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Part

2

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Laws and Regulations

Volume 145

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Contents

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Regulations and other Acts

Gouvernement du Québec

O.C. 485-2013, 15 May 2013

An Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2)

Ministère de la Famille

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

Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille

WHEREAS, under the second paragraph of section 17 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2), no deed, document or writing is binding on the Minister or may be attributed to the Minister unless it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government;

WHEREAS, under the second paragraph of section 18 of the Act, the Government may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents it determines if the facsimile is countersigned by a person authorized by the Minister;

WHEREAS, under section 19 of the Act, any document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 17, is authentic;

WHEREAS, under section 9.1 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1), a public body may enter into an agreement with another public body by which it agrees to provide services to that other public body and the public body to which services are provided may, in the manner set out in its constituting Act, designate a member of the personnel of or the holder of a position within the body providing the services so that that person's signature may bind the public body to which services are provided and any document signed by that person may be attributed to the public body to which services are provided;

WHEREAS, by Order in Council 875-99 dated 4 August 1999, amended by Order in Council 425-2002 dated 10 April 2002 and by Order in Council 359-2013 dated 10 April 2013, the Government made the Terms and

conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2, r. 1);

WHEREAS, under Order in Council 890-2012 dated 20 September 2012, the Ministère de la Famille et des Aînés is now called the Ministère de la Famille and the duties and responsibilities of the Minister of Families, Seniors and the Status of Women regarding families were entrusted to the Minister of Families, except the duties regarding the youth, which are conferred on the Premier;

WHEREAS it is expedient to amend the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2, r. 1);

WHEREAS it is expedient to make the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille;

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

THAT the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille, attached to this Order in Council, be made;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

TERMS AND CONDITIONS OF THE SIGNING OF CERTAIN DEEDS, DOCUMENTS OR WRITINGS OF THE MINISTÈRE DE LA FAMILLE

An Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2, s. 17)

DIVISION I INTERPRETATION

1. Subject to the other conditions of validity that may be prescribed by law, a member of the personnel of the department and the holder of a position mentioned below are authorized, insofar as they act within the limits of their duties, to sign alone, with the same authority as the Minister, any deed, document or writing listed in the following provisions.

Such a deed act, document or writing is binding on the Minister and may be attributed to the Minister as if signed by the Minister.

The foregoing also applies where the deeds, documents or writings are signed by a person authorized in writing to hold one of the positions mentioned below on an interim or provisional basis.

DIVISION II

§1. *General*

2. Assistant deputy ministers are authorized to sign, for their sector of activity,

(1) calls for tenders and supply or services contracts, except those related to telecommunications and information technologies;

(2) agreements entered into under section 10 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2);

(3) any document pertaining to the granting of subsidies or other financial contributions for which the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor, except documents related to the granting of subsidies under the Act to facilitate the establishment of a pension plan for employees working in childcare services (chapter E-12.011) and the Educational Childcare Act (chapter S-4.1.1); and

(4) any document pertaining to the granting of subsidies not subject to standards for \$50,000 or less or, subject to the prior approval of the Conseil du trésor, for more than \$50,000, except subsidies that may be granted under the Act to facilitate the establishment of a pension plan for employees working in childcare services (chapter E-12.011) and the Educational Childcare Act (chapter S-4.1.1).

An assistant deputy minister is also authorized, for his or her sector of activity, to certify as true any document or any copy of a document originating from the department or forming part of its archives.

3. In addition to the authorizations referred to in section 2, the Assistant Deputy Minister of the Direction générale de l'administration is authorized to sign, for all the department's activities,

(1) calls for tenders and supply or services contracts, including those related to telecommunications and information technologies;

(2) agreements entered into under section 10 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2);

(3) any document pertaining to the granting of subsidies or other financial contributions for which the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor, except documents related to the granting of subsidies under the Act to facilitate the establishment of a pension plan for employees working in childcare services (chapter E-12.011) and the Educational Childcare Act (chapter S-4.1.1);

(4) any document pertaining to the granting of subsidies not subject to standards for \$50,000 or less or, subject to the prior approval of the Conseil du trésor, for more than \$50,000, except subsidies that may be granted under the Act to facilitate the establishment of a pension plan for employees working in childcare services (chapter E-12.011) and the Educational Childcare Act (chapter S-4.1.1);

(5) agreements for the occupation and equipment of immovables with the Société immobilière du Québec; and

(6) deeds and documents related to the alienation of surplus movable property.

4. The Secretary General is authorized to sign, for his or her sector of activity,

(1) calls for tenders and supply or services contracts for \$50,000 or less, except those related to telecommunications and information technologies; and

(2) agreements for \$50,000 or less entered into under section 10 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2);

The Secretary General is also authorized, for the whole department, to certify as true any document or any copy of a document originating from the department or forming part of its archives.

5. A director, including the Director of the Direction des communications under the Secrétariat à la communication gouvernementale of the Ministère du Conseil exécutif, an assistant director and a service head are authorized to sign, for their sector of activity,

(1) calls for tenders and supply or services contracts for \$50,000 or less, except those related to telecommunications and information technologies; and

(2) agreements for \$50,000 or less entered into under section 10 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2);

A director is also authorized, for his or her sector of activity, to certify as true any document or any copy of a document originating from the department or forming part of its archives.

6. In addition to the authorizations referred to in section 5, the Director of the Direction des ressources financières, matérielles et de la conformité is authorized to sign, for all the department's activities,

(1) calls for tenders and supply or services contracts for \$50,000 or less, including those related to telecommunications but excluding those related to information technologies;

(2) agreements for \$50,000 or less for the occupation and equipment with the Société immobilière du Québec; and

(3) deeds and documents related to the alienation of surplus movable property.

7. In addition to the authorizations referred to in section 5, the Director of the Direction des ressources informationnelles et technologiques is authorized to sign, for all the department's activities, calls for tenders and supply or services contracts for \$50,000 or less related to information technologies.

8. The Québec sales tax (QST), the goods and services tax (GST) or, as the case may be, the harmonized sales tax (HST) are not taken into consideration in the amounts prescribed in these Terms and conditions.

§2. An Act to facilitate the establishment of a pension plan for employees working in childcare services

9. The Assistant Deputy Minister of the Direction générale des services de garde éducatifs à l'enfance is authorized to sign

(1) any document related to the granting of subsidies pursuant to section 3 of the Act to facilitate the establishment of a pension plan for employees working in childcare services (chapter E-12.011);

(2) any document related to the designation of persons who may sit on the pension committee pursuant to section 5 of that Act; and

(3) any document related to the agreements entered into pursuant to section 7 of that Act.

10. The Director of the Direction des politiques de main-d'oeuvre et des relations de travail or the Director of the Direction du financement et des immobilisations des services de garde is authorized to sign any document related to the granting of subsidies for \$50,000 or less pursuant to section 3 of that Act.

§3. An Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements

11. The Assistant Deputy Minister of the Direction générale des services de garde éducatifs à l'enfance is authorized to sign

(1) any document related to the sending of the list of names and contact information of home childcare providers pursuant to section 8 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1);

(2) any document related to a request to the Commission des relations de travail pursuant to section 24, 27 or 29 of that Act;

(3) any document related to a notice of modification of a territory pursuant to section 28 of that Act;

(4) written notices for the negotiation of a group agreement pursuant to section 36 of that Act;

(5) any document related to a request that a mediator be designated pursuant to section 38 of that Act;

(6) any document related to a request that a dispute be submitted to an arbitrator pursuant to section 42 of that Act;

(7) any document related to the cessation of payment or reduction of a subsidy granted pursuant to section 52 of that Act; and

(8) any document related to the cessation of participation in a program created under a group agreement pursuant to section 52 of that Act.

12. The Director of the Direction des politiques de main-d'oeuvre et des relations de travail is authorized to sign

(1) any document related to the sending of the list of names and contact information of home childcare providers pursuant to section 8 of that Act;

(2) any document related to a request to the Commission des relations de travail pursuant to section 24, 27 or 29 of that Act; and

(3) any document related to a notice of modification of a territory pursuant to section 28 of that Act.

§4. Educational Childcare Act

13. The Assistant Deputy Minister of the Direction générale des opérations régionales is authorized to sign

(1) childcare centre and day care centre permits, upon their issue or renewal pursuant to section 7, 10, 11 or 155, as the case may be, of the Educational Childcare Act (chapter S-4.1.1);

(2) any document related to the refusal to issue or renew a childcare centre or day care centre permit, its suspension or revocation, pursuant to section 10, 26, 28, 28.1 or 29, as the case may be, of that Act;

(3) any document authorizing a permit holder to provide childcare services elsewhere than at the address appearing on the permit, for a period specified pursuant to section 16 of that Act;

(4) any document related to the approval or refusal of plans pursuant to section 19 of that Act;

(5) any document related to an authorization or a refusal to increase the maximum number of children stated on a permit, to alter a facility, to add a new facility or to relocate a facility permanently pursuant to section 21 of that Act;

(6) any document authorizing the coordinating office to change the address of its head office, to dispose of or transfer assets, or to make a change in its organization pursuant to section 48 of that Act;

(7) written notices of non-compliance pursuant to section 65 of that Act;

(8) any document authorizing a person to act as an inspector and certifying the person's authority pursuant to section 72 of that Act;

(9) any document ordering such work as is necessary to make the premises or equipment comply or prohibiting access to the premises or equipment until the situation is corrected pursuant to section 74 of that Act;

(10) any document related to the suspension or cancellation of an inspector's decision pursuant to section 75 of that Act;

(11) any document authorizing access to premises or play equipment when they are no longer a hazard and the removal of any seals pursuant to section 77 of that Act;

(12) any document designating a person as an investigator and certifying the person's authority pursuant to section 80 of that Act;

(13) any document related to the granting of subsidies pursuant to section 91 of that Act;

(14) any document for entering into a subsidy agreement with a permit applicant or childcare provider pursuant to section 92 of that Act;

(15) any document related to the designation of a person responsible for imposing an administrative penalty pursuant to section 101.3 of that Act; and

(16) any document related to the evacuation or closure of a facility where activities for which a permit or recognition is required pursuant to section 120 of the Act are carried on without a permit or recognition.

A facsimile of the signature of the Assistant Deputy Minister of the Direction générale des opérations régionales may be engraved, lithographed or printed on the permit referred to in subparagraph 1 of the first paragraph, if that permit is countersigned by a person authorized by the Minister.

14. The Assistant Deputy Minister of the Direction générale des services de garde éducatifs à l'enfance is authorized to sign

(1) written notices of non-compliance pursuant to section 65 of that Act;

(2) any document authorizing a person to act as an inspector and certifying the person's authority pursuant to section 72 of that Act;

(3) any document designating a person as an investigator and certifying the person's authority pursuant to section 80 of that Act;

(4) any document related to the sending of a decision made following an application for review pursuant to section 88 of that Act;

(5) any document related to the granting of subsidies pursuant to section 89, 90, 91 or 96 of that Act;

(6) any document related to the cancellation or reduction of a subsidy granted or to the suspension of its payment pursuant to section 97 of that Act; and

(7) any document authorizing, pursuant to section 108 of that Act, a measure departing from a standard under paragraphs 3, 4 and 5 of section 106.

15. The Assistant Deputy Minister of the Direction générale de l'administration or the Director of the Direction des ressources financières, matérielles et de la conformité is authorized to sign

(1) any document related to an agreement for payment of an amount owing as an administrative penalty pursuant to section 101.14 of that Act;

(2) any document related to the issue of a recovery certificate or to a deduction from a subsidy pursuant to section 101.15 of that Act.

16. The Director or the Assistant Director of the Direction de l'inspection is authorized to sign

(1) written notices of non-compliance pursuant to section 65 of that Act;

(2) any document ordering such work as is necessary to make the premises or equipment comply or prohibiting access to the premises or equipment until the situation is corrected pursuant to section 74 of that Act; and

(3) any document related to the suspension or cancellation of an inspector's decision pursuant to section 75 of that Act;

(4) any document authorizing access to premises or play equipment when they are no longer a hazard and the removal of any seals pursuant to section 77 of that Act;

(5) any document related to the evacuation or closure of a facility where activities for which a permit or recognition is required pursuant to section 120 of that Act are carried on without a permit or recognition.

17. A director of a regional branch is authorized to sign

(1) childcare centre and day care centre permits, upon their issue or renewal pursuant to section 7, 10, 11 or 155, as the case may be, of that Act;

(2) any document authorizing a permit holder to provide childcare services elsewhere than at the address appearing on the permit, for a period specified pursuant to section 16 of that Act;

(3) any document related to the approval or refusal of plans pursuant to section 19 of that Act;

(4) any document related to an authorization or a refusal to increase the maximum number of children stated on a permit, to alter a facility, to add a new facility or to relocate a facility permanently pursuant to section 21 of that Act;

(5) any document authorizing the coordinating office to change the address of its head office, to dispose of or transfer assets, or to make a change in its organization pursuant to section 48 of that Act;

(6) written notices of non-compliance pursuant to section 65 of that Act; and

(7) any document ordering such work as is necessary to make the premises or equipment comply or prohibiting access to the premises or equipment until the situation is corrected pursuant to section 74 of that Act.

18. The Director of the Direction du financement et des immobilisations des services de garde is authorized to sign

(1) written notices of non-compliance pursuant to section 65 of that Act;

(2) any document related to the granting of subsidies for \$50,000 or less pursuant to section 89, 90 or 96 of that Act.

19. The Director of the Direction de l'accessibilité et de la qualité des services de garde, the Director of the Direction des politiques de main-d'oeuvre et des relations de travail, an investigator or an inspector from the Direction de l'inspection is authorized to sign written notices of non-compliance pursuant to section 65 of that Act.

DIVISION III **AMENDING PROVISIONS**

20. Sections 10 to 17 of the Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2, r. 1) are revoked.

21. The title "Terms and conditions of the signing of certain deeds, documents or writings of the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2, r. 1)" is replaced by "Terms and conditions of the signing of certain deeds, documents or writings concerning the application of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine in respect of seniors and the status of women".

Gouvernement du Québec

O.C. 499-2013, 15 May 2013

An Act respecting occupational health and safety
(chapter S-2.1)

Health and safety in forest development work

Regulation respecting health and safety in forest development work

WHEREAS, under subparagraphs 7, 8, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, under the third paragraph of section 223, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 224 of the Act respecting occupational health and safety, a draft of the Regulation respecting health and safety in forest development work was published in Part 2 of the *Gazette officielle du Québec* of 1 February 2012 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 16 October 2012;

WHEREAS it is expedient for the Government to approve the Regulation;

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

THAT the Regulation respecting health and safety in forest development work, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting health and safety in forest development work

An Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 8, 19 and 42,
2nd par. and 3rd par.)

DIVISION I DEFINITIONS

1. In this Regulation,

“back cut (felling cut)” means a cut made with a saw on the backside of the tree, i.e. the opposite side from the direction in which the tree is to fall; (trait d’abattage)

“BNQ» means the Bureau de normalisation du Québec; (BNQ)

«brush cutting” means a silvicultural treatment consisting in the removal of undesirable herbaceous and woody vegetation by manual or mechanical means; (débroussaillage)

“CSA” means the Canadian Standards Association or the Association canadienne de normalisation; (CSA)

“EN” means a European standard issued by the European Committee for Standardization; (EN)

“felling area” means an area having a radius equal to at least the length of the tree to be felled, but not less than 22.5 metres; (zone d’abattage)

“forest development” means all activities related to timber felling and harvesting, the establishment, improvement, maintenance or closure of infrastructures, the carrying out of silvicultural treatments, including reforestation and the use of fire, the control of insect infestations, cryptogamic diseases and competing vegetation, and any other activity that affects the productivity of a forest site; (aménagement forestier)

“forest road” means any road used during forest development work; (chemin forestier)

“forestry machine” means any self-propelled vehicle used for forest development work, such as a feller, delimber, slasher, log loader or skidder; (machine forestière)

“hauling (skidding)” means the transporting of whole trees, roundwood or logs from the cutblock to a landing; (débardage)

“ISO” means the International Organization for Standardization; (ISO)

“log” means a piece of round wood resulting from the slashing of a roundwood; (bille)

“roundwood” means a trunk or section of trunk of a felled tree after limbing, with or without bark; (grume)

“skidder” means any forestry machine designed for hauling operations, such as a cable, grapple or tracked skidder, a forwarder or a loader-transporter; (débardeur)

“snag” means a standing dead tree; (chicot)

“undercut” means, in manual felling, a notch cut into the trunk of a tree to control the direction in which the tree is to fall; (entaille de direction)

“whole tree” means a felled tree separated from its stump. (arbre entier)

DIVISION II SCOPE AND GENERAL

2. Scope: This Regulation applies to all forest development work.

3. Purpose: The purpose of this Regulation is to establish standards pertaining in particular to transportation, forest roads, equipment, forestry machines and the maintenance of such machines, felling, brush cutting, hauling and individual protective equipment to safeguard the health of workers and to ensure their safety and physical well-being.

4. Employer’s obligations: Employers must comply with the standards set out in this Regulation.

5. Worker’s obligations: Workers must wear or use, as the case may be, the individual or collective protective means and equipment provided for in this Regulation.

6. The presence of the employer or a person appointed by the employer for this purpose is required on work sites.

7. No worker may work alone unless a safe, effective means of supervision is assured. Supervision must involve either visual, electronic or hearing contact, for example the change of speed of a forestry machine engine, or verbal communication with the worker at least once every half working day.

8. First aid must be provided on work sites in accordance with the First-aid Minimum Standards Regulation (chapter A-3.001, r. 10). In addition:

(1) one rigid stretcher must be available and placed near work sites where workers are concentrated;

(2) one backboard with straps, one rigid cervical collar and one blanket must be available at one or more places determined by the health and safety committee or, in the absence of such a committee, by the employer, in order to respond to emergencies;

(3) backboards and rigid cervical collars must be used by a qualified person.

DIVISION III FOREST ROAD

9. Every forest road must be

(1) built and maintained such that any road vehicle used for forest development work can circulate without danger;

(2) wide enough to allow safe usage;

(3) designed for passing areas if there is only one lane.

10. Every bridge on a forest road must be

(1) built, inspected and maintained so as to be safe;

(2) equipped on each side of the deck with a longitudinal piece at least 20 centimetres in height and firmly fixed to the deck;

(3) used according to its load-carrying capacity, which must be indicated by way of signs and, where applicable, signals installed near the road at a distance of 30 metres from each end of the bridge and that are visible day and night.

The signs and signals referred to in subparagraph 3 must comply with the standards set out in Chapter 2 of Volume V of the manual entitled Traffic Control Devices, as determined by the Minister of Transport pursuant to the second paragraph of section 289 of the Highway Safety Code (chapter C-24.2).

11. Bends, steep grades, railway crossings, narrow surfaces such as bridges, truck crossings, areas of reduced visibility and speed limits must be indicated by way of signs and, where applicable, signals placed near the forest road and that are visible day and night.

The signs and signals must comply, as the case may be, with the standards set out in Chapter 2 or 3 of Volume V of the manual entitled Traffic Control Devices, as determined by the Minister of Transport pursuant to the second paragraph of section 289 of the Highway Safety Code.

DIVISION IV FOREST DEVELOPMENT EQUIPMENT

§1. *General*

12. Equipment used for forest development purposes must be used, maintained and kept in good condition in accordance with the manufacturer's instructions or, failing such instructions, standards offering equivalent safety.

§2. *Hand tools and portable power tools*

13. Spiked or sharp-edged hand tools, such as hooks, lifting tongs, axes or peaveys, must be inspected regularly and, if necessary, sharpened or, if broken, replaced.

14. An extinguisher or other device capable of controlling the beginning of a fire must be within reach of a worker using a chain saw or brush cutter.

15. Wire cutters or other suitable equipment must be used to cut steel wire.

16. Chain saws must comply with CSA standard CAN/CSA-Z62.1-03, Chain Saws, and be Type 1, Class 1A.

17. The chain of a chain saw must comply with CSA standard CSA Z62.3-04, Chain Saw Kickback.

18. A portable container must comply with CSA standard CSA B376-M1980, Portable Containers for Gasoline and Other Petroleum Fuels.

§3. *Brush cutting*

19. A brush cutter, its parts and harness must not be modified.

20. A portable container referred to in section 18 must never be attached to a worker during brush cutting.

§4. *Forestry machine*

21. A forestry machine must be

(1) equipped with a lighting system when used for night work;

(2) equipped with an extinguisher placed within the operator's reach;

(3) maintained and cleaned so as to prevent any risk of fire;

(4) equipped, in the case of a skidder, with a parking brake;

(5) equipped with a roof if there is a risk of falling objects;

(6) equipped with a cab with full doors and a protective screen if the operator risks being hit by an object;

(7) equipped with a rollover protective structure where there is a risk of rollover;

(8) equipped with a seat in good condition that is suitable for the work performed and the forestry machine, as well as with a safety belt.

The wearing of a safety belt is mandatory for forestry machine operators, except for the operator of a cable skidder when salvaging and piling timber.

One year from 13 June 2013, forestry machines acquired new must be equipped with an adjustable seat;

(9) equipped with grip handles, non-slip steps or ladders installed so as to enable safe access by the driver and facilitate maintenance;

(10) equipped, where it has catwalks or platforms, with a non-skid floor and guardrails.

22. An operator must not leave the controls of a forestry machine without first securing the blade or lifting arms on the ground so as to prevent inadvertent movement and without applying the parking brake if the machine is so equipped.

23. Traction chains mounted on forestry machines must be adjusted to fit the tires.

§5. *Truck or trailer*

24. A truck or trailer must be

(1) used for loads that do not exceed its capacity;

(2) used according to conditions on the work site;

(3) equipped with a protective screen between the cab and the load, fastened so as to ensure the driver's safety in case the load shifts.

25. All loads must be secured in accordance with the Cargo Securement Standards Regulation (chapter C-24.2, r. 30).

Despite the first paragraph, in the case of roundwood loads, the top of the highest outside roundwood, on each side or at each end of the vehicle, must not exceed the top of the bunk units or posts.

Roundwood forming the top of the load must be arranged in an arch and not exceed the bunk units or posts by more than one height of roundwood in the centre of the load.

DIVISION V **FOREST DEVELOPMENT WORK**

26. During forest development work, no person must be in the forestry machine's danger zone.

§1. Hand felling

27. Every worker who fells a tree manually using a hand-held chain saw must

(1) have received and passed theoretical and hands-on occupational health and safety training according to the content of the course entitled *Santé et sécurité en abattage manuel* (234-361) of the Ministère de l'Éducation, du Loisir et du Sport; and

(2) hold a certificate issued by a body designated by the Commission de la santé et de la sécurité du travail attesting that the worker received such training and passed the required examination.

28. Employers must ensure that every worker demonstrates the competencies acquired during the training referred to in section 27 by means of the most recent version of the record entitled *Abattage manuel – Fiche de suivi* published by the Commission de la santé et de la sécurité du travail.

29. When a tree is being felled by hand, only the worker performing the task may be in the felling area. A minimum distance of 45 metres must be maintained between 2 fellers.

30. The following elements must be considered in manual tree felling:

(1) before felling:

(a) identify dangers in the felling area;

(b) make sure the worker referred to in section 29 is the only person in the felling area;

(c) remove snags 3 metres or more in height from the felling area, preferably mechanically, but otherwise manually. If a snag cannot be hand felled, hand felling of trees that include the snag in the felling area must be prohibited;

(d) choose a suitable felling technique;

(e) clear a safe-size working area around the base of the tree;

(f) trim the trunk of the tree to be felled;

(g) in the opposite direction of the fall, clear at least 1 skid trail at a 45-degree angle and at least 2 metres from the trunk of the tree;

(2) prohibit hand felling if there are more than 50 snags over 3 metres in height per hectare;

(3) a tree with the following characteristics may not be felled by hand:

(a) its trunk is broken and its crown is lodged;

(b) it supports a lodged tree, a snag or a tree that has fallen over;

(c) it is located on a site with no possible skid trail;

(4) in the following cases, the tree to be felled must not be hand felled unless a risk analysis has been carried out and determines a safe felling method that will have to be used in those cases:

(a) it is joined to another tree from which it separates at a height of over 1.3 metres;

(b) it has a split crotch at a height of over 1.3 metres.

31. When felling

(1) a notch must be used to control the direction of fall of any tree with a diameter at stump height of 15 centimetres or more, in accordance with the following conditions:

(a) the notch, made with an undercut and a back cut, must be made to a depth of approximately 1/10 the diameter of the tree to be felled such that the fall can be guided and controlled;

(b) the undercut must be made at a minimum 45-degree angle, to a depth of approximately 1/3 the diameter of the tree to be felled;

(c) the back cut must be made at a point at least 2.5 centimetres higher than the tip of the undercut;

(2) a tree which has a back cut already started must never be left standing;

(3) a tree retained during its fall must never be left standing or slashed.

In the cases referred to in subparagraphs 2 and 3, the tree must, subject to the use of an appropriate hand technique taught during the training provided for in section 27, be freed by a skidder or other means of mechanical traction.

32. A suitable method must be used for limbing or slashing a whole tree with a chain saw so as to make the work easier and reduce the risk of accidents caused by kickback, jumps or jamming of the blade of the chain saw, or swivelling of the trunk.

In addition, it is prohibited to stand or walk on the trunk of a tree to be limbed or slashed.

§2. *Hauling*

33. Hauling on an inclined plane must be done in the axis of the slope or in such a way as to prevent skidder tip-over.

34. If a hauling winch is used, the winch must be attached between 30 and 60 centimetres from the end of the roundwood or whole tree.

35. When the winch of a cable skidder is in use, the skidder must be kept aligned with the winch cable.

36. The winch cable of a cable skidder must remain wound on the drum when the skidder is moving without a load.

37. The cable must never be completely unwound from the drum of the winch of a cable skidder.

38. If hauling is done with horses, the following safety measures must be taken:

- (1) attach the load from the side;
- (2) walk behind moving loads.

39. Only loads suitable for the capacity of a forestry machine or the strength of the horses used, according to terrain conditions, must be hauled.

§3. *Maintenance and repairs*

40. Forestry machines with a hydraulic operating system must be equipped with a device that locks clamps, blades or other equipment into a fixed position for maintenance, cleaning and repairs.

41. For the maintenance, cleaning or repair of the head of a mechanized feller,

- (1) a working procedure must be established;

(2) the worker performing the work must have received the proper training;

(3) the worker must lock off or control all sources of energy in order to avoid any motion of the forestry machine, the felling head or its parts.

The procedure for locking off or controlling sources of energy must be approved, in writing, by a qualified person. A “qualified person” is a person who understands how a complex system such as an electrical, pneumatic or hydraulic system works and, where applicable, is able to make recommendations or take action in complete safety.

42. When a forestry machine or its moveable parts are raised, the machine or parts must be blocked, using such means as a jack or braces, in either of the following situations:

- (1) before undertaking maintenance or repairs;
- (2) if no one is watching the machine.

43. Where mechanical maintenance and repairs are performed in a permanent forest camp, the employer must provide

- (1) a shop for servicing and repairing chain saws, brush cutters and other similar portable power tools;
- (2) a sheltered place if major maintenance and repairs are done on heavy equipment.

DIVISION VI INDIVIDUAL PROTECTIVE EQUIPMENT AND TEMPORARY SHELTER

44. Subject to the second paragraph, the wearing of a safety hat in compliance with CSA standard CAN/CSA Z94.1-05, Industrial Protective Headwear - Performance, Selection, Care, and Use, is mandatory for every worker exposed to head injuries.

From 13 June 2013, new safety hats must comply with the most recent version of CSA standard CAN/CSA Z94.1, Industrial Protective Headwear - Performance, Selection, Care, and Use.

45. The wearing of eye protectors or a face protector in compliance with CSA standard CAN/CSA Z94.3-07, Eye and Face Protectors, is mandatory for every worker who is exposed to a danger that may cause injury to his or her eyes or face from

- (1) particles or objects;

- (2) dangerous substances or molten metals;
- (3) intense radiation.

However, when work is carried out using a chain saw or brush cutter, workers may wear a mesh visor.

46. The wearing of protective shoes with flexible, non-slip soles and complying with CSA standard CAN/CSA Z195-02, Protective Footwear, is mandatory for every worker exposed to foot injuries incurred in the following cases:

- (1) by perforation;
- (2) by the falling of heavy, burning or sharp objects;
- (3) by contact with molten metal or hot or corrosive liquids.

When a chain saw is being used, the wearing of protective footwear for chain saw operators complying with CAN/CSA Z195-02, Protective Footwear, or NF EN ISO 17249, Safety Footwear with Resistance to Chain Saw Cutting, is required.

47. The wearing of unaltered forest pants providing frontal protection from flying objects and obstacles and a protective surface meeting Class B standards of CAN/BNQ 1923-450-M91, Leg Protective Device for Chain Saw Users, is mandatory for every worker using a brush cutter.

48. The wearing of pants meeting Class A standards of CAN/BNQ 1923-450-M91, Leg Protective Device for Chain Saw Users, is mandatory for every worker using a chain saw.

49. The wearing of gloves or mitts ensuring a good grip on handles is mandatory for every worker using a chain saw or brush cutter.

50. The wearing of gloves or mitts that are resistant to barbs is mandatory for every worker handling steel wire.

51. Temporary shelter

Where warranted, employers must provide forestry workers with a temporary heated shelter.

The shelter must be of an appropriate size for the number of forestry workers and be equipped with tables. It must not be used as a dormitory.

DIVISION VII FINAL

52. This Regulation replaces the Regulation respecting forestry operations (chapter S-2.1, r. 17).

53. Section 332 of the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended by replacing “Regulation respecting forestry operations (chapter S-2.1, r. 17)” by “Regulation respecting occupational health and safety in forest development work”.

54. Sections 5 and 9 of the Regulation respecting prevention programs (chapter S-2.1, r. 10) are amended by striking out subparagraph 1 of subparagraph 1 of the first paragraph.

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

56. The provisions of the Regulation respecting occupational health and safety apply to the extent that they are compatible with the provisions of this Regulation.

2699

M.O., 2013-08

Order number V-1.1-2013-08 of the Minister of Finance and the Economy dated 15 May 2013

Securities Act
(chapter V-1.1)

CONCERNING Regulation to amend Regulation 41-101 respecting general prospectus requirements

WHEREAS subparagraphs 1, 3, 4.1, 6.1, 8, 9, 11, 14, 16, 19 and 34 of section 331.1 of the Securities Act (chapter V-1.1) stipulate that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Regulation 41-101 respecting general prospectus requirements was approved by ministerial order no. 2008-05 dated March 4, 2008;

WHEREAS there is cause to amend that regulation;

WHEREAS the draft Regulation to amend Regulation 41-101 respecting general prospectus requirements was published for a first time in the *Bulletin de l'Autorité des marchés financiers*, vol. 7, no. 12 of March 26, 2010 and a second time in the *Bulletin de l'Autorité des marchés financiers*, volume 8, n° 47 of November 25, 2011;

WHEREAS also the proposed amendments in the draft Regulation to amend Regulation 41-101 respecting general prospectus requirements, correlative to the Regulation 25-101 respecting designated rating organizations, was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 9, no. 30 of July 26, 2012;

WHEREAS the *Autorité des marchés financiers* made, on April 22, 2013, by the decision no. 2013-PDG-0066, Regulation to amend Regulation 41-101 respecting general prospectus requirements;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance and the Economy approves without amendment the Regulation to amend Regulation 41-101 respecting general prospectus requirements appended hereto.

May, 15 2013

NICOLAS MARCEAU,
Minister of Finance and the Economy

REGULATION TO AMEND REGULATION 41-101 RESPECTING GENERAL PROSPECTUS REQUIREMENTS

Securities Act

(R.S.Q. c. V-1-1. s. 331.1, par. (1), (3), (4.1), (6.1), (8), (9), (11), (14), (16), (19) and (34))

1. Section 1.1 of Regulation 41-101 respecting General Prospectus Requirements is amended:

(1) by replacing, in the definition of the expression “approved rating organization”, the word “approved” with the word “designated”;

(2) by inserting, after the definition of the expression “designated foreign jurisdiction”, the following:

““DRO affiliate” has the same meaning as in section 1 of Regulation 25-101 respecting Designated Rating Organizations (R.R.Q., c. V-1.1, r. 8.1);

(3) by replacing the definition of “long form prospectus” with the following:

““long form prospectus” means a prospectus filed in the form of Form 41-101F1, Form 41-101F2 or Form 41-101F3;”;

(4) by adding the following definition after the definition of “over-allotment option”:

““plan summary” means a document prepared in accordance with the requirements of Part A of Form 41-101F3;”.

2. Paragraph (6) of section 1.2 of the Regulation is amended by replacing, in the part preceding subparagraph (a), the words “in Form 41-101F1 and Form 41-101F2” with the words “in Form 41-101F1, Form 41-101F2 and Form 41-101F3”.

3. Section 3.1 of the Regulation is replaced with the following:

“3.1. Form of prospectus

(1) Subject to subsections (2), (2.1) and (3), an issuer filing a prospectus must file the prospectus in the form of Form 41-101F1.

(2) An issuer that is an investment fund, other than a scholarship plan, filing a prospectus must file the prospectus in the form of Form 41-101F2.

(2.1) An issuer that is a scholarship plan filing a prospectus must file the prospectus in the form of Form 41-101F3.

(3) An issuer that is qualified to file a short form prospectus may file a short form prospectus.”.

4. The Regulation is amended by adding the following after Part 3:

“PART 3A SCHOLARSHIP PLAN PROSPECTUS REQUIREMENTS**3A.1. Plain language and presentation**

(1) A scholarship plan prospectus must be prepared using plain language and in a format that assists in readability and comprehension.

(2) A scholarship plan prospectus must

(a) present all information briefly and concisely,

(b) present the items listed in Parts A to D of Form 41-101F3 in the order set out in those parts,

(c) use only the headings and sub-headings prescribed by Form 41-101F3 unless stated otherwise,

(d) contain only information that is specifically mandated or permitted by Form 41-101F3, and

(e) not incorporate by reference into the scholarship plan prospectus, information that is required to be included in a scholarship plan prospectus.

(3) A plan summary must

(a) be prepared for each scholarship plan offered under a scholarship plan prospectus or multiple scholarship plan prospectus, and

(b) not exceed 4 pages in length.

“3A.2. Combinations of documents

(1) Subject to subsection (2), a scholarship plan prospectus may be consolidated with one or more scholarship plan prospectuses to form a multiple scholarship plan prospectus.

(2) A scholarship plan prospectus must not be consolidated with one or more scholarship plan prospectuses to form a multiple scholarship plan prospectus unless the portions of each scholarship plan prospectus prepared in accordance with the requirements of Parts B and D of Form 41-101F3 are substantially similar.

“3A.3. Order of contents of bound documents

If documents are attached to, or bound with, a scholarship plan prospectus or multiple scholarship plan prospectus

(a) the scholarship plan prospectus or multiple scholarship plan prospectus must be the first document contained in the package, and

(b) no pages must come before the scholarship plan prospectus or multiple scholarship plan prospectus other than, at the option of the scholarship plan, a general front cover and table of contents pertaining to the entire package.

“3A.4. Plan summary

(1) Despite section 3A.3, a plan summary must not be attached to, or bound with, any other part of a scholarship plan prospectus, or to any other document, except as provided in this section.

