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Summary

Table of Contents
Regulations and other acts
Index

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Table of Contents

Page

Regulations and other acts

1033-2007	Casino games (Amend.)	3151B
1042-2007	Consumer Protection Act — Regulation (Amend.)	3158B

Regulations and other acts

Gouvernement du Québec

O.C. 1033-2007, 28 November 2007

An Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1)

Casino games — Amendments

By-law to amend the By-law respecting casino games

WHEREAS the first paragraph of section 13 of the Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1) provides that the board of directors of the Société des loteries du Québec determines by by-law the general standards and conditions relating to the nature and holding of the lottery schemes it conducts and administers;

WHEREAS the second paragraph of that section provides that the by-law is to be submitted to the Government for approval and if it relates to State casino lottery schemes or video lotteries, the Régie des alcools, des courses et des jeux must give notice of it and such notice must be published in the *Gazette officielle du Québec*;

WHEREAS the Société made the By-law to amend the By-law respecting casino games on 20 June 2007;

WHEREAS, in accordance with the second paragraph of section 13 of the Act respecting the Société des loteries du Québec, the By-law was the subject of a notice of the Régie des alcools, des courses et des jeux which was published in Part 2 of the *Gazette officielle du Québec* of 10 October 2007;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the By-law to amend the By-law respecting casino games was published in Part 2 of the *Gazette officielle du Québec* of 10 October 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the By-law without amendment;

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

THAT the By-law to amend the By-law respecting casino games, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

By-law to amend the By-law respecting casino games*

An Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1, s. 13)

1. The By-law respecting casino games is amended by replacing section 1 by the following:

“**1.** A lottery scheme operated in the State casinos known by the name of “casino games” is hereby established. It consists of card games, roulette, Keno, slot machines, dice games and wheel of fortune, which are governed by this By-law.”

2. Section 6 is amended by replacing the first sentence by the following: “Each deck of cards used for a casino game must contain 52 cards, unless the rules of a game require a different number of cards.”

3. The following subdivisions are inserted after section 67.40:

“§10. 3-5-7 Poker

67.41. 3-5-7 Poker is played using one or two decks of cards. The value of the cards is as provided in section 67.1. An ace may be used to complete a straight and a straight flush formed with cards two and three in a 3-card combination, and to complete a straight flush formed with cards two to five in a 5-card combination.

* The By-law respecting casino games, approved by Order in Council 1253-93 dated 1 September 1993 (1993, *G.O.* 2, 5130) was last amended by the regulation approved by Order in Council 928-2000 dated 26 July 2000 (2000, *G.O.* 2, 4161). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

67.42. The maximum number of players allowed at a 3-5-7 Poker table is seven.

67.43. 3-5-7 Poker combinations for a 3-card hand are, in decreasing order:

(1) Straight flush: a hand consisting of three cards of the same suit in consecutive order;

(2) Three-of-a-kind: a hand consisting of three cards of the same rank, regardless of suit;

(3) Straight: a hand consisting of three consecutive cards, regardless of suit;

(4) Flush: a hand consisting of three cards of the same suit;

(5) Pair: a hand consisting of two cards of the same rank, regardless of suit.

67.44. 3-5-7 Poker combinations for 5 and 7-card hands are, in decreasing order:

(1) Royal flush: a hand consisting of an ace, king, queen, jack and ten of the same suit;

(2) Straight flush: a hand consisting of five cards of the same suit in consecutive order;

(3) Four-of-a-kind: a hand consisting of four cards of the same rank, regardless of suit;

(4) Full House: a hand consisting of three-of-a kind and a pair;

(5) Flush: a hand consisting of five cards of the same suit;

(6) Straight: a hand consisting of five cards in consecutive order;

(7) Three-of-a-kind: a hand consisting of three cards of the same rank;

(8) Two pairs: a hand consisting of two pairs;

(9) One pair: a hand consisting of two cards of the same rank.

