

Gazette officielle
DU Québec

Part

2

No. 24

11 June 2003

Laws and Regulations

Volume 135

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Coming into force of Acts

Gouvernement du Québec

O.C. 629-2003, 4 June 2003

An Act to amend the Securities Act (2001, c. 38)

— Coming into force of certain provisions

Coming into force of certain provisions of the Act to amend the Securities Act

WHEREAS the Act to amend the Securities Act (2001, c. 38) was assented to on 1 November 2001 ;

WHEREAS, under section 101 of the Act, its provisions come into force on 1 November 2001, except the provisions of paragraph 3 of section 5, sections 8 to 13, 15 to 17, paragraph 2 of section 18, sections 19, 20, 22 to 33, 35 to 52, 54, 58 to 60, 64, 82 and 100 which come into force on the date or dates to be fixed by the Government ;

WHEREAS it is expedient to fix 27 June 2003 as the date of coming into force of sections 8 to 11, 15 to 17, paragraph 2 of section 18, sections 19, 20, 24 to 33, 35 to 52, 54, 59, 60, 82 and 100 of the Act to amend the Securities Act ;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance :

THAT 27 June 2003 be fixed as the date of coming into force of sections 8 to 11, 15 to 17, paragraph 2 of section 18, sections 19, 20, 24 to 33, 35 to 52, 54, 59, 60, 82 and 100 of the Act to amend the Securities Act (2001, c. 38).

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 630-2003, 4 June 2003

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

Securities

— Amendments

Regulation to amend the Securities Regulation

WHEREAS, under subparagraph 9 of the first paragraph of section 331 of the Securities Act (R.S.Q., c. V-1.1), amended by section 690 of chapter 45 of the Statutes of 2002, the Agence nationale d'encadrement du secteur financier may, by regulation, prescribe the fees payable for any formality provided for in the Act or the regulations and for services rendered by the Agency, and the terms and conditions of payment;

WHEREAS, under the second paragraph of section 331, a regulation made under that section shall be submitted to the Government for approval, with or without amendment;

WHEREAS section 738 of chapter 45 of the Statutes of 2002 provides that for the purposes of sections 92, 151.1.1, 168.1.1 to 168.1.3, 195, 195.2, 236, 273.1, 295.2, 331, 331.1 and 334 of the Securities Act as they read on 11 December 2002, "Agence nationale d'encadrement du secteur financier" or "Agency" shall designate the Commission des valeurs mobilières du Québec until the date of the coming into force of section 7 of that chapter;

WHEREAS the Government made the Securities Regulation by Order in Council 660-83 dated 30 March 1983;

WHEREAS the Commission des valeurs mobilières du Québec made the Regulation to amend the Securities Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 9 April 2003 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation to amend the Securities Regulation, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Securities Regulation*

Securities Act
(R.S.Q., c. V-1.1, s. 331, 1st par., subpar. 9)

1. Section 271.2 of the Securities Regulation is amended

(1) by substituting "may avail itself of the simplified prospectus regime" for "satisfies the conditions prescribed in section 164, 165 or 166" in paragraph 1;

(2) by striking out " , but which is required to file the annual information form prescribed in section 159" in paragraph 3;

(3) by deleting paragraph 5;

(4) by substituting "4" for "5" in paragraph 6;

(5) by substituting "statement of material change" for "copy of the press release" in paragraph 9.

2. Section 271.6 is amended by substituting "or a regulation" for " , the Regulation or a policy statement" in paragraph 1.

3. This Regulation comes into force on 27 June 2003.

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* The Securities Regulation, made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.* 2, 1269), was last amended by the regulation approved by Order in Council 52-2003 dated 22 January 2003 (2003, *G.O.* 2, 856). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

Gouvernement du Québec

O.C. 638-2003, 4 June 2003

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards — Amendments

Notice of collective dismissal — Revocation

Regulation to amend the Regulation respecting labour standards and to revoke the Regulation respecting the notice of collective dismissal

WHEREAS, under section 88 of the Act respecting labour standards (R.S.Q., c. N-1.1), amended by section 56 of Chapter 80 of the Statutes of 2002, the Government may, by regulation, exempt such category or categories of employees as it may designate from the whole or a part of the application of Division I of Chapter IV, for such time and on such conditions as it may fix and, where applicable, fix standards different from those provided in Division I of Chapter IV for those employees;

WHEREAS, under section 89 of the Act respecting labour standards, amended by section 57 of Chapter 80 of the Statutes of 2002, the Government may, by regulation, fix labour standards respecting the matters listed in that section;

WHEREAS, under section 91 of the Act respecting labour standards, the standards referred to in sections 88 to 90 may vary according to the field of activity and the type of work, and according to whether or not an employee resides with the employer;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting labour standards and to revoke the Regulation respecting the notice of collective dismissal was published in Part 2 of the *Gazette officielle du Québec* of 19 March 2003, on page 1303, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour and the Minister of Employment, Social Solidarity and Family Welfare:

THAT the Regulation to amend the Regulation respecting labour standards and to revoke the Regulation respecting the notice of collective dismissal, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting labour standards* and to revoke the Regulation respecting the notice of collective dismissal**

An Act respecting labour standards
(R.S.Q., c. N-1.1, ss. 88, 89 and 91; 2002, c. 80, ss. 49, 56, 57 and 86)

1. Section 1 of the Regulation respecting labour standards is amended

- (1) by deleting the definition of “medical certificate”;
- (2) by deleting the definition of “maternity leave”;
- (3) by replacing the definition of “employee who generally receives gratuities” by the following:

“employee who receives gratuities or tips”: an employee who ordinarily receives gratuities or tips and who works

- (a) in an establishment that offers lodging to tourists in return for payment, including a campground;
- (b) in a place where alcoholic beverages are sold for consumption on the premises;
- (c) for an enterprise that sells, delivers or serves meals to be eaten off the premises; or

* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 959-2002 dated 21 August 2002 (2002, *G.O.* 2, 4509). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

** The Regulation respecting the notice of collective dismissal (R.R.Q., 1981, c. F-5, r.1) has not been amended since it was revised.

(d) in a restaurant, except if it is a place where the main activity consists in the providing of food services to customers who order or choose the items at a service counter and who pay before eating;”.

2. Section 2 is amended

- (1) by deleting paragraph 5;
- (2) by replacing paragraph 6 by the following:

“(6) an employee assigned mainly to non-mechanized operations relating to the picking of processing vegetables or fruit.”.

3. Section 3 is amended by replacing “sections 4 and 5” by “section 4”.

4. Section 4 is amended by replacing “who usually receives gratuities” by “who receives gratuities or tips”.

5. Sections 5 and 8, Division V, comprising section 14, and Division VI, comprising sections 15 to 35, are revoked.

6. The following Division is inserted after section 35:

**“DIVISION VI.0.1
NOTICE OF COLLECTIVE DISMISSAL**

35.0.1. The notice of collective dismissal that must be given by the employer to the Minister in accordance with section 84.0.4 of the Act respecting labour standards must be sent by mail to the Ministère de l’Emploi, de la Solidarité sociale et de la Famille, Direction générale des opérations d’Emploi-Québec.

