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**Part**

**2**

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**Laws and Regulations**

Volume 141

**Summary**

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## Regulations and other Acts

Gouvernement du Québec

### **O.C. 644-2009, 4 June 2009**

Courts of Justice Act  
(R.S.Q., c. T-16)

#### **Pension plans of the judges of the municipal courts — Rate of contribution of the municipalities to whom the pension plans provided for in Parts V.1 and VI of the Act**

Rate of contribution of the municipalities to the pension plans of the judges of the municipal courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply

WHEREAS, under the third paragraph of section 246.26 of the Courts of Justice Act (R.S.Q., c. T-16), the cost of the pension plan of the judges of the municipal courts to whom the pension plan provided for in Part V.1 or VI of the Act applies is, except contributions paid by those judges to the pension plan provided for in Part V.1 and contributions paid by those judges for the years 1979 to 1989 to the equivalent pension plan in force in the municipality, borne by each municipality, respectively;

WHEREAS the rate of contribution of the municipalities to the pension plan provided for in Part V.1 of the Courts of Justice Act, with regard to the judges of the municipal courts to whom it applies, has been set since 1 January 2005 by the third paragraph of section 21 of the Act to amend the Courts of Justice Act and the Act respecting municipal courts (2005, c. 41);

WHEREAS the rate of contribution of the municipalities to the pension plan provided for in Part VI of the Courts of Justice Act, with regard to the judges of the municipal courts to whom it applies, has been set since 1 January 2005 by the first paragraph of section 22 of the Act to amend the Courts of Justice Act and the Act respecting municipal courts;

WHEREAS, under the first paragraph of section 246.26 of the Courts of Justice Act, at least once every three years, the Commission administrative des régimes de retraite et d'assurances causes an actuarial valuation of the pension plans provided for in Parts V.1 and VI of the Act to be prepared for the Minister of Justice by the actuaries it designates;

WHEREAS, in March 2007, the Commission administrative des régimes de retraite et d'assurances sent to the

Minister of Justice the last actuarial valuation of the pension plans of the judges of the municipal courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply;

WHEREAS, under the first paragraph of section 246.26.1 of the Courts of Justice Act, the Government determines, by order, at intervals of not less than three years, the rates of contribution of the municipalities to the pension plans provided for in Parts V.1 and VI of the Act and the rates are based on each plan's experience obtained at the time of the last actuarial valuation;

WHEREAS, pursuant to the first paragraph of section 246.26.1 of the Courts of Justice Act, the order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order;

WHEREAS it is expedient to amend the rates of contribution of the municipalities to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act;

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

THAT the rate of contribution of the municipalities to the pension plan of the judges of the municipal courts to whom the pension plan provided for in Part V.1 of the Courts of Justice Act applies, be set at the amount by which 13.06% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if the judge had not been granted leave without pay or leave with deferred pay, exceeds the contribution paid by the judge;

THAT the rate of contribution of the municipalities to the pension plan of the judges of the municipal courts to whom the pension plan provided for in Part VI of the Courts of Justice Act applies, be set at 11.17% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if the judge had not been granted leave without pay or leave with deferred pay;

THAT this Order in Council have effect from 1 January 2008.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

Gouvernement du Québec

**O.C. 645-2009**, 4 June 2009

Courts of Justice Act  
(R.S.Q., c. T-16)

**Pension plans  
— Rate of contribution of the municipalities to  
the supplementary benefits plans of the judges  
of the municipal courts to whom the pension  
provided for in Parts V.1 and VI of the Act**

Rate of contribution of the municipalities to the supplementary benefits plans of the judges of the municipal courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply

WHEREAS, under the second paragraph of section 122.3 of the Courts of Justice Act (R.S.Q., c. T-16), the cost of the supplementary benefits plans of judges established by the Government under the second paragraph of section 122 of the Act is, in respect of the judges of the municipal courts to whom the pension plan provided for in Part V.1 or Part VI of the Act applies, borne by each municipality, respectively;

WHEREAS the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part V.1 of the Courts of Justice Act applies, has been set since 1 January 2005 by the fourth paragraph of section 21 of the Act to amend the Courts of Justice Act and the Act respecting municipal courts (2005, c. 41);

WHEREAS the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part VI of the Courts of Justice Act applies, has been set since 1 January 2005 by the second paragraph of section 22 of the Act to amend the Courts of Justice Act and the Act respecting municipal courts;

WHEREAS, under the first paragraph of section 122.3 of the Courts of Justice Act, at least once every three years, the Commission administrative des régimes de retraite et d'assurances causes an actuarial valuation of the supplementary benefits plan established under the second paragraph of section 122 of the Act to be prepared for the Minister of Justice by the actuaries it designates;

WHEREAS, in March 2007, the Commission administrative des régimes de retraite et d'assurances sent to the Minister of Justice the last actuarial valuation of the supplementary benefits plans of the judges of the municipal courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply;

WHEREAS, under the third paragraph of section 122.3 of the Act, the Government determines, by order, at intervals of not less than three years, the rate of contribution of the municipalities to the plans which is based on the result of the last actuarial valuation of the plans;

WHEREAS, pursuant to the third paragraph of section 122.3 of the Act, the order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order;

WHEREAS it is expedient to amend the rates of contribution of the municipalities to the supplementary benefits plans;

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

THAT the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part V.1 of the Courts of Justice Act applies, be set at the amount by which 28.79% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if the judge had not been granted leave without pay or leave with deferred pay, exceeds the rate of contribution of the municipality and the rate of contribution paid by the judge to the pension plan provided for in Part V.1 of the Act and any rate of contribution paid by the judge to the judge's supplementary benefits plan;

THAT the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part VI of the Courts of Justice Act applies, be set at 12.72% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if the judge had not been granted leave without pay or leave with deferred pay;

THAT this Order in Council have effect from 1 January 2008.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

Gouvernement du Québec

**O.C. 646-2009**, 4 June 2009

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

**Bailiff**

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

Regulation respecting the practice of the profession  
of bailiff 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, amended by chapter 11 of the Statutes of 2008), the board of directors of a professional order may make a regulation respecting the practice of the profession within a partnership or a joint-stock company;

WHEREAS, under paragraphs *g* and *h* of section 93 of the Code, amended by section 61 of chapter 11 of the Statutes of 2008, the board of directors of a professional order must, by regulation, impose on its members who carry on their professional activities within a partnership or a joint-stock company the obligation to furnish and maintain coverage, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault in the practice of their profession and fix the conditions and procedure applicable to a declaration made to the Order;

