 , 2018, c. 18, s. 69 27.2 , 2018, c. 18, s. 70 30.6 , 2018, c. 18, s. 71 37.1.5 , 2018, c. 18, s. 72

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-6.002	Tax Administration Act — <i>Cont'd</i> 60.3 , 2018, c. 18, s. 56 60.4 , 2018, c. 18, s. 87 61.0.0.1 , 2018, c. 18, s. 57 69.0.0.1 , 2018, c. 18, s. 90 69.1 , 2018, c. 1, s. 44; 2018, c. 18, s. 51 69.8 , 2018, c. 18, s. 52 91.1 , 2018, c. 18, s. 73 94.9 , 2018, c. 1, s. 45 94.10 , 2018, c. 18, s. 53
c. A-6.01	Public Administration Act 40 , 2018, c. 4, s. 1
c. A-10	Travel Agents Act 3 , 2018, c. 23, s. 716 36 , 2018, c. 14, s. 23
c. A-13.1.1	Individual and Family Assistance Act 1 , 2018, c. 11, s. 1 2 , 2018, c. 11, s. 2 15 , 2018, c. 11, s. 3 25 , 2018, c. 11, s. 4 30 , 2018, c. 11, s. 5 33 , 2018, c. 11, s. 6 45 , 2018, c. 11, s. 7 47 , 2018, c. 11, s. 8 55 , 2018, c. 11, s. 9 56 , 2018, c. 11, s. 10 72 , 2018, c. 11, s. 11 81 , 2018, c. 11, s. 12 83.5.1 , 2018, c. 11, s. 13 83.15 , 2018, c. 11, s. 14 83.16 , 2018, c. 11, s. 14 83.17 , 2018, c. 11, s. 14 83.18 , 2018, c. 11, s. 14 83.19 , 2018, c. 11, s. 14 83.20 , 2018, c. 11, s. 14 83.21 , 2018, c. 11, s. 14 83.22 , 2018, c. 11, s. 14 83.23 , 2018, c. 11, s. 14 83.24 , 2018, c. 11, s. 14 83.25 , 2018, c. 11, s. 14 87 , 2018, c. 11, s. 15 88 , 2018, c. 11, s. 15 90 , 2018, c. 11, s. 15 91 , 2018, c. 11, s. 15 92 , 2018, c. 11, s. 15 93 , 2018, c. 11, s. 15 94 , 2018, c. 11, s. 15 107 , 2018, c. 11, s. 15 114 , 2018, c. 11, s. 16 132 , 2018, c. 11, s. 17 133 , 2018, c. 11, s. 18 133.2 , 2018, c. 11, s. 19 133.3 , 2018, c. 11, s. 19
c. A-19.1	Act respecting land use planning and development 64 , 2018, c. 8, s. 263 79.19.1 , 2018, c. 8, s. 263 123.1 , 2018, c. 8, s. 1 145.41.5 , 2018, c. 8, s. 2

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-23.001	<p>Act respecting prearranged funeral services and sepultures <i>(Act respecting arrangements for funeral services and sepultures)</i></p> <p>Title, 2018, c. 14, s. 1 2, 2018, c. 14, s. 2 2.1, 2018, c. 14, s. 3 18.1, 2018, c. 14, s. 4 18.2, 2018, c. 14, s. 4 18.3, 2018, c. 14, s. 4 20, 2018, c. 23, s. 717 26, 2018, c. 23, s. 718 55, 2018, c. 14, s. 5 64, 2018, c. 14, s. 6 81.1, 2018, c. 14, s. 7</p>
c. A-23.1	<p>Act respecting the National Assembly</p> <p>87, 2018, c. 28, s. 1 88, 2018, c. 28, s. 2 97, 2018, c. 28, s. 3 124.1, 2018, c. 28, s. 4</p>
c. A-25	<p>Automobile Insurance Act</p> <p>10, 2018, c. 7, s. 174 83.30, 2018, c. 19, s. 20 149, 2018, c. 7, s. 175 156, 2018, c. 23, s. 719 179.1, 2018, c. 23, s. 654 180, 2018, c. 23, s. 655 181.1, 2018, c. 23, s. 656 195, 2018, c. 7, s. 176 197, 2018, c. 7, s. 177</p>
c. A-26	<p>Deposit Insurance Act <i>(Deposit Institutions and Deposit Protection Act)</i></p> <p>Title, 2018, c. 23, s. 345 1, 2018, c. 23, s. 347 1.0.1, 2018, c. 23, s. 348 1.1, 2018, c. 23, s. 349 1.2, 2018, c. 23, s. 350 1.3, 2018, c. 23, s. 350 1.4, 2018, c. 23, s. 350 1.5, 2018, c. 23, s. 350 1.6, 2018, c. 23, s. 350 1.7, 2018, c. 23, s. 350 1.8, 2018, c. 23, s. 350 1.9, 2018, c. 23, s. 350 1.10, 2018, c. 23, s. 350 1.11, 2018, c. 23, s. 350 1.12, 2018, c. 23, s. 350 1.13, 2018, c. 23, s. 350 1.14, 2018, c. 23, s. 350 1.15, 2018, c. 23, s. 350 1.16, 2018, c. 23, s. 350 2, 2018, c. 23, s. 351 2.1, 2018, c. 23, s. 351 20, 2018, c. 23, s. 351 23, 2018, c. 23, s. 352 24, 2018, c. 23, s. 352 24.1, 2018, c. 23, s. 352 27, 2018, c. 23, s. 353 27.1, 2018, c. 23, s. 353 27.2, 2018, c. 23, s. 353 27.3, 2018, c. 23, s. 353 27.4, 2018, c. 23, s. 353</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-26	<p>Deposit Insurance Act — <i>Cont'd</i> (<i>Deposit Institutions and Deposit Protection Act</i>)</p> <p>28, 2018, c. 23, s. 353 28.1, 2018, c. 23, s. 353 28.2, 2018, c. 23, s. 353 28.3, 2018, c. 23, s. 353 28.4, 2018, c. 23, s. 353 28.5, 2018, c. 23, s. 353 28.6, 2018, c. 23, s. 353 28.7, 2018, c. 23, s. 353 28.8, 2018, c. 23, s. 353 28.9, 2018, c. 23, s. 353 28.10, 2018, c. 23, s. 353 28.11, 2018, c. 23, s. 353 28.12, 2018, c. 23, s. 353 28.13, 2018, c. 23, s. 353 28.14, 2018, c. 23, s. 353 28.15, 2018, c. 23, s. 353 28.16, 2018, c. 23, s. 353 28.17, 2018, c. 23, s. 353 28.18, 2018, c. 23, s. 353 28.19, 2018, c. 23, s. 353 28.20, 2018, c. 23, s. 353 28.21, 2018, c. 23, s. 353 28.22, 2018, c. 23, s. 353 28.23, 2018, c. 23, s. 353 28.24, 2018, c. 23, s. 353 28.25, 2018, c. 23, s. 353 28.26, 2018, c. 23, s. 353 28.27, 2018, c. 23, s. 353 28.28, 2018, c. 23, s. 353 28.29, 2018, c. 23, s. 353 28.30, 2018, c. 23, s. 353 28.31, 2018, c. 23, s. 353 28.32, 2018, c. 23, s. 353 28.33, 2018, c. 23, s. 353 28.34, 2018, c. 23, s. 353 28.35, 2018, c. 23, s. 353 28.36, 2018, c. 23, s. 353 28.37, 2018, c. 23, s. 353 28.38, 2018, c. 23, s. 353 28.39, 2018, c. 23, s. 353 28.40, 2018, c. 23, s. 353 28.41, 2018, c. 23, s. 353 28.42, 2018, c. 23, s. 353 28.43, 2018, c. 23, s. 353 28.44, 2018, c. 23, s. 353 28.45, 2018, c. 23, s. 353 28.46, 2018, c. 23, s. 353 28.47, 2018, c. 23, s. 353 28.48, 2018, c. 23, s. 353 28.49, 2018, c. 23, s. 353 28.50, 2018, c. 23, s. 353 28.51, 2018, c. 23, s. 353 28.52, 2018, c. 23, s. 353 28.53, 2018, c. 23, s. 353 28.54, 2018, c. 23, s. 353 28.55, 2018, c. 23, s. 353 28.56, 2018, c. 23, s. 353 28.57, 2018, c. 23, s. 353 28.58, 2018, c. 23, s. 353 28.59, 2018, c. 23, s. 353 28.60, 2018, c. 23, s. 353 28.61, 2018, c. 23, s. 353</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-26	Deposit Insurance Act — <i>Cont'd</i> (<i>Deposit Institutions and Deposit Protection Act</i>) 28.62 , 2018, c. 23, s. 353 28.63 , 2018, c. 23, s. 353 28.64 , 2018, c. 23, s. 353 28.65 , 2018, c. 23, s. 353 28.66 , 2018, c. 23, s. 353 28.67 , 2018, c. 23, s. 353 28.68 , 2018, c. 23, s. 353 28.69 , 2018, c. 23, s. 353 28.70 , 2018, c. 23, s. 353 28.71 , 2018, c. 23, s. 353 28.72 , 2018, c. 23, s. 353 28.73 , 2018, c. 23, s. 353 28.74 , 2018, c. 23, s. 353 28.75 , 2018, c. 23, s. 353 28.76 , 2018, c. 23, s. 353 28.77 , 2018, c. 23, s. 353 28.78 , 2018, c. 23, s. 353 28.79 , 2018, c. 23, s. 353 28.80 , 2018, c. 23, s. 353 28.81 , 2018, c. 23, s. 353 28.82 , 2018, c. 23, s. 353 28.83 , 2018, c. 23, s. 353 28.84 , 2018, c. 23, s. 353 28.85 , 2018, c. 23, s. 353 28.86 , 2018, c. 23, s. 353 29 , 2018, c. 23, s. 353 30 , 2018, c. 23, s. 353 30.1 , 2018, c. 23, s. 353 30.2 , 2018, c. 23, s. 353 30.3 , 2018, c. 23, s. 353 30.4 , 2018, c. 23, s. 353 30.5 , 2018, c. 23, s. 353 30.6 , 2018, c. 23, s. 353 30.7 , 2018, c. 23, s. 353 30.8 , 2018, c. 23, s. 353 30.9 , 2018, c. 23, s. 353 30.10 , 2018, c. 23, s. 353 30.11 , 2018, c. 23, s. 353 30.12 , 2018, c. 23, s. 353 30.13 , 2018, c. 23, s. 353 30.14 , 2018, c. 23, s. 353 31 , 2018, c. 23, s. 353 31.1 , 2018, c. 23, s. 353 31.2 , 2018, c. 23, s. 353 31.3 , 2018, c. 23, s. 353 31.4 , 2018, c. 23, s. 353 32 , 2018, c. 23, s. 354 32.1 , 2018, c. 23, s. 355 32.2 , 2018, c. 23, s. 356 32.3 , 2018, c. 23, s. 356 32.4 , 2018, c. 23, s. 356 32.5 , 2018, c. 23, s. 356 32.6 , 2018, c. 23, s. 356 32.7 , 2018, c. 23, s. 356 32.8 , 2018, c. 23, s. 356 32.9 , 2018, c. 23, s. 356 32.10 , 2018, c. 23, s. 356 32.11 , 2018, c. 23, s. 356 32.12 , 2018, c. 23, s. 356 32.13 , 2018, c. 23, s. 356 32.14 , 2018, c. 23, s. 356 33.1 , 2018, c. 23, s. 357

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-26	<p>Deposit Insurance Act — <i>Cont'd</i> (<i>Deposit Institutions and Deposit Protection Act</i>)</p> <p>34, 2018, c. 23, s. 358 34.1, 2018, c. 23, s. 359 34.2, Ab. 2018, c. 23, s. 360 34.3, 2018, c. 23, s. 361 34.4, 2018, c. 23, s. 362 35, 2018, c. 23, s. 363 36, 2018, c. 23, s. 364 37, 2018, c. 23, s. 365 38, 2018, c. 23, s. 366 38.1, 2018, c. 23, s. 367 38.2, 2018, c. 23, s. 368 40, Ab. 2018, c. 23, s. 369 40.0.1, Ab. 2018, c. 23, s. 369 40.0.2, Ab. 2018, c. 23, s. 369 40.0.3, Ab. 2018, c. 23, s. 369 40.0.4, Ab. 2018, c. 23, s. 369 40.0.5, Ab. 2018, c. 23, s. 369 40.0.6, Ab. 2018, c. 23, s. 369 40.0.7, Ab. 2018, c. 23, s. 369 40.0.8, Ab. 2018, c. 23, s. 369 40.0.9, Ab. 2018, c. 23, s. 369 40.2, 2018, c. 23, s. 371 40.2.1, 2018, c. 23, s. 372 40.3, 2018, c. 23, s. 373 40.3.1, Ab. 2018, c. 23, s. 374 40.3.4, Ab. 2018, c. 23, s. 374 40.4, 2018, c. 23, s. 375 40.5, 2018, c. 23, s. 376 40.6, 2018, c. 23, s. 376 40.7, 2018, c. 23, s. 376 40.8, 2018, c. 23, s. 376 40.9, 2018, c. 23, s. 376 40.10, 2018, c. 23, s. 376 40.11, 2018, c. 23, s. 376 40.12, 2018, c. 23, s. 376 40.13, 2018, c. 23, s. 376 40.14, 2018, c. 23, s. 376 40.15, 2018, c. 23, s. 376 40.16, 2018, c. 23, s. 376 40.17, 2018, c. 23, s. 376 40.18, 2018, c. 23, s. 376 40.19, 2018, c. 23, s. 376 40.20, 2018, c. 23, s. 376 40.21, 2018, c. 23, s. 376 40.22, 2018, c. 23, s. 376 40.23, 2018, c. 23, s. 376 40.24, 2018, c. 23, s. 376 40.25, 2018, c. 23, s. 376 40.26, 2018, c. 23, s. 376 40.27, 2018, c. 23, s. 376 40.28, 2018, c. 23, s. 376 40.29, 2018, c. 23, s. 376 40.30, 2018, c. 23, s. 376 40.31, 2018, c. 23, s. 376 40.32, 2018, c. 23, s. 376 40.33, 2018, c. 23, s. 376 40.34, 2018, c. 23, s. 376 40.35, 2018, c. 23, s. 376 40.36, 2018, c. 23, s. 376 40.37, 2018, c. 23, s. 376 40.38, 2018, c. 23, s. 376 40.39, 2018, c. 23, s. 376</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-26	<p>Deposit Insurance Act — <i>Cont'd</i> (<i>Deposit Institutions and Deposit Protection Act</i>)</p> <p>40.40, 2018, c. 23, s. 376 40.41, 2018, c. 23, s. 376 40.42, 2018, c. 23, s. 376 40.43, 2018, c. 23, s. 376 40.44, 2018, c. 23, s. 376 40.45, 2018, c. 23, s. 376 40.46, 2018, c. 23, s. 376 40.47, 2018, c. 23, s. 376 40.48, 2018, c. 23, s. 376 40.49, 2018, c. 23, s. 376 40.50, 2018, c. 23, s. 376 40.51, 2018, c. 23, s. 376 40.52, 2018, c. 23, s. 376 40.53, 2018, c. 23, s. 376 40.54, 2018, c. 23, s. 376 40.55, 2018, c. 23, s. 376 40.56, 2018, c. 23, s. 376 40.57, 2018, c. 23, s. 376 41, 2018, c. 23, s. 377 41.1, 2018, c. 23, s. 378 41.3, 2018, c. 23, s. 379 42, 2018, c. 23, s. 380 42.1, 2018, c. 23, s. 381 42.2, 2018, c. 23, s. 381 42.3, 2018, c. 23, s. 381 42.4, 2018, c. 23, s. 381 42.5, 2018, c. 23, s. 381 42.6, 2018, c. 23, s. 381 42.7, 2018, c. 23, s. 381 42.8, 2018, c. 23, s. 381 42.9, 2018, c. 23, s. 381 42.10, 2018, c. 23, s. 381 42.11, 2018, c. 23, s. 381 42.12, 2018, c. 23, s. 381 42.13, 2018, c. 23, s. 381 42.14, 2018, c. 23, s. 381 42.15, 2018, c. 23, s. 381 42.16, 2018, c. 23, s. 381 42.17, 2018, c. 23, s. 381 42.18, 2018, c. 23, s. 381 42.19, 2018, c. 23, s. 381 42.20, 2018, c. 23, s. 381 43, 2018, c. 23, s. 382 45, 2018, c. 23, s. 383 45.1, Ab. 2018, c. 23, s. 384 45.2, 2018, c. 23, s. 385 45.3, 2018, c. 23, s. 385 45.4, 2018, c. 23, s. 385 45.5, 2018, c. 23, s. 385 45.6, 2018, c. 23, s. 385 45.7, 2018, c. 23, s. 385 45.8, 2018, c. 23, s. 385 45.9, 2018, c. 23, s. 385 45.10, 2018, c. 23, s. 385 45.11, 2018, c. 23, s. 385 45.12, 2018, c. 23, s. 385 45.13, 2018, c. 23, s. 385 45.14, 2018, c. 23, s. 385 45.15, 2018, c. 23, s. 385 45.16, 2018, c. 23, s. 385 45.17, 2018, c. 23, s. 385 45.18, 2018, c. 23, s. 385</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-26	Deposit Insurance Act — <i>Cont'd</i> (<i>Deposit Institutions and Deposit Protection Act</i>) 45.19 , 2018, c. 23, s. 385 45.20 , 2018, c. 23, s. 385 45.21 , 2018, c. 23, s. 385 45.22 , 2018, c. 23, s. 385 45.23 , 2018, c. 23, s. 385 45.24 , 2018, c. 23, s. 385 45.25 , 2018, c. 23, s. 385 46 , 2018, c. 23, s. 385 46.1 , 2018, c. 23, s. 385 46.2 , 2018, c. 23, s. 385 46.3 , 2018, c. 23, s. 385 46.4 , 2018, c. 23, s. 385 46.5 , 2018, c. 23, s. 385 46.6 , 2018, c. 23, s. 385 46.7 , 2018, c. 23, s. 385 46.8 , 2018, c. 23, s. 385 46.9 , 2018, c. 23, s. 385 47 , 2018, c. 23, s. 385 47.1 , 2018, c. 23, s. 385 47.2 , 2018, c. 23, s. 385 48 , 2018, c. 23, s. 385 48.3 , 2018, c. 23, s. 386 52 , 2018, c. 23, s. 388 52.1 , 2018, c. 23, s. 389 53 , 2018, c. 23, s. 390 56.1 , 2018, c. 23, s. 391 56.2 , 2018, c. 23, s. 391
c. A-28	Hospital Insurance Act 11 , 2018, c. 23, s. 720
c. A-29	Health Insurance Act 15 , 2018, c. 23, s. 721 67 , 2018, c. 11, s. 21 70 , 2018, c. 11, s. 21 71 , 2018, c. 11, s. 21 71.1 , 2018, c. 11, s. 21
c. A-29.01	Act respecting prescription drug insurance 4 , 2018, c. 23, s. 722 15 , 2018, c. 11, s. 22 17 , 2018, c. 11, s. 23
c. A-32	Act respecting insurance 177.1 , 2018, c. 23, s. 26 Rp. , 2018, c. 23, s. 3
c. A-33.2	Act respecting the Autorité des marchés financiers (<i>Act respecting the regulation of the financial sector</i>) Title , 2018, c. 23, s. 603 15.1 , 2018, c. 23, s. 605 15.6 , 2018, c. 23, s. 606 17.0.1 , 2018, c. 23, s. 607 17.0.2 , 2018, c. 23, s. 607 17.0.3 , 2018, c. 23, s. 607 17.0.4 , 2018, c. 23, s. 607 17.0.5 , 2018, c. 23, s. 607 17.1 , 2018, c. 23, s. 608 19 , 2018, c. 23, s. 609 19.0.1 , 2018, c. 23, s. 609 19.0.2 , 2018, c. 23, s. 609

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-33.2	<p data-bbox="433 306 1013 351">Act respecting the Autorité des marchés financiers — <i>Cont'd</i> (<i>Act respecting the regulation of the financial sector</i>)</p> <p data-bbox="433 360 656 383">19.1, 2018, c. 23, s. 610</p> <p data-bbox="433 383 656 406">19.6, 2018, c. 23, s. 611</p> <p data-bbox="433 406 656 430">19.8, 2018, c. 23, s. 612</p> <p data-bbox="433 430 656 453">19.12, 2018, c. 23, s. 613</p> <p data-bbox="433 453 656 476">25.0.1, 2018, c. 23, s. 614</p> <p data-bbox="433 476 656 499">36.1, 2018, c. 23, s. 615</p> <p data-bbox="433 499 656 523">38.1, 2018, c. 23, s. 616</p> <p data-bbox="433 523 656 546">38.2, 2018, c. 23, s. 616</p> <p data-bbox="433 546 656 569">46, 2018, c. 23, s. 617</p> <p data-bbox="433 569 656 593">49, 2018, c. 23, s. 618</p> <p data-bbox="433 593 656 616">58.1, 2018, c. 23, s. 619</p> <p data-bbox="433 616 656 639">58.2, 2018, c. 23, s. 619</p> <p data-bbox="433 639 656 663">58.3, 2018, c. 23, s. 619</p> <p data-bbox="433 663 656 686">58.4, 2018, c. 23, s. 619</p> <p data-bbox="433 686 656 709">58.5, 2018, c. 23, s. 619</p> <p data-bbox="433 709 656 732">58.6, 2018, c. 23, s. 619</p> <p data-bbox="433 732 656 756">58.7, 2018, c. 23, s. 619</p> <p data-bbox="433 756 656 779">58.8, 2018, c. 23, s. 619</p> <p data-bbox="433 779 656 802">58.9, 2018, c. 23, s. 619</p> <p data-bbox="433 802 656 826">58.10, 2018, c. 23, s. 619</p> <p data-bbox="433 826 656 849">58.11, 2018, c. 23, s. 619</p> <p data-bbox="433 849 656 872">58.12, 2018, c. 23, s. 619</p> <p data-bbox="433 872 656 896">62.1, 2018, c. 23, s. 620</p> <p data-bbox="433 896 656 919">62.2, 2018, c. 23, s. 620</p> <p data-bbox="433 919 656 942">62.3, 2018, c. 23, s. 620</p> <p data-bbox="433 942 656 965">62.4, 2018, c. 23, s. 620</p> <p data-bbox="433 965 656 989">63, 2018, c. 23, s. 621</p> <p data-bbox="433 989 656 1012">63.1, 2018, c. 23, s. 622</p> <p data-bbox="433 1012 656 1035">68, 2018, c. 23, s. 623</p> <p data-bbox="433 1035 656 1059">70.1, 2018, c. 23, s. 624</p> <p data-bbox="433 1059 656 1082">81, 2018, c. 23, s. 625</p> <p data-bbox="433 1082 656 1105">83, 2018, c. 23, s. 626</p> <p data-bbox="433 1105 656 1128">93, 2018, c. 23, s. 628</p> <p data-bbox="433 1128 656 1152">94, 2018, c. 23, s. 629</p> <p data-bbox="433 1152 1156 1175">97, 2018, c. 23, s. 630; (<i>renumbered 96</i>) 2018, c. 23, s. 630; 2018, c. 23, s. 631</p> <p data-bbox="433 1175 656 1198">97.1, 2018, c. 23, s. 631</p> <p data-bbox="433 1198 656 1222">98, 2018, c. 23, s. 631</p> <p data-bbox="433 1222 656 1245">99, 2018, c. 23, s. 631</p> <p data-bbox="433 1245 656 1268">100, 2018, c. 23, s. 631</p> <p data-bbox="433 1268 656 1292">101, 2018, c. 23, s. 631</p> <p data-bbox="433 1292 656 1315">102, 2018, c. 23, s. 631</p> <p data-bbox="433 1315 656 1338">103, 2018, c. 23, s. 631</p> <p data-bbox="433 1338 656 1361">104, 2018, c. 23, s. 631</p> <p data-bbox="433 1361 656 1385">104.1, 2018, c. 23, s. 631</p> <p data-bbox="433 1385 656 1408">104.2, 2018, c. 23, s. 631</p> <p data-bbox="433 1408 656 1431">104.3, 2018, c. 23, s. 631</p> <p data-bbox="433 1431 656 1455">105, 2018, c. 23, s. 631</p> <p data-bbox="433 1455 656 1478">106, 2018, c. 23, s. 631</p> <p data-bbox="433 1478 656 1501">107, 2018, c. 23, s. 631</p> <p data-bbox="433 1501 656 1524">108, 2018, c. 23, s. 631</p> <p data-bbox="433 1524 656 1548">109, 2018, c. 23, s. 631</p> <p data-bbox="433 1548 656 1571">110, 2018, c. 23, s. 631</p> <p data-bbox="433 1571 656 1594">111, 2018, c. 23, s. 631</p> <p data-bbox="433 1594 656 1618">112, 2018, c. 23, s. 631</p> <p data-bbox="433 1618 656 1641">113, 2018, c. 23, s. 631</p> <p data-bbox="433 1641 656 1664">114, 2018, c. 23, s. 631</p> <p data-bbox="433 1664 656 1688">115, 2018, c. 23, s. 631</p> <p data-bbox="433 1688 656 1711">115.1, 2018, c. 23, s. 631</p> <p data-bbox="433 1711 656 1734">115.2, 2018, c. 23, s. 631</p> <p data-bbox="433 1734 656 1757">115.3, 2018, c. 23, s. 631</p> <p data-bbox="433 1757 656 1781">115.4, 2018, c. 23, s. 631</p> <p data-bbox="433 1781 656 1792">115.5, 2018, c. 23, s. 631</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-33.2	<p data-bbox="419 306 998 351">Act respecting the Autorité des marchés financiers — <i>Cont'd</i> (<i>Act respecting the regulation of the financial sector</i>)</p> <p data-bbox="419 360 652 383">115.6, 2018, c. 23, s. 631</p> <p data-bbox="419 383 652 406">115.7, 2018, c. 23, s. 631</p> <p data-bbox="419 406 652 430">115.8, 2018, c. 23, s. 631</p> <p data-bbox="419 430 652 453">115.9, 2018, c. 23, s. 631</p> <p data-bbox="419 453 663 476">115.10, 2018, c. 23, s. 631</p> <p data-bbox="419 476 652 499">115.11, 2018, c. 23, s. 631</p> <p data-bbox="419 499 663 523">115.12, 2018, c. 23, s. 631</p> <p data-bbox="419 523 663 546">115.13, 2018, c. 23, s. 631</p> <p data-bbox="419 546 663 569">115.14, 2018, c. 23, s. 631</p> <p data-bbox="419 569 663 593">115.15, 2018, c. 23, s. 631</p> <p data-bbox="419 593 682 616">115.15.1, 2018, c. 23, s. 631</p> <p data-bbox="419 616 682 639">115.15.2, 2018, c. 23, s. 631</p> <p data-bbox="419 639 682 663">115.15.3, 2018, c. 23, s. 631</p> <p data-bbox="419 663 682 686">115.15.4, 2018, c. 23, s. 631</p> <p data-bbox="419 686 682 709">115.15.5, 2018, c. 23, s. 631</p> <p data-bbox="419 709 682 732">115.15.6, 2018, c. 23, s. 631</p> <p data-bbox="419 732 682 756">115.15.7, 2018, c. 23, s. 631</p> <p data-bbox="419 756 682 779">115.15.8, 2018, c. 23, s. 631</p> <p data-bbox="419 779 682 802">115.15.9, 2018, c. 23, s. 631</p> <p data-bbox="419 802 694 826">115.15.10, 2018, c. 23, s. 631</p> <p data-bbox="419 826 694 849">115.15.11, 2018, c. 23, s. 631</p> <p data-bbox="419 849 694 872">115.15.12, 2018, c. 23, s. 631</p> <p data-bbox="419 872 694 896">115.15.13, 2018, c. 23, s. 631</p> <p data-bbox="419 896 694 919">115.15.14, 2018, c. 23, s. 631</p> <p data-bbox="419 919 694 942">115.15.15, 2018, c. 23, s. 631</p> <p data-bbox="419 942 694 965">115.15.16, 2018, c. 23, s. 631</p> <p data-bbox="419 965 694 989">115.15.17, 2018, c. 23, s. 631</p> <p data-bbox="419 989 694 1012">115.15.18, 2018, c. 23, s. 631</p> <p data-bbox="419 1012 694 1035">115.15.19, 2018, c. 23, s. 631</p> <p data-bbox="419 1035 694 1059">115.15.20, 2018, c. 23, s. 631</p> <p data-bbox="419 1059 694 1082">115.15.21, 2018, c. 23, s. 631</p> <p data-bbox="419 1082 694 1105">115.15.22, 2018, c. 23, s. 631</p> <p data-bbox="419 1105 694 1128">115.15.23, 2018, c. 23, s. 631</p> <p data-bbox="419 1128 694 1152">115.15.24, 2018, c. 23, s. 631</p> <p data-bbox="419 1152 694 1175">115.15.25, 2018, c. 23, s. 631</p> <p data-bbox="419 1175 694 1198">115.15.26, 2018, c. 23, s. 631</p> <p data-bbox="419 1198 694 1222">115.15.27, 2018, c. 23, s. 631</p> <p data-bbox="419 1222 694 1245">115.15.28, 2018, c. 23, s. 631</p> <p data-bbox="419 1245 694 1268">115.15.29, 2018, c. 23, s. 631</p> <p data-bbox="419 1268 694 1292">115.15.30, 2018, c. 23, s. 631</p> <p data-bbox="419 1292 694 1315">115.15.31, 2018, c. 23, s. 631</p> <p data-bbox="419 1315 694 1338">115.15.32, 2018, c. 23, s. 631</p> <p data-bbox="419 1338 694 1361">115.15.33, 2018, c. 23, s. 631</p> <p data-bbox="419 1361 694 1385">115.15.34, 2018, c. 23, s. 631</p> <p data-bbox="419 1385 694 1408">115.15.35, 2018, c. 23, s. 631</p> <p data-bbox="419 1408 694 1431">115.15.36, 2018, c. 23, s. 631</p> <p data-bbox="419 1431 694 1455">115.15.37, 2018, c. 23, s. 631</p> <p data-bbox="419 1455 694 1478">115.15.38, 2018, c. 23, s. 631</p> <p data-bbox="419 1478 694 1501">115.15.39, 2018, c. 23, s. 631</p> <p data-bbox="419 1501 694 1524">115.15.40, 2018, c. 23, s. 631</p> <p data-bbox="419 1524 694 1548">115.15.41, 2018, c. 23, s. 631</p> <p data-bbox="419 1548 694 1571">115.15.42, 2018, c. 23, s. 631</p> <p data-bbox="419 1571 694 1594">115.15.43, 2018, c. 23, s. 631</p> <p data-bbox="419 1594 694 1618">115.15.44, 2018, c. 23, s. 631</p> <p data-bbox="419 1618 694 1641">115.15.45, 2018, c. 23, s. 631</p> <p data-bbox="419 1641 694 1664">115.15.46, 2018, c. 23, s. 631</p> <p data-bbox="419 1664 694 1688">115.15.47, 2018, c. 23, s. 631</p> <p data-bbox="419 1688 694 1711">115.15.48, 2018, c. 23, s. 631</p> <p data-bbox="419 1711 694 1734">115.15.49, 2018, c. 23, s. 631</p> <p data-bbox="419 1734 694 1757">115.15.50, 2018, c. 23, s. 631</p> <p data-bbox="419 1757 694 1781">115.15.51, 2018, c. 23, s. 631</p> <p data-bbox="419 1781 694 1792">115.15.52, 2018, c. 23, s. 631</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-33.2	<p>Act respecting the Autorité des marchés financiers — <i>Cont'd</i> (<i>Act respecting the regulation of the financial sector</i>)</p> <p>115.15.53, 2018, c. 23, s. 631 115.15.54, 2018, c. 23, s. 631 115.15.55, 2018, c. 23, s. 631 115.15.56, 2018, c. 23, s. 631 115.15.57, 2018, c. 23, s. 631 115.15.58, 2018, c. 23, s. 631 115.15.59, 2018, c. 23, s. 631 115.15.60, 2018, c. 23, s. 631 115.15.61, 2018, c. 23, s. 631 115.15.62, 2018, c. 23, s. 631 115.15.63, 2018, c. 23, s. 631 115.17, 2018, c. 23, s. 632 115.18, 2018, c. 23, s. 632 115.20, 2018, c. 23, s. 633 115.20.1, 2018, c. 23, s. 633 116, Ab. 2018, c. 23, s. 634 117, Ab. 2018, c. 23, s. 634 118, Ab. 2018, c. 23, s. 634 119, Ab. 2018, c. 23, s. 634 120, Ab. 2018, c. 23, s. 634 121, Ab. 2018, c. 23, s. 634 122, Ab. 2018, c. 23, s. 634 123, Ab. 2018, c. 23, s. 634 124, Ab. 2018, c. 23, s. 634 125, Ab. 2018, c. 23, s. 634 126, Ab. 2018, c. 23, s. 634 127, Ab. 2018, c. 23, s. 634 128, Ab. 2018, c. 23, s. 634 129, Ab. 2018, c. 23, s. 634 130, Ab. 2018, c. 23, s. 634 131, Ab. 2018, c. 23, s. 634 132, Ab. 2018, c. 23, s. 634 133, Ab. 2018, c. 23, s. 634 134, Ab. 2018, c. 23, s. 634 135, Ab. 2018, c. 23, s. 634 136, Ab. 2018, c. 23, s. 634 137, Ab. 2018, c. 23, s. 634 138, Ab. 2018, c. 23, s. 634 139, Ab. 2018, c. 23, s. 634 140, Ab. 2018, c. 23, s. 634 141, Ab. 2018, c. 23, s. 634 142, Ab. 2018, c. 23, s. 634 143, Ab. 2018, c. 23, s. 634 144, Ab. 2018, c. 23, s. 634 145, Ab. 2018, c. 23, s. 634 146, Ab. 2018, c. 23, s. 634 147, Ab. 2018, c. 23, s. 634 148, Ab. 2018, c. 23, s. 634 149, Ab. 2018, c. 23, s. 634 150, Ab. 2018, c. 23, s. 634 151, Ab. 2018, c. 23, s. 634 152, Ab. 2018, c. 23, s. 634 153, Ab. 2018, c. 23, s. 634 154, Ab. 2018, c. 23, s. 634 155, Ab. 2018, c. 23, s. 634 156, Ab. 2018, c. 23, s. 634 733, Ab. 2018, c. 23, s. 635 739, Ab. 2018, c. 23, s. 635</p>
c. A-33.3	<p>Act respecting the Autorité régionale de transport métropolitain</p> <p>85, 2018, c. 8, s. 3 89, Ab. 2018, c. 8, s. 4</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. A-33.3	<p>Act respecting the Autorité régionale de transport métropolitain — <i>Cont'd</i></p> <p>91, 2018, c. 8, s. 5 91.1, 2018, c. 8, s. 6 99, 2018, c. 8, s. 7 100, 2018, c. 8, s. 8 100.1, 2018, c. 8, s. 9 100.2, 2018, c. 8, s. 9 101, 2018, c. 8, s. 10 101.1, Ab. 2018, c. 8, s. 11</p>
c. B-1.1	<p>Building Act</p> <p>1, 2018, c. 13, s. 1 7, 2018, c. 13, s. 2 8, 2018, c. 13, s. 3 44, 2018, c. 13, s. 4 45, Ab. 2018, c. 13, s. 5 52, 2018, c. 13, s. 6 52.1, 2018, c. 13, s. 6 52.2, 2018, c. 13, s. 6 54, 2018, c. 13, s. 7 58, 2018, c. 13, s. 8; 2018, c. 23, s. 723 59, 2018, c. 13, s. 9 59.1, 2018, c. 13, s. 10 60, 2018, c. 13, s. 11; 2018, c. 23, s. 724 61, 2018, c. 13, s. 12 62.0.1, 2018, c. 13, s. 13 62.0.2, 2018, c. 13, s. 14 62.0.3, 2018, c. 13, s. 15 62.0.4, 2018, c. 13, s. 15 65.1, 2018, c. 13, s. 16 65.4, 2018, c. 13, s. 17 66, 2018, c. 13, s. 18 67, 2018, c. 13, s. 19 69, 2018, c. 13, s. 20 70, 2018, c. 13, s. 21 70.0.1, 2018, c. 13, s. 22 72, 2018, c. 13, s. 23 73, 2018, c. 13, s. 24 75, 2018, c. 13, s. 25 76.1, 2018, c. 13, s. 26 109.6, 2018, c. 13, s. 27 111, 2018, c. 13, s. 28 129, 2018, c. 13, s. 29 129.2, 2018, c. 13, s. 30 129.2.1, 2018, c. 13, s. 30 129.2.2, 2018, c. 13, s. 30 129.2.3, 2018, c. 13, s. 30 130, 2018, c. 13, s. 31 145, 2018, c. 13, s. 32 185, 2018, c. 13, s. 33 194, 2018, c. 13, s. 34 196.2, 2018, c. 13, s. 35 197.1, 2018, c. 13, s. 36 197.2, 2018, c. 13, s. 37 199.1, 2018, c. 13, s. 38 212, 2018, c. 13, s. 39</p>
c. B-5.1	<p>Unclaimed Property Act</p> <p>3, 2018, c. 23, s. 725</p>
c. C-2	<p>Act respecting the Caisse de dépôt et placement du Québec</p> <p>28, 2018, c. 23, s. 726</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-6.1	Act constituting Capital régional et coopératif Desjardins 20 , 2018, c. 23, s. 727 32 , 2018, c. 23, s. 728
c. C-11.1	Charter of Ville de Gatineau 12 , 2018, c. 8, s. 12
c. C-11.3	Charter of Ville de Longueuil 58.3.2 , 2018, c. 8, s. 13
c. C-11.4	Charter of Ville de Montréal, metropolis of Québec 43 , 2018, c. 8, s. 14 57.1.13 , 2018, c. 3, s. 2 57.1.18 , 2018, c. 1, s. 46 89.1.2 , 2018, c. 8, s. 15 50.6 (Sched. C) , 2018, c. 8, s. 16 151.5 (Sched. C) , 2018, c. 8, s. 17 201 (Sched. C) , 2018, c. 8, s. 18 263 (Sched. C) , 2018, c. 23, s. 729
c. C-11.5	Charter of Ville de Québec, national capital of Québec 74.5.2 , 2018, c. 8, s. 19 41 (Sched. C) , 2018, c. 8, s. 20 43 (Sched. C) , 2018, c. 8, s. 21 63 (Sched. C) , Ab. 2018, c. 8, s. 22 84.3 (Sched. C) , 2018, c. 8, s. 23 105.1 (Sched. C) , 2018, c. 8, s. 24 105.6 (Sched. C) , 2018, c. 8, s. 25 157 (Sched. C) , 2018, c. 5, s. 60 162 (Sched. C) , 2018, c. 23, s. 730
c. C-19	Cities and Towns Act 28 , 2018, c. 8, s. 26 29.5 , 2018, c. 8, s. 27 29.9.1 , 2018, c. 8, s. 28 29.10.1 , 2018, c. 5, s. 61 52 , 2018, c. 8, s. 29 99 , 2018, c. 23, s. 731 105.1 , 2018, c. 8, s. 30 105.2 , 2018, c. 8, s. 31 105.2.2 , 2018, c. 8, s. 32 107.1 , 2018, c. 8, s. 34 107.2 , 2018, c. 8, s. 35 107.2.1 , 2018, c. 8, s. 36 107.3 , 2018, c. 8, s. 37 107.5 , 2018, c. 8, s. 39 107.6.1 , 2018, c. 8, s. 41 107.7 , 2018, c. 8, s. 42 107.8 , 2018, c. 8, s. 43 107.10 , 2018, c. 8, s. 44 107.13 , 2018, c. 8, s. 46 107.14 , Ab. 2018, c. 8, s. 47 107.15 , Ab. 2018, c. 8, s. 47 108 , 2018, c. 8, s. 49 108.2 , 2018, c. 8, s. 50 108.2.0.1 , 2018, c. 8, s. 51 108.2.0.2 , 2018, c. 8, s. 51 108.2.1 , 2018, c. 8, s. 52 108.2.2 , 2018, c. 8, s. 53 108.3 , 2018, c. 8, s. 54 108.4 , 2018, c. 8, s. 55 109 , 2018, c. 8, s. 56 116.1 , 2018, c. 8, s. 57