The notice of collective dismissal has effect from the date on which it is mailed.

35.0.2. The notice of collective dismissal must contain

- (1) the name and address of the employer or establishment concerned;
 - (2) the sector of activity;
 - (3) the names and addresses of the associations of employees, where applicable;
 - (4) the reason for the collective dismissal;
 - (5) the date anticipated for the collective dismissal;
- and

(6) the number of employees likely to be affected by the collective dismissal.

7. The Regulation respecting the notice of collective dismissal (R.S.Q., 1981, c. F-5, r.1) is revoked.

8. This Regulation comes into force the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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M.O., 2003-008

**Order of the Minister of Natural Resources,
Wildlife and Parks dated 28 May 2003**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Regulation to amend the Regulation respecting hunting

THE MINISTER OF NATURAL RESOURCES, WILDLIFE
AND PARKS,

CONSIDERING the second and third paragraphs of section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provide that the Société may make regulations on the matters contained therein;

CONSIDERING the fifth paragraph of section 56 of the Act, which provides that a regulation made by the Société under that section must be submitted to the Minister for approval;

CONSIDERING section 164 of the Act, which provides that a regulation made by the Société under section 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that the Regulation respecting hunting, which prescribes the conditions for hunting any animal or any animal of a class of animals, was made by Minister’s Order 99021 dated 27 July 1999;

CONSIDERING that, by resolution No. 03-70 of its board of directors dated March 27, 2003, the Société made the Regulation to amend the Regulation respecting hunting, attached to this Order;

ORDERS :

THAT the Regulation to amend the Regulation respecting hunting, attached to this Order, is approved.

Québec, 28 May 2003

PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>
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Regulation to amend the Regulation respecting hunting*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56, 2nd and 3rd pars.)

1. Section 14 of the Regulation respecting hunting is amended by adding “, CXXXI” after “CXXII” in the fourth paragraph.

2. Schedule VI is amended by substituting the following for the hunting season for moose in the Chic-Chocs Wildlife Sanctuary :

“From the Tuesday on or closest to 5 September to the Thursday on or closest to 19 October”.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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* The Regulation respecting hunting made by Minister’s Order 99021 dated 27 July 1999 (1999, *G.O.* 2, 2451) was last amended by the regulations approved by Minister’s Orders 2002-013 dated 19 June 2002 (2002, *G.O.* 2, 3441) and 2002-021 dated 20 December 2002 (2003, *G.O.* 2, 128) and by the regulation made by resolution No. 03-66 of the Société on January 24, 2003 (2003, *G.O.* 2, 910). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

M.O., 2003-01

Order number 2003-001 of the Minister of Finance dated 28 May 2003

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

CONCERNING the Regulation to amend the Securities Regulation

WHEREAS the government, by order-in-council No. 660-83 of March 30, 1983, enacted the Securities Regulation;

WHEREAS section 331.1 of the Securities Act, amended by section 691 of chapter 45 of the statutes of 2002, stipulates that the Agence nationale d’encadrement du secteur financier may adopt a regulation concerning the matters stipulated in paragraphs 1° to 34° of section 331.1;

WHEREAS section 738 of chapter 45 of the statutes of 2002 stipulates that for the purposes of sections 92, 151.1.1, 168.1.1 to 168.1.3, 195, 195.2, 236, 273.1, 295.2, 331, 331.1 and 334 of the Securities Act as they read on December 11, 2002, the words “Agence nationale d’encadrement du secteur financier” or “Agency” shall designate the Commission des valeurs mobilières du Québec until the date of coming into force of section 7 of this chapter;

WHEREAS on April 30, 2003, the Commission passed the Regulation to amend the Securities Regulation bearing on the matters stipulated in paragraphs 1° to 34° of section 331.1 and covered by the Securities Regulation;

WHEREAS the first and fifth sub-sections of section 331.2. of the Securities Act stipulate in particular that any regulation made under section 331.1 shall be approved, with or without amendment, by the Minister of Finance and that it shall enter into force on the date of its publication in the *Gazette officielle du Québec* or on the later date indicated in the regulation;

WHEREAS the third and fourth sub-sections of such section stipulate that a draft regulation shall be published in the Bulletin of the Commission, that it shall be accompanied by the notice stipulated in section 10 of the Regulations Act (R.S.Q., c. R-18.1) and that it shall not be submitted for approval nor shall it be enacted before the expiration of period of 30 days from its publication;

WHEREAS the Regulation to amend the Securities Regulation was published in the Supplement to the Weekly Bulletin of the Commission, volume 34, No. 14 of April 11, 2003;

WHEREAS it is appropriate to approve this regulation with amendments;

CONSEQUENTLY, the Minister of Finance approves, with amendments, the Regulation to amend the Securities Regulation appended hereto.

Québec, 28 May 2003

YVES SÉGUIN,
Minister of Finance

Regulation to amend the Securities Regulation*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1)

- 1.** Section 1 of the Securities Regulation is repealed.
- 2.** Section 1.3 of this Regulation is amended by replacing the words “policy statement” with the word “regulation”.
- 3.** Section 1.6 of this Regulation is amended by replacing the words “a member or an associate member” with the words “one of the approved participants” in paragraph 1.
- 4.** Section 4 of this Regulation is amended by replacing “(R.S.C., 1985, c. B-1) or the Québec Savings Banks Act (S.R.C., 1970, c. B-4)” with “(S.C., 1991, c. 46)”.
- 5.** Section 5 of this Regulation is amended by replacing the words “the Schedules to this Regulation” with the word “regulation”.
- 6.** Section 6 of this Regulation is amended by replacing the words “Items in the Schedules” with the words “elements of the disclosure documents prescribed by regulation”.

7. Section 7 of this Regulation is amended by replacing the words “in the Schedules” with the words “by regulation”.

8. Section 8 of this Regulation is repealed.

9. Section 9 of this Regulation is amended by replacing the words “the Schedules” with the words “a document prescribed by regulation”.

10. Section 10 of this Regulation is amended by replacing the words “the Schedules prescribe” with the words “a regulation prescribes”.

11. Section 11 of this Regulation is amended by replacing the words “the Schedules” with the word “regulation”.

12. Section 12 of this Regulation is amended by replacing the words “prescribed by an Item in the Schedules” with the words “in a document prescribed by regulation”.

13. Section 13 of this Regulation is amended by replacing “18, 23, 27, 29 to 33, 37 to 39, 42, 43, 50, 53, 54, 58 to 62, 77 to 83, 88, 89” with “23, 27, 29 to 33, 37, to 37.2, 50, 53, 60, 77 to 83”.

14. Sections 14.1 to 14.3 of this Regulation are repealed.

15. Section 15 of this Regulation is amended by replacing the words “this Regulation” with the words “regulation”.

16. Section 16 of this Regulation is amended by adding “, other than a simplified prospectus,” after the word “prospectus” and by replacing “in Schedule I” with the words “by regulation”.