WHEREAS the board of directors of the Chambre des huissiers de justice du Québec made the Regulation respecting the practice of the profession of bailiff 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 Chambre at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code, amended by section 63 of chapter 11 of the Statutes of 2008, and subject to section 95.2 of the Code, amended by section 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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 board of directors under section 65, 88, 89, 90 or 91, paragraph *a*, *b*, *d*, *e*, *f*, *g* or *h* of section 93, or paragraph *a*, *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 board of directors 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 respecting the practice of the profession of bailiff within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 16 July 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 section 9 of the Regulation, concerning the security to be furnished by a partnership or joint-stock company, and section 5 of the Regulation, concerning the declaration;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulation respecting the practice of the profession of bailiff within a partnership or a joint-stock company

Professional Code  
(R.S.Q., c. C-26, ss. 93, pars. *g* and *h*, and 94, par. *p*;  
2008, c. 11, ss. 1 and 61)

### DIVISION I GENERAL

**1.** Bailiffs 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).

Bailiffs must at all times take reasonable measures to ensure that the company or partnership allows them to comply with the Court Bailiffs Act (R.S.Q., c. H-4.1), the Professional Code and the regulations made under that Code or that Act.

**2.** Bailiffs may carry on their professional activities within a partnership or company referred to in the first paragraph of section 1 that holds itself out exclusively as a partnership or joint-stock company of bailiffs if at all times

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

(a) by one or more bailiffs;

(b) by a joint-stock company where at least 90% of the voting rights attached to the shares are held by one or more bailiffs carrying on their professional activities within the partnership or joint-stock company;

(c) by a trust where all the trustees are bailiffs carrying on their professional activities within the partnership or joint-stock company; or

(d) by both persons and trusts referred to in subparagraphs *a* to *c*;

(2) a majority of the directors of the board of directors of the joint-stock company or of the partners or directors appointed by the partners to manage the affairs of the limited liability partnership are bailiffs carrying on their professional activities;

(3) no partner, director, officer or shareholder of the partnership or joint-stock company is to assume responsibilities or perform duties incompatible with

the practice of the profession of bailiff, as provided in the Code of ethics of bailiffs approved by Order in Council 550-2002 dated 7 May 2002; and

(4) to constitute a quorum at a meeting of the board of directors or, as the case may be, the internal management board of the partnership or joint-stock company, the majority of members present who may express themselves must be bailiffs.

Bailiffs who are partners, directors, officers or shareholders of the partnership or joint-stock company 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 purpose of carrying on professional activities.

**3.** If a person referred to in section 2 is struck off the roll for a period in excess of 3 months or has had his or her permit revoked, the person may not, during the period of the striking off or revocation, directly or indirectly hold any units in the partnership or shares in the joint-stock company.

During that period, the person may not hold the position of director, officer or representative of the partnership or joint-stock company.

**4.** A bailiff who wishes to carry on professional activities within a partnership or joint-stock company must, before starting to carry on the activities, provide the secretary of the Order with the following:

(1) a sworn declaration in compliance with section 5, accompanied by the fees payable prescribed by the board of directors of the Order;

(2) a written document from the competent authority to the effect that the partnership or joint-stock company is covered by security in compliance with Division II;

(3) in the case of a joint-stock company, a copy of the incorporating instrument issued by the competent authority, certifying the existence of the joint-stock company;

(4) a written document from the competent authority to the effect that the partnership or joint-stock company is registered in Québec;

(5) an irrevocable written undertaking from the partnership or joint-stock company within which the bailiff carries on professional activities allowing a person, committee, council or tribunal referred to in section 192



of the Professional Code to require disclosure of and obtain any document listed in section 12 from a person, or to obtain a true copy of such a document; and

(6) where applicable, a 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 become a limited liability partnership.

**5.** The sworn declaration in paragraph 1 of section 4 is made on the form provided for that purpose by the secretary of the Order and contains

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

(2) the name of the partnership or joint-stock company within which the bailiff carries on professional activities and any other names used by the partnership or joint-stock company, as well as the business number assigned to it by the enterprise registrar;

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

(4) a confirmation that the conditions referred to in section 2 are met;

(5) the address of the head office or, as the case may be, of the principal establishment of the partnership or joint-stock company and the address of its other establishments;

(6) in the case of a joint-stock company, the names and home addresses of the directors and officers of the company and the order or professional group to which they belong, where applicable;

(7) in the case of a limited liability partnership, the names and home addresses of the partners and directors of the partnership and the order or professional group to which they belong, where applicable;

(8) where applicable, the date on which the general partnership is continued as a limited liability partnership; and

(9) identification, where applicable, of the respondent acting under section 6 and confirmation that the respondent accepts the mandate and undertakes to ensure the accuracy of the information provided to the Order and immediately notify the Order of the end of the mandate.

**6.** If more than one bailiff carries on professional activities within a partnership or joint-stock company, one representative may make a declaration for all the bailiffs in the partnership or company.

The representative's declaration is each bailiff's declaration and each bailiff remains fully responsible for the accuracy of the information provided pursuant to paragraphs 1 and 2 of section 5.

The representative must be a bailiff who is a partner, director, officer or shareholder of the partnership or company.

**7.** A bailiff or representative must

(1) update and provide, before 31 March of each year, the declaration prescribed in paragraph 1 of section 4, accompanied by the fees payable prescribed by the board of directors of the Order; and

(2) promptly notify the secretary of the Order of any change in the security prescribed in Division II or in the information given in the declaration prescribed in paragraph 1 of section 4 that might violate the conditions set out in section 2.

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

## **DIVISION II**

### **PROFESSIONAL LIABILITY COVERAGE**

**9.** A bailiff who carries on professional activities within a partnership or joint-stock company must furnish and maintain, for the partnership or company, security against the professional liability of the partnership or company that may arise from fault on the part of the bailiff in carrying on professional activities within the partnership or joint-stock company, by joining the professional liability group insurance plan contract entered into by the Order.

**10.** The security must include

(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 bailiff pursuant to the Règlement sur l'assurance de la responsabilité professionnelle de la Chambre des huissiers de

justice du Québec, approved by the Office des professions du Québec on 3 February 2000 (2000, *G.O.* 2, 1161) according to a notice of approval published in the *Gazette officielle du Québec* dated 23 February 2000, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to third parties on a claim filed during the coverage period and arising from fault on the part of the bailiff 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 undertaking by the insurer that the security is not less than \$1,000,000 per claim and not less than \$1,000,000 for all claims per annual coverage period, regardless of the number of members in the partnership or joint-stock company;

(4) where a bailiff carries on alone all professional activities within a joint-stock company, an undertaking by the insurer that the security is not less than \$500,000 per claim and not less than \$1,000,000 for all claims per annual coverage period; and

(5) an undertaking by the insurer to give the secretary of the Order a 30-day prior notice of intent to terminate the coverage, to modify it with respect to any of the conditions set out in this section or not to renew it.

