

Gazette
officielle
DU Québec

Part

2

No. 36

3 September 2003

Laws and Regulations

Volume 135

Summary

Table of Contents
Coming into force of Acts
Regulations and other acts
Draft Regulations
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2003

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

Table of Contents

Page

Coming into force of Acts

869-2003	Highway Safety Code and other legislative provisions, An Act to amend the... — Coming into force of section 15	2703
874-2003	Building Act — Installations for the use, storage or distribution of gas — Coming into force of section 214	2703

Regulations and other acts

828-2003	Professional Code — Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices — Code of ethics of the members of the Ordre (Amend.)	2705
829-2003	Professional Code — Certified management accountants — Code of ethics (Amend.)	2706
830-2003	Professional Code — Land surveyors — Code of ethics (Amend.)	2707
831-2003	Professional Code — Psychologists — Code of ethics (Amend.)	2709
832-2003	Professional Code — Traducteurs et interprètes agréés du Québec — Code of ethics (Amend.)	2710
833-2003	Professional Code — Travailleurs sociaux — Code of ethics of the members of the Ordre (Amend.)	2711
834-2003	Professional Code — Techniciennes et techniciens dentaires — Code of ethics of the members of the Ordre (Amend.)	2712
835-2003	Professional Code — Hygiénistes dentaires — Code of ethics of members of the Ordre (Amend.)	2714
836-2003	Professional Code — Bailiffs — Code of ethics (Amend.)	2715
837-2003	Professional Code — Conseillers en relations industrielles — Code of ethics of the members of the Ordre (Amend.)	2716
838-2003	Professional Code — Denturologistes — Code of ethics (Amend.)	2717
839-2003	Professional Code — Occupational therapists — Code of ethics (Amend.)	2719
840-2003	Terms and conditions for the sale of medications (Amend.)	2720
860-2003	Ratification of an agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium and making of the Regulation giving effect to the agreement	2721
861-2003	Operating permits for wood processing plants (Amend.)	2725
862-2003	Scaling of timber harvested in forests in the domain of the State (Amend.)	2726
872-2003	Commission des relations du travail — Procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners (Amend.)	2728
873-2003	Safety Code for the construction industry (Amend.)	2729
875-2003	Construction Code (Amend.)	2730
876-2003	Building Act — Regulation (Amend.)	2738
877-2003	Safety Code (Amend.)	2739
895-2003	Hunting activities (Amend.)	2749
896-2003	Scale of fees and duties related to the development of wildlife (Amend.)	2750
	Highway Safety Code — Approval of weigh scales	2751
	Rules of practice of the Superior Court of Québec in civil matters (Amend.)	2752
	Rules of practice of the Superior Court of Québec in family matters (Amend.)	2757

Draft Regulations

Construction Code	2763
Financial assistance for education expenses	2765
Professional Code — Advocates — Code of ethics	2765
Professional Code — Physicians — Practice of the profession within a partnership or a joint stock company	2772
Professional Code — Physicians — Professional activities that may be engaged in electrophysiology ...	2775

Coming into force of Acts

Gouvernement du Québec

O.C. 869-2003, 20 August 2003

An Act to amend the Highway Safety Code and other legislative provisions (1999, c. 66) — Coming into force of section 15

COMING INTO FORCE of section 15 of the Act to amend the Highway Safety Code and other legislative provisions

WHEREAS the Act to amend the Highway Safety Code and other legislative provisions (1999, c. 66) was assented to on 13 December 1999;

WHEREAS, under paragraph 2 of section 37 of that Act, section 15 comes into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 3 September 2003 as the date of coming into force of section 15 of that Act;

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

THAT 3 September 2003 be fixed as the date of coming into force of section 15 of the Act to amend the Highway Safety Code and other legislative provisions (1999, c. 66).

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5883

Gouvernement du Québec

O.C. 874-2003, 20 August 2003

Building Act (1985, c. 34) — Coming into force of section 214, concerning installations for the use, storage or distribution of gas

COMING INTO FORCE of section 214 of the Building Act, concerning installations for the use, storage or distribution of gas

WHEREAS the Building Act (1985, c. 34) was assented to on 20 June 1985;

WHEREAS, under section 301 of that Act, replaced by section 132 of chapter 74 of the Statutes of 1991, the provisions of that Act shall come into force on the date or dates fixed by the Government, except certain provisions listed therein, including section 214 concerning the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1) which came into force on 1 February 1992;

WHEREAS, under Orders in Council 940-95 dated 5 July 1995, 3-97 dated 7 January 1997, 952-2000 dated 26 July 2000 and 960-2002 dated 21 August 2002, certain provisions of the Building Act (R.S.Q., c. B-1.1) are already in force, including section 214 which came into force on 1 October 2002 concerning the Act respecting piping installations (R.S.Q., c. I-12.1) and the Act respecting electrical installations (R.S.Q., c. I-13.01);

WHEREAS it is expedient to fix 2 December 2003 as the date of coming into force of section 214 of the Building Act concerning the Gas Distribution Act (R.S.Q., c. D-10);

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT 2 December 2003 be fixed as the date of coming into force of section 214 of the Building Act (R.S.Q., c. B-1.1) concerning the Gas Distribution Act (R.S.Q., c. D-10).

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5875

Regulations and other acts

Gouvernement du Québec

O.C. 828-2003, 20 August 2003

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

Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices — Code of ethics of the members of the Ordre — Amendment

Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS, under the first paragraph of section 17 of the Schedule to Order in Council 1037-2000 dated 30 August 2000 concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec, the Code of ethics of guidance counsellors applies to the newly grouped members, with the modifications necessary for the integration;

WHEREAS, under the second paragraph of that section 17 of the Schedule to the Order in Council, the Code of ethics will cease to apply to the newly grouped members on the date of coming into force of a regulation made by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec pursuant to section 87 of the Professional Code;

WHEREAS the purpose of the introduction of the provisions required under the second paragraph of section 87 of the Professional Code into the Code of ethics, which state essentially the above-mentioned terms and conditions, is not to cause the provisions of the Code of ethics to cease to apply to the newly grouped members;

WHEREAS the Code of ethics continues to apply transitionally to the newly grouped members until the coming into force of a regulation made by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec pursuant to section 87 of the Professional Code;

WHEREAS the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec and it is not expedient to apply the second paragraph of section 17 of the Schedule to the Order in Council to the Regulation;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 January 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, attached to this Order in Council, be approved and that the second paragraph of section 17 of the Schedule to Order in Council 1037-2000 dated 30 August 2000 concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec does not apply to the Regulation.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*

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

1. The Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is amended by inserting the following subdivision after subdivision 6 of Division III:

“§6.1. Lifting of professional secrecy to protect individuals

3.06.01.01. In addition to the cases provided for in section 3.06.02, any 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, or 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.

* The Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.R.Q., 1981, c. C-26, r.41) has been amended only once, by the regulation approved by Order in Council 818-95 dated 14 June 1995 (1995, G.O. 2, 1885).

3.06.01.02. A member who, pursuant to section 3.06.01.01, communicates information protected by professional secrecy to prevent an act of violence must

(1) communicate the information without delay; and

(1) record the following particulars in the client's file as soon as possible:

(a) the reasons supporting the decision to communicate the information; and

(b) the subject of the communication, the mode of communication, and the name of the person to whom the information was given.”.

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

5886

Gouvernement du Québec

O.C. 829-2003, 20 August 2003

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

Certified management accountants — Code of ethics — Amendment

Regulation to amend the Code of ethics of certified management accountants

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des comptables en management accrédités du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des comptables en management accrédités du Québec made the Regulation to amend the Code of ethics of certified management accountants to include provisions respecting the lifting of professional secrecy to protect individuals;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 29 January 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of certified management accountants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of certified management accountants*

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

1. The Code of ethics of certified management accountants is amended by the insertion, after section 36, of the following:

“**36.1.** In addition to the cases provided in section 36, the member may communicate information 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 severe bodily injury to a person or an identifiable group of persons.

* The Code of ethics of certified management accountants approved by Order in Council 672-90 dated 16 May 1990 (1990, *G.O.* 2, 1447) was last amended by the regulation approved by Order in Council 1087-2000 dated 13 September 2000 (2000, *G.O.* 2, 4590). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

However, the member may communicate the information only to the person or group of persons exposed to the danger, their representative or persons who can come to their aid.

The member may communicate only the information necessary for the purpose indicated for such communication.

36.2. The member who, in application of section 36.1, communicates information protected by professional secrecy in order to prevent an act of violence must:

(1) warn without delay the person or persons exposed to danger, their representative or persons able to come to their aid;

(2) as soon as possible, record the following details in the client's file:

(a) the reasons for the decision to communicate the information, including the identity and contact information of the person who motivated the communication;

(b) the content of the communication, including identity and contact information of the person or persons to whom it was made.”

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

5887

Gouvernement du Québec

O.C. 830-2003, 20 August 2003

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

Land surveyors — Code of ethics — Amendment

Regulation to amend the Code of ethics of land surveyors

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des arpenteurs-géomètres du Québec made the Regulation to amend the Code of ethics of land surveyors;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of land surveyors, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of land surveyors*

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

1. The Code of ethics of land surveyors is amended by inserting the following subdivision after subdivision 6 of Division III:

“§6.1. Lifting of professional secrecy to protect individuals

3.06.01.01. In addition to the cases provided for in section 3.06.02, a land surveyor may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the land surveyor 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 land surveyor may only communicate the information to a person exposed to the danger or that person’s representative, or to the persons who can come to that person’s aid.

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

3.06.01.02. A land surveyor who, pursuant to section 3.06.01.01, communicates information protected by professional secrecy to prevent an act of violence must

(1) communicate the information immediately;

(2) enter the following particulars in the client’s record as soon as possible:

(a) the reasons supporting the decision to communicate the information, including the name of the person who caused the land surveyor to communicate the information and the name of the person or group of persons exposed to a danger; and

(b) the content of the communication, the mode of communication, and the name of the person to whom the information was given; and

(3) send the syndic a notice regarding the communication that includes the particulars identified in paragraph 2.”.

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

5888

* The Code of ethics of land surveyors (R.R.Q. 1981, c. A-23, r.4) was last amended by the regulation approved by Order in Council 1398-2001 dated 21 November 2001 (2001, *G.O.* 2, 6148). 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. 831-2003, 20 August 2003

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

Psychologists — Code of ethics — Amendment

Regulation to amend the Code of ethics of psychologists

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des psychologues du Québec made the Regulation to amend the Code of ethics of psychologists;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of psychologists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of psychologists *

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

1. The Code of ethics of psychologists is amended by inserting the following sections after section 39:

“**39.1.** In addition to the cases provided for in section 39, a psychologist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the psychologist 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 psychologist may only communicate the information to a person exposed to the danger, to that person's representative or to the persons who can come to that person's aid.

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

39.2. A psychologist who, pursuant to section 39.1, communicates information protected by professional secrecy to prevent an act of violence must enter the following particulars in the client's record:

(1) the reasons supporting the decision to communicate the information and the other available means that did not enable the psychologist to prevent the act of violence; and

(2) the circumstances of the communication, the information that was communicated, and the name of the person or persons to whom the information was given.”.

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

5889

* The Code de déontologie des psychologues, approved by Décret 3048-82 dated 20 December 1982 (1983, *G.O.* 2, 94), was replaced by a decision dated 18 February 1983 (1983, *G.O.* 2, 1951) and has not been amended since.

Gouvernement du Québec

O.C. 832-2003, 20 August 2003

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

Traducteurs et interprètes agréés

— Code of ethics
— Amendments

Regulation to amend the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec

WHEREAS under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des traducteurs, terminologues et interprètes agréés du Québec made the Regulation to amend the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec;

WHEREAS, pursuant section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec *

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

1. The title of the Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec is replaced by the following:

“Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec”.

2. The following section is inserted after section 27:

“**27.1.** In addition to the cases provided for in section 27, 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, or 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.

A member who communicates information pursuant to the first paragraph shall

* The Code of ethics of the Ordre professionnel des traducteurs et interprètes agréés du Québec, approved by Order in Council 929-94 dated 22 June 1994 (1994, *G.O.* 2, 2372), has been amended once by the regulation approved by Order in Council 628-2000 dated 24 May 2000 (2000, *G.O.* 2, 2532).

(1) warn without delay the person exposed to the danger, that person's representative or the persons who can come to that person's aid; and

(2) enter the following particulars in the client's record:

(a) the reasons supporting the decision to communicate the information, including the identity and contact information of the person who caused the member to communicate the information; and

(b) the nature of the communication, including the identity and contact information of the person to whom the information was communicated, specifying, as the case may be, that it was to the person exposed to the danger, to that person's representative or to the persons who can come to that person's aid."

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

5890

Gouvernement du Québec

O.C. 833-2003, 20 August 2003

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

Travailleurs sociaux — Code of ethics of the members of the Ordre — Amendment

Regulation to amend the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux du Québec

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS, under the first paragraph of section 13 of the Schedule to Order in Council 1274-2001 dated 24 October 2001 concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec, the Code of ethics of social workers applies to the newly grouped members, with the modifications necessary for the integration;

WHEREAS, under the second paragraph of that section 13 of the Schedule to the Order in Council, the Code of ethics will cease to apply to the newly grouped members on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel des travailleurs sociaux, pursuant to section 87 of the Professional Code;

WHEREAS the purpose of the introduction of the provisions required under the second paragraph of section 87 of the Professional Code into the Code of ethics, which state essentially the above-mentioned terms and conditions, is not to cause the provisions of the Code of ethics to cease to apply to the newly grouped members;

WHEREAS the Code of ethics continues to apply transitionally to the newly grouped members until the coming into force of a regulation made by the Bureau of the Ordre professionnel des travailleurs sociaux du Québec pursuant to section 87 of the Professional Code;

WHEREAS the Bureau of the Ordre professionnel des travailleurs sociaux du Québec made the Regulation to amend the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux du Québec and it is not expedient to apply the second paragraph of section 13 of the Schedule to the Order in Council to the Regulation;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 January 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux du Québec, attached to this Order in Council, be approved and that the second paragraph of section 13 of the Schedule to Order in Council 1274-2001 dated 24 October 2001 concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec does not apply to the Regulation.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux du Québec*

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

1. The Code of ethics of the members of the Ordre professionnel des travailleurs sociaux du Québec is amended by inserting the following subdivision after subdivision 6 of Division III:

“§6.1. *Lifting of professional secrecy to protect individuals*

3.06.01.01. In addition to the cases provided for in the second paragraph of section 3.06.01, 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, or 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.

3.06.01.02. A member who, pursuant to section 3.06.01.01, communicates information protected by professional secrecy to prevent an act of violence must

(1) communicate the information immediately;

(2) use the most effective means to communicate the information in the circumstances; and

(3) enter in the client’s record as soon as possible

(a) the reasons supporting the decision to communicate the information, as well as the name of the person who caused the member to communicate the information and the name of the person or group of persons exposed to a danger; and

(b) the particulars of the communication, including the date and time and content of the communication, the mode of communication, and the name of the person to whom the information was given.”

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

5891

Gouvernement du Québec

O.C. 834-2003, 20 August 2003

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

Techniciennes et techniciens dentaires — Code of ethics of the members of the Ordre — Amendment

Regulation to amend the Code of ethics of the members of the Ordre des techniciennes et techniciens dentaires du Québec

* The Code of ethics of the members of the Ordre professionnel des travailleurs sociaux du Québec (R.R.Q., 1981, c. C-26, r.180) was last amended by the regulation approved by Order in Council 1067-2000 dated 5 September 2000 (2000, G.O. 2, 4567). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des techniciens et techniciennes dentaires du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des techniciennes et techniciens dentaires du Québec;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the members of the Ordre des techniciennes et techniciens dentaires du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre des techniciennes et techniciens dentaires du Québec*

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

1. The Code of ethics of the members of the Ordre des techniciennes et techniciens dentaires du Québec is amended by inserting the following subdivision after subdivision 6 of Division III:

“§6.1. Lifting of professional secrecy to protect individuals

3.06.01.01. In addition to the cases provided for in section 3.06.02, a dental technician may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the dental technician 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 dental technician may only communicate the information to a person exposed to the danger, to that person's representative or to the persons who can come to that person's aid.

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

3.06.01.02. A dental technician who, pursuant to section 3.06.01.01, communicates information protected by professional secrecy to prevent an act of violence must

- (1) communicate the information immediately; and
- (2) enter the following particulars in the client's record as soon as possible:
 - (a) the date and time of the communication;
 - (b) the reasons supporting the decision to communicate the information; and

* The Code of ethics of the members of the Ordre des techniciennes et techniciens dentaires du Québec (R.R.Q. 1981, c. C-26, r.157) was last amended by the regulations approved by Orders in Council 991-97 dated 6 August 1997 (1997, *G.O.* 2, 4327) and 187-2003 dated 19 February 2003 (2003, *G.O.* 2, 1099).

(c) the subject of the communication, the mode of communication, and the name of the person to whom the information was given.”.

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

5892

Gouvernement du Québec

O.C. 835-2003, 20 August 2003

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

Hygiénistes dentaires — Code of ethics of the members of the Ordre — Amendment

Regulation to amend the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des hygiénistes dentaires du Québec made the Regulation to amend the Code of ethics of members of the Ordre hygiénistes dentaires du Québec;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 March 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec*

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

1. The Code of ethics of members of the Ordre des hygiénistes dentaires du Québec is amended by inserting the following subdivision after subdivision 6 of Division II:

“**§6.1.** *Lifting of professional secrecy to protect individuals*

32.1. In addition to the cases provided for in section 28, a dental hygienist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the dental hygienist 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 dental hygienist may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

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

* The Code of ethics of members of the Ordre des hygiénistes dentaires du Québec, approved by Order in Council 686-97 dated 21 May 1997 (1997, *G.O.* 2, 2260), has not been amended since its approval.

If the interest of the person or persons exposed to the danger so requires, the dental hygienist shall consult a colleague, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

32.2. A dental hygienist who, pursuant to section 32.1, communicates information protected by professional secrecy to prevent an act of violence shall

(1) enter the following particulars in the client's record, in a sealed envelope :

(a) the reasons supporting the decision to communicate the information, including the name of the person who caused the dental hygienist to communicate the information and the name of the person or group of persons exposed to a danger ; and

(b) the date, time and content of the communication, the mode of communication, and the name of the person to whom the information was given ; and

(2) within five days of the communication, send the syndic a notice regarding the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.”.

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

5893

Gouvernement du Québec

O.C. 836-2003, 20 August 2003

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

Bailiffs

— **Code of ethics**
— **Amendment**

Regulation to amend the Code of ethics of bailiffs

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity ;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 ;

WHEREAS the Bureau of the Chambre des huissiers de justice du Québec made the Regulation to amend the Code of ethics of bailiffs ;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau ;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication ;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations ;

WHEREAS it is expedient to approve the Regulation with amendments ;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions :

THAT the Regulation to amend the Code of ethics of bailiffs, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of bailiffs*

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

1. The Code of ethics of bailiffs is amended by inserting the following section after section 23 :

“**23.1.** A bailiff who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicates information that is protected by professional secrecy to prevent an act of violence must

* The Code of ethics of bailiffs, approved by Order in Council 550-2002 dated 7 May 2002 (2002, G.O. 2, 2504), has not been amended since its approval.

(1) communicate immediately the information that becomes known to the bailiff to the person exposed to the danger or that person's representative, or to the persons who can come to that person's aid;

(2) enter the particulars regarding the communication of the information protected by professional secrecy in a record created for that purpose, in particular:

(a) the date, time and mode of communication of the information;

(b) the reasons supporting the decision to communicate the information, including the identity of the person who caused the bailiff to communicate the information; and

(c) the nature of the communication, including the identity of the person or persons to whom the information was communicated; and

(3) send the syndic, as soon as possible, a notice regarding the communication that includes the particulars identified in paragraph 2."

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

5894

Gouvernement du Québec

O.C. 837-2003, 20 August 2003

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

Conseillers en relations industrielles — Code of ethics of the members of the Ordre — Amendments

Regulation to amend the Code of ethics of the members of the Ordre des conseillers en relations industrielles du Québec

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of

ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des conseillers en relations industrielles du Québec;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the members of the Ordre des conseillers en relations industrielles du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre des conseillers en relations industrielles du Québec*

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

1. The title of the Code of ethics of the members of the Ordre des conseillers en relations industrielles du Québec is replaced by the following :

“Code of ethics of the members of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec”.

