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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 881-2003, 27 August 2003

**An Act to ensure the implementation of the Agreement concerning a new relationship between le Gouvernement du Québec and the Crees of Québec (2002, c. 25)
— Coming into force of a provision**

COMING INTO FORCE of a provision of the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec

WHEREAS the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (2002, c. 25) was assented to on 13 June 2002;

WHEREAS, under section 27 of the Act, its provisions came into force on 13 June 2002, except

— sections 1 to 15 and section 17, to the extent that it enacts sections 95.11 to 95.24 of the Forest Act (R.S.Q., c. F-4.1), which come into force on the date or dates to be fixed by the Government;

— the provisions of section 21, which came into force on 1 April 2003, to the extent that they concern an annual management plan, and those that come into force on the date of coming into force of sections 95.11 to 95.24 of the Forest Act, to the extent that they concern a general forest management plan;

— the provisions of section 25, which come into force on the date of coming into force of sections 95.11 to 95.24 of the Forest Act;

WHEREAS it is expedient to fix 15 September 2003 as the date of coming into force of section 17 of the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, to the extent that it enacts sections 95.11 to 95.24 of the Forest Act;

IT IS ORDERED, therefore, on the recommendation of the Minister for Canadian Intergovernmental Affairs and Native Affairs:

THAT section 17 of the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (2002, c. 25), to the extent that it enacts sections 95.11 to 95.24 of the Forest Act (R.S.Q., c. F-4.1), come into force on 15 September 2003.

ANDRÉ DICAIRE,
Clerk of the Conseil Exécutif

5908

Regulations and other acts

Gouvernement du Québec

O.C. 902-2003, 27 August 2003

An Act respecting threatened or vulnerable species
(R.S.Q., c. E-12.01)

Threatened or vulnerable species and their habitats — Amendments

Regulation to amend the Regulation respecting threatened or vulnerable species and their habitats

WHEREAS, under paragraph 1 of section 10 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01), the Government may, by regulation, designate, as a threatened or vulnerable species, any species requiring it;

WHEREAS the Government made the Regulation respecting threatened or vulnerable species and their habitats by Order in Council 950-2001 dated 23 August 2001;

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), the Regulation to amend the Regulation respecting threatened or vulnerable species and their habitats was published as a draft in Part 2 of the *Gazette officielle du Québec* of 11 September 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments have been received since that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting threatened or vulnerable species and their habitats, without amendment;

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

THAT the Regulation to amend the Regulation respecting threatened or vulnerable species and their habitats, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting threatened or vulnerable species and their habitats*

An Act respecting threatened or vulnerable species
(R.S.Q., c. E-12.01, s. 10)

1. The Regulation respecting threatened or vulnerable species and their habitats is amended in section 2

(1) by inserting the following before paragraph 1 :

“(0.1) the American shad (*Alosa sapidissima*);”;

(2) by inserting the following after paragraph 1 :

“(1.1) the anatum peregrine (*Falco peregrinus anatum*);

(1.2) the bald eagle (*Haliaeetus leucocephalus*);”.

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

5909

* The Regulation respecting threatened or vulnerable species and their habitats was made by Order in Council 950-2001 dated 23 August 2001 (2001, *G.O.* 2, 4851) and has not been amended since that date.

Gouvernement du Québec

O.C. 909-2003, 27 August 2003

An Act to ensure safety in guided land transport
(R.S.Q., c. S-3.3)

Rail safety — Amendments

Regulation to amend the Regulation respecting rail safety

WHEREAS, under paragraphs 10 and 10.1 of section 54 of the Act to ensure safety in guided land transport (R.S.Q., c. S-3.3), the Government may make regulations on the matters set forth therein;

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 rail safety was published in Part 2 of the *Gazette officielle du Québec* of 2 April 2003, with a notice that the Regulation could be made on the expiry of 45 days following that publication;

WHEREAS no comments were received following the publication of the draft Regulation in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting rail safety, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting rail safety*

An Act to ensure safety in guided land transport
(R.S.Q., c. S-3.3, s. 54, 1st par. subpars. 10 and 10.1)

1. The Regulation respecting rail safety is amended by substituting “96” for “98” in the second paragraph of section 41.

* The Regulation respecting rail safety, made by Order in Council 1401-2000 dated 29 November 2000 (2000, *G.O.* 2, 5585), has not been amended since it was made.

2. The following is substituted for Chapter III:

“CHAPTER III TRANSPORTATION OF DANGEROUS SUBSTANCES

DIVISION I INTERPRETATION

91. In this Regulation,

“Transportation of Dangerous Goods Regulations” means

the Transportation of Dangerous Goods Regulations made by Order in Council P.C. 2001-1336 dated 1 August 2001 and bearing registration number SOR/2001-286 dated 1 August 2001, *Canada Gazette*, Part II, 15 August 2001.

92. The words and expressions appearing in the Transportation of Dangerous Goods Regulations have the meaning assigned by those Regulations or the Transportation of Dangerous Goods Act, 1992 (1992, 40-41 Elizabeth II, c. 34) except in the following cases where:

“consignor” means a person who offers dangerous substances for transport;

“handling” means, regardless of the facilities where it takes place, loading, unloading, containerizing or packing of dangerous substances transported or to be transported by railway; and

“inspector” means any person authorized by the Minister of Transport to act as an inspector for the purposes of this Regulation.

Where the provisions of the Transportation of Dangerous Goods Regulations are inconsistent with the provisions of this Regulation, the latter prevails.

DIVISION II CLASSIFICATION

93. Any dangerous good within the meaning of the Transportation of Dangerous Goods Act is designated as a dangerous substance.

A dangerous substance belongs to the class attributed to it according to Schedule 1 to or Part 2 of the Transportation of Dangerous Goods Regulations.

94. A consignor shall classify a dangerous substance in accordance with paragraphs 1 to 5 of section 2.2 of the Transportation of Dangerous Goods Regulations before offering it for transport.

DIVISION III DOCUMENTATION

95. The requirements related to the shipping documents prescribed by sections 3.1 to 3.4, 3.8, 3.10 and 3.11 of the Transportation of Dangerous Goods Regulations apply to the transportation and handling of dangerous substances.