### DIVISION III ADDITIONAL INFORMATION

**11.** Bailiffs carrying on professional activities within a general partnership that is continued as a limited liability partnership, or within a joint-stock company or a limited liability partnership that is established, must send to their clients, within 15 days of the occurrence, a notice informing them of the nature and effects of the occurrence of the partnership or joint-stock company, in particular with respect to the bailiff's professional liability and that of the partnership or joint-stock company.

**12.** The documents that may be required from a partnership or company pursuant to paragraph 5 of section 4 are as follows:

(1) if the bailiff 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 shares of the joint-stock company;

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

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

(e) any shareholders' agreement or voting agreement, and amendments;

(f) any agreement concerning a stock option with voting rights or concerning any other right, even if conditional, granted to a person and enabling the person to be issued such stock;

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

(h) the names and home addresses of the company's principal officers;

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

(a) the partnership contract and amendments;

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

(c) the names and home addresses of the partnership's principal officers;

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

(e) where applicable, an up-to-date register of the directors of the partnership.

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

Gouvernement du Québec

## O.C. 647-2009, 4 June 2009

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

### Bailiffs

— Code of ethics  
— Amendments

Regulation to amend the Code of ethics of bailiffs

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 56 of chapter 11 of the Statutes of 2008, the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Chambre des huissiers de justice du Québec made the Regulation to amend the Code of ethics of bailiffs;

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

WHEREAS, pursuant to section 95 of the Professional Code, amended by section 63 of chapter 11 of the Statutes of 2008, and subject to section 95.2 of the Code, amended by section 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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 to amend the Code of ethics of bailiffs was published in Part 2 of the *Gazette officielle du Québec* of 16 July 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 of Justice:

THAT the Regulation to amend the Code of ethics of bailiffs, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Code of ethics of bailiffs\*

Professional Code  
(R.S.Q., c. C-26, s. 87; 2008, c. 11, ss. 1 and 56)

**1.** The Code of ethics of bailiffs is amended by inserting the following after section 5:

“**5.1.** Bailiffs who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company, as well as the persons, employees, students, trainees, shareholders or partners working with them in the practice of the profession comply with the Court Bailiffs Act, the Professional Code (R.S.Q., c. C-26) and the regulations thereunder.

**5.2.** The duties and obligations under the Court Bailiffs Act, the Professional Code and their regulations are in no way changed or reduced by the fact that the bailiff practises the profession within a partnership or joint-stock company.”

**2.** The following is inserted after section 8:

“**8.1.** Bailiffs who foresee that essential aspects of all or a part of the services for which they are being retained may be provided by another person must so inform the client.

**8.2.** Bailiffs must handle with care any property entrusted to them. They may not lend it or use it for purposes other than those for which it was entrusted to them and must return it to its rightful possessor once the professional services have been performed.

\* The Code of ethics of bailiffs, approved by Order in Council 550-2002 dated 7 May 2002 (2002, G.O. 2, 2504), has been amended once, by the regulation approved by Order in Council 836-2003 dated 20 August 2003 (2003, G.O. 2, 2715).

Bailiffs who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when the property is entrusted to the partnership or joint-stock company in the performance of the professional services.”.

**3.** Section 14 is amended by replacing “liability” by “their liability or, if applicable, the liability of the partnership or joint-stock company within which they practise the profession or the liability of another person who also practises there”.

**4.** The following is inserted after section 18:

“**18.1.** A bailiff must take reasonable measures to ensure that confidential information or documents relevant to the file are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company in which the bailiff practises the profession or has an interest, as soon as the bailiff becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be taken into particular account in assessing the effectiveness of such measures:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the bailiff’s file by the person in the conflict of interest;
- (3) the instructions given to protect confidential information or documents relating to the conflict of interest;
- (4) the isolation of the person in the conflict of interest with respect to the bailiff.”.

**5.** Section 20 is amended by replacing “interest nor” by “interest,” and by adding “, or in matters that concern a partner or shareholder of the partnership or joint-stock company in which the bailiff performs professional activities” at the end.

**6.** Section 22 is replaced by the following:

“**22.** Bailiffs may share their fees only with the partnership or joint-stock company within which they practise the profession, another bailiff, a trust or a partner or shareholder in that partnership or joint-stock company.

Where a bailiff practices the profession within a partnership or joint-stock company, the revenues generated by professional services rendered within and

for the partnership or joint-stock company belong to the partnership or joint-stock company, unless agreed otherwise.

The first and second paragraph do not apply to the fees received by a bailiff who is employed exclusively by a municipal court.”.

**7.** Section 23 is amended by inserting the “or who practise the profession within the same partnership or joint-stock company as the bailiffs” after “in their employ”.

**8.** Section 32 is amended by replacing the first paragraph by the following:

“**32.** For the acts described in section 8 of the Court Bailiffs Act, all the bailiffs who are partners or shareholders and practise the profession within the same partnership or joint-stock company are solidarily liable in the partnership or joint-stock company for the application of the Tariff of fees and transportation expenses for bailiffs (R.R.Q., 1981, c. H-4, r.3), unless it is demonstrated that the derogation is attributable to the personal initiative of one bailiff.”.

**9.** Section 40 is amended

- (1) by replacing paragraph 9 by the following:

“(9) except for bailiffs employed exclusively by a municipal court, concluding a pact, an agreement or an understanding with a view to sharing or distributing fees with any person other than the partnership or joint-stock company within which the bailiff practises the profession, another bailiff, a trust or a partner or shareholder of the partnership or joint-stock company;”;

- (2) by replacing paragraph 11 by the following:

“(11) using blackmail, intimidation, threats or assault in the performance of professional duties, either personally or through an agent, the partnership or joint-stock company within which the bailiff practises the profession or the partners, directors, officers or shareholders of the partnership or joint-stock company;”;

- (3) by replacing paragraph 15 by the following:

“(15) the direct or indirect purchase of movable or immovable property by the serving bailiff or bailiffs who are partners, shareholders, directors, officers, employees or ordinary mandataries of the partnership or joint-stock company within which the bailiff practises the profession, in any judicial sale under the Code of Civil Procedure (R.S.Q., c. C-25);”;

(4) by inserting “and to the Regulation respecting the practice of the profession of bailiff within a partnership or a joint-stock company, approved by Order in Council 646-2009 dated 4 June 2009 in paragraph 22 after “Act”;

(5) by replacing paragraph 24 by the following:

“(24) failing to promptly inform the secretary of an intended assignment of property by the bailiff or the partnership or joint-stock company within which the bailiff practises the profession, that such an assignment has been made or that the bailiff, partnership or joint-stock company is the subject of a receiving order;”;