67.45. The player must make two separate bets, one for the 3-card hand and one for the 5-card hand. A bet on the 7-card hand is optional. The bets are placed at the location indicated for each bet before the dealer

announces “No more bets”, and cannot exceed the limits posted at the table. Except to the extent provided in section 67.47, no bet may be made once the dealer has made that announcement.

67.46. The dealer gives each player in turn three cards face down and then deals himself four cards face down.

67.47. After viewing the three cards, each player having made a bet on the 7-card hand may withdraw from the game only for that bet, before the dealer shows two of his four cards. In such a case, the player forfeits half of the bet for the 7-card hand.

67.48. The dealer turns up each player’s three cards, one player at a time. The bets for the 3-card hand win if the player’s hand has a straight flush, three-of-a-kind, a straight, a flush or a pair. The payout for winning bets on a 3-card hand is as follows:

Bets	Payout odds
Straight flush	40 to 1
Three-of-a-kind	25 to 1
Straight	6 to 1
Flush	4 to 1
Pair	1 to 1

67.49. The dealer turns up two of his four cards and settles each player’s bet for the 5-card hand. The player’s three cards with the dealer’s two face-up cards make up the player’s 5-card hand. The payout for winning bets on the 5-card hand is as follows:

Bets	Payout odds
Royal flush	500 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	12 to 1
Flush	9 to 1
Straight	6 to 1
Three-of-a-kind	4 to 1
Two pairs	3 to 1
Pair of sixes or better	1 to 1

67.50. The dealer then turns up his two remaining cards and settles each player’s bet for the 7-card hand. The player’s three cards with the dealer’s four cards make up the 7-card hand of each player. Five of the seven cards are used to form the highest poker combination. The payout for winning bets on the 7-card hand is as follows:

Bets	Payout odds
Royal flush	100 to 1
Straight flush	20 to 1
Four-of-a-kind	7 to 1
Full house	5 to 1
Flush	4 to 1
Straight	3 to 1
Three-of-a-kind	2 to 1
Two pairs of tens or better	1 to 1

§11. *Boston Poker*

67.51. Boston Poker is played using one or two decks of cards. The value of the cards is as provided in section 67.1. An ace may be used to complete a straight and a straight flush formed with cards two and three in a 3-card combination, and to complete a straight flush and a straight formed with cards two to five in a 5-card combination.

67.52. The maximum number of players allowed at a Boston Poker table is seven.

67.53. Boston Poker combinations for a 3-card hand are, in decreasing order:

(1) Straight flush: a hand consisting of three cards of the same suit in consecutive order;

(2) Three-of-a-kind: a hand consisting of three cards of the same rank, regardless of suit;

(3) Straight: a hand consisting of three consecutive cards, regardless of suit;

(4) Flush: a hand consisting of three cards of the same suit;

(5) Pair: a hand consisting of two cards of the same rank, regardless of suit.

67.54. Boston Poker combinations for a 5-card hand are, in decreasing order:

(1) Royal flush: a hand consisting of an ace, king, queen, jack and ten of the same suit;

(2) Straight flush: a hand consisting of five cards of the same suit in consecutive order, with king, queen, jack, ten and nine being the highest ranking straight flush and ace, two, three, four and five being the lowest ranking straight flush;

(3) Four-of-a-kind: a hand consisting of four cards of the same rank regardless of suit, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;

(4) Full house: a hand consisting of three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house;

(5) Flush: a hand consisting of five cards of the same suit;

(6) Straight: a hand consisting of five cards in consecutive order, regardless of suit, with an ace, king, queen, jack and ten being the highest ranking straight and an ace, two, three, four and five being the lowest ranking straight, except that an ace may not be combined with any other sequence of cards for the purpose of determining a winning hand (e.g., queen, king, ace, two, three);

(7) Three-of-a-kind: a hand consisting of three cards of the same rank, regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;

(8) Two pairs: a hand consisting of two pairs, with two aces and two kings being the highest ranking two pairs and two threes and two twos being the lowest ranking two pairs;

(9) One pair: a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

67.55. When two hands are identical with regard to the combinations described in section 67.54, or if two 5-card hands contain none of the combinations described in that section, the hand which contains the highest ranking card is considered to be the highest ranking hand. If there is no such hand, the hands are considered a push.