The shipping document must contain the minimum information prescribed in sections 3.5 and 3.6 of the Transportation of Dangerous Goods Regulations.

DIVISION IV SAFETY MARKS

96. The safety marks prescribed in Part 4 of the Transportation of Dangerous Goods Regulations must be displayed in accordance with the provisions of those Regulations.

DIVISION V SAFETY STANDARDS AND RULES

97. The safety standards and rules to which section 1.3 and Schedules 1, 2 and 3 to the Transportation of Dangerous Goods Regulations refer apply, with the necessary modifications, to the transportation and handling of dangerous substances.

The same applies to sections 1.5 to 1.13, 1.15 to 1.20, 1.25 to 1.27, 1.29, 1.31 to 1.34, 1.36 to 1.43 and 1.45 to 1.47 of the Transportation of Dangerous Goods Regulations.

98. No person shall handle, offer for transport or transport dangerous substances in means of containment unless the provisions of Part 5 of the Transportation of Dangerous Goods Regulations are complied with.

99. Sections 6.1 to 6.8 of Part 6 of the Transportation of Dangerous Goods Regulations apply to the transportation and handling of dangerous substances.

100. Section 7.1 respecting the requirement for an emergency response assistance plan under the Transportation of Dangerous Goods Regulations applies to the transportation and handling of dangerous substances.

101. Any person who has possession of dangerous substances at the time of an accidental release of such substances shall report the accidental release immediately in accordance with section 8.1 of Part 8 of the Transportation of Dangerous Goods Regulations.

102. The provisions of Part 10 of the Transportation of Dangerous Goods Regulations also apply to the transportation and handling of dangerous substances.”.

3. Section 109 is amended by substituting “sections 94 to 102” for “sections 97 to 100”.

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

5910

Gouvernement du Québec

O.C. 910-2003, 27 August 2003

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

Autoroute 10 — Parts declared to be the property of Ville de Longueuil

Parts of Autoroute 10 declared to be the property of
Ville de Longueuil

WHEREAS Autoroute 10 in Ville de Longueuil was acquired and administered by the Office des autoroutes du Québec before 1 January 1983 and, under section 7 of the Act respecting roads (R.S.Q., c. V-9), it is State property;

WHEREAS the parts of Autoroute 10, segment 01, section 042, in the sectors of Avenue Malo and Boulevard Lapinière, designated by the lots described below, were never part of the inventory of the roads under the management of the Minister of Transport;

WHEREAS, under section 46 of the Act respecting roads (R.S.Q., c. V-9), the Government may, by order, declare that a part of an autoroute which is the property of the State shall become, without indemnity, the property of the local municipality in whose territory it is situated, from the publication of the order in the *Gazette officielle du Québec*;

WHEREAS it is expedient to declare the part of Autoroute 10, segment 01, section 042, in the sector of Avenue Malo, designated as being lots 2198 and 2199 of the cadastre of the parish of Laprairie de La Madeleine, registration division of Laprairie, shown on plan XX20-5371-9504-X2-2 prepared by Réjean Bourgault, l.s., under number 1109 of his minutes, to be the property of Ville de Longueuil, without indemnity;

WHEREAS it is expedient to declare the part of Autoroute 10, segment 01, section 042, in the sector of Boulevard Lapinière, designated as being lots 2 030 546 and 2 030 550 of the cadastre of Québec, registration division of Laprairie, shown on plan XX20-5371-9504-X2 prepared by Réjean Bourgault, l.s., under number 1107 of his minutes, to be the property of Ville de Longueuil, without indemnity;

WHEREAS it is expedient to declare the part of Autoroute 10, segment 01, section 042, in the sector of Boulevard Lapinière, designated as being lots 2 375 346 and 2 375 393 of the cadastre of Québec, registration division of Laprairie and part of lot 119-9, part of lot 119-48, part of lot 119-68, part of lot 119-69, part of lot 120-1, part of lot 120-22, part of lot 120-23, part of lot 120-32, part of lot 120-41, part of lot 120-42, part of lot 143, part of lot 144, part of lot 144-1, part of lot 144-2, part of lot 144-7, part of lot 144-8, part of lot 144-9, part of lot 144-15, part of lot 144-16, lots 144-42 and 144-43, part of lot 144-44, part of lot 144-47, lot 144-48, part of lot 144-49, part of lot 144-210, part of lot 145, part of lot 145-1, part of lot 145-3, lot 145-4, part of lot 145-5, part of lot 145-29, lot 145-30, part of lot 145-31, part of lot 145-33, part of lot 147, part of lot 148, part of lot 149 of the cadastre of the parish of Laprairie de La Madeleine, registration division of Laprairie and parcels 3 and 38 being parts shown on the original of the cadastre of the parish of Laprairie de La Madeleine, registration division of Laprairie, shown on plan XX20-5371-9504-X2-1 prepared by Marcel Roy, l.s., under number 10301 of his minutes, to be the property of Ville de Longueuil, without indemnity;

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

THAT the part of Autoroute 10, segment 01, section 042, in the sector of Avenue Malo, designated as being lots 2198 and 2199 of the cadastre of the parish of Laprairie de La Madeleine, registration division of Laprairie, shown on plan XX20 5371-9504-X2-2 prepared by Réjean Bourgault, l.s., under number 1109 of his minutes, be declared to be the property of Ville de Longueuil, without indemnity;

THAT the part of Autoroute 10, segment 01, section 042, in the sector of Boulevard Lapinière, designated as being lots 2 030 546 and 2 030 550 of the cadastre of Québec, registration division of Laprairie, shown on plan XX20-5371-9504-X2 prepared by Réjean Bourgault, l.s., under number 1107 of his minutes, be declared to be the property of Ville de Longueuil, without indemnity;