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-19	<p>Cities and Towns Act — <i>Cont'd</i></p> <p>345.1, 2018, c. 8, s. 58 356, 2018, c. 8, s. 59 464, 2018, c. 23, s. 732 465.10, 2018, c. 23, s. 733 465.15, 2018, c. 23, s. 734 465.17, 2018, c. 23, s. 735 477.4, 2018, c. 8, s. 60 497, 2018, c. 5, s. 62 500, Ab. 2018, c. 5, s. 63 500.1, 2018, c. 19, s. 19 573, 2018, c. 8, s. 61 573.1, 2018, c. 8, s. 62 573.1.0.0.1, 2018, c. 8, s. 63 573.1.0.1.1, 2018, c. 8, s. 64 573.1.0.2, 2018, c. 8, s. 264 573.1.0.4, 2018, c. 8, s. 65 573.1.0.14, 2018, c. 8, s. 66 573.3, 2018, c. 8, s. 67 573.3.0.0.1, 2018, c. 8, s. 68 573.3.0.1, 2018, c. 8, s. 69 573.3.0.2, 2018, c. 8, s. 70 573.3.0.3, 2018, c. 8, s. 71 573.3.1.2, 2018, c. 8, s. 72 573.3.3.1.1, 2018, c. 8, s. 73 573.3.3.2, 2018, c. 8, s. 74 573.3.3.3, 2018, c. 8, s. 75 573.3.4, 2018, c. 8, s. 76 573.3.5, 2018, c. 8, s. 77</p>
c. CCQ-1991	<p>Civil Code of Québec</p> <p>1064, 2018, c. 23, a. 636 1064.1, 2018, c. 23, a. 637 1070, 2018, c. 23, a. 638 1071.1, 2018, c. 23, a. 639 1072, 2018, c. 23, a. 640 1073, 2018, c. 23, a. 641 1074.1, 2018, c. 23, a. 642 1074.2, 2018, c. 23, a. 642 1074.3, 2018, c. 23, a. 642 1075, 2018, c. 23, a. 643 1075.1, 2018, c. 23, a. 644 1078, 2018, c. 23, a. 645 1086, 2018, c. 23, a. 646 1094, 2018, c. 23, a. 647 1106.1, 2018, c. 23, a. 648 1339, 2018, c. 23, a. 713 1583, 2018, c. 23, a. 714 1791, 2018, c. 23, a. 649 2713.6, 2018, c. 23, a. 715 2724, 2018, c. 23, a. 650 2729, 2018, c. 23, a. 651</p>
c. C-24.2	<p>Highway Safety Code</p> <p>1, 2018, c. 7, s. 2 3.1, 2018, c. 7, s. 3 4, 2018, c. 7, s. 4; 2018, c. 18, s. 1; 2018, c. 19, s. 21 5.1, 2018, c. 7, s. 5; 2018, c. 19, s. 22 9, 2018, c. 7, s. 6 10.1, 2018, c. 18, s. 2 10.3, 2018, c. 18, s. 3 10.4, 2018, c. 18, s. 3 21, 2018, c. 18, s. 4</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-24.2	<p>Highway Safety Code — <i>Cont'd</i></p> <p> 31.1, 2018, c. 18, s. 5 32.1, 2018, c. 18, s. 6 32.2, 2018, c. 18, s. 6 32.3, 2018, c. 18, s. 6 32.4, 2018, c. 18, s. 6 32.5, 2018, c. 18, s. 6 35, 2018, c. 18, s. 7 37, 2018, c. 18, s. 8 39, 2018, c. 18, s. 9 39.1, 2018, c. 18, s. 10 40, 2018, c. 18, s. 11 41, Ab. 2018, c. 18, s. 12 54.1, 2018, c. 18, s. 13 54.2, 2018, c. 18, s. 13 59, 2018, c. 18, s. 14 62, 2018, c. 7, s. 7 63.2, Ab. 2018, c. 7, s. 8 64.1, 2018, c. 7, s. 9 66.1, 2018, c. 7, s. 10 67, 2018, c. 7, s. 11 69, 2018, c. 18, s. 15 69.1, 2018, c. 7, s. 12 73, 2018, c. 18, s. 16; 2018, c. 19, s. 23 76, 2018, c. 19, s. 24 76.1, 2018, c. 19, s. 25 76.1.1, 2018, c. 19, s. 26 76.1.2, 2018, c. 7, s. 13; 2018, c. 19, s. 27 76.1.3, 2018, c. 7, s. 14 76.1.4, 2018, c. 7, s. 15; 2018, c. 19, s. 28 76.1.4.1, 2018, c. 7, s. 16 76.1.5, 2018, c. 7, s. 17 76.1.6, 2018, c. 7, s. 18; 2018, c. 19, s. 29 76.1.6.1, 2018, c. 7, s. 19 76.1.6.2, 2018, c. 7, s. 19 76.1.6.3, 2018, c. 7, s. 19 76.1.6.4, 2018, c. 7, s. 19 76.1.7, 2018, c. 19, s. 30 76.1.10, 2018, c. 7, s. 20 76.1.12, 2018, c. 19, s. 31 81, 2018, c. 18, s. 17 93.1, 2018, c. 18, s. 18 95, 2018, c. 18, s. 19 99, 2018, c. 7, s. 21 100, 2018, c. 7, s. 22 110, 2018, c. 7, s. 23 137.1, 2018, c. 7, s. 24 140.1, 2018, c. 7, s. 25 141, 2018, c. 18, s. 20; 2018, c. 19, s. 32 143, 2018, c. 19, s. 33 143.1, 2018, c. 19, s. 34 144, 2018, c. 19, s. 35 156, 2018, c. 7, s. 26 165, 2018, c. 7, s. 27 180, 2018, c. 19, s. 36 181, 2018, c. 19, s. 37 188, 2018, c. 18, s. 21 189, 2018, c. 7, s. 28 190, 2018, c. 18, s. 22 202.0.1, 2018, c. 19, s. 38 202.0.3, 2018, c. 19, s. 39 202.1.4, 2018, c. 19, s. 40 202.1.5, Ab. 2018, c. 19, s. 41 202.2.1.3, 2018, c. 19, s. 42 </p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-24.2	<p>Highway Safety Code — <i>Cont'd</i></p> <p> 202.3, 2018, c. 19, s. 43 202.3.1, 2018, c. 19, s. 43 202.4, 2018, c. 19, s. 44 202.4.1, 2018, c. 19, s. 45 202.5, 2018, c. 19, s. 46 202.5.1, 2018, c. 7, s. 29 202.6, 2018, c. 7, s. 30; 2018, c. 19, s. 47 202.6.4, 2018, c. 19, s. 48 202.6.5, 2018, c. 19, s. 49 202.6.6, 2018, c. 7, s. 31; 2018, c. 19, s. 50 202.6.7, 2018, c. 19, s. 51 202.8, 2018, c. 19, s. 52 209.1, 2018, c. 18, s. 23; 2018, c. 19, s. 53 209.2, 2018, c. 7, s. 32; 2018, c. 19, s. 54 209.2.1, 2018, c. 19, s. 55 209.2.1.1, 2018, c. 19, s. 56 209.2.1.3, 2018, c. 19, s. 57 209.12, 2018, c. 7, s. 33 209.18, 2018, c. 7, s. 34 214, 2018, c. 7, s. 35 220.2, 2018, c. 7, s. 36 220.3, 2018, c. 7, s. 37 226, 2018, c. 7, s. 38 226.2, 2018, c. 7, s. 39 227, 2018, c. 7, s. 40 227.1, 2018, c. 7, s. 41 230, 2018, c. 7, s. 42 232, 2018, c. 7, s. 43 233, 2018, c. 7, s. 44 233.1, 2018, c. 7, s. 45 237, 2018, c. 7, s. 46 239, 2018, c. 7, s. 47 239.1, 2018, c. 7, s. 48 239.1.1, 2018, c. 7, s. 48 239.2, 2018, c. 7, s. 48 240.2, 2018, c. 7, s. 49 240.3, 2018, c. 7, s. 50 244, 2018, c. 7, s. 51 257.1, 2018, c. 7, s. 52 258, 2018, c. 7, s. 53 275, 2018, c. 7, s. 54 275.1, 2018, c. 7, s. 55 276, 2018, c. 7, s. 56 276.1, 2018, c. 7, s. 57 281.1, 2018, c. 7, s. 58 281.3, 2018, c. 7, s. 59 282, 2018, c. 7, s. 60 283.1, 2018, c. 7, s. 61 283.2, 2018, c. 7, s. 62 285.1, 2018, c. 7, s. 63 286, 2018, c. 7, s. 64 289, 2018, c. 7, s. 65 289.1, 2018, c. 7, s. 66 293, 2018, c. 7, s. 67 295, 2018, c. 7, s. 68 297.1, 2018, c. 7, s. 69 303.3, 2018, c. 7, s. 70 311, 2018, c. 7, s. 71 313, 2018, c. 7, s. 72 314.1, 2018, c. 7, s. 73 314.2, 2018, c. 7, s. 74 322, 2018, c. 7, s. 75 323, 2018, c. 7, s. 76 </p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-24.2	Highway Safety Code — <i>Cont'd</i>
	326 , 2018, c. 7, s. 77
	326.1 , 2018, c. 7, s. 78
	332 , 2018, c. 7, s. 79
	335 , 2018, c. 7, s. 80
	341 , 2018, c. 7, s. 81
	341.1 , 2018, c. 7, s. 82
	344 , 2018, c. 7, s. 83
	348 , 2018, c. 7, s. 84
	358.1 , 2018, c. 7, s. 85
	359 , 2018, c. 7, s. 86
	359.3 , 2018, c. 7, s. 87
	361 , 2018, c. 7, s. 88
	364.1 , 2018, c. 7, s. 89
	365 , 2018, c. 7, s. 90
	369 , 2018, c. 7, s. 91
	370 , 2018, c. 7, s. 92
	378 , 2018, c. 7, s. 93
	379.1 , 2018, c. 7, s. 94
	386 , 2018, c. 7, s. 95
	388 , 2018, c. 7, s. 96
	388.1 , 2018, c. 7, s. 97
	390 , 2018, c. 7, s. 98
	395 , 2018, c. 7, s. 99
	396 , 2018, c. 7, s. 100
	397 , 2018, c. 7, s. 101
	398 , 2018, c. 7, s. 102
	399 , Ab. 2018, c. 7, s. 103
	400 , 2018, c. 7, s. 104
	406.2 , 2018, c. 7, s. 105
	407 , 2018, c. 7, s. 106
	410 , 2018, c. 7, s. 107
	418 , 2018, c. 7, s. 108
	418.1 , 2018, c. 7, s. 109
	418.2 , 2018, c. 7, s. 110
	418.3 , 2018, c. 7, s. 110
	425 , 2018, c. 7, s. 111
	432 , 2018, c. 7, s. 112
	434.0.1 , 2018, c. 7, s. 113
	439 , Ab. 2018, c. 7, s. 114
	439.1 , Ab. 2018, c. 7, s. 114
	440 , Ab. 2018, c. 7, s. 114
	440.1 , 2018, c. 7, s. 115
	442 , 2018, c. 7, s. 116
	443 , 2018, c. 19, s. 58
	443.1 , 2018, c. 7, s. 117
	443.2 , 2018, c. 7, s. 117
	443.3 , 2018, c. 7, s. 117
	443.4 , 2018, c. 7, s. 117
	443.5 , 2018, c. 7, s. 117
	443.6 , 2018, c. 7, s. 117
	443.7 , 2018, c. 7, s. 117
	453 , 2018, c. 7, s. 118
	453.2 , 2018, c. 7, s. 119
	460 , 2018, c. 7, s. 120
	474 , 2018, c. 7, s. 121
	478 , 2018, c. 7, s. 122
	479 , 2018, c. 7, s. 123
	483.1 , 2018, c. 7, s. 124
	484 , 2018, c. 7, s. 125
	484.1 , 2018, c. 7, s. 126
	484.2 , 2018, c. 7, s. 126
	484.3 , 2018, c. 7, s. 126
	487 , 2018, c. 7, s. 127

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-24.2	Highway Safety Code — <i>Cont'd</i>
	489, 2018, c. 19, s. 59
	490, 2018, c. 7, s. 128
	492.1, 2018, c. 7, s. 129
	492.7, 2018, c. 7, s. 130
	492.8, 2018, c. 7, s. 130
	496.1, 2018, c. 7, s. 131
	496.2, 2018, c. 7, s. 131
	496.3, 2018, c. 7, s. 131
	496.4, 2018, c. 7, s. 131
	496.5, 2018, c. 7, s. 131
	496.6, 2018, c. 7, s. 131
	496.7, 2018, c. 7, s. 131
	496.8, 2018, c. 7, s. 131
	496.9, 2018, c. 7, s. 131
	496.10, 2018, c. 7, s. 131
	498, 2018, c. 7, s. 132
	498.1, 2018, c. 7, s. 133
	502, 2018, c. 7, s. 134
	503, 2018, c. 7, s. 135
	504, 2018, c. 7, s. 136
	504.1, 2018, c. 7, s. 137
	505, 2018, c. 7, s. 138
	506, 2018, c. 7, s. 139
	507, 2018, c. 7, s. 140
	508, 2018, c. 7, s. 141
	509, 2018, c. 7, s. 142
	509.2.1, 2018, c. 7, s. 143
	509.2.2, 2018, c. 7, s. 143
	510, 2018, c. 7, s. 144
	511.0.1, 2018, c. 7, s. 145
	512, 2018, c. 7, s. 146
	516, 2018, c. 7, s. 147
	516.2, 2018, c. 7, s. 148
	519.29.1, 2018, c. 7, s. 149
	519.29.2, 2018, c. 7, s. 149
	521, 2018, c. 7, s. 150
	546.2, 2018, c. 7, s. 151
	546.4, 2018, c. 7, s. 152
	546.5, 2018, c. 7, s. 153
	546.6, 2018, c. 7, s. 154
	546.6.0.1, 2018, c. 7, s. 155
	546.6.0.2, 2018, c. 7, s. 155
	546.6.1, 2018, c. 7, s. 156
	546.7, 2018, c. 7, s. 157
	549.1, 2018, c. 18, s. 24
	550.2, 2018, c. 18, s. 25
	553, 2018, c. 18, s. 26
	573.0.1, 2018, c. 18, s. 27
	587, 2018, c. 19, s. 60
	592, 2018, c. 7, s. 158
	592.4.1, 2018, c. 7, s. 159
	592.4.2, 2018, c. 7, s. 160
	608.1, 2018, c. 7, s. 161
	611.4, 2018, c. 7, s. 162
	618, 2018, c. 18, s. 28
	619, 2018, c. 7, s. 163; 2018, c. 18, s. 29; 2018, c. 19, s. 61
	619.3, 2018, c. 18, s. 30
	621, 2018, c. 7, s. 164
	624, 2018, c. 7, s. 165; 2018, c. 18, s. 31
	626, 2018, c. 7, s. 166
	633, 2018, c. 7, s. 167
	633.1, 2018, c. 7, s. 168
	634.3, 2018, c. 7, s. 169

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-24.2	Highway Safety Code — <i>Cont'd</i> 634.4 , 2018, c. 7, s. 170 638.1 , 2018, c. 7, s. 171 638.2 , 2018, c. 7, s. 172 648.4 , 2018, c. 18, s. 32
c. C-25.01	Code of Civil Procedure 31 , 2018, c. 26, a. 8 216 , 2018, c. 23, a. 736 449 , 2018, c. 11, a. 24 547 , 2018, c. 23, a. 737 698 , 2018, c. 11, a. 25
c. C-25.1	Code of Penal Procedure 8.2 , 2018, c. 26, a. 9
c. C-26	Professional Code 16.8 , 2018, c. 23, s. 738 80 , 2018, c. 23, s. 4 85.1.1 , 2018, c. 23, s. 5 86.1 , 2018, c. 23, s. 6 86.2 , 2018, c. 23, s. 7 86.3 , 2018, c. 23, s. 7 86.4 , 2018, c. 23, s. 7 86.5 , 2018, c. 23, s. 7 86.6 , 2018, c. 23, s. 7 86.7 , 2018, c. 23, s. 7 86.8 , 2018, c. 23, s. 7 93 , 2018, c. 23, s. 8 95.2 , 2018, c. 23, s. 9 108.6 , 2018, c. 23, s. 10 124 , 2018, c. 1, s. 47 139.2 , 2018, c. 1, s. 48 193 , 2018, c. 23, s. 11 Sched. II , 2018, c. 23, s. 12
c. C-27.1	Municipal Code of Québec 9 , 2018, c. 8, a. 78 14.3 , 2018, c. 8, a. 79 14.7.1 , 2018, c. 8, a. 80 14.8.1 , 2018, c. 5, a. 64 169 , Ab. 2018, c. 8, a. 81 176.2.2 , 2018, c. 8, a. 82 203 , 2018, c. 5, a. 65; 2018, c. 23, a. 739 410 , 2018, c. 8, a. 83 433.1 , 2018, c. 8, a. 84 445 , 2018, c. 8, a. 85 704 , 2018, c. 23, a. 740 711.11 , 2018, c. 23, a. 741 711.16 , 2018, c. 23, a. 742 711.18 , 2018, c. 23, a. 743 935 , 2018, c. 8, a. 86 936 , 2018, c. 8, a. 87 936.0.0.1 , 2018, c. 8, a. 88 936.0.1.1 , 2018, c. 8, a. 89 936.0.2 , 2018, c. 8, a. 264 936.0.4 , 2018, c. 8, a. 90 936.0.14 , 2018, c. 8, a. 91 938 , 2018, c. 8, a. 92 938.0.0.1 , 2018, c. 8, a. 93 938.0.1 , 2018, c. 8, a. 94 938.0.2 , 2018, c. 8, a. 95 938.0.3 , 2018, c. 8, a. 96

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-27.1	<p>Municipal Code of Québec — <i>Cont'd</i></p> <p>938.1.2, 2018, c. 8, a. 97 938.3.1.1, 2018, c. 8, a. 98 938.3.2, 2018, c. 8, a. 99 938.3.3, 2018, c. 8, a. 100 938.4, 2018, c. 8, a. 101 961.2, 2018, c. 8, a. 102 966, 2018, c. 8, a. 103 966.2, 2018, c. 8, a. 104 966.2.1, 2018, c. 8, a. 105 966.2.2, 2018, c. 8, a. 105 966.2.3, 2018, c. 8, a. 105 966.3, 2018, c. 8, a. 105 966.5, 2018, c. 8, a. 106 984, 2018, c. 5, a. 66 986, Ab. 2018, c. 5, a. 67 1000.1, 2018, c. 19, a. 19 1022, 2018, c. 5, a. 68 1023, 2018, c. 5, a. 69 1024, 2018, c. 5, a. 70</p>
c. C-29	<p>General and Vocational Colleges Act</p> <p>17.2, 2018, c. 18, s. 109 25, 2018, c. 18, s. 110</p>
c. C-35	<p>Act respecting the Commission municipale</p> <p>3, 2018, c. 8, s. 107 5, 2018, c. 8, s. 108 8, 2018, c. 8, s. 109 14, 2018, c. 8, s. 110 17, 2018, c. 8, s. 111 20, 2018, c. 8, s. 112 22, 2018, c. 8, s. 113 65, 2018, c. 5, s. 71 76, 2018, c. 5, s. 72 85, 2018, c. 8, s. 114 86, 2018, c. 8, s. 114 86.1, 2018, c. 8, s. 114 86.2, 2018, c. 8, s. 114 86.3, 2018, c. 8, s. 114 86.4, 2018, c. 8, s. 114 86.5, 2018, c. 8, s. 114 86.6, 2018, c. 8, s. 114 86.7, 2018, c. 8, s. 114 86.8, 2018, c. 8, s. 114 86.9, 2018, c. 8, s. 114 86.10, 2018, c. 8, s. 114 91, 2018, c. 8, s. 115</p>
c. C-37.01	<p>Act respecting the Communauté métropolitaine de Montréal</p> <p>105.1, 2018, c. 8, s. 116 106, 2018, c. 8, s. 117 107, 2018, c. 8, s. 118 108, 2018, c. 8, s. 119 108.1.1, 2018, c. 8, s. 120 109, 2018, c. 8, s. 264 109.1, 2018, c. 8, s. 121 110, 2018, c. 8, s. 264 112, 2018, c. 8, s. 122 112.0.2, 2018, c. 8, s. 123 112.1, 2018, c. 8, s. 124 112.2, 2018, c. 8, s. 125 112.3, 2018, c. 8, s. 126</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-37.01	<p>Act respecting the Communauté métropolitaine de Montréal — <i>Cont'd</i></p> <p>112.4, 2018, c. 8, s. 127 112.5, 2018, c. 8, s. 128 113.2, 2018, c. 8, s. 129 118, 2018, c. 8, s. 130 118.1.0.1, 2018, c. 8, s. 131 118.1.1, 2018, c. 8, s. 132 118.1.2, 2018, c. 8, s. 133 118.2, 2018, c. 8, s. 134 210.1, 2018, c. 8, s. 135 212, 2018, c. 8, s. 136 216, 2018, c. 8, s. 137 234, 2018, c. 8, s. 138</p>
c. C-37.02	<p>Act respecting the Communauté métropolitaine de Québec</p> <p>98.1, 2018, c. 8, s. 139 99, 2018, c. 8, s. 140 100, 2018, c. 8, s. 141 101, 2018, c. 8, s. 142 101.1.1, 2018, c. 8, s. 143 102, 2018, c. 8, s. 264 102.1, 2018, c. 8, s. 144 103, 2018, c. 8, s. 264 105, 2018, c. 8, s. 145 105.0.2, 2018, c. 8, s. 146 105.1, 2018, c. 8, s. 147 105.2, 2018, c. 8, s. 148 105.3, 2018, c. 8, s. 149 105.4, 2018, c. 8, s. 150 105.5, 2018, c. 8, s. 151 106.2, 2018, c. 8, s. 152 111, 2018, c. 8, s. 153 111.1.0.1, 2018, c. 8, s. 154 111.1.1, 2018, c. 8, s. 155 111.1.2, 2018, c. 8, s. 156 111.2, 2018, c. 8, s. 157 197.1, 2018, c. 8, s. 158 199, 2018, c. 8, s. 159 203, 2018, c. 8, s. 160 221, 2018, c. 8, s. 161</p>
c. C-38	<p>Companies Act</p> <p>51, 2018, c. 23, s. 744 125, 2018, c. 23, s. 745 149, 2018, c. 23, s. 746</p>
c. C-47.1	<p>Municipal Powers Act</p> <p>112, 2018, c. 8, s. 263</p>
c. C-52.1	<p>Act respecting the conditions of employment and the pension plan of the Members of the National Assembly</p> <p>7, 2018, c. 28, s. 5</p>
c. C-52.2	<p>Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity</p> <p>25, 2018, c. 1, s. 49 Sched. 1, 2018, c. 19, s. 19</p>
c. C-57.02	<p>Act respecting the Conseil des arts et des lettres du Québec</p> <p>25, 2018, c. 23, s. 747</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-61.1	Act respecting the conservation and development of wildlife 151 , 2018, c. 23, s. 748
c. C-62.1	Act respecting the Conservatoire de musique et d'art dramatique du Québec 61 , 2018, c. 23, s. 749
c. C-65.1	Act respecting contracting by public bodies 3 , 2018, c. 10, s. 3 4 , 2018, c. 10, s. 4 7 , 2018, c. 10, s. 5 8 , 2018, c. 10, s. 6 10 , 2018, c. 10, s. 7 Sched. I , 2018, c. 23, s. 750
c. C-67.2	Cooperatives Act 2 , 2018, c. 23, s. 751
c. C-67.3	Act respecting financial services cooperatives 2 , Ab. 2018, c. 23, s. 29 3 , Ab. 2018, c. 23, s. 29 5 , 2018, c. 23, s. 30 6 , 2018, c. 23, s. 31 6.1 , 2018, c. 23, s. 32 6.2 , 2018, c. 23, s. 32 6.3 , 2018, c. 23, s. 32 6.4 , 2018, c. 23, s. 32 6.5 , 2018, c. 23, s. 32 6.6 , 2018, c. 23, s. 32 6.7 , 2018, c. 23, s. 32 6.8 , 2018, c. 23, s. 32 6.9 , 2018, c. 23, s. 32 6.10 , 2018, c. 23, s. 32 6.11 , 2018, c. 23, s. 32 6.12 , 2018, c. 23, s. 32 6.13 , 2018, c. 23, s. 32 6.14 , 2018, c. 23, s. 32 6.15 , 2018, c. 23, s. 32 6.16 , 2018, c. 23, s. 32 6.17 , 2018, c. 23, s. 32 6.18 , 2018, c. 23, s. 32 8 , 2018, c. 23, s. 33 10 , 2018, c. 23, s. 34 12 , 2018, c. 23, s. 35 14 , 2018, c. 23, s. 36 14.1 , 2018, c. 23, s. 36 15 , 2018, c. 23, s. 37 16 , 2018, c. 23, s. 38 18 , 2018, c. 23, s. 39 20 , Ab. 2018, c. 23, s. 40 25.1 , 2018, c. 23, s. 41 28 , 2018, c. 23, s. 42 30 , Ab. 2018, c. 23, s. 43 36 , 2018, c. 23, s. 44 37 , 2018, c. 23, s. 45 38 , 2018, c. 23, s. 46 40 , 2018, c. 23, s. 47 44 , 2018, c. 23, s. 48 45 , 2018, c. 23, s. 49 46 , Ab. 2018, c. 23, s. 50 47 , 2018, c. 23, s. 51 48 , 2018, c. 23, s. 52 49 , 2018, c. 23, s. 53 50 , 2018, c. 23, s. 54

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	<p>Act respecting financial services cooperatives — <i>Cont'd</i></p> <p>53, 2018, c. 23, s. 55 54, 2018, c. 23, s. 56 55, 2018, c. 23, s. 56 58, Ab. 2018, c. 23, s. 57 59, 2018, c. 23, s. 58 60, 2018, c. 23, s. 59 61, 2018, c. 23, s. 60 61.1, 2018, c. 23, s. 61 61.2, 2018, c. 23, s. 61 61.3, 2018, c. 23, s. 61 62, 2018, c. 23, s. 62 62.1, 2018, c. 23, s. 62 63, 2018, c. 23, s. 63 63.1, 2018, c. 23, s. 63 63.2, 2018, c. 23, s. 63 64, Ab. 2018, c. 23, s. 64 66, 2018, c. 23, s. 65 66.1, 2018, c. 23, s. 66 66.2, 2018, c. 23, s. 66 67, Ab. 2018, c. 23, s. 67 68, Ab. 2018, c. 23, s. 67 71, 2018, c. 23, s. 68 73, 2018, c. 23, s. 69 74, Ab. 2018, c. 23, s. 70 75, Ab. 2018, c. 23, s. 70 78, Ab. 2018, c. 23, s. 70 81, 2018, c. 23, s. 71 81.1, 2018, c. 23, s. 72 82, 2018, c. 23, s. 73 84, 2018, c. 23, s. 74 85, 2018, c. 23, s. 75 86, 2018, c. 23, s. 76 87, 2018, c. 23, s. 77 87.1, 2018, c. 23, s. 78 88, 2018, c. 23, s. 79 89, 2018, c. 23, s. 80 90.1, 2018, c. 23, s. 81 91, 2018, c. 23, s. 82 92, 2018, c. 23, s. 85 93, 2018, c. 23, s. 85 94, 2018, c. 23, s. 85 95, 2018, c. 23, s. 85 96, 2018, c. 23, s. 85 97, 2018, c. 23, s. 86 98, 2018, c. 23, s. 87 100, 2018, c. 23, s. 88 101, Ab. 2018, c. 23, s. 89 102, 2018, c. 23, s. 90 103, 2018, c. 23, s. 90 104, 2018, c. 23, s. 91 105, 2018, c. 23, s. 92 106, 2018, c. 23, s. 93 107, 2018, c. 23, s. 94 108, 2018, c. 23, s. 95 113.1, 2018, c. 23, s. 96 114, 2018, c. 23, s. 97 115, Ab. 2018, c. 23, s. 98 116, Ab. 2018, c. 23, s. 98 117, Ab. 2018, c. 23, s. 98 118, 2018, c. 23, s. 99 118.1, 2018, c. 23, s. 99 118.2, 2018, c. 23, s. 99 119, 2018, c. 23, s. 100</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	Act respecting financial services cooperatives — <i>Cont'd</i>
	120 , 2018, c. 23, s. 101
	121 , 2018, c. 23, s. 102
	122 , 2018, c. 23, s. 102
	123 , 2018, c. 23, s. 102
	124 , 2018, c. 23, s. 102
	125 , 2018, c. 23, s. 102
	126 , Ab. 2018, c. 23, s. 103
	127 , Ab. 2018, c. 23, s. 103
	128 , Ab. 2018, c. 23, s. 103
	129 , Ab. 2018, c. 23, s. 103
	130 , 2018, c. 23, s. 104
	131 , 2018, c. 23, s. 105
	131.1 , 2018, c. 23, s. 106
	131.2 , 2018, c. 23, s. 106
	131.3 , 2018, c. 23, s. 106
	131.4 , 2018, c. 23, s. 106
	131.5 , 2018, c. 23, s. 106
	131.6 , 2018, c. 23, s. 106
	131.7 , 2018, c. 23, s. 106
	132 , 2018, c. 23, s. 107
	133 , 2018, c. 23, s. 107
	134 , 2018, c. 23, s. 107
	135 , 2018, c. 23, s. 107
	137 , 2018, c. 23, s. 108
	137.1 , 2018, c. 23, s. 108
	137.2 , 2018, c. 23, s. 108
	137.3 , 2018, c. 23, s. 108
	138 , 2018, c. 23, s. 109
	139 , 2018, c. 23, s. 337
	141 , 2018, c. 23, s. 337
	142 , 2018, c. 23, s. 337
	143 , 2018, c. 23, s. 337
	144 , 2018, c. 23, s. 110
	145 , 2018, c. 23, s. 337
	146 , 2018, c. 23, s. 337
	147 , 2018, c. 23, s. 337
	148 , 2018, c. 23, s. 337
	149 , 2018, c. 23, s. 111
	150 , 2018, c. 23, s. 337
	151 , 2018, c. 23, s. 337
	152 , 2018, c. 23, s. 337
	153 , 2018, c. 23, s. 337
	154 , 2018, c. 23, s. 337
	155 , 2018, c. 23, s. 337
	156 , 2018, c. 23, s. 112
	157 , 2018, c. 23, s. 337
	158 , 2018, c. 23, s. 337
	159 , 2018, c. 23, s. 337
	160 , 2018, c. 23, s. 337
	161 , 2018, c. 23, s. 113
	162 , 2018, c. 23, s. 114
	165 , 2018, c. 23, s. 115
	170 , 2018, c. 23, s. 116
	173 , 2018, c. 23, s. 117
	178.1 , 2018, c. 23, s. 118
	185.1 , 2018, c. 23, s. 119
	185.2 , 2018, c. 23, s. 119
	190 , 2018, c. 23, s. 120
	191 , 2018, c. 23, s. 121
	192 , 2018, c. 23, s. 121
	195 , 2018, c. 23, s. 122
	198 , 2018, c. 23, s. 123
	200 , Ab. 2018, c. 23, s. 124