(6) by adding the following after paragraph 26:

“(27) practising the profession within, or having an interest in, a partnership or joint-stock company, with a person who, to the knowledge of the bailiff, performs acts that are derogatory to the dignity of the profession of bailiff;

(28) practising the profession within, or having an interest in, a partnership or joint-stock company if a partner, shareholder, director, officer or employee of the partnership or joint-stock company has been struck off the roll for more than 3 months or has had his or her professional permit revoked, unless the partner, shareholder, director, officer or employee

(a) ceases to hold the position of director or officer within the partnership or joint-stock company within 10 days of the date on which the striking off the roll or permit revocation becomes executory, or within any other period authorized by the board of directors;

(b) ceases to attend shareholder meetings and to exercise voting rights, if applicable, within 10 days of the date on which the striking off the roll or permit revocation becomes executory, or within any other period authorized by the board of directors; and

(c) disposes of his or her voting shares or transfers them to a trustee within 10 days of the date on which the striking off the roll or permit revocation becomes executory, or within any other period authorized by the board of directors.”.

**10.** Section 51 is amended by inserting “and, if applicable, the name of the partnership or joint-stock company within which the bailiff practises the profession” after “title of bailiff”.

**11.** Section 53 is amended by replacing “All the partners in a bailiff partnership are jointly and severally” by “All the bailiffs who are partners or shareholders and practise the profession within the same partnership or joint-stock company are solidarily”.

**12.** Division X is replaced by the following:

**“DIVISION X**  
NAME OF THE PARTNERSHIP OR JOINT-STOCK  
COMPANY

**57.** Bailiffs may not practise the profession 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.

**58.** Bailiffs who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that any document produced by the partnership or joint-stock company in the practice of the profession is identified in the name of a bailiff.”.

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

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Gouvernement du Québec

**O.C. 648-2009, 4 June 2009**

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

**Certified management accountants  
— Compulsory continuing education for Québec  
certified management accountants who hold  
a public accountancy permit**

Regulation concerning compulsory continuing education for Québec certified management accountants who hold a public accountancy permit

WHEREAS, under the second paragraph of section 187.10.2 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors of the Ordre professionnel des comptables agréés du Québec must determine, by regulation, the continuing education activities in which a chartered accountant who practises public accountancy is required to take part, the

penalties for failing to take part in the activities and, where applicable, the cases in which a member may be exempted from taking part in such activities;

WHEREAS the board of directors of the Ordre professionnel des comptables agréés du Québec made the Regulation concerning compulsory continuing education for Québec certified management accountants who hold a public accountancy permit;

WHEREAS, pursuant to section 95 of the Professional Code, amended by section 63 of chapter 11 of the Statutes of 2008, and subject to section 95.2 of the Code, amended by section 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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 concerning compulsory continuing education for Québec certified management accountants who hold a public accountancy permit was published in Part 2 of the *Gazette officielle du Québec* of 17 September 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 des professions du Québec 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 of Justice:

THAT the Regulation concerning compulsory continuing education for Québec certified management accountants who hold a public accountancy permit, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## **Regulation respecting mandatory continuing education for Quebec chartered accountants who practice public accountancy**

Professional Code  
(R.S.Q., c. C-26, s. 187.10.2, second para.;  
2008, c. 11, s. 1)

### **DIVISION I CONTINUING EDUCATION**

**1.** Members of the Ordre des comptables agréés du Québec who practice public accountancy shall, unless exempt pursuant to Division IV, devote at least 60 hours per three-year reference period to continuing education activities in financial reporting and updates of generally accepted audit and review standards, with a minimum of 15 hours in each reference year.

**2.** A person who registers on the Ordre's Membership Roll after September 1 of a given year shall, unless exempt pursuant to Division IV, accumulate a minimum of 2 hours of continuing education activities per month in the areas referred to in section 1, whether the month is a full month or not, by the end of the current reference year. Such person shall accumulate at least 15 hours in these areas per full reference year.

**3.** Members shall choose continuing education activities that are best suited to their needs from among those included in the program prepared by the Ordre in accordance with section 5.

Continuing education activities shall include:

(1) courses offered or organized by the Ordre, the Canadian Institute of Chartered Accountants, other professional orders, or similar organizations;

(2) courses offered by educational or specialized institutions recognized by the Ordre;

(3) formal courses or continuing education activities offered in the workplace;

(4) symposiums, seminars or conferences with a prevalence of technical or educational content;

(5) various formal training sessions, particularly case studies within technical study groups;

(6) distance learning activities;

- (7) participation in discussion groups and on technical committees;
- (8) acting as a lecturer, instructor or preparer for activities contemplated in paragraphs 1 to 7;
- (9) authorship of published professional articles;
- (10) participation in research projects.

However, as part of the 60 hours to be accumulated in a given reference period, the Board of Directors may impose on members who practice public accountancy a specific activity listed in the program of continuing education activities contemplated in section 5.

## **DIVISION II**

### **CONTINUING EDUCATION ACTIVITIES PROGRAM**

**4.** A continuing education activity must allow members to maintain, update, improve or enhance their skills or professional, technological or ethical knowledge related to the practice of the profession of public accountancy.

**5.** The Ordre shall establish the program of continuing education activities to be followed by the membership as a whole or a class of members. In particular, the Ordre shall:

- (1) set the start and end date of the reference period contemplated in section 1 for the membership as a whole or each class of members;
- (2) determine which continuing education activities in the areas described in section 1 will be included in the program and, where applicable, the persons, organizations and educational or specialized institutions that may organize or offer them;
- (3) determine, as appropriate, the activities it will impose under paragraph 4 of section 3;
- (4) establish, where appropriate, criteria for calculating the number of required hours under section 1, where that number differs from the actual duration of the activity.

When determining the activities to be included in the program and, where appropriate, establishing the criteria for calculating the number of qualifying hours for an activity, the Ordre shall take into consideration:

- (1) the relationship between the activity and the practice of public accountancy;
- (2) the competence and qualifications of the instructor in relation to the subject matter;

- (3) the relevance of the instruction content;
- (4) the relationship between instruction content and the requirements set out in section 3;
- (5) compliance with the continuing education objectives set out in section 4;
- (6) the fact that the instruction objectives are measurable and verifiable.

## **DIVISION III**

### **VERIFICATION**

**6.** Members shall submit to the Ordre, no later than 30 days after the end of each reference year within a reference period, a duly completed continuing education activity report using the form provided by the Ordre, together with any attestations prescribed by regulation. The report shall indicate the continuing education activities engaged in during the reference year, their appropriateness in relation to the conditions provided for under section 1 and the objectives set out in sections 3 and 4, the number of hours completed or whether the member has been exempted pursuant to Division IV.