17. Section 17 of this Regulation is amended by replacing “in Schedule I” with the words “by regulation”.

18. Section 18 of this Regulation is repealed.

19. Section 22 of this Regulation is amended by replacing the number “60” with the number “90” in subparagraph 3 of the first paragraph.

20. Section 29 of this Regulation is replaced by the following section:

“**29.** A prospectus for a distribution that takes place only in Québec must contain the following notice:

* The Securities Regulation, made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.* 2, 1269), was last amended by the regulation approved by Order in Council 52-2003 dated 22 January 2003 (2003, *G.O.* 2, 856). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated updated to 1 March 2003.

“The Québec Securities Act provides purchasers with the right to withdraw from an agreement to purchase the securities within two business days after receipt of this prospectus or any amendment thereto.

The Act also enables the purchaser to request remedies for rescission, price revision or damages where the prospectus contains a misrepresentation or is not delivered to the purchaser, provided that such remedies for rescission or damages are exercised by the purchaser within the time limit prescribed by the Act. The purchaser should refer to the applicable provisions of the Act for the particulars of these rights or consult with a legal advisor.”.

21. Sections 30 and 30.1 of this Regulation are repealed.

22. Section 30.2 of this Regulation is amended:

(1) by replacing the words “persons registered with the Commission des valeurs mobilières du Québec” with the words “duly registered persons” in the warning set forth in the first paragraph;

(2) by striking out the second paragraph.

23. Sections 31 and 32 of this Regulation are repealed.

24. Section 33 of this Regulation is amended by striking out the second paragraph.

25. Section 37 of this Regulation is amended by replacing the first paragraph with the following paragraph:

“**37.** The prospectus must contain all certificates prescribed by regulation.”.

26. Sections 37.3 to 39, 42, 43 and 45 to 49 of this Regulation are repealed.

27. Section 50 of this Regulation is amended by replacing the words “the Regulation” with the words “a regulation” and by replacing the words “the Policy Statements” with the words “a regulation” in the first paragraph.

28. Section 53 of this Regulation is amended by striking out the second paragraph.

29. Sections 54 to 59.1, the first paragraph of section 60, sections 61 and 62, the title of Division III.1 of Chapter I of Title II and sections 62.1 to 62.9 of this Regulation are repealed.

30. Section 63 of this Regulation is amended by replacing “in Schedule V” with the words “by regulation”.

31. Sections 64 to 65.1 and 74 of this Regulation are repealed.

32. Section 75 of this Regulation is amended by adding “the consent required from a professional or an expert,” before the words “the number or value”.

33. Section 81 of this Regulation is amended by striking out the second paragraph.

34. Section 84 of this Regulation is replaced by the following section:

“**84.** If the Act or a regulation prescribes that an attestation or certificate be issued by a lawyer, it may also be issued by a notary.”.

35. Section 85 of this Regulation is amended by replacing “prescribed in section 84” with the words “required with a prospectus”.

36. Sections 86 to 89 of this Regulation are repealed.

37. Section 90 of this Regulation is amended by replacing “prescribed in section 84” with the words “required with a prospectus”.

38. Sections 91 and 92 of this Regulation are repealed.

39. Section 93 of this Regulation is amended by replacing “, the board of directors” with “or an entity with a patrimonium endowed with a certain degree of autonomy within the meaning of section 6 of the Act, the board of directors of the legal person or the directors of the entity” in the first paragraph.

40. Section 106 of this Regulation is amended by striking out the word “capital” in the first paragraph and in the subparagraph 1 of the first paragraph.

41. Section 106.1 of this Regulation is repealed.

42. Section 108 of this Regulation is amended:

(1) by replacing “section 107” with the words “regulation” in the first paragraph.

(2) by replacing “mentioned in Item 21 of Schedule I” with the words “required by regulation” in subparagraph 1 of the first paragraph.

43. Section 109 of this Regulation is amended by replacing “section 107” with the word “regulation”.

44. Section 113 of this Regulation is amended by replacing “section 107” with the word “regulation”.

45. This Regulation is amended by inserting the following sections after section 114:

“**114.1** The period for holding securities referred to in the first paragraph of section 58 of the Act is six months for a gilt-edged security and 12 months for other securities.

114.2 The period for holding guaranteed debt securities referred to in section 59 of the Act is 12 months.

114.3 The time limit referred to in section 60 of the Act is 12 months.

114.4 The time limit referred to in section 61 of the Act is more than 12 months.”.

46. Section 115 of this Regulation is amended by striking out the second paragraph.

47. This Regulation is amended by inserting the following section in Division I of Chapter I of Title III, before section 116:

“**115.1.** Within 140 days following the end of its fiscal year, a reporting issuer shall file with the Commission the documents provided for in section 75 of the Act.”.

48. Section 116 of this Regulation is replaced by the following section:

“**116.** The annual financial statements prescribed in section 75 of the Act shall include the information and statements required in accordance with generally accepted accounting principles.”.

49. This Regulation is amended by inserting the following section after section 118:

“**118.1.** Within 140 days of the end of its fiscal year, a reporting issuer shall send the documents prescribed in section 77 of the Act.”.

50. This Regulation is amended by inserting the following section in Division II of Chapter I of Title III, before section 121:

“**120.1.** Within 60 days of the end of each of the first three quarters of its fiscal year, a reporting issuer shall file with the Commission the documents prescribed in section 76 of the Act.”.

51. Section 121 of this Regulation is amended by replacing the first paragraph with the following paragraph:

“**121.** The quarterly financial statements prescribed in section 76 of the Act include the information and the statements required in accordance with generally accepted accounting principles.”.

52. This Regulation is amended by inserting the following section after section 123:

“**123.1.** Within 60 days after the end of each of the first three quarters of its financial year, a reporting issuer shall send the documents prescribed in section 78 of the Act.”.

53. Section 126 of this Regulation is amended by replacing the words “changes in financial position” with the words “cash flows” in the first sentence of the first paragraph.

54. Section 134 of this Regulation is amended:

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

“(1) a bank governed by the Bank Act (S.C., 1991, c. 46);”;

(2) by replacing the word “recognized” with the word “designated” in the second paragraph.

55. Section 159 of this Regulation is amended by replacing “in Schedule IX” with the words “by regulation and required from issuers that may avail themselves of the simplified prospectus system” in the second paragraph.

56. Sections 164 to 169 of this Regulation are repealed.

57. Section 170 of this Regulation is amended by replacing “in Schedule X” with the words “by regulation” in paragraph 4.

58. Section 170.1 of this Regulation is repealed.

59. Section 171 of this Regulation is replaced by the following section:

“**171.** In accordance with section 96 of the Act, a person who becomes an insider shall disclose to the Commission his control over the securities of the issuer within ten days thereafter.

171.1. In accordance with section 98 of the Act, a senior executive deemed to be an insider shall file the required report within the first ten days of the month following the start of the presumption.”.

60. Sections 174.1 and 175 of this Regulation are repealed.

61. This Regulation is amended by inserting the following sections after section 176:

“**176.1.** The offeror referred to in section 129.1 of the Act shall publish a brief summary of the bid by way of an advertisement in a daily French newspaper in general circulation in Québec.

