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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 31 MARCH 2004

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 31 March 2004

This day, at thirty minutes past nine o'clock in the evening, Her Excellency the Lieutenant-Governor was pleased to sanction the following bill:

43 Appropriation Act No. 1, 2004-2005

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Coming into force of Acts

Gouvernement du Québec

O.C. 343-2004, 7 April 2004

An Act to amend the Act respecting financial assistance for education expenses (2003, c. 17)

— Coming into force

Coming into force of the Act to amend the Act respecting financial assistance for education expenses

WHEREAS the Act to amend the Act respecting financial assistance for education expenses (2003, c. 17) was assented to on 18 December 2003;

WHEREAS section 44 of the Act enacts that the provisions of the Act come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 May 2004 as the date of coming into force of the provisions of the Act;

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

THAT 1 May 2004 be fixed as the date of coming into force of the provisions of the Act to amend the Act respecting financial assistance for education expenses (2003, c. 17).

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 319-2004, 31 March 2004

Legal Aid Act
(R.S.Q., c. A-14)

Notaries

— **Conditions of practice, procedure for the settlement of disputes and tariff of fees for services rendered under the Act**

— **Ratification of agreement**

Regulation to ratify the agreement entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services rendered under the Legal Aid Act

WHEREAS, under the first paragraph of section 81 of the Legal Aid Act (R.S.Q., c. A-14), the Minister shall negotiate with the bodies authorized to represent the notaries, advocates, bailiffs or stenographers, the tariffs of fees applicable for the purposes of that Act as well as a procedure for the settlement of disputes, and to what matters the procedure may apply;

WHEREAS, under the second paragraph of that section, the Government may make regulations to ratify such an agreement on the tariff of fees applicable for the purposes of that Act;

WHEREAS the Minister of Justice negotiated with the Chambre des notaires du Québec an agreement respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services rendered under the Legal Aid Act and whereas an agreement was entered into on 11 October 2003;

WHEREAS it is expedient to replace the Tariff of fees of notaries for the purposes of the Legal Aid Act, made by Order in Council 1343-77 dated 27 April 1977 and renewed by Order in Council 2254-78 dated 12 July 1978;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft of the Regulation to ratify the agreement entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services

rendered under the Legal Aid Act was published in Part 2 of the *Gazette officielle du Québec* of 3 December 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication and asking any interested person having comments to make on the matter to send them in writing, before the expiry of that period, to the Minister of Justice;

WHEREAS no comments were sent to the Minister of Justice;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation attached to this Order in Council without amendment;

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

THAT the Regulation to ratify the agreement entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services rendered under the Legal Aid Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to ratify the agreement entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services rendered under the Legal Aid Act

Legal Aid Act
(R.S.Q., c. A-14, s. 81)

1. The Agreement attached hereto entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries applicable for the purposes of the Legal Aid Act, which replaces the Agreement entered into on 15 April 1977, is hereby ratified.

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

AGREEMENT

BETWEEN

THE MINISTER OF JUSTICE

AND

LA CHAMBRE DES NOTAIRES DU QUÉBEC

WHEREAS, under section 81 of the Legal Aid Act:

“**81.** The Minister shall negotiate with the bodies authorized to represent the notaries, advocates, bailiffs or stenographers, the tariffs of fees applicable for the purposes of this Act as well as a procedure for the settlement of disputes, and to what matters the procedure may apply.

Notwithstanding any general law or special Act, the Government may make regulations to ratify an agreement contemplated in the first paragraph or, failing such an agreement, to establish such tariffs for the purposes of this Act. Such regulations may also prescribe which person may determine the fees applicable to services for which no tariff is fixed. Moreover, they may provide a procedure for the settlement of dispute and to what matters the procedure may apply.

A tariff established under this section may fix, to the extent prescribed therein, an all-inclusive fee for all services provided within the scope of a single mandate. It may also determine the maximum amount of fees that may be paid under this Act to one professional in the course of a period specified by the tariff and beyond which fees paid to the professional are to be reduced, in respect of each mandate, in the proportion specified by the tariff. The provisions of the tariff pertaining to the maximum amount of fees that may be paid to one professional may vary according to the class of professionals to which they apply.

The Commission and the centres are bound by every regulation contemplated in the second paragraph.”;

WHEREAS an agreement was entered into to replace the Tariff of fees of notaries for the purposes of the Legal Aid Act, made by Order in Council 2254-78 dated 12 July 1978;

THE PARTIES DECLARE AND AGREE THAT the text attached hereto constitutes the agreement respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries within the framework of the legal aid plan.

IN WITNESS WHEREOF, the parties have signed at Québec this 11th day of October 2003.

DENIS MARSOLAIS,
*President of the
Chambre des notaires
du Québec*

MARC BELLEMARE,
Minister of Justice

AGREEMENT ENTERED INTO BETWEEN THE MINISTER OF JUSTICE AND THE CHAMBRE DES NOTAIRES DU QUÉBEC RESPECTING THE CONDITIONS OF PRACTICE, THE PROCEDURE FOR THE SETTLEMENT OF DISPUTES AND THE TARIFF OF FEES OF NOTARIES FOR SERVICES RENDERED UNDER THE LEGAL AID ACT

CHAPTER I

OBJECT AND SCOPE OF THE AGREEMENT

1. The object of this Agreement is the determination of the conditions of practice, the procedure for the settlement of disputes and the fees payable for professional services rendered by notaries within the framework of the legal aid plan.

2. The Agreement governs every notary who agrees to render professional services to a legal aid recipient pursuant to the Legal Aid Act (R.S.Q., c. A-14), other than a notary who is employed by a legal aid centre.

CHAPTER II

CONDITIONS OF PRACTICE

DIVISION I

FREE CHOICE OF NOTARY

3. A person who is financially eligible for legal aid may consult a notary in private practice before submitting an application for legal aid under section 62 of the Legal Aid Act.

4. An application for legal aid may be submitted by the notary on behalf of a person in favour of whom a conditional certificate of eligibility may be issued under the Act. In such a case, the application is verbal.

5. A legal aid body must distribute equitably among notaries, according to the criteria established by the Act, the mandates in respect of which legal aid recipients wish to avail themselves of services provided by a notary registered under the legal aid plan, without a notary in particular having been chosen.

6. Where there is a replacement of notary to which section 81 of the Regulation respecting the application of the Legal Aid Act applies, the legal aid centre must notify the notary of record in writing that the recipient has requested a replacement and inform the notary of the name of the new notary.

The first paragraph also applies if one of the notaries concerned is employed by a legal aid body.

7. A notary who provides a legal service to a person who, for the service, becomes a legal aid recipient, shall retain the mandate subject to the provisions of the Act.

In such a case, the legal aid body issuing the certificate of eligibility must so inform the notary and request the notary's consent to continue the mandate on the terms set out in the Legal Aid Act and the regulations thereunder.

DIVISION II

PROFESSIONAL FREEDOM

8. The legal aid plan must respect a notary's professional freedom; in particular, the plan shall recognize the notary's professional autonomy and preserve the personal and privileged nature of the notary's relationship with the recipient.

9. A notary shall, within the framework of the legal aid plan, maintain professional autonomy. It is the notary's responsibility to determine which services are to be rendered within the framework of a legal aid mandate, while seeking to act in the best interests of the recipient.

A notary shall comply with the mandate received from a legal aid body on behalf of the recipient; the conditions of the mandate are intended to identify the type of legal aid service required by the recipient.

10. A legal aid body shall refrain from intervening in the performance of a notary's mandate; it may, however, satisfy itself that the mandate is performed.

11. A notary may refuse a legal aid mandate.

12. A notary may terminate a mandate in accordance with recognized standards of practice; in such a case, the notary shall so notify the legal aid body and the recipient in writing.

13. A notary shall render an account to the recipient on the performance of the mandate and shall report to the legal aid body having assigned the mandate on the professional services rendered.

In all communications with the Commission des services juridiques or a legal aid body, the notary must respect professional secrecy.

DIVISION III

FEES APPLICABLE AND BILLING AND PAYMENT PARTICULARS

14. Every legal service rendered by a notary in accordance with the provisions of the Legal Aid Act and this Agreement or, to the extent provided for in section 52 of the Act, by an articling student under the notary's supervision, shall be remunerated according to the tariff appearing in Schedule I.

A professional service related to the exercise of a right conferred by a statute or a regulation for which no fees or payment of special consideration are provided for in this Agreement is subject to remuneration. In such a case, the legal aid body shall assess the notary's statement of fees and fix the amount of remuneration. The decision may be the subject of a dispute which may be settled under the settlement procedure provided for in Division IV.

15. A notary shall forward a statement of fees and disbursements within three years after a mandate has terminated to the legal aid body having assigned the mandate. The three-year period is peremptory. Payment shall be made within 30 days of receipt of the statement.

In the cases determined by regulation, the statement of fees shall be forwarded to the Commission des services juridiques and payment shall be made by the Commission within the same period.

In the case of a replacement of notary under section 81.1 of the Regulation respecting the application of the Legal Aid Act, the statement of fees shall be forwarded by the notary to whom the mandate was assigned and payment of fees and disbursements shall be made as if there had been no replacement.

16. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Agreement shall commence to bear interest 30 days after receipt by the legal aid body or the Commission, as the case may be.

The interest is calculated on an annual basis and is equal to the Bank of Canada discount rate in effect on 1 April and 1 October each year, plus one and one-half percent (1.5%). The rate thus fixed shall remain in effect for the ensuing six (6) months.

17. A statement of fees is complete when it mentions the services rendered according to the nomenclature and terms in the Schedule or the mandate, where applicable.

18. Disbursements include service by bailiff or by registered or certified mail.

19. A notary shall receive no reimbursement for travel or parking expense incurred within a radius of 25 km from the notary's office.

A notary is entitled to the maximum reimbursement for travel expense for the use of a personal vehicle fixed by the Conseil du trésor in its Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents,

(1) according to the distance actually travelled, in the case of travel farther than the 25-km radius from the notary's office within the boundaries of the registration division in which the office is situated;

(2) according to the distance actually travelled up to a maximum of 200 km, in the case of travel farther than the 25-km radius from the notary's office outside the boundaries of the registration division in which the office is situated; or

(3) according to the distance actually travelled by the notary, in the case of travel authorized by the director general of the legal aid centre, outside the boundaries of the registration division in which the notary's office is situated, where the nature or complexity of the matter requires that the mandate be assigned to the notary.