To determine whether a member has met the requirements of this Regulation, the Ordre may require relevant and reliable supporting documents in addition to the continuing education activity report, including receipts identifying the activities engaged in, their duration and content, the organization and/or person offering the activity and, if applicable, a certificate of participation or an attestation of results obtained.

**7.** Successful completion of the continuing education activity or, if there is no evaluation, the member's attendance, are the criteria by which the Ordre recognizes that members have engaged in a continuing education activity for purposes of meeting the requirements of this Regulation.

However, where the activity is not evaluated and attendance is not required, the Ordre shall recognize that members have engaged in a continuing education activity if the members attest to having acquired sufficient knowledge of the activity's content to adequately carry on their professional activities.

Where the Ordre has identified continuing education activities that members are required to attend, their attendance may be verified by any means established by the Ordre, including an attendance sheet signed by the member.

**8.** The Ordre shall send a notice to the member specifying the continuing education activities it does not recognize and the reasons for refusing them no later than 180 days following the date specified for submitting the report provided for in section 6.

**9.** Members may request that a committee established by the Board of Directors review the Ordre's decision by submitting a written application within 30 days of receipt of the notice provided for in section 8.

The committee shall consist of persons who did not participate in the decision for which a review is being requested.

**10.** Members shall keep the documents in support of their reported hours for 12 months following the end of the reference period.

#### DIVISION IV EXEMPTIONS

**11.** Members who have attended or intend to attend a continuing education activity that is not listed in the program adopted by the Ordre are exempted, for a given reference period, from having to attend a continuing education activity provided for in this program as long as the content of the unlisted activity is equivalent to that of an activity listed in the program.

**12.** Members may be exempted pursuant to section 11 if they submit a written request for recognition of the unlisted activity to the Ordre at least 30 days before the scheduled date of the activity or within 60 days of having attended such activity, as the case may be.

The request shall be accompanied by an attestation of the member's attendance or of successful completion or, if applicable, by the transcript of results. The request for recognition shall include:

- (1) a description of the continuing education activity;
- (2) the duration of the activity;
- (3) the number of hours requested for the activity;
- (4) the name and address of the person, organization or institution offering the activity;
- (5) any other information deemed relevant for recognition purposes.

**13.** Members may be exempted, for a given reference period, from having to attend a continuing education activity listed in the program adopted by the Ordre if they can demonstrate that they are unable to attend due to overwhelming circumstances.

The fact that the Disciplinary Council, the Professions Tribunal, or the Board of Directors has suspended or imposed limitations on a member's right to engage in professional activities, or struck a member off the Roll, does not constitute overwhelming circumstances.

Exemptions are not to exceed 12 months and are renewable.

**14.** Members may obtain an exemption pursuant to section 13 by completing the Ordre's form and providing:

- (1) the reasons for the exemption request;
- (2) a doctor's note or any other evidence attesting to the overwhelming circumstances.

As soon as the overwhelming circumstances have been resolved, the member shall advise the Ordre in writing and satisfy the obligations provided for in this Regulation, under the terms and conditions set by the Ordre.

#### DIVISION V PENALTIES

**15.** The Ordre shall send a notice to members who fail to comply with the continuing education requirement setting out the unfulfilled obligations, the penalties members face and the timeframe allowed for remedial action, which cannot be less than 30 days or more than 60 days and begins with the receipt or service of the notice.

Continuing education hours completed after receiving a default notice may only be credited to the reference period during which the member was in default.

**16.** The Ordre shall send a final notice to members who fail to remedy the situation before the deadline determined by the Ordre, specifying that they have an additional 15 days from the date of receipt of the final notice to comply.

**17.** The Ordre shall suspend or limit the right to engage in professional activities or strike off the Roll those members who have not remedied the default described in the notice before the deadline set out in section 16.



The Ordre shall notify members in writing of the penalty imposed.

**18.** The suspension or limitation of the right to engage in professional activities, or the striking off the Roll of the Ordre shall remain in effect until the person provides evidence to the Ordre that the requirements listed in the default notice provided for in section 16 have been met and the penalty is waived by the Ordre.

**DIVISION VI**  
**FINAL PROVISION**

**19.** This Regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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## Draft Regulations

### Draft Regulation

Courts of Justice Act  
(R.S.Q., c. T-16)

#### Pension plans

#### — Rules, terms and conditions of payment of the contribution of a municipality to the pension provided for in Parts V.1 and VI of the Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation establishes the rules, terms and conditions according to which the municipalities of Québec and Laval must, with regard to the judges of their municipal courts, pay their contribution to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act.

The draft Regulation also replaces the Regulation respecting the contribution of a municipality that joins the pension plan provided for in Part VI of the Courts of Justice Act, made by Order in Council 1828-92 dated 16 December 1992.

Further information on the draft Regulation may be obtained by contacting Lili Lemieux, Secrétariat général et direction des affaires institutionnelles, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, Québec (Québec) G1R 5X3; telephone: 418 644-2900; fax: 418 644-0265; e-mail: lili.lemieux@carra.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

KATHLEEN WEIL,  
*Minister of Justice*

### Regulation respecting the rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act

Courts of Justice Act  
(R.S.Q., c. T-16, s. 246.26.1, 2nd par.)

**1.** Payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act (R.S.Q., c. T-16) must be made to the Commission administrative des régimes de retraite et d'assurances on the 15th day of each month.

Any amount of a payment that a municipality fails to make to the Commission on the 15th day of the month bears interest, compounded annually, at the rate provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) from that date. Despite the foregoing, if, for a period or part of a period indicated in that Schedule, the rate provided for therein is less than the rate in Schedule VII to that Act, the rate in Schedule VII applies for the period or part of the period.

**2.** The municipality must, within 30 days of the date of the statement of account sent by the Commission, pay the contribution and the interest accrued on the contribution.

Any amount not paid within the 30-day period bears interest, compounded annually, from the date of the statement of account, at the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and applicable on that date.

**3.** This Regulation replaces the Regulation respecting the contribution of a municipality that joins the pension plan provided for in Part VI of the Courts of Justice Act, made by Order in Council 1828-92 dated 16 December 1992.

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

## Draft Regulation

Courts of Justice Act  
(R.S.Q., c. T-16)

### Pension plan

#### — Supplementary benefits plan for judges covered by the pension provided for in Part V.1 of the Act — 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 Amendments to the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, 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 make amendments consequential to the amendments made to the Courts of Justice Act in 2002 and 2005. It reduces the contribution to be paid to the supplementary benefits plan by a judge who has accumulated 21.7 years of service, eliminates the reduction in the supplementary benefits of a retired judge exercising judicial functions and allows a judge with at least 5 years of service to take early retirement, with a reduction in supplementary benefits.