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	<p>Act respecting financial services cooperatives — <i>Cont'd</i></p> <p>203, 2018, c. 23, s. 125 204, 2018, c. 23, s. 126 212, 2018, c. 23, s. 127 214, 2018, c. 23, s. 128 216.1, 2018, c. 23, s. 129 216.2, 2018, c. 23, s. 129 217, 2018, c. 23, s. 130 217.1, 2018, c. 23, s. 131 218, 2018, c. 23, s. 132 221, 2018, c. 23, s. 133 222, 2018, c. 23, s. 134 223, 2018, c. 23, s. 135 223.1, 2018, c. 23, s. 136 224, 2018, c. 23, s. 137 227, 2018, c. 23, s. 138 228, 2018, c. 23, s. 139 230, 2018, c. 23, s. 140 231, 2018, c. 23, s. 141 232, 2018, c. 23, s. 142 233, 2018, c. 23, s. 143 234, 2018, c. 23, s. 144 236, 2018, c. 23, s. 145 236.1, 2018, c. 23, s. 146 242, 2018, c. 23, s. 147 242.1, 2018, c. 23, s. 147 243, 2018, c. 23, s. 148 244, 2018, c. 23, s. 149 245, 2018, c. 23, s. 150 248, 2018, c. 23, s. 151 249, 2018, c. 23, s. 152 250, 2018, c. 23, s. 153 253.1, 2018, c. 23, s. 154 254, 2018, c. 23, s. 155 257, 2018, c. 23, s. 156 259, 2018, c. 23, s. 337 260, 2018, c. 23, s. 157 260.1, 2018, c. 23, s. 158 263, 2018, c. 23, s. 159 265, 2018, c. 23, s. 160 270.1, 2018, c. 23, s. 161 271, 2018, c. 23, s. 162 272, 2018, c. 23, s. 163 274, 2018, c. 23, s. 164 276, 2018, c. 23, s. 165 277, 2018, c. 23, s. 166 278, 2018, c. 23, s. 167 281, 2018, c. 23, s. 168 282.1, 2018, c. 23, s. 170 282.2, 2018, c. 23, s. 170 283, 2018, c. 23, s. 171 284, Ab. 2018, c. 23, s. 172 284.1, 2018, c. 23, s. 173 284.2, 2018, c. 23, s. 173 284.3, 2018, c. 23, s. 173 284.4, 2018, c. 23, s. 173 284.5, 2018, c. 23, s. 173 284.6, 2018, c. 23, s. 173 284.7, 2018, c. 23, s. 173 284.8, 2018, c. 23, s. 173 284.9, 2018, c. 23, s. 173 284.10, 2018, c. 23, s. 173 284.11, 2018, c. 23, s. 173 286, 2018, c. 23, s. 174</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	<p>Act respecting financial services cooperatives — <i>Cont'd</i></p> <p>287, 2018, c. 23, s. 175 287.1, 2018, c. 23, s. 175 288, 2018, c. 23, s. 176 288.1, 2018, c. 23, s. 177 289, 2018, c. 23, s. 178 291, 2018, c. 23, s. 179 293, 2018, c. 23, s. 180 294, 2018, c. 23, s. 181 294.1, 2018, c. 23, s. 182 295, 2018, c. 23, s. 183 296, 2018, c. 23, s. 184 297, 2018, c. 23, s. 185 299.1, 2018, c. 23, s. 186 299.2, 2018, c. 23, s. 186 300, 2018, c. 23, s. 186 303, 2018, c. 23, s. 187 304, 2018, c. 23, s. 188 305, 2018, c. 23, s. 189 305.1, 2018, c. 23, s. 190 309, 2018, c. 23, s. 191 310, 2018, c. 23, s. 192 312, 2018, c. 23, s. 193 313, 2018, c. 23, s. 194 314, 2018, c. 23, s. 195 316, 2018, c. 23, s. 196 323, 2018, c. 23, s. 197 324, 2018, c. 23, s. 198 324.1, 2018, c. 23, s. 198 325, 2018, c. 23, s. 199 326, 2018, c. 23, s. 200 327, 2018, c. 23, s. 201 328, 2018, c. 23, s. 202 329, 2018, c. 23, s. 203 330, 2018, c. 23, s. 204 331, Ab. 2018, c. 23, s. 205 332, Ab. 2018, c. 23, s. 205 334, 2018, c. 23, s. 206 335, 2018, c. 23, s. 207 337, 2018, c. 23, s. 208 338, Ab. 2018, c. 23, s. 209 339, Ab. 2018, c. 23, s. 209 340, Ab. 2018, c. 23, s. 209 341, 2018, c. 23, s. 210 342, 2018, c. 23, s. 211 346, 2018, c. 23, s. 212 349, 2018, c. 23, s. 213 351, 2018, c. 23, s. 214 354, 2018, c. 23, s. 215 355, 2018, c. 23, s. 216 359, 2018, c. 23, s. 217 360, 2018, c. 23, s. 218 361, 2018, c. 23, s. 219 364, 2018, c. 23, s. 220 366, 2018, c. 23, s. 221 366.1, 2018, c. 23, s. 222 367, 2018, c. 23, s. 223 368, 2018, c. 23, s. 224 369, 2018, c. 23, s. 225 370, Ab. 2018, c. 23, s. 226 371, Ab. 2018, c. 23, s. 226 372, Ab. 2018, c. 23, s. 226 372.1, Ab. 2018, c. 23, s. 226 373, Ab. 2018, c. 23, s. 226</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	<p>Act respecting financial services cooperatives — <i>Cont'd</i></p> <p>374, Ab. 2018, c. 23, s. 226 375, 2018, c. 23, s. 227 376, 2018, c. 23, s. 228 377, Ab. 2018, c. 23, s. 229 378, Ab. 2018, c. 23, s. 229 379, Ab. 2018, c. 23, s. 229 380, Ab. 2018, c. 23, s. 229 381, Ab. 2018, c. 23, s. 229 382, 2018, c. 23, s. 230 383, 2018, c. 23, s. 231 385.1, 2018, c. 23, s. 232 385.2, 2018, c. 23, s. 232 385.3, 2018, c. 23, s. 232 385.4, 2018, c. 23, s. 232 385.5, 2018, c. 23, s. 232 385.6, 2018, c. 23, s. 232 387, 2018, c. 23, s. 233 388, 2018, c. 23, s. 234 389, 2018, c. 23, s. 235 390, 2018, c. 23, s. 337 391, 2018, c. 23, s. 236 396, 2018, c. 23, s. 237 399, 2018, c. 23, s. 238 402.1, 2018, c. 23, s. 240 402.2, 2018, c. 23, s. 240 403, 2018, c. 23, s. 241 404, 2018, c. 23, s. 242 407.1, 2018, c. 23, s. 243 407.2, 2018, c. 23, s. 243 407.3, 2018, c. 23, s. 243 407.4, 2018, c. 23, s. 243 408, 2018, c. 23, s. 244 409, 2018, c. 23, s. 244 412, 2018, c. 23, s. 245 414, 2018, c. 23, s. 246 415, 2018, c. 23, s. 247 416, Ab. 2018, c. 23, s. 248 417, 2018, c. 23, s. 249 418, Ab. 2018, c. 23, s. 250 419, Ab. 2018, c. 23, s. 251 420, 2018, c. 23, s. 252 422, 2018, c. 23, s. 253 424, 2018, c. 23, s. 254 425, 2018, c. 23, s. 255 426, 2018, c. 23, s. 256 427, 2018, c. 23, s. 257 430, 2018, c. 23, s. 258 432, 2018, c. 23, s. 259 433, 2018, c. 23, s. 260 434, 2018, c. 23, s. 261 437, 2018, c. 23, s. 262 439, 2018, c. 23, s. 263 440, 2018, c. 23, s. 264 440.1, 2018, c. 23, s. 266 441, 2018, c. 23, s. 267 442, Ab. 2018, c. 23, s. 268 443, 2018, c. 23, s. 269 444, 2018, c. 23, s. 270 445, 2018, c. 23, s. 271 446, 2018, c. 23, s. 272 448, 2018, c. 23, s. 273 449.1, 2018, c. 23, s. 274 450, 2018, c. 23, s. 275</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	Act respecting financial services cooperatives — <i>Cont'd</i>
	451, 2018, c. 23, s. 276
	452, Ab. 2018, c. 23, s. 277
	453, 2018, c. 23, s. 278
	454, 2018, c. 23, s. 279
	460, Ab. 2018, c. 23, s. 280
	460.1, 2018, c. 23, s. 282
	461, 2018, c. 23, s. 283
	462, 2018, c. 23, s. 284
	463, 2018, c. 23, s. 285
	464, 2018, c. 23, s. 286
	465, Ab. 2018, c. 23, s. 287
	467, Ab. 2018, c. 23, s. 287
	468, 2018, c. 23, s. 288
	469, 2018, c. 23, s. 288
	470, 2018, c. 23, s. 289
	471, 2018, c. 23, s. 290
	472, 2018, c. 23, s. 290
	473, 2018, c. 23, s. 291
	473.1, 2018, c. 23, s. 291
	474, 2018, c. 23, s. 291
	475, 2018, c. 23, s. 291
	476, 2018, c. 23, s. 291
	477, 2018, c. 23, s. 291
	478, 2018, c. 23, s. 292
	479, 2018, c. 23, s. 293
	479.1, 2018, c. 23, s. 294
	479.2, 2018, c. 23, s. 294
	480, 2018, c. 23, s. 295
	481, 2018, c. 23, s. 296
	482, 2018, c. 23, s. 297
	483, 2018, c. 23, s. 298
	484, 2018, c. 23, s. 299
	485, 2018, c. 23, s. 300
	486, 2018, c. 23, s. 301
	486.1, 2018, c. 23, s. 302
	488, 2018, c. 23, s. 303
	497, 2018, c. 23, s. 304
	497.1, 2018, c. 23, s. 304
	498, 2018, c. 23, s. 305
	499, 2018, c. 23, s. 306
	500, 2018, c. 23, s. 306
	501, 2018, c. 23, s. 307
	502, 2018, c. 23, s. 308
	505, 2018, c. 23, s. 309
	514, 2018, c. 23, s. 310
	517, 2018, c. 23, s. 311
	518, 2018, c. 23, s. 312
	520, 2018, c. 23, s. 313
	523, 2018, c. 23, s. 337
	524, 2018, c. 23, s. 337
	525, 2018, c. 23, s. 337
	530, 2018, c. 23, s. 337
	532, 2018, c. 23, s. 314
	547.1, 2018, c. 23, s. 315
	547.2, 2018, c. 23, s. 315
	547.3, 2018, c. 23, s. 315
	547.4, 2018, c. 23, s. 315
	547.5, 2018, c. 23, s. 315
	547.6, 2018, c. 23, s. 315
	547.7, 2018, c. 23, s. 315
	547.8, 2018, c. 23, s. 315
	547.9, 2018, c. 23, s. 315
	547.10, 2018, c. 23, s. 315

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	Act respecting financial services cooperatives — <i>Cont'd</i>
	547.11 , 2018, c. 23, s. 315
	547.12 , 2018, c. 23, s. 315
	547.13 , 2018, c. 23, s. 315
	547.14 , 2018, c. 23, s. 315
	547.15 , 2018, c. 23, s. 315
	547.16 , 2018, c. 23, s. 315
	547.17 , 2018, c. 23, s. 315
	547.18 , 2018, c. 23, s. 315
	547.19 , 2018, c. 23, s. 315
	547.20 , 2018, c. 23, s. 315
	547.21 , 2018, c. 23, s. 315
	547.22 , 2018, c. 23, s. 315
	547.23 , 2018, c. 23, s. 315
	547.24 , 2018, c. 23, s. 315
	547.25 , 2018, c. 23, s. 315
	547.26 , 2018, c. 23, s. 315
	547.27 , 2018, c. 23, s. 315
	547.28 , 2018, c. 23, s. 315
	547.29 , 2018, c. 23, s. 315
	547.30 , 2018, c. 23, s. 315
	547.31 , 2018, c. 23, s. 315
	547.32 , 2018, c. 23, s. 315
	547.33 , 2018, c. 23, s. 315
	547.34 , 2018, c. 23, s. 315
	547.35 , 2018, c. 23, s. 315
	547.36 , 2018, c. 23, s. 315
	547.37 , 2018, c. 23, s. 315
	547.38 , 2018, c. 23, s. 315
	547.39 , 2018, c. 23, s. 315
	547.40 , 2018, c. 23, s. 315
	547.41 , 2018, c. 23, s. 315
	547.42 , 2018, c. 23, s. 315
	547.43 , 2018, c. 23, s. 315
	547.44 , 2018, c. 23, s. 315
	547.45 , 2018, c. 23, s. 315
	547.46 , 2018, c. 23, s. 315
	547.47 , 2018, c. 23, s. 315
	547.48 , 2018, c. 23, s. 315
	547.49 , 2018, c. 23, s. 315
	547.50 , 2018, c. 23, s. 315
	547.51 , 2018, c. 23, s. 315
	547.52 , 2018, c. 23, s. 315
	547.53 , 2018, c. 23, s. 315
	547.54 , 2018, c. 23, s. 315
	547.55 , 2018, c. 23, s. 315
	547.56 , 2018, c. 23, s. 315
	547.57 , 2018, c. 23, s. 315
	547.58 , 2018, c. 23, s. 315
	547.59 , 2018, c. 23, s. 315
	547.60 , 2018, c. 23, s. 315
	547.61 , 2018, c. 23, s. 315
	547.62 , 2018, c. 23, s. 315
	547.63 , 2018, c. 23, s. 315
	547.64 , 2018, c. 23, s. 315
	547.65 , 2018, c. 23, s. 315
	547.66 , 2018, c. 23, s. 315
	547.67 , 2018, c. 23, s. 315
	547.68 , 2018, c. 23, s. 315
	547.69 , 2018, c. 23, s. 315
	547.70 , 2018, c. 23, s. 315
	547.71 , 2018, c. 23, s. 315
	550 , 2018, c. 23, s. 337
	556 , 2018, c. 23, s. 316

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-67.3	<p>Act respecting financial services cooperatives — <i>Cont'd</i></p> <p>564.1, 2018, c. 23, s. 317 564.2, 2018, c. 23, s. 317 564.3, 2018, c. 23, s. 317 564.4, 2018, c. 23, s. 317 564.5, 2018, c. 23, s. 318 565, 2018, c. 23, s. 318 565.1, 2018, c. 23, s. 318 566, 2018, c. 23, s. 318 567, 2018, c. 23, s. 319 568, Ab. 2018, c. 23, s. 320 569, 2018, c. 23, s. 321 569.1, 2018, c. 23, s. 322 570, 2018, c. 23, s. 323 571, 2018, c. 23, s. 324 572, 2018, c. 23, s. 325 573, 2018, c. 23, s. 326 573.1, 2018, c. 23, s. 327 573.2, 2018, c. 23, s. 327 590, Ab. 2018, c. 23, s. 328 591, 2018, c. 23, s. 329 599, 2018, c. 23, s. 330 600, 2018, c. 23, s. 331 601.1, 2018, c. 23, s. 332 601.2, 2018, c. 23, s. 332 601.3, 2018, c. 23, s. 332 601.4, 2018, c. 23, s. 332 601.5, 2018, c. 23, s. 332 601.6, 2018, c. 23, s. 332 601.7, 2018, c. 23, s. 332 601.8, 2018, c. 23, s. 332 601.9, 2018, c. 23, s. 332 601.10, 2018, c. 23, s. 332 601.11, 2018, c. 23, s. 332 601.12, 2018, c. 23, s. 332 601.13, 2018, c. 23, s. 332 601.14, 2018, c. 23, s. 332 601.15, 2018, c. 23, s. 332 601.16, 2018, c. 23, s. 332 601.17, 2018, c. 23, s. 332 601.18, 2018, c. 23, s. 332 601.19, 2018, c. 23, s. 332 601.20, 2018, c. 23, s. 332 601.21, 2018, c. 23, s. 332 601.22, 2018, c. 23, s. 332 601.23, 2018, c. 23, s. 332 601.24, 2018, c. 23, s. 332 601.25, 2018, c. 23, s. 332 602, 2018, c. 23, s. 333 609, 2018, c. 23, s. 334 610, 2018, c. 23, s. 334 685, 2018, c. 23, s. 335 725, 2018, c. 23, s. 336</p>
c. C-72.01	<p>Act respecting municipal courts</p> <p>28, 2018, c. 5, s. 73</p>
c. C-73.2	<p>Real Estate Brokerage Act</p> <p>1, 2018, c. 23, s. 396 1.1, 2018, c. 23, s. 396 2, 2018, c. 23, s. 396 2.1, 2018, c. 23, s. 396 3, 2018, c. 23, s. 396</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-73.2	Real Estate Brokerage Act — <i>Cont'd</i>
	3.1, 2018, c. 23, s. 396
	4, 2018, c. 23, s. 399
	6, 2018, c. 23, s. 400
	7, Ab. 2018, c. 23, s. 401
	8, 2018, c. 23, s. 402
	9, 2018, c. 23, s. 403
	10, 2018, c. 23, s. 404
	11, 2018, c. 23, s. 405
	12, 2018, c. 23, s. 406
	13, 2018, c. 23, s. 408
	15, 2018, c. 23, s. 409
	16, 2018, c. 23, s. 410
	17, 2018, c. 23, s. 411
	18, 2018, c. 23, s. 412
	19, 2018, c. 23, s. 412
	20, 2018, c. 23, s. 413
	20.1, 2018, c. 23, s. 414
	21, 2018, c. 23, s. 415
	22, 2018, c. 23, s. 416
	22.1, 2018, c. 23, s. 418
	22.2, 2018, c. 23, s. 419
	22.3, 2018, c. 23, s. 420
	22.4, 2018, c. 23, s. 421
	22.5, 2018, c. 23, s. 422
	22.6, 2018, c. 23, s. 423
	23, 2018, c. 23, s. 424
	24, 2018, c. 23, s. 425
	25, 2018, c. 23, s. 426
	26, 2018, c. 23, s. 427
	27, 2018, c. 23, s. 428
	28, 2018, c. 23, s. 429
	29, 2018, c. 23, s. 430
	32, 2018, c. 23, s. 431
	34, 2018, c. 23, s. 432
	37, 2018, c. 23, s. 433
	38, 2018, c. 23, s. 434
	39, 2018, c. 23, s. 435
	43, 2018, c. 23, s. 436
	46, 2018, c. 23, s. 437
	47, Ab. 2018, c. 23, s. 438
	48, 2018, c. 23, s. 439
	49, 2018, c. 23, s. 440
	51, Ab. 2018, c. 23, s. 441
	52, 2018, c. 23, s. 442
	53, 2018, c. 23, s. 443
	53.1, 2018, c. 23, s. 444
	54, 2018, c. 23, s. 445
	56, Ab. 2018, c. 23, s. 446
	57, 2018, c. 23, s. 447
	58, 2018, c. 23, s. 448
	58.1, 2018, c. 23, s. 449
	59.1, 2018, c. 23, s. 450
	59.2, 2018, c. 23, s. 450
	61, 2018, c. 23, s. 451
	63, 2018, c. 23, s. 452
	64, 2018, c. 23, s. 453
	65, 2018, c. 23, s. 454
	66, 2018, c. 23, s. 455
	68, 2018, c. 23, s. 456
	74, 2018, c. 23, s. 457
	75, 2018, c. 23, s. 458
	78, 2018, c. 23, s. 459
	84, 2018, c. 23, s. 460

TABLE OF AMENDMENTS

Reference	Title Amendments
c. C-73.2	<p>Real Estate Brokerage Act — <i>Cont'd</i></p> <p>85, 2018, c. 23, s. 461 88, 2018, c. 23, s. 462 92, 2018, c. 23, s. 463 92.1, 2018, c. 23, s. 464 93, 2018, c. 23, s. 465 94, 2018, c. 23, s. 466 95, 2018, c. 23, s. 467 96, 2018, c. 23, s. 468 98, 2018, c. 23, s. 469 98.1, 2018, c. 23, s. 470 102, 2018, c. 23, s. 471 103, 2018, c. 23, s. 472 104, 2018, c. 23, s. 473 108, 2018, c. 23, s. 474 109, 2018, c. 23, s. 475 124, 2018, c. 23, s. 477 125, 2018, c. 23, s. 478 129, 2018, c. 23, s. 480 129.1, 2018, c. 23, s. 480 129.2, 2018, c. 23, s. 480 131, Ab. 2018, c. 23, s. 481 132, 2018, c. 23, s. 482 134, 2018, c. 23, s. 483 146, 2018, c. 23, s. 484 147, 2018, c. 23, s. 485</p>
c. C-78	<p>Forestry Credit Act</p> <p>46.2, 2018, c. 23, s. 752 46.5, 2018, c. 23, s. 753</p>
c. C-78.1	<p>Act to promote forest credit by private institutions</p> <p>55, 2018, c. 23, s. 754 58, 2018, c. 23, s. 755</p>
c. D-9.1.1	<p>Act respecting the Director of Criminal and Penal Prosecutions</p> <p>24.1, 2018, c. 1, s. 43 24.2, 2018, c. 1, s. 43 24.3, 2018, c. 1, s. 43 24.4, 2018, c. 1, s. 43 24.5, 2018, c. 1, s. 43</p>
c. D-9.2	<p>Act respecting the distribution of financial products and services</p> <p>1, 2018, c. 23, s. 505 3, 2018, c. 23, s. 506 4, 2018, c. 23, s. 507 5, 2018, c. 23, s. 508 6, 2018, c. 23, s. 509 7.1, 2018, c. 23, s. 510 8, 2018, c. 23, s. 511 10, 2018, c. 23, s. 512 11.1, 2018, c. 23, s. 513 11.2, 2018, c. 23, s. 513 13, 2018, c. 23, s. 514 20, 2018, c. 23, s. 515 27, 2018, c. 23, s. 516 38, 2018, c. 23, s. 517 39, 2018, c. 23, s. 518 41, 2018, c. 23, s. 519 42, 2018, c. 23, s. 520 43, 2018, c. 23, s. 521 70, 2018, c. 23, s. 522 70.1, 2018, c. 23, s. 523</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. D-9.2	<p>Act respecting the distribution of financial products and services — <i>Cont'd</i></p> <p>71, 2018, c. 23, s. 524 71.1, 2018, c. 23, s. 525 72, 2018, c. 23, s. 526 75, 2018, c. 23, s. 527 76, 2018, c. 23, s. 528 82, 2018, c. 23, s. 529 83, 2018, c. 23, s. 530 83.1, 2018, c. 23, s. 531 86.0.1, 2018, c. 23, s. 532 95, 2018, c. 23, s. 533 100, 2018, c. 23, s. 534 101, 2018, c. 23, s. 535 103, 2018, c. 23, s. 536 103.1, 2018, c. 23, s. 536 103.2, 2018, c. 23, s. 536 103.3, 2018, c. 23, s. 536 103.4, 2018, c. 23, s. 536 103.5, 2018, c. 23, s. 536 103.6, 2018, c. 23, s. 536 103.7, 2018, c. 23, s. 536 115, 2018, c. 23, s. 537 115.2, 2018, c. 23, s. 809 115.3, 2018, c. 23, s. 538 115.7, 2018, c. 23, s. 539 115.9.1, 2018, c. 23, s. 540 115.9.2, 2018, c. 23, s. 540 115.9.3, 2018, c. 23, s. 540 115.9.4, 2018, c. 23, s. 540 125.1, 2018, c. 23, s. 541 125.2, 2018, c. 23, s. 541 128, 2018, c. 23, s. 542 129, 2018, c. 23, s. 543 131, 2018, c. 23, s. 544 136, 2018, c. 23, s. 545 142, 2018, c. 23, s. 546 143, 2018, c. 23, s. 547 146, 2018, c. 23, s. 548 147, 2018, c. 23, s. 550 148, Ab. 2018, c. 23, s. 551 150, 2018, c. 23, s. 552 154, 2018, c. 23, s. 553 157, 2018, c. 23, s. 554 193, 2018, c. 23, s. 555 198, Ab. 2018, c. 23, s. 556 199, Ab. 2018, c. 23, s. 556 202.2, 2018, c. 23, s. 557 203, 2018, c. 23, s. 558 208, 2018, c. 23, s. 559 211, 2018, c. 23, s. 560 216, 2018, c. 23, s. 561 216.1, 2018, c. 23, s. 562 217, 2018, c. 23, s. 563 223, 2018, c. 23, s. 564 235, 2018, c. 23, s. 565 240, 2018, c. 23, s. 566 243, 2018, c. 23, s. 567 256, 2018, c. 23, s. 568 258, 2018, c. 23, s. 569 277, 2018, c. 23, s. 570 277.1, 2018, c. 23, s. 571 312, 2018, c. 23, s. 572 360, 2018, c. 23, s. 573 361, 2018, c. 23, s. 574</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. D-9.2	<p>Act respecting the distribution of financial products and services — <i>Cont'd</i></p> <p>408, 2018, c. 23, s. 575 410, Ab. 2018, c. 23, s. 576 411, Ab. 2018, c. 23, s. 576 412, Ab. 2018, c. 23, s. 576 413, Ab. 2018, c. 23, s. 576 414, Ab. 2018, c. 23, s. 576 415, Ab. 2018, c. 23, s. 576 416, Ab. 2018, c. 23, s. 576 417, Ab. 2018, c. 23, s. 576 418, Ab. 2018, c. 23, s. 576 419, 2018, c. 23, s. 577 420, Ab. 2018, c. 23, s. 578 421, Ab. 2018, c. 23, s. 578 422, Ab. 2018, c. 23, s. 578 423, Ab. 2018, c. 23, s. 578 424, 2018, c. 23, s. 579 425, 2018, c. 23, s. 580 429, Ab. 2018, c. 23, s. 581 430, Ab. 2018, c. 23, s. 581 431, 2018, c. 23, s. 582 435, Ab. 2018, c. 23, s. 583 436, 2018, c. 23, s. 584 438, 2018, c. 23, s. 585 441, 2018, c. 23, s. 586 445, Ab. 2018, c. 23, s. 587 446, Ab. 2018, c. 23, s. 587 447, Ab. 2018, c. 23, s. 587 448, Ab. 2018, c. 23, s. 587 449, Ab. 2018, c. 23, s. 587 450, Ab. 2018, c. 23, s. 587 451, Ab. 2018, c. 23, s. 587 452, Ab. 2018, c. 23, s. 587 453, Ab. 2018, c. 23, s. 587 454, Ab. 2018, c. 23, s. 587 457, Ab. 2018, c. 23, s. 587 458, Ab. 2018, c. 23, s. 587 459, Ab. 2018, c. 23, s. 587 460, Ab. 2018, c. 23, s. 587 462.1, 2018, c. 23, s. 588 463, 2018, c. 23, s. 589 464, 2018, c. 23, s. 590 466, 2018, c. 23, s. 591 469, Ab. 2018, c. 23, s. 592 470, 2018, c. 23, s. 593 473, Ab. 2018, c. 23, s. 594 474, Ab. 2018, c. 23, s. 594 475, Ab. 2018, c. 23, s. 594 476, Ab. 2018, c. 23, s. 594 479, 2018, c. 23, s. 595 481, Ab. 2018, c. 23, s. 596 494.1, Ab. 2018, c. 23, s. 597</p>
c. D-11.1	<p>Act to facilitate the disclosure of wrongdoings relating to public bodies</p> <p>2, 2018, c. 8, s. 162 5, 2018, c. 8, s. 163 6, 2018, c. 8, s. 164 10, 2018, c. 8, s. 165 12, 2018, c. 8, s. 166 12.1, 2018, c. 8, s. 167 13, 2018, c. 8, s. 168 14, 2018, c. 8, s. 169 15, 2018, c. 8, s. 170 17.1, 2018, c. 8, s. 171</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. D-11.1	Act to facilitate the disclosure of wrongdoings relating to public bodies — <i>Cont'd</i> 17.2 , 2018, c. 8, s. 171 18 , 2018, c. 8, s. 172 29 , 2018, c. 8, s. 173 32 , 2018, c. 8, s. 174 34 , 2018, c. 8, s. 175
c. D-15.1	Act respecting duties on transfers of immovables 9 , 2018, c. 18, s. 127
c. D-17	Land Transfer Duties Act 41 , 2018, c. 23, s. 756
c. E-2.2	Act respecting elections and referendums in municipalities 312.6 , 2018, c. 8, s. 176 364 , 2018, c. 23, s. 757 499.5 , 2018, c. 23, s. 758 512.14 , 2018, c. 23, s. 758 580.1 , 2018, c. 8, s. 177
c. E-2.3	Act respecting school elections 1.1 , 2018, c. 5, s. 74 21 , 2018, c. 5, s. 75 206.1 , 2018, c. 23, s. 759 209.20 , 2018, c. 23, s. 760
c. E-3.3	Election Act 80 , 2018, c. 23, s. 761 88 , 2018, c. 23, s. 762 95 , 2018, c. 23, s. 762 99 , 2018, c. 23, s. 762 104.1 , 2018, c. 23, s. 762 127.5 , 2018, c. 23, s. 762 414 , 2018, c. 23, s. 762 457.15 , 2018, c. 23, s. 762
c. E-12.000001	Money-Services Businesses Act 27 , 2018, c. 23, s. 657 50 , 2018, c. 23, s. 658 54 , 2018, c. 23, s. 659 77 , Ab. 2018, c. 23, s. 660
c. E-14.2	Act respecting tourist accommodation establishments 7 , 2018, c. 18, s. 82 32.2 , Ab. 2018, c. 18, s. 83 33 , Ab. 2018, c. 18, s. 83 34 , Ab. 2018, c. 18, s. 83 35.1 , Ab. 2018, c. 18, s. 83 35.2 , Ab. 2018, c. 18, s. 83 35.3 , Ab. 2018, c. 18, s. 83 37 , 2018, c. 18, s. 84 55 , 2018, c. 18, s. 85 55.1 , 2018, c. 18, s. 86
c. E-15.1.0.1	Municipal Ethics and Good Conduct Act 11 , 2018, c. 8, s. 263 16.1 , 2018, c. 8, s. 178 20 , 2018, c. 8, s. 179 21 , 2018, c. 8, s. 179 22 , 2018, c. 8, s. 179 22.1 , 2018, c. 8, s. 179 23 , Ab. 2018, c. 8, s. 180

TABLE OF AMENDMENTS

Reference	Title Amendments
c. E-15.1.0.1	Municipal Ethics and Good Conduct Act — <i>Cont'd</i> 24 , 2018, c. 8, s. 181 27 , 2018, c. 8, s. 182 36 , 2018, c. 8, s. 183 36.1 , 2018, c. 8, s. 184 36.2 , 2018, c. 8, s. 184 36.3 , 2018, c. 8, s. 184 36.4 , 2018, c. 8, s. 184 36.5 , 2018, c. 8, s. 184 36.6 , 2018, c. 8, s. 184 36.7 , 2018, c. 8, s. 184
c. E-18	Executive Power Act 11.0.1 , 2018, c. 17, s. 1 11.0.2 , 2018, c. 17, s. 1 11.0.3 , 2018, c. 17, s. 1 11.0.4 , 2018, c. 17, s. 1
c. E-20.1	Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration 26 , 2018, c. 23, s. 763 26.4 , 2018, c. 23, s. 764 75 , 2018, c. 23, s. 764
c. F-1	Act respecting fabriques 18 , 2018, c. 23, s. 765
c. F-2.1	Act respecting municipal taxation 1 , 2018, c. 5, s. 76 3 , 2018, c. 5, s. 77 124 , 2018, c. 5, s. 78 138.5 , 2018, c. 5, s. 78 149 , 2018, c. 5, s. 78 179 , 2018, c. 5, s. 78 210 , 2018, c. 5, s. 78 213 , 2018, c. 5, s. 78 220.4 , 2018, c. 5, s. 78 232.1 , 2018, c. 23, s. 766 244.64.7 , 2018, c. 8, s. 185 245 , 2018, c. 5, s. 78 250 , 2018, c. 5, s. 78 253.35 , 2018, c. 5, s. 79 253.54 , 2018, c. 8, s. 186 264 , 2018, c. 5, s. 80 495 , 2018, c. 5, s. 81
c. F-3.1.1	Public Service Act 115 , 2018, c. 1, s. 50
c. F-4.0021	Act to establish the Fund for the promotion of a healthy lifestyle Ab. , 2018, c. 18, s. 132
c. F-4.003	Act to establish the Sports and Physical Activity Development Fund 5 , 2018, c. 18, s. 133
c. H-5	Hydro-Québec Act 22.0.2 , 2018, c. 25, s. 1
c. I-8.1	Act respecting offences relating to alcoholic beverages 2 , 2018, c. 20, s. 59 83 , 2018, c. 20, s. 60 83.2 , Ab. 2018, c. 20, s. 61

