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<sup>DU</sup> Québec

Part

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## Laws and Regulations

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## Regulations and other acts

Gouvernement du Québec

**O.C. 66-2004**, 29 January 2004

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

### Activities engaged in and described in sections 39.7 and 39.8

Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

WHEREAS, under section 39.9 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec may, by regulation, determine places, cases and circumstances in which a person may engage in the activities described in sections 39.7 and 39.8 of the Code as well as the applicable conditions and procedures;

WHEREAS, under that section, the Office des professions du Québec adopted the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code;

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 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 the Chair of the Office received comments following that consultation;

WHEREAS, under section 13 of the Professional Code, every regulation adopted by the Office under the Code or an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

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 respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

Professional Code  
(R.S.Q., C-26, s. 39.9)

**1.** The persons acting on behalf of a rehabilitation centre for mentally impaired persons referred to in paragraph 1 of section 86 of the Act respecting health services and social services (R.S.Q., c. S-4.2) may engage in the activities described in sections 39.7 and 39.8 of the Professional Code (R.S.Q., c. C-26) when the persons are providing adjustment, rehabilitation and social integration services to a user of the centre.

**2.** The activities may be engaged in at any place they are required, in particular within the scope of the residential program or socio-occupational program administered by the centre.

**3.** A person acting on behalf of a centre may engage in the activities referred to in section 1 on the following conditions:

(1) the person learns how to perform the activities with a professional authorized by law to engage in such activities, namely a physician, a nurse, a nursing assistant, or a respiratory therapist;

(2) the person is supervised the first time he or she engages in one of the activities by a professional authorized to engage in that activity or by any other person who has been acting on behalf of a centre for at least six months;

(3) the person complies with the rules of care in force in the centre; and

(4) the person has access at all times to a professional authorized to engage in the activities.

A person who, on 30 January 2003, engaged in the activities referred to in section 1 on behalf of a centre is not required to fulfil the conditions set out in subparagraphs 1 and 2 of the first paragraph.

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

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## **M.O., 2004-003**

### **Order of the Minister of Health and Social Services to cancel the designation of a breast cancer detection centre, dated 27 January 2004**

Health Insurance Act  
(R.S.Q., c. A-29)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

CONSIDERING the designation of breast cancer detection centres by Minister's Order dated 1 April 1998;

CONSIDERING that it is necessary to amend the Minister's Order to strike the name of a breast cancer detection centre;

#### **ORDERS :**

THAT, for the Laval region, the following breast cancer detection centre is struck from the operative part of the Minister's Order dated 1 April 1998:

“Radiologie Concorde  
Polyclinique médicale Concorde  
300, boulevard de la Concorde Est  
Laval (Québec)  
H7G 2E6”.

Québec, 27 January 2004

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

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## Draft Regulations

### Draft Regulation

Fire Safety Act  
(R.S.Q., c. S-3.4)

#### Municipal fire safety service — Conditions governing the exercise of functions

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The Regulation prescribes new standards relating to the training of firefighters in municipal fire safety services so as to set minimum training standards. The requirements vary according to the duties to be performed and the population strata.

The Regulation sets a timeframe within which firefighters may complete the required training before the date on which the training becomes mandatory.

To date, study of the matter has shown no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Carmen Larivière, Direction du développement et du soutien en sécurité civile et en sécurité incendie, ministère de la Sécurité publique, 2525, boulevard Laurier, 6<sup>e</sup> étage, Sainte-Foy (Québec) G1V 2L2; telephone: (418) 646-5672; fax: (418) 643-2623.

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 Jacques Chagnon, Minister of Public Security, 2525, boulevard Laurier, 5<sup>e</sup> étage, Sainte-Foy (Québec) G1V 2L2.

JACQUES CHAGNON,  
*Minister of Public Security*

### Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service

Fire Safety Act  
(R.S.Q., c. S-3.4, s. 38)

#### CHAPTER I MANAGEMENT

**1.** A firefighter who manages a fire safety service must hold

(1) an Officier non urbain certificate awarded by the École nationale des pompiers du Québec if the fire safety service of which the firefighter is a member serves a population of fewer than 5 000 persons;

(2) an Officier I certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 5 000 persons or more and of fewer than 25 000 persons; or

(3) an Officier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25 000 persons or more.

Despite the first paragraph, a firefighter may hold that function while obtaining the required officer certification provided that the training period does not exceed 24 consecutive months following the date on which the firefighter begins to hold the function requiring Officier non urbain or Officier I certification, or 12 months in the case of Officier II certification.

#### CHAPTER II FIRE PREVENTION

**2.** A firefighter who acts as a fire prevention inspector, namely a firefighter hired to perform duties in a fire safety service and whose main duties relate to detecting fire hazards and inspecting plans and specifications to ensure they comply with fire safety regulation, must hold an attestation of college studies (Prévention en sécurité incendie), an undergraduate studies certificate (Technologie en prévention des incendies) or a vocational studies diploma (Prévention des incendies) awarded by the Ministère de l'Éducation or its equivalent recognized by the Minister of Education.