The draft Regulation also amends the rules, terms and conditions requiring the municipalities of Québec and Laval to pay the contribution of the judges of their municipal courts to the supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act.

Further information on the draft Regulation may be obtained by contacting Lili Lemieux, Secrétariat général et direction des affaires institutionnelles, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, Québec (Québec) G1R 5X3; telephone: 418 644-2900, fax: 418 644-0265; e-mail: lili.lemieux@carra.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

KATHLEEN WEIL  
*Minister of Justice*

## Amendments to the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act\*

Courts of Justice Act  
(R.S.Q., c. T-16, ss. 122, 122.1, 122.3, 4th par., and 123)

**1.** The Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act is amended by replacing section 2 by the following:

“**2.** The annual supplementary benefits payable to a judge are equal to the amount obtained

(1) by multiplying the average salary by 3% per year of service used to compute the pension payable under the pension plan; and

(2) by subtracting the pension amount from the amount obtained under subparagraph 1.

If the judge's pension is reduced pursuant to the second paragraph of section 224.10 or section 224.16 of the Act, the amount obtained under subparagraph 1 of the first paragraph is reduced in the same way as the pension.”.

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

“If the pension is reduced pursuant to section 224.16 of the Act, the supplementary benefits are reduced in the same way as the pension.”.

**3.** Section 4 is replaced by the following:

“**4.** Where the pension granted under the pension plan becomes payable while the judge's age and years of service total 80 or more, if the sum of that pension and the supplementary benefits granted under this Plan is, before any reduction in the pension and benefits under section 224.16 of the Act, less than 55% of the average salary, the amount of supplementary benefits is increased so as to reach that percentage.

The amount of that increase is attributed to the judge's last year of service considered for the purposes of this Plan. If the pension is reduced pursuant to section 224.16 of the Act, the new amount of supplementary benefits is reduced in the same way as the pension.”.

\* The Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, made by Order in Council 695-2001 dated 6 June 2001 (2001, G.O. 2, 2804), has not been amended since it was made.

**4.** Section 5 is replaced by the following:

“5. The sum of the supplementary benefits granted under this Plan and the pension granted under the pension plan may not be greater than 65% of the judge’s average salary before any reduction in those benefits and pension under section 224.16 of the Act.”

**5.** Section 6 is amended by replacing “prescribed in” in the second paragraph by “determined by”.

**6.** Section 7 is revoked.

**7.** Section 10 is amended by replacing the first and second paragraphs by the following:

“The judge must pay to this Plan a contribution equal to 7% of the judge’s annual salary, less the contribution paid to the pension plan. From the date on which the judge has accumulated 21.7 years of service in the pension plan, the judge must pay to this Plan a contribution equal to 1% of the judge’s annual salary, less the contribution paid to the pension plan.

The first paragraph also applies, with the necessary modifications, to a judge who continues to exercise his or her functions after 30 December of the year in which age 69 is reached if payment of the judge’s pension has not begun.”

**8.** Section 11 is amended by striking out

(1) “and his salary shall be reduced in accordance with section 118 of the Act” in the first sentence of the first paragraph;

(2) “and his salary shall be reduced in accordance with section 118 of the Act” in the second paragraph.

**9.** Section 12 is amended by adding the following at the end of the first paragraph: “, excluding a reduction resulting from the application of section 224.15 of the Act”.

**10.** The following is inserted after section 13:

“**13.1.** Where the Commission and Ville de Montréal, Ville de Laval or Ville de Québec enter into a transfer agreement under section 246.24 of the Act, that agreement must also apply to the judge’s supplementary benefits plan.”

**11.** Section 16 is revoked.

**12.** Section 17 is amended by replacing the second paragraph by the following:

“Any amount of a payment that a municipality fails to make to the Commission on the 15th day of the month bears interest, compounded annually, at the rate provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) from that date. Despite the foregoing, if, for a period or part of a period indicated in that Schedule, the rate provided for therein is less than the rate provided for in Schedule VII to that Act, the rate in Schedule VII applies for that period or part of a period.”

**13.** Section 18 is amended by replacing the second paragraph by the following:

“Any amount not paid within 30 days bears interest, compounded annually, from the date of the statement of account, at the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and applicable on that date.”

**14.** The provisions of these amendments come into force as follows:

(1) sections 1, 2, 3, 4 and 6 have effect from 1 July 2004;

(2) sections 7 and 8 have effect from 14 June 2002;

(3) the other provisions come into force on the fifteenth day following the date of publication of the amendments in the *Gazette officielle du Québec*.

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## Draft Regulation

Courts of Justice Act  
(R.S.Q., c. T-16)

### Pension plan

#### — Supplementary benefits plan for judges covered by the pension provided for in Part VI of the Act — 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 Amendments to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act, 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 make amendments consequential to the amendments made to the Courts of Justice Act in 2002 and 2005. It amends the rules for the indexing of supplementary benefits, eliminates the reduction in the supplementary benefits of a retired judge exercising judicial functions and allows a judge with at least 5 years of service to take early retirement, with a reduction in supplementary benefits.

The draft Regulation also amends the rules, terms and conditions requiring the municipalities of Québec and Laval to pay the contribution of the judges of their municipal courts to the supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act.

Further information may be obtained by contacting Lili Lemieux, Secrétariat général et direction des affaires institutionnelles, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, Québec (Québec) G1R 5X3; telephone: 418 644-2900, fax: 418 644-0265; e-mail: lili.lemieux@carra.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

KATHLEEN WEIL,  
*Minister of Justice*

## **Amendments to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act\***

Courts of Justice Act  
(R.S.Q., c. T-16, ss. 122, 122.1, 122.3, 4th par., and 123)

**1.** The Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act is amended by replacing section 2 by the following:

“**2.** The annual supplementary benefits payable to a judge are equal to the amount obtained

(1) by multiplying the average salary for the judge's 3 best paid years of service or, if the judge has fewer than 3, for all the judge's years of service, by 2.8% per year of service used to compute the pension payable to the judge under the pension plan; and

(2) by subtracting the pension amount from the amount obtained under subparagraph 1.

If the judge's pension is reduced pursuant to the second paragraph of section 232.1 or section 238 of the Act, the amount obtained under subparagraph 1 of the first paragraph is reduced in the same way as the pension.”.

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

“If the pension is reduced pursuant to section 238 of the Act, the supplementary benefits are reduced in the same way as the pension.”.