(2) A plan summary of a scholarship plan may be attached to or bound with one or more plan summaries of other scholarship plans if the binding, to a reasonable person, would help present the information in a simple, accessible and comparable format.

“3A.5 Documents to be delivered or sent upon request

(1) On request by a person, a scholarship plan must deliver or send a copy of one or more the following documents free of charge to the person:

(a) the scholarship plan prospectus or multiple scholarship plan prospectus;

(b) any document incorporated by reference into the scholarship plan prospectus;

(c) any portion of a document described in paragraph (a) or (b).

(2) A document requested under subsection (1) must be delivered or sent within 3 business days of receipt of the request.”.

5. Section 4.2 of the Regulation is amended, in paragraph (2), by replacing the words “the form of Form of 41-101F2” with the words “the form of Form 41-101F2 or Form 41-101F3”.

6. Section 5.1 of the Regulation is amended by:

(1) adding the following after subparagraph (ii) of paragraph (a):

“(ii.1) section 9.1 of Part D of Form 41-101F3,”;

(2) adding the following after subparagraph (ii) of paragraph (b):

“(ii.1) section 9.3 of Part D of Form 41-101F3,”.

7. Section 6.1 of the Regulation is amended by adding, after paragraph 2, the following:

“(3) Despite subsections (1) and (2), an amendment to a plan summary must be prepared in accordance with Part A of Form 41-101F3 without any further identification, and dated as of the date the plan summary is being amended.”.

8. Section 7.2 of the Regulation is amended by replacing, in paragraph (2), the words “approved rating organization” with the words “designated rating organization or its DRO affiliate”.

9. Section 9.1 of the Regulation is amended by adding the following after subparagraph (iv) of paragraph (a):

“(iv.1) if the issuer is a scholarship plan, in addition to the documents filed under subparagraph (iv), a copy of the scholarship plan contract for the scholarship plan under the prospectus;”.

10. Section 9.2 of the Regulation is amended by inserting, in subparagraph (iv) of paragraph (a) and after the words “subparagraph 9.1(a)(iv)”, the words “or (iv.1)”.

11. Section 10.1 of the Regulation is amended by replacing, in paragraph (4), the words “an approved rating organization” with the words “a designated rating organization or its DRO affiliate”.

12. Section 15.1 of the Regulation is amended by deleting “, other than scholarship plans”.

13. Section 15.2 of the Regulation is amended:

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

“(1) An investment fund must incorporate by reference into its long form prospectus, by means of a statement to that effect, the filed documents listed in

(a) section 37.1 of Form 41-101F2 for investment funds other than scholarship plans, and

(b) subsection 4.1(1) of Part B of Form 41-101F3 for scholarship plans.”;

(2) by replacing paragraph (3) with the following:

“(3) An investment fund must incorporate by reference in its long form prospectus, by means of a statement to that effect, the subsequently filed documents referred to in

(a) section 37.2 of Form 41-101F2 for investment funds other than scholarship plans, and

(b) subsection 4.1(2) of Part B of Form 41-101F3 for scholarship plans.”.

14. Section 17.1 of the Regulation is amended, in paragraph (2), by replacing the words “Form 41-101F1 or Form 41-101F2, as applicable,” with the words “Form 41-101F1, Form 41-101F2 or Form 41-101F3, as applicable.”.

15. Schedule 1 of Appendix A of the Regulation is amended, in the French text of table 1.F, by replacing the word “municipalité” with the word “ville”.

16. Form 41-101F1 of the Regulation is amended:

(1) in the French text of paragraph 4 of Item 1.4, by replacing the words “souscription minimum” with the words “souscription minimale”;

(2) in Item 22.1:

(a) in paragraph (3):

(i) by replacing, in the part preceding the French text of subparagraph (a), the words “de l’une des ordonnances” with “d’une des ordonnances” and by inserting, after the word “means”, the words “any of the following, if in effect for a period of more than 30 consecutive days”;

(ii) by deleting, in subparagraph (c), “, that was in effect for a period of more than 30 consecutive days”;

(b) by replacing the French text of paragraph (4) of Item 22.1 with the following:

“4) Indiquer si le promoteur visé au paragraphe 1 se trouve dans l’un ou l’autre des cas suivants:

a) il est, à la date du prospectus provisoire, ou a été, au cours des 10 années précédentes, administrateur ou membre de la haute direction d’une personne qui, pendant que le promoteur exerçait ces fonctions ou au cours de l’année suivant la cessation de ses fonctions, a fait faillite, fait une proposition concordataire en vertu de la législation sur la faillite ou l’insolvabilité, fait l’objet ou été à l’origine d’une procédure judiciaire, d’un concordat ou d’un compromis avec des créanciers, ou pour laquelle un séquestre, un séquestre-gérant ou un syndic de faillite a été nommé afin de détenir l’actif;

b) il a, au cours des 10 années précédant la date du prospectus provisoire, selon le cas, fait faillite, fait une proposition concordataire en vertu de la législation sur la faillite ou l’insolvabilité, fait l’objet ou été à l’origine d’une procédure judiciaire, d’un concordat ou d’un compromis avec des créanciers, ou un séquestre, un séquestre-gérant ou un syndic de faillite a été nommé afin de détenir son actif.”;

(3) by replacing, in the French text of Item 30.1, the words “des délais déterminés” with the words “les délais prévus”.

17. Form 41-101F2 of the Regulation is amended:

(1) by deleting, in General Instruction (7), the following sentence:

“However, scholarship plans may make modifications to the disclosure items in order to reflect the special nature of their investment structure and distribution mechanism.”;

(2) by deleting, in paragraph (1) of Item 1.3, the words “scholarship plan”;

(3) by replacing, in paragraph (3) of Item 1.11, the words “venture capital fund, commodity pool or scholarship plan” with the words “venture capital fund or commodity pool”;

(4) by deleting, in Item 1.15, the words “other than a scholarship plan”;

(5) in Item 3.6:

(a) by deleting, in the table to paragraph (2), “[for scholarship plans, Fees and Expenses payable by Subscribers’ Deposits]”;

(b) by deleting, in paragraph (3), the words “**or by Subscribers’ Deposits (for scholarship plans)**”;

(6) by replacing, in the French text of paragraph (2) of Item 12.1, the words “les devises étrangères” with the words “le change”;

(7) in Item 19.1:

(a) by replacing, in the French text of subparagraph (a) of paragraph (1), the word “municipalité” with the word “ville”;

(b) in paragraph (3):

(i) by inserting, in the part preceding subparagraph (a) and after the word “means”, the words “any of the following, if in effect for a period of more than 30 consecutive days”;

(ii) by deleting, in subparagraph (c), “, that was in effect for a period of more than 30 consecutive days”;

(c) by replacing the French text of paragraph (4) with the following:

“4) Indiquer si un administrateur ou un membre de la haute direction:

a) est, à la date du prospectus ou du projet de prospectus, selon le cas, ou a été, au cours des 10 années précédentes, administrateur ou membre de la haute direction d’un fonds d’investissement qui, pendant que cette personne exerçait ces fonctions ou au cours de l’année suivant la cessation de ses fonctions, a fait faillite, fait une proposition concordataire en vertu de la législation sur la faillite ou l’insolvabilité, fait l’objet ou été à l’origine d’une procédure judiciaire, d’un concordat ou d’un compromis avec des créanciers, ou pour lequel un séquestre, un séquestre-gérant ou un syndic de faillite a été nommé afin de détenir l’actif;

b) a, au cours des 10 exercices précédant la date du prospectus ou du projet de prospectus, selon le cas, fait faillite, fait une proposition concordataire en vertu de la législation sur la faillite ou l'insolvabilité, fait l'objet ou été à l'origine d'une procédure judiciaire, d'un concordat ou d'un compromis avec des créanciers, ou un séquestre, un séquestre-gérant ou un syndic de faillite a été nommé afin de détenir son actif.”;

(d) by replacing, in the French text of subparagraph (a) of paragraph (8), the word “municipalité” with the word “ville”;

(8) by replacing, in the French text of paragraph (c) of Item 19.4, the word “attention” with the word “intention” and wherever it appears, the word “Internet” with the word “Web”;

(9) in Item 19.9:

(a) by replacing, in the French text of subparagraph (c) of paragraph (1), the words “les espèces” with the words “le numéraire”;

(b) in paragraph (3):

(i) by inserting, in the part preceding subparagraph (a) and after the word “means”, the words “any of the following, if in effect for a period of more than 30 consecutive days”;

(ii) by deleting, in subparagraph (c), the words “that was in effect for a period of more than 30 consecutive days”;

(c) by replacing the French text of paragraph (4) with the following:

“4) Indiquer si le promoteur visé dans le paragraphe 1 se trouve dans l'un ou l'autre des cas suivants:

a) il est, à la date du prospectus ou du projet de prospectus, selon le cas, ou a été, au cours des 10 années précédentes, administrateur ou membre de la haute direction d'une personne qui, pendant que le promoteur exerçait ces fonctions ou au cours de l'année suivant la cessation de ses fonctions, a fait faillite, fait une proposition concordataire en vertu de la législation sur la faillite ou l'insolvabilité, fait l'objet ou été à l'origine d'une procédure judiciaire, d'un concordat ou d'un compromis avec des créanciers, ou pour laquelle un séquestre, un séquestre-gérant ou un syndic de faillite a été nommé afin de détenir l'actif;

b) il a, au cours des 10 années précédant la date du prospectus ou du projet de prospectus, selon le cas, fait faillite, fait une proposition concordataire en vertu de la législation sur la faillite ou l'insolvabilité, fait l'objet ou été à l'origine d'une procédure judiciaire, d'un concordat ou d'un compromis avec des créanciers, ou un séquestre, un séquestre-gérant ou un syndic de faillite a été nommé afin de détenir son actif. ”;

(10) by replacing, in the French text of paragraph (3) of Item 33.2, the word “entité” with the word “personne”;

(11) by replacing, in the French text of Items 36.1 and 36.2, the words “des délais déterminés” with the words “les délais prévus”;

(12) by deleting, in Item 37.1, the words “other than a scholarship plan”;

(13) by deleting, in Item 37.2, the words “other than a scholarship plan”.

18. The Regulation is amended by adding, after Form 41-101F2, the following form:

**“FORM 41-101F3
INFORMATION REQUIRED IN A SCHOLARSHIP PLAN PROSPECTUS**

General Instructions

(1) *This Form describes the disclosure required in a scholarship plan prospectus. Each Item of this Form outlines disclosure requirements. Instructions as to how to complete this Form are printed in italic type.*

(2) *The objective of the scholarship plan prospectus is to provide information about the scholarship plan that an investor needs in order to make an informed investment decision. This Form sets out specific disclosure requirements that are in addition to the general requirement under securities legislation to provide full, true and plain disclosure of all material facts relating to the securities to be distributed.*

(3) *Terms defined in Regulation 14-101 respecting Definitions, Regulation 41-101 respecting General Prospectus Requirements, Regulation 81-105 respecting Mutual Fund Sales Practices, Regulation 81-106 respecting Investment Fund Continuous Disclosure or Regulation 81-107 respecting Independent Review Committee for Investment Funds and used in this Form have the same meanings that they have in those regulations except that references in those regulations to “mutual fund” must be read as references to “investment fund” or “scholarship plan” as the context requires.*

(4) *A scholarship plan prospectus must contain only the information that is mandated or permitted under this Form.*

(5) *A scholarship plan prospectus must present the information in each Part of this Form briefly and concisely, in the order provided for by this Form, and use only the headings and sub-headings stipulated in this Form except that sub-headings not required by this Form may be used where permitted under an Item in this Form.*

(6) *Specific instructions are sometimes provided in this Form for a single prospectus and a multiple prospectus. Portions of Part B and Part D of this Form generally refer to disclosure required for “a scholarship plan” in a “prospectus”. This disclosure must be modified as appropriate to reflect multiple scholarship plans covered by a multiple prospectus.*

(7) *Regulation 41-101 requires that a prospectus be prepared using plain language and in a format that assists in readability and comprehension. For additional guidance, see the plain language principles listed in section 4.1 of Policy Statement to Regulation 41-101 respecting General Prospectus Requirements. If the use of technical terms is required, clear and concise explanations of those terms must be included.*

(8) *Respond as simply and directly to the requirements of this Form as is reasonably possible.*

(9) *No reference need be made to inapplicable items and, unless otherwise required in this Form, negative answers to items may be omitted.*

(10) *Certain Items in this Form require that a prospectus include wording that is the same or substantially the same as set out in those Items. A scholarship plan may modify the prescribed wording to more accurately reflect its features if the wording does not apply to the plan.*

(11) *Unless otherwise stated, this Form does not mandate the use of a specific font size or style but the font used must be legible. If the prospectus is made available online, information must be presented in a way that is both readable online and can be printed in a readable format.*

(12) *A prospectus may contain photographs and artwork only if they are relevant to the business of the scholarship plan or members of the organization of the scholarship plan and are not misleading.*

(13) *A prospectus must not contain design elements (e.g., graphics, photos, artwork) that would, to a reasonable person, detract from the information disclosed in the document.*

(14) *If disclosure is required as of a specific date and there has been a material change or a change that is otherwise significant to a reasonable investor to the required information subsequent to that date, present the information as of the date of the change or a date subsequent to the change.*

Contents of a Scholarship Plan Prospectus

(15) *This Form permits two formats: a prospectus for a single scholarship plan and a multiple prospectus for multiple scholarship plans.*

(16) *A scholarship plan prospectus must consist of four parts as set out below. Part A is the Plan Summary. Parts B, C and D are collectively the Detailed Plan Disclosure. The Plan Summary and the Detailed Plan Disclosure together form the scholarship plan prospectus. The four parts may be further described as follows:*

(a) *Part A contains the responses to the Items in Part A of this Form. The information in this Part contains a summary of key information about investing in a scholarship plan.*

(b) *Part B contains the responses to the Items in Part B of this Form and contains introductory information about the scholarship plan and general information about the scholarship plan family.*

(c) *Part C contains the responses to the Items in Part C of the Form and contains plan-specific information about the scholarship plan(s) offered in the prospectus.*

(d) *Part D contains the responses to the Items in Part D of this Form and contains information about the scholarship plan organization, the persons and entities involved in running the scholarship plan, and the prospectus certificates.*

Consolidation of Scholarship Plan Prospectuses into a Multiple Prospectus

(17) *Section 3A.2 of the Regulation 41-101 requires that a scholarship plan prospectus must not be consolidated with one or more scholarship plan prospectuses to form a multiple prospectus unless the disclosure in each of the Part B and Part D sections of this Form is substantially similar for each scholarship plan. This provision permits a scholarship plan organization to create a document that contains the disclosure for a number of scholarship plans in the same family.*

(18) *Similar to a single prospectus, a multiple prospectus must consist of four segments:*

(a) *The first segment consists of a number of Part A sections of this Form. Each Part A section must contain the information required under Part A of this Form about a single scholarship plan. The information required by the Part A section must be disclosed separately for each scholarship plan in the multiple prospectus. Each Part A section in a multiple prospectus must start on a new page.*

(b) *The second segment contains the information required under Part B of this Form for the scholarship plans described in the document. There must not be more than one Part B section for all of the scholarship plans in the prospectus.*

(c) *The third segment consists of a number of Part C sections of this Form. Each Part C section must contain the information required under Part C of this Form about a single scholarship plan. The information required by the Part C section must be disclosed separately for each scholarship plan in the multiple prospectus. Each Part C section in a multiple prospectus must start on a new page.*

(d) *The fourth segment contains the information required under Part D of the Form for the scholarship plans described in the document. There must not be more than one Part D section for all of the scholarship plans in the prospectus.*

Part A – Plan Summary for a Scholarship Plan

Item 1 Information about the Plan

Include at the top of a new page a heading consisting of

- (a) the title “Plan Summary”,
- (b) the name of the scholarship plan to which the Plan Summary pertains and, if the scholarship plan has more than one class or series of securities, the name of the class or series of securities covered in the Plan Summary,
- (c) the type of scholarship plan,
- (d) the name of the investment fund manager of the scholarship plan, and
- (d) the date of the Plan Summary.

INSTRUCTIONS

(1) *The title “Plan Summary” and the name of the scholarship plan must be in bold type using a substantially larger font size than the other headings and text in the Plan Summary.*

(2) *The “type of scholarship plan” refers to whether the scholarship plan is a group scholarship plan, individual or family scholarship plan.*

(3) *The date for a Plan Summary that is filed as part of a preliminary scholarship plan prospectus or scholarship plan prospectus must be the date of the certificate of the scholarship plan required under Part D of this Form.*

Item 2 Withdrawal and Cancellation Rights

Immediately following the disclosure in Item 1, state the following using the same or substantially similar wording, with the last two sentences in bold type:

This summary tells you some key things about investing in the plan. You should read this Plan Summary and the Detailed Plan Disclosure carefully before you decide to invest.

If you change your mind

You have up to 60 days after signing your contract to withdraw from your plan and get back all of your money.

If you (or we) cancel your plan after 60 days, you'll get back your contributions, less sales charges and fees. You will lose the earnings on your money. Your government grants will be returned to the government. **Keep in mind that you pay sales charges up front. If you cancel your plan in the first few years, you could end up with much less than you put in.**

INSTRUCTION

The prescribed wording in this Item must be presented using a substantially larger font size relative to the rest of the text of the Plan Summary.

Item 3 Description of the Scholarship Plan

(1) Under the heading “What is the [*insert type of scholarship plan*] scholarship plan?”, state the following using the same or substantially similar wording:

The [*insert name of plan*] is a [*insert type of plan*] scholarship plan designed to help you save for a child's post-secondary education. When you open your [*insert name of plan*], we will apply to the Canada Revenue Agency to register the plan as a Registered Education Savings Plan (RESP). This allows your savings to grow tax-free until the child named as the beneficiary of the plan enrolls in their studies. The Government of Canada and some provincial governments offer government grants to help you save even more. To register your plan as an RESP, we need social insurance numbers for yourself and the child you name in the plan as the beneficiary.

In a [*insert type of plan*] scholarship plan, you are part of a group of investors. Everyone's contributions are invested together. When the plan matures, each child in the group shares in the earnings on that money. Your share of those earnings plus your government grant money is paid to your child as educational assistance payments (EAPs).

There are two main exceptions. Your child will not receive EAPs, and you could lose your earnings, government grants and grant contribution room, if:

- your child does not enrol in a school or program that qualifies under this plan, or
- you leave the plan before it matures.

(2) For a group scholarship plan, state the following using the same or substantially similar wording, in bold type:

If you leave the plan, your earnings go to the remaining members of the group. However, if you stay in the plan until it matures, you might share in the earnings of those who left early.

INSTRUCTION

If the scholarship plan allows a subscriber to name more than one beneficiary at a time, amend the wording in section (1) to refer to multiple children or beneficiaries.

Item 4 Suitability

(1) For a group scholarship plan, under the heading “Who is this plan for?”, state the following using the same or substantially similar wording:

A group scholarship plan can be a long-term commitment. It is for investors planning to save for a child’s post-secondary education and who are fairly sure that:

- they can make all their contributions on time
- they will stay in the plan until it matures
- their child will attend a qualifying school and program under the plan

[Insert, for plan providers that also offer an individual or family scholarship plan - If this doesn’t describe you, you should consider another type of plan. For example, an individual or family plan has fewer restrictions. See the Plan Summar[y/ies] for our [insert as applicable – individual plan/family plan/ individual and family plans] or pages [insert applicable page references] in the Detailed Plan Disclosure for more information.]

(2) For an individual or family scholarship plan, under the heading “Who is this plan for?”, state the following using the same or substantially similar wording:

[Insert, as applicable – An individual/ A family] scholarship plan is for investors planning to save for a child’s post-secondary education and who are fairly sure that:

- *Insert, for family plans only - they want to save for more than one child at a time*
- they want more flexibility over when and how much to contribute to their plan
- *Insert, for individual plans only - their child will attend a qualifying school and program under the plan*
- *Insert, for family plans only - one or more of their children will attend a qualifying school or program under the plan*

[Insert, for plan providers that also offer a group scholarship plan - The [insert name of plan] generally has fewer restrictions and is more flexible than our group scholarship plan.]

Item 5 The Plan's Investments

Under the heading “What does the plan invest in?”, state the following using the same or substantially similar wording:

The plan invests mainly in [*specify the plan's primary investments*]. The plan's investments have some risk. Returns will vary from year to year.

INSTRUCTION

The disclosure must state the type or types of securities, such as mortgages, bonds, government treasury bills, or equity securities, as applicable, in which the plan will be primarily invested under normal market conditions.

Item 6 Contributions

(1) For a group scholarship plan, under the heading “How do I make contributions?”, state the following using the same or substantially similar wording:

With your contributions, you buy one or more “units” of the plan. These units represent your share of the plan. You may pay for them all at once, or you may make [*state the most common contribution frequency options*] contributions.

You may change the amount of your contribution as long as you make the minimum contribution permitted under the plan. You may also change your contribution schedule after you've opened your plan. [*Insert if applicable – A fee applies.*]All of the different contribution options for the plan are described in the Detailed Plan Disclosure, or you can ask your sales representative for more information.

(2) For an individual or family scholarship plan, under the heading “How do I make contributions?”, briefly describe how a subscriber can make contributions to their scholarship plan.

(3) State (i) the minimum total investment and (ii) the minimum amount per contribution, permitted under the scholarship plan's rules.

INSTRUCTIONS

(1) *The disclosure regarding contribution frequency options in the first paragraph of subsection (1) of Item 6 must make reference only to the most commonly selected contribution options, and not to each contribution option that is available to a subscriber.*

(2) *If the individual or family scholarship plan uses the concept of “units” or has prescribed schedules for making contributions, this fact must be described in the required disclosure for subsection (2) of Item 6, using wording that is similar to the wording in subsection (1) of Item 6.*

(3) For the purposes of the disclosure required under subsection (3) of Item 6, the “minimum total investment permitted under the scholarship plan’s rules” must be stated as (i) a dollar amount or (ii) a quantity of units or securities of the scholarship plan (if applicable) and the “minimum amount per contribution under the plan’s rules” must be stated as a dollar amount.

Item 7 Payments

(1) Under the heading “What can I expect to receive from the plan?”, state the following using the same or substantially similar wording:

In your child’s first year of college or university, you’ll get back your contributions, less fees. You can have this money paid to you or directly to your child.

(2) For a group scholarship plan, state the following using the same or substantially similar wording:

Your child will be eligible to receive EAPs in their [*state, as applicable* - first, second, third and fourth] year[s] of post-secondary education. [*See instruction (1)*] For each year, your child must show proof they are enrolled in a school and program that qualifies under this plan to get an EAP.

(3) For an individual or family scholarship plan, briefly describe when EAPs can be paid to a beneficiary, and whether EAPs can be paid in one year or must be paid in instalments for each year of eligible studies.

(4) State the following, in a separate paragraph:

EAPs are taxed in the child’s hands.

INSTRUCTIONS

(1) If the group scholarship plan has multiple options for paying EAPs, disclose the other options in the disclosure in subsection (2) of Item 7, using a similar format.

(2) For the disclosure in subsection (3) of Item 7, the format set out for the disclosure in section (2) must be used.

Item 8 Risks

(1) Under the heading “What are the risks?”, state the following using the same or substantially similar wording:

If you do not meet the terms of the plan, you could lose some or all of your investment. Your child may not receive their EAPs.

(2) For a group scholarship plan, state the following using the same or substantially similar wording:

You should be aware of five things that could result in a loss:

1. You leave the plan before the maturity date. People leave the plan for many reasons. For example, if their financial situation changes and they can't afford their contributions. If your plan is cancelled more than 60 days from signing your contract, you'll lose part of your contributions to sales charges and fees. You'll also lose the earnings on your investment and your government grants will be returned to the government.

2. You miss contributions. If you want to stay in the plan, you'll have to make up the contributions you missed. You'll also have to make up what the contributions would have earned if you had made them on time. This could be costly.

If you have difficulty making contributions, you have options. You can reduce or suspend your contributions, transfer to another of our plans or to an RESP offered by a different provider, or cancel your plan. Restrictions and fees apply. Some options will result in a loss of earnings and government grants. *[Insert if applicable - If you miss a contribution and don't take any action within [insert the number of months] months, we may cancel your plan].*

3. You miss or your child misses a deadline. This can limit your options later on. You could also lose the earnings on your investment. Two of the key deadlines for this plan are:

- **Maturity date – the deadline for making changes to your plan**

You have until the maturity date to make changes to your plan. This includes switching the plan to a different child, changing the maturity date if your child wants to start their program sooner or later than expected, and transferring to another RESP. Restrictions and fees apply.

- ***[Insert date]* - the EAP application deadline**

If your child qualifies for an EAP, he or she must apply by *[insert date]* before each year of eligible studies to receive a payment for that year. Otherwise, your child may lose this money.

4. Your child doesn't go to a qualifying school or program. For example, *[State the types of programs or institutions that generally do not qualify for EAPs under the plan]* don't qualify for EAPs under this plan. *[Insert, if applicable –Under this plan, fewer programs will qualify for an EAP than would otherwise qualify under the government's rules for RESPs. See the Detailed Plan Disclosure for more information.]* If your child will not be going to a qualifying school or program under this plan, you have the option to name another child as beneficiary, transfer to another of our plans or to an RESP offered by a different provider, or cancel your plan. Restrictions and fees apply. Some options can result in a loss of earnings and government grants.

5. Your child doesn't complete their program. Your child may lose some or all of their EAPs if he or she takes time off from their studies, does not complete all required courses in a year or changes programs. [*Insert if applicable* - In some cases, your child may be able to defer an EAP for up to [*insert number of years*] year[s]]. [*Insert, if applicable* - Deferrals are at our discretion.]

(3) For an individual or family scholarship plan, list no more than 5 situations that could result in a loss of earnings in the scholarship plan for subscribers or EAPs for the beneficiary. Briefly describe the losses that could result in these outcomes as well as some options to mitigate this loss.

(4) State the following, in bold type:

If any of these situations arise with your plan, contact us or speak with your sales representative to better understand your options to reduce your risk of loss.

INSTRUCTIONS

(1) *For an individual or family scholarship plan, the disclosure required in subsection (3) of Item 8 must include the following situations: a subscriber leaving a scholarship plan before it matures, a beneficiary failing to enrol in a qualifying school or program, and the subscriber or beneficiary failing to meet the scholarship plan's key deadlines.*

(2) *If the individual or family scholarship plan uses the concept of units paid for under a fixed contribution schedule, or otherwise requires subscribers to follow a prescribed schedule for making contributions to the scholarship plan, the disclosure required in subsection (3) of Item 8 must also include a situation in which a subscriber misses one or more contributions.*

(3) *The disclosure in subsection (3) of Item 8 must use a similar format and structure as the disclosure required for group scholarship plans in section (2).*

Item 9 Cancellation Rate

For a group scholarship plan, using the margin of the page, add a sidebar under the heading "What are the risks?", and state the following using the same or substantially similar wording with the title of the sidebar in bold type:

Cancellation Rate

Of the last five beneficiary groups of the [*insert name of group scholarship plan*] plan to reach maturity, an average of [*see the Instructions*]% of the plans in each group were cancelled before their maturity date.

INSTRUCTIONS

(1) To calculate the average percentage as required under Item 9, do the following:

(a) for each of the last five beneficiary groups in the group scholarship plan to reach maturity, calculate the percentage of scholarship plans in the beneficiary group that were cancelled before their maturity date, and

(b) calculate the simple average of the five percentages calculated pursuant to Instruction 1(a).

(2) For a beneficiary group referred to in Instruction (1)(a), calculate the percentage of the scholarship plans in each beneficiary group that were cancelled before their maturity date by dividing x by y , where

x = the number of scholarship plans with the same maturity date that were cancelled before maturity, and

y = the total number of scholarship plans with the same maturity date, including plans with the same maturity date that were cancelled before maturity.

(3) For the purposes of the disclosure required under Item 9, a “plan that was cancelled before maturity” is a scholarship plan that is not eligible to receive a share of the EAP account as at the maturity date because the total contributions required by the subscriber’s contract have not been made by the maturity date. The number of scholarship plans with the same maturity date that did not reach maturity will be the difference between the total number of scholarship plans with the same maturity date and the number of scholarship plans that matured.

(4) Subject to Instruction (6), the number of scholarship plans with the same maturity date consists of every scholarship plan sold to subscribers who selected the same maturity date, including scholarship plans that were cancelled or transferred before maturity.

(5) For the purposes of calculating the percentage of scholarship plans in a beneficiary group that were cancelled before maturity, a scholarship plan whose subscriber changed the maturity date to an earlier date is considered to have the earlier maturity date and must be included in the calculations for the beneficiary group with the earlier maturity date. Similarly, a scholarship plan whose subscriber changed the maturity date to a later date is considered to have the later maturity date and must be included in the calculations for the beneficiary group with the later maturity date.

(6) Do not include a plan in the calculation of x or y under Instruction (2) if the subscriber withdrew from their scholarship plan within 60 days of the signing the contract to open the scholarship plan and received back all of their contributions and fees paid.

Item 10 Costs

(1) Under the heading “How much does it cost?”, provide information, in the form of the following tables, about the fees and expenses of the scholarship plan. Introduce the tables using the following wording or wording that is the same or substantially similar:

There are costs for joining and participating in the plan. The following tables show the fees and expenses of the plan. [*Insert, if applicable* - The fees and expenses of this plan are different than the other plans we offer.]

Fees you pay

These fees are deducted from the money you put in the plan. They reduce the amount that gets invested in your plan, which will reduce the amount available for EAPs.

Fee	What you pay	What the fee is for	Who the fee is paid to
Sales charge	[Specify amount]	This is the commission for selling your plan	[Insert name of entity]
Account maintenance fee	[Specify amount]	[Specify the purpose of the fee]	[Insert name of entity]
[Insert if applicable - Insurance Premium]	[Specify amount]	This is for insurance that makes sure your contributions continue if you die or become totally disabled.	[Insert name of entity]

Fees the plan pays

You don't pay these fees directly. They're paid from the plan's earnings. These fees affect you because they reduce the plan's returns, which reduces the amount available for EAPs.

Fee	What the plan pays	What the fee is for	Who the fee is paid to
Administrative fee	[Specify amount]	This is for operating your plan.	[insert name of entity]
Portfolio management fee	[Specify amount]	This is for managing the plan's investments.	[insert name of entity]
Custodian fee	[Specify amount]	This is for holding the plan's investments in trust.	[Insert name of entity]
Independent review committee	[Specify amount]	This is for the services of the plan's independent review committee. The committee reviews conflict of interest matters between the investment fund manager and the plan.	[Insert name of entity]

(2) If the sales charge listed in the “Fees you pay” table required by subsection (1) is deducted from contributions at a higher rate in the early period of participating in the scholarship plan, add a sidebar under the heading “How much does it cost”, using the margin of the page adjacent to the table titled “Fees you pay”, and state the following using the same or substantially similar wording with the title of the sidebar in bold type:

Paying off the sales charge

If, for example, you buy one unit of the plan on behalf of your newborn child, and you commit to paying for that unit by making monthly contributions until your plan's maturity date, then, based on how the sales charge is deducted from your contributions, it will take [insert number of months] months to pay off the sales charge. During this time, [insert percentage]% of your contributions will be invested in the plan.

(3) Using the margin of the page adjacent to the table titled “Fees the plan pays”, add a sidebar under the heading “How much does it cost?”, and state the following using the same or substantially similar wording with the title of the sidebar in bold:

Other fees

Other fees apply if you make changes to your plan. See page [specify page number] in the Detailed Plan Disclosure for details.

INSTRUCTIONS

- (1) *The tables must only summarize the most common fees that (i) all subscribers to the scholarship plan are required to pay or (ii) the scholarship plan is required to pay, as applicable. Do not include the entire list of fees required to be disclosed under Items 14.2 and 14.3 of Part C of the Form, or any of the fees required to be disclosed under Item 14.4 and 14.5 of Part C of the Form. Each fee must be listed in a separate row of the applicable table.*
- (2) *If there are certain types of fees listed in the tables required under Item 10 above that are not payable, either by subscribers or the scholarship plan, in respect of the scholarship plan described in the Plan Summary, amend the tables as is necessary to reflect that fact.*
- (3) *If certain fees listed in the tables required under Item 10 above are normally combined into a single fee payable by either the subscriber or the scholarship plan as applicable, the tables may be amended as is necessary to accurately reflect that fact.*
- (4) *State the amount of each fee listed in the tables. In the table titled “Fees you pay” state the amount(s) in the column titled “What you pay”. In the table titled “Fees the plan pays” state the amount(s) in the column titled “What the plan pays”. The amount of each fee must be disclosed based on how the fee is calculated. For example, if a particular fee is calculated as a fixed dollar amount per unit, or a fixed amount per year, it must be stated as such. Similarly, if a fee is calculated as a percentage of the scholarship plan’s assets, that percentage must be stated. A statement or note that a fee is subject to applicable taxes, such as goods and services taxes or harmonized sales taxes, is permitted, if applicable.*
- (5) *For a group scholarship plan or other type of scholarship plan that normally calculates the sales charge payable as a fixed dollar amount linked to the amount of contribution by a subscriber (i.e. x.x x\$ per unit), in addition to stating the fixed amount of sales charge per unit as required under Instruction (3), the disclosure of the amount of the sales charge in the table titled “Fees you pay” in the column titled “What you pay” must also be expressed as a percentage of the cost of a unit of the scholarship plan. If the total cost of a unit of the scholarship plan varies depending on the contribution option or frequency selected, the percentage sales charge must be expressed as a range, between the lowest and the highest percentage of the unit cost the sales charge can represent, based on the different contribution options available to subscribers under the scholarship plan. This must be calculated as follows: (i) divide the sales charge per unit by the contribution option that has the highest total cost per unit, and (ii) divide the sales charge per unit by the contribution option that has the lowest total cost per unit. For example, if a scholarship plan calculates its sales charge as \$200/unit, and the total cost per unit for a subscriber can range from \$1000 to \$5000 (based on the different options available to subscribers), the percentage range of the sales charge disclosed in the table would be 4% (200/5000) to 20% (200/1000). The disclosure in the table must also state that the exact percentage of the sales charge per unit for a subscriber will depend on the contribution option selected for contributing to the scholarship plan and how old their beneficiary is at the time they open the scholarship plan.*

(6) For the table titled “Fees you pay”, in the column titled “What you pay” describe how the fee is deducted from contributions if the amount deducted from each contribution is not the same. For example, if deductions for sales charges are not made from each contribution at a constant rate for the duration of a subscriber’s investment in the scholarship plan or the duration for which contributions are required to be made if it is less than the scholarship plan’s duration, describe the amounts from contributions that are deducted for sales charges.

(7) In both tables, in the column titled “What the fee is for” provide a concise explanation of what the fee is used for, using the same or substantially similar wording provided above in the tables.

(8) In both tables, in the column titled “Who the fee is paid to”, state the name of the entity to which the fee is paid, e.g. the investment fund manager, the portfolio manager, the principal distributor or dealer, the foundation, etc.

(9) For the table titled “Fees the plan pays”, the independent review committee fee must be disclosed as the total dollar amount paid in connection with the independent review committee for the most recently completed financial year of the scholarship plan.