A notary who is entitled to reimbursement under this section is also entitled to be reimbursed for parking expense incurred.

The amount to be reimbursed as travel and parking expense may not, however, exceed the actual amount of expense incurred by the notary.

20. A notary representing a recipient in respect of whom legal aid is suspended or withdrawn, or a recipient who ceases to be eligible for legal aid, shall be remunerated according to the provisions of this Agreement for the services rendered before receipt of a notice from the legal aid body, sent by mail or telecommunications, informing the notary of the cessation of legal aid and the reasons for the decision.

The first paragraph also applies where the recipient chooses to dispense with legal aid during the mandate.

21. In the event that a legal aid body refuses to pay a statement of fees, the legal aid body must, within 30 days of receipt of the statement, so notify the notary in writing and state the reasons for the refusal.

The first paragraph also applies to the Commission in cases where the Commission assumes the payment of fees.

22. A refusal to pay fees must be founded on the inconsistency of the fees claimed with the provisions of the Act or this Agreement.

DIVISION IV PROCEDURE FOR THE SETTLEMENT OF DISPUTES

23. A dispute means any disagreement over the interpretation or application of this Agreement, including any disagreement over a statement of fees.

24. A dispute is submitted to the Commission by a notary by means of a notice addressed to the regional centre or, as the case may be, the Commission. The notice must contain a summary statement of the facts and the relief sought.

A dispute concerning contested fees must be submitted within six months of receipt of a notice of refusal to pay or of a claim for reimbursement.

25. On receipt of a notice of dispute, the regional centre or the Commission, as the case may be, shall answer in writing.

If the notary is dissatisfied with the answer, or if no answer is forwarded to the notary within 30 days after the notice of dispute is submitted, the notary may refer the dispute to arbitration by means of a letter addressed to the chief judge of the Court of Québec within six months of receipt of the answer obtained or of the expiry of the 30-day period after the notice of dispute is submitted, as the case may be. A copy of the letter shall be sent by the notary to the regional centre or the Commission, as the case may be.

26. Every dispute referred to arbitration under this Agreement shall be decided by an arbitrator designated by the chief judge or, where applicable, the associate chief judge of the Court of Québec, from among the judges of the Court.

27. The arbitrator is competent, to the exclusion of any court or tribunal, to decide a dispute within the meaning of this Agreement. The arbitrator may uphold, modify or reject the decision in dispute and according to the terms of the award, order payment or reimbursement, fix compensation, reinstate a right or make any other order the arbitrator considers equitable in the circumstances. The arbitrator may not, however, amend the provisions of this Agreement.

The arbitrator's award is final and binding on the parties.

28. The arbitrator may issue an interim award at any time.

29. Fees for the recording of proceedings before the arbitrator, if any, shall be borne by the regional centre or the Commission, as the case may be.

30. The arbitrator shall forward the award to the regional centre, the Commission, the notary and the Chambre des notaires.

DIVISION V

SCOPE AND TERM OF THE AGREEMENT

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

It applies to mandates assigned as of 1 April 2002.

The Agreement terminates on 31 March 2005. Notwithstanding its expiry, the Agreement shall continue to apply until replaced.

SCHEDULE I

(s. 14)

CHAPTER I

GENERAL RULES OF APPLICATION

T1. The services listed herein are lump-sum services. The fees set entail all that is necessary to perform the mandate received. No other remuneration shall be paid to a notary by a centre or by the Commission, as the case may be, unless this Tariff provides otherwise.

T2. For each copy or extract of acts or attached exhibits furnished by a notary at the request of a third party within the framework of legal aid, except copies or extracts already included in the remuneration under this Agreement\$40.

The fees include remuneration for the signing and sending of the copy.

T3. For the reimbursement of photocopy, fax, courier and postage costs, the notary shall receive a fixed amount of \$10.

CHAPTER II

ACTS RELATING TO MOVABLE OR IMMOVABLE PROPERTY

T4. For the preparation and receipt of every act pertaining to movable or immovable property\$225 per act.

The fees include, in addition to the fees for the act itself, the fees for all that is necessary to complete the performance of the mandate received. They include fees for the appearance, the preparation of the notice of address, the verification and adjustment of taxes, the transfer of insurance, attendances, the documents attached and the certificate they include, the assumption of a previous obligation, the necessary copies and the fees for the inclusion in the act of the usual warranty clauses for the payment of the remainder of the sale price or for the performance of the obligations of one of the parties.

T5. For any indivision agreement relating to every act pertaining to movable or immovable property.....\$225 per act.

T6. Full examination of titles.....\$225 per act.

A full examination of titles includes what is required in that respect by generally accepted practice. The fees for a full examination of titles may be billed only once per transaction, regardless of whether the transaction involves one or more acts.

If the notary makes only a summary examination of the titles or carries out only one search at the registry office\$80.

CHAPTER III

ACTS OF SERVITUDE

T7. For the preparation and receipt of any act of servitude\$225.

The fees include fees for describing the servient land, the land to which the servitude is due, the necessary interventions, the reference to titles of indebtedness, as well as 2 copies.

CHAPTER IV DISCHARGES AND RELEASES

T8. For every discharge, release of hypothec and other acts entailing cancellation\$150.

The fees include any verification of the amount or accounts, any attendance at the registry office as well as 2 copies.

CHAPTER V CONTRACTS OF MARRIAGE, CIVIL UNION AND DE FACTO SPOUSES

T9. For every contract of marriage or civil union.....\$175.

The fees include the preparation and drawing up of the contract (including *inter vivos* gifts or gifts *mortis causa*). Two or three copies, the preparation of the notice of entry in the register of personal and movable rights in three copies, the signing and sending of the notice, and the receipt of the notice and annexing to the minutes of the contract.

T10. For every contract of de facto spouses\$275.

CHAPTER VI WILLS

T11. For the preparation and receipt of:

(a) every will\$125

(b) every will between spouses.....\$240.

The fees include a copy to the testator but do not include disbursements for entry in the register of testamentary dispositions and mandates.

CHAPTER VII POWER OF ATTORNEY, MANDATES AND CONSENTS

T12. For every power of attorney, authorization, concurrence and consent by separate act, and for their revocation\$100.

T13. For every preparation of a mandate given in anticipation of incapacity.....\$135.

The fees include the sending, correspondence and other attendances, as well as the necessary copies.

CHAPTER VIII INVENTORY

T14. For every inventory (article 1326 of the Civil Code of Québec) in the case of a curatorship.....\$225.

CHAPTER IX SETTLEMENT OF A SUCCESSION

T15. Settlement of a succession:

1. For the drawing up of a statement of assets and liabilities of the succession (establishment of the devolution)\$225

2. For renunciation of the succession.....\$225

3. For the notice of transmission:

— Immovable.....\$340

— Movable.....\$225

4. All services entailed to designate the liquidator\$225

The fees include the designation, the notice of designation and the publication of the notice.

5. For the notice of closure of the succession\$90

6. Request for a will search\$45.

The fees include the production of a certificate of search from one of the registers of wills.

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Gouvernement du Québec

O.C. 344-2004, 7 April 2004

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3)

Financial assistance for education expenses

Regulation respecting financial assistance for education expenses

WHEREAS, under section 57 of the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3), amended by section 41 of chapter 17 of the Statutes of 2003, the Government may make regulations for the carrying out of the Act;

WHEREAS the Government made the Regulation respecting financial assistance for education expenses by Order in Council 844-90 dated 20 June 1990;

WHEREAS it is expedient to replace the Regulation respecting financial assistance for education expenses;

WHEREAS, under section 23.7 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60), every draft regulation respecting the financial assistance programs established by the Act respecting financial assistance for education expenses must be submitted for advice to the advisory committee on the financial accessibility of education;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the advisory committee on the financial accessibility of education and the advisory committee has given its advice;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 12 February 2004, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting financial assistance for education expenses, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting financial assistance for education expenses

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3, s. 57; 2003, c. 17, ss. 41 and 42)

CHAPTER I

LOANS AND BURSARIES PROGRAM FOR FULL-TIME STUDIES IN VOCATIONAL TRAINING AT THE SECONDARY LEVEL AND FOR FULL-TIME STUDIES AT THE POSTSECONDARY LEVEL

DIVISION I

THE STUDENT'S CONTRIBUTION

§1. Computation of the contribution

1. The contribution of a student for a year of allocation is established as the sum of

(1) 50% of the student's employment income referred to in Schedule I, minus applicable exemptions;

(2) the student's other income referred to in Schedule II; and

(3) the student's scholarship income.

For the purposes of the computation in subparagraph 1 of the first paragraph, only 40% of the student's employment income is taken into account if no financial assistance is granted to the student under the loans and bursaries program for the preceding year of allocation.

If the result of the computation of financial assistance does not exceed the portion of the maximum amount of a loan established pursuant to section 54, the student's contribution is recomputed taking into account only the items referred to in subparagraphs 2 and 3 of the first paragraph. The financial assistance granted to the student in such a case may not exceed that portion of the maximum amount of a loan.

§2. *Applicable exemptions*

2. For the purpose of computing the applicable exemptions, an amount is established as maximum income protection to take into account expenses incurred by the student while not pursuing full-time studies.

The amount of maximum income protection is computed by allocating \$1,110 for each of the following months:

(1) the first months of the year of allocation and the other months of the calendar year ending in the year of allocation for which no expense is allowed; and

(2) the subsequent months in the year of allocation during which the student interrupts his or her full-time studies, if the student resumes the studies before the end of the year of allocation, and for which no expense is allowed.

3. An exemption corresponding to the student's employment income, up to 30% of the amount of maximum income protection, is granted to the student.

4. An exemption corresponding to the sum of 35% of the amount of maximum income protection and 35% of the student's employment income, up to 70% of the amount of maximum income protection, is granted to a student if

(1) the student meets any of the conditions in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3);

(2) the student is not deemed to receive a contribution from his or her parents or sponsor and does not reside with his or her parents or sponsor during the first month in the year of allocation during which the student is pursuing full-time studies;

(3) the student is the subject of a decision or placement order that does not provide for payment of support for the student, except where the decision or placement order is made in a matter of adoption;

(4) custody of the student is entrusted to a tutor;

(5) the student had to leave the residence of his or her parents or sponsor for serious reasons such as the student's health or safety;

(6) the student's parents or sponsor are sheltered in a reception centre, health or social services institution or other place where the student cannot reside; or

(7) the student's parents or sponsor have no residence in Canada.

