Gazette officielle du Québec

Part 2

No. 28
9 July 2008

Laws and Regulations

Volume 140

Summary

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

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Table of Contents

Page

Coming into force of Acts

660-2008 Ville de Lévis, An Act respecting… — Coming into force 2881
720-2008 Conservation and development of wildlife and the Parks Act, An Act to amend the Act respecting the… — Conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories, An Act to amend the Act respecting the… — Coming into force of certain provisions 2881

Regulations and other acts

661-2008 Equalization scheme 2883
683-2008 Professional Code — Comptables en management accrédités — Legal authorizations to practise the profession outside Québec that give access to the permit issued by the Ordre . . . 2898
684-2008 Professional Code — Huissiers de justice — Equivalence standards for the issue of permits by the Chambre (Amend.) 2899
685-2008 Professional Code — Denturologists — Practice of denturology within a partnership or a joint-stock company 2900
686-2008 Professional Code — Denturologistes — Code of ethics (Amend.) 2904
687-2008 Professional Code — Dentistes — Specialties and terms and conditions for the issue of specialist's certiticates by the Ordre (Amend.) 2908
688-2008 Professional Code — Veterinary surgeon — Practice of the profession within a partnership or a joint-stock company 2909
689-2008 Professional Code — Architectes — Conciliation and arbitration procedure for the accounts (Amend.) 2913
691-2008 Application of the provisions of Division V of chapter I of Title II and of section 354 of the Police Act to the police force of the Naskapi Village of Kawawachikamach 2916
694-2008 Ministère de la Sécurité publique — Terms and conditions respecting the signing of certain deeds, documents and writings (Amend.) 2917
695-2008 Police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction 2918
704-2008 Tobacco Act 2923
705-2008 Fees payable for the issue of renewal of a specialized medical centre permit 2924
709-2008 Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (Amend.) . . . 2925
718-2008 Transfer of responsibilities in the field of forest management to the regional county municipalities of the Bas-Saint-Laurent administrative region 2926
721-2008 Approval of the Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region 2926
724-2008 College Education (Amend.) 2935
750-2008 Sums payable to the custodian of an impounded road vehicle — Revoke 2938
751-2008 Towing and impounding charges for road vehicles seized under section 209.1 and 209.2 or the Highway Safety Code 2938
Extension of the setting aside of certain lands as proposed aquatic and biodiversity reserves 2940
Specialized medical treatments provided in a specialized medical centre 2941

Draft Regulations

Agreement between the Minister of Justice and the Barreau du Québec — Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates 2945
Conservation and development of wildlife, An Act respecting… — Scale of fees and duties related to the development of wildlife 2966
Lobbying Transparency and Ethics Act — Exclusions 2985
Professional Code — Nurses — Diplomas giving access to specialist's certificates 2985
Professional Code — Occupational therapists — Diplomas giving acces to permits 2986
Professional Code — Physical therapists and physical rehabilitation therapists — Committee on training 2988
Use of tires specifically designed for winter driving 2990

Coming into force of Acts

Gouvernement du Québec

O.C. 660-2008, 25 June 2008

An Act respecting Ville de Lévis (2007, c. 49) — Coming into force

COMING INTO FORCE of the Act respecting Ville de Lévis (2007, c. 49)

WHEREAS the Act respecting Ville de Lévis (2007, c. 49) was passed on 19 December 2007 and assented to on 21 December 2007;

WHEREAS the Act provides that the Act comes into force on the date to be set by the Government;

WHEREAS it is expedient to set the date of publication of this Order in Council in the *Gazette officielle du Québec* as the date of coming into force of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the Act respecting Ville de Lévis (2007, c. 49) comes into force on 9 July 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8829

Gouvernement du Québec

O.C. 720-2008, 25 June 2008

An Act to amend the Act respecting the conservation and development of wildlife and the Parks Act (1988, c. 39)
An Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (2000, c. 48)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting the conservation and development of wildlife and the Parks Act and of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories

WHEREAS section 101.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) was introduced by section 9 of the Act to amend the Act respecting the conservation and development of wildlife and the Parks Act (1988, c. 39) assented to on 17 June 1988;

WHEREAS section 44 of the Act to amend the Act respecting the conservation and development of wildlife and the Parks Act provides that the Act comes into force on 17 June 1988, except sections 9 and 12, which come into force on the date or dates fixed by the Government;

WHEREAS section 101.1 of the Act was amended and numbered 78.5 by section 14 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (2000, c. 48) assented to on 13 December 2000;

WHEREAS section 40 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories provides that the Act comes into force on 13 December 2000 except the amendments enacted by paragraphs 1 and 2 of section 14 which come into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 25 June 2008 as the date of coming into force of section 9 of the Act to amend the Act respecting the conservation and development of wildlife and the Parks Act;

WHEREAS it is expedient to fix 25 June 2008 as the date of coming into force of paragraph 2 of section 14 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories;

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

THAT 25 June 2008 be fixed as the date of coming into force of section 9 of the Act to amend the Act respecting the conservation and development of wildlife and the Parks Act (1988, c. 39);

THAT 25 June 2008 be fixed as the date of coming into force of paragraph 2 of section 14 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (2000, c. 48).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8845

Regulations and other acts

Gouvernement du Québec

O.C. 661-2008, 25 June 2008

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Equalization scheme

Regulation respecting the equalization scheme

WHEREAS, under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), amended by section 86 of chapter 18 of the Statutes of 2008, the Government may by regulation establish the equalization scheme provided for in section 261 and set the rules provided for in the second paragraph of that section;

WHEREAS the Government made the Regulation respecting the equalization scheme by Order in Council 1198-2002 dated 9 October 2002, which was amended by Order in Council 345-2007 dated 16 May 2007;

WHEREAS the Entente sur un nouveau partenariat fiscal et financier avec les municipalités provides for a re-examination of the equalization formula, and the re-examination, carried out by the Government in collaboration with the municipal associations, allowed for the establishment of a reviewed formula;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation respecting the equalization scheme was published in the *Gazette officielle du Québec* of 23 April 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication and that any person wishing to comment on the draft Regulation could do so in writing to the Minister of Municipal Affairs and Regions within the 45-day period;

WHEREAS no comments on the draft Regulation were received within the 45-day period;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the Regulation respecting the equalization scheme, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the equalization scheme

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 7; 2008, c. 18, s. 86)

CHAPTER I
GENERAL AND INTERPRETATION

1. An equalization scheme comprising two parts is hereby established. The first part is more general and covers a certain number of municipalities, while the second part covers a smaller number of municipalities among the most disadvantaged municipalities.

Under the scheme, the Government pays a sum computed in accordance with Chapter III to any local municipality whose eligibility under the scheme is determined in accordance with Chapter II.

2. This Regulation applies to local municipalities to which the Act respecting municipal taxation (R.S.Q., c. F-2.1) applies, including regional county municipalities under section 8 of the Act respecting municipal territorial organization (R.S.Q., c. O-9).

For the purposes of this Regulation,

(1) "current fiscal year" means the fiscal year for which it is determined whether or not a local municipality is eligible under either part of the scheme and, where applicable, for which the equalization amount payable is computed;

(2) "year of reference" means the fiscal year for which data are used to determine whether or not a local municipality is eligible under either part of the scheme or to compute, where applicable, the equalization amount payable;

(3) "neutrality amount" means the amount that a local municipality is entitled to receive during a fiscal year that makes the financial consequences of an amalgamation or annexation neutral, under the government program, as related to the application of this Regulation;

(4) "equalization amount" means the amount that a local municipality is entitled to receive for a fiscal year under this Regulation;

(5) "summary of the municipality for the year of reference" means the form that, according to the regulation made under paragraph 1 of section 263 of the Act, is filled out with the information included in the summary, relating to the property assessment roll of a local municipality, the production of which is prescribed by that Regulation during the last semester preceding the year of reference.

3. Unless otherwise indicated, where a computation provided for in this Regulation results in a decimal number, the decimal part of the number is to be dropped and the whole number is to be increased by 1 if the first decimal is greater than 4.

Where a provision of this Regulation prescribes that the result of a computation must include a certain number of decimals, the last of those decimals is to be increased by 1 if the following decimal is greater than 4.

CHAPTER II
ELIGIBILITY

DIVISION I
CONDITIONS OF ELIGIBILITY UNDER THE FIRST PART

4. Any local municipality in respect of which the following conditions are met for the first fiscal year preceding the current fiscal year is eligible under the first part of the scheme:

(1) its standardized property value per inhabitant established in accordance with Subdivision 2 of Division III, in the aggregate constituted of the standardized property values per inhabitant that are taken into consideration under Subdivision 4 of Division III, was less than 90% of the median; and

(2) the average value of the dwellings situated in its territory established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was less than 104% of the median.

A municipality in respect of which the dividend or divisor is nil in the division performed to establish the value referred to in the first paragraph is not eligible. No datum related to that municipality must be taken into consideration to establish a median referred to in the first paragraph.

A municipality that, for the fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act is not eligible, even if the conditions in the first paragraph are met in its respect, if the Minister of Municipal Affairs and Regions does not receive, before 1 May of the current fiscal year, the financial report of the municipality for that preceding fiscal year. Such a report is deemed not to have been received if it does not comply with the legislative and regulatory provisions governing the municipality in that matter.

DIVISION II
CONDITIONS OF ELIGIBILITY UNDER THE SECOND PART

5. Any local municipality in respect of which, for the fiscal year preceding the current fiscal year, the average value of the dwellings situated in its territory established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was less than 70% of the median is eligible under the second part of the scheme.

A municipality in respect of which the dividend or divisor is nil in the division performed to establish the value referred to in the first paragraph is not eligible.

A municipality whose standardized property value established in accordance with section 9 or whose population established in accordance with the second paragraph of section 8 is nil, even if the conditions in the first paragraph are met, is not eligible.

No datum pertaining to a municipality referred to in the second or third paragraph is to be taken into consideration to establish a median referred to in the first paragraph.

DIVISION III
PROVISIONS APPLICABLE TO BOTH PARTS

§1. Other rules of eligibility

6. A municipality is not eligible, even if the conditions in section 4 or 5 are met, if the Minister does not receive, before 1 May of the current fiscal year, the summary of the municipality for the year of reference.

Such a summary is deemed not to have been received if it does not comply with the legislative and regulatory provisions governing the municipality in that matter.

7. Despite sections 4, 5 and 6, Ville de Chapais, Ville de Matagami and Ville de Schefferville are eligible.

§2. Standardized property value per inhabitant

8. The standardized property value per inhabitant of a local municipality for the year of reference is the quotient obtained by dividing its standardized property value established for that fiscal year in accordance with section 9 by its population determined for that fiscal year in accordance with the second paragraph.

The population of a municipality for the year of reference is equal to the highest of the population of that fiscal year and the population of any of the three fiscal years preceding the year of reference.

The population as it exists on 1 January of the year of reference concerned is to be taken into consideration, with the alterations that take effect on that date or before that date and that are made before 1 May of the current fiscal year.

9. The standardized property value of a local municipality for the year of reference is the value established, considering the second paragraph and subject to section 10, in accordance with Division I of Chapter XVIII.1 of the Act.

The property assessment roll is considered as it exists on the date on which it is reproduced in the summary of the municipality for the year of reference.

10. For a municipality that, for the fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act, the standardized effective aggregate taxation rate of the municipality established for that preceding fiscal year in accordance with subparagraph 2 of the first paragraph of section 261.5.15 of the Act is used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, rather than the standardized projected aggregate taxation rate referred to in section 261.4 of the Act.

11. The clerk of a municipality that, for the fiscal year preceding the year of reference, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for the preceding fiscal year, the value resulting from the capitalization determined under section 10, having regard to the alterations to the property assessment roll that must be taken into consideration under section 261.5.14 of the Act.

§3. Average value of dwellings

12. The average value of the dwellings situated in the territory of a local municipality for the year of reference is the quotient obtained by dividing the second of the following amounts by the first:

(1) the divisor is the total dwellings included in the units of assessment taken into consideration under section 13, according to the property assessment roll of the municipality that applies for that fiscal year; and

(2) the dividend is the result of the standardization of the total values determined in accordance with section 14, on the basis of the roll referred to in subparagraph 1 of the first paragraph.

The roll must be taken into consideration as it exists on the date on which it is reproduced in the summary of the municipality for the year of reference.

The standardization provided for in subparagraph 2 of the first paragraph consists in multiplying the total provided for in that paragraph by the factor established in respect of the property assessment roll of the municipality, under section 264 of the Act, for the year of reference.

13. Units of assessment taken into consideration in the establishment of the average value of the dwellings are those that include at least one dwelling, that are not part of any of classes 9 and 10 provided for in section 244.32 of the Act and that are listed under any of the following headings prescribed by the manual to which the Regulation made under paragraph 1 of section 263 of the Act refers:

(1) "10 — Dwellings" and "1211 Mobile home";

(2) "17—Trailer parks and mobile homes", "2-3 — MANUFACTURING INDUSTRIES", "4 — TRANSPORT, COMMUNICATIONS, PUBLIC SERVICES", "5 — COMMERCIAL" and "6 — SERVICES";

(3) "7— CULTURAL AND RECREATIONAL", "81 — Agriculture", "831 — Commercial forest production" and "9220 Forests not in operation that are not reserves".

However,

(1) a unit of assessment listed under a heading referred to in subparagraph 3 of the first paragraph must be taken into consideration only if no building included in the unit is classified according to a use different from the use pertaining to the heading under which the unit is listed or, in other cases, if at least one building included in the unit is classified according to the use pertaining to any of the headings referred to in subparagraph 1 of the first paragraph; and

(2) no unit of assessment in respect of which it is impossible to determine a value in accordance with section 14 must be taken into consideration.

14. The value that is determined in respect of a unit of assessment taken into consideration in the establishment of the average value of dwellings is the taxable value of the unit or, where it is part of any of classes 1A to 8 provided for in section 244.32 of the Act, the result obtained by multiplying the taxable value of the unit by the percentage provided for in section 244.53 of the Act, considering the basic rate, in respect of that class.

However, the expression "taxable value of the unit" in the first paragraph means

(1) the taxable value of a building or aggregate of buildings included in a unit of assessment, increased by 20%, where the unit does not include any parcel of land and is listed under the heading "1211 Mobile home" or "17—Trailer parks and mobile homes"; or

(2) the taxable value of a building or aggregate of buildings included in a unit of assessment, increased by 20% up to the taxable value of the unit, where that unit includes a parcel of land and is listed

(a) under the headings "17—Trailer parks and mobile homes", "831—Commercial forest production" or "9220 Forests not in operation that are not reserves"; or

(b) under the heading "81—Agriculture", where the unit does not include any agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14).

Despite the first 2 paragraphs, for a unit of assessment that includes an operation referred to in subparagraph *b* of subparagraph 2 of the second paragraph and that is not listed under the heading "9220 Forests not in operation that are not reserves", the value that is determined in respect of the unit is the difference obtained by subtracting the taxable value of the operation from the value that would be otherwise determined under the first paragraph.

Despite the first 3 paragraphs, for a unit of assessment consisting in particular of a part where the activities referred to in section 244.52 of the Act are performed and another part whose use or purpose pertains to any of the categories referred to in sections 244.35 and 244.37 of the Act, the value that is determined in respect of the unit is the taxable value of the second part.

§4. Median

15. For the purpose of establishing the median, only the standardized property values per inhabitant and the average values of the dwellings established for the year of reference of local municipalities whose summary for that fiscal year is received by the Minister before 1 September of that fiscal year must be taken into consideration.

16. For a municipality that had revenues from the application of section 222 of the Act for the fiscal year preceding the year of reference, its standardized property value per inhabitant must be taken into consideration for the purpose of establishing the median, despite section 15, only if its financial report for that preceding fiscal year and its summary for the reference year are received by the Minister before 1 September of the year of reference.

For those purposes only, that date replaces 1 May of the current fiscal year that is referred to in the third paragraph of section 8. The median established is not changed even if, because of an alteration referred to in that paragraph of which the Minister is seized after 31 August of the year of reference and before 1 May of the current fiscal year, any of the values taken into consideration is altered subsequently.

CHAPTER III
EQUALIZATION AMOUNT

DIVISION I
RULES SPECIFIC TO CERTAIN NORTHERN MUNICIPALITIES AND APPLICABLE UNDER BOTH PARTS

17. The municipalities mentioned in section 7 are entitled to an equalization amount equal to the highest of the amount to which they were entitled for the fiscal year 2001 and the sum of the aliquot shares computed in their respect, in accordance with Subdivision 1 of Division III and Subdivision 1 of Division IV, for the current fiscal year.

DIVISION II
SUMS TO BE APPORTIONED

18. The sum to be apportioned between eligible municipalities for the current fiscal year is $60,000,000, that is, $42,905,000 under the first part and $17,095,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the current fiscal year is reduced by

the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May of that year, must be paid during that year.

DIVISION III
COMPUTATION RULES SPECIFIC TO THE FIRST PART

§1. Basic aliquot share

19. For the purpose of computing the equalization amount, a sum to be apportioned must be established for the current fiscal year in accordance with section 18 and an aliquot share of that sum must be computed in respect of each municipality eligible for that fiscal year.

The aliquot share must be computed by multiplying the sum to be apportioned by the ratio computed in respect of the municipality in accordance with section 20 for the year of reference.

For the purposes of this Subdivision, a municipality referred to in section 7 whose summary for the year of reference is not received by the Minister before 1 May of the current fiscal year must not be taken into consideration.

20. The ratio that is used to compute the aliquot share of a municipality for the current fiscal year is the quotient obtained by dividing the deficiency of the municipality by the total deficiencies of the eligible municipalities established for the year of reference in accordance with section 21.

The quotient obtained must contain 11 decimals.

21. The deficiency of a municipality for the year of reference is the product obtained by multiplying the weighting factor established under section 23 by the deficiency indicator provided for in section 22.

22. The deficiency indicator of a municipality for the year of reference is the product obtained by multiplying, by the population of that municipality considered under the second paragraph of section 8, the difference obtained by subtracting the second of the following amounts from the first:

(1) the first amount is the amount that represents 90% of the median of the standardized property values per inhabitant established, for the year of reference, in accordance with Subdivision 4 of Division III of Chapter II; and

(2) the amount to be subtracted is the amount that constitutes the standardized property value per inhabitant of the municipality established, for the year of reference, in accordance with Subdivision 2 of Division III of Chapter II.

If the difference obtained is zero or a negative number, the municipality has no deficiency, no ratio may be computed in its respect in accordance with section 20 and its aliquot share provided for in section 19 is equal to zero.

23. The weighting factor for the year of reference is the difference obtained by subtracting the second of the following numbers from the first:

(1) the first number is 1;

(2) the number to be subtracted from the first is the quotient obtained by dividing the second of the following amounts by the first:

(a) the divisor is equal to 4% of the median of the average value of the dwellings established, for the year of reference, in accordance with Subdivision 4 of Division III of Chapter II;

(b) the dividend is obtained by subtracting from the average value of the municipality's dwellings established, for the year of reference, in accordance with Subdivision 3 of Division III of Chapter II, the median of the average value of the dwellings established, for that year, in accordance with Subdivision 4 of Division III of Chapter II.

If the quotient thus obtained is zero or a negative number, it is deemed to be equal to zero. If the quotient is positive but greater than 1, it is deemed to be equal to 1.

The quotient obtained under subparagraph 2 of the first paragraph and the weighting factor established under that paragraph must contain 6 decimals.

§2. Computation of equalization amount

A- Equalization amount of certain municipalities entitled to a predetermined amount

24. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of this Division and Subdivision 1 of Division IV, for the current fiscal year, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 19, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the current fiscal year.

B- Equalization amount of a municipality not referred to in section 24

25. The equalization amount of an eligible municipality that is not referred to in section 24 is the result of the adjustment provided for in section 26 that is made to the aliquot share computed in accordance with Subdivision 1 for the current fiscal year.

26. The adjustment of the aliquot share consists in multiplying the aliquot share by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 24 is subtracted from the sum to be apportioned under section 18;

(2) the difference that results from the subtraction provided for in subparagraph 1 is divided by the total of the aliquot shares that are adjusted.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.

DIVISION IV
COMPUTATION RULES SPECIFIC TO THE SECOND PART

§1. Basic aliquot share

27. For the purpose of computing the equalization amount, a sum to be apportioned must be established for the current fiscal year in accordance with section 18 and an aliquot share of that sum must be computed in respect of each municipality eligible for that fiscal year.

The aliquot share must be computed by multiplying the sum to be apportioned by the ratio computed in respect of the municipality in accordance with section 28 for the year of reference.

For the purposes of this Subdivision, a municipality referred to in section 7 whose summary for the year of reference is not received by the Minister before 1 May of the current fiscal year must not be taken into consideration.

28. The ratio that is used to compute the aliquot share of a municipality for the current fiscal year is the quotient obtained by dividing the deficiency of the municipality by the total deficiencies of the eligible municipalities established for the year of reference in accordance with section 29.

The quotient obtained must contain 11 decimals.

29. The deficiency of a municipality for the year of reference is the product obtained by multiplying, by the number of units of assessment taken into consideration under section 13 and situated in its territory, the difference obtained by subtracting the second of the following amounts from the first:

(1) the first amount is the amount that represents 70% of the median of the average value of the dwellings established for the year of reference in accordance with Subdivision 4 of Division III of Chapter II; and

(2) the amount to be subtracted is the amount that constitutes the average value of the dwellings of the municipality established for the year of reference in accordance with Subdivision 3 of Division III of Chapter II.

If the difference obtained is zero or a negative number, the municipality has no deficiency, no ratio may be computed in its respect in accordance with section 28 and its aliquot share provided for in section 27 is equal to zero.

§2. Computation of equalization amount

A- Equalization amount of certain municipalities entitled to a predetermined amount

30. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of Division III and Subdivision 1 of this Division, for the current fiscal year, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to zero.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 27, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-

Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the current fiscal year.

B- Equalization amount of a municipality not referred to in section 30

31. The equalization amount of an eligible municipality that is not referred to in section 30 is the result of the adjustment provided for in section 32 that is made to the aliquot share computed in accordance with Subdivision 1 for the current fiscal year.

32. The adjustment of the aliquot share consists in multiplying the aliquot share by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 30 is subtracted from the sum to be apportioned under section 18;

(2) the difference that results from the subtraction provided for in subparagraph 1 is divided by the total of the aliquot shares that are adjusted.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.

DIVISION V
PAYMENT

33. The Minister is to pay the equalization amount not later than 30 June of the current fiscal year.

CHAPTER IV
AMALGAMATION AND TOTAL ANNEXATION

34. The provisions of Divisions I to III apply in respect of a local municipality resulting from an amalgamation or that effected a total annexation, considering the adaptations provided for in this Division, if applicable, for the fiscal year during which the amalgamation or annexation comes into force or for any of the next 2 fiscal years.

For the purposes of this Division,

(1) "former municipality" means the local municipality that, immediately before the coming into force of the amalgamation or annexation, had jurisdiction over an amalgamated or annexed territory or over the territory to which the annexed territory was added; and

(2) "new municipality" means the municipality resulting from an amalgamation or that effected the annexation.

Any reference to a provision that is subject to an adaptation applies to that provision as it reads with that adaptation, even if it is not specified.

35. For the purpose of determining if a new municipality is eligible under either part of this scheme for the fiscal year during which the amalgamation or annexation comes into force and, where applicable, of computing the equalization amount to which it is entitled for that fiscal year, the adaptations provided for in sections 36 to 38 apply.

Despite the foregoing, they do not apply where the amalgamation or annexation comes into force after 30 April of that fiscal year, in which case the determination of eligibility and, where applicable, the computation of the equalization amount for that fiscal year continue to apply to the former municipalities.

The applicable adaptations must not be taken into consideration for the purpose of establishing, for the year of reference, the median of the standardized property values per inhabitant or the average values of dwellings.

36. As for the new municipality, the summary referred to in the first paragraph of section 6 must be constituted by the aggregate of the summaries, referred to in that paragraph, of the former municipalities.

Where only one of the former municipalities had revenues from the application of section 222 of the Act for the first fiscal year preceding the year of reference, the report of the former municipality referred to in the third paragraph of section 4 must constitute the report of the new municipality. Where several of the former municipalities had such revenues for that fiscal year, the report of the new municipality referred to in that paragraph must consist of the aggregate of revenues of those former municipalities.

37. The standardized property value per inhabitant of the new municipality for the year of reference must be the quotient obtained by dividing the first of the following amounts by the second:

(1) the dividend is the total of the standardized property values of the former municipalities that are established for the year of reference in accordance with section 9 and, where applicable, with sections 10 and 11; and

(2) the divisor is the total populations of the former municipalities established for the year of reference in accordance with the third paragraph of section 8, or the total populations of those municipalities established in the same manner for any of the three fiscal years preceding the year of reference, whichever is greater.

The total provided for in subparagraph 2 of the first paragraph must also constitute the population of the new municipality for the purposes of section 22.

38. The average value of the dwellings situated in the territory of the new municipality for the year of reference must be the quotient obtained by dividing, by the total of the divisors provided for in subparagraph 1 of the first paragraph of section 12, the total of the dividends provided for in subparagraph 2 of that paragraph, as they were established for that fiscal year in respect of the former municipalities.

39. The adaptations provided for in sections 36 to 38 also apply for the purpose of determining if the new municipality is eligible for the first fiscal year that follows the fiscal year during which the amalgamation or annexation comes into force and, if eligible, of computing the equalization amount to which it is entitled for the next fiscal year.

However,

(1) the adaptations provided for in the first paragraph of section 36 and in section 38 do not apply where the summary of the new municipality for the year of reference is drawn up, in anticipation of the amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year;

(2) in the circumstance referred to in subparagraph 1, the adaptations provided for in subparagraph 1 of the first paragraph of section 37, except where applicable for the part of the standardized property value that is established in accordance with sections 10 and 11, do not apply; and

(3) the total populations of the former municipalities established for the year of reference are not taken into consideration for the purposes of subparagraph 2 of the first paragraph of section 37 where the amalgamation or annexation comes into force on 1 January of the year of reference.

Where the amalgamation or annexation comes into force before 1 September of the year of reference, the applicable adaptations must be taken into consideration for the purposes of establishing, for that fiscal year, the median of the standardized property values per inhabitant or the average values of dwellings. In such case, the summary and report referred to in section 36, insofar as they contain the data used for the purposes of the applicable adaptations, are also those referred to in sections 15 and 16.

40. Where the amalgamation or annexation comes into force after the date on which the property assessment roll must be reproduced in the summary of the municipality for the year of reference, the adaptations provided for in the first paragraph of section 36, in subparagraph 1 of the first paragraph of section 37 and in section 38 also apply for the purpose of determining if the new municipality is eligible for the second fiscal year that follows the fiscal year during which the amalgamation or annexation comes into force and, if eligible, of computing the equalization amount to which it is entitled for that subsequent fiscal year.

Despite the foregoing, they do not apply where the summary of the new municipality for the year of reference is drawn up, in anticipation of the amalgamation or annexation, instead of or in addition to the summaries of the former municipalities for that fiscal year.

The applicable adaptations must be taken into consideration for the purpose of establishing, for the year of reference, the median of the standardized property values per inhabitant or the average values of dwellings. The summary referred to in the first paragraph of section 36 is also the summary referred to in section 15.

Where one of the former municipalities had revenues from the application of section 222 of the Act for the first fiscal year preceding the year of reference, the value resulting from the capitalization determined under section 10 must, for the purposes of subparagraph 1 of the first paragraph of section 37, be included in the standardized property value of that former municipality even if that capitalization is determined on the basis of the data attributed to the new municipality in the first financial report of that municipality.

CHAPTER V
TRANSITIONAL AND FINAL

DIVISION I
INTERPRETATION

41. For the purposes of this Chapter, "previous regulation" means the regulation that is to be replaced under section 62 and its amendments.

42. Any reference to a provision that is subject to an adaptation provided for in any of Subdivisions II to V of this Chapter refers to that provision as it reads with the adaptation, even if it is not specified.

DIVISION II
SPECIAL PROVISION APPLICABLE IN 2008 AND 2009

43. For the purposes of this Regulation, in particular section 8, the population of a central municipality or of a reconstituted municipality referred to in any of sections 4 to 14 of the Act respecting the exercises of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001) is, for the fiscal year 2004 or the fiscal year 2005, the population specified in Schedule 1 to this Regulation.

DIVISION III
ADAPTATIONS APPLICABLE IN 2008

44. The adaptations provided for in this Division apply for the purpose of determining if a municipality is eligible for the fiscal year 2008 and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

45. The following section is transitionally added after section 4:

"**4.1.** Despite the first paragraph of section 4, any local municipality is eligible if, for the fiscal year 2007,

(1) the municipality was eligible under section 6.1 of the previous regulation; and

(2) the condition in subparagraph 1 of the first paragraph of section 4 was met while the average value of the dwellings situated in its territory, established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was equal to or greater than the median.".

46. Sections 10 and 11 are transitionally replaced by the following:

"**10.** For a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act, the standardized aggregate taxation rate of the municipality established for the fiscal year 2006 in accordance with sections 10.1 to 10.3 is used to determine the capitalization provided for in paragraph 8 of section 261.1 of the Act, on the basis of the data certified pursuant to section 11 rather than on the basis of the budgetary data referred to in section 261.4 of the Act.

10.1. The standardized aggregate taxation rate of the municipality for the fiscal year 2006 is the quotient obtained by dividing the total of its revenues for that fiscal year, as considered under section 10.2, by the result of the standardization of the taxable values entered on the property assessment roll of the municipality for that fiscal year.

The quotient obtained must contain six decimals.

The standardization of a value entered on the property assessment roll consists in multiplying that value by the comparative factor established in respect of the roll, under section 264 of the Act, for the fiscal year 2006.

For that purpose, the property assessment roll is taken into consideration as it existed on 1 January 2006, having regard to the alterations that took effect on or before that date and of which the municipality advises the Minister, in accordance with section 11, before 1 May 2008.

10.2. For the purpose of establishing the standardized aggregate taxation rate, revenues that are revenues of the municipality for the fiscal year 2006 and that are derived from the following are taken into consideration:

(1) municipal property taxes imposed for that fiscal year; and

(2) non-property taxes, compensations and modes of tariffing that the municipality imposes on any person, for that fiscal year, because such person is the owner, lessee or occupant of an immovable.

The part of such revenues that is the subject of a credit other than the discount granted for early payment is not taken into consideration.

Revenues from the following sources are also not taken into consideration:

(1) the business tax or the tax imposed under section 487.3 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.3 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

(2) any property tax payable under the first paragraph of section 208 of the Act;

(3) any non-property tax, compensation or mode of tariffing payable under the first paragraph of section 257 of the Act;

(4) any non-property tax, compensation or mode of tariffing for providing a municipal service in respect of an immovable belonging to the Crown in right of Canada or one of its mandataries; and

(5) the compensation payable under section 205 of the Act.

If, in respect of the category of non-residential immovables provided for in section 244.33 of the Act, the municipality has fixed a specific general property tax rate under section 244.29 of the Act that is greater than the basic rate provided for in section 244.38 of the Act, a part of the revenues from that tax and from any special tax imposed under section 487.1 or 487.2 of the Cities and Towns Act (R.S.Q., c. C-19) or article 979.1 or 979.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1) is not taken into consideration, as provided in section 10.3.