(10) Disclosure of insurance premiums in the “Fees you pay” table is permitted only if the scholarship plan requires a subscriber to purchase insurance coverage in a jurisdiction in which the scholarship plan’s securities are being distributed. If the scholarship plan’s rules only require insurance coverage to be purchased by subscribers in some, but not all jurisdictions in which the scholarship plan’s securities are distributed, then include disclosure stating the jurisdictions in which the scholarship plan requires subscribers to purchase insurance, under the heading titled “What the fee is for” in that table.

(11) The disclosure required under subsection (2) of Item 10 must be based on the following assumptions: (i) the beneficiary is a newborn, (ii) the subscriber is purchasing one unit of the scholarship plan, (iii) the subscriber has agreed to a monthly contribution schedule with contributions payable until the scholarship plan’s maturity date, and (iv) all of the mandatory fees that are normally deducted from a subscriber’s contributions are deducted during the relevant period.

(12) For the disclosure required in subsection (2) of Item 10, if the scholarship plan does not offer units but uses a similar method for deducting sales charges as is described under subsection (2) of Item 10, the wording may be amended as is necessary to properly reflect the scholarship plan’s features.

(13) The “Other fees” sidebar required under subsection (3) of Item 10 refers to fees for specific transactions, such as changing a beneficiary, that are described in the table titled “Transaction Fees” in Item 14.4 of Part C of the Form.

Item 11 Guarantees

Under the heading “Are there any guarantees?”, state the following using the same or substantially similar wording:

We cannot tell you in advance if your child will qualify to receive any payments from the plan or how much your child will receive. We do not guarantee the amount of any payments or that the payments will cover the full cost of your child’s post-secondary education.

Unlike bank accounts or GICs, investments in scholarship plans are not covered by the Canada Deposit Insurance Corporation or any other government insurer.

Item 12 For More Information

(1) Under the sub-heading “For more information”, state the following using the same or substantially similar wording:

The Detailed Plan Disclosure delivered with this Plan Summary contains further details about this plan, and we recommend you read it. You may also contact [*insert name of investment fund manager*] or your sales representative for more information about this plan.

(2) State the name, address and toll-free telephone number of the investment fund manager of the plan and, if applicable, state the e-mail address and website of the investment fund manager of the plan.

Part B – Detailed Plan Disclosure - General Information**Item 1 Cover Page Disclosure****1.1. Preliminary Prospectus Disclosure**

A preliminary prospectus must have printed in red ink and in italics at the top of the cover page of the Detailed Plan Disclosure immediately above the disclosure required in section 1.2 the following:

A copy of this preliminary prospectus has been filed with the securities regulatory authorit[y/ies] in [insert, as applicable the names of the provinces and territories of Canada] but has not yet become final for the purpose of the sale of securities. Information contained in this preliminary prospectus may not be complete and may have to be amended. The securities may not be sold until a receipt for the prospectus is obtained from the securities regulatory authorit[y/ies].

INSTRUCTION

A scholarship plan must complete the bracketed information by:

(a) *inserting the names of each jurisdiction in which the scholarship plan intends to offer securities under the prospectus,*

(b) *stating that the filing has been made in each of the provinces of Canada or each of the provinces and territories of Canada, or*

(c) *identifying the filing jurisdictions by exception (i.e., every province of Canada or every province and territory of Canada, except [insert excluded jurisdictions]).*

1.2. Required Statement

State in italics at the top of the cover page the following:

No securities regulatory authority has expressed an opinion about these securities and it is an offence to claim otherwise.

1.3. Basic Disclosure about the Distribution

(1) State the following immediately below the disclosure required under sections 1.1 and 1.2:

*[Insert as applicable – PRELIMINARY/ PRO FORMA] PROSPECTUS
CONTINUOUS OFFERING
DETAILED PLAN DISCLOSURE*

[Insert Date]

[Insert Name of Scholarship Plan(s)]

[State the type of securities qualified for distribution under the prospectus, and the price per security or minimum subscription amount]

(2) State the following:

[Insert, as applicable - This/These] investment fund[s] [insert, as applicable - is a/are] scholarship plan[s] that [Insert, as applicable - is/are] managed by [state the name of the investment fund manager of the scholarship plan].

INSTRUCTION

Write the date in full with the name of the month in words. A pro forma prospectus does not have to be dated, but may reflect the anticipated date of the prospectus.

Item 2 Inside Cover Page

2.1. Introduction

Starting on a new page on the inside cover page under the heading “Important information to know before you invest”, include an introduction to the information provided in response to sections 2.2, 2.3, and 2.4 of this Part using the following wording:

The following is important information you should know if you are considering an investment in a scholarship plan.

2.2. No Social Insurance Number

Under the sub-heading “No social insurance number = No government grants, no tax benefits”, state the following using the same or substantially similar wording with the last paragraph in bold type:

We need social insurance numbers for you and each child named as a beneficiary under the plan before we can register your plan as a Registered Education Savings Plan (RESP). The *Income Tax Act* (Canada) won’t allow us to register your plan as an RESP without these social insurance numbers. Your plan must be registered before it can:

- qualify for the tax benefits of an RESP, and
- receive any government grants.

You can provide the beneficiary’s social insurance number after the plan is open. If you don’t provide the beneficiary’s social insurance number when you sign your contract with us, we’ll put your contributions into an unregistered education savings account. During the time your contributions are held in this account, we will deduct sales charges and fees from your contributions as described under “Costs of investing in this plan” in the prospectus. You will be taxed on any income earned in this account.

If we receive the beneficiary’s social insurance number within [*insert the number of months - see Instruction (1)*] months of your application date, we’ll transfer your contributions and the income they earned to your registered plan.

If we do not receive the social insurance numbers within [*insert number of months - see Instruction (1)*] months of your application date, we’ll cancel your plan. You’ll get back your contributions and the income earned, less sales charges and fees. Since you pay sales charges up front, you could end up with much less than you put in.

If you don’t expect to get the social insurance number for your beneficiary within [*insert number of months - see Instruction (1)*] months of your application date, you should not enrol or make contributions to the plan.

INSTRUCTIONS

(1) State the maximum number of months after the application date of a subscriber's plan the following which the investment fund manager will cancel the scholarship plan for failure to provide the social insurance numbers required for registering the scholarship plan as an RESP.

(2) If the scholarship plan's rules do not permit a subscriber to open the plan or accept contributions without the beneficiary's social insurance number, amend the disclosure in this section to reflect that fact.

2.3. Payments Not Guaranteed

(1) Following the disclosure required under section 2.2, state the following, on the inside cover page under the sub-heading "Payments not guaranteed", using the same or substantially similar wording:

We cannot tell you in advance if your beneficiary will qualify to receive any educational assistance payments (EAPs) [*insert, if applicable* – or any discretionary payments] from the plan or how much your beneficiary will receive. We do not guarantee the amount of any payments or that they will cover the full cost of your beneficiary's post-secondary education.

(2) For a group scholarship plan, under the sub-heading "Payments from group plans depend on several factors", state the following using the same or substantially similar wording:

The amount of the EAPs from a group plan will depend on how much the plan earns and the number of beneficiaries in the group who do not qualify for payments.

(3) If the scholarship plan provides for any discretionary payments, immediately following the disclosure required under subsection 2.3(1) or 2.3(2), as applicable, list the discretionary payments that may be provided and state the following using the same or substantially similar wording with the first sentence in bold type:

Discretionary payments are not guaranteed. You must not count on receiving a discretionary payment. The [*insert the name of the entity funding the discretionary payment*] decides if it will make a payment in any year and how much the payment will be. If the [*insert the name of the entity funding the discretionary payment*] makes a payment, you may get less than what has been paid in the past.

(4) Under the sub-heading "Understand the risks", state the following using the same or substantially similar wording in bold type:

If you withdraw your contributions early or do not meet the terms of the plan, you could lose some or all of your money. Make sure you understand the risks before you invest. Carefully read the information found under "Risks of investing in a scholarship plan" and "Risks of investing in this plan" in this Detailed Plan Disclosure.

2.4. Withdrawal and Cancellation Rights

Under the sub-heading “If you change your mind”, state the following using the same or substantially similar wording with the last two sentences in bold type:

You have up to 60 days after signing your contract to withdraw from your plan and get back all of your money.

If you (or we) cancel your plan after 60 days, you’ll get back your contributions, less sales charges and fees. You will lose the earnings on your money. Your government grants will be returned to the government. **Keep in mind that you pay sales charges up front. If you cancel your plan in the first few years, you could end up with much less than you put in.**

Item 3 Table of Contents

3.1. Table of Contents

- (1) Include a table of contents.
- (2) Begin the table of contents on a new page.
- (3) Include in the table of contents, under the heading “Specific information about our plan[s]”, a list of all of the scholarship plans offered under the prospectus, with a reference to the page numbers where the plan-specific information about each scholarship plan required to be provided under Part C of this Form can be found.

Item 4 Introduction and Glossary

4.1. Introduction and Documents Incorporated by Reference

- (1) On a new page or immediately after the table of contents, under the heading “Introduction”, incorporate by reference the following documents in the prospectus by using the following wording or wording that is substantially similar:

This Detailed Plan Disclosure contains information to help you make an informed decision about investing in our scholarship plan[s] and to understand your rights as an investor. It describes the plan[s] and how [it/they] work[s], including the fees you pay, the risks of investing in a plan and how to make changes to your plan. It also contains information about our organization. The prospectus is comprised of both this Detailed Plan Disclosure and each Plan Summary that was delivered with it.

You can find additional information about the plan[s] in the following documents:

- the plan’s most recently filed annual financial statements,
- any interim financial reports filed after the annual financial statements, and
- the most recently filed annual management report of fund performance.

These documents are incorporated by reference into the prospectus. That means they legally form part of this document just as if they were printed as part of this document.

You can get a copy of these documents at no cost by calling us at [*insert the toll-free telephone number or telephone number where collect calls are accepted*] or by contacting us at [*insert the scholarship plan's e-mail address*].

[*Insert if applicable - You'll also find these documents on our website at [insert the scholarship plan's website address]*].

These documents and other information about the plan[s] are also available at www.sedar.com.

(2) State that any documents of the type described in subsection 4.1(1) above, if filed by the scholarship plan after the date of the prospectus and before the termination of the distribution, are deemed to be incorporated by reference in the prospectus.

(3) Include a description of each of the documents referred to in subsection 4.1(1) above and briefly explain the importance each document.

4.2. Terms Used in the Prospectus

Under the heading “Terms used in this prospectus”, provide the following list of defined terms using the same or substantially similar wording:

In this document, “we”, “us” and “our” refer to [*name of entities involved in the administration and distribution of scholarship plan securities*]. “You” refers to potential investors, subscribers and beneficiaries.

The following are definitions of some key terms you will find in this prospectus:

Accumulated income payment (AIP): the earnings on your contributions and/or government grants that you may get from your plan if your beneficiary does not pursue post-secondary education and you meet certain conditions set by the federal government or by the plan.

AIP: see **Accumulated income payment**.

Application date: the date you opened your plan with us, which is the date you sign your contract.

Attrition: under a group plan, a reduction in the number of beneficiaries who qualify for EAPs in a beneficiary group. See also pre-maturity attrition and post-maturity attrition.

Beneficiary: the person you name to receive EAPs under the plan.

Beneficiary group: beneficiaries in a group plan who have the same year of eligibility. They are typically born in the same year.

Contract: the agreement you enter into with us when you open your education savings plan.

Contribution: the amount you pay into a plan. Sales charges and other fees are deducted from your contributions and the remaining amount is invested in your plan.

Discretionary payment: a payment, other than a fee refund, that beneficiaries may receive in addition to their EAPs, as determined by [*insert name of entity funding the discretionary payment*] in its discretion.

Discretionary payment account: any account that holds money used to fund discretionary payments to beneficiaries.

EAP: see **Educational Assistance Payment**.

EAP account: for group plans, an account that holds the income earned on contributions made by subscribers. There is a separate EAP account for each beneficiary group. An EAP account includes the income earned on contributions of subscribers who have cancelled their plan or whose plan was cancelled by us. The money in this account is distributed to the remaining beneficiaries in the beneficiary group as part of their EAPs.

Earnings: any money earned on your (i) contributions and (ii) government grants, such as interest and capital gains. For group plans, it does not include any income earned in the discretionary payment account, such as interest earned on income after the maturity date.

Educational assistance payment (EAP): In general, an EAP is a payment made to your beneficiary after the maturity date for eligible studies. An EAP consists of your earnings and your government grants. [*Insert, if the prospectus includes a group scholarship plan - For a group plan, an EAP consists of your government grants, earnings on your government grants and your beneficiary's share of the EAP account.*] EAPs do not include discretionary payments or fee refunds.

Eligible studies: a post-secondary educational program that meets the plan's requirements for a beneficiary to receive EAPs.

Government Grant: any financial grant, bond or incentive offered by the federal government, (such as the Canada Education Savings Grant, or the Canada Learning Bond), or by a provincial government, to assist with saving for post-secondary education in an RESP.

Grant contribution room: the amount of government grant you are eligible for under a federal or provincial government grant program.

Income: has the same meaning as **Earnings**.

Maturity date: the date on which the plan matures. In general, it is in the year your beneficiary is expected to enrol in their first year of post-secondary education.

Plan: means [*list the name(s) of each of scholarship plan sold under this prospectus*], [*insert for a multiple prospectus - each*] a scholarship plan that provides funding for a beneficiary's post-secondary education.

Post-maturity attrition: under a group plan, a reduction in the number of beneficiaries who qualify for EAPs in a beneficiary group after the maturity date. See also **Attrition**.

Pre-maturity attrition: under a group plan, a reduction in the number of beneficiaries who qualify for EAPs in a beneficiary group before the maturity date. See also **Attrition**.

Subscriber: the person who enters into a contract with [*insert legal name of entity entering into contract with subscribers*] to make contributions to a plan.

Unit: under a group plan, a unit represents your beneficiary's proportionate share of the EAP account. The terms of the contract you sign determine the value of the unit.

Year of eligibility: the year in which a beneficiary is first eligible to receive EAPs under a plan. For a group plan, it is typically the year the beneficiary will enter his or her [*insert as applicable - first or second*] academic year of eligible studies. In general, the year of eligibility is [*insert as applicable - one year after/ the same year as*] the maturity date.

For other types of plans, the year of eligibility can be any time after the maturity date.

INSTRUCTIONS

(1) *The list of defined terms must not contain material information not found elsewhere in the prospectus. The glossary must be limited to the terms provided.*

(2) *Use the terms set out in section 4.2 in the prospectus to facilitate comparability between scholarship plans.*

(3) *Include only the terms that are applicable to a scholarship plan included in the prospectus. For example, a prospectus that does not include a group scholarship plan must not include those terms that would be applicable only to a group scholarship plan.*

Item 5 Overview of Scholarship Plans

5.1. Introductory Heading

Provide, at the top of a new page, the heading "Overview of our scholarship plan[s]".

5.2. Description of Scholarship Plans

Under the heading “What is a scholarship plan?”, state the following using the same or substantially similar wording:

A scholarship plan is a type of investment fund that is designed to help you save for a beneficiary’s post-secondary education. Your plan must be registered as a Registered Education Savings Plan (RESP) in order to qualify for government grants and tax benefits. To do this, we need social insurance numbers for you and the person you name in the plan as your beneficiary.

You sign a contract when you open a plan with us. You make contributions under the plan. We invest your contributions for you, after deducting applicable fees. You will get back your contributions, less fees, whether or not your beneficiary goes on to post-secondary education. Your beneficiary will receive educational assistance payments (EAPs) from us if they enrol in eligible studies and all the terms of the contract are met.

Please read your contract carefully and make sure you understand it before you sign. If you or your beneficiary does not meet the terms of your contract, it could result in a loss and your beneficiary could lose some or all of their EAPs.

5.3. List of Scholarship Plans Offered

- (1) If the investment fund manager offers more than one type of scholarship plan, under the heading “Types of plans we offer”, list the scholarship plans offered.
- (2) State, as applicable, that there are differences in the enrolment criteria, contribution requirements, fees, eligible studies, payments to beneficiaries, options for receiving EAPs and options if the beneficiary does not pursue eligible studies among the scholarship plans offered. For a multiple prospectus, include a cross-reference to the plan-specific disclosure for each scholarship plan provided under Part C of this Form.

INSTRUCTION

For each scholarship plan listed under subsection 5.3(1), state the name of the issuer of the securities.

Item 6 General Information about Scholarship Plan Life Cycle

6.1. Overview of Scholarship Plan Life Cycle

- (1) Using the heading “How our plan[s] work[s]”, provide a brief description of the life cycle of the plan(s) offered under the prospectus, from enrolment in the plan(s) to EAPs being paid to the beneficiary.
- (2) Using the margin of the page, add a sidebar under the heading “How our plan[s] work[s]”, and state the following using the same or substantially similar wording with the title of the sidebar in bold type:

Make sure your contact information is up to date

It is important that you keep your address and contact information up to date. We will need to communicate important information to you throughout the life of your plan. We will also need to find you and the beneficiary when the plan matures so we can return your contributions and make payments to the beneficiary.

INSTRUCTIONS

(1) *The disclosure provided under section 6.1 must not exceed one page in length, and may be provided by means of a table or diagram.*

(2) *In providing the disclosure required under section 6.1, briefly describe the life cycle of the scholarship plan(s) offered under the prospectus, including significant stages such as enrolling and registering the scholarship plan as an RESP under the Income Tax Act (Canada), making contributions and paying fees from contributions, investing contributions and government grants, ceasing investments in accordance with the scholarship plan's investment objectives and strategies upon plan maturity, returning contributions to subscribers at maturity and paying EAPs to beneficiaries for eligible studies.*

(3) *Do not provide a separate life cycle description for each scholarship plan offered under a multiple prospectus. Provide one life cycle description containing the elements that are common to the life cycle of each of the scholarship plans offered under the prospectus.*

6.2. Enrolling in a Scholarship Plan

(1) Under the sub-heading “Enrolling in a plan”, describe the enrolment process for the scholarship plan(s) offered under the prospectus, including the requirement that the subscriber provide a social insurance number at the time of enrolment to register the plan as an RESP under the *Income Tax Act* (Canada).

(2) Describe the requirements for designation of a beneficiary of the scholarship plan, including Canadian residency and social insurance number requirements.

6.3. Unregistered Accounts

(1) Under the sub-sub-heading “If your beneficiary does not have a social insurance number”, list the options available to a subscriber whose beneficiary does not yet have a social insurance number, including the option to wait until the beneficiary has a social insurance number to purchase a scholarship plan that is eligible to be held in an RESP.

(2) If the scholarship plan provider offers an unregistered education savings account, describe

(a) the features of the unregistered education savings account, including what happens to contributions made to the account,

(b) whether the account is eligible to receive government grants, and

(c) the tax treatment of the account.

(3) State the deadline for providing the beneficiary's social insurance number after which the investment fund manager will close the account.

INSTRUCTION

Any plan or account offered by the scholarship plan provider that is not eligible for registration by the federal government as an RESP or is not held in a registered education savings account must be referred to and described as an "unregistered education savings account".

6.4. Government Grants

(1) Under the sub-heading "Government grants", list the government grants that the investment fund manager will apply for on a beneficiary's behalf. For each government grant program, provide

(a) a brief description of the program,

(b) the maximum amount that may be granted under the program annually and over the duration of an RESP,

(c) if applicable, the annual contribution amount that would attract the maximum annual government grant, and

(d) any requirement to repay government grants.

(2) Describe what happens to the government grants received by the investment fund manager on behalf of a beneficiary, including

(a) the legal ownership of the money throughout the life span of an investment in the scholarship plan,

(b) whether the money is pooled with the government grants of other beneficiaries,

(c) whether the money is invested together with subscriber contributions or separately from contributions, and

(d) how the money is allocated on distribution to a qualified beneficiary.

(3) State that a subscriber may contact their sales representative or the investment fund manager about the applications that the investment fund manager will make on behalf of the subscriber and disclose where a subscriber can obtain more information about available government grants.

INSTRUCTION

The disclosure provided under section 6.4 must not exceed two pages. The disclosure may be provided in the form of a table.

6.5. Contribution Limits

- (1) Under the sub-heading “Contribution limits”, disclose whether the scholarship plan imposes a cumulative limit for contributions and indicate whether this is exclusive of any government grants.
- (2) Disclose whether a subscriber can make contributions annually beyond the amount(s) that would result in the receipt of the maximum annual amount in government grants.
- (3) If a subscriber is permitted to make additional contributions as described in subsection (2), disclose that the additional contributions are not eligible to attract further government grants and disclose how the additional contributions are invested.
- (4) Disclose the maximum amount that may be contributed to an RESP under the *Income Tax Act* (Canada), and provide a cross-reference to the tax consequences of contributions beyond the limit set by the *Income Tax Act* (Canada) as disclosed under section 11.3 of this Part of this Form.

6.6. Additional Services

If applicable, under the sub-heading “Additional services”, describe additional services relating to an investment in the scholarship plan that are available to subscribers from the investment fund manager or the principal distributor.

INSTRUCTION

If insurance for contributions is offered for purchase by the principal distributor, provide a brief description of the insurance coverage, including the name of the insurer and whether the insurance is mandatory or optional for the subscriber. Include a cross-reference to the disclosure provided under section 14.5 of Part C of this Form.

6.7. Fees and Expenses

- (1) Under the sub-heading “Fees and expenses”, state the following using the same or substantially similar wording:

There are costs for joining and participating in our plan[s]. You pay some of these fees and expenses directly from your contributions. The plan[s] pay[s] some of the fees and expenses, which are deducted from the [plan’s/plans’] earnings. See “Costs of investing in this plan” in this Detailed Plan Disclosure for a description of the fees and expenses of [each of] our plan[s]. Fees and expenses reduce the plan’s returns which reduces the amount available for EAPs.

(2) If the investment fund manager offers more than one type of scholarship plan, state, if applicable, that each scholarship plan offered requires the subscriber to pay different fees and expenses and, if applicable, that the choice of scholarship plan affects the amount of compensation paid to the dealer by a member of the organization of the scholarship plan or a subscriber.

6.8. Eligible Studies

Under the sub-heading “Eligible studies”, state the following using the same or substantially similar wording:

EAPs will be paid to your beneficiary only if he or she enrolls in eligible studies. For a summary of the educational programs that qualify for EAPs under our plan[s], see “Summary of eligible studies” in this Detailed Plan Disclosure. [*Insert if applicable* –The plans offered under the prospectus each have their own criteria for what post-secondary programs qualify as eligible studies for receiving EAPs. We recommend that you carefully read the “Specific information about the plan” sections for each plan in this Detailed Plan Disclosure to better understand the differences among the plans.]

6.9. Payments from the Scholarship Plan

(1) Under the sub-heading “Payments from the plan” with the sub-sub-heading “Return of contributions”, state the following using the same or substantially similar wording:

We always return your contributions less fees to you or to your beneficiary. Earnings from the plan will generally go to your beneficiary. If your beneficiary does not qualify to receive the earnings from your plan, you may be eligible to get back some of those earnings as an “accumulated income payment (AIP)”. See the “Accumulated income payments” section(s) in this Detailed Plan Disclosure for more information about AIPs.

(2) Under the sub-sub-heading “Educational assistance payments”, state the following using the same or substantially similar wording:

We will pay EAPs to your beneficiary if you meet the terms of your plan, and your beneficiary qualifies for the payments under the plan. The amount of each EAP depends on the type of plan you have, how much you contributed to it, the government grants in your plan and the performance of the plan’s investments.

You should be aware that the *Income Tax Act* (Canada) has restrictions on the amount of EAP that can be paid out of an RESP at a time. [*See Instruction*].

INSTRUCTION

For the disclosure under subsection (2), briefly describe the restrictions under the Income Tax Act (Canada) on the amount of EAPs that can be paid at a time.

6.10. Unclaimed Accounts

- (1) Under the sub-heading “Unclaimed accounts”, briefly describe what an unclaimed account is.
- (2) Describe the steps that the investment fund manager will take to contact the subscriber and the beneficiary with respect to an unclaimed account.
- (3) Describe what will happen to any unclaimed contributions, unclaimed earnings on contributions, government grants and earnings on government grants if the investment fund manager is unable to locate the subscriber or the beneficiary.
- (4) Describe how a subscriber or beneficiary can obtain payments of any unclaimed money.

Item 7 Scholarship Plans with Same Investment Objectives (Multiple Prospectus)

7.1. Investment Objectives

- (1) This section applies to a multiple prospectus for scholarship plans that have the same investment objectives, investment strategies and investment restrictions.
- (2) Set out, under the heading “How we invest your money” with the sub-heading “Investment objectives”, the fundamental investment objectives of the scholarship plans, including any information that describes the fundamental nature of the scholarship plans or the fundamental features of the scholarship plans that distinguish them from other types of scholarship plans.
- (3) Describe the nature of any securityholder or other approval that may be required to change the investment objectives of the scholarship plans.
- (4) Describe any of the material investment strategies to be used to achieve those investment objectives.
- (5) If each scholarship plan purports to arrange a guarantee or insurance in order to protect all or some of the principal amount of the investments made by subscribers, include this fact as a fundamental investment objective of the scholarship plans and
 - (a) identify the person providing the guarantee or insurance,
 - (b) provide the material terms of the guarantee or insurance, including the maturity date of the guarantee or insurance, and
 - (c) provide the reasons for which the guarantor or insurer, as applicable, could limit or avoid execution of the guarantee or insurance policy.

INSTRUCTIONS

(1) *State the type or types of securities, such as money market instruments, first mortgages and bonds, in which the scholarship plans will be primarily invested under normal market conditions.*

(2) *If a particular investment strategy is an essential aspect of the scholarship plans, as evidenced by the manner in which the scholarship plans are marketed, disclose this strategy as an investment objective.*

Item 8 Scholarship Plans with Same Investment Strategies (Multiple Prospectus)

8.1. Investment Strategies

(1) This section applies to a multiple prospectus for scholarship plans that have the same investment objectives, investment strategies and investment restrictions.

(2) Describe under the sub-heading “Investment strategies” the following:

(a) the principal investment strategies that the scholarship plans intend to use in achieving the investment objectives, and

(b) the process by which the scholarship plans’ portfolio adviser selects investments for the portfolios of the scholarship plans, including any investment approach, philosophy, practices or techniques used by the portfolio adviser or any particular style of portfolio management that the portfolio adviser intends to follow.

(3) Indicate the types of investments, other than those held by the scholarship plans in accordance with their fundamental investment objectives, which may form part of the portfolio assets of the scholarship plans under normal market conditions.

(4) If the scholarship plans may depart temporarily from their fundamental investment objectives as a result of adverse market, economic, political or other considerations, disclose any temporary defensive tactics the portfolio adviser may use or intends to use in response to such conditions.

INSTRUCTION

Scholarship plans may, in responding to subsection 8.1(2), provide a discussion of the general investment approach or philosophy followed by the portfolio adviser of the scholarship plan.

Item 9 Scholarship Plans with Same Investment Restrictions (Multiple Prospectus)

9.1. Investment Restrictions

(1) This section applies to a multiple prospectus for scholarship plans that have the same investment objectives, investment strategies and investment restrictions.

(2) Under the sub-heading “Investment restrictions”, describe any restrictions on investments adopted by the scholarship plans, beyond what is required under securities legislation.

(3) If the scholarship plans have received the approval of the securities regulatory authorities to vary any of the investment restrictions and practices contained in securities legislation, provide details of the permitted variations.

(4) Describe the nature of any securityholder or other approval that may be required in order to change the investment restrictions of the scholarship plans.

Item 10 Risks of Investing in a Scholarship Plan

10.1. Risks of Investing in a Scholarship Plan

(1) Under the heading “Risks of investing in a scholarship plan”, include an introduction using the following wording or wording that is substantially similar:

If you or your beneficiary does not meet the terms of your contract, it could result in a loss and your beneficiary could lose some or all of their EAPs. Please read the description of the plan-specific risks under “Risks of investing in this plan” in this Detailed Plan Disclosure.

(2) Under the sub-heading “Investment risks”, include an introduction using the following wording or wording that is substantially similar:

The prices of the investments held by the scholarship plan[s] can go up or down. [State, as applicable – [Refer to “Risks of investing in this plan” in this Detailed Plan Disclosure for a description of/Below are [some of]] the risks that can cause the value of the scholarship plan [’s/s’] investments to change, which will affect the amount of EAPs available to beneficiaries.] Unlike bank accounts or guaranteed investment certificates, your investment in a scholarship plan is not covered by the Canada Deposit Insurance Corporation or any other government deposit insurer.

(3) For a multiple prospectus, list and describe the investment risks applicable to each of the scholarship plans offered under the prospectus.

(4) For a multiple prospectus that contains the disclosure required by section 7.1 of this Part of the Form, if, at any time during the 12-month period immediately preceding the date of the prospectus, more than 10% of the net assets of a scholarship plan were invested in the securities of an issuer other than a government security, disclose

(a) the name of the issuer and the securities,

(b) the highest percentage of the net assets of the scholarship plan that securities of that issuer represented during the 12-month period, and

(c) the risks associated with the investments, including the possible or actual effect on the liquidity and diversification of the scholarship plan.

INSTRUCTIONS

- (1) *Each risk factor listed must be described under a separate sub-sub-heading.*
- (2) *Describe the risks in the order of the most serious to the least serious.*
- (3) *Do not de-emphasize a risk factor by including excessive caveats or conditions.*
- (4) *Include a discussion of general market, political, market sector, liquidity, interest rate, foreign currency, diversification and credit risks that apply to the portfolio of the scholarship plan, as appropriate.*
- (5) *The term “government security” has the same meaning as in Regulation 81-102 respecting Mutual Funds.*

Item 11 Income Tax Considerations

11.1. Status of the Scholarship Plan

Under the heading “How taxes affect your plan”, briefly describe the status of the scholarship plan for income tax purposes.

11.2. Taxation of the Scholarship Plan

Under the sub-heading “How the plan is taxed”, state in general terms the basis upon which the income and capital received by the scholarship plan are taxed.

11.3. Taxation of the Subscriber

- (1) Under the sub-heading “How you are taxed”, state in general terms how the subscriber will be taxed. State in general terms, as applicable to the scholarship plan(s) offered under the prospectus, using sub-sub-headings, the income tax consequences of
 - (a) a return of contributions at the maturity date,
 - (b) a withdrawal of contributions before the maturity date,
 - (c) a refund of sales charges or other fees,
 - (d) any other distributions to the subscriber in the form of income, capital or otherwise,
 - (e) a cancellation of units prior to the maturity date,
 - (f) a purchase of additional units,
 - (g) a transfer between scholarship plans,

- (h) an additional contribution made to address backdating of a plan,
 - (i) an additional contribution made to cure defaults under the scholarship plan,
- and
- (j) a contribution beyond the limit set by the *Income Tax Act* (Canada).
- (2) Under the sub-sub-heading “If you receive an Accumulated income payment (AIP)”,
- (a) state the tax consequences of receiving an AIP,
 - (b) describe how an AIP may be transferred to a registered retirement savings plan, and
 - (c) describe the tax consequences of a transfer of an AIP to a registered retirement savings plan.

11.4. Taxation of the Beneficiary

Under the sub-heading “How your beneficiary is taxed”, state in general terms the income tax consequences to a beneficiary of a payment made to the beneficiary under the scholarship plan, including, as applicable, an EAP, a discretionary payment and a fee refund.

Item 12 Organization and Management Details of the Scholarship Plan

12.1. Organization and Management Details

(1) Provide in a diagram or table, under the heading “Who is involved in running the plan[s]”, information about the entities involved in operating the scholarship plan, including the investment fund manager, foundation, trustee, portfolio adviser, principal distributor, independent review committee, custodian, registrar and auditor of the scholarship plan.

(2) For each entity listed in the diagram or table, briefly describe the services provided by that entity, and the relationship of that entity to the investment fund manager. Include a description of how each of the following aspects of the operations of the scholarship plan is administered and who administers those functions:

- (a) the management and administration of the scholarship plan, including valuation services, fund accounting and securityholder records, other than the management of the portfolio assets;
- (b) the management of the portfolio assets, including the provision of investment analysis or investment recommendations and the making of investment decisions;

- (c) the purchase and sale of portfolio assets by the scholarship plan and the making of brokerage arrangements relating to the portfolio assets;
 - (d) the distribution of the securities of the scholarship plan;
 - (e) if the scholarship plan is a trust, the trusteeship of the scholarship plan;
 - (f) if the scholarship plan is a corporation, the oversight of the affairs of the scholarship plan by the directors of the corporation;
 - (g) the custodianship of the assets of the scholarship plan;
 - (h) the oversight of the investment fund manager of the scholarship plan by the independent review committee;
 - (i) the oversight of the scholarship plan by any other body.
- (3) For each entity listed in the diagram or table, other than the investment fund manager, provide, if applicable, the municipality and the province or country where it principally provides its services to the scholarship plan. Provide the complete municipal address for the investment fund manager of the scholarship plan.

INSTRUCTION

The “foundation” refers to the not-for-profit entity that is the sponsor of the scholarship plan.

Item 13 Statement of Rights

13.1. Statement of Rights

Under the heading “Your rights as an investor”, state the following using the same or substantially similar wording:

You have the right to withdraw from an agreement to buy scholarship plan securities and get back all of your money (including any fees or expenses paid), within 60 days of signing the agreement. If the plan is cancelled after 60 days, you will only get back your contributions, less fees and expenses.

Any government grants you’ve received will be returned to the government.

In several provinces and territories, securities legislation also gives you the right to withdraw from a purchase and get back all of your money, or to claim damages, if the prospectus and any amendment contain a misrepresentation or are not delivered to you. You must act within the time limit set by the securities legislation in your province [*insert if the scholarship plan(s) is/are distributed in one or more territories of Canada - or territory*].

You can find out more about these rights by referring to the securities legislation of your province [*insert if the scholarship plan(s) is/are distributed in one or more territories of Canada - or territory*] or by consulting a lawyer.

Item 14 Other Material Information

14.1. Other Material Information

(1) Under the heading “Other important information”, state any other material facts relating to the securities being offered that are not disclosed under any other item in this Form and are necessary for the prospectus to contain full, true and plain disclosure of all material facts about the securities to be distributed.

(2) Provide any specific disclosure required to be disclosed in a prospectus under securities legislation that is not otherwise required to be disclosed by this Form.

(3) Subsection (2) does not apply to requirements of securities legislation that are form requirements for a prospectus.

INSTRUCTIONS

(1) *Sub-headings that are not mandated by this Form may be used in this Item.*

(2) *For a single prospectus, provide this disclosure either under this Item or under Item 23 of Part C of this Form, whichever is more appropriate.*

(3) *For a multiple prospectus, provide this disclosure under this Item if the disclosure pertains to all of the scholarship plans described in the document. If the disclosure does not pertain to all of the scholarship plans, provide the disclosure under Item 23 of Part C of this Form.*

Item 15 Back Cover

15.1. Back Cover

(1) State on the back cover of the Detailed Plan Disclosure the name of the scholarship plan(s) offered under the prospectus, and the name, address and telephone number of the investment fund manager of the scholarship plan(s).

(2) State the following using the same or substantially similar wording:

You can find additional information about the plan[s] in the following documents:

- the plan’s most recently filed annual financial statements,
- any interim financial reports filed after the annual financial statements, and
- the most recently filed annual management report of fund performance.

These documents are incorporated by reference into this prospectus. That means they legally form part of this document just as if they were printed as part of this document.