5. An exemption corresponding to 5% of the student's employment income, up to 5% of the amount of maximum income protection, is granted to a student who cannot benefit from the exemption in section 4.

§3. *Scholarship income*

6. A student's scholarship income comprises the amounts in excess of \$5,000 received as such from a public or private organization during the calendar year ending in the year of allocation.

They do not, however, include amounts from an education savings plan.

§4. *Reduction in the contribution*

7. A student's contribution is reduced if the student pursues studies otherwise than on a full-time basis in an educational institution recognized by the Minister during the 4-month period preceding a month in the year of allocation during which the student pursues full-time studies.

The reduction in the contribution is \$255 per credit if the student pursues studies at the university level, \$22 per course hour if the student pursues studies at the college level in a private educational institution and \$15 per course hour in all other cases.

If a student does not reside with his or her parents or sponsor during one of the months in that period, the student's contribution is reduced by an additional amount of \$120 per credit or \$8 per course hour.

The third paragraph does not apply to a student who benefits from the exemption in section 4.

8. The reduction in the student's contribution established pursuant to section 7 is lowered if the student has employment income referred to in Schedule I.

The lowered reduction corresponds to the amount obtained by multiplying the student's employment income by 2.5%, up to the amount of maximum income protection, and by multiplying the result of that operation by the number of credits accumulated or by the number obtained by dividing the number of completed course hours by 15.

9. A student's contribution is reduced if the student works and does not reside with his or her parents or sponsor during the months referred to in the second paragraph of section 2.

The reduction in the student's contribution is established by multiplying by \$380 the lesser of

(1) the number of months taken into account to establish maximum income protection pursuant to the second paragraph of section 2; and

(2) the number obtained by dividing the student's employment income referred to in Schedule I by \$1,110.

If the student benefits from a reduction in his or her contribution pursuant to the third paragraph of section 7, the number obtained pursuant to subparagraph 1 of the second paragraph is reduced by the number obtained by dividing the number of credits then accumulated by 3, or by dividing the number of course hours then completed by 45.

This section does not apply to a student who benefits from the exemption in section 4.

10. A student's contribution established pursuant to sections 1 to 9 is reduced if the student ceases to be enrolled or to be deemed to be enrolled within the meaning of section 27 as of the month of May of the year of allocation.

The student's contribution is reduced by 12.5% for each month in the year of allocation preceding the month of May for which the student does not benefit from the exemption provided for in section 2.

§5. Exemption from contribution

11. A student's contribution is not taken into account for the purpose of computing financial assistance if the student is registered in a training program offered by Emploi-Québec and attends a private educational institution at the secondary level in vocational training or at the college level, a public educational institution for a non-subsidized course of study or a university-level institution.

DIVISION II **CONTRIBUTION OF THE PARENTS,** **SPONSOR OR SPOUSE**

§1. Computation of the contribution

12. The contribution of the parents, sponsor or spouse, for a year of allocation, is established in relation to their respective income, minus applicable exemptions.

The contribution corresponds to the amount determined in the table in Schedule III.

13. If the student's parents no longer live together, their contribution is established on the basis only of the income of the parent with whom the student resides or last resided.

However, if the student has not resided with either parent since their separation, the parents' contribution is established on the basis only of the income of the parent designated by the student.

14. If the parents and sponsor of the student reside in Canada during the year of allocation, the financial assistance is computed taking into account the parents' contribution, if any.

However, if the student's parents do not reside in Canada at the beginning of the year of allocation, the financial assistance is computed taking into account the sponsor's contribution, if any.

§2. Income of parents, sponsor or spouse

15. The income of the parents, sponsor or spouse is established as the sum of their gross revenue within the meaning of the Taxation Act (R.S.Q., c. I-3), for the calendar year ending before the beginning of the year of allocation.

Allowances or benefits paid by a government to help children or families are taken into account to establish the income of the parents or sponsor.

16. Despite section 15, if the income of the parents, sponsor or spouse, as the case may be, for the calendar year ending during the year of allocation are at least 10% lower than the income for the preceding calendar year, the income taken into account is the income of the calendar year ending during the year of allocation.

§3. Applicable exemptions

17. For the purpose of computing the contribution of the parents or sponsor, the applicable exemptions are as follows:

(1) \$13,885, if the student's parents live together or if the student's sponsor is married or in a civil union;

(2) \$11,775, if the student's parents no longer live together, if one of the parents is deceased or if the student's sponsor is neither married nor in a civil union;

(3) the lesser of \$2,100 and 14% of the gross revenue within the meaning of the Taxation Act of the parent having the lower gross revenue, if both of the student's parents have income;

(4) \$2,200, if the student has a major functional deficiency within the meaning of section 47.

An exemption of \$2,660 is granted for the student and an exemption of \$2,400 is granted for each other child of the parents or for each child of the sponsor who, being minor, is single and has no children or, being of full age, pursues full-time studies and is deemed to reside with his or her parents or sponsor within the meaning of section 31 or is deemed to receive a contribution from his or her parents or sponsor.

18. An exemption of \$11,755 is granted for the purpose of computing the spouse's contribution.

An additional exemption of \$2,200 is granted if the student has a major functional deficiency within the meaning of section 47.

§4. Reduction in contribution

19. The contribution of the parents, sponsor or spouse is reduced to take into account the expenses incurred for their children.

The contribution of the parents or sponsor is divided by the number of their children, including the student, who are pursuing full-time studies in vocational training at the secondary level or full-time studies at the postsecondary level and are deemed to receive a contribution from their parents or sponsor.

The contribution of the spouse is divided by the number obtained by counting the student and each child of the student and his or her spouse who are pursuing full-time studies in vocational training at the secondary level or full-time postsecondary studies and are deemed to receive a contribution from their parents.

20. The contribution of the parents, sponsor or spouse established pursuant to sections 12 to 19 is reduced if the student is not enrolled or deemed to be enrolled for more than 7 months in the year of allocation.

The contribution of the parents, sponsor or spouse in such case corresponds to the amount obtained by multiplying the amount of their contribution established pursuant to sections 12 to 19 by the percentage obtained by multiplying the number of months in the year of allocation during which the student is enrolled or deemed to be enrolled by 12.5%.

§5. Exemption from contribution

21. The contribution of the parents, sponsor or spouse is not taken into account for the purpose of computing financial assistance if

(1) the student is the subject of a decision or placement order other than a decision or placement order made in a matter of adoption;

(2) custody of the student is entrusted to a tutor;

(3) the student's parents, sponsor or spouse cannot be found;

(4) the student has had to cease all communication with his or her parents, sponsor or spouse for safety reasons;

(5) the student's parents, sponsor or spouse never resided in Canada before the beginning of the calendar year ending in the year of allocation; or

(6) the student's spouse receives financial assistance under the loans and bursaries program for the year of allocation or received such assistance for the preceding year of allocation.

22. A student who has been pursuing university studies in Québec for at least 3 years and has accumulated 90 credits in the same course of study is deemed not to receive a contribution from his or her parents or sponsor.

The foregoing also applies to a student who is pursuing university studies outside Québec and has completed 4 years of full-time university studies or, if the student has a diploma of college studies, has completed 3 years of full-time university studies in the same course of study.

Despite the first and second paragraphs, a student who has a major functional deficiency within the meaning of section 47 is deemed not to receive a contribution from his or her parents or sponsor if the student has been pursuing university studies in Québec for at least 3 years and has accumulated 45 credits in the same course of study. The foregoing also applies if the student has been pursuing university studies outside Québec for 4 years or, if the student has a diploma of college studies, for 3 years in the same course of study.

DIVISION III **ALLOWABLE EXPENSES**

§1. General

23. The categories of allowable expenses for the purpose of computing the financial assistance for a year of allocation are as follows:

- (1) school fees;
- (2) living expenses;
- (3) transportation expenses;
- (4) living expenses for a child;
- (5) child day-care expenses;
- (6) expenses for residents of an outlying area; and
- (7) medication, orthosis or treatment expenses.

24. The allowable expenses are allocated for the months in the year of allocation during which the student

- (1) is deemed to be enrolled within the meaning of section 27;
- (2) is pursuing full-time studies;
- (3) interrupts his or her full-time studies for a period not exceeding 4 months; or
- (4) is pursuing studies other than on a full-time basis after ceasing to be a full-time student.

However, no expense is allocated for the first of a series of months during which the student is pursuing full-time studies if the student begins to pursue such studies only as of the 16th day of that month.

In addition, in the case referred to in subparagraph 4 of the first paragraph, the allowable expenses are allocated to the student only for a maximum of 4 months.

25. The allowable expenses for the months of July and August of the preceding year of allocation are taken into account for the purpose of computing the financial assistance granted for the year of allocation if the student pursues full-time studies during those months only.

The foregoing also applies to the allowable expenses for the months of September and October of the following year of allocation if the student pursues full-time studies during those months only.

26. Despite section 24, no expense is allowable for a month in the year of allocation during which the student

(1) receives benefits from a department or body of a government under a last resort financial assistance program;

(2) receives unemployment benefits or any other benefit of the same nature and is registered in a training program offered by a department or body of the Government of Canada;

(3) is registered in a training program offered by Emploi-Québec;

(4) has been committed to custody; or

(5) is serving a training period of 3 months or more as part of a course of study under a cooperative plan.

A student who is in the situation referred to in subparagraph 1 of the first paragraph may be allocated expenses for the first month in the year of allocation during which the student is pursuing full-time studies. However, living expenses are allocated only to a student who does not reside or is not deemed to reside with his or her parents or sponsor. The amount allocated as living expenses in such a case is \$165.

A student who is in the situation referred to in subparagraph 3 of the first paragraph may be allocated the fees referred to in section 29 if the fees are not reimbursed to the student by a government department or body and the student attends a private educational institution at the secondary level in vocational training or at the college level, a public educational institution for a non-subsidized course of study or a university-level institution.

27. For the purpose of computing allowable expenses, a student is deemed to be enrolled for a period not exceeding 4 months if the student

(1) is in a situation which, within the meaning of section 16 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001), could lead the student to complete destitution;

(2) has a major functional deficiency within the meaning of section 47;

(3) cohabits with his or her child; or

(4) is at least 20 weeks pregnant.

28. A student may, for the number of consecutive months determined by the student, inform the Minister that no expenses are to be allocated in his or her respect. The period determined by the student must be at the beginning or end of the year of allocation.

§2. School fees

29. A student's school fees comprise admission fees, registration fees, tuition fees, fees related to instructional services and any other fees prescribed by the educational institution. They also comprise the amounts allocated for the purchase of didactic materials or specialized equipment.