10.3. The part of the revenues not taken into consideration for the purpose of establishing the standardized aggregate taxation rate, in the circumstances referred to in the fourth paragraph of section 10.2, is the difference obtained by subtracting the second of the following amounts from the first:

(1) the amount of the total revenues deriving from the imposition of the tax on the units of assessment belonging to one of the categories provided for in sections 244.33 and 244.34 of the Act; and

(2) the amount of the total revenues that would derive from the imposition of the tax on the units of assessment referred to in subparagraph 1 of the first paragraph if the basic rate provided for in section 244.38 of the Act were applied or, if the municipality has fixed a rate specific to the category provided for in section 244.35 of the Act, the average rate computed in accordance with the second paragraph.

The average rate is obtained by dividing the first of the following amounts by the second:

(1) the dividend is the amount of the total revenues

(a) deriving from the imposition of the tax on the units of assessment in respect of which all or part of the basic rate provided for in section 244.38 of the Act or the rate specific to the category provided for in section 244.35 of the Act is used to compute the amount of the tax; and

(b) resulting from the application of all or part of a rate referred to in subparagraph *a*; and

(2) the divisor is the amount of the total of the taxable values of the units of assessment referred to in subparagraph *a* of subparagraph 1, as determined taking into account, in the case of a unit in respect of which only a percentage of a rate referred to in that subparagraph is applied, only the percentage corresponding to its taxable value.

The second and fourth paragraphs of section 10.1 apply for the purpose of computing the average rate.

11. The clerk of a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for that fiscal year, the value resulting from the capitalization determined under section 10, having regard to the alterations to the property assessment roll that took effect on or before 1 January 2006 and that were made before the certificate was issued.

Where an alteration taking effect on or before 1 January 2006 was made after the certificate was drawn up and before 1 May 2008 and the certified value is modified as a result, the clerk must certify the modified value in an amended certificate. In order to be taken into consideration, the certificate must have been received by the Minister before 1 May 2008.

If the average rate computed in accordance with the second paragraph of section 10.3 was used to establish the certified value, the certificate must also certify the divisor referred to in subparagraph 2 of that paragraph.

11.1. For the purposes of sections 10, 10.1 to 10.3 and 11, the legislative provisions referred to and taken into consideration are the legislative provisions as they existed when they applied for the purposes of the fiscal year 2006.".

47. Sections 15 and 16 are transitionally replaced by the following:

"**15.** For the purpose of establishing the median, only the standardized property values per inhabitant and the average values of the dwellings established for the fiscal year 2007 of local municipalities whose summary for that fiscal year is received by the Minister before 1 November 2007 must be taken into consideration.

16. For a municipality that, for the fiscal year 2006, had revenues from the application of section 222 of the Act, its standardized property value per inhabitant must be taken into consideration for the purpose of establishing the median, despite section 15, only if its financial report for that fiscal year and its summary for the fiscal year 2007 are received by the Minister before 1 November 2007.

For those purposes only, that date replaces the date of 1 May 2008 referred to in the third paragraph of section 8 and in the fourth paragraph of section 10.1. The median established is not changed even if, because of an

alteration referred to in any of those paragraphs of which the Minister is seized after 31 October 2007 and before 1 May 2008, any of the values taken into consideration is altered subsequently.".

48. Section 18 is transitionally replaced by the following:

"**18.** The sum to be apportioned for the fiscal year 2008 is $50,000,000, that is, $45,410,000 under the first part and $4,590,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the fiscal year 2008 is reduced by the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May 2008, must be paid during 2008.".

49. Subdivision 2 of Division III of Chapter III is transitionally replaced by the following:

"*§2. Computation of equalization amount*

A- Equalization amount of certain municipalities entitled to a predetermined amount

24. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of this Division and Subdivision 1 of Division IV, for the fiscal year 2008, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 19, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2008.

24.1. Any municipality eligible under section 4.1 is entitled to receive, for the fiscal year 2008, an equalization amount equal to 50% of the amount to which it was entitled for the fiscal year 2006.

24.2. Section 24.1 does not apply to a municipality that is entitled to receive an aliquot share computed under section 19 equal to or greater than the equalization amount computed in accordance with section 24.1.

B- Equalization amount of a municipality not referred to in section 24 or 24.1

i. Rule

25. The equalization amount of an eligible municipality that is not referred to in section 24 or 24.1 is the result of the adjustment provided for in section 26 that is made to the sum computed in accordance with section 25.3 or 25.4.

ii. Adjustment computed in respect of a new municipality

25.1. Sections 25.2 and 25.3 apply for the purpose of computing the sum to be adjusted under section 26 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

25.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

25.3. The sum to be adjusted is the difference obtained by subtracting the neutrality amount that must be paid to the municipality in 2008 according to the data available on 1 May 2008 from the aliquot share computed in respect of the municipality in accordance with section 25.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

25.4. For any eligible municipality that is not referred to in section 24, 24.1 or 25.1, the sum to be adjusted under section 26 is the aliquot share computed in its respect by applying Subdivision 1.

26. The adjustment of the sum computed in accordance with section 25.3 or 25.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 24 and 24.1 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 25.3 and 25.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

50. Division B of Subdivision 2 of Division IV of Chapter III is transitionally replaced by the following:

"*B-* Equalization amount of a municipality not referred to in section 30

i. Rule

31. The equalization amount of an eligible municipality that is not referred to in section 30 is the result of the adjustment provided for in section 32 that is made to the sum computed in accordance with section 31.3 or 31.4.

ii. Adjustment computed in respect of a new municipality

31.1. Sections 31.2 and 31.3 apply for the purpose of computing the sum to be adjusted under section 32 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

31.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

31.3. The sum to be adjusted is the difference obtained by subtracting any neutrality amount that must be paid to the municipality in 2008 according to the data available on 1 May 2008 and that has not been subtracted under section 25.3 from an aliquot share computed in accordance with section 25.2, from the aliquot share computed in respect of the municipality in accordance with section 31.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

31.4. For any eligible municipality that is not referred to in section 30 or 31.1, the sum to be adjusted under section 32 is the aliquot share computed in its respect by applying Subdivision 1.

32. The adjustment of the sum computed in accordance with section 31.3 or 31.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 30 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 31.3 and 31.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

51. Section 33 is transitionally replaced by the following:

"**33.** The Minister is to pay the equalization amount not later than 29 August 2008.".

52. Section 37 is transitionally amended by replacing "10 and 11" in the first paragraph by "10 to 11.1".

53. Section 39 is transitionally amended

(1) by replacing "10 and 11" in subparagraph 2 of the second paragraph by "10 to 11.1";

(2) by replacing "1 September of the year of reference" in the third paragraph by "1 November 2007".

DIVISION IV
ADAPTATIONS APPLICABLE IN 2009

54. The adaptations provided for in this Division apply for the purpose of determining if a municipality is eligible for the fiscal year 2009 and, if eligible, of computing the equalization amount to which it is entitled for that fiscal year.

55. The following is transitionally added after section 4:

"**4.1.** Despite the first paragraph of section 4, any local municipality is eligible if, for the fiscal year 2008,

(1) the municipality was eligible under section 4.1, made by section 45; and

(2) the condition in subparagraph 1 of the first paragraph of section 4 was met while the average value of the dwellings situated in its territory, established in accordance with Subdivision 3 of Division III, in the aggregate constituted of the average values of the dwellings that are taken into consideration under Subdivision 4 of Division III, was equal to or greater than the median.".

56. Section 11 is transitionally replaced by the following:

"**11.** The clerk of a municipality that, for the fiscal year 2007, had revenues from the application of section 222 of the Act must certify, in a certificate included in the financial report drawn up for that year, the value resulting from the capitalization determined under section 10, having regard to the alterations to the property assessment roll that must be taken into consideration under section 261.5.14 of the Act.

If section 261.5.7 of the Act, transitionally enacted by section 138 of chapter 31 of the Statutes of 2006, applied to the municipality for the purpose of establishing the aggregate taxation rate for the fiscal year 2007, the certificate must also certify the divisor that was used in the computation of the average rate provided for in the third paragraph of section 261.5.7, taking into account, if applicable, section 261.5.10 of the Act, transitionally enacted by section 138.".

57. Section 18 is transitionally replaced by the following:

"**18.** The sum to be apportioned for the fiscal year 2009 is $50,000,000, that is, $44,040,000 under the first part and $5,960,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the fiscal year 2009 is reduced by the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May 2009, must be paid in 2009.".

58. Subdivision 2 of Division III of Chapter III is transitionally replaced by the following:

"*§2. Computation of equalization amount*

A- Equalization amount of certain municipalities entitled to a predetermined amount

24. In the case of a municipality referred to in section 17, if the total of the aliquot shares computed in its respect in accordance with Subdivision 1 of this Division and Subdivision 1 of Division IV, for the fiscal year 2009, is less than the equalization amount to which the municipality was entitled for the fiscal year 2001, the equalization amount is equal to the amount to which the municipality was entitled for the fiscal year 2001.

The equalization amount to which a municipality referred to in the first paragraph is entitled is equal to the aliquot share computed under section 19, where the total of the aliquot shares referred to in that paragraph is greater than the amount to which the municipality was entitled for the fiscal year 2001.

Any eligible municipality, from among the group made up of Municipalité de Baie-James, Ville de Chibougamau, Ville de Fermont and Ville de Lebel-sur-Quévillon, is entitled to receive an equalization amount equal to the aliquot share that is computed in its respect, in accordance with Subdivision 1, for the fiscal year 2009.

24.1. Any municipality eligible under section 4.1 is entitled to receive, for the fiscal year 2009, an equalization amount equal to 25% of the amount to which it was entitled for the fiscal year 2006.

24.2. Section 24.1 does not apply to a municipality that is entitled to receive an aliquot share computed under section 19 equal to or greater than the equalization amount computed in accordance with section 24.1.

B- Equalization amount of a municipality not referred to in sections 24 and 24.1

i. Rule

25. The equalization amount of an eligible municipality that is not referred to in section 24 or 24.1 is the result of the adjustment provided for in section 26 that is made to the sum computed in accordance with section 25.3 or 25.4.

ii. Adjustment computed in respect of a new municipality

25.1. Sections 25.2 and 25.3 apply for the purpose of computing the sum to be adjusted under section 26 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

25.2 For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

25.3. The sum to be adjusted is the difference obtained by subtracting the neutrality amount that must be paid to the municipality in 2009 according to the data available on 1 May 2009 from the aliquot share computed in respect of the municipality in accordance with section 25.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

25.4. For any eligible municipality that is not referred to in section 24, 24.1 or 25.1, the sum to be adjusted under section 26 is the aliquot share computed in its respect by applying Subdivision 1.

26. The adjustment of the sum computed in accordance with section 25.3 or 25.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with sections 24 and 24.1 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 25.3 and 25.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

59. Division B of Subdivision 2 of Division IV of Chapter III is transitionally replaced by the following:

"*B*- Equalization amount of a municipality not referred to in section 30

i. Rule

31. The equalization amount of an eligible municipality that is not referred to in section 30 is the result of the adjustment provided for in section 32 that is made to the sum computed in accordance with section 31.3 or 31.4.

ii. Adjustment computed in respect of a new municipality

31.1. Sections 31.2 and 31.3 apply for the purpose of computing the sum to be adjusted under section 32 in respect of any eligible municipality that meets the following conditions:

(1) it is a new municipality within the meaning of section 34; and

(2) the budget it adopted for the fiscal year 2002 was its first budget, if the municipality results from an amalgamation, or its first budget that takes into account the annexation, if the municipality effected a total annexation.

31.2. For the purpose of computing the sum to be adjusted, an aliquot share is first computed in respect of the municipality by applying Subdivision 1.

31.3. The sum to be adjusted is the difference obtained by subtracting any neutrality amount that must be paid to the municipality in 2009 according to the data available on 1 May 2009 and that has not been subtracted under section 25.3 from an aliquot share computed in accordance with section 25.2, from the aliquot share computed in respect of the municipality in accordance with section 31.2.

The sum is equal to zero where the aliquot share is equal to or less than the neutrality amount.

iii. Adjustment computed in respect of another municipality

31.4. For any eligible municipality that is not referred to in section 30 or 31.1, the sum to be adjusted under section 32 is the aliquot share computed in its respect by applying Subdivision 1.

32. The adjustment of the sum computed in accordance with section 31.3 or 31.4 consists in multiplying that sum by the factor determined by the following consecutive operations:

(1) the total formed by the equalization amounts computed in accordance with section 30 is subtracted from the sum to be apportioned under section 18; and

(2) the difference resulting from the subtraction provided for in subparagraph 1 is divided by the total of the sums computed in accordance with sections 31.3 and 31.4.

The quotient resulting from that division and constituting the adjustment factor must contain 11 decimals.".

DIVISION V
ADAPTATIONS APPLICABLE IN 2010

60. The adaptations provided for in this Division apply for the purpose of computing the equalization amount to which an eligible municipality is entitled for the fiscal year 2010.

61. Section 18 is transitionally replaced by the following:

"**18.** The sum to be apportioned for the fiscal year 2010 is $50,000,000, that is, $42,970,000 under the first part and $7,030,000 under the second part.

The sum set in the first paragraph to be apportioned under each part for the fiscal year 2010 is reduced by the total of the neutrality amounts corresponding to that part in the government program which, according to the data available on 1 May 2010, must be paid in 2010.".

DIVISION VI
FINAL

62. This Regulation replaces the Regulation respecting the equalization scheme, made by Order in Council 1198-2002 dated 9 October 2002.

63. This Regulation applies for the purposes of any fiscal year as of the fiscal year 2008.

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

SCHEDULE 1

POPULATION OF A CENTRAL MUNICIPALITY OR OF A RECONSTITUTED MUNICIPALITY IN 2004 AND 2005 (section 43)

Municipality	Population in 2005	Population in 2004
Ville de Baie-D'Urfé	3,868	3,895
Ville de Beaconsfield	19,773	20,035
Ville de Boucherville	37,151	37,781
Ville de Brossard	67,027	68,264
Ville de Cookshire – Eaton	5,240	5,216
Ville de Côte-Saint-Luc	30,977	31,518
Ville de Dollard-Des Ormeaux	49,622	50,360
Ville de Dorval	18,138	18,274
Ville d'Estérel	177	163
Municipalité de Grosse-Île	554	548
Ville de Hampstead	7,078	7,174
Municipalité d'Ivry-sur-le-Lac	418	424
Ville de Kirkland	21,074	21,541
Ville de L'Ancienne-Lorette	16,285	16,582
Ville de L'Île-Dorval	1	2
Municipalité de La Bostonnais	531	551
Municipalité de La Macaza	1,074	1,090
Ville de La Tuque	12,425	12,215
Municipalité de Lac-Édouard	138	131
Municipalité de Lac-Tremblant-Nord	0	12
Municipalité des Îles-de-la-Madeleine	12,465	12,511
Ville de Longueuil	230,590	231,025
Ville de Mont-Laurier	13,041	13,266
Ville de Mont-Royal	19,178	19,478
Ville de Mont-Tremblant	8,729	8,723
Ville de Montréal	1,627,721	1,633,825
Ville de Montréal-Est	3,616	3,527
Ville de Montréal-Ouest	5,268	5,332
Municipalité de Newport	767	752
Ville de Pointe-Claire	30,106	30,405
Ville de Québec	487,895	490,368
Ville de Rivière-Rouge	4,506	4,564
Municipalité de Saint-Aimé-du-Lac-des-Îles	734	715
Ville de Saint-Augustin-de-Desmaures	16,409	16,679

Ville de Saint-Bruno-de-Montarville	24,326	24,421
Ville de Saint-Lambert	21,486	21,658
Ville de Sainte-Agathe-des-Monts	9,151	8,972
Ville de Sainte-Anne-de-Bellevue	5,205	5,314
Ville de Sainte-Marguerite-du-Lac-Masson	2,286	2,303
Village de Senneville	1,010	1,039
Ville de Westmount	19,973	20,055

8830

Gouvernement du Québec

O.C. 683-2008, 25 June 2008

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

Comptables en management accrédités — Legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre

Regulation respecting legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec

WHEREAS, under paragraph *q* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine which legal authorizations to practise a profession outside Québec give access to a permit or a specialist's certificate, and the conditions for the issue of the permit or the specialist's certificate that are applicable to the holders of the legal authorizations;

WHEREAS the Bureau of the Ordre professionnel des comptables en management accrédités du Québec made the Regulation respecting legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec

Code des professions
(R.S.Q., c. C-26, s. 94, par. *q*)

1. A legal authorization to practise as a certified management accountant issued in another province or Canadian territory gives access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec.

2. To obtain a permit from the Order for the purpose of practising as a certified management accountant in Québec, a person holding a legal authorization referred to in section 1 to practise as a certified management

accountant must make a written application to the secretary of the Order, submit proof that he or she holds the legal authorization and pay the file examination fees required pursuant to paragraph 8 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26).

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

8831

Gouvernement du Québec

O.C. 684-2008, 25 June 2008

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

Huissiers de justice
— Equivalence standards for the issue of permits by the Chambre
— Amendments

Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c*.1 of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Chambre des huissiers de justice du Québec made the Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendment;

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

THAT the Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *c* and *c*.1)

1. The Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec is amended by striking out "the Bureau of" wherever it appears in the second paragraph of section 1.

* The Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec, approved by Order in Council 504-2006 dated 7 June 2006 (2006, *G.O.* 2, 1730), has not been amended since its approval.

2. Section 5 is amended by replacing "the Bureau is to take into particular account the following factors" in the second paragraph by "the following factors are to be taken into particular account".

3. Section 10 is amended by adding the following at the end: "The Bureau must also inform the candidate of his or her right to apply for a review of the decision in accordance with section 11.".

4. Section 11 is replaced by the following:

"**11.** A candidate who is informed of the Bureau's decision not to grant the equivalence applied for may apply for a review, provided that the candidate applies to the secretary within 30 days of receiving the decision.

The review must take place within 60 days after the date on which the application is received by a committee formed by the Bureau, pursuant to paragraph 2 of section 86.0.1 of the Professional Code, and composed of persons other than members of the Bureau or the committee referred to in section 8.

Before disposing of the review application, the committee must inform the candidate of the date of the meeting at which the review application will be examined and of the candidate's right to make submissions.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date set for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date set for the meeting.

The written decision of the committee is final and must be sent to the candidate by registered mail within 30 days after the date of the meeting.".

5. Section 11, as introduced by section 4 of this Regulation, applies to a decision made before 24 July 2008 pursuant to section 9 of the Regulation respecting equivalence standards for the issue of permits by the Chambre des huissiers de justice du Québec, approved by Order in Council 504-2006 dated 7 June 2006, if the review period provided for in section 11 of the Regulation, as it reads before 24 July 2008 has not expired on the date of coming into force of this Regulation, and also applies to a review application in respect of which a decision has not been made before that date.

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

8832

Gouvernement du Québec

O.C. 685-2008, 25 June 2008

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

Denturologists
— Practice of denturology within a partnership or a joint-stock company

Regulation respecting the practice of denturology within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation respecting the practice of a profession within a partnership or a joint-stock company and, under paragraphs *g* and *h* of section 93 of the Code, the Bureau must then, by regulation, impose on its members the obligation to furnish and maintain security, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault or negligence in the practice of their profession and fix the conditions and procedure and, as appropriate, any fees applicable to a declaration made to the order;

WHEREAS the Bureau of the Ordre des denturologistes du Québec made the Regulation respecting the practice of denturology within a partnership or a joint-stock company;

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

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the Bureau under section 90 or 91, paragraph *d*, *g* or *h* of section 93, or paragraph *j*, *n* or *o* of section 94 of the Code must be transmitted for examination to the Office, which may approve it with or without amendment, and the same applies to any regulation under paragraph *p* of section 94 of the Code if it is not the first regulation made by the Bureau under that paragraph;

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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS the Office approved Division IV of the Regulation comprising sections 10 and 11 concerning security of the partnership or company and paragraph 1 of section 3 of the Regulation concerning the fee related to the declaration;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the practice of denturology within a partnership or a joint-stock company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the practice of denturology within a partnership or a joint-stock company

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

DIVISION I
GENERAL

1. Denturologists may, subject to the terms, conditions and restrictions established in this Regulation, carry on their professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

Denturologists must take reasonable measures to ensure that the company or partnership allows them to comply with the Professional Code, the Denturologists Act (R.S.Q., c. D-4) and the regulations made under that Code or that Act.

DIVISION II
CONDITIONS

2. Denturologists are authorized to carry on their professional activities within a limited liability partnership or a joint-stock company if at all times,

(1) all of the voting rights attached to the company shares or partnership units are held

(a) by a denturologist;

(b) by a legal person, partnership or joint-stock company or any other enterprise if the voting rights attached to the shares or units are held exclusively by a denturologist;

(c) by a trust whose trustee is a denturologist; or

(d) in any combination by a person, an enterprise or a trust referred to in subparagraphs *a*, *b* and *c*;

(2) no manufacturer, wholesaler, vendor or representative of products associated with the practice of denturology and no person holding a majority of the shares of such a manufacturer or wholesaler holds shares or units of the partnership or joint-stock company; and

(3) a majority of the directors of the board of directors of the joint-stock company or the partners or the directors appointed by the partners to manage the affairs of the limited liability partnership are denturologists and must constitute the majority of the quorum of such boards at all times.

Denturologists must ensure that the conditions listed in the first paragraph appear in the articles of the joint-stock company or in the contract of the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purposes of professional activities.

DIVISION III
OTHER TERMS, CONDITIONS OR RESTRICTIONS

3. A denturologist who wishes to carry on professional activities within a partnership or joint-stock company must, before starting to carry on the activities, provide the Order with the following:

(1) the declaration required by section 4 accompanied by a fee of $200;

(2) a written document from a competent authority certifying that the partnership or joint-stock company has complied with the security requirements as provided in Division IV;

(3) if the denturologist carries on professional activities within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;

(4) where applicable, a certified true copy of the declaration required under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) stating that the general partnership has been continued as a limited liability partnership;

(5) a written document from a competent authority certifying that the partnership or joint-stock company is registered in Québec; and

(6) an irrevocable written authorization from the partnership or joint-stock company within which the denturologist carries on professional activities allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 13 from a person, or to obtain a copy of such a document.

4. The denturologist must send to the Order a sworn declaration on the form provided by the Order containing

(1) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the denturologist carries on professional activities and the Québec business number assigned to them by the enterprise registrar;

(2) the legal form of the partnership or joint-stock company;

(3) the denturologist's name, member number and status within the partnership or joint-stock company;

(4) if the denturologist carries on professional activities within a joint-stock company, the address of the head office of the joint-stock company and the addresses of its establishments in Québec, and the names and home addresses of the directors and officers of the joint-stock company;

(5) if the denturologist carries on professional activities within a limited liability partnership, the addresses of the establishments in Québec indicating the principal establishment, the names and home addresses of the partners and, where applicable, the names and home addresses of the directors appointed to manage the affairs of the partnership;

(6) a written document provided by the denturologist certifying that the shares or units held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation;

(7) the names of the holders of shares or units referred to in subparagraph 1 of the first paragraph of section 2 with the percentage of voting rights held by each holder; and

(8) in the case of holders of shares or units referred to in subparagraph *b* or *c* of subparagraph 1 of the first paragraph of section 2, a document certifying that the conditions of those subparagraphs are met.

5. If more than one denturologist carries on professional activities within a partnership or joint-stock company, a representative must be designated who is to act on behalf of all the denturologists in the partnership or joint-stock company to satisfy the conditions of sections 3 and 4. The representative must reply for all the denturologists to requests made by the syndic, an assistant syndic, an inspector, an investigator or any other representative of the Order and submit, as applicable, the documents that the denturologists are required to submit.

The representative must be a member of the Order and carry on professional activities in Québec within the partnership or joint-stock company.

The representative must ensure the accuracy of the information given in the declaration referred to in section 4 except the home addresses of partners, directors and officers of the partnership or joint-stock company.

Denturologists carrying on professional activities within the same partnership or joint-stock company must inform the Order of any change of representative within 15 days of the date of the change.

6. A denturologist is exempt from satisfying the conditions in sections 3 and 4 and in the fourth paragraph of section 5 if a denturologist or a representative of the partnership or joint-stock company within which the denturologist carries on professional activities has already satisfied those conditions.

7. The documents referred to in paragraphs 2, 3 and 5 of section 3 and the information referred to in section 4 must be updated every year by the denturologist or the representative by 1 April at the latest on the form provided by the Order, accompanied by a fee of $200.

8. If a denturologist becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the denturologist must, within 15 days, take the necessary measures to comply, failing which the denturologist is no longer authorized to carry on professional activities within the partnership or joint-stock company.

9. A denturologist or the denturologist's representative must immediately inform the Order of the cancellation of the insurance coverage required by Division IV, of the striking off, dissolution, assignment of property, bankruptcy, voluntary or forced liquidation of the partnership or joint-stock company or other cause likely to prevent the partnership or joint-stock company from carrying on its activities, and of any change in the information given in the declaration that is contrary to the conditions set out in section 2.

DIVISION IV
PROFESSIONAL LIABILITY COVERAGE

10. To be authorized to carry on professional activities in accordance with this Regulation, a denturologist carrying on professional activities within a partnership or joint-stock company must furnish and maintain security on behalf of the partnership or joint-stock company by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, against liabilities of the partnership or joint-stock company arising from fault or negligence on the part of the denturologist in carrying on professional activities within the partnership or joint-stock company.

The suretyship contract must be with a bank, savings and credit union, trust or insurance company and provide that the surety will provide the coverage in accordance with the conditions of this Division and will pay, by waiving the benefit of division and discussion, in lieu of the partnership or joint-stock company up to the amount of the suretyship.

11. The following minimum conditions for the security must be set out in a specific rider or contract:

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the denturologist pursuant to the Regulation respecting professional liability insurance for denturologists (R.R.Q., 1981, c. D-4, r.2) up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to an injured third person on a claim filed during the coverage period and arising from fault or negligence on the part of the denturologist in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an amount of at least $1,000,000 per claim filed against the partnership or joint-stock company, subject to a limit of the same amount for all claims filed against the partnership or joint-stock company during a 12-month coverage period, regardless of the number of members in the partnership or joint-stock company;

(4) an undertaking by the insurer or surety that the security extends to all claims submitted in the five years following the coverage period during which a denturologist of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of the member while carrying on professional activities within the partnership or joint-stock company;

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice prior to any cancellation or amendment to the insurance or suretyship contract if the amendment affects a condition set out in this Regulation; and

(6) an undertaking by the insurer or surety to immediately notify the secretary of the Order that the insurance or suretyship contract has not been renewed.

DIVISION V
ADDITIONAL INFORMATION

12. Where a general partnership is continued as a limited liability partnership or where a joint-stock company or a limited liability partnership is established, the denturologist must ensure that the partnership or joint-stock company publishes, within 15 days of the occurrence, a notice to that effect in a newspaper distributed in each locality where it has an establishment.

The notice must specify in general terms the effects of the continuation or establishment, in particular with respect to the denturologist's professional liability.

13. The documents for which an authorization from the partnership or joint-stock company is required to communicate or obtain copies pursuant to paragraph 6 of section 3 are the following:

(1) if the denturologist carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement and amendments;

(c) an up-to-date register of the partners;

(d) where applicable, an up-to-date register of the directors; and

(d) a list of the partnership's principal officers and their home addresses;

(2) if the denturologist carries on professional activities within a joint-stock company,

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) an up-to-date register of the securities of the joint-stock company;

(c) an up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) a list of the partnership's principal officers and their home addresses.

DIVISION VI
TRANSITIONAL AND FINAL

14. Denturologists who carry on professional activities within a joint-stock company constituted for the purpose of carrying on professional activities before the date of coming into force of this Regulation must comply with this Regulation not later than one year following that date.

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

8833

Gouvernement du Québec

O.C. 686-2008, 25 June 2008

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

Denturologistes
— Code of Ethics

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

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

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

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

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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

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

1. The Code of Ethics of the Ordre des denturologistes du Québec is amended by replacing the heading of Chapter I by "GENERAL".

2. Section 1 is replaced by the following:

"**1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations to be discharged by every member of the Ordre des denturologistes du Québec.

1.1. A member of the Order shall take reasonable measures to ensure that persons who collaborate or cooperate with the member in his practice and any partnership or joint-stock company within which the member practises comply with the Denturologists Act (R.S.Q., c. D-4), the Professional Code and their regulations.

1.2. No member may permit other persons to carry out acts on the member's behalf that would, were the member to carry them out himself, place the member in violation of the Denturologists Act, the Professional Code or their regulations.

1.3. The duties and obligations under the Denturologists Act, the Professional Code and their regulations are not modified or reduced in any manner owing to the fact that a member practises within a partnership or joint-stock company.

1.4. A member shall ensure that the obligations towards the partnership or joint-stock company of which the member is a director or officer are not incompatible with the obligations towards the member's patient or employer.".

3. Section 2 is amended by adding the following at the end:

"A member shall act with dignity and avoid any method or attitude that is likely to damage the profession's good reputation.".

4. Section 3 is amended by replacing "on society" by "on the public".

5. The following is inserted after section 5.11:

"**5.11.1.** A denturologist using the graphic symbol of the Order in advertising may not suggest that the advertising emanates from the Order.".

6. The following is inserted after section 8:

"**8.1.** If a denturologist determines that the services for which the patient is retaining the denturologist may be provided in whole or in part in their essential aspects by another person, the denturologist shall so inform the patient.".

7. Section 15 is replaced by the following:

"**15.** A denturologist shall avoid any misrepresentation with respect to the denturologist's level of competence or the effectiveness of professional services or, if applicable, the competence or the effectiveness of the services provided by persons who carry on their activities within the same partnership or joint-stock company.".

8. Section 21 is replaced by the following:

"**21.** When property is entrusted to a denturologist by a patient, the denturologist shall use it with care. The denturologist may not use it for purposes other than those for which it was entrusted to the denturologist.

A denturologist who carries on professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when property is entrusted to the partnership or joint-stock company in connection with the professional activities.".

* The Code of Ethics of the Ordre des denturologistes du Québec approved by Order in Council 1011-85 dated 29 May 1985 (1985, *G.O.* 2, 1976) was last amended by the regulation approved by Order in Council 838-2003 dated 20 August 2003 (2003, *G.O.* 2, 2717). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

9. Section 27 is amended by replacing "ensure that such termination of service is not prejudicial to his patient" by "take the necessary conservatory measures to spare the patient serious and foreseeable prejudice".

10. Section 28 is replaced by the following:

"**28.** A denturologist shall assume civil liability in his practice. A denturologist may not include in a statement, advertisement or contract of professional services any clause that, directly or indirectly, fully or partially, excludes that liability. The denturologist may not invoke the liability of the partnership or joint-stock company as a ground for excluding or limiting his civil liability.".

11. Section 30 is replaced by the following:

"**30.** A denturologist shall subordinate personal interests and the interests of the partnership or joint-stock company within which the denturologist carries on professional activities or has an interest to those of his patient.".