2. The following division is inserted after Division IX :

“DIVISION IX.1 COMMUNICATION OF INFORMATION PROTECTED BY PROFESSIONAL SECRECY TO PROTECT INDIVIDUALS

51.1. A member who communicates information protected by professional secrecy in order to protect persons, pursuant to the third paragraph of section 60.4 of the Professional Code, shall :

(1) warn without delay the person exposed to the danger, that person’s representative or the persons who can come to that person’s aid ; and

(2) enter the following particulars in the client’s record :

(a) the reasons supporting the decision to communicate the information, including the identity and contact information of the person who caused the member to communicate the information ; and

(b) the nature of the communication, including the identity and contact information of the person to whom the information was communicated, specifying, as the case may be, that it was to the person exposed to the danger, to that person’s representative or to the persons who can come to that person’s aid.”.

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

5895

Gouvernement du Québec

O.C. 838-2003, 20 August 2003

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

Denturologistes — Code of ethics — Amendments

Regulation to amend the Code of ethics of the Ordre des denturologistes du Québec

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional’s clients and the profession, particularly the duty to discharge professional obligations with integrity ;

WHEREAS, under the first paragraph of that section of the Professional Code, the code of ethics must include provisions determining which acts are derogatory to the dignity of the profession ;

WHEREAS, under the first paragraph of that section of the Professional Code, the code of ethics must include provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6, and provisions concerning a professional’s obligation to release documents to the client ;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may, pursuant to the third paragraph of section 60.4, communicate the information referred to therein ;

WHEREAS the Bureau of the Ordre des denturologistes du Québec made the Regulation to amend the Code of ethics of the Ordre des denturologistes du Québec ;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau ;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 March 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication ;

* The Code of ethics of the members of the Ordre des conseillers en relations industrielles du Québec, approved by Order in Council 381-98 dated 25 March 1998 (1998, *G.O.* 2, 1478), has not been amended since its approval.

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the Ordre des denturologistes du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the Ordre des denturologistes du Québec*

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

1. The Code of ethics of the Ordre des denturologistes du Québec is amended by inserting the following after section 41:

“**41.1.** In addition to the cases provided for in section 41, a denturologist may communicate information that is protected by professional secrecy to prevent an act of violence, pursuant to the third paragraph of section 60.4 of the Professional Code. A denturologist who communicates such information shall

(1) warn without delay the person exposed to the danger, that person’s representative or the persons who can come to that person’s aid;

(2) send as soon as possible to the syndic a written notice of the communication containing the following information:

- (a) the date and time of the communication;
- (b) the nature of the information communicated;

(c) the identity of the person who communicated the information; and

(d) the identity of the person or persons to whom the information was communicated; and

(3) enter the information forwarded to the syndic in the patient’s record, including the date on which the information was forwarded.”.

2. The heading of Division 7 of Chapter III is replaced by the following:

“ACCESSIBILITY AND CORRECTIONS TO RECORDS AND RELEASE OF DOCUMENTS”.

3. The following sections are inserted after the heading of Division 7 of Chapter III:

“**47.** In addition to the special rules prescribed by law, a denturologist shall promptly follow up, no later than 30 days after its receipt, on any request made by a patient

(1) to examine documents that concern the patient in any record established in his or her respect; or

(2) to obtain a copy of the documents that concern the patient in any record established in his or her respect.

47.1. A denturologist who grants a request referred to in section 47 shall give the patient access to documents, free of charge. However, a denturologist who receives a request referred to in paragraph 2 of section 47 may charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy.

A denturologist charging such fees shall, before proceeding with the reproduction, transcription or forwarding of the information, inform the patient of the approximate amount payable.

47.2. A denturologist who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to give the patient access to the information contained in a record shall specify to the patient, in writing, the reasons for the refusal, which must be linked to the serious harm that the disclosure would cause to the patient or a third person.

47.3. In addition to the special rules prescribed by law, a denturologist shall promptly follow up, no later than 30 days after its receipt, on any request made by a patient

* The Code of ethics of the Ordre des denturologistes du Québec, approved by Order in Council 1011-85 dated 29 May 1985 (1985, G.O. 2, 1976), was last amended by the regulation approved by Order in Council 648-97 dated 13 May 1997 (1997, G.O. 2, 2244). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning the patient in any record established in his or her respect;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in the patient's respect; or

(3) to file the patient's comments in the record established in his or her respect.

47.4. A denturologist who grants a request referred to in section 47.3 shall issue to the patient, free of charge, a copy of the document or part of the document so that the patient may see that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by the patient were filed in the record.

Upon written request from a patient, a denturologist shall forward free of charge a copy of that information or, as the case may be, of that attestation to any person from whom the denturologist received the information and to any person to whom the information was communicated.

47.5. A denturologist shall promptly follow up on any written request made by a patient to retrieve a document entrusted to the denturologist by the patient.

A denturologist shall indicate in the patient's record, where applicable, the reasons in support of the patient's request.

47.6. A denturologist may require that a request referred to in section 47, 47.3 or 47.5 be made at the denturologist's professional domicile during regular office hours."

4. Section 61 is amended by replacing paragraph 11 by the following:

"(11) intimidating, harassing or threatening directly or indirectly a person who has applied or who intends to apply to the syndic for an inquiry into his professional conduct or competence, or communicating with that person without the prior written permission of the syndic or the syndic's assistant;"

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

Gouvernement du Québec

O.C. 839-2003, 20 August 2003

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

Occupational therapists — Code of ethics — Amendment

Regulation to amend the Code of ethics of occupational therapists

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre professionnel des ergothérapeutes du Québec made the Regulation to amend the Code of ethics of occupational therapists;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 9 April 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of occupational therapists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of occupational therapists*

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

1. The Code of ethics of occupational therapists is amended by inserting the following after section 3.06.06:

“**3.06.07.** In addition to the cases provided for in section 3.06.02, an occupational therapist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the occupational therapist 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 occupational therapist may only communicate the information to a person exposed to the danger, or that person’s representative, or to the persons who can come to that person’s aid.

The occupational therapist may only communicate such information as is necessary to achieve the purposes for which the information is communicated, in particular the identity of the person in danger, the identity, address and telephone number of the person uttering threats as well as the nature of those threats, and the circumstances in which they were uttered.

3.06.08. An occupational therapist who, pursuant to section 3.06.07, communicates information must enter the following particulars in the client’s record:

(1) the identity of the person or group of persons exposed to the danger, the identified danger and the act of violence that the information intended to prevent; and

(2) the identity of the person to whom the information was given, specifying, as the case may be, if it was given to the person exposed to the danger, the person’s representative or the persons who can come to that person’s

aid, the date and time of the communication, the information that was communicated and the mode of communication.”.

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

5897

Gouvernement du Québec

O.C. 840-2003, 20 August 2003

Pharmacy Act
(R.S.Q., c. P-10; 2002, c. 27)

Veterinary Surgeons Act
(R.S.Q., c. M-8; 2002, c. 27)

Medications

— **Terms and conditions for the sale**

— **Amendments**

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

WHEREAS, under section 37.1 of the Pharmacy Act (R.S.Q., c. P-10), amended by section 41 of chapter 27 of the Statutes of 2002, the Office des professions du Québec, after consultation with the Conseil du médicament, the Ordre professionnel des médecins du Québec, the Ordre professionnel des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold. The rules may vary for the same medication according to whether it is intended for human or animal consumption;

WHEREAS, under section 9 of the Veterinary Surgeons Act (R.S.Q., c. M-8), amended by section 41 of chapter 27 of the Statutes of 2002, the Office des professions du Québec shall prepare periodically, by regulation, after consultation with the Conseil du médicament, the Ordre des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, a list of the medications which shall be sold only on prescription of a veterinary surgeon;

WHEREAS the Office des professions du Québec adopted, under those sections, the Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 dated 27 May 1998;

* The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78) has been amended only once by the regulation approved by Order in Council 1015-98 dated 5 August 1998 (1998, G.O. 2, 3677).

WHEREAS the Office des professions du Québec adopted, under those sections, the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications at its sitting of 12 December 2002;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 March 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 13 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec must submit the Regulation to the Government for approval;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications*

Pharmacy Act
(R.S.Q., c. P-10, s. 37.1; 2002, c. 27, s. 41)

Veterinary Surgeons Act
(R.S.Q., c. M-8, s. 9; 2002, c. 27, s. 41)

1. The Regulation respecting the terms and conditions for the sale of medications is amended

(1) by inserting “Meclizine and its salts” after “Mannitol and its salts” in Schedule II;

(2) by inserting “, derivatives” after “Loratadine, its salts” in Schedule III; and

(3) by inserting “Minoxidil” and the specification “Dosage forms for topical use in concentrations of 2% or less” after “Miconazole and its salts” in Schedule III; and

(4) by inserting “Nitenpyram” after “Naled” in Schedule V.

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

5879

Gouvernement du Québec

O.C. 860-2003, 20 August 2003

Highway Safety code
(R.S.Q., c. C-24.2)

Agreement on driver’s licence exchange — Ratification of the agreement and making of the Regulation

Ratification of an agreement on driver’s licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium and making of the Regulation giving effect to the agreement

WHEREAS an agreement on driver’s licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium was signed on 12 September 2002 in Brussels;

WHEREAS the purpose of the agreement is to ensure the reciprocal recognition of certain classes of drivers’ licences issued by Québec and Belgium authorities and to establish the terms and conditions for the exchange of the drivers’ licences;

WHEREAS, under section 65 of the Highway Safety Code (R.S.Q., c. C-24.2), no person may drive a road vehicle on a public highway or on any road described in the Act unless the person holds a driver’s licence of the class appropriate to the driving of that vehicle;

* The Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 dated 27 May 1998 (1998, *G.O.* 2, 2149), was last amended by the regulation approved by Order in Council dated 698-2001 dated 6 June 2001 (2001, *G.O.* 2, 2806). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

WHEREAS, under section 629 of the Code, the Minister of Transport may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in the Code;

WHEREAS, under section 631 of the Code, the Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 629 of the Code and the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) does not apply to such a regulation;

WHEREAS the agreement constitutes an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), amended by section 4 of chapter 8 of the Statutes of 2002;

WHEREAS the agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of the Act respecting the Ministère des Relations internationales, enacted by section 6 of chapter 8 of the Statutes of 2002;

WHEREAS, under the third paragraph of section 20 of the Act respecting the Ministère des Relations internationales, introduced by paragraph 2 of section 5 of chapter 8 of the Statutes of 2002, international agreements referred to in section 22.2 of that Act must, to be valid, be signed by the Minister of International Relations, approved by the National Assembly and ratified by the Government;

WHEREAS, under the second paragraph of section 20 of the Act respecting the Ministère des Relations internationales, the Minister may, in writing, authorize a person to sign an international agreement on his or her behalf and that signature has the same effect as the signature of the Minister;

WHEREAS the Minister of International Relations authorized the Minister of Transport to sign on her behalf the agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium;

WHEREAS, under section 22.4 of the Act respecting the Ministère des Relations internationales, enacted by section 6 of chapter 8 of the Statutes of 2002, the ratification of an international agreement, where it concerns an important international commitment, shall not take place until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the agreement on 18 December 2002;

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and Minister responsible for La Francophonie and of the Minister of Transport:

THAT the agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium, signed on 12 September 2002 and approved by the National Assembly on 18 December 2002, the text of which appears as a Schedule to the Regulation giving effect to an agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium, be ratified;

THAT the Regulation giving effect to an agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation giving effect to an agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium

Highway Safety Code
(R.S.Q., c. C-24.2, s. 631)

- 1.** The Highway Safety Code (R.S.Q., c. C-24.2) and the regulations thereunder apply to the holder of a driver's licence issued by the Government of the Kingdom of Belgium.
- 2.** The provisions of the Code and the regulations thereunder apply in the manner prescribed in the "Entente visant l'échange des permis de conduire entre le gouvernement du Québec et le gouvernement du Royaume de Belgique", which appears as a Schedule.
- 3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

AGREEMENT ON DRIVER'S LICENCE
EXCHANGE BETWEEN THE GOUVERNEMENT
DU QUÉBEC AND THE GOVERNMENT
OF THE KINGDOM OF BELGIUM

THE GOVERNMENT OF THE KINGDOM
OF BELGIUM

represented by the Minister for Mobility and Transport, Isabelle Durant

AND

THE GOUVERNEMENT DU QUÉBEC

represented by the Minister of Transport, Serge Ménard

Also referred to hereafter as the Parties,

DESIRING to facilitate the exchange of driver's licences for holders of a valid licence issued by one of the Parties who settle or stay in the territory of the other Party;

CONSIDERING the reciprocal applications for recognition and exchange of driver's licences introduced by the Parties;

HAVE AGREED to conclude an agreement on reciprocal recognition of driver's licences according to the following provisions.

ARTICLE 1
DEFINITIONS

In this Agreement :

1.1 "**authority**" means the Ministry of Communications and Infrastructure of the Kingdom of Belgium or the Société de l'assurance automobile du Québec and "**authorities**" means both the Ministry of Communications and Infrastructure of the Kingdom of Belgium and the Société de l'assurance automobile du Québec.

"**driver's licence**" means a licence issued by one of the authorities authorizing the holder to drive a motor vehicle, subject to the terms and conditions specific to the class or category of driver's licence and any other related condition, and subject to the relevant laws and regulations in force in the territory involved.

"**territory**" means Belgium or Québec and "**territories**" means both Belgium and Québec.

"**valid**" means that at the time a driver's licence issued by one authority is exchanged for a driver's licence issued by the other authority, the original driver's licence has not expired or been revoked, suspended or cancelled by the issuing authority and that the driver's licence is not subject to any similar restriction which prevents the holder from using it for the intended purpose.

1.2 More specifically for Québec

A Class 5 driver's licence is a valid licence issued by the authority authorizing the holder to drive a motor vehicle having two axles and a net weight of less than 4,500 kg, a motor vehicle permanently converted into a dwelling, a tool vehicle and a service vehicle.

A probationary licence is issued to an applicant whose driving experience, including experience under the Belgian licence, is less than 24 months and who is under the age of 25.

1.3 More specifically for Belgium

A Category B driver's licence is a licence issued by one of the communes of the Kingdom of Belgium or by the Ministry of Foreign Affairs authorizing the holder to drive

— a motor vehicle with a maximum weight of not more than 3,500 kg and a maximum number of eight seats, in addition to the driver's seat, to which a trailer having a maximum authorized weight not exceeding 750 kg may be attached;

— a combination of road vehicles consisting of a Category B tractor and a trailer having a maximum authorized weight not exceeding 3,500 kg for the combination of vehicles and a maximum authorized weight for the trailer not exceeding the tare weight of the tractor.

ARTICLE 2
RECOGNITION AND EXCHANGE OF LICENCES

2.1 A resident of Belgium who holds a Category B driver's licence may exchange that licence for a Class 5 licence in the year of settlement in the territory of Québec without undergoing a proficiency examination or an eye test, upon presentation of a valid licence and the identification documents required by the Québec authority, and after paying the fees and insurance contribution fixed by regulation.

The Québec authority shall issue a driver's licence to an applicant who is at least 25 years old or who can prove that he or she has held a valid driver's licence for the past 24 months; otherwise, the authority will issue a probationary licence.

The driving experience indicated on the licence to be exchanged is recognized by the Québec authority.

2.2 A Québec resident who holds a valid Class 5 driver's licence or a probationary licence and who complies with the issuance conditions in Belgium may exchange the licence for a Category B licence without undergoing a proficiency examination or an eye test.

2.3 The restrictions on the original driver's licence are carried over onto the driver's licence issued in exchange, in the form of equivalent codes.

2.4 Only driver's licences bearing a photograph, a copy of which has been provided in accordance with this Agreement, shall be exchanged.

The Belgian authority agrees, however, to exchange valid Québec licences without a photograph, a copy of which has been provided in accordance with this Agreement, during the year following the coming into force of the Agreement.

ARTICLE 3 FINAL PROVISIONS

3.1 The Parties append to this Agreement a sample or a copy certified as true by their respective authority of the various valid driver's licences in their territory.

Any change by one Party to a driver's licence appended as a sample, in force at the time the Agreement is signed, shall be communicated to the other Party by the respective authorities.

3.2 This Agreement does not invalidate the provisions of any law or regulation applicable in the territory of one of the Parties with respect to the right to use a foreign driver's licence.

3.3 This Agreement will be amended to take into account any amendment made to applicable domestic law in the territory of either Party.

3.4 The designated authorities are responsible for the application of this Agreement. As such, they agree to implement all necessary mechanisms, including those allowing for the exchange of information and validation of the licences submitted to the other authority under this Agreement.

3.5 The Parties shall assist each other in the application of this Agreement and exchange information, when necessary, on licences submitted to be exchanged. A contact point shall be established so that the validity of a licence may be verified directly.

The authority exchanging a licence may if need be ascertain the validity of the licence with the issuing authority using information technologies, in accordance with the terms and conditions to be determined between them.

Applications made under this article shall be sent to the following addresses:

For Québec:

Société de l'assurance automobile du Québec
Service des opérations et de la diffusion
333, boulevard Jean-Lesage, C-3-14
Québec (Québec) G1K 8J6
Canada
Fax: 1-418-644-7167
Telephone: 1-418-528-3183

For Belgium:

Ministère des Communications et de l'Infrastructure
Direction du permis de conduire
Rue de la Loi, 155
1040-Bruxelles (Belgique)
Fax: 32.2.287.44.54
Telephone: 32.2.287.44.49/50

Each Party may change the address to which applications must be sent by sending a written notice to the other Party.

3.6 Any document or communication provided or sent under this Agreement must be in writing and will be deemed duly provided or sent to the Party to which it is addressed at the time it is handed in person, delivered by messenger or registered mail (postage paid) or sent by fax to the following addresses:

For Québec:

Société de l'assurance automobile du Québec
Vice-présidence à la sécurité routière
333, boulevard Jean-Lesage, C-4-1
Québec (Québec) G1K 8J6
Canada
Fax: 1-418-643-2748
Telephone: 1-418-528-3600

For Belgium :

La Ministre de la Mobilité et des Transports
Rue de la Loi, 63-65
1040-Bruxelles (Belgique)
Fax : 32.2.230.18.24
Telephone : 32.2.237.67.11

Each Party may change the address to which documents or communications must be sent by sending a written notice to the other Party.

3.7 This Agreement comes into force once the necessary internal formalities have been completed, on the date agreed on in an exchange of letters between the Parties.

3.8 A Party may terminate this Agreement by means of a written notice sent to the other Party. The Agreement shall end on the ninetieth (90th) day after the sending of the notice.

Made in Bruxelles, this 12 September, 2002, in duplicate.

FOR THE GOUVERNEMENT
DU QUÉBEC

FOR THE GOVERNMENT
OF THE KINGDOM
OF BELGIUM

SERGE MÉNARD,
Minister of Transport

ISABELLE DURANT,
*Minister for Mobility
and Transport*

5880

Gouvernement du Québec

O.C. 861-2003, 20 August 2003

Forest Act
(R.S.Q., c. F-4.1)

**Wood processing plants
— Operating permits**

Regulation to amend the Regulation respecting operating permits for wood processing plants

WHEREAS, under subparagraph 16 of the first paragraph of section 172 of the Forest Act (R.S.Q. c. F-4.1), the Government may, by regulation, establish classes of wood processing plants;

WHEREAS, under subparagraph 17 of the first paragraph of that section, the Government may prescribe the conditions to be met by an applicant for the issue or renewal of a wood processing plant operating permit, the dues payable by the applicant for the issue or renewal, the classes of annual timber consumption authorized and the form and content of the register to be kept pursuant to section 168, and the time at which the register must be transmitted;

WHEREAS the Government made the Regulation respecting operating permits for wood processing plants by Order in Council 908-88 dated 8 June 1988;

WHEREAS the issue of operating permits for wood processing plants is a means whereby the State may control existing plants, promote the orderly development of the industry and have better knowledge of the use of the resource;

WHEREAS, under section 164 and the first paragraph of section 165 of the Act, no person may operate a wood processing plant unless the person holds a permit issued by the Minister for that purpose upon payment of the duties and on the conditions determined by regulation of the Government;

WHEREAS, by Décret 563-2003 dated 29 April 2003, it is ordered that the Minister of Natural Resources be from then on designated under the name of Minister of Natural Resources, Wildlife and Parks;

WHEREAS, following the enactment of section 24.0.1 of the Act, it is expedient to amend the Regulation to add a new class of plant, namely the class of industries processing shrubs or half-shrubs or branches from shrubs or half-shrubs for the production of substances intended for pharmaceutical use;

WHEREAS it is expedient to amend the Regulation to harmonize it with section 93 of the Act, in order to include all plants producing energy from forest biomass, such as cogeneration plants and power plants;

WHEREAS, considering that shipment outside Québec of incompletely processed timber from forests in the public domain of Québec is already governed by section 161 of the Act and that in Québec, there are no plants producing wood chips for shipment outside Québec, it is expedient to amend the Regulation to delete plants producing wood chips for shipment outside Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 23 October 2002 with a notice that it could be made by the Government on 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 Natural Resources, Wildlife and Parks and of the Minister for Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting operating permits for wood processing plants, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting operating permits for wood processing plants*

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 16 and 17)

1. Section 1 of the Regulation respecting operating permits for wood processing plants is amended

(1) by replacing “cogeneration industries and wood-based or wood-waste-based energy product industries” in paragraph 6 by “wood processing industries for energy production or metallurgical purposes and industries”;

(2) by inserting the following after paragraph 6:

“(6.1) industries processing shrubs or half-shrubs or branches from shrubs or half-shrubs for the production of substances intended for pharmaceutical use;” and

(3) by striking out “and chips for shipment outside Québec or for use for energy or metallurgical purposes” in paragraph 7.