TABLE OF AMENDMENTS

Reference	Title Amendments
c. I-8.1	<p>Act respecting offences relating to alcoholic beverages — <i>Cont'd</i></p> <p>84, Ab. 2018, c. 20, s. 62 84.0.1, 2018, c. 20, s. 63; Ab. 2018, c. 20, s. 143 84.1, 2018, c. 20, s. 64 84.2, 2018, c. 20, s. 65 85, 2018, c. 20, s. 66 91, 2018, c. 20, s. 67 91.0.1, 2018, c. 20, s. 68 91.1, 2018, c. 20, s. 69 92, 2018, c. 20, s. 70 93, 2018, c. 20, s. 71 93.1, 2018, c. 20, s. 72 94, 2018, c. 20, s. 73 96, 2018, c. 20, s. 74 96.1, 2018, c. 20, s. 75 97, Ab. 2018, c. 20, s. 76 98, 2018, c. 20, s. 77 99, Ab. 2018, c. 20, s. 78 100, 2018, c. 20, s. 79 101, Ab. 2018, c. 20, s. 80 102, 2018, c. 20, s. 81 103, Ab. 2018, c. 20, s. 82 103.1, 2018, c. 20, s. 83 103.2, 2018, c. 20, s. 84 103.3, 2018, c. 20, s. 85 103.5, 2018, c. 20, s. 86 103.9, 2018, c. 20, s. 87 107.1, 2018, c. 20, s. 88 108, 2018, c. 20, s. 89 109, 2018, c. 20, s. 90 111, 2018, c. 20, s. 91 112, 2018, c. 20, s. 92 114, 2018, c. 20, s. 93 116, 2018, c. 20, s. 94 132.1, 2018, c. 20, s. 95</p>
c. I-13.02	<p>Act respecting the Institut de tourisme et d'hôtellerie du Québec</p> <p>5, 2018, c. 18, s. 111 7, 2018, c. 18, s. 112 14, 2018, c. 18, s. 113 17, 2018, c. 18, s. 114 19, 2018, c. 18, s. 115</p>
c. I-13.3	<p>Education Act</p> <p>114, 2018, c. 5, s. 1 118, 2018, c. 5, s. 2 193, 2018, c. 5, s. 3 275, 2018, c. 5, s. 4 275.1, 2018, c. 5, s. 5 302, 2018, c. 5, s. 6 303, 2018, c. 5, s. 6 304, 2018, c. 5, s. 6 305, 2018, c. 5, s. 6 306, 2018, c. 5, s. 6 307, 2018, c. 5, s. 6 308, 2018, c. 5, s. 6 309, 2018, c. 5, s. 6 310, 2018, c. 5, s. 6 311, 2018, c. 5, s. 6 312, 2018, c. 5, s. 6 313, 2018, c. 5, s. 6 313.1, 2018, c. 5, s. 6 313.2, 2018, c. 5, s. 6</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. I-13.3	<p>Education Act — <i>Cont'd</i></p> <p>313.3, 2018, c. 5, s. 6 313.4, 2018, c. 5, s. 6 313.5, 2018, c. 5, s. 6 313.6, 2018, c. 5, s. 6 313.7, 2018, c. 5, s. 6 313.8, 2018, c. 5, s. 6 313.9, 2018, c. 5, s. 6 313.10, 2018, c. 5, s. 6 313.11, 2018, c. 5, s. 6 314, 2018, c. 5, s. 6 314.1, 2018, c. 5, s. 6 315, 2018, c. 5, s. 7 316, 2018, c. 5, s. 8 317, 2018, c. 5, s. 9 317.1, 2018, c. 5, s. 10 317.2, 2018, c. 5, s. 11 318.1, 2018, c. 5, s. 12 319, Ab. 2018, c. 5, s. 13 320, Ab. 2018, c. 5, s. 13 321, Ab. 2018, c. 5, s. 13 322, 2018, c. 5, s. 14 323, Ab. 2018, c. 5, s. 15 324, 2018, c. 5, s. 16 326, 2018, c. 5, s. 18 327, 2018, c. 5, s. 19 331, 2018, c. 5, s. 20 336, 2018, c. 5, s. 21 337, 2018, c. 5, s. 21 338, 2018, c. 5, s. 21 339, 2018, c. 5, s. 21 340, 2018, c. 5, s. 22 341, 2018, c. 5, s. 23 342, 2018, c. 5, s. 24 343, 2018, c. 5, s. 25 344, 2018, c. 5, s. 26 345, Ab. 2018, c. 5, s. 27 346, Ab. 2018, c. 5, s. 27 347, Ab. 2018, c. 5, s. 27 348, Ab. 2018, c. 5, s. 27 349, Ab. 2018, c. 5, s. 27 350, Ab. 2018, c. 5, s. 27 351, Ab. 2018, c. 5, s. 27 352, Ab. 2018, c. 5, s. 27 353, Ab. 2018, c. 5, s. 27 399, 2018, c. 5, s. 29 401, 2018, c. 5, s. 30 402, 2018, c. 5, s. 31 403, 2018, c. 5, s. 32 403.1, 2018, c. 5, s. 33 407, Ab. 2018, c. 5, s. 34 411, 2018, c. 5, s. 35 412, 2018, c. 5, s. 36 415, 2018, c. 5, s. 37 420, 2018, c. 5, s. 38 421, Ab. 2018, c. 5, s. 39 422.1, 2018, c. 5, s. 40 430, 2018, c. 5, s. 42 434.1, Ab. 2018, c. 5, s. 43 434.2, Ab. 2018, c. 5, s. 43 434.3, Ab. 2018, c. 5, s. 43 434.4, Ab. 2018, c. 5, s. 43 434.5, Ab. 2018, c. 5, s. 43 435, Ab. 2018, c. 5, s. 43</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. I-13.3	<p>Education Act — <i>Cont'd</i></p> <p>436, Ab. 2018, c. 5, s. 43 439, Ab. 2018, c. 5, s. 43 440, Ab. 2018, c. 5, s. 43 441, Ab. 2018, c. 5, s. 43 442, Ab. 2018, c. 5, s. 43 443, Ab. 2018, c. 5, s. 43 445, 2018, c. 5, s. 44 451, 2018, c. 5, s. 58 452, 2018, c. 5, s. 58 455.1, 2018, c. 5, s. 45 472, 2018, c. 5, s. 58 473.1, 2018, c. 5, s. 46 474, 2018, c. 5, s. 58 475, 2018, c. 5, s. 47 475.1, 2018, c. 5, s. 47 476, 2018, c. 5, s. 58 477, 2018, c. 5, s. 58 477.1.1, 2018, c. 5, s. 48 477.1.6, 2018, c. 5, s. 49 478, 2018, c. 5, s. 58 478.3, 2018, c. 5, s. 58 478.5, 2018, c. 5, s. 50 479, 2018, c. 5, s. 58 480, 2018, c. 5, s. 58 481, Ab. 2018, c. 5, s. 51 482, Ab. 2018, c. 5, s. 51 483, Ab. 2018, c. 5, s. 51 484, Ab. 2018, c. 5, s. 51 485, Ab. 2018, c. 5, s. 51 487, 2018, c. 5, s. 52 488, Ab. 2018, c. 5, s. 53 491, 2018, c. 5, s. 58 492, 2018, c. 5, s. 54 715, Ab. 2018, c. 5, s. 55 723.0.1, 2018, c. 5, s. 56 723.2, Ab. 2018, c. 5, s. 57 723.3, Ab. 2018, c. 5, s. 57 723.4, Ab. 2018, c. 5, s. 57 723.5, Ab. 2018, c. 5, s. 57 Sched. I, 2018, c. 5, s. 59</p>
c. I-14	<p>The Education Act for Cree, Inuit and Naskapi Native Persons</p> <p>309, 2018, c. 23, s. 767</p>
c. I-14.01	<p>Derivatives Act</p> <p>3, 2018, c. 23, s. 661 6, 2018, c. 23, s. 768 7, 2018, c. 23, s. 662 10, 2018, c. 23, s. 663 12, 2018, c. 23, s. 664 39, 2018, c. 23, s. 665 74, 2018, c. 23, s. 666 75, 2018, c. 23, s. 666 76, 2018, c. 23, s. 666 77, 2018, c. 23, s. 666 77.1, 2018, c. 23, s. 666 77.2, 2018, c. 23, s. 666 77.3, 2018, c. 23, s. 666 77.4, 2018, c. 23, s. 666 82, 2018, c. 23, s. 667 82.2, 2018, c. 23, s. 668 90, 2018, c. 23, s. 669</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. I-14.01	Derivatives Act — <i>Cont'd</i> 101 , 2018, c. 23, s. 809 102 , Ab. 2018, c. 23, s. 670 115 , 2018, c. 23, s. 671 120 , 2018, c. 23, s. 672 125 , 2018, c. 23, s. 673 127.1 , 2018, c. 23, s. 674 127.2 , 2018, c. 23, s. 674 127.3 , 2018, c. 23, s. 674 127.4 , 2018, c. 23, s. 674 145.1 , 2018, c. 23, s. 675 151 , 2018, c. 23, s. 676 166 , 2018, c. 23, s. 677 174 , 2018, c. 23, s. 809 175 , 2018, c. 23, s. 678 176 , 2018, c. 23, s. 679 176.1 , 2018, c. 23, s. 680
c. J-3	Act respecting administrative justice 119 , 2018, c. 7, s. 178; 2018, c. 19, s. 62 167 , 2018, c. 23, s. 769 168 , 2018, c. 23, s. 770 Sched. IV , 2018, c. 23, s. 771
c. L-6.1	Anti-Corruption Act 1 , 2018, c. 1, s. 1 2 , 2018, c. 1, s. 2 4 , 2018, c. 1, s. 4 5 , 2018, c. 1, s. 5 5.1 , 2018, c. 1, s. 5 5.2 , 2018, c. 1, s. 5 5.3 , 2018, c. 1, s. 5 5.4 , 2018, c. 1, s. 5 5.5 , 2018, c. 1, s. 5 5.6 , 2018, c. 1, s. 5 7 , 2018, c. 1, s. 6 8 , 2018, c. 1, s. 7 8.1 , 2018, c. 1, s. 7 8.2 , 2018, c. 1, s. 7 8.3 , 2018, c. 1, s. 7 8.4 , 2018, c. 1, s. 7 8.5 , 2018, c. 1, s. 7 8.6 , 2018, c. 1, s. 7 8.7 , 2018, c. 1, s. 7 8.8 , 2018, c. 1, s. 7 9 , 2018, c. 1, s. 8 10 , 2018, c. 1, s. 9 10.1 , 2018, c. 1, s. 10 13 , 2018, c. 1, s. 11 13.1 , 2018, c. 1, s. 12 14 , 2018, c. 1, s. 13 15 , 2018, c. 1, s. 14 16 , 2018, c. 1, s. 15 17 , 2018, c. 1, s. 16 20 , 2018, c. 1, s. 17 21 , 2018, c. 1, s. 18 25 , 2018, c. 1, s. 19 29 , 2018, c. 1, s. 20 35.1 , 2018, c. 1, s. 21 35.2 , 2018, c. 1, s. 22 35.3 , 2018, c. 1, s. 22 35.4 , 2018, c. 1, s. 22 35.5 , 2018, c. 1, s. 22

TABLE OF AMENDMENTS

Reference	Title Amendments
c. L-6.1	<p>Anti-Corruption Act — <i>Cont'd</i></p> <p>35.6, 2018, c. 1, s. 22 35.7, 2018, c. 1, s. 22 35.8, 2018, c. 1, s. 22 35.9, 2018, c. 1, s. 22 35.10, 2018, c. 1, s. 22 35.11, 2018, c. 1, s. 22 35.12, 2018, c. 1, s. 22 35.13, 2018, c. 1, s. 22 35.14, 2018, c. 1, s. 22 35.15, 2018, c. 1, s. 22 35.16, 2018, c. 1, s. 22 35.17, 2018, c. 1, s. 22 35.18, 2018, c. 1, s. 22 35.19, 2018, c. 1, s. 22 35.20, 2018, c. 1, s. 22 35.21, 2018, c. 1, s. 22 35.22, 2018, c. 1, s. 22 35.23, 2018, c. 1, s. 22 35.24, 2018, c. 1, s. 22 35.25, 2018, c. 1, s. 22 Sched. I, 2018, c. 1, s. 23 Sched. III, 2018, c. 1, s. 24</p>
c. L-6.2	<p>Tobacco Control Act</p> <p>2, 2018, c. 19, s. 19 2.1, 2018, c. 19, s. 19 3, 2018, c. 19, s. 19 23, 2018, c. 19, s. 19 24.1, 2018, c. 19, s. 19 27, 2018, c. 19, s. 19</p>
c. M-11.5	<p>Act respecting transparency measures in the mining, oil and gas industries</p> <p>20, 2018, c. 23, s. 772 23, 2018, c. 23, s. 773 25, 2018, c. 23, s. 774 33, 2018, c. 23, s. 775 40, 2018, c. 23, s. 776 44, 2018, c. 23, s. 777</p>
c. M-22.1	<p>Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire</p> <p>14, 2018, c. 8, s. 187 17.0.1, 2018, c. 8, s. 188 17.8, 2018, c. 8, s. 189</p>
c. M-25.2	<p>Act respecting the Ministère des Ressources naturelles et de la Faune</p> <p>12, 2018, c. 18, s. 128 17.4, 2018, c. 18, s. 129</p>
c. M-30	<p>Act respecting the Ministère du Conseil exécutif</p> <p>3.41.5, 2018, c. 8, s. 190 3.41.5.1, 2018, c. 8, s. 191 3.41.6, 2018, c. 8, s. 192</p>
c. M-35.1.1	<p>Act respecting the implementation of the Agreement on Internal Trade</p> <p>Ab., 2018, c. 10, s. 2</p>
c. N-1.1	<p>Act respecting labour standards</p> <p>3, 2018, c. 21, s. 1 3.1, 2018, c. 8, s. 193; 2018, c. 12, s. 1; 2018, c. 13, s. 40 28.1, 2018, c. 21, s. 2</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. N-1.1	<p>Act respecting labour standards — <i>Cont'd</i></p> <p>39, 2018, c. 21, s. 3 41.1, 2018, c. 21, s. 4 41.2, 2018, c. 21, s. 5 42, 2018, c. 21, s. 6 50, 2018, c. 21, s. 7 53, 2018, c. 21, s. 8 59.0.1, 2018, c. 21, s. 9 64, 2018, c. 21, s. 10 69, 2018, c. 21, s. 11 70, 2018, c. 21, s. 12 74, 2018, c. 21, s. 13 74.1, 2018, c. 21, s. 14 75, 2018, c. 21, s. 15 77, 2018, c. 23, s. 778 79.1, 2018, c. 21, s. 17 79.2, 2018, c. 21, s. 18 79.4, 2018, c. 21, s. 19 79.6.1, 2018, c. 21, s. 20 79.7, 2018, c. 21, s. 21 79.8, 2018, c. 21, s. 22 79.8.1, 2018, c. 21, s. 23 79.10, 2018, c. 21, s. 24 79.10.1, 2018, c. 21, s. 25 79.11, 2018, c. 21, s. 26 79.12, 2018, c. 21, s. 27 79.13, 2018, c. 21, s. 28 79.15, 2018, c. 21, s. 29 79.16, 2018, c. 21, s. 30 80, 2018, c. 21, s. 31 81.1, 2018, c. 21, s. 32 81.18, 2018, c. 21, s. 33 81.19, 2018, c. 21, s. 34 87.1, 2018, c. 21, s. 35 89, 2018, c. 21, s. 36 92.5, 2018, c. 21, s. 37 92.6, 2018, c. 21, s. 37 92.7, 2018, c. 21, s. 37 92.8, 2018, c. 21, s. 37 92.9, 2018, c. 21, s. 37 92.10, 2018, c. 21, s. 37 92.11, 2018, c. 21, s. 37 92.12, 2018, c. 21, s. 37 95, 2018, c. 21, s. 38 121.1, 2018, c. 21, s. 39 121.2, 2018, c. 21, s. 39 121.3, 2018, c. 21, s. 39 121.4, 2018, c. 21, s. 39 121.5, 2018, c. 21, s. 39 121.6, 2018, c. 21, s. 39 121.7, 2018, c. 21, s. 39 121.8, 2018, c. 21, s. 39 122, 2018, c. 8, s. 194; 2018, c. 12, s. 2; 2018, c. 13, s. 41; 2018, c. 21, s. 40; 2018, c. 23, s. 779 123.6, 2018, c. 21, s. 41 123.7, 2018, c. 21, s. 42 123.8, 2018, c. 21, s. 43 123.10, 2018, c. 21, s. 44 123.15, 2018, c. 21, s. 45 140, 2018, c. 8, s. 195; 2018, c. 12, s. 3; 2018, c. 13, s. 42; 2018, c. 21, s. 46 140.1, 2018, c. 21, s. 47 141, 2018, c. 21, s. 48 142, 2018, c. 21, s. 49 169.1, 2018, c. 21, s. 50</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. N-3	Notaries Act 18 , 2018, c. 23, s. 780
c. P-9.001	Act respecting transport infrastructure partnerships 16 , 2018, c. 7, s. 179 16.1 , 2018, c. 7, s. 179
c. P-9.1	Act respecting liquor permits 1 , 2018, c. 20, s. 1 25 , 2018, c. 20, s. 2 26 , 2018, c. 20, s. 2 27 , 2018, c. 20, s. 2 28 , 2018, c. 20, s. 2 28.1 , 2018, c. 20, s. 2 29 , 2018, c. 20, s. 2 30 , 2018, c. 20, s. 2 31 , 2018, c. 20, s. 2 32 , 2018, c. 20, s. 2 33 , 2018, c. 20, s. 2 34 , 2018, c. 20, s. 2 34.1 , 2018, c. 20, s. 2 34.2 , 2018, c. 20, s. 2 36 , 2018, c. 20, s. 3 39 , 2018, c. 20, s. 4 40 , 2018, c. 20, s. 5 41 , 2018, c. 20, s. 6 42 , 2018, c. 20, s. 7 42.2 , 2018, c. 20, s. 8 43 , Ab. 2018, c. 20, s. 9 46 , 2018, c. 20, s. 10 47 , 2018, c. 20, s. 11 50 , 2018, c. 20, s. 12 51 , 2018, c. 20, s. 13 51.1 , 2018, c. 20, s. 14 53 , 2018, c. 20, s. 15 55 , 2018, c. 20, s. 58 58.1 , 2018, c. 20, s. 16 59 , 2018, c. 20, s. 17 60 , 2018, c. 20, s. 18 60.0.1 , 2018, c. 20, s. 19 60.1 , 2018, c. 20, s. 20 61 , 2018, c. 20, s. 21 62 , 2018, c. 20, s. 22 63 , 2018, c. 20, s. 22 65 , 2018, c. 20, s. 23 66 , 2018, c. 20, s. 24 68 , 2018, c. 20, s. 25 69.1 , 2018, c. 20, s. 26 70.1 , 2018, c. 20, s. 27 71 , 2018, c. 20, s. 28 72.1 , 2018, c. 20, s. 29 73 , 2018, c. 20, s. 30 74 , 2018, c. 20, s. 31 76 , Ab. 2018, c. 20, s. 32 77.1 , Ab. 2018, c. 20, s. 33 77.2 , Ab. 2018, c. 20, s. 33 77.3 , 2018, c. 20, s. 34 77.4 , 2018, c. 20, s. 34 79 , 2018, c. 20, s. 58 81.1 , 2018, c. 20, s. 37 84 , 2018, c. 20, s. 38 84.0.1 , 2018, c. 20, s. 39 84.1 , 2018, c. 20, s. 40

TABLE OF AMENDMENTS

Reference	Title Amendments
c. P-9.1	Act respecting liquor permits — <i>Cont'd</i> 85 , 2018, c. 20, s. 41 85.1 , 2018, c. 20, s. 42 85.2 , 2018, c. 20, s. 58 86 , 2018, c. 20, s. 43 86.0.1 , 2018, c. 20, s. 44 87 , 2018, c. 20, s. 45 87.1 , 2018, c. 20, s. 46 89 , 2018, c. 20, s. 47 89.2 , Ab. 2018, c. 20, s. 48 90.2 , 2018, c. 20, s. 49 95 , 2018, c. 20, s. 50 96 , 2018, c. 20, s. 51 97 , 2018, c. 20, s. 52 99 , 2018, c. 20, s. 53 102 , 2018, c. 20, s. 54 113.1 , 2018, c. 20, s. 55 114 , 2018, c. 20, s. 56 116 , Ab. 2018, c. 20, s. 57
c. P-13.1	Police Act 48 , 2018, c. 1, s. 25 89.1 , 2018, c. 1, s. 26 89.2 , 2018, c. 1, s. 26 117 , 2018, c. 20, s. 96 120.1 , 2018, c. 1, s. 27 126 , 2018, c. 1, s. 28 143 , 2018, c. 1, s. 29 257 , 2018, c. 1, s. 30 286 , 2018, c. 1, s. 31 287 , 2018, c. 1, s. 32 288 , 2018, c. 1, s. 33 289 , 2018, c. 1, s. 34 289.1 , 2018, c. 1, s. 35 289.2 , 2018, c. 1, s. 36 289.4 , 2018, c. 1, s. 37 289.5 , 2018, c. 1, s. 38 289.6 , 2018, c. 1, s. 39 289.23 , 2018, c. 1, s. 40 312 , 2018, c. 1, s. 41 354 , 2018, c. 1, s. 42
c. P-39.1	Act respecting the protection of personal information in the private sector 97 , 2018, c. 23, s. 781
c. P-40.1	Consumer Protection Act 1 , 2018, c. 14, s. 8 2.2 , 2018, c. 14, s. 9 3 , 2018, c. 23, s. 782 23 , 2018, c. 14, s. 10 54.4 , 2018, c. 14, s. 11 54.9 , 2018, c. 14, s. 12 54.9.1 , 2018, c. 14, s. 13 54.12 , 2018, c. 14, s. 14 62 , 2018, c. 14, s. 15 150.22 , 2018, c. 14, s. 16 187.10 , 2018, c. 14, s. 17 187.11 , 2018, c. 14, s. 17 187.12 , 2018, c. 14, s. 17 187.13 , 2018, c. 14, s. 17 187.14 , 2018, c. 14, s. 17 187.15 , 2018, c. 14, s. 17 187.16 , 2018, c. 14, s. 17

TABLE OF AMENDMENTS

Reference	Title Amendments
c. P-40.1	<p>Consumer Protection Act — <i>Cont'd</i></p> <p>187.17, 2018, c. 14, s. 17 187.18, 2018, c. 14, s. 17 187.19, 2018, c. 14, s. 17 187.20, 2018, c. 14, s. 17 187.21, 2018, c. 14, s. 17 187.22, 2018, c. 14, s. 17 187.23, 2018, c. 14, s. 17 187.24, 2018, c. 14, s. 17 187.25, 2018, c. 14, s. 17 187.26, 2018, c. 14, s. 17 187.27, 2018, c. 14, s. 17 229.1, 2018, c. 14, s. 18 229.2, 2018, c. 14, s. 18 236.1, 2018, c. 14, s. 19 236.2, 2018, c. 14, s. 20 236.3, 2018, c. 14, s. 20 236.4, 2018, c. 14, s. 20 245.3, 2018, c. 14, s. 21 257, 2018, c. 23, ss. 783, 786 260.9, 2018, c. 23, ss. 784, 786 260.11, 2018, c. 23, s. 786 260.12, 2018, c. 23, s. 786 321, 2018, c. 23, s. 785 323.1, 2018, c. 23, s. 786 350, 2018, c. 14, s. 22 Sched. 11, 2018, c. 23, s. 786</p>
c. P-44.1	<p>Act respecting the legal publicity of enterprises</p> <p>21, 2018, c. 23, s. 787 Sched. II, 2018, c. 23, s. 788</p>
c. R-2.2	<p>Act respecting the collection of certain debts</p> <p>6, 2018, c. 23, s. 789 27, 2018, c. 23, s. 790</p>
c. R-6.01	<p>Act respecting the Régie de l'énergie</p> <p>52.1.2, 2018, c. 25, s. 2</p>
c. R-6.1	<p>Act respecting the Régie des alcools, des courses et des jeux</p> <p>19, 2018, c. 20, s. 97 23, 2018, c. 20, s. 98 23.1, 2018, c. 20, s. 99 25, 2018, c. 20, s. 100 29, 2018, c. 20, s. 101 32.1, 2018, c. 20, s. 102 32.1.1, 2018, c. 20, s. 103 39, 2018, c. 20, s. 104</p>
c. R-8.2	<p>Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors</p> <p>Sched. C, 2018, c. 18, s. 116; 2018, c. 19, s. 9</p>
c. R-9	<p>Act respecting the Québec Pension Plan</p> <p>0.1, 2018, c. 2, s. 1 0.2, 2018, c. 2, s. 1 0.3, 2018, c. 2, s. 1 1, 2018, c. 2, s. 2 34, 2018, c. 2, s. 3 40.4, 2018, c. 2, s. 4 41, 2018, c. 2, s. 5 41.1, 2018, c. 2, s. 6</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. R-9	Act respecting the Québec Pension Plan — <i>Cont'd</i>
	44, 2018, c. 2, s. 8
	44.1, 2018, c. 2, s. 9
	44.2, 2018, c. 2, s. 10
	44.3, 2018, c. 2, s. 10
	45, 2018, c. 2, s. 11
	48, 2018, c. 2, s. 11
	48.1, 2018, c. 2, s. 11
	50, 2018, c. 2, s. 13
	51, 2018, c. 2, s. 15
	51.0.1, 2018, c. 2, s. 16
	51.0.2, 2018, c. 2, s. 17
	52, 2018, c. 2, s. 19
	53, 2018, c. 2, s. 21
	53.1, 2018, c. 2, s. 22
	53.2, 2018, c. 2, s. 22
	54, 2018, c. 2, s. 23
	55, 2018, c. 2, s. 25
	55.1, 2018, c. 2, s. 26
	55.2, 2018, c. 2, s. 26
	56, 2018, c. 2, s. 27
	56.1, 2018, c. 2, s. 28
	56.2, 2018, c. 2, s. 29
	56.3, 2018, c. 2, s. 29
	56.4, 2018, c. 2, s. 29
	56.5, 2018, c. 2, s. 29
	57, 2018, c. 2, s. 30
	58, 2018, c. 2, s. 31
	59, 2018, c. 2, s. 32
	63, 2018, c. 2, s. 33
	64, 2018, c. 2, s. 34
	72, 2018, c. 2, s. 35
	74, 2018, c. 2, s. 36
	75, 2018, c. 2, s. 37
	77, 2018, c. 2, s. 38
	78, 2018, c. 2, s. 39
	78.0.1, 2018, c. 2, s. 40
	79, 2018, c. 2, s. 41
	95.4, 2018, c. 2, s. 42
	96, 2018, c. 2, s. 43
	97.1, 2018, c. 2, s. 44
	98, 2018, c. 2, s. 45
	98.1, 2018, c. 2, s. 46
	98.2, 2018, c. 2, s. 46
	99, 2018, c. 2, s. 47
	101, 2018, c. 2, s. 48
	102.3, 2018, c. 2, s. 49
	102.4, 2018, c. 2, s. 50
	102.10.5, 2018, c. 2, s. 51
	105.0.1, 2018, c. 2, s. 52
	105.1, 2018, c. 2, s. 53
	106, 2018, c. 2, s. 54
	106.1, 2018, c. 2, s. 54
	107, 2018, c. 2, s. 54
	107.0.1, 2018, c. 2, s. 55
	107.1, 2018, c. 2, s. 56
	116.1, 2018, c. 2, s. 57
	116.1.1, 2018, c. 2, s. 58
	116.1.2, 2018, c. 2, s. 58
	116.2, 2018, c. 2, s. 59
	116.2.1, 2018, c. 2, s. 60
	116.2.2, 2018, c. 2, s. 60
	116.3, 2018, c. 2, s. 61
	116.4, 2018, c. 2, s. 61