12. Sections 32 to 34 are replaced by the following:

"**32.** A denturologist shall avoid any situation in which the denturologist would be in a conflict of interest, in particular where the interests are such that the denturologist might tend to favour certain of them over the patient's interests, or where the denturologist's judgment and loyalty towards the patient could be affected.

In all cases in which a denturologist carries on professional activities within a partnership or joint-stock company, conflict of interest situations shall be assessed with regard to all the patients or clients of persons with whom the denturologist carries on professional activities within the partnership or joint-stock company.

33. Where a denturologist carrying on professional activities within a partnership or joint-stock company is in a conflict of interest, the other denturologists shall, to avoid being considered in a conflict of interest themselves, take such reasonable measures as are required to ensure that confidential information or documents pertaining to the file are not disclosed.

Where professional activities are carried on within a partnership or joint-stock company, a denturologist who is in a conflict of interest and the other denturologists shall see that the measures apply to the persons who are not denturologists.

In assessing the effectiveness of the measures, the following factors in particular are taken into account:

(1) the size of the partnership or joint-stock company;

(2) the precautions taken to prevent access to the file by the denturologist who is in a conflict of interest;

(3) the instructions given for the protection of the confidential information or documents involved in the conflict of interest; and

(4) the isolation of the denturologist in a conflict of interest with respect to the person in charge of the file.

34. A denturologist may share fees only with

(1) a member of the Ordre des denturologistes du Québec; or

(2) a partnership or joint-stock company within which the denturologist is authorized to carry on professional activities.

34.1. A denturologist may not be party to an agreement in which the nature and extent of professional expenses can influence the quality of his practice.

Likewise, a denturologist may not be party to an agreement with another dental health professional in which the nature and extent of the professional expenses of the latter can influence the quality of his practice.

Any agreement entered into by the denturologist or a partnership or corporation of which he is a partner or shareholder regarding the enjoyment of a building or a space to carry on his professional activities must be entirely recorded in writing and include a statement that the obligations arising from the agreement comply with the provisions of the Code and a clause authorizing release of the agreement to the Ordre des denturologistes du Québec upon its request.".

13. Sections 35 and 36 are revoked.

14. Section 38 is replaced by the following:

"**38.** Except for the remuneration to which a denturologist is entitled, a denturologist may not receive, solicit or acquire any rebate, commission or other benefit relating to his practice. He may, however, accept customary tokens of appreciation and gifts of small value.

In addition, the denturologist may not pay, offer to pay or agree to pay any rebate, commission or other benefit relating to his practice.".

15. Section 40 is amended by inserting the following:

"**40.1.** A denturologist shall take reasonable measures to ensure that any person who cooperates or collaborates with the denturologist or carries on activities within the partnership or joint-stock company in which the denturologist carries on professional activities preserves the secrecy of all confidential information that becomes known to the denturologist in his practice.".

16. Section 46 is amended by inserting "or those of the partnership or joint-stock company within which the denturologist carries on professional activities" after "employees".

17. The following is inserted after section 52.1:

"**52.2.** Where a denturologist carries on professional activities within a joint-stock company constituted for the purpose of the activities, the fees belong to the joint-stock company, unless it is agreed otherwise.

The determination, billing and payment of fees is subject to the conditions set out in sections 48 to 57 and the member is personally responsible for seeing to their application.".

18. Section 53 is replaced by the following:

"**53.** A denturologist shall give the patient an estimate of the cost of the professional services before beginning the treatment. The denturologist shall refrain from receiving or requesting from his patient, patient's creditor or a third party, full advance payment of professional fees for services not provided. The denturologist may, however, receive or request reasonable advance fees for professional services.

A denturologist who practises within a partnership or joint-stock company shall ensure that the fees are always indicated separately on every invoice or statement of fees sent by the partnership or joint-stock company to the client.

If a treatment plan agreed upon must be modified, the denturologist shall without delay inform the patient of the additional fees that the modification will entail.".

19. Section 56 is revoked.

20. The following is inserted after Chapter IV:

"**DIVISION 0.1**
GENERAL OBLIGATION

57.1. A denturologist shall ensure that none of the activities in which he engages in connection with an office or within an enterprise, and which do not constitute the practice of the profession of denturologist, compromise compliance with the rules of professional conduct prescribed by this Code, including honour, dignity and integrity of the profession.".

21. Section 59 is replaced by the following:

"**59.** Acting as a manufacturer, wholesaler, vendor or representative of products associated with the practice of denturology other than for teaching, training, research or development purposes is incompatible with the practice of the profession of denturology.".

22. Section 61 is amended by adding the following after paragraph 18:

"(19) practising with other persons within a partnership or joint-stock company when the denturologist knows that one of the conditions, terms or restrictions pursuant to which the denturologist is authorized to so practise is not being met;

(20) practising within a partnership or joint-stock company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.".

23. The following is inserted after section 61:

"**61.0.1.** It is also derogatory to the dignity of the profession of denturology for a denturologist who carries on professional activities within a partnership or joint-stock company to

(1) fail to take reasonable measures to put an end to or prevent the repeated performance of an act derogatory to the dignity of the profession of denturology performed by another person who carries on professional activities within the partnership or joint-stock company and that was brought to the denturologist's attention at least 30 days previously;

(2) continue to carry on the activities within the partnership or joint-stock company if the representative of the partnership or joint-stock company for the Order or a director, officer or employee is still performing duties more than 10 days after being struck off the roll for more than three months or has had his permit revoked; or

(3) continue to carry on the activities within the partnership or joint-stock company if a shareholder or a partner has been struck off the roll for more than three months or has had his permit revoked, if

(a) the partner or shareholder still directly or indirectly exercises a voting right within the partnership or joint-stock company more than 10 days after the effective date of the striking off the roll or permit revocation; or

(b) the partner or shareholder has not divested himself of his shares or partnership units 180 days after the effective date of the striking off the roll or permit revocation.".

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

8834

Gouvernement du Québec

O.C. 687-2008, 25 June 2008

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

Dentistes
— Specialties and the terms and conditions for the issue of specialist's certificates by the Ordre
— Amendments

Regulation to amend the Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec

WHEREAS, pursuant to paragraph *e* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, define the different classes of specialization within the profession;

WHEREAS, pursuant to paragraph *i* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing specialist's certificates, in particular the obligation to serve periods of professional training and to pass professional examinations, and may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS the Bureau of the Ordre des dentistes du Québec made the Regulation to amend the Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec*

Professional Code
(R.S.Q., c. C-26, s. 94, par. *e* and *i*)

1. The second paragraph of section 3 of the Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec shall be amended by deleting the words "oral medicine or".

* The Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec was approved by O.C. 1361-94 of September 7, 1994 (1994, *G.O.* 2, 4145) and has not been amended since.

2. The second paragraph of section 6 of the said Regulation shall be deleted.

3. Section 1 of Schedule I of the said Regulation shall be amended:

1° By replacing paragraph (4) with the following:

"(4) "oral medicine": a dental specialty dealing with the oral health care of medically complex patients, and with the diagnosis and primarily non-surgical treatment of primary diseases of the oral cavity as well as systemic disorders and pain syndromes affecting the orofacial complex;";

2° By adding the following paragraphs at the end:

"(9) "oral and maxillofacial pathology": a dental specialty dealing with the study of the nature of diseases, the clinical and microscopic diagnosis, the management and primarily non-surgical treatment of diseases, systemic disorders, and lesions affecting the oral cavity and maxillofacial region;

(10) "oral and maxillofacial radiology": a dental specialty dealing primarily with the interpretation of diagnostic imaging obtained by diverse technologies in order to establish a radiographic diagnosis of diseases and conditions affecting the oral cavity and maxillofacial region."

4. Section 1 of Schedule II of the said Regulation shall be amended by adding the following paragraphs at the end:

"(9) oral and maxillofacial pathology: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(10) oral and maxillofacial radiology: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order."

5. Any specialist's certificate in oral medicine issued by the Order before 24 July 2008 shall become:

(1) a certificate in oral medicine, for the holder of a certificate in oral medicine comprising the option of diagnostic oral medicine and dental therapeutics;

(2) a certificate in oral and maxillofacial pathology, for the holder of a certificate in oral medicine comprising the option of oral pathology;

(3) a certificate in oral and maxillofacial radiology, for the holder of a certificate in oral medicine comprising the option of oral radiology.

6. The present Regulation shall come into force on the fifteenth day following the date of its publication in the *Gazette Officielle du Québec*.

8835

Gouvernement du Québec

O.C. 688-2008, 25 June 2008

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

Veterinary surgeon
— Practice of the profession within a partnership or a joint-stock company

Regulation respecting the practice of the profession of veterinary surgeon within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation respecting the practice of the profession within a partnership or a joint-stock company and, under paragraphs *g* and *h* of section 93 of the Code, the Bureau must then, by regulation, impose on its members the obligation to furnish and maintain security, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault or negligence in the practice of their profession and fix the conditions and procedure and, as appropriate, any fees applicable to a declaration made to the order;

WHEREAS the Bureau of the Ordre des médecins vétérinaires du Québec made the Regulation respecting the practice of the profession of veterinary surgeon within a partnership or a joint-stock company;

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

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the Bureau under section 90 or 91, paragraph *d*, *g* or *h* of section 93, or paragraph *j*, *n* or *o* of section 94 of the Code must be transmitted for examination to the Office, which may approve it with or without amendment, and the same applies to any regulation under paragraph *p* of section 94 of the Code if it is not the first regulation made by the Bureau under that paragraph;

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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS the Office approved Division III of the Regulation comprising sections 10 and 11 concerning security of the partnership or company and paragraph 7 of section 3 of the Regulation concerning the fee applicable to the declaration;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the practice of the profession of veterinary surgeon within a partnership or a joint-stock company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the practice of the profession of veterinary surgeon within a partnership or a joint-stock company

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *g* and *h* and s. 94, par. *p*)

DIVISION I
TERMS AND CONDITIONS OF PRACTICE

1. Veterinary surgeons may carry on their professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) if, at all times,

(1) 100% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by veterinary surgeons;

(b) by legal persons, trusts or other enterprises whose voting rights attached to the shares or units of the partnership or joint-stock company or other securities are held entirely by at least one veterinary surgeon; or

(c) by a combination of the persons, trusts or other enterprises referred to in subparagraphs *a* and *b*;

(2) in the case of a joint-stock company, all the non-voting shares are held

(a) by veterinary surgeons;

(b) by relatives of or persons connected by marriage to a veterinary surgeon holding shares referred to in subparagraph 1;

(*c*) by the spouse of a veterinary surgeon holding shares referred to in subparagraph 1;

(d) by an employee of the joint-stock company;

(e) by legal persons, trusts or other enterprises whose voting rights attached to the shares or units of the partnership or joint-stock company or other securities are held entirely by a person referred to in subparagraph *a*, *b*, *c* or *d*; or

(f) by a combination of the persons, trusts or other enterprises referred to in subparagraph *a, b, c*, *d* or *e;*

(3) no manufacturer or wholesaler of medications or food for animals and no person holding the majority of the shares of such a manufacturer or wholesaler holds shares or units of the partnership or joint-stock company;

(4) the majority of the directors of the board of directors of the joint-stock company or the directors of the limited liability partnership are veterinary surgeons. To constitute a quorum at a meeting of the directors of a partnership or joint-stock company, the majority of the members present must be veterinary surgeons if they are to commit the partnership or joint-stock company;

(5) the chair of the board of directors of the joint-stock company or the person who performs similar duties within a limited liability partnership is a veterinary surgeon and, as the case may be, a voting shareholder or a partner; and

(6) only a veterinary surgeon is granted, by voting agreement or proxy, the voting rights attached to a share or unit held by a veterinary surgeon or by a legal person, a trust or other enterprise referred to in subparagraph *b* of subparagraph 1 of the first paragraph.

Veterinary surgeons must ensure that the conditions set out in the first paragraph appear in the articles of constitution of the joint-stock company or in the contract constituting the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

2. If a veterinary surgeon is struck off the roll for a period in excess of three months or has had his or her permit revoked, the veterinary surgeon may not, during the period of the striking off or revocation, directly or indirectly hold any units in a partnership or shares in a joint-stock company referred to in section 1.

3. To be able to carry on professional activities within a partnership or joint-stock company referred to in section 1, a veterinary surgeon must, before beginning to practise, provide the secretary of the Order with

(1) a written document from a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Division III;

(2) a written document from a competent authority certifying the existence of the joint-stock company, if the veterinary surgeon carries on professional activities within a joint-stock company;

(3) where applicable, a certified true copy of the declaration from the competent authority attesting to the continuance of the general partnership as a limited liability partnership;

(4) a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(5) a written document certifying that the partnership or joint-stock company has an establishment in Québec;

(6) an irrevocable written authorization from the partnership or joint-stock company within which the veterinary surgeon practises allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to obtain from a person any document listed in section 13 or a copy of such a document; and

(7) the sworn declaration referred to in section 4, along with a fee of $150.

4. A veterinary surgeon must make a sworn declaration on the form provided by the Order, containing

(1) the partnership or joint-stock company name and any other names used in Québec by every partnership or joint-stock company within which the veterinary surgeon practises and the business number assigned to them by the competent authority;

(2) the legal form of the partnership or joint-stock company;

(3) if the veterinary surgeon practises within a joint-stock company, the address of the head office of the joint-stock company and of its establishments in Québec, and the names and home addresses of the directors and officers of the joint-stock company;

(4) if the veterinary surgeon practises within a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, the names and home addresses of all the partners and, where applicable, the names and addresses of the directors appointed by the partners to manage the affairs of the partnership;

(5) the veterinary surgeon's name, home address and professional domicile and status within the partnership or joint-stock company; and

(6) a written document by the veterinary surgeon certifying that the shares or units held and the rules of administration of the partnership or joint-stock company are in conformity with the conditions set out in this Regulation.

5. A veterinary surgeon must

(1) update and provide the Order, before March 31 of each year, with the sworn declaration sent pursuant to section 4, along with a fee of $100; and

(2) promptly notify the Order of any change in the security required by Division III or in the information given in the declaration sent pursuant to section 4 that may affect compliance with the conditions set out in this Regulation.

6. A veterinary surgeon immediately ceases to be authorized to practise within a partnership or joint-stock company if the veterinary surgeon no longer satisfies the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code.

DIVISION II
REPRESENTATIVE

7. Where two or more veterinary surgeons carry on their professional activities within the same partnership or joint-stock company, a representative must be designated to act on behalf of all the veterinary surgeons carrying on their professional activities within the partnership or joint-stock company to satisfy the terms and conditions in sections 3 to 5.

The representative must ensure the accuracy of the information given in the declaration, except the information referred to in paragraph 5 of section 4.

The representative is also mandated by the veterinary surgeons carrying on their professional activities within the partnership or joint-stock company to reply to requests made, pursuant to this Regulation, by the syndic, an inspector, an investigator or any other representative of the Order and provide, where applicable, documents the veterinary surgeons are required to submit.

8. The representative must be a veterinary surgeon who is either a partner or a company director and a voting shareholder.

9. A veterinary surgeon is exempt from satisfying the terms and conditions in sections 3 to 5 if the representative of the partnership or joint-stock company within which the veterinary surgeon practises has already satisfied the conditions.

DIVISION III
PROFESSIONAL LIABILITY COVERAGE

10. To be authorized to practise in accordance with this Regulation, a veterinary surgeon must furnish and maintain security on behalf of the partnership or joint-stock company by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, against liabilities of the partnership or joint-stock company arising from fault or negligence on the part of the members practising within the partnership or joint-stock company.

11. The following minimum conditions for the security must be set out in a specific rider or contract:

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the veterinary surgeon pursuant to the Regulation respecting professional liability insurance for veterinary surgeons, approved by Order in Council 287-92 dated 26 February 1992, or any other coverage taken out by the member if it is greater, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault or negligence on the part of the veterinary surgeon in the practice of the profession;

(2) an undertaking by the insurer or surety to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an undertaking by the insurer or surety that the security extends to all claims submitted in the five years following the coverage period during which a member of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a veterinary surgeon, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of that member while practising the profession within the partnership or joint-stock company;

(4) a stipulation of an amount of at least $1,000,000 per claim for all claims filed against the partnership or joint-stock company during a 12-month coverage period; and

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice of intent to cancel the insurance or suretyship contract, to amend a condition set out in this section or not to renew the contract.

DIVISION IV
ADDITIONAL INFORMATION

12. On a general partnership being continued as a limited liability partnership, or a joint-stock company or limited liability partnership being constituted, a veterinary surgeon must, within 15 days of the occurrence, ensure that the partnership or joint-stock company so notifies its clients.

The notice must specify, in general terms, the effects of the continuation or constitution, in particular as regards the veterinary surgeon's professional liability.

13. The documents that may be required pursuant to paragraph 6 of section 3 are the following:

(1) if the veterinary surgeon carries on professional activities within a joint-stock company,

(a) the up-to-date register of the articles and by-laws of the joint-stock company;

(b) the up-to-date register of the shares of the joint-stock company;

(c) the up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement, and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) the complete and up-to-date list of the names and home addresses of the company's principal officers;

(2) if the veterinary surgeon carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement, and amendments;

(c) the up-to-date register of the partners;

(d) where applicable, the up-to-date register of the directors; and

(e) the complete and up-to-date list of the names and home addresses of the partnership's principal officers.

DIVISION V
INCOME

14. If a veterinary surgeon practises within a partnership or joint-stock company, the income derived from professional services performed by the veterinary surgeon within and on behalf of the partnership or joint-stock company belong to it, unless agreed otherwise.

DIVISION VI
FINAL

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

8836

Gouvernement du Québec

O.C. 689-2008, 25 June 2008

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

Architectes
— Conciliation and arbitration procedure for the accounts of members of the Ordre
— Amendments

Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS the Bureau of the Ordre des architectes du Québec made the Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec;

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

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec*

Professional Code
(R.S.Q., c. C-26, s. 88)

1. The Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec is amended by replacing section 1 by the following:

"**1.** A client who has a dispute with an architect concerning the amount of an account for professional services that has been paid in whole or in part may file a written application for conciliation with the secretary of the Order within 120 days of the date of receipt of the account.

On receiving an application for conciliation, the secretary of the Order shall send a copy of this Regulation to the client and designate a conciliator.

The conciliator shall be designated from among the persons registered on a list drawn up for that purpose by the Bureau.".

2. Section 2 is replaced by the following:

"**2.** Where an architect has withdrawn or withheld sums as payment of an account from funds the architect holds or has received for or on behalf of the client, the time limit to apply for conciliation of the account runs from the time the client becomes aware that such sums have been withdrawn or withheld.".

3. Section 3 is amended by replacing "the member and his" by "an architect and the architect's".

4. Section 4 is amended

(1) by replacing "A member" by "An architect";

(2) by replacing "45-day period" by "120-day period".

5. Section 5 is replaced by the following:

"**5.** Within 10 days of receiving an application for conciliation, the secretary of the Order shall notify the architect concerned in writing. If the architect cannot be informed personally, a notice sent to the architect's office is deemed to have been given to the architect.

Once the secretary of the Order has received the application for conciliation, the architect may not institute proceedings to recover the account so long as the dispute may be settled by conciliation or arbitration.

Despite the foregoing, an architect may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).".

6. Section 7 is amended by replacing "the member" by "the architect".

7. Section 8 is amended

(1) by replacing "member" wherever it appears by "architect";

(2) by striking out "by registered or certified mail" in the first paragraph;

(3) by replacing "a settlement" in subparagraph 3 of the second paragraph by "settlement";

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

"The conciliation report referred to in this section is confidential. The conciliation report may not be invoked in connection with a judicial proceeding or arbitration, including arbitration under Division II initiated for the recovery of an account, unless both parties consent.".

8. Section 9 is amended

* The Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec, approved by Order in Council 164-93 dated 10 February 1993 (1993, *G.O.* 2, 832), has not been amended since.

(1) by adding "together with the amount that the client acknowledges owing, if any" at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

"Where the application for arbitration is filed after the expiry of the period referred to in the first paragraph, arbitration may be held under this Regulation if both parties consent in writing and not more than 90 days have elapsed since the receipt of the conciliation report.".

9. Section 10 is replaced by the following:

"**10.** The secretary of the Order shall, within 10 days of receiving an application for arbitration, notify the architect concerned in writing and send a copy of the application for arbitration to the architect. If the architect cannot be informed personally, a notice sent to the architect's office is deemed to have been given to the architect.".

10. Section 11 is replaced by the following:

"**11.** An application for arbitration may not be withdrawn unless it is withdrawn in writing with the consent of the architect.".

11. Section 12 is amended

(1) by replacing "A member" in the first paragraph by "An architect" and by striking out ", who shall then remit it to the client";

(2) by striking out the second paragraph.

12. The following is inserted after section 12:

"**12.1.** The amount deposited pursuant to section 9 or 12 shall be remitted by the secretary of the Order to the party in whose favour the acknowledgment has been made.

In that case, the arbitration shall proceed and pertain only to the amount still in dispute.".

13. Section 14 is amended

(1) by replacing "$2 500" wherever it appears by "$10,000";

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

"In the first case, the dispute may also be heard by a single arbitrator, at the request of all the parties.".

14. Section 15 is replaced by the following:

"**15.** The administrative committee shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of three arbitrators, shall designate the chair of the council.

Despite the first paragraph, where the council of arbitration is composed of three arbitrators, one of them may be a person other than an architect.".

15. Section 16 is replaced by the following:

"**16.** Before acting, the members of the council of arbitration shall take the oath in Schedule II to the Professional Code (R.S.Q., c. C-26).".

16. Section 27 is replaced by the following:

"**27.** In its award, the council of arbitration may uphold or reduce the amount of the account in dispute, and may also determine the reimbursement, if any, to which a party may be entitled. For those purposes, the arbitration council may take into consideration the quality of services rendered.".

17. Section 28 is replaced by the following:

"**28.** In its award, the council of arbitration shall award arbitration expenses, which are the expenses incurred by the Order for the arbitration. Despite the foregoing, the total amount of the arbitration expenses may in no case exceed 15% of the amount to which the arbitration pertains.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code from the date of the application for conciliation.

Where an agreement is reached between the parties before the arbitration award, the council shall nevertheless award arbitration expenses in accordance with this section.".

18. Section 29 is replaced by the following:

"**29.** The arbitration award is final, without appeal, is binding on the parties and is subject to compulsory execution in accordance with articles 946 to 946.6 of the Code of Civil Procedure.".

19. Section 30 is replaced by the following:

"**30.** The arbitration award shall be filed with the secretary of the Order who shall send it to each party or to their advocates and to the syndic within 10 days after being filed.".

20. Schedule I is amended

(1) by replacing "member's name" and "name of member" by "architect's name";

(2) by striking out paragraph 2.

21. Schedule II is revoked.

22. The provisions that this Regulation replaces, amends or revokes continue to apply to an application for conciliation received by the conciliator or to an application for arbitration received by the secretary of the Order before 24 July 2008.

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

8837

Gouvernement du Québec

O.C. 691-2008, 25 June 2008

An Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3)

Application of the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act to the police force of the Naskapi Village of Kawawachikamach

WHEREAS, under paragraphs 1 and 2 of section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3), the duties of the Minister of Public Security are, among other things, to administer the laws respecting the police and to further the coordination of police activities;

WHEREAS, under paragraph 13.1.6 of section 13 of the Northeastern Quebec Agreement, the Naskapi local authority shall establish by by-law the requirements and standards for the appointment of special constables and for the creation of a community police force, in accordance with special legislation that will be adopted by Québec permitting the establishment and operation of such police force;

WHEREAS, pursuant to that Agreement, the Police Act (1968, c. 17) was amended by the Act respecting the police force of Cree villages and of the Naskapi village (1979, c. 35) to authorize the Naskapi Village of Kawawachikamach to establish by by-law and to maintain a police force on its territory;

WHEREAS, on 17 July 1997, at a duly called meeting held in the territory of that municipality, the council of the Naskapi Village of Kawawachikamach made by-law No. 10 to establish, in Category IA-N lands, the Naskapi police force composed of special constables in accordance with section 79.1 of the Police Act (R.S.Q., c. P-13);

WHEREAS, under section 351 of the Police Act (R.S.Q., c. P-13.1), the provisions of sections 79.1 to 79.9 and 99 of the Police Act (R.S.Q., c. P-13), as they read on 15 June 2000, continue to apply to a police force that the Naskapi Village is authorized to establish until the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act are made applicable to it by government order;

WHEREAS the Gouvernement du Québec and the Naskapi Village of Kawawachikamach agree that that police force should be governed by the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security and the Minister responsible for Canadian Intergovernmental Affairs, Aboriginal Affairs, Francophones within Canada, the Reform of Democratic Institutions and Access to Information:

THAT the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act (R.S.Q., c. P-13.1) be applicable to the police force of the Naskapi Village of Kawawachikamach.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8838

Gouvernement du Québec

O.C. 694-2008, 25 June 2008

An Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3)

Terms and conditions respecting the signing of certain deeds, documents and writings — Amendments

Amendments to the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique

WHEREAS, under section 12 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3), no deed, document or writing is binding on the Minister or may be attributed to the Minister unless it is signed by the Minister, by the Deputy Minister or by a member of the staff of the department and only, in the case of such a member, to the extent determined by the Government;

WHEREAS, under section 14 of the Act, any document or copy of a document emanating from the department or forming part of its records, signed or certified by a person referred to in section 12, is authentic;

WHEREAS, by Order in Council 356-2004 dated 7 April 2004, the Government made the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique;

WHEREAS the Terms and conditions were amended by Order in Council 708-2006 dated 8 August 2006;

WHEREAS it is expedient to further amend the Terms and conditions to reflect the new administrative reality of the department;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Amendments to the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique, attached as a Schedule to this Order in Council, be made;

THAT the Amendments come into force on the date of their publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil excécutif

SCHEDULE

Amendments to the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique *

An Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3)

1. Section 2 of the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique is amended by replacing paragraph 1 by the following:

"(1) proposals concerning immovable property made by the Société immobilière du Québec, occupancy agreements to be entered into with the Société and their riders, as well as contracts for the administration of immovables;".

2. The following is inserted after section 3:

"**4.** The director of immovable management of the Direction générale des services à la gestion is authorized to sign, up to the amounts specified, where applicable,

(1) proposals concerning immovable property made by the Société immobilière du Québec where their annual impact on the rent is less than $75,000;

(2) proposals for layout work made by the Société immobilière du Québec up to $400,000;

(3) occupancy agreements to be entered into with the Société immobilière du Québec and their riders; and

(4) contracts for the administration of immovables up to $25,000.".

3. Section 8 is amended

* The Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère de la Sécurité publique, made by Order in Council 356-2004 dated 7 April 2004 (2004, *G.O.* 2, 1282), were amended once by Order in Council 708-2006 dated 8 August 2006 (2006, *G.O.* 2, 2937).

(1) by replacing “an operations director” by “an assistant warden of a house of detention”;

(2) by inserting “, a professional services director, a transportation and appearance services director” after “administrative services director”.

4. The following is inserted after section 8:

“**8.1.** A financial and material resources director of a house of detention is authorized to sign, for the purpose of fulfilling his or her mandate, supply contracts, professional or auxiliary services contracts and contracts for the administration of immovables up to $5,000.”.

5. Section 9 is amended

(1) by replacing “funds for the benefit of confined persons” in the part preceding paragraph 1 by “Fonds au soutien de la réinsertion sociale”;

(2) by replacing “an operations director” in paragraph 3 by “an assistant warden of a house of detention”;

(3) by inserting “, a professional services director, a transportation and appearance services director” in paragraph 3 after “administrative services director”.

6. Section 10 is amended by replacing “8” by “8.1”.

7. Section 12 is replaced by the following:

“**12.** A member of the staff of the department is authorized, in the performance of the member’s duties and for the purpose of fulfilling the mandate of the administrative unit to which the member is attached, to sign documents for the acquisition of goods and services up to $1,000.”.

8839

Gouvernement du Québec

O.C. 695-2008, 25 June 2008

Police Act
(R.S.Q., c. P-13.1)

Police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction

Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction

WHEREAS, according to section 70 of the Police Act (R.S.Q., c. P-13.1), a municipal police force must provide, in the territory under its jurisdiction, services of the level applicable to the police force according to the population to be served;

WHEREAS section 81 of the Act provides that the Government determines by regulation the police services each category of municipality must provide, in conformity with the levels established in section 70;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction was published in Part 2 of the *Gazette officielle du Québec* of 12 March 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction

Police Act
(R.S.Q., c. P-13.1, s. 81)

CHAPTER I
GENERAL

1. Municipal police forces and the Sûreté du Québec must provide police services in accordance with the level applicable to them under sections 70 and 71 of the Police Act (R.S.Q., c. P-13.1) as set out in the following chapter. The Sûreté du Québec provides services of a higher level than those required of municipal police forces as well as level 6 services.

CHAPTER II
POLICE SERVICES PER LEVEL

2. Level 1 (population less than 100,000) consists of the following services:

(1) **Policing**

(a) round-the-clock patrol;

(b) response to any request for help from a citizen within a reasonable time and dispatching;

(c) road patrolling;

(d) enforcement of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) and off-road vehicle and snowmobile trail patrol;

(e) recreational boating safety;

(f) transportation of accused persons;

(g) hit and run incidents;

(h) prevention programs;

(i) crime scene securing;

(j) containment.

(2) **Investigations**

Subject to the obligations corresponding to higher levels, the criminal or penal offences under the jurisdiction of police forces consist of the following:

(a) kidnapping;

(b) sexual assault;

(c) sexual offences;

(d) child pornography when caught in the act;

(e) assault;

(f) fatal work injury, in cooperation with the Sûreté du Québec;

(g) robbery;

(h) taxing;

(i) extortion of vulnerable persons or persons who depend on their family circle;

(j) breaking and entering;

(k) fire;

(l) auto theft;

(m) production, trafficking and possession of illicit drugs at local or street level;

(n) street prostitution;

(o) bad cheques, credit card or debit card fraud;

(p) scams, false pretences, false statements;

(q) theft and possession of stolen goods;

(r) offence-related property;

(s) vehicle accidents;

(t) mischief;

(u) criminal offence causing death or life-threatening bodily injuries, committed while driving a vehicle, in cooperation with the Sûreté du Québec;

(v) reckless driving;

(w) impaired driving;

(x) street gang crime;

(y) suspicious object or bomb threat, if negative;

(z) weapons and discovery of explosives;

(aa) use of counterfeit money;

(bb) death under mysterious circumstances;

(cc) death or bodily harm threatening the life of a child under three years of age, in cooperation with the Sûreté du Québec;

(dd) disappearances;

(ee) runaways.

(3) **Emergency measures**

(a) peaceful crowd control;

(b) rescue operations;

(c) forest search and rescue;

(d) emergency response to local disaster.