2. Section 2 is amended by adding “where such authorization is required” at the end of paragraph 2.

* The Regulation respecting operating permits for wood processing plants, made by Order in Council 908-88 dated 8 June 1988 (1988, *G.O.* 2, 2351), was last amended by the regulation made by Order in Council 1400-94 dated 7 September 1994 (1994, *G.O.* 2, 4166). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

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

5881

Gouvernement du Québec

O.C. 862-2003, 20 August 2003

Forest Act
(R.S.Q., c. F-4.1)

Forests in the domain of the State — Scaling of timber harvested

Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State

WHEREAS, under section 26 and subparagraph 4 of the first paragraph of section 172 of the Forest Act (R.S.Q., c. F-4.1), the Government may, by regulation, establish the scaling standards for timber harvested in forests in the domain of the State, specifying, in particular, scaling methods, the place where scaling must take place, the standards applicable depending on whether scaling takes place before or after the timber is transported, and the standards applicable to transportation, the forwarding of scaling or inventory data, the verification of data and the scaling corrections to be made, including the assistance that the permit holder must provide to the Minister;

WHEREAS, under Order in Council 563-2003 dated 29 April 2003, it is ordered that the Minister of Natural Resources be henceforth designated under the name Minister of Natural Resources, Wildlife and Parks;

WHEREAS, under subparagraph 19 of the first paragraph of section 172 of the Act, the Government may, by regulation, prescribe which of the regulations under that section carry a penalty pursuant to section 181 of the Act in the event of contravention;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 March 2003 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS, following that consultation, the draft Regulation was amended to take into account the comments received;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State*

Forest Act
(R.S.Q., c. F-4.1, ss. 26 and 172, 1st par., subpars. 4 and 19)

- 1.** Section 2 of the Regulation respecting the scaling of timber harvested in forests in the domain of the State is amended by adding “or to the third party entrusted with carrying out the work” after “State” at the end of the first and second paragraphs.
- 2.** Section 6 is amended by inserting “or in any other place indicated by the Minister” after “scaled”.
- 3.** Section 7 is amended by replacing paragraph 3 by the following:

“(3) the registration numbers of the vehicle and trailers; and”.
- 4.** Section 11 is amended by adding “by the Minister” after “indicated” in the first paragraph.
- 5.** Section 13 is amended by striking out the second sentence in the first paragraph.
- 6.** Section 16 is replaced by the following:

“**16.** Timber scaled on the cutting area must be left undisturbed at the place where it was scaled for at least 2 working days after the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container.

Timber scaled after transport must be left undisturbed at the place where it was scaled for at least one working day after the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container, except for timber last scaled according to each of the methods or combinations of methods used under section 3, which must be left at the place where it was scaled for 5 working days or until other timber is scaled according to the same methods or combinations of methods.

The first and second paragraphs also apply where a correction to the scaling modifies the duties to be paid. The prescribed time periods are calculated from the date of the transmission to the Minister of the new form indicating the correction.”.

7. Section 17 is amended

(1) by replacing “re-scaled or the scaling corrected” in the first paragraph by “re-scaled or the scaling corrected or cancelled”;

(2) by replacing “first paragraph” in the second paragraph by “first or second paragraph”.

8. Section 19 is amended by inserting “or the third party entrusted with carrying out the work” after “State” in the second paragraph.

9. Section 20 is amended by inserting the words “or the third party entrusted with carrying out the work” after “State”, by striking out “and” after “State” and by replacing “17” by “18”.

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

5882

* The Regulation respecting the scaling of timber harvested in forests in the domain of the State was made by Order in Council 1266-99 dated 17 November 1999 (1999, *G.O.* 2, 4392) and has not been amended since it was made.

Gouvernement du Québec

O.C. 872-2003, 20 August 2003

Labour Code
(R.S.Q., c. C-27)

Commission des relations du travail — Procedure for the recruiting and selection of commissioners — Amendments

Regulation to amend the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail

WHEREAS, under section 137.20 of the Labour Code (R.S.Q., c. C-27), enacted by section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, c. 26) and replaced by section 32 of chapter 22 of the Statutes of 2002, the renewal of the term of office of the commissioners of the Commission des relations du travail shall be examined according to a procedure established by government regulation; the regulation may, in particular, fix the composition of the committees to examine the renewal of the term of office of commissioners of the Commission and the mode of appointment of committee members, who shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (R.S.Q., c. A-6.01);

WHEREAS, under section 137.21 of the Labour Code, enacted by section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions, the Government may, by regulation, determine in which cases, subject to which conditions and to what extent the members of an examination committee shall receive remuneration and determine the conditions on and the extent to which they are entitled to the reimbursement of expenses incurred in the exercise of their functions;

WHEREAS, by Order in Council 500-2002 dated 24 April 2002, the Government made the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2002, 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 Labour:

THAT the Regulation to amend the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail*

Labour Code
(R.S.Q., c. C-27, ss. 137.20 and 137.21; 2001, c. 26,
s. 63; 2002, c. 22, s. 32)

1. The following title is substituted for the title of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail: “Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail and for the renewal of their term of office”.

2. The following is inserted after section 24:

* The Regulation respecting the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail was made by Order in Council 500-2002 dated 24 April 2002 (2002, *G.O.* 2, 2319).

**“DIVISION VIII.1
RENEWAL OF TERMS OF OFFICE**

24.1. In the 12 months preceding the expiry of a commissioner’s term of office, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall require the commissioner to provide the information referred to in subparagraphs 5 and 6 of section 4 and a written statement in which the commissioner agrees to a verification with, *inter alia*, a disciplinary body, any professional order of which the commissioner is or was a member, and police authorities and, where applicable, in which the commissioner agrees that the persons or partnerships referred to in section 14 be consulted.

24.2. The Associate Secretary General shall establish a committee to examine the renewal of the commissioner’s term of office and shall designate the chair thereof.

The committee shall be composed of a representative of the legal community, a retired person who has exercised adjudicative functions in an administrative body, and two persons from the labour relations community who neither belong to nor represent the Administration within the meaning of the Public Administration Act (R.S.Q., c. A-6.01).

Sections 6 to 9 then apply.

24.3. The committee shall determine whether the commissioner continues to fulfil the criteria set out in section 15, consider annual performance appraisals, and take into account the needs of the Commission. The committee may hold the consultations provided for in section 14 on any matter in the commissioner’s record.

24.4. Committee decisions shall be made by a majority vote of its members. In case of a tie-vote, the chair of the committee shall have a casting vote. A member may register his or her dissent.

The committee shall forward its recommendation to the Associate Secretary General and to the Minister of Labour.

24.5. The Associate Secretary General is the agent authorized to notify the commissioner of the non-renewal of a term of office.”.

3. Section 25 is amended

(1) by inserting the words “or renewal” after the word “selection”; and

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

“However, a commissioner whose term of office is not renewed may consult the recommendation of the renewal committee in his or her respect.”.

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

5884

Gouvernement du Québec

O.C. 873-2003, 20 August 2003

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

**Safety Code for the construction industry
— Amendment**

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraph 7 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply, and the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with section 224 of the Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to the Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 18 December 2002, with a notice that the Regulation may be adopted by the Commission with or without amendment and submitted to the Government for approval on the expiry of a period of 60 days following that publication;

WHEREAS, at its meeting of 17 April 2003, the Commission adopted, without amendment, the Regulation to amend the Safety Code for the construction industry;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Safety Code for the construction industry, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 7)

1. Section 10.3.1 of the Safety Code for the construction industry is replaced by the following:

“**10.3.1.** The principal contractor must ensure that any construction site or part of a construction site situated on or near a public highway or a private road open to public vehicular traffic has traffic signs that comply with the standards of Chapters 1, 4 and 6 of Volume V, as they read when applied, of the manual entitled “Traffic Control Devices”, determined and set out by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code (R.S.Q., c. C-24.2).”.

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

5885

Gouvernement du Québec

O.C. 875-2003, 20 August 2003

Building Act
(R.S.Q., c. B-1.1)

Construction Code — Amendments

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code containing building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the Building Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the Building Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the Building Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Building Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under section 192 of the Act, the contents of the Building Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Regulation to amend the Construction Code;

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) was last amended by the regulation approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 18 September 2002 with a notice that it could be approved by the Government, with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS the comments received were studied;

WHEREAS, under section 189 of the Building Act, a regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

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

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 3, 5.1, 5.2, 6.2, 6.3, 6.4, 20, 24, 28, 29, 36, 37 and 38 and s. 192)

1. The Construction Code is amended by inserting the following after section 1.07:

“CHAPTER II GAS

DIVISION I INTERPRETATION

2.01 In this Chapter, unless the context indicates otherwise, the word “Code” means: *Code d’installation du gaz naturel et du propane*, CSA B149.1-00; CSA B149.1-00, Natural Gas and Propane Installation

Code; Code sur l’emménagement et la manipulation du propane, CSA B149.2-00; CSA B149.2-00, Propane Storage and Handling Code; *Centres de ravitaillement de gaz naturel: code d’installation*, CSA B108-99; CSA B108-99, Natural Gas Fuelling Stations Installation Code; and the word “standard” means: *Réseaux de canalisation de pétrole et de gaz*, CSA Z662-99; CSA Z662-99, Oil and Gas Pipeline Systems; *Gaz naturel liquéfié (GNL): production, stockage et manutention*, CSA Z276-94; and CSA Z276-94, Liquefied Natural Gas (LNG)-Production, Storage and Handling, published either by the Canadian Standards Association or by CSA International, as well as any additional amendments or editions that may be published by those organizations.

However, the amendments and new editions published after the date of coming into force of this Chapter apply to building work only from the date corresponding to the last day of the sixth month following the date of publication of the French text of these amendments or editions.

DIVISION II APPLICATION OF CODES AND STANDARDS

2.02 Subject to the exemptions provided for by regulation made by the Government under subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) and to the amendments provided for in Division VII of this Chapter, the codes, standards and provisions of this Chapter apply to all building work for an installation intended to use, store or distribute gas to which the Act applies, including its surroundings, that is carried out from the date of coming into force of this Chapter.

DIVISION III REFERENCES

2.03 A reference in the codes or standards to a standard or code referred to in Table I is a reference to the code or standard referred to in the chapter of the Construction Code referring thereto, from the date of coming into force of that chapter, as well as to any amendments or editions that may be published by the agency that drew up that code or standard in accordance with the requirements of that chapter.

* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203), was last amended by the Regulation approved by Order in Council 961-2002 dated 21 August 2002 (2002, *G.O.* 2, 4636).

TABLE 1

Designation	Title	Chapter of Construction Code
CNRC 38726	National Building Code of Canada 1995	I
CSA B149.1	Natural Gas and Propane Installation Code	II
CSA B149.2	Propane Storage and Handling Code	II
CSA B108	Natural Gas Fuelling Stations Installation Code	II
CSA Z662	Oil and Gas Pipeline Systems	II
CSA C22.1	Canadian Electrical Code, Part I	V
CSA B51	Boiler, Pressure Vessel and Pressure Piping Code	VI

DIVISION IV APPROVAL OF APPLIANCES AND EQUIPMENT

2.04 Any appliance or equipment used in an installation intended to use, store or distribute gas must be approved for the use for which it is intended.

It is prohibited to sell or lease an appliance or equipment that has not been approved. It is also prohibited, except for approval purposes, to use in an installation intended to use gas an appliance or equipment that has not been approved.

However, an appliance or equipment may, during an exhibition, a presentation or a demonstration, be used without prior approval provided that it is accompanied by a notice with the following warning in characters measuring at least 15 mm: “WARNING: this material has not been approved for sale or rental as required by Chapter II of the Construction Code.”.

This section does not apply to the following appliance or equipment:

(1) a manual appliance whose input power does not exceed 20 000 Btu/h (6 kW) intended for industrial applications;

(2) a Bunsen burner; and

(3) a stationary internal combustion engine.

2.05 Any appliance or equipment certified by one of the following agencies is deemed to be approved:

(1) CSA International (CSA);

(2) the Underwriters’ Laboratories of Canada (ULC);

(3) Intertek Testing Services NA LTD. (WH, cETL);

(4) Underwriters Laboratories Incorporated (cUL); and

(5) any other certification agency accredited by the Standards Council of Canada and whose affixation of a seal or label of approval or of certification of that agency attests compliance with Canadian standards, and that has notified the Régie du bâtiment du Québec of its accreditation.

Any appliance on which a label is affixed certifying that, without being certified by one of the agencies referred to in the first paragraph, that appliance is recognized by one of those agencies as complying with the construction and testing standards of *Code d’approbation sur place des composants relatifs au combustible des appareils et appareillages*, CSA B149.3-00 and of CSA B149.3-00, Code for the Field Approval of the Fuel-Related Components on Appliances and Equipment, published by the Canadian Standards Association, as well as to any additional amendment or edition published by that agency, is also deemed to be approved.

However, approval is not required for each component of an appliance where that appliance has received overall approval.

For the purposes of this Chapter, “certification” or “certified” means recognition by one of the agencies referred to in the first paragraph, by means of a label affixed on each certified appliance or equipment certifying that the appliance or equipment complies with the construction and testing requirements published by the standards development organizations accredited by the Standards Council of Canada to develop gas standards.

DIVISION V REPORTING OF WORK

2.06 A contractor or an owner-builder in gas must report to the Régie the building work the contractor or owner-builder has carried out and to which Chapter II of the Construction Code applies, except building work for an installation to distribute natural gas by pipeline and maintenance or repairs to an installation intended to use, store or distribute gas. That report must be sent to the Régie no later than the twentieth day of the month following the date of the beginning of the work.

2.07 The report of work must contain the following information:

- (1) the address of the worksite;
- (2) the name, address and telephone number of the person for whom the work is carried out;
- (3) the name, address, telephone number and licence number of the contractor or owner-builder in gas who carries out the work;
- (4) the expected dates of the beginning and end of the building work;
- (5) the occupancy of the building as well as the number of stories and dwelling units;
- (6) the nature and type of work, in particular work for a new installation or alterations;
- (7) the number, power and nature of the appliances installed;
- (8) the type of gas;
- (9) the gas supply pressure of the building; and
- (10) the date of the report.

2.08 The work must be reported on the form provided for that purpose by the Régie or on any other document drawn up for that purpose.

DIVISION VI INSPECTION FEES

2.09 A contractor or an owner-builder in gas must pay to the Régie, for the inspection of building work for an installation intended to use, store or distribute gas carried out further to the issue of a remedial notice provided for in section 122 of the Building Act, inspec-

tion fees of \$120.88 for the first hour or fraction thereof, half of the hourly rate for each half-hour or fraction thereof over and above the first hour and \$56.88 for each trip.

2.10 For the approval of a gas appliance that cannot be approved by one of the agencies referred to in the first paragraph of section 2.05, the fees are \$120.88 for the first hour or fraction thereof, half of the hourly rate for each half-hour or fraction thereof over and above the first hour and \$56.88 for each trip.

DIVISION VII AMENDMENTS TO CODES AND STANDARDS

2.11 Code CSA-B149.1-00 is amended

(1) by substituting the following for Clause 1.1 :

“1.1 This Code applies to

(a) gas installations where gas is to be used for fuel purposes, subject to paragraph *b*;

(b) piping and tubing systems extending from the termination of the gas undertaking’s installations for natural gas or from the distributor’s liquefied petroleum gas tanks; the termination of the gas undertaking’s installations is the point where its piping ends; and

(c) vehicle-refuelling appliances and their equipment.”;

(2) by revoking Clause 1.2;

(3) by adding the following paragraphs after Clause 1.3 :

“Where the term “natural gas” is used, the requirements of this Code apply equally to and include any of the following gases or mixtures of them : natural gas and mixtures of propane gas and air.

Where the term “propane” is used, the requirements of this Code apply equally to and include any of the following gases or mixtures of them : propane, propylene, butanes (normal butane or isobutane), and butylenes.”;

(4) in Clause 2.1,

(a) by substituting the following for the definition “**Authority having jurisdiction**” :

“**Authority having jurisdiction** : Régie du bâtiment du Québec.”;

(b) by deleting the definition “**Certified**”;

(c) by adding the following after the definition “**Garage**”:

“**Gas undertaking (natural gas)**: undertaking for the distribution of natural gas by pipeline.”;

(d) by inserting the following after the definition “**Dirt pocket (dust pocket)**”:

“**Distributor**: gas undertaking.”; and

(e) by substituting the following for the definition “**Installer**”:

“**Installer**: contractor or owner-builder holding a licence issued under the Building Act (R.S.Q., c. B-1.1).”;

(5) in Clause 2.3,

(a) by substituting the following for the first paragraph:

“The editions and documents incorporated by reference into this Code are those indicated below except in the cases provided for in section 2.03 of Chapter II of the Construction Code approved by Order in Council 875-2003 dated 20 August 2003.”;

(b) by substituting “CSA B108-99, Natural Gas Fuelling Stations Installation Code” for “CAN/CGA-B108-M95, Natural Gas Fuelling Stations Installation Code”;

(c) by substituting “B51-M1991” for “B51-97”; and

(d) by adding, at the end, the following:

“A reference in the Code to the standard “CAN/CGA-B108” is a reference to the standard “CSA B108”.”;

(6) by revoking Clause 3.2;

(7) by revoking Clauses 4.1.2. and 4.2.7;

(8) by substituting the following for Clause 5.9.3:

“5.9.3 Welding of gas piping shall be performed in compliance with a welding method established and approved in accordance with Clause 7.2 of the standard CSA Z662-99, Oil and Gas Pipeline Systems, by a welder holding the appropriate qualification certificate issued under the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5).”;

(9) by inserting the following after Clause 6.1.3:

“6.1.4 Boilers converted to gas shall be in compliance with Clause A.8.3 of CSA B149.3-00, Code for the Field Approval of Fuel Related Components on Appliances and Equipment.”;

(10) by substituting the following for Clause 7.2.1:

“**7.2.1** Subject to the exceptions referred to in the second paragraph and in Clause 7.2.3, an outdoor air supply sized in accordance with Clause 7.2.2 shall be provided to either an enclosure or a structure in which appliances are installed.

Except for boilers, water heaters and pool heaters that include a finned-tube heat exchanger, an outdoor air supply shall not be required in structures built before 1986 where the doors and windows of that structure have not been replaced after 1985 and the volume of the enclosure or the structure in which the appliances are installed is greater than 50 cubic feet per 1000 Btu/h (4.84 cubic metres per kW) of the total input of all the appliances in the enclosure or the structure.”;

(11) by striking out the words “and the Structure Complies with Clause 7.2.1(a) or (b)” in the titles of Tables 7.2.2A and 7.2.2B;

(12) by substituting the following for Clause 7.2.3:

“7.2.3 An outdoor air supply shall not be required for a mechanically vented water heater with an input of 50 000 Btu/h (15 kW) or less where there are no other appliances requiring an air supply installed in the enclosure or the structure, it is not used to heat the structure, and the volume of the enclosure or the structure is greater than 50 cubic feet per 1000 Btu/h (4.84 cubic metres per kW) of its input.”;

(13) by revoking Clauses 7.2.4 and 7.2.5 and Tables 7.2.5A and 7.2.5B;

(14) by striking out in Clause 7.2.6 “, provided that the structure is not constructed as described in Clause 7.2.1(a) and does not comply with Clause 7.2.1(b). Otherwise, the volume of the enclosure shall be used”;

(15) by striking out the reference to Clause 7.2.4 in Clauses 7.3.1, 7.3.3 and 7.3.4;

(16) by adding the following paragraph at the end of Clause 7.10.3:

“Either one of the first three types of venting systems preceded by an asterisk and appearing in the second column of Table 7.10.3 may be used to vent combustion gases from one of the first three types of appliances appearing in the first column.”;

(17) by inserting the following after Clause 7.13.3:

“7.13.4 The tables of Appendix C shall be used in accordance with the “General Venting Requirements (GVR)” specified in that Appendix.”;

(18) by adding the following paragraph after Clause 7.14.8:

“Notwithstanding paragraph g, a vent shall not terminate less than 6 feet (1.8 m) under an awning window. “;

(19) by striking out, in the French version of the Code, the words “et à la chaleur” in *article* 7.18.1;

(20) by inserting the following after Clause 7.18.23:

“7.18.24 The total length of a vent connector shall comply with that provided for in Table C.9 of Appendix C.”; and

(21) by substituting “after 1985 or where the doors and windows were replaced after 1985” for “in accordance with Clause 7.2.1” in Clause 1 of the “General Venting Requirements (GVR)” of Appendix C.