TABLE OF AMENDMENTS

Reference	Title Amendments
c. R-9	<p>Act respecting the Québec Pension Plan — <i>Cont'd</i></p> <p>116.5, 2018, c. 2, s. 62 116.6, 2018, c. 2, s. 63 119, 2018, c. 2, s. 64 120, 2018, c. 2, s. 65 120.1, 2018, c. 2, s. 66 120.2, 2018, c. 2, s. 67 120.3, 2018, c. 2, s. 68 120.4, 2018, c. 2, s. 68 123, 2018, c. 2, s. 69 127, 2018, c. 2, s. 70 128, 2018, c. 2, s. 71 133, 2018, c. 2, s. 72 133.1, 2018, c. 2, s. 73 134, 2018, c. 2, s. 74 135, 2018, c. 2, s. 75 136, 2018, c. 2, s. 76 137, 2018, c. 2, s. 77 137.1, 2018, c. 2, s. 78 137.2, 2018, c. 2, s. 78 145, 2018, c. 2, s. 79 145.1, 2018, c. 2, s. 80 158.5, 2018, c. 2, s. 81 158.6, 2018, c. 2, s. 82 180, 2018, c. 2, s. 83 180.1, 2018, c. 2, s. 84 186, 2018, c. 2, s. 85 188, 2018, c. 2, s. 86 216, 2018, c. 2, s. 88 217.1, Ab. 2018, c. 2, s. 89 218.0.1, 2018, c. 2, s. 90 218.1, 2018, c. 2, s. 91 218.2, 2018, c. 2, s. 92 218.3, 2018, c. 2, s. 92 218.4, 2018, c. 2, s. 92 218.5, 2018, c. 2, s. 92 219, 2018, c. 2, s. 93</p>
c. R-9.1	<p>Act respecting the Pension Plan of Certain Teachers</p> <p>4.0.1, 2018, c. 4, s. 2 41.1.1, 2018, c. 4, s. 3 41.8, 2018, c. 4, s. 4</p>
c. R-9.2	<p>Act respecting the Pension Plan of Peace Officers in Correctional Services</p> <p>20, 2018, c. 4, s. 5 30, 2018, c. 4, s. 6 35, 2018, c. 4, s. 7 41.8, 2018, c. 4, s. 8 74.6, 2018, c. 4, s. 9 74.7, 2018, c. 4, s. 10 125.1.1, 2018, c. 4, s. 11 127, 2018, c. 4, s. 12 130, 2018, c. 4, s. 13 134.1, 2018, c. 4, s. 14 139.4, 2018, c. 4, s. 15 143.4, 2018, c. 4, s. 16</p>
c. R-9.3	<p>Act respecting the Pension Plan of Elected Municipal Officers</p> <p>63.1.1, 2018, c. 4, s. 17 75, 2018, c. 4, s. 18</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. R-10	<p>Act respecting the Government and Public Employees Retirement Plan</p> <p>2, 2018, c. 4, s. 19 3.0.1, 2018, c. 4, s. 20 3.1.1, 2018, c. 4, s. 21 10.2, 2018, c. 4, s. 22 17.2, 2018, c. 4, s. 23 31.3, 2018, c. 4, s. 24 76, 2018, c. 23, s. 791 98, 2018, c. 4, s. 25 115.10.7.1, 2018, c. 4, s. 26 115.10.7.2, 2018, c. 4, s. 26 115.10.7.3, 2018, c. 4, s. 26 115.10.7.4, 2018, c. 4, s. 26 115.10.7.5, 2018, c. 4, s. 26 122.1.1, 2018, c. 4, s. 27 127, 2018, c. 4, s. 28 134, 2018, c. 4, s. 29 220, 2018, c. 4, s. 30 Sched. I, 2018, c. 18, s. 117; 2018, c. 19, s. 10</p>
c. R-11	<p>Act respecting the Teachers Pension Plan</p> <p>2.1.1, 2018, c. 4, s. 31 9.0.1, 2018, c. 4, s. 32 24, 2018, c. 4, s. 33 72.1.1, 2018, c. 4, s. 34 73, 2018, c. 4, s. 35 75.1, 2018, c. 4, s. 36</p>
c. R-12	<p>Act respecting the Civil Service Superannuation Plan</p> <p>54, 2018, c. 4, s. 37 55.0.1, 2018, c. 4, s. 38 90, 2018, c. 4, s. 39 108.1.1, 2018, c. 4, s. 40 109, 2018, c. 4, s. 41 111.2, 2018, c. 4, s. 42</p>
c. R-12.1	<p>Act respecting the Pension Plan of Management Personnel</p> <p>2, 2018, c. 4, s. 43 7.1, 2018, c. 4, s. 44 9.1, 2018, c. 4, s. 45 28.1, 2018, c. 4, s. 46 40, 2018, c. 4, s. 47 47, 2018, c. 4, s. 48 84, 2018, c. 4, s. 49 85, 2018, c. 4, s. 50 86, 2018, c. 4, s. 51 87, 2018, c. 4, s. 52 128, 2018, c. 4, s. 53 130, 2018, c. 4, s. 54 138.3, 2018, c. 4, s. 55 138.8, 2018, c. 4, s. 56 139, 2018, c. 4, s. 57 144, 2018, c. 4, s. 58 145, 2018, c. 4, s. 59 147, 2018, c. 4, s. 60 152.2, 2018, c. 4, s. 61 152.5, 2018, c. 4, s. 62 152.7, 2018, c. 4, s. 63 152.8.1, 2018, c. 4, s. 64 152.8.2, 2018, c. 4, s. 64 152.8.3, 2018, c. 4, s. 64 152.8.4, 2018, c. 4, s. 64 152.8.5, 2018, c. 4, s. 64</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. R-12.1	<p>Act respecting the Pension Plan of Management Personnel — <i>Cont'd</i></p> <p>152.9, 2018, c. 4, s. 65 163.1, 2018, c. 4, s. 66 177, 2018, c. 4, s. 67 196, 2018, c. 4, s. 68 207, 2018, c. 4, s. 69 208, 2018, c. 4, s. 70 211.4, 2018, c. 4, s. 71 Sched. II, 2018, c. 18, s. 118; 2018, c. 19, s. 11</p>
c. R-15.1	<p>Supplemental Pension Plans Act</p> <p>14, 2018, c. 2, s. 94 38.2, 2018, c. 2, s. 95 38.3, 2018, c. 2, s. 95 39, 2018, c. 2, s. 96 41, 2018, c. 2, s. 97 42.2, 2018, c. 2, s. 98 48, 2018, c. 2, s. 99 103, 2018, c. 2, s. 100 112.1, Ab. 2018, c. 2, s. 101 118, 2018, c. 2, s. 102 119.1, 2018, c. 2, s. 103 121, 2018, c. 2, s. 104 124, 2018, c. 2, s. 105 142.3, 2018, c. 2, s. 106 143, 2018, c. 2, s. 107 146.8, 2018, c. 2, s. 108 146.9, 2018, c. 2, s. 109 146.12, 2018, c. 2, s. 110 146.20, 2018, c. 2, s. 111 146.22, 2018, c. 2, s. 112 151.2, 2018, c. 2, s. 113 152, 2018, c. 2, s. 114 154.3, 2018, c. 2, s. 115 161, 2018, c. 2, s. 116 162.1, 2018, c. 2, s. 117 164, 2018, c. 23, s. 792 166, 2018, c. 2, s. 118 203, 2018, c. 2, s. 119 204, 2018, c. 2, s. 120 209.1, 2018, c. 2, s. 121 210, 2018, c. 2, s. 122 230.0.0.1, 2018, c. 2, s. 123 230.2, 2018, c. 2, s. 124 244, 2018, c. 2, s. 125 288.1, 2018, c. 2, s. 126 288.1.1, 2018, c. 2, s. 127 288.1.2, 2018, c. 2, s. 127 288.3.1, 2018, c. 2, s. 128 288.3.2, 2018, c. 2, s. 129 289, 2018, c. 2, s. 130 308.1, Ab. 2018, c. 2, s. 131 318.4, 2018, c. 2, s. 132</p>
c. R-16	<p>Act respecting retirement plans for the mayors and councillors of municipalities</p> <p>1, 2018, c. 2, s. 133</p>
c. R-17.0.1	<p>Voluntary Retirement Savings Plans Act</p> <p>14, 2018, c. 23, s. 793 28, 2018, c. 23, s. 794 39, 2018, c. 23, s. 795 107, 2018, c. 23, s. 796</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. R-20	<p>Act respecting labour relations, vocational training and workforce management in the construction industry</p> <p>3.3, 2018, c. 12, s. 4 3.8.1, 2018, c. 12, s. 5 7.1, 2018, c. 12, s. 6 41.2, 2018, c. 12, s. 7 62, 2018, c. 21, s. 51 83, 2018, c. 12, s. 8 86, 2018, c. 12, s. 9 86.1, 2018, c. 12, s. 10 95, Ab. 2018, c. 12, s. 11 96, 2018, c. 12, s. 12 109.1, 2018, c. 12, s. 13 113, 2018, c. 12, s. 14 113.1, 2018, c. 12, s. 15 113.2, 2018, c. 12, s. 16 113.3, 2018, c. 12, s. 17 113.4, 2018, c. 12, s. 18 115.1, 2018, c. 12, s. 19 119.0.5, 2018, c. 12, s. 20 119.11, 2018, c. 12, s. 21 122, 2018, c. 12, s. 22 123.4.5, 2018, c. 12, s. 23 123.5, 2018, c. 12, s. 24 123.6, 2018, c. 12, s. 24 123.7, 2018, c. 12, s. 24 123.8, 2018, c. 12, s. 24</p>
c. R-25.01	<p>Act respecting the Réseau de transport métropolitain</p> <p>53, 2018, c. 8, s. 196 57, Ab. 2018, c. 8, s. 197 59, 2018, c. 8, s. 198 59.1, 2018, c. 8, s. 199 66, 2018, c. 8, s. 200 67, 2018, c. 8, s. 201 67.1, 2018, c. 8, s. 202 67.2, 2018, c. 8, s. 202 68, 2018, c. 8, s. 203 68.1, Ab. 2018, c. 8, s. 204</p>
c. R-26.3	<p>Act respecting Retraite Québec</p> <p>33, 2018, c. 2, s. 134 40.1, 2018, c. 2, s. 135 59.1, 2018, c. 4, s. 72</p>
c. S-2.1	<p>Act respecting occupational health and safety</p> <p>49.1, 2018, c. 19, s. 19 51.2, 2018, c. 19, s. 19 144, 2018, c. 12, s. 25 153.1, 2018, c. 12, s. 26</p>
c. S-2.3	<p>Civil Protection Act</p> <p>108, 2018, c. 8, s. 205 111, 2018, c. 8, s. 206 111.1, 2018, c. 8, s. 207 111.2, 2018, c. 8, s. 207</p>
c. S-3.5	<p>Private Security Act</p> <p>2, 2018, c. 23, s. 797</p>
c. S-6.01	<p>Act respecting transportation services by taxi</p> <p>18, 2018, c. 19, s. 63 26, 2018, c. 19, s. 64</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. S-6.2	Act respecting pre-hospital emergency services 118 , 2018, c. 11, s. 26
c. S-8	Act respecting the Société d'habitation du Québec 3 , 2018, c. 8, s. 208 3.2 , 2018, c. 8, s. 209 57 , 2018, c. 8, s. 210 57.1 , 2018, c. 8, s. 211 58.4 , 2018, c. 8, s. 212 93 , 2018, c. 8, s. 213
c. S-13	Act respecting the Société des alcools du Québec 16 , 2018, c. 19, s. 2 16.1 , 2018, c. 19, s. 3 17 , 2018, c. 19, s. 4 20 , 2018, c. 19, s. 5 23.1 , 2018, c. 19, s. 6 23.2 , 2018, c. 19, s. 6 23.3 , 2018, c. 19, s. 6 23.4 , 2018, c. 19, s. 6 23.5 , 2018, c. 19, s. 6 23.6 , 2018, c. 19, s. 6 23.7 , 2018, c. 19, s. 6 23.8 , 2018, c. 19, s. 6 23.9 , 2018, c. 19, s. 6 23.10 , 2018, c. 19, s. 6 23.11 , 2018, c. 19, s. 6 23.12 , 2018, c. 19, s. 6 23.13 , 2018, c. 19, s. 6 23.14 , 2018, c. 19, s. 6 23.15 , 2018, c. 19, s. 6 23.16 , 2018, c. 19, s. 6 23.17 , 2018, c. 19, s. 6 23.18 , 2018, c. 19, s. 6 23.19 , 2018, c. 19, s. 6 23.20 , 2018, c. 19, s. 6 23.21 , 2018, c. 19, s. 6 23.22 , 2018, c. 19, s. 6 23.23 , 2018, c. 19, s. 6 23.24 , 2018, c. 19, s. 6 23.25 , 2018, c. 19, s. 6 23.26 , 2018, c. 19, s. 6 23.27 , 2018, c. 19, s. 6 23.28 , 2018, c. 19, s. 6 23.29 , 2018, c. 19, s. 6 23.30 , 2018, c. 19, s. 6 23.31 , 2018, c. 19, s. 6 23.32 , 2018, c. 19, s. 6 23.33 , 2018, c. 19, s. 6 23.34 , 2018, c. 19, s. 6 23.35 , 2018, c. 19, s. 6 23.36 , 2018, c. 19, s. 6 23.37 , 2018, c. 19, s. 6 23.38 , 2018, c. 19, s. 6 23.39 , 2018, c. 19, s. 6 23.40 , 2018, c. 19, s. 6 23.41 , 2018, c. 19, s. 6 23.42 , 2018, c. 19, s. 6 23.43 , 2018, c. 19, s. 6 24.1 , 2018, c. 20, s. 105 24.2 , 2018, c. 20, s. 106 26 , 2018, c. 20, s. 107 27 , 2018, c. 20, s. 108

TABLE OF AMENDMENTS

Reference	Title Amendments
c. S-13	<p>Act respecting the Société des alcools du Québec — <i>Cont'd</i></p> <p>28, 2018, c. 20, s. 109 28.1, 2018, c. 20, s. 110 29.1, Ab. 2018, c. 20, s. 111 33, 2018, c. 20, s. 112 33.1, 2018, c. 20, s. 113 33.2, 2018, c. 20, s. 114 34.2, 2018, c. 20, s. 115 34.3, 2018, c. 20, s. 115 35, 2018, c. 20, s. 116 35.0.1, 2018, c. 20, s. 117 35.0.2, 2018, c. 20, s. 117 35.2.1, 2018, c. 20, s. 118 35.2.2, 2018, c. 20, s. 118 36, 2018, c. 20, s. 119 37, 2018, c. 20, s. 120 59, 2018, c. 19, s. 7 Sched. I, 2018, c. 19, s. 8</p>
c. S-13.1	<p>Act respecting the Société des loteries du Québec</p> <p>18, 2018, c. 23, s. 798</p>
c. S-16.011	<p>Act respecting the Société du Plan Nord</p> <p>13, Ab. 2018, c. 10, s. 8</p>
c. S-25.01	<p>Act respecting mixed enterprise companies in the municipal sector</p> <p>41.1, 2018, c. 8, s. 214</p>
c. S-29.01	<p>Act respecting trust companies and savings companies</p> <p>Rp., 2018, c. 23, s. 395</p>
c. S-30.01	<p>Act respecting public transit authorities</p> <p>92.1, 2018, c. 8, s. 215 93, 2018, c. 8, s. 216 94, 2018, c. 8, s. 217 95, 2018, c. 8, s. 218 95.1.1, 2018, c. 8, s. 219 96, 2018, c. 8, s. 264 96.1, 2018, c. 8, s. 220 97, 2018, c. 8, s. 264 99, 2018, c. 8, s. 221 99.2, 2018, c. 8, s. 222 100, 2018, c. 8, s. 223 101, 2018, c. 8, s. 224 101.1, 2018, c. 8, s. 225 101.2, 2018, c. 8, s. 226 102, 2018, c. 8, s. 227 103.2, 2018, c. 8, s. 228 108, 2018, c. 8, s. 229 108.1.0.1, 2018, c. 8, s. 230 108.1.1, 2018, c. 8, s. 231 108.1.2, 2018, c. 8, s. 232 108.2, 2018, c. 8, s. 233 137, 2018, c. 8, s. 234</p>
c. S-31.1	<p>Business Corporations Act</p> <p>404, 2018, c. 23, s. 799</p>
c. S-40	<p>Professional Syndicates Act</p> <p>9, 2018, c. 23, s. 800 20, 2018, c. 23, s. 801</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. T-0.1	<p>Act respecting the Québec sales tax</p> <p>1, 2018, c. 18, ss. 58, 74 17, 2018, c. 18, s. 75 23, 2018, c. 18, s. 76 350.61, 2018, c. 18, s. 59 350.62, 2018, c. 18, s. 59 350.63, 2018, c. 18, s. 59 350.64, 2018, c. 18, s. 59 350.65, 2018, c. 18, s. 59 350.66, 2018, c. 18, s. 59 350.67, 2018, c. 18, s. 59 400, 2018, c. 18, s. 77 477.2, 2018, c. 18, s. 78 477.3, 2018, c. 18, s. 78 477.4, 2018, c. 18, s. 78 477.5, 2018, c. 18, s. 78 477.6, 2018, c. 18, s. 78 477.7, 2018, c. 18, s. 78 477.8, 2018, c. 18, s. 78 477.9, 2018, c. 18, s. 78 477.10, 2018, c. 18, s. 78 477.11, 2018, c. 18, s. 78 477.12, 2018, c. 18, s. 78 477.13, 2018, c. 18, s. 78 477.14, 2018, c. 18, s. 78 477.15, 2018, c. 18, s. 78 477.16, 2018, c. 18, s. 78 477.17, 2018, c. 18, s. 78 477.18, 2018, c. 18, s. 78 477.19, 2018, c. 18, s. 78 485.1, Ab. 2018, c. 20, s. 121 485.2, Ab. 2018, c. 20, s. 121 541.23, 2018, c. 18, ss. 88, 91 541.24, 2018, c. 18, s. 92 541.25, 2018, c. 18, s. 93 541.26, 2018, c. 18, s. 94 541.27, 2018, c. 18, s. 95 541.27.1, 2018, c. 18, s. 96 541.28, 2018, c. 18, s. 97 541.29, 2018, c. 18, s. 97 541.30, 2018, c. 18, s. 97 541.30.1, 2018, c. 18, s. 98 541.31.1, 2018, c. 18, s. 99 541.32, 2018, c. 18, s. 100 677, 2018, c. 18, ss. 60, 79; 2018, c. 20, s. 122</p>
c. T-11.001	<p>Act respecting the remuneration of elected municipal officers</p> <p>8, 2018, c. 8, s. 263 30.1, 2018, c. 8, s. 235 31, 2018, c. 8, s. 236 31.0.1, 2018, c. 8, s. 237 31.0.2, 2018, c. 8, s. 238 31.0.3, 2018, c. 8, s. 239 31.1.0.1, 2018, c. 8, s. 240 31.1.1, 2018, c. 8, s. 241 31.1.2, 2018, c. 8, s. 242</p>
c. T-11.002	<p>Act respecting the transfer of securities and the establishment of security entitlements</p> <p>8, 2018, c. 23, s. 802</p>
c. T-15.1	<p>Act to establish the Administrative Labour Tribunal</p> <p>Sched. I, 2018, c. 21, s. 52</p>

TABLE OF AMENDMENTS

Reference	Title Amendments
c. T-16	Courts of Justice Act Sched. V , 2018, c. 19, s. 19
c. V-1.1	Securities Act 3 , 2018, c. 23, s. 803 5 , 2018, c. 23, s. 682 148.3 , 2018, c. 23, s. 683 160.1.1 , 2018, c. 23, s. 684 168.1.1 , 2018, c. 23, s. 685 168.1.2 , 2018, c. 23, s. 685 168.1.3 , 2018, c. 23, s. 685 168.1.4 , 2018, c. 23, s. 685 168.1.5 , 2018, c. 23, s. 685 168.1.6 , 2018, c. 23, s. 685 168.1.7 , 2018, c. 23, s. 685 168.1.8 , 2018, c. 23, s. 685 186.1 , 2018, c. 23, s. 687 186.2.1 , 2018, c. 23, s. 688 186.3 , 2018, c. 23, s. 689 186.4 , 2018, c. 23, s. 690 186.6 , 2018, c. 23, s. 691 199 , 2018, c. 23, s. 692 199.1 , 2018, c. 23, s. 693 199.2 , 2018, c. 23, s. 694 204.1 , 2018, c. 23, s. 695 208.1 , 2018, c. 23, s. 696 211 , 2018, c. 23, s. 697 225.3 , 2018, c. 23, s. 698 225.4 , 2018, c. 23, s. 699 235 , 2018, c. 23, s. 700 237 , 2018, c. 23, s. 701 250 , 2018, c. 23, s. 702 255 , 2018, c. 23, s. 703 262.2 , 2018, c. 23, s. 704 262.3 , 2018, c. 23, s. 704 262.4 , 2018, c. 23, s. 704 262.5 , 2018, c. 23, s. 704 274.1 , 2018, c. 23, s. 809 295 , Ab. 2018, c. 23, s. 705 308.2.1.1 , 2018, c. 23, s. 706 312.1 , Ab. 2018, c. 23, s. 707 323.8.1 , 2018, c. 23, s. 708 323.8.2 , Ab. 2018, c. 23, s. 709 331 , 2018, c. 23, s. 809 331.1 , 2018, c. 23, s. 710 332 , 2018, c. 23, s. 711
c. V-1.2	Act respecting off-highway vehicles 1.1 , 2018, c. 7, s. 180 14.2 , 2018, c. 7, s. 181 24 , 2018, c. 19, s. 65
c. V-6.1	Act respecting Northern villages and the Kativik Regional Government 204 , 2018, c. 8, s. 243 204.1 , 2018, c. 8, s. 244 204.1.2 , 2018, c. 8, s. 264 204.1.4 , 2018, c. 8, s. 264 204.3 , 2018, c. 8, s. 245 204.3.1 , 2018, c. 8, s. 246 228 , 2018, c. 8, s. 247 230 , 2018, c. 8, s. 248 286.1 , 2018, c. 8, s. 264 358 , 2018, c. 8, s. 249

TABLE OF AMENDMENTS

Reference	Title Amendments
c. V-6.1	Act respecting Northern villages and the Kativik Regional Government — <i>Cont'd</i> 358.1 , 2018, c. 8, s. 250 358.1.2 , 2018, c. 8, s. 264 358.1.4 , 2018, c. 8, s. 264 358.3 , 2018, c. 8, s. 251 358.3.1 , 2018, c. 8, s. 252
2- ACTS NOT INCLUDED IN THE COMPILATION OF QUÉBEC LAWS AND REGULATIONS	
1996, c. 56	Act to amend the Highway Safety Code and other legislative provisions 84 , Ab. 2018, c. 7, s. 182
1998, c. 40	Act respecting owners and operators of heavy vehicles 87 , Ab. 2018, c. 7, s. 183 97 , Ab. 2018, c. 7, s. 183 109 , 2018, c. 7, s. 184
2004, c. 2	Act to amend the Highway Safety Code and other legislative provisions 73 , Ab. 2018, c. 7, s. 185 74 , Ab. 2018, c. 7, s. 185
2008, c. 7	Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions 82 , 2018, c. 23, s. 598
2008, c. 14	Act to again amend the Highway Safety Code and other legislative provisions 27 , Ab. 2018, c. 7, s. 186 29 , Ab. 2018, c. 7, s. 186 33 , Ab. 2018, c. 7, s. 186 79 , Ab. 2018, c. 7, s. 186 80 , Ab. 2018, c. 7, s. 186
2009, c. 25	Act to amend the Securities Act and other legislative provisions 48 , Ab. 2018, c. 23, s. 805 49 , Ab. 2018, c. 23, s. 805 50 , Ab. 2018, c. 23, s. 805 51 , Ab. 2018, c. 23, s. 805
2010, c. 7	Act respecting the legal publicity of enterprises 184 , Ab. 2018, c. 23, s. 806 185 , Ab. 2018, c. 23, s. 806 302 , 2018, c. 23, s. 807
2012, c. 25	Integrity in Public Contracts Act 94 , Ab. 2018, c. 10, s. 9
2016, c. 25	Act to allow a better match between training and jobs and to facilitate labour market entry 43 , 2018, c. 11, s. 27
2016, c. 26	Act to amend the Education Act 61 , 2018, c. 15, s. 6 62 , 2018, c. 15, s. 7

TABLE OF AMENDMENTS

Reference	Title Amendments
2017, c. 27	Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics 20 , 2018, c. 8, s. 253 71 , 2018, c. 8, s. 254
2018, c. 7	Act to amend the Highway Safety Code and other provisions 5 , Ab. 2018, c. 19, s. 66 216 , 2018, c. 19, s. 67

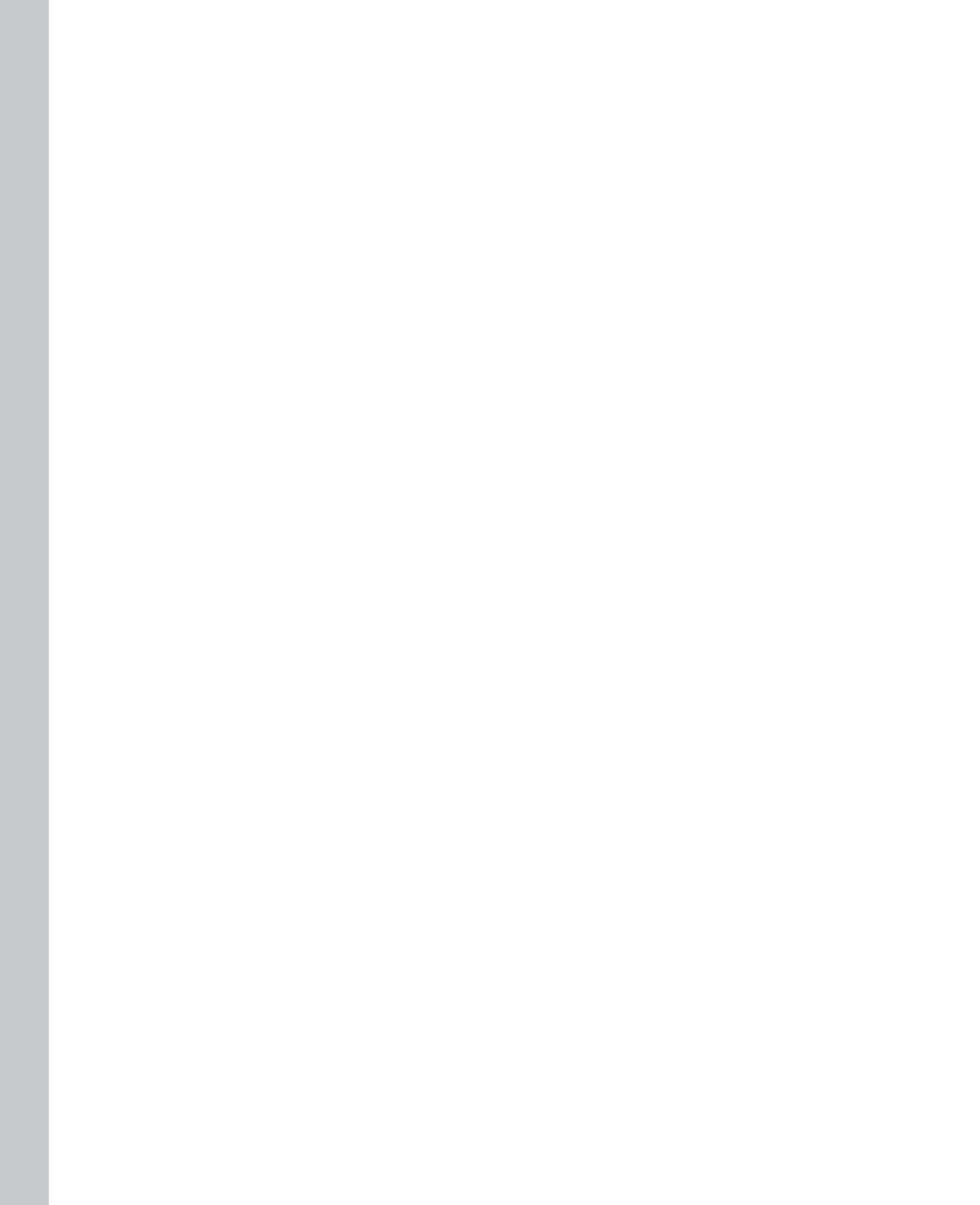
Note: Information on how to use this table may be obtained by phone at 418 643-2840. The cumulative table of amendments, listing all amendments made since 1977 to the laws of Québec included in the Compilation of Québec Laws and Regulations and other public Acts, including amendments made by the Acts passed in 2018, 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.pdf.

Legislative Translation and Publishing Directorate
National Assembly of Québec

**TABLE OF GENERAL AMENDMENTS
TO PUBLIC ACTS IN 2018**

The entries below are references to legislative provisions passed in 2018 which amend generally or affect one or several Acts rather than specific sections.

Title	Reference
Act to reform the school tax system	2018, c. 5, s. 93 (Bill 166)
Act to amend the Highway Safety Code and other provisions	2018, c. 7, s. 173 (Bill 165)
Act to amend various legislative provisions concerning consumer protection	2018, c. 14, s. 25 (Bill 178)
Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages	2018, c. 20, s. 129 (Bill 170)
Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions	2018, c. 23, s. 811 (Bill 141)



**ANNUAL STATUTE / STATUTE INCLUDED IN THE COMPILATION
OF QUÉBEC LAWS AND REGULATIONS
TABLE OF CONCORDANCE**

Annual Statute	Statute included in the Compilation of Québec Laws and Regulations
2018, chapter 10	chapter M-35.1.1.1
2018, chapter 19	chapter C-5.3
2018, chapter 22	chapter P-38.002
2018, chapter 23	chapter A-32.1
2018, chapter 23	chapter S-29.02
2018, chapter 26	chapter P-33.1
2018, chapter 27	chapter M-37.2



**LIST OF LEGISLATIVE PROVISIONS WHOSE COMING INTO FORCE
HAS BEEN DETERMINED BY PROCLAMATION OR ORDER
IN COUNCIL AS OF 31 DECEMBER 2018**

Reference	Title Date of coming into force
1964	An Act respecting the Revised Statutes, 1964 1965-09-09
1965, c. 10	An Act to amend the Territorial Division Act 1966-04-18 ss. 1-78
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
1965, c. 60	Disabled Persons Assistance Act 1966-02-14 ss. 1-21
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

COMING INTO FORCE DETERMINED

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)

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1973, c. 43	Professional Code 1974-09-01 s. 101 1974-10-27 ss. 241-244 1975-02-12 ss. 239, 240
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
1974, c. 39	Social Affairs Commission Act 1975-08-01 ss. 1-74

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1974, c. 40	An Act to amend the Health Insurance Act and the Québec Health Insurance Board Act 1975-04-11 s. 15 (par. <i>j</i> , except “or research scholarships”, par. <i>k</i>) 1975-05-07 s. 21 1975-06-11 s. 5 1975-07-16 ss. 15 (par. <i>j</i> , “or research scholarships”), 18 1979-04-04 s. 4
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

COMING INTO FORCE DETERMINED

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
1978, c. 7	An Act to secure the handicapped in the exercise of their rights 1979-08-01 s. 92 1980-11-15 ss. 68, 69, 70 (2 nd par.) 1983-01-01 s. 63
1978, c. 9	Consumer Protection Act 1979-04-04 ss. 1 (subpar. <i>i, j, l, p</i>), 291-299, 301-304, 350-352, 362 (2 nd , 3 rd par.), 363 1980-04-30 ss. 1 (subpar. <i>a-h, k, m-o</i>), 2-5, 6 (par. <i>a, b</i>), 7-155, 156 (subpar. <i>a-g, i</i>), 157-222, 224-245, 247-255, 257-290, 300, 305-307, 309-349, 353-361, 362 (1 st par.) 1981-03-01 ss. 256, 308 1982-06-02 s. 223
1978, c. 18	An Act respecting certain legislative provisions 1979-04-04 ss. 28, 29, 31, 32, 36, 37 1979-05-09 ss. 14, 15
1978, c. 22	An Act to promote the parole of inmates and to amend the Probation and Houses of Detention Act 1979-04-04 ss. 19-48, 51, 52, 54 1979-05-09 ss. 55, 56

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1978, c. 36	An Act respecting lotteries, racing, publicity contests and amusement machines 1980-07-30 ss. 20 (part), 23 (part), 24-26, 27 (part), 28 (part), 29, 30, 31 (2 nd par.), 34 (part), 36 (part), 38-44, 45 (part), 46, 53 (part), 56, 57, 67 (part), 70 (part), 73, 77 (part), 125 (part)
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. <i>a</i> , <i>b</i>)
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. <i>f</i>)) 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)
1979, c. 27	An Act to amend the Maritime Fisheries Credit Act 1980-03-13 ss. 1-4
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. <i>a</i>), 38, 39, 45-47

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1979, c. 45	An Act respecting labour standards 1980-04-16 ss. 1-4, 5 (par. 1-3), 6-28, 29 (par. 1-3, 5), 30-38, 39 (par. 1-5, 8-12), 40-69, 71-74, 76, 77 (part), 78-111, 113-135, 139-171 1981-04-01 s. 75
1979, c. 48	An Act to establish the Régie du logement and to amend the Civil Code and other legislation 1980-03-15 s. 126 1980-07-01 ss. 4, 6, 7, 14, 85, 128 1980-10-01 ss. 1-3, 5, 8-13, 15-84, 86-125, 127, 129, 132-146
1979, c. 51	An Act respecting land use planning and development 1985-06-01 s. 261 (par. 4) 1985-09-01 s. 261 (par. 7) 1993-07-01 s. 261 (par. 6) 1995-01-01 s. 261 (par. 10)
1979, c. 56	Election Act 1980-07-10 ss. 1, 177-215, 220, 231, 232, 238, 239, 289-308, 313, 314 1980-08-15 ss. 2-176, 216-219, 221-230, 233-237, 240-288, 309-312
1979, c. 63	An Act respecting occupational health and safety 1981-01-01 s. 271 1981-01-01 ss. 9-51, 53-57, 62-67, 98-103, 127-136, 178-192, 194-197, 216-222, 227-246, 252, 265, 267, 273, 275, 278-282, 284-286, 289-301, 303-310, 313-324, 326 1981-02-25 ss. 110, 111, 247 (2 nd par.) 1982-05-26 ss. 58-61, 198-203 1982-12-01 ss. 52, 112-126 1983-10-22 ss. 68-86, 268, 327 1984-09-08 ss. 87-97
1979, c. 64	An Act respecting the protection of persons and property in the event of disaster 1980-09-01 ss. 1-16, 18, 19 (1 st par.), 20-22, 24-44, 46, 48-60
1979, c. 67	An Act to amend the Police Act 1980-06-01 ss. 1-50
1979, c. 68	An Act respecting the development of Québec firms in the book industry 1981-02-12 ss. 1, 6-14, 38, 39, 48-50, 52 1981-06-01 ss. 2-5, 15-37, 40-47, 51, schedule
1979, c. 70	An Act respecting the collection of certain debts 1981-04-01 ss. 2-4, 45-63, 65-70 1981-07-01 ss. 1, 5-24, 26-44, 64
1979, c. 71	An Act respecting liquor permits 1980-06-01 ss. 2-24, 42 (par. 1), 64, 86 (1 st par. (subpar. 9), 2 nd par.), 114-118, 120 (par. 1), 121, 122, 128, 132 (par. 2, 4, 5), 133 (par. 3), 137, 141, 144, 146, 148, 149, 160, 163, 164, 165, 169, 170, 172, 173, 175, 176 1980-10-15 ss. 1, 25-41, 42 (par. 2), 43-47, 50, 51 (2 nd par.), 52-63, 65-85, 86 (1 st par. (subpar. 1-8, 10)), 87-113, 119, 120 (par. 2), 123-127, 130, 131, 132 (par. 1, 3 (part)), 133 (par. 2, 4), 134, 135 (part), 136, 138-140, 142, 143, 145, 147, 150-159, 161, 162, 166-168, 171, 174 1981-01-01 ss. 48, 49, 51 (1 st par.), 129, 132 (par. 3 (part)), 133 (par. 1), 135 (part)

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
1979, c. 84	Grain Act 1981-02-01 ss. 1-66
1979, c. 85	An Act respecting child day care 1980-10-16 ss. 1-4, 7-31, 34-45, 74-76, 80-86, 88-96
1979, c. 86	An Act respecting safety in sports 1980-06-25 ss. 1-20, 22-25, 54-57, 71-74 1982-12-30 ss. 21, 26-30, 47-53, 58, 61-65 1987-06-23 ss. 32-38, 40-46, 59, 60, 66-69 1987-09-28 s. 70
1980, c. 11	An Act to amend various legislative provisions 1981-03-01 s. 113
1980, c. 18	An Act to amend the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan 1981-11-01 ss. 2, 3
1980, c. 27	An Act to amend the Act respecting the Société québécoise d'initiatives pétrolières 1981-04-01 ss. 1-9
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. <i>a</i> and <i>b</i>)) 1982-07-02 s. 5 1982-08-12 s. 3 (par. <i>c</i>)
1981, c. 6	An Act respecting the Société du Palais des congrès de Montréal 1981-07-16 ss. 1-31

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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)

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1985, c. 34	Building Act – <i>Cont'd</i>
	1986-11-01 ss. 226, 227, 228 (par. 2, 3)
	1987-01-01 s. 224
	1988-06-15 ss. 269-273
	1989-02-01 ss. 221, 225 (s. 9.35), 229 (par. 1)
	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)
	1997-01-15 ss. 160 (par. 1), 165 (par. 1)
	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 (1 st 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
	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 (1 st par. (in all respects other than the qualification of contractors and owner-builders), 2 nd par.)
	2003-01-01 s. 19
	2003-12-02 s. 214 (concerning the Gas Distribution Act (R.S.Q., chapter D-10))
	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)
	2005-02-17 s. 38
	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)
	2006-06-21 ss. 215 (1 st 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)
	2012-05-03 ss. 215 (with regard to amusement rides and devices), 282 (with regard to amusement rides and devices)
	2012-08-30 s. 214 (as regards the Act respecting the conservation of energy in buildings (chapter E-1.1), in respect of buildings and facilities intended for use by the public to which Part 11 of the Code adopted by Chapter I of the Construction Code applies)
	2013-03-18 ss. 29 (in all respects), 215 (in all respects), 282 (in all respects)
	2018-03-08 s. 214 (as regards the Act respecting pressure vessels (chapter A-20.01))
1985, c. 35	An Act to amend various legislation respecting transport
	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
	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
1985, c. 36	An Act to repeal the Act respecting corporations for the development of Québec business firms
	1985-11-01 ss. 1-4

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1985, c. 62	An Act respecting the Société mutuelle de réassurance du Québec 1985-12-16 ss. 1-60
1985, c. 66	An Act respecting a trust created for the benefit of Phyllis Barbara Bronfman 1986-07-23 s. 4 (3 rd par.)
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1986, c. 62	An Act to amend the Civil Code, the Registry Office Act and the Territorial Division Act – <i>Cont'd</i> 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))
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)

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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"),

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1987, c. 96	Code of Penal Procedure – <i>Cont'd</i> 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 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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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)
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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>)

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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 a of the first paragraph, the words "or a permit, or refuse to renew the permit"; in subparagraph c of the first paragraph, the words "or a permit"; subparagraph g of the first paragraph; in subparagraph h of the first paragraph, the words "a permit or"; in subparagraph 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";

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1991, c. 15	An Act to amend the Fuel Tax Act – <i>Cont'd</i> 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)
	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. <i>a</i> and par. <i>b</i> and <i>e</i> 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. <i>a</i> , <i>b</i> and <i>e</i> 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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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 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. d 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. d 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) 2012-05-03 s. 116 (with regard to amusement rides and devices) 2013-03-18 s. 116 (in all respects) 2015-06-13 s. 13 (in all respects)
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

COMING INTO FORCE DETERMINED

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)

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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)

COMING INTO FORCE DETERMINED

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) 2011-01-06 ss. 208 (par. 2), 212 (insofar as it repeals s. 37 (1 st par. (subpar. c, d, e, f, g, h), 2 nd par.) of the Land Surveyors Act (R.S.Q., chapter A-23))
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1996, c. 18	An Act to amend the Act respecting the conservation and development of wildlife 1998-04-29 s. 7
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1996, c. 32	<p data-bbox="419 297 1243 342">An Act respecting prescription drug insurance and amending various legislative provisions – <i>Cont'd</i></p> <p data-bbox="554 351 1243 413">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</p> <p data-bbox="419 413 525 437">1996-09-01</p> <p data-bbox="554 413 1243 521">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 data-bbox="419 530 525 553">1997-01-01</p> <p data-bbox="554 530 1243 826">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 data-bbox="419 826 525 849">1997-01-01</p> <p data-bbox="554 826 1243 1614">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</p>

COMING INTO FORCE DETERMINED

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> Act), 89 (par. 2, 4 th 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”), 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

COMING INTO FORCE DETERMINED

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>1998-03-18 ss. 31 (1st par. (subpar. 2, 5)), 32 (par. 3), 114 (par. 4) [as they do not apply to natural gas]</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.