67.56. The player must place an ante and a first additional bet which must be double the ante. The player may also make an additional "Bonus" bet. The bets are placed at the location indicated for each bet before the dealer announces "No more bets", and cannot exceed the limits posted at the table. Except to the extent provided in section 67.58, no bet may be made once the dealer has made that announcement.

67.57. The dealer gives each player and himself, in turn, three cards face down.

67.58. After viewing the three cards, each player has the option of making a second additional bet which also must be double the ante. If the player decides not to make that second additional bet, he forfeits the ante and first additional bet.

67.59. The Bonus bet wins if the player's 3-card hand has a straight flush, three-of-a-kind, a straight, a flush or a pair. The payout for the Bonus bet is as follows:

Bets	Payout odds
Straight flush	40 to 1
Three-of-a-kind	30 to 1
Straight	6 to 1
Flush	4 to 1
Pair	1 to 1

67.60. The dealer then gives each player having made a second additional bet and himself, in turn, two other cards face down.

67.61. The dealer turns up his five cards and makes the highest possible poker hand.

67.62. The dealer then turns up, in turn, each player's five cards. The first and second additional bets win if the player's hand ranks higher than the dealer's hand. In such a case, the player's ante is a push and the first and the second additional bets are paid at even money.

67.63. If the hand of a player who made a second additional bet has a royal flush, a straight flush, four-of-a-kind, a full house, a flush, a straight, three-of-a-kind or two pairs, the player's ante wins and is paid as follows, regardless of the rank of the dealer's hand:

Bets	Payout odds
Royal flush	1000 to 1
Straight flush	200 to 1
Four-of-a-kind	100 to 1
Full house	25 to 1
Flush	15 to 1
Straight	8 to 1
Three-of-a-kind	5 to 1
Two pairs of tens or better	2 to 1

§12. 4-Card Poker

67.64. 4-Card Poker is played using one or two decks of cards. The value of the cards is as provided in section 67.1. An ace may be used to complete a straight flush and a straight formed with cards two to four.

67.65. 4-Card Poker combinations are, in decreasing order:

(1) Four-of-a-kind: a hand consisting of four cards of the same rank, regardless of suit, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;

(2) Straight flush: a hand consisting of four cards of the same suit in consecutive order, with ace, king, queen and jack being the highest ranking straight flush and ace, two, three and four being the lowest ranking straight flush;

(3) Three-of-a-kind: a hand consisting of three cards of the same rank, regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;

(4) Flush: a hand consisting of four cards of the same suit;

(5) Straight: a hand consisting of four cards in consecutive order, regardless of suit, with an ace, king, queen and jack being the highest ranking straight and an ace, two, three and four being the lowest ranking straight, except that an ace may not be combined with any other sequence of cards for the purpose of determining a winning hand (e.g., queen, king, ace, two);

(6) Two pairs: a hand consisting of two pairs, with two aces and two kings being the highest ranking two pairs and two threes and two twos being the lowest ranking two pairs;

(7) One pair: a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

67.66. When two hands are identical with regard to the combinations described in section 67.65, or if two hands contain none of the combinations described in that section, the hand which contains the highest ranking card is considered to be the highest ranking hand. If there is no such hand, the hands are considered a push.

67.67. The maximum number of players allowed at a 4-Card Poker table is seven.

67.68. The player must place an ante or an “Aces Up” bet, or both, at the location indicated for the bets before the dealer announces “No more bets”. Neither bet may exceed the limits posted at the table for the bet. Except to the extent provided in section 67.70, no bet may be made once the dealer has made that announcement.