## CHAPTER III EMERGENCY RESPONSE

### DIVISION I BASIC FIREFIGHTER TRAINING

**3.** A firefighter in charge of rescue response or fire suppression must hold

(1) a vocational studies diploma (Intervention en sécurité incendie) or an attestation of vocational specialization (Intervention en cas d'incendie) awarded by the Ministère de l'Éducation or its equivalent recognized by the Minister of Education;

(2) a Pompier I certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of fewer than 25 000 persons; or

(3) a Pompier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25 000 to 200 000 persons.

Despite the first paragraph, a person may act as an apprentice firefighter under the supervision of a qualified firefighter while obtaining the required certification provided that the training period does not exceed 18 consecutive months following the date of hiring for Pompier I certification or 24 months in the case of Pompier II certification, except if the fire safety service of which the person is a member serves a population of more than 200 000 persons.

### DIVISION II SPECIALIZED TRAINING

**4.** A firefighter who operates a pumper must hold an Opérateur d'autopompe certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

**5.** A firefighter who operates an elevating device must hold an Opérateur de véhicule d'élévation certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

**6.** A firefighter who performs extrications must hold a Désincarcération certificate awarded by the school, except if the firefighter has successfully completed the training referred to in subparagraph 1 of the first paragraph of section 3.

**7.** A firefighter who determines the causes and circumstances of fires must hold a Recherche des causes et des circonstances d'un incendie certificate awarded by the school.

## CHAPTER IV EMERGENCY MANAGEMENT

### DIVISION I BASIC OFFICER TRAINING

**8.** A firefighter who acts as an officer in charge of response management, namely a firefighter who supervises and directs the work of firefighters at a fire scene, must hold

(1) an Officier I certificate awarded by the school; or

(2) an Officier non urbain certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of fewer than 5 000 persons.

Despite the first paragraph, a firefighter may hold that function while obtaining the required officer certification provided that the training period does not exceed 24 consecutive months following the date on which the firefighter begins to hold the function *requiring Officier non urbain* or Officier I certification, except if the fire safety service of which the firefighter is a member serves a population of more than 200 000 persons.

### DIVISION II ADVANCED TRAINING FOR CHIEF OFFICERS

**9.** A firefighter whose main duty is to supervise and direct the work of other officers must hold an Officier II certificate awarded by the school if the fire safety service of which the firefighter is a member serves a population of 25 000 persons or more.

Despite the first paragraph, a firefighter may hold that function while obtaining Officier II certification provided that the training period does not exceed 12 consecutive months following the date on which the firefighter begins to hold the function.

## CHAPTER V TRANSITIONAL, INTERPRETATIVE AND FINAL

**10.** Persons who, on 1 September 2005, have successfully completed

(1) the first nine modules of the vocational studies diploma (Intervention en sécurité incendie) are deemed to be holders of a Pompier I certificate and an Opérateur d'autopompe certificate awarded by the school;



(2) the courses in the Gérer l'intervention profile forming part of the Gestionnaire en sécurité incendie attestation of college studies awarded by the Ministère de l'Éducation are deemed to be holders of an Officier I certificate awarded by the school;

(3) the Gestionnaire en sécurité incendie attestation of college studies awarded by the Ministère de l'Éducation are deemed to be holders of an Officier II certificate awarded by the school;

(4) module Number 6 entitled Matériel d'intervention relatif à l'eau forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of an Opérateur d'autopompe certificate awarded by the school;

(5) module Number 15 entitled Véhicules d'élévation forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of an Opérateur de véhicule d'élévation certificate awarded by the school;

(6) module Number 24 entitled Incendies et accidents de véhicules forming part of the Intervention en sécurité incendie vocational studies diploma are deemed to be holders of a Désincarcération certificate awarded by the school;

(7) the course entitled Recherche de causes et de circonstances d'un incendie in the Gérer l'intervention profile forming part of the Gestionnaire en sécurité incendie attestation of college studies are deemed to be holders of a Recherche des causes et des circonstances d'un incendie certificate awarded by the school.