THAT the part of Autoroute 10, segment 01, section 042, in the sector of Boulevard Lapinière, designated as being lots 2 375 346 and 2 375 393 of the cadastre of Québec, registration division of Laprairie and part of lot 119-9, part of lot 119-48, part of lot 119-68, part of lot 119-69, part of lot 120-1, part of lot 120-22, part of lot 120-23, part of lot 120-32, part of lot 120-41, part of lot 120-42, part of lot 143, part of lot 144, part of lot 144-1, part of lot 144-2, part of lot 144-7, part of lot 144-8, part of lot 144-9, part of lot 144-15, part of lot 144-16, lots 144-42 and 144-43, part of lot 144-44, part of lot 144-47, lot 144-48, part of lot 144-49, part of lot 144-210, part of lot 145, part of lot 145-1, part of lot 145-3, lot 145-4, part of lot 145-5, part of lot 145-29, lot 145-30, part of lot 145-31, part of lot 145-33, part of lot 147, part of lot 148, part of lot 149 of the cadastre of the parish of Laprairie de La Madeleine, registration division of Laprairie, and parcels 3 and 38 being parts shown on the original of the cadastre of the parish of Laprairie de la Madeleine, registration division of Laprairie, shown on plan XX20-5371-9504-X2-1 prepared by Marcel Roy, l.s., under number 10301 of his minutes, be declared to be the property of Ville de Longueuil, without indemnity;

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

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5911

Draft Regulations

Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20)

Competency certificates — 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 Regulation respecting the issuance of competency certificates, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation introduces an apprentice competency certificate for the shovel operator and heavy equipment operator trades carried on in construction sites in Northern regions, as well as new requirements for the renewal of occupation competency certificates.

To date, study of the matter has revealed no significant impact on the public or businesses.

Further information may be obtained from Jean Ménard, Director, Direction des services juridiques, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec) H3R 2G3; telephone: (514) 341-3124, extension 6925; fax: (514) 341-4287; e-mail: jean.menard@ccq.org

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 André Ménard, Chair and Chief Executive Officer of the Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec) H3R 2G3.

ANDRÉ MÉNARD,
*Chairman and Chief Executive Officer of the
Commission de la construction du Québec*

Regulation to amend the Regulation respecting the issuance of competency certificates*

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 123.1, 1st par., subpars. 5, 7, 13 and 14 and 3rd par.)

1. The Regulation respecting the issuance of competency certificates is amended by inserting the following after section 2.1:

“**2.2.** The Commission shall issue, on application, an apprentice competency certificate for the shovel operator and heavy equipment operator trades to a person who holds a diploma for the “Heavy Equipment Operator (Northern sites)” program offered by the Cree School Board or the Kativik School Board and who provides an attestation that the person has successfully completed a safety course required under the Safety Code for the construction industry.

The certificate authorizes its holder to carry out construction work only in Region 10 – Nord-du-Québec as defined in the Décret concernant la révision des régions administratives du Québec made by Décret 965-97 dated 30 July 1997.”

2. Section 4 is amended by adding the following paragraph after the first paragraph:

“No occupation competency certificate may be issued under subparagraph 1 of the first paragraph to a person who has already held such a certificate unless an employer registered with the Commission files a request for manpower, guarantees that person employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee.”

* The Regulation respecting the issuance of competency certificates, approved by Order in Council 673-87 dated 29 April 1987 (1987, G.O. 2, 1471) was last amended by the Regulation approved by Order in Council 1476-2002 dated 11 December 2002 (2002, G.O. 2, 6606). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

3. Section 7 is amended by adding the following paragraph after the third paragraph:

“Despite the first paragraph, the Commission shall renew a first occupation competency certificate issued to a person under subparagraph 1 of the first paragraph of section 4 only after it ascertains, by monthly reports sent by a registered employer, that the person has worked at least 150 hours.”.

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

5907

Draft Regulation

Parks Act
(R.S.Q., c. P-9)

Parks

— 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 Parks Regulation, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the zoning of the future Parc national des Pingualuit. The proposed park covers an area of 1,134.4 km². It will be divided into a maximum preservation zone (6.4 km²) allocated to the preservation of the water quality and integrity of Lac Pingualuk, preservation zones (472.6 km²) allocated to the preservation of the fragile elements of the park, a natural environment zone (654.6 km²) allocated to the discovery and exploration of the natural environment, and a services zone (0.8 km²) allocated to reception, information and management of the park.

For that purpose, the Regulation amends the Parks Regulation to add Schedule 23, which comprises the zoning plan of the future Parc national des Pingualuit.

To date, study of the matter has shown a positive impact for the beneficiaries of the James Bay and Northern Québec Agreement who may profit from the economic spinoffs generated by park visitors.

Further information may be obtained by contacting

Raymonde Pomerleau
Société de la faune et des parcs du Québec
Direction de la planification et du développement
675, boulevard René-Lévesque Est, 10^e étage, boîte 94
Québec (Québec)
G1R 5V7

Telephone: (418) 521-3935 ext. 4890
Fax: (418) 528-0834

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 Pierre Corbeil, Minister responsible for Forests, Wildlife and Parks, 5700, 4^e Avenue Ouest, bureau A-308, Charlesbourg (Québec) G1H 6R1.

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

Parks Act
(R.S.Q., c. P-9, s. 9, par. *b*, and s. 9.1, 1st par., subpar. *b*)

1. The Parks Regulation is amended by adding the following at the end of section 1:

“, subject to the exercise by the Native people referred to in section 10 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1) of the right to harvest provided for in Chapter VI of that Act as regards the parks located in the territory referred to in that Act.”.

2. The Regulation is amended by adding “Schedule 23: Parc national des Pingualuit” at the end of the second paragraph of section 3.

3. The Regulation is amended by adding Schedule 23, attached hereto, at the end.

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

* The Parks Regulation, made by Order in Council 838-2000 dated 28 June 2000 (2000, *G.O.* 2, 3556), was last amended by the regulation made by Order in Council 543-2002 dated 7 May 2002 (2002, *G.O.* 2, 2361). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

Draft Regulation

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

Acupuncturists — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of acupuncturists, adopted by the Bureau of the Ordre des acupuncteurs du Québec, the text of which appears below, may be submitted to the Government, which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

According to the Ordre des acupuncteurs du Québec, the primary purpose of the regulation is to govern the general and special duties of professionals towards the public, clients and the profession, particularly the duty to discharge their professional obligations with integrity.

It is also intended to set out the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence, in accordance with the provisions of the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78).