67.69. The dealer gives each player in turn five cards face down and then deals himself six cards, five face down and one face up.

67.70. After viewing the five cards, each player has the option of making an additional bet which must be at least equal to the ante but not exceeding three times the ante. If the player decides not to make the additional bet, he forfeits the ante.

67.71. The dealer turns up his five face-down cards and with the sixth card, makes the highest possible poker hand.

67.72. The dealer then turns up, in turn, each player’s five cards and determines, using those five cards, the highest ranking 4-card combination. The bets win if the player’s 4-card hand ranks equal to or higher than the dealer’s hand. The ante and the additional bet are paid at even money.

67.73. If the 4-card hand of a player who made an additional bet has four-of-a-kind, a straight flush or three-of-a-kind, the player’s ante wins and is also paid as follows, regardless of the rank of the dealer’s hand:

Bets	Payout odds
Four-of-a-kind	25 to 1
Straight flush	20 to 1
Three-of-a-kind	2 to 1

67.74. A player may, instead of or in addition to the ante, make an Aces Up bet, which may not exceed the limits posted at the table. It must be made at the location indicated at the table before the dealer announces “No more bets”. The Aces Up bet wins if the player’s 4-card hand has four-of-a-kind, a straight flush, three-of-a-kind, a flush, a straight, two pairs or a pair of aces, regardless of the rank of the dealer’s hand. An Aces Up bet is paid as follows:

Bets	Payout odds
Four-of-a-kind	50 to 1
Straight flush	30 to 1
Three-of-a-kind	7 to 1
Flush	5 to 1
Straight	4 to 1
Two pairs	2 to 1
Pair of aces	1 to 1

§13. Crazy Four Poker

67.75. Crazy Four Poker is played using one or two decks of cards. The value of the cards is as provided in section 67.1. An ace may be used to complete a straight flush and a straight formed with cards two to four.

67.76. Crazy Four Poker combinations are, in decreasing order, the same as those described in section 67.65.

67.77. When two hands are identical with regard to the combinations described in section 67.65, or if two hands contain none of the combinations described in that section, the hand which contains the highest ranking card is considered to be the highest ranking hand. If there is no such hand, the hands are considered a push.

67.78. The maximum number of players allowed at a Crazy Four Poker table is seven.

67.79. The player must place an ante and a “Super Bonus” bet, which must be equal to the ante, at the location indicated for the bets before the dealer announces “No more bets”. Except to the extent provided in section 67.81, no bet may be made once the dealer has made that announcement.

67.80. The dealer gives each player and himself, in turn, five cards face down.

67.81. After viewing the five cards, each player has the option of making an additional bet which must be equal to the ante or, if the player’s hand has a pair of aces or a higher ranking combination, may be three times the ante. If the player decides not to make that additional bet, he forfeits the ante and the Super Bonus bet.

67.82. The dealer turns up his five face-down cards and with them, makes the highest possible 4-card poker hand. To open, the dealer must have a king or an ace, or one of the combinations described in section 67.65. If the dealer cannot open, the additional bet is paid at even money, and the ante and the Super Bonus bet are a push.

67.83. If the dealer can open, he turns up each player's five cards, one player at a time, and determines, using those five cards, the highest ranking 4-card combination. If the player's hand ranks equal to the dealer's hand, the ante and the additional and Super Bonus bets are a push.

67.84. The ante and additional bet win if the player's 4-card hand ranks higher than the dealer's four cards. The ante and the additional bet are paid at even money.

67.85. If the 4-card hand of a player who made an additional bet has four-of-a-kind, a straight flush, three-of-a-kind, a flush or a straight, the Super Bonus bet is also paid as follows, regardless of the rank of the dealer's hand:

Bets	Payout odds
Four aces	200 to 1
Four-of-a-kind	30 to 1
Straight flush	15 to 1
Three-of-a-kind	2 to 1
Flush	3 to 1
Straight	1 to 1

67.86. The Super Bonus bet is a push if the rank of the player's hand does not contain a combination appearing in section 67.85 and the rank is equal to or higher than the dealer's rank. The Super Bonus bet loses in all other cases.