The fees allocated to a student may not exceed \$6,000 per 4-month period.

The amounts allocated to a student for the purchase of educational materials, per 4-month period, are as follows:

- (1) \$125 at the secondary level, in vocational training;
- (2) \$125 at the college level, for pre-university studies;
- (3) \$150 at the college level, for technical studies;
- (4) \$325 at the university level;
- (5) \$375 at the university level, for architecture, visual arts, chiropractic, physical education, ergotherapy, medicine, veterinary medicine, music, speech therapy and audiology, optometry, pharmacy, physiotherapy and engineering programs; and
- (6) \$150 at the master's or doctoral level, for each 4-month period devoted to writing a thesis or dissertation.

The amounts allocated to the student for the purchase of specialized equipment correspond to the costs of the specialized equipment that the student is required to acquire for his or her studies.

Despite the second paragraph, no amount is allocated to a student for any 4-month period during which the student pursues full-time studies for less than 3 months.

Despite the third paragraph, no amount is allocated to a student for any 4-month period during which the student is serving a training period.

§3. Living expenses

30. A student's living expenses are allocated for each month in the year of allocation and vary according to whether or not the student resides with his or her parents or sponsor, according to whether or not the student is deemed to reside with his or her parents or sponsor and according to whether or not the student is deemed to be enrolled.

31. A student who is deemed to receive a contribution from his or her parents or sponsor is deemed to reside with his or her parents or sponsor if the student also

(1) attends an educational institution or is serving a training period in the municipality in which his or her parents or sponsor have their place of residence; or

(2) attends an educational institution or is serving a training period in an area served by a regional or municipal public transit service linking the area with the residence of the student's parents or sponsor.

Despite the first paragraph, a student is not deemed to reside with his or her parents or sponsor if

(1) the student meets any of the conditions in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act respecting financial assistance for education expenses;

(2) the student is the subject of a decision or placement order that does not provide for payment of support for the student, except where the decision or placement order is made in a matter of adoption;

(3) custody of the student is entrusted to a tutor;

(4) the student had to leave the residence of his or her parents or sponsor for serious reasons such as the student's health or safety; or

(5) the student's parents or sponsor are sheltered in a reception centre, health or social services institution or other place where the student cannot reside.

32. The living expenses allocated to a student who resides or is deemed to reside with his or her parents or sponsor are \$325 per month while those allocated to a student who does not reside or is not deemed to reside with his or her parents or sponsor are \$715 per month.

The living expenses allocated to a student who is deemed to be enrolled, within the meaning of section 27, and resides or is deemed to reside with his or her parents or sponsor are \$125 per month, plus an amount corresponding to 10% of the student's employment income, up to \$200 per month. If the student is deemed to be enrolled but does not reside with his or her parents or sponsor, the living expenses are \$515 per month, plus an amount corresponding to 10% of the student's employment income, up to \$200 per month.

The amounts provided for in the first paragraph are reduced by \$100 if a student attending an educational institution recognized by the Minister no longer pursues studies on a full-time basis, and by \$200 if the student interrupts his or her full-time studies for a period not exceeding 4 months.

33. A student without a spouse is allocated an additional \$58 per month as living expenses if the student cohabits with his or her child during the year of allocation.

If the child is of full age, or if the student is not the recipient of the benefits under the Act respecting family benefits (R.S.Q., c. P-19.1), that amount is increased to \$166 per month.

If custody of the child is shared, the living expenses are allocated to the student only if, during the year of allocation, the student has custody of the child for at least 25% of the time.

A student who is at least 20 weeks pregnant and has no spouse or child is entitled to the additional amount provided for in the second paragraph.

34. A student who is required to serve a training period as part of his or her studies and, for that reason, cannot live at his or her ordinary residence is allocated an additional amount of \$243 as living expenses for each month of training, up to \$1,128 per year of allocation.

This section does not apply to a student without a spouse who serves a training period that lasts 3 consecutive months or more.

§4. Transportation expenses

35. Land transportation expenses are allocated to a student who resides with his or her parents or sponsor and cannot use a public transit service to travel to the educational institution attended.

Land transportation expenses allocated to a student are \$83 per month.

36. Air transportation expenses are allocated to a student if the student's domicile and the educational institution attended are situated in Québec and there is no road link between the domicile and the institution.

Air transportation expenses correspond to the cost of one return trip in economy class for each 4-month period during which the student is enrolled, up to 2 periods per year of allocation.

§5. Living expenses for a child

37. Living expenses for a child are allocated to a student if the student's child or the child of the student's spouse is of full age, is pursuing full-time studies, meets none of the conditions in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act respecting financial assistance for education expenses and has no child.

If the student and child are not cohabiting, the living expenses for a child are allocated to the student only if the child is deemed to receive a contribution from the parents.

Living expenses for a child are also allocated to a student who has shared custody of a minor child and the student is not the recipient of the family allowance granted under the Act respecting family benefits.

A student who is at least 20 weeks pregnant is entitled to living expenses for a child.

The living expenses for a child are \$217 per month for a first child and \$200 per month for each other child.

Despite the third and fifth paragraphs, a student who is the recipient of the family allowance granted under the Act respecting family benefits is entitled to living expenses for a child, if no amount is established as the spouse's contribution, where applicable, equal to the amount obtained after subtracting the amount of the family allowance calculated on a monthly basis from the amount provided for in the fifth paragraph.

If a student and his or her spouse are both full-time students, the living expenses for a child are allocated to one spouse only.

In addition, if custody of the child is shared, the living expenses for a child may be allocated to the student only if, during the year of allocation, the student has custody of the child for at least 25% of the time. The living expenses in such a case are allocated to the student in proportion to the time during which the student has custody of the child during the year of allocation.

§6. Child day-care expenses

38. Child day-care expenses are allocated for each child under 12 years of age and for each child aged 12 to 17 having a major functional deficiency within the meaning of section 47.

Child day-care expenses allocated to the student correspond, for each month in the year of allocation during which the student is in any of the situations referred to in subparagraphs 2 and 3 of the first paragraph of section 24, to the amount obtained by multiplying the contribution fixed by a regulation made pursuant to section 39 of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2) by 21.5.

If the student and his or her spouse are both full-time students, the child day-care expenses are allocated only once for each child.

In addition, if custody of the child is shared, child day-care expenses may be allocated to the student only if, during the year of allocation, the student has custody of the child for at least 50% of the time. The child day-care expenses in such a case are reduced by one half if, during the year of allocation, the student does not have custody of the child for more than half the time.

39. If there is no opening for the child in a day-care service for which the contribution referred to in the second paragraph of section 38 is payable, the child day-care expenses allocated to the student are increased, for each month in the year of allocation, by the difference between the maximum amount qualifying for the child care expense credit for a month under the Taxation Act and the amount obtained pursuant to the second paragraph of section 38.

§7. Expenses for residents in an outlying area

40. A student who attends an educational institution situated in an outlying area, if the student is deemed to receive a contribution from his or her parents or sponsor and is not deemed to reside with his or her parents or sponsor within the meaning of section 31 is allocated expenses of \$63 per month, up to \$504 per year of allocation.

The expenses referred to in the first paragraph are also allocated to the student if the student's parents or sponsor live in an outlying area.

The following administrative regions constitute outlying areas: Bas-Saint-Laurent (01), Saguenay-Lac-Saint-Jean (02), Abitibi-Témiscamingue (08), Côte-Nord (09) and Gaspésie-Îles-de-la-Madeleine (11) and the territory of Ville de La Tuque and the territories of the regional county municipalities of Antoine-Labelle, Pontiac and La Vallée-de-la-Gatineau.

§8. Medication, orthosis or treatment expenses

41. Visual orthosis expenses are allocated to a student who furnishes supporting documents to substantiate the purchase of visual orthoses for himself or herself or for his or her child or spouse's child. Visual orthosis expenses are \$185 per person per 2-year period of allocation.

42. Medication or chiropractic treatment expenses are allocated to a student who furnishes supporting documents to substantiate the payment of medications or chiropractic treatments prescribed by a physician, if such expenses incurred for the benefit of the student, his or her child or spouse's child are not otherwise reimbursed.

Expenses for medications or chiropractic treatments correspond to the amount by which \$16 exceeds the monthly expense.

43. Despite section 24, a student who interrupts his or her full-time studies for a period not exceeding 4 months is allocated the medication, orthosis or treatment expenses paid during that period, in accordance with sections 41 and 42, for the month as of which the student resumes full-time studies.

DIVISION IV SUPPLEMENTS

44. An amount is allocated to a student, as a supplement, if the student

(1) obtained financial assistance for the preceding year of allocation under the loans and bursaries program and no contribution is required from the student pursuant to section 1 for the year of allocation; and

(2) interrupts his or her full-time studies before the beginning of the year of allocation or during the year of allocation for a period not exceeding 4 months and resumes the studies before the end of the year of allocation.

The amount allocated as a supplement is established by subtracting the sum of the amounts referred to in subparagraphs 2 and 3 of the first paragraph of section 1 and half the student's employment income referred to in Schedule I from the sum of the amount allocated pursuant to sections 7 to 9 and half the amount allocated pursuant to sections 2 to 5.

No amount is allocated to a student pursuant to this section if no expense is allowable pursuant to section 28 for one of the months in the year of allocation.

45. An amount is allocated to a student as a supplement if the student's income for the calendar year ending in the year of allocation is at least 10% lower than his or her income for the preceding calendar year.

The amount allocated as a supplement is established by subtracting the amount of the student's contribution for the year of allocation from the amount of the student's contribution for the preceding year of allocation, and by dividing the result of that operation by 3.

No amount is allocated to the student pursuant to this section if, during one of the months of the calendar year ending in the year of allocation, the student is not a full-time student or no expense is allowable pursuant to section 28 for one of the months in the year of allocation.

DIVISION V **STUDENT DEEMED TO BE FULL-TIME**

46. A student is deemed to pursue studies recognized by the Minister on a full-time basis if he or she is pursuing studies on a part-time basis and

(1) does not have a spouse and cohabits with his or her child who is under 12 years of age;

(2) is at least 20 weeks pregnant; or

(3) cohabits with his or her child from the child's birth until the age as of which the child is subject to compulsory school attendance.

If the child has a major functional deficiency within the meaning of section 47 or a mental disorder attested to in a medical certificate, the period during which the student is deemed to pursue studies recognized by the Minister on a full-time basis is extended until the child, if he or she is pursuing studies, has reached the age of 21.