176.2. The offeror shall send the documents required in section 128 of the Act to the offeree company no later than the day of publication and shall file these documents with the Commission together with a copy of the published advertisement.

176.3. Not later than the day of publication, the offeror or his representative shall request that the offeree company provide a list of holders of the securities mentioned in section 128 of the Act.

176.4. The documents prescribed in section 129.1 of the Act shall be sent within 2 business days of receiving the list of securities holders from the offeree company.

176.5. The offeror may, by way of a new advertisement, amend the bid provided he initially complied with the requirements set forth in sections 176.1 to 176.3 and provided he has not sent documents in accordance with section 176.4.

In the case set forth in the previous paragraph, the terms and conditions prescribed in sections 176.1, 176.2 and 176.4 shall apply, mutatis mutandis, to the amended bid.

176.6. The publication of an amendment prescribed in section 176.5 shall not change the date the take-over bid is made.”.

62. This Regulation is amended by inserting the following sections after section 177:

“**177.1.** Within 15 days following the date of the bid, the board of directors of the offeree company shall send the circular referred to in section 134 of the Act.

177.2. Within seven days preceding the expiry of the bid, the board of directors of the offeree company shall send the recommendation prescribed in section 136 of the Act.

177.3. Within five days following the amendment of the bid, the board of directors of the offeree company shall send an update of the initial circular referred to in section 138 of the Act.”.

63. Sections 183 to 186 of this Regulation are repealed.

64. Section 187 of this Regulation is amended:

(1) by replacing the words “the Regulation” with the word “regulation” in the first paragraph;

(2) by replacing “section 164, 165 or 166,” with the word “regulation” in the second paragraph;

(3) by replacing “required by subsections 46 (1) and (2), accompanied by the auditor’s report required by section 47” with the words “in the form and accompanied by the auditor’s report prescribed by regulation” in the first sentence of the third paragraph and by striking out the last sentence.

65. Section 189 of this Regulation is amended by replacing “section 123” with “sections 123, 126 and 147.21” in the first paragraph.

66. Section 189.5 of this Regulation is repealed.

67. Section 189.6 of this Regulation is amended:

(1) by replacing “section 189.5” with the word “regulation” in the first paragraph;

(2) by striking out the second paragraph.

68. This Regulation is amended by inserting the following sections after section 189.8:

“**189.9.** In accordance with section 147.3 of the Act, the minimum time for deposit under the bid is 35 days following the date of the bid.

189.10. In accordance with section 147.4 of the Act, the offeror is prohibited from purchasing securities deposited in response to the bid during the 35 days following the date of this bid.

189.11. In accordance with section 147.5 of the Act, securities deposited in response to a bid may be withdrawn by giving notice in writing to the depository before the offeror has taken up the securities, before the expiry of 10 days from the notification of change or, if the securities were not paid for, within 3 business days after they were taken up.

189.12. Securities may not be withdrawn in the manner set forth in section 189.11 in response to a variation in the terms of a bid in the cases prescribed in section 130 of the Act if the offeror took up the securities before the variation. The variation must be limited to an increase in the consideration with an extension of no more than 10 days or to a waiver of one of the terms where the consideration consists solely of cash.

189.13. For the purposes of section 147.6 of the Act, the offeror shall take delivery of the securities within 10 days from the expiry of the bid and shall pay for them within 3 business days after they have been taken up.

189.14. In the case provided for in section 147.7 of the Act, the securities shall be taken up and paid for within 10 days of their deposit.

189.15. For the purposes of section 147.8 of the Act, the bid shall not expire before 10 days after the date the notice of variation has been delivered.”.

69. Section 203 of this Regulation is amended by adding the following sentence at the end of the first paragraph: “The securities dealer or adviser must keep at this establishment clear identification and a separate telephone line.”.

70. Section 205 of this Regulation is amended by replacing the word “He” with the words “An applicant for registration as a representative of a dealer or an adviser” in the first paragraph.

71. Section 208 of this Regulation is amended:

(1) by replacing the words “the security issuer or the independent trader” with the words “with the exception of a security issuer or an independent trader”;

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

“The method of calculating the net free capital is prescribed by regulation.”.

72. Section 210 of this Regulation is amended by striking out the second paragraph.

73. Section 212 of this Regulation is amended by replacing the words “the policy statements of the Commission” with the word “regulation”.

74. Section 213 of this Regulation is amended by adding the following sentence at the end of the first paragraph: “The insurance coverage and bonding must meet the requirements prescribed by the rules of a self-regulatory organization of which it is a member.”.

75. The first paragraph of section 215 of this Regulation is replaced by the following paragraph:

“**215.** A dealer with an unrestricted practice or a discount broker must be a member of a self-regulatory organization and must participate in a contingency fund deemed acceptable by the Commission.”.

76. Section 224.2 of this Regulation is amended by replacing “the Regulation, the policy statements of the Commission” with the words “a regulation” in paragraph 3.

77. Section 227 of this Regulation is amended by replacing the words “by a self-regulatory organization” with the words “or a penalty imposed by a self-regulatory organization or a securities regulatory authority” in paragraph 7.

78. Section 232 of this Regulation is amended by replacing the words “the policy statements” with the word “regulation”.

79. Sections 234.1 and 238 of this Regulation are repealed.

80. Section 239 of this Regulation is amended by replacing “Schedule XV” with the word “regulation”.

81. Section 279 of this Regulation is amended by replacing “(S.C. 1980-81-82, c. 40)” with “(S.C., 1991, c. 46)”.

82. Schedule I of this Regulation is repealed.

83. Schedule II of this Regulation is amended by replacing “Item 22 of Schedule I” with the word “regulation” in section 1 of Item 18.

84. Schedules III to V of this Regulation are repealed.

85. Schedule VI of this Regulation is amended:

(1) by striking out the last sentence of section 4 of Item 10;

(2) by replacing the words “the policy statements” with the words “a regulation” in section 3 of Item 15.

86. Schedule VII of this Regulation is amended:

(1) by striking out the first, second and third paragraphs in section 1 of Part I;

(2) by striking out the first paragraph of section 2 of Part I;

(3) by replacing “Quebec Policy Statement N° Q - 11” with the words “relevant regulatory provisions” in the third paragraph of section 4 of Part I;

(4) by replacing section 6 of Part I with the following section:

“6. The annual report also presents management’s discussion and analysis of financial condition and results of operations, required by regulation, for the simplified prospectus system.”;

(5) by striking out paragraphs 1 to 7 of section 1 of Part II;

(6) by striking out sections 2 to 4 of Part II.

87. Schedule VIII of this Regulation is amended:

(1) by replacing “meeting the requirements of section 164 of the Regulation” with the words “that may avail itself of the simplified prospectus system” in section 4 of Item 6;

(2) by replacing section 2 and the Instructions in Item 9 with the following section:

“2. The information to be given when a reporting issuer’s auditor is dismissed or changed is the information required by the provisions prescribed by regulation.”.

(3) by striking out the word “the” before the word “regulation” in the first sentence of section 2 of Item 11;

(4) by replacing “prescribed by sections 45 and 46” with the words “in accordance with the requirements prescribed by regulation with respect to a prospectus” in the second sentence of section 2 of Item 11.

