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2

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Laws and Regulations

Volume 135

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Legal deposit – 1st Quarter 1968
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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 21 JUNE 2003

OFFICE OF THE LIEUTENANT-GOVERNOR

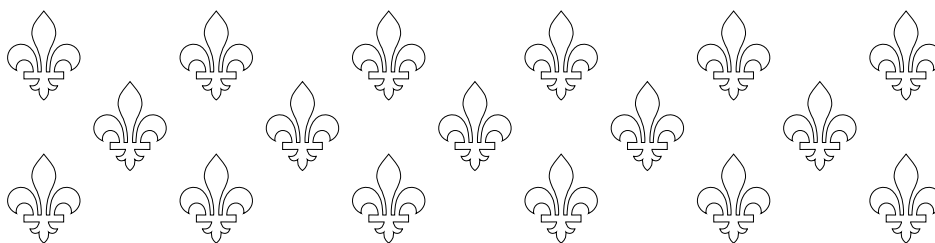
Québec, 21 June 2003

This day, at twenty-six minutes past two o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bills:

5 An Act to amend the Act respecting insurance

200 An Act respecting the Corporation du cimetière Mont-Marie

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 5
(2003, chapter 1)

An Act to amend the Act respecting insurance

Introduced 6 June 2003
Passage in principle 13 June 2003
Passage 20 June 2003
Assented to 21 June 2003

**Québec Official Publisher
2003**

EXPLANATORY NOTES

This bill amending the Act respecting insurance revises the rules applicable to the issue of bonds and other evidences of indebtedness by an insurer.

In addition, the bill confirms that the authorization of the Minister of Finance is required when amendments are made to the constituting act of an insurance company for the purpose of a continuance under the Companies Act.

As well, new provisions allow the Agence nationale d'encadrement du secteur financier, at the request of a professional order that holds a licence authorizing it to insure its members in respect of professional liability, to extend the authorized insurance activities of the professional order to insuring its members against misappropriations of funds required to be deposited in trust and to insuring the legal costs resulting from such misappropriations.

Lastly, the bill contains transitional provisions and amendments for concordance.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting insurance (R.S.Q., chapter A-32);
- Professional Code (R.S.Q., chapter C-26).

Bill 5

AN ACT TO AMEND THE ACT RESPECTING INSURANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1.1 of the Act respecting insurance (R.S.Q., chapter A-32), amended by section 1 of chapter 70 of the statutes of 2002, is again amended

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

1.1. A legal person is controlled by another person where the latter person holds, directly or through legal persons controlled by the latter person, more than 50% of the voting rights attached to the shares of the former or is in a position to elect a majority of its directors.”;

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

“A legal person is controlled by a federation of mutual insurance associations where the federation holds, by itself or jointly with the legal persons of its group, directly or through legal persons it controls, more than 50% of the voting rights attached to the shares of that legal person or is in a position to elect a majority of its directors.

A legal person is controlled by a mutual insurance association where the association holds, by itself or jointly with other mutual insurance associations of its group, directly or through legal persons it controls, more than 50% of the voting rights attached to the shares of that legal person or is in a position to elect a majority of its directors.”

2. Section 43 of the said Act is amended

(1) by striking out “directly or indirectly” in subparagraph 3 of the first paragraph;

(2) by striking out “directly or indirectly” in the fourth line of the third paragraph.

3. Section 62.1 of the said Act is amended by replacing paragraph 2 by the following paragraph :

“(2) following such issue, the insurer’s total bonds and other evidences of indebtedness do not exceed the limits determined by regulation ;”.

4. Section 62.2 of the said Act is amended by striking out “by the shareholders” in paragraph 1.

5. Section 66.2 of the said Act, enacted by section 38 of chapter 70 of the statutes of 2002, is amended by replacing “and” in the English text of subparagraph 3 of the second paragraph by “or”.

6. Section 174.1 of the said Act, amended by section 243 of chapter 45 of the statutes of 2002, is again amended by replacing the first paragraph by the following paragraphs :

“174.1. A professional order governed by the Professional Code (chapter C-26) may, if authorized by the Minister and if the holder of a licence issued by the Agency, insure its members in respect of professional liability. In addition, it may insure the risks referred to in the second paragraph of section 220 provided it is authorized by the licence.