67.87. The player may, in addition to the ante and the Super Bonus bet, make a "Queens Up" bet which cannot exceed the limits posted at the table and must be placed at the location indicated at the table before the dealer announces "No more bets". The Queens Up bet wins if the player's 4-card hand has four-of-a-kind, a straight flush, three-of-a-kind, a flush, a straight, two pairs, a pair of aces, a pair of kings or a pair of queens, regardless of the rank of the dealer's hand. A Queens Up bet is paid as follows:

Bets	Payout odds
Four-of-a-kind	50 to 1
Straight flush	30 to 1
Three-of-a-kind	7 to 1
Flush	4 to 1
Straight	3 to 1
Two pairs	2 to 1
Pair of aces	1 to 1
Pair of kings	1 to 1
Pair of queens	1 to 1

§14. *Poker rooms*

67.88. For the purpose of this subdivision, the terms and expressions below have the meaning assigned herein to them, unless the context indicates otherwise:

(1) Fold: a decision by a player who no longer wishes to make a bet and who forfeits the right to win the pot;

(2) Table stakes: an amount in chips or plaques the player has on the table. Only that amount may be used to make bets;

(3) Pot: the total of the bets made for all betting rounds in a game including the ante, blind bets and other bets, excluding the commission. The pot is awarded to the winner;

(4) Burned card: a card dealt face down from under the deck. A burned card is not in play and its rank and suit remain unknown;

(5) Commission: an amount taken by the person authorized by the Société from out of the pot, from the players, or from both, as revenue for the house;

(6) Showdown: the turning up of the players' cards to determine the winner of the pot;

(7) Protected hand: a hand physically held by the player or a hand on which chips are placed;

(8) Bet: an amount bet and placed in the pot by each player during a betting round;

(9) Blind bet: a predetermined amount bet by players sitting at a specific position at the poker table, before being dealt any cards;

(10) Forced bet: a mandatory bet of a predetermined amount made by a specific player to begin the first betting round;

(11) Ante: a predetermined amount that each player must bet to play in the game, before being dealt any cards;

(12) Pass: a decision by a player who does not bet but retains his options if another player makes a bet;

(13) Low poker: a type of poker where the player having the lowest ranking combination wins the pot;

(14) High poker: a type of poker where the player having the highest ranking combination wins the pot;

(15) High-low split poker: a type of poker where the pot is divided equally between the player having the highest ranking combination and the player having the lowest ranking combination on the basis or specific imposed criteria;

(16) Raise: a bet in an amount higher than the amount bet by the preceding player;

(17) Dealing round: each dealing of one or more cards followed by a betting round;

(18) Game: the complete process for all the poker games, including all the dealing rounds, the betting rounds and the awarding of the pot to the winner;

(19) Betting round: a full cycle of bets in which each player has the option of betting, calling, raising, being all in or folding;

(20) Puck: a small disk that moves clockwise to each play position to determine the dealing order and the order of the betting rounds;

(21) Call: a player's placing in the pot a bet in the same amount as that of the preceding player;

(22) All in: the state of a player who has no more chips to bet but who retains the right to win the part of the pot for which he has made bets.

67.89. The Société may make poker games available in a location reserved for that purpose, called a poker room.

67.90. The poker games available in a poker room are conducted in accordance with the rules set out in this subdivision.

67.91. The rules specific to the games of poker available in a poker room must be reproduced in a document made available to the public in each location where there is a poker room.

67.92. In all poker games played in a poker room, the person authorized by the Société assigned to a game table does not play in the game. The person does, however, deal the cards and direct the play.