(4) **Support services**

(a) crime scene dusting and photography;

(b) production and pooling of tactical and operational criminal intelligence relating to persons, groups or phenomena affecting their territory;

(c) significant contribution to criminal intelligence exchanges between police forces and bodies in charge of enforcing the law;

(d) management of human sources of intelligence;

(e) routine contribution to the Violent Crime Linkage Analysis System (ViCLAS), the Québec criminal intelligence data bank and the Sûreté du Québec fingerprint bank;

(f) detention;

(g) custody of exhibits;

(h) court liaison;

(i) taking of a bodily substance for forensic DNA analysis;

(j) warrant management and tracking of individuals;

(k) police records management;

(l) public affairs;

(m) Québec Police Intelligence Centre (QPIC) input and retrieval;

(n) internal affairs;

(o) technical equipment and use of force instructor;

(p) services of a breath analysis expert;

(q) bertillonage;

(r) information collection for the registration of sex offenders under the Sex Offender Information Registration Act (S.C. 2004, c. 10);

(s) low-risk dynamic intervention;

(t) entry of data in the Québec data bank on recovered firearms.

3. Level 2 (population ranging from 100,000 to 199,999 or less if it is part of a municipality referred to in section 71 of the Act) consists of the following services, in addition to the services listed for Level 1:

(1) **Investigations**

(a) murder with imminent arrest;

(b) criminal negligence causing death;

(c) attempted murder;

(d) fatal work injury;

(e) financial institution or armoured car robbery;

(f) fire involving fatality;

(g) series of fires;

(h) major fire involving commercial, industrial, institutional, government or community buildings;

(i) commercial or real estate fraud;

(j) illegal lottery;

(k) criminal offence causing death or life-threatening bodily injuries, committed while driving a vehicle;

(l) production, trafficking and possession of illicit drugs involving suppliers of local or street dealers;

(m) freight theft;

(n) criminal offence committed by a crime ring;

(o) keeping a common gaming or betting house and cheating;

(p) counterfeit money offences.

(2) **Emergency measures**

(a) crowd control involving risk of disturbance.

(3) **Support services**

(a) crime scene and criminal identification expert;

(b) fire scene expert;

(c) reconstructionist (collision investigation);

(d) vehicle identification;

(e) computer-generated composite sketching;

(f) production and pooling of strategic criminal intelligence relating to persons, groups or phenomena affecting their territory.

4. Level 3 (population ranging from 200,000 to 499,999) consists of the following services, in addition to the services listed for Level 1 and Level 2:

(1) **Investigations**

(a) murder;

(b) life-threatening kidnapping;

(c) extortion;

(d) fatal aircraft accident;

(e) proceeds of crime;

(f) production, trafficking and possession of illicit drugs involving high-level suppliers;

(g) gang crime corresponding to applicable service level;

(h) criminal offence committed by criminal organizations operating on an inter-regional basis, in cooperation with the Sûreté du Québec;

(i) child pornography;

(j) procuring;

(k) common bawdy-house;

(l) event involving a police force, upon request by the Minister;

(m) computer data mischief or theft;

(n) theft, illegal use or possession of explosives without lawful excuse;

(o) death or bodily harm threatening the life of a child under three years of age.

(2) **Emergency measures**

(a) Intervention involving armed and barricaded suspect (no shots fired, no hostages).

(3) **Support services**

(a) physical surveillance;

(b) database retrieval;

(c) infiltration;

(d) analysis of pure version statements;

(e) dog team (drugs, guarding and tracking);

(f) special unit;

(g) moderate-risk intervention;

(h) return to Québec of an individual who has contravened a decision or order of the Commission d'examen des troubles mentaux.

5. Level 4 (population ranging from 500,000 to 999,999) consists of the following services, in addition to the services listed for Levels 1, 2 and 3:

(1) **Investigations**

(a) murder or attempted murder committed by criminal organizations operating on an inter-regional basis, in cooperation with the Sûreté du Québec.

(2) **Emergency measures**

(a) crowd control involving high risk of disturbance or riot, in cooperation with the Sûreté du Québec;

(b) intervention involving barricaded and armed suspect, and shots fired.

(3) **Support services**

(a) electronic surveillance;

(b) high-risk intervention;

(c) special weapons and tactics team.

6. Level 5 (population 1,000,000 or more) consists of the following services, in addition to the services listed for Levels 1, 2, 3 and 4:

(1) **Policing**

(a) recreational boating safety on the St. Lawrence River.

(2) **Investigations**

(a) terrorist incident management;

(b) importation and exportation of illicit drugs, in cooperation with the Sûreté du Québec;

(c) weapons and explosives trafficking;

(d) extraprovincial kidnapping;

(e) betting and bookmaking;

(f) criminal offence committed by a ring operating on an inter-regional basis;

(g) judicial or municipal civil servant corruption;

(h) commercial or real estate fraud committed by a person or an entity referred to in the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (S.C. 2000, c. 17) and its regulations.

(3) **Emergency measures**

(a) helicopter operations;

(b) crowd control involving high risk of disturbance or riot;

(c) intervention involving hostages or an active shooter.

(4) **Support services**

(a) underwater diving;

(b) defusing and handling of explosives (explosives experts);

(c) infiltration at top level of criminal organization;

(d) polygraph and hypnosis;

(e) dog team (explosives);

(f) operations security intelligence;

(g) evaluation and protection of justice collaborators;

(h) video interrogation support;

(i) use of undercover civil agents.

7. Level 6 establishing the jurisdiction of the Sûreté du Québec consists of the following services, in addition to the services listed for Levels 1, 2, 3, 4 and 5:

(1) **Investigations**

(a) coordination of investigations during unusual events;

(b) coordination of investigations of murders and assaults by predator;

(c) police cooperation to counter organized crime;

(d) crime relating to State revenues, security or integrity;

(e) coordination of investigations of series of fires at inter-regional level;

(f) criminal offence by a ring operating in and outside Québec;

(g) misappropriation of funds;

(h) fraudulent securities transactions;

(i) crime within provincial or federal detention centres;

(j) cybersurveillance;

(k) international judicial cooperation.

(2) **Emergency measures**

(a) coordination of recovery operations and maintenance of order during emergencies or civil disturbances of provincial scope.

(3) **Support services**

(a) protection of international VIPs;

(b) protection of the National Assembly;

(c) State security investigations and intelligence;

(d) security and integrity of government computer systems;

(e) ViCLAS coordination;

(f) criminal profiling;

(g) composite sketching;

(h) specialized criminal identification;

(i) centralized fingerprint database;

(j) Interpol liaison;

(k) QPIC management;

(l) permanent emergency service unit;

(m) coordination and registration of information in the National Sex Offender Registry.

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

8840

Gouvernement du Québec

O.C. 704-2008, 25 June 2008

Tobacco Act
(R.S.Q., c. T-0.01)

Regulation

Regulation under the Tobacco Act

WHEREAS, under the second paragraph of section 19 of the Tobacco Act (R.S.Q., c. T-0.01), the Government may make regulations specifying any tobacco product that may not be sold in a package containing less than the prescribed quantities or portions;

WHEREAS, under subparagraphs 1, 2 and 4 of the first paragraph of section 25 of the Act, the Government may make regulations determining standards relating to advertising and promotion, prescribing standards relating to the display of specialized publications about tobacco or about accessories that may be used for tobacco smoking, and determining standards relating to the displays permitted in tobacco retail outlets under subparagraph 9 of the first paragraph of section 24 of the Act;

WHEREAS, under section 29.1 of the Act, the Government may, by regulation, specify any other product or class of product considered to be tobacco;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation under the Tobacco Act was published in Part 2 of the *Gazette officielle du Québec* of 5 March 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments after consideration of comments received following the publication;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation under the Tobacco Act, the text of which is attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation under the Tobacco Act

Tobacco Act
(R.S.Q., c. T-0.01, s. 19, s. 25, 1st par., subpars. 1, 2 and 4, and s. 29.1)

1. For the purposes of the Tobacco Act (R.S.Q., c. T-0.01), any product that does not contain tobacco and is intended to be smoked is considered to be tobacco.

2. In a tobacco retail outlet, all advertising disseminated pursuant to subparagraph 9 of the first paragraph of section 24 of the Act must be displayed on one display board only.

The display board must be fixed, rectangular, flat and opaque, and not have a raised surface. Only one of its sides, having a maximum surface area of 3,600 cm^2, may display the advertising, which may be written or printed directly on the board or posted on it by means of a sign. In the latter case, the sign must be affixed to the board, not be embossed and not extend beyond the edges of the display board.

The display board and any sign it may contain must be white and the characters of the text of the advertising appearing on it must be black.

3. The display board referred to in section 2 may display no advertising other than the advertising referred to in that section.

No lighting, sound or other effect may be used to draw the attention of the public to the advertising.

4. In a printed newspaper or magazine, advertising disseminated pursuant to subparagraph 8 of the first paragraph of section 24 of the Act must

(1) be rectangular, have a maximum area of 400 cm^2, be high and wide enough to hold the warning concerning the harmful effects of tobacco on health prescribed by regulation of the Minister of Health and Social Services and be bordered by a line that is not less than 0.5 nor more than 1.5 points wide; and

(2) not appear on the first, second or last page of the newspaper or magazine and be printed on paper of the same size and quality as that usually used in the newspaper or magazine.

The advertising space may contain no advertising other than the advertising to which this section refers. If several tobacco advertisements are disseminated in the same printed newspaper or magazine, they must be grouped to appear on one or, if need be, two or more successive pages.

5. Specialized publications about tobacco or accessories that may be used for tobacco smoking on sale in a business must be displayed in such a manner as to be visible only from the inside of the business. The copies of each issue of the publications must be placed one above the other so that only one copy of each issue may be visible at once.

No lighting, sound or other effect may be used to draw the attention of the public to the publications.

6. Subject to the provisions of section 19 of the Act and the provisions of the second paragraph of this section, the operator of a tobacco retail outlet may not sell a tobacco product except in a package that contains at least ten units of the product.

The prohibition in the first paragraph is not applicable if, within one sale, the amount paid by a consumer for the purchase of one or several tobacco products, other than cigarettes, is higher than $5.00.

The price in the second paragraph is increased to $10.00 on 1 June 2009.

7. The violation of any of sections 2 to 6 constitutes an offence.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 4 which comes into force on the sixtieth day following the date of its publication.

8841

Gouvernement du Québec

O.C. 705-2008, 25 June 2008

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Fees payable for the issue or renewal of a specialized medical center permit

Regulation respecting the fees payable for the issue or renewal of a specialized medical centre permit

WHEREAS, under paragraph 21.1 of section 505 of the Act respecting health services and social services (R.S.Q., c. S-4.2), as amended by section 31 of chapter 43 of the Statutes of 2006, the Government may, by regulation, prescribe the fees payable for the issue or renewal of a specialized medical centre permit;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the fees payable for the issue or renewal of a specialized medical centre permit was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments to take into account the comments received;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting the fees payable for the issue or renewal of a specialized medical centre permit, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the fees payable for the issue or renewal of a specialized medical centre permit

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 21.1; 2006, c. 43, s. 31)

1. The fees payable for the issue or renewal of a specialized medical centre permit are $2,500. Despite the foregoing, if the permit indicates a number of beds that may be used for accommodation of the clientele, the amount is increased to $5,000.

2. Beginning 1 January 2009, the fees payable under section 1 are adjusted on 1 January of each year based on the percentage change, in relation to the preceding year, in the Consumer Price Index for Canada, as published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19). For that purpose, the Consumer Price Index for a year is the annual average calculated from the monthly indexes for the 12-month period ending on 30 September of the preceding year.

If the amounts obtained contain a fraction of a dollar, that fraction is cancelled. The amount is then rounded down to the nearest 10 dollars if the last figure is lower than 5, or rounded up to the nearest 10 dollars in all other cases.

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

8842

Gouvernement du Québec

O.C. 709-2008, 25 June 2008

Environment Quality Act
(R.S.Q., c. Q-2)

Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains — Amendments

Amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains

WHEREAS section 2.1 of the Environment Quality Act (R.S.Q., c. Q-2) provides that it is the responsibility of the Minister of Sustainable Development, Environment and Parks to elaborate and propose to the Government a protection policy for lakeshores, riverbanks, littoral zones and floodplains, to implement the policy and to coordinate its application;

WHEREAS, by Order in Council 468-2005, the Government on 18 May 2005 adopted a new version of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains;

WHEREAS the policy does not provide for the possibility of installing wharves or other types of port or navigation facilities in a high-velocity zone of a floodplain, unless they are facilities of the government or government departments or bodies;

WHEREAS that exceptional measure is consistent with the terms of a provision in the Schedules of the former versions of agreements entered into by the governments of Canada and Québec that relate to cartography and floodplain protection;

WHEREAS it is expedient to update that measure to remove its unnecessarily restrictive import that calls for such initiatives to fall solely to government authorities;

WHEREAS the government and municipal authorizations set out in various statutes are sufficient guarantees that port and navigation facilities, whether government or not, will be erected in keeping with the environmental protection and public security imperatives for the floodplains;

WHEREAS, under paragraph 6 of section 4 of the Regulation respecting the *Gazette officielle du Québec*, made by Order in Council 1259-97 dated 24 September 1997, the Government may order that a document published in the French edition of Part 2 also be published in English;

WHEREAS at the time the new policy was adopted, the Government had ordered that the text also be published in the English edition of the *Gazette officielle du Québec* to make it readily accessible to all the citizens of Québec, and it is advisable to do the same for the amendments made to the policy;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the following amendments be made to the policy:

— in paragraph *b* of subsection 4.2.1, replace "installation by governments, government departments or bodies of structures or devices such as wharves, breakwaters, canals, locks and fixed navigation aids essential to marine traffic" by "works, structures or undertakings for public access purposes or for municipal, industrial, commercial or public purposes that are essential to port activities, navigation or shipbuilding, in particular, wharves, breakwaters, canals, locks and fixed navigation aids and their equipment and accessories";

— in paragraph *i* of subsection 4.2.2, strike out the text of the first dash;

THAT these amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains also be published in the English edition of the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8843

Gouvernement du Québec

O.C. 718-2008, 25 June 2008

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

Agreement respecting the transfer of responsibilities in the field of forest management to the regional county municipalities of the Bas-Saint-Laurent administrative region

WHEREAS, under the Forest Act (R.S.Q., c. F-4.1), the Minister of Natural Resources and Wildlife holds the powers and responsibilities in the field of forest management;

WHEREAS, under section 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1), a municipality may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality;

WHEREAS section 10.8 of the Code provides that such agreement prevails over any inconsistent provision of any general law or special Act or of any regulation thereunder;

WHEREAS, by Order in Council 1176-99 dated 13 October 1999, the Government authorized the Minister of Natural Resources to sign an agreement respecting the transfer to the regional county municipalities of the Bas-Saint-Laurent region, on an experimental basis, of responsibilities in the field of public forest management;

WHEREAS the regional county municipalities of the Bas-Saint-Laurent administrative region wish to keep certain powers and responsibilities in the field of forest management so that they may apply specific rules that will be better adapted to the characteristics of the region and prevent unfairness in the remuneration of forest workers;

WHEREAS it is expedient to authorize the Minister of Natural Resources and Wildlife to sign a new agreement respecting the transfer of responsibilities in the field of forest management to the regional county municipalities of the Bas-Saint-Laurent administrative region;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife and the Minister of Municipal Affairs and Regions:

THAT the Minister of Natural Resources and Wildlife be authorized to sign for and on behalf of the Government an agreement with each regional county municipality of the Bas-Saint-Laurent administrative region under which each will be entrusted with the following responsibilities for the management of forests in the domain of the State, as defined in the territorial scope of the future territorial management agreement:

(1) the issue of forest management permits for public utility works;

(2) the determining of the forest management activities and sylvicultural treatments admitted as payment of dues under section 73.1 of the Forest Act;

(3) the determining of their value according to the rules of calculation determined by regulation of the Government under section 73.3 of the Forest Act;

THAT the agreement have a five-year term, subject to renewal.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8844

Gouvernement du Québec

O.C. 721-2008, 25 June 2008

An Act respecting the Ministère des Ressources naturelles et de la Faune
(R.S.Q., c. M-25.2)

Approval of the Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region

WHEREAS the Minister of Natural Resources entered into a specific agreement in 1999 on the management and development of the intramunicipal public territory of Bas-Saint-Laurent with the Conseil régional de concertation et de développement du Bas-Saint-Laurent;

WHEREAS, by Order in Council 1175-99 dated 13 October 1999, the Government approved the Program for the delegation of the management of intramunicipal lands in the domain of the State to regional county municipalities in the administrative region of Bas-Saint-Laurent;

WHEREAS, by Order in Council 1176-99 dated 13 October 1999, the Government authorized the Minister of Natural Resources to sign an agreement respecting the transfer to the regional county municipalities of the Bas-Saint-Laurent region, on an experimental basis, of responsibilities in the field of public forest management;

WHEREAS, since 1999, the Minister of Natural Resources and Wildlife has signed territorial management agreements with seven regional county municipalities of the Bas-Saint-Laurent administrative region to entrust them, for and on behalf of the Government, with the powers and responsibilities regarding planning, land and forest management, and land use regulations;

WHEREAS the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2) was amended by chapter 6 of the Statutes of 2001, in particular to allow delegation in the field of forest management;

WHEREAS section 17.13 of the Act provides that the Minister may, with the approval of the Government, prepare programs for the development of lands or forest resources in the domain of the State that are under the Minister's authority in order to encourage regional development;

WHEREAS section 17.14 of the Act provides that the Minister may, for the purposes of such programs, entrust the management of any land in the domain of the State that is under the Minister's authority and the property situated thereon or, in a forest reserve, the management of forest resources in the domain of the State, to a legal person;

WHEREAS it is expedient for that purpose to approve the Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region;

WHEREAS it is expedient to entrust the administration of the Program to the Minister of Natural Resources and Wildlife;

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

THAT the Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region, attached to this Order in Council, be approved;

THAT the administration of the Program be entrusted to the Minister of Natural Resources and Wildlife.

GÉRARD BIBEAU,
Clerk of the Conseil executive

PROGRAM FOR THE DELEGATION OF THE LAND AND FOREST MANAGEMENT OF INTRAMUNICIPAL PUBLIC TERRITORY TO REGIONAL COUNTY MUNICIPALITIES IN THE BAS-SAINT-LAURENT ADMINISTRATIVE REGION

1. OBJECTIVE OF THE PROGRAM

To promote regional development by developing intramunicipal public lands in the Bas-Saint-Laurent administrative region and by entrusting their management and that of their forest resources to the regional county municipalities (RCMs) in that region.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates otherwise,

2.1 "Program" means this Program, prepared under Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2), as amended;

2.2 "territorial management agreement" means a multisectoral act of delegation whereby the Minister entrusts powers and responsibilities in the field of land and forest management to an RCM under this Program, on certain conditions;

2.3 "agreement" means the specific agreement between the Government and the Conférence régionale des élus (CRE) du Bas-Saint-Laurent on the management and development of the Bas-Saint-Laurent intramunicipal public territory;

2.4 "Minister" means the Minister of Natural Resources and Wildlife;

2.5 "regional county municipality" or "RCM" means a regional county municipality in the Bas-Saint-Laurent region constituted under the Act respecting land use planning and development (R.S.Q., c. A-19.1), participating in the Program and signatory of a territorial management agreement;

2.6 "intramunicipal public lands" means the lots, parts of lots and any other part of the domain of the State, including buildings, improvements and movable property, located in the Bas-Saint-Laurent region within the limits of the municipal territory of the region;

2.7 "intramunicipal public territory" means intramunicipal public lands and their natural resources.

3. CONDITIONS OF ELIGIBILITY

To be eligible for the Program, a regional county municipality in the administrative region of Bas-Saint-Laurent must

3.1 adopt a resolution whereby the municipality states its participation in the Program and its acceptance of all the terms, conditions, commitments and obligations under the Program;

3.2 establish, by by-law, a development fund under section 126 of the Municipal Powers Act (R.S.Q., c. C-47.1); and

3.3 create, by resolution, a multiresource committee to advise the RCM that represents all interests related to the preservation of natural environments and to the development and use of the territory covered by the delegation. Furthermore, the voting powers within the committee must be apportioned fairly to prevent the committee's decision from being directed by particular interests or groups.

4. TERRITORIAL SCOPE

4.1 The territory on which the powers and responsibilities delegated under this Program are to be exercised is the intramunicipal public territory under the Minister's jurisdiction. The intramunicipal public territory is shown on the "Terres publiques intramunicipales déléguées" map for the Bas-Saint-Laurent region dated February 1999, as amended.

4.2 In addition to the lands referred to in section 4.1, the lands in the domain of the State exempt from timber supply and forest management agreements, in an unorganized territory, which constitute a small area of lands in the Picard unorganized territory, and those of the former Parke forest educative centre, except for the area used for the arboretum of the Ministère des Ressources naturelles et de la Faune.

4.3 The following are expressly excluded from the territory covered:

(1) the water domain, that is, the beds of lakes and rivers up to the normal high water mark, including the water powers;

(2) lands in the domain of the State flooded following the construction and maintenance of a dam or any work related to the dam or required for its operation;

(3) any right-of-way of a route or highway under the management of the Minister of Transport, including its infrastructure and all the works useful for its development or management;

(4) any other land determined by the Minister;

(5) lands within forest management units covered by timber supply and forest management contracts or forest management contracts at the time the territorial management agreement is signed;

(6) any land, including buildings, improvements, equipment and movable property, determined by the Minister as necessary for the activities of the Ministère des Ressources naturelles et de la Faune or other mandatary departments or public bodies, in particular land used for production purposes or to experiment on the forest resource, such as seed orchards, nurseries, seed-collection stands, arboretums, progeny testing, etc.;

(7) lands on which exclusive public utility works are planned in the short-term by the Gouvernement du Québec;

(8) lands on which the Minister or the Gouvernement du Québec granted rights in favour of the Government of Canada, or one of its departments or bodies; and

(9) the land currently covered by a management agreement with the Cégep de Rimouski for teaching and research purposes.

Ecological reserves and habitats of threatened or vulnerable plant species that are or will be designated, under the authority of the Minister of Sustainable Development, Environment and Parks and located on lots delegated to the RCMs in the Bas-Saint-Laurent region, are included in the calculation of the territory covered, even if no power or responsibility is delegated to the RCMs in their respect. Supervision, signalling and educational powers in respect of ecological reserves may be delegated to the RCMs by a rider to the territorial management agreements.

Exceptional forest ecosystems that are or will be classified, under the authority of the Minister and located on lots delegated to the RCMs in the Bas-Saint-Laurent region, are included in the calculation of the territory covered, even if no power or responsibility is delegated to the RCMs in their respect.

4.4 Where land under the responsibility of an RCM is required for public use or interest or for any other purpose determined by order or deemed useful by the Minister, or where land was incorrectly identified as included in intramunicipal public lands, the Minister may, after notification, exclude that land from the Program.

Such exclusion by the Minister could lead to a fair compensation for any improvement made on that land by the RCM, at its own expense, without assistance from the development fund or any government financial assistance program since the signing of the territorial management agreement, as well as for any actual damage, without further compensation or indemnity for any loss of expected profits or income.

4.5 The Minister may prohibit an RCM from issuing rights on lands that are the subject of claims by or negotiations with Natives or Native concerns known following consultations with the community concerned; the Minister may then recover the powers and responsibilities entrusted to the RCM by the Minister on those lands, by sending a notice to that effect to the RCM.

5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of the Program, the Minister may delegate to an RCM the powers and responsibilities with respect to land and forest planning, management and regulation referred to in sections 5.1, 5.2 and 5.3. That delegation is subject to the terms and conditions provided for in sections 6.1, 6.2 and 7.

The powers and responsibilities so delegated to the RCM are to be exercised on all the lands designated by the Minister in a list attached to the territorial management agreement, as amended.

In addition to those lands, the Minister may, after notification, delegate the management of any other intramunicipal public land under the Minister's jurisdiction.

5.1 **Planning**

With respect to planning, the Minister delegates to the RCM the responsibility for planning the integrated development of the public intramunicipal territory covered by the territorial management agreement signed by the RCM for at least five years. To that end, the RCM must comply with the deadline fixed by the Minister and hold public consultations to take into account the concerns of the population and users of the territory and resources. The RCM must forward its planning to the Minister for the Minister's opinion before submitting it to any other consultation. The RCM is to review the planning, make any necessary changes, ensure follow-up and include it in its land use planning and development plan.

The Minister may intervene to help find a concerted solution that would lead to the adoption of the said planning should the RCM be unable to reach a consensus on the carrying out of the planning. If need be, the Minister may impose an arbitration procedure.

5.1.1 The planning must

(1) determine the territory's uses, in compliance with the Government's guidelines in the public land use plan;

(2) take into account the Government's other territory development guidelines and its special concerns communicated during the preparation of the said planning;

(3) take into account the regional strategic plan of the CRE du Bas-Saint-Laurent; and

(4) indicate the general rules, terms and conditions for harmonizing and integrating the uses of the territory.

5.2 **Land management**

For the purposes of the Program, the Minister entrusts the management of intramunicipal public lands to an RCM that exercises the following powers and responsibilities under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and its regulations:

(1) manage the land rights already granted other than leases for the development of water resources. To that end, the RCM is to manage and respect the rights granted until they expire, renew them, ensure their follow-up, amend them with the consent of the parties involved and cancel them if the beneficiary fails to meet his or her obligations;

(2) grant and manage new land rights other than leases for the utilization of water powers, renew them, ensure their follow-up, amend them with the consent of the parties involved and cancel them if the beneficiary fails to meet obligations;

(3) manage the buildings, improvements and movable property located on the lands covered by the delegation and, if need be, dispose of them according to the regulatory provisions;

(4) sell land, grant rights under emphyteutic contracts, transfer land gratuitously for public utilities in accordance with the regulations. However, the RCM must obtain the Minister's consent prior to entering into such a transaction;

(5) grant servitudes and any other right;

(6) grant temporary occupation and visitor's licences;

(7) collect and keep all income, including expenses arising from the management of lands covered by the delegation;

(8) renounce the right of ownership of the Minister in favour of the occupant of the land in the course of a cadastral renovation in accordance with sections 40.1 et seq. of the Act respecting the lands in the domain of the State and according to the criteria established by the Minister for such a renunciation;

(9) rectify any deed of alienation granted by the RCM and waive or amend the restrictive clauses in a deed of alienation granted by the RCM, in accordance with sections 35.1 and 40 of the Act respecting the lands in the domain of the State, or change the purposes therein;

(10) acquire by mutual agreement (gift, purchase, trade), for the benefit of the domain of the State, lands, buildings, improvements and movable property from the private domain. However, the RCM must obtain the Minister's consent prior to entering into such a transaction;

(11) publish a declaration stating that land forms part of the domain of the State in accordance with section 19 of the Act respecting the lands in the domain of the State;

(12) authorize the construction of roads other than forest and mining roads in accordance with sections 55 et seq. of the Act respecting the lands in the domain of the State;

(13) control the use and occupation of the territory

— by treating situations of illegal occupation and use, including in particular illegal dumping sites and gates within the meaning of the Act respecting the lands in the domain of the State, according to strict rules and methods in keeping with the Government's position that no privilege may be granted to anyone who illegally occupies or uses land in the domain of the State;

— by treating situations of precarious occupation according to the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State, made under the Act respecting the lands in the domain of the State by Order in Council 233-89, as amended;

(14) institute penal proceedings in its own name for an offence committed on the territory covered by the management delegation and provided for in the Act respecting the lands in the domain of the State and its regulations, or in the by-laws adopted by the RCM in accordance with section 6;

(15) exercise all the recourses and powers conferred upon the Minister under sections 60 to 66 of the Act respecting the lands in the domain of the State;

(16) if need be, cause the limit between the domain of the State and private domain to be determined and the signature of the owner to be affixed to the documents pertaining to cadastral operations, boundary marking or any motion for the judicial recognition of the right over property concerning the lands in the domain of the State covered by the management delegation, in accordance with land survey instructions issued by the Minister, as provided for in sections 17 et seq. of the Act respecting the lands in the domain of the State; and

(17) apply, on the territory whose management is delegated, the Program for the awarding of lands in the domain of the State for the installation of wind turbines, approved by Order in Council 928-2005 dated 12 October 2005 and amended by Order in Council 647-2007 dated 7 August 2007, in accordance with the terms and conditions provided therein.

The Minister continues to assume the powers and responsibilities respecting the management of mining rights and water powers. However, the issue of mining titles for mineral substances is governed by a special consultation procedure between the Minister and the RCM on the use of the territory. That procedure is specified in the territorial management agreement.

5.3 **Forest management**

For the purposes of the Program, the Minister entrusts the forest management of the intramunicipal public territory to the RCM which must exercise the following powers and responsibilities under the Forest Act (R.S.Q., c. F-4.1), as amended, for the management of forests in the domain of the State, applicable to forest reserves and described below, to the extent provided by the Act:

(1) the granting of forest management permits of the following classes:

— for the harvest of firewood for domestic or commercial purposes;

— for sugar bush management for acericultural purposes;

— for a wildlife, recreational or agricultural development project;

— for the harvest of a volume of shrubs and half-shrubs or only their branches to supply a wood processing plant;

— for the supply of a wood processing plant to a holder of a forest management contract entitled to it under Division II of Chapter IV of Title I of the Forest Act;

(2) the management of forest reserves, in keeping with the annual allowable cut determined by the chief forester, and the sale of timber;

(3) the conclusion of forest management agreements;

(4) the preparation of the general forest management plan in the form and tenor agreed with the Minister, in particular

— the contribution of the RCM to the calculation of the annual allowable cut on the territory covered, according to the instructions of and assumptions agreed on with the chief forester. That calculation will be made under the supervision of the chief forester and will be used to prepare the general forest management plan;

— the assignment, to the territory of any forest management contract, of objectives for the protection and development of the forest environment, after agreement with the Ministère des Ressources naturelles et de la Faune;

(5) the approval of the annual management plans prepared by holders of forest management contracts;

(6) the issue of authorizations regarding the width of the right-of-way and the destination of timber harvested in connection with the construction or improvement of roads other than forest roads;

(7) the possibility to restrict or prohibit access to forest roads for reasons of public interest, particularly in case of fire, during thaw periods or for safety reasons;

(8) the application of standards of forest management, in accordance with the Regulation respecting standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996, as amended, or the imposition of standards that differ from those prescribed by government regulation, or that depart from such standards, in accordance with sections 25.2 to 25.3.1 of the Forest Act;

(9) the collection of dues payable by holders of authorizations, permits or rights issued by the RCM in accordance with the applicable regulations;

(10) the monitoring and supervision of forest management activities, in accordance with the Forest Act and the regulations thereunder. The RCM must notify the Minister of any offence against the Forest Act or the regulations in force and forward the relevant file, including the technical documents needed to describe the offence (maps, area measurements, tree count);

(11) the monitoring of the scaling of timber harvested, in accordance with the standards determined by regulation. The RCM must forward the data compiled and approved by a forest engineer to the Ministère des Ressources naturelles et de la Faune, which will enter the data in its computerized scaling system (Mesubois);

(12) the verification of the data and information contained in the annual reports filed by holders of forest management contracts, in accordance with sections 70.1 to 70.4 of the Forest Act; and

(13) the holding of public consultations as required by the consultation policy provided for in section 211 of the Forest Act and applicable to the territory of the territorial management agreement or to the territory of any forest management contract on matters within the jurisdiction of delegated responsibilities.