COMING INTO FORCE DETERMINED

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 style="padding-left: 40px;">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 style="padding-left: 40px;">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))

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1997, c. 64	<p>An Act to amend the Act respecting the use of petroleum products and other legislative provisions</p> <p>1999-02-24 ss. 1, 2 (enact. ss. 5, 7, 8 (2nd par.), 14 (2nd par.), 22 (subpar. 3), 23, 25 (subpar. 2, 5), 27 (3rd par.), 37, 39, 41, 50, 51, 54, 59), 14 (enact. ss. 96, 97, 114, 115, 116), 15, 17, 18, 25 (3rd par.)</p> <p>1999-04-30 ss. 2 (enact. ss. 1-4, 6, 8 (1st par.), 9-13, 14 (1st par.), 15-21, 22 (subpar. 2 of 1st par., 2nd par.), 24, 25 (subpar. 1, 4 of 1st par., 2nd par.), 26, 27 (1st, 2nd, 4th 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 (1st, 2nd par.)</p> <p>1999-07-01 s. 2 (enact. ss. 22 (subpar. 1), 25 (subpar. 3), 31)</p>
1997, c. 75	<p>An Act respecting the protection of persons whose mental state presents a danger to themselves or to others</p> <p>1998-06-01 ss. 1-60</p>
1997, c. 77	<p>An Act to amend the Public Health Protection Act</p> <p>1998-02-15 ss. 3-7</p>
1997, c. 78	<p>An Act to amend the Act to ensure safety in guided land transport</p> <p>2000-01-01 ss. 1, 2, 4, 7, 15-18</p> <p>2000-05-01 ss. 3, 5, 6, 8-12, 13 (par. 2), 14 (par. 1), 19</p>
1997, c. 80	<p>An Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator</p> <p>1998-12-16 ss. 36, 37</p> <p>1999-06-01 s. 31</p> <p>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</p> <p>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)</p>
1997, c. 83	<p>An Act to abolish certain bodies</p> <p>1998-03-18 ss. 25, 31, 32, 33, 38 (par. 1), 41, 42, 43, 44, 49 (par. 3), 50 (par. 3), 56 (par. 3)</p> <p>2002-10-01 ss. 29, 30</p>
1997, c. 85	<p>An Act to again amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions</p> <p>1998-09-16 ss. 5-9, 395-399</p>
1997, c. 87	<p>An Act to amend the General and Vocational Colleges Act and other legislative provisions</p> <p>1998-03-11 ss. 1-5, 7-11, 14, 21, 23-28, 34, 35</p> <p>1998-07-01 ss. 6, 12, 13, 16-19, 22, 29-33</p> <p>1999-01-01 ss. 15, 20</p>
1997, c. 90	<p>An Act to amend the Act respecting financial assistance for students</p> <p>1998-04-01 ss. 1, 2, 3, 13, 14</p> <p>1998-05-01 ss. 4, 5, 6, 7, 8, 9, 10, 11, 12</p>
1997, c. 91	<p>An Act respecting the Ministère des Régions</p> <p>1998-04-01 ss. 1-7, 16-66, 68</p>

COMING INTO FORCE DETERMINED

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 2010-01-21 ss. 1 (par. 1), 2, 3 (par. 2-4), 71-74, 75 (par. 1, 2), 76-81, 82 (to the extent that it enacts ss. 169.1 and 169.2 (par. 3)), 83-101, 102 (par. 1), 103 (with respect to applications for a licence or lease relating to petroleum, natural gas or underground reservoirs, and authorizations to produce brine), 104, 113 (par. 1), 115, 117 (par. 1), 123, 127 (par. 2), 128 (par. 2, 10, 11, 12 (with respect to applications for a licence or lease relating to petroleum, natural gas or underground reservoirs, and authorizations to produce brine)), 131, 132, 154-157
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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 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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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 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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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
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)

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
1999, c. 90	An Act to amend various legislative provisions respecting municipal affairs 2001-01-31 ss. 22-26, 31
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)

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2000, c. 28	An Act respecting Nasdaq stock exchange activities in Québec 2000-10-19 ss. 1, 9
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)

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2000, c. 49	An Act respecting transport infrastructure partnerships 2007-08-15 ss. 23-27, 29
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.

COMING INTO FORCE DETERMINED

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. g, h)) 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)

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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

COMING INTO FORCE DETERMINED

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</i> , <i>m</i> , <i>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>i</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</i> , <i>m</i> , <i>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>i</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 2014-06-25 s. 2 (where it adds s. 37.1 (par. 3 (subpar. <i>i</i>)) of the Professional Code (chapter C-26))
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 Act respecting fabriques (R.S.Q., chapter F-1)), 510, 512, 513, 515-538,

COMING INTO FORCE DETERMINED

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>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</p> <p>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</p> <p>2004-08-01 s. 104 (1st par.)</p> <p>2010-01-01* ss. 342, 343, 361, 378, 384, 390, 400, 403, 416, 418, 483, 484, 491, 727-729 (*Order in Council 1282-2009 postponed the coming into force of those sections.)</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</p> <p>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</p> <p>2003-04-01 ss. 1 (3rd par.), 46-57, 67</p> <p>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> <p>2003-04-13 s. 4 (to the extent that it replaces s. 359.1 (1st par.) of the Highway Safety Code (R.S.Q., chapter C-24.2))</p>

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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. 69	An Act respecting pre-hospital emergency services and amending various legislative provisions 2011-05-31 ss. 63, 67, 69-75, 170, 171
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. 71	An Act to amend the Act respecting health services and social services as regards the safe provision of health services and social services 2011-05-01 s. 15 (s. 431 (2 nd par. (par. 6.2)) of the Act respecting health services and social services (R.S.Q., chapter S-4.2))
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 2015-10-01 s. 109 (to the extent that the provisions enact s. 221.2.3 of the Cooperatives Act (chapter C-67.2))
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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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 2010-12-16 ss. 2, 5, 21-24, 28, 59 2013-12-01 s. 25
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) 2009-09-28 s. 32 (to the extent that it enacts s. 308.2 of the Securities Act (R.S.Q., chapter V-1.1))

COMING INTO FORCE DETERMINED

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 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 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

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2005, c. 18	An Act respecting the Health and Welfare Commissioner – <i>Cont'd</i> 2008-06-01 ss. 22, 45 2008-09-30 s. 16
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 2010-01-01 s. 240 (the words “or a health professional”, “or professional” and “or person to whom the health professional provides health services” in the paragraph introduced by paragraph 2)
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. 39	An Act to amend the Act respecting owners and operators of heavy vehicles and other legislative provisions 2011-01-01 s. 3 (insofar as it replaces s. 2 (1 st par. (subpar. 3 (subpar. a))) of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., chapter P-30.3) and insofar as it enacts s. 2 (1 st par. (subpar. 4))) 2016-11-20 ss. 4 (par. 2), 30-47

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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) 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)) 2011-10-26 s. 15 (insofar as it enacts s. 297) 2015-01-28 ss. 2, 4, 13, 14 (insofar as it enacts the words “and including particulars about voting in the advance poll and at the returning officer’s office” in s. 227 (1 st par.)), 24
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 2010-03-03 ss. 1 (par. 1, 2), 2, 4, 5 (1 st par. (subpar. 1, 2)), 6-15, 27-29, 31-33, 35-38, 41 (par. 2 (except the words “and agent licences”)), 42, 69-77, 79-82, 90-106, 114, 115, 118-122, 123 (as regards the provisions respecting agencies), 125, 126, 128, 129, 130 (insofar as the latter section applies to agency licences) 2010-07-22 ss. 1 (par. 3-6), 3, 5 (1 st par. (subpar. 3-5), 2 nd par.), 16-26, 30, 34, 41 (par. 2 (the words “and agent licences”)), 78, 116, 117, 123 (as regards the provisions concerning agents), 124, 127, 130 (insofar as the latter section applies to agent licences), 131, 132

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
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)) 2009-05-14 ss. 39 (insofar as it enacts ss. 72.9 and 72.10 of the Youth Protection Act (R.S.Q., chapter P-34.1)), 70 (insofar as it enacts s. 132 (1 st par. (subpar. j)) of the Youth Protection Act)
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 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) 2009-09-28 s. 108 (par. 5 (to the extent that it introduces s. 331.1 (par. 6.2) of the Securities Act (R.S.Q., chapter V-1.1))) 2010-04-30 ss. 2, 36 (to the extent that it enacts ss. 89.1 to 89.3 of the Securities Act (R.S.Q., chapter V-1.1)), 37, 38 (to the extent that it repeals ss. 100, 102 and 103 of the Securities Act), 56, 58, 108 (par. 9)
2006, c. 51	An Act to amend the Act respecting school elections and the Education Act 2009-09-01 ss. 1-3, 5, 6

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2006, c. 53	An Act to amend the Act respecting industrial accidents and occupational diseases and the Workers' Compensation Act 2011-01-01 ss. 6-14, 16, 17 (insofar as it enacts ss. 323.2-323.5 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)), 26 (par. 2), 27 (par. 1, 3)
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
2006, c. 59	An Act respecting the governance of state-owned enterprises and amending various legislative provisions 2011-11-30 s. 43 (par. 1)
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 2013-04-01 ss. 1-5
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. 21	An Act to amend the Act respecting the Régie de l'assurance maladie du Québec and to amend other legislative provisions 2009-04-15 s. 32
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 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 2009-08-19 s. 105

COMING INTO FORCE DETERMINED

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> 2009-12-06 ss. 8, 9, 12, 13, 15, 16 (par. 2 (except for “79,” and “, 185 and 191.2”)), 18, 19, 27, 29, 30, 32, 33, 35 (par. 2), 40 (s. 209.2.1 (1 st par. (subpar. 1)) of the Highway Safety Code (R.S.Q., chapter C-24.2) that it enacts), 68-71, 75, 76, 84-86, 96 2010-01-17 ss. 10, 11 (except for “, a moped”), 17 2010-05-02 s. 11 (the words “, a moped”) 2011-06-19 ss. 14, 16 (par. 2 (with respect to “79,” and “, 185 and 191.2”)), 21-26, 28, 31, 35 (par. 1), 92, 93
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) 2010-04-01 ss. 4, 13, 23, 24, 27-29, 53, 54, 68, 75, 76, 89, 94, 98, 100, 101, 115, 125, 126, 129, 140, 150, 151, 160, 169 2010-06-07 ss. 6, 8, 25, 26 (par. 2), 35, 37, 39 (par. 2) (to the extent that it concerns s. 130 (par. 7.3.1) of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2)), 41, 63, 64, 71, 77 (par. 2), 80, 82 (par. 3, 4), 83, 90, 91, 148, 149, 152, 153, 154 (par. 2), 157, 159 (par. 2), 161, 167, 168, 170
2008, c. 7	An Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions 2011-01-01 ss. 109-118, 122, 128, 129, 133 (par. 3), 171
2008, c. 9	Real Estate Brokerage Act 2010-05-01 ss. 1, 2, 3 (except par. 14), 4-128, 130-160, 161 (except 2 nd par.)
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 (*Order in Council 75-2009 postponed the coming into force of ss. 118 (par. 2) and 120.) 2010-04-01 ss. 118 (par. 2), 120
2008, c. 12	An Act to amend the Financial Administration Act 2008-10-08 ss. 1, 2
2008, c. 13	An Act to amend the Police Act and other legislative provisions 2009-02-11 s. 13 2009-04-01 ss. 1, 2, 5-11, 14, 15
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 2009-12-06 ss. 11 (par. 2), 58

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2008, c. 14	An Act to again amend the Highway Safety Code and other legislative provisions – <i>Cont'd</i> 2010-12-01 ss. 15, 16, 17, 103-110 2011-01-01 ss. 25, 44, 72 ¹ (par. 2) 2011-05-01 s. 37 2013-04-07 ss. 2 (par. 1), 18, 19, 21, 22, 91, 95 2019-02-11 s. 54 (par. 1, 2, 4)
2008, c. 18	An Act to amend various legislative provisions respecting municipal affairs 2009-06-01 ss. 91-94, 106 2009-12-01 s. 80 2010-12-30 ss. 88, 108 (Division II.1 of Chapter IV of the Civil Protection Act (R.S.Q., chapter S-2.3)) 2011-03-02 s. 135
2008, c. 24	Derivatives Act 2009-02-01 ss. 1-54, 56, 57, 60-81, 82 (except 2 nd par.), 86-174, 175 (except 1 st par. (subpar. 21, 22)), 176-179, 182-222, 224-239 2009-09-28 ss. 55, 58, 59 2012-04-13 ss. 82 (2 nd par.), 83-85, 175 (1 st par. (subpar. 21, 22))
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 2010-06-07 ss. 22, 96
2008, c. 29	An Act to amend the Education Act and other legislative provisions 2009-02-11 ss. 26, 30, 35 2009-07-01 ss. 1-8, 19, 20, 22-25, 28, 29, 31-33, 54 2009-09-01 ss. 37, 38 2011-01-01* ss. 36, 39-53 2011-11-06* ss. 9-18, 21, 34 (*Order in Council 813-2010 postponed the coming into force of ss. 9-18, 21, 34, 36, 39-53) 2014-01-01 ss. 36, 39-53 2014-11-02 ss. 9-18, 21, 34
2009, c. 6	An Act respecting the Institut national des mines 2010-06-28 ss. 1-36
2009, c. 8	An Act to amend the Courts of Justice Act and the Act respecting the Ministère de la Justice 2011-04-14 ss. 4, 13
2009, c. 19	An Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment 2009-06-18 ss. 1-6, 8-11, 17-20, 29 2011-01-01 ss. 7, 22, 23 (insofar as it replaces s. 315.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) and insofar as it enacts ss. 315.3 and 315.4 of that Act), 24-27
2009, c. 21	An Act to affirm the collective nature of water resources and provide for increased water resource protection 2009-06-18 preamble, ss. 1-17 2011-09-01 ss. 18, 19 (ss. 31.74, 31.88-31.94, 31.96, 31.98-31.108 of the Environment Quality Act (R.S.Q., chapter Q-2)), 21, 22 (s. 46 (par. s (subpar. 2.3, 2.4, 2.6)) of the Environment Quality Act) enacted by par. 2, 26, 27, 30-32, 39, 40

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2009, c. 21	An Act to affirm the collective nature of water resources and provide for increased water resource protection – <i>Cont'd</i> 2014-08-14 ss. 19 (ss. 31.75-31.87, 31.95, 31.97 of the Environment Quality Act (chapter Q-2)), 20, 22 (s. 46 (par. s (subpar. 1-2.2, 2.7)) of the Environment Quality Act) enacted by par. 2, 22 (par. 3), 23-25, 28, 29, 33-38
2009, c. 22	An Act to amend the Act respecting tourist accommodation establishments and other legislative provisions 2011-01-01 ss. 1-18
2009, c. 24	An Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, and amending various legislative provisions 2010-01-01 ss. 72, 73, 92, 93 2010-03-31 ss. 32-52, 55-57, 60, 64, 69 2012-01-01 ss. 74-88, 90, 91, 94-111, 122, 128 2013-10-01 s. 119
2009, c. 25	An Act to amend the Securities Act and other legislative provisions 2009-09-28 ss. 1-3, 5, 8-32, 34-46, 52-58, 60, 62, 63, 65-75, 77, 79-104, 106-112, 115, 117-135 2010-05-01 s. 113 2010-05-01 s. 116
2009, c. 26	An Act to amend various legislative provisions respecting municipal affairs 2011-01-01 s. 114
2009, c. 28	An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations 2010-06-23 s. 11 (ss. 187.3.1, 187.3.2, 187.5 - 187.5.6 of the Professional Code (R.S.Q., chapter C-26)) 2012-06-21 s. 11 (ss. 187.1, 187.2, 187.3, 187.4, 187.4.1, 187.4.2, 187.4.3 of the Professional Code (chapter C-26)) 2012-09-20 ss. 1-10, 12-18
2009, c. 30	An Act respecting clinical and research activities relating to assisted procreation 2010-08-05 ss. 1-7, 9-16, 17 (except 1 ^a par. (subpar. 2,3)), 18-29, 30 (except par. 3), 31-60
2009, c. 33	An Act to amend the Environment Quality Act and other legislative provisions in relation to climate change 2011-12-14 ss. 1 (ss. 46.5-46.17 of the Environment Quality Act (R.S.Q., chapter Q-2)), 2, 6
2009, c. 35	An Act to amend the Professional Code and other legislative provisions 2010-04-01 ss. 19, 20
2009, c. 36	An Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, and amending various legislative provisions 2009-10-21 ss. 30-48, 56, 57
2009, c. 45	An Act to amend various legislative provisions concerning health 2011-05-31 ss. 4, 6, 39, 43
2009, c. 52	Business Corporations Act 2011-02-14 ss. 1-728

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2009, c. 53	An Act respecting Infrastructure Québec 2010-03-17 ss. 1-64
2009, c. 58	An Act to amend various legislative provisions principally to tighten the regulation of the financial sector 2010-05-01 ss. 139-153 2010-07-15 s. 13 2012-04-13 ss. 158, 159, 177 2012-04-20 ss. 91, 100, 111, 138 (par. 2) 2015-10-28 s. 92
2010, c. 3	Sustainable Forest Development Act 2012-05-30 ss. 315, 320 2012-11-14 ss. 116, 126
2010, c. 4	An Act to amend the Cadastre Act and the Civil Code 2011-06-06 ss. 1, 2, 3
2010, c. 5	An Act giving effect to the Economic Statement delivered on 14 January 2009, to the Budget Speech delivered on 19 March 2009 and to certain other budget statements 2010-09-01 ss. 227 (when it enacts ss. 350.50 and 350.51 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)), 243, 245 2011-11-01* ss. 197-200, 202, 227 (when it enacts ss. 350.52-350.55 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)) (*Note: That 1 November 2011 or, if prior to that date, the first of the dates set in accordance with the following paragraphs <i>a</i> to <i>c</i> in respect of each operator of an establishment providing restaurant services to which the paragraphs apply, be set as the date of coming into force of sections 197 to 200, 202 and section 227, when it enacts sections 350.52 to 350.55 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1): (<i>a</i>) the date on which an operator activates in an establishment, after 31 August 2010, a device referred to in section 350.52 of the Act respecting the Québec sales tax, in respect of that establishment; (<i>b</i>) the date on which an operator makes the first supply of a meal in an establishment if the supply is made after 31 August 2010 and is the first supply made in connection with the operation of the establishment, in respect of that establishment; or (<i>c</i>) the date that is 60 days after the date of a notice sent to an operator to the effect that the operator committed an offence against a fiscal law after 20 April 2010; the notice is signed by a public servant who is the head of the Service d'implantation et de suivi des modules d'enregistrement des ventes in the Direction générale adjointe de la recherche fiscale within the Direction générale de la planification, de l'administration et de la recherche of the Ministère du Revenu).
2010, c. 7	An Act respecting the legal publicity of enterprises 2010-11-17 ss. 75-78, 176-178, 180-183, 186-190, 191 (par. 1), 193, 196-198, 200-210, 221, 223-225, 228-231, 235-240, 255, 258, 260, 263, 276-279, 284, 295 (where it replaces Div. III of the Regulation respecting the application of the Act respecting the publicity of sole proprietorships, partnerships and legal persons (R.R.Q., chapter P-45, r. 1)), 301, Schedules I, II and IV 2011-02-14 ss. 1-74, 79-175, 179, 191 (par. 2, 3), 192, 194, 195, 199, 211-220, 222, 226, 227, 232, 233, 241-254, 256, 257, 259, 261, 262, 264-275, 280-283, 285-294, 295 (except where it replaces Div. III of the Regulation respecting the application of the Act respecting the publicity of sole proprietorships, partnerships and legal persons (R.R.Q., chapter P-45, r. 1)), 296, 297, 299, Schedules III and V

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2010, c. 11	An Act to amend the Act respecting the Pension Plan of Management Personnel and other legislation establishing pension plans in the public sector 2010-09-22 ss. 5 (to the extent that it concerns s. 22.1 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1)), 10, 12, 14 (to the extent that it concerns par. 3.3 of Schedule II to that Act), 24 (to the extent that it concerns s. 6.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)), 25, 26, 31, 33, 35 (to the extent that it concerns par. 2.3 of Schedule I to that Act)
2010, c. 12	An Act to provide a framework for mandatory state financing of certain legal services 2010-08-18 s. 36 2010-09-07 ss. 1-35, 37
2010, c. 15	An Act respecting the Institut national d'excellence en santé et en services sociaux 2011-01-19 ss. 4-9, 12, 13, 54, 56-74, 76, 77, 81-87, 89-93
2010, c. 18	An Act to amend various legislative provisions respecting municipal affairs 2010-12-30 s. 83
2010, c. 30	Code of ethics and conduct of the Members of the National Assembly 2012-01-01 ss. 10-36, 41, 43-50, 56-61, 79, 91-107, 114-129
2010, c. 34	An Act to amend the Highway Safety Code and other legislative provisions 2012-04-15 ss. 28, 35 (par. 2), 102
2010, c. 39	An Act to tighten the regulation of educational childcare 2011-10-15 ss. 14 (to the extent that it enacts ss. 101.3 to 101.20 of the Educational Childcare Act (R.S.Q., chapter S-4.1.1)), 15 (to the extent that it refers to s. 105.2 of the Educational Childcare Act), 23 (to the extent that it refers to s. 105.2 of the Educational Childcare Act), 29
2010, c. 40	An Act to enact the Money-Services Businesses Act and to amend various legislative provisions 2012-01-01 ss. 15, 16 (to the extent that it enacts ss. 22.1 to 22.6 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.2)), 17, 21-24 2014-07-01 ss. 25 (par. 1), 28, 29 (par. 2-4, except where par. 2 and 3 of that section cause "particularly" to be struck from s. 17 (1 st par. (subpar. 7 and 8)) of the Act respecting the legal publicity of enterprises (chapter P-44.1)), 30, 31 (par. 2), 32, 33 (par. 5), 35, 37-42, 44 (par. 4, 6), 47-49, 51, 52, 58
2010, c. 40, Schedule I	Money-Services Businesses Act 2012-04-01 ss. 1 (except 2 nd par. (subpar. 5)), 2, 3 (except to the extent that it concerns the operation of automated teller machines), 4 (except 1 st par. (subpar. 5), 2 nd par.), 5, 6 (except 3 rd par.), 7-57, 59-85 2013-01-01 ss. 1 (2 nd par. (subpar. 5)), 3 (to the extent that it concerns the operation of automated teller machines), 4 (1 st par. (subpar. 5), 2 nd par.), 6 (3 rd par.), 58
2011, c. 10	Unclaimed Property Act 2012-01-01 ss. 30, 57, 64, 81, 92
2011, c. 15	An Act to improve the management of the health and social services network 2013-02-01 ss. 41, 45
2011, c. 17	Anti-Corruption Act 2012-06-01 ss. 41, 43-47, 49, 63, 64

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2011, c. 18	An Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund 2011-08-29 ss. 60-63, 317 (except as concerns the replacement of the Tariff of fees respecting land registration (R.R.Q., chapter B-9, r. 1) by Schedule I to the Act respecting registry offices (R.S.Q., chapter B-9))
2011, c. 22	An Act to prohibit the resale of tickets at a price above that authorized by the producer of the event 2012-06-07 s. 1
2011, c. 26	An Act to amend various legislative provisions mainly concerning the financial sector 2012-04-13 ss. 42, 43 (ss. 82.1-82.7 of the Derivatives Act (2008, chapter 24)), 44, 59, 60, 61 (s. 175 (1 st par. (subpar. 21.1, 22.1) of the Derivatives Act (2008, chapter 24)) 2013-12-31 s. 61 (par. 1)
2011, c. 30	An Act to eliminate union placement and improve the operation of the construction industry 2012-05-02 ss. 3-5, 7 2012-09-01 ss. 25-28 2012-11-28 s. 57 (to the extent that it concerns ss. 107.3-107.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20))
2011, c. 35	An Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act 2011-12-14 ss. 22, 29, 30 2014-01-01 ss. 12, 13 2015-01-01 s. 11
2011, c. 37	An Act to amend the Pharmacy Act 2013-09-03* ss. 1-5 *Order in council 871-2013 postponed the coming into force of ss. 1 to 5.
2012, c. 3	An Act to establish the Access to Justice Fund 2012-11-05 ss. 1 (s. 32.0.3 (par. 2) of the Act respecting the Ministère de la Justice (chapter M-19)), 4
2012, c. 9	An Act to dissolve the Société de gestion informatique SOGIQUE 2013-01-01 ss. 1-7
2012, c. 10	An Act respecting the professional recognition of medical electrophysiology technologists 2012-09-20 s. 11 2012-11-21 ss. 1-10, 12-20
2012, c. 16	An Act to prevent skin cancer caused by artificial tanning 2013-02-11 ss. 1-25
2012, c. 20	An Act to promote access to justice in family matters 2012-12-01 ss. 46-50, 54 2013-09-18 ss. 29-41 2014-04-01 ss. 1-28, 42, 45, 51, 53, 56

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2012, c. 23	An Act respecting the sharing of certain health information 2012-07-04 ss. 1-6, 120, 121, 130, 132-135, 147-150, 163-166, 168-175, 178, 179 2012-12-01 s. 176 2013-04-15 ss. 153-159 2013-06-20 ss. 7-10, 11 (except 1 st par. (subpar. 4-6)), 12-21, 23, 25 (except “or sold under pharmaceutical control” in par. 1 and par. 2, 3), 26 (except “and, in the case of a collective prescription, the date it was filled” in par. 4, “and, in the case of a collective prescription, of the health professional who filled it” in par. 13 and “and, in the case of a collective prescription, where it was filled” in par. 14), 27, 28 (except “or a person or partnership”), 29, 30, 31 (except “or a person or partnership operating a medical imaging laboratory or a medical diagnostic radiology laboratory”), 32 (1 st par.), 33-36, 46-49, 51-54, 55 (1 st par.), 56-58, 59 (except “or fill a collective prescription for medication”), 60-74, 75 (except “and any other person for whom an entry is requested”), 76-78, 79 (except par. 10), 80-82, 83 (1 st par.), 84-105, 109-119, 122, 123 (except “40 or 43, the second paragraph of section 50”), 124 (except “or 108”), 125-129, 131 (except “40,”), 136-146, 151, 152, 160, 161 (except par. 4), 162, 167, 177 2013-11-27 ss. 37, 38 2015-04-01 ss. 25 (par. 1, the words “or sold under pharmaceutical control”), 28 (the words “or a person or partnership”), 31 (the words “or a person or partnership operating a medical imaging laboratory or a medical diagnostic radiology laboratory”), 32 (2 nd par.)
2012, c. 25	Integrity in Public Contracts Act 2014-11-05 s. 23
2012, c. 30	An Act to amend various legislative provisions concerning municipal affairs 2013-06-26 ss. 2, 4-22, 24-32
2012, c. 31	An Act to establish the Health and Social Services Information Resources Fund 2013-01-01 ss. 1-6
2013, c. 5	An Act to amend the Election Act with regard to on-campus voting by students in vocational training centres and post-secondary educational institutions 2013-11-04 ss. 1, 2, 5 (par. 1, 2), 9, 11, 12, 15 (the words “or in a vocational training centre or a post-secondary educational institution where they exercise their right to vote under section 301.25”)
2013, c. 6	An Act to amend the Police Act as concerns independent investigations 2016-06-27 ss. 3 (to the extent that it enacts ss. 289.1 to 289.3 and 289.19 to 289.22 of the Police Act (chapter P-13.1)), 4, 5
2013, c. 12	An Act to amend the Professional Code with respect to disciplinary justice 2015-07-13 ss. 1, 3 (to the extent that it concerns ss. 115.1, 115.2, 115.4 and 115.6-115.10 of the Professional Code (chapter C-26)), 4, 5 (to the extent that it concerns ss. 117 and 117.1 of the Professional Code (chapter C-26)), 6-21, 23-25, 29-32
2013, c. 15	An Act to amend the Act respecting school elections and other legislative provisions 2013-12-11 s. 4 2014-11-02 ss. 5, 6

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2013, c. 16	An Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012 2016-01-01 s. 53 (to the extent that it enacts s. 17.12.12 (1 st par. (subpar. 6)) of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), except as concerns the financing of activities relating to the application of the Mining Tax Act (chapter I-0.4) and the regulations); s. 54 (to the extent that it inserts a reference to s. 17.12.20 of the Act respecting the Ministère des Ressources naturelles et de la Faune); s. 55 (to the extent that it enacts s. 17.12.20, except for par. 1, of the Act respecting the Ministère des Ressources naturelles et de la Faune); s. 58 (to the extent that it applies to the mining activity management component of the Natural Resources Fund) 2018-06-20 s. 165
2013, c. 18	An Act to amend various legislative provisions mainly concerning the financial sector 2014-01-15 ss. 77, 78
2013, c. 23	An Act respecting the governance of public infrastructures, establishing the Société québécoise des infrastructures and amending various legislative provisions 2013-11-06 ss. 96, 97, 104-111, 118-126, 137-139, 141 2013-11-13 ss. 1-10, 14-95, 98-103, 112-117, 127-136, 140, 142-168 2014-12-01 ss. 11-13
2013, c. 25	An Act to amend the Public Service Act mainly with respect to staffing 2015-05-29 ss. 1, 3-8, 10-13, 14 (except where it enacts s. 50.1 (1 st par. (subpar. 11))), 15-17, 19, 22 (par. 1-5), 24, 32, 34-36, 39
2013, c. 26	Voluntary Retirement Savings Plans Act 2014-04-16 ss. 14, 28, 29, 31, 39-41, 107-109, 114, 115, 143
2013, c. 27	An Act to amend the Civil Code as regards civil status, successions and the publication of rights 2014-03-01 ss. 1, 2, 5 2014-09-17 s. 29 2015-10-01 ss. 3, 4
2013, c. 32	An Act to amend the Mining Act 2015-05-06 ss. 35, 38 2016-12-14 s. 108
2014, c. 1	An Act to establish the new Code of Civil Procedure 2016-01-01 aa. 1-27, 29-35 (except 4 th par.), 36-302, 303 (except 1 st par. (subpar. 7)), 304-835
2014, c. 2	An Act respecting end-of-life care 2015-12-16 ss. 63, 64 2016-06-15 ss. 52 (2 nd par.), 57, 58 (to the extent that the provisions concern the advance medical directives register)
2014, c. 13	An Act to amend the Act respecting the Barreau du Québec, the Notaries Act and the Professional Code 2015-06-29 ss. 19 (par. 1), 20 (par. 1)
2015, c. 3	An Act to amend the Cooperatives Act and other legislative provisions 2015-10-01 s. 32

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2015, c. 6	An Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts 2017-12-15 ss. 10-17
2015, c. 8	An Act mainly to implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016 2015-07-14 ss. 25-33
2015, c. 16	An Act to amend various legislative provisions mainly concerning shared transportation 2016-01-01 ss. 2, 5, 9 (par. 2), 10, 20-29
2015, c. 20	An Act to group the Commission administrative des régimes de retraite et d'assurances and the Régie des rentes du Québec 2016-01-01 ss. 1-74
2015, c. 22	An Act to modernize the governance of Conservatoire de musique et d'art dramatique du Québec 2016-02-10 ss. 1, 2 (except where it enacts s. 15 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1)), 3-9, 11, 12, 15, 16 2016-04-01 ss. 2 (where it enacts s. 15 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1)), 10, 13, 14
2015, c. 25	An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation 2016-04-11 s. 1 (s. 50 (par. 3), to the extent that it concerns the system designed to allow every insured person, within the meaning of the Health Insurance Act (chapter A-29), to find a physician who agrees to provide medical care to the person) 2017-04-19 s. 1 (s. 50 (par. 3), to the extent that it concerns the implementation by the Board of a system designed to allow every insured person to make an appointment with a general practitioner who is subject to an agreement entered into under s. 19 of the Health Insurance Act (chapter A-29))
2015, c. 26	An Act mainly to make the administration of justice more efficient and fines for minors more deterrent 2016-01-01 s. 1 2016-09-15 ss. 3, 9-12, 15-18 2018-02-01 ss. 2, 4, 19, 20, 21, 24, 25, 27
2015, c. 31	An Act mainly to improve the regulation of tourist accommodation and to define a new system of governance as regards international promotion 2016-04-15 ss. 1-24
2015, c. 35	An Act to improve the legal situation of animals 2016-03-23 s. 7 (ss. 16, 19 of the Animal Welfare and Safety Act (chapter B-3.1))
2016, c. 1	Funeral Operations Act 2018-08-15 ss. 1-3, 7, 8, 9, 11, 12, 15 (1 st par.), 16 (2 nd par.), 17 (2 nd par.), 21, 27, 30, 33, 36, 38, 46, 48 (2 nd par.), 61, 63, 65 (1 st par.), 66 (1 st par. (subpar. 3), 2 nd par., 3 rd par.), 69, 70 (2 nd par.), 79 (3 rd par.), 81, 82 (2 nd par.), 88, 97 (2 nd par.) 2019-01-01 ss. 4-6, 10, 13, 14, 15 (except 1 st par.), 16 (except 2 nd par.), 17 (except 2 nd par.), 18-20, 22-26, 28, 29, 31, 32, 34, 35, 37, 39-45, 47, 48 (except 2 nd par.), 49-60, 62, 64, 65 (except 1 st par.), 66 (except 1 st par. (subpar. 3), 2 nd par., 3 rd par.), 67, 68, 70 (except 2 nd par.), 71-78, 79 (except 3 rd par.), 80, 82 (except 2 nd par.), 83-87, 89-96, 97 (except 2 nd par.), 98-142, 144-149