The Code of ethics is necessary to guarantee better protection of the public and increased supervision of the professional practice. The Code will have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting François Houle, Secretary General, Ordre des acupuncteurs du Québec, 1001, boulevard de Maisonnette Est, bureau 585, Montréal (Québec) H2L 4P9; telephone: (514) 523-2882 or 1 800 474-5914; fax: (514) 523-9669.

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

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

Code of ethics of acupuncturists

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

CHAPTER I GENERAL

1. This Code, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), governs the general and special duties that acupuncturists must discharge, particularly in carrying out a mandate entrusted to their care by patients.

CHAPTER II DUTIES TOWARDS PATIENTS, THE PROFESSION AND THE PUBLIC

DIVISION I COMPETENCE AND INTEGRITY

2. Acupuncturists shall discharge their professional duties with competence and integrity.

3. The primary duty of acupuncturists is to protect the health and well-being of the persons to whom care is given, both individually and collectively.

4. Acupuncturists shall practise their profession in accordance with the general standards of practice recognized by traditional oriental energetic medicine and the profession. To that end, they shall, in particular, keep up-to-date and improve their knowledge as well as develop their proficiency, skills and attitudes.

5. Before accepting a mandate, acupuncturists shall bear in mind the extent of their competence and the means at their disposal. They shall refrain from guaranteeing the healing of any health condition.

6. In addition to the provisions of section 54 of the Professional Code, acupuncturists shall refrain from practising their profession or from performing certain professional acts in a condition or in a state liable to compromise the quality of their services.

7. Where they forward information that they know to be incomplete or preliminary or where they doubt the reliability thereof, acupuncturists shall so notify the recipients.

8. Acupuncturists shall, in the practice of their profession, show respect for the life, dignity and freedom of human beings. Acupuncturists shall not refuse to provide their professional services where a patient's life is in danger.

9. Acupuncturists shall bear in mind all the foreseeable consequences that their research and work may have on society.

10. The conduct of acupuncturists must be irreproachable.

They shall, in particular, act with courtesy, dignity, moderation and objectivity.

DIVISION II IMPARTIALITY AND INDEPENDENCE

11. Acupuncturists shall subordinate their personal interests to those of their patients.

12. Acupuncturists shall safeguard their professional independence at all times. They shall, in particular, ignore any intervention by a third party which could affect the carrying out of their professional obligations to the detriment of their patients.

13. Except for the remuneration to which they are entitled, acupuncturists shall refrain from receiving any benefit, commission or discount relating to the practice of their profession. Nor shall they pay, offer to pay or agree to pay such benefit, commission or discount.

DIVISION III DILIGENCE AND AVAILABILITY

14. Acupuncturists shall demonstrate reasonable diligence and availability.

15. Unless they have sound and reasonable grounds therefor, acupuncturists may not terminate the professional services they provide to a patient.

The following shall, in particular, constitute sound and reasonable grounds:

- (1) loss of the patient's confidence;
- (2) lack of cooperation on the part of the patient to participate in his or her treatment;
- (3) personality conflict between the acupuncturist and the patient;
- (4) conflict of interest or any situation in which their professional independence might be called into question; and
- (5) incitement by the patient to perform acts that he or she knows to be illegal, improper or fraudulent.

16. Before ceasing to provide professional services to a patient, an acupuncturist shall so inform the patient and make sure that the withdrawal will not be prejudicial to the patient.

The acupuncturist shall ensure that the patient can continue to receive the care needed and shall contribute to such care to the extent necessary.

DIVISION IV FEES

17. Acupuncturists shall charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and proportionate to the professional services provided.

18. To determine the amount of their fees, acupuncturists shall, in particular, bear in mind the following factors:

- (1) their experience;
- (2) the time required to carry out the professional services;
- (3) the complexity and extent of the professional services; and
- (4) the need to perform unusual professional services or services requiring exceptional celerity or competence.

19. Acupuncturists shall, as soon as possible, inform their patients of the approximate cost, nature and method of providing the professional services required and obtain their agreement in that respect.

20. Acupuncturists shall refrain from demanding advance payment of their fees for professional services.

21. Acupuncturists may not claim payment from their patients for professional services paid for by a third party under a law unless under such law they may conclude and have concluded an explicit agreement with their patients.

22. Acupuncturists may share fees with another member of the Ordre des acupuncteurs du Québec only to the extent that such sharing reflects a division of responsibilities and services.

23. Acupuncturists who entrust their fee collection to another person shall ensure that the latter will act with tact and moderation.

DIVISION V LIABILITY

24. Acupuncturists shall assume full personal civil liability.

It is prohibited for acupuncturists to insert in a contract of professional services any clause excluding, directly or indirectly, in whole or in part, that liability. They may not sign a contract containing such a clause.

DIVISION VI ADDITIONAL DUTIES WHILE CARRYING OUT A MANDATE

25. If the good of the patient so requires, acupuncturists shall consult another member of the Order, a member of another professional order or any other qualified person, or refer the patient to one of those persons.

26. Acupuncturists shall, at all times, recognize a patient's right to consult with another member of the Order, a member of another professional order or any other qualified person.

27. Acupuncturists shall provide patients with, in addition to opinions and advice, the explanations necessary to evaluate and understand the professional services they are providing.

DIVISION VII PRECAUTIONS RELATED TO RESEARCH

28. Before undertaking a research project, acupuncturists shall evaluate its possible repercussions on the participants. In particular they shall

(1) consult any person likely to help them in deciding whether to undertake the research or in taking measures to eliminate any risk to participants;

(2) ensure that all those working with them on the project share their concern for the full respect of the participants; and

(3) obtain the written consent of all participants or the persons legally responsible for them, after informing them of all the foreseeable, major, special or unusual risks inherent in the research, and of any other aspects likely to help them in their decision regarding their participation.

29. Acupuncturists shall be honest and frank in their dealings with participants. If the methodology followed makes it imperative that certain aspects of the project not be disclosed immediately, acupuncturists shall give the participants the reasons for this measure as soon as possible after the experiment.