2.12 Code CSA B149.2-00 is amended

(1) by substituting the following for Clauses 1.1 and 1.2:

“1.1 This Code applies to

(a) installations to store, handle or transport liquefied petroleum gas; and

(b) installations to use liquefied petroleum gas.”;

(2) in Clause 2.1,

(a) by substituting the following for the definition “**Authority having jurisdiction**”:

“**Authority having jurisdiction**: Régie du bâtiment du Québec.”;

(b) by deleting the definition “**Certified**”;

(c) by inserting the following after the definition “**Space, confined**”:

“**Storage**: stocking.”;

(d) by inserting the following after the definition “**Insulating millboard**”:

“**Liquefied petroleum gas**: propane, propylene, butanes or butylenes.”;

(e) by substituting the following for the definition “**Installer**”:

“**Installer**: contractor or **owner**-builder holding a licence issued under the Building Act (R.S.Q., c. B-1.1).”;

(f) by inserting the following after the definition “**Garage**”:

“**Handling**: manipulation or transfer.”;

(3) in Clause 2.3,

(a) by substituting the following for the first paragraph:

“The editions and documents incorporated by reference into this Code are those indicated below except in the cases provided for in section 2.03 of Chapter II of the Construction Code approved by Order in Council 875-2003 dated 20 August 2003.”;

(b) by substituting “B51-M1991” for “B51-97”; and

(c) by inserting, after the reference “Transportation of Dangerous Goods Act, 1992, Chapter 34, Sc 1992.”:

“**NFPA Standard** (National Fire Protection Association)

NFPA 68, Guide for Venting of Deflagrations, 1998 Edition.”;

(4) by revoking Clause 3.2;

(5) by revoking Clause 4.2.11;

(6) by substituting the following for Clause 5.5.10.2c:

“(c) an explosion relief panel in compliance with the standard NFPA 68 entitled “Guide for Venting of Deflagrations”; or”;

(7) by revoking Clause 5.6;

(8) by substituting the following for Clause 6.17.3e *iii*:

“(iii) an explosion relief panel in compliance with the standard NFPA 68 entitled “Guide for Venting of Deflagrations”; or”; and

(9) by revoking Clauses 6.21.1 to 6.21.4.

2.13 Code CSA B108-99 is amended

(1) in Clause 2.1,

(a) by substituting the following for the definition “**Authority having jurisdiction**”: “**Authority having jurisdiction**: Régie du bâtiment du Québec.”; and

(b) by deleting the definition “**Certified**”;

(2) in Clause 2.2,

(a) by substituting the following for the first paragraph:

“The editions and documents incorporated by reference into this Code are those indicated below except in the cases provided for in section 2.03 of Chapter II of the Construction Code approved by Order in Council 875-2003 dated 20 August 2003.”;

(b) by substituting “B51-M1991” for “B51-97”;

(c) by substituting “CSA B149.1-00, Natural Gas and Propane Installation Code” for “CAN/CGA-B149.1-M95, Natural Gas Installation Code”;

(d) by substituting “Z662-99” for “Z662-96”; and

(e) by adding, at the end, the following:

“A reference in the Code to the standard “CAN/CGA-B149.1” is a reference to the standard “CSA B149.1”.

2.14 Standard CSA Z662-99 is amended

(1) by substituting the following for Clause 1.1:

“1.1 This Standard applies to the pipeline systems of a gas undertaking.”;

(2) by revoking Clauses 1.2 and 1.3;

(3) in Clause 2.1,

(a) by substituting the following for the first sentence of the first paragraph:

“The editions and documents incorporated by reference into this Standard are those indicated below except in the cases provided for in section 2.03 of Chapter II of the Construction Code approved by Order in Council 875-2003 dated 20 August 2003.”;

(b) by substituting “B51-M1991 for “B51-97”;

(c) by substituting “CSA B149.1-00, Natural Gas and Propane Installation Code” for “CAN/CGA-B149.1-M95, Natural Gas Installation Code”;

(d) by substituting “CSA B149.2-00, Propane Storage and Handling Code” for “CAN/CGA-B149.2-M95, Propane Installation Code”; and

(e) by adding, at the end, the following paragraphs:

“A reference in the Standard to the standard “CAN/CGA-B149.1” is a reference to the standard “CSA B149.1”.

A reference in the Standard to the standard “CAN/CGA-B149.2” is a reference to the standard “CSA B149.2.”;

(4) in Clause 3.1,

(a) by substituting the following for the definition “**Company**”:

“**Company**: the gas undertaking or contractor that is in charge of construction.”;

(b) by deleting the definition “**Construction**”;

(c) by substituting the following for the definitions “**Contractor**” and “**Company, operating**”:

“**Contractor**: person holding a contractor’s or an owner-builder’s licence issued under the Building Act (R.S.Q., c. B-1.1).

“**Company, operating**”: the gas undertaking that operates the pipeline system.”; and

(5) by inserting the following after Clause 12.2:

“12.2.1 The service line of each building must come out of the ground before entering the building and it must be equipped with a service shut-off valve outside the building.

However, if the location where the service line comes out of the ground presents a danger and the service line cannot be protected, it must enter the building below ground level and be equipped with an underground service shut-off valve located outside the building and with another service shut-off valve inside, as near as possible to the foundation wall.

12.2.2 The service shut-off valves outside the ground must be easily accessible for their operation. The expression “easily accessible” means within reach, without it being necessary to climb, remove an obstacle or use a mobile ladder.

12.2.3 Before supplying gas to an installation, a piped gas undertaking must affix to the building, above any service entrance, a distinctive mark that can be seen at all times.

12.2.4 The piped gas undertaking must notify all users affected by an interruption of service and ensure that the service is restored safely.”

2.15 Standard CSA Z276-94 is amended

(1) by substituting the following for Clause 1.1:

“1.1 This Standard applies to installations intended to store liquefied natural gas regardless of their locations.”;

(2) by revoking Clauses 1.4 and 1.5;

(3) in Clause 2,

(a) by inserting the following after the definition “**Small facility**”:

“**Storage**: liquefaction, storage, vaporization, transfer or handling.”;

(b) by substituting the following for the definition “**Operating Company**”:

“**Operating company**: the piped gas undertaking that operates a LNG plant.”;

(4) in Clause 3.1,

(a) by **substituting** the following for the first sentence:

“The editions and documents incorporated by reference into this Standard are those indicated below except in the cases provided for in section 2.03 of Chapter II of the Construction Code approved by Order in Council 875-2003 dated 20 August 2003.”;

(b) by substituting “C22.1-1998” for “C22.1-1994”;

(c) by substituting “CSA Z662-99, Oil and Gas Pipeline Systems” for CAN/CSA-Z184-M92, Gas Pipeline Systems”;

(d) by substituting “CSA B149.2-00, Propane Storage and Handling Code” for “CAN/CGA-B149.2-M91, Propane Installation Code”;

(e) by substituting “National Building Code of Canada 1995” for “National Building Code of Canada 1990; Supplement to the National Building Code of Canada 1990”; and

(f) by adding, at the end, the following paragraphs:

“A reference in the Standard to the standard “CAN/CSA-Z184” is a reference to the standard “CSA Z662”.

A reference in the Standard to the standard “CAN/CGA-B149.2” is a reference to the standard “CSA B149.2”.

DIVISION VIII PENAL

2.16 Any violation of one of the provisions of this Chapter, except for the provisions of Division VI, is an offence.”.

2. This Regulation replaces the Regulation respecting gas and public safety (R.R.Q., 1981, c. D-10, r.4), the Order respecting reports by gas distributors on accidents where gas may be present (R.R.Q., 1981, c. D-10, r.6), the Regulation respecting the repayment of expenses incurred by the Régie du bâtiment du Québec in the carrying out of the Gas Distribution Act enacted by Order in Council 2073-84 dated 19 September 1984, and the Order respecting certificates of competency with respect to gas (R.R.Q., 1981, c. D-10, r.2) relating to category 311 of the title “300 – Distribution” of section 1, Schedule A and the list of categories of Schedule B.

3. This Regulation comes into force on 2 December 2003.

Gouvernement du Québec

O.C. 876-2003, 20 August 2003

Building Act
(R.S.Q., c. B-1.1)

Regulation
— **Amendments**

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS, under section 4.1 of the Building Act (R.S.Q., c. B-1.1) and subparagraph 1 of the first paragraph of section 182 of that Act, the Government may, by regulation, exempt from the total or partial application of that Act categories of owner-builders, buildings and installations;

WHEREAS, under subparagraph 3 of the first paragraph of section 182 of the Act, the Government may, by regulation, determine the extent to which the Government, its departments and agencies that are mandataries of the State are bound by that Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 18 September 2002 with a notice that it could be made by the Government, with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS the comments received were studied;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Building Act*

Building Act
(R.S.Q., c. B-1.1, ss. 4.1 and 182, 1st par., subpars. 1 and 3)

1. The Regulation respecting the application of the Building Act is amended by inserting the following after section 3.3.2:

“DIVISION II.2
EXEMPTION FROM THE APPLICATION OF
CHAPTER II OF THE CONSTRUCTION CODE
AND CHAPTER III OF THE SAFETY CODE

3.3.3. Any gas installation other than the installation used to produce energy, heat or light from natural gas or liquefied petroleum gas, that is, propane, propylene, butanes and butylenes and their various blends is exempt from the application of Chapter II of the Construction Code approved by Order in Council 875-2003 dated 20 August 2003 and Chapter III of the Safety Code approved by Order in Council 877-2003 dated 20 August 2003.

The following installations are also exempt from the application of those chapters:

- (1) installations intended to store or distribute gas by tank vehicle as long as the tank is not used as a storage tank at the point of use;
- (2) installations intended to use gas to ensure the motive power of a vehicle;
- (3) installations intended to use, in a refinery, gas for refining petroleum;
- (4) installations intended to store, in a refinery, gas resulting from the refining of petroleum;
- (5) installations intended to store or use gas on boats;
- (6) installations intended to store or handle gas in a marine terminal;

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100), was last amended by the regulation made by Order in Council 1477-2002 dated 11 December 2002 (2002, *G.O.* 2, 6489). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

(7) installations intended to use gas as a refrigerant ;

(8) installations intended to store natural gas or propane in underground natural tanks or tanks shaped in the ground ; and

(9) installations intended to use or store on the premises gas collected from a disposal site or gas from an aerobic digester.

3.3.4. An owner-builder who keeps a register containing the information required for the declaration of work is exempt from the declaration provided for in Chapter II of the Construction Code.

3.3.5. The owner of an installation independent of a building and intended to store or distribute gas is exempt from the requirement to obtain an operation permit provided for in Chapter III of the Safety Code

(1) where butane is stored in cylinders of an individual maximum capacity of 2.645 oz. (150 g) ;

(2) where gas is stored therein in no-refill cylinders the maximum internal volume of which is 75 cubic inches (1229 ml) ; and

(3) where natural gas is distributed through pipelines.”.

2. Section 3.5 is amended by substituting “, their facilities for public use and their installations independent of a building and intended to use, store or distribute gas” for “and facilities for public use”.

3. The following is inserted after section 3.5 :

**“DIVISION V
APPLICATION OF CHAPTER III OF THE
BUILDING ACT TO GOVERNMENT PLUMBING
SYSTEMS, ELECTRICAL INSTALLATIONS
AND GAS INSTALLATIONS**

3.6. The Government, its departments and agencies, as mandataries of the State, are bound, with respect to their plumbing systems in a building or in facilities for public use, by Chapter III of the Act and by the regulations under that Chapter. The same applies to their electrical installations and their installations intended to use, store or distribute gas.”.

4. This Regulation comes into force on 2 December 2003.

Gouvernement du Québec

O.C. 877-2003, 20 August 2003

Building Act
(R.S.Q., c. B-1.1)

**Safety Code
— Amendments**

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Safety Code containing safety standards for buildings, for facilities intended for use by the public and for installations independent of a building and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene ;

WHEREAS, under section 176 of the Act, the Safety Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations ;

WHEREAS, under section 176.1 of the Act, the Safety Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act ;

WHEREAS, under section 178 of the Act, the Safety Code may require observance of a technical standard drawn up by another government or by an agency empowered to make such standards and provide that any reference it makes to other standards include subsequent amendments ;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Safety Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act ;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, of gas undertaking owners or operators and classes of buildings, pressure installations, facilities or installations to which the Safety Code applies ;

WHEREAS the Board adopted the Safety Code ;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 18 September 2002 with a notice that it could be approved by the Government, with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS the comments received were studied;

WHEREAS, under section 189 of the Building Act, a regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

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

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code*

Building Act
(R.S.Q., c. B-1.1, ss. 35.2, 175, 176, 176.1, 178, 179, 185, 1st par., subpars. 5.1, 5.2, 22, 37 and 38 and s. 192; 1991, c. 74, s. 23)

1. The Safety Code is amended by adding the following after section 26:

“CHAPTER III GAS

DIVISION I INTERPRETATION

27. In this Chapter, a reference to “Code d’installation du gaz naturel et du propane, CSA B149.1”, to “CSA Standard B149.1: Natural Gas and Propane Installation Code”, to “Code sur l’emmagasiner et la manipulation du propane CSA B149.2”, to “CSA Standard B149.2: Propane Storage and Handling Code”, to “Centres de

ravitaillement de gaz naturel: code d’installation, CSA B108”, to “CSA Standard B108: Natural Gas Fuelling Stations Installation Code”, to the standard “Réseaux de canalisation de pétrole et de gaz, CSA Z662”, to “CSA Standard Z662: Oil and Gas Pipeline Systems”, to the standard “Gaz naturel liquéfié (GNL): production, stockage et manutention, CSA Z276” or to “CSA Standard Z276: liquified Natural Gas (LNG) – Production, Storage and Handling” is a reference to the code or standard referred to in Chapter II of the Construction Code made under the Building Act (R.S.Q., c. B-1.1) and to the amendments provided for in Division VII of that Chapter.

28. In this Chapter,

“gas installation” means an installation intended to use, store or distribute gas;

“propane” means a liquefied petroleum gas mainly composed of propane, propylene, butane, butylene or a blend of those gases.

29. In Divisions II to IV of this Chapter, the terms “appliance”, “air supply”, “cylinder”, “tank truck”, “container refill centre”, “combustible”, “enclosure”, “safety limit control”, “point of transfer”, “combustion products”, “container”, “tank”, “safety shut-off valve”, “relief valve”, “filling plant”, “structure”, “venting system”, “hose connector”, “hose” and “recreational vehicle” have the meaning given to them in CSA Standard B149.1: Natural Gas and Propane Installation Code and CSA Standard B149.2: Propane Storage and Handling Code.

DIVISION II GENERAL

30. A gas installation must be used for the purposes for which it was designed and kept in safe and proper working order.

31. A gas installation must be used and serviced so as not to constitute fire, explosion or intoxication hazards.

32. The vicinity of a gas installation must not be modified in such manner that the gas installation does not comply with Chapter II of the Construction Code.

33. The necessary corrections must be made to a gas installation if, following intensive use, wear, aging or modifications, the operating conditions have become dangerous.

34. A gas leak may not be detected by means of a match, candle, flame or any other source of ignition.

* The Safety Code approved by Order in Council 964-2002 dated 21 August 2002 (2002, G.O. 2, 4654) has not been amended since its approval.

35. A light, including a flashlight, used to detect a gas leak must be of Class I, Group D type.

36. An electric switch located either in the room or adjacent to an area of gas leakage must not be operated unless it is of a Class I, Group D type.

37. A safety shut-off valve, a safety limit control or a relief valve must not be isolated or be made inoperative.

38. Where there are signs of wear or deterioration or where other damage shows in the reinforcement material of a hose or hose connector, the hose must be replaced immediately.

DIVISION III GAS INSTALLATIONS

39. An appliance must be serviced in accordance with the manufacturer's instructions.

40. An appliance may not be used if damaged by fire, water or an explosion unless it has been verified by a person holding the appropriate certificate of qualification issued under the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5).

41. No appliance may be used in a room where there are corrosive vapours.

42. Appliance clearance must allow the appliance to be serviced without moving it or modifying the building that shelters it or modifying neighbouring equipment.

43. An appliance may be used only if it complies with the provisions of Division IV of Chapter II of the Construction Code.

44. Where a part of an appliance must be replaced, the replacement part must have the same operational characteristics as the original part.

45. In an enclosure or a structure housing an appliance, the air supply must be sufficient to ensure complete combustion and total venting of combustion products.

46. The air supply of an appliance must be free of any encumbrance.

47. An appliance and its venting system must show sufficient clearance so that the surface temperature of neighbouring combustible materials does not exceed 90 °C.

48. The venting system of an appliance must ensure total venting of combustion products to the outdoors.

49. The piping or tubing system must have a diameter sufficient to convey the required volume of gas at the required pressure.

50. Where no appliance is connected to a piping outlet, the outlet must be tightly plugged or capped.

51. Vehicles equipped with a propane appliance must not be parked or stored inside a building, except if

(1) the propane storage cylinders are removed; or

(2) the propane tanks have contents in propane of no more than 50% of the maximum filling capacity allowed and all shut-off valves are closed.

DIVISION IV USE, STORAGE AND DISTRIBUTION OF PROPANE IN CONTAINERS

52. Propane in containers must be used, stored and distributed in accordance with the provisions of CSA Standard B149.2: Propane Storage and Handling Code.

53. For the purposes of Clause 5.5 of CSA Standard B149.2: Propane Storage and Handling Code, all stored cylinders, whether filled or empty, shall be considered filled at the maximum filling capacity allowed.

54. Propane that is used, stored or distributed as combustible must emit a characteristic odour in accordance with Canadian General Standards Board Standard CAN/CGSB-3.14-M88: Liquefied Petroleum (Propane), as it reads at the time it applies.

55. Propane may not be transferred from a tank truck to a cylinder in a location other than the location where the cylinder is used.

56. Propane from a tank truck may not be transferred into the container of a road vehicle.

57. The tank of the propane supply system of a road vehicle may be filled only if it bears the appropriate sticker mandatory under the Regulation respecting safety standards for road vehicles made by Order in Council 1483-98 dated 27 November 1998.

58. Propane may not be transferred from a tank truck to a cylinder the total capacity of which is 20 kg of propane on a campground unless, during the transfer, the tank truck

(1) is at a location that has safety installations complying with the provisions of Clause 6.19.4 of CSA Standard B149.2: Propane Storage and Handling Code for tanks; and

(2) is parked in accordance with the distances provided for in Table 6.16 of CSA Standard B149.2: Propane Storage and Handling Code for tanks.

59. A propane container must be painted.

60. Except in filling plants, propane cylinders must not be stored one stacked over the other.

61. Vehicles used for the transportation of propane and parked at a location other than a location governed by a regulation respecting the transportation of dangerous substances made under the Highway Safety Code (R.S.Q., c. C-24.2) must be parked in accordance with the provisions of Clauses 7.15 to 7.19 of CSA Standard B149.2: Propane Storage and Handling Code.

62. Signs bearing the indication or the international symbol “NO SMOKING” must be installed at a conspicuous place in filling plants at every entrance and point of transfer of propane. The letters must be red on a white background or black on a yellow background and be at least 100 mm high. The symbols must have a minimum diameter of 300 mm.

63. Signs bearing the following indications must be installed in a conspicuous place on the tank or nearby and at the point of transfer, where propane is transferred more than 3 m from the tank of a propane container refill centre, in a way that they can be seen from that point:

(1) the indication “NO SMOKING, TURN OFF ALL SOURCES OF IGNITION” in letters at least 50 mm high;

(2) the indication “TRANSPORT CYLINDERS SECURED IN AN UPRIGHT POSITION IN A VENTILATED SPACE” in letters at least 25 mm high;

(3) the indication “IT IS AN OFFENCE TO FILL PROPANE CYLINDERS AND MOTOR FUEL CONTAINERS IN EXCESS OF 80% CAPACITY BY VOLUME” in letters at least 25 mm high; and

(4) the indication “NO SMOKING WITHIN 3 M—TURN IGNITION OFF BEFORE REFUELLING” in letters at least 25 mm high for a propane distribution location for vehicles.