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2016, c. 3	Québec Immigration Act 2018-08-02 ss. 1-71, 72 (except par. 2), 73-129
2016, c. 7	An Act respecting mainly the implementation of certain provisions of the Budget Speech of 26 March 2015 2016-09-01 ss. 85-93 2017-01-11 ss. 154, 167 2017-04-01 ss. 94-153 2017-10-01 ss. 21-56, 58-82
2016, c. 8	An Act to modify mainly the organization and governance of shared transportation in the Montréal metropolitan area 2017-06-01 ss. 3, 4, 47-50, 59-129, 132-134
2016, c. 9	An Act respecting development of the small-scale alcoholic beverage industry 2016-12-14 ss. 1-21
2016, c. 12	An Act to amend various legislative provisions to better protect persons 2017-11-27 ss. 1, 2 2018-01-01 ss. 3, 6 (par. 1), 8, 11
2016, c. 15	Firearms Registration Act 2018-01-29 ss. 1-27
2016, c. 25	An Act to allow a better match between training and jobs and to facilitate labour market entry 2017-12-01 ss. 29, 33, 34 (as regards decisions under a provision of Chapter IV of Title II of the Individual and Family Assistance Act (chapter A-13.1.1) or under the program provided for in s. 106.1 of that Act), 37, 39, 44 2018-04-01 ss. 23, 24, 26-28, 30-32, 34 (except as regards decisions under a provision of Chapter IV of Title II of the Individual and Family Assistance Act (chapter A-13.1.1) or under the program provided for in s. 106.1 of that Act), 35, 36, 38, 40-43 2018-07-01 s. 25
2016, c. 28	An Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services 2018-10-31 ss. 39 (to the extent that it concerns s. 8.1.2 of the Act respecting prescription drug insurance (chapter A-29.01)), 50 (to the extent that it concerns s. 8.1.2 of the Act respecting prescription drug insurance)
2016, c. 35	An Act to implement the 2030 Energy Policy and to amend various legislative provisions 2017-04-01 s. 23 (s. 250 (except as regards s. 17.12.22 (par. 1, 2) of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2))) 2018-09-20 s. 23 (except s. 250, as regards s. 17.12.22 (par. 1, 2) of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2))
2017, c. 18	An Act to amend the Youth Protection Act and other provisions 2018-05-15 ss. 39, 114 2019-01-28 ss. 1 (par. 1 (to the extent that it enacts s. 1 (1 st par., subpar. c. 2) of the Youth Protection Act (chapter P-34.1)), par. 2-4), 2-8, 14-20, 22, 24-31, 33-38, 41-46, 51, 68-70, 88, 94-96, 98-100, 103-113, 115-117

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2017, c. 20	An Act to make wearing of the uniform by police officers and special constables mandatory in the performance of their duties and respecting the exclusivity of duties of police officers who hold a managerial position 2018-06-20 ss. 2-5, 10
2017, c. 22	An Act to group the Office Québec/Wallonie-Bruxelles pour la jeunesse, the Office Québec-Amériques pour la jeunesse and the Office Québec-Monde pour la jeunesse 2017-12-20 s. 2 (to the extent that it concerns the mobility of young people in Québec and elsewhere in Canada) 2018-04-01 ss. 1, 2 (any other part of the section), 3-24
2017, c. 24	An Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs 2018-08-01 ss. 9, 23 (to the extent that it enacts s. 115.1 (1 st par.) of the Consumer Protection Act (chapter P-40.1)), 43, 44 (to the extent that it enacts ss. 187.6, 187.8 of the Consumer Protection Act), 49-52, 55 (to the extent that it enacts s. 244.1 of the Consumer Protection Act), 57, 58, 59 (to the extent that it enacts s. 251.2 of the Consumer Protection Act), 64-66, 70, 71-74, 79, 81 (2 nd par.) (to the extent that it concerns s. 187.8 of the Consumer Protection Act), 84 2019-02-01 ss. 4, 48, 53, 55 (to the extent that it enacts ss. 244.2-244.6 of the Consumer Protection Act (chapter P-40.1)), 63 (to the extent that it enacts s. 321 (1 st par. (subpar. <i>h</i>), 2 nd par.) of the Consumer Protection Act), 75 2019-08-01 ss. 2, 3, 6-8, 10-22, 23 (except to the extent that it enacts s. 115.1 (1 st par.) of the Consumer Protection Act (chapter P-40.1)), 24-42, 44 (except to the extent that it enacts ss. 187.6, 187.8 of the Consumer Protection Act), 45-47, 54, 56, 59 (except to the extent that it enacts s. 251.2 of the Consumer Protection Act), 60, 61, 63 (except to the extent that it enacts s. 321 (1 st par. (subpar. <i>h</i>), 2 nd par.) of the Consumer Protection Act), 67, 68, 76-78, 80, 81 (2 nd par.) (except to the extent that it concerns s. 187.8 of the Consumer Protection Act), 82
2018, c. 1	An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses 2018-06-20 s. 27
2018, c. 4	An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions 2019-01-01 ss. 3, 4, 11, 13, 17, 18, 22, 25, 27, 29 (par. 4, 5), 33-36, 39-42, 57, 66, 68 (par. 4, 5), 70, 73-75
2018, c. 12	An Act to amend various labour-related legislative provisions mainly to give effect to certain Charbonneau Commission recommendations 2018-06-20 ss. 1-28
2018, c. 13	An Act to amend the Building Act and other legislative provisions mainly to give effect to certain Charbonneau Commission recommendations 2018-09-04 ss. 1-45

COMING INTO FORCE DETERMINED

Reference	Title Date of coming into force
2018, c. 19	<p>An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions</p> <p>2018-08-07 ss. 1-5, 6 (to the extent that it enacts s. 23.2 (except 1st par. (subpar. 2, 3)) of the Act respecting the Société des alcools du Québec (chapter S-13), 7, 19 (to the extent that it enacts ss. 23-26, 44-47, 49, 56, 67-82, 112, 113 of the Cannabis Regulation Act (2018, chapter 19, s. 19)), 23, 43 (to the extent that it enacts s. 202.3.1 of the Highway Safety Code (chapter C-24.2), 58 (to the extent that it enacts the Government's power to provide exceptions by regulation), 59 (to the extent that it enacts the Government's power to provide exceptions by regulation), 61, 65 (to the extent that it enacts the Government's power to provide exceptions by regulation)</p> <p>2018-10-17 ss. 6 (to the extent that it enacts s. 23.2 (1st par. (subpar. 2, 3)) of the Act respecting the Société des alcools du Québec (chapter S-13)), 19 (except to the extent that it enacts ss. 22-26, 44-47, 49, 56, 58-60, 63-82, 112, 113 of the Cannabis Regulation Act (2018, chapter 19, s. 19)), 63, 64, 74 (with regard to the adjustments related to the Cannabis Act (Statutes of Canada, 2018, chapter 16))</p> <p>2018-12-18 ss. 20, 21, 24-26, 30, 32, 33, 35-41, 44, 45 (except to the extent that it enacts s. 202.4.1 (1st par. (subpar. 2)) of the Highway Safety Code (chapter C-24.2)), 46-49, 50 (except par. 1), 51, 54-57, 60, 62, 68-73, 74 (with regard to the adjustments related to the Act to amend the Criminal Code (offences relating to conveyance) and to make consequential amendments to other Acts (Statutes of Canada, 2018, chapter 21))</p>

**LIST OF LEGISLATIVE PROVISIONS WHOSE COMING INTO FORCE
HAS YET TO BE DETERMINED BY PROCLAMATION OR ORDER
IN COUNCIL AS OF 31 DECEMBER 2018**

Provisions not in force on 31 December 2018 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

COMING INTO FORCE TO BE DETERMINED

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. 120, 121, 214 (except with regard to the Gas Distribution Act (chapter D-10), the Act respecting piping installations (chapter I-12.1), the Act respecting electrical installations (chapter I-13.01), the Act respecting building contractors vocational qualifications (chapter Q-1), the Act respecting the conservation of energy in buildings (chapter E-1.1) and the Act respecting pressure vessels (chapter A-20.01) in respect of buildings and facilities intended for use by the public to which Part 11 of the Code adopted by Chapter I of the Construction Code applies), 218, 219, 263-267, 274-279, 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
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

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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)
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)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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, l, l.1, o, 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. 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 (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, 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. 601 <i>b</i> (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

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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
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.1</i>)), 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

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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)), 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
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

COMING INTO FORCE TO BE DETERMINED

Reference	Title
1996, c. 32	An Act respecting prescription drug insurance and amending various legislative provisions – <i>Cont'd</i> 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)
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

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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. 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
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.)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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 en minute, 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)
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. <i>g</i> , <i>h</i>)) of the Labour Code (R.S.Q., chapter C-27)), 135

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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. <i>n</i> (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)
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

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2002, c. 45	<p>An Act respecting the Autorité des marchés financiers</p> <p>ss. 116 (2nd par.), 153 (5th 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)), 342, 343, 347, 361, 378, 384, 390, 400, 403, 416, 418, 483, 484, 491, 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)), 727-729</p>
2002, c. 61	<p>An Act to combat poverty and social exclusion</p> <p>ss. 1 (2nd par. (2nd sentence), except to the extent that that provision applies in respect of the advisory committee on the prevention of poverty and social exclusion), 21 (2nd par. (the words “and those of the indicators proposed by the Observatoire de la pauvreté et de l’exclusion sociale that were retained”), 31 (3rd par.), 32 (2nd par. (2nd 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 1st par.)</p>
2002, c. 66	<p>An Act to amend the Act respecting health services and social services as regards the medical activities, the distribution and the undertaking of physicians</p> <p>ss. 1-4, 12, 14, 15 (par. 1), 21</p>
2002, c. 70	<p>An Act to amend the Act respecting insurance and other legislative provisions</p> <p>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</p>
2002, c. 80	<p>An Act to amend the Act respecting labour standards and other legislative provisions</p> <p>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</p>
2003, c. 18	<p>An Act to amend the Cooperatives Act</p> <p>s. 165</p>
2003, c. 29	<p>An Act respecting the Ministère du Développement économique et régional et de la Recherche</p> <p>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)</p>
2004, c. 2	<p>An Act to amend the Highway Safety Code and other legislative provisions</p> <p>ss. 58 (except to the extent that it enacts s. 520.2 (1st par.) of the Highway Safety Code (chapter C-24.2)), 73-75</p>
2004, c. 12	<p>An Act to amend the Courts of Justice Act and other legislative provisions as regards the status of justices of the peace</p> <p>s. 1 (to the extent that it enacts s. 174 of the Courts of Justice Act (R.S.Q., chapter T-16))</p>

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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
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 (except to the extent that it enacts s. 308.2 of the Securities Act (R.S.Q., chapter V-1.1)), 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 “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 par. 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 s. 27 (insofar as it enacts s. 48.3)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
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
2006, c. 17	An Act to amend the Election Act to encourage and facilitate voting ss. 3, 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, 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
2006, c. 24	An Act to reduce the debt and establish the Generations Fund s. 3 (1 st par. (subpar. 3))
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. 11, 21, 22, 26, 38 (except to the extent that it repeals ss. 99, 100, 102 and 103 of the Securities Act (R.S.Q., chapter V-1.1)), 65, 70 (par. 3), 89, 108 (par. 4)
2007, c. 21	An Act to amend the Act respecting the Régie de l’assurance maladie du Québec and to amend other legislative provisions s. 10
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)
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, 36 (s. 202.4 (3 rd par.) of the Highway Safety Code (R.S.Q., chapter C-24.2) that it enacts), 73 (except to the extent that it relates to s. 597.1 (1 st par.) of the Highway Safety Code), 77, 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 s. 12.39.1 (par. 1) of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28)), 95, 97-101
2008, c. 7	An Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions ss. 47, 76, 82, 83, 131 (insofar as it enacts s. 349.3), 161, 162 (insofar as it repeals s. 297.6), 169
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. 3 (par. 14), 129, 161 (2 nd par.)
2008, c. 14	An Act to again amend the Highway Safety Code and other legislative provisions ss. 1 (except par. 2), 6, 9 (except par. 1), 14 (except par. 1), 20, 26, 27, 29, 33, 49 (except par. 2, 3), 50 (except par. 2), 51 (except par. 2), 53 (except par. 2), 72 (except par. 2), 79, 80, 86 (except par. 2-4), 100, 101, 111-115, 119, 124, 126-131

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2008, c. 18	An Act to amend various legislative provisions respecting municipal affairs ss. 77, 78, 82, 86 (par. 2), 95, 130, 131
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
2009, c. 10	An Act to regularize and provide for the development of local slaughterhouses and to amend the Food Products Act s. 30 (par. 3, which comes into force on the date of coming into force of subparagraph <i>n.3</i> of the first paragraph of section 9 of the Food Products Act (R.S.Q., chapter P-29), introduced by paragraph 5 of section 13 of the Act to amend the Agricultural Products, Marine Products and Food Act and other legislative provisions (2000, chapter 26)
2009, c. 17	An Act to amend the Act respecting transportation services by taxi ss. 8 (ss. 34.1, 34.2 (2 nd par. (subpar. 2))) of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01), 21
2009, c. 19	An Act to modify the occupational health and safety regime, particularly in order to increase certain death benefits and fines and simplify the payment of the employer assessment s. 23 (except insofar as it replaces s. 315.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) and it enacts ss. 315.3 and 315.4 of that Act)
2009, c. 25	An Act to amend the Securities Act and other legislative provisions ss. 6, 48-51, 105
2009, c. 27	An Act to amend the Act respecting financial services cooperatives and other legislative provisions ss. 2, 8, 10, 11
2009, c. 30	An Act respecting clinical and research activities relating to assisted procreation ss. 8, 17 (1 st par. (subpar. 2, 3)), 30 (par. 3)
2009, c. 51	An Act to amend the Consumer Protection Act and other legislative provisions ss. 1-34
2009, c. 58	An Act to amend various legislative provisions principally to tighten the regulation of the financial sector ss. 5 (par. 1), 18 (to the extent that it enacts s. 40.2.1 (2 nd par.) of the Deposit Insurance Act (chapter A-26)), 75
2010, c. 7	An Act respecting the legal publicity of enterprises ss. 184 (on the date of coming into force of s. 200.0.9 of the Act respecting insurance (R.S.Q., chapter A-32)), 185 (on the date of coming into force of s. 200.0.11 of the Act respecting insurance)
2010, c. 20	An Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013-2014 s. 39 (par. 2) (on the date of coming into force of s. 54 (par. 1) of the Act to again amend the Highway Safety Code and other legislative provisions (2008, chapter 14))
2011, c. 20	An Act to amend the Environment Quality Act in order to reinforce compliance ss. 47, 48, 49 come into force respectively on the date or dates of coming into force of ss. 35, 36 and 37 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (R.S.Q., chapter C-6.2)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2011, c. 26	An Act to amend various legislative provisions mainly concerning the financial sector ss. 20 (insofar as it enacts s. 115.2 (2 nd par.) of the Act respecting the distribution of financial products and services (chapter D-9.2)), 61 (except par. 1, 5, 6)
2011, c. 30	An Act to eliminate union placement and improve the operation of the construction industry ss. 8 (insofar as it concerns the labour-referral service for the construction industry), 44, 55, 56, 57 (except insofar as it concerns ss. 107.3 to 107.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)), 62 come into force on 9 September 2013, unless their coming into force is set by the Government for an earlier date or dates; s. 48 insofar as it concerns the employee's photo comes into force on the date to be set by the Government
2011, c. 37	An Act to amend the Pharmacy Act ss. 1-5
2012, c. 15	An Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions s. 21 (par. 3, 5) comes into force on the date or dates to be set by the Government, which may not be earlier than the date that is six months after the date on which the first report referred to in section 36 is tabled in the National Assembly
2012, c. 23	An Act respecting the sharing of certain health information ss. 11 (1 st par. (subpar. 4-6)), 22, 24, 25 (par. 2, 3), 26 ("and, in the case of a collective prescription, the date it was filled" in par. 4, "and, in the case of a collective prescription, of the health professional who filled it" in par. 13 and "and, in the case of a collective prescription, where it was filled" in par. 14), 39-45, 50, 55 (except 1 st par.), 59 ("or fill a collective prescription for medication"), 75 ("and any other person for whom an entry is requested"), 79 (par. 10), 83 (except 1 st par.), 106-108, 123 ("40 or 43, the second paragraph of section 50"), 124 ("or 108"), 131 ("40,"), 161 (par. 4)
2012, c. 25	Integrity in Public Contracts Act ss. 3, 4, 5, 9, 13 (par. 6), 14, 16, 18 (par. 1), 24, 31-39, 43-45, 47, 48, 51, 52, 56, 69, 71-75, 78, 79, 81, 82
2012, c. 28	An Act to amend the Act respecting the Québec sales tax and other legislative provisions ss. 6, 13, 22
2013, c. 11	An Act to amend the Act respecting Héma-Québec and the haemovigilance committee s. 8
2013, c. 16	An Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012 ss. 53 (to the extent that it enacts s. 17.12.12 (1 st par. (subpar. 6)) of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), as concerns the financing of activities relating to the application of the Mining Tax Act (chapter I-0.4) and the regulations), 55 (to the extent that it enacts s. 17.12.20 (par. 1) of the Act respecting the Ministère des Ressources naturelles et de la Faune), 158-164, 166
2013, c. 18	An Act to amend various legislative provisions mainly concerning the financial sector ss. 92, 97 (par. 3)
2013, c. 25	An Act to amend the Public Service Act mainly with respect to staffing ss. 25, 27 (where it enacts s. 116.5)
2013, c. 30	An Act to amend various legislative provisions concerning municipal affairs s. 13

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2014, c. 1	An Act to establish the new Code of Civil Procedure s. 35 (4 th par.)
2014, c. 17	An Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises ss. 7-10
2015, c. 3	An Act to amend the Cooperatives Act and other legislative provisions ss. 1-4, 8-10, 17-25, 40, 47-54
2015, c. 25	An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation s. 1 (ss. 4-31, 39, 41, 42, 45-47, 49, 53, 54, 56, 59-68, 69 (to the extent that it concerns general practitioners), 74, 75, 77-79 of the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1))
2015, c. 35	An Act to improve the legal situation of animals s. 7 (ss. 17, 18, 20 of the Animal Welfare and Safety Act (chapter B-3.1))
2016, c. 1	Funeral Operations Act s. 143
2016, c. 3	Québec Immigration Act s. 72 (par. 2)
2016, c. 7	An Act respecting mainly the implementation of certain provisions of the Budget Speech of 26 March 2015 ss. 12 (on the date or dates to be set by the Government according to the classes it determines), 13-20, 57
2016, c. 22	An Act to amend various legislative provisions respecting mainly transportation services by taxi ss. 14, 15 (par. 1), 18 (to the extent that it concerns s. 59.3 of the Act respecting transportation services by taxi (chapter S-6.01)), 38 (to the extent that it concerns s. 112.1 (par. 2) of the Act respecting transportation services by taxi)
2016, c. 25	An Act to allow a better match between training and jobs and to facilitate labour market entry s. 22
2016, c. 26	An Act to amend the Education Act ss. 8, 47
2017, c. 4	An Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund s. 188 (s. 118.5 of the Environment Quality Act (chapter Q-2))
2017, c. 11	An Act to amend various legislation mainly with respect to admission to professions and the governance of the professional system s. 146
2017, c. 21	An Act to amend certain provisions regarding the clinical organization and management of health and social services institutions ss. 48, 65-75, 90 (par. 1)

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2017, c. 23	<p>An Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance</p> <p>Sections 1, 2, 5, 6, 7, 9, 11, 13 and 16 come into force on 1 July 2018 or any earlier date set by the Government.</p>
2017, c. 27	<p>An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics</p> <p>ss. 19 (1st par. (subpar. 4)), 21 (1st par. (subpar. 6), to the extent that it concerns the exercise of functions conferred on the Autorité des marchés publics under Chapter V.3 of the Act respecting contracting by public bodies (chapter C-65.1)), 129, 130 (par. 2), to the extent that it concerns the enactment of s. 23 (par. 13.2) of the Act respecting contracting by public bodies</p>
2018, c. 7	<p>An Act to amend the Highway Safety Code and other provisions</p> <p>ss. 5 (to the extent that it enacts s. 202.5.1 of the Highway Safety Code (chapter C-24.2)), 9, 13-20, 29, 31 (par. 2), 32 (par. 1), 39, 48 (to the extent that it enacts s. 239.1.1 of the Highway Safety Code), 62, 126, 143 (to the extent that it enacts s. 509.2.1 of the Highway Safety Code), 145, 149, 152, 162, 164 (par. 4, 5), 174 (par. 2, 3), 178</p> <p>NOTE: s. 115 comes into force on 1 December 2019, unless the Government sets an earlier date for its coming into force</p> <p>NOTE: ss. 106, 110 and 187 come into force on 19 April 2020, unless the Government sets an earlier date for their coming into force</p>
2018, c. 11	<p>An Act mainly to introduce a basic income for persons with a severely limited capacity for employment</p> <p>ss. 1-6, 8, 12-16, 19 (except where it enacts s. 133.3 of the Individual and Family Assistance Act (chapter A-13.1.1), insofar as the latter section concerns the Social Solidarity Program), 20-31</p>
2018, c. 14	<p>An Act to amend various legislative provisions concerning consumer protection</p> <p>ss. 1, 2 (par. 3), 3-6, 25</p> <p>NOTE: ss. 15 (par. 2) and 23 came into force on 1 August 2018 and s. 16 comes into force on 1 August 2019 (O.C. 987-2018)</p>
2018, c. 18	<p>An Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions</p> <p>ss. 2, 4, 5, 7, 8, 9 (par. 1), 10-12, 14-27, 28 (par. 4-6), 29 (par. 2-4), 30, 31 (par. 2, 4, 5), 32, 54-57, 59, 60 (par. 2), 87 (to the extent that it amends s. 60.4 of the Tax Administration Act (chapter A-6.002) to refer to s. 350.62 (par. 2) of the Act respecting the Québec sales tax (chapter T-0.1))</p>
2018, c. 19	<p>An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions</p> <p>ss. 19 (s. 22 of the Cannabis Regulation Act (2018, chapter 19, s. 19)), 31, 34, 42, 43 (except to the extent that it enacts s. 202.3.1 of the Highway Safety Code (chapter C-24.2)), 45 (to the extent that it enacts s. 202.4.1 (par. 2) of the Highway Safety Code), 50 (par. 1), 52, 53, 58 (except to the extent that it enacts the Government's power to provide exceptions by regulation), 59 (except to the extent that it enacts the Government's power to provide exceptions by regulation), 65 (except to the extent that it enacts the Government's power to provide exceptions by regulation)</p> <p>NOTE: ss. 27, 28 and 29 come into force on the date of coming into force of ss. 13, 15 and 18 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), respectively</p>

COMING INTO FORCE TO BE DETERMINED

Reference	Title
2018, c. 20	An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages ss. 1-9, 11-17, 20, 23, 24, 26-32, 34 (except to the extent that it enacts s. 77.4 of the Act respecting liquor permits (chapter P-9.1)), 35-38, 40-45, 46 (except par. 2 (subpar. c)), 47, 48, 50-55, 56 (except par. 7), 57-59, 64 (except par. 2), 66-69, 70 (except par. 1, 4), 71-73, 85, 88, 89 (except par. 3), 90 (except par. 4), 91, 92 (except par. 1, 2), 94-98, 100-102, 104, 110, 115, 117, 119, 120, 128-137, 139, 140
2018, c. 23	An Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions ss. 570, 571, 598, 657, 661-665, 667 (par. 2), 669, 675

INFORMATION REQUIRED BY LAW TO BE PUBLISHED

None in 2018.



2018, chapter 29

AN ACT TO AMEND THE CHARTER OF THE UNIVERSITÉ DE MONTREAL

Bill 234

Introduced by Mr. Marc Tanguay, Member for LaFontaine

Introduced 15 November 2017

Passed in principle 27 March 2018

Passed 27 March 2018

Assented to 28 March 2018

Coming into force: 28 September 2018

Legislation amended:

Charter of the Université de Montréal (1967, chapter 129)



Chapter 29

AN ACT TO AMEND THE CHARTER OF THE UNIVERSITÉ DE MONTRÉAL

[Assented to 28 March 2018]

AS it is expedient to update the Charter of the Université de Montréal;

AS Québec society and universities have evolved considerably over the last half-century, and as the Université de Montréal (university) requires new management tools to ensure the institution's sound administration;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF THE UNIVERSITÉ DE MONTRÉAL

1. The preamble to the Charter of the Université de Montréal (1967, chapter 129) is amended

(1) by inserting the following paragraphs after the third paragraph:

“Whereas the Charter of 29 March 1950 was replaced by the Charter of the Université de Montréal, assented to on 12 August 1967;

“Whereas the Charter of 12 August 1967 was amended by the Act to amend the Charter of the Université de Montréal, assented to on 5 November 1968;”;

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

“Whereas the university recognizes that its members are entitled to the freedom of conscience, instruction, research and creation inherent in a public institution of higher education;

“Whereas the university wishes to enable its professors, lecturers, students, alumni and personnel to participate in its administration;

“Whereas the university has full and complete autonomy over decisions related to its mission;

“Whereas the university is accountable to society for its use of public funds;

“Whereas the university is resolutely francophone in character;

“Whereas the university plays a role in La Francophonie and the French-language university community;

“Whereas the university is outward-looking and open to the world;”.

2. Section 1 of the Charter is amended

(1) by inserting the following paragraph before paragraph *a*:

“(a.0) “lecturer”: as defined in the statutes;”;

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

“(c) “independent member”: a member shall qualify as independent if, in the opinion of the board or the government, when he is appointed by the latter, he has no direct or indirect relations or interests, including those of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of his decisions regarding the interests of the institution. A board member shall be deemed not independent if a member of his immediate family, as defined by the board, belongs to the institution’s senior administrative personnel or if he is or, in the three years preceding his appointment, was employed by the institution. The directors of the affiliated institutions shall be deemed independent members;

“(c.1) “career professor”: as defined in the statutes;”.

3. Section 3 of the Charter is replaced by the following section:

“**3.** The university’s mission shall be higher education, research, creation and community service.”

4. Section 4 of the Charter is amended by replacing, in subparagraph *h* of the second paragraph,

(1) “radius of two miles from its present administrative centre, any” by “four-kilometer radius of any faculty office;”;

(2) “provisions of the Code of Civil Procedure” by “prescriptions of any applicable legislation”;

(3) “Lieutenant-Governor in Council” by “Government”.

5. Section 8 of the Charter is amended by replacing paragraphs *b* to *g* by the following:

“(b) the chancellor;

“(c) six members appointed by the university assembly, namely, four career professors, one lecturer and one member from another personnel category;

“(d) three members appointed by a council representing the university’s student body;

“(e) four independent members appointed by the board after consultation with a council representing the university’s alumni;

“(f) two independent members appointed by the Government on the recommendation of the Minister responsible for Higher Education;

“(g) not more than five other members appointed by a resolution of the board passed by at least three-quarters of its members;

“(h) the director of the École Polytechnique de Montréal, while the affiliation exists;

“(i) the director of the École des Hautes Études Commerciales de Montréal, while the affiliation exists.

The independent members shall represent not less than the majority or more than two-thirds of the board members.

Member designation shall strive to reflect Québec’s social diversity and to ensure the qualifications required.”

6. Section 10 of the Charter is amended by replacing “resignation” by “resignation, inability to exercise one’s duties”.

7. Section 11 of the Charter is amended by adding the following paragraph at the end:

“If, exceptionally, the circumstances so warrant, the board may fill any vacancy for a period of no more than six months.”

8. Section 12 of the Charter is amended

(1) by replacing “members other than the rector” by “independent members appointed under paragraph *e, f* or *g* of section 8”;

(2) by adding the following sentence at the end: “Once appointed, he shall become a board member, according to the term of office fixed, and the office he held under paragraph *e, f* or *g* of section 8, as applicable, shall become vacant.”

9. Section 16 of the Charter is replaced by the following section:

“**16.** The executive committee shall be composed of the chancellor, the rector and not less than four or more than eight persons appointed by the board from among its members. A majority of the executive committee members shall be independent members.”

10. Section 18 of the Charter is amended by replacing

(1) “rector” by “chancellor”;

(2) “member of the board” by “independent member of the executive committee”.

11. Section 19 of the Charter is amended by replacing paragraphs *d* to *h* by the following paragraphs:

“(d) at least one professor from each faculty with ten or more professors, elected by his peers in accordance with the statutes. One-half of the university assembly shall be composed of elected professors;

“(e) at least one lecturer of each faculty having ten or more lecturers, elected by his peers in accordance with the statutes;

“(f) at least eight members appointed by a council representing the university’s student body, in accordance with the statutes;

“(g) three independent members appointed by the board after consultation with a council representing the university’s alumni, in accordance with the statutes;

“(h) four members appointed by a council representing the university’s personnel, in accordance with the statutes;

“(i) four members appointed by the board from among the university’s executives and professionals, on the recommendation of the university assembly;

“(j) any other member appointed in accordance with the statutes, including one representative of each affiliated institution.”

12. Section 20 of the Charter is amended

(1) by striking out “and university discipline,” in paragraph *c*;

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

“(d) shall designate members to the committee consulted for appointment of the rector, in accordance with the statutes;

“(e) shall designate members to various university bodies or committees, in accordance with the Charter and the statutes;

“(f) shall exercise any other power assigned by the statutes.”

13. Section 22 of the Charter is amended by replacing paragraphs *d* to *f* by the following paragraphs:

“(d) five members of the teaching staff, that is, three professors and two lecturers, appointed by the university assembly;

“(e) not more than two independent members from among the alumni appointed by a council representing the university’s alumni;

“(f) four members appointed by a council representing the university’s student body;

“(g) the directors of the affiliated institutions designated in the statutes, while the affiliation exists;

“(h) on the recommendation of the university assembly, any other member appointed by the board and whose powers it may limit.”

14. Section 23 of the Charter is replaced by the following section:

“**23.** The committee on studies shall ensure education coordination and education-research consistency.

It shall make or approve any by-law required for the university’s academic organization, make recommendations to the board or the executive committee, as applicable, and exercise any other power assigned by the statutes.”

15. Section 25 of the Charter is amended by replacing the first paragraph by the following paragraph:

“The rector shall be appointed by the board with the participation of the university assembly and the university community, in accordance with the statutes. He shall report to the board.”

16. Section 26 of the Charter is replaced by the following section:

“**26.** On the recommendation of the rector and in accordance with the statutes, the board shall appoint the vice-rectors, who shall report to the rector.

On the recommendation of the rector, the secretary-general shall be appointed by the board, to which he shall report. The board shall determine the secretary-general's functions in accordance with the statutes."

17. Section 28 of the Charter is amended

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

"The dean shall be appointed by the board, with the participation of the faculty members, in accordance with the statutes. The dean shall report to the rector or the vice-rector designated by the rector:"

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

"On the recommendation of the dean and in accordance with the statutes, the board shall appoint the vice-deans, who shall report to the dean."

18. Section 29 of the Charter is replaced by the following section:

"29. The faculty council shall recommend the appointment and promotion of the professors and other members of the teaching staff and the creation of any body within the faculty. It shall adopt any by-law required for the faculty's academic organization, subject to the approval prescribed by the statutes, and shall exercise any other power assigned by the latter.

The faculty council shall designate members to the committee consulted for appointment of the dean, in accordance with the statutes."

19. Section 32 of the Charter is repealed.

20. Section 34 of the Charter is amended by inserting the following paragraphs after the first paragraph:

"The statutes may be amended or repealed by a resolution of the board approved by the university assembly or by a resolution of the board adopted by a majority of at least three-quarters of its members, after consultation with the university assembly.

The amendments or repeals shall come into force on the date of their publication in the *Gazette officielle du Québec*."

21. Sections 35 and 37 to 39 of the Charter are repealed.

TRANSITIONAL AND FINAL PROVISIONS

22. The Université de Montréal board, and the board's composition on the date of coming into force of this Act, shall be maintained, and the board shall continue to exercise all the rights and powers conferred on it by the Charter of the Université de Montréal, as amended by this Act.

New appointments to the board shall be made in accordance with the Charter of the Université de Montréal, as amended by this Act.

The Université de Montréal university assembly, and the assembly's composition on the date of coming into force of this Act, shall be maintained, and the assembly shall continue to exercise all the rights and powers conferred on it by the Charter of the Université de Montréal, as amended by this Act.

New appointments to the university assembly shall be made in accordance with the Charter of the Université de Montréal, as amended by this Act.

The Université de Montréal committee on studies, and the committee's composition on the date of coming into force of this Act, shall be maintained, and the committee shall continue to exercise all the rights and powers conferred on it by the Charter of the Université de Montréal, as amended by this Act.

New appointments to the committee on studies shall be made in accordance with the Charter of the Université de Montréal, as amended by this Act.

Université de Montréal statutes, by-laws and regulations adopted before the date of coming into force of this Act shall remain in force, provided they are consistent with the Charter of the Université de Montréal, as amended by this Act.

In the event of inconsistencies, the Charter of the Université de Montréal, as amended by this Act, shall have precedence over any statute, by-law, regulation, contract or agreement.

23. The university assembly by-laws respecting university discipline that are covered by a clause of a collective agreement binding a certified association of employees and the Université de Montréal are deemed to be university board by-laws after the coming into force of this Act. Such clauses shall continue to apply to by-laws respecting university discipline as long as the collective agreement remains applicable.

For the purposes of such clauses, the parties shall exercise their rights in good faith, in particular to allow a transparent policy and disciplinary process that are equitable for all members of the Université de Montréal community to be adopted and applied, particularly with respect to sexual harassment and sexual violence.

24. This Act comes into force on 28 September 2018.

2018, chapter 30
**AN ACT TO AMEND THE ACT RESPECTING
INDUSTRIAL-ALLIANCE, LIFE INSURANCE COMPANY**

Bill 235

Introduced by Mr. Patrick Huot, Member for Vanier-Les Rivières

Introduced 9 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended:

Act respecting Industrial-Alliance, Life Insurance Company (1999, chapter 106)



Chapter 30

AN ACT TO AMEND THE ACT RESPECTING INDUSTRIAL-ALLIANCE, LIFE INSURANCE COMPANY

[Assented to 15 June 2018]

AS there is reason to amend the Act respecting Industrial-Alliance, Life Insurance Company (1999, chapter 106);

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 14 of the Act respecting Industrial-Alliance, Life Insurance Company (1999, chapter 106) is amended by replacing “the shares acquired” in the second paragraph by “all of the shares of the converted company held by such person”.

2. The Act is amended by inserting the following sections after section 15:

“15.1. The prohibition under section 14 of this Act does not prevent the converted company from proceeding with an operation allowing its holders of voting shares to exchange them for voting shares in a holding company provided that

(1) the operation is initiated by the converted company and approved by its board of directors;

(2) the holders of the holding company’s voting shares are, after the operation, essentially the same as those of the converted company’s voting shares immediately prior to the operation; and

(3) the holding company is constituted under the Business Corporations Act (chapter S-31.1).