30. Acupuncturists shall not force a person to take part in research or to maintain that participation.

DIVISION VIII ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION

31. In addition to the acts to which section 59 of the Professional Code applies, the act referred to in section 59.1 of the Code and what may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession:

(1) practising the profession of acupuncturist while under the influence of alcoholic beverages, hallucinogens, anaesthetics, narcotics, drugs or any other substance causing reduced or disturbed faculties, unconsciousness or intoxication;

(2) submitting a report or any other document that the acupuncturist knows to be false;

(3) failing to report to the Order, without delay, any person appropriating the title of acupuncturist;

(4) failing to report to the Order, without delay, any person practising acupuncture illegally;

(5) communicating with or attempting to intimidate the person who requested the holding of an inquiry without prior written permission of the syndic or an assistant syndic, where the acupuncturist has been informed that he or she is the object of an inquiry or has been served with a complaint against him or her;

(6) marketing, selling, distributing or participating, for profit, in the distribution of material, substances or equipment related to an acupuncturist's professional activity, except

(a) in respect of a sale that addresses the immediate needs of a patient and is required for the acupuncture treatment but that is not included in the regular price for the treatment. The patient must in that event be notified of any profit realized by the acupuncturist in the sale; and

(b) where the acupuncturist's commercial activities are clearly separate from the acupuncture practice and the acupuncturist's professional title is not associated with the commercial activities;

(7) using his or her name or allowing it to be used for commercial purposes; and

(8) performing acts that are not required or that are disproportionate to the patient's needs or performing any unnecessary or superfluous professional acts.

DIVISION IX

PRESERVATION OF THE SECRECY OF CONFIDENTIAL INFORMATION

32. For the purposes of preserving the secrecy of confidential information brought to their knowledge in the practice of their profession, acupuncturists shall

(1) refrain from disclosing that a person has requested their professional services;

(2) avoid holding or participating in indiscreet conversations concerning patients and the services provided to them;

(3) refrain from making use of confidential information to the detriment of a patient or with a view to obtaining, directly or indirectly, a benefit for themselves or another person;

(4) take reasonable means with respect to their associates, employees and the personnel about them to preserve the secrecy of confidential information; and

(5) be released from professional secrecy only upon the written authorization of their patients or when so ordered by law.

33. In addition to the cases provided for in paragraph 5 of section 32, acupuncturists may disclose information that is protected by professional secrecy to prevent an act of violence, including a suicide, where they have 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, acupuncturists 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.

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

34. An acupuncturist who, pursuant to section 33, communicates information protected by professional secrecy to prevent an act of violence shall

(1) communicate the information without delay; 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

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

DIVISION X

TERMS AND CONDITIONS OF THE EXERCISE OF THE RIGHTS OF ACCESS AND CORRECTION PROVIDED FOR IN SECTIONS 60.5 AND 60.6 OF THE PROFESSIONAL CODE AND THE ACUPUNCTURIST'S OBLIGATION TO RELEASE DOCUMENTS TO THE PATIENT

§1. General

35. Acupuncturists may require that a request referred to in section 37, 40 or 43 be made and the right be exercised at their place of business during their regular working hours.

36. If they fail to reply within 20 days of receiving a request to which section 37 or 40 applies, acupuncturists are deemed to have refused to grant it.

§2. Terms and conditions of the exercise of the right of access provided for in section 60.5 of the Professional Code

37. Acupuncturists shall respond promptly, at the latest within 20 days of its receipt, to any request made by patients whose purpose is

(1) to consult documents that concern them in any record made in their regard; or

(2) to obtain a copy of the documents that concern them in any record made in their regard.

38. Acupuncturists may charge only reasonable fees in respect of a request to which paragraph 2 of section 37 refers and the fees may not exceed the cost of reproducing or transcribing documents or the cost of forwarding a copy.

Acupuncturists charging such fees shall, before proceeding with the copying, transcribing or sending of the information, inform the patient of the approximate amount to be paid.

39. Acupuncturists who, pursuant to the second paragraph of section 60.5 of the Professional Code, deny a patient access to the information contained in a record made in his or her regard shall inform the patient in writing that the disclosure would be likely to cause serious harm to the patient or to a third party.

§3. Terms and conditions of the exercise of the right of correction provided for in section 60.6 of the Professional Code

40. Acupuncturists shall respond promptly, at the latest within 20 days of its receipt, to any request made by a patient to

(1) 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 them in any record established in the patient's respect;

(2) cause to be deleted any information that is outdated or not justified by the object of the record that concerns the patient; or

(3) file in the record that concerns the patient the written comments prepared by the patient.

41. An acupuncturist who grants a request referred to in section 40 shall issue to the patient, free of charge, a copy of the document or part of the document allowing the patient to determine that the information has been corrected or deleted or, as the case may be, an attestation that the written comments prepared by the patient have been filed in the record.

42. Upon written request from the patient, the acupuncturist shall forward a copy, free of charge, of corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the acupuncturist received the information that was subject to the correction, deletion or comments and to any person to whom the information was provided.

§4. Acupuncturists' obligation to release documents to patients

43. Acupuncturists shall respond promptly to any written request made by a patient, for the purpose of taking back a document entrusted to them by a patient.

Acupuncturists shall indicate in the patient's record, where applicable, the reasons for the patient's request.

44. Acupuncturists shall, within a reasonable time, supply a patient or anyone designated by the patient, on demand, all information, attestations or receipts which would allow them to obtain a benefit to which they might be entitled.

DIVISION XI CONDITIONS, OBLIGATIONS AND PROHIBITIONS RESPECTING ADVERTISING

45. Acupuncturists shall have their name and professional title appear in their advertising.

46. Acupuncturists shall not engage in, or allow the use of, by any means whatsoever, advertising that is unsuitable, false, incomplete, misleading or liable to mislead.

47. Acupuncturists who, in their advertising, claim to possess skills or specific qualities, particularly in respect of the effectiveness or scope of their services and of those generally offered by other members of their profession in respect of the exactness and accuracy of the results they provide or of their level of competence, must be able to substantiate such claims.

Acupuncturists who, in their advertising, ascribe particular advantages to a service or certain performance characteristics, claim that a pecuniary benefit will result from the acquisition or use of a service or claim that a service complies with determined standards must be able to substantiate such claims.

48. In the practice of their profession, acupuncturists may not use advertising practices liable to denigrate or discredit any person they have dealings with, in particular another member of the Order or a member of another professional order.