If the student and his or her spouse are both students, only one of them, for the same year of allocation, may be deemed to pursue studies recognized by the Minister on a full-time basis pursuant to subparagraph 3 of the first paragraph.

DIVISION VI **MAJOR FUNCTIONAL DEFICIENCIES**

47. The following are major functional deficiencies:

(1) severe visual deficiency: visual acuity in each eye, after correction by means of appropriate ophthalmic lenses, excluding special optical systems and additions greater than 4.00 dioptres, is not more than 6/21, or the field of vision in each eye is less than 60 degrees in the 180-degree and 90-degree meridians and, in either case, the person is unable to read, write or move about in a familiar environment;

(2) severe hearing deficiency: the ear having the greater hearing capability is affected by a hearing deficiency evaluated, according to American National Standards Institute Standards S3.6-1989, to be an average of at least 70 decibels, in aerial conduction, on any of the 500, 1,000 or 2,000 Hertzian frequencies;

(3) a motor deficiency, if it results in significant and persistent limitations for the student in the performance of his or her daily activities: loss, malformation or abnormality in the skeletal, muscular or neurological systems responsible for body motion; and

(4) an organic deficiency, if it results in significant and persistent limitation for the student in the performance of his or her daily activities: disorder or abnormality in the internal organs forming part of the cardiorespiratory, gastrointestinal and endocrinal systems.

48. A major functional deficiency must be attested to in a medical certificate.

An evaluation of the disabilities related to the major functional deficiency must be made by a therapist specialized in the area of the deficiency. In the absence of specialized therapist or if the care of such a therapist is not required, the evaluation must be made by a physician.

DIVISION VII

MAXIMUM LOAN AMOUNT

49. The amount of the first portion of a loan used for the computation provided for in section 14 of the Act respecting financial assistance for education expenses is determined as follows:

- (1) \$1,000 at the secondary level, in vocational training;
- (2) \$1,000 at the college level;
- (3) \$2,400 at the university level.

50. The maximum amount of a loan granted for the year of allocation to a student attending an educational institution designated by the Minister for the granting of loans and bursaries is determined as follows:

- (1) \$12,800 at the secondary level, in vocational training;
- (2) \$12,800 at the college level;
- (3) \$14,850 at the university level.

If the student cohabits with his or her child or spouse's child, the amount determined under the first paragraph is increased by the following amount according to the number of children:

- (1) \$3,450 for one child;
- (2) \$4,365 for two children;
- (3) \$5,285 for three children or more.

51. The maximum amount of a loan is increased, for each month in the year of allocation during which a student is in any of the situations referred to in subparagraph 2 or 3 of the first paragraph of section 24, by the following amount:

- (1) \$200 at the secondary level, in vocational training;
- (2) \$220 at the college level;
- (3) \$305 at the undergraduate university level or the equivalent;
- (4) \$405 at the undergraduate university level, if the student has obtained an undergraduate degree in Québec or such a degree or the equivalent outside Québec;
- (5) \$405 at the master's or doctoral level.

The maximum amount of a loan is increased by the amount of the fees allocated to the student pursuant to section 29 if the student

(1) attends a private institution at the secondary level in vocational training or at the college level and is pursuing a course of study recognized for the purposes of subsidies granted under the Act governing the institution;

(2) attends an institution at the secondary level in vocational training or at the college level and is pursuing a course of study not recognized for the purposes of subsidies under the Act governing the institution;

(3) attends the Institut de police du Québec; or

(4) attends an educational institution situated outside Québec.

The maximum amount of a loan is increased, in the case referred to in section 39, by the amount allocated to the student pursuant to that section.

The amount provided for in subparagraph 2 of the first paragraph is increased to \$330 if the student attends an educational institution at the college level and is pursuing a course of study referred to in subparagraph 2 of the second paragraph.

52. The maximum amount of a loan granted to a student attending an educational institution designated by the Minister for the granting of loans only is \$950 for each month in the year of allocation during which the student is pursuing studies on a full-time basis.

53. Despite sections 49 to 52, if the amount obtained after subtracting the amount of the first portion of a loan determined under section 49 from the amount determined as the contribution of the parents, sponsor or spouse exceeds the amount determined as allowable expenses, the maximum amount of the loan is established after subtracting the amount exceeding the amount determined as allowable expenses from the amount of the increase established pursuant to section 51.

DIVISION VIII

PORTION OF THE MAXIMUM AMOUNT OF A LOAN USED IN COMPUTING A BURSARY

54. The portion of the maximum amount of a loan used in computing a bursary granted to a student for a year of allocation corresponds to the amount of increase in the maximum amount of a loan established pursuant to section 51.

55. If a student ceases to be eligible for a bursary during the year of allocation, the portion of the maximum amount of a loan is increased by the amount obtained by subtracting the amount obtained by multiplying the amounts established as the contribution of the student, his or her parents, sponsor or spouse, if applicable, by the fraction that the number of months in the year of allocation for which the student is not eligible for a bursary is of the number of months in the year of allocation for which allowable expenses are allocated to the student from the amount of allowable expenses allocated for the months in the year of allocation during which the student is not eligible for a bursary.

DIVISION IX **ELIGIBILITY PERIOD**

56. A student is eligible for financial assistance in the form of a loan for the following length of time:

- (1) 35 months at the secondary level, in vocational training;
- (2) 42 months at the college level, for technical studies;
- (3) 33 months at the college level, for pre-university studies;
- (4) 39 months at the undergraduate university level;
- (5) 31 months at the master's level;
- (6) 47 months at the doctoral level.

Despite the foregoing, if the duration of the course of study pursued by the student, to which a period of 15 months is added, exceeds the number of months of eligibility determined under the first paragraph, the student's eligibility period for financial assistance in the form of a loan is the period corresponding to the number of months so obtained.

In addition, a student pursuing studies at the university level cannot receive financial assistance in the form of a loan for more than 88 months and, if the student is not enrolled in a course of study, for more than 8 months in each cycle.

Professional training courses and examinations dispensed by a professional order governed by the Professional Code (R.S.Q., c. C-26) or by a school under its control to a student who has obtained the undergraduate university degree necessary to enrol in the courses and sit for the examinations are considered to be university studies at the master's level.

A student who is eligible for financial assistance in the form of a loan for the first month in the year of allocation remains eligible for such financial assistance for all the other months in the year of allocation.

If a student is deemed to pursue studies recognized by the Minister on a full-time basis pursuant to section 46 or the first paragraph of section 10 of the Act respecting financial assistance for education expenses, the number of months for which the student is eligible for financial assistance is taken into account in proportion to the time during which the student is pursuing studies.

57. A student is eligible for financial assistance in the form of a bursary for the number of months obtained by subtracting 9 months from the number of months determined under section 56.

58. If the student cohabits with his or her child or spouse's child, the eligibility period for financial assistance in the form of a bursary determined under section 57 is extended in such manner that it corresponds to the eligibility period for financial assistance in the form of a loan.

For the purpose of computing financial assistance in the form of a bursary, only the allowable expenses referred to in sections 33, 37 and 38 are taken into account.

DIVISION X **LEVEL OF INDEBTEDNESS**

59. The balance of all guaranteed loans, at every level of education and cycle, may not exceed

- (1) \$21,000 for a student in vocational training at the secondary level;
- (2) \$15,000 for a student at the college level for pre-university studies;
- (3) \$21,000 for a student at the college level for technical studies;
- (4) \$25,000 for a student at the undergraduate university level for a course of study of fewer than 28 months;
- (5) \$30,000 for a student at the undergraduate university level for a course of study of 28 months or more;
- (6) \$35,000 for a student at the master's level for a course of study of fewer than 20 months;
- (7) \$40,000 for a student at the master's level for a course of study of 20 months or more;

- (8) \$45,000 for a student at the doctoral level.

Despite the first paragraph, the maximum level of indebtedness is increased to \$25,000 for a student pursuing his or her studies at the college level in a course of study not recognized for the purposes of subsidies granted under the Act governing the educational institution or in a course of study offered by a private educational institution. The maximum level of indebtedness is increased to \$45,000 for a student pursuing studies at the university level in Canada, outside Québec, and to \$60,000 for a student attending an educational institution outside Canada.

For the purposes of this section, an amount corresponding to the amount of the bursary to be paid, if applicable, to the financial institution for the preceding year of allocation or an amount of financial assistance in the form of a loan that is recovered by the Minister during the year of allocation pursuant to section 99 is not taken into account. Despite the foregoing, an amount of financial assistance in the form of a bursary repayable to the Minister is taken into account.

DIVISION XI **EXTENSION OF THE FULL EXEMPTION PERIOD**

60. If a student interrupts his or her full-time studies owing to any of the following events, the full exemption period is extended, as of the month following the month in which the event occurs, for the following duration:

- (1) 4 months for a student who reaches the 20th week of her pregnancy;
- (2) 8 months for a student who gives birth to a child;
- (3) 8 months for a student who adopts a child or whose spouse gives birth to a child;
- (4) 8 months for a student who cannot pursue studies owing to a disability attested to in a medical certificate and that lasts for more than one month;
- (5) the duration, up to 24 months, of the functions of a student elected to exercise functions within an organization of student associations.

In addition, the student's full exemption period is extended until the end of the year of allocation if the exemption period ends after the month of April.

61. A student's full exemption period is extended if the student is serving a period of training as part of a course of study under a cooperative plan until the end of the training, or until the end of studies if the student is pursuing full-time studies at the secondary level in an educational institution governed by the Education Act (R.S.Q., c. I-13.3) or the Act respecting private education (R.S.Q., c. E-9.1).

The same applies if the student is in a precarious financial situation within the meaning of section 74, and the student is pursuing postdoctoral studies, a period of training recognized by the Government or a sports training program under the authority of the Ministère des Affaires municipales, du Sport et du Loisir.

62. A student's full exemption period is extended for the duration of the student's partial exemption period if the student, after interrupting his or her full-time studies, resumes the studies before the end of the partial exemption period.

DIVISION XII **REMISSION OF A PART OF THE LOAN BY THE MINISTER**

63. A borrower who receives financial assistance in the form of a bursary for each year of allocation during which he or she pursues a course of technical studies at the college level leading to a diploma of college studies, completes the studies and obtains official certification thereof within the usual time limit is entitled, on application to the Minister and up to the amount established pursuant to sections 54 and 55, to a 15% reduction on the value of the guaranteed loans contracted within that time limit.