88. Schedules IX, IX.I and X of this Regulation are repealed.

89. Schedule XII of this Regulation is amended by replacing “section 84 of the Regulation” with the words “a regulation” in Item 14.

90. Schedule XIII of this Regulation is amended by replacing “section 84 of the Regulation” with the words “a regulation” in Item 13.

91. Schedule XVI of this Regulation is amended:

(1) by replacing the words “the policy statements” with the words “a regulation” in section 3 of Item 5;

(2) by replacing the words “the policy statements” with the words “a regulation” in Item 18.

92. Schedule XVII of this Regulation is amended by replacing the words “the Policy Statements” with the words “a regulation” in Item 17.

93. Schedules XVIII and XIX of this Regulation are repealed.

94. This Regulation shall come into force on June 27 2003.

5765

M.O., 2003-009

Order of the Minister of Natural Resources, Wildlife and Parks dated 28 May 2003

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF NATURAL RESOURCES, WILDLIFE AND PARKS,

CONSIDERING the second, third and fourth paragraphs of section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provide that the Société may make regulations on the matters contained therein;

CONSIDERING the fifth paragraph of section 56 of the Act, which provides that a regulation made by the Société under that section must be submitted to the Minister for approval;

CONSIDERING section 164 of the Act, which provides that a regulation made by the Société under section 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that the Regulation respecting trapping and the fur trade, which prescribes the conditions for trapping any animal or any animal of a class of animals, was made by Minister's Order 99026 dated 31 August 1999;

CONSIDERING that, by resolution No. 03-71 of its board of directors dated March 27, 2003, the Société made the Regulation to amend the Regulation respecting trapping and the fur trade, attached to this Order;

ORDERS :

THAT the Regulation to amend the Regulation respecting trapping and the fur trade, attached to this Order, is approved.

Québec, 28 May 2003

PIERRE CORBEIL,
Minister for Forests,
Wildlife and Parks

SAM HAMAD,
Minister of Natural Resources,
Wildlife and Parks

Regulation to amend the Regulation respecting trapping and the fur trade *

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56, 2nd, 3rd and 4th pars.)

1. Section 17 of the Regulation respecting trapping and the fur trade is amended by substituting the following for subparagraphs 1 and 2 of the first paragraph:

“(1) 2 black bears in FAMUs number 1 to 7, 10 to 18, 20, 21, 24 to 39, 42 to 54, 56, 57, 59 to 66, 68, 69 and 73 to 86; and

(2) 4 black bears in FAMUs 8, 9, 19, 22, 23, 40, 41, 55, 58, 70, 71 and 72.”

2. Schedule III is amended by substituting “15-05/10-06” for “15-05/05-06” for the black bear trapping period in FAMUs 10, 12, 14 and 15.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

5763

* The Regulation respecting trapping and the fur trade made by Minister's Order 99026 dated 31 August 1999 (1999, *G.O.* 2, 2992) was last amended by the regulation approved by Minister's Order 2002-012 dated 7 August 2002 (2002, *G.O.* 2, 4495). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automotive services industry – Québec region — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received an application from the contracting parties to amend the Decree respecting the automotive services industry in the Québec region (R.R.Q., 1981, c. D-2, r.48) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting the automotive services industry in the Québec region, the text of which appears below, may be made by the Government upon the expiry of the 45 days following this publication.

The purpose of this draft regulation is to redefine the territorial jurisdiction of the Decree respecting the automotive services industry in the Québec region and to extend it to the former ville de Saint-Augustin-de-Desmaures.

For that purpose, it proposes to amend the description of the territorial jurisdiction of the Decree to include the changes made to the boundaries of the ville de Québec, the ville de Lévis and the regional municipal counties of Bellechasse and La Nouvelle-Beauce.

The consultation period shall serve to clarify the impacts of the amendments sought. According to the 2002 annual report of the Comité conjoint sur les services automobiles de la région de Québec, the Decree governs 721 employers, 272 artisans and 4 732 employees.

Additional information may be obtained by contacting Mr. Michel Roberge, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1, telephone : (418) 528-9701, fax : (418) 528-0559, e-mail : michel.roberge@travail.gouv.qc.ca

Any interested person having comments to make concerning this matter may send them in writing, before the expiry date, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister of Labour

Decree to amend the Decree respecting the automotive services industry in the Québec region*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 and 6.1)

1. Schedule 1 of the Decree respecting the automotive services industry in the Québec region is replaced by the following :

“**SCHEDULE 1**
(s. 2.02)

RÉGION DE LA CAPITALE-NATIONALE

Ville de Québec.

In the municipalité régionale de comté de La Côte-de-Beaupré : ville de Beaupré, Boischatel, ville de Château-Richer, paroisse de L’Ange-Gardien, Sainte-Anne-de-Beaupré, Saint-Ferréol-les-Neiges, paroisse de Saint-Joachim, Saint-Tite-des-Caps.

In the municipalité régionale de comté de La Jacques-Cartier : Lac-Beauport, ville de Lac-Delage, Sainte-Brigitte-de-Laval, Saint-Gabriel-de-Valcartier, Shannon, cantons unis de Stoneham-et-Tewkesbury.

* The last amendments to the Decree respecting the automotive services industry in the Québec region (R.R.Q., 1981, c. D-2, r. 48) were made by the Regulation made under Order in Council No.103-2001, dated 7 February 2001 (2001, G.O. 2, 1227). For previous amendments, refer to the “Tableau des modifications et Index sommaire,” Éditeur officiel du Québec, 2003, updated to 1 March 2003.

In the municipalit  regionale de comt  de L' le-d'Orl ans: paroisse de Sainte-Famille, village de Sainte-P tronille, paroisse de Saint-Fran ois, paroisse de Saint-Jean, Saint-Laurent-de-l' le-d'Orl ans, Saint-Pierre-de-l' le-d'Orl ans.

R GION DE CHAUDI RE-APPALACHES

Ville de L vis.

In the municipalit  regionale de comt  de Bellechasse: Saint-Henri.

In the municipalit  regionale de comt  de La Nouvelle-Beauce: paroisse de Saint-Lambert-de-Lauzon.”.

2. This Decree comes into force on the date of its publication in the *Gazette officielle du Qu bec*.

5766

Draft Regulation

Code of Penal Procedure
(R.S.Q., c. C-25.1)

Form of statements of offence

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the form of statements of offence, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this draft Regulation is to amend the form of statements of offence to add a contribution of \$10 to the amount of the fine and costs in respect of each statement of offence issued under the Code of Penal Procedure for an offence under the laws of Qu bec, except in the case of a statement of offence issued for the contravention of a municipal by-law.

The draft Regulation will have no significant impact on businesses. It will inform the defendant that the contribution becomes payable when the defendant pleads guilty or is convicted or deemed convicted of an offence.

Further information may be obtained by contacting Pierre Reid, 1200, route de l' glise, 9   tage, Sainte-Foy (Qu bec) G1V 4M1; telephone: (418) 643-4090; fax: (418) 643-3877.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l' glise, 9   tage, Sainte-Foy (Qu bec) G1V 4M1.