**11.** As long as they do not change employment, the following persons may continue to exercise the same functions within a fire safety service without having to meet the new conditions prescribed by this Regulation:

(1) firefighters who, on 16 September 1998, held the function of director and managed a fire safety service;

(2) firefighters who, on that date, held the function of fire prevention inspector, namely firefighters hired to perform duties in a fire safety service and whose main duties related to detecting fire hazards and inspecting plans and specifications to ensure they complied with fire safety regulation;

(3) persons who, on that date, held the function of firefighter, namely persons in charge of rescue response or fire suppression;

(4) persons who, on that date, were on the eligibility list of a local municipality for the hiring of full-time firefighters and who were hired for such a position by the municipality that drew up the list;

(5) firefighters who, on that date, performed the duties referred to in Division II of Chapter III of this Regulation;

(6) firefighters who, on that date, held the function of officer in charge of response management, namely firefighters supervising and directing the work of firefighters at a fire scene; and

(7) firefighters who, on that date, held the function of chief officer, namely firefighters whose main duty was to supervise and direct the work of other officers.

Firefighters who were members of a fire safety service that was the subject of an amalgamation, regrouping or integration after 16 September 1998 are deemed not to have changed employment for the purposes of this section.

**12.** A firefighter who acts as director and manages a fire safety service and who began to hold that function between 17 September 1998 and 31 August 2005 has 24 months from 1 September 2005 to obtain an Officier I or Officier non urbain certificate or 36 months to obtain an Officier II certificate in accordance with the requirements of section 1 of this Regulation.

A firefighter in charge of rescue response or fire suppression in a fire safety service who began to hold that function between 17 September 1998 and 31 August 2004 has 18 months from 1 September 2004 to obtain a Pompier I certificate and 24 months to obtain a Pompier II certificate or an Intervention en sécurité incendie vocational studies diploma in accordance with the requirements of section 3 of this Regulation.

A firefighter who acts as an officer in charge of response management, namely a firefighter who supervises and directs the work of firefighters at a fire scene and who began to hold that function between 17 September 1998 and 31 August 2005 has 24 months from 1 September 2005 to obtain an Officier I or Officier non urbain certificate in accordance with the requirements of section 8 of this Regulation.

A firefighter who acts as chief officer whose main duty is to supervise and direct the work of other officers and who began to hold that function between 17 September 1998 and 31 August 2005 has 36 months from 1 September 2005 to obtain an Officier II certificate in accordance with the requirements of section 9 of this Regulation.

**13.** A firefighter who is a member of a fire safety service serving a population that has increased so that its service is subject to additional training requirements has 24 months to comply with the new requirements from the date of the Order in Council determining the population, made in accordance with section 29 of the Act respecting municipal territorial organization (R.S.Q., c. O-9).

**14.** Sections 1, 2, 4, 4.1 and 5 of the Regulation respecting the training of members of fire departments, made by Order in Council 1083-98 dated 21 August 1998, are revoked as of 1 September 2004 and section 3 of the Regulation is revoked as of 1 September 2005.

**15.** This Regulation comes into force on 1 September 2004, except sections 1, 8 and 9 which come into force on 1 September 2005 and sections 4 to 7 which come into force on 1 September 2007.

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## Draft Regulation

Civil Code  
(1991, c. 64)

### Register of personal and real rights — 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 register of personal and real rights, 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 advocates authorized by the Personal and Movable Real Rights Registrar to verify the identity of persons wishing to send an application for registration to the registry office electronically. Currently only notaries may carry out such a verification.

To that end, the Regulation proposes to restate the provisions concerning the verification of identity.

Study of the matter has shown there will be no impact on citizens and businesses. To the contrary, the electronic transmission of applications for registration should be facilitated because of broader access by persons authorized to verify identity, a step that precedes the obtaining of a digital signature.

Additional information may be obtained by contacting :

Lise Cadoret, Direction des registres et de la certification, Ministère de la Justice, 1, rue Notre-Dame Est, 7<sup>e</sup> étage, bureau 7.35, Montréal (Québec) H2Y 1B6, telephone: (514) 864-4931; fax: (514) 864-9774; e-mail: lcadoret@drc.gouv.qc.ca

Any 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 undersigned at 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4M1.

MARC BELLEMARE,  
*Minister of Justice*

## Regulation to amend the Regulation respecting the register of personal and real rights\*

Civil Code  
(1991, c. 64, aa. 3012 and 3024)

**1.** Section 15.9 of the Regulation respecting the register of personal and real rights is replaced by the following :

**“15.9.** A person wishing to send an application for registration to the registry office electronically shall first obtain the appropriate key pairs and certificates. They will be issued after verification of the person's identity by a notary or advocate who must be authorized by the registrar to carry out the verification. The person requiring the verification shall bear its cost.”.

**2.** Section 15.11 is replaced by the following :

**“15.11.** The person verifying an identity shall record the information required by the registrar, including the verification code selected by the person wishing to send the application for registration and that only that person can use to identify himself to the registrar.

\* The Regulation respecting the register of personal and real rights, made by Order in Council 1594-93 dated 17 November 1993 (1993, G.O. 2, 6215), was last amended by the regulation made by Order in Council 972-99 dated 25 August 1999 (1999, G.O. 2, 2835). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

The person verifying the identity shall also prepare a statement certifying that the identity of the person has been established, that the identity has been verified for the purpose of obtaining key pairs and certificates for the electronic transmission of documents to the registry office and, where applicable, that the person whose identity has been established intends to send applications on his own behalf or that he is authorized to send applications on behalf of another person who is named.