64. A borrower who receives financial assistance in the form of a bursary for each year of allocation during which he or she pursues a course of undergraduate studies at the university level leading to a degree, completes the studies and obtains official certification thereof within the usual time limit is entitled, on application to the Minister and up to the amount established pursuant to sections 54 and 55, to a 15% reduction on the value of the guaranteed loans contracted within that time limit and, if applicable, on the value of the following guaranteed loans:

- (1) loans contracted during his or her college studies in a course of studies leading to a diploma of college studies if he or she receives financial assistance in the form of a bursary for each year of allocation, completes the studies and obtains official certification thereof within the usual time limit;

(2) loans contracted during his or her master's or doctoral studies if he or she receives financial assistance in the form of a bursary, completes the studies and obtains official certification thereof within the usual time limit.

65. The amount remitted pursuant to sections 63 and 64 is paid by the Minister to the financial institution holding the debts relating to the guaranteed loans, to be applied to repayment of the loans.

DIVISION XIII **MANAGEMENT OF A LOAN**

§1. Presentation of the guarantee certificate and payment of the loan

66. A student must present his or her guarantee certificate issued by the Minister to the financial institution within 90 days of the date on the certificate.

67. The financial institution and the student must enter into a loan agreement governing the disbursement of the amounts corresponding to the monthly or periodic instalments established by the Minister.

The financial institution and the student may at that time agree on repayment terms and conditions.

Despite the foregoing, a financial institution may not enter into a loan agreement as long as any claim relating to a loan previously granted to the student under the Act respecting financial assistance for education expenses has not been assigned to it.

§2. Repayment

68. Unless the borrower has agreed on the repayment terms and conditions or has been recognized as a borrower in a precarious financial situation within the meaning of section 74, the borrower must, at the end of the partial exemption period, enter into a repayment agreement with the creditor financial institution in relation to the loan and any capitalized interest.

69. The repayment agreement must determine the amount of the payments agreed on to repay the principal and interest or the method agreed on to determine such an amount.

The rate of interest to be applied is fixed at the end of the full exemption period.

The rate of interest is again fixed at the end of the partial exemption period. From that date, the rate of interest is a variable rate that fluctuates as provided in section 73.

The borrower and the financial institution may, at any time, agree on other repayment terms and conditions.

70. A borrower may, from the end of the partial exemption period, require that the rate of interest applicable to the balance of any loan granted under the Act be the hypothecary interest rate offered by the financial institution for the term chosen by the borrower.

The borrower and the financial institution may agree on a term that exceeds the terms for which a hypothecary interest rate is offered. In such a case, the applicable rate of interest is the hypothecary interest rate offered by the financial institution for the longest term.

The repayment agreement must indicate the rate of interest and the amount and number of payments agreed on by the borrower and the financial institution for full repayment of all of the principal and interest. Subsequent modifications may be made only on agreement.

§3. Interest

71. The rate of interest applicable to the payment of interest by the Minister on a loan granted under the Act is fixed monthly, on the first day of the month preceding the month for which the rate is applicable, as follows: the rate is equal to the banker's acceptance rate in force on the day the rate of interest is fixed, plus 150 basis points.

The expression "banker's acceptance rate" means the current banker's acceptance rate in Canadian dollars for 1 month, as it appears in the Bank of Canada's Weekly Financial Statistics.

72. Payment of interest by the Minister is made at the latest at the end of the month following the month for which the interest is payable.

73. The rate applicable to the payment of interest by the borrower is equal to the prime business rate, plus 50 basis points. That rate of interest fluctuates in relation to the variations in the prime business rate.

The expression "prime business rate" means the rate fixed by the Bank of Canada for a given day as the standard to be used by financial institutions and published in its Weekly Financial Statistics.

§4. Precarious financial situation

74. A borrower is in a precarious financial situation if the borrower's employment income referred to in Schedule I is less than \$1,221 per month and the borrower foresees having such income for the following 4 months.

The amount mentioned in the first paragraph is increased by \$215 if the student has a child, and by \$200 for each other child. The amount is also increased by \$110 if the borrower has no spouse and cohabits with his or her child.

75. A borrower may apply to the Minister to be recognized as a borrower in a precarious financial situation for a maximum period of 6 months ending no later than 60 months after the end of the partial exemption period.

Recognition of the borrower's precarious financial situation suspends the performance of the repayment agreement.

During the period provided for in the first paragraph, the Minister shall pay to the financial institution, on behalf of the borrower, the interest on the balance of the guaranteed loans and any capitalized interest at the rate provided for in the repayment agreement.

Section 72 applies to payment of the interest by the Minister.

76. On the expiry of the period determined under section 75, the borrower may apply to the Minister to be again recognized as a borrower in a precarious financial situation.

A borrower may not, however, be recognized as being in a precarious financial situation for more than 24 months during the borrower's lifetime.

77. A borrower who ceases to be in a precarious financial situation must begin to make the monthly payments payable pursuant to the repayment agreement to the financial institution.

A borrower who was not required to enter into a repayment agreement at the end of the partial exemption period must enter into such an agreement as soon as the borrower ceases to be in a precarious financial situation.

§5. Borrower in default

78. A borrower is in default if the borrower

(1) avails himself or herself of or is subject to an Act relating to bankruptcy, insolvency or the protection of debtors;

(2) refuses, neglects or fails to enter into a repayment agreement; or

(3) refuses, neglects or fails to make a payment due under the repayment agreement and that refusal, negligence or failure extends beyond 30 days.

79. As soon as the borrower is in default, the balance of the principal and interest of the loan becomes payable.

80. If the Minister reimburses to the financial institution the losses in principal and interest resulting from a guaranteed loan pursuant to section 28 of the Act respecting financial assistance for education expenses, the rate of interest to be paid by the borrower in default is, as of the reimbursement, a variable rate that fluctuates as provided in section 73.

§6. Resumption of studies

81. If a borrower resumes being a full-time student, any unpaid interest owing is capitalized.

This section does not apply to a student who, pursuant to section 43 of the Act respecting financial assistance for education expenses, must agree with the Minister on repayment terms and conditions.

CHAPTER II

LOANS PROGRAM FOR PART-TIME STUDIES IN VOCATIONAL TRAINING AT THE SECONDARY LEVEL AND FOR PART-TIME STUDIES AT THE POSTSECONDARY LEVEL

DIVISION I ELIGIBILITY

82. A student whose annual financial resources are less than \$35,000 is eligible for a loan.

The amount mentioned the first paragraph is increased to \$50,000 if the student has a spouse or is deemed to receive a contribution from his or her parents or sponsor. The amount, however, remains unchanged if the student is in any of the situations referred to in section 21.

The amounts mentioned in the first and second paragraphs are increased by \$2,600 for the first child and by \$2,400 for each other child if the student cohabits with his or her child or spouse's child. The amount mentioned in the first paragraph is increased by \$1,995 if the student has no spouse and cohabits with his or her child.

83. The financial resources of a student are established as the sum, for the calendar year ending before the beginning of the year of allocation, of the student's gross revenue within the meaning of the Taxation Act and, if applicable, the gross income of the student's spouse or, if the student has no spouse, that of his or her parents or sponsor.

In the case provided for in section 13, the parent's income consists only of the gross income of the sole parent whose income must be taken into account pursuant to that section.

Despite the first paragraph, if the student is in any of the situations referred to in section 21, the income of the parents or sponsor is not taken into account.

84. Despite section 83, if a student's financial resources for the calendar year ending during the year of allocation are at least 10% lower than his or her financial resources for the preceding calendar year, the financial resources taken into account are those for the calendar year ending during the year of allocation.

DIVISION II **ALLOWABLE EXPENSES**

85. The expenses allowable for the purpose of computing the amount of financial assistance are

- (1) school fees; and
- (2) child day-care expenses.

86. An amount is allocated to a student for school fees for each trimester, determined as follows:

- (1) \$2 per course hour at the secondary level, for vocational training;
- (2) \$3 per course hour at the college level;
- (3) \$85 per credit at the university level.

The amount in subparagraph 2 of the first paragraph is increased to \$10 if the student is attending a private educational institution.

87. An amount of \$490 per child is allocated to a student for child-care expenses for each trimester if

- (1) the student cohabits with his or her child or spouse's child; and
- (2) the child is under 12 years of age or is 12 years of age or older and has a major functional deficiency within the meaning of section 47 or a mental disorder attested to in a medical certificate.

88. Despite sections 86 and 87, no amount is allocated to a student in respect of a category of allowable expenses if amounts are granted by a government department or body to the student for the same purpose for the trimester concerned.

89. No guarantee certificate is issued for an amount of financial assistance under \$100.

DIVISION III **PERIOD OF ELIGIBILITY**

90. A student is eligible for financial assistance in the form of a loan for a maximum of 14 trimesters.

DIVISION IV **LEVEL OF INDEBTEDNESS**

91. The balance of all guaranteed loans under the loans program may not exceed \$8,000.

DIVISION V **MANAGEMENT OF A LOAN**

92. The provisions of Division XIII of Chapter I apply, with the necessary modifications, if the borrower obtains a loan pursuant to Division II of Chapter III of the Act respecting financial assistance for education expenses.

CHAPTER III **GENERAL**

DIVISION I **RESIDENCE IN QUÉBEC**

93. A student studying in Québec or, if studying outside Québec, resides in Québec, has his or her residence in Québec if

- (1) the student was born in Québec or was adopted by a person who had his or her residence in Québec at the time of the adoption;
- (2) one of the student's parents or his or her sponsor has his or her residence in Québec;
- (3) the student's parents or sponsor are deceased and one of the parents or the sponsor had his or her residence in Québec at the time of death;
- (4) the student has maintained a residence in Québec even though his or her parents or sponsor have ceased to reside in Québec;

(5) Québec is the last place where the student resided for 12 consecutive months while not pursuing full-time studies;

(6) the student holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(7) the student has resided in Québec for at least 3 months without having resided in another province for more than 3 months;

(8) the student resided in Québec according to paragraphs 2, 4, 5 or 7 for 3 consecutive years within the last 5 years; or

(9) the student's spouse resides or resided in Québec according to any of the preceding paragraphs.

94. A student who is studying outside Québec and had his or her residence in Québec according to section 93 before the date of departure is deemed to reside in Québec if

(1) the student's parents or sponsor have their residence in Québec;

(2) the student's parents or sponsor had their residence in Québec before their departure from Québec, if they have been outside Québec for 5 years or less;

(3) the student has not interrupted full-time studies for more than 12 consecutive months since the date of departure; or

(4) the student's spouse has not worked outside Québec for more than 12 months since the date of the student's departure.