You can get a copy of these documents at no cost by calling us at [*insert the toll-free telephone number or telephone number where collect calls are accepted*] or by contacting us at [*insert the scholarship plan's e-mail address*].

[*Insert if applicable - You'll also find these documents on our website at [insert the scholarship plan's website address]*].

These documents and other information about the plan[s] are also available at www.sedar.com.

Part C – Detailed Plan Disclosure - Plan-Specific Information

Item General

The Items in this Part apply to each type of scholarship plan unless otherwise stated.

Item 2 Introductory Disclosure

2.1. For a Single Prospectus

Include at the top of the first page of the Part C section of the prospectus the heading “Specific information about the [*insert the name of the scholarship plan*]”.

2.2. For a Multiple Prospectus

Include,

(a) at the top of the first page of the first Part C section of the prospectus, the heading “Specific information about our plans”, and

(b) at the top of each page of a Part C section of the prospectus, a heading consisting of the name of the scholarship plan described on that page.

Item 3 Plan Description

3.1. Plan Description

Under the heading “Type of plan”, disclose in the form of a table

(a) the type of scholarship plan, and

(b) the date on which the scholarship plan was started.

INSTRUCTION

In disclosing the date on which the scholarship plan was started, use the date on which the securities of the scholarship plan first became available for offer to the public, which will be on or about the date of the issuance of the first receipt for a prospectus of the scholarship plan.

Item 4 Eligibility and Suitability

4.1. Eligibility and Suitability

- (1) Under the heading “Who this plan is for”, list the eligibility requirements for enrolment in the scholarship plan.
- (2) Provide a brief statement of the suitability of the scholarship plan for particular investors, describing the characteristics of the subscriber and beneficiary for whom the scholarship plan may be an appropriate investment and for whom it may not be an appropriate investment.

INSTRUCTION

The disclosure provided under subsection 4.1(2) must be consistent with the disclosure provided under Item 4 of Part A of this Form. Discuss whether the scholarship plan is particularly suitable for certain types of investors. Conversely, if the scholarship plan is particularly unsuitable for certain types of investors, emphasize this aspect of the plan and disclose the types of investors who should not invest in the scholarship plan, on both a short- and long-term basis.

Item 5 Beneficiary Group

5.1. Beneficiary Group

- (1) This Item applies to a group scholarship plan.
- (2) Under the sub-heading “Your beneficiary group”, describe
 - (a) what a beneficiary group is and the significance of belonging to a beneficiary group, and
 - (b) how the maturity date and year of eligibility are determined and the significance of the dates.
- (3) Include the table below, introduced using the following wording or wording that is substantially similar:

The table below can help you determine your beneficiary group. In general, the beneficiary group is determined by the age of the beneficiary when you sign your contract.

Age of beneficiary when the plan is purchased	Beneficiary group
<i>[Insert age of oldest beneficiary eligible to join the group scholarship plan] years old</i>	<i>[Insert year of eligibility for oldest beneficiary]</i>
<i>[Insert age corresponding to next year of eligibility in descending order] years old</i>	<i>[Insert year of eligibility for next oldest beneficiary]</i>
⋮	
0 years old	<i>[Insert year of eligibility for youngest beneficiary]</i>

INSTRUCTIONS

(1) In responding to subsection 5.1(2), provide disclosure regarding the sharing of earnings on contributions based on the number of beneficiaries in a beneficiary group, including the sharing of earnings on contributions where there is pre-maturity and post-maturity attrition.

(2) The table required under subsection 5.1(3) is used to demonstrate how the year of eligibility relates to the age of the beneficiary on the application date. The disclosure in the column of this table titled “Age of beneficiary when the scholarship plan is purchased” must present the ages of the beneficiaries for whom subscribers may purchase a group scholarship plan, starting from the oldest to the youngest. For example, if a beneficiary cannot join the group scholarship plan after age 12, then that must be the age disclosed in the top row of that column. The ages disclosed in the subsequent row must follow in descending order.

(3) For the column titled “Beneficiary Group” in the table required under subsection 5.1(3), the “year of eligibility” disclosed in each row must be based on the year of eligibility that would typically correspond to a beneficiary of the age described in adjacent column of that table titled “Typical age of beneficiary when the scholarship plan is purchased” as of the date of the prospectus. For example, if the age of the beneficiary listed in the table is 12, the disclosure under “Beneficiary Group” must show the typical year of eligibility for a 12 year old beneficiary joining the scholarship plan as of the date of the prospectus.

Item 6 Eligible Studies

6.1. Summary of Eligible Studies

Under the heading “Summary of eligible studies”, state the following using the same or substantially similar wording:

The following is a description of the post-secondary programs that are eligible studies and qualify for EAPs under the *[insert name of the scholarship plan]*.

Contact us or your sales representative to find out if the educational programs your beneficiary is interested in are eligible studies. We can provide you with a current list of qualifying institutions and programs on request. This list is also available on the plan's website.

For more information about receiving EAPs, see "Educational assistance payments" on page [insert page reference to the disclosure provided under section 19.2 of Part C of this Form] of this Detailed Plan Disclosure.

6.2. Description of Eligible Programs

Under the sub-heading "What's eligible", briefly describe the types of programs that qualify for EAPs under the scholarship plan.

6.3. Description of Ineligible Programs

(1) Under the sub-heading "What's not eligible", briefly describe the types of programs that do not qualify for EAPs under the scholarship plan.

(2) If any post-secondary program that would qualify for an EAP under the *Income Tax Act* (Canada) would be considered eligible studies under the scholarship plan, state this fact. If there are differences between the types of programs eligible for payment of an EAP under the *Income Tax Act* (Canada) and programs recognized as eligible studies under the scholarship plan, state this fact and describe how the scholarship plan's requirements are different than the *Income Tax Act* (Canada) requirements.

(3) State, if applicable, that beneficiaries who do not enrol in eligible studies under the requirements of the scholarship plan will also not receive payments of government grants.

(4) If the scholarship plan does not recognize all of the same post-secondary programs that would qualify for an EAP under the *Income Tax Act* (Canada), then state the following using the same or substantially similar wording:

If you are interested in a post-secondary program that doesn't qualify for EAPs under the [insert the name of the scholarship plan] but would qualify for an EAP under the *Income Tax Act* (Canada), you should consider another type of plan. [Insert if applicable – For example, in our [insert, as applicable the name of the scholarship plan(s)], any post-secondary program that would qualify for an EAP under the *Income Tax Act* (Canada) is considered eligible studies for receiving an EAP under the plan.]

INSTRUCTIONS

(1) *The list of institutions and programs that are "eligible studies" under the scholarship plan and are referred to in section 6.1 must be provided in a format that facilitates comprehension by the investor. The list must also be available on the plan's website in a location that does not have restricted access, i.e., it does not require a password or login account.*

- (2) *The disclosure required by sections 6.2 and 6.3 may be provided in the form of a table to assist readability.*
- (3) *Describe the programs required to be disclosed under sections 6.2 and 6.3 based on characteristics such as the type of educational institutions offering the programs, the duration of the programs and the location of the educational institutions.*

Item 7 Investment Objectives

7.1. Investment Objectives

- (1) This section does not apply to a scholarship plan that is required to provide the disclosure under section 7.1 of Part B of this Form.
- (2) Under the heading “How we invest your money” with the sub-heading “Investment objectives”, state the fundamental investment objectives of the scholarship plan, including any information that describes the fundamental nature of the scholarship plan or the fundamental features of the scholarship plan that distinguish it from other types of scholarship plans.
- (3) Describe the nature of any securityholder or other approval that may be required to change the investment objectives of the scholarship plan.
- (4) Describe any of the material investment strategies to be used to achieve the scholarship plan’s investment objectives.
- (5) If the scholarship plan purports to arrange a guarantee or insurance in order to protect all or some of the principal amount of the investments made by subscribers, include this fact as a fundamental investment objective of the scholarship plan and
 - (a) identify the person providing the guarantee or insurance,
 - (b) provide the material terms of the guarantee or insurance, including the maturity date of the guarantee or insurance, and
 - (c) provide the reasons for which the guarantor or insurer could limit or avoid execution of the guarantee or insurance policy.

INSTRUCTION

In providing the disclosure required by this Item, follow the Instructions that apply to section 7.1 of Part B of this Form.

Item 8 Investment Strategies

8.1. Investment Strategies

- (1) This section does not apply to a scholarship plan that is required to provide the disclosure under section 8.1 of Part B of this Form.

- (2) Describe under the sub-heading “Investment strategies” the following:
- (a) the principal investment strategies that the scholarship plan intends to use in achieving its investment objectives, and
 - (b) the process by which the scholarship plan’s portfolio adviser selects investments for the scholarship plan’s portfolio, including any investment approach, philosophy, practices or techniques used by the portfolio adviser or any particular style of portfolio management that the portfolio adviser intends to follow.
- (3) Indicate the types of investments, other than those held by the scholarship plan in accordance with its fundamental investment objectives, which may form part of the scholarship plan’s portfolio assets under normal market conditions.
- (4) If the scholarship plan may depart temporarily from its fundamental investment objectives as a result of adverse market, economic, political or other considerations, disclose any temporary defensive tactics the scholarship plan’s portfolio adviser may use or intends to use in response to such conditions.

INSTRUCTION

A scholarship plan may, in responding to subsection 8.1(2), provide a discussion of the general investment approach or philosophy followed by the portfolio adviser of the scholarship plan.

Item 9 Investment Restrictions

9.1. Investment Restrictions

- (1) This section does not apply to a scholarship plan that is required to provide the disclosure specified under section 9.1 of Part B of this Form.
- (2) Under the sub-heading “Investment restrictions”, describe any restrictions on investments adopted by the scholarship plan, beyond what is required under securities legislation.
- (3) If the scholarship plan has received the approval of the securities regulatory authorities to vary any of the investment restrictions and practices contained in securities legislation, provide details of the permitted variations.
- (4) Describe the nature of any securityholder or other approval that may be required in order to change the investment restrictions of the scholarship plan.

Item 10 Plan-Specific Risks

10.1. Plan Risks

(1) Under the heading “Risks of investing in this plan” with the sub-heading “Plan risks”, include an introduction using the following wording or wording that is substantially similar:

You sign a contract when you open a plan with us. Read the terms of the contract carefully and make sure you understand the contract before you sign. If you or your beneficiary does not meet the terms of your contract, it could result in a loss and your beneficiary could lose some or all of his or her EAPs.

Keep in mind that payments from the plan are not guaranteed. We cannot tell you in advance if your beneficiary will qualify to receive any EAPs from the plan or how much your beneficiary will receive. We do not guarantee the amount of any payments or that the payments will cover the full cost of your beneficiary’s post-secondary education.

In addition to the investment risks described under “Investment risks” on page(s) [*insert a page reference to the investment risks disclosed under section 10.1(3) of Part B of this Form or section 10.2 of this Part of the Form, as applicable*] of the prospectus, the following is a description of the risks of participating in this plan:

(2) List and describe any material risks associated with an investment in the scholarship plan, other than the investment risks associated with the portfolio held by the scholarship plan that are disclosed under section 10.1 of Part B of this Form or section 10.2 of this Part, including, as applicable to the scholarship plan,

(a) the risk of a change in attrition rates affecting the amount of EAPs available to beneficiaries,

(b) the risk of a decision not to provide a discretionary payment affecting the amount of money available to beneficiaries who enrol in eligible studies,

(c) the risk that the current sources of funding for discretionary payments may not be available at plan maturity,

(d) if there is no guarantee for any refunds of sales charges or other fees, the risk that the current sources of funding for the refunds may not be available at or after the maturity date of the subscriber’s scholarship plan, and

(e) if the scholarship plan has more than one class or series of securities, the risk that the investment performance, expenses or liabilities of one class or series may affect the value of the securities of another class or series.

INSTRUCTION

In responding to section 10.2, follow Instructions (1) – (3) to section 10.1 of Part B of this Form.

10.2. Investment Risks

(1) Subsections (2) to (5) do not apply to a scholarship plan that is required to provide the disclosure under section 7.1 of Part B of this Form.

(2) Under the heading “Risks of investing in this plan” with the sub-heading “Investment risks”, include an introduction using the following wording or wording that is substantially similar:

The prices of the investments held by the scholarship plan can go up or down. Below are the risks that can cause the value of the plan’s investments to change, which will affect the amount of EAPs available to beneficiaries.

(3) List and describe the investment risks applicable to the scholarship plan, other than those risks previously discussed under subsection 10.1(3) of Part B of this Form.

(4) Include specific cross-references to the risks described in response to subsection 10.1(3) of Part B of this Form that are applicable to the scholarship plan.

(5) If, at any time during the 12-month period immediately preceding the date of the prospectus, more than 10% of the net assets of a scholarship plan were invested in the securities of an issuer other than a government security, disclose

(a) the name of the issuer and the securities,

(b) the maximum percentage of the net assets of the scholarship plan that securities of that issuer represented during the 12-month period, and

(c) the risks associated with the investment in the securities, including the possible or actual effect on the liquidity and diversification of the scholarship plan.

(6) If the scholarship plan is required to provide the disclosure under section 7.1 of Part B of this Form, under the heading “Risks of investing in this plan” with the sub-heading “Investment risks”, state the following using the same or substantially similar wording:

The prices of the investments held by the scholarship plan can go up or down. You can find a list of risks that can cause the value of the plan’s investments to change under “Investment risks” on page *[insert page reference to the risks disclosed under section 10.1(3) of Part B of this Form]*.

INSTRUCTION

In providing disclosure under this section, follow the Instructions to section 10.1 of Part B of this Form.

Item 11 Annual Returns**11.1. Annual Returns**

Under the heading “How the plan has performed”, provide, in the form of the following table, the annual return of the scholarship plan for each of the past five years (or for a scholarship plan that has existed for less than five years, for each year the scholarship plan has been in existence) as disclosed in the most recently filed annual management report of fund performance of the scholarship plan, introduced using the following wording or wording that is substantially similar:

The table below shows how the investments in *[insert name of the scholarship plan]* performed in each of the past five financial years ending on *[insert date of end of financial year for the scholarship plan]*. Returns are after expenses have been deducted. These expenses reduce the returns you get on your investment.

It’s important to note that this doesn’t tell you how the plan’s investments will perform in the future.

	<i>[Insert most recently completed Financial Year]</i>	<i>[Insert most recently completed Financial Year minus 1]</i>	<i>[Insert most recently completed Financial Year minus 2]</i>	<i>[Insert most recently completed Financial Year minus 3]</i>	<i>[Insert most recently completed Financial Year minus 4]</i>
Annual Return	<i>[Specify annual return]%</i>	<i>[Specify annual return]%</i>	<i>[Specify annual return]%</i>	<i>[Specify annual return]%</i>	<i>[Specify annual return]%</i>

Item 12 Contributions**12.1. Making Contributions**

(1) Under the heading “Making contributions”, state the minimum investment in the scholarship plan permitted under the prospectus and the maximum length of time a subscriber can make contributions under the plan.

(2) If the scholarship plan uses units, under the sub-heading “What is a unit?”, describe the unit and state why the scholarship plan uses units. State if the value of a unit is based only on the value of the portfolio assets held by the scholarship plan and, if not, state what other factors the value of a unit is based on.

(3) Under the sub-heading “Your contribution options”, describe all available contribution options.

(4) If the scholarship plan requires subscribers to make contributions to the plan in accordance with a contribution schedule, under the sub-heading “Contribution schedule”, include an introduction to the contribution schedule using the following wording or wording that is substantially similar:

The contribution schedule below shows how much you have to contribute to buy a unit. The price you pay depends on your beneficiary group and whether you pay for your units all at once or make periodic contributions to pay for your units. [*For a group scholarship plan, state – The prices are calculated so that the contributions of each subscriber for a beneficiary group will generate the same earnings per unit.*]

Certain fees and expenses are deducted from your contributions. For more information, please see “Fees you pay” on page [*insert page reference to the disclosure provided under section 14.2 of Part C of this Form*].

The contribution schedule was prepared by [*indicate name of entity/entities that prepared the contribution schedule*] in [*specify year the contribution schedule was prepared*].

(5) Include the contribution schedule of the scholarship plan in the form of the following table, together with the following examples to explain how to use the contribution schedule to determine the contributions required to pay for each unit. Introduce the table using the following wording or wording that is substantially similar with the title “How to use this table” in bold type:

How to use this table:

For example, let’s assume your beneficiary is a newborn. If you want to make monthly contributions until maturity, it will cost \$[*insert amount payable monthly for this option*] each month for each unit you buy. You would have to make [*insert total number of payments for this option*] contributions over the life of your plan, for a total investment of \$[*insert total amount payable for this option*].

If your child is five years old and you want to make annual contributions until maturity, it will cost \$[*insert amount payable annually for this option*] each year for each unit you buy. You would have to make [*insert total number of payments for this option*] contributions over the life of your plan, for a total investment of \$[*insert total amount payable for this option*].

Contribution schedule				
Contribution options <i>[See Instruction (2)]</i>	<i>[Insert youngest beneficiary by age] [See Instruction (3)]</i>	<i>[Insert next youngest beneficiary by age]</i>	...	<i>[Insert oldest beneficiary by age]</i>
Monthly contribution Contribution amount Total number of contributions Total amount of contributions	<i>[See Instruction (4)]</i>			
Annual contribution Contribution amount Total number of contributions Total amount of contributions				
⋮				
Lump sum contribution Contribution amount				

(6) State the assumptions on which the contribution schedule is based and confirm that the assumptions are still reflective of current conditions and circumstances.

INSTRUCTIONS

(1) *The contribution schedule must outline all available contribution options, including the lump sum contribution option.*

(2) *List the contribution options in the order based on the total number of contributions, from the largest number of contributions to the smallest number of contributions. For example, if the scholarship plan permits monthly, annual and lump sum contributions, list the contribution options in that order.*

(3) *The contribution schedule must be presented in the order based on the age of the beneficiaries, from the youngest to oldest.*

(4) *For each contribution option, set out the amount of each contribution, the total number of contributions, and the total amount payable for one unit.*

(5) *If the scholarship plan permits a subscriber to date their plan as at a date that is earlier than the application date, disclose the conditions or requirements that must be met to backdate a plan, including the maximum number of months that a plan may be backdated and the basis of calculation of any amount(s) payable by the subscriber in addition to the contributions required under the contribution schedule. Include a cross-reference to the disclosure provided under paragraph 11.3(1)(h) of Part B of this Form.*

(6) *The contribution amounts in the contribution schedule must not include fees for insurance.*

12.2. Missing Contributions

(1) Under the sub-heading “If you have difficulty making contributions”, state the following using the same or substantially similar wording:

If you miss one or more contributions, you may be in default of your plan. To stay in the plan, you’ll have to make up the contributions you missed. [*State if applicable* — You’ll also have to make up what the contributions would have earned if you had made them on time]. This can be costly.

For information about the steps you have to take to stay in the plan after missing contributions, see “Default, withdrawal or cancellation” on page [*insert page reference to the disclosure provided under Item 17 of Part C of this Form*].

(2) Under the sub-sub-heading “Your options”, describe the options available to subscribers having difficulty making contributions, including reducing the amount of contributions, suspending contributions, transferring to another RESP and cancelling their scholarship plan.

(3) Describe any restrictions on the availability of the options referred to in subsection (2).

(4) For each option set out under subsection (2), disclose the fee payable for the option and the losses that may be incurred by the subscriber as a result of the option.

(5) Describe what will happen if a subscriber has difficulty making contributions and does not select any of the options set out under subsection (2).

INSTRUCTIONS

(1) *A scholarship plan that does not require subscribers to make regular contributions to keep their plan in good standing must modify the disclosure under subsection 12.2(1) accordingly.*

(2) *If the cost of putting a plan in good standing after a voluntary suspension of the plan includes the payment of an amount equal to the interest that would have been earned on the missing contributions, disclose the current interest rate used as an annualized rate of interest and disclose how the interest is calculated.*

(3) *In disclosing any losses that may be incurred by a subscriber under subsection (4), state whether the subscriber may incur any loss of earnings, government grants, grant contribution room, amounts paid for sales charges and fees or loss of any other amount.*

(4) *If the disclosure for an option required by subsections (3) and (4) is provided elsewhere in Part C of the prospectus, a cross-reference to the disclosure for the option may be provided in response to subsections (3) and (4). For example, if transferring to another scholarship plan managed by the investment fund manager is an option available to the subscriber, a scholarship plan may refer investors to details of this type of transfer by providing a cross-reference to the disclosure provided under section 16.1 of Part C of this Form.*

Item 13 Withdrawing Contributions

13.1. Withdrawing Contributions

(1) Under the heading “Withdrawing your contributions”, describe a subscriber’s entitlement to a return of contributions made, less fees, at any time before the maturity date of their scholarship plan.

(2) Describe the steps a subscriber must take to withdraw some or all of their contributions before the maturity date of their scholarship plan.

(3) Disclose the fee for a withdrawal from their scholarship plan and describe the losses that may be incurred by a subscriber upon a withdrawal.

(4) Disclose whether a subscriber’s plan will be cancelled if the subscriber withdraws all the contributions made to their plan. If so, provide a cross-reference to the disclosure provided under section 17.3 of Part C of this Form.

INSTRUCTION

In describing any losses that may be incurred by a subscriber under subsection (3), disclose whether the subscriber may incur any loss of earnings, government grants, grant contribution room, amounts paid for sales charges and fees or loss of any other amount.

Item 14 Fees and Expenses

14.1. Costs of Investing in the Scholarship Plan

Under the heading “Costs of investing in this plan”, state the following using the same or substantially similar wording:

There are costs for joining and participating in the [*insert name of scholarship plan*]. The following tables list the fees and expenses of this plan. You pay some of these fees and expenses directly from your contributions. The plan pays some of the fees and expenses, which are deducted from the plan’s earnings.

14.2. Fees Payable by Subscriber from Contributions

(1) Under the sub-heading “Fees you pay”, provide a list of the fees and expenses that are deducted from contributions and that are not required to be provided in the table under section 14.4 of Part C of this Form in the form of the following table. Introduce the table using the following wording:

These fees are deducted from your contributions. They reduce the amount that gets invested in your plan, which will reduce the amount available for EAPs.

Fee	What you pay	What the fee is for	Who the fee is paid to
Sales charge	[Specify amount]	[Specify the purpose]	[Insert name of entity]
Account Maintenance Fee	[Specify amount]	[Specify the purpose]	[Insert name of entity]
[Specify other fees and expenses]	[Specify amount]	[Specify the purpose]	[Insert name of entity]

(2) If the sales charge listed in the table required by subsection (1) is deducted from contributions at a higher rate in the early period of participating in the scholarship plan, add a sidebar under the sub-heading “Fees you pay”, using the margin of the page and state the following using the same or substantially similar wording with the title of the sidebar in bold type:

Paying off the sales charges

For example, assume that you buy one unit of the [Insert name of scholarship plan] on behalf of newborn child, and you commit to making monthly contributions until the maturity date to pay for that unit. [All/[specify lower percentage, if applicable]] of your first [insert number of contributions] contributions go toward the sales charge until [half/[specify other percentage if applicable]] of the sales charge is paid off. [State, as applicable – [Half/[specify other percentage if applicable]] of your next [insert number of contributions] contributions go toward the sales charge until it’s fully paid off.] Altogether, it will take you [insert number of months] months to pay off the sales charge. During this time, [insert percentage] of your contributions will be used to pay the sales charge and [insert percentage] of your contributions will be invested in your plan.

(3) State whether any of the fees listed in the table in subsection (1) may be increased without subscriber approval.

INSTRUCTIONS

(1) *In the table required under subsection 14.2(1), list the fees payable by subscribers' contributions. Each fee must be listed on a separate row in the table.*

(2) *In the table required under subsection 14.2(1) in the column titled "What you pay" state the amount of each fee. The amount of each fee must be disclosed based on how the fee is calculated. For example, if a particular fee is calculated as a fixed dollar amount per unit, or a fixed amount per year, it must be stated as such. Similarly, if a fee is calculated as a percentage of plan assets, that percentage must be stated. A statement or note that a fee is subject to applicable taxes, such as goods and services taxes or harmonized sales taxes, is permitted, if applicable.*

(3) *For a group scholarship plan or other type of scholarship plan that normally calculates the sales charge payable as a fixed dollar amount linked to the amount of contribution by a subscriber (i.e. \$x.xx per unit), in addition to stating the fixed amount of sales charge per unit as required under Instruction (2), the disclosure of the amount of sales charge in the table required under subsection 14.2(1) in the column titled "What you pay" must also be expressed as a percentage of the cost of a unit of the scholarship plan. If the total cost of a unit of the scholarship plan varies depending on the contribution option or frequency selected, the percentage sales charge must be expressed as a range, between the lowest and the highest percentage of the unit cost the sales charge can represent, based on the different contribution options available to subscribers under the scholarship plan. This must be calculated as follows: (i) divide the sales charge per unit by the contribution option that has the highest total cost per unit, and (ii) divide the sales charge per unit by the contribution option that has the lowest total cost per unit. For example, if a scholarship plan calculates its sales charge as \$200/unit, and the total cost per unit for a subscriber can range from \$1000 to \$5000 (based on the different options available to subscribers), the percentage range of the sales charge disclosed in the table would be 4% (200/5000) to 20% (200/1000). The disclosure in the table must also state that the exact percentage of the sales charge per unit for a subscriber will depend on the contribution option selected for contributing to the scholarship plan and how old their beneficiary is at the time they open the scholarship plan.*

(4) *In the table required under subsection 14.2(1) in the column titled "What you pay" describe how the fee is deducted from contributions if the fee amount deducted from each contribution is not the same. For example, if deductions for sales charges are not made from each contribution at a constant rate for the duration of the plan or for the period for which contributions are required to be made under the scholarship plan if it is less than the scholarship plan's duration, describe the amounts from contributions that are deducted to pay sales charges.*

(5) *In the table required under subsection 14.2(1) in the column titled "What the fee is for" provide a concise explanation of what the fee is used for.*

(6) *In the table required under subsection 14.2(1) in the column titled "Who the fee is paid to", state the name of the entity to which the fee is paid, such as the investment fund manager, the portfolio manager, the dealer, the foundation, etc.*

(7) *The disclosure required under subsection 14.2(2) must be based on the following assumptions: (i) the beneficiary is a newborn, (ii) the subscriber is purchasing one unit of the scholarship plan, (iii) the subscriber has agreed to a monthly contribution schedule with contributions payable until the scholarship plan's maturity date, and (iv) all of the mandatory fees that are normally deducted from a subscriber's contributions are deducted during the relevant period. The disclosure provided under subsection 14.2(2) must be consistent with the disclosure provided under subsection (2) of Item 10 of Part A of the form.*

(8) *The disclosure required in subsection 14.2(2) may alternatively be provided in a text box below the table required under subsection 14.2(1).*

(9) *For the disclosure required in subsection 14.2(2), if the scholarship plan does not offer units but uses a similar method for deducting sales charges as is described under subsection 14.2(2), the wording may be amended as is necessary to properly reflect the scholarship plan's features.*

14.3. Fees Payable by the Scholarship Plan

(1) Under the sub-heading "Fees the plan pays", provide a list of the fees and expenses that are payable by the scholarship plan in the form of the following table and introduced using the following wording:

The following fees are payable from the plan's earnings. You don't pay these fees directly. These fees affect you because they reduce the plan's returns which reduces the amount available for EAPs.

Fee	What the plan pays	What the fee is for	Who the fee is paid to
Administrative fee	<i>[Specify amount]</i>	<i>[Specify purpose]</i>	<i>[Insert name of entity]</i>
Portfolio management fee	<i>[Specify amount]</i>	<i>[Specify purpose]</i>	<i>[Insert name of entity]</i>
Custodian fee	<i>[Specify amount]</i>	<i>[Specify purpose]</i>	<i>[Insert name of entity]</i>
Independent review committee fee	<i>[Specify amount]</i>	<i>[Specify purpose]</i>	<i>[Insert name of entity]</i>
<i>[Specify other fees and expenses]</i>	<i>[Specify amount]</i>	<i>[Specify purpose]</i>	<i>[Insert name of entity]</i>

(2) State whether any of the fees or expenses listed in the table in subsection (1) may be increased without subscriber approval.

INSTRUCTIONS

(1) In the table, show all fees and expenses payable by the scholarship plan, even if it is expected that the investment fund manager or other member of the organization of the scholarship plan will waive or absorb some or all of those fees and expenses. Each fee must be listed in a separate row in the table.

(2) If one or more fees listed or required to be listed in the table are normally combined into an “all-inclusive fee” payable by the scholarship plan, the table may be amended as is necessary to reflect this fact.

(3) In the column titled “What the plan pays” state the amount of each fee listed in the table. The amount of fee stated must be disclosed based on how the fee is calculated. For example, if a fee is calculated based on a percentage of the scholarship plan’s assets, it must be stated as such. For the “independent review committee fee”, state the amount of any retainer payable to each member of the committee and any additional fees payable for meeting attendance and indicate if committee members expenses are reimbursed, and disclose the total dollar amount paid in connection with the independent review committee for the most recently completed financial year of the scholarship plan. A statement or note that a fee is subject to applicable taxes, such as goods and services taxes or harmonized sales taxes, is permitted, if applicable.

(4) In the column titled “What the fee is for” provide a concise explanation of what the fee is used for. If a fee is charged to the scholarship plan for on-going fund expenses, list the main components of those expenses covered by the fee.

(5) In the column titled “Who the fee is paid to”, state the name of the entity to which the fee is paid, such as the investment fund manager, the portfolio manager, the dealer, the foundation, etc.

14.4. Transaction Fees

Under the sub-heading “Transaction fees”, provide a list of the transaction fees in the form of the following table introduced using the following wording:

We will charge the following fees for the transactions listed below.

Fee	Amount	How the fee is paid	Who the fee is paid to
[Insert type of fee]	\$(Specify amount)	[Insert how the fee is charged]	[Insert name of entity]

INSTRUCTIONS

(1) In the column titled “fee” describe the type of transaction for which the fee is charged; for example, replacing a cheque, changing the contribution schedule, changing the beneficiary, changing the maturity date, transferring a plan and a late application for EAPs. Each fee must be listed on a separate row in the table.

(2) In the column titled “Amount” specify the amount of each fee. The amount must be disclosed based on how the fee is calculated. For example if the fee is calculated as a fixed dollar amount or a percentage it must be disclosed as such.

(3) In the column titled “How the fee is paid” state how the fee for each transaction is charged, for example, if the fee is payable directly by the subscriber or beneficiary, or if it is deducted from the earnings of the scholarship plan.

(4) In the column titled “Who the fee is paid to” specify the entity to which the fee is paid, such as the scholarship plan dealer, the investment fund manager, the Foundation, etc.

14.5. Fees for Additional Services

If applicable, under the sub-heading “Fees for additional services”, provide a list of the fees payable for the additional services disclosed under section 6.6 of Part B of this Form in the form of the following table and introduced using the following wording:

The following fees are payable for the additional services listed below:

Fee	What you pay	How the fee is paid	Who the fee is paid to
[Specify type of fee]	\$(Specify amount)	[Specify how the fee is charged]	[Insert name of entity]

INSTRUCTIONS

(1) In the column titled “Fee”, describe the type of service for which the fee is charged (for example, insurance services). Each fee must be listed in a separate row in the table.

(2) Under the column titled “What you pay” specify the amount of each fee. The fee must be disclosed based on how it is calculated. A statement or note that a fee is subject to applicable taxes, such as goods and services taxes or harmonized sales taxes, is permitted, if applicable.

(3) If insurance services are provided, under the column “What you pay”, disclose the fee for insurance and disclose the portion of the fee that is paid by the insurer to the principal distributor, the investment fund manager, or an affiliate.

(4) If the fee payable for an additional service varies so that specific disclosure of the amount of the fee cannot be provided in the prospectus, provide the range of fees payable under the column titled “What you pay”.

(5) In the column titled “How the fee is paid” state how the fee for each service is charged, for example, if the fee is an amount payable by the subscriber on a monthly basis in addition to contributions made under the contribution schedule.

(6) *In the column titled “Who the fee is paid to” state the name of the entity to which the fee is paid, such as the scholarship plan dealer, the investment fund manager, the Foundation, etc. If insurance services are provided, the name of the insurer must be disclosed.*

14.6. Refund of Sales Charges and Other Fees

(1) Under the sub-heading “Refund of sales charges [and other fees]”, disclose the details of all arrangements for the refunding of sales charges and any other fee paid by subscribers.

(2) In the disclosure required by subsection (1), for each fee that may be refunded, describe

- (a) who pays the fee refund,
- (b) who funds the fee refund and the sources of funding for the fee refund,
- (c) whether the refund is guaranteed or not and what that means,
- (d) the conditions or requirements that must be met to receive the fee refund,
- (e) when the refund will be paid,
- (f) whether the amount refunded will include interest,
- (g) whether the refund is paid in cash to the subscriber or is credited to their plan,
- (h) if applicable, whether the amount refunded will be considered a contribution to the scholarship plan for tax purposes, and
- (i) whether the amount refunded is taxable to the subscriber or beneficiary.

(3) Describe the circumstances that may affect the ability of the current sources of funding for the fee refunds to continue to fund such payments.

(4) State whether the investment fund manager or any other entity has put any mechanism in place to continue to make fee refunds if any of the circumstances referred to in subsection (3) occurs.

(5) If a fee refund is payable on a discretionary basis, state the following wording with the first sentence in bold type:

Discretionary refunds are not guaranteed. You should not count on receiving a discretionary refund. [*Specify entity*] decides if it will provide a fee refund in any year.

INSTRUCTIONS

(1) A return of an enrolment fee is considered to be a refund of sales charges for the purposes of disclosure under this section.

(2) If a fee refund is paid in instalments, disclose each payment date and the amount or proportion of the refund payable at each date.

Item 15 Making Changes to a Subscriber's Plan

15.1. Changing Contributions

(1) Under the heading "Making changes to your plan" and the sub-heading "Changing your contributions", disclose whether or not a subscriber can change the contributions under a scholarship plan.

(3) If a subscriber can change the contributions under a scholarship plan, disclose

(a) the steps the subscriber must take to make the change,

(b) the conditions or requirements that must be met to make the change,

(c) the fee for making the change, and

(d) the losses that may be incurred by the subscriber or the beneficiary if the change is made.

15.2. Changing Maturity Date

(1) Under the sub-heading "Changing the maturity date", disclose whether or not a subscriber can change the maturity date of their plan.

(2) If a subscriber can change the maturity date, disclose

(a) the steps the subscriber must take to make the change,

(b) the conditions or requirements that must be met to make the change,

(c) the fee for making the change, and

(d) the losses that may be incurred by the subscriber or the beneficiary if the change is made.

15.3. Changing Year of Eligibility

(1) Under the sub-heading "Changing your beneficiary's year of eligibility", disclose whether or not a subscriber can change the year of eligibility of a beneficiary.

- (2) If a subscriber can change the year of eligibility, disclose
 - (a) the steps the subscriber must take to make the change,
 - (b) the conditions or requirements that must be met to make the change,
 - (c) the fee for making the change, and
 - (d) the losses that may be incurred by the subscriber or the beneficiary if the change is made.