The recorded information and the certified facts shall be conveyed to the registrar electronically in a transmission signed and encrypted by means of key pairs that provide at least the same degree of security and reliability as those issued by the registrar.”.

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

6168

## Draft Regulation

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

### Forests in the domain of the State — Sugar bush management

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting sugar bush management in forests in the domain of the State, 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 prescribe the rules that holders of sugar bush management permits must observe when tapping maple trees and carrying on other forest management activities in the sugar bush. The draft Regulation also determines the form and content of the progress report to be submitted to the Minister and the time at which the report must be submitted.

The main objective of the draft Regulation is to clarify certain rules for holders of sugar bush management permits and to enhance the protection of sugar bushes tapped for sap within a perspective of sustainable forest development. The draft Regulation determines different annual dates on which permit holders must submit the two parts of the report to the Minister.

The draft Regulation will not have an impact on the public or small and medium-sized businesses other than producers of maple syrup products in forests in the domain of the State, in which case they will have to comply with the new rules that apply to sugar bush management in those forests.

Further information concerning the draft Regulation may be obtained by contacting Serge Pinard, Directeur de l'assistance technique, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, local 9.00, Québec (Québec) G1S 4X4, telephone: (418) 627-8656, fax: (418) 646-9267, e-mail: serge.pinard@mrn.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Michel Bordeleau, Associate Deputy Minister, Forêt Québec, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>
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## Regulation respecting sugar bush management in forests in the domain of the State

Forest Act  
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 5, 5.1 and 19)

**1.** A person applying for a permit to manage a sugar bush in a forest in the domain of the State must furnish the information required by subparagraphs 2 and 3 of the first paragraph of section 13 of the Forest Act (R.S.Q., c. F-4.1).

**2.** No holder of a sugar bush management permit may erect or install buildings in a sugar bush other than buildings necessary for the management of the sugar bush. The holder may use the buildings solely for the collection and processing of sap.

**3.** A permit holder must comply with the following conditions when tapping maple trees:

(1) maple trees may be tapped once a year only, between 1 January and 30 April;

(2) only maple trees at least 20 centimetres in diameter at 1.30 metres above the highest ground level may be tapped;

(3) the maximum number of tapholes in the same maple tree is determined according to the diameter of the tree, as follows:

Diameter of maple tree at 1.30 metres above ground	Maximum number of tapholes
20 to 39 centimetres	1
40 to 59 centimetres	2
60 to 79 centimetres	3
80 centimetres and over	4

Where two or more tapholes are drilled, they must be positioned evenly around the tree;

(4) the taphole must be drilled using a bit not more than 11 millimetres in diameter and must not be more than 6 centimetres deep, including bark thickness;

(5) no control product may be inserted into a taphole unless the control product has been registered under the Pest Control Products Act (S.C. 2002, c. 28)\*;

(6) all spouts must be removed each year at the latest on 1 June, with care taken not to tear the bark from the tree;

(7) tubing must be installed, replaced and maintained without damage to the trees; and

(8) all worn or unused material must be recovered and disposed of in such a manner as to ensure the premises are kept clean.

**4.** A permit holder must, as soon as possible after the permit has been issued, visibly mark off the boundaries of the sugar bush without damaging the trees, and maintain the boundary markings.

**5.** A permit holder must make and submit an annual report to the Minister on the activities carried on by the holder.

The first part of the report must be submitted at the latest on 1 June and indicate

(1) the number of tapholes drilled during the period determined in section 3; and

(2) the quantity of maple syrup produced from the volume of sap harvested during the sugaring season or, if the sap is not processed on the premises, the volume of sap harvested.

The second part of the report must be submitted at the latest on 31 December and contain

(1) a statement of the forest management activities carried out during the year;

(2) the volume of the round timber harvested in the sugar bush in connection with the carrying on of forest management activities, by species or group of species, quality and destination; and

(3) the information required under the second paragraph of section 16.1 of the Forest Act if the permit holder holds an authorization under section 14.1 of that Act.

**6.** A permit holder who contravenes any of the provisions of sections 2 to 4 is guilty of an offence punishable as set out in section 181 of the Forest Act as it existed prior to 27 June 2001, as provided in section 185 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6).

**7.** This Regulation replaces the Regulation respecting sugar bush management permits in the domain of the State, made by Order in Council 1889-89 dated 6 December 1989.

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

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\* That Act was assented to on 12 December 2002 and comes into force on a day or days to be fixed by order of the Governor in Council (s. 90).

## Index Statutory Instruments

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

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