The professional liability insurance shall be valid whether claims are brought against the insured personally or against the partnership of which the insured is or was a member.”

7. Section 174.13 of the said Act is amended by adding “and, where applicable, to transactions referred to in the second paragraph of section 220” at the end of the first paragraph.

8. Section 174.15 of the said Act is amended by striking out “liability” in the second line of the first paragraph.

9. Section 191 of the said Act, replaced by section 72 of chapter 70 of the statutes of 2002, is amended by replacing “amalgamation agreement” in the English text of the second paragraph by “certificate of amalgamation”.

10. The heading of Division I of Chapter V.1 of Title III of the said Act, enacted by section 80 of chapter 70 of the statutes of 2002, is replaced by the following heading :

“CONTINUANCE OF COMPANIES CONSTITUTED UNDER THE LAWS OF QUÉBEC”.

11. Section 200.0.15 of the said Act, enacted by section 80 of chapter 70 of the statutes of 2002, is amended by inserting the following paragraphs after the first paragraph :

“The company shall request the Minister to confirm the continuance by-law if it makes amendments to its constituting act in accordance with section 123.134 of the Companies Act.

The Minister shall confirm the by-law only after obtaining the advice of the Agency.”

12. Section 220 of the said Act, amended by section 243 of chapter 45 of the statutes of 2002 and by section 93 of chapter 70 of the statutes of 2002, is replaced by the following section :

“**220.** The Agency may, at the request of any legal person holding a licence other than a professional order, modify the licence to extend its authorized activities to other classes of insurance.

The Agency may, at the request of a professional order that holds a licence authorizing it to insure its members in respect of professional liability, modify the licence to extend its authorized activities to insuring members against misappropriations of funds required to be deposited in trust committed without complicity on the part of the insured and to insuring the legal costs resulting from such misappropriations.

The professional liability insurance fund established by a professional order covers all risks that the professional order is authorized to insure under its licence.”

13. Section 420 of the said Act, amended by section 242 of chapter 45 of the statutes of 2002 and by section 150 of chapter 70 of the statutes of 2002, is again amended

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

“(ac) prescribe the documents and information that must be furnished to the Minister and the Agency in relation to the constitution of an insurance company, the continuance of an insurance company governed by the Companies Act or the constitution of a mutual insurance association or in relation to any amendment of their constituting acts”;

(2) by striking out paragraph *aj*.

14. Section 420.1 of the said Act, enacted by section 151 of chapter 70 of the statutes of 2002, is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph :

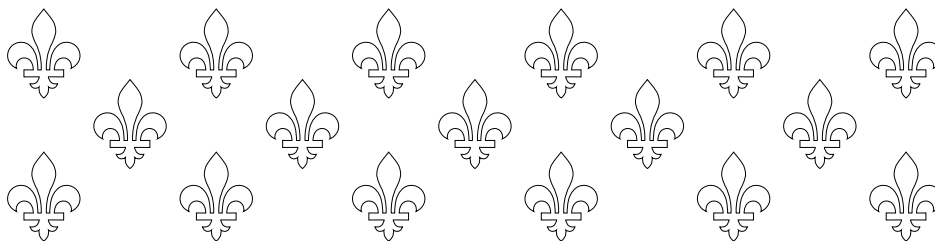
“(1.1) determine, for the purposes of paragraph 2 of section 62.1, the limits in excess of which an insurer may not issue bonds or other evidences of indebtedness;”.

15. Section 86.1 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “or the” in the third line of the fourth paragraph by “and, where applicable, other risks referred to in the second paragraph of section 220 of the Act respecting insurance, or the”.

16. For the purposes of paragraph 2 of section 62.1 of the Act respecting insurance as replaced by section 3 of this Act, an insurer's total bonds and other evidences of indebtedness must not exceed 10% of its total assets as they appear in its last annual consolidated financial statements, until that limit is revised by regulation.

17. For the purposes of sections 6, 11, 12 and 13 of this Act, "Agency" means the "Inspector General of Financial Institutions" until the date of coming into force of section 7 of the Act respecting the Agence nationale d'encadrement du secteur financier (2002, chapter 45).