15.4. Changing Subscriber

- (1) Under the sub-heading “Changing the subscriber”, disclose whether the contract permits the subscriber to be changed at any time during the life of a scholarship plan.
- (2) If the subscriber may be changed, disclose
 - (a) the steps that are required to make the change,
 - (b) the conditions or requirements that must be met to make the change,
 - (c) the fee for making the change, and
 - (d) the losses that may be incurred by the subscriber or the beneficiary if the change is made.

15.5. Changing Beneficiary

- (1) Under the sub-heading “Changing your beneficiary”, disclose whether or not a subscriber can change the beneficiary of a scholarship plan.
- (2) If the beneficiary may be changed, disclose
 - (a) the steps the subscriber must take to make the change,
 - (b) the conditions or requirements that must be met to make the change,
 - (c) the fee for making the change, and
 - (d) the losses that may be incurred by the subscriber or the beneficiary if the change is made.

15.6. Death or Disability of Beneficiary

- (1) Under the sub-heading “Death or disability of the beneficiary”, disclose the options available to a subscriber in the event of the death or disability of the beneficiary of the scholarship plan.

(2) The disclosure under this item must include

- (a) how a disability is defined,
- (b) how each option may be initiated and the conditions or requirements that must be met for each option,
- (c) the fee for each option, and
- (d) the losses that may be incurred by the subscriber or the beneficiary if the option is selected.

INSTRUCTIONS

(1) *In discussing a change in contributions under a scholarship plan in response to section 15.1, state if the change in contributions may be made as a result of changing the contribution frequency or the number of units for which contributions are made.*

(2) *The disclosure of the conditions or requirements for making a change to the subscriber's plan required under this Item must include a description of any amounts required to be paid to make the change and the deadline for making the change.*

(3) *In disclosing the losses that may be incurred by a subscriber or a beneficiary in response to this Item, state if the subscriber or the beneficiary might incur any loss of earnings, government grants, grant contribution room, amounts paid for sales charges and fees or loss of any other amount.*

Item 16 Transfer of Scholarship Plan

16.1. Transferring to another plan managed by the investment fund manager

(1) Under the heading “Transferring your plan” with the sub-heading “Transferring to [name the other scholarship plans managed by the investment fund manager of the scholarship plan]”, state whether or not the scholarship plan allows a subscriber to transfer from the current plan to any of the other plans offered by the investment fund manager.

(2) Disclose

- (a) the steps a subscriber must take to effect the transfer,
- (b) the conditions or requirements that must be met to effect the transfer,
- (c) the fee for the transfer,
- (d) the losses that may be incurred by the subscriber or the beneficiary if the transfer is made, and
- (e) for a group scholarship plan, whether or not a subscriber who has transferred out of a group plan may transfer back to the group plan.

16.2. Transferring to another RESP Provider

(1) Under the sub-heading “Transferring to another RESP provider”, state whether or not the scholarship plan allows a subscriber to transfer to an RESP provider unrelated to the investment fund manager.

(2) Disclose

- (a) the steps a subscriber must take to effect the transfer,
- (b) the conditions or requirements that must be met to effect the transfer,
- (c) the fee for the transfer, and
- (d) the losses that may be incurred by the subscriber or the beneficiary if the transfer is made.

16.3. Transferring from another RESP Provider to the Scholarship Plan

(1) Under the sub-heading “Transferring to this plan from another RESP provider”, state whether or not the scholarship plan allows a subscriber to transfer from an RESP provider unrelated to the investment fund manager to the scholarship plan.

(2) Disclose

- (a) the steps a subscriber must take to effect the transfer,
- (b) the conditions or requirements that must be met to effect the transfer, and
- (c) the fee for the transfer.

INSTRUCTIONS

(1) The disclosure of the conditions or requirements that must be met to effect a transfer of a plan described under this Item must include a description of any amounts required to be paid to effect the transfer and the deadline for effecting the transfer.

(2) In disclosing the losses that may be incurred by a subscriber or a beneficiary in response to this Item, state if the subscriber or the beneficiary might incur any loss of earnings, government grants, grant contribution room, amounts paid for sales charges and fees or loss of any other amount.

Item 17 Default, Withdrawal or Cancellation**17.1. Withdrawal or Cancellation by Subscriber**

- (1) Under the heading “Default, withdrawal or cancellation” with the sub-heading “If you withdraw from or cancel your plan”, describe how a subscriber can withdraw from or cancel a scholarship plan.
- (2) Describe the amounts a subscriber is entitled to receive if the subscriber withdraws from a scholarship plan up to 60 days after signing a contract.
- (3) Describe the amounts a subscriber is entitled to receive if the subscriber cancels a scholarship plan more than 60 days after signing a contract.
- (4) Disclose the charges payable by a subscriber for a cancellation or withdrawal.
- (5) Disclose the losses that may be incurred by the subscriber or the beneficiary if the subscriber cancels or withdraws from their scholarship plan.

17.2. Subscriber Default

- (1) Under the sub-heading “If your plan goes into default”, describe the circumstances in which a subscriber may be noted in default under the scholarship plan.
- (2) Disclose the steps the investment fund manager will take to notify the subscriber when a default described in subsection (1) occurs.
- (3) Disclose the steps a subscriber can take to remedy a default and disclose the costs associated with remedying the default, including any amounts payable by the subscriber. For a default due to missed contributions, describe how any amount payable by a subscriber as a result of missed contributions is calculated.
- (4) For each default, disclose whether remedying the default will qualify a subscriber and a beneficiary for the same payments under the scholarship plan as if the default had not occurred.
- (5) Disclose whether a default results in the cancellation of a subscriber’s plan by the investment fund manager if the default is not remedied. If an unremedied default does not result in the cancellation of the subscriber’s plan, disclose the losses that may be incurred by the subscriber or the beneficiary due to the default.

17.3. Cancellation by Investment Fund Manager

- (1) Under the sub-heading “If we cancel your plan”, describe any circumstances other than a subscriber’s default in which the investment fund manager of the scholarship plan may cancel a subscriber’s plan.
- (2) Describe the amounts a subscriber is entitled to receive if the subscriber’s scholarship plan is cancelled by the investment fund manager.

(3) Disclose the costs payable by a subscriber in connection with a cancellation by the investment fund manager.

(4) Disclose the losses that may be incurred by the subscriber or the beneficiary if the investment fund manager cancels the subscriber's scholarship plan.

17.4. Re-activation of Subscriber's Plan

(1) If applicable, under the sub-heading "Re-activating your plan", describe the circumstances in which a subscriber may re-activate a plan after cancellation of the scholarship plan, and specify the costs associated with re-activation and who bears the costs.

(2) Disclose whether re-activating a plan will qualify a subscriber and a beneficiary for the same payments under the scholarship plan as if the cancellation had not occurred.

17.5. Plan Expiration

Under the sub-heading, "If your plan expires", discuss the maximum duration of a subscriber's scholarship plan before it must be collapsed and what happens to the money from a collapsed scholarship plan.

INSTRUCTIONS

(1) In disclosing the losses that may be incurred by a subscriber or a beneficiary in response to Item 17, state whether the subscriber or the beneficiary may incur any loss of earnings, government grants, grant contribution room, amounts paid for sales charges and fees or loss of any other amount.

(2) If the costs of putting a scholarship plan in good standing after missing contributions or re-activating a scholarship plan after cancellation include the payment of an amount equal to the interest that would have been earned on contributions required by the scholarship plan, disclose the rate as an annualized rate of interest and disclose how the rate is calculated.

(3) If an AIP may be received upon cancellation of a scholarship plan, include a cross-reference to the disclosure provided under Item 20 of Part C of this Form.

Item 18 Plan Maturity

18.1. Description of Plan Maturity

(1) Under the heading "What happens when your plan matures", briefly explain what happens to a subscriber's scholarship plan at the maturity date.

(2) State whether the investment fund manager will notify the subscriber about the maturity date of their scholarship plan and how the notice is provided.

INSTRUCTION

In responding to section 18.1, briefly explain what happens to the contributions, government grants and earnings at the maturity date, such as the earnings for a beneficiary group being transferred into an EAP account for distribution to qualified beneficiaries.

18.2. If the Beneficiary Does Not Enrol in Eligible Studies

- (1) Under the sub-heading “If your beneficiary does not enrol in eligible studies”, state that a beneficiary who does not enrol in eligible studies will not receive EAPs from the scholarship plan.
- (2) Describe the options for a subscriber whose beneficiary does not enrol in eligible studies and disclose the losses that may be incurred by the subscriber under each option.
- (3) State whether a subscriber may be eligible to receive an AIP. If an AIP may be payable, provide a cross-reference to the disclosure provided under Item 20 of Part C of this Form.

INSTRUCTIONS

- (1) *In responding to section 18.2, describe options including naming another beneficiary before the maturity date, transferring to another RESP or cancelling the scholarship plan.*
- (2) *In describing the losses that may be incurred by the subscriber in response to subsection 18.2(2), cross-references to the disclosure provided under Items 15 to 17 of Part C of this Form may be provided, as applicable.*

Item 19 Payments from the Scholarship Plan

19.1. Return of Contributions

- (1) Under the heading “Receiving payments from the plan” with the sub-heading “Return of contributions”, describe when and how contributions are returned to the subscriber. State whether the amount returned is net of sales charges and fees deducted from contributions.
- (2) If all or a part of a subscriber’s contributions are returned, state what happens to the government grants. State whether it is possible for government grants to remain in the name of the beneficiary and if so, state the conditions or requirements that must be met to do so.

19.2. Payments to Beneficiaries

- (1) Under the sub-heading “Educational assistance payments”, disclose the conditions and requirements necessary for a beneficiary to receive EAPs under the scholarship plan, including the deadline for applying for EAPs, and state what happens if the beneficiary misses the deadline.

- (2) Describe each option for paying EAPs to beneficiaries. For each option, disclose
 - (a) the number of payments,
 - (b) when each payment is made, and
 - (c) for a group scholarship plan, the percentage of the maximum total amount of EAPs payable at each payment date.
- (3) For a group scholarship plan, if the total amount of EAPs payable to beneficiaries differs based on the number of years of eligible studies, disclose the number of years of eligible studies that qualifies for the payment of the maximum total amount of EAPs and briefly describe the eligible studies with that duration.
- (4) For a group scholarship plan that does not offer EAP payment options tailored to reduced programs, state, if applicable, that beneficiaries who enrol in eligible studies of a shorter duration than the full period will not qualify for the maximum number of EAPs and will receive a lower total amount of EAPs over the duration of their eligible studies than beneficiaries who enrol in eligible studies for the full period.
- (5) For a group scholarship plan that offers EAP payment options tailored to reduced programs, if the total amount of EAPs payable under an EAP payment option tailored to reduced programs is less than the maximum total amount of EAPs, state the total amount of EAPs payable under the EAP payment option as a percentage of the maximum total amount of EAPs.

INSTRUCTIONS

- (1) *In providing the disclosure under subsection 19.2(1), do not repeat the type of studies that qualify for EAPs. Instead, include a cross-reference to the disclosure provided under section 6.2 of Part C of this Form.*
- (2) *The disclosure under subsection 19.2(1) must include a discussion of any requirements for a beneficiary to remain eligible for EAPs under the scholarship plan for each successive year of study.*
- (4) *The “maximum total amount of EAPs” is the total amount of EAPs that can be received by a beneficiary who meets the requirements of the scholarship plan for receiving the maximum number and amount of EAPs.*
- (4) *In providing the disclosure under subsection 19.2(3), describe generally the types of programs for which a beneficiary will receive the maximum total amount of EAPs (for example, four years of eligible studies that may consist of a 4-year program or two 2-year programs).*
- (5) *The “full period” is the number of years of eligible studies that qualifies for the payment of the maximum total number and amount of EAPs.*

(6) An “EAP payment option tailored to reduced programs” is an EAP payment option that pays approximately same total amount of EAPs for eligible studies with a shorter duration as the EAPs payable under the scholarship plan for eligible studies of longer duration. For example, an EAP payment option that makes two payments for a 2-year post-secondary program, where each payment is twice the amount of each of the four payments that would be made for a 4-year post-secondary program, is an EAP payment option tailored to reduced programs.

(7) A scholarship plan may use a table to illustrate the schedule of payments and the amount paid in each year of eligible studies for each EAP payment option offered.

19.3. Amount of EAPs

(1) Under sub-sub-heading, “How we determine EAP amounts”, state the components of EAPs paid under the scholarship plan.

(2) Describe how the value of EAPs is determined for each year of eligible study. State whether or not any oversight of the calculation of EAPs is provided by an entity other than the investment fund manager.

(3) Describe any restrictions, under the *Income Tax Act* (Canada) or the scholarship plan’s rules, on the amount of EAP that can be paid for each year of eligible studies.

(4) Describe, as applicable to the type of scholarship plan,

(a) how unrealized capital gains or losses on investments in the scholarship plan are allocated;

(b) how earnings attributable to units or plans cancelled before the maturity date are allocated;

(c) how earnings attributable to units or plans cancelled after the maturity date are allocated;

(d) how the difference between the maximum total amount of EAPs and the lower amount collected by beneficiaries who enrol in eligible studies that do not qualify for the maximum total amount of EAPs is allocated;

(e) how the government grants accrued in the scholarship plan and the earnings from government grants are allocated.

INSTRUCTION

The amount for which disclosure is required under paragraph 19.3(4)(d) is the amount that is not collected by beneficiaries in a beneficiary group because they do not enrol in eligible studies of sufficient duration to qualify for the maximum total amount of EAPs.

19.4. Payments from the EAP Account

- (1) This section applies to a group scholarship plan.
- (2) Under the sub-sub-heading “Payments from the EAP account”, provide information in the form of the following table about the funding of the EAP account. Introduce the table using the following wording or wording that is substantially similar with the title of the table “Past breakdown of income in the EAP account” in bold type:

A portion of each EAP consists of a beneficiary’s share of the EAP account. The rest of an EAP is made up of the beneficiary’s government grants and the earnings on those government grants.

The EAP account holds the income earned on contributions made by subscribers. This includes the income earned on contributions of subscribers who have cancelled their plan or whose plan was cancelled by us. There is a separate EAP account for each beneficiary group.

Past breakdown of income in the EAP account

The table below shows the breakdown of income in the EAP account at the maturity date for the five beneficiary groups that most recently reached their year of eligibility.

The breakdown of income can vary by beneficiary group. The amount of income earned on contributions depends on the performance of the plan’s investments. The amount of income from cancelled plans depends on how many plans were cancelled, as well as the investment performance of that money.

	Beneficiary group				
	[Most recent year]	[Most recent year minus 1]	[Most recent year minus 2]	[Most recent year minus 3]	[Most recent year minus 4]
Income earned on contributions	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>
Income from cancelled plans	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>	<i>[Specify as percentage of total EAP account]</i>
EAP account Total	100%	100%	100%	100%	100%

- (3) Provide information in the form of the following table about the historical payment of amounts from the EAP account. Introduce the table using the following wording or wording that is substantially similar with the title of the table “Past payments from the EAP account” in bold type:

Past payments from the EAP account

The table below shows how much was paid from the EAP account per unit for the five beneficiary groups that most recently reached their year of eligibility. *[For a scholarship plan that offers EAP payment options tailored to reduced programs, state – This table shows only the amount paid per unit for beneficiaries who selected the [specify EAP payment option for the full period]. We also offer [a] payment option[s] that pay[s] EAPs tailored to shorter programs].*

Keep in mind that scholarship plans are generally long-term investments. The payments shown largely reflect investments made years ago. It's important to note that this doesn't tell you how much a beneficiary will receive in the future.

Year of studies	Payments from EAP account by beneficiary group				
	[Most recent year]	[Most recent year minus 1]	[Most recent year minus 2]	[Most recent year minus 3]	[Most recent year minus 4]
First year [if applicable] [See Instruction (2)]	\$/[Specify amount] per unit	\$/[Specify amount] per unit	\$/[Specify amount] per unit	\$/[Specify amount] per unit	\$/[Specify amount] per unit
Second year	See note 1	\$/[Specify amount] per unit	\$/[Specify amount] per unit	\$/[Specify amount] per unit	\$/[Specify amount] per unit
Third year	See note 1	See note 1	\$/[Specify amount] per unit	\$/[Specify amount] per unit	\$/[Specify amount] per unit
Fourth year	See note 1	See note 1	See note 1	\$/[Specify amount] per unit	\$/[Specify amount] per unit

Note 1: The amount is not shown because the beneficiaries in this beneficiary group are not yet enrolled in that year of studies.

INSTRUCTION

The tables required in section 19.4 must list the five beneficiary groups that most recently reached their year of eligibility as at the date of the prospectus.

19.5. If Beneficiary Does Not Complete or Advance in Eligible Studies

(1) For a group scholarship plan, immediately under the sub-heading “If your beneficiary does not complete or advance in eligible studies”, state the following using the same or substantially similar wording:

If your beneficiary does not complete or advance in their program, they may lose one or more EAPs. This can happen if your beneficiary does not complete all the courses required to advance to the next year of the program, decides to enrol in another program that is not considered an advancement from prior study, or drops out of school before completing their program.

[If applicable, state — Your beneficiary may be able to defer a payment if they go back to a qualifying program. Deferrals are at our discretion.]

(2) Under the sub-heading “If your beneficiary does not complete or advance in eligible studies”, disclose available options if the beneficiary does not complete or advance in their program.

(3) Disclose what happens to the earnings of the subscriber’s scholarship plan if the beneficiary does not complete or advance in their program. For a group scholarship plan, also provide a cross-reference to the disclosure provided under section 22.3 of Part C of this Form.

INSTRUCTIONS

(1) If the scholarship plan provides the option for a beneficiary to defer the payment of an EAP, state the period of time that an EAP may be deferred and the conditions and requirements that must be met to receive a deferred payment after the disclosure in the second paragraph of subsection 19.5(1).

(2) If the details of an option provided under subsection 19.5(2) have been disclosed elsewhere in the prospectus, provide a cross-reference to the disclosure contained in the prospectus. For example, if a subscriber may cancel their scholarship plan and receive an AIP, provide a cross-reference to the disclosure provided under Item 17 and Item 20 of Part C of this Form.

Item 20 Accumulated Income Payments

20.1. Accumulated Income Payments

(1) Under the sub-heading “Accumulated income payments”, disclose

- (a) the conditions or requirements necessary to receive an AIP,
- (b) the components of an AIP,
- (c) the option for a subscriber who has received an AIP to transfer the payment to a registered retirement savings plan, and
- (d) any costs or other losses that the subscriber or the beneficiary could incur in receiving an AIP.

(2) State whether there may be tax consequences as a result of receiving an AIP and provide a cross-reference to the disclosure provided under subsection 11.3(2) of Part B of this Form.

Item 21 Discretionary Payments to Beneficiaries

21.1. Discretionary Payments to Beneficiaries

(1) Under the sub-heading “Discretionary payments”, if discretionary payments may be made to beneficiaries, state that beneficiaries may receive a discretionary payment in addition to their EAPs.

(2) Disclose when discretionary payments are made.

(3) State who decides whether a discretionary payment will be made and state the requirements or conditions that must be met in order to be eligible to receive a discretionary payment.

(4) Disclose how the amount of discretionary payments is determined and the sources of funding for the discretionary payments.

(5) Describe the circumstances that may affect the ability of the current sources of funding for the discretionary payments to continue to fund the discretionary payments.

(6) State whether the investment fund manager or any other entity has put any mechanism in place to continue to make discretionary payments if any of the circumstances referred to in subsection (5) occur.

(7) State whether the investment fund manager has established a funding and investment policy intended to ensure sufficient money is available to continue to fund discretionary payments at the historical levels reported in section 21.2 of Part C of this Form. Provide details of any funding policy and the current value of any fund. If no funding policy exists, state that fact and state the consequences of not having a policy.

(8) State the following using the same or substantially similar wording with the first sentence in bold type:

Discretionary payments are not guaranteed. You must not count on receiving a discretionary payment. The [*insert name of the entity funding the discretionary payment*] decides if it will make a payment in any year and how much the payment will be. If the [*insert name of the entity funding the discretionary payment*] makes a payment, you may get less than what has been paid in the past. You may also get less than what is paid to beneficiaries in other beneficiary groups.

21.2. Historical Amount of Discretionary Payments

Provide information in the form of the following table about the historical discretionary payments made. Introduce the table using the following wording or wording that is substantially similar with the title of the table “Past discretionary payments” in bold:

Past discretionary payments

The table below shows the amount of discretionary payments paid per unit for the five beneficiary groups that most recently reached their year of eligibility.

It's important to note that this doesn't tell you if a beneficiary will receive a payment or how much they will receive. We may decide not to make these payments in future years. If we do make payments, they could be less than what we've paid in the past.

Discretionary payments by beneficiary group					
Year of studies	[Most recent year]	[Most recent year minus 2]	[Most recent year minus 3]	[Most recent year minus 4]	[Most recent year minus 5]
First year <i>[if applicable]</i>	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>
Second year	See note 1	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>
Third year	See note 1	See note 1	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>
Fourth year	See note 1	See note 1	See note 1	<i>[\$Specify amount] per unit</i>	<i>[\$Specify amount] per unit</i>

Note 1: The amount is not shown because the beneficiaries in this beneficiary group are not yet enrolled in that year of studies.

INSTRUCTIONS

(1) *If the scholarship plan offers an EAP payment option tailored to reduced programs and the amount of discretionary payment per unit is the same for each EAP payment option, state, if applicable, that beneficiaries who select the EAP payment option tailored to reduced programs may receive a lesser total amount of discretionary payments than beneficiaries who receive the largest number of EAPs.*

(2) *If the amount of discretionary payment per unit is not the same for each EAP payment option, provide information, substantially in the form of the table required in section 21.2, for the historical discretionary payments per unit for each EAP payment option tailored to reduced programs.*

Item 22 Attrition

This Item applies to a group scholarship plan.

22.1. Attrition

(1) Under the heading “Attrition”, state the following using the same or substantially similar wording:

You and your beneficiary must meet the terms of the plan in order for your beneficiary to qualify for all of the EAPs under the plan. If beneficiaries fail to qualify for some or all of their EAPs, there will be fewer beneficiaries remaining in the beneficiary group to share the amount of money available for paying EAPs. This is known as “attrition”.

Your beneficiary may not qualify for some or all of their EAPs if:

- before the maturity date of the plan, you cancel your plan or transfer your plan to another RESP, or we cancel your plan because you failed to make contributions on schedule and did not take action to keep your plan in good standing. This is known as “pre-maturity attrition”; or
- after the maturity date of the plan, your beneficiary decides not to pursue a post-secondary education, does not attend a qualifying education program, or does not attend a qualifying education institution for the maximum period provided for in the plan. This is known as “post-maturity attrition”.

22.2. Pre-Maturity Attrition

(1) Under the sub-heading “Pre-maturity attrition”, state the following using the same or substantially similar wording:

If you leave the plan before it matures, you will get back your contributions less fees. You will not get back any earnings. The earnings on your contributions up to the time your plan is cancelled will go to the EAP account and be paid to the remaining beneficiaries in your beneficiary group as part of their EAPs.

(2) If the group scholarship plan permits a subscriber to receive an AIP on the earnings from government grants, state the following using the same or substantially similar wording:

You may, however, be eligible to receive an AIP on the earnings from the government grants in your plan. See “Accumulated income payments” for information on how to determine if you are eligible for an AIP from the plan.

(3) Provide information in the form of the following table about the income from cancelled units for each beneficiary group as at the scholarship plan's most recent financial year end. Introduce the table using the following wording or wording that is substantially similar with the title of the table "Income from cancelled units" in bold type:

Income from cancelled units

The table below shows the current value of the income from cancelled units by beneficiary group. The amount of income from cancelled plans available to beneficiaries after the maturity date will depend on how many subscribers cancel their plan, how many beneficiaries qualify for EAPs and the investment performance of the scholarship plan.

Beneficiary group	Percentage of units that have been cancelled	Total income from cancelled units available to remaining units	Income from cancelled units available to each remaining unit
<i>[Specify year of eligibility of oldest beneficiary group available for enrolment under the prospectus]</i>	<i>[Specify as percentage of total number of units purchased for beneficiary group]</i>	<i>[\$Specify amount]</i>	<i>[\$Specify amount] per unit</i>
<i>[Specify year of eligibility of next oldest beneficiary group available for enrolment under the prospectus]</i>	<i>[Specify as percentage of total number of units purchased for beneficiary group]</i>	<i>[\$Specify amount]</i>	<i>[\$Specify amount] per unit</i>
⋮			
<i>[Specify year of eligibility of youngest beneficiary group available for enrolment under the prospectus]</i>	<i>[Specify as percentage of total number of units purchased for beneficiary group]</i>	<i>[\$Specify amount]</i>	<i>[\$Specify amount] per unit</i>

(4) Provide information in the form of the following table about the pre-maturity attrition rate for the scholarship plan. Introduce the table using the following wording or wording that is substantially similar with the title of the table "Plans that did not reach maturity" in bold type:

Plans that did not reach maturity:

The table below shows the percentage of plans that did not reach maturity for each of the five beneficiary groups shown below. The most common reasons why plans did not reach maturity were because the subscriber cancelled their plan, we cancelled their plan due to a default, the subscriber transferred to another type of plan we offer, or the subscriber transferred to another RESP provider.

Of the last five beneficiary groups of the [*insert name of group scholarship plan*], an average of [*see Instruction (1)*]% of the plans in each group were cancelled before their maturity dates.

Maturity date of beneficiary group	Percentage of plans that did not reach maturity
[Most recent maturity date by year]	[<i>See Instruction (2)</i>]%
[Most recent maturity date by year minus 1]	[<i>See Instruction (2)</i>]%
[Most recent maturity date by year minus 2]	[<i>See Instruction (2)</i>]%
[Most recent maturity date by year minus 3]	[<i>See Instruction (2)</i>]%
[Most recent maturity date by year minus 4]	[<i>See Instruction (2)</i>]%
Average	[<i>See Instruction (1)</i>]%

INSTRUCTIONS

(1) Disclose the average rate required under subsection 22.2(3) using the same calculation set out in the Instructions that apply to Item 9 of Part A of this Form.

(2) For each beneficiary group that had a maturity date in the five most recent years, calculate the percentage of plans that did not reach maturity by following Instructions (2) to (5) that apply to Item 9 of Part A of this Form.

22.3. Post-Maturity Attrition

(1) Under the sub-heading “Post-maturity attrition”, state the following using the same or substantially similar wording:

If your beneficiary does not pursue or complete eligible studies, you will get back your contributions, less fees. You will not get back any earnings. [*Insert if applicable – A beneficiary may lose one or more EAPs if they do not enrol in four years of eligible studies.*]

(2) Provide information in the form of the following table about the EAP payment rates of the scholarship plan after maturity. Introduce the table using the following wording or wording that is substantially similar with the title of the table “Past payments of EAPs” in bold:

Past payments of EAPs [*state if the scholarship plan offers an EAP payment option tailored to reduced programs — four years of eligible studies*]

The table below shows the percentage of beneficiaries who received the maximum of [*insert maximum number of EAPs payable under the scholarship plan*] EAPs under the plan and those who received some or no EAPs, for each of the five beneficiary groups that would have most recently completed their eligible studies.

	Beneficiary group [<i>See Instruction (1)</i>]				
	[Most recent year]	[Most recent year minus 1]	[Most recent year minus 2]	[Most recent year minus 3]	[Most recent year minus 4]
Beneficiaries who received all [3 or 4] EAPs	[Specify percentage]% [See Instructions (2) and (3)]	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Beneficiaries who received only 3 out of 4 EAPs [as applicable]	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Beneficiaries who received only 2 out of [3 or 4] EAPs	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Beneficiaries who received only 1 out of [3 or 4] EAPs	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Beneficiaries who received no EAPs	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Total	100%	100%	100%	100%	100%

(3) If the scholarship plan offers an EAP payment option tailored to reduced programs, provide information in the form of the following table about the EAP payment rates of the scholarship plan after maturity. Introduce the table using the following wording or wording that is substantially similar with the title of the table “Past payments of EAPs [*— [specify reduced number of years]-year program*]” in bold:

Past payments of EAPs [*— [specify reduced number of years]-year program*]

For EAP payment options tailored to eligible studies of [*specify reduced number of years*] years, the table[s] below show[s] the number of beneficiaries who received all of their EAPs and the number who received some or none of their EAPs, for each of the five beneficiary groups that would have most recently completed their eligible studies.

	Beneficiary group [See Instruction (1)]				
	[Most recent year]	[Most recent year minus 1]	[Most recent year minus 2]	[Most recent year minus 3]	[Most recent year minus 4]
Beneficiaries who received [all] [1, 2, or 3] EAP[s]	[Specify percentage]% [See Instructions (2) – (4)]	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Beneficiaries who received only 2 out of 3 EAPs [as applicable]	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Beneficiaries who received only 1 out of [2 or 3] EAPs [as applicable]	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Beneficiaries who received no EAPs	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%	[Specify percentage]%
Total	100%	100%	100%	100%	100%

(4) Disclose in a footnote to the tables required under subsections (2) and (3) any change to the EAP payout option available to beneficiaries, if a change occurred in the past five years.

INSTRUCTIONS

(1) In the tables required under subsections 22.3(2) and (3), present the five most recent beneficiary groups by year of eligibility for which the maximum number of EAPs under the EAP payment option has been paid as at the most recent financial year end of the scholarship plan and beneficiaries in the beneficiary group have no further opportunity to collect EAPs. For example, do not include a beneficiary group that has been eligible to be paid only one EAP if the maximum number of EAPs payable is four.

(2) For a group scholarship plan that does not offer EAP payment options tailored to reduced programs, calculate each percentage as a percentage of the total number of beneficiaries in the beneficiary group at the maturity date.

For a group scholarship plan that offers EAP payment options tailored to reduced programs, calculate each percentage as a percentage of the total number of beneficiaries in the beneficiary group at the maturity date who selected the relevant payment option.

(3) Present the percentages as at the financial year end referred to in Instruction (1).

(4) For a group scholarship plan that offers EAP payment options tailored to reduced programs, in response to subsection 22.3(3), prepare a table for each payout option, modifying the number of rows in the table as applicable. For example, for a scholarship plan that provides the option to elect payment of two EAPs for a 3- year program, present a table containing rows to show the number of beneficiaries who received two out of two EAPs, the number of beneficiaries who received only one out of two EAPs and the number of beneficiaries who received no EAPs.

Item 23 Other Material Information

23.1. Other Material Information

(1) Under the heading “Other important information”, state any other material facts relating to the securities being offered that are not disclosed under any other item in this Form and are necessary for the prospectus to contain full, true and plain disclosure of all material facts about the securities to be distributed.

(2) Provide any specific disclosure required to be disclosed in a prospectus under securities legislation that is not otherwise required to be disclosed by this Form.

(3) Subsection (2) does not apply to requirements of securities legislation that are form requirements for a prospectus.

INSTRUCTIONS

(1) *Sub-headings that are not mandated by this Form may be used in this Item.*

(2) *For a single prospectus, provide this disclosure either under this Item or under Item 14 of Part B of this Form, whichever is more appropriate.*

(3) *For a multiple prospectus, provide this disclosure under this Item if the disclosure does not pertain to all of the scholarship plans described in the document. If the disclosure pertains to all of the scholarship plans described in the Detailed Plan Disclosure, provide the disclosure under Item 14 of Part B of this Form.*

Part D – Detailed Plan Disclosure - Information about the Organization

Item 1 Legal Structure of the Scholarship Plan

1.1. Legal Structure

(1) At the top of the first page of the Part D section of the prospectus, under the heading “About [*insert name of the scholarship plan provider*]” with the sub-heading “An overview of the structure of our plan[s]”, state the full corporate name of the scholarship plan or, if the scholarship plan is an unincorporated entity, the full name under which it carries on business, and the address of its head or registered office.

(2) State the names of the scholarship plan’s directors, officers, trustees and partners, as applicable.

- (3) State the laws under which the scholarship plan was formed or, if the scholarship plan is an unincorporated entity, the laws under which it carries on business, and the date and manner of its formation.
- (4) Identify the constating documents of the scholarship plan and, if any material amendments have occurred in the last 10 years, state that the constating documents have been amended in the last 10 years and describe the amendments.
- (5) If the scholarship plan's name has changed in the last 10 years, state the scholarship plan's former name and the date(s) on which it was changed.

INSTRUCTION

The information required for this Item may be presented in the form of a table.

Item 2 Organization and Management Details

2.1. Directors and Officers of the Plan

- (1) Under the sub-heading "Directors and officers of the Plan", list the names, the municipality of residence or postal address, and the principal occupations at, or within the five years preceding the date of the prospectus, of all directors or executive officers of the scholarship plan.
- (2) If the principal occupation of a director or executive officer of the scholarship plan is that of a partner, director or officer of a company other than the scholarship plan, state the business in which the company is engaged.
- (3) If a director or executive officer of a scholarship plan has held more than one position in the scholarship plan, state only the first and last positions held.

2.2. Investment Fund Manager

- (1) Under the sub-heading "Manager of the scholarship plan", state the name, address, telephone number, e-mail address and, if applicable, website address of the investment fund manager of the scholarship plan.
- (2) Provide particulars of the investment fund manager, including the legal structure of the investment fund manager, the history and background of the investment fund manager.
- (3) Under the sub-sub-heading "Duties and services to be provided by the manager", describe the duties and services provided by the investment fund manager of the scholarship plan.
- (4) Under the sub-sub-heading "Details of the management agreement", provide a brief description of the essential terms of any agreement with the investment fund manager entered into or to be entered into with the scholarship plan, including any termination rights.

(5) Under the sub-sub-heading “Officers and directors of the manager”, state

(a) the name and municipality of residence of each partner, director and executive officer of the investment fund manager and indicate the respective positions held with the investment fund manager and their respective principal occupations within the five preceding years,

(b) if a partner, director or executive officer of the investment fund manager has held more than one office with the investment fund manager within the past five years, state only the current office held, and

(c) if the principal occupation of a partner, director or executive officer of the investment fund manager is with an organization other than the investment fund manager, state the principal business in which the organization is engaged.

(6) Under the sub-sub-heading “Cease trade orders and bankruptcies”,

(a) if applicable, state if a partner, director or executive officer of the investment fund manager, the scholarship plan, the foundation or any other entity responsible for the day-to-day administration of the scholarship plan is, as at the date of the prospectus or pro forma prospectus, as applicable, or was within 10 years before the date of the prospectus or pro forma prospectus, as applicable, a director, chief executive officer or chief financial officer of any other issuer, that was

(i) subject to an order that was issued while the partner, director or executive officer was acting in the capacity of director, chief executive officer or chief financial officer, or

(ii) was subject to an order that was issued after the partner, director or executive officer ceased to be a director, chief executive officer or chief financial officer and which resulted from an event that occurred while that person was acting in the capacity of director, chief executive officer or chief financial officer, and

(b) if a statement is required by paragraph (a), describe the basis on which the order was made and whether the order is still in effect.

(7) For the purposes of subsection (6), “order” means any of the following, if in effect for a period of more than 30 consecutive days:

(a) a cease trade order;

(b) an order similar to a cease trade order;

(c) an order that denied the relevant issuer access to any exemption under securities legislation.