5.4 **Special terms and conditions for forest management**

The Minister continues to assume the powers and responsibilities which are not delegated by the territorial management agreement.

The RCM, in exercising delegated powers and responsibilities, undertakes to

(1) adopt no provision that adds restrictions favouring the use of the resource on a local level, to the detriment of more promising projects with respect to job creation and future development;

(2) become a member of forest protection organizations recognized by the Minister and pay its share of the protection costs. The RCM's contributions to the organizations are applicable to the territory where the RCM has not entered into a forest management agreement. If such a contract has been entered into, the RCM must require the contract holder to become a member of the organizations and pay its share of protection costs;

(3) prepare and submit to the Minister and the chief forester a general forest management plan including a five-year program of the forest management activities for all or part of a territory managed under the direct authority of the RCM. Those documents will be verified by the chief forester who will send his or her recommendations to the Minister before the latter's approval. The RCM is to make its general forest management plan and five-year program within six months following receipt of the calculation of the allowable cut. Despite the six-month period, the general plan will end at the expiry of the five-year period covered by the territorial management agreement;

(4) integrate into the general forest management plan the objectives concerning the protection and development of forest environment resources retained by the Minister for the forest management units. Those objectives may be adjusted according to local conditions, after agreement with the Minister. The RCM may also set other objectives for the protection and development of forest environment resources that may be assigned to the territory covered and to the general management plan;

(5) send forest management contracts to the Minister as soon as they are signed or amended so they can be recorded. When the RCM enters into a forest management contract with a contract holder other than a municipality or a Native band council, the contract holder must pay its contribution directly to the forest fund in relation to the volume authorized by the annual management permit. The RCM also undertakes to inform the Minister of the volume authorized under the management permit of each contract holder of forest management contracts on 1 January, 1 April, 1 July and 1 October;

(6) forward to the Minister and the chief forester, after approval, the general forest management plan amended by the RCM at the Minister's request; and

(7) implement, on lands whose management is delegated, the management plans prepared by the Ministère des Ressources naturelles et de la Faune on white-tailed deer yards.

The RCM agrees that the Minister may, if need be, specify the scope of the powers and responsibilities in forest management.

6. REGULATORY POWERS

For the purposes of the Program, the Minister determines that an RCM may exercise, by means of by-laws made under subparagraph 5 of the second paragraph of section 14.12 of the Municipal Code of Québec (R.S.Q., c. C-27.1) and according to the conditions set out in section 6.1, the powers referred to in subparagraphs 3 and 7 to 11 of the first paragraph and the second paragraph of section 71 of the Act respecting the lands in the domain of the State and, according to the conditions set out in section 6.2, the powers referred to in sections 171, 171.1 and 172 of the Forest Act.

6.1 **Conditions applicable to regulatory powers in land management**

The by-laws of the RCM, whose coming into force is subject to the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister who may approve them, having ascertained that they are in keeping with the Government's principles and objectives and their regional consistency. The Minister must, within 90 days following receipt of the resolution of the RCM, give his or her opinion on the proposed by-law. More specifically, the RCM must comply with the following principles:

(1) keep the intramunicipal public lands open to the public, in particular by allowing the free movement of persons;

(2) preserve public access to the waters in the domain of the State;

(3) impose a tariff based on the market value; and

(4) grant no privilege to a person who illegally occupies or uses land in the domain of the State, except to regularize a precarious situation eligible for a title under the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State.

By-laws respecting administration expenses must pertain only to the cases already provided for in the regulations made under the Act respecting the lands in the domain of the State.

6.2 **Conditions applicable to regulatory powers in forest management**

With regard to forests, the RCM may adopt and apply its own by-laws to determine the rules for calculating the value of sylvicultural treatments, other forest management activities and contributions to the financing of those treatments and activities admitted as payment of the prescribed dues, as well as conditions governing the granting of credits applicable to the payment of the dues referred to in section 73.1 of the Forest Act, including by-laws, reports and other required documents.

The by-laws of the RCM, whose coming into force is subject to the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister who may approve them, having ascertained that they are in keeping with the Government's principles, national guidelines and objectives and their regional consistency. The Minister must, within 90 days following receipt of the resolution of the RCM, give his or her opinion on the proposed by-law. More specifically, the RCM must pursue the same objectives as the regulations of the Government.

7. GENERAL TERMS AND CONDITIONS

7.1 An RCM entrusted with the management of intramunicipal public lands by the Minister under this Program, must, in respect of all the following items, comply with the corresponding terms and conditions:

Access to the domain of the State: the RCM is to maintain public access to the domain of the State and the water in the domain of the State;

Alienation of land: the Minister's agreement to land alienation may be transmitted either in the course of the integrated development planning referred to in section 5.1, or by a specific notice for projects not referred to in that planning;

Land surveying: any land surveying on lands in the domain of the State or affecting their limits, including boundary marking, in particular the surveying required for an alienation, shall be carried out in accordance with sections 17 et seq. of the Act respecting the lands in the domain of the State and with the instructions of the Minister;

Native peoples: the land and forest rights granted by the RCM must comply with government policies concerning Native peoples, in particular the policy requiring the Government to consult Native communities where required and to come to an arrangement with them, if need be. Consequently, the RCM undertakes to provide the Minister with all the information concerning the planning affecting the delegated lands in the domain of the State and the issue of land or forest rights. It also undertakes to forward any new data concerning the planning and use of the territory, requiring the issue of rights or not, and not appearing on the development and use planning. Those documents will enable the Minister to consult Native communities in accordance with the policies in force. The Minister will make the results of the consultation known to the RCM, which will have to apply the Minister's decisions;

Multiresource committee: the RCM must see that the representation referred to in section 3.3 is preserved. It must request the committee's written advice on the following matters: the development and use planning for the territory for which the RCM is responsible, the use of the development fund and the compliance of every development plan with the development and use planning;

Costs and expenses related to land management: all the costs and expenses related to land management are to be charged, as the case may be, to the RCM, the acquirer, the applicant or the beneficiary of the right. Those costs and expenses include land surveying on land in the domain of the State, cadastral registration, boundary marking and the publication of rights for any transaction carried out by the RCM;

Land rights granted by the State: the RCM must respect the rights granted by the State in accordance with the titles issued until they expire, renew them unless the beneficiary of the right is at fault and make sure, in exercising the powers and responsibilities delegated under the Program, not to restrict in any way the exercise of a right granted or to be granted by the State;

Land rights related to vacation: land rights related to vacation must respect the vacation development objectives set out in the Guide de développement de la villégiature sur les terres du domaine public, April 1994, and the Plan régional de développement du territoire public du Bas-Saint-Laurent, volet récréotouristique.

Land rights related to wind energy: land rights related to wind energy must respect the Cadre d'analyse pour l'implantation d'installations éoliennes sur les terres du domaine de l'État and the Plan régional de développement du territoire public (PRDTP) – Volet éolien, région du Bas-Saint-Laurent and that of the Gaspésie region and the Municipalité régionale de comté de Matane;

State and area of intramunicipal public lands: in exercising delegated powers and responsibilities, the RCM accepts the lands as they are delimited, designated or

surveyed at the time the territorial management agreement is signed, without any guarantee by the Minister as to their state or area; and

Rules and procedures: the operating rules and administrative procedures adopted by the RCM must provide fair granting of rights and alienation of land on the territory covered for all those concerned and recognize the special principles and objectives defined in the territorial management agreement.

7.2 The RCM is to provide the Minister with the following documents:

(1) a report of activities, transmitted to the Minister not later than 31 March of each year, in the form provided by the Minister;

(2) a financial report, transmitted to the Minister not later than 31 March of each year, in the form provided by the Minister; and

(3) a five-year assessment plan, transmitted 6 months before the expiry of each five-year term, in the form provided by the Minister. The assessment pertains to the results obtained in relation to the goals and objectives of the delegation, the RCM's management of the powers and responsibilities delegated to it in compliance with the principles set forth in the specific agreement and the rules stipulated in the agreement, and the attainment of the management and development objectives related to the delegation. The RCM is to make the highlights of the report public, using the means it deems most appropriate.

7.3 The intramunicipal public lands and forest resources covered by the delegation are administered and managed by the RCM without financial compensation from the Government.

7.4 The RCM collects and keeps the income from the management of the intramunicipal public lands and forest resources covered by the delegation, from the date the territorial management agreement is signed. The RCM must pay the income into the development fund provided for that purpose in the territorial management agreement. The RCM may also charge administrative expenses, which will be either subtracted from the amounts collected before being paid into the development fund, or taken from the development fund following payment of the total income. However, any amount collected by the Gouvernement du Québec or owed to it on the date on which the territorial management agreement is signed remains its property without adjustment.

7.5 The Minister enters into the Register of the domain of the State or in any other register designated by the Minister all rights granted by the RCM on the lands in question and issues attestations in writing of the information entered in the Register. The procedure for transmitting that information will be indicated later to the RCM. When the Minister will have implemented a formal procedure to register land rights, the Minister will contact the RCM to adapt the relevant terms and conditions in the territorial management agreement.

7.6 In order to take effect, the forest management agreements granted by the RCM must be registered by the Minister in the public register referred to in section 38 of the Forest Act.

7.7 An RCM that exercises the powers and responsibilities provided for in the Program acts in its own name.

7.8 Subject to the special provisions of section 6, the RCM must comply with the Act respecting the lands in the domain of the State and the Forest Act, as amended, and their regulations.

8. FINAL

8.1 The territorial management agreement has a five-year term. It may be renewed.

When the land and forest management delegation expires, the Minister is again fully responsible for the management of the intramunicipal public lands and forest resources that the Minister had delegated.

The Minister may also terminate the delegation if the RCM fails to comply with the terms and conditions applicable to the delegation.

8.2 Where the Minister is again responsible for the management of intramunicipal public lands and their forest resources the Minister had delegated, the RCM must send the Minister all the information required, in particular the up-to-date books and records kept by the RCM for managing the lands and forest resources. The RCM must also give the Minister all the records that the Minister entrusted to it.

8.3 Any contestation by the holder of a right granted by the RCM that results from differences in the management methods applied by the RCM and the Minister must be submitted to the Minister.

8.4 In exercising the powers and responsibilities that are delegated to it, the RCM must meet the following conditions:

(1) where applicable, respect the investments that were granted with respect to forest management until the final cut, before converting land into another use;

(2) take into account the strategic directions appearing in the guidance framework for a Québec strategy on protected areas, adopted in June 2000, as amended; and

(3) take into account the directions appearing in the report of the Ministère des Ressources naturelles – Ministère de l'Agriculture, des Pêcheries et de l'Alimentation committee on sugar maple growing, entitled Contribution du territoire public québécois au développement de l'acériculture, April 2000.

8846

Gouvernement du Québec

O.C. 724-2008, 25 June 2008

General and Vocational Colleges Act
(R.S.Q., c. C-29)

College Education Regulations
— Amendments

Regulation to amend the College Education Regulations

WHEREAS, under section 18 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Government is to establish, by regulation, the College Education Regulations;

WHEREAS the Government made the College Education Regulations by Order in Council 1006-93 dated 14 July 1993;

WHEREAS it is expedient to amend the College Education Regulations;

WHEREAS, under section 18 of the General and Vocational Colleges Act, every draft regulation under that section is to be submitted to the Conseil supérieur de l'éducation for examination;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the Conseil supérieur de l'éducation which gave 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 16 January 2008 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, Recreation and Sports:

THAT the Regulation to amend the College Education Regulations, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the College Education Regulations*

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18)

1. The College Education Regulations are amended by replacing the heading of Division II by the following:

"**DIVISION II**
ADMISSION".

2. The following is inserted before section 2:

"*§1. Programs of studies leading to a Diploma of College Studies*".

3. Section 2 is amended

(1) by replacing subparagraphs 4 and 5 of the second paragraph by the following:

"(4) Secondary IV Science and Technology or Technological and Scientific Applications; and

(5) Secondary IV History and Citizenship Education.";

(2) by adding the following at the end:

"The Minister may also make particular remedial activities compulsory according to the credits that the holder of the Secondary School Diploma has obtained within the scope of any of the basic regulations referred to in the second paragraph.

* The College Education Regulations, made by Order in Council 1006-93 dated 14 July 1993 (1993, *G.O.* 2, 3995), were last amended by the regulation made by Order in Council 604-2007 dated 1 August 2007 (2007, *G.O.* 2, 2351). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

The credits awarded for the remedial activities are determined by the Minister but they may not count towards the Diploma of College Studies.".

4. The following paragraphs are added at the end of section 2.2:

"A college may also admit to such a program of studies a person who has instruction and experience the college considers sufficient and who has interrupted full-time studies for a cumulative period of at least 36 months.

In the case referred to in the second paragraph, the college may make compulsory such remedial activities as the Minister may determine.".

5. The following is inserted after section 2.2:

"**2.3.** A college may conditionally admit to a program of studies leading to a Diploma of College Studies a person who, not having obtained all the credits required by the Basic school regulation for preschool, elementary and secondary education or by the Basic Adult General Education Regulation to obtain a Secondary School Diploma, commits to obtaining the missing credits in the first term.

The foregoing also applies to a holder of a Secondary School Vocational Diploma who has not obtained all the credits for the subjects mentioned in subparagraphs 1 to 3 of the first paragraph of section 2.1.

Despite the foregoing, a person who must obtain more than 6 missing credits or who has previously failed to fulfil his or her commitments after being conditionally admitted may not be conditionally admitted.".

6. The following is inserted after section 3:

"*§2. Programs of studies leading to a Specialization Diploma in Technical Studies*

3.1. A holder of a Diploma of College Studies may be admitted to a program of studies leading to a Specialization Diploma in Technical Studies if the person has completed the program of studies designated by the Minister as a prerequisite and meets the special conditions of admission established by the Minister, if any.

§3. Programs of studies leading to an Attestation of College Studies".

7. Section 4 is replaced by the following:

"**4.** A person who has received instruction considered sufficient by the college and meets one of the following conditions may be admitted to a program of studies leading to an Attestation of College Studies:

(1) the person's studies have been interrupted for at least 2 consecutive terms or one school year;

(2) the person is covered by an agreement entered into between the college and an employer or by a government program of studies; or

(3) the person has pursued postsecondary studies for at least one year.

A person who has a Secondary School Diploma or a Secondary School Vocational Diploma and meets either of the following conditions may be admitted to a program of studies designated by the Minister leading to an Attestation of College Studies:

(1) the program of studies enables the person to pursue technical studies in a field for which there is no program of studies leading to a Diploma of College Studies; or

(2) the program of studies is covered by an agreement on training entered into between the Minister of Education, Recreation and Sports and a department or body of the Gouvernement du Québec.

A person who has a Secondary School Vocational Diploma may also be admitted to a program of studies designated by the Minister leading to an Attestation of College Studies, so long as the program enables the person to acquire defined technical training as an extension of the vocational training offered at the secondary level.".

8. Section 9 is amended in the first paragraph

(1) by adding "any of" after "comprise" in the part preceding subparagraph 1;

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

"(6) Contemporary Issues.".

9. Section 12 is amended by adding the following sentence at the end of the fourth paragraph: "A document attesting to the successful completion of the module indicating the student's name, the name of the college, the title of the module, the title of the program of technical studies and the number of credits in the module must be given to the student.".

10. Section 15 is revoked.

11. The following is inserted after section 15:

"**DIVISION III.1**
PROGRAMS LEADING TO A SPECIALIZATION DIPLOMA IN TECHNICAL STUDIES

15.1. The Minister shall establish the programs of studies leading to a Specialization Diploma in Technical Studies. The main purpose of the programs is to prepare students for the labour market in any area of technical training requiring a higher level of specialization. They include technical training components for a number of credits ranging from 10 to 30 to be determined by the Minister.

The Minister shall determine the objectives and standards of the programs. The college shall determine the learning activities required to attain the objectives and standards.".

12. Section 18 is replaced by the following:

"**18.** During the period beginning on 1 July of a year and ending on 30 June of the following year, a college must organize at least 2 terms, each having a minimum of 82 days allotted to teaching and evaluation.

A college may, however, on an exceptional basis, organize a term having less than 82 days allotted to teaching and evaluation for a program of studies requiring special teaching conditions, insofar as all the program conditions prescribed by the Minister are met.".

13. Section 21 is amended by adding "if the college considers that the student will not be able to attain the objectives of the course or to avoid causing serious detriment to the student" at the end of the first sentence.

14. Section 22 is amended by replacing ", either through previous studies or through out-of-school training" by "through previous studies, out-of-school training or otherwise.".

15. Section 23 is replaced by the following:

"**23.** A college may authorize the substitution of other courses for courses in the program of studies to which the student is admitted.".

16. Section 29 is replaced by the following:

"**29.** In relation to the duration of the term, the Minister shall determine the deadline before which students may drop a course without a failing mark being entered on their report.".

17. The following paragraph is added at the end of section 31:

"In the case of a final term, the report must mention achievement by the student of the objectives and standards of the program of studies to which the student is admitted.".

18. Section 32 is replaced by the following:

"**32.** The Minister shall award a Diploma of College Studies to a student who, according to the recommendation of the college attended by the student,

(1) has attained the set of objectives and standards of the program of studies to which the student is admitted, has passed the comprehensive examination for that program, and has passed the uniform examinations, if any, imposed by the Minister; or

(2) has attained the set of objectives and standards of the subject areas in the components of general education set out in sections 7 to 9, has obtained at least 28 credits in the specific program components referred to in sections 10 and 11, and has passed the uniform examinations, if any, imposed by the Minister.

Despite the foregoing, in the case referred to in subparagraph 2 of the first paragraph, a Diploma of College Studies may not be awarded to a student who already holds a Diploma of College Studies or is registered in a program of studies leading to the Diploma of College Studies.

The diploma must state the name of the student, the name of the college and, if the diploma is awarded pursuant to subparagraph 1 of the first paragraph, the title of the program.".

19. The following is inserted after section 32:

"**32.1.** The Minister shall award a Specialization Diploma in Technical Studies to a student who, according to the recommendation of the college attended by the student, has attained the set of objectives and standards of the program of studies to which the student is admitted.

The diploma must state the name of the student, the name of the college and the title of the program of studies.

32.2. The Minister may delegate to a college, on the conditions determined by the Minister and on the recommendation of the Commission d'évaluation de l'enseignement collégial, all or part of the Minister's responsibilities under sections 32 and 32.1 regarding the certification of studies.".

20. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 1 of section 3, which comes into force on 1 July 2010, and paragraph 2 of section 8, which comes into force on 1 July 2009.

8847

Gouvernement du Québec

O.C. 750-2008, 25 June 2008

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

Sums payable to the custodian of an impounded road vehicle
— Revocation

Regulation to revoke the Regulation respecting sums payable to the custodian of an impounded road vehicle

WHEREAS, under subparagraph 20 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), the Société de l'assurance automobile du Québec may by regulation fix the amount to be paid to a custodian for any loss that may be incurred by the custodian when a vehicle is given in payment pursuant to section 209.22.2 of the Code and the terms and conditions governing payment of the amount;

WHEREAS the Regulation respecting sums payable to the custodian of an impounded road vehicle was approved by Order in Council 549-2000 dated 3 May 2000;

WHEREAS the Société made the Regulation to revoke the Regulation respecting sums payable to the custodian of an impounded road vehicle at the sitting of the board of directors held on 30 January 2007;

WHEREAS, under section 625 of the Highway Safety Code, every regulation made by the Société under the Code is subject to the approval of the Government;

WHEREAS, under 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 20 February 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to revoke the Regulation respecting sums payable to the custodian of an impounded road vehicle, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to revoke the Regulation respecting sums payable to the custodian of an impounded road vehicle

Highway Safety Code
(R.S.Q., c. C-24.2, s. 624, 1st par., subpar. 20)

1. The Regulation respecting sums payable to the custodian of an impounded road vehicle, approved by Order in Council 549-2000 dated 3 May 2000, is revoked on the fifteenth day following the publication of this Regulation in the *Gazette officielle du Québec*.

8850

Gouvernement du Québec

O.C. 751-2008, 25 June 2008

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

Road vehicles
— Towing and impounding charges for vehicles

Regulation respecting towing and impounding charges for road vehicles seized under section 209.1 or 209.2 of the Highway Safety Code

WHEREAS, under subparagraph 50 of the first paragraph of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation fix the towing and daily impounding charges for a road vehicle seized under section 209.1 or section 209.2 of the Code;

WHEREAS, under 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 20 February 2008 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 Transport:

THAT the Regulation respecting towing and impounding charges for road vehicles seized under section 209.1 or 209.2 of the Highway Safety Code, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting towing and impounding charges for road vehicles seized under section 209.1 or 209.2 of the Highway Safety Code

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, 1st par., subpar. 50;
2008, c. 14, s. 86)

1. The maximum towing charges, for a distance of 10 kilometres or less, for a road vehicle seized under section 209.1 or 209.2 of the Highway Safety Code (R.S.Q., c. C-24.2), in a location not referred to in the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures, approved by Order in Council 987-98 dated 21 July 1998, are those appearing in the following table according to vehicle class:

Vehicle class	Towing charges
road vehicle with a net weight of 3,000 kg or less	$75
road vehicle with a net weight of more than 3,000 kg but 8,000 kg or less	$116
road vehicle with a net weight of more than 8,000 kg	$175

Where the towing distance exceeds 10 kilometres, the towing charges for a road vehicle with a net weight of 3,000 kg or less are the sum of the charges appearing in the table in the first paragraph for that vehicle class and the product obtained by multiplying $2.50 by the number of additional towing kilometres.

2. The maximum towing charges, for a distance of 10 kilometres or less, for a road vehicle seized under section 209.1 or 209.2 of the Code on parts of public highways referred to in the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures, made by Order in Council 987-98 dated 21 July 1998, are those appearing in the following table according to vehicle class:

Vehicle class	Towing charges
road vehicle with a net weight of 3,000 kg or less	$105
road vehicle with a net weight of more than 3,000 kg but 8,000 kg or less	$146
road vehicle with a net weight of more than 8,000 kg	$205

Where the towing distance exceeds 10 kilometres, the towing charges for a road vehicle with a net weight of 3,000 kg or less are the sum of the charges appearing in the table in the first paragraph for that vehicle class and the product obtained by multiplying $2.50 by the number of additional towing kilometres.

3. An hourly rate of $110, charged per 30 minutes, is added for towing a road vehicle of more than 3,000 kg but 8,000 kg or less after the first 30 minutes spent on the towing premises.

An amount at an hourly rate of $170, charged per 30 minutes, is added for towing a road vehicle of more than 8,000 kg after the first 30 minutes spent on the towing premises.

4. The daily impounding charges for a road vehicle seized under section 209.1 or 209.2 of the Code are

(1) $15 for a vehicle with a net weight of 3,000 kg or less;

(2) $25 for a vehicle with a net weight of more than 3,000 kg but 8,000 kg or less; and

(3) $35 for a vehicle with a net weight of more than 8,000 kg.

5. The daily impounding charges for a seized road vehicle referred to in this Regulation apply to seizures of road vehicles as of the coming into force of this Regulation.

6. This Regulation replaces the Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code, made by Order in Council 1426-97 dated 29 October 1997.

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

8851

M.O., 2008

Order of the Minister of Sustainable Development, Environment and Parks dated 19 June 2008

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Extension of the setting aside of certain lands as proposed aquatic and biodiversity reserves

THE MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT AND PARKS,

CONSIDERING Order number M.O. 2004 of the Minister of the Environment dated 17 June 2004, made in accordance with the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), by which the following land has been set aside for a term of 4 years beginning on 14 July 2004:

— Proposed Upper Harricana aquatic reserve

— Proposed Piché-Lemoine forest biodiversity reserve

— Proposed Opasatica lake biodiversity reserve

— Proposed Des Quinze lake biodiversity reserve

— Proposed Taibi lake biodiversity reserve

— Proposed Parent lake marshlands biodiversity reserve

— Proposed Decelles reservoir biodiversity reserve

— Proposed Waskaganish biodiversity reserve;

CONSIDERING that it is necessary to extend the setting aside of the land for a term of 4 years to complete the steps that may lead to the granting of permanent protection status of the land;

CONSIDERING section 28 of the Natural Heritage Conservation Act which provides that the renewals or extensions of the setting aside of land may not, unless authorized by the Government, be such that the term of the setting aside exceeds 6 years;

CONSIDERING that under Order in Council 634-2008 dated 18 June 2008, the Government authorized the Minister of Sustainable Development, Environment and Parks to extend the setting aside of the land for a term of 4 years beginning on 14 July 2008;

ORDERS AS FOLLOWS:

The setting aside of the following land is hereby extended for a term of 4 years beginning on 14 July 2008:

— Proposed Upper Harricana aquatic reserve

— Proposed Piché-Lemoine forest biodiversity reserve

— Proposed Opasatica lake biodiversity reserve

— Proposed Des Quinze lake biodiversity reserve

— Proposed Taibi lake biodiversity reserve

— Proposed Parent lake marshlands biodiversity reserve

— Proposed Decelles reservoir biodiversity reserve

— Proposed Waskaganish biodiversity reserve.

Québec, 19 June 2008

LINE BEAUCHAMP,
Minister of Sustainable Development, Environment and Parks

8820

M.O., 2008

Order number AM 2008-08 of the Minister of Health and Social Services dated 18 June 2008

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation respecting the specialized medical treatments provided in a specialized medical centre

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 333.1 of the Act respecting health services and social services (R.S.Q., c. S-4.2), which provides that the Minister of Health and Social Services may determine by regulation the specialized medical treatments that, in addition to the surgeries referred to in the first paragraph of that section, may be provided in a specialized medical centre;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 14 November 2007, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of a draft of the Regulation respecting the specialized medical treatments provided in a specialized medical centre, with a notice that it could be made by the undersigned on the expiry of 45 days following that publication;

CONSIDERING that, in accordance with the fourth paragraph of section 333.1 of the Act respecting health services and social services, the Collège des médecins du Québec has been consulted on the draft Regulation;

CONSIDERING that it is expedient to make the draft Regulation with amendments to follow up on certain comments received;

ORDERS AS FOLLOWS:

The Regulation respecting the specialized medical treatments provided in a specialized medical centre, the text of which is attached hereto, is hereby made.

Québec, 18 June 2008

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation respecting the specialized medical treatments provided in a specialized medical centre

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 333.1; 2006, c. 43, s. 11)

1. For the purposes of section 333.1 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the following are specialized medical treatments:

(1) treatments listed in Part I of the Schedule, irrespective of the type of anaesthesia used for the treatment;

(2) treatments listed in Part II of the Schedule if the treatment is provided under general anaesthesia or under regional anaesthesia, whether nerve block or block anaesthesia at the root of a limb, excluding digital block; and

(3) treatments not listed in paragraphs 1 or 2 if the treatment is provided under general anaesthesia or under regional anaesthesia, whether nerve block or block anaesthesia at the root of a limb, excluding digital block.

2. Unless provided in a facility maintained by an institution within the mission of the institution, a specialized medical treatment may not be provided elsewhere than in a specialized medical centre and to the extent that it is expressly stated in the permit issued to the centre pursuant to section 437 of the Act.

3. A specialized medical treatment usually requiring a postoperative stay exceeding 24 hours or involving a hip or knee replacement may be provided only in a specialized medical centre referred to in subparagraph 2 of the first paragraph of section 333.3 of the Act.

4. This Regulation comes into force on the 180th day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE
(*s.* 1)

PART I

LIST OF SPECIALIZED MEDICAL TREATMENTS PROVIDED WITHOUT REGARD TO THE TYPE OF ANAESTHESIA USED

1. Cosmetic surgery

1.1 Liposuction
1.2 Lipoinjection

2. Gynecological surgery

2.1 Interruption of pregnancy

PART II

LIST OF SPECIALIZED MEDICAL TREATMENTS PROVIDED UNDER GENERAL ANAESTHESIA OR UNDER REGIONAL ANAESTHESIA, WHETHER NERVE BLOCK OR BLOCK ANAESTHESIA AT THE ROOT OF A LIMB, EXCLUDING DIGITAL BLOCK

3. Breast surgery

3.1 Female or male mastectomy
3.2 Prosthesis removal/capsulectomy
3.3 Breast enlargement
3.4 Breast reduction
3.5 Other breast reconstruction

4. Cosmetic surgery

4.1 Abdominal lipectomy
4.2 Abdominoplasty/redraping of the skin in other areas
4.3 Rhytidectomy (facelift)

5. Orthopedic surgery

5.1 Surgery for benign injuries to bones, muscles, ligaments, tendons, synovial bursas and fascias, and arthroplastyof the hallux
5.2 Excisions of wires, nails, plates and screws
5.3 Arthrotomic or arthroscopic diagnosis or therapy, excluding the vertebral column
5.4 Dupuytren's contracture surgery
5.5 Carpal tunnel surgery
5.6 Knee ligament reconstruction
5.7 Acromioplasty, rotator cuff repair

6. Upper respiratory tract surgery

6.1 Nasal surgery for minor nose injuries or respiratory disorders
6.2 Rhinoplasty
6.3 Sinus surgery

7. Vascular and lymphatic surgery

7.1 Varicose vein ligation, resection and stripping
7.2 Excision of surface lymph nodes

8. Digestive system surgery

8.1 Lip, mouth and tongue surgery for minor injuries or precancerous lesions
8.2 Anorectal surgery for fissures, fistulas, hemorrhoids or prolapse
8.3 Excision of salivary glands for minor injuries
8.4 Diagnostic laparoscopy
8.5 Hernial surgery
8.6 Bariatric surgery

9. Gynecological surgery

9.1 Excision of cysts, benign or malignant tumours
9.2 Labia minora plasty, labia majora plasty
9.3 Cystocele repair, any approach, enterocele or rectocele repair
9.4 Tubal ligation, any approach
9.5 Dilation and curettage
9.6 Diagnostic and therapeutic hysteroscopy
9.7 Diagnostic and therapeutic laparoscopy
9.8 Simple vaginal hysterectomy
9.9 Salpingo-oophorectomy or oophorectomy, any approach

10. Nervous system surgery

10.1 Surgery on injured peripheral nerves or peripheral nerve repair

11. Eye surgery

11.1 Laser surgery
11.2 Superficial keratectomy of the cornea
11.3 Excision of cutaneous lesions of the eyelid
11.4 Blepharoplasty
11.5 Tarsorrhaphy and separation of the eyelids
11.6 Strabismus surgery
11.7 Retinal surgery

12. Ear surgery

12.1 Correction of protruding ears (prominauris)

13. Transsexual surgery

13.1 Vaginoplasty
13.2 Phalloplasty with penile prosthesis implantation
13.3 Scrotoplasty with insertion of testicular prosthesis

14. Cutaneous surgery

14.1 Surgery for abscesses, tumours, cysts, wounds, superficial or deep fistulas, eccrine sweat glands, with or without grafting, and wound debridement
14.2 Skin grafting
14.3 Surgical or laser correction of scars
14.4 Pilonidal sinus excision with or without plasty

15. Breasst biopsies

8821

Draft Regulations

Draft Regulation

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

Agreement between the Minister of Justice and the Barreau du Québec
— Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000, made by Order in Council 539-2001 dated 9 May 2001.