49. Acupuncturists shall avoid any advertising likely to tarnish the image of the profession or to impart to it a profit-seeking or commercial character.

50. No acupuncturist shall advertise or allow to be advertised on his or her behalf or in his or her respect, by any means whatsoever, a product or equipment related directly or indirectly to the health sector.

51. No acupuncturist shall engage in advertising or allow advertising on his or her behalf or in his or her respect, by any means whatsoever, that is likely to influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

52. Acupuncturists who express their opinion on acupuncture through any public information media shall inform the public of the generally accepted opinions on acupuncture on the issue dealt with and convey factual, exact and verifiable information.

53. Acupuncturists who advertise fees or prices shall

- (1) set fixed fees or prices;
- (2) indicate the period during which those fees or prices are in effect;
- (3) specify the nature and scope of the professional services included in the fees or prices;
- (4) indicate, as the case may be, whether additional professional services may be required that are not included in the fees or prices; and
- (5) indicate whether expenses or other disbursements are included in the fees or prices.

Those indications and explanations must be given in such manner as to reasonably inform persons who have no particular knowledge of acupuncture or the professional services covered by the advertisement.

Acupuncturists and patients may however agree upon fees or prices lower than those broadcast or published.

Acupuncturists shall keep those fees or prices in effect for a minimum period of 90 days following the date on which they were last broadcast or published.

54. Acupuncturists shall keep a complete copy of their advertisement or that of their associates in its original form for at least five years following the date it was last broadcast or published. The copy shall be given to the syndic of the Order upon request.

DIVISION XII

RELATIONS WITH THE ORDER AND THE OTHER PERSONS ACUPUNCTURISTS HAVE DEALINGS WITH IN THE PRACTICE OF THEIR PROFESSION

55. An acupuncturist who is consulted by another member of the Order by reason of a particular competence on a given matter shall provide the latter with an opinion and recommendations as promptly as possible.

56. An acupuncturist whom the Bureau or the administrative committee of the Order calls upon to be a member of the professional inspection committee, the committee on discipline, the review committee made under section 123.3

of the Professional Code or the council for the arbitration of accounts made pursuant to the provisions of the Regulation made under section 88 of the Code, shall accept that duty unless there are exceptional reasons for refusing it.

57. Acupuncturists shall cooperate with any person they have dealings with in the practice of their profession, in particular with the other members of the Order and the members of other professional orders and shall endeavour to establish and maintain harmonious relations.

58. Acupuncturists shall not, with respect to any person they have dealings with in the practice of their profession, in particular another member of the Order or a member of another professional order, breach their trust, voluntarily mislead them, betray their good faith or use unfair practices.

An acupuncturist shall not take credit for work performed by another person, particularly by another member of the Order.

An acupuncturist shall refrain from soliciting the clientele of another acupuncturist with whom he or she was called upon to collaborate.

59. Any acupuncturist who has reason to believe that an acupuncturist practises his or her profession incompetently or dishonestly, or is contravening the provisions of the Professional Code, the Act respecting acupuncture (R.S.Q., c. A-5.1) or the regulation thereunder, in particular this Code, shall so inform the Bureau, the general management, the syndic or the professional inspection committee, as the case may be.

60. An acupuncturist who holds a position in the Order or who is called upon to collaborate with the Order shall avoid any situation of conflict of interest.

61. Acupuncturists shall promptly reply to all correspondence from the secretary of the Order, the syndic of the Order, or from the assistant syndic or an equivalent syndic, as well as a member of the professional inspection committee, an investigator or an inspector of the committee.

DIVISION XIII

CONTRIBUTION TO THE PROFESSION

62. Acupuncturists shall, insofar as possible, contribute to the development of the profession by sharing their knowledge and experience with the other members of the Order and students.

63. Acupuncturists shall promote education and information measures in the field in which they practise. Unless they have good reasons for not doing so, they shall also perform the necessary acts to ensure that such education and information duties relating to the field are carried out.

64. Acupuncturists shall support every measure likely to improve the quality and availability of professional services in the field in which they practise.

DIVISION XIV REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER

65. Acupuncturists who reproduce the graphic symbol of the Order in their advertising shall ensure that it is identical to the original held by the secretary of the Order.

66. Acupuncturists who use the graphic symbol of the Order in their advertising, except on business cards, must include the following notice in the advertising :

“This is not an advertisement of the Ordre professionnel des acupuncteurs du Québec, and is binding only on its author.”.

CHAPTER III FINAL

67. Acupuncturists who, at the time of the coming into force of this Code, use a form of advertising that does not comply with the Code must comply therewith within six months.

Acupuncturists who are bound by a contract may continue to use the advertisement until the contract expires or until the next renewal.

68. Sections 30 to 32, 35, 38 to 40, 42 to 45, 47 to 51 and 52.1 of the Regulation respecting the practice of acupuncture by persons other than physicians, approved by Order in Council 299-85 dated 26 June 1985 and maintained in force by section 41 of the Act respecting acupuncture, cease to have effect on the day of the coming into force of this Code.

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

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Plans exempted from the application of certain provisions of the Act

Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act

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 plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, the text of which appears below, may be made by the government upon the expiry of 45 days following this publication.

The purpose of the proposed regulatory provisions is to amend the rules concerning the simplified pension plan so as to simplify the administration of plans in this category and to allow a portion of the sums accumulated under the name of a member of such a plan to be exempted from locking-in. They are also intended to establish specific rules for the payment of the benefits of certain members where the conversion of a defined contribution pension plan into a simplified pension plan occurs.

Further information may be obtained from Mr. Pierre Bégin, Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3, tel. : (418) 657-8732, fax : 659-8995, e-mail : pierre.begin@rrq.gouv.qc.ca

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Guy Morneau, President and General Manager of the Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment, Social Solidarity and Family Welfare, who is responsible for the application of the Supplemental Pension Plans Act.

CLAUDE BÉCHARD,
*Minister of Employment, Social Solidarity
and Family Welfare*

Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2)

1. The title of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act is replaced with the following title:

“Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act”.