67.93. Only the players sitting at a poker table may play in a game.

67.94. To play in a game, a player must have at least the amount of the minimum stakes indicated at the game table.

67.95. A player may play in a game only with the amount of table stakes the player has at the beginning of the game:

(1) a player may increase the amount of table stakes only between games;

(2) at an unlimited table or a table with a pot limit, a player cannot, at any time while the game is in progress at the table, withdraw any amount from the table stakes other than the amounts used to exercise options; and

(3) a player having bet all the table stakes is considered to be all in.

67.96. An all-in player

(1) retains the right to win the part of the pot for which he has made bets; and

(2) is dealt all the cards that are normally dealt to him.

When a player is all in, the betting rounds continue normally for the other players. The subsequent bets made by the other players constitute a secondary pot.

67.97. A player is bound by each of his verbal announcements concerning decisions to pass, fold, bet, call or raise by a certain amount.

67.98. The person authorized by the Société may determine that a player has made a bet if the player

(1) moves chips towards the pot to indicate an intention to bet;

(2) drops chips in the pot; or

(3) drops chips at a reasonable distance from him, in the direction of the pot.

67.99. Once the bet has been made, the player cannot change it, unless the player clearly announced the change at the time the bet was made.

67.100. A player who decides to pass may, at the next round during the same game, fold, call or raise, after another player has made a bet.

67.101. In the event of a dispute arising in connection with the interpretation, clarification or application of the rules set out in this subdivision, the person authorized by the Société decides the issue and the decision is immediately effective and binds the players.

67.102. At the showdown, the winning hand must be identified. The player having made the last bet must be the first to show all his cards. The other players who have not folded must, clockwise in turn, show all their cards. A player who holds a losing hand may forfeit the pot by folding. The person authorized by the Société may require a folded hand to be shown.

67.103. To win the pot, a player must

(1) have the highest ranking hand at the showdown except if the type of poker being played demands the contrary; or

(2) have made a bet during any betting round that is neither called nor raised by at least one other player at the table.

67.104. A player who does not take the necessary precautions to protect his hand has no recourse if the hand is excluded from the game because of non-compliant conduct or the person authorized by the Société picking it up by mistake.

67.105. The person authorized by the Société may determine that a player has folded if, at the time for making a bet or calling, the player drops his cards face down in the direction of the pot or towards the place reserved for cards no longer in play.

67.106. When a player is required to make a bet arising from a verbal announcement or a forced bet, folding does not exempt the player from that obligation.

67.107. During a game, a player must play in a way that increases his chances of winning and at no time may the player engage in any conduct to improve another player's chances of winning. A player cannot disclose any information to another player that would aid that player in any manner or that would have an effect on the play of the game.

67.108. For each game, the person authorized by the Société may take from the pot, as a commission, an amount not exceeding 10% of the pot value. The person may also require each player to pay, as a commission, an amount determined on the basis of game time, in accordance with the limits posted at the table.

67.109. Where the person authorized by the Société has reason to believe that a player is not complying with any of the provisions of this subdivision or the rules specific to each game of poker, the player may be directed by the person to leave the poker room.

67.110. In the event of a dispute that pertains to the playing of a game, the person authorized by the Société decides the issue and the decision is immediately effective and binds the players.”.

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

8416

Gouvernement du Québec

O.C. 1042-2007, 28 November 2007

Consumer Protection Act
(R.S.Q., c. P-40.1)

Regulation
— **Amendments**

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

WHEREAS, under paragraphs *l* and *r* of section 350 of the Consumer Protection Act (R.S.Q., c. P-40.1), the Government may make regulations determining the cases where security may be required, exempting, in whole or in part, any class of persons, goods, services or contracts from the application of the Act, and fixing conditions for that exemption;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 September 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, it is expedient to make the Regulation without amendment;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Consumer Protection Act*

Consumer Protection Act
(R.S.Q., c. P-40.1, s. 350, pars. *l*, *r* and *y*; 2006, c. 56)

1. The Regulation respecting the application of the Consumer Protection Act is amended in section 4 by replacing “sections 22, 254 to 256” by “sections 54.3, 254 to 256”.