**3.** Section 4 is revoked.

**4.** Section 9 is amended by striking out

(1) “, and his salary shall be reduced in accordance with section 118 of the Act, amended by section 1 of Chapter 79 of the Statutes of 1991” in the first sentence of the first paragraph;

(2) “, and his salary shall be reduced in accordance with section 118 of the Act, amended by section 1 of Chapter 79 of the Statutes of 1991” in the second paragraph.

**5.** Section 11 is replaced by the following:

“**11.** To calculate the supplementary benefits payable under this plan, the average salary is determined in accordance with section 231 of the Act. For the purposes of that calculation, the annual salaries taken into account are in no case limited by the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, c. 1 (5th Supp.)).”.

**6.** Section 12 is amended by replacing the first paragraph by the following:

\* The Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act, made by Order in Council 326-93 dated 17 March 1993 (1993, G.O. 2, 1949), was last amended by Order in Council 1473-2001 dated 12 December 2001 (2001, G.O. 2, 6861) and by section 3 of chapter 41 of the Statutes of 2004. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

“All supplementary benefits are indexed each year in the manner provided for in subparagraphs 2 and 3 of the first paragraph of section 244.11 of the Act.”.

**7.** The following is inserted after section 12:

**12.1.** Where the Commission and Ville de Montréal, Ville de Laval or Ville de Québec enter into a transfer agreement under section 246.24 of the Act, that agreement must also apply to the judge’s supplementary benefits plan.”.

**8.** Section 16.1 is revoked.

**9.** Section 16.2 is amended by replacing the second paragraph by the following:

“Any amount of a payment that a municipality fails to make to the Commission on the 15th day of the month bears interest, compounded annually, at the rate provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) from that date. Despite the foregoing, if, for a period or part of a period indicated in that Schedule, the rate provided for therein is less than the rate provided for in Schedule VII to that Act, the rate in Schedule VII applies for that period or part of a period.”.

**10.** Section 16.3 is amended by replacing the second paragraph by the following:

“Any amount not paid within 30 days bears interest, compounded annually, from the date of the statement of account, at the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and applicable on that date.”.

**11.** The provisions of these amendments come into force as follows:

(1) sections 1, 2 and 3 have effect from 1 July 2004;

(2) sections 4 and 6 have effect from 14 June 2002;

(3) the other provisions come into force on the fifteenth day following the date of publication of the amendments in the *Gazette officielle du Québec*.

9281

## Draft Regulation

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

### Certified general accountants

#### — Legal authorizations to practise the profession outside Québec that give access to the permit of the Ordre

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 legal authorizations to practise the profession of certified general accountant outside Québec that give access to the permit of the Ordre professionnel des comptables généraux licenciés du Québec”, passed by the Board of Directors of the Ordre des comptables généraux licenciés du Québec, may be submitted to the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this draft Regulation is to determine, in accordance with paragraph *g* of section 94 of the Professional Code (R.S.Q., c. C-26), the legal authorizations to practice the profession of certified general accountant outside Québec which give access to a permit from the Ordre des comptables généraux licenciés du Québec.

According to the Ordre des comptables généraux licenciés du Québec, this draft Regulation has no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Mr. André Cantin, CGA, vice-président protection du public et administration at the Ordre des comptables généraux licenciés du Québec, 500, Place d’Armes, Suite 1800, Montreal, Quebec, H2Y 2W2; telephone: 514 861-1823 or 1 800 463-0163; facsimile: 514 861-7661; E-mail: [acantin@cga-quebec.org](mailto:acantin@cga-quebec.org)

Any interested person having comments to make on the matter is asked to send them, prior to the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800 Place D’Youville, 10th Floor, Quebec City, Quebec, G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the enforcement of legislation applicable to professionals; they may also be forwarded to the professional corporation which passed the Regulation as well as to any interested persons, departments and organizations.

JEAN PAUL DUTRISAC,  
*Chair of the Office  
des professions du Québec*

## **Regulation respecting the legal authorizations to practise the profession of certified general accountant outside Québec that give access to the permit of the ordre professionnel des comptables généraux licenciés du Québec**

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

**1.** The legal authorization to practise the profession of certified general accountant issued in another province or territory of Canada shall give access to the certified general accountant permit issued by the Board of Directors of the Ordre professionnel des comptables généraux licenciés du Québec.

**2.** To obtain a permit from the Order, a candidate holding a legal authorization within the meaning of section 1 shall apply in writing to the Secretary of the Order and enclose evidence that he holds such legal authorization as well as payment of the fees for the examination of his file, as required pursuant to paragraph 8 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26).

**3.** The Board of Directors shall decide whether a candidate has met the prescribed conditions and shall notify the latter of its decision within 30 days following the date upon which it was handed down. In the event of a rejection of the application, the Board of Directors shall specify the conditions to be met in order to obtain the permit.

**4.** A candidate may apply to the Board of Directors for a review, provided that he applies to the Secretary in writing within 30 days following the date upon which the decision is received.

**5.** The committee set up by the Board of Directors to make determinations regarding applications for review shall be made up of members which shall not be members of the Board of Directors.

**6.** The committee set up by the Board of Directors shall have 60 days following the date of receipt of the application for review to hand down its decision.

Prior to handing down its decision, the committee shall enable the candidate to make representations. A candidate wishing to make his representations in person shall notify the Secretary at least 5 days prior to the date scheduled for the meeting. However, the candidate may forward written representations to the Secretary at any time prior to the date scheduled for this meeting.

**7.** The committee's decision shall be final and shall be forwarded to the candidate within 30 days following the date of such meeting.

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

9288

## **Draft Regulation**

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

### **Certified general accountants**

#### **— Terms and conditions for the issue of a permit of the Ordre**

#### **— 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 terms and conditions for the issue of a permit of the Ordre professionnel des comptables généraux licenciés du Québec", passed by the Bureau of the Ordre des comptables généraux licenciés du Québec, may be submitted to the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this draft Regulation is to update the current Regulation, essentially to add the successful completion of the professional training program as a condition of issuance of the permits of general certified accountant.

According to the Ordre des comptables généraux licenciés du Québec, this draft Regulation has no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Mr. André Cantin, CGA, vice-président protection du public et administration at the Ordre des comptables généraux licenciés du Québec, 500 Place d'Armes, Suite 1800, Montreal, Quebec, H2Y 2W2; telephone: 514 861-1823 or 1 800 463-0163; facsimile: 514 861-661; E-mail: [acantin@cga-quebec.org](mailto:acantin@cga-quebec.org)

Any interested person having comments to make on the matter is asked to send them, prior to the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800 Place D'Youville, 10th Floor, Quebec City, Quebec, G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the enforcement of legislation applicable to



professionals; they may also be forwarded to the professional corporation which passed the Regulation as well as to any interested persons, departments and organizations.