In accordance with the first paragraph of section 81 of the Legal Aid Act, the Minister of Justice negotiated with the Barreau du Québec an agreement pertaining in particular to the tariff of fees payable to advocates in private practice under the legal aid plan. An agreement to that effect was reached on 4 April 2008.

The purpose of the draft Regulation is to ratify the agreement.

The draft Regulation has an impact on advocates in private practice who accept to provide professional services under the legal aid plan, since the agreement establishes the fees payable and certain conditions of practice for the mandates that are given to them.

Further information may be obtained by contacting Yvon Routhier, Bureau du sous-ministre, Ministère de la Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; e-mail: yrouthier@justice.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Minister of Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1, within the 45-day period.

JACQUES P. DUPUIS,
Minister of Justice

Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008

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

1. The Agreement attached hereto, between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008 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*.

SCHEDULE

AGREEMENT
PRELIMINARY

1. For the purposes of this Agreement, the term "legal aid body" means a legal aid centre, a legal aid bureau or the Commission des services juridiques; it includes any organization or person that issues certificates of eligibility for legal aid.

2. This Agreement governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, with the exception of an advocate who is employed by a legal aid centre.

CHAPTER I
CONDITIONS OF PRACTICE

DIVISION I
FREE CHOICE OF AN ADVOCATE

3. A person who is financially eligible may consult an advocate 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 advocate himself on behalf of a person in favour of whom a conditional certificate of eligibility may be issued under the Act. In such case, the application shall be verbal.

5. A legal aid body shall, according to the criteria set forth in the Act, distribute equitably among the advocates the mandates for which recipients wish to be represented by an advocate registered in the legal aid plan but have not chosen a particular advocate.

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

The preceding provision applies in like manner where the advocate of record or the new attorney is an advocate employed by a legal aid body.

7. An advocate representing a person for the exercising of a right in respect of which the person becomes a legal aid recipient shall retain his mandate, subject to the provisions of the Act.

In such case, the legal aid body issuing the certificate of eligibility shall so inform the advocate of record and shall request his consent to continue the mandate, on the terms set forth by the Legal Aid Act and the Regulations thereunder.

DIVISION II
PROFESSIONAL FREEDOM

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

9. Under the legal aid plan an advocate shall maintain his professional autonomy. It is his responsibility to determine which services he must render within the context of a legal aid mandate, while acting in the best interests of the recipient.

An advocate shall comply with the mandate he receives from the legal aid body on behalf of the recipient; the conditions of the mandate are intended to identify the type of legal aid required by the recipient.

10. The legal aid body shall refrain from intervening in the conduct of the advocate's mandate; however, it may satisfy itself that the mandate is fulfilled. The conduct of the advocate's mandate includes recourse to any expert reports that, according to recognized professional practices, may be justified by the nature and scope of the case, in conformity with the Act and the regulations. The advocate shall obtain the authorization of the general manager of the legal aid centre before having recourse to expert reports. The general manager shall fix a maximum amount for the advocate's fees and the fees for expert reports.

11. An advocate is at liberty to accept a legal aid mandate.

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

13. The advocate shall render an account to the recipient of the conduct of his mandate and shall report to the legal aid body from which he received the mandate concerning the professional services that he has rendered.

In communicating with the Commission or a legal aid body, the advocate shall respect professional secrecy.

DIVISION III
REMUNERATION

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

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Agreement does not prescribe a rate or the payment of a special consideration is subject to remuneration.

In such case, the legal aid body shall evaluate the advocate's statement of fees and fix the amount of remuneration. Such decisions may be the subject of a dispute.

15. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within 3 years following the end of that mandate. That deadline is mandatory. When the mandate ends with a judgment, the 3-year period runs from the 30th day following the date of the judgment. Payment shall be made within 30 days following receipt of the statement of fees.

In the cases determined by regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within the same deadline.

Where there is a replacement of advocate under section 81.1 of the Regulation respecting the application of the Legal Aid Act, the statement of fees shall be sent by the advocate who received the mandate and the payment of fees and disbursements is made as if there had been no replacement.

16. A statement of fees may be an interim or final account. Statements shall be submitted electronically or on the form provided by the legal aid bureau.

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year. Professional services rendered for the preparation of the personal information forms referred to in section T219 of Schedule II may be covered by an interim account.

An interim account also covers professional services rendered in the preceding 12 months.

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

The interest rate shall be equal to the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus 1.5%. The rate thus fixed shall be in force for the following 6 months.

18. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff in Schedule II.

19. Disbursements include fees for expert reports and other fees pertaining to proceedings incidental to the legal aid mandate, including expenses for subpoena by bailiff or by registered or certified mail.

Disbursements may appear on a separate statement. They shall be paid by the legal aid body which gave the mandate or by the Commission within 30 days of the receipt of a statement of disbursement.

20. An advocate shall receive no reimbursement for travel and parking within a radius of 25 km from his office.

The advocate is entitled to the maximum reimbursement for travel expenses fixed by the Règles sur les frais de déplacement des fonctionnaires pour l'utilisation d'un véhicule automobile personnel, as made by the Conseil du trésor under the Public Administration Act (2000, c. 8),

(1) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(2) according to the distance actually travelled up to a maximum of 200 km, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(3) according to the distance actually travelled, in the case of an attendance at the Supreme Court of Canada, at the Court of Appeal of Québec or at the Federal Court, made beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office, or of an attendance at a court or body which carries out its jurisdiction outside the boundaries of the judicial district where the advocate has his office; notwithstanding the preceding, where the advocate has his office in a judicial district other than the one where the legal aid centre which issued the mandate is located, he shall elect to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled by the advocate, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where he has his office, where the nature or complexity of the matter requires that the mandate be given to that advocate.

An advocate who is entitled to a reimbursement under the provisions of this section is also entitled to the reimbursement of any parking expenses he incurs.

The travelling and parking expenses may not exceed the actual travelling expenses paid by the advocate.

21. Where the tariff in Schedule II provides for a flat-rate remuneration for a series of services and the mandate is carried out by more than one advocate, each advocate, if he is in private practice, is entitled, subject to the provisions of the third paragraph of section 15, to the part of the flat-rate fee corresponding to the services that he rendered.

22. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding $140,000, the fees payable to him for the services that he renders within the scope of those mandates and exceeding that amount shall be reduced by 35%.

23. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn or a recipient who ceases to be eligible for such 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 by telecommunications, informing him of the cessation of legal aid and the reasons for the decision.

The preceding provision also applies where the recipient chooses to dispense with legal aid.

24. In a case where legal aid ceases to be provided, the advocate may nevertheless include in his statement of fees legal services that were rendered after receipt of the notice from the legal aid body, for the delivery of conservatory measures necessary to safeguard the person's rights or requested by the court.

25. Where a legal aid body refuses to pay a statement of fees, it shall, within the period allotted for payment of the statement, so notify the advocate in writing, and that notice shall state the reasons for its refusal.

The preceding provision governs the Commission in cases where it assumes the payment of fees.

26. A refusal to pay fees shall be founded upon the non-compliance of the fees asked under the provisions of the Act and this Agreement.

CHAPTER II
PROCEDURE FOR THE SETTLEMENT OF DISPUTES

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

28. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Barreau du Québec.

29. Before submitting a dispute according to section 32, an advocate may refer the matter for conciliation by means of a notice in writing to the body refusing payment of his statement of fees and to the section of the Barreau du Québec to which he belongs.

30. Within 15 days following receipt of the notice, the general manager of the regional centre and the bâtonnier of the section shall each designate an advocate.

31. Within 30 days following their designation, the advocates so appointed and the advocate who is the claimant shall meet, examine one another's claims and endeavour to reach an agreement.

31.1. The regional centre and the section of the Barreau du Québec concerned shall hold at least one conciliation session per semester, where applicable.

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

A dispute concerning contested fees shall be submitted within 6 months following receipt of a notice of refusal to pay or the claim for a reimbursement; in such case, a copy of the notice of dispute shall be forwarded to the regional centre.

33. Referral for conciliation interrupts the prescription of 6 months.

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

35. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days following submission of the notice of dispute, the advocate shall submit the dispute for arbitration by means of a letter addressed to the Chief Justice of the Court of

Québec within 6 months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be, and to the Barreau du Québec. The Chief Justice or the Senior Associate Chief Justice of the Court of Québec, as the case may be, shall designate one of the judges of that Court to act as arbitrator.

36. The Barreau du Québec may directly submit any dispute of general interest for arbitration; in such case, it shall so notify the Commission.

In particular, any alleged infringement of the provisions relating to the free choice of an advocate or professional freedom may be the subject of a dispute of general interest.

After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene, or take up the defence of an advocate who submits a dispute.

37. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. He may uphold, modify or rescind the disputed decision and, by the terms of his award, order a payment or a reimbursement, assess compensation, restore a right or make any other order he considers fair in the circumstances.

However, the arbitrator may not modify the provisions of this Agreement. The arbitrator's award is final and binding on the parties.

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

39. Stenography fees and fees to reproduce a recording of the judicial hearings, if any, shall be borne by the regional centre or the Commission, as the case may be.

40. The arbitrator shall forward any award by registered mail to the parties and to the Barreau du Québec.

CHAPTER III
MISCELLANEOUS

DIVISION I
COORDINATION COMMITTEE

41. The Minister of Justice, the Barreau du Québec and the Commission des services juridiques shall form a committee that is entrusted with the supervision of the uniform application of this Agreement and of the Legal Aid Act throughout the legal aid network.

42. The committee shall be made up of a maximum of 3 representatives of the Minister of Justice, of a maximum of 3 representatives of the Barreau du Québec and of a maximum of 3 representatives of the Commission des services juridiques.

43. Upon request, the Commission des services juridiques and the legal aid centres shall provide the committee with the documents, statistics and information that it requires in the conduct of its mandate.

44. The committee shall take the minutes of its meetings. Copies thereof shall be sent to the Minister of Justice, to the Bâtonnier du Québec and to the chair of the Commission des services juridiques. The committee is to determine the nature of its mandate at its first meeting.

DIVISION II
CONSULTATION AND INFORMATION

45. The Minister shall consult the Barreau du Québec concerning any regulation that the Commission submits to the Minister for approval by the Government.

46. The Minister shall consult the Barreau du Québec concerning the draft of any regulation respecting the exclusivity of services referred to in section 52.1 of the Legal Aid Act that the Minister intends to propose to the Government for adoption. He shall also inform the Bar of the facts that warrant the making of such regulation.

47. The Commission shall consult the Barreau du Québec concerning the draft of any directive respecting an application for or the granting of a certificate of qualification or the services of an advocate.

48. The Commission shall consult the Barreau du Québec when implementing necessary administrative mechanisms to ensure the exercise of the free choice of an advocate.

49. The Commission shall consult the Barreau du Québec where it intends to draft or modify the forms that an advocate must fill out for the purposes of the legal aid plan.

50. In accordance with section 22.1 of the Legal Aid Act, the Commission des services juridiques and the legal aid centres shall send to the Barreau du Québec a copy of any guide for the administration of the Legal Aid Act and the regulations made thereunder, as well as of any directive related thereto and dealing with financial eligibility or services for which legal aid is granted and with written directives respecting the payment of statement of fees. The Commission and the legal aid centres shall also send to the Barreau du Québec any updating of such guide or directives.

51. Schedule I reproduces the directive of the Commission des services juridiques respecting the procedure for the application of section 69 of the Legal Aid Act.

52. This Agreement replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000, made by Order in Council 539-2001 dated 9 May 2001.

53. 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 given from 1 April 2007, except sections T201.1 to T201.2 for which it applies to mandates given from 1 January 2008.

This Agreement terminates on 31 March 2010. Despite its expiry, it shall continue to apply until replaced. The parties agree that the next negotiations must be entered into early enough so that a negotiated agreement is ready at the expiry of this Agreement.

SCHEDULE I
(s. 51)

DIRECTIVE OF THE COMMISSION DES SERVICES JURIDIQUES RESPECTING THE APPLICATION OF SECTION 69 OF THE LEGAL AID ACT

To all general managers of legal aid centres:

The purpose of the Legal Aid Act is to allow financially eligible persons access to legal services. However, the legal aid plan does not have to pay costs that an applicant can pay from the amount that he is likely to receive upon settlement of his case. Therefore, where an agreement can be reached between an applicant and an advocate in private practice regarding extrajudicial fees in cases where such fees are warranted, the general manager or his representative shall refer the applicant to the advocate in private practice.

This directive also applies to family matters in which the state and faculties of the spouse are such that it is reasonable to anticipate the granting to the applicant of support in excess of the eligibility criteria for legal aid or of a compensatory benefit or of a benefit equivalent to his share of the family patrimony which would normally make that person ineligible for legal aid.

The Chair of the Commission

SCHEDULE II
(s. 14)

PART 1
GENERAL RULES OF INTERPRETATION AND APPLICATION

T1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for special consideration.

T2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees in the amount of $200 a day, for the services in respect of which his assistance was required.

An advocate wishing to be so assisted shall obtain prior authorization from the legal aid body.

This section does not apply in cases where this Schedule provides for professional assistance and fixes the applicable fees.

T3. For any motion to cease representing $60

T4. For any notice to appoint a new attorney, the fee prescribed by section T32*(a)* applies.

T5. The hearing includes a hearing by telephone, by videoconference or any other electronic means.

T6. If the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing $100

T7. Where the court requests or authorizes to plead in writing, additional fees of $160 are payable.

T7.1 Where the legal aid body requests the advocate to justify in writing an application for a legal aid mandate, fees in the amount of $75 are payable if the mandate is granted.

T8. Payment for the professional services of an advocate may exceed the fees prescribed by the tariff where the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case. In such case, the advocate shall submit an application for special consideration with his statement of fees or within 6 months of sending his statement of fees.

T9. The Commission shall examine the application and shall fix the amount of the excess fees. Such decisions may be subject to dispute in accordance with Chapter II of the Agreement.

T10. In reviewing a decision concerning the expediency of granting a special consideration, the arbitrator shall verify whether the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

T11. In reviewing a decision concerning the amount of the excess fees, the arbitrator shall be guided by the precedents in the application of section 15 of the Tariff of judicial fees of advocates (R.R.Q., 1981, c. B-1, r.13) relating to special fees.

T12. Sections T8 to T11 apply *mutatis mutandis* in respect of professional services for which this Schedule expressly prescribes the payment of a special consideration.

PART 2
SPECIAL RULES OF INTERPRETATION AND APPLICATION IN CIVIL MATTERS

T13. The words "application", "case", "proceeding" and "action" mean a proceeding, whether it is commenced by a writ of seizure before judgment, a motion, or any other originating document.

T13.1 The words "incidental proceeding", "incidental application" and "incidental measure" mean a proceeding accessory to a proceeding introductive of suit provided for in particular in articles 152 to 171, 199 to 273.2, 482 to 490 of the Code of Civil Procedure of Québec.

T14. The word "proof" means the examination of a party or a witness as well as the presentation before the court of any document containing an admission of facts, followed by an address.The terms "settlement" and "settled action" mean the termination of proceedings or the end of a mandate for any reason including discontinuance of suit or a notice of suspension. Where the attorney is replaced, the legal aid mandate terminated or if the advocate ceases to represent, the advocate shall be paid for the services rendered up to that stage of the proceedings.

T15. The word "contestation" includes any opposition to an application by another party.

T16. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.

T17. Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his costs from the adverse party or claim payment from the legal aid body from which the advocate received his mandate, in accordance with this Schedule.

T18. The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which the advocate received his mandate.

Where the advocate chooses to claim payment from the legal aid body, he shall subrogate that body in his rights up to the amount of his bill of costs duly taxed.

T19. An advocate shall receive a fixed amount of $11 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

T19.1 An advocate who participates in a settlement conference or a special case management conference is entitled to $165 per half-day.

PART 3
GENERAL CIVIL TARIFF

Classes of actions

T20. I. An application in which the amount or value in dispute is less than $3,000;

II. An application in which the amount or value in dispute is between $3,000 and $10,000 exclusively;

III. An application in which the amount or value in dispute

(a) is between $10,000 and $25,000 exclusively;

(b) is between $25,000 and $50,000 exclusively;

IV. An application in which the amount or value in dispute is $50,000 or more.

T21. For proceedings or actions not provided for specifically by the tariff but governed by the Code of Civil Procedure, the fees are fixed according to the provisions of the Agreement in respect of similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent falls under Class II.

T22. For proceedings related to filiation, disavowal or the deprivation of parental authority, the fees are those prescribed for Class IIIA.

T23. Hypothecary actions are considered to be purely personal actions and the value in dispute is determined by the balance of the obligation.

T24. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of the action is determined according to the value of the immovable.

T25. Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the total amount determines the class of the action.

T26. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed by section T35 or section T36 of this Schedule, according to the stage of the proceedings. For the purposes of this rule, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the main action, are each considered to be a defendant filing a separate contestation.

T27. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once despite the multiplicity of proceedings.

T28. In the matter of a declaratory judgment and a decision on a question of law, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those prescribed for Class II.

T29. In the case of a review of taxation of a bill of costs, the costs are based on the class of action corresponding to the amount of the costs in dispute.

T30. There are no separate amounts of fees in the case of a cross demand, but the class of action corresponds to the highest of the amounts for which judgment is recovered.

T31. If a settlement is reached between the parties or proceedings are withdrawn before the issue of the originating process, the advocate is entitled to the fees prescribed for an action of that class in the case of such settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.

First instance

I	**II**	**III*(a)***	**III*(b)***	**IV**
0-3	**3-10**	**10-25**	**25-50**	**50 or more**
$	**$**	**$**	**$**	**$**
T32. *(a)* For every notice or putting in default preceding the originating process and required by law				
$75	$75	$75	$75	$75
(b) For every notice or putting in default preceding the originating process and not required by law, only one amount of fees is payable				
$50	$50	$50	$50	$50
T33. For every action settled after the originating process and before service of a defence or contestation				
(a) to the plaintiff's attorney				
$170	$205	$275	$375	$475
(b) to the defendant's attorney				
$105	$170	$240	$375	$440
T34. For judgment on the merits, by default to appear or to plead:				
To the plaintiff's attorney*(a)* without proof				
$190	$240	$340	$440	$540
(b) with proof				
$240	$310	$400	$510	$610
To the defendant's attorney				
(c) if the attorney is not present at the proof or if there is no proof				
$70	$110	$140	$180	$240
(d) if there is a proof and the attorney is present				
$140	$205	$275	$375	$475
T35. For an action settled after service of a defence or contestation on the merits, or for an application dismissed on a motion under article 165 C.C.P.				
$340	$475	$610	$750	$880

First instance

I	**II**	**III*(a)***	**III*(b)***	**IV**
0-3	**3-10**	**10-25**	**25-50**	**50 or more**
$	**$**	**$**	**$**	**$**
T36. For judgment on the merits of the case in a contested action				
$475	$680	$950	$1,085	$1,360

T37. *(a)* On every contested incidental proceeding

$100 $100 $100 $100 $100

(b) Where the incidental proceeding puts an end to the dispute, the fees applicable are those of section T34(*a*).

T38. For the examination of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial

$100 $100 $100 $100 $100

T39. *(a)* For registration at the registry office of the judgment or any other act for the preservation of real rights

$50 $50 $50 $50 $50

(b) For the preparation and registration at the registry office of a prior claim or legal hypothec or a demand under article 1743 of the Civil Code of Québec

$100 $100 $100 $100 $100

(c) For the preparation and registration of an application for the cancellation of the registration of a right

$50 $50 $50 $50 $50

(d) For the filing of a declaration of voluntary deposit and for a claim on seizure of salary or wages or on voluntary deposit

$50 $50 $50 $50 $50

T40. *(a)* For the issue of all writs of executions, whatever their nature or number, only one amount of fees

$50 $50 $50 $50 $50

(b) Examination under article 543 C.C.P.

$75 $75 $75 $75 $75

T41. For any judgment by default against a garnishee or on the garnishee's declaration

$50 $50 $50 $50 $50

First instance

I 0-3 $	II 3-10 $	III*(a)* 10-25 $	III*(b)* 25-50 $	IV 50 or more $

T42. For any seizure before judgment, the following additional fees

$100 $100 $100 $100 $100

T43. Where a case lasts more than one day, for each additional half-day

$165 $165 $165 $165 $165

T44. In the case of any pre-trial conference held according to the provisions of article 279 C.C.P. and prior to the day fixed for proof and hearing, the fees are those prescribed by section T38.

T45. For the taxation of a bill of costs $50

For the taxation if contested $115

T46. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class IIIA. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class IIIA. The fees shall be calculated in the following manner: when the judgment on the motion for an interlocutory injunction terminates the case or the judgment on the motion for a permanent injunction is not preceded by a judgment on motion for an interlocutory judgment, the advocate is entitled to the fees taxable on a judgment on the merits of the case. Where the judgment on the motion for a permanent injunction follows a judgment on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable on a judgment on the merits increased by one-half.

T47. In proceedings for boundary delimitation, possessory or petitory proceedings, proceedings for appointment of a receiver, and in actions for declaration or denial of a servitude, the fees are those prescribed for Class II.

T48. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.

T49. In proceedings respecting legal persons, for extraordinary recourses in particular judicial review and evocation (a. 846 C.C.P.) and *habeas corpus* under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II.

T50. In non-contentious proceedings, the fees are those of section T37*(a)*, Class II, with the exception of the procedure governing the sale of the property of others provided for in Chapter X of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.

T51. In adoption proceedings, the fees are those prescribed for Class II.

An application for a declaration of eligibility for adoption, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.

Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fee payable for each additional application after the first is $100.

T52. Motion for rectification of the registers of civil status $115

T53. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Administrative Tribunal of Québec and in appeal before the Court of Québec are those prescribed for Class II of the tariff at first instance; section T55 does not apply thereto and the cost of expert reports is not included in the bill of costs.

T54. In expropriation proceedings, the class of the action is determined by the amount of the compensation.

Additional fees of 1% of the compensation are added to the fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a compromise, so justify.

Contestation of the right to expropriation is a separate proceeding. The fees applicable are those prescribed for Class II.

For any proceeding commenced under the Expropriation Act (R.S.Q., c. E-24) before a court other than the Administrative Tribunal of Québec, immovable property division, the fees applicable are those prescribed for Class II, section T3*(a)*.

For any uncontested proceeding respecting payment of the money awarded, the fees are those prescribed by section T39*(b)*.

T55. Upon judgment in a contested case ordering the defendant to pay an amount greater than $100,000 in principal, the attorney of the plaintiff is entitled to the following additional fees:

— 1% of the amount in excess of $100,000, up to a judgment of $1,000,000;

— plus, where the amount of the judgment exceeds $1,000,000, 1/10 of 1% of the amount in excess of $1,000,000.

Upon judgment dismissing an action in which the amount claimed is greater than $100,000, the attorney of the defendant is entitled to the following additional fees:

— 1% of the amount in excess of $100 000 up to an amount claimed of $1 000 000;

— plus, where the amount claimed in the action exceeds $1,000,000, 1/10 of 1% of the amount in excess of $1,000,000.

Where there is an out-of-court settlement before a defence has been filed, the advocate is entitled to only one-third of the additional fees prescribed by this section.

Where there is an out-of-court settlement after a defence has been filed, the advocate is entitled to only two-thirds of the additional fees prescribed by this section.

The additional fees are payable to an advocate only once, regardless of the number of plaintiffs or defendants.

REPRESENTATION OF CHILDREN IN SUPERIOR COURT

T56. All services rendered, to obtain any judgment in the course of representing a child within the scope of article 394.1 C.C.P.

(a) uncontested $300

(b) contested $350

However, an advocate is entitled to those fees for no more than two judgments in the same case.

SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS

The rules of Part 1, Part 2 and Part 3 of this Schedule apply *mutatis mutandis* to matrimonial proceedings.

Principal proceedings

T57. *(a)* Upon reconciliation or withdrawal of proceedings after the issue of the originating process; to the plaintiff's attorney $220

(b) Upon reconciliation or withdrawal of proceedings after appearance or before service of a contestation; to the defendant's attorney $220

(c) Upon reconciliation, withdrawal or deemed discontinuance of proceedings for separation from bed and board by consent or for divorce by consent before judment: to the attorney representing both parties..................$380

T58. Upon reconciliation, withdrawal or deemed discontinuance of proceedings after service of a contestation and before judgment on the merits to the plaintiff's attorney $430

to the defendant's attorney $325

T59. For judgment by default to appear or to plead; to the plaintiff's attorney $550

T60. For judgment by default to appear or to plead; to the defendant's attorney $380

T61. *(a)* For judgment on the merits in a contested case with or without a cross demand by the defendant; to each attorney $850

(b) For judgment on the merits granting a separation or divorce by consent;
to the attorney representing both parties $850

Judgments for provisional measures, interim orders and incidental proceedings in family matters

T62. For the first judgment for measures applicable during the proceedings, whether a judgment for provisional measures or an interim order, to each attorney, one amount of fees only

(a) after settlement or compromise $275

(b) after proof $325

T63. For every judgment rendered under sections T57 to T68 inclusively, following a judgment referred to in section T62 and

1. extending the application of the measures ordered by the preceding judgment or repelling the preceding judgment:
To each attorney, one amount of fees only $85

Each advocate is entitled to such fee for a maximum of two of these judgments in each case.

2. amending the measures ordered or extended by the preceding judgment:
To each attorney, one amount of fees only

(a) after settlement or compromise $275

(b) after proof $325

If the special clerk refuses to confirm an agreement or compromise and refers the parties to the judge, the tariff in section T63(2)*(b)* applies.

If the special clerk refuses to confirm an agreement or compromise and refers the parties to the judge, the tariff in section T63(2)*(b)* applies.

T64. *(a)* For any contested incidental proceeding not governed by sections T62 and T63 ....$100

(b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial $100

(c) If the hearing lasts more than one day, for each additional half-day $165

T65. Where a separate motion is presented by each party regarding the same provisional or interim measure, one amount of fees only is payable regardless of the number of motions.

T66. Where a new mandate is issued for one or more new proceedings for separation from bed and board or for divorce within 12 months of the issue of the first mandate, only one-half of the above fees is payable where the same attorney represents the same plaintiff on each occasion; in every other case where a new mandate is issued within that same period, the fees are payable in full.

Execution of judgment

T67. *(a)* For an examination under article 543 C.C.P $75

(b) For a requisition for a writ of seizure before judgment $75

(c) For a requisition for a writ of seizure after judgment of movables or immovables or both together $75

(d) For a requisition for a writ of seizure by garnishment after judgment $75

(e) For a judgment for seizure by garnishment after judgment $100

(f) Only one of the two fees prescribed by paragraphs *d* and *e* may be claimed.

(g) For registration of the judgment at the registry office $50

Motions subsequent to final judgment

T68. *(a)* Appointment of a practitioner $50

(b) Homologation of practitioner's report $50

(c) Inscription following homologated report $50

(d) For any judgment on a motion for variation of support, custody of children, visitation and outing rights, without proof of an issue; to each attorney, one amount of fees only $325

(e) For a judgment after proof with respect to all measures described in paragraph *d*;to each attorney, one amount of fees only $425

Paragraphs *d* and *e* apply subject to the provisions of section T63.

Recourse in family matters not provided for in sections T57 to T68 (a. 813.8 C.C.P. as it read before January 2003)

T69. *(a)* For any judgment ruling on the recourse on the merits, without proof of an issue;

to each attorney $400

Each advocate is entitled to those fees only once in the same case.

(b) For any judgment ruling on the recourse on the merits in a contested case after proof of an issue;

to each attorney $500

Each advocate is entitled to those fees only once in the same case.

(c) For any judgment ordering measures applicable during the proceedingsto each attorney, one amount of fees only:

i. after settlement or compromise $300

ii. after proof $400

(d) For any judgment extending the application during the proceedings of measures ordered by the preceding judgment or repelling the preceding judgment without amending it;

to each attorney, one amount of fees only $85

Each advocate is entitled to those fees for no more than two extension or renewal judgments in the same case.

Declaration of family residence

T70. Drafting and registration at the registry office of a declaration of family residence $100

T71. The fact that an advocate files evidence by affidavit without being present at the proof does not change the fee payable under sections T57 to T69.

Court of appeal

T72. Disbursements incurred for the preparation and printing of factums are added to the statement of fees.

T73. Sections T47 to T49 of the tariff at first instance apply to the Court of Appeal.

	I 0-3 $	II 3-10 $	III*(a)* 10-25 $	III*(b)* 25-50 $	IV 50 or more $
T74. After filing of the inscription; for every case terminated or appeal abandoned or dismissed					
	$190	$525	$560	$750	$950
T75. After filing of the factum of the appellant; for every case terminated or appeal abandoned					
(a) to the appellant					
	$560	$850	$1,050	$1,320	$1,600
(b) to the respondent					
	$280	$560	$660	$850	$1,050

T76. Motion for extension of the time allowed to file the factum

without contestation $100

with contestation $170

T77. After filing of the factum of the respondent and before the hearing: for every case terminated or appeal abandoned

$660	$950	$1,120	$1,400	$1,700

T78. For judgment on the merits of the case

$950	$1,400	$1,600	$1,900	$2,240

T79. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding

$190	$190	$190	$190	$190

T80. For an appeal from any interlocutory judgment, excluding the injunction, extraordinary recourses and *habeas corpus*, the fees applicable are one-half of the fees prescribed for a final judgment, according to the class of action determined by the amount in dispute.

T81. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class II. The fees are calculated in the following manner: when the judgment of the Court of Appeal on the motion for an interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for a permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable for a judgment on the merits by the Court of Appeal. Where the judgment of the Court of Appeal on the action for an injunction follows a judgment of the Court of Appeal on a motion for an interlocutory injunction, the amount of the fees for the judgment on the merits is equal to one-half of the fees of the class which applies thereto.

T82. In proceedings for extraordinary recourses and *habeas corpus* under Titles VI and VII of Book V C.C.P., the fees for a judgment on the merits are those prescribed for Class II.

I	**II**	**III*(a)***	**III*(b)***	**IV**
0-3	**3-10**	**10-25**	**25-50**	**50 or more**
$	**$**	**$**	**$**	**$**

T83. For the filing of an additional factum at the request of the court.

$280	$280	$280	$280	$280

T84. Where the hearing of a case lasts more than one day, for each additional half-day

$285	$285	$285	$285	$285

SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS ON APPEAL

T85. The disbursements incurred for the preparation and printing of the factum including the argumentation plan and appendixes are added to the statement of fees.

T86. After filing of the inscription;

for any case terminated, appeal abandoned or deemed to be abandoned $270

T87. After filing of the appellant's factum,

for any case terminated, appeal abandoned or deemed to be abandoned

(1) to the appellant $620

(2) to the respondent $350

T88. After filing of the respondent's factum and before hearing;for any case terminated, appeal abandoned or deemed to be abandoned $800

T89. For judgment on the merits of the case $1,315

T90. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding $270

T91. For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.

T92. For the filing of an additional factum at the request of the court $270

T93. Where the hearing of a case on the merits lasts more than one day, for each additional half-day $285

SUPREME COURT OF CANADA

T94. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for special consideration.