2. Section 8 of the Regulation is amended:

(1) by striking out, under the heading “Establishment and effective date”, the number “1”;

(2) by striking out, under the heading “Amendment”, the words and number “the second and third paragraphs of section 20”;

(3) by replacing, under the heading “Contributions”, the words and number “the first and second paragraphs of section 37, excluding the words “with a concurrent contribution by the employer” in the first paragraph, sections” with the word and number “sections 37.”;

(4) by replacing the heading “Division and merger”, with the following heading:

“Division and merger – section 197.”;

(5) by replacing, under the heading “Miscellaneous and transitional provisions” the word and number “sections 264,” with the words and number “section 264, with the understanding that the second paragraph thereof applies only with respect to the contributions and other sums credited to the locked-in account of the member, as well as sections”.

3. Section 10 of the Regulation is amended:

(1) by striking out, in the portion of the first paragraph preceding subparagraph 1, the number “1”;

(2) by replacing subparagraphs 2 and 3 of the first paragraph with the following subparagraphs:

“(2) that the employer may stipulate the member contribution;

“(3) that the member may determine annually, or if the plan so provides, more frequently, the additional voluntary contribution that he undertakes to make, by giving written notice thereof to the employer, who shall collect such additional voluntary contribution;

(3.1) that the sum of the contributions that may be paid on behalf of a member may not be subject to limits lower than those allowed under the taxation rules (Income Tax Act, Revised Statutes of Canada (1985) c. 1, 5th suppl., subparagraphs 147.1 (8) and (9));”;

(3) by replacing, in subparagraph 5 of the first paragraph, the words “or payment of the account, the administrator of the plan shall transfer or pay those contributions as it did for the account” with the words “, refund or payment of the balance of the member’s accounts, the administrator of the plan shall transfer or pay those contributions as it did for the accounts in which they were to be entered”;

(4) by adding, after subparagraph 5 of the first paragraph, the following subparagraph:

“(5.1) that the member is entitled, at any time and upon application, to a refund of all or part of his not locked-in account or to the transfer of all or part of that account to a pension plan of his choice, provided such plan is a plan within the meaning of the third paragraph of section 98 of the Act or to a registered retirement income fund as defined in section 1 of the Taxation Act (R.S.Q., c. I-3) and such refund or transfer shall be made within 60 days following the member’s application.”;

(5) by replacing subparagraph 6 of the first paragraph with the following subparagraph:

“(6) that within 90 days following the sending of the statement required in the event of cessation of active membership, an account of a member who is no longer an active member shall:

(a) where such account is locked-in, be transferred to a pension plan within the meaning of the third paragraph of section 98 of the Act, selected by the member or, failing such selection, by the financial institution;

* The last amendments to the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, approved by Order in Council 1160-90, dated 8 August 1990 (1990, G.O. 2, 2333), were made by the regulation approved by Order in Council 1151-2002, dated 25 September 2002 (2002, G.O. 2, 5369). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

(b) where such account is not locked-in, either be transferred to a pension plan within the meaning of the third paragraph of section 98 of the Act or to a registered retirement income fund as defined in section 1 of the Taxation Act, selected by the member or, failing such selection, by the financial institution or be refunded to the member and where the member omits to give instructions as to the payment of his account before the expiry of the 60-day period mentioned above, he is presumed to have applied for a refund of the account;”;

(6) by replacing subparagraph 9 of the first paragraph with the following subparagraph:

“(9) that the balance of the member’s accounts, with accrued interest to the date of payment, shall, upon the member’s death, be paid to his spouse or, failing that, to his successors;”;

(7) by replacing subparagraph 11 of the first paragraph with the following subparagraph:

“(11) that the member may demand a lump-sum payment of his locked-in account if a physician certifies that his physical or mental disability reduces his life expectancy and that such payment be made within 60 days following the member’s application therefor;”;

(8) by inserting before the word “account” the word “locked-in”, in subparagraph 12 of the first paragraph;

(9) by replacing subparagraphs 13 and 14 of the first paragraph with the following subparagraphs:

“(13) that the member whose active membership has ceased may demand the refund of his locked-in account where that account is less than 20% of the maximum pensionable earnings under the Québec Pension Plan (R.S.Q., c. R-9) for the year in which he became entitled to such refund and that the refund be made within 90 days following the application of the member therefor;

(14) that a transfer referred to in subparagraphs 5.1, 6 our 12 may, at the discretion of the financial institution and in the absence of contrary stipulations, be made by remitting the investment securities related to the account;”;

(10) by striking out subparagraph 15 of the first paragraph;

(11) by replacing subparagraph *a* of subparagraph 18 of the first paragraph with the following subparagraphs:

“(a) a copy of the portion of the plan that sets out the provisions applying to all the employers and a copy of the portion that sets out the dispositions specific to the employer concerned;

“(a.1) the annual statement and the financial report referred to in section 161 of the Act;”;

(12) by replacing, in subparagraph 22 of the first paragraph, the words “the assets entered in his account” with the words “his accounts”;

(13) by replacing, in the portion of subparagraph 23 of the first paragraph preceding subparagraph *a*, the word “account” with the word “accounts”;

by adding, at the end of subparagraph *c* of subparagraph 23 of the first paragraph, the words “or segregated funds”;

by replacing subparagraphs 24 and 25 of the first paragraph with the following subparagraphs:

“(24) that the financial institution that administers the plan shall keep in its books, for each member, a “locked-in” account and a “not locked-in” account;

(25) that, in each member’s locked-in account, shall be entered:

(a) his member contributions, unless otherwise provided by the plan;

(b) the contributions made to his benefit by the employer;

(c) the dividends, refunds and other advantages granted with respect to the account;

(d) where the financial institution allows their transfer to the plan, the sums transferred from a retirement savings instrument that provides that such sums must be converted into a life pension or from a deferred profit sharing plan as defined in section 1 of the Taxation Act (R.S.Q., c. I-3), into which they were paid by an employer;

(25.1) that, in each member’s not locked-in account, shall be entered:

(a) his member contributions, if the plan so provides;

(b) his additional voluntary contributions;

(c) the dividends, refunds and other advantages granted with respect to the account;

(d) the sums, other than those referred to in subparagraph *d* of paragraph 25, that are transferred with the financial institution’s consent;

(25.2) that no sum may be transferred between the locked-in account and the not locked-in account of the member;”;

(16) by replacing paragraph 29 of the first paragraph with the following paragraph:

“(29) that, subject to the third paragraph of section 11.1, no amendment to the plan that cancels refunds or pension benefits, limits eligibility therefor or reduces the amount or value of the members’ benefits may become effective before the 30th day following, in the case of an amendment established by a collective agreement or an arbitration award in lieu thereof or rendered compulsory by order or decree, the effective date of the agreement, the award or the order or decree and in all other cases, the date of sending of the notice provided for in section 26 of the Act, the said limit on the effective date of an amendment not applying however in the cases referred to in the second paragraph of section 20 of the Act;”;

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

“Notwithstanding the second paragraph of section 5 of the Act, the plan may not provide for the payment or refund of a member’s locked-in account except in conformity with subparagraphs 6, 9, 11 and 13 of the first paragraph.”.