MARC BELLEMARE,
Minister of Justice

Regulation to amend the Regulation respecting the form of statements of offence*

Code of Penal Procedure
(R.S.Q., c. C-25.1, a. 367, par. 1)

1. The Regulation respecting the form of statements of offence is amended by striking out “relative to the penal proceeding” in the first paragraph of section 4.

2. Section 5 is amended by substituting “optional or compulsory particulars prescribed by an act or this Regulation” for “particulars relative to the penal proceeding” in the first paragraph.

3. Section 24 is amended

(1) by substituting the following for paragraph 8:

“(8) the date and time of service of the statement of offence by a bailiff or a peace officer or, for service by mail, the reference to the document stating that date;”;

(2) by substituting “the sentence, the costs and, where applicable, the amount of the contribution provided for in article 8.1 of the Code of Penal Procedure” for “the sentence and the costs requested” in paragraph 10.

4. Section 28 is amended

(1) by substituting “the total amount of the fine, the costs and, where applicable, the contribution, or the” for “either the total amount of the fine and the costs requested or” in subparagraph 3 of the first paragraph;

(2) by substituting “the total amount of the fine, the costs and, where applicable, the contribution, or the” for “either the total amount of the fine and the costs requested or” in subparagraph 4 of the first paragraph;

* The Regulation respecting the form of statements of offence, made by Order in Council 1211-97 dated 17 September 1997 (1997, *G.O.* 2, 5074), was amended by the regulation made by Order in Council 140-2000 dated 16 February 2000 (2000, *G.O.* 2, 985).

(3) by substituting “total amount of the fine, the costs and, where applicable, the contribution” for “total amount of the fine and the costs requested” in subparagraph 5 of the first paragraph.

5. Section 29 is amended by substituting the following for paragraph 5:

“(5) in the section concerning the sentence:

(a) the amount of the minimum sentence, the minimum costs prescribed by law for the offence and, where applicable, the contribution; and

(b) the total amount of the fine, the costs and, where applicable, the contribution requested by the prosecutor;”.

6. Section 31 is amended

(1) by substituting the following for paragraph 4:

“(4) the sentence indicating the minimum sentence and costs prescribed by law and, where applicable, the contribution as well as the total amount of the fine, the costs and, where applicable, the contribution;”;

(2) by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in paragraph 5;

(3) by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in paragraph 6.

7. Section 33 is amended by deleting paragraphs 5 and 6.

8. Section 34 is amended by substituting the following for subparagraphs *a* and *b* of paragraph 7:

“(a) the minimum fine and costs prescribed by law and, where applicable, the amount of the contribution;

(b) the total amount of the fine, the costs and, where applicable, the contribution requested by the prosecutor; and”.

9. Section 36 is amended

(1) by substituting the following for subparagraph *a* of paragraph 3:

“(a) the minimum fine and costs prescribed by law and, where applicable, the amount of the contribution and the total amount of the fine, the costs and, where applicable, the contribution;”;

(2) by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in subparagraph *c* of paragraph 3.

10. Section 38 is amended by substituting the following for subparagraphs *a* and *b* of paragraph 5:

“(a) the minimum fine and costs prescribed by law and, where applicable, the amount of the contribution;

(b) the total amount of the fine, the costs and, where applicable, the contribution claimed by the prosecutor; and”.

11. Section 40 is amended by substituting “, the costs and, where applicable, the contribution” for “and the costs requested” in subparagraph *d* of paragraph 2.

12. Schedule I is amended

(1) by substituting, on the front of the statement of offence,

(a)

“Date of service of statement

▶ When served by mail, the date indicated on the notice of receipt or delivery or the date indicated on the envelope.

”

for

“Date and time of service of statement

▶ When served by mail, the date and time indicated on the notice of receipt or delivery or the date and time indicated on the envelope.”;

(b)

“

REQUEST FOR SENTENCE

Sentence: + Costs: + Contribution: = Total amount: ”

for

“

REQUEST FOR SENTENCE

Sentence requested: + Costs: = Whole amount requested: ”;

(2) by substituting, on the back of the statement of offence,

“ • pay the total amount of the fine, the costs and the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“• pay the whole amount of the fine and costs requested.”.

13. Schedule II is amended

(1) by substituting, on the front of the statement of offence,

“Minimum sentence	Costs	Contribution	
\$ +	\$ +	\$ =	\$ < Amount requested ”

for

“Minimum sentence	Costs	
\$ +	\$ =	\$ < Amount requested ”;

(2) by substituting, on the back of the statement of offence,

(a)

“— pay (in Canadian funds) the total amount of the fine, the costs and the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“— pay (in Canadian funds) the whole amount of the fine and costs requested.”;

(b)

“Unless the total amount of the fine, the costs and the contribution is transmitted together with this plea, additional costs may be imposed.”

for

“Unless the whole amount of the fine and costs requested is transmitted together with this plea, additional costs may be imposed.”;

(c)

“FAILURE TO TRANSMIT A PLEA AND THE AMOUNT OF THE FINE AND COSTS”

for

“FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED”;

(3) by substituting, on the return form of the statement of offence,

“Minimum sentence	Costs	Contribution
\$ +	\$ +	\$ =
		\$ < Amount requested ”

for

“Minimum sentence	Costs	
\$ +	\$ =	\$ < Amount requested ”.

14. Schedule III is amended

(1) by substituting, on the front of the statement of offence,

“SENTENCE	Minimum sentence	Costs	Contribution	
	\$	+\$	+\$	= \$ < Amount requested ”

for

“PENALTY	Minimum fine	Costs		< Amount payable ”;
	\$	+\$	= \$	

(2) by substituting, on the back of the statement of offence,

(a) in the section on the description of the transmission of plea, the letter “H” for the letter “G”;

(b)

“— pay (in Canadian funds) the total amount of the fine, the costs and the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“— pay (in Canadian funds) the whole amount of the fine and costs requested.”;

(c)

“Unless the total amount of the fine, the costs and the contribution is transmitted together with this plea, additional costs may be imposed.”

for

“Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.”;

(d)

“FAILURE TO TRANSMIT A PLEA AND THE AMOUNT OF THE FINE AND COSTS”

for

“FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED”;

(3) by substituting, on the return form of the statement of offence,

“Minimum sentence Costs Contribution
 \$ + \$ + \$ = \$ < Amount requested ”

for

“Minimum sentence Costs
 \$+ \$ = \$ < Amount requested ”.