PART 4
TARIFF IN CRIMINAL AND PENAL PROCEEDINGS UNDER THE YOUTH CRIMINAL JUSTICE ACT

Special interpretation and application rules

T95. Where a flat-rate remuneration is prescribed by this Part for professional services, the advocate who receives the mandate during the proceedings and who sees the case through is entitled to the full flat-rate remuneration, if no other legal service was rendered to the recipient in the same case, within the framework of the Legal Aid Act or not, by an advocate employed by a legal aid centre or by another advocate in private practice.

T96. Where the tariff prescribes a *per diem* remuneration for professional services, the advocate is entitled to only one-half of the fees prescribed where his presence in Court was not required for more than one half-day.

For the purposes of this section, 1:00 p.m. is the middle of the day.

Professional services rendered by an advocate at a hearing held in the evening (after 7:00 p.m.) entitle him to remuneration equivalent to one half-day in addition to any remuneration to which the advocate may be entitled under the preceding sections.

T97. Remuneration payable for professional services rendered by an advocate on a finding or a plea of guilty to a lesser and included offence is that which would have been payable in respect of the offence charged.

T98. Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to the full remuneration for the best paid information and to one-half of the prescribed tariff for each other information.

T99. Where an advocate represents two or more recipients charged with the same offence or with a like offence arising from the same course of events, and where the proceedings are held in the same court at or about the same time, the advocate is entitled to one-half of the remuneration prescribed for the professional services rendered to each of the other recipients, except in the case of a special consideration.

T100. At first instance, subject to any provision to the contrary, the remuneration prescribed by this tariff applies only to the professional services rendered to the accused.

On appeal, subject to any provision to the contrary, the remuneration prescribed by this tariff applies only to the professional services rendered to the person who, at first instance, was the accused.

T101. An advocate is entitled to reimbursement of his cost of photocopies when proceedings are made in writing or to reproduce authorities, at the rate of $0.10 a page.

T102. Appearance before a justice of the peace and appearance before a judge for the purpose of entering a plea of not guilty or making an election and adjournment are not considered to be essential aspects of the advocate's mandate.

T103. All professional services related to an application for an extension concerning the execution of a sentence or order of the court $80

T104. All professional services related to an application for the transfer of a case to another judicial district resulting in the loss of the case $80

T104.1 To attend the appearance of a person arrested under a warrant issued in another judicial district ... $100

T104.2 To participate in a penal facilitation conference, the advocate is entitled to $215 per half-day.

T104.3 For any telephone appearance under the Criminal Code and the Courts of Justice Act (s. 174), an amount of $150.

FIRST INSTANCE

Indictable offences within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada)

T105. Preparation of the preliminary inquiry, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (up to and including preliminary inquiry) $270

T106. All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution $800

T107. Preparation for trial, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (between preliminary inquiry and sentence if any) $800

That fee shall be payable only where the trial is actually held and judgment delivered.

T108. Appearance and all stages of proceedings completed on the same day $75

The above amount includes the remuneration for the preparation work on those stages of proceedings.

T109. When the prosecution objects to release, for the bail hearing actually held $160

T110. Waiver of preliminary inquiry under section 549(1) of the Criminal Code (Canada) $100

T111. Preliminary inquiry, per day $430

T112. Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard) $60

T113. Trial, per day $800

In long trials, those fees may appear on interim statement of fees for services rendered during the preceding 30 days

T114. Junior counsel at trial, per day $200

The fee prescribed above applies only in cases of first-degree or second-degree murder and with the express prior consent of the general manager. The junior counsel is not entitled to preparation fees.

T115. Attendance for the purpose of entering a plea of guilty $150

T116. Withdrawal of plea of guilty $250

T117. Submissions as to sentence or submissions and sentence $165

T118. Sentence only $80

The fees prescribed by section T117 or T118 apply only to attendance for sentence on a day other than the day on which the client was found guilty or on which the client entered a plea of guilty.

T119. Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction $25

The advocate may not claim fees for more than two adjournments obtained at his request.

Indictable offences other than those within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada) and other than those within the exclusive jurisdiction of a judge of the provincial court under section 553 of the Criminal Code (Canada)

T120. All professional services rendered up to the final disposition of the case at first instance $550

T121. Notwithstanding section T120 and if applicable, where the prosecution objects to release, for a bail hearing actually held $150

T122. Notwithstanding section T120, where the case requires a preliminary inquiry lasting more than one day, per additional half-day: $215

T123. Notwithstanding section T120, where the case requires a trial lasting more than one day, per additional half-day:

(a) trial before judge and jury $400

(b) trial before judge only $215

Indictable offences under section 553 of the Criminal Code (Canada)

T124. All professional services rendered up to the final disposition of the case at first instance $330

T125. Notwithstanding section T124, where the case requires a trial lasting more than one day, per additional half-day of trial $215

T126. Notwithstanding section T124 and if applicable, where the prosecution objects to release, for a bail hearing actually held $150

Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)

T127. All professional services rendered up to the final disposition of the case at first instance $330

T128. Notwithstanding section T127, where the case requires a trial lasting more than one day, per additional half-day of trial $215

T129. Notwithstanding section T127 and if applicable, where the prosecution objects to release, for a bail hearing actually held $150

Diversion

T130. The remuneration for all professional services rendered in the course of the diversion process will be the subject of specific negotiations when the terms and conditions will be known. That remuneration will not be lower than that paid for the judicial process as provided for in section T120, T124 or T127, as the case may be.

Hearings under section 742.6 of the Criminal Code

T131. All professional services rendered up to the final disposition of the case $200

Hearings under sections 110, 111, 112, 810.01 (5) and 810.2 (5) of the Criminal Code

T131.1 All professional services rendered up to the final disposition of the case $200

Preventive detention

T132. Preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code of Canada, including interviews and other necessary services $1,000

T133. Hearing of a motion for preventive detention, per day $430

Extraordinary remedies
(Habeas Corpus, Certiorari, Prohibition, Mandamus)

T134. Preparation and service of the proceeding .. $300

T135. Hearing on the merits $215

Application for bail or for review of bail for an accused charged with an indictable offence

T136. For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction $200

Special provisions applicable under the Youth Criminal Justice Act

T137. All services rendered up to and including a final decision on an application under section 64(1) of the Youth Criminal Justice Act $425

T138. All services rendered up to and including a final decision on an application for review under the Youth Criminal Justice Act $185

APPEALS

Appeal by way of trial *de novo* (before a judge of the Superior Court of criminal jurisdiction)

T139. Drafting of all proceedings prior to the hearing, including attendances $110

T140. Hearing on appeal from a judgment, per day .. $430

T141. Hearing on appeal from a sentence only $170

T142. Hearing on appeal from a judgment and a sentence, per day $430

Appeal by way of case stated

T143. Drafting and preparation of an application for a case stated $210

T144. Attendance necessary before the trial court judge for the preparation of a case stated $110

T145. Preparation of all other proceedings including attendance $110

T146. Preparation and drafting of notice of appeal $100

T147. Hearing of appeal $430

Appeal to Court of Appeal on questions of law in summary conviction proceedings

T148. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances $110

T149. Motion for extension of the time to appeal $200

T150. Hearing of application for leave to appeal ... $220

T151. Preparation of argument and factum $325

T152. Hearing of appeal $325

Appeal to Court of Appeal

(A) **After verdict by jury**

T153. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances $600

T154. Hearing of application for leave to appeal ... $220

T155. Motion for extension of the time to appeal $200

T156. Preparation of argument and factum, where applicable $800

T157. Hearing of appeal $800

(B) **Appeal from a judgment delivered by a judge without jury, a judge of the Court of Québec, Criminal Division or a judge of the Court of Québec, Youth Division, under the Youth Criminal Justice Act**

T158. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances $220

T159. Hearing of application for leave to appeal .. $220

T160. Motion for extension of the time to appeal $200

T161. Preparation of argument and factum, where applicable $335

T162. Hearing of appeal $335

(C) **Appeal from sentence only**

T163. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances $220

T164. Hearing of application for leave to appeal ... $220

T165. Motion for extension of the time to appeal $200

T166. Preparation of argument and factum, where applicable $200

T167. Hearing of appeal $220

(D) **Appeal from verdict or judgment and sentence**

T168. The fees prescribed by *A* or *B* are added to those prescribed by *C* $220

(E) **Bail**

T169. Application for bail pending appeal (all proceedings, including hearing) $270

Appeal to the Supreme Court of Canada

T170. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for special consideration.

Appeal from a judgment in respect of preventive detention

T177. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances $225

T178. Preparation of argument and factum, where applicable $535

T179. Hearing of appeal $335

Appeal in respect of extraordinary remedies
(Habeas Corpus, Certiorari, Prohibition, Mandamus)

T180. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances $225

T181. Preparation of argument and factum, where applicable $535

T182. Hearing of appeal $335

T183. The preparation and hearing of an incidental motion, in appeal, such as a motion to be discharged from a judgment declaring the appeal abandoned $225

Proceedings under section 732.2(5) of the Criminal Code of Canada

T184. All services rendered for an application for a change $150

Proceedings under section 734.7 of the Criminal Code of Canada and article 346 of the Code of Penal Procedure

T186. All professional services rendered for an application for the issue of an order of imprisonment for default of payment of fines $220

PART 5
TARIFF FOR MISCELLANEOUS PROCEEDINGS

Special interpretation and application rules

T187. Where an advocate represents two or more recipients who are joined in law or in fact and are parties to one or more issues based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the advocate is entitled only to the remuneration prescribed for the professional services rendered to one recipient, except in the case of a special consideration.

T188. Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled for the evening and for each additional half-day to an additional fee of $165

For the purposes of this rule, 1:00 p.m. is the middle of the day.

T189. Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II of the civil tariff at first instance *mutatis mutandis*.

T190. Where an appeal is heard in Superior Court, the fees are those prescribed for Class IIIA of the civil tariff at first instance *mutatis mutandis.*

T191. Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II of the tariff of the Court of Appeal.

T192. An advocate receives a fixed amount of $11 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

Intervention under the Youth Protection Act (R.S.Q., c. P-34.1)

T193. Intervention with the Director of Youth Protection, including any voluntary measures prior to intervention in court; per attendance $100

T194. All services rendered before the Court of Québec, Youth Division, up to a final decision, including any order on a motion to declare the safety or development of a child to be endangered $410

T195. All services rendered before the Court of Québec, Youth Division, up to and including a final decision upon a motion for review of a decision or order $410

The tariff prescribed by this section is payable notwithstanding the provisions of section T196 if contestation on the part of a disputing party requires that a hearing be held.

T196. Notwithstanding the foregoing, where the final decision under sections T194 and T195 is delivered with consent and without hearing any witness, an advocate is entitled to only half of the fees, specifically $205

T197. Where the recourse under section T194 or T195 is terminated by discontinuance $175

T198. *(a)* All services rendered up to and including a final decision upon a motion for temporary shelter $140

(b) Where the recourse is terminated by discontinuance $80

T199. *(a)* All services rendered up to a final decision upon a motion for extension of an emergency order $140

(b) Where the recourse is terminated by discontinuance $80

(c) All services rendered up to a final decision upon a motion to be declared interested party or person

i. uncontested $140

ii. contested $300

T200. Attendance for adjournment $25

T201. Attendance for judgment $50

T201.1. Notwithstanding section T187, where an advocate represents more than one child from the same family

— the fees for the first child are increased by 50% for the second child;

— the fees for the first child are increased by 50% for all the other children.

T201.2. Where an advocate represents a parent at least two children of whom are the subject of proceedings by the Director of Youth Protection, the advocate is entitled to the fees in T120.1 *mutatis mutandis*.

T201.3. For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to $165 per half-day;

T201.4. For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in section T194, plus $165 per half-day of conciliation or mediation from the third half-day.

Régie du logement

T202. All services rendered before the commissioner:

(a) Upon a final decision in uncontested proceedings, including an out-of-court settlement or upon a final decision embodying a discontinuance $225

(b) Upon a final decision in contested proceedings $310

T203. *(a)* All services rendered upon a motion for review before the Board up to and including a final decision $300

(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance $160

T204. *(a)* Incidental motion $80

(b) Motion for revocation of judgment $160

T205. *(a)* For a decision on any motion filed with the Court of Québec under section 91 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1);to each attorney: $215

(b) For a settlement reached before the hearing $160

T206. For any motion for provisional execution or suspension of execution of a decision of the Régie du logement $120

T206.1 For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to $165 per half-day;

T206.2 For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in T202*(b),* plus $165 per half-day of conciliation or mediation from the third half-day.

Proceedings in respect of work accidents and occupational diseases, crime victims compensation, income security, employment insurance, pensions, automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1)

(*A*) **Review of the decision of an administrative officer**

T207. *(a)* All services rendered upon a motion for review up to and including a final decision in a matter of work accident or occupational disease $270

(b) All services rendered upon a motion for review in a matter other than the one governed by section T207*(a)* up to and including a final decision $235

(*B*) **Application before an administrative tribunal of last instance**

i. **For all services rendered without conciliation under sections 120 and seq. of the Act respecting administrative justice (R.S.Q., c. J-3) and section 429.44 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)**

T208. When the proceedings terminate by a discontinuance or an out-of-court settlement before proof and hearing at the Administrative Tribunal of Québec $270

T209. When there is proof and hearing before the Administrative Tribunal of Québec $500

ii. **For all services rendered with conciliation under sections 120 and seq. of the Act respecting administrative justice and section 429.44 of the Act respecting industrial accidents and occupational diseases**

T210. When the proceedings terminate by a discontinuance or an out-of-court settlement in the process of or after conciliation $500

T211. When there is proof and hearing before the Administrative Tribunal of Québec $500

Plus $200 per half-day of proof and hearing, as of the first half-day.

Motion for leave to appeal against a decision of an administrative tribunal of last instance to the Court of Québec

T212. Upon judgment for any motion for leave to appeal $220

T213. Upon settlement reached before hearing $165

Confinement in an institution and psychiatric assessment

T214. *(a)* All services rendered up to and including a final judgment $190

(b) Upon filing of a discontinuance $85

Bankruptcy

(A) **Application for discharge**

T215. All services rendered up to and including a final judgment

(a) uncontested $110

(b) contested $325

T216. All services rendered upon any incidental motion $60

***(B)* Contestation of the application for an order requiring payment of a part of salary to the trustee**

T217. All services rendered up to and including a final judgment $110

***(C)* Motion to withdraw property from the assets assigned to creditors**

T218. All services rendered up to and including a final judgment $110

IMMIGRATION

Notification of claim

T218.1. Preparation of the form and meeting with claimant, fees of: $100

T218.2. Attendance at interview in the office of Immigration Canada, fees of $200

***(A)* Immigration and Refugee Board**

T219. Preparation of the Personal Information Form:

(a) main claimant form $200

(b) form of each other member of the family in the same file $75

Adjudication Division or Convention Refugee Determination Division

T220. *(a)* All the other services rendered up to and including a final decision before the Adjudication Division or the Convention Refugee Determination Division $330

Appeal Division of the Immigration and Refugee Board

(b) All the other services rendered up to and including a final division before the Appeal Division of the Immigration and Refugee Board $550

(c) If the recourse is terminated by discontinuance of appeal $285

Hearing concerning detention

(d) For services rendered during a hearing concerning detention before the Immigration and Refugee Board $200

CONCILIATION OR MEDIATION

(e) For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to $165 per half-day;

(f) For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in section T220*(a)* or T220*(b)*, as the case may be, plus $165 per half-day of conciliation or mediation from the third half-day.

***(B)* Federal Court (Trial Division)**

T221. Preparation of the application for authorization to institute judicial review proceedings $500

T222.1. Application for stay: $400

T222.2. Preparation of hearing on the merits $585

T222.3. For any other contested incidental proceeding $120

T222. Hearing on the merits, per half-day $220

***(C)* Federal Court (Appeal Division)**

T223. After filing of the notice of appeal, for any case terminated or appeal abandoned $425

T224. Hearing of the appeal on the merits $1,130

Application for permanent residence in Canada (humanitarian and compassionate considerations)

T224.1. Preparation of the form to apply for permanent residence in Canada (humanitarian and compassionate considerations) $200

T224.2. Written submissions in addition to the form may be the subject of an application for special consideration.

Tariff in parole proceedings

Before the Commission québécoise des libérations conditionnelles

Application for review of parole, application for review of a condition or post-suspension application

T225. All services rendered up to and including a final decision, whether the decision is made after examination of the record based on the written submissions or after the hearing $225

Appeal before the National Parole Board

Standard application

T226. *(a)* Preparation of standard hearing $375

(b) Standard hearing, per half-day $200

Hearing on record including written submissions

T226.1. Preparation, drafting and filing of written representations $475

"Post Suspension" hearing

T227. *(a)* Preparation of hearing $125

(b) Hearing, per half-day $200

Hearing on record

T227.1. Preparation, drafting and filing of written representations $225

T228. *(a)* For an adjournment before the Board has begun to hear the case $30

(b) For an adjournment when the case is being heard by the Board, the half-day amount of fees prescribed by section T226 is payable.

(c) The provisions of section T6 apply notwithstanding section T228(*a*).

Appeal before the National Parole Board or the Commission québécoise des libérations conditionnelles

T229. All services rendered before the National Parole Board $865

T229.1 All services rendered before the Commission québécoise des libérations conditionnelles $415

T230. *(a)* Preparation of an application for judicial review to the Federal Court of a decision of the National Parole Board or the Correctional Service of Canada (including its Disciplinary Court): $1,000

(b) All attendances before the Court, including the presentation of the case per half-day $220

(c) Examination or cross-examination of a declarant of the applicant or defendant $150

T230.1. Section T49 applies for any application for judicial review of a decision of the Commission québécoise des libérations conditionnelles, *mutatis mutandis*

Correctional law in disciplinary proceedings

T231. *(a)* Preparation for hearing $130

(b) Hearing $120

T232. The provisions of sections T228*(a)*, T228*(b)* and T228*(c)* apply *mutatis mutandis*.

T232.1. Objection to transfer $200

Application for judicial review under section 745.6 of the Criminal Code

T232.2. All services rendered on an application to the Chief Justice of the Superior Court $250

T232.3. Sections T105 to T119 apply, *mutatis mutandis*, to the remuneration of professional services rendered before a judge and jury.

Review Board (sections 672.38 et seq. of the Criminal Code)

T232.2. The remuneration for professional services rendered before a Review Board under sections 672.38 et seq. of the Criminal Code is determined in accordance with sections T208 to T211 *mutatis mutandis*.

Coroner's inquest

T233. Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the death and legal research $100

T234. Attendance at coroner's inquest, per day $430

Review committee of the Commission des services juridiques

T235. Hearing before the review committee of the Commission des services juridiques if the advocate succeeds $110

Administrative application for a change of name

T236. Administrative motion for a change of name $110

8828

Draft Regulation

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

Scale of fees and duties related to the development of wildlife
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Any person wishing to comment on the matter may submit written comments to Denis Gagnon, Director General, responsible for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4, within the 45-day period.

CLAUDE BÉCHARD,
Minister of Natural Resources and Wildlife

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

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 97, par. 2, s. 121, par. 1 and s. 162, pars. 10, 10.1 and 16)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife is amended in section 2 by replacing “$25.21” by “$13.29”.

2. Sections 4 and 4.1 are replaced by the following:

“**4.** The following fees are payable on the issue of a trapping licence:

(1) resident professional trapping licence: $16.60;

(2) non-resident professional trapping licence: $298.10.

4.1. The following fees are payable on the issue of a fishing licence:

(1) sport fishing licences for species other than an adromous Atlantic salmon:

(a) resident 65 and over (yearly): $10.81;

(b) resident under 65 (yearly): $14.35;

(c) resident (3 consecutive days): $7.05;

(d) resident, with catch and release obligation (yearly): $9.75;

(e) non-resident (yearly): $52.23;

(f) non-resident (7 consecutive days): $34.07;

(g) non-resident (3 consecutive days): $21.22;

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulations made by Orders in Council 54-2008 dated 31 January 2008 (2008, *G.O.* 2, 619), 330-2008 dated 9 April 2008 (2008, *G.O.* 2, 1184) and 333-2008 dated 9 April 2008 (2008, *G.O.* 2, 1148). For previous amendments, refer to the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

(h) non-resident (one day): $8.15;

(i) non-resident, with catch and release obligation (yearly): $23.92;

(2) sport fishing licences for anadromous Atlantic salmon:

(a) resident (yearly): $35.40;

(b) resident (one day): $13.91;

(c) resident, with catch and release obligation (yearly): $16.61;

(d) non-resident (yearly): $119.56;

(e) non-resident (one day): $29.86;

(f) non-resident, with catch and release obligation (yearly): $32.56;

(3) fishing licences for burbot:

(a) resident (yearly): $17.05;

(b) non-resident (yearly): $54.93.".

3. Section 7.1 is amended by replacing "$4.39" by "$4.43".

4. Section 10 is revoked.

5. Section 14 is replaced by the following:

"**14.** The amount of the contribution toward the funding of the Fondation de la faune du Québec, for each type and class of hunting, trapping and fishing licences, is established in Schedule VI.".

6. Section 14.1 is replaced by the following:

"**14.1.** The following fees are payable for the registration of an animal, according to its species:

(1) Caribou $6.00;

(2) White-tailed deer $6.00;

(3) Moose $6.00;

(4) Black bear $6.00;

(5) Wild turkey $6.00.".

7. Section 15 is replaced by the following:

"**15.** Beginning 1 April 2010, any fee or cost, any due, any annual rent or minimum amount of annual rent, any contribution toward the funding of the Fondation de la faune du Québec, payable under this Regulation, and constants Kt and Ke, referred to in the second paragraph of section 11, are adjusted annually by applying to their value for the preceding year the annual percentage change, computed for the month of June of the preceding year, in the general Consumer Price Index (CPI), published by Statistics Canada.

The Minister is to publish the results of the adjustment in Part 1 (French) of the *Gazette officielle du Québec* or by any other appropriate means.".

8. The replacement fee and cost provided for in sections 2 and 7.1 are increased by 2.5% on 1 April of each year.

9. Schedules I to V are replaced by the attached Schedules I to VI.

10. Section 8 of this Regulation ceases to apply as of 1 January 2012.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 7 which comes into force on 1 April 2012.

SCHEDULE I
(s. 3)

HUNTING LICENCES FEES

Section	Column I Type and class of licence	Column II Annual fee
1	*(a)* Caribou, valid for the part of Area 22 shown on the plan in Schedule XII	
	i. resident	$50.14
	(b) Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII	
	i. resident	$50.14
	ii. non-resident	$292.00
	iii. non-resident Canadian	$116.59
	(c) Caribou, valid for Area 23 Fall	
	i. resident	$50.14
	ii. non-resident	$292.00
	iii. non-resident Canadian	$116.59
	(d) Caribou, valid for Area 23 Winter	
	i. resident	$50.14
	ii. non-resident	$292.00
	iii. non-resident Canadian	$116.59
	(e) Caribou, valid for Area 24	
	i. resident	$50.14
2	*(a)* White-tailed deer, elsewhere than in Area 20	
	i. resident	$39.73
	ii. non-resident	$229.99
	(b) White-tailed deer, Area 20	
	i. resident	$51.47
	ii. non-resident	$295.55
	(c) White-tailed deer, female or male with antlers less than 7 cm, in Area 20	
	i. resident	$25.11
	ii. non-resident	$151.14
	(d) White-tailed deer, female or male with antlers less than 7 cm, all areas except Area 20 (1st killing)	
	i. resident	$17.72
3	Northern leopard frog, green frog, bullfrog	
	i. resident	$14.49
4	Hare or eastern cottontail rabbit, using snares	
	i. resident	$14.49
5	*(a)* Moose, all areas	
	i. resident	$44.83
	ii. non-resident	$299.98
	(b) Moose, in a new area	
	i. resident	$7.09
	ii. non-resident	$7.09
6	Black bear	
	i. resident	$38.40
	ii. non-resident	$126.78
7	Small game	
	i. resident	$13.83
	ii. non-resident	$72.96
8	Small game using a bird of prey	
	i. resident	$13.83
	ii. non-resident	$72.96
9	Wild turkey	
	i. resident	$23.35

SCHEDULE II
(s. 8)

RIGHT OF ACCESS FEES FOR RESTRICTED HUNTING IN WILDLIFE SANCTUARIES

Wildlife sanctuary	Species		Right of access fee per hunter or group of hunters	
ASHUAPMUSHUAN	Moose, black bear, ruffed grouse, spruce grouse, snowshoe hare (i. 3 and 7)*		$797.34	per stay, per group of hunters for hunting all 5 species
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age for hunting all 5 species
CHIC-CHOCS	Moose		$881.51	per stay, per group of hunters
			$881.51	per stay, per conservation group of 4 hunters
			$1,763.01	per stay, per group of 6 or 8 hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter
DUCHÉNIER	Moose		$881.51	per stay, per group of hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	White-tailed deer		$43.41	per day, per hunter
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter
DUNIÈRE	Moose		$881.51	per stay, per group of hunters
			$881.51	per stay, per conservation group of 4 hunters
			$1,763.01	per stay, per group of 6 or 8 hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter
LAURENTIDES	Moose		$881.51	per stay, per group of hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter

Wildlife sanctuary	Species		Right of access fee per hunter or group of hunters	
LA VÉRENDRYE	Moose		$881.51	per stay, per group of hunters
			$1,763.01	per stay, per group of 6 or 8 hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds		$16.39	per day, per hunter for hunting all 4 species
	White-tailed deer, ruffed grouse, spruce grouse (i. 3)*, snowshoe hare		$43.41	per day, per hunter for hunting all 4 species
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter
MASTIGOUCHE	Moose		$881.51	per stay, per group of hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter
MATANE	Moose		$881.51	per stay, per group of hunters
			$881.51	per stay, per conservation group of 4 hunters
			$1,763.01	per stay, per group of 6 or 8 8 hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter
PAPINEAU-LABELLE	Moose		$881.51	per stay, per group of hunters
			$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	White-tailed deer, ruffed grouse, spruce grouse, snowshoe hare and eastern cottontail rabbit (i. 3)*		$43.41	per day, per hunter for hunting all 5 species
	Black bear	resident	$43.41	per day, per hunter
		non-resident	$86.82	per day, per hunter

Wildlife sanctuary	Species	Right of access fee per hunter or group of hunters	
PORT-CARTIER – SEPT-ÎLES	Moose, black bear, ruffed grouse, spruce grouse, snowshoe hare (i. 3 and 7)*	$797.34	per stay, per group of hunters for hunting all 5 species
		$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age for hunting all 5 species
PORT-DANIEL	Moose	$881.51	per stay, per group of hunters
		$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	White-tailed deer, ruffed grouse, spruce grouse, snowshoe hare (i. 3)*	$43.41	per day, per hunter for hunting all 4 species
PORTNEUF	Moose	$881.51	per stay, per group of hunters
		$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Black bear resident	$43.41	per day, per hunter
	non-resident	$86.82	per day, per hunter
RIMOUSKI	Moose	$881.51	per stay, per group of hunters
		$1,763.01	per stay, per group of 6 or 8 hunters
		$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Moose and white-tailed deer	$881.51	per stay, per group of hunters
	White-tailed deer, ruffed grouse, spruce grouse, snowshoe hare (i. 3)*	$43.41	per day, per hunter for hunting all 4 species
	Black bear resident	$43.41	per day, per hunter
	non-resident	$86.82	per day, per hunter
ROUGE-MATAWIN	Moose	$881.51	per stay, per group of hunters
		$441.20	per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	White-tailed deer, ruffed grouse, spruce grouse, snowshoe hare (i. 3)*	$43.41	per day, per hunter for hunting all 4 species
	Black bear resident	$43.41	per day, per hunter
	non-resident	$86.82	per day, per hunter

Wildlife sanctuary	Species		Right of access fee per hunter or group of hunters	
SAINT-MAURICE	Moose		$881.51 $441.20	per stay, per group of hunters per stay, per group of 3 or 4 hunters of which at least one is under 18 years of age
	Black bear	resident non-resident	$43.41 $86.82	per day, per hunter per day, per hunter

* The reference in parentheses is to the types of hunting implement described in the Regulation respecting hunting made by Minister's Order 99021 dated 27 July 1999.

SCHEDULE III
(s. 9)

RIGHT OF ACCESS FEES FOR UNRESTRICTED HUNTING IN WILDLIFE SANCTUARIES

Wildlife sanctuary	Species		Right of access fee per hunter	
ASHUAPMUSHUAN	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds		$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Black bear	resident non-resident	$43.41 $86.82	per day per day
	Snowshoe hare (i. 7)*		$35.44	per season
CHIC-CHOCS	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds		$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*		$35.44	per season
DUCHÉNIER	White-tailed deer		$26.58	per day
	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds		$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*		$35.44	per season
DUNIÈRE	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds		$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*		$35.44	per season
LAURENTIDES	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds		$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*		$35.44	per season

Wildlife sanctuary	Species	Right of access fee per hunter	
LA VÉRENDRYE	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season
MASTIGOUCHE	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season
MATANE	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season
PAPINEAU-LABELLE	Ruffed grouse, spruce grouse, snowshoe hare and eastern cottontail rabbit (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 5 species per season for hunting all 5 species
	Snowshoe hare and eastern cottontail rabbit (i. 7)*	$35.44	per season
PORT-CARTIER – SEPT-ÎLES	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season
	Black bear resident non-resident	$43.41 $86.82	per day per day
PORT-DANIEL	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season
	Black bear resident non-resident	$43.41 $86.82	per day per day
PORTNEUF	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season

Wildlife sanctuary	Species	Right of access fee per hunter	
RIMOUSKI	White-tailed deer	$43.41	per day
	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season
ROUGE-MATAWIN	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season
SAINT-MAURICE	Ruffed grouse, spruce grouse, snowshoe hare (i. 3)*, migratory birds	$16.39 $131.12	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7)*	$35.44	per season

* The reference in parentheses is to the types of hunting implement described in the Regulation respecting hunting made by Minister's Order 99021 dated 27 July 1999.