(8) If applicable, state if a partner, director or executive officer of the investment fund manager, the scholarship plan, the foundation or any other entity responsible for the day-to-day administration of the scholarship plan

(a) is, as at the date of the prospectus or pro forma prospectus, or has been within the 10 years before the date of the prospectus or pro forma prospectus, as applicable, a partner, director or executive officer of any issuer that, while that person was acting in that capacity, or within one year of that person ceasing to act in that capacity, became bankrupt, made a proposal under any legislation relating to bankruptcy or insolvency or was subject to or instituted any proceedings, arrangement or compromise with creditors or had a receiver, receiver manager or trustee appointed to hold its assets, or

(b) within the 10 years before the date of the prospectus or pro forma prospectus, as applicable, became bankrupt, made a proposal under any legislation relating to bankruptcy or insolvency, or become subject to or instituted any proceedings, arrangement or compromise with creditors, or had a receiver, receiver manager or trustee appointed to hold the assets of the partner, director or executive officer.

INSTRUCTIONS

(1) *If any of the duties or functions of the investment fund manager are performed by another entity, the disclosure required under subsections (2), (3), (4) and (5) must also be provided for that entity.*

(2) *The disclosure required by subsections (6) and (8) also applies to any personal holding companies of any of the persons referred to in subsections (6) and (8).*

(2) *A management cease trade order that applies to directors and executive officers of the scholarship plan is an “order” for the purposes of paragraph (10)(a) and must be disclosed, whether or not the director, chief executive officer or chief financial officer was specifically named in the order.*

2.3. Trustee

Under the sub-heading “Trustee”, provide details of the trustee of the scholarship plan, including the municipality and the province or country where the trustee principally provides its services to the scholarship plan.

2.4. The Foundation

(1) Under the sub-heading “The Foundation”, state the name and municipal address of the Foundation.

(2) Describe the role of the Foundation, including its mandate and responsibilities.

(3) List the names and municipality of residence of the directors and executive officers of the Foundation, the respective positions and offices held with the Foundation, and their respective principal occupations at, or within the five years preceding, the date of the prospectus.

(4) If a director or executive officer of the Foundation has held more than one office with the Foundation within the last five years, state only the current office held.

(5) If the Foundation provides reports of its activities to subscribers, provide information about how frequently reports are prepared, how a subscriber may obtain a copy of the report, and whether there is any cost to obtaining a report.

2.5. Independent Review Committee

(1) Under the sub-heading “Independent review committee”, briefly describe the independent review committee of the scholarship plan, including

- (a) the mandate and responsibilities of the independent review committee, and
- (b) the composition of the independent review committee, including the names of its members, and the reasons for any change in its composition since the date of the most recently filed prospectus of the scholarship plan, as applicable.

(2) State the following using the same or substantially similar wording:

At least annually, the independent review committee prepares a report of its activities for subscribers that is available on the [scholarship plan’s/investment fund family’s] Internet site at [insert scholarship plan’s Internet site address], or at the subscriber’s request at no cost, by contacting the [scholarship plan/ investment fund family] at [scholarship plan’s/investment fund family’s email address].

2.6. Other Groups

Under separate sub-headings with the name of each applicable body or group, provide detailed information describing any other body or group that has responsibility for plan governance or performs any kind of oversight function over the scholarship plan and its activities, and the extent to which its members are independent of the investment fund manager of the scholarship plan.

INSTRUCTION

For greater certainty, an applicable body or group includes any committees or sub-committees of the investment fund manager or the Foundation that are established for a specific purpose in respect of the scholarship plan, as well as any third-party dispute resolution service to which the scholarship plans belong or subscribe to.

2.7. Remuneration of Directors, Officers, Trustees and Independent Review Committee Members

(1) Under the sub-heading “Compensation of directors, officers, trustees, and independent review committee members”, if the management functions of the scholarship plan are carried out by employees of the scholarship plan, provide for each employee the disclosure concerning executive compensation that is required to be provided for executive officers of an issuer under securities legislation.

(2) Describe any arrangements under which compensation was paid or payable directly or indirectly by the scholarship plan during the most recently completed financial year of the scholarship plan, for the services of the directors of the scholarship plan, the directors of the Foundation or other independent board of governors or advisory board that may perform a similar function, and the members of the independent review committee of the scholarship plan and include the amounts paid, the name of the individual and any expenses reimbursed by the scholarship plan to the individual:

(a) in any of those capacities, including any additional amounts payable for committee participation or special assignments;

(b) in the capacity as a consultant or expert.

(3) For a scholarship plan that is a trust, describe the arrangements, including the amounts paid and expenses reimbursed, under which compensation was paid or payable by the scholarship plan during the most recently completed financial year of the scholarship plan for the services of the trustee or trustees of the scholarship plan.

INSTRUCTION

The disclosure required under subsection 2.5 (1) regarding executive compensation for management functions carried out by employees of a scholarship plan must be made in accordance with the disclosure requirements of Form 51-102F6 Statement of Executive Compensation.

2.8. Portfolio Adviser

(1) Under the sub-heading “Portfolio adviser” if the investment fund manager provides portfolio management services in connection with the scholarship plan, state that fact.

(2) If the investment fund manager does not provide portfolio management services to the scholarship plan, state the name(s) and municipality and the province or country of the principal or head office for each portfolio adviser of the scholarship plan.

(3) State

(a) the extent to which investment decisions are made by certain individuals employed by the investment fund manager or a portfolio adviser and whether those decisions are subject to the oversight, approval or ratification of a committee, and

(b) the name, title and length of time of service of the persons employed by or associated with the investment fund manager or a portfolio adviser of the scholarship plan who are principally responsible for the day-to-day management of a material portion of the portfolio of the scholarship plan, implementing a particular material strategy or managing a particular segment of the portfolio of the scholarship plan, and each person's business experience in the last five years.

(4) Under the sub-sub-heading "Details of the portfolio advisory agreement", provide a brief description of the essential details of any portfolio advisory agreement that a portfolio adviser has entered into or will be entering into with the scholarship plan or the investment fund manager of the scholarship plan, including any termination rights.

2.9. Principal Distributor

(1) Under the sub-heading "Principal distributor", state the name and address of the principal distributor of the scholarship plan.

(2) Describe the circumstances under which any agreement with the principal distributor of the scholarship plan may be terminated, and include a brief description of the essential terms of this agreement.

2.10. Dealer Compensation

(1) Under the sub-heading "Dealer compensation", describe

(a) all compensation payable by members of the organization of the scholarship plan to all principal distributors and any participating dealers of the scholarship plan, and

(b) the sales practices followed by the members of the organization of the scholarship plan for distribution of securities of the scholarship plan.

(2) Disclose, under the sub-sub-heading "Dealer compensation from management fees", the approximate percentage obtained from a fraction

(a) the numerator of which is the aggregate amount of cash paid to registered dealers in the last completed financial year of the investment fund manager of the scholarship plan, for payments made

(i) by

(A) the investment fund manager of the scholarship plan, or

(B) an associate or an affiliate of the investment fund manager,

(ii) in order to

(A) pay compensation to registered dealers in connection with the distribution of securities of the scholarship plan or scholarship plans that are members of the same investment fund family as the scholarship plan, or

(B) pay for any marketing, fund promotion or educational activity in connection with the scholarship plan or scholarship plans that are members of the same investment fund family as the scholarship plan, and

(b) the denominator of which is the aggregate amount of management or administrative fees received by the investment fund manager of the scholarship plan and all other scholarship plans in the same investment fund family as the scholarship plan in the last completed financial year of the investment fund manager.

INSTRUCTIONS

(1) *Briefly state the compensation paid and the sales practices followed by the members of the organization of the scholarship plan in a concise and explicit manner. The term “member of the organization” has the same meaning as in Regulation 81-105, except that “scholarship plan” is substituted for “mutual fund” in this Form.*

(2) *The disclosure presented under this Item must be described as information about the approximate percentage of management fees paid by scholarship plans in the same investment fund family as the scholarship plan that were used to fund commissions or other promotional activities of the investment fund family in the most recently completed financial year of the investment fund manager of the scholarship plan.*

(3) *The calculations made under this Item must take into account the payment of sales commissions, other commissions and the costs of participation in co-operative marketing, fund promotion and educational conferences.*

(4) *If the investment fund manager of the scholarship plan charges an “all-inclusive fee”, which includes the management or administrative fee, and other types of fees normally paid by the scholarship plan, such as custodian, trustee or portfolio management fees, only the portion of that all-inclusive fee that is attributable to the management or administrative fees payable to the investment fund manager must be used in calculating the denominator referred to in paragraph 2.10(2)(b).*

2.11. Custodian

(1) Under the sub-heading “Custodian”, state the name, municipality of the principal or head office, and nature of business of the custodian and any principal sub-custodian of the scholarship plan.

(2) Describe generally the sub-custodial arrangements of the scholarship plan.

INSTRUCTION

A “principal sub-custodian” is a sub-custodian to whom custodial authority has been delegated in respect of a material portion or segment of the portfolio assets of the scholarship plan.

2.12. Auditor

Under the sub-heading “Auditor”, state the name and address of the auditor of the scholarship plan.

2.13. Transfer Agent and Registrar

Under the sub-heading “Transfer agent and registrar”, for each class or series of securities offered by the scholarship plan under the prospectus, state the name of the scholarship plan’s transfer agent(s), registrar(s), trustee, or other agent appointed by the scholarship plan to maintain the securities register and the register of transfers for such securities and indicate the location (by municipalities) of each of the offices of the scholarship plan or transfer agent, registrar, trustee or other agent where the securities register and register of transfers are maintained or transfers of securities are recorded.

2.14. Promoter

(1) Under the sub-heading “Promoter”, for a person that is, or has been within the two years immediately preceding the date of the prospectus or pro forma prospectus, a promoter of the scholarship plan, and if that person is not otherwise identified as the investment fund manager or dealer of the scholarship plan, state

(a) the person’s name and municipality and the province or country of residence,

(b) the number and percentage of each class or series of voting securities and equity securities of the scholarship plan or any of its subsidiaries owned, or controlled or directed, directly or indirectly, by the person,

(c) the nature and amount of anything of value, including money, property, contracts, options or rights of any kind, received or to be received by the promoter, directly or indirectly from the scholarship plan or from an associate or an affiliate of the scholarship plan, and the nature and amount of any assets, services or other consideration received or to be received by the scholarship plan, or an associate or an affiliate of the scholarship plan, in return, and

(d) for an asset acquired within the two years before the date of the preliminary prospectus or pro forma prospectus, or to be acquired, by the scholarship plan or by an associate or an affiliate of the scholarship plan from a promoter,

(i) the consideration paid or to be paid for the asset and the method by which the consideration has been or will be determined,

(ii) the person making the determination referred to in subparagraph (i) and the person's relationship with the scholarship plan, the promoter or an associate or an affiliate of the scholarship plan or of the promoter, and

(iii) the date that the asset was acquired by the promoter and the cost of the asset to the promoter.

(2) If a promoter referred to in subsection (1) is, as at the date of the prospectus or pro forma prospectus, as applicable, or was within 10 years before the date of the prospectus or pro forma prospectus, as applicable, a director, chief executive officer or chief financial officer of any person that was subject to an order that was issued while the promoter was acting in the capacity of director, chief executive officer or chief financial officer, state the fact and describe the basis on which the order was made and whether the order is still in effect.

(3) If a promoter referred to in subsection (1) is, as at the date of the prospectus or pro forma prospectus, as applicable, or was within 10 years before the date of the prospectus or pro forma prospectus, as applicable, a director, chief executive officer or chief financial officer of any person that was subject to an order that was issued after the promoter ceased to be a director, chief executive officer or chief financial officer and which resulted from an event that occurred while the promoter was acting in the capacity as director, chief executive officer or chief financial officer, state that fact and describe the basis on which the order was made and whether the order is still in effect.

(4) For the purposes of subsections (2) and (3), "order" means any of the following, if in effect for a period of more than 30 consecutive days:

(a) a cease trade order;

(b) an order similar to a cease trade order;

(c) an order that denied the relevant person access to any exemption under securities legislation.

(5) State if a promoter referred to in subsection (1):

(a) is, as at the date of the prospectus or pro forma prospectus, as applicable, or has been within the 10 years before the date of the prospectus or pro forma prospectus, as applicable, a partner, director or executive officer of any person that, while the promoter was acting in that capacity, or within a year of that person ceasing to act in that capacity, became bankrupt, made a proposal under any legislation relating to bankruptcy or insolvency or was subject to or instituted any proceedings, arrangement or compromise with creditors or had a receiver, receiver manager or trustee appointed to hold its assets;

(b) within the 10 years before the date of the prospectus or pro forma prospectus, as applicable, became bankrupt, made a proposal under any legislation relating to bankruptcy or insolvency, or was subject to or instituted any proceeding, arrangement or compromise with creditors, or had a receiver, receiver manager or trustee appointed to hold the assets of the promoter.

INSTRUCTIONS

(1) *The disclosure required by subsections (2), (3) and (5) also applies to any personal holding companies of any of the persons referred to in subsections (2), (3), and (5).*

(2) *A management cease trade order that applies to a promoter referred to in subsection (1) is an “order” for the purposes of subsections (2) and (3) and must be disclosed, whether or not the director, chief executive officer or chief financial officer was named in the order.*

(3) *The disclosure requirement in subsection (2) applies only if the promoter was a director, chief executive officer or chief financial officer when the order was issued against the person. The scholarship plan does not have to provide disclosure if the promoter became a director, chief executive officer or chief financial officer after the order was issued.*

2.15. Other Service Providers

Under the sub-heading “Other service providers”, state the name, municipality of the principal or head office, and the nature of business of each other person that provides services relating to portfolio valuation, securityholder records, fund accounting or other material services, in respect of the scholarship plan, and describe the material features of the contractual arrangements by which the person has been retained.

2.16. Ownership of the Investment Fund Manager and Other Service Providers

(1) The information required in response to this Item must be given as of a specified date within 30 days before the date of the prospectus.

(2) Under the sub-heading “Ownership of the manager and other service providers”, disclose the percentage of securities of each class or series of voting securities of the investment fund manager of the scholarship plan owned of record or beneficially by each person that owns of record, or is known by the investment fund manager to beneficially own more than 10% of any class or series of voting securities of the investment fund manager, and disclose whether the securities are owned both of record and beneficially, of record only, or beneficially only.

(3) For any person that is named in response to subsection (2), disclose the name of any person of which the first-mentioned person is a “controlled entity”.

(4) If any person named in subsection (2) owns of record or beneficially, more than 10% of any class or series of voting securities of the principal distributor of the scholarship plan, disclose the number and percentage of securities of the class or series so owned.

(5) Disclose the percentage of securities of each class or series of voting or equity securities beneficially owned in aggregate,

(a) by all the directors and executive officers of the scholarship plan in each of

(i) the investment fund manager, and

(ii) any person that provides services to the scholarship plan or the investment fund manager; and

(b) by all the directors and executive officers of the investment fund manager of the scholarship plan in each of

(i) the investment fund manager, and

(ii) any person that provides services to the scholarship plan or the investment fund manager;

(c) by all the members of the independent review committee of the scholarship plan in each of

(i) the investment fund manager, and

(ii) any person that provides services to the scholarship plan or the investment fund manager; and

(d) by all the directors and executive officers of the foundation in each of

(i) the investment fund manager, and

(ii) any person that provides services to the scholarship plan or the investment fund manager.

INSTRUCTION

A person is a “controlled entity” of another person if any of the following apply:

(a) *in the case of the person*

(i) *voting securities of the first-mentioned person carrying more than 50% of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the second-mentioned person, and*

(ii) *the votes carried by the securities are entitled, if exercised, to elect a majority of the directors of the first-mentioned person;*

(b) *in the case of a partnership that does not have directors, other than a limited partnership, the second-mentioned person holds more than 50% of the interests in the partnership;*

(c) *in the case of a limited partnership, the general partner is the second-mentioned entity or company.*

2.17. Affiliates of the Investment Fund Manager

(1) If any person that provides services to the scholarship plan or the investment fund manager in relation to the scholarship plan is an affiliate of the investment fund manager, illustrate the relationships of those affiliates in the form of an appropriately labelled diagram, under the sub-heading “Affiliates of the manager”.

(2) Identify any individual who is a director or executive officer of the scholarship plan or the investment fund manager and also of any affiliate of the investment fund manager described in response to subsection (1), and give particulars of the relationship.

Item 3 Experts

3.1. Names of Experts

Under the heading “Experts who contributed to this prospectus”, name each person

(a) who is named as having prepared or certified a report, valuation, statement or opinion in the prospectus or any amendment to the prospectus, and

(b) whose profession or business gives authority to the report, valuation, statement or opinion made by the person.

3.2. Interests of Experts

(1) Disclose all registered or beneficial ownership in any securities, assets or other property of the scholarship plan or of an associate or an affiliate of the scholarship plan received or to be received by a person whose profession or business gives authority to a statement made by the person and who is named as having prepared or certified a part of the scholarship plan prospectus or prepared or certified a report, valuation, statement or opinion described or included in the prospectus.

(2) For the purpose of subsection (1), if the ownership is less than 1%, a general statement to that effect is sufficient.

(3) If an individual, or a director, officer or employee of a person, referred to in subsection (1), is or is expected to be elected, appointed or employed as a director, officer or employee of the scholarship plan or of any associate or affiliate of the scholarship plan, disclose that fact.

(4) Despite subsection (1), an auditor who is independent in accordance with the auditor's rules of professional conduct in a jurisdiction of Canada or has performed an audit in accordance with the U.S. GAAS is not required to provide the disclosure required by subsection (1) if there is disclosure that the auditor is independent in accordance with the auditor's rules of professional conduct in a jurisdiction of Canada or that the auditor has complied with the SEC's rules on auditor independence.

INSTRUCTION

In addition to the scholarship plan's current auditor, the disclosure referred to in section 3.2 must be provided for the scholarship plan's predecessor auditor for those periods for which it was the scholarship plan's auditor.

Item 4 Subscriber Matters

4.1. Subscriber Matters

Under the heading, "Subscriber matters" and the sub-heading "Meetings of subscribers", describe the circumstances, processes and procedures for holding a subscriber meeting and for any extraordinary resolutions.

4.2. Matters Requiring Subscriber Approval

Under the sub-heading "Matters requiring subscriber approval", describe the matters that require subscriber approval.

4.3. Amendments to Declaration of Trust

For a scholarship plan established pursuant to a declaration of trust, under the sub-heading "Amendments to the declaration of trust", describe the circumstances, processes and procedures required to amend the declaration of trust.

4.4. Reporting to Subscribers and Beneficiaries

Under the sub-heading "Reporting to subscribers and beneficiaries", describe the information or reports that will be delivered or made available to subscribers and beneficiaries and the frequency with which such information or reports will be delivered or made available to subscribers, including any requirements under securities legislation.

Item 5 Business Practices

5.1. Policies

Describe, under the heading "Business Practices" with the sub-heading "Our policies", the policies, practices and guidelines of the scholarship plan or the investment fund manager relating to business practices, sales practices, risk management controls and internal conflicts of interest and, if the scholarship plan or the investment fund manager of the scholarship plan has no such policies, practices or guidelines, state that fact.

5.2. Brokerage Arrangements

(1) If any brokerage transactions involving the client brokerage commissions of the scholarship plan have been or might be directed to a dealer in return for the provision of any good or service, by the dealer or a third party, other than order execution, state, under the sub-heading “Brokerage arrangements”

(a) the process for, and factors considered in, selecting a dealer to effect securities transactions for the scholarship plan, including whether receiving goods or services in addition to order execution is a factor, and whether and how the process may differ for a dealer that is an affiliated entity,

(b) the nature of the arrangements under which order execution goods and services or research goods and services might be provided,

(c) each type of good or service, other than order execution, that might be provided, and

(d) the method by which the portfolio adviser makes a good faith determination that the scholarship plan, on whose behalf the portfolio adviser directs any brokerage transactions involving client brokerage commissions to a dealer in return for the provision of any order execution goods and services or research goods and services, by the dealer or a third party, receives reasonable benefit considering both the use of the goods or services and the amount of client brokerage commissions paid.

(2) Since the date of the last prospectus, if any brokerage transactions involving the client brokerage commissions of the scholarship plan have been or might be directed to a dealer in return for the provision of any good or service by the dealer or a third party, other than order execution, state

(a) each type of good or service, other than order execution, that has been provided to the manager or portfolio adviser of the scholarship plan, and

(b) the name of any affiliated entity that provided any good or service referred to in paragraph (a), separately identifying each affiliated entity and each type of good or service provided by each affiliated entity.

(3) If any brokerage transactions involving the client brokerage commissions of the scholarship plan have been or might be directed to a dealer in return for the provision of any good or service, by the dealer or a third party, other than order execution, state that the name of any other dealer or third party that provided a good or service referred to in paragraph (2)(a), that was not disclosed under paragraph (2)(b), will be provided upon request by contacting the scholarship plan, and provide a telephone number and email address for the scholarship plan.

INSTRUCTION

Terms defined in Regulation 23-102 respecting Use of Client Brokerage Commissions have the same meaning where used in this Item.

5.3. Valuation of Portfolio Investments

- (1) Under the sub-heading “Valuation of portfolio investments”, describe the methods used to value the various types or classes of portfolio assets of the scholarship plan and its liabilities.
- (2) If the valuation principles and practices established by the investment fund manager differ from Canadian GAAP, describe the differences.
- (3) If the investment fund manager has discretion to deviate from the scholarship plan’s valuation practices described in subsection (1), disclose when and to what extent that discretion may be exercised and, if it has been exercised in the past three years, provide an example of how it has been exercised or, if it has not been exercised in the past three years, state that fact.

5.4. Proxy Voting Disclosure for Portfolio Securities Held

- (1) Unless the scholarship plan invests exclusively in non-voting securities, under the sub-heading “Proxy voting”, describe the policies and procedures that the scholarship plan follows when voting proxies relating to portfolio securities, including

- (a) the procedures followed when a vote presents a conflict between the interests of securityholders and those of the scholarship plan’s investment fund manager, portfolio adviser, or any associate or affiliate of the scholarship plan, its investment fund manager or its portfolio adviser, and

- (b) any policies and procedures of the scholarship plan’s portfolio adviser, or any other third party that the scholarship plan follows, or that are followed on the scholarship plan’s behalf, to determine how to vote proxies relating to portfolio securities.

- (2) State the following:

The policies and procedures that the scholarship plan follows when voting proxies relating to portfolio securities are available on request, at no cost, by calling [*insert toll-free/collect call telephone number*] or by writing to [*insert mailing address*].

- (3) State that the scholarship plan’s proxy voting record for the most recent period ended June 30 of each year is available free of charge to any securityholder of the scholarship plan upon request at any time after August 31 of that year. Provide the scholarship plan’s website address where the proxy voting record is available for review.

Item 6 Conflicts of Interest

6.1. Conflicts of Interest

Under the heading “Conflicts of interest”, disclose particulars of existing or potential material conflicts of interest between

- (a) the scholarship plan and the foundation or any partner, director or executive officer of the foundation,
- (b) the scholarship plan and the investment fund manager or promoter or any partner, director or executive officer of the investment fund manager or promoter, and
- (c) the scholarship plan and the portfolio adviser or any partner, director or executive officer of the portfolio adviser of the scholarship plan.

6.2. Interests of Management and Others in Material Transactions

(1) Under the sub-heading “Interests of management and others in material transactions”, describe, and state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any transaction within the three years before the date of the prospectus or pro forma prospectus that has materially affected or is reasonably expected to materially affect the scholarship plan:

- (a) a partner, director or executive officer of the investment fund manager;
- (b) a person that owns, or controls or directs, directly or indirectly, more than 10% of any class or series of the outstanding voting securities of the scholarship plan or the investment fund manager;
- (c) an associate or an affiliate of any of the persons referred to in paragraph (a) or (b).

Item 7 Material Contracts

7.1. Material Contracts

- (1) Under the heading “Key business documents”, list and provide particulars of
- (a) the subscribers’ sales agreement or contract,
 - (b) the articles of incorporation, the declaration of trust or trust agreement of the scholarship plan or any other constating document,
 - (c) any agreement of the scholarship plan or trustee with the investment fund manager of the scholarship plan,
 - (d) any agreement of the scholarship plan, the investment fund manager or trustee with the portfolio adviser of the scholarship plan,

(e) any agreement of the scholarship plan, the investment fund manager or trustee with the custodian of the scholarship plan,

(f) any agreement of the scholarship plan, the investment fund manager or trustee with the principal distributor of the scholarship plan,

(g) any other contract or agreement that can reasonably be regarded as material to an investor in the securities of the scholarship plan, and

(h) any contract or agreement with governmental bodies to assist beneficiaries in obtaining government grants and incentives.

(2) State a reasonable time and place where the contracts or agreements listed in response to subsection (1) may be inspected by prospective or existing subscribers.

(3) Include, in describing the particulars of a contract, the date of, parties to, consideration paid by the scholarship plan under, key terms including termination provisions of, and the general nature of the contract.

INSTRUCTION

Provide a list of all the contracts for which particulars must be given under this Item and indicating which of those contracts are described elsewhere in the prospectus, if applicable. Provide particulars only for those contracts that are not described elsewhere in the prospectus.

Item 8 Legal Matters

8.1. Exemptions and Approvals

Under the heading “Legal matters” with the sub-heading “Exemptions and approvals under securities laws”, describe all exemptions from or approvals under securities legislation that are not otherwise disclosed under Item 9 of Part B or Item 9 of Part C of this Form, as applicable, obtained by the scholarship plan or the investment fund manager that continue to be relied upon by the scholarship plan or the investment fund manager, including all exemptions to be evidenced by the issuance of a receipt for the prospectus pursuant to section 19.3 of the Regulation.

8.2. Legal and Administrative Proceedings

(1) Under the sub-heading “Legal and administrative proceedings”, describe briefly any ongoing legal and administrative proceedings material to the scholarship plan, to which the scholarship plan, the investment fund manager, the promoter, the foundation, or the principal dealer is a party.

- (2) For all matters disclosed under subsection (1), state
- (a) the name of the court or agency having jurisdiction,
 - (b) the date on which the proceeding commenced,
 - (c) the principal parties to the proceeding,
 - (d) the nature of the proceeding and, if applicable, the amount claimed, and
 - (e) whether the proceedings are being contested and the present status of the proceedings.
- (3) Provide similar disclosure about any proceedings known to be contemplated.
- (4) If the investment fund manager, the foundation, or promoter of the scholarship plan, or a director or officer of the scholarship plan or the partner, director or officer of the investment fund manager or the foundation has, within the 10 years before the date of the prospectus, been subject to any penalties or sanctions imposed by a court or securities regulator relating to trading in securities, promotion or management of an investment fund, or theft or fraud, or has entered into a settlement agreement with a regulatory authority in relation to any of these matters, describe the penalties or sanctions imposed and the ground on which they were imposed or the terms of the settlement agreement.

Item 9 Certificates

9.1. Certificate of the Scholarship Plan

Include a certificate of the scholarship plan in the following form:

This prospectus, together with the documents incorporated herein by reference, constitutes full, true and plain disclosure of all material facts relating to the securities offered by the prospectus, as required by the securities legislation of [*insert the jurisdictions in which qualified*].

9.2. Certificate of the Investment Fund Manager

Include a certificate of the investment fund manager of the scholarship plan in the same form as the certificate of the scholarship plan.

9.3. Certificate of the Principal Distributor

If there is a principal distributor of the scholarship plan, include a certificate of the principal distributor of the scholarship plan in the same form as the certificate of the scholarship plan.

9.4. Certificate of the Promoter

If there is a promoter of the scholarship plan, include a certificate of each promoter of the scholarship plan in the same form as the certificate of the scholarship plan.

9.5. Amendments

(1) For an amendment to a scholarship plan prospectus that does not restate the prospectus, change “prospectus” to “prospectus dated [*insert date*] as amended by this amendment” wherever it appears in the statements in sections 9.1 to 9.4.

(2) For an amended and restated scholarship plan prospectus, change “prospectus” to “amended and restated prospectus” wherever it appears in the statements in sections 9.1 to 9.4.”.

19. This Regulation comes into force on May 31, 2013.

2698

M.O., 2013-09

Order number V-1.1-2013-09 of the Minister of Finance and the Economy, May 15, 2013

Securities Act
(chapter V-1.1)

CONCERNING concordant regulations to Regulation 25-101 respecting Designated Rating Organizations

WHEREAS subparagraphs 1, 6, 8, 11, 16, 17 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the following regulations have been made by the *Autorité des marchés financiers* or approved by the minister of Finance and the Economy:

— Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations approved by ministerial order no. 2009-04 dated September 9, 2009 (2009, *G.O.* 2, 4768A);

— Regulation 33-109 respecting Registration Information approved by ministerial order no. 2009-05 dated September 9, 2009 (2009, *G.O.* 2, 4824);

— Regulation 44-101 respecting Short Form Prospectus Distributions approved by ministerial order no. 2005-24 dated November 30, 2005 (2005, *G.O.* 2, 7112);

— Regulation 44-102 respecting Shelf Distributions adopted by decision no. 2001-C-0201 dated May 22, 2001 (Supplement to the Bulletin of the *Commission des valeurs mobilières du Québec*, Vol. XXXII, No.22, dated June 1, 2001);

— Regulation 45-106 respecting Prospectus and Registration Exemptions approved by ministerial order no. 2009-05 dated September 9, 2009 (2009, *G.O.* 2, 4824A);

— Regulation 51-102 respecting Continuous Disclosure Obligations approved by ministerial order no. 2005-03 dated May 19, 2005 (2005, *G.O.* 2, 2264);

— Regulation 81-101 respecting Mutual Fund Prospectus Disclosure adopted by decision no. 2001-C-0283 dated June 12, 2001 (Supplement to the Bulletin of the *Commission des valeurs mobilières du Québec*, Vol. XXXII, No.26, dated June 29, 2001);

— Regulation 81-102 respecting Mutual Funds adopted by decision no. 2001-C-0209 dated May 22, 2001 (Supplement to the Bulletin of the *Commission des valeurs mobilières du Québec*, Vol. XXXII, No.22, dated June 1, 2001);

— Regulation 81-106 respecting Investment Fund Continuous Disclosure approved by ministerial order no. 2005-05 dated May 19, 2005 (2005, *G.O.* 2, 2235);

WHEREAS there is cause to amend this regulation;

WHEREAS the following draft regulations were published in the *Bulletin de l'Autorité des marchés financiers*, volume 9, no. 30 of July 26, 2012:

— Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations;

— Regulation to amend Regulation 33-109 respecting Registration Information;

— Regulation to amend Regulation 44-101 respecting Short Form Prospectus Distributions;

— Regulation to amend Regulation 44-102 respecting Shelf Distributions;

— Regulation to amend Regulation 45-106 respecting Prospectus and Registration Exemptions;

— Regulation to amend Regulation 51-102 respecting Continuous Disclosure Obligations;

— Regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure;

— Regulation to amend Regulation 81-102 respecting Mutual Funds;

— Regulation to amend Regulation 81-106 respecting Investment Fund Continuous Disclosure;

WHEREAS those draft regulations were made by the *Autorité des marchés financiers* by decision no. 2013-PDG-0068 dated April 24, 2013;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister of Finance and the Economy approves without amendment the following regulations appended hereto:

— Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations;

— Regulation to amend Regulation 33-109 respecting Registration Information;

— Regulation to amend Regulation 44-101 respecting Short Form Prospectus Distributions;

— Regulation to amend Regulation 44-102 respecting Shelf Distributions;

— Regulation to amend Regulation 45-106 respecting Prospectus and Registration Exemptions;

— Regulation to amend Regulation 51-102 respecting Continuous Disclosure Obligations;

— Regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure;

— Regulation to amend Regulation 81-102 respecting Mutual Funds;

— Regulation to amend Regulation 81-106 respecting Investment Fund Continuous Disclosure;

May 15, 2013

NICOLAS MARCEAU,
Minister of Finance and the Economy

**REGULATION TO AMEND REGULATION 31-103 RESPECTING
REGISTRATION REQUIREMENTS, EXEMPTIONS AND ONGOING
REGISTRANT OBLIGATIONS**

Securities Act

(chapter V-1.1, s. 331.1, par. (1), (11) and (34))

1. Section 8.21 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations is amended:

(1) in paragraph (1):

(a) by replacing, in the definition of the expression “approved credit rating”, the words “approved credit” with the word “designated”;

(b) by replacing, in the definition of the expression “approved credit rating organization”, the words “approved credit” with the word “designated”;

(c) by inserting, after the definition of the expression “designated rating organization”, the following:

““DRO affiliate” has the same meaning as in section 1 of Regulation 25-101 respecting Designated Rating Organizations (R.R.Q., c. V-1.1, r. 8.1);”;

(2) by replacing, in subparagraph (b) of paragraph (2), the words “an approved credit rating from an approved credit rating organization” with the words “a designated rating from a designated rating organization or its DRO affiliate”.

2. Schedule 1 of Form 31-103F1 of the Regulation is amended by replacing, in subparagraph (i) of subparagraph (a) of paragraph (2), the words “Moody’s Investors Service, Inc. or Standard & Poor’s Corporation” with the words “Moody’s Canada Inc. or its DRO affiliate or Standard & Poor’s Rating Services (Canada) or its DRO affiliate”.

3. This Regulation comes into force on May 31, 2013.

**REGULATION TO AMEND REGULATION 33-109 RESPECTING
REGISTRATION INFORMATION**

Securities Act

(chapter V-1.1, s. 331.1, par. (1))

1. Form 33-109F1 of Regulation 33-109 respecting Registration Information is amended by replacing, in the French text of point 7 of item 5, the words “activités parallèles” with the words “activités professionnelles”.
2. Form 33-109F6 of the Regulation is amended:
 - (1) by replacing, in the French text of item 7.1, the word “Pays” with the word “Territoire”;
 - (2) by replacing, in subparagraph (i) of subparagraph (a) of Schedule 1 of Form 31-103F1, the words “Moody’s Investors Service, Inc. or Standard & Poor’s Corporation” with the words “Moody’s Canada Inc. or its DRO affiliate or Standard & Poor’s Rating Services (Canada) or its DRO affiliate”.
3. This Regulation comes into force on May 31, 2013.

REGULATION TO AMEND REGULATION 44-101 RESPECTING SHORT FORM PROSPECTUS DISTRIBUTIONS

Securities Act

(chapter V-1.1, s. 331.1, par. (1), (6), (8) and (34))

1. Section 1.1 of Regulation 44-101 respecting Short Form Prospectus Distributions is amended:

(1) by replacing the definition of the expression “approved rating” with the following:

““designated rating” means, for a security, a rating issued by a designated rating organization, or its DRO affiliate, that is at or above one of the following rating categories or that is at or above a category that replaces one of the following rating categories:

Designated Rating Organization	Long Term Debt	Short Term Debt	Preferred Shares
DBRS Limited	BBB	R-2	Pfd-3
Fitch, Inc.	BBB	F3	BBB
Moody’s Canada Inc.	Baa	Prime-3	“baaa”
Standard & Poor’s Ratings Services (Canada)	BBB	A-3	P-3

(2) in the definition of the expression “cash equivalent”:

(a) by replacing, in paragraph (b), the words “an approved rating” with the words “a designated rating”;

(b) by replacing, in paragraph (c), the words “an approved rating from any approved rating organization” with the words “a designated rating from any designated rating organization or its DRO affiliate”;

(3) by inserting, after the definition of the expression “current annual financial statements”, the following:

““designated rating organization” means

(a) each of DBRS Limited, Fitch, Inc., Moody’s Canada Inc., Standard & Poor’s Ratings Services (Canada), including their DRO affiliates; or

(b) any other credit rating organization that has been designated under securities legislation;

““DRO affiliate” has the same meaning as in section 1 of Regulation 25-101 respecting Designated Rating Organizations (R.R.Q., c. V-1.1, r. 8.1);”.