15. Schedule IV is amended

(1) by substituting, on the front of the statement of offence,

“Sentence Costs Contribution
 Minimum sentence
 \$ + \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked.”

for

“Sentence requested Costs
 Minimum sentence
 \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked off.”;

(2) by substituting “, the costs and the contribution indicated on the front. The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”, in the third paragraph on the back of the statement of offence, for “and costs requested as indicated on the front or you may be liable

for an additional amount of costs. If you pay the whole amount of the fine and costs, you will be deemed to have transmitted a plea of guilty.”;

(3) by substituting, on the return form,

(a)

“ **Important**
 If you plead guilty to the alleged offence, you must pay the amount indicated in the section “Amount requested”, otherwise you will be liable for additional costs. ”

for

“ **Important**
 If you plead guilty to the offence alleged, you must pay the amount indicated in the section “Amount requested”, in which case you will be deemed to have transmitted a plea of guilty. ”;

(b)

“Sentence Costs Contribution
 Minimum sentence
 \$ + \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked.”

for

“Sentence requested Costs
 Minimum sentence
 \$ + \$ = \$ < Amount requested
 Towing costs of _____ have been added if this box is checked off.”.

16. Schedule V is amended

(1) by substituting, on the front of the statement of offence,

“SENTENCE Minimum sentence Costs Contribution
 \$ + \$ + \$ = \$ < Amount requested

for

“PENALTY Minimum fine Costs < Amount payable ”;

(2) by substituting, on the back of the statement of offence,

(a)

“— pay (in Canadian funds) the total amount of the fine, the costs and, where applicable, the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“— pay (in Canadian funds) the whole amount of the fine and costs requested.”;

(b)

“Unless the total amount of the fine, the costs and the contribution is transmitted together with this plea, additional costs may be imposed.”

for

“Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.”;

(c)

“FAILURE TO TRANSMIT A PLEA AND THE AMOUNT OF THE FINE AND COSTS”

for

“FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED”.

17. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

5769

Draft Regulation

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

Chartered appraisers
— Code of ethics
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec, adopted by the Bureau of the Ordre des évaluateurs agréés du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of appraisers to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence.

Those provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person’s representative, and to the persons who can come to that person’s aid.

The Order expects the proposed amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Céline Viau, Secretary General of the Ordre des évaluateurs agréés du Québec, 2075, rue University, bureau 1200, Montréal (Québec) H3A 2L1; telephone: (514) 281-9888 or 1 800 982-5387; fax: (514) 281-0120.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that made the Regulation, as well as to the interested persons, departments and bodies.

JEAN-K. SAMSON
*Chair of the Office des
professions du Québec*

Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of the members of the Ordre des évaluateurs agréés du Québec is amended by inserting the following after section 51 :

“**51.1.** A professional who communicates information in accordance with the third paragraph of section 60.4 of the Professional Code must communicate such information without delay and enter in the record the reasons supporting the decision as well as the detailed information concerned, the mode of communication and the identity of the person to whom the information is communicated.

When in doubt and if the well-being of the person exposed to the danger requires it, and if doing so does not involve a detrimental delay in the process, the professional must consult with the syndic before communicating the information.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

5771

Draft Regulation

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

Geologists

— Conciliation and arbitration procedure for accounts

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation respecting the conciliation and arbitration procedure for the accounts of geologists, adopted by the Bureau of the Ordre des géologues du Québec, the text of which appears below, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

In accordance with article 88 of the Professional Code, this proposed regulation establishes the procedure for conciliation and arbitration of the accounts of geologists which may be used by persons calling upon their services. Specifically, the proposed regulation allows a person to use this procedure if the account has been paid in full or in part and provides for the creation of an arbitration council which may, if so determined, establish the reimbursement due to a person. The proposed regulation also states that, depending on the amount in dispute, the arbitration may be decided by a council made up of one or three members.

Further information may be obtained by contacting Mr. Alain Liard, geologist, Secretary, Ordre des géologues du Québec, bureau 912, 1117, Sainte Catherine Ouest, Montréal (Québec), H3B 1H9, 514-278-6220, info@ogq.qc.ca

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, Place D'Youville, 10th Floor, Québec, (Québec), G1R 5Z3. The comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions; they may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation respecting the conciliation and arbitration procedure for the accounts of geologists

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I CONCILIATION

1. A client who has a dispute with a geologist concerning the amount of an account for professional services, whether such account was paid in whole or in part or not paid, may apply in writing for conciliation by the syndic of the Ordre des géologues du Québec within 45 days following receipt of that account.

For the purposes of this Regulation, a client is a person required to pay the account of a geologist.

2. Where sums for payment of the account were withdrawn or withheld by the geologist from moneys kept or received by the geologist for or on behalf of the client, the time period begins to run when the latter becomes aware of the withdrawal or withholding.

3. An application for conciliation of an account for which no payment, withdrawal or withholding was made may be sent to the syndic after the expiry of 45 days prescribed in section 1, provided that it is sent before the client is served with proceedings concerning the account.

4. A geologist may not institute proceedings in respect of an account for professional fees within 45 days of the date of receipt of that account by the client.

5. Upon receipt of an application for conciliation, the syndic shall notify the geologist involved or, if unable to do so personally, the geologist's firm. The syndic shall also send the client a copy of this Regulation.

6. Once the geologist has been notified that the syndic has received the application for conciliation, the geologist may not institute proceedings in respect of an account for professional fees so long as the dispute may be settled by conciliation or arbitration. A geologist may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

7. The syndic shall proceed with the conciliation in the manner the syndic deems most appropriate.

To that end, the syndic may request from the geologist or client any information or document deemed appropriate.

8. Any agreement during conciliation shall be recorded in writing, signed by the client and the geologist and filed with the secretary of the Order.

9. If conciliation does not lead to an agreement within 30 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute by registered or certified mail to the client and the geologist.

The report must contain, where applicable, the following information:

(1) the amount of the account for professional fees in dispute;

(2) the amount that the client acknowledges owing;

(3) the amount that the geologist acknowledges having to reimburse or is willing to accept in settlement of the dispute;

(4) the amount, if any, suggested by the syndic during conciliation as payment to the geologist or reimbursement to the client.

The syndic shall also send the client a form provided for in Schedule I and describe the procedure and deadline for submitting the dispute to arbitration.

10. The conciliation record shall be filed with the secretary of the Order. The record shall include the application for conciliation and the conciliator's report. The record shall be kept for at least one year, but no longer than five years.

DIVISION II ARBITRATION

§1. *Application for arbitration*

11. Within 30 days of receiving the conciliation report, a client may apply for arbitration of the account by sending the form provided for in Schedule I to the secretary of the Ordre des géologues du Québec by registered or certified mail. The client shall enclose a copy of the conciliation report and a certified cheque in the amount the client acknowledges owing with the application for arbitration.

12. Upon receipt of an application for arbitration, the secretary of the Order shall notify the geologist involved or, if unable to do so personally, the geologist's firm.

13. An application for arbitration may only be withdrawn in writing and with the geologist's consent.

14. If an agreement is reached between the parties after the application for arbitration, the agreement shall be recorded in writing, signed by the parties and filed with the secretary of the Order.

Where the agreement is reached after the council of arbitration has been formed, the agreement shall be recorded in the arbitration award and the council shall decide the expenses in accordance with the manner provided for in section 31.

§2. Council of arbitration

15. The council of arbitration shall be composed of three arbitrators when the amount in dispute is \$10 000 or more and of a single arbitrator when the amount in dispute is less than \$10 000.