The international symbols for “NO SMOKING” and “TURN OFF IGNITION”, measuring at least 100 mm in diameter, may be used instead of those expressions. The symbols must be red and black on a white background.

The letters on the signs must be red on a white background or black on a yellow background.

DIVISION V

DISTRIBUTION OF GAS BY PIPELINE

64. Gas distributed by pipeline must emit a characteristic odour in accordance with the provisions of Clause 4.17 of CSA Standard Z662: Oil and Gas Pipeline Systems.

65. A piped gas undertaking must notify all users affected by an interruption in service and ensure the safe restoration of service.

66. An installation intended to distribute gas by pipeline must be operated and serviced in accordance with the provisions of Clause 10 and the provisions of Clauses 12.10 and 15.10 of CSA Standard Z662: Oil and Gas Pipeline Systems.

67. Within 90 days following the beginning of each fiscal year, every piped gas undertaking must send to the Régie du bâtiment du Québec its gas leak detection program for the current year, and at the end of the same year, a report on the findings and measures taken to remedy the situation. Likewise, the undertaking must send its yearly program on maintenance of the transportation systems, gas distribution systems and storage facilities.

68. Every piped gas undertaking must keep up-to-date the plans of its gas transportation systems, gas distribution systems and storage facilities, as well as the location of valves, regulators and other accessories.

69. Every piped gas undertaking must send to the Board, within 90 days following the end of each fiscal year, a report on the state of its distribution system. The report must contain the information referred to in Schedule I in the prescribed form.

DIVISION VI

USE, STORAGE AND DISTRIBUTION OF NATURAL GAS IN CONTAINERS

70. The natural gas supply system of a road vehicle may be filled only if the vehicle bears the appropriate sticker mandatory under the Regulation respecting safety standards for road vehicles.

71. In a container refill centre for vehicles, natural gas must not be distributed at a pressure in excess of that provided for in Clause 3.4 of Clause 3 of CSA Standard B108: Natural Gas Fuelling Stations Installation Code.

72. An installation intended to store liquefied natural gas must be operated and serviced in accordance with the provisions of Clause 12 of CSA Standard Z276: Liquefied Natural Gas (LNG)—Production, Storage and Handling.

73. Where natural gas cylinders are filled, stored and used elsewhere than in a refill centre for vehicles, it must be done in accordance with the provisions of Clauses 8.2 to 8.5 of Clause 8 of CSA Standard B149.1: Natural Gas and Propane Installation Code.

DIVISION VII

OPERATION PERMIT

74. The owner of an installation independent of a building and intended to store or distribute gas shall obtain a permit for each place of operation of the installation or for each vehicle intended to distribute gas if the owner has no establishment in Québec.

75. The owner or the owner's representative shall file with the Board an application for a permit containing the following information:

(1) the name, domicile address of the owner or representative and, where applicable, the number of the declaration of registration deposited in the register of sole proprietorships, partnerships and legal persons instituted under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) in the case of a partnership or a legal person, its name, the address of its head office and the number of the declaration of registration referred to in paragraph 1;

(3) the address of the place of operation of the installation or, if the owner or representative has no establishment in Québec, the registration number of the vehicle intended to distribute gas; and

(4) for the place of operation:

(a) the quantity of gas sold during the preceding year;

(b) the quantity of gas bought during the preceding year:

i. in Québec from a refinery;

ii. from a source of supply outside Québec;

iii. in Québec elsewhere than from a refinery;

(c) the date on which the place began operating;

(d) the use of the place;

(e) the names of the employees who work there and who hold certificates of qualification issued under the Act respecting manpower vocational training and qualification; and

(f) the number of storage containers and their individual capacity in litres or United States gallons.

76. Every application for an operation permit must include an attestation to the effect that the information contained therein is accurate and complete.

77. The fee payable for the issue or renewal of an operation permit is \$136. Notwithstanding the foregoing, the fee is \$40 for an installation independent of a building and intended to store or distribute gas in cylinders only and if gas is not transferred there. The fee must be paid to the Board and be attached to the application for the issue or renewal of a permit.

78. The operation permit issued by the Board contains the following information:

(1) the name of the owner of the installation or vehicle;

(2) the address of the place of operation of the installation or the registration number of the vehicle for which the permit is issued;

(3) the date of issue of the permit; and

(4) the number of the declaration referred to in paragraph 1 or 2 of section 75, where applicable.

79. The holder of an operation permit shall post it in a conspicuous place at the place of operation or in the vehicle intended to distribute gas.

80. The term of a permit is one year.

81. The application for renewal of a permit must be filed with the Board at least 30 days before the expiry date of the permit.

82. An operation permit is non-transferable.

83. The operation permit is suspended for as long as its owner does not comply with an order issued under section 123 or 124 of the Building Act.

84. A person who applies for the issue or renewal of an operation permit shall obtain and maintain in force, during the entire term of the permit, liability insurance of a minimum amount of \$1 000 000 to cover damage caused to another person as a result of fault or negligence in the operation of the installation. The insurance must provide for a commitment by the insurer to inform the Board of the insurer's intention to terminate the contract.

An attestation of the insurer to the effect that the insurance meets the requirements of the first paragraph must be sent to the Board with the application for the issue or renewal of the operation permit.

85. The holder of the permit shall notify the Board in writing of the cancellation or modification of the insurance.

DIVISION VIII CONTRIBUTIONS

86. The owner or operator of a piped gas undertaking must pay the Board, each month, the amount of \$0.359 per 1000 cubic metres of gas sold.

The amount is calculated on the basis of the volume of gas sold to users.

87. The wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas sold in Québec must pay the Board the amount of \$0.695 per thousand litres or fraction of a thousand litres of liquefied petroleum gas sold in Québec.

For the purposes of this section,

“liquefied petroleum gas sold in Québec” means, in the case of a wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas, the volume of liquefied petroleum gas sold in Québec less the volume bought from a wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas;

“wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas” means any person or partnership operating an undertaking for the storage, sale or distribution of liquefied petroleum gas in Québec and buying liquefied petroleum gas from a producer in Québec or from any source outside Québec for resale in Québec.

88. Every gas undertaking must keep an up-to-date list of the names and addresses of its customers.

DIVISION IX PENAL

89. Any violation of any of the provisions of this Chapter, except sections 77, 86 and 87, constitutes an offence.”.

2. A certificate of registration issued under the Regulation respecting gas and public safety (R.R.Q., 1981, c. D-10, r.4) becomes, without other formality, an operation permit issued under section 74 of the Safety Code, introduced by section 1, for its unexpired portion.

3. This Regulation comes into force on 2 December 2003.

Régie
du bâtiment



STATE OF THE GAS DISTRIBUTION SYSTEM

SCHEDULE I
(s. 69)

Report for fiscal year ending : _____

Name of the gas utility : _____
 Address : _____
 Postal code : _____ Telephone : _____
 Prepared by : _____ Position : _____

A MAINS (LENGTH IN KILOMETRES)				
Description by material	TOTAL	Current year		
		Construction		Deactivated
		Expansion	Replacement	
Bare steel				
Coated steel				
Aluminum				
Polyethylene (insertion)				
Polyethylene				
Other (specify)				
TOTAL				

B SERVICES (NUMBER)				
Description by material	TOTAL	Current year		
		Construction		Deactivated
		Expansion	Replacement	
Bare steel				
Coated steel				
Copper				
Polyethylene (insertion)				
Polyethylene				
Other (specify)				
TOTAL				

C CATHODIC PROTECTION				
	TOTAL	Current year		
		Construction		Deactivated
		Expansion	Replacement	
Mains (km)				
Services (number)				
Length protected by sacrificial anodes (km) :		By rectifiers (km) :		
Number of rectifiers :		Number of test points :		
% of steel system under adequate protection :				

Régie du bâtiment du Québec official form

D LENGTH OF MAINS BY MATERIAL (Kilometres)									
	Diameter (millimetres)								TOTAL
	33.4 or less	Over 33.4 thru 60.3	Over 60.3 thru 114.3	Over 114.3 thru 219.1	Over 219.1 thru 323.9	Over 323.9 thru 508	Over 508 thru 762	Over 762	
Bare steel									
Coated steel									
Aluminum									
Polyethylene (insertion)									
Polyethylene									
Other (specify)									
TOTAL									

E NUMBER OF SERVICES BY MATERIAL							
	Diameter (millimetres)						TOTAL
	21.3 or less	Over 21.3 thru 33.4	Over 33.4 thru 60.3	Over 60.3 thru 114.3	Over 114.3 thru 168.3	Over 168.3	
Bare steel							
Coated steel							
Copper							
Polyethylene (insertion)							
Polyethylene							
Other (specify)							
TOTAL							

F							
Operating pressure (kilopascals)	0 and 300	301 and 700	701 and 2000	2001 and 4000	4001 and 6000	6001 and over	TOTAL
Part of system operating between : (kilometres)							
Regulating stations with outlet pressure between : (number)							
Distribution and service line shut-off valves with operating pressure between : (number)							

G		
	Year(s) ago	%
Unaccounted for gas during last 5 fiscal years based on % of total input for each year excluding current year.	1	
	2	
	3	
	4	
	5	

H	
Unaccounted for gas during past 12 months ending with current fiscal year.	%

I		
Number of known system leaks at end of year scheduled for repair	Mains	
	Services	

J		NUMBER OF LEAKS REPAIRED DURING YEAR					
		Materials	Corrosion	Material failure	Damage by outside force	Construction defect	Other
MAINS	Bare steel						
	Coated steel						
	Aluminum						
	Polyethylene (insertion)						
	Polyethylene						
	Other (specify)						
	SUB-TOTAL						
SERVICES	Bare steel						
	Coated steel						
	Copper						
	Polyethylene (insertion)						
	Polyethylene						
	Other (specify)						
	SUB-TOTAL						
TOTAL							

K		LEAKS ON MAINS REPAIRED DURING YEAR (number)	
Pipe			
Valve			
Fitting			
Regulator			
Tap connexion			
Other			
TOTAL			

L		LEAKS ON SERVICES REPAIRED DURING YEAR (number)	
Pipe			
Valve			
Fitting			
Regulator			
Tap connexion			
Other			
TOTAL			

M	Frequency of inspection by type*		
	Pipe-soil potential	Rectifier	Remote reading
Frequency of inspection of cathodically protected system			

N			LEAK SURVEYS	
	Operating pressure		Frequency	
	Mains	P operating < 4800kPa - general		
P operating < 4800kPa - downtown				
P operating ≥ 4800kPa				
Services	All			

*FREQUENCY CODES : 1 (weekly), 2 (bimonthly), 3 (monthly), 4 (quarterly), 5 (semi-annually), 6 (annually), 7 (other - specify), 0 (no inspection)

GENERAL INFORMATION					
Number of services :	Residential :	Commercial :	Industrial :	Total :	
Number of customers :	Residential :	Commercial :	Industrial :	Total :	
Gas sold (10^6 m^3) :	Residential :	Commercial :	Industrial :	Total :	
Total gas purchased (10^6 m^3) :		Self consumption (10^6 m^3)			
Daily contractual demand (10^6 m^3) :			Since :		
Maximum hourly consumption in the year (10^6 m^3) :			Date :		
Minimum hourly consumption in the year (10^6 m^3) :			Date :		
Maximum daily consumption in the year (10^6 m^3) :			Date :		
Minimum daily consumption in the year (10^6 m^3) :			Date :		
Maximum monthly consumption in the year (10^6 m^3) :			Date :		
Minimum monthly consumption in the year (10^6 m^3) :			Date :		
Services unused for :	A: 1 year :	B: 2 years :	C: 3 years :	D: 4 Years :	Total :
Service pipe not rising above ground level :					
Brand of odorant used :			Injection rate ($\text{kg} / 10^6 \text{ m}^3$) :		
Quantity of odorant used annually (litres) :			Number of customers per kilometre :		
Number of leaks per kilometre :			Number of municipalities supplied :		
Number of employees :	Management :	Executives :	Office employees :	Manual workers :	

P	COMMENTS

I hereby certify that the above information
is accurate

Signature

Date

Gouvernement du Québec

O.C. 895-2003, 27 August 2003

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

Hunting activities — Amendments

Regulation to amend the Regulation respecting hunting activities

WHEREAS, under the second paragraph of section 55 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may determine by regulation the conditions on which a person determined by regulation may use a licence issued to another person;

WHEREAS, under paragraph 9 of section 162 of the Act, the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting hunting activities by Order in Council 858-99 dated 28 July 1999;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with 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 hunting activities was published in Part 2 of the *Gazette officielle du Québec* of 5 March 2003 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

WHEREAS no comments were received following the publication;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency owing to the following circumstances justifies such coming into force:

— because the hunting season for white tailed deer begins on or about 1 September on Île d'Anticosti where the species is overpopulated, sections 4 to 6 of the Regulation attached to this Order in Council must come into force on the date of their publication in the *Gazette officielle du Québec* to enable new types of hunting licences to be issued;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting hunting activities without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting hunting activities, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hunting activities*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 55, 2nd par. and s. 162, par. 9)

1. The Regulation respecting hunting activities is amended in section 7:

(1) by substituting “may use that holder’s licence” for “may hunt under that holder’s licence”, in the first paragraph; and

(2) by substituting “may use a licence” for “may hunt under one of the licences”, in the second paragraph.

2. The following sections are inserted after section 7:

“7.1. A child under 18 years of age of the holder of a resident’s or non-resident’s “Caribou”, “White-tailed deer”, “Moose” or “Black bear” hunting licence or a child under 18 years of age of the holder’s spouse may use the licence issued to that holder. The child must carry the holder’s licence when not accompanied by the holder.

* The Regulation respecting hunting activities, made by Order in Council 858-99 dated 28 July 1999 (1999, *G.O.* 2, 2427), was last amended by the regulation made by Order in Council 982-2002 dated 28 August 2002 (2002, *G.O.* 2, 4663). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

Any child under 18 years of age may use a licence referred to in the first paragraph where the licence holder is 18 years of age or older and the holder accompanies the child and is carrying the licence in question.

Where a child referred to in the first or second paragraph is a resident, the child shall hold and carry the hunter's or trapper's certificate appropriate to the hunting weapon used.

The bags of a child referred to in the first or second paragraph shall be included when computing the bag limit of the licence holder referred to that paragraph.

7.2. A student between 18 and 24 years of age attending a secondary or post-secondary level educational institution may use the licence of a holder referred to in section 7 or 7.1 if the student complies with the standards and conditions provided for in those sections.

A student referred to in the first paragraph shall, when hunting, carry the student card issued by the educational institution and show it to a wildlife protection officer or wildlife protection assistant upon request.

7.3. Despite section 4, a resident 18 years of age or older who does not hold a hunter's or trapper's certificate may obtain, only once in that person's lifetime and in the same year, any category of resident's hunting licence provided for in Schedule I to the Regulation respecting hunting provided that the resident never held a hunter's or trapper's certificate bearing code "A" or "F".

A resident referred to in the first paragraph, when hunting, must be accompanied by a resident at least 25 years of age holding a hunter's or trapper's certificate appropriate to the hunting implement used. The latter resident may accompany only one resident referred to in the first paragraph at the same time."

3. The following is substituted for section 8:

"**8.** The holder of a hunter's or trapper's certificate or a non-resident who is 12 years of age or older but under 18 years of age must, in order to hunt, be accompanied by a person at least 18 years of age holding a hunting licence for non-residents, valid or having expired, if issued in the latter case between 1 April and 31 March of the current year, or by a person holding a hunter's or trapper's certificate appropriate for the type of hunting weapon used by the hunter that person is accompanying.

The requirement to be accompanied as provided in the first paragraph does not apply to the holder of a hunter's or trapper's certificate or to a non-resident who is 16 or 17-years old and who hunts with a bow or crossbow."

4. Section 12 is amended

(1) by striking out "with a Type 2 implement" in paragraph 5; and

(2) by substituting the following for paragraph 6:

"(6) "White-tailed deer, in Area 20" and "White-tailed deer, female or male, with antlers that measure less than 7 cm, in Area 20";".

5. Section 13 is amended by substituting the following for paragraph 2:

"(2) "White-tailed deer, in Area 20" and "White-tailed deer, female or male, with antlers that measure less than 7 cm, in Area 20";".

6. Section 14 is revoked.

7. Section 15 is amended by inserting ", c or d" after "subparagraph b" in the second paragraph.

8. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, except sections 4 to 6, which come into force on the date of their publication in the *Gazette officielle du Québec*.

5904

Gouvernement du Québec

O.C. 896-2003, 27 August 2003

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

Development of wildlife

— **Fees and duties**

— **Amendment**

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS, under paragraph 10 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife by Order in Council 1291-91 dated 18 September 1991;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with 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 the scale of fees and duties related to the development of wildlife was published in Part 2 of the *Gazette officielle du Québec* of 5 March 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were made following that publication;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency owing to the following circumstances justifies such coming into force:

— the scale of fees provided for in the Regulation attached to this Order in Council for the new types of hunting licences for white tailed deer on Île d'Anticosti must come into force on the date of its publication in the *Gazette officielle du Québec* at the same time as sections 4 to 6 of the Regulation to amend the Regulation respecting hunting activities, which will come into force on that date;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and of the Minister for Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 10)

1. Schedule I to the Regulation respecting the scale of fees and duties related to the development of wildlife is amended by inserting the following after paragraph *b* of section 2 in Columns I and II:

“(c) white-tailed deer, female
or male with antlers
less than 7 cm, in Area 20

i. resident \$21.96;
ii. non-resident \$131.50;”.

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

5903

M.O., 2003

Order of the Minister of Transport respecting the approval of weigh scales dated 13 August 2003

Highway Safety Code
(R.S.Q., c. C-24.2)

1. The Minister of Transport approves the following wheel-load scales:

Make	Model	Serial No.
HAENNI	WL-101	25159
HAENNI	WL-101	25160
HAENNI	WL-101	25161
HAENNI	WL-101	25162
HAENNI	WL-101	25163
HAENNI	WL-101	25164
HAENNI	WL-101	25165
HAENNI	WL-101	25166
HAENNI	WL-101	25167
HAENNI	WL-101	25168

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulation made by Order in Council 1239-2002 dated 16 October 2002 (2002, *G.O.* 2, 5639). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

Make	Model	Serial No.
HAENNI	WL-101	25169
HAENNI	WL-101	25170
HAENNI	WL-101	25171
HAENNI	WL-101	25172
HAENNI	WL-101	25173
HAENNI	WL-101	25174
HAENNI	WL-101	25175
HAENNI	WL-101	25176
HAENNI	WL-101	25177
HAENNI	WL-101	25178
HAENNI	WL-101	25179
HAENNI	WL-101	25180
HAENNI	WL-101	25181
HAENNI	WL-101	25182

2. Schedule V of the Minister of Transport's Order dated May 22, 1990, published on March 29, 1995, in the *Gazette officielle du Québec*, amended by the Orders published on April 26, 1995, November 22, 1995, March 13, 1996, May 8, 1996, January 22, 1997, February 26, 1997, June 4, 1997, February 18, 1998, December 30, 1998, February 17, 1999, February 7, 2001, January 23, 2002, August 28, 2002 and November 13, 2002, in the *Gazette officielle de Québec*, and by the other, is further amended by inserting, after HAENNI wheel-load scale, model WL-101, serial number 24213, the following:

Make	Model	Serial No.
HAENNI	WL-101	25159
HAENNI	WL-101	25160
HAENNI	WL-101	25161
HAENNI	WL-101	25162
HAENNI	WL-101	25163
HAENNI	WL-101	25164
HAENNI	WL-101	25165
HAENNI	WL-101	25166
HAENNI	WL-101	25167
HAENNI	WL-101	25168
HAENNI	WL-101	25169
HAENNI	WL-101	25170
HAENNI	WL-101	25171
HAENNI	WL-101	25172
HAENNI	WL-101	25173
HAENNI	WL-101	25174
HAENNI	WL-101	25175
HAENNI	WL-101	25176
HAENNI	WL-101	25177
HAENNI	WL-101	25178
HAENNI	WL-101	25179
HAENNI	WL-101	25180
HAENNI	WL-101	25181
HAENNI	WL-101	25182

3. This Order takes effect on the date of its signature.

Québec, 13 August 2003

YVON MARCOUX,
Minister of Transport

5872

Amendments to the Rules of practice of the Superior Court of Québec in civil matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in civil matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on June 30, 2003, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, 15 August 2003

LYSE LEMIEUX,
Chief Justice

Rules¹ to amend the Rules of Practice in Civil Matters

Code of Civil Procedure
(R.S.Q., c. C-25)

1. The title in French "Règles de pratique en matière civile" is replaced by the title: "Règlement de procédure civile".*

* May be cited in French as: "R.p.c. (C.S.);" or, if the context permits, "R.p.c.", and in English, these Rules may be cited as "R.C.P. (S.C.);" or, if the context permits, "R.C.P.".