SCHEDULE IV
(s. 10.1)

RIGHT OF ACCESS FEES FOR FISHING ANY SPECIES OTHER THAN ANADROMOUS ATLANTIC SALMON IN CERTAIN WILDLIFE SANCTUARIES

	Column I Wildlife sanctuary	Column II Right of access fee per day or per 7 consecutive days per person
1.	Ashuapmushuan	$16.39/day $81.95/7 days
2.	Assinica	$16.39/day $81.95/7 days
3.	Chic-Chocs	$16.39/day $81.95/7 days
4.	Albanel, Mistassini and Waconichi lakes	$16.39/day $81.95/7 days
5.	Duchénier River and stream Elsewhere	$11.96/day $16.39/day $81.95/7 days
6.	Dunière	$16.39/day $81.95/7 days
7.	Laurentides	$16.39/day $81.95/7 days
8.	La Vérendrye	$15.06/day $81.95/7 days
9.	Mastigouche Lac au Sorcier Elsewhere	$32.78/day $16.39/day $81.95/7 days
10.	Matane	$16.39/day $81.95/7 days
11.	Papineau-Labelle	$16.39/day $81.95/7 days
12.	Port-Cartier – Sept-Îles	$16.39/day $81.95/7 days
13.	Port-Daniel	$16.39/day $81.95/7 days
14.	Portneuf	$16.39/day $81.95/7 days
15.	Rimouski River and stream Elsewhere	$11.96/day $16.39/day $81.95/7 days
16.	Rouge-Matawin	$16.39/day $81.95/7 days
17.	Saint-Maurice	$16.39/day $81.95/7 days

SCHEDULE V
(s. 10.2)

RIGHT OF ACCESS FEES FOR FISHING ANADROMOUS ATLANTIC SALMON IN CERTAIN WILDLIFE SANCTUARIES

Column I Wildlife sanctuary		Column II Sector	Column III Right of access fee per person
1. Port-Cartier – Sept-Îles Rivière MacDonald sectors	**(1)**	**Sector 2** The territory shown on the plan under the heading "Sector 2" in Schedule III to the Regulation respecting wildlife sanctuaries.	
		resident	$30.57/day $214.40/season
		non-resident	$61.13/day $428.79/season
	(2)	**Sector 3** The territory shown on the plan under the heading "Sector 3" in Schedule III to the Regulation respecting wildlife sanctuaries.	
		resident	$30.57/day $214.40/season
		non-resident	$61.13/day $428.79/season
	(3)	**Sector 5** The territory shown on the plan under the heading "Sector 5" in Schedule III to the Regulation respecting wildlife sanctuaries.	
		resident	$30.57/day $214.40/season
		non-resident	$61.13/day $428.79/season

Column I Wildlife sanctuary	Column II Sector	Column III Right of access fee per person
	(4) Sector 6 The territory shown on the plan under the heading “Sector 6” in Schedule III to the Regulation respecting wildlife sanctuaries.	
	resident	$30.57/day $214.40/season
	non-resident	$61.13/day $428.79/season
2. Port-Cartier – Sept-Îles Rivière aux Rochers sectors	**(1) Sector 1** The territory shown on the plan under the heading “Sector 1” in Schedule III to the Regulation respecting wildlife sanctuaries.	
	resident	$60.24 (1) /day
	non-resident	$120.49 (1) /day
	(1) as of 1 August, those amounts are reduced by 50 %	
	(2) Sector 3 The territory shown on the plan under the heading “Sector 3” in Schedule III to the Regulation respecting wildlife sanctuaries.	
	resident	$30.57/day $214.40 /season
	non-resident	$61.13/day $428.79/season
3. Port-Daniel	resident	$36.32/day
	non-resident	$72.65/day
4. Rivière-Cascapédia	**(1) Sector 3 (C)** The territory shown on the plan under the heading “Sector 3C” in Schedule IV to the Regulation respecting wildlife sanctuaries.	
	resident	$124.92/day
	non-resident	$249.83/day

Column I Wildlife sanctuary		**Column II Sector**	**Column III Right of access fee per person**
	(2)	**Sector 4 (D)** The territory shown on the plan under the heading “Sector 4D” in Schedule IV to the Regulation respecting wildlife sanctuaries.	
		resident	$60.02/day
		non-resident	$120.04/day
5. Rivières-Matapédia-et-Patapédia Rivière Causapscal sectors	**(1)**	**Sector 1** The territory shown on the plan under the heading “Sector 1” in Schedule V to the Regulation respecting wildlife sanctuaries.	
		resident	$32.56/day
		non-resident	$65.78/day
	(2)	**Sector 2** The territory shown on the plan under the heading “Sector 2” in Schedule V to the Regulation respecting wildlife sanctuaries.	
		resident	$66.89/day
		non-resident	$133.56/day
6. Rivières-Matapédia-et-Patapédia Rivière Matapédia sectors	**(1)**	**Sector 1** The territory shown on the plan under the heading “Sector 1” in Schedule VI to the Regulation respecting wildlife sanctuaries.	
		resident	$31.89/day from 15-04 to 31-05 $32.56/day $170.76/7 days from 01-06 to 07-08 $23.03/day $120.93/7 days from 08-08 to15-09 $17.72/day $93.02/7 days from 16-09 to 30-09 $8.86/day for hunters under 18 years of age

Column I Wildlife sanctuary		Column II Sector	Column III Right of access fee per person
		non-resident	$31.89/day from 15-04 to 31-05 $65.78/day $343.97/7days from 01-06 to 07-08 $46.07/day $242.08/7 days from 08-08 to 15-09 $34.33/day $180.07/7 days from 16-09 to 30-09 $17.72/day for for hunters under 18 years of age
		private club user resident non-resident	 $32.56/day $65.56/day
	(2)	**Sector 2** The territory shown on the plan under the heading “Sector 2” in Schedule VI to the Regulation respecting wildlife sanctuaries.	
		resident	$71.76/day
		non-resident	$142.64/day
	(3)	**Sector 3** The territory shown on the plan under the heading “Sector 3” in Schedule VI to the Regulation respecting wildlife sanctuaries.	
		resident	$31.89/day from 15-04 to 31-05 $32.56/day $170.76/7 days from 01-06 to 07-08 $23.03/day $120.93/7 days from 08-08 to 15-09 $17.72/day $93.02/7 days from 16-09 to 30-09

Column I Wildlife sanctuary	Column II Sector	Column III Right of access fee per person
		$8.86/day for hunters under 18 years of age
	non-resident	$31.89/day from 15-04 to 31-05 $65.78/day $343.97/7 days from 01-06 to 07-08 $46.07/day $242.08/7 days from 08-08 to 15-09 $34.33/day $180.07/7 days from 16-09 to 30-09 $17.72/day for hunters under 18 years of age
	private club user	
	resident	$32.56/day
	non-resident	$65.56/day
	(4) Sector 4 The territory shown on the plan under the heading “Sector 4” in Schedule VI to the Regulation respecting wildlife sanctuaries.	
	resident	$4.43/day
	non-resident	$8.86/day
	Rivière Humqui sector	
	resident	$4.43/day
	non-resident	$8.86/day
7. Rivières-Matapédia-et-Patapédia Rivière Patapédia sectors	**(1) Sector 1** The territory shown on the plan under the heading “Sector 1” in Schedule VII to the Regulation respecting wildlife sanctuaries.	
	resident	$35.88/day

Column I Wildlife sanctuary	Column II Sector		Column III Right of access fee per person
	(2)	**Sector 2** The territory shown on the plan under the heading “Sector 2” in Schedule VII to the Regulation respecting wildlife sanctuaries.	
		resident	$35.88/day
	(3)	**Sector 3** The territory shown on the plan under the heading “Sector 3” in Schedule VII to the Regulation respecting wildlife sanctuaries.	
		resident	$35.88/day
		non-resident	$71.76/day
8. Sainte-Anne		resident	$44.30/day
		non-resident	$88.59/day
9. Saint-Jean	**(1)**	**Sector 1** The territory shown on the plan under the heading “Sector 1” in Schedule VIII to the Regulation respecting wildlife sanctuaries.	
		resident	$33.44/day $25.03/day after 9:00 a.m. from 01-06 to 31-08 $22.37/day from 01-09 to 30-09 $16.61/day for hunters under 18 years of age
		non-resident	$66.89/day $50.06/day after 9:00 a.m. from 01-06 to 31-08 $44.74/day from 01-09 to 30-09 $33.22/day for hunters under 18 years of age

Column I Wildlife sanctuary	Column II Sector		Column III Right of access fee per person
	(2)	**Sector 2** The territory shown on the plan under the heading “Sector 2” in Schedule VIII to the Regulation respecting wildlife sanctuaries.	
		resident	$46.07/day $34.55/day after 9:00 a.m. from 01-06 to 31-08 $30.79/day from 01-09 to 30-09 $23.03/day for hunters under 18 years of age
		non-resident	$92.14/day $69.10/day after 9:00 a.m. from 01-06 to 31-08 $61.57/day from 01-09 to 30-09 $46.07/day for hunters under 18 years of age
	(3)	**Sector 3** The territory shown on the plan under the heading “Sector 3” in Schedule VIII to the Regulation respecting wildlife sanctuaries.	
		resident	$50.06/day
		non-resident	$100.11/day
	(4)	**Sector 4** The territory shown on the plan under the heading “Sector 4” in Schedule VIII to the Regulation respecting wildlife sanctuaries.	
		resident	$128.46/day
		non-resident	$256.92/day

SCHEDULE VI
(s. 14)

AMOUNT OF THE CONTRIBUTION TO THE FONDATION DE LA FAUNE DU QUÉBEC

Section	Column I Types and classes of licences	Column II Amount
1	Resident hunting licence:	
	(a) Caribou	
	i. Caribou, valid for the part of Area 22 shown on the plan in Schedule XII:	$3.90;
	ii. Caribou, valid for Area 23 Fall:	$3.90;
	iii. Caribou, valid for Area 23 Winter:	$3.90;
	iv. Caribou, valid for Area 24:	$3.90;
	v. Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII:	$3.90;
	(b) White-tailed deer	
	i. White-tailed deer, elsewhere than in Area 20:	$3.90;
	ii. White-tailed deer, Area 20:	$3.90;
	(c) Northern leopard frog, green frog, bullfrog:	$1.90;
	(d) Hare or eastern cottontail rabbit, using snares:	$1.90;
	(e) Moose, all areas:	$3.90;
	(f) Black bear:	$3.90
	(g) Small game, except for hunting hare or eastern cottontail rabbit, using snares:	$1.90;
	(h) Wild turkey:	$3.90;
2	Non-resident hunting licence:	
	(a) Caribou	
	i. Caribou, valid for Area 23 Fall:	$3.90;
	ii. Caribou, valid for Area 23 Winter:	$3.90;
	iii. Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII:	$3.90;

Section	Column I Types and classes of licences	Column II Amoun
	(b) White-tailed deer	
	i. White-tailed deer, elsewhere than in Area 20:	$3.90;
	ii. White-tailed deer, Area 20:	$3.90;
	(c) Moose, all areas:	$3.90;
	(d) Black bear:	$3.90;
	(e) Small game, except for hunting hare or eastern cottontail rabbit, using snares:	$1.90;
3	Trapping licence:	
	(a) resident professional trapping licence:	$1.90;
	(b) non-resident professional trapping licence:	$1.90;
4	Fishing licence:	$2.70.

8827

Draft Regulation

Lobbying Transparency and Ethics Act
(R.S.Q., c. T-11.011)

Regulation
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Lobbying Transparency and Ethics Act Exclusions Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation introduces an amendment to take into account the elimination of regional development councils and the creation of regional conferences of elected officers. It also introduces an amendment to replace the reference to the act governing local development centres.

The draft Regulation will have no impact on citizens or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Denise Mc Maniman, Office of the Deputy Minister, Ministère de la Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; e-mail: denise.mcmaniman@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period following this publication to the Minister of Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1.

JACQUES P. DUPUIS,
Minister of Justice

Regulation to amend the Lobbying Transparency and Ethics Act Exclusions Regulation*

Lobbying Transparency and Ethics Act
(R.S.Q., c. T-11.011, s. 66, par. 2)

1. The Lobbying Transparency and Ethics Act Exclusions Regulation is amended in section 1 by replacing paragraph 10 by the following:

"(10) regional conferences of elected officers referred to in the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., c. M-22.1) and local development centres referred to in the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., c. M-30.01);".

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

8823

* The Lobbying Transparency and Ethics Act Exclusions Regulation, made by Order in Council 179-2003 dated 19 February 2003 (2003, *G.O.* 2, 1019), has not been amended since it was made.

Draft Regulation

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

Nurses
— Diplomas giving access to specialist's certificates

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to amend section 1.17 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to provide for the diplomas from the Université de Montréal and the Université de Sherbrooke giving access to a specialist's certificate for nurse practitioners specializing in primary care issued by the Ordre des infirmières et infirmiers du Québec.

The Order advises that the amendments will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre des infirmières et infirmiers du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister responsible for the administration of legislation respecting the professions after consultation with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Carmelle Marchessault, Director, Direction des services juridiques, 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: 514 935-1799; e-mail: juridique@oiiq.org

Any person wishing to comment on the draft Regulation is requested to submit written comments to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order concerned and to interested persons, departments and bodies.

JACQUES P. DUPUIS,
Minister responsible for the administration of legislation respecting the professions

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Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended by adding the following after subparagraph *b* of paragraph 4 of the second paragraph of section 1.17:

"*(c)* Maîtrise en sciences infirmières (M. Sc.), option pratique infirmière avancée held with the Diplôme complémentaire de pratique infirmière avancée, option soins de première ligne, from the Université de Montréal;

(d) Maîtrise en sciences cliniques (sciences infirmières) (M. Sc.) held with the Diplôme de 2e cycle en études spécialisées en soins de première ligne, from the Université de Sherbrooke.".

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

8826

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 670-2007 dated 14 August 2007 (2007, *G.O.* 2, 2452), 438-2008 dated 7 May 2008 (2008, *G.O.* 2, 1382) and 496-2008 dated 21 May 2008 (2008, *G.O.* 2, 2045). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

Draft Regulation

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

Occupational therapists
— Diplomas giving access to permits
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend section 1.07 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders that lists the diplomas giving access to the permit of the Ordre des ergothérapeutes du Québec.

The Order is of the opinion that the framework within which university training in occupational therapy is currently given does not allow integration of learning related to the new skills necessary to practise occupational therapy. The Order is therefore retaining the proposals from the university educational institutions to replace the current bachelor's programs by bachelor's-master's training continuums. The Order, as a result, now considers that the practice of occupational therapy requires training at the master's level.

In order to grant the Order's request, the draft Regulation proposes to replace the bachelor's degree in occupational therapy from the Université de Montréal and the bachelor's degree in occupational therapy from McGill University by a new master's degree specific to each

university. The draft Regulation also proposes to add a new master's degree in occupational therapy from the Université de Sherbrooke and a new master's degree in occupational therapy from the Université du Québec à Trois-Rivières.

The draft Regulation does not modify the bachelor's degree awarded by Université Laval. The new bachelor's-master's training continuum from that university is about to reach the required final approval stages.

The Order advises that the amendments will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions and the Order for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister responsible for the administration of legislation respecting the professions after consultation with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Christiane-L. Charbonneau, Director General and Secretary, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778 or 1 800 265-5778; fax: 514 844-0478.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3.

JACQUES P. DUPUIS,
Minister responsible for the administration of legislation respecting the professions

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Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended by replacing paragraphs *b* and *c* of section 1.07 by the following:

"*(b)* Maîtrise professionnelle en ergothérapie (M. Sc.) from the Université de Montréal;

(c) Master of Science, Applied, in Occupational Therapy (M.Sc.A.(O.T.)) from McGill University;

(d) Maîtrise en ergothérapie (M. ERG.) from the Université de Sherbrooke;

(e) Maîtrise professionnelle en ergothérapie (M. ERG.) from the Université du Québec à Trois-Rivières.".

2. Paragraphs *b* and *c* of section 1.07, replaced by section 1 of this Regulation, remain applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold the diplomas referred to in the replaced paragraphs or are registered in a program enabling them to obtain such diplomas.

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

8825

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 670-2007 dated 14 August 2007 (2007, *G.O.* 2, 2452), 438-2008 dated 7 May 2008 (2008, *G.O.* 2, 1382) and 496-2008 dated 21 May 2008 (2008, *G.O.* 2, 2045). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

Draft Regulation

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

Physical therapists and physical rehabilitation therapists
— Committee on training

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the committee on training of physical therapists and physical rehabilitation therapists, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes the establishment of a committee on training designed to promote cooperation between the Ordre professionnel de la physiothérapie du Québec, the institutions that issue a diploma giving access to the permit issued by the Order and the Minister of Education, Recreation and Sports with regard to all matters relating to the training of physical therapists and physical rehabilitation therapists. It prescribes the rules governing the composition, functions and works of the committee.

The coming into force of the Regulation will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted for consultation to the Office des professions du Québec, which will communicate its own opinion to the Minister responsible for the administration of legislation respecting the professions, together with the results of the consultation conducted with the educational institutions and other bodies referred to in the Professional Code.

Further information may be obtained by contacting Jean-Luc Hunlédé, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order concerned, and to interested persons, departments and bodies.

JACQUES P. DUPUIS,
Minister responsible for the administration of legislation respecting the professions

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Regulation respecting the committee on training of physical therapists and physical rehabilitation therapists

Professional Code
(R.S.Q., c. C-26, s. 184, 2nd par.)

1. A committee on training is hereby established within the Ordre professionnel de la physiothérapie du Québec.

The committee is composed of two divisions.

One division is responsible for the training of physical therapists and the other for the training of physical rehabilitation therapists.

2. The committee is an advisory committee whose mandate is to examine matters relating to the quality of the training of physical therapists and physical rehabilitation therapists, in keeping with the respective and complementary jurisdictions of the Order, the universities and colleges and the Minister of Education, Recreation and Sports.

Quality of training means the appropriateness of training in relation to the professional skills to be acquired to practise the profession of physical therapist or physical rehabilitation therapist.

As regards training, the committee is to consider

(1) the objectives of the training programs offered by educational institutions at the college and university levels leading to a diploma that gives access to a permit or a specialist's certificate;

(2) the objectives of the other terms and conditions for the issuance of permits or specialist's certificates that may be imposed by a regulation of the Bureau, such as professional training periods, courses or professional examinations; and

(3) the standards for a diploma or training equivalence, prescribed by regulation of the Bureau, that gives access to a permit or a specialist's certificate.

3. The committee is composed of ten members chosen for their knowledge and responsibilities in relation to the matters referred to in section 2.

The Conférence des recteurs et des principaux des universités du Québec appoints two members for the division responsible for the training of physical therapists and the Fédération des cégeps appoints two members for the division responsible for the training of physical rehabilitation therapists.

The Minister of Education, Recreation and Sports or the Minister's representative appoints one member and, if necessary, one alternate for each division.

The Bureau appoints two members of the Order for each division, and the committee selects one of those two members as its chair.

The committee may also authorize persons or representatives of organizations concerned to attend its meetings.

4. The members of the committee are appointed for a term of three years.

They remain in office until they are reappointed or replaced.

5. The functions of the committee are

(1) to review each year the situation as regards the quality of training in the light of developments in knowledge and practice, particularly as regards protection of the public and, where appropriate, to report its observations to the Bureau; and

(2) to give its opinion to the Bureau, as regards the quality of training,

(a) on projects involving the review or preparation of the objectives or standards referred to in the third paragraph of section 2; and

(b) on ways to enhance the quality of training, in particular by proposing solutions to the problems observed.

The committee must indicate in its report and in any opinion the viewpoint of each of its members.

6. The members of the committee are to endeavour to gather information relevant to the exercise of the committee's functions from the organizations that appointed them and from any other organization or person concerned.

7. The chair sets the date, time and place of the committee's meetings.

Despite the foregoing, the chair must call a meeting of the committee whenever at least three of its members so request.

8. The committee must hold at least two meetings per year.

9. The quorum of the committee is three members per division, including one member appointed each by the Bureau, the Conference or Federation, as the case may be, and the Minister.

10. Clerical support for the committee is the responsibility of the Order.

The secretary designated by the Order sees to preparing and keeping the minutes, reports and opinions of the committee.

11. The Bureau is to transmit a copy of the committee's reports and opinions to the Conference or Federation, as the case may be, the Minister of Education, Recreation and Sports, and the Office des professions du Québec.

12. The annual report of the Order must contain the findings of the committee's reports and opinions.

13. This Regulation replaces the Regulation respecting the committee on training of physiotherapists, made by Order in Council 400-2000 dated 29 March 2000.

Despite sections 3 and 4, the members appointed under the provisions replaced by this Regulation remain members of the committee on training until their term expires. They are then replaced in the manner prescribed by this Regulation.

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

8824

Draft Regulation

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

Use of tires specifically designed for winter driving

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the use of tires specifically designed for winter driving, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation defines tires specifically designed for winter driving and provides for the cases where the prohibition to put a passenger vehicle or taxi into operation without such tires does not apply.

Further information may be obtained by contacting Stéphanie Cashman-Pelletier, Direction de la sécurité en transport, Ministère des Transports, 700, boul. René-Lévesque Est, 16e étage, Québec (Québec) G1R 5H1; telephone: 418 643-3074, extension 2386; fax: 418 643-8914.

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Minister of Transport, 700, boul. René-Lévesque Est, 29e étage, Québec (Québec) G1R 5H1, within the 45-day period.

JULIE BOULET,
Minister of Transport

Regulation respecting the use of tires specifically designed for winter driving

Highway Safety Code
(R.S.Q., c. C-24.2, s. 440.1; 2007, c. 40, s. 59; 2008, c. 14, s. 48)

1. From 15 December to 15 March, all tires with which a taxi or passenger vehicle is equipped must be specifically designed for winter driving.

2. The prohibition referred to in the first paragraph of section 440.1 of the Highway Safety Code does not apply to

(1) the spare tire of a taxi or passenger vehicle;

(2) a passenger vehicle, lent by a dealer, manufacturer or automotive body maker, to which is affixed a detachable licence plate, in one of the cases referred to in the first paragraph of section 152 of the Regulation respecting road vehicle registration and amending other regulatory provisions made by Order in Council 1420-91 dated 16 October 1991;

(3) a motor home, namely a motor vehicle permanently converted into living quarters; and

(4) a passenger vehicle or taxi, as the case may be, in respect of which a certificate is issued by the Société de l'assurance automobile du Québec under section 3.

3. The Société de l'assurance automobile du Québec may issue to the owner or lessor of a passenger vehicle a certificate authorizing the owner or lessor to put the passenger vehicle into operation, without being equipped with tires specifically designed for winter driving, for a period of 7 days, in the following cases:

(1) when purchasing a vehicle, to allow the owner or lessor to equip the vehicle with tires specifically designed for winter driving;

(2) the owner or lessor uses the vehicle to leave Québec or return to Québec;

(3) when moving the vehicle from the establishment of a vehicle dealer to a site for its sale at an auction or from such a site to the establishment of such a dealer; and

(4) the return trip of a vehicle leased and registered outside Québec to its starting point outside Québec, that, on the expiry of the leasing period, is left by the lessee at a place in Québec.

Subparagraphs 1 to 3 of the first paragraph also apply to a taxi.

During the period referred to in section 1, the Société may not issue more than 4 certificates in respect of a vehicle covered by this section.

4. The owner or lessor of a vehicle must apply to the Société to obtain the certificate in section 3.

5. The certificate contains the following information:

(1) the file number, address and signature of the person in whose name the certificate is issued;

(2) its effective date and expiry date;

(3) the designation of the licence plate of the vehicle;

(4) in the case of a natural person, the name and given name of the person in whose name the certificate is issued;

(5) in the case of a legal person established for a private interest, its corporate name; and

(6) the identification number of the vehicle.

6. The driver of the vehicle must have in his or her possession the certificate issued under section 3.

7. For the purposes of this Regulation, "tire specifically designed for winter driving" means,

(1) before 15 December 2014, a tire that meets one of the following criteria:

(a) it bears one of the following inscriptions:

i. "Arctic";
ii. "Blizzard";
iii. "Ice";
iv. "LT";
v. "Snow", except "mud and snow";
vi. "Stud"; or
vii. "Winter";

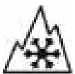
(b) the pictogram in Schedule A is affixed to it;

(2) as of 15 December 2014, a tire to which the pictogram in Schedule A is affixed.

The pictogram in Schedule A represents a mountain with a six-pointed snowflake whose height corresponds at least to half the height of the highest peak. The mountain outline must be at least 15 millimetres wide and 15 millimetres high and have 3 peaks, the one in the middle being the highest.

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

SCHEDULE A
(section 6)



8822

Index

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

	Page	Comments
Agreement between the Minister of Justice and the Barreau du Québec — Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates (Legal Aid Act, R.S.Q., c. A-14)	2945	Draft
Architectes — Conciliation and arbitration procedure for the accounts (Professional Code, R.S.Q., c. C-26)	2913	M
Comptables en management accrédités — Legal authorizations to practise the profession outside Québec that give access to the permit issued by the Ordre (Professional Code, R.S.Q., c. C-26)	2898	N
College Education (General and Vocational Colleges Act, R.S.Q., c. C-29)	2935	M
Conservation and development of wildlife and the Act respecting hunting and fishing rights in the James Bay and New Québec territories, An Act to amend the Act respecting the… — Coming into force of certain provisions (2000, c. 48)	2881	
Conservation and development of wildlife and the Parks Act, An Act to amend the Act respecting the… — Coming into force of certain provisions (1988, c. 39)	2881	
Conservation and development of wildlife, An Act respecting the… — Scale of fees and duties related to the development of wildlife (R.S.Q., c. C-61.1)	2966	Draft
Dentistes — Specialties and terms and conditions for the issue of specialist's certificates by the Ordre (Professional Code, R.S.Q., c. C-26)	2908	M
Denturologistes — Code of ethics (Professional Code, R.S.Q., c. C-26)	2904	M
Denturologists — Practice of denturology within a partnership or a joint-stock company (Professional Code, R.S.Q., c. C-26)	2900	N
Environment Quality Act — Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (R.S.Q., c. Q-2)	2925	M
Equalization scheme (An Act respecting municipal taxation, R.S.Q., c. F-2.1)	2883	N
Extension of the setting aside of certain lands as proposed aquatic and biodiversity reserves (Natural Heritage Conservation Act, R.S.Q., c. C-61.01)	2940	N
Fees payable for the issue of renewal of a specialized medical centre permit (An Act respecting health services and social services, R.S.Q., c. S-4.2)	2924	N

Forest Act — Transfer of responsibilities in the field of forest management to the regional county municipalities of the Bas-Saint-Laurent administrative region . . . . . 2926 N
(R.S.Q., c. F-4.1)

General and Vocational Colleges Act — College Education . . . . . 2935 M
(R.S.Q., c. C-29)

Health services and social services, An Act respecting… — Fees payable for the issue of renewal of a specialized medical centre permit . . . . . 2924 N
(R.S.Q., c. S-4.2)

Health services and social services, An Act respecting… — Specialized medical treatments provided in a specialized medical centre . . . . . 2941 N
(R.S.Q., c. S-4.2)

Highway Safety Code — Sums payable to the custodian of an impounded road vehicle — Revoke . . . . . 2938 A
(R.S.Q., c. C-24.2)

Highway Safety Code — Road vehicles — Towing and impounding for vehicles . . . . . 2938 N
(R.S.Q., c. C-24.2)

Highway Safety Code — Use of tires specifically designed for winter driving . . 2990 Draft
(R.S.Q., c. C-24.2)

Huissiers de justice — Equivalence standards for the issue of permits by the Chambre . . . . . 2899 M
(Professional Code, R.S.Q., c. C-26)

Legal Aid Act — Agreement between the Minister of Justice and the Barreau du Québec — Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates . . . . . 2945 Draft
(R.S.Q., c. A-14)

Lobbying Transparency and Ethics Act — Exclusions . . . . . 2985 Draft
(R.S.Q., c. T-11.011)

Ministère de la Sécurité publique, An Act respecting the… — Application of the provisions of Division V of chapter I of Title II and of section 354 of the Police Act to the police force of the Naskapi Village of Kawawachikamach . . . . 2916 N
(R.S.Q., c. M-19.3)

Ministère de la Sécurité publique, An Act respecting the… — Terms and conditions respecting the signing of certain deeds, documents and writings . . . . . 2917 M
(R.S.Q., c. M-19.3)

Ministère des Ressources naturelles et de la Faune, An Act respecting the… — Program for the delegation of the land and forest management of in tramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region — Approval . . . . . 2926 N
(R.S.Q., c. M-25.2)

Municipal taxation, An Act respecting… — Equalization scheme . . . . . 2883 N
(R.S.Q., c. F-2.1)

Natural Heritage Conservation Act — Extension of the setting aside of certain lands as proposed aquatic and biodiversity reserves . . . . . 2940 N
(R.S.Q., c. C-61.01)

Nurses — Diplomas giving access to specialist's certificates . . . . (Professional Code, R.S.Q., c. C-26)	2985	Draft
Occupational therapists — Diplomas giving acces to permits . . . . (Professional Code, R.S.Q., c. C-26)	2986	Draft
Physical therapists and physical rehabilitation therapists — Committee on training . . . . (Professional Code, R.S.Q., c. C-26)	2988	Draft
Police Act — Police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction . . . . (R.S.Q., c. P-13.1)	2918	N
Police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction . . . . (Police Act, R.S.Q., c. P-13.1)	2918	N
Professional Code — Architectes — Conciliation and arbitration procedure for the accounts . . . . (R.S.Q., c. C-26)	2913	M
Professional Code — Comptables en management accrédités — Legal authorizations to practise the profession outside Québec that give access to the permit issued by the Ordre . . . . (R.S.Q., c. C-26)	2898	N
Professional Code — Huissiers de justice — Equivalence standards for the issue of permits by the Chambre . . . . (R.S.Q., c. C-26)	2899	M
Professional Code — Dentistes — Specialties and terms and conditions for the issue of specialist's certiticates by the Ordre . . . . (R.S.Q., c. C-26)	2908	M
Professional Code — Denturologistes — Code of ethics . . . . (R.S.Q., c. C-26)	2904	M
Professional Code — Denturologists — Practice of denturology within a partnership or a joint-stock company . . . . (R.S.Q., c. C-26)	2900	N
Professional Code — Nurses — Diplomas giving access to specialist's certificates . . . . (R.S.Q., c. C-26)	2985	Draft
Professional Code — Occupational therapists — Diplomas giving acces to permits . . . . (R.S.Q., c. C-26)	2986	Draft
Professional Code — Physical therapists and physical rehabilitation therapists — Committee on training . . . . (R.S.Q., c. C-26)	2988	Draft
Professional Code — Veterinary surgeon — Practice of the profession within a partnership or a joint-stock company . . . . (R.S.Q., c. C-26)	2909	N

Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region — Approval . . . . 2926 N
(An Act respecting the Ministère des Ressources naturelles et de la Faune, R.S.Q., c. M-25.2)

Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains . . 2925 M
(Environment Quality Act, R.S.Q., c. Q-2)

Road vehicles — Towing and impounding for vehicles . . . . 2938 N
(Highway Safety Code, R.S.Q., c. C-24.2)

Scale of fees and duties related to the development of wildlife . . . . 2966 Draft
(An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)

Specialized medical treatments provided in a specialized medical centre . . . . 2941 N
(An Act respecting health services and social services, R.S.Q., c. S-4.2)

Sums payable to the custodian of an impounded road vehicle — Revoke . . . . 2938 A
(Highway Safety Code, R.S.Q., c. C-24.2)

Terms and conditions respecting the signing of certain deeds, documents and writings . . . . 2917 M
(An Act respecting the Ministère de la Sécurité publique, R.S.Q., c. M-19.3)

Tobacco Act — Regulation . . . . 2923 N
(R.S.Q., c. T-0.01)

Transfer of responsibilities in the field of forest management to the regional county municipalities of the Bas-Saint-Laurent administrative region . . . . 2926 N
(Forest Act, R.S.Q., c. F-4.1)

Use of tires specifically designed for winter driving . . . . 2990 Draft
(Highway Safety Code, R.S.Q., c. C-24.2)

Veterinary surgeon — Practice of the profession within a partnership or a joint-stock company . . . . 2909 N
(Professional Code, R.S.Q., c. C-26)

Ville de Lévis, An Act respecting… — Coming into force 2881
(2007, c. 49)