2. Section 6 is amended by replacing “Section 22 of the Act” by “Section 54.3 of the Act”.

3. The following is inserted after section 6:

“**6.1.** Division I.1 of Chapter III of Title I of the Act does not apply to

(a) a contract subject to the Act respecting prearranged funerals and sepultures (R.S.Q., c. A-23.001) and entered into in accordance with the provisions of that Act;

(b) a contract for the sale of goods likely to deteriorate rapidly;

(c) a contract entered into during an auction sale;

(d) a contract entered into following an offer made by a merchant through a vending machine;

(e) a parking space lease if the rental rate is calculated by the minute or on a hourly or daily basis;

(f) a telephone service contact established by the insertion of a coin or credit card into a public telephone; or

(g) a contract for the sale of a lottery ticket by a legally authorized person.

6.2. Section 54.3 of the Act does not apply to a travel agent who complies with the Travel Agents Act (R.S.Q., c. A-10) and the regulations made under that Act with regard to the trust account.

6.3. Contracts of credit, contracts of service involving sequential performance within the meaning of Division VI of Chapter III of Title I of the Act, even if entered into by a person listed in section 188 of the Act, and contracts of service or for the lease of goods entered into at the time of the entering into or performance of a contract of service involving sequential performance are exempt from the application of Chapter II of Title I and sections 54.8 to 54.16 of the Act and section 26 of this Regulation if they are distance contracts.

6.4. Long-term contracts of lease of goods within the meaning of section 150.2 of the Act and contracts for the sale or long-term lease of a used car or motorcycle are exempt from the application of Chapter II of Title I of the Act and section 26 of this Regulation if they are distance contracts.”

4. Section 8 is amended

(1) by adding “even if the soliciting was done by the merchant elsewhere than at the merchant’s address” at the end of paragraph *c*;

(2) by replacing “a public telephone utility company” in paragraph *g* by “a telecommunications common carrier to which the Telecommunications Act (S.C. 1993, c. 38) applies”.

5. Division V of Chapter VIII is revoked.

6. Schedules N-28, N-29 and N-32 are revoked.

7. A merchant is not entitled to a refund of the amounts remitted to the president of the Office de la protection du consommateur as security pursuant to section 309 of the Consumer Protection Act, repealed by section 9 of chapter 56 of the Statutes of 2006, before the expiry of 3 years following 15 December 2007 which is the period during which legal action against the merchant or the merchant’s representative may still be taken for a breach, prior to 15 December 2007, of the provisions of the Act concerning distance contracts or the obligations arising from such contracts.

On the expiry of the 3-year period, the merchant is entitled to a refund of the amounts, or the balance thereof, only if the amounts are no longer necessary to guarantee

(a) compensation in principal, interest and costs to any consumer who obtained a judgment within or before that period against the merchant or the merchant’s representative following an action for a breach referred to in the first paragraph;

* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r.1) was last amended by the Regulation made by Order in Council 636-2003 dated 4 June 2003 (2003, *G.O.* 2, 1922). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

(b) compensation in principal, interest and costs to any consumer who entered into a transaction with the merchant, the merchant's representative or the syndic within or before that period in relation to an action for a breach referred to in the first paragraph;

(c) compensation in principal, interest and costs to any consumer who within or before that period took and reported to the president of the Office an action against the merchant or the merchant's representative for a breach referred to in the first paragraph; or

(d) the payment of the fine and costs that the merchant or the merchant's representative was ordered to pay within or before that period by reason of a breach referred to in the first paragraph.

8. This Regulation comes into force on 15 December 2007.

8417

Index

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

	Page	Comments
Casino games (An Act respecting the Société des loteries du Québec, R.S.Q., c. S-13.1)	3151B	M
Consumer Protection Act — Regulation (R.S.Q., c. P-40.1)	3158B	M
Société des loteries du Québec, An Act respecting the... — Casino games (R.S.Q., c. S-13.1)	3151B	M