2. The following articles are added after Article 18:

"18.1. Joint expert. The parties may at any time jointly request the Court to appoint a joint expert.

¹ Adopted pursuant to the Court's inherent powers and Article 47 of the Code of Civil Procedure.

18.2. Curriculum vitae and costs of expertise. The party who produces an expert report must at the same time produce its author's curriculum vitae, a statement of account to date and the expert's current fee schedule for the expert's presence at a trial on the merits."

3. Articles 41 and 42 are repealed.

4. Article 44 is amended by striking out the second sentence of the first paragraph and the entire second paragraph.

5. The following article is added after Article 45:

"45.1 Respect of witnesses. The respect due witnesses requires that any examination out of court be conducted in the same manner as if it was before the Court. If there is indecorous or disorderly conduct, the stenographer may suspend the examination in order to obtain directions from a judge for its continuation."

6. Article 50.1 is repealed.

7. The text of Chapter XIII is replaced by the following text:

"CHAPTER XIII NEW CASES

70. Transitional provision. These rules apply to cases begun after January 1, 2003; however, the parties may agree to have them apply to cases begun before then.

71. Plaintiff's expert reports. The plaintiff must communicate its expert reports on the day of presentation of its action or application or on the day agreed upon by the parties in their timetable or established by the Court.

72. Preliminary exceptions. Preliminary exceptions and their conclusions must be disclosed at least two days prior to the date fixed for the presentation of the action or application.

73. Management of all proceedings. The Clerk inscribes all actions or applications on a roll for hearing on the day of their presentation with mention of "default to appear" or "filing of an agreement" as the case may be.

74. Judicial intervention with respect to an agreed timetable. When the parties have filed an agreement pursuant to Article 151.1 C.C.P., the Court may convene them to discuss its contents.

75. Oral proceedings – with a timetable.

(a) **Grounds of defence.** If the contestation is oral, the grounds of defence must be mentioned summarily in the agreement between the parties on the conduct of the case or in the minutes of the hearing when the action or application is presented.

(b) **Date of hearing.** When the contestation is oral and the parties have an agreement as to the conduct of the case, at the expiry of the timetable a party may convene the other parties before the Court for the purpose of verifying the status of the file; if it is complete and ready for trial on the merits, and once the estimated duration of the trial has been determined, the judge refers it by order pursuant to Article 110.1 C.C.P. for the establishment of a date of hearing.

A duly completed summary declaration that the file is complete in the format suggested in Form III A must be attached to the notice of convocation.

Each party so convened must file a similar summary declaration no later than the date of the convocation.

76. Oral proceedings – without a timetable.

Hearing: If the file is complete and ready for trial on the merits, the Court may dispose of the motion or application on the day of its presentation or refer it to the Clerk for the establishment of a date of hearing after having estimated the duration of the trial.

77. Written proceedings

(a) **Declaration that a file is complete (DFC).** The declaration pursuant to Article 274.1 C.C.P., as with that under Article 274.2 C.C.P., must include, in addition, a summary statement of the questions in dispute, the object of the testimony of each witness and whether the witness will testify in English or in French, or whether an interpreter will be required, and a confirmation that the party's file is complete and ready for trial on the merits.

(b) **Attestation that a file is complete (AFC).** After 30 days from the inscription contemplated by Article 274 C.C.P., the Clerk verifies if the file is complete and ready for trial on the merits. If appropriate, the Clerk signs an attestation specifying the estimated duration of the trial on the merits, and so informs the parties.

(c) **Notice that a file is incomplete (NFI).** If the Clerk ascertains that the file is incomplete after verification, the Clerk sends a notice to the parties, and the party in default has 30 days to remedy the omission.

(d) **Defaults of a party.** If a party fails to produce the declaration pursuant to Article 274.2 C.C.P. (DFC), or fails to correct a default in accordance with a notice that a file is incomplete, the Clerk so records in the attestation that the file is complete (AFC).”.

8. The following chapters are added after Chapter XIII:

“**CHAPTER XIV**
THE COMMERCIAL DIVISION

78. Commercial cases. All cases where the initial application is based principally, in whole or in part, on any of the following legislative provisions is a commercial case and is tried in the Commercial Division:

Statutes of Canada

— The Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3;

— The Companies and Creditors’ Arrangement Act, R.S.C. 1985, c. C-36;

— The Winding-Up and Restructuring Act, R.S.C. 1985, c. W-11;

— The Canada Business Corporations Act, R.S.C. 1985, c. C-44;

— The Bank Act, S.C. 1991, c. 46, R.S.C. 1985, c. B-1.01;

— The Farm Debt Mediation Act, S.C. 1997, c. 21;

— The Commercial Arbitration Act, R.S.C. 1985, c. 17 (2nd Supp.);

Statutes of Quebec

— Code of Civil Procedure, R.S.Q., c. C-25;

— Article 946.1 (homologation of an arbitration award);

— Article 949.1 (recognition and execution of an arbitration award rendered outside Quebec);

— The Companies Act, R.S.Q. c. C-38;

— The Winding-Up Act, R.S.Q. c. L-14;

— The Securities Act, R.S.Q. c. V-1;

The Chief Justice or a judge designated by the Chief Justice, whether on application or on his or her own initiative, may also declare any other case to be a commercial one to be tried in the Commercial Division.

79. Registry and jurisdictional numeration. The Commercial Division has its own Registry and a distinct jurisdictional numeration.

80. Obligatory mentions. Any proceeding in the Commercial Division must mention the words “Commercial Division” on the front page and on the backing, as well as reference to the law that governs the proceeding.

81. Multiple cases within the same file. Whenever there are multiple cases within the same file, each new application must bear the mention “New Case”. In subsequent proceedings relative to the new application, the sequential number given to the new case must be mentioned in the heading “Case sequence number ____” under the court number of the file.

82. Pagination. The party who produces a document must ensure it is paginated, unless it is already paginated.

83. Exception. If the volume of commercial cases in any judicial district is limited, the coordinating judge of the district may have commercial cases treated in the general Office of the Court and tried in the civil practice division.

CHAPTER XV QUARRELSOME CONDUCT

84. Necessity to obtain prior authorization. If a person acts in a quarrelsome manner, that is if that person exercises litigious rights in an excessive or unreasonable manner, the Court may prohibit that person from instituting an action or an application without having first obtained prior judicial authorization.

85. The order. The order of prohibition is general or is limited to one or more judicial districts, or with respect to one or more persons. In an extreme case, the order of prohibition may include an order preventing the person from having access to the courthouse.

86. Application for authorization. The application to institute or to continue an action or application is presented to the Chief Justice or the judge designated by the Chief Justice, and is filed in the Office of the Court for the District of Quebec or the District of Montreal depending on the division in which the order of prohibition was issued. The application may be adjudicated on the basis of the record, without a hearing.

87. Exhibits. The application to institute an action must be accompanied by the order of prohibition and the proceeding the applicant seeks to institute.

88. Presentation. The Chief Justice or the judge designated by the Chief Justice may refer the application to institute an action to the Court, in which case the applicant must serve it on the parties contemplated by the proposed proceeding, with a ten-day notice of presentation.

89. Nullity. An unauthorized proceeding is deemed never to have existed. When informed of an order of prohibition, the Clerk must refuse the acceptance of an unauthorized proceeding, except for an application to institute or continue proceedings or an inscription in appeal.

90. Registry. The Clerk transmits a copy of an order of prohibition filed at the Office of the Clerk to the Chief Justice of the division, or if the latter requires it, for inclusion in the public registry of persons subject to orders of prohibition.”.

9. The Table of Contents is amended accordingly to take account of the articles added to the Rules of Practice.

10. These Rules come into force ten days after their publication in the *Gazette Officielle du Québec*.

Form III A

No. (of the record, and nothing more)

Summary Declaration That the Record is Complete
In Accordance With Section 75 R.P.S.C.

1. Questions in dispute :

2. Examinations out of court, transcript of notes filed .

3. Documentary evidence communicated .

4. Affidavit evidence communicated .

5. Testimonial evidence by someone other than the party : name, subject matter of the deposition, in French (F), in English (E) or with an interpreter (I)

(a) F , E , I _____

(b) F , E , I _____

6. Duration of my proof and argument : _____ hours.

7. Particular difficulties and measures for simplifying the hearing, avoiding a deposition :

I confirm that my record is complete and ready for proof and hearing.

Signed on _____
Attorney for the applicant , defendant , or other

Amendments to the Rules of practice of the Superior Court of Québec in family matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in family matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on June 30, 2003, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, 15 August 2003

LYSE LEMIEUX,
Chief Justice

Rules¹ to amend the Rules of Practice in Family Matters

1. The title in French “Règles de pratique en matière familiale” is replaced by the title, “Règlement de procédure en matière familiale”.*

May be cited in French: “R.p.fam. (C.S)”, or if the context permits, “R.p. fam.”, and in English, “R.F.P. (S.C.)”, or if the context permits, “R.F.P.”.

2. In articles 21 and 22 and in the title of Sub-section 2 of Division 1 of Chapter III, the words “divorce declaration” and “declaration” are replaced by “application for divorce” and “application”.

3. In the title of Sub-section 3 of Division 1 of Chapter III, the words “by declaration” are replaced by “to institute proceedings”.

4. Form I is amended as follows:

(a) in the title of the Form, the words “divorce declaration” are replaced by “application for divorce”;

(b) in the title of the proceeding, the word “declaration” is replaced by “application for divorce”;

(c) in the ninth allegation of the proceeding, in the French text, the word “declaration” is replaced by “demande”;

(d) the tenth allegation is replaced by:

“Safeguard and provisional measures (if the application contains conclusions to that effect), corollary measures and other claims

(A) There is an agreement between the parties as to corollary relief, a copy of which is numbered Exhibit P-6;

or

(B) There is no agreement between the parties as to all safeguard and provisional measures and corollary relief, and

i. The grounds in support of the conclusions for provisional relief are (enumerate the facts): _____

ii. The grounds in support of corollary relief are (enumerate the facts): _____

(e) The conclusions of the proceeding are replaced by:

“ISSUE the following safeguard orders (if applicable):

ISSUE the following provisional orders, if applicable:

PRONOUNCES the divorce of the parties;

ISSUE the following orders of corollary relief (if applicable): _____

and GRANT the following additional conclusions (if applicable) _____

Or

RATIFY the agreement between the parties and ORDER the parties to conform therewith, _____ costs.”;

¹ Adopted pursuant to the Court’s inherent powers and Article 47 of the Code of Civil Procedure.

(f) the word “affidavit” is struck;

(g) the text following the words “notice to defendant as to contestation” are replaced by, “Insert here the prescribed text published in the *Gazette Officielle*, (2002) 134 G.O., Part II, 6492”.

(h) The following text is added after the preceding paragraph: “If necessary, add a notice of presentation of applications for safeguard orders or provisional measures.”.

5. Form III is amended in the “income” section by striking the words “family allowances/tax credits”.

6. The following article is added after Article 18:

“**18.1** Priority. The conclusions of a motion relating to An Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01) must be treated in priority to any other conclusions of the motion.”.

7. Article 23 becomes Article 20.1 and the word “legitimacy” is replaced by the word “filiation”.

8. Articles 41 and 41.1 are amended by striking the second sentence in the first paragraph of Article 41 and by adding it as the second paragraph of Article 41.1.

9. Form IV, being the Statement of the Family Patrimony, is replaced by the attached Form.

10. The Table of Contents is amended to take account of Articles 1, 2, 3,6 and 7 above.

11. These Rules come into force ten days after their publication in the *Gazette Officielle de Québec*.

Form IV

(Identification of the record)

STATEMENT OF THE FAMILY PATRIMONY

A	APPLICANT	DEFENDANT	
PROPERTY EXCLUDED FROM THE PATRIMONY (Art. 415 C.C.Q.)	VALUE	VALUE	GROUNDS FOR EXCLUSION

VALUE OF THE PATRIMONY ESTABLISHED AS AT / / date spouses ceased living together
 DD / MM / YYYY date of institution of the action

B	APPLICANT			DEFENDANT		
	VALUE	DEBT INCURRED	NET	VALUE	DEBT INCURRED	NET
NET VALUE OF PROPERTY IN THE PATRIMONY OWNED BY THE PARTIES (Art. 415 and 417 C.C.Q.)						
(1) Family residence	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(2) Secondary residence(s)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(3) Movable property which furnishes or decorates the residences and serves for the use of the household:						
• Family residence	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
• Secondary residence(s)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(4) Motor vehicle(s) used for family travel	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
DEDUCTIONS (Art. 418 C.C.Q.)			less			less
(a) Property owned before the marriage	Net value \$ _____	increase in value +\$ _____	=\$ _____	Net value \$ _____	increase in value +\$ _____	=\$ _____
(b) Contribution during the marriage	Contribution \$ _____	increase in value +\$ _____	=\$ _____	Contribution \$ _____	increase in value +\$ _____	=\$ _____
VALUE WHICH MAY BE PARTITIONED			=\$ _____			=\$ _____

* For greater detail, see the schedule

C	APPLICANT			DEFENDANT		
	VALUE	DEBT INCURRED	NET	VALUE	DEBT INCURRED	NET
NET VALUE OF PROPERTY IN THE PATRIMONY OWNED BY THE PARTIES (Arts. 415 and 417 C.C.Q.)						
(5) Benefits accrued during the marriage under a retirement plan (**See Section D if the plan does not confer the right to a capitalized amount)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(6) RRSPs accrued during the marriage	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
DEDUCTIONS (Art. 418 C.C.Q.)			less			less
Contribution during the marriage	Contribution	increase in value		Contribution	increase in value	
	\$ _____	+\$ _____	=\$ _____	\$ _____	+\$ _____	=\$ _____
VALUE WHICH MAY BE PARTITIONED			=\$ _____			=\$ _____

D Check the appropriate boxes	APPLICANT	DEFENDANT
Registered earnings during the marriage:		
• Québec Pension Plan (Q.P.P.)	<input type="checkbox"/>	<input type="checkbox"/>
• Canada Pension Plan (C.P.P.)	<input type="checkbox"/>	<input type="checkbox"/>
** The pension plan to which you contribute entitles your spouse to a pension instead of a capitalized amount	<input type="checkbox"/>	<input type="checkbox"/>
** The pension plan to which your spouse contributes entitles you to a pension instead of a capitalized amount	<input type="checkbox"/>	<input type="checkbox"/>

SWORN STATEMENT

I declare that the information given regarding the property owned by me is accurate and complete and that, to the best of my knowledge, it is accurate and complete as regards the property owned by the other party.

And I have signed in _____, on _____
 Applicant or Defendant

Solemnly affirmed before me in _____ this _____

Individual empowered to receive oaths: _____

E I BELIEVE THAT THE RULES REGARDING THE FAMILY PATRIMONY DO NOT APPLY IN THIS CASE, FOR THE FOLLOWING REASONS: (SPECIFY)

I AM NEVERTHELESS COMPLETING THE FOLLOWING STATEMENT IN THE EVENT THAT THE COURT DOES NOT ACCEPT THIS ARGUMENT.

F I AM CLAIMING UNEQUAL PARTITION FOR THE FOLLOWING REASONS (ART. 422 C.C.Q.) :

G EFFECTING THE PARTITION

(Art. 419 and 420 C.C.Q.)

Proposed methods of payment:

- 1. Currency:
- in cash: \$ _____
- by instalments: \$ _____

- as follows:

(date)	(amount)
_____	_____
_____	_____
_____	_____

- security (if applicable):

2. By giving in payment of the following property:

Applicant:

Defendant:

_____	_____
_____	_____
_____	_____

H RECOVERY OF DEDUCTIONS (IF APPLICABLE):

Applicant:

Defendant:

_____	_____
_____	_____
_____	_____

Signed in _____, on _____

PER : _____

Draft Regulations

Draft Regulation

Building Act
(R.S.Q., c. B-1.1)

Construction Code — 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 Construction Code, the text of which appears below, may be approved by the Government, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to adopt the Nineteenth Edition of the Canadian Electrical Code, Part I, which has been amended to facilitate its application, to adapt the Code to Québec's specific needs, and to keep up with technological development.

Further information may be obtained by contacting Jean-Louis Robert, Engineer, Régie du bâtiment du Québec, 800, place D'Youville, 15^e étage, Québec (Québec) GIR 5S3; telephone: (418) 643-4879; fax: (418) 646-9280.

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 Alcide Fournier, Chair, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 3, 6.2, 7, 20, 21, 24, 29, 31, 36, 37 and 38, and s. 192)

1. Section 5.01 of the Construction Code is amended

(1) by substituting “*dix-neuvième édition, norme CSA C22.1-02*” for “*dix-huitième édition, norme CSA C22.1-98*” in the first paragraph; and

(2) by substituting “*Nineteenth Edition, CSA Standard C22.1-02*” for “*Eighteenth Edition, CSA Standard C22.1-98*” in the first paragraph.

2. The following is inserted after section 5.03:

“**5.03.01. Electrical installation** means the installation of any wiring in or upon any land or in a building from the point or points where electric power or energy is delivered therein or thereon by the supply authority or from any other source of supply, to the point or points where such power or energy can be used therein or thereon by any electrical equipment and shall include the connection of any such wiring with any of the said equipment. (See Appendix B)”.

3. Section 5.04 of the Code is amended

(1) by deleting paragraphs 10 and 12, subparagraph 2 of paragraph 15, paragraphs 16, 17, 19 and 21, subparagraph 1 of paragraph 22, paragraphs 23, 24, 26 to 30, 33, 35, 36, 38, 43, 44, 46, 47, 49 to 52, 55, 59 to 61, 69 to 71, 74 and 75, and subparagraphs 3 and 6 of paragraph 77;

(2) by substituting the following for subparagraph 2 of paragraph 1:

“(2) by deleting the definition of “Electrical Installation””;

(3) by inserting “not exceeding a power of 10 kW” after “or for work” in paragraph 3, in the English text of the first paragraph of Rule 2-004;

(4) by inserting, in paragraph 9

(1) the word “North” after the word “of” in Subrule (1)*h* in the English text of the first paragraph of Rule 2-028; and

(2) “or with the requirements of Standard C22.2 No. 125-M1984 Équipement électromédical and Standard C22.2 No. 125-M-1984 Electromedical Equipment” after “Electrical Equipment” in the second paragraph of Rule 2-028 (1);

* The Construction Code approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4437) was last amended by the regulation approved by Order in Council 961-2002 dated 21 August 2002 (2002, *G.O.* 2, 4636).

(5) by substituting the following for paragraph 11 :

“(11) by adding the following Subrule in Rule 4-022 :

(5) Notwithstanding Subrule (3), for underground consumer’s service rated at more than 600 A and supplied by conductors in parallel, each neutral conductor shall be of the size specified in Table 66.”;

(6) by adding “in a raceway” after “service” in paragraph 18;

(7) by substituting the following for paragraph 20 :

“(20) by adding the following Subrule in Rule 8-106 :

(9) The method of calculation stated in Subrule (8) shall also be permitted for the replacement of an existing service or feeder, with or without additional load.”;

(8) by substituting the following for paragraph 45 :

“(45) in Rule 26-714 :

(1) by adding “ground floor” before “single dwelling” in Paragraph *a*;

(2) by substituting the following for Paragraph *c* :

(*c*) At least one duplex receptacle shall be provided for each garage or carport of single dwellings.”;

(9) by inserting the following after paragraph 68 :

“(68.1) in Rule 68-302, by adding “(See Appendix B)” after “Control” in the title”;

(10) by substituting the following in the English text for paragraph 73 :

“(73) in Rule 76-016, by substituting the words “unless an acceptable warning has been posted at all interconnecting points or other dangerous places” for the words “except by special permission.”;

(11) by substituting “(See Rule 4-022(5))” for “(See Rule 4-022(6))” in paragraph 76;

(12) by substituting “1201 - 2000” for “1200 - 2000” in the first column of the Table in the English text of paragraph 76;

(13) by substituting “before” for “after” in the English text of the first paragraph of subparagraph 1 of paragraph 77;

(14) by substituting “Circuit” for “Neutral” in the English text of the first paragraph of subparagraph 2 of paragraph 77;

(15) by substituting the following for subparagraph 5 of paragraph 77 :

“(5) in Rule 12-504, by adding the following note :

Nonmetallic sheathed cables must meet the requirements provided for in Rule 2-126.”;

(16) by substituting the following for subparagraph 7 of paragraph 77 :

“(7) by adding the following note after the note related to Rule 26-700(11) :

26-710(e)(iv) It is understood, from the expression “unfinished”, that, even after the installation of the wall covering (gypsum, etc.), it could be impossible to find the appropriate location of the receptacles required by Rule 26-712(a), when partitions and usable wall space have not yet been delimited. Thus, a basement shall not be considered as a finished basement, even if the foundation walls are finished, while the ceiling is not finished or is partly finished. However, the installation of a duplex receptacle required under Rule 26-710(e)(iv) does not exempt from the installation of receptacles of specific use already required by other rules of this Code.”;

(17) by substituting the following for subparagraph 8 of paragraph 77 :

“(8) in Rule 30-322(3), by adding the following note :

However, if this requirement cannot be met, control devices should be installed as far as possible from the bathtub and shower, but never outside the room (bathroom).” ; and

(18) by adding the following subparagraph at the end of paragraph 77 :

“(9) by adding the following note after the note related to Rule 68-068 :

68-302 If this requirement cannot be met, control devices should be installed as far as possible from the bathtub and shower, but never outside the room (bathroom).”.