DIVISION II TIME LIMIT FOR MAKING AN APPLICATION FOR FINANCIAL ASSISTANCE

95. Except in cases of superior force, no application for financial assistance is accepted after 60 days from the end of the last month in the year of allocation during which the student is pursuing studies.

DIVISION III ADVANCE FINANCIAL ASSISTANCE

96. The Minister may grant advance financial assistance to a student who has applied for financial assistance and is in a situation that, within the meaning of section 16 of the Act respecting income support, employment assistance and social solidarity, could lead the student to complete destitution.

The amount of the loan is \$500 unless the student cohabits with his or her child or spouse's child, in which case the amount is \$775.

DIVISION IV CHANGE IN CIRCUMSTANCES

97. Any change in circumstances that affects the amount of financial assistance is taken into account only from the month following the month during which the change occurred.

DIVISION V FINANCIAL ASSISTANCE RECEIVED WITHOUT ENTITLEMENT

98. Financial assistance in the form of a loan received by a student without entitlement is recovered by the Minister from any financial assistance granted for subsequent years of allocation, if any.

The amount of financial assistance subject to recovery is determined by subtracting the sum obtained after adding \$1,000 to the amount of financial assistance in the form of a loan to which the student is entitled for the year of allocation from the amount of financial assistance in the form of a loan received for the year of allocation.

If the amount of financial assistance in the form of a loan to which the student is entitled for the year of allocation is less than the amount of the portion of the maximum amount of the loan established pursuant to section 54, the amount of financial assistance subject to recovery is determined by subtracting the sum obtained after adding \$1,000 to the amount of that portion of the maximum amount of the loan from the amount of financial assistance received for the year of allocation.

99. Recovery is effected by the Minister according to the following recovery schedule:

(1) 1 year if the amount of recovery does not exceed \$2,000;

(2) 2 years if the amount of recovery exceeds \$2,000 without exceeding \$4,000;

(3) 3 years if the amount of recovery exceeds \$4,000.

Financial assistance received by a student without entitlement is recovered in an amount up to \$2,000 per year of allocation, except if the amount received without entitlement is over \$6,000, in which case a third of the amount may be recovered per year of allocation.

100. Financial assistance in the form of a bursary received by a student without entitlement shall be recovered by the Minister from any financial assistance granted for subsequent years of allocation, in accordance with the following rules:

(1) an amount corresponding to the financial assistance in the form of a bursary received by the student without entitlement is recovered from the financial assistance granted in the form of a loan for the subsequent years of allocation in accordance with the rules in sections 98 and 99; and

(2) the amount of financial assistance in the form of a bursary received by the student without entitlement is recovered from the financial assistance granted in the form of a bursary until the amount owing is recovered in full.

DIVISION VI

RATE OF INTEREST APPLICABLE TO FINANCIAL ASSISTANCE RECEIVED WITHOUT ENTITLEMENT

101. The amount of financial assistance in the form of a bursary received without entitlement bears interest at the rate fixed at the end of the student's full exemption period. The rate of interest is, as of that date, a variable rate that fluctuates as provided in section 73.

DIVISION VII

ASSIGNMENT OF CLAIMS

102. A borrower may at any time designate another financial institution recognized as a loan granting institution by the Minister as the creditor of all guaranteed loans granted to the borrower.

The financial institution in such case must assign any claim relating to the guaranteed loans held by it to the designated financial institution agreeing to enter into a loan agreement with the borrower.

103. If the Minister ceases to recognize a financial institution as a loan granting institution, any claim relating to a guaranteed loan for which the Minister pays the interest must be assigned by the financial institution to the institution designated by the borrower or, where no designation is made by the borrower, by the Minister, from among the other recognized financial institutions.

DIVISION VIII

PROOF

104. Any statement of account prepared by a financial institution which, pursuant to section 28 of the Act respecting financial assistance for education expenses, requests that the Minister reimburse the losses in principal and interest arising from a guaranteed loan is proof, for the purposes of any proceeding, in the absence of proof to the contrary, of the amounts owing by the borrower in default.

CHAPTER IV

TRANSITIONAL AND FINAL

105. This Regulation replaces the Regulation respecting financial assistance for education expenses made by Order in Council 844-90 dated 20 June 1990.

106. For the purpose of computing financial assistance granted for the 2004-2005 year of allocation, the allowable expenses and contributions are determined for the period between 1 May 2004 and 31 August 2005.

Despite the foregoing, if a student pursues vocational training at the secondary level at the beginning of that period, the allowable expenses are taken into account only as of 1 July 2004.

No amount is allocated as a supplement pursuant to section 45 for that year of allocation.

107. The interest paid by a student in a year of allocation in relation to a loan granted under the loans program for the purchase of a microcomputer is taken into account as allowable expenses for the purpose of computing financial assistance granted under the loans and bursaries program.

108. For the period between 1 May 2004 and 1 May 2005, the amount provided in the first paragraph of section 74 is \$1,195.

109. Despite section 23 of the Act respecting financial assistance for education expenses, the full exemption period for a student completing full-time studies between 1 May and 1 September 2004 ends on that latter date.

110. Section 80 applies, as of 1 May 2004, in respect of the balance of a guaranteed loan reimbursed by the Minister pursuant to section 28 of the Act respecting financial assistance for education expenses before the coming into force of this Regulation.

111. This Regulation comes into force on 1 May 2004.

SCHEDULE I

(ss. 1, 8, 9 and 74)

EMPLOYMENT INCOME

(1) gross income including tips and gratuities from employment;

(2) income replacement indemnities under an Act applicable in Canada;

(3) indemnities received under a salary insurance plan;

(4) unemployment benefits, employment benefits and any other benefits of the same nature paid by a government department or body;

(5) amounts received under the Official-Language Monitor Program instituted by the Government of Canada;

(6) amounts received under a pension plan;

(7) refunds of sick-leave or special-leave credits resulting from the application of a collective agreement or other document in lieu thereof;

(8) enterprise or self-employed income within the meaning of the Taxation Act; and

(9) retirement or disability pensions and retirement or disability pensions received under an Act applicable in Canada.

For the purposes of subparagraph 1, income earned during an election as an enumerator, polling officer or, on the condition that the person is designated by a power of attorney, as a representative of a candidate, is not taken into account.

SCHEDULE II

(s. 1)

OTHER INCOME

(1) death benefits in the form of a pension paid under an Act;

(2) an orphan's pension, pension for disability contributor's child, compensation for a crime victim's child, a surviving spouse's pension and benefits received as such under an Act;

(3) income from a succession, trust or gift in respect of which the student is a beneficiary;

(4) amounts paid as financial assistance for language instruction offered under an Act;

(5) allowances paid by a government department or body;

(6) amounts received as child support;

(7) investment income;

(8) amounts equal to any exemption from the payment of mandatory tuition fees; and

(9) monetary benefits or benefits to which a monetary value may be assigned, except support payments or compensatory allowances, received as a result of a *de facto* separation agreement, a divorce judgment or a judgment on separation as to bed and board.

SCHEDULE III

(s. 12)

CONTRIBUTION OF THE PARENTS OR SPONSOR

Income		Contribution
greater than	without exceeding	
\$0	\$8,000	0% of income
\$8,000	\$44,000	19% of income exceeding \$8,000
\$44,000	\$54,000	\$6,840 on the first \$44,000 and 29% on the remainder
\$54,000	\$64,000	\$9,740 on the first \$54,000 and 39% on the remainder
\$64,000		\$13,640 on the first \$64,000 and 49% on the remainder

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M.O., 2004-001F

Order of the Minister of Natural Resources, Wildlife and Parks and of the Minister for Forests, Wildlife and Parks dated 29 March 2004

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

Replacement of Schedule 130 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State

THE MINISTER OF NATURAL RESOURCES, WILDLIFE AND PARKS AND OF THE MINISTER FOR FORESTS, WILDLIFE AND PARKS,

CONSIDERING section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may delimit areas on land in the domain of the State in view, primarily, of increased utilisation of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that the Government, by Order in Council 573-87 dated 8 April 1987, as amended by Orders in Council 497-91 dated 10 April 1991, 534-93 dated 7 April 1993, 904-95 dated 28 June 1995, 25-96 dated 10 January 1996, 952-97 dated 30 July 1997, 1439-97 dated 5 November 1997, 98-98 dated 28 January 1998, 245-98 dated 4 March 1998 and 739-98 dated 3 June 1998, designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;

CONSIDERING the making by the Government of Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State;

CONSIDERING that it is expedient to replace schedule 130 of Order in Council 573-87 dated 8 April 1987;

ORDER that:

Schedule 130, attached hereto be substituted for Schedule 130 to Order in Council 573-87 dated 8 April 1987.