2. Sections 2.3, 2.4 and 2.6 of the Regulation are amended by replacing, wherever they occur, the word “approved” with the word “designated”, the words “an approved” with the words “a designated”, and the words “rating organization” with the words “rating organization or its DRO affiliate”.

3. Form 44-101F1 of the Regulation is amended:

(1) by replacing, in item 7.9, the words “securities of the issuer that are outstanding, or will be outstanding,” with the words “the securities being distributed”;

(2) by replacing paragraph (3) of item 16.1 with the following:

“(3) For the purposes of subsection (2), “orders” means any of the following, if in effect for a period of more than 30 consecutive days:

(a) a cease trade order,

(b) an order similar to a cease trade order, or

(c) an order that denied the relevant person access to any exemption under securities legislation.”.

4. This Regulation comes into force on May 31, 2013.

REGULATION TO AMEND REGULATION 44-102 RESPECTING SHELF DISTRIBUTIONS

Securities Act

(chapter V-1.1, s. 331.1, par. (1) and (6))

1. Sections 2.3, 2.4 and 2.6 of Regulation 44-102 respecting Shelf Distributions are amended by replacing, wherever they occur, the word “approved” with the word “designated”, the word “Approved” with the word “Designated”, the words “an approved” with the words “a designated” and the words “rating organization” with the words “rating organization or its DRO affiliate”.
2. This Regulation comes into force on May 31, 2013.

REGULATION TO AMEND REGULATION 45-106 RESPECTING PROSPECTUS AND REGISTRATION EXEMPTIONS

Securities Act

(chapter V-1.1, s. 331.1, par. (11) and (34))

1. Section 1.1 of Regulation 45-106 respecting Prospectus and Registration Exemptions is amended:

(1) by replacing, in the definition of the expression “approved credit rating”, the words “approved credit” with the word “designated”;

(2) by replacing, in the definition of the expression “approved credit rating organization”, the words “approved credit” with the word “designated”;

(3) by inserting, after the definition of the expression “director”, the following:

““DRO affiliate” has the same meaning as in section 1 of Regulation 25-101 respecting Designated Rating Organizations (R.R.Q., c. V-1.1, r. 8.1);”.

2. Section 2.34 of the Regulation is amended by replacing, in subparagraph (b) of paragraph (2), the words “an approved credit rating from an approved credit rating organization” with the words “a designated rating from a designated rating organization or its DRO affiliate”.

3. Section 2.35 of the Regulation is amended by replacing paragraph (b) with the following:

“(b) has a designated rating from a designated rating organization or its DRO affiliate.”.

4. Section 3.34 of the Regulation is amended by replacing, in subparagraph (b) of paragraph (2), the words “an approved credit rating from an approved credit rating organization” with the words “a designated rating from a designated rating organization or its DRO affiliate”.

5. Section 3.35 of the Regulation is amended by replacing paragraph (b) with the following:

“(b) has a designated rating from a designated rating organization or its DRO affiliate.”.

6. This Regulation comes into force on May 31, 2013.

REGULATION TO AMEND REGULATION 51-102 RESPECTING CONTINUOUS DISCLOSURE OBLIGATIONS

Securities Act

(chapter V-1.1, s. 331.1, par. (1) and (34))

1. Section 1.1 of Regulation 51-102 respecting Continuous Disclosure Obligations is amended:

(1) by replacing the definition of the expression “approved rating organization” with the following:

““designated rating organization” means

(a) each of DBRS Limited, Fitch, Inc., Moody’s Canada Inc., Standard & Poor’s Ratings Services (Canada), including their DRO affiliates; or

(b) any other credit rating organization that has been designated under securities legislation;”;

(2) by inserting, after the definition of the expression “date of transition”, the following:

““DRO affiliate” has the same meaning as in section 1 of Regulation 25-101 respecting Designated Rating Organizations (c. V-1.1, r. 8.1);”.

2. Form 51-102F2 of the Regulation is amended by replacing, paragraph (1.1) of item 10.2 with the following:

“(1.1) For the purposes of subsection (1), “order” means any of the following, if in effect for a period of more than 30 consecutive days:

(a) a cease trade order;

(b) an order similar to a cease trade order; or

(c) an order that denied the relevant company access to any exemption under securities legislation.”.

3. This Regulation comes into force on May 31, 2013.

REGULATION TO AMEND REGULATION 81-101 RESPECTING MUTUAL FUND PROSPECTUS DISCLOSURE

Securities Act

(chapter V-1.1, s. 331.1, par. (11))

1. Section 2.6 of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure is amended by replacing, in paragraph (4), the words “an approved rating organization” with the words “a designated rating organization or its DRO affiliate”.
2. This Regulation comes into force on May 31, 2013.

REGULATION TO AMEND REGULATION 81-102 RESPECTING MUTUAL FUNDS

Securities Act

(chapter V-1.1, s. 331.1, par. (1), (11), (16), (17) and (34))

1. Section 1.1 of Regulation 81-102 respecting Mutual Funds is amended:

(1) by replacing the definition of the expression “approved credit rating” with the following:

““designated rating” means, for a security or instrument, a rating issued by a designated rating organization, or its DRO affiliate, that is at or above one of the following rating categories, or that is at or above a category that replaces one of the following rating categories, if

(a) there has been no announcement by the designated rating organization or its DRO affiliate of which the mutual fund or its manager is or reasonably should be aware that the rating of the security or instrument to which the designated rating was given may be down-graded to a rating category that would not be a designated rating, and

(b) no designated rating organization or any of its DRO affiliates has rated the security or instrument in a rating category that is not a designated rating:

Designated Rating Organization	Commercial Paper/ Short Term Debt	Long Term Debt
DBRS Limited	R-1 (low)	A
Fitch, Inc.	F1	A
Moody’s Canada Inc.	P-1	A2
Standard & Poor’s Ratings Services (Canada)	A-1 (Low)	A

”;

(2) by replacing the definition of the expression “approved credit rating organization” with the following:

““designated rating organization” means

(a) each of DBRS Limited, Fitch, Inc., Moody’s Canada Inc., and Standard & Poor’s Ratings Services (Canada), including their DRO affiliates; or

(b) any other credit rating organization that has been designated under securities legislation;”;

(3) by replacing, in paragraph (f) of the definition of the expression “cash cover”, the words “an approved credit rating” with the words “a designated rating”;

(4) in the definition of the expression “cash equivalent”:

(a) by replacing, in paragraph (b), the words “an approved credit rating” with the words “a designated rating”;

(b) by replacing, in paragraph (c), the words “an approved credit rating organization have an approved credit rating” with the words “a designated rating organization or its DRO affiliate have a designated rating”;

(5) by inserting, after the definition of the expression “delta”, the following:

“DRO affiliate” has the same meaning as in section 1 of Regulation 25-101 respecting Designated Rating Organizations (R.R.Q., c. V-1.1, r. 8.1);”;

(6) by replacing, wherever they occur in the definition of the expression “floating rate evidence of indebtedness”, the words “an approved credit rating” with the words “a designated rating”;

(7) by replacing, in subparagraph (iii) of paragraph (d) of the definition of the expression “money market fund”, the words “an approved credit rating” with the words “a designated rating”;

(8) in the definition of the expression “qualified security”:

(a) in paragraph (a):

(i) by replacing, in subparagraph (ii), the words “an approved credit rating” with the words “a designated rating”;

(ii) by replacing, in subparagraph (iii), the words “an approved credit rating organization have an approved credit rating” with the words “a designated rating organization or its DRO affiliate have a designated rating”;

(b) by replacing, in paragraph (b), the words “an approved credit rating” with the words “a designated rating”.

2. Section 2.7 of the Regulation is amended:

(1) by replacing, wherever they occur in paragraph (1), the words “an approved credit rating” with the words “a designated rating”;

(2) by replacing, in paragraph (2), the words “approved credit rating” with the words “designated rating”.

3. Section 2.12 of the Regulation is amended by replacing, in subparagraph (d) of subparagraph 6 of paragraph (1), the words “an approved credit rating organization have an approved credit rating” with the words “a designated rating organization or its DRO affiliate have a designated rating”.

4. Section 2.18 of the Regulation is amended by replacing, in subparagraph (iii) of subparagraph (a) of paragraph (1), the words “an approved credit rating” with the words “a designated rating”.

5. Section 4.1 of the Regulation is amended:

(1) by replacing, in subparagraph (b) of paragraph (4), the words “an approved rating by an approved credit rating organization” with the words “a designated rating by a designated rating organization or its DRO affiliate”;

(2) by replacing, in paragraph (4.1), the word “approved” with the word “designated”.

6. Section 15.3 of the Regulation is amended, in paragraph (5):

(1) by replacing, in subparagraph (a), the words “an approved credit rating organization” with the words “a designated rating organization or its DRO affiliate”;

(2) by replacing, in subparagraph (b), the words “approved credit rating organization” with the words “designated rating organization or any of its DRO affiliates”;

(3) by replacing subparagraph (c) with the following:

“(c) no designated rating organization or any of its DRO affiliates is currently rating the securities at a lower level.”.

7. This Regulation comes into force on May 31, 2013.

**REGULATION TO AMEND REGULATION 81-106 RESPECTING
INVESTMENT FUND CONTINUOUS DISCLOSURE**

Securities Act

(chapter V-1.1, s. 331.1, par. (1) and (8))

1. Section 3.5 of Regulation 81-106 respecting Investment Fund Continuous Disclosure is amended by replacing, in subparagraph (d) of paragraph (6), the words “approved credit” with the words “designated”.

2. This Regulation comes into force on May 31, 2013.

2702

Draft Regulations

Notice

An Act respecting collective agreement decrees (chapter D-2)

Security guards

— Monthly report of the Comité paritaire — Amendment

Notice is hereby given, in accordance with subparagraph *h* of the second paragraph of section 22 of the Act respecting collective agreement decrees (chapter D-2), that the Comité paritaire des agents de sécurité sent a request to the Minister of Labour concerning the approval of the Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the monthly report attached to the Regulation.

The consultation period will specify the impact of the amendments sought. According to the 2012 annual report of the Comité paritaire des agents de sécurité, the decree governs 204 employers and 19,676 employees.

Further information may be obtained by contacting

Audrey Pichette
Direction des politiques du travail
Ministère du Travail
200, chemin Sainte-Foy, 5^e étage
Québec (Québec) G1R 5S1
Telephone: 418 646-2547
Fax: 418 643-9454
Email: audrey.pichette@travail.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MANUELLE OUDAR,
Deputy Minister of Labour

Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des agents de sécurité*

An Act respecting collective agreement decrees (chapter D-2, s. 22, 2nd par., subpar. *h*)

1. The Regulation respecting the monthly report of the Comité paritaire des agents de sécurité is amended by replacing Schedule 1 by the following:

* The Regulation respecting the monthly report of the Comité paritaire des agents de sécurité was approved by Order in Council 1546-85 dated 24 July 1985 (1985, *G.O.* 2, 3692) and was amended by Order in Council 148-2011 dated 22 February 2011 (2011, *G.O.* 2, 660).

“Schedule 1
(s. 3)

WE DECLARE AND CERTIFY THAT THIS DOCUMENT IS A TRUE AND ACCURATE REPORT OF OUR PAY REGISTER AND RECORDS



COMITÉ PARITAIRE
des AGENTS de SÉCURITÉ

PAGE OF

EMPLOYERS NAME
ADDRESS
TEL.

MONTHLY PAYROLL REPORT

MONTH OF
EMPLOYEE NO.

WEEKS ENDING		FOR DEDUCTIONS ONLY	
CLASS.	RATE	REG. HRS.	OT HRS.
1			
2			
3			
4			
5			
6			

IDENTIFICATION

Suriname
Given name
S.I.N.
Street #
Apt. #
Street
City
Postal Code
Cell Phone
*Employment date YYYYMMDD
*Union Yes/No
*Superior #
*Employee No.
*Effective date: YYYYMMDD

TOTAL HRS/WAGES		TOTAL MONTHLY REG. WAGES		LEFT TO USE BY EMPLOYEE	
CLASS.	RATE	REG. HRS.	OT HRS.	REG. HRS.	OT HRS.
1					
2					
3					
4					
5					
6					

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CLASS.	RATE	REG. HRS.	OT HRS.	REG. HRS.	OT HRS.
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2					
3					
4					
5					
6					

NEW COORDINATES

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WAGE ADJUSTMENTS ONLY

OBJECT	TYPE	DATE YYYMMDD	AMOUNT
01	P		
02	P		
03	P		
04	P		
05	P		
55	P		

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03	P		
04	P		
05	P		
55	P		

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WAGE ADJUSTMENTS ONLY

OBJECT	TYPE	DATE YYYMMDD	AMOUNT
01	P		
02	P		
03	P		
04	P		
05	P		
55	P		

EMPLOYER'S SIGNATURE
BLOCK LETTERS

DATE

EMPLOYER'S SIGNATURE
BLOCK LETTERS

DATE

EMPLOYER'S SIGNATURE
BLOCK LETTERS

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EMPLOYER'S SIGNATURE
BLOCK LETTERS

DATE

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

Draft Regulations

Real Estate Brokerage Act
(chapter C-73.2)

Issue of broker's and agency licences — Amendment

Records, books and registers, trust accounting and inspection of brokers and agencies — Amendment

Brokerage requirements, professional conduct of brokers and advertising — Amendment

Disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulations, appearing below, may be submitted to the Government which may approve them, with or without amendment, on the expiry of 45 days following this publication:

— Regulation to amend the Regulation respecting the issue of broker's and agency licences;

— Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies;

— Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising;

— Regulation to amend the Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec.

The amendments allow a broker whose licence is restricted to residential brokerage to act as an intermediary for the leasing of a dwelling for residential purposes, regardless of the number of dwellings in the immovable. Regarding the conditions required to qualify as an agency executive officer, the amendments remove the requirement to hold a licence that is not restricted to residential brokerage or commercial brokerage and add the requirement to

have passed one of the training programs recognized in an agreement between the Organization and an educational institution and that deals with the skills a real estate or mortgage broker agency executive officer must have.

The amendments also specify that a broker or an agency may not claim or receive remuneration when the broker or the agency becomes the lessee or obtains a loan secured by immovable hypothec or if the married or civil union spouse of the licence holder, the person with whom the holder is in a de facto union or a legal person or a partnership controlled by that spouse or person becomes a lessee or obtains a loan secured by immovable hypothec. The amendments render inapplicable in the field of hypothec the rules relating to the changes affecting the broker or agency bound by a brokerage contract.

Lastly, the amendments allow a broker carrying on activities within a business corporation to use, in the broker's representations and advertising, an abbreviation provided for by the Act governing it.

Further information on the draft Regulations may be obtained by contacting Jean-François Savoie, Vice-President, Affaires juridiques et Greffe, Organisme d'autoréglementation du courtage immobilier du Québec, 4905, boulevard Lapinière, bureau 2200, Brossard (Québec) J4Z 0G2; telephone: 1 800 440-7170; fax: 450 676-7801; email: jfsavoie@oaciq.com

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Minister of Finance and the Economy, 12, rue Saint-Louis, Québec (Québec) G1R 5L3.

NICOLAS MARCEAU,
Minister of Finance and the Economy

Regulation to amend the Regulation respecting the issue of broker's and agency licences

Real Estate Brokerage Act
(chapter C-73.2, s. 46, pars. 1, 3 and 12)

1. The Regulation respecting the issue of broker's and agency licences (chapter C-73.2, r. 3) is amended in section 1 by replacing introductory subparagraph 4 of the first paragraph by the following:

“(4) has demonstrated a knowledge of the official language of Québec appropriate to carry on the activity of broker by meeting one of the following requirements:”.

2. Section 2 is amended

(1) by inserting “, passes the training program and” after “in accordance with section 1” in the second paragraph;

(2) by inserting “passes the training program and” in the third paragraph after “A licence holder who”.

3. Section 3 is amended

(1) by striking out “, lease” in the first paragraph;

(2) by inserting the following paragraph after subparagraph 2 of the first paragraph:

“The licence allows the holder to act as an intermediary for the leasing of a dwelling, regardless of the number of dwellings in the immovable.”.

4. Section 5 is amended by striking out «and the terms and conditions for participation in the dividends» after «voting rights» in subparagraph b of paragraph 13.

5. Section 34 is amended

(1) by adding “unless it is a restriction referred to in section 2” at the end of subparagraph 1 of the first paragraph;

(2) by adding “and as of 1 September 2013, has passed one of the training programs recognized in an agreement between the Organization and an educational institution and that deals with the skills a real estate or mortgage broker agency executive officer must have, provided for in the system of reference available on the Organization’s official website.” at the end of subparagraph a of subparagraph 3 of the first paragraph.

6. Section 39 is replaced by the following:

“**39.** Registration under false representations, fraud, copying or participating in fraud or copying or attempting to fraud or copy results in the cancellation of the examination on decision of the Organization.

The examination of a person may also be cancelled if the person does not comply with the instructions given during the examination and any act or omission in that regard affects the examination process.

A person may only be admitted to an examination after a period of 12 months following the date of the cancellation of the person’s examination by the Organization.”.

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

Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies

Real Estate Brokerage Act
(chapter C-73.2, s. 46, par. 9)

1. The Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies (chapter C-73.2, r. 4) is amended in section 14.1 by striking out “and the terms and conditions for participation in the dividends” in paragraph 2.

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

Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising

Real Estate Brokerage Act
(chapter C-73.2, s. 21, s. 46, pars. 5, 8 and 9, and s. 49)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (chapter C-73.2, r. 1) is amended in section 14 by adding the following third paragraph:

“A licence holder engaging in a brokerage transaction in relation to a loan secured by immovable hypothec on an immovable referred to in section 23 of the Real Estate Brokerage Act represents the party that asked the holder to negotiate for the party a loan secured by immovable hypothec.”.

2. Section 23 is replaced by the following:

“**23.** A licence holder may not claim or receive remuneration when the holder becomes a lessee, obtains a loan secured by immovable hypothec or acquires an interest in an immovable or enterprise for the holder, a partnership or legal person controlled by the holder, or if the married or civil union spouse of the holder, the person with whom the holder is in a de facto union or a legal person or a partnership controlled by that spouse or person becomes a lessee, acquires an interest in the immovable or enterprise or obtains a loan secured by immovable hypothec.”.

3. Section 25 is amended by replacing “The notice must, if applicable,” by “Except in regard to a hypothec brokerage contract, the notice must”.

4. Section 26 is amended by replacing “The notice must, if applicable,” by “Except in regard to a hypothec brokerage contract, the notice must”.

5. Section 29 is amended by adding the following second paragraph:

“The licence holder must note in the record the information concerning the identity of the represented party and, where the licence holder has not been able to meet the party in person, keep in the record the documents used to verify the identity of the party.”.

6. Section 30 is amended by inserting “or the party’s representative” after “the party represented”.

7. Section 34.1 is amended by replacing “as it appears” in paragraph 7 by “or, if applicable, the name by which the broker is commonly known as they appear”.

8. Section 114 is amended by replacing “full name” in subparagraph 1 of the first paragraph by “name”.

9. Section 115.1 is amended in the second paragraph by adding “or an abbreviation provided for in the Act governing the corporation” at the end.

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

Regulation to amend the Regulation respecting disciplinary proceedings of the Organisme d’autoréglementation du courtage immobilier du Québec

Real Estate Brokerage Act
(chapter C-73.2, ss. 90 and 95)

1. The Regulation respecting disciplinary proceedings of the Organisme d’autoréglementation du courtage immobilier du Québec (chapter C-73.2, r. 6) is amended by replacing section 10 by the following:

“**10.** The review committee may make a ruling even if the syndic or the person who requested a review does not attend the scheduled meeting or has not presented written observations or produced the necessary documents to complete the file. The committee’s ruling, made by a majority of members, must be recorded in writing, and signed by the concurring committee members.”.

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

“If, after the discipline committee has determined guilt, the chair or vice-chair is absent or unable to act, or is the subject of an appointment and does not avail himself or herself of the possibility to continue to perform duties under the first paragraph, another division must be formed promptly to hear the parties in relation to the penalty and impose it within 90 days after the hearing. Interlocutory decisions rendered before the formation of that division remain valid.”.

3. Section 21 is amended by adding the following second paragraph:

“Every function of the secretary may be performed by an assistant secretary.”.

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

2697

Draft Regulation

Environment Quality Act
(chapter Q-2)

An Act to affirm the collective nature of water resources and provide for increased water resource protection
(chapter C-6.2)

Mining Act
(chapter M-13.1)

Pesticides Act
(chapter P-9.3)

Water Withdrawal and Protection Regulation and

Pesticides Management Code, Regulation respecting the application of the Environment Quality Act, Regulation respecting waste water disposal systems for isolated dwellings, Regulation respecting the quality of drinking water, Regulation respecting contaminated soil storage and contaminated soil transfer stations and Regulation respecting petroleum, natural gas and underground reservoirs
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Pesticides Management Code, the Regulation to amend the Regulation respecting the application of the Environment Quality Act, the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, the Regulation to amend

the Regulation respecting the quality of drinking water, the Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations, appearing below, may be made by the Government on the expiry of 30 days following this publication.

The purpose of the draft Water Withdrawal and Protection Regulation is to complete the coming into force of the Act to affirm the collective nature of water resources and provide for increased water resource protection and to implement the new authorization regime for water withdrawals. It sets out the requirements for authorizations issued for water withdrawals under section 31.75 of the Environment Quality Act, in particular by specifying that certain water withdrawals require authorization even with a maximum flow rate below 75,000 litres per day, and that certain other withdrawals do not require authorization. In addition, it stipulates the contents of an application for authorization and an application for the renewal of authorization, and specifies a term for the authorization that differs from the term set out in section 31.81 of the Environment Quality Act for certain types of water withdrawals.

The draft Regulation also prescribes water quality protection standards, in particular by setting rules for the installation of certain water withdrawal facilities and underground facilities that may be in contact with groundwater. The draft Regulation specifies that the standards will be applied by municipalities.

The draft Regulation also introduces standards applicable to facilities designed to prospect for or exploit petroleum, natural gas, brine or an underground tank, particularly by providing a framework for the carrying out of stratigraphic tests, drilling work and fracturing operations and by ensuring a follow-up on the quality of groundwater during such work.

The draft Regulation sets out special rules for water withdrawn for human consumption or food processing purposes. The rules require the persons responsible for the facilities used to withdraw the water to delimit zones around the withdrawal sites to protect the water used for the withdrawal. The size of the area delimited will depend on the categories of water withdrawal set out in the draft Regulation, and on the level of protection needed. Various activities liable to affect water quality, including agricultural activities and activities involving drilling for petroleum and gas, will be prohibited within the protection zones. The draft Regulation specifies that the persons responsible for larger water withdrawal sites will have to prepare and submit information on their protection zones and water vulnerability within those zones.

Lastly, the draft Regulation provides the applicable monetary administrative penalties and penal sanctions. The amount of the monetary administrative penalties and penal sanctions have been determined in relation to the nature of the offences concerned, for harmonization purposes with the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20). It also contains transitional provisions to smoothen the transition from the previous framework to the new authorization regime for water withdrawals provided for in the Environment Quality Act.

The Regulation to amend the Pesticides Management Code, the Regulation to amend the Regulation respecting the application of the Environment Quality Act, the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, the Regulation to amend the Regulation respecting the quality of drinking water, the Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations contain concordance provisions that take into account the replacement of the Groundwater Catchment Regulation.

The proposed measures are specifically aimed at municipalities, enterprises that make major withdrawals, namely 75,000 litres per day or more, enterprises prospecting for petroleum, natural gas, brine or an underground tank and agricultural enterprises. Important benefits in terms of protecting the water withdrawn for human consumption or food processing purposes will be derived from the proposed framework.

Under section 13 of the Regulations Act, those draft Regulations may be made within a period shorter than the period set out in section 124 of the Environment Quality Act, by reason of the urgency due to the following circumstances:

—the current situation requires a framework for the exploration and exploitation of petroleum, natural gas, brine or an underground tank in the Québec territory.

Further information may be obtained by contacting

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Édifice Marie-Guyart
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Any person wishing to comment on the draft Regulation is requested to submit written comments within the 30-day period to the above address.

YVES-FRANÇOIS BLANCHET,
*Minister of Sustainable Development, Environment,
Wildlife and Parks*

Water withdrawal and protection Regulation

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *e* and *m*,
s. 31.75, 2nd par., subpars 1 and 3, s. 31.81, 2nd par.,
s. 31.95, s. 46, pars. *r* and *s*, subpars. 1 to 2.1, 2.3 to 2.6,
3 and 4, s. 115.27 and s. 115.34)

An Act to affirm the collective nature of water resources
and provide for increased water resource protection
(chapter C-6.2, ss. 33, 34 and 35)

CHAPTER I APPLICATION

1. The object of this Regulation is to set the terms and conditions for authorizations for the withdrawal of water, as provided for in section 31.75 of the Environment Quality Act (chapter Q-2), and to prescribe certain standards for water withdrawals, water withdrawal facilities and facilities or activities that may affect the quality of water withdrawn in the vicinity. It ensures, in particular, the protection of water withdrawn for human consumption or food processing purposes.

The Regulation applies to all water withdrawals referred to in section 31.74 of the Environment Quality Act, including water withdrawals in a reserved area and an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

2. For the purposes of this Regulation, unless otherwise indicated by the context,

“animal waste” means animal waste within the meaning of the Agricultural Operations Regulation;

“ditch” means a common ditch, a ditch along a public or private road, or a drainage ditch referred to in subparagraph 4 of the first paragraph of section 103 of the Municipal Powers Act (chapter C-47.1);

“food processing” means an activity governed by the Food Products Act (chapter P-29).

“person responsible” means the operator or owner;

“professional” means a professional within the meaning of section 1 of the Professional Code (chapter C-26) who belongs to an order responsible for the exercise of a professional activity referred to in this Regulation; any other person authorized by order to exercise an activity referred to in this Regulation is also deemed to be a professional;

“watercourse” means, with the exception of a ditch, a mass of water running along a bed in a regular or intermittent flow, including a bed established or modified by human intervention, the St. Lawrence River, the Gulf of St. Lawrence, and all seas surrounding Québec;

“withdrawal site” means the place where water enters a facility installed to make water withdrawals;

“yard” means a yard within the meaning of the Agricultural Operations Regulation (chapter Q-2, r. 26);

The terms “high-water mark”, “littoral zone”, “floodplain” and “lakeshore or riverbank” are to be interpreted with the meaning given in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

3. The average volume of water withdrawn per day is calculated by dividing the monthly quantity of water withdrawn by the number of days of withdrawal in the month concerned, except with respect to the average daily volume referred to in sections 31.95 and 31.97 of the Environment Quality Act (chapter Q-2), which is calculated over the period of 90 consecutive days that constitutes the period of maximum water withdrawal.

The number of users supplied by a water withdrawal is calculated in accordance with Schedule 0.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) on the basis of the system, establishment or place to which it is principally or exclusively connected.

In making the calculations, all the water withdrawals made at withdrawal sites connected to the same facility, establishment or waterworks system are deemed to constitute a single water withdrawal. The same applies to establish the maximum daily flow rate subject to authorization pursuant to section 31.75 of the Environment Quality Act.

4. All volumes of water calculated for the purposes of this Regulation must be expressed in litres.

CHAPTER II AUTHORIZATION FOR WATER WITHDRAWALS

DIVISION I WATER WITHDRAWALS REQUIRING AUTHORIZATION

5. A water withdrawal for purposes of human consumption requires authorization under section 31.75 of the Environment Quality Act (chapter Q-2), even if the maximum flow rate is less than 75,000 litres per day, if it is used to supply

(1) a temporary industrial camp within the meaning of section 3 of the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2);

(2) any other establishment or waterworks system supplying over 20 persons.

DIVISION II WATER WITHDRAWALS NOT REQUIRING AUTHORIZATION

6. The following water withdrawals do not require authorization under section 31.75 of the Environment Quality Act (chapter Q-2):

(1) water withdrawals that use a ditch, drain or sewer to catch runoff or divert groundwater if

(a) the ditch, drain or sewer is more than 30 metres from a bog, pond, marsh or swamp;

(b) the withdrawal is intended for the cultivation of organic soil, the extraction of peat, the drainage of a public road or the drainage of a building;

(2) water withdrawals carried out by a permanent facility installed for civil security purposes;

(3) water withdrawals from an irrigation basin fed by the infiltration of groundwater or runoff if

(a) the irrigation basin is of human origin;

(b) the irrigation basin is no more than 4.5 metres deep;

(c) the irrigation basin is more than 30 metres from a bog, pond, marsh, swamp, lake or watercourse;

(d) the irrigation basin is more than 100 metres from a site where groundwater is withdrawn on a neighbouring property for human consumption or food processing;

(e) the water is not withdrawn to flood land for harvesting purposes; and

(f) the total volume of water withdrawn during a growing season does not exceed 35,000,000 litres;

(4) temporary and non-recurring water withdrawals that are made

(a) as part of exploration activities for mineral substances other than gas or petroleum, unless it is made for the purpose of dewatering or keeping dry mine shafts, access ramps to a mine or mine workings;

(b) as part of civil engineering work, if they do not exceed 180 days;

(c) to analyze the performance of a water withdrawal facility, if they do not exceed 60 days;

(d) to establish the properties of an aquiferous geological formation, if they do not exceed 60 days;

(e) to analyze water quality for human consumption, if they do not exceed 200 days.

DIVISION III APPLICATION FOR AUTHORIZATION

7. An application for a water withdrawal authorization under section 31.75 of the Environment Quality Act (chapter Q-2) must be sent in writing to the Minister and include the following information and documents:

(1) the contact information for the applicant and the applicant's representative, if any;

(2) if the applicant is a municipality, legal person, partnership or association, a certified copy of the deed authorizing the application;

(3) the Québec business number assigned to the applicant after registration under the Act Respecting the Legal Publicity of Enterprises (chapter P-44.1);

(4) a deed of ownership for the land required for the water withdrawal facility and, if groundwater is to be withdrawn, its inner protection zone, or an authorization from the owner of the land agreeing to its use for such purpose;

(5) a description of the water withdrawal, including its intended use, the maximum volume withdrawn and used per day, the minimum volume discarded per day and, if applicable, the number of persons supplied by the withdrawal for human consumption purposes;

(6) a description of each withdrawal site covered by the application, including the following elements in particular:

(a) its location, including its geographical coordinates and the cadastral designation of the lots concerned, a map and an aerial or satellite photograph of the site;

(b) in the case of a surface water withdrawal, the name of the lake or watercourse concerned;

(c) the plans and specifications for the water withdrawal facility and its expected layout;

(d) the construction and maintenance work planned, including a schedule for the completion of the work, a description of the materials and equipment used, and the measures in place to supervise the work;

(e) the methods used to monitor operations and the measuring equipment used and its location, if applicable;

(7) a description of each site where the water withdrawn will be discharged, including its location and the reference for the authorization issued for the discharge under the Environment Quality Act, if applicable;

(8) a description of the surrounding environment, in particular concerning the land uses applicable and the existing uses in the vicinity; the description must be supported by a study signed by a professional or the holder of a university diploma in biology focusing on

(a) the natural environments and wildlife affected by the construction and operation of the withdrawal site and, if applicable, the discharge of the water withdrawn;

(b) the location and the characteristics of the natural environments and wildlife, determined pursuant to subparagraph *a* of this subparagraph;

(c) the impact mitigation measures planned;

(9) a study signed by a professional that

(a) describes the scenario for the planned withdrawal of water;

(b) attests that the maximum volume of water withdrawn and consumed per day is reasonable compared to the needs to be met;

(c) attests that the water withdrawal facility is suitable for the declared use;

(d) describes the changes expected in the quality of the water when used and discharged into the environment, in particular with respect to any substances added to the water;

(10) a certificate from the clerk or secretary-treasurer of the local municipality or regional county municipality concerned stating that the withdrawal complies with the applicable municipal by-laws;

(11) if the application concerns the withdrawal of water for human consumption, an initial characterization of the quality of the water to be withdrawn, signed by a professional;

(12) if the application concerns the withdrawal of 379,000 litres or more of groundwater per day, or if another groundwater withdrawal site, lake, bog, pond, marsh or swamp is located less than 100 metres from any of the sites covered by the application, a hydro-geological study signed by a professional describing the impact of the water withdrawal on water resources in the surrounding area, on associated ecosystems, and on other users in the area concerned.

Subparagraph 10 of the first paragraph does not apply to a person who, under the Mining Act (chapter M-13.1), is authorized to do exploration, development, mining or production work on mineral substances or underground reservoirs, except work to extract sand, gravel or building stone on private land for which, under section 5 of the Mining Act, rights in or over such mineral substances have been surrendered to the owner of the soil.

The information provided pursuant to this section, except the information listed in subparagraph 9 of the first paragraph where it does not concern an application for a water withdrawal referred to in section 31.97 of the Environment Quality Act, is public information.

DIVISION IV **TERM OF AUTHORIZATIONS ISSUED FOR** **CERTAIN WITHDRAWALS**

3. Despite the first paragraph of section 31.81 of the Environment Quality Act (chapter Q-2), the term of a water withdrawal authorization issued for the operation of a fish farm on land is 15 years when, for each ton of annual production, the fish farm expects an annual discharge of phosphorous effluence of 4.2 kilograms or less and withdraws a volume of water of 10,000 litres or less per hour.

Similarly, the term of the first authorization issued for water withdrawals carried out for the purpose of selling or distributing spring water or mineral water or for the purpose of making, preserving or processing products within the meaning of the Food Products Act (chapter P-29) is 11 years.

DIVISION V RENEWAL AND AMENDMENT OF AUTHORIZATION

9. An application for the renewal of a water withdrawal authorization must be sent to the Minister in writing at least 6 months before the expiry of the term of the authorization, and must include the following information and documents:

- (1) an update of the information contained in the initial application;
- (2) the measurements taken during water withdrawal operations, if any.

An application for the amendment of a water withdrawal authorization must also be submitted in writing and include the information listed in the first paragraph, a description of the amendment requested and an assessment of the impact of the amendment on water withdrawal operations.

Information provided pursuant to this section is public information, subject to the third paragraph of section 7.

CHAPTER III CONSTRUCTION AND OPERATION STANDARDS

10. The standards set out in this Chapter do not apply to water withdrawals authorized by the Minister pursuant to section 31.75 of the Environment Quality Act (chapter Q-2) if the authorization provides for construction standards for the related facility, nor do they apply to water withdrawals that do not require authorization pursuant to section 6.

11. For the purposes of this Chapter, except Division V, the construction of a facility includes its initial construction, its substantial modification and its replacement.

A substantial modification includes work to deepen, fracture or seal a well.

DIVISION I GENERAL PROVISIONS

12. The construction of any water withdrawal facility must meet the following conditions:

- (1) the facility must be constructed with new materials;
- (2) work relating to the construction of the facility must be performed in a way that minimizes lakeshore and riverbank erosion and the clearing of vegetation, limits work in littoral zones and the flow of sediment to lakes and watercourses, and prevents any water contamination or deterioration of the environment.