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

Draft Regulation

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3; 2002, c. 13)

Education expenses — Financial assistance

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 financial assistance for education expenses, 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 allow for amounts received as bursaries under programs to promote the establishment of persons in the regions to no longer be taken into account in computing financial assistance for education expenses. Its purpose is also to increase the maximum amount of gross monthly income a person may receive to be considered as a borrower in a precarious financial situation.

Further information may be obtained by contacting Louis Tremblay, Aide financière aux études, 1035, rue De La Chevrotière, 20^e étage, Québec (Québec) G1R 5A5; telephone: (418) 646-9291.

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.

Québec, 11 July 2003

PIERRE REID,
Minister of Education

Regulation to amend the Regulation respecting financial assistance for education expenses*

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3, s. 57; 2002, c. 13, s. 8)

1. Section 7 of the Regulation respecting financial assistance for education expenses is amended by adding “or amounts granted by a department or body of the Government of Québec under a program to promote the establishment of persons in the regions and providing for the obligation to repay such amounts in case of the failure to comply with an undertaking” at the end of paragraph 2.

2. Section 69 is amended by replacing “\$1 125” in the first paragraph by “\$1 175”.

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

5898

Draft Regulation

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

Advocates — 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 advocates, the wording whereof was adopted by the General Council of the Barreau du Québec and which is reproduced hereinbelow, will be examined by the Office des professions in accordance with section 95 of the Professional Code (R.S.Q., c. C-26). Thereafter, it will be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment, upon the expiry of a period of 45 days following the present publication.

* The Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990 (1990, *G.O.* 2, 1685), was last amended by the regulation made by Order in Council 870-2002 dated 23 July 2002 (2002, *G.O.* 2, 4295). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

According to the Barreau du Québec, the primary purpose of the Regulation is to harmonize the Code of ethics with the new situations related to the practice by advocates of their profession within joint-stock companies or limited liability partnerships and in multidisciplinary. To this end, it expands the scope of an advocate's duties as regards liability, professional secrecy and conflicts of interest. It also adapts the provisions of the Code relating to the use of the Bar's graphic symbol and to the firm name of law firms to the new structures available for the practise of the profession. And it further sets out a new rule regarding partnership or company names.

According to the Barreau du Québec, the Regulation seeks to clarify or update certain rules prescribed by the Code in order to facilitate the application thereof and provide better protection for the public. For instance, amendments are brought to provisions:

1. Relating to the duties and obligations of advocates towards their clients, in particular in order to clarify an advocate's duty to notify his client of any fact of which he is aware which, in the advocate's opinion, is a breach of law likely to give rise to serious consequences for the client;

2. Stipulating the conditions under which an advocate may terminate his relationship with a client;

3. Dealing with situations of incompatibility between the practise of the profession of advocate and the practise of another profession or the operation of an enterprise.

The Regulation takes the provisions of the Civil Code of Québec into account.

The Regulation does not have any effect on enterprises.

Additional information may be obtained by contacting M^e Dominique Launay, lawyer, Service de recherche et de législation, Barreau du Québec, 445, boulevard Saint-Laurent, Montreal (Québec) H2Y 3T8, telephone: (514) 954-3400, extension 3145, or 1 800 361-8495, e-mail: dlaunay@barreau.qc.ca

All interested persons wishing to provide comments are requested to send such comments, prior to the expiry of the 45-day deadline, to the chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage,

Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order having adopted the Regulation as well as to interested persons, departments or bodies.

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

Regulation to amend the Code of ethics of advocates*

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

1. The title of Division I of the Code of ethics of advocates is replaced by the following: "GENERAL PROVISIONS".

2. The Code is amended by inserting the following sections after the title of Division I:

"**1.00.01.** This Code prescribes the rules of professional conduct which govern the conduct of an advocate when he engages in his professional activities.

These rules apply to an advocate who offers his services to the public and who practises alone or within a partnership or company constituted to engage in professional activities in accordance with the Regulation respecting the practice of the profession of advocate within a partnership or company and in multidisciplinary, approved by Order in Council (*indicate the number and date of the order in council*). They also apply to an advocate who engages in his professional activities exclusively for one client within the scope of an employment contract.

1.00.02. In this Code, unless the context indicates otherwise, the following terms mean:

"partnership or company": a general partnership, a limited liability partnership or a joint-stock company; and

* The most recent amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 358-97 dated 19 March 1997 (1997, G.O. 2, 1419). For prior amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, up to date until 1 March 2003.

“organization”: an institution or a legal person established in the public interest as well as a legal person established for a private interest other than a joint-stock company or any other form of association of persons.

1.00.03. An advocate who engages in his professional activities within a partnership or company in accordance with the Regulation respecting the practice of the profession of advocate within a partnership or company and in multidisciplinary shall take reasonable measures to ensure compliance with the rules set forth in this Code by the partnership or company and, if applicable, by any person, other than an advocate, who works within the said partnership or company, performs the duties of a director therein or holds an interest therein.”

3. The Code is amended by replacing the title of Division II with the following: “GENERAL DUTIES AND OBLIGATIONS”.

4. The Code is amended by inserting the following section after the title of Division II:

“**2.00.01.** In carrying out any professional duty or activity, an advocate must act with dignity, integrity, honour, respect, moderation and courtesy.”

5. Section 2.03. of the Code is repealed.

6. The Code is amended by inserting the following section after the title of Subdivision 1 of Division III:

“**3.00.01.** An advocate owes his client a duty of skill as well as the obligations of loyalty, independence, impartiality, diligence and prudence.”

7. Section 3.01.01. of the Code is amended by replacing the words “accepting a mandate” with the words “agreeing to provide a service” and by replacing the words “any mandate” with the words “to provide a service”.

8. Section 3.01.04. of the Code is replaced by the following:

“**3.01.04.** When an advocate foresees that the services for which his client is retaining him may be carried out in whole or in part in its essential aspects by another person, he must so inform his client.

If the interests of his client require it, he must, with the authorization of the client, consult a member of another professional order or another competent person or recommend to his client that he consult such person.”

9. The Code is amended by inserting the following section after the title of Subdivision 2 of Division III:

“**3.02.00.01.** The advocate must carry out his professional duties with integrity.”

10. Section 3.02.01. of the Code is amended:

1. by replacing the introductory paragraph with the following: “An advocate representing a client commits a breach of the obligation to act with integrity if he performs any of the following acts, *inter alia*:”;

2. by replacing the words “practises his profession in the same law firm” with the words “has an interest in the same partnership or company” in paragraph *k*; and

3. by adding a letter “s” to the words “withhold” and “conceal” in paragraph *a*, to the word “prevent” in paragraph *b*, to the words “lead”, “attempt” and “create” in paragraph *c*, to the word “encourage” in paragraph *d*, to the words “act”, “advise”, “help” and “induce” in paragraph *f*, to the words “pay” and “offer” in paragraph *g*, to the word “communicate” in paragraph *h*, to the words “act” and “abuse” in paragraph *i*, to the words “retain”, “steal”, “conceal”, “mutilate” and “destroy” in paragraph *j*, to the words “appear” and “plead” in paragraph *k* and to the word “refuse” in paragraph *l*, by adding the letters “es” to the word “suppress” in paragraph *e* and by replacing the word “falsify” in paragraph *j* with the word “falsifies”.

11. Section 3.02.03. of the Code is amended by adding the following at the end: “or, if applicable, the competence or efficiency of the services generally provided by the persons who engage in their activities within the same partnership or company as the one in which he does”.

12. Section 3.02.05. of the Code is amended by replacing the words “the mandate entrusted to him by the latter” with the words “performance of the services for which the latter is retaining the advocate”.

13. Section 3.02.06. of the Code is replaced by the following:

“**3.02.06.** When property is entrusted to an advocate by a client, the advocate must use it with care. He may not lend or use it for purposes other than those for which it was entrusted to him.”

14. Section 3.02.10. of the Code is amended by replacing the words “the mandate conferred upon him by the latter” with the words “a dispute for which the latter is retaining his services”.

15. Section 3.02.11. of the Code is replaced by the following:

“**3.02.11.** The advocate must avoid making or multiplying, without sufficient reason, professional acts.”.

16. The Code is amended by inserting the following sections after section 3.02.11.:

“**3.02.11.01.** If an advocate’s client is a company, partnership or organization, the advocate must, if in dealing with the individual representing the client he notices that the respective interests of the client and of this individual may differ, inform the individual of his duty of loyalty towards the client.

3.02.11.02. An advocate must notify the client of any fact noted by him in the performance of his duties which, in the advocate’s opinion, is a breach of law likely to give rise to serious consequences for the client.

An advocate shall give such notification to the client or, if the client is a client contemplated in section 3.02.11.01., to the individual who represents the client and with whom the advocate usually deals. In the latter case, if the situation is not remedied following the notification or if it seems likely that the notification will not result in the competent authorities remedying the situation, the advocate shall give notification of the fact noted by him to the appropriate superior hierarchical authority in light of the seriousness of the breach.”.

17. Section 3.03.05. of the Code is replaced by the following:

“**3.03.05.** Unless it is at an inopportune moment, an advocate may, for serious reasons, unilaterally terminate his relationship with a client, provided he does everything that is immediately necessary to prevent a loss.”.

18. Section 3.04.01. of the Code is amended by adding the following words at the end: “or the liability of the partnership or company within which he practises his profession”.

19. Section 3.05.03. of the Code is repealed.

20. Section 3.05.05. of the Code is amended by replacing paragraph *a* with the following:

“(a) a person with an interest in the partnership or company within which he engages in his professional activities, a member of this partnership or company or he himself has carried out judicial or quasi-judicial functions;”.

21. Section 3.05.07. of the Code is replaced by the following:

“**3.05.07.** When an advocate acts as judge with a municipality, that advocate or a person with an interest in the partnership or company within which he engages in his professional activities may not provide legal services to such municipality or hold employment therein.”.

22. Section 3.05.08. of the Code is replaced by the following:

“**3.05.08.** The advocate must not acquire a right of ownership on litigious property during a mandate that a client has entrusted to him or to another person within the partnership, company or organization in which he engages in his professional activities.”.

23. Section 3.05.13. of the Code is replaced by the following:

“**3.05.13.** An advocate must, before beginning or continuing to provide services, inform the client of all benefits he or the partnership or company within which he practises his profession receives in the form of fees, commissions, rebates, discounts, or otherwise, in addition to the remuneration to which he is entitled.

Similarly, he must inform the client of all benefits he or the partnership or company within which he engages in his activities gives to a person because of the fact that the client is using the advocate’s services.”.

24. Section 3.05.14. of the Code is replaced by the following:

“**3.05.14.** The advocate shall refrain from sharing his fees with any person with whom he is not authorized to practice his profession.”.

25. Section 3.05.15. of the Code is repealed.

26. Section 3.06.01. of the Code is replaced by the following:

“**3.06.01.** An advocate must comply with the obligation of confidentiality with respect to all information gathered while he engages in his professional activities. Furthermore, the advocate must take reasonable measures so that every person who cooperates with him or engages in his activities within the partnership, corporation or organization in which the advocate engages in his professional activities complies with this obligation of confidentiality.

3.06.01.01. An advocate must protect his client's right to professional secrecy.

Furthermore, the advocate must take reasonable measures so that every person who cooperates with him or engages in his activities within the partnership, corporation or organization in which the advocate engages in his professional activities complies with this obligation.

3.06.01.02. An advocate may not use, for his benefit or for the benefit of a person other than his client, confidential information obtained while he engages in his professional activities, unless the client in question consents thereto."

27. Section 3.06.02. of the Code is amended by replacing the words "accept a mandate or continue the execution thereof if it entails" with the words "agree to perform services or continue the performance thereof if they entail".

28. Sections 3.06.03. and 3.06.04. of the Code are repealed.

29. Section 3.06.05. of the Code is replaced by the following:

"**3.06.05.** An advocate shall safeguard his professional independence regardless of the circumstances in which he engages in his professional activities. In particular, he must not let his professional judgment be subject to pressure exerted on him by anyone whomsoever.

3.06.05.01. An advocate must subordinate his personal interests or the interests of the partnership or company within which he engages in his professional activities or in which he has an interest to the interests of the client."

30. Section 3.06.06. of the Code is amended by deleting the second paragraph.

31. Section 3.06.07. of the Code is amended by adding the following paragraph at the end:

"In all cases in which an advocate engages in his professional activities within a partnership or company, conflict of interest situations must be assessed with regard to all clients of the partnership or company."

32. Section 3.06.09. of the Code is replaced by the following:

"**3.06.09.** Where an advocate who engages in his professional activities within a partnership or company is in a conflict of interest, the other advocates shall, to avoid being considered in a conflict of interest themselves, take reasonable measures to ensure that confidential information or documents pertaining to the file are not revealed. In the case of a multidisciplinary firm, the advocate who is in a conflict of interest and the other advocates shall see to it that such measures apply to persons other than the advocates.

In assessing the effectiveness of these measures, the following factors may, in particular, be taken into account:

(1) the size of the partnership or company;

(2) the precautions taken to prevent access to the file by the advocate who is in fact in a conflict of interest;

(3) the instructions given as to the protection of confidential information or documents involved in the conflict of interest;

(4) the relative isolation of the advocate in a conflict of interest with respect to the person in charge of the file."

33. Section 3.06.10. of the Code is replaced by the following:

"**3.06.10.** An advocate may, even at an inopportune moment, withdraw from a file because of a conflict of interest. In such a case, he shall take the necessary conservatory measures to spare his client serious and foreseeable prejudice."

34. Section 3.07.01. of the Code is amended by replacing the words "allow his client" with the words "respect his client's right".

35. Section 3.08.02. of the Code is amended by deleting the word "his" in paragraph *a*.

36. Section 3.08.04. of the Code is replaced by the following:

"**3.08.04.** The advocate must, before agreeing with a client to provide professional services, be assured that the latter has all useful information regarding the nature of the services and their approximate cost, except where he may reasonably assume that the client is already informed thereof.

3.08.04.01. An advocate who engages in his professional activities in a multidisciplinary partnership or company must ensure that the fees and costs of services rendered by advocates are always indicated separately on every invoice or statement of fees that the partnership or company sends to a client, except where a lump-sum payment has been agreed upon in writing with the client. However, in the latter case, the statement or invoice must describe the legal services rendered.”.

37. Section 3.08.05. of the Code is replaced by the following :

“**3.08.05.** The advocate must provide his client with all the explanations necessary to the understanding of the invoice or statement of fees and the terms and conditions of payment, except where he has concluded a written agreement with the client to receive a lump-sum payment or where he may reasonably assume that the client is already informed thereof.”.

38. Section 3.08.07. of the Code is amended by replacing the first sentence with the following: “The only interest an advocate may collect on outstanding accounts, in addition to interest calculated at the legal rate, is interest upon which he has agreed with his client in writing.”.

39. Section 3.08.08. of the Code is repealed.

40. The title of Subdivision 1 of Division IV of the Code is replaced by the following: “Incompatible situations”.

41. The Code is amended by inserting the following sections after the title of Subdivision 1 of Division IV :

“**4.01.00.01.** An advocate who, in addition to his profession, engages in activities which do not constitute the practice of the profession of advocate, in particular in connection with a job, an office or the operation of an enterprise, shall, regardless of the circumstances, avoid creating any ambiguity as to the capacity in which he is acting.

The advocate shall ensure that those of his activities which do not constitute the practice of the profession of advocate do not compromise compliance with the rules of professional conduct prescribed by this Code.

4.01.00.02. An advocate shall not, directly or indirectly, hold an office or operate an enterprise which is incompatible with the practice of the profession of advocate.

An advocate who engages in his professional activities in a partnership or company shall, as soon as he learns that another person engaged in activities within the said partnership or company holds an office or operates an enterprise which is incompatible with the practice of the profession of advocate, diligently take reasonable measures to remedy the situation.”.

42. Section 4.01.01. of the Code is amended by replacing paragraphs *b* and *c* with the following :

“(b) the office of legal stenographer or of police officer ;

(c) the office of collection agent.”.

43. The Code is amended by inserting the following after section 4.01.01. :

“**4.01.01.01.** An activity which does not constitute the practice of the profession of advocate and is performed in connection with an office or enterprise, in a manner that does not comply with the rules prescribed in this Code, is also incompatible with the practice of the profession of advocate.

In particular, the following are incompatible, when held or carried out with respect to a client, in addition to engaging in legal activities for the same client :

(1) the office of bailiff in the same file ; and

(2) a mission to certify or apply an auditing practice.”.

44. Section 4.02.01. of the Code is amended :

(1) by replacing “and 58” by “, 58, 59.1 and 59.2” in the introductory paragraph ;

(2) by replacing paragraph *a* with the following :

“(a) introducing a judicial demand, assuming a defence, delaying a trial or taking any other such measure on his client’s behalf when he knows or when it is evident that such action is only intended to harm another person or adopting an attitude contrary to the requirements of good faith” ;

(3) by replacing paragraph *h* with the following :

“(h) not informing his client when he becomes aware of an impediment to the continuation of his services and, in the case of a dispute, also failing to inform the opposite party” ;

(4) by replacing the words “obtain mandates” with the words “induce persons to retain his services” in paragraph *m*; and

(5) by deleting paragraphs *n*, *o*, *p*, *t*, *u* and *x*.

45. The Code is amended by inserting the following after section 4.02.01.:

“**4.02.02.** It is also derogatory to the dignity of the profession of advocate for an advocate to engage in his professional activities or have an interest in a partnership or company where:

(1) acts derogatory to the honour or dignity of the profession of advocate which have been performed by a person within the said partnership or company have been brought to his attention for more than 30 days without the advocate having taken any reasonable measures to remedy the situation; or

(2) the representative of the partnership or company before the Bar within the meaning of the Regulation respecting the practice of the profession of advocate within a partnership or company and in multidisciplinary, a partner, a person holding voting shares, a director, a senior executive or an employee has been struck off a roll for more than three months or has had his permit revoked.

Clause (2) of the first paragraph shall not apply if the person who has been struck off the roll or whose permit has been revoked terminates the situation having given rise to the derogatory act in the manner and within the time limit set forth hereinafter or within such additional time limit as the General Council may determine:

(1) if the person is a representative, director, senior executive or employee of the partnership or company, he ceases to occupy this position within 10 days after the effective date of the striking off or revocation;

(2) if he holds voting shares in the partnership or company or is a partner thereof, he ceases, within the same time limit, to directly or indirectly exercise his rights as a shareholder or partner and divests himself of the shares or partnership units within 180 days following the aforementioned effective date.”.

46. The Code is amended by inserting the following sections after the title of Subdivision 3 of Division IV:

“**4.03.00.01.** An advocate shall immediately inform the syndic of a derogatory act committed to his personal knowledge by a colleague.

4.03.00.02. An advocate shall immediately inform the executive director of the Bar when he knows of any impediment whatsoever to the admission of a candidate to the Bar.”.

47. Section 4.03.02. of the Code is amended by replacing the word “correspondence” with the word “communications”.

48. Section 4.03.04. of the Code is repealed.

49. Section 5.01. of the Code is replaced by the following:

“**5.01.** No advocate may make a false or misleading representation or allow such representation to be made, whether by statement, conduct or omission.”.

50. Section 5.03. of the Code is amended by inserting the following after the first paragraph:

“If the advocate engages in his professional activities within a multidisciplinary partnership or company, the advertising must contain a separate description of the legal services included in the fees.”.