18. This Act comes into force on 21 June 2003.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 200

(Private)

An Act respecting the Corporation du cimetière Mont-Marie

Introduced 6 June 2003

Passage in principle 20 June 2003

Passage 20 June 2003

Assented to 21 June 2003

**Québec Official Publisher
2003**

Bill 200

(Private)

AN ACT RESPECTING THE CORPORATION DU CIMETIÈRE MONT-MARIE

WHEREAS the Corporation du cimetière Mont-Marie is a legal person governed by the Act respecting Roman Catholic cemetery companies (R.S.Q., chapter C-40.1);

Whereas it is in the interest of the Corporation that its objects and powers be broadened so that it may preserve its funeral heritage and ensure the continued existence of the Roman Catholic cemeteries it holds;

Whereas it is also in the interest of the Corporation that it have the necessary powers to achieve its objects;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In addition to the objects stated in section 22 of the Act respecting Roman Catholic cemetery companies (R.S.Q., chapter C-40.1), the Corporation du cimetière Mont-Marie may provide funeral services of any kind, including but not limited to burial, disinterment, cremation, transportation, embalming, viewing of the deceased, placement in a mausoleum crypt, deposit of ashes in a niche and any other mode of disposal of human remains that is recognized by the rites and customs of the Roman Catholic Church.

2. The Corporation du cimetière Mont-Marie has the following powers in addition to those enumerated in section 23 of that Act:

(1) to acquire, establish, possess, maintain, administer and manage mausoleums, columbariums, viewing rooms, burial vaults, monuments, grave markers, public vaults and other buildings and works related to its objects;

(2) to lease or grant by all legal methods, including emphyteusis, spaces located in or on its immovables or in or on those of which it has the enjoyment, so that any buildings or works suitable for the pursuit of its objects may be erected thereon;

(3) to make with any person, partnership or cooperative agreements relating to the provision of funeral services related to its objects, including the disposal of human remains according to the rites and customs of the Roman Catholic Church;

(4) to sell goods and services required by reason of or in connection with the death of a person; and

(5) to make with any person, partnership, administrator of the property of others, trustee, liquidator of a succession or mandatary a sepulture contract, prepurchased sepulture contract, prearranged funeral services contract or grave maintenance contract.

3. In addition to the powers enumerated in section 27 of that Act, the Corporation du cimetière Mont-Marie may, by by-law, make, amend and repeal provisions respecting the terms and conditions applicable to sepulture and to the concession, lease or use of a space in a mausoleum, columbarium, burial vault or chapel, a grave marker and superficies, a monument or any other work or structure intended for the placement of human remains.

4. The letters patent of the Corporation du cimetière Mont-Marie, delivered and sealed at Québec on 7 July 1972, are amended by replacing “avec les pouvoirs, droits et privilèges attribués à une telle corporation par la Loi des corporations de cimetières catholiques romains et avec les règles d’exercice des pouvoirs de telle corporation établies par ladite loi.” by the following :

“pour les fins et avec les pouvoirs, droits et privilèges attribués à une telle compagnie par la Loi sur les compagnies de cimetières catholiques romains et par la Loi concernant la Corporation du cimetière Mont-Marie (*insert the date of assent and chapter number of this Act*) et avec les règles d’exercice des pouvoirs de telle compagnie.”

5. This Act comes into force on 21 June 2003.

Coming into force of Acts

Gouvernement du Québec

O.C. 692-2003, 25 June 2003

An Act to amend the Act respecting insurance and other legislative provisions (2002, c. 70) — Coming into force of certain provisions

Coming into force of certain provisions of the Act to amend the Act respecting insurance and other legislative provisions

WHEREAS the Act to amend the Act respecting insurance and other legislative provisions (2002, c. 70) was assented to on 19 December 2002;

WHEREAS, under section 206 of the Act, its provisions come into force on the date or dates to be fixed by the Government, except the provisions of sections 176, 178, 187 and 205, which came into force on 19 December 2002;