JEAN PAUL DUTRISAC,  
Chair of the Office  
des professions du Québec

### **Regulation to amend the Regulation respecting the terms and conditions for the issue of a permit of the Ordre professionnel des comptables généraux licenciés du Québec\***

Professional Code  
(R.S.Q., c. C-26, s. 94, par. i; 2008, c. 11, s. 1 and 62)

**1.** The Regulation respecting the terms and conditions for the issue of a permit of the Ordre professionnel des comptables généraux licenciés du Québec is amended in Section 1 thereof by the insertion of the following after paragraph 1:

“**1.1** has successfully completed the professional training program set up by the Order;”.

**2.** Section 3 of said Regulation is replaced by the following:

“**3.** A candidate must have successfully completed the professional training program and met the requirements concerning the professional examinations and the professional training period within 5 years of applying for registration.”.

**3.** The Regulation is amended by the insertion of the following after Division II:

#### **“DIVISION II.I PROFESSIONAL TRAINING PROGRAM**

**3.1** A candidate must take the professional training program set up by the Order in a university teaching establishment.

The purpose of such professional training program is to, among other things, increase knowledge and develop skills with a view to mastering the relationship between the material covered by the professional examinations and learn the rules of ethics and professional conduct.”.

\* The Regulation respecting the terms and conditions for the issue of a permit of the Ordre professionnel des comptables généraux licenciés du Québec, approved by Order-in-Council 1646-92 dated November 11, 1992 (1992, G.O. 2, 5000), has not been amended since it was approved.

**4.** Section 4 of said Regulation is replaced by the following:

“**4.** The professional examinations shall cover the following subjects: accounting, finance, certification, taxation, and information systems and technology.”.

**5.** Section 6 of said Regulation is replaced by the following:

“**6.** The professional examinations shall evaluate the candidate to determine whether he is able to carry on the profession of licensed general accountant.

More specifically, they are intended to determine whether the candidate has assimilated the knowledge and skills acquired and his ability to master practical situations, and in particular those involving public accountancy.”.

**6.** Said Regulation is amended by the insertion of the following after section 6:

“**6.1** Before sitting for an examination, the candidate must show that he has successfully completed the prerequisite courses for the professional training program determined by the Board of Directors.”.

**7.** This regulation shall come into force on the fifteenth day following the date of its publication in the *Quebec Official Gazette*.

9292

### **Draft Regulation**

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

#### **Physical therapists**

#### **— Legal authorizations to practise the profession outside Québec which give access to permit issued by the Ordre**

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 legal authorizations to practise the profession of physical therapist outside Québec which give access to the physical therapist’s permit issued by the Ordre professionnel de la physiothérapie du Québec, made by the board of directors of the Ordre professionnel de la physiothérapie du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine, pursuant to paragraph q of section 94 of the Professional Code (R.S.Q., c. C-26), which legal authorizations to practise the profession of physical therapist outside Québec give access to the physical therapist's permit issued by the Ordre professionnel de la physiothérapie du Québec.

According to the Ordre professionnel de la physiothérapie du Québec, the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Marie-France Salvas, advocate, Service juridique, Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 351-2770, extension 246; toll-free: 1 800 361-2001, extension 246; fax: 514 351-2658; e-mail: msalvas@oppq.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## **Regulation respecting the legal authorizations to practise the profession of physical therapist outside Québec which give access to the physical therapist's permit issued by the Ordre professionnel de la physiothérapie du Québec**

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

**1.** Legal authorizations to practise the profession of physical therapist issued in another province or Canadian territory give access to the physical therapist's permit issued by the Ordre professionnel de la physiothérapie du Québec.

**2.** In order to obtain a permit from the Order to practise the profession of physical therapist in Québec, the holder of a legal authorization to practise the profession of physical therapist referred to in section 1 must apply therefor in writing to the secretary of the Order, provide proof of that legal authorization and pay the application examination fees prescribed under 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*.

9290

## **Draft Regulation**

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

### **Physicians — Professional activities that may be engaged in by a medical electrophysiology technologist — 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 amending the Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist", made by the board of directors of the Collège des médecins du Québec, appearing below, may be submitted to the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to extend the application of the Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist until 1 January 2013.

The Collège advises that the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Linda Bélanger, Legal Advisor, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone: 514 933-4441, extension 362 or 1 888 633-3246; fax: 514 933-5374; e-mail: lbelanger@cmq.org

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation, that is, the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

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### **Regulation amending the Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist\***

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h*; 2008, c. 11, s. 62)

- 1.** The Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist is amended by replacing “2010” in section 6 by “2013”
- 2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9289

### **Draft Regulation**

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

#### **Psychologists — Legal authorizations to practise as a psychologist outside Québec that give access to the permit issued by the Ordre**

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 legal authorizations to practise as a psychologist outside Québec that give access to the permit issued by the Ordre des psychologues du Québec”,

approved by the board of directors of the Ordre des psychologues du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The Regulation determines, pursuant to paragraph *q* of section 94 of the Professional Code (R.S.Q., c. C-26), the legal authorizations to practise as a psychologist outside Québec that give access to the permit issued by the Ordre des psychologues du Québec.

The Ordre des psychologues du Québec advises that the Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting M<sup>e</sup> Édith Lorquet, Legal Counsel with the Ordre des psychologues du Québec, 1100, avenue Beaumont, bureau 510, Ville Mont-Royal (Québec) H3P 3H5; telephone: 514 738-1881 or 1 800 363-2644; fax: 514 738-8838.

Any person having comments is asked to send them to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, before the expiry of the 45-day period. The comments will be forwarded by the Office to the Minister of Justice and may also be forwarded to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office  
des professions du Québec*

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### **Regulation respecting legal authorizations to practise as a psychologist outside Québec that give access to the permit issued by the Ordre des psychologues du Québec**

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

- 1.** A legal authorization to practise as a psychologist issued in another Canadian province or territory gives access to the permit issued by the Ordre des psychologues du Québec.

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\* The Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist, approved by Order in Council 1281-2005 dated 21 December 2005 (2006, *G.O.* 2, 207), was amended once by the regulation approved by Order in Council 31-2009 dated 14 January 2009 (2009, *G.O.* 2, 15B).

**2.** To obtain a permit from the Order, the holder of a legal authorization referred to in section 1 must apply in writing to the general secretary of the Order and include in the application proof of the authorization and payment of the file examination fees required pursuant to paragraph 8 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26; 2008, c. 11, s. 54).

The candidate must also pass a course recognized by the Order on the legislation, regulations and ethical aspects related to the practice of the profession of psychologist in Québec.

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

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

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