51. Section 5.04. of the Code is amended by replacing “5 years” with “12 months”.

52. The Code is amended by inserting the following after section 5.05.:

“**5.05.01.** An advocate who engages in his professional activities within a partnership or company shall take reasonable measures to ensure that the advertising of the partnership or company or of any other person engaging in activities within the partnership or company complies, as regards advocates, with the rules prescribed in this section.”.

53. Section 5.06. of the Code is repealed.

54. The Code is amended by inserting the following after section 6.03.:

“**6.04.** An advocate who engages in his professional activities within a partnership or company shall ensure that any use of the graphic symbol of the Bar within the partnership or company complies with sections 6.02 and 6.03.

6.05. Only a partnership or company all of whose services offered to clients are offered by advocates may use the graphic symbol of the Bar in connection with its name or in its advertising.

An advocate who engages in his professional activities within a partnership or company all of whose services offered to clients are not offered by advocates shall take reasonable measures to ensure that the graphic symbol of the Bar is not used in connection with the name of the partnership or company or in its advertising.

Nonetheless, this section shall not prevent the use of the graphic symbol of the Bar in connection with the name of an advocate.”.

55. Section 7.01. of the Code is replaced by the following:

“**7.01.** An advocate must not practice his profession within a partnership or company under a name or designation which is misleading, deceptive or contrary to the honour or dignity of the profession or which is a number name.

7.02. An advocate who engages in his professional activities within a partnership or company shall take reasonable measures to ensure that every document which is produced within the practice of the profession of advocate and originates from the partnership or company is identified with the name of an advocate.”.

56. This Regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

5902

Draft Regulation

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

Physicians

— Practice of the profession within a partnership or a joint stock company

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Bureau of the Collège des médecins du Québec adopted the Regulation respecting the practice of the medical profession within a partnership or a joint stock company.

The Regulation, the text of which is attached below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code (R.S.Q., c. C-26). It will then be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The main purpose of this regulation is to set out the terms, conditions and restrictions under which members of the Collège may practise their profession within a joint stock company or limited liability partnership.

This new regulation contains specific provisions respecting the management of the partnership or company and the holding of partnership or company shares.

According to Chapter VI.3 of the Professional Code, the conditions also include the obligation to take out insurance to cover the partnership’s or company’s liability arising from fault or negligence on the part of members in the practice of the profession within such partnership or company. Furthermore, members will be required to provide the Collège, and to keep up to date, information concerning the partnership or company as well as the partners, directors and shareholders as the case may be.

This Regulation will have no impact on enterprises.

Further information may be obtained by contacting M^e Christian Gauvin, Director of the Judicial Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; tel.: 1 888 633-3246 or (514) 933-4441; fax: (514) 933-3112.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) GIR 5Z3. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting 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 practice of the medical profession within a company

Professional Code
(R.S.Q., c. C-26, s. 93, subpar. g and h, s. 94, subpar. p)

1. A physician is authorized to practise his profession within a limited liability partnership or a joint-stock company for the purposes of carrying out his professional activities if the following conditions are met:

1° more than 50% of the voting rights, attached to the shares or to the partnership shares of the company, are exercised by:

- a) physicians;
- b) a legal person, a trust or any other undertaking whose voting rights attached to the shares or to the partnership shares of the company are entirely exercised by a physician;
- c) both categories of persons as contemplated under subparagraphs *a* and *b*;

2° the board of directors of the joint-stock company, as well as the partners and the directors appointed by the partners to manage the business of the limited liability partnership, as well as the quorum on such board of directors, must include a majority of physicians.

The physician shall ensure that the conditions stated in the first paragraph are entered in the articles of association of the joint-stock company or stipulated in the limited liability partnership agreement and that it is also provided that this company is established for the purposes of carrying out professional activities.

2. At all times, the physician shall ensure that the company allows him to comply with the Professional Code (R.S.Q., c. C-26), the Medical Act (R.S.Q., c. M-9) and all regulations enacted thereunder.

DIVISION I

OTHER TERMS AND CONDITIONS

3. The physician who practices his profession within a limited liability partnership or a joint-stock company must declare it to the Collège des médecins du Québec and must pay the \$100 fee for the statement.

The physician remits to the Collège a statement containing the following information:

- 1° the name or the corporate name as well as any other names used by the company in Québec or the companies within which he practices his profession and the designating number that the competent authority has issued to them;
- 2° the legal form of the company;
- 3° his status within the company;
- 4° the nature of the company's business;

5° a copy of the irrevocable written authorization of the company within which he practices his profession allowing a person, a committee, a disciplinary body or a tribunal under section 192 of the Professional Code to demand from any person having the custody thereof to communicate and to obtain the document mentioned in section 15 or a copy thereof.

4. In the event that the conditions stipulated in section 3 are not met, the physician is not authorized to practice his profession within the company.

5. Upon the Collège request, the physician must provide:

1° a written confirmation of a competent authority certifying that the company holds a security pursuant to Division II;

2° in the case where he practices his profession within a joint-stock company, a written confirmation given by a competent authority certifying the existence of the company;

3° a certified copy of the statement given by the competent authority, indicating that the general partnership has been continued into a limited liability partnership;

4° a written confirmation certifying that the company is duly registered in Québec.

6. The physician must also follow up on the requests made, pursuant to this Regulation, by the syndic, an assistant syndic, an inspector, an investigator, a member of a Professional inspection Committee or another representative of the Collège and provide them, as the case may be, with the requested documents.

7. Every year, when he pays his annual assessment, the physician must update the information contained in the statement contemplated under section 3.

8. The physician ceases immediately to be authorized to practice his profession within a company if he no longer meets the conditions stipulated in this Regulation or in Chapter VI.3 of the Professional Code.

9. The physician must notify the secretary in writing of any change in the information transmitted in his statement that contravenes this Regulation. This notice must be received by the secretary of the Collège within 30 days after the change is made.

He must in particular notify the Collège of the cancellation of the security contemplated under Division II, and of the dissolution, the assignment of assets, the bankruptcy, the voluntary or forced liquidation, of the company or of any event that is likely to prevent the company from pursuing its activities.

DIVISION II **SECURITY FOR PROFESSIONAL LIABILITY**

10. The physician practising his profession within a company must, in order to be authorized to practice his profession pursuant to this Regulation, provide and maintain for that company, either by means of an insurance contract or a surety bond, or by joining a group insurance contracted by the Collège, or by contributing to a professional liability insurance fund established for such purposes in accordance with section 86.1 of the Professional Code, a security for any professional liability eventually incurred by that company as a result of the fault or negligence of the physicians in the course of the practice of their profession within that company.

11. The security must provide for the following minimum conditions by means of a specific contract or rider:

1° the agreement from the insurer or the security to pay in lieu of the company, in excess of the amount of coverage that the member must provide under the Regulation respecting professional liability insurance of the Collège des médecins du Québec, taken by a decision of June 16, 1982 or of any other amount subscribed by the member if it is higher, up to the security amount, any sum that the company may legally be liable to pay to an injured third party regarding a claim submitted during the period of coverage as a result of the fault or negligence of the physician in the course of the practice of his profession. The insurer's obligation must be extended to any claim to which the coverage of the physician may not apply and resulting from a deliberate act committed by that physician in the course of the practice of his profession;

2° the agreement from the insurer or the security to hold the company harmless and to defend the company in any action taken against it and to pay, apart from the amounts covered, all the costs and expenses of the actions taken against the company, including those for the hearing and the defence as well as the interests on the amount of the coverage;

3° the agreement according to which this coverage shall extend to any claim submitted during the 5 years following the period of coverage during which a physician practising within a company dies, leaves the company or ceases to be entered on the roll of the Order, in

order to maintain a coverage in favour of the company against the faults or negligence of a physician in the practice of his profession while he was practising within the company;

4° the amount of the coverage must be of at least \$1 000 000 per claim, and at least \$2 000 000 for the aggregate of the claims submitted against the company during a period of coverage of 12 months;

5° the agreement from the insurer or the security to give the secretary of the Collège a 30-day prior notice when he intends to terminate the coverage, to modify it in respect to one of the conditions stipulated in this section or not to renew it.

12. The surety bond is obtained from a bank, a savings and credit union, a trust company or an insurance company, which must be domiciled in Canada and must have and maintain, in Québec, sufficient assets to provide the coverage required under this Division.

The institution referred to in the first paragraph shall undertake to provide the coverage under the conditions stipulated in this Division and must waive the benefit of division and discussion.

13. The physician is exempt from complying with the obligations under this Division provided he remits to the secretary a proof that the company is eligible to receive assistance from the Canadian Medical Protective Association and if he maintains its eligibility regarding any liability that it may incur owing to fault or negligence committed by the physicians in the course of the practice of their profession within that company.

DIVISION III **ADDITIONAL INFORMATION**

14. When a general partnership is established into a limited liability partnership or when a joint-stock company is established and a percentage of issued and paid-up shares or of partnership shares is held by any individual other than a physician or a member of his immediate family, the physician must publish, within 30 days of the date of the continuation or incorporation of the company, a notice in the newspaper for the territory where he practices his profession. Such notice must indicate the name of any person who holds company or partnership shares.

15. The documents for which the physician shall request permission of the company to disclose them or to obtain a copy thereof under subparagraph 5 of the second paragraph of section 3 are the following:

1° if the physician practices his profession within a joint-stock company:

- a) the complete and updated register of the constitution and by-laws of the company within which he practices his profession;
- b) the complete and updated register of the shares of the company;
- c) the complete and updated register of the directors of the company;
- d) any shareholders agreement and voting agreement, as amended;
- e) the updated company's statement of registration;
- f) the name of the executive officers of that company and their residential address;

2° if the physician practices his profession within a limited liability partnership:

- a) the updated company's statement of registration;
- b) the partnership agreement as amended;
- c) the complete and updated register of the partners of the company;
- d) as the case may be, the complete and updated register of the directors of that company;
- e) the name of the executive officers of that company and their residential address.

16. A physician who practices his profession within a limited liability partnership or a joint-stock company within which only physicians or members of other professional orders, shall be authorized to enter, in the name of the company or after such name, the terms "partnership of professionals governed by the Professional Code" or the acronym "PPGPC".

17. The respondent may, on behalf of physicians practicing within a company, meet the requirements under section 3, when a company within which they practise their profession has more than one physician. The respondent is then directed by these physicians to answer to inquiries made under this Regulation, by the syndic, an assistant syndic, an inspector, an investigator, a member of a Professional inspection Committee or another representative of the Collège and to provide

them, as the case may be, with the documents that the physicians are required to remit. The respondent must ensure that the information provided by the Collège is accurate.

The respondent must be a physician in accordance with section 1 of this Regulation.

18. This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

5901

Draft Regulation

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

Physicians — Professional activities that may be engaged in electrophysiology

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on June 6, 2003, adopted the Regulation respecting professional activities that may be engaged in electrophysiology.

The Regulation was sent to the Office des professions du Québec which will examine it pursuant to section 95 of the Professional Code (R.S.Q., c. C-26). It will then be submitted, with the recommendation of the Office, to the Government which, pursuant to that section, may approve it with or without amendment after the expiry of 45 days following this publication.

The purpose of the Regulation is to take into account the new sharing of professional activities in the health sector arising from the coming into force of the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33), while ensuring the continuity of care and services for the public.

According to the Collège des médecins du Québec:

(1) this Regulation authorizes an electrophysiology technologist or a student duly registered in a training program leading to the diploma contemplated in this Regulation to perform a stress electrocardiogram;

(2) this Regulation also authorizes any person who, on January 30, 2003, performed the diagnostic tests contemplated in this Regulation to continue doing so;

(3) in the interests of citizens and public protection, this Regulation specifies the terms and conditions, notably the training, under which such activities may be performed;

Further information may be obtained by contacting, Dr Claude Ménard, Medical Assistant to the Executive, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: (514) 933-4441, extension 294, facsimile number: (514) 933-5374, e-mail: cmenard@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45-day period, to the Chairman 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 sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

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

Regulation respecting professional activities that may be engaged in electrophysiology

Professional Code
(R.S.Q., c. C-26; s. 94 h; 2002, c. 33, s. 5)

1. The purpose of this Regulation is to determine, from among the professional activities that may be engaged in, those that, under the terms and conditions determined therein, may be engaged in by an electrophysiology technologist or other persons.

2. In this Regulation, the following terms mean:

(1) “electrophysiology technologist”: any person who holds a diploma of college studies in medical electrophysiology issued by Collège Ahuntsic;

(2) “individual prescription”: a prescription given to a person by a physician, the subject of which is medication, treatments, examinations or care to be provided to an identified patient;

3. An electrophysiology technologist may perform a stress electrocardiogram, in accordance with an individual prescription.

4. A student duly registered in a training program leading to the diploma contemplated in subparagraph 1° of section 2 may engage in the activity that may be practiced by an electrophysiology technologist, pursuant to section 3, to the extent required for purposes of completing this program.

5. Any person who, on January 30, 2003, engaged in the following activities is authorized to continue doing so, in accordance with an individual prescription:

(1) echocardiography or vascular echography including, if necessary, the administration of substances required for this purpose;

(2) carotid or transcranial Doppler including, if necessary, the administration of substances required for this purpose.

6. Any person who, on January 30, 2003, was registered in a training program in adult and pediatric echography at the adult and continuing education faculty of the Université de Montréal may, as part of his or her training or following the issuance of a certificate attesting to successful completion of this training, engage in the activities stipulated in subparagraph 1° of section 5, in accordance with an individual prescription.

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

5900

Index Statutory Instruments

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

Regulations — Statutes	Page	Comments
Advocates — Code of ethics (Professional Code, R.S.Q., c. C-26)	2765	Draft
Agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Ratification and making of the Regulation giving effect to the agreement (Highway Safety Code, R.S.Q., c. C-24.2)	2721	N
Approval of weigh scales (Highway Safety Code, R.S.Q., c. C-24.2)	2751	N
Bailiffs — Code of ethics (Professional Code, R.S.Q., c. C-26)	2715	M
Building Act — Construction Code (R.S.Q., c. B-1.1)	2763	Draft
Building Act — Construction Code (R.S.Q., c. B-1.1)	2730	M
Building Act — Installations for the use, storage or distribution of gas — Coming into force of section 214 (1985, c. 34)	2703	
Building Act — Regulation (R.S.Q., c. B-1.1)	2738	M
Building Act — Safety Code (R.S.Q., c. B-1.1)	2739	M
Certified management accountants — Code of ethics (Professional Code, R.S.Q., c. C-26)	2706	M
Code of Civil Procedure — Rules of practice of the Superior Court of Québec in civil matters (R.S.Q., c. C-25)	2752	M
Code of Civil Procedure — Rules of practice of the Superior Court of Québec in family matters (R.S.Q., c. C-25)	2757	M
Commission des relations du travail — Procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners (Labour Code, R.S.Q., c. C-27)	2728	M
Conseillers en relations industrielles — Code of ethics of the members of the Ordre (Professional Code, R.S.Q., c. C-26)	2716	M
Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices — Code of ethics of the members of the Ordre (Professional Code, R.S.Q., c. C-26)	2705	M
Conservation and development of wildlife, An Act respecting the... — Hunting activities (R.S.Q., c. C-61.1)	2749	M

Conservation and development of wildlife, An Act respecting the... — Scale of fees and duties related to the development of wildlife (R.S.Q., c. C-61.1)	2750	M
Construction Code (Building Act, R.S.Q., c. B-1.1)	2763	Draft
Construction Code (Building Act, R.S.Q., c. B-1.1)	2730	M
Denturologistes — Code of ethics (Professional Code, R.S.Q., c. C-26)	2717	M
Financial assistance for education expenses (An Act respecting financial assistance for education expenses, R.S.Q., c. A-13.3)	2765	Draft
Financial assistance for education expenses, An Act respecting... — Financial assistance for education expenses (R.S.Q., c. A-13.3)	2765	Draft
Forest Act — Operating permits for wood processing plants (R.S.Q., c. F-4.1)	2725	M
Forest Act — Scaling of timber harvested in forests in the domain of the State (R.S.Q., c. F-4.1)	2726	M
Highway Safety Code — Agreement on driver's licence exchange between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Ratification and making of the Regulation giving effect to the agreement . . . (R.S.Q., c. C-24.2)	2721	N
Highway Safety Code — Approval of weigh scales (R.S.Q., c. C-24.2)	2751	N
Highway Safety Code and other legislative provisions, An Act to amend the... — Coming into force of section 15 (1999, c. 66)	2703	
Hunting activities (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	2749	M
Hygiénistes dentaires — Code of ethics of members of the Ordre (Professional Code, R.S.Q., c. C-26)	2714	M
Labour Code — Commission des relations du travail — Procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners (R.S.Q., c. C-27)	2728	M
Land surveyors — Code of ethics (Professional Code, R.S.Q., c. C-26)	2707	M
Occupational health and safety, An Act respecting... — Safety Code for the construction industry (R.S.Q., c. S-2.1)	2729	M
Occupational therapists — Code of ethics (Professional Code, R.S.Q., c. C-26)	2719	M
Operating permits for wood processing plants (Forest Act, R.S.Q., c. F-4.1)	2725	M

Parmacy Act — Terms and conditions for the sale of medications (R.S.Q., c. P-10)	2720	M
Physicians — Practice of the profession within a partnership or a joint stock company (Professional Code, R.S.Q., c. C-26)	2772	Draft
Physicians — Professional activities that may be engaged in electrophysiology (Professional Code, R.S.Q., c. C-26; 2002, c. 33)	2775	Draft
Professional Code — Advocates — Code of ethics (R.S.Q., c. C-26)	2765	Draft
Professional Code — Bailiffs — Code of ethics (R.S.Q., c. C-26)	2715	M
Professional Code — Certified management accountants — Code of ethics (R.S.Q., c. C-26)	2706	M
Professional Code — Conseillers en relations industrielles — Code of ethics of the members of the Ordre (R.S.Q., c. C-26)	2716	M
Professional Code — Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices — Code of ethics of the members of the Ordre (R.S.Q., c. C-26)	2705	M
Professional Code — Denturologistes — Code of ethics (R.S.Q., c. C-26)	2717	M
Professional Code — Hygiénistes dentaires — Code of ethics of members of the Ordre (R.S.Q., c. C-26)	2714	M
Professional Code — Land surveyors — Code of ethics (R.S.Q., c. C-26)	2707	M
Professional Code — Occupational therapists — Code of ethics (R.S.Q., c. C-26)	2719	M
Professional Code — Physicians — Practice of the profession within a partnership or a joint stock company (R.S.Q., c. C-26)	2772	Draft
Professional Code — Physicians — Professional activities that may be engaged in electrophysiology (R.S.Q., c. C-26; 2002, c. 33)	2775	Draft
Professional Code — Psychologists — Code of ethics (R.S.Q., c. C-26)	2709	M
Professional Code — Techniciennes et techniciens dentaires — Code of ethics of the members of the Ordre (R.S.Q., c. C-26)	2712	M
Professional Code — Traducteurs et interprètes agréés du Québec — Code of ethics (R.S.Q., c. C-26)	2710	M
Professional Code — Travailleurs sociaux — Code of ethics of the members of the Ordre (R.S.Q., c. C-26)	2711	M

Psychologists — Code of ethics (Professional Code, R.S.Q., c. C-26)	2709	M
Rules of practice of the Superior Court of Québec in civil matters (Code of Civil Procedure, R.S.Q., c. C-25)	2752	M
Rules of practice of the Superior Court of Québec in family matters (Code of Civil Procedure, R.S.Q., c. C-25)	2757	M
Safety Code (Building Act, R.S.Q., c. B-1.1)	2739	M
Safety Code for the construction industry (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	2729	M
Scale of fees and duties related to the development of wildlife (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	2750	M
Scaling of timber harvested in forests in the domain of the State (Forest Act, R.S.Q., c. F-4.1)	2726	M
Techniciennes et techniciens dentaires — Code of ethics of the members of the Ordre (Professional Code, R.S.Q., c. C-26)	2712	M
Terms and conditions for the sale of medications (Pharmacy Act, R.S.Q., c. P-10)	2720	M
Terms and conditions for the sale of medications (Veterinary Surgeons Act, R.S.Q., c. M-8)	2720	M
Traducteurs et interprètes agréés du Québec — Code of ethics (Professional Code, R.S.Q., c. C-26)	2710	M
Travailleurs sociaux — Code of ethics of the members of the Ordre (Professional Code, R.S.Q., c. C-26)	2711	M
Veterinary Surgeons Act — Terms and conditions for the sale of medications (R.S.Q., c. M-8)	2720	M