WHEREAS, by Order in Council 129-2003 dated 12 February 2003, the Government fixed 12 February 2003 as the date of coming into force of sections 1 to 38, section 39 except section 88.1 of the Act respecting insurance which it replaces, sections 40 to 78, section 79 except Division III.1 of Chapter V of Title III of the Act respecting insurance comprising sections 200.0.4 to 200.0.13, and sections 80 to 147, 149 to 157, 163, 164, 169, 173 to 175, 177, 179 to 186, 188, 189 and 191 to 204 of the Act to amend the Act respecting insurance and other legislative provisions;

WHEREAS, by that Order, the Government fixed 26 February 2003 as the date of coming into force of section 148 of the Act;

WHEREAS it is expedient to fix 25 June 2003 as the date of coming into force of sections 170 to 172 of the Act;

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

THAT 25 June 2003 be fixed as the date of coming into force of sections 170 to 172 of the Act to amend the Act respecting insurance and other legislative provisions.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5816

Regulations and other acts

Gouvernement du Québec

O.C. 693-2003, 25 June 2003

Court Bailiffs Act
(R.S.Q., c. H-4.1)

Bailiffs

— Tariff of fees and transportation — Amendment

Regulation to amend the Tariff of fees and transportation expenses of bailiffs

WHEREAS, under section 13 of the Court Bailiffs Act (R.S.Q., c. H-4.1), a bailiff shall not charge fees or transportation expenses other than the amounts provided for in section 20 of Schedule 1 to the Tariff of fees and transportation expenses of bailiffs established by regulation of the Government;

WHEREAS, under paragraph *b* of section 20 of Schedule 1 to the Tariff, a bailiff may charge costs of \$0.58 per kilometre as compensation for transportation expenses;

WHEREAS, despite the deletion of the direct reference to Directive 7-74 of the Conseil du trésor concerning the Règles sur les frais de déplacement des personnes engagées à honoraires, it is expedient to continue to refer to section 7 of that Directive;

WHEREAS, since 1 November 2002, the amount provided for in section 7 of that Directive has been increased to \$0.36 per kilometre travelled under C.T. 198916 dated 15 October 2002 and, since the amount of expenses chargeable by bailiffs is based on a one-way trip only, it is expedient to fix at \$0.72 per kilometre the amount provided for in paragraph *b* of section 20 of Schedule 1 to the Tariff;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 19 March 2003 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Tariff of fees and transportation expenses of bailiffs, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Tariff of fees and transportation expenses of bailiffs*

Court Bailiffs Act
(R.S.Q., c. H-4.1, s. 13)

1. Section 20 of Schedule 1 to the Tariff of fees and transportation expenses of bailiffs is amended by replacing “\$0.58” in paragraph *b* of Class 1 and Class 2 by “\$0.72”.

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

5815

* The Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r.3) was last amended by the regulation made by Order in Council 46-2000 dated 19 January 2000 (2000, *G.O.* 2, 660). 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. 699-2003, 25 June 2003

An Act respecting roads
(R.S.Q., c. V-9)

Part of the road classed as autoroute 55 in Ville de Standstead

WHEREAS, under section 2 of the Act respecting roads (R.S.Q., c. V-9), the Government determined by Décret 292-93 dated 3 March 1993 that the road classed as autoroute 55, part 1 and section 10 in Ville de Stanstead (formerly Rock Island), is a road under the management of the Minister of Transport;

WHEREAS, under section 6 of the Act, that road is the property of Ville de Standstead;

WHEREAS, under section 8 of the Act, the Government may, by order, declare that a road is an autoroute and that it becomes, without indemnity, the property of the State from the publication of the order in the *Gazette officielle du Québec*;

WHEREAS it is expedient to declare, by order, that the part of the road classed as autoroute 55 in Ville de Standstead, described as being lots 111, part, 111-53, part, 111-54, 111-55, 111-57, part, 111-58, part, 111-59 and 111-60, part, covering a total area of 19,250.1 m², of the cadastre of the village de Rock Island, registration division of Standstead, as shown on plan 622-87-FO-261, folio 1B/1, prepared by Luc Bouthillier, l.s. under number 789 of his minutes, is an autoroute so that it becomes property of the State;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and of the Minister for Transport and Maritime Policy:

THAT the road classed as autoroute 55 in Ville de Standstead, situated on lots 111, part, 111-53, part, 111-54, 111-55, 111-57, part, 111-58, part, 111-59 and 111-60, part, covering a total area of 19,250.1 m², of the cadastre of the village de Rock Island, registration division of Standstead, as shown on plan 622-87-FO-261, folio 1B/1, prepared by Luc Bouthillier, l.s. under number 789 of his minutes, be declared, by order, an autoroute and that it become, without indemnity, the property of the State;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5814

Draft Regulations

Draft Regulation

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

Municipal Judges — Code of Ethics

The Secretary of the Conseil de la magistrature hereby gives notice, pursuant to sections 261 and 262 of the Courts of Justice Act (R.S.Q., c. T-16), that the Conseil de la magistrature has adopted, both in French and in English, a “Code of Ethics for Municipal Judges of Québec”, which may be found below.

This Regulation will be submitted to the Government for its approval at least 45 days after the present publication and, if sanctioned, will come into force on the date of its publication in the *Gazette officielle du Québec* or on a later date that will subsequently be set. Anyone having comments to make on this Regulation is asked to send them, in writing, before the end of this 45-day period, to the Secretary of the Conseil de la magistrature du Québec, at the following address: Le secrétaire du Conseil de la magistrature du Québec, 300, boulevard Jean-Lesage, bureau 5.12, Québec (Québec) G1K 8K6.

JEAN-PIERRE MARCOTTE,
*Secretary of the Conseil
de la magistrature du Québec*

Code of Ethics for Municipal Judges of Québec

Courts of Justice Act
(R.S.Q. c. T-16 ss. 261 and 262)

- 1.** The judge should render justice within the framework of the law.
- 2.** The judge should perform the duties of his office with integrity, dignity and honour.
- 3.** The judge has a duty to foster his professional competence.
- 4.** The judge should avoid any conflict of interest and refrain from placing himself in a position where he cannot faithfully carry out his functions.

5. The judge should be, and be seen to be, impartial and objective.

6. The judge should perform the duties of his office diligently.

7. The judge exercising his judicial functions exclusively and on a full-time basis, under the authority of a president judge, should devote himself entirely to those functions.

8. The judge should refrain from any activity which is not compatible with his judicial office.

9. The judge should submit to the administrative directives of his associate chief judge.

10. The judge should also submit to the administrative directives of the president judge or the judge responsible for the court, within the performance of his duties.

11. In public, the judge should act in a reserved, serene and courteous manner.

12. The judge should uphold the integrity and defend the independence of the judiciary, in the best interest of justice and society.

5813

Draft Regulation

An Act respecting school elections
(R.S.Q., c. E-2.3)

Reimbursement of election expenses

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 reimbursement of election expenses of candidates in school elections, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to fix the rules that apply to the establishment of the amount of the reimbursement to which an authorized candidate who has been elected or has obtained a minimum of 15% of the votes in a school election is entitled.

Further information may be obtained by contacting Céline Soucy, Direction des affaires autochtones et des services administratifs, 1035, rue De La Chevrotière, 13^e étage, Québec (Québec) G1R 5A5, (418) 643-8909.

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 Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

PIERRE REID,
Minister of Education

Regulation respecting the reimbursement of election expenses of candidates in school elections

An Act respecting school elections
(R.S.Q., c. E-2.3, ss. 207 and 210)

1. The amount of the reimbursement referred to in section 207 of the Act is determined in accordance with the following rules :

(1) for the first \$500 of expenses, an amount equal to 75% of those expenses; and

(2) for expenses exceeding the first \$500, an amount equal to 50% of those expenses.

The amount of the reimbursement shall not exceed \$3,000 per authorized candidate.

2. This Regulation replaces the Regulation respecting the reimbursement of election expenses of candidates in school elections made by Order in Council 1132-90 dated 8 August 1990.

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

Erratum

List of medications

Gazette officielle du Québec, Part 2, 31 May 2003,
Vol. 135, No. 22A, page 1699A.

On page 1703A, the date under the heading “List of medications” should read “1 June 2003”.

5810

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

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