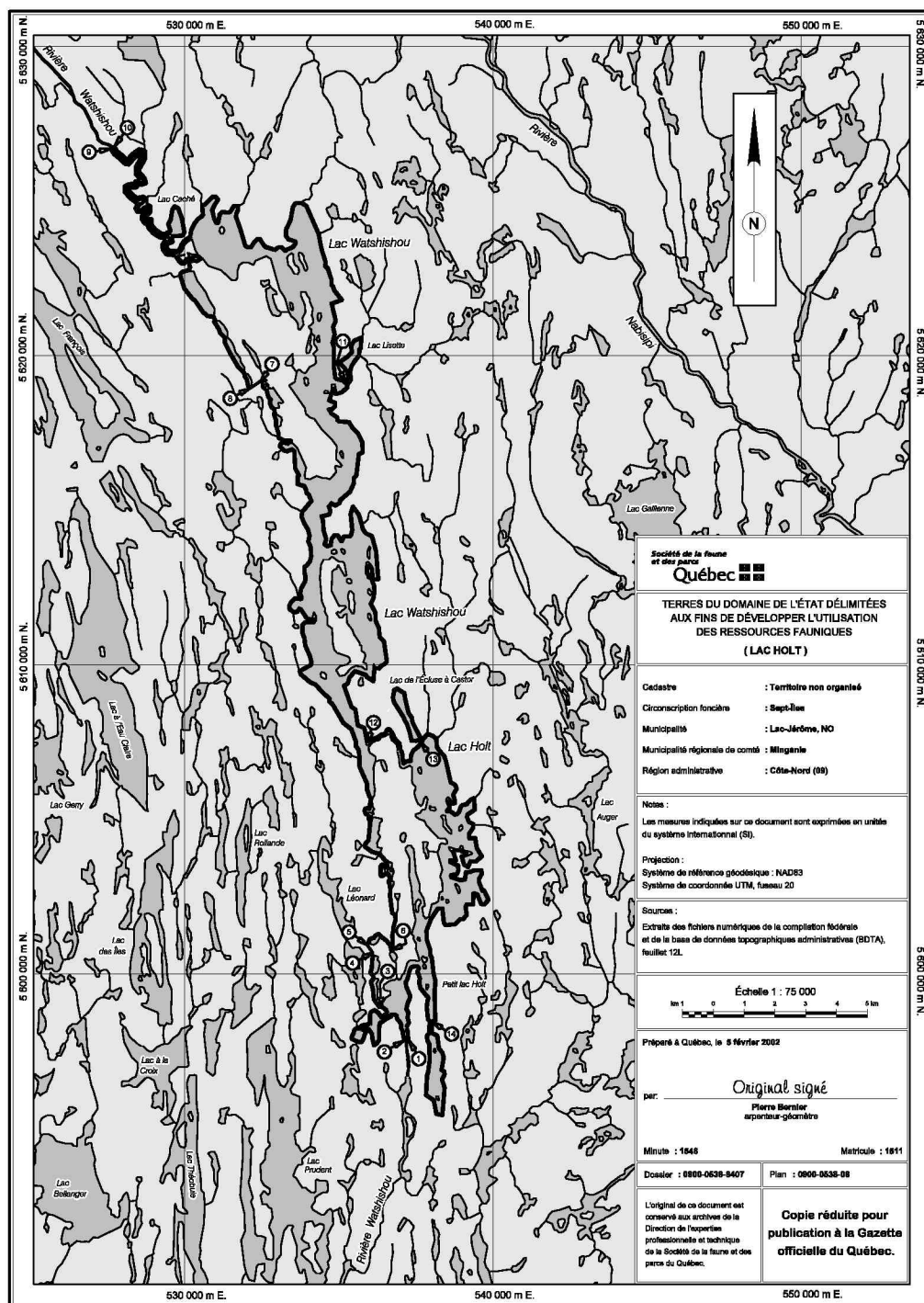
This Minister's Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 29 March 2004

SAM HAMAD,
*Minister of Natural Resources,
Wildlife and Parks*

PIERRE CORBEIL,
*Minister for Forests,
Wildlife and Parks*

SCHEDULE 130



Draft Regulations

Draft Regulation

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

Nurses

— **Professional acts which, on certain terms and conditions, may be performed by persons other than nurses**

— 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 Bureau of the Ordre des infirmières et infirmiers du Québec, at its meeting held on February 20, 2004, adopted the “Regulation to amend the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses”.

The said regulation has been transmitted to the Office des professions du Québec for examination in accordance with section 95 of the Professional Code (R.S.Q., c. C-6). Thereafter, it will be submitted, with the recommendation of the Office, to the Government which, in accordance with the same section, may approve it, with or without amendment, following the expiry of a period of 45 days from the publication of this notice.

The Ordre des infirmières et infirmiers du Québec advises that this Regulation proposes, among other things, to modify the professional activities that may be engaged in by candidates for the profession of nursing. It also proposes to add to the conditions upon which they may engage in the said activities, more specifically in regard to those that relate to supervision, the integration process and specific training. The Regulation also makes provision for a candidate for the profession of nursing to decline to engage in an activity where she considers that she does not possess the requisite knowledge and skill.

This Regulation has no impact on businesses, in particular small and medium-sized businesses.

Further information concerning the proposed Regulation may be obtained by contacting France Pedneault, Legal Advisor to General Secretariat, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal, Québec H3Z 1V4; telephone: (514) 935-2501 or 1 800 363 6048; fax: (514) 935-3147.

Persons wishing to submit comments are invited to forward them, before the expiry of the said period, to the Chairman of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec, Québec G1R 5Z3. These comments will be communicated by the Office to the Minister Responsible for the Administration of Legislation respecting the Professions; they may also be submitted to the professional order that made the Regulation and to the persons, departments and agencies concerned.

GAÉTAN LEMOYNE,
*Chairman of the Office
des professions du Québec*

Regulation to amend the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses*

Professional Code
(R.S.Q. c. C-26, s. 94, par. h)

1. The title of the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses (c. I-8, r.0.1) is replaced by the following:

* The Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses was made by Order in Council 849-97 dated 25 June 1997 (1997 G.O. 2, 3601) and has not been amended since that date.

“Regulation respecting the professional activities which, on certain terms and conditions, may be engaged in by persons other than nurses”.

2. Section 1 of the said regulation is amended by replacing, in the second and third lines of the third paragraph, the words “perform professional acts” with the words “engage in professional activities”.

3. Section 2 of the said regulation is amended:

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

“A candidate for the profession of nursing may, subject to the restricted or excluded activities referred to in Schedules 1 and 2, engage in any professional activity that may be engaged in by a nurse, on the following conditions:

(1) the candidate shall engage in the authorized professional activities only in a centre operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(2) the candidate shall have taken part in an integration program enabling her to consolidate the knowledge and skill needed to engage in the professional activities concerned using the methods of care that she will be required to apply for that purpose, to demonstrate her ability to engage in the said activities and to familiar herself with the policies and directives of the institution;

(3) the candidate shall work under the supervision of a nurse possessing the relevant experience who is present in the care unit in which the activity is engaged in, so that the nurse is able to intervene with the user on a rapid basis or provide a rapid response to a consultation request from the candidate, except for long-term care or residential units, where the candidate shall work under the supervision of a nurse possessing the relevant experience who is present in the building in which the activity is engaged in, so that the nurse is able to intervene with the user or respond to a consultation request from the candidate within a short time;

(4) the candidate shall make sure, before engaging in one of the authorized activities, that she possesses the requisite knowledge and skill; if she does not possess such knowledge and skill, she shall decline to engage in the said activity until she has received the necessary training.”;

(2) by inserting, after the second paragraph, the following paragraph:

““Care unit” means a care unit that does not include a unit spread over more than one site or more than one floor of a building.”;

(3) by deleting the third and fourth paragraphs.

4. The Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses is amended by inserting, after section 2, the following:

“**2.1** Such person acquires the status of “candidate for the profession of nursing”, which applies from the day on which the Bureau of the Order recognizes her diploma as meeting permit requirements, recognizes that she has successfully completed a program in nursing or grants her a diploma equivalence or training equivalence.

That status terminates on the day on which a permit is issued by the Order or on the expiry of a two-year period beginning on the date of the professional examination that the candidate for the profession of nursing must sit under the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec.”.

5. Section 4 of the said regulation is amended by replacing, in the third line of the first paragraph, the word “perform” with the words “engage in”, by replacing, in the fourth line of the same paragraph, the words “act that may be performed” with the words “activity that may be engaged in” and by replacing, in the sixth and seventh lines of the same paragraph, the words “act is performed” with the words “activity is engaged in”.

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

SCHEDULE I

(s. 2)

PROFESSIONAL ACTIVITIES WHICH MAY BE ENGAGED IN BY A CANDIDATE FOR THE PROFESSION OF NURSING, SUBJECT TO SPECIAL RESTRICTIONS

Professional activities	Special restrictions
1. Assessing the physical and mental condition of a symptomatic person;	Except in a triage situation, in an ambulatory clinic or through the medium of telecommunications.
2. Providing clinical monitoring of the condition of persons whose state of health is problematic, including monitoring and adjusting the therapeutic nursing plan;	<p>Before monitoring the condition of a client undergoing cardiac monitoring, fetal monitoring or monitoring of uterine contractions, the candidate must have completed a theoretical and practical training program enabling her to acquire the necessary knowledge and demonstrate her ability to provide such clinical monitoring.</p> <p>The candidate may not engage in this professional activity with the following persons:</p> <p>(1) a client about to give birth who is undergoing monitoring in the case of a high-risk pregnancy;</p> <p>(2) a client who is in shock, a client with multitrauma or a client who needs to be resuscitated in an emergency department or service;</p> <p>(3) a client undergoing hemodynamic monitoring through the insertion of catheters in the vascular system for the purpose of surveying cardiac function, blood volume and blood circulation.</p>
3. Performing vaccinations as part of a vaccination operation under the Public Health Act (2001, c. 60);	The candidate is authorized to take part in the vaccination procedure in the presence of a nurse who evaluates the patient and makes the decision with respect to the administration of the vaccine.
4. Administering and adjusting prescribed medications or other prescribed substances.	The candidate may not take telephone prescriptions.

SCHEDULE II

(s. 2)

PROFESSIONAL ACTIVITIES WHICH MAY NOT BE ENGAGED IN BY A CANDIDATE FOR THE PROFESSION OF NURSING

1. Initiating diagnostic and therapeutic measures, according to a prescription;
2. Initiating diagnostic measures for the purposes of a screening operation under the Public Health Act (2001, c. 60);
3. Determining the treatment plan for wounds and alterations of the skin and teguments;
4. Making decisions as to the use of restraint measures.
5. No professional activity reserved to nurses may be engaged in by the candidate while accompanying a client to another institution or resource where the client is being transferred in order to receive care or services.

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

	Page	Comments
Agreement entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services rendered (Legal Aid Act, R.S.Q., c. A-14)	1205	N
Conservation and development of wildlife, An Act respecting the... — Designation and delimitation of land in the domain of the State — Replacement of Schedule 130 to Order in Council 573-87 dated 8 April 1987 (R.S.Q., c. C-61.1)	1228	N
Designation and delimitation of land in the domain of the State — Replacement of Schedule 130 to Order in Council 573-87 dated 8 April 1987 (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	1228	N
Financial assistance for education expenses (An Act respecting financial assistance for education expenses, R.S.Q., c. A-13.3)	1211	N
Financial assistance for education expenses, An Act respecting... — Financial assistance for education expenses (R.S.Q., c. A-13.3)	1211	N
Financial assistance for education expenses, An Act to amend the Act respecting the... — Coming into force of the Act (2003, c. 17)	1203	
Legal Aid Act — Agreement entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services rendered (R.S.Q., c. A-14)	1205	N
List of Bills sanctioned (31 March 2004)	1201	
Nurses — Professional acts which, on certain terms and conditions, may be performed by persons other than nurses (Professional Code, R.S.Q., c. C-26)	1231	Draft
Professional Code — Nurses — Professional acts which, on certain terms and conditions, may be performed by persons other than nurses (R.S.Q., c. C-26)	1231	Draft