Following the operation referred to in the first paragraph, section 14 of this Act shall apply to the holding company and cease to apply to the converted company. As of that time, no one may carry out an operation under which the holding company would cease to hold, directly or indirectly, 100% of the voting rights attached to the voting shares of the converted company. The provisions of the second paragraph of section 14 shall apply, with the necessary modifications, to any operation contravening this prohibition.

No agreement may, on pain of nullity, restrict or withdraw the exercise of the voting rights attached to the voting shares of the converted company.

The holding company shall maintain the ability to supply capital, if it considers it necessary, to the converted company so that the latter meets the adequacy of capital requirements under the Act respecting insurance (chapter A-32).

Consequently, the holding company shall, on request, provide the converted company with all the documents and information needed to show that it is in compliance with the fourth paragraph.

“15.2. Notwithstanding any contrary provision in any other Act, the provisions of Division II of Chapter XVI of the Business Corporations Act (chapter S-31.1) shall apply to the operation referred to in the first paragraph of section 15.1 of this Act.”

3. Section 15.2 of the Act respecting Industrial-Alliance, Life Insurance Company, enacted by section 2 of this Act, shall cease to have effect on 15 June 2021.

4. This Act comes into force on 15 June 2018.

2018, chapter 31
AN ACT RESPECTING VILLE DE SHERBROOKE

Bill 236

Introduced by Mr. Guy Hardy, Member for Saint-François

Introduced 9 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Order in Council amended:

Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke



Chapter 31

AN ACT RESPECTING VILLE DE SHERBROOKE

[Assented to 15 June 2018]

AS there is reason to amend the composition of the executive committee of Ville de Sherbrooke provided for in section 18 of Order in Council 850-2001 dated 4 July 2001, respecting the amalgamation of Ville de Sherbrooke, Ville de Rock Forest, Ville de Lennoxville, Ville de Fleurimont and Ville de Bromptonville, and the municipalities of Ascot and Deauville, amended by Orders in Council 1475-2001, 509-2002 and 1078-2002, 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, chapter 60 of the statutes of 2006, chapters 18 and 32 of the statutes of 2008, chapter 18 of the statutes of 2010, chapter 37 of the statutes of 2015 and chapter 39 of the statutes of 2016;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 18 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, amended by section 5 of chapter 37 of the statutes of 2015, is again amended by inserting “or four” after “three” in the first paragraph.
- 2.** This Act comes into force on 15 June 2018.

2018, chapter 32

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DU PORT FERROVIAIRE DE BAIE-COMEAU – HAUTERIVE

Bill 237

Introduced by Mr. Martin Ouellet, Member for René-Lévesque

Introduced 9 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended:

Act respecting the Société du port ferroviaire de Baie-Comeau—Hauterive (1975, chapter 48)



Chapter 32

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DU PORT FERROVIAIRE DE BAIE-COMEAU – HAUTERIVE

[Assented to 15 June 2018]

AS there is reason to update certain provisions of the Act respecting the Société du port ferroviaire de Baie-Comeau – Hauterive;

AS the town of Hauterive was amalgamated with the town of Baie-Comeau under the Act to regroup the towns of Baie-Comeau and Hauterive (1982, chapter 23);

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act respecting the Société du port ferroviaire de Baie-Comeau – Hauterive (1975, chapter 48) is replaced by the following title:

“Act respecting the Société du port ferroviaire de Baie-Comeau”.

2. Section 2 of the Act is amended by striking out “– Hauterive”.

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

“**4.** The affairs of the company shall be administered by a board of seven directors appointed in accordance with section 5.”

4. Section 5 of the Act is replaced by the following section:

“**5.** The Minister and the Canadian National shall each appoint one director, and the town of Baie-Comeau shall appoint three directors. The general meeting shall appoint two independent directors. A director is independent if he qualifies as such within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) and is not an employee, director, officer or mandatary of the Minister, the Canadian National or the town of Baie-Comeau.

The president shall be chosen by the board of directors from among the directors appointed by the town of Baie-Comeau or, failing such, from among the independent directors.”

5. Section 6 of the Act is amended by replacing “Three” in the first paragraph by “Five”.

- 6.** Section 8 of the Act is amended by replacing “five” and “three” by “three” and “two” respectively.
- 7.** Section 10 of the Act is amended by striking out “or of the town of Hauterive”.
- 8.** Section 16 of the Act is replaced by the following section:
- “**16.** The company is governed by Part III of the Companies Act (chapter C-38).”
- 9.** Section 18 of the Act is amended by striking out “or Hauterive” in paragraph *c*.
- 10.** Section 24 of the Act is amended by striking out “the town of Hauterive,” in the first paragraph.
- 11.** Section 25 of the Act is replaced by the following section:
- “**25.** The books and accounts of the company shall be audited each year by an independent auditor chosen through an invitation to tender involving at least two tenderers.”
- 12.** Section 27 of the Act is amended by striking out “or the town of Hauterive” in the first paragraph.
- 13.** Section 28 of the Act is amended
- (1) by striking out “or of the town of Hauterive” in the first paragraph;
 - (2) by replacing the second paragraph by the following paragraph:
- “Such loans shall be governed by section 569 of the Cities and Towns Act (chapter C-19).”
- 14.** Section 29 of the Act is amended by striking out “, the town of Hauterive”.
- 15.** The Act is amended by replacing “Lieutenant-Governor in Council” wherever it occurs by “government” and by replacing “he” by “it” in section 21.
- 16.** The Act is amended by replacing “general manager” wherever it occurs by “chief executive officer”.
- 17.** This Act comes into force on 15 June 2018.

2018, chapter 33

AN ACT RESPECTING THE IMMUNITIES GRANTED TO THE WORLD ANTI-DOPING AGENCY

Bill 238

Introduced by Mr. David Birnbaum, Member for D'Arcy-McGee

Introduced 10 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended: None



Chapter 33

AN ACT RESPECTING THE IMMUNITIES GRANTED TO THE WORLD ANTI-DOPING AGENCY

[Assented to 15 June 2018]

AS the World Anti-Doping Agency is an international non-governmental organization responsible for promoting and coordinating the fight against doping in sport internationally;

AS the World Anti-Doping Agency was established by the Lausanne Declaration on Doping in Sport after the World Conference on Doping in Sport held in Lausanne on 2 to 4 February 1999;

AS, under article 2 of the Accord entre le gouvernement du Québec et l'Agence mondiale antidopage concernant les privilèges fiscaux et les prérogatives de courtoisie consentis à l'Agence et à ses employés non canadiens (French only), dated 3 June 2002, the Gouvernement du Québec recognizes the World Anti-Doping Agency as an international non-governmental organization;

AS the World Anti-Doping Agency is headquartered in Montréal;

AS, in pursuing its mission and pursuant to the World Anti-Doping Code and the related International Standards, the World Anti-Doping Agency investigates potential violations of anti-doping rules, conducts audits to ensure that anti-doping organizations' programs comply with the World Anti-Doping Program and makes decisions in such matters;

AS, within the scope of its mandate, in particular the investigations, audits and activities pertaining to its whistleblowing program, the World Anti-Doping Agency is called on to gather sensitive, confidential information related, in particular, to whistleblowers;

AS, to fulfil its mission, the World Anti-Doping Agency, its directors, officers and employees require the immunities provided for in this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Legal proceedings may not be brought against the World Anti-Doping Agency, its directors, officers or employees before a court of civil jurisdiction for acts performed in good faith in connection with an investigation or audit conducted pursuant to the World Anti-Doping Code or the related International Standards, or because of a decision they made in good faith under the Code or Standards.

This section does not prevent proceedings under the Code or Standards.

- 2.** The property needed to achieve the World Anti-Doping Agency's mission is exempt from seizure.
- 3.** This Act comes into force on 15 June 2018.

2018, chapter 34

AN ACT RESPECTING THE SUBDIVISION OF A LOT LOCATED WITHIN THE PERCÉ HERITAGE SITE

Bill 239

Introduced by Mr. Gaétan Lelièvre, Member for Gaspé

Introduced 15 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended: None



Chapter 34

AN ACT RESPECTING THE SUBDIVISION OF A LOT LOCATED WITHIN THE PERCÉ HERITAGE SITE

[Assented to 15 June 2018]

AS, on 20 August 1973, the Percé heritage site was declared a natural district under the Cultural Property Act (chapter B-4);

AS, under section 245 of the Cultural Heritage Act (chapter P-9.002), such natural districts became land areas declared heritage sites;

AS the approximate area of the Percé heritage site is 40 km², including the shoreline that runs along part of Ville de Percé;

AS, following the storms of 30 December 2016 and 11 January 2017, Ville de Percé had to carry out rehabilitation work on a seafront boardwalk and build structures to ensure public security;

AS, among other things, this work required subdividing lots;

AS, under section 64 of the Cultural Heritage Act, no person may, without the Minister's authorization, divide, subdivide, redivide or parcel out a lot in a land area declared a heritage site or on a classified heritage site;

AS, on 26 September 2017, as part of a cadastral operation, lot 5 084 153 of the cadastre of Québec, registration division of Gaspé, was subdivided to create lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé;

AS, prior to the subdivision of lot 5 084 153, the Minister's authorization required under section 64 of the Cultural Heritage Act was not obtained;

AS section 196 of the Cultural Heritage Act provides that the division, subdivision, redivision or parcelling out of land in contravention of section 49 or 64 may be annulled, and that any interested party, including the Minister, may apply to the Superior Court for a declaration of nullity;

AS, on 11 October 2017, Complexe Place du Quai S.E.C. sold lot 6 135 671 of the cadastre of Québec, registration division of Gaspé, to 9365-3897 Québec Inc. by a deed of sale registered at the registry office of that registration division under number 23 423 620;

AS it is important to the owners of lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé, that the failure to obtain the Minister of Culture and Communications' prior authorization, and the resulting defects of title affecting their respective properties, be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 196 of the Cultural Heritage Act (chapter P-9.002), the subdivision of lot 5 084 153 of the cadastre of Québec, registration division of Gaspé, and, consequently, the creation of lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé, cannot be annulled on the ground that the Minister of Culture and Communications' prior authorization under section 64 of the Act was not obtained.
- 2.** Moreover, the deed of sale registered at the registry office of the registration division of Gaspé under number 23 423 620 cannot be annulled on the ground that the Minister of Culture and Communications' authorization was not obtained for the subdivision mentioned in section 1.
- 3.** This Act must be registered at the registry office of the registration division of Gaspé and the appropriate entries registered against lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé.
- 4.** This Act comes into force on 15 June 2018.

2018, chapter 35
**AN ACT RESPECTING “THE *FABRIQUE* OF THE PARISH OF
SAINT-JACQUES-LE-MAJEUR”**

Bill 240

Introduced by Mr. David Birnbaum, Member for D’Arcy-McGee

Introduced 15 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended: None



Chapter 35

AN ACT RESPECTING “THE *FABRIQUE* OF THE PARISH OF SAINT-JACQUES-LE-MAJEUR”

[Assented to 15 June 2018]

AS, by his papal bull of 13 May 1836, Pope Gregory XVI created the Diocese of Montréal and declared that St. James the Greater Cathedral would be the cathedral of the Bishop of Montréal;

AS, although it was established canonically, this diocese had no legal personality under civil law;

AS, after the Archbishop of Québec City and the Bishops of Montréal and Bytown petitioned the Parliament of United Canada for an act to incorporate the said Archbishop and Bishops severally and for authorization allowing each of them to own and acquire property for religious purposes, under the Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese in Lower Canada (1849, 12 Victoria, chapter 136), the Parliament of United Canada constituted the Bishop of Montréal and his successors into a corporation by creating “The Roman Catholic Episcopal Corporation of Montreal”;

AS, after St. James the Greater Cathedral was destroyed by fire in 1852, Monseigneur Ignace Bourget decided to have a new cathedral built on the grounds of “The Roman Catholic Episcopal Corporation of Montreal”;

AS, after the Roman Catholic Diocese of Montréal was canonically established as an archbishopric on 8 June 1886, under the Act to amend and explain the act of this Province 32 Victoria, chapter 73, respecting the incorporation of the Roman Catholic Bishops of this Province (1887, 50 Victoria, chapter 27), the Parliament of Québec constituted the “Roman Catholic Archiepiscopal corporation of Montreal”, which succeeded “The Roman Catholic Episcopal Corporation of Montreal”;

AS, to better meet the pastoral needs of the faithful attending this church, on 30 April 1904, Monseigneur Paul Bruchési decreed the establishment of the parish of Saint-Jacques-le-Majeur;

AS, under the decree, the parish of Saint-Jacques-le-Majeur had a legal personality within the meaning of canon law;

AS, despite the addition of the title “Mary, Queen of the World” to the cathedral building in 1955, the parish continued to operate under its historical title “Saint-Jacques-le-Majeur”;

AS, given that pastoral work developed in the parish over the years, Monseigneur Christian Lépine, Archbishop of Montréal, wished to constitute “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” so that it would have a legal personality separate from the “Roman Catholic Archiepiscopal corporation of Montreal”;

AS, following Monseigneur Christian Lépine’s 11 April 2017 declaration constituting “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” under section 11 of the Act respecting fabriques (chapter F-1), the *Fabrique* was duly constituted and has been governed by that Act since 25 April 2017;

AS Saint-Jacques-le-Majeur parish attendance extends beyond its canonically established territory and as it would be important to ensure that the people attending the parish within the *Fabrique* who do not consider themselves parishioners within the meaning of the Act respecting fabriques are better represented in the *Fabrique*;

AS the Archbishop of Montréal’s involvement in the parish of Saint-Jacques-le-Majeur is unique;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 28 of the Act respecting fabriques (chapter F-1), loans of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”, other than those referred to in section 27 of that Act, require only the Bishop’s special, prior authorization.
- 2.** For the purpose of applying section 29 of the Act respecting fabriques to “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”, the following words from that section are deemed not written: “, except where such authorization or approval is expressly required by this Act”.
- 3.** Sections 35 to 38, 40 and 41 of the Act respecting fabriques do not apply to “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”.
- 4.** The churchwardens of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” are appointed by the Bishop of the diocese where the *Fabrique*’s head office is located.
- 5.** Any natural person may be appointed to the office of churchwarden.
- 6.** The decree appointing a churchwarden specifies the term of office, which may not exceed three years. The churchwarden’s term of office is extended until he or she is reappointed or replaced.

A churchwarden’s term may be renewed consecutively only once.

- 7.** Paragraph *a* of section 39 of the Act respecting fabriques does not apply to churchwardens of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur”.

- 8.** The term of office of the churchwardens of “The *Fabrique* of the parish of Saint-Jacques-le-Majeur” in office on 15 June 2018 ends on 15 June 2020.
- 9.** This Act comes into force on 15 June 2018.

2018, chapter 36
AN ACT TO DECLARE AN OFFICIANT'S COMPETENCE

Bill 241

Introduced by Madam Nicole Léger, Member for Pointe-aux-Trembles

Introduced 31 May 2018

Passed in principle 15 June 2018

Passed 15 June 2018

Assented to 15 June 2018

Coming into force: 15 June 2018

Legislation amended: None



Chapter 36

AN ACT TO DECLARE AN OFFICIANT'S COMPETENCE

[Assented to 15 June 2018]

AS, in accordance with article 366 of the Civil Code, the Minister of Justice may designate a borough council member as an officiant competent to solemnize marriages;

AS such designation is linked to the borough council member's office and is, consequently, valid only within the territory defined in the member's instrument of designation and for the term indicated therein;

AS, on 18 October 2016, the Minister of Justice designated Gilles Déziel as an officiant competent to solemnize marriages and civil unions within the territory of Ville de Montréal, as long as he held the office of borough councillor or until 5 November 2017, the date of the municipal election;

AS, on 5 November 2017, Gilles Déziel was re-elected councillor of the borough of Rivière-des-Prairies–Pointe-aux-Trembles in Ville de Montréal;

AS, on 22 February 2018, in the name of the Minister of Justice, the registrar of civil status designated Gilles Déziel as an officiant competent to solemnize marriages and civil unions within the territory of Ville de Montréal, as long as he held the office of borough councillor or until 5 November 2021, the date of the municipal election;

AS the registrar of civil status registered Gilles Déziel in the register of officiants under number 63764;

AS Gilles Déziel was not a competent officiant within the meaning of the Civil Code between 5 November 2017 and 21 February 2018;

AS the marriages and civil unions solemnized by Gilles Déziel during that time were solemnized despite the absence of this competence;

AS it is important for Gilles Déziel, and in the general interest, that his competence to solemnize marriages be declared for the period from 5 November 2017 to 21 February 2018 inclusively;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Gilles Déziel, whose registration number in the registrar of civil status' register of officiants is 63764, is declared to have been competent to solemnize marriages within the meaning of article 366 of the Civil Code for the period from 5 November 2017 to 21 February 2018 inclusively.
- 2.** This Act comes into force on 15 June 2018.

INDEX

“See” before a chapter number means that the entry opposite does not refer to the main subject of that chapter, but rather to an Act, regulation, order in council or ministerial order amended, replaced, repealed or enacted by that chapter.

Page numbers refer to the first page of the chapter.

Subject	Chapter	Page
A		
Access to certain documents held by, or intended for, the Conseil exécutif.....	3	69
Access to documents held by public bodies and protection of personal information.....	See 3	69
Access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants	See 11	389
Accommodation, E-commerce, remunerated passenger transportation and tourist–digital economy.....	18	457
Acquisition of additional cars for the Montréal subway	16	449
Additional cars for the Montréal subway, Acquisition of	16	449
Administrative justice.....	See 7	179
	See 19	509
	See 23	633
Administrative Labour Tribunal	See 21	613
Agreement relating to the concept of parliamentary group, to the conduct of proceedings in the Assembly and in parliamentary committees as well as to budgetary aspects for the duration of the 42nd Legislature	28	1145
Agricultural abuses	See 22	627
Alcoholic beverages–modernization of legal regime applicable to liquor permits	20	575
Anti-corruption.....	See 1	1
Anti-Corruption Commissioner, Bureau des enquêtes indépendantes, Director of Criminal and Penal Prosecutions.....	1	1
Appropriation Act No. 1, 2018–2019.....	6	139
Appropriation Act No. 2, 2018–2019.....	9	329
Automobile insurance	See 7	179
	See 19	509
	See 23	633
Autorité des marchés financiers.....	See 23	633
Autorité régionale de transport métropolitain.....	See 8	235

Index

Subject	Chapter	Page
B		
Baie-Comeau – Hauterive, Société du port ferroviaire de	32	1325
Basic income for persons with severely limited capacity		
for employment	11	389
Benefits to cooperating witnesses, Granting of certain	1	1
Berthiaume and La Compagnie de Publication de La Presse, Limitée, Estate of the Honourable Trefflé	24	1129
Building Act	See 13	409
	See 23	633
Building Act–Charbonneau Commission recommendations	13	409
Bureau des enquêtes indépendantes, Director of Criminal and Penal Prosecutions, Anti-Corruption Commissioner	1	1
Business corporations	See 23	633
C		
Caisse de dépôt et placement du Québec	See 23	633
Canadian Free Trade Agreement–contracting by public bodies	10	377
Cannabis regulation	See 19	509
Cannabis regulation–highway safety	19	509
Cannabis, Société québécoise du	19	509
Capacity for employment, Basic income for persons with severely limited	11	389
Capital régional et coopératif Desjardins	See 23	633
Cars for the Montréal subway, Acquisition of additional	16	449
Charbonneau Commission recommendations–Building Act	13	409
Charbonneau Commission recommendations–labour	12	399
Charter of the Université de Montréal	29	1307
Charter of Ville de Gatineau	See 8	235
Charter of Ville de Longueuil	See 8	235
Charter of Ville de Montréal, metropolis of Québec	See 1	1
	See 3	69
	See 8	235
	See 23	633
Charter of Ville de Québec, national capital of Québec	See 5	101
	See 8	235
	See 23	633
Cities and towns	See 5	101
	See 8	235
	See 19	509
	See 23	633
Civil Code of Québec	See 23	633
Civil protection	See 8	235
Civil Service Superannuation Plan	See 4	73
Code of Civil Procedure	See 11	389
	See 23	633
	See 26	1137

Index

Subject	Chapter	Page
Code of ethics of Québec police officers.....	See 1	1
Code of Penal Procedure.....	See 26	1137
Collection of certain debts	See 23	633
Commission municipale.....	See 5	101
	See 8	235
Communauté métropolitaine de Montréal	See 8	235
Communauté métropolitaine de Québec	See 8	235
Companies	See 23	633
Competence, Officiant's	36	1343
Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States.....	10	377
Conditions of employment and pension plan of Members of National Assembly	See 28	1145
Confidentiality of journalistic sources, Protection of.....	26	1137
Conseil des arts et des lettres du Québec.....	See 23	633
Conseil exécutif-access to certain documents	3	69
Conservation and development of wildlife	See 23	633
Conservatoire de musique et d'art dramatique du Québec.....	See 23	633
Consumer protection	14	427
	See 23	633
Contracting by public bodies	See 10	377
	See 23	633
Contracting by public bodies-Canadian Free Trade Agreement.....	10	377
Cooperating witnesses, Granting of certain benefits to	1	1
Cooperatives.....	See 23	633
Courts of justice.....	See 19	509

D

Deferral of next general school election-use of a remote voting method.....	15	445
Deposit insurance.....	See 23	633
Deposits of money, Protection of.....	23	633
Derivatives.....	See 23	633
Digital economy-e-commerce, remunerated passenger transportation and tourist accommodation.....	18	457
Director of Criminal and Penal Prosecutions	See 1	1
Director of Criminal and Penal Prosecutions, Anti-Corruption Commissioner, Bureau des enquêtes indépendantes.....	1	1
Disclosure of wrongdoings relating to public bodies.....	See 8	235
Distribution of financial products and services.....	See 23	633
Documents held by, or intended for, the Conseil exécutif, Access to certain	3	69
Dogs, Framework with regard to-protection of persons.....	22	627
Duties on transfers of immovables.....	See 18	457

Index

Subject	Chapter	Page
E		
E-commerce, remunerated passenger transportation and tourist accommodation–digital economy	18	457
Education.....	See 5	101
	See 15	445
Education Act for Cree, Inuit and Naskapi Native Persons	See 23	633
Elections	See 23	633
Elections and referendums in municipalities.....	See 8	235
	See 23	633
Electric vehicles, Establishment of a public fast-charging service for.....	25	1133
Employment, Basic income for persons with severely limited capacity for.....	11	389
Establishment of a public fast-charging service for electric vehicles	25	1133
Estate of the Honourable Trefflé Berthiaume and La Compagnie de Publication de La Presse, Limitée	24	1129
Executive power	see 17	453
F		
<i>Fabrique</i> of the parish of Saint-Jacques-le-Majeur	35	1337
Fabriques	See 23	633
Family-work balance–labour standards.....	21	613
Fast-charging service for electric vehicles, Establishment of a public	25	1133
Financial administration.....	See 18	457
Financial institutions, Operation of.....	23	633
Financial sector, Regulation of.....	23	633
Financial services cooperatives.....	See 23	633
Forest credit by private institutions	See 23	633
Forestry credit	See 23	633
Forfeiture, administration and appropriation of proceeds and instruments of unlawful activity	See 1	1
	See 19	509
Former Prime Minister, Services available to a	17	453
Framework with regard to dogs–protection of persons	22	627
Fund for the Promotion of a Healthy Lifestyle.....	See 18	457
G		
General and vocational colleges.....	See 18	457
General school election, Deferral of next–use of a remote voting method.....	15	445

Index

Subject	Chapter	Page
Government and Public Employees Retirement Plan	See 4	73
	See 18	457
	See 19	509
	See 23	633
Granting of certain benefits to cooperating witnesses	1	1

H

Handicapped persons in the exercise of their rights with		
a view to achieving social, school and workplace integration	See 23	633
Hauterive, Société du port ferroviaire de Baie-Comeau –	32	1325
Health insurance	See 11	389
	See 23	633
Heritage site, Subdivision of a lot located within the Percé	34	1333
Highway Safety Code	7	179
	See 18	457
	See 19	509
Highway safety–cannabis regulation	19	509
Hispanic Heritage Month	27	1141
Honourable Trefflé Berthiaume and La Compagnie de		
Publication de La Presse, Limitée, Estate of the	24	1129
Hospital insurance	See 23	633
Hydro-Québec	See 25	1133

I

Immunities granted to the World Anti-Doping Agency	33	1329
Implementation of Agreement on Internal Trade	See 10	377
Implementation of Canadian Free Trade Agreement	See 10	377
Implementation of recommendations of the pension committee		
of certain public sector pension plans	4	73
Individual and family assistance	See 11	389
Individual and Family Assistance Regulation	See 11	389
Industrial-Alliance, Life Insurance Company	30	1317
Institut de tourisme et d’hôtellerie du Québec	See 18	457
Insurance	See 23	633
Insurers	See 23	633
Integrity in public contracts	See 10	377

J

Journalistic sources, Protection of confidentiality of	26	1137
---	----------	------

L

La Compagnie de Publication de La Presse, Limitée, Estate of		
the Honourable Trefflé Berthiaume and	24	1129
La Presse, Limitée, Estate of the Honourable Trefflé Berthiaume		
and La Compagnie de Publication de	24	1129

Index

Subject	Chapter	Page
Labour relations, vocational training and workforce management in construction industry	See 21	613
	See 12	399
Labour standards	See 8	235
	See 12	399
	See 13	409
	See 21	613
	See 23	633
Labour standards–family-work balance	21	613
Labour–Charbonneau Commission recommendations	12	399
Land transfer duties	See 23	633
Land use planning and development	See 8	235
Legal publicity of enterprises	See 23	633
Legal regime applicable to liquor permits, Modernization of –alcoholic beverages	20	575
Limited capacity for employment, Basic income for persons with severely	11	389
Liquor permits	See 20	575
Liquor permits, Modernization of legal regime applicable to –alcoholic beverages	20	575
Lot located within the Percé heritage site, Subdivision of a	34	1333
M		
Match between training and jobs–labour market entry	See 11	389
Ministère des Affaires municipales, des Régions et de l’Occupation du territoire	See 8	235
Ministère des Ressources naturelles et de la Faune	See 18	457
Ministère du Conseil exécutif	See 8	235
Ministerial Order concerning driving of buses on certain autoroute shoulders	See 7	179
Ministerial Order concerning riding of bicycles on shoulders	See 7	179
Mixed enterprise companies in the municipal sector	See 8	235
Modernization of legal regime applicable to liquor permits–alcoholic beverages	20	575
Money, Protection of deposits of	23	633
Money-services businesses	See 23	633
Montréal subway, Acquisition of additional cars for the	16	449
Mouvement Desjardins	See 23	633
Municipal affairs and Société d’habitation du Québec	8	235
Municipal Code of Québec	See 5	101
	See 8	235
	See 19	509
	See 23	633
Municipal courts	See 5	101
Municipal ethics and good conduct	See 8	235

Index

Subject	Chapter	Page
Municipal taxation	See 5	101
	See 8	235
	See 23	633
N		
National Assembly	See 28	1145
Next general school election, Deferral of—use of a remote voting method	15	445
Northern villages and Kativik Regional Government	See 8	235
Notaries	See 23	633
O		
Occupational health and safety	See 12	399
	See 19	509
Offences relating to alcoholic beverages	See 20	575
Off-highway vehicles	See 7	179
	See 19	509
Officiant’s competence	36	1343
Operation of financial institutions	23	633
Oversight of public bodies’ contracts—Autorité des marchés publics	See 8	235
Owners and operators of heavy vehicles	See 7	179
P		
Passenger transportation and tourist accommodation, E-commerce, remunerated—digital economy	18	457
Pension committee of certain public sector pension plans, Implementation of recommendations of the	4	73
Pension Plan of Certain Teachers	See 4	73
Pension Plan of Elected Municipal Officers	See 4	73
Pension Plan of Management Personnel	See 4	73
	See 18	457
	See 19	509
Pension Plan of Peace Officers in Correctional Services	See 4	73
Pension plans, Implementation of recommendations of the pension committee of certain public sector	4	73
Percé heritage site, Subdivision of a lot located within the	34	1333
Persons with severely limited capacity for employment, Basic income for	11	389
Pilot project concerning motorized mobility aids	See 7	179
Pilot Project for the use of a flashing green light on a road vehicle driven by a firefighter responding to an emergency call ... See 7		179
Police	See 1	1
	See 20	575

Index

Subject	Chapter	Page
Possibility for the municipal founder to stand surety for the Société d'économie mixte d'énergie renouvelable de la région de Rivière-du-Loup inc.	See 23	633
Prearranged funeral services and sepultures	See 14	427
	See 23	633
Pre-hospital emergency services	See 11	389
Prescription drug insurance	See 11	389
	See 23	633
Prime Minister, Services available to a former	17	453
Private security	See 23	633
Process of negotiation of collective agreements in public and parapublic sectors	See 18	457
	See 19	509
Professional Code	See 1	1
Professional syndicates	See 23	633
Promutuel réassurance	See 23	633
Protection of confidentiality of journalistic sources	26	1137
Protection of deposits of money	23	633
Protection of personal information in the private sector	See 23	633
Protection of persons—framework with regard to dogs	22	627
Public administration	See 4	73
Public fast-charging service for electric vehicles, Establishment of a	25	1133
Public sector pension plans, Implementation of recommendations of the pension committee of certain	4	73
Public service	See 1	1
Public transit authorities	See 8	235

Q

Québec Pension Plan	See 2	23
Québec Pension Plan—retirement-related legislative provisions	2	23
Québec sales tax	See 18	457
	See 20	575

R

Real estate brokerage	See 23	633
Recommendations of the pension committee of certain public sector pension plans, Implementation of	4	73
Reform of school tax system	5	101
Régie de l'énergie	See 25	1133
Régie des alcools, des courses et des jeux	See 20	575
Regulation of financial sector	23	633
Regulation respecting certain service contracts of public bodies	See 10	377
Regulation respecting certain supply contracts of public bodies	See 10	377

Index

Subject	Chapter	Page
Regulation respecting construction contracts of public bodies.....	See 10	377
Regulation respecting contracting by public bodies in the field		
of information technologies	See 10	377
Regulation respecting demerit points	See 7	179
Regulation respecting determination of the base amount for		
calculation of the maximum yield of the school tax.....	See 5	101
Regulation respecting fees exigible under the Highway Safety		
Code and the return of confiscated objects.....	See 7	179
Regulation respecting licences	See 7	179
Regulation respecting liquor permits.....	See 20	575
Regulation respecting promotion, advertising and educational		
programs relating to alcoholic beverages	See 20	575
Regulation respecting road vehicle registration	See 18	457
Regulation respecting safety standards for road vehicles	See 7	179
Regulation respecting supply contracts, service contracts and		
construction contracts of bodies referred to in section 7 of		
the Act respecting contracting by public bodies	See 10	377
Regulation respecting the application of the Consumer		
Protection Act.....	See 14	427
Regulation respecting the awarding of contracts for certain		
professional services	See 8	235
Regulation respecting the conditions and procedures for the use		
of photo radar devices and red light camera systems	See 7	179
Regulation respecting the municipal and school tax system		
applicable to the governments of the other provinces, foreign		
governments and international bodies	See 5	101
Regulation respecting the norms, conditions and procedure for		
disposing of an immovable of a school board	See 5	101
Regulation respecting the prescribed manner of identifying		
a beer container	See 20	575
Regulation respecting the Québec sales tax	See 18	457
	See 20	575
Regulation respecting the signing of certain deeds, documents		
and writings of the Agence du revenu du Québec	See 20	575
Regulation respecting tourist accommodation establishments	See 18	457
Regulation under the Tobacco Control Act.....	See 19	509
Remote voting method, Use of a–deferral of next general		
school election	15	445
Remunerated passenger transportation and tourist		
accommodation, E-commerce–digital economy.....	18	457
Remuneration of elected municipal officers	See 8	235
Réseau de transport métropolitain	See 8	235
Retirement plans for mayors and councillors of municipalities	See 2	23
Retirement-related legislative provisions–Québec Pension Plan	2	23
Retraite Québec.....	See 2	23
	See 4	73

Index

Subject	Chapter	Page
S		
Safety Code for the construction industry	See 19	509
Saint-Jacques-le-Majeur, <i>Fabrique</i> of the parish of.....	35	1337
School election, Deferral of next general–use of a remote voting method.....	15	445
School elections	See 5	101
	See 23	633
School tax system, Reform of	5	101
Securities	See 23	633
Services available to a former Prime Minister	17	453
Severely limited capacity for employment, Basic income for persons with	11	389
Sherbrooke	31	1321
Société d’habitation du Québec.....	See 8	235
Société d’habitation du Québec, Municipal affairs and.....	8	235
Société de l’assurance automobile du Québec	18	457
Société des alcools du Québec.....	See 19	509
	See 20	575
Société des loteries du Québec.....	See 23	633
Société du Plan Nord.....	See 10	377
Société du port ferroviaire de Baie-Comeau – Hauterive	32	1325
Société québécoise du cannabis	19	509
Sports and Physical Activity Development Fund.....	See 18	457
Subdivision of a lot located within the Percé heritage site	34	1333
Subway, Acquisition of additional cars for the Montréal.....	16	449
Supplemental pension plans	See 2	23
	See 23	633
T		
Tax administration	See 1	1
	See 18	457
Tax system, Reform of school	5	101
Teachers Pension Plan.....	See 4	73
Tobacco control	See 19	509
Tourist accommodation establishments	See 18	457
Tourist accommodation, E-commerce, remunerated passenger transportation and–digital economy	18	457
Trade and Cooperation Agreement between Ontario and Québec.....	10	377
Transfer of securities and the establishment of security entitlements	See 23	633
Transparency measures in the mining, oil and gas industries.....	See 23	633
Transport infrastructure partnerships.....	See 7	179
Transportation services by taxi.....	See 19	509
Travel agents	See 14	427
	See 23	633

Index

Subject	Chapter	Page
Trefflé Berthiaume and La Compagnie de Publication de La Presse, Limitée, Estate of the Honourable	24	1129
Trust companies and savings companies	See 23	633
U		
Unclaimed property	See 23	633
Université de Montréal, Charter of the	29	1307
V		
Voluntary retirement savings plans	See 23	633
Voting method, Use of a remote-deferral of next general school election	15	445
W		
Witnesses, Granting of certain benefits to cooperating	1	1
World Anti-Doping Agency, Immunities granted to the	33	1329