16. The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order. If the council consists of three arbitrators, the Bureau shall appoint the chair and secretary.

17. The secretary of the Order shall inform the arbitrators and the parties by mail that a council of arbitration has been formed.

18. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure, except paragraph 7 of that article. It must be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocate within ten days of receiving the notice provided for in section 15 or of the day on which the reason for the request becomes known.

The Bureau shall rule on such request and, where required, shall see that the recused arbitrator is replaced.

19. Before acting, the members of the council of arbitration shall take the oath in Schedule II to the Professional Code (R.S.Q., c. C-26).

§3. Hearing

20. The secretary of the Order shall give the council of arbitration and the parties or their advocates at least ten days' written notice of the date, time and place of the hearing.

21. The parties are entitled to be represented by an advocate or to be assisted.

22. The council of arbitration may require the parties to submit to it, within a specified time limit, a statement of their claims together with supporting documents.

23. The council of arbitration shall, with diligence, hear the parties, receive their evidence or record their failure to appear. To that end, it shall follow the rules of procedure it deems most appropriate.

24. The chair shall draw up the minutes of the hearing and shall have them signed by the other members of the council, if applicable.

25. A party requesting that the testimony be recorded shall assume the cost thereof.

26. In the event of an arbitrator's death or inability to act, the other arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the Bureau shall designate one of the other two members to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator appointed by the Bureau and the dispute shall be reheard.

§4. Arbitration Award

27. The council of arbitration shall issue its award within 60 days of the end of the hearing.

28. The award shall be issued by a majority of the members of the council. Failing that, the award shall be issued by the chair.

The award shall give reasons and shall be signed by all the members. If an arbitrator refuses or is unable to sign, the others shall indicate that fact and the award shall have the same effect as though it had been signed by all the arbitrators.

29. In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute, determine the reimbursement or payment to which a party is entitled and, where applicable, rule on the amount that the client acknowledged owing and that the client sent with the application for arbitration.

30. The expenses incurred by the parties for the holding of the arbitration shall be paid by each of them.

31. In its award, the council of arbitration may rule on the arbitration expenses, namely the expenses incurred by the Order for the arbitration. However, the total amount of the expenses must not exceed 15% of the amount in dispute.

32. Where the account in dispute is upheld in whole or in part or where a reimbursement is granted, the council of arbitration may also add interest and an indemnity in accordance with articles 1618 and 1619 of the Civil Code, calculated from the date of the application for conciliation.

33. The arbitration award is binding on the parties and is subject to compulsory execution in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

34. An arbitration award shall be filed with the secretary of the Order by the council of arbitration. A copy of the arbitration award shall be sent to the parties or to their advocates within ten days after its filing.

35. The arbitration record shall be filed with the secretary of the Order. The record shall include the applications for conciliation and arbitration of accounts, the documents tabled by the parties and the award; the arbitration record shall be kept for at least one year, but no longer than five years.

Upon request, the secretary shall return to a party the documents it filed with the record.

36. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

(s. 9)

APPLICATION FOR ARBITRATION OF ACCOUNT

I, the undersigned, _____
(name of client)

(domicile)

Declare that:

1. _____ is claiming from me
(name of geologist)
(or refuses to reimburse me) a sum of money for professional services.
2. I have enclosed a copy of the conciliation report.
3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of geologists.
4. I declare that I have received and have taken cognizance of the above-mentioned Regulation.
5. I agree to abide by the procedure provided for in the Regulation and, wherever required, to pay to the amount of the arbitration award.

(name of geologist)

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Draft Regulation

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

Speech therapists and audiologists

— Code of ethics

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Code of ethics of the Ordre des orthophonistes et audiologistes du Québec, adopted by the Bureau of the Ordre des orthophonistes et audiologistes du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of the Ordre des orthophonistes et audiologistes du Québec to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence.

Those provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative, and to the persons who can come to that person's aid.

The Order expects the proposed amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Louis Beaulieu, President and Director General of the Ordre des orthophonistes et audiologistes du Québec, 235, boulevard René-Lévesque Est, bureau 601, Montréal (Québec) H2X 1N8, telephone: (514) 282-9123, fax: (514) 282-9541.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by

the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation, as well as to the interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chair of the Office des
professions du Québec*

Regulation to amend the Code of ethics of the Ordre des orthophonistes et audiologistes du Québec *

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of the Ordre des orthophonistes et audiologistes du Québec is amended by inserting the following sections after section 36:

“**36.1.** In addition to the cases provided for in section 36, a member may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the member has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the member may only communicate the information to a person exposed to the danger or that person’s representative, and to the persons who can come to that person’s aid.

The member may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

36.2. A member who, pursuant to sections 36 and 36.1, communicates information protected by professional secrecy must enter the following particulars in the client’s record: for a case provided for in section 36, the particulars mentioned in paragraphs 1 and 2 below, and for a case provided for in section 36.1, the particulars mentioned in paragraphs 1 to 7 below:

- (1) the date and time of the communication;
- (2) the content of the communication;
- (3) the name of the person or group of persons exposed to the danger;
- (4) the name of the person to whom the information was communicated, specifying whether the latter was the person or persons exposed to the danger, that person’s or those persons’ representative, or persons who could come to the aid of the person or persons in danger;
- (5) the act of violence that the member intended to prevent;
- (6) the danger identified by the member; and
- (7) whether the identified danger was imminent.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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* The Code of ethics of the Ordre des orthophonistes et audiologistes du Québec, approved by Order in Council 577-96 dated 15 May 1996 (1996, G.O. 2, 2581), has never been amended.

Municipal Affairs

Gouvernement du Québec

O.C. 615-2003, 28 May 2003

An Act respecting municipal territorial organization (R.S.Q., c. O-9);

Amendments to Order in Council 1156-2002 dated 2 October 2002 concerning the amalgamation of Ville de Magog, Canton de Magog and Village d'Omerville

WHEREAS Ville de Magog was constituted on 9 October 2002 under Order in Council 1156-2002 dated 2 October 2002;

WHEREAS the Order in Council was made under sections 125.11 and 125.27 of the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS, pursuant to section 11 of the Order, polling for the first general election took place on 1 December 2002;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act;

WHEREAS it is expedient to amend Order in Council 1156-2002 dated 2 October 2002;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT Order in Council 1156-2002 dated 2 October 2002 be amended

(1) by adding the following after the first paragraph of section 7:

“The first by-law respecting the remuneration of elected municipal officers and the reimbursement of their expenses adopted by the council of the new town under the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001) has effect from the date on which the term of the majority of the candidates elected in the first general election begins.”;

(2) by replacing “the 2003 and 2004 fiscal years” in the first, third and sixth paragraphs of section 23 by “the 2003 fiscal year”;

(3) by replacing “2005, 2006 and 2007” in section 24 by “2004, 2005 and 2006”;

(4) by adding the following after the first paragraph of section 24:

“For the purpose of drawing up the roll referred to in the first paragraph, sections 18.1 to 18.5 of the Act respecting municipal taxation do not apply.”;

(5) by replacing “five-year” in the last paragraph of section 34 by “ten-year”.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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