4. Section 11 of the Regulation is amended:

(1) by adding, after paragraph 3, the following subparagraph:

“(3.1) for the members as a whole, the account, either the locked-in account or the not locked-in account in which the member contributions will be entered;”;

(2) by adding, after subparagraph 5, the following subparagraph:

“The employer may also stipulate that he will pay, in addition to the contribution referred to in subparagraph 3 of the first paragraph, an additional contribution, for which he shall specify the amount or the calculation method as well as the payment method in a written notice sent to the financial institution and to each of the members on behalf of whom such additional contribution will be paid. Such additional contribution is deemed to be an employer contribution only for the purposes of the provisions of sections 44 to 53 of the Act that apply to the plan pursuant to section 8 of the Regulation.”.

5. The Regulation is amended by inserting, after section 11, the following section:

“**11.1.** A simplified pension plan may contain various provisions that an employer may stipulate with respect to the regular intervals for the collection or the payment of contributions or to one or the other of the matters referred to in section 11.

The employer’s stipulations with respect to the matters referred to in the first paragraph, provided such stipulations are compatible with the plan’s provisions and registered with the Régie, are exempted from the application of sections 19 and 24 of the Act as well as from the provisions of sections 1.1 and 2.1 of the Regulation respecting supplemental pension plans that relate to the registration of an amendment to a plan.

Such stipulations take effect on the date indicated in a notice that the financial institution shall send to the members and whose contents and method of sending shall be in conformity with the rules provided for in section 26 of the Act. If a stipulation so notified has the same effect as an amendment referred to in paragraph 29 of the first paragraph of section 10 of the Regulation, the notice may not, except in the case provided for in subparagraph 1 of the second paragraph of section 20 of the Act and where the affected members have given consent, indicate an effective date that is prior to the 30th day following:

(1) in the case of a stipulation established by a collective agreement or arbitration award in lieu thereof or rendered compulsory by an order or decree, the date on which the agreement was signed or the effective date of the award, order or decree;

(2) in all other cases, the date of sending of the notice.”.

6. Section 13 of the Regulation is amended by replacing the number “90” with the number “60”.

7. Section 16 of the Regulation is replaced with the following sections:

“**16.** The statement that the financial institution must send to the member in application of section 112 of the Act shall indicate the amount of the additional contribution that the employer has paid to the member’s benefit during the fiscal year and show in a distinct manner for each of the member’s accounts the information provided for in subparagraphs 10 to 14 of section 57 and in section 59.1 of the Regulation respecting supplemental pension plans.

16.1. The financial institution must append to the annual statement that it sends pursuant to section 161 of the Act a list showing the name and date of joining or withdrawal, as the case may be, of each employer who has become or ceased to be a party to the plan during the fiscal year covered by the statement.

16.2. In the event of a plan's merger, the financial institution must provide to each of the members affected by the merger, within 30 days thereof, a statement updating as at the date of the merger the information contained in the last annual statement or in any other statement subsequent thereto and covering the same subjects that was sent to the member.

16.3. The financial institution that administers a simplified pension plan shall keep for each employer party to the plan a register in which shall be entered:

(1) the date on which the employer joined the plan and on which he withdrew from the plan;

(2) a list of the amendments made to the portion of the plan that contains the provisions specific to the employer;

(3) a copy of the notices sent pursuant to the third paragraph of section 11.1."

8. The Regulation is amended by inserting, after division IV, the following division:

"DIVISION IV.1

PAYMENT OF THE BENEFITS OF THE ACTIVE MEMBERS UPON CONVERSION OF A PENSION PLAN INTO A SIMPLIFIED PENSION PLAN

19.1. This division applies only to a defined contribution pension plan referred to in paragraph 2 or 3 of section 116 of the Act.

19.2. A pension plan terminated by means of a notice that, in addition to respecting the requirements of section 204 of the Act, stipulates that the plan is terminated in order to be converted into a simplified pension plan established with the financial institution indicated therein is, provided the provisions of section 19.3 of the Regulation are met, exempted from the application of section 236 of the Act with respect to the members who are active members on the date of termination and who join the simplified pension plan.

The sender of the notice provided for in the first paragraph shall, without delay, provide a copy to the Régie.

19.3. The plan's termination date may not be more than 60 days after the date on which the notice provided for in section 19.2 is sent.

The date on which the employer party to the terminated plan joins the simplified pension plan mentioned in the notice may not be later than the day following the plan's termination date.

19.4. The benefits of the members referred to in section 19.2 shall be paid by transferring the value of such benefits to the simplified pension plan established with the financial institution mentioned in the notice provided for in that section."

9. Section 32 of the Regulation is amended in the English text:

1° by replacing, in the first sentence of the first paragraph, the word "surplus" with the word "excess";

2° by replacing, in the second sentence of the first paragraph, the words "The surplus optional ancillary benefits" with the words "The excess optional ancillary contributions";

3° by replacing, in the fourth paragraph, every occurrence of the word "surplus" with the word "excess".

10. Section 35 of the Regulation is amended in the English text by inserting in subparagraph 3, after the second occurrence of the word "the", the word "excess".

11. The amendments required to bring a simplified pension plan already in effect on the date of the coming into force of this regulation into conformity with the amendments contained in this regulation shall be submitted to the Régie for registration within 12 months following that date.

Once registered, the amendments to the plan have effect from the coming into force of this regulation.

12. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Index Statutory Instruments

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