13. Every water withdrawal facility must remain accessible for inspection, maintenance, disinfection or equipment repair purposes, and for plugging or dismantling if required.

DIVISION II GROUNDWATER WITHDRAWAL FACILITIES

§1. *General provisions*

14. A groundwater withdrawal facility may not be installed in a floodplain having a flood recurrence interval of 20 years, or in the identified floodplain of a lake or watercourse unless the 20-year and 100-year flood recurrence intervals have been distinguished, except to replace an existing facility used for the same purpose, in which case it must be constructed in accordance with the conditions set out in section 15.

15. A groundwater withdrawal facility constructed in a floodplain having a flood recurrence interval of 100 years must meet the following conditions:

- (1) the well must be sealed in accordance with section 20;
- (2) the well casing must rise sufficiently above the ground to avoid immersion;
- (3) the well must be constructed under the supervision of a professional.

16. The construction of a groundwater withdrawal facility must, in addition, meet the following conditions:

- (1) the facility must be located at a distance of 15 metres or more from a watertight waste water treatment system;
- (2) the facility must be located 30 metres or more from a non-watertight waste water treatment system or, if the well is sealed in accordance with section 20, 15 metres or more from such a system;
- (3) the facility must be located 30 metres or more from cultivated land, a building for raising livestock, a construction used to store animal waste, or land used as a cemetery;
- (4) the casing used for a drilled well must have a minimum thickness of 4.78 millimetres and comply with ASTM A-53 Grade B or ASTM A-589 Grade B if the casing is steel, or with ASTM A-409 if the casing is stainless steel;
- (5) the casing used for a drilled, excavated or driven well must rise at least 30 cm above the ground level existing before the work begins;

- (6) the casing joints must be watertight.

In the cases provided for in subparagraphs 1, 2 and 3 of the first paragraph, the facility must, in addition, be sealed in accordance with section 20, with no obligation for supervision by a professional, when the rock drilled into is located at a depth of less than 5 metres.

Notwithstanding subparagraph 2 of the first paragraph, the facility may be located 15 or more metres from a non-watertight water treatment system if the well is sealed in accordance with section 20.

17. The distances mentioned in paragraphs 1, 2 and 3 of the first paragraph of section 16 do not apply to the replacement or substantial modification of a groundwater withdrawal facility existing on the date of coming into force of this section if a professional certifies, in a hydrogeological survey, that

- (1) the presence of a superficial geological formation with low permeability provides natural protection for the groundwater;
- (2) the configuration of the land or a nearby infrastructure eliminates the risks that may affect groundwater quality;
- (3) the design of the groundwater withdrawal facility provides equivalent protection; or
- (4) the dimensions of the land do not make it possible to respect the distances because of the presence of a main construction authorized by a municipality.

These distances do not apply to the construction of a groundwater water withdrawal facility made necessary by the termination of a water supply from a neighbouring facility.

The distances applicable to a facility referred to in the first or second paragraph must be calculated by a professional who must ensure that any risks that may affect the quality of the groundwater withdrawn are minimized, in particular by preparing the plans and specifications for the facility and supervising the construction work on the facility.

18. Before finalizing the construction of a drilled facility, a flow test lasting at least 30 minutes must be conducted to verify whether the flow is able to meet needs at peak times during the day.

19. A groundwater withdrawal facility must meet the following operating conditions:

- (1) the facility must be equipped at all times with a secure, weather-proof cover that prevents the infiltration of water, contaminants and pests;

- (2) the soil around the facility must be graded so as to prevent water pooling and water run-off towards the facility for a distance of 1 metre around the facility when an inner protection zone is not delimited for the facility;

- (3) the facility must be visibly locatable at all times;

- (4) all hydrofracturing activities at the facility must use water that meets the quality standards for drinking water prescribed by the Regulation respecting the quality of drinking water (chapter Q-2, r. 40).

The conditions no longer apply if the facility is plugged in accordance with the following conditions:

- (1) a material not likely to degrade the quality of the groundwater must be used;
- (2) the well casing must be exposed to a depth of at least 1 metre below the surface of the ground;
- (3) the well casing must be cut off at the bottom of the excavation;
- (4) the portion of the casing open to the geological formation must be filled with clean sand;
- (5) the remaining portion of the casing must be filled with pure bentonite or a cement bentonite mix;
- (6) a concrete slab must be placed over the end of the casing;
- (7) the excavation must be filled using the soil initially excavated.

For the purposes of this section, an observation well is deemed to be a groundwater withdrawal facility.

20. When the sealing of a groundwater withdrawal facility is required by this Regulation, the following conditions must be met:

- (1) the well must be drilled in such a way that, over a minimum depth of 5 metres, it has a diameter at least 10 centimetres greater than the nominal diameter of the pipe casing;

- (2) the permanent pipe casing, excluding the perforated casing, must descend to a minimum depth of 5 metres;

(3) the annular space around the pipe casing must be filled, in accordance with good practice, to a minimum depth of 5 metres using a material that ensures a watertight, durable seal, such as a cement bentonite mix or pure bentonite;

(4) the excess pipe casing must be removed without damaging the seal;

(5) the sealing must be performed under the supervision of a professional.

All work carried out after the sealing must be performed in a way that minimizes the effect on the seal.

21. The person responsible for a groundwater withdrawal facility must obtain a drilling report containing the information listed in Schedule I and a certificate stating that the work complies with the standards set out in this Regulation.

The report must be sent to the Minister within 30 days after the work is completed. A copy of the report must also be sent to the municipality concerned.

The information in the report is public information.

§2. Specific provisions for certain categories of facility

22. A groundwater withdrawal facility used to supply water for human consumption must be designed with materials suitable for drinking water supply systems.

It must be cleaned and disinfected before being operated to eliminate any possibility of water contamination. The same applies to any accessory equipment installed more than 2 days after the cleaning and disinfection of the water withdrawal facility.

23. A groundwater withdrawal facility consisting of a well drilled into rock must be constructed in accordance with the following conditions:

(1) the casing used must be anchored in bedrock for at least 0.6 metres or until penetration ceases;

(2) a drive shoe or other device to prevent deformation of the lower end of the casing must be used.

24. A groundwater withdrawal facility designed to capture a natural resurgence of groundwater using a horizontal drain must meet the following conditions:

(1) the drain must be buried at least 1 metre deep upstream from the natural point of groundwater resurgence so as to collect the water before it surfaces;

(2) the drain must be connected to a watertight reservoir;

(3) the reservoir must stand at least 30 centimetres above the surface of the ground and must be equipped with an overflow, directing water that is not withdrawn towards the natural outlet of the resurgence;

(4) the ground above and for at least 3 metres upstream from the drain must be graded so as to prevent runoff towards the drain or the infiltration of surface water;

(5) the location of the drain, and in particular of its extremities, must be indicated by visual markers.

25. A groundwater withdrawal facility using artesian pressure must include a flow control system to

(1) confine the flow within the casing;

(2) control gushing in such a way that the water does not damage neighbouring properties.

DIVISION III SURFACE WATER WITHDRAWAL FACILITIES

26. A surface water withdrawal facility in a floodplain must be constructed in such a way that the components of the facility are located beneath the ground surface for the part outside the littoral zone.

DIVISION IV GEOTHERMAL SYSTEMS

27. A geothermal system that withdraws water must be constructed in accordance with the following conditions:

(1) the system must be supplied by groundwater;

(2) the system must return the water to the source aquifer without allowing it to come into contact with any substance liable to affect its quality;

(3) the system and the discharge facility for the system must comply with the standards applicable to a groundwater withdrawal facility set out in sections 14 to 25, adapted as required.

The report referred to in section 21 must contain, in addition to the elements specified in that section,

(1) a plan showing the location of the system and the location of all underground components;

(2) the dimensions of the geothermal loops and the composition of the fluids used in the system;

(3) the results of the pressure tests conducted.

28. A ground-source geothermal system that does not withdraw water must be constructed in accordance with the following conditions:

(1) the system must not be located in a littoral zone or in a floodplain having a flood recurrence interval of 20 years, or in the identified floodplain of a lake or watercourse unless the 20-year and 100-year flood recurrence intervals have been distinguished;

(2) the components situated below the soil's surface must be made of materials that are new at the time the facility is installed;

(3) the system cannot use ethylene glycol, potassium acetate and methanol for its operation;

(4) the work to construct the system must be carried out in such a way that no water is contaminated and no environmental degradation occurs;

(5) when the system is installed at a depth of over 5 metres in the ground, the soil must be graded above the underground components and over a distance of 1 metre around the system in a way that prevents water pooling and water run-off towards the components;

(6) if the system is installed in a floodplain with a flood recurrence interval of 100 years must be designed to resist a 100-year flood and the work must be carried out below the soil's surface;

(7) the watertightness of the components must be assessed before the system is operated.

The person responsible for the system must obtain a report containing the information listed in Schedule I and a certificate showing that the work complies with the standards set out in this section.

The report must be sent to the Minister within 30 days after the work is completed. A copy of the report must also be sent to the municipality concerned.

The information in the report is public information.

DIVISION V

FACILITY USED TO EXPLORE FOR OR PRODUCE PETROLUUM, NATURAL GAS, BRINE OR TO EXPLORE FOR OR OPERATE AN UNDERGROUND RESERVOIR

§1. General provisions

29. For the purposes of this Division, unless otherwise indicated by the context,

(1) “aquifer” means a geological formation containing water to a depth of 200 metres or, if the total dissolved solids in the water contained in the geological formation exceed 4,000 mg/l, to the depth at which that concentration is detected;

(2) “facility” means the zone containing all the infrastructures needed to explore for or produce petroleum, natural gas or brine or to explore for or operate an underground reservoir.

30. It is prohibited to construct a facility or conduct a stratigraphic survey less than 300 metres from a site where surface water or groundwater is withdrawn for human consumption or food processing.

§2. Stratigraphic survey

31. The person responsible for a stratigraphic survey conducted as part of work to explore for or produce petroleum, natural gas or brine or to explore for or operate an underground reservoir must send a notice to the Minister 30 days before starting work. The notice must contain the following information:

- (1) the location of the survey;
- (2) the start date for the survey;
- (3) the nature of the survey;
- (4) the estimated duration of the survey.

A copy of the notice must also be sent, within the prescribed time, to the Minister of Natural Resources.

32. The person responsible for the survey must ensure that the survey does not cause fluids to migrate from one geological formation to another.

33. At the end of the work, the survey hole must be plugged, under the supervision of a professional, to prevent fluids migrating from one geological formation to another.

34. The person responsible for the survey must send to the Minister a report signed by the professional who supervised the plugging work within 30 days after the work is completed. The report must contain the following information:

- (1) the characteristics of the survey hole;
- (2) the stratigraphic profile, indicating in particular the geological formations plugged;

- (3) the plugging technique used;
- (4) the plugging materials used.

A copy of the notice must also be sent, within the prescribed time, to the Minister of Natural Resources.

§3. *Prior conditions for the construction of a facility*

35. The person responsible for a facility must carry out an initial characterization study at least 30 days before construction work begins on a facility.

The characterization study must cover, as a minimum, the area 2 kilometres wide around the boundaries of the facility to be constructed. If the construction of a horizontal well over 2 kilometres long is planned, the minimum area covered must correspond to the area around the boundaries as wide as the well is long.

36. The initial characterization study must be based on a hydro-geological study defining the hydro-geological context for the sector involved in the exploration for or production of petroleum, natural gas or brine or the exploration for or operation of an underground reservoir. The study must, in particular, provide the following information:

- (1) the topography of the area;
- (2) the stratigraphic profile;
- (3) the location and depth of water withdrawals for purposes of human consumption or food processing;
- (4) the vulnerability of the aquifers to the planned surface activities;
- (5) the recharging of groundwater;
- (6) the links between groundwater and surface water;
- (7) the groundwater flow direction in the aquifers;
- (8) an assessment of the potential impact on water withdrawals for human consumption or food processing purposes, in the event that the planned facility causes groundwater contamination;
- (9) the location of the observation wells constructed or to be constructed to monitor extractable groundwater over the long term.

The information in the study is public information.

37. The person responsible for the facility must sample all water withdrawals used to supply water for human consumption or food processing purposes in the area covered by the study in accordance with Schedule II, except if the owner of a water withdrawal site refuses to allow the site to be sampled.

The analysis results must be sent to the owner of each water withdrawal site concerned within 30 days of receipt.

A list of owners who refused to allow their water withdrawal site to be sampled, and the analysis results, must be sent within the prescribed time to the Minister and to the Minister of Natural Resources.

38. The person responsible for the facility must construct at least three observation wells for groundwater before beginning construction work on the facility. The observation wells must be located at least 100 metres from the boundaries of the facility to be constructed; one observation well must be upstream and two observation wells must be downstream from the facility.

39. The observation wells must allow the sampling of groundwater circulating at a depth equal to the average depth of the water withdrawn for human consumption or food processing purposes in the area covered by the initial characterization study or, if no water is withdrawn in that area, in the first 20 metres of rock.

40. The observation wells must be sampled in accordance with Schedule II at least 30 days before the facility is constructed.

The analysis results are public information.

§4. *Fracturing*

41. For the purposes of this Subdivision, “fracturing” means an operation to create fissures in a geological formation or to broaden existing fissures using fluids injected into a well at sufficient pressure. This Subdivision does not apply to operations using volumes of fluids below 50,000 litres.

42. The fracturing of a well intended for exploration for or the production of petroleum or natural gas is prohibited less than 400 metres below the base of an aquifer.

43. The person responsible for a well must obtain a study signed by a professional. The study must include

- (1) a plan of the well showing the segment or segments to be fractured;
- (2) the type and volume of fluid injected;

- (3) a list of the substances that will be added to the fluid injected, with their characteristics and the quantities used;
- (4) the pressures generated by the fluids injected;
- (5) the composition, structure and geo-mechanical behaviour of the encasing geological formations;
- (6) the expected propagation of the fractures.

The study must be sent to the Minister and to the Minister of Natural Resources 30 days before the start of the fracturing operation.

The information in the study is public information.

44. The person responsible for a well must, during a fracturing operation, measure

- (1) the volume of fluids injected;
- (2) the pressure variations generated by the fluids injected.

A fracturing operation must be carried out under the supervision of a professional who ensures that the propagation of fractures will not reach an exploitable aquiferous water geological formation and that no fluid will migrate from one geological formation to another.

45. The person responsible for a well must send to the Minister a report signed by a professional within 30 days of the end of a fracturing operation. The report must contain and interpret the data measured in accordance with section 44.

The report must also contain and interpret any other data collected as part of the fracturing operation, such as a mapping of micro-seismic events.

A copy of the report must also be sent, within the prescribed time, to the Minister of Natural Resources.

§5. Monitoring of groundwater

46. The person responsible for a facility must monitor groundwater in accordance with Schedule III during the construction, exploration and facility operation periods, including the fracturing period, any temporary closure period, and the 10-year period following permanent closure.

47. The person responsible for a facility must notify the Minister within 24 hours of the receipt of the results of monitoring conducted pursuant to section 46 if an analysis of the samples reveals the presence of

- (1) BTEX (Benzene, Toluene, Ethylbenzene, Xylene);
- (2) petroleum hydrocarbons (C₁₀-C₅₀);
- (3) methane dissolved in water at a concentration at or above 7 mg/l;
- (4) chlorides and dissolved solids at a concentration above 33% or above the concentration assessed during the initial characterization study for the site.

The person responsible must also send a notice to the Minister within 30 days of the notification referred to in the first paragraph to inform the Minister of the measures that have been or will be taken to identify the cause of the problem and correct the situation.

A copy of the notices must be sent, within the prescribed time, to the Minister of Natural Resources.

§6. Register

48. The person responsible for a facility must keep and update a register to record the following information:

- (1) the hydro-geological study referred to in section 36;
- (2) the study referred to in section 43;
- (3) the results of the analysis of the samples collected in accordance with Schedules II and III;
- (4) the report referred to in section 45.

The person must also keep in the register a copy of the notices sent to the Minister pursuant to this Division.

The information must be given to the Minister and to the Minister of Natural Resources on request.

49. The register must be retained for 10 years following the permanent closure of the facility.

CHAPTER IV **PROTECTION STANDARDS**

DIVISION I **GENERAL PROVISIONS**

50. This Chapter applies only to water withdrawals made for human consumption or food processing purposes. It provides for the delimitation, where required, of inner, intermediate and outer protection zones for groundwater or surface water withdrawals in order, in particular, to assess the vulnerability of the water withdrawn and to supervise the performance of certain activities that may affect water quality.

51. For the purposes of this Chapter, the following categories of water withdrawals are established:

(1) category 1: water withdrawals carried out for a municipal waterworks system supplying over 500 persons and at least one residence;

(2) category 2: water withdrawals carried out to supply

(a) a municipal waterworks system supplying between 21 and 500 persons and at least one residence;

(b) any other waterworks system supplying 21 or more persons and at least one residence;

(c) a system, independent from a waterworks system, supplying at least 21 or more persons at one or more educational institutions, one or more detention facilities, or one or more health and social services institutions within the meaning of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(3) category 3: water withdrawals carried out to supply

(a) a system, independent from a waterworks system, supplying only one or more food processing establishments;

(b) a system, independent from a waterworks system supplying only one or more enterprises, one or more tourist establishments or one or more seasonal tourist establishments within the meaning of the Regulation respecting the quality of drinking water;

(c) any other system supplying 20 persons or fewer.

52. The person responsible for water withdrawals must disclose at the request of any interested person, the location of the withdrawal site and the delimitation of the protection area calculated by a professional in accordance with this Chapter.

DIVISION II GROUNDWATER

§1. *Vulnerability of groundwater*

53. The intrinsic vulnerability of groundwater must be assessed by a professional for each category 1 water withdrawal protection zone delimited pursuant to this Division in accordance with the DRASTIC method of the National Water Well Association, as established in Aller, L., Bennet, T., Lehr, J.H. et al. (1987), DRASTIC: A Standardized System for Evaluating Ground Water Pollution Potential Using Hydrogeologic Settings, report no. EPA-600/2-87-035, the results of which must be used to rate vulnerability using the following vulnerability ratings:

(1) “Low”: a rating equal to or less than 100 for the entire protection zone;

(2) “Medium”: a rating less than 180 for the entire protection zone, except if a “low” rating has been assigned;

(3) “High”: a rating equal to or greater than 180 in any part of the protection zone.

The intrinsic vulnerability of groundwater within a category 2 or 3 water withdrawal protection zone is deemed to be high, unless a professional assesses it otherwise in accordance with the method referred to in the first paragraph.

§2. *Inner protection zone*

54. An inner protection zone is delimited for all groundwater withdrawals. The limits of the zone are set at the following distances:

(1) 30 metres from a category 1 or 2 water withdrawal site, unless a professional calculates them otherwise after certifying, in a hydro-geological study, that

(a) the presence of a superficial geological formation with low permeability provides natural protection for the groundwater;

(b) the configuration of the land or a nearby infrastructure eliminates the risks that may affect groundwater quality; or

(c) human activities within a radius of 30 metres from the withdrawal present no significant risk that may affect groundwater quality;

(2) 3 metres from a category 3 withdrawal site.

55. The location of the inner protection zone for a category 1 and 2 groundwater withdrawal facility must be indicated on the site in a way that is visible at all times from all access points, in particular by way of signs.

56. All activities presenting a risk of water contamination are prohibited, except activities relating to the operation, maintenance, rebuilding or replacement of the water withdrawal facility and its accessory equipment.

§3. *Intermediate protection zone*

57. An intermediate protection zone is delimited for all groundwater withdrawals. The limits of the zone are set as follows:

(1) for category 1 water withdrawals, the limits must be calculated by a professional who verifies, using data collected from a minimum of three wells that are constructed within the aquiferous geological formation used for water withdrawals and that may be used to observe groundwater,

(a) the 200-day groundwater migration time, to ensure bacteriological protection;

(b) the 550-day groundwater migration time, to ensure virological protection;

(2) for category 2 water withdrawals, the limits are set at the following distances, except if they have been calculated in accordance with subparagraph 1:

(a) 100 metres from the withdrawal site to ensure bacteriological protection;

(b) 200 metres from the withdrawal site, to ensure virological protection;

(3) for category 3 water withdrawals, the limits are set at the following distances, except if they have been calculated in accordance with subparagraph 1:

(a) 15 metres from the withdrawal site when the well is sealed in accordance with section 20 or 30 metres from the withdrawal site in other cases, to ensure bacteriological protection;

(b) 100 metres from the withdrawal site, to ensure virological protection;

58. The spreading and storage, directly on the ground, of sludge from municipal wastewater treatment works or from any other works for the collection or treatment of sanitary waste water is prohibited within the intermediate virological protection zone of groundwater withdrawals with a water vulnerability rating of medium or high, except if the spreading is carried out for domestic landscaping purposes or if the spreading uses sludge certified to comply with CAN/BNQ 0413-200 or CAN/BNQ 0413-400.

The first paragraph also applies to any substance containing more than 0.1%, dry weight basis, of sludge from sanitary waste water.

59. The storage, directly on the ground, of animal waste, farm compost or any fertilizing waste substance not certified to comply with CAN/BNQ 0413-200, CAN/BNQ 0413-400 or BNQ 419-090 is prohibited

(1) in the intermediate bacteriological protection zone for groundwater withdrawals with a water vulnerability rating of medium or high;

(2) in the virological protection zone for groundwater withdrawals if the nitrate/nitrite-N concentration of the water withdrawn, sampled in accordance with the Regulation respecting the quality of drinking water (chapter Q-2, r. 40), is above 5 mg/l on two or more occasions over a two-year period;

(3) less than 100 metres from category 3 groundwater withdrawals on a neighbouring property when the vulnerability rating for the intermediate virological protection zone is medium or high.

60. The construction of an animal exercise yard or composting area is prohibited

(1) less than 100 metres from the bacteriological protection zone for a category 1 or 2 groundwater withdrawal with a vulnerability rating of medium or high;

(2) in the bacteriological protection zone of a category 3 groundwater withdrawal with a vulnerability rating of medium or high;

(3) less than 100 metres from a category 3 groundwater withdrawal on a neighbouring property when the vulnerability rating for the intermediate virological protection zone is medium or high.

61. The construction of a facility to store animal waste or a building for raising livestock is prohibited

(1) less than 100 from the bacteriological protection zone for a category 1 or 2 groundwater withdrawal with a vulnerability rating of medium or high;

(2) in the intermediate bacteriological protection zone of a category 3 groundwater withdrawal with a vulnerability rating of medium or high.

This section does not apply to fish farms.

62. In all cases in which the construction of an animal exercise yard, composting area, animal waste storage facility or building for raising livestock is not prohibited in the intermediate bacteriological protection zone for groundwater withdrawals, the facility must be designed to ensure watertightness and must be constructed under the supervision of a professional.

In addition, the watertightness of any animal exercise yard, composting area or animal waste storage facility constructed in such a zone must be assessed by a professional every 10 years.

A professional having carried out an assessment referred to in the second paragraph must send to the person responsible for groundwater withdrawals and to the Minister a watertightness certificate or a recommendation concerning the corrective measures required to make the facility watertight after a watertightness deficiency is noted.

The corrective measures required to make a facility watertight must be completed no later than one year following receipt of the professional's recommendation. They must be carried out under the supervision of a professional who must forward a watertightness certificate to the person responsible for withdrawals and to the Minister as soon as possible.

A copy of the watertightness certificate must be sent as soon as possible to the regional county municipalities and to the watershed management organizations whose territory intersects with the intermediate protection zones concerned.

63. Animal grazing and the spreading of animal waste, farm compost and fertilizing waste substances are prohibited

(1) in the intermediate bacteriological protection zone for groundwater withdrawals with a water vulnerability rating of high;

(2) in the virological protection zone for groundwater withdrawals when the nitrate/nitrite-N concentration of the water sampled in accordance with the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is above 10 mg/l on two or more occasions over a two-year period;

(3) less than 100 metres from a category 1 groundwater withdrawal site with a water vulnerability rating of medium.

The spreading of animal waste, farm compost or fertilizing waste substances is not, however, prohibited if carried out for domestic landscaping purposes or if it uses fertilizers certified to comply with CAN/BNQ 0413-200, CAN/BNQ 0413-400 or BNQ 419-090.

64. The grazing of farm animals and the spreading of animal waste, farm compost or fertilizing waste substances must be carried out in accordance with the recommendations of a professional

(1) in the intermediate bacteriological protection zone for groundwater withdrawals with a vulnerability rating of medium;

(2) in the intermediate virological protection zone for groundwater withdrawals when the nitrate/nitrite-N concentration of the water sampled in accordance with the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is above 5 mg/l on two or more occasions over a two-year period.

The recommendation must set out the measures to be taken to minimize the impact on the water withdrawn, especially concerning the addition of nitrogen and pathogenic agents. It must be based on

(1) a historical review of the last 5 years of cultivation, spreading activities and animal grazing activities in the intermediate protection zone;

(2) the hydro-geological context and the texture, depth and state of compaction of the soil.

The recommendation must be submitted with the agro-environmental fertilization plan prepared in accordance with the Agricultural Operations Regulation (R.R.Q., c. Q-2, r. 26) when the place where the livestock raising or spreading occurs is subject to that regulation. It must be retained for 5 years and provided to the Minister on request.

65. A person responsible for groundwater withdrawals who is notified that at least two water samples have contained over 5 mg/l of nitrates/nitrites over a two-year period in accordance with section 36.0.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) must send to the Minister, within 30 days of receiving such notification, a list of the properties lying wholly or partly in the intermediate protection zone for water withdrawals or, if the raw water came from several withdrawals, a list of the measures that have been or will be taken to identify the withdrawal or withdrawals causing the measured concentration.

§4. Outer protection zone

66. An outer protection zone is delimited for category 1 and 2 groundwater withdrawals. The limits of the zone are set as follows:

(1) for category 1 water withdrawals, the limits must be calculated by a professional who verifies, using data collected from a minimum of three wells that are constructed within the aquiferous geological formation used for water withdrawals and that may be used to observe groundwater, the area of land where circulating groundwater may eventually be captured for water withdrawal;

(2) for category 2 groundwater withdrawals, using a radius of 2 kilometres upstream from the withdrawal site, except if the limits have been calculated under paragraph 1.

67. The person responsible for category 1 groundwater withdrawals must obtain, from a professional,

(1) an inventory, in the outer protection zone, of human activities that have been or are being carried out and of the land uses applicable in the zone;

(2) an inventory, in the outer protection zone, of potential threats that may affect the quality or quantity of water withdrawn;

(3) an assessment, in the outer protection zone, of human activities or actual threats affecting the quality or quantity of the groundwater withdrawn. The assessment of actual threats must take into account the results of the monitoring of the quality of raw and supplied water required under the Regulation respecting the quality of drinking water (chapter Q-2, r.40).

68. Drilling work to explore for or produce petroleum, natural gas or brine or to explore for or operate an underground reservoir, and the performance of a stratigraphic survey, is prohibited in the outer protection zone for category 1 and 2 groundwater withdrawals.

DIVISION III SURFACE WATER

§1. Vulnerability of surface water

69. The vulnerability of surface water used for category 1 water withdrawals must be rated as high, medium or low by a professional, based on the following indicators, described in Schedule IV:

- (1) physical integrity of the withdrawal site;
- (2) vulnerability to microorganisms;
- (3) vulnerability to fertilizers;
- (4) vulnerability to turbidity;
- (5) vulnerability to inorganic substances;
- (6) vulnerability to organic substances.

§2. Inner protection zone

70. An inner protection zone is delimited for category 1 and 2 surface water withdrawals. The limits of the zone are set at the following distances:

(1) 300 metres around a category 1 or 2 withdrawal site, if it is located in a lake;

(2) 1 kilometre upstream from a category 1 or 2 withdrawal site and 100 metres downstream from the site if it is situated in the St. Lawrence River or, in the parts of the St. Lawrence River where the current may reverse due to the tide, 1 kilometre upstream and downstream from the withdrawal site;

(3) 500 metres upstream from a category 1 or 2 withdrawal site and 50 metres downstream from the site if it is situated in any other watercourse.

Notwithstanding subparagraphs 2 and 3 of the first paragraph, the limits of the inner protection zone for water withdrawals on the opposite bank of a watercourse may be closer if the watercourse is more than 300 metres wide at low water and if a professional calculates the limits after certifying that activities or waste on that bank are not likely to affect the withdrawals.

The distances include any surface water, portions of tributaries, ditches and riverbanks.

71. The following activities are prohibited in the inner protection zone for category 1 and 2 surface water withdrawals:

- (1) the grazing of farm animals;
- (2) the spreading and storage, directly on the ground, of animal waste, farm compost or fertilizing waste substances;
- (3) the spreading and storage, directly on the ground, of sludge from municipal wastewater treatment works or from any other works for the collection of treatment of sanitary waste water and of any substance containing more than 0.1%, dry weight basis, of sludge from sanitary waste water;
- (4) the construction of a new discharge in a watercourse, except a watercourse over 30 metres wide at low water if a professional certifies that the discharge will not affect the water withdrawal site.

All other activities within the inner protection zone for category 1 and 2 surface water withdrawals, except activities relating to the operation of a hydroelectric power station, must meet the following conditions:

- (1) the activity must be organized to minimize the risk of soil erosion, in particular by re-establishing and maintaining natural plant cover and the natural state of the lakeshore or riverbank;

(2) if the activity involves a ditch or underground drain, they must not connect directly to the receiving lake or watercourse, unless they include infrastructures to limit the flow of sediments to the lake or watercourse concerned and, in the case of a ditch, the top of the bank must have plant cover over a minimum width of one metre.

§3. *Intermediate protection zone*

72. An intermediate protection zone is delimited for category 1 and 2 surface water withdrawals. The limits of the zone are set at the following distances:

(1) 3 kilometres around a category 1 or 2 withdrawal site, if it is located in a lake;

(2) 15 kilometres upstream from a category 1 or 2 withdrawal site if it is situated in the St. Lawrence River and, in addition, if it is located in the parts of the St. Lawrence River where the current may reverse due to the tide, 15 kilometres downstream from the withdrawal site;

(3) 10 kilometres upstream from a category 1 or 2 withdrawal site located in any other watercourse.

Notwithstanding subparagraphs 2 and 3 of the first paragraph, the limits of the intermediate protection zone for water withdrawals on the opposite bank of a watercourse may be closer if the watercourse is more than 300 metres wide at low water and if a professional calculates the limits after certifying that activities or waste on that bank are not likely to affect the withdrawals.

The distances include surface water, portions of tributaries and ditches, and a 120-metre strip of land measured from the high-water mark.

73. Drilling work to explore for or produce petroleum, natural gas or brine or to explore for or operate an underground reservoir, and work to conduct a stratigraphic survey, is prohibited in the intermediate protection zone for category 1 and 2 surface water withdrawals.

74. The person responsible for a category 1 surface water withdrawal must obtain from a professional:

(1) an inventory of human activities in the intermediate protection zone that have been or are being completed and of the land uses applicable in the zone;

(2) an inventory of potential threats in the intermediate protection zone that may affect the quality or quantity of water withdrawn.

§4. *Outer protection zone*

75. An outer protection zone is delimited for category 1 water withdrawals. The limits of the zone correspond to its catchment area.

The distances include surface water, portions of tributaries and ditches, and a 120-metre strip of land measured from the high-water mark.

76. The person responsible for a category 1 surface water withdrawal must obtain from a professional

(1) an inventory of continuous or recurrent effluent discharges from water treatment plants or discharges from industrial processes in the outer protection zone;

(2) an inventory of land uses in the outer protection zone;

(3) an inventory and assessment of potential accidents in the outer protection zone that may affect the quality and quantity of the water withdrawn;

(4) an assessment of human activities or actual threats in the outer protection zone that affect the quality or quantity of the water withdrawn. The assessment of actual threats must take into account the vulnerability ratings obtained for the indicators listed in section 69.

DIVISION IV REPORT

77. The person responsible for a category 1 water withdrawal must send to the Minister, as soon as possible, a report containing the following information:

(1) the location of the withdrawal site and a description of its layout;

(2) a plan showing the location of the inner, intermediate and outer protection zones, and the limits of the zones if calculated by a professional;

(3) the water vulnerability ratings assessed by a professional in accordance with sections 53 and 69.

The person responsible must also send to the Minister the document referred to in sections 67, 74 and 76.

The information in the report is public information, except the information contained in the documents referred to in the second paragraph. It must be made available to the public, in particular by publication on the website of the person responsible for the withdrawal, if possible. The information must be updated every five years.

The report and the documents referred to in the second paragraph must be sent, as soon as possible, to the regional county municipalities and the watershed organizations whose territories intersect with the zones. They must also be sent to the municipalities whose territories intersect with an intermediate protection zone for surface water withdrawals or an outer protection zone for groundwater withdrawals.

CHAPTER V SPECIAL PROVISIONS APPLICABLE TO GROUNDWATER WITHDRAWALS IN THE AREA OF VILLE DE MERCIER AND IN OTHER CLOSE TERRITORIES

78. The provisions of this Chapter apply to the territories of the following municipalities

- (1) Ville de Mercier;
- (2) Paroisse de Saint-Isidore;
- (3) Sainte-Martine;
- (4) Saint-Urbain-Premier.

79. The drilling, excavating or operating of a groundwater withdrawal facility, except if such work is authorized for environmental rehabilitation purposes in accordance with the Environment Quality Act (chapter Q-2), is prohibited within the perimeter described in Schedule V.

80. In the territory of a municipality to which this Chapter applies, a tube well located outside the perimeter described in Schedule V that withdraws groundwater from the bedrock must be drilled so as to cut through at least 10 metres of bedrock.

81. Every category 1 groundwater withdrawal facility used to supply water for human consumption or for food production or processing must, if the outer protection zone delimited pursuant to section 66 partly intersects with the area defined in Schedule V, be monitored for vinyl chloride twice per year.

The groundwater samples must be analyzed by a laboratory accredited pursuant to section 118.6 of the Environment Quality Act (chapter Q-2).

If the analysis reveals the presence of vinyl chloride, the person responsible for the facility must inform the Minister not later than 30 days after the date of the analysis report provided by the accredited laboratory. The remedial measures planned to correct the situation must also be sent to the Minister within the same period.

The results of the monitoring program must be recorded in a report. In addition to the analysis results provided by the accredited laboratory, the report must include the following information:

- (1) the place where the samples were taken;
- (2) the sampling method;
- (3) the analysis results.

The report must be retained for five years and provided to the Minister on request.

82. The provisions of section 81 apply to every category 2 groundwater withdrawal facility used to supply water for human consumption or for food production or processing if the intermediate bacteriological protection zone delimited pursuant to section 57 partly intersects with the area defined in Schedule V.

CHAPTER VI ADMINISTRATIVE AND PENAL PROVISIONS

DIVISION I MONETARY ADMINISTRATIVE PENALTIES

83. A monetary administrative penalty of \$250 for a natural person and \$1,000 in other cases may be imposed on any person who, in violation of this Regulation:

- (1) refuses or neglects to send a notice or report or fails to comply with the applicable deadline, if no other monetary administrative penalty is prescribed;
- (2) fails to retain, for the required time, any documents that the person is required to prepare or obtain;
- (3) fails to keep the register provided for in section 48 or fails to retain it for the prescribed time;
- (4) fails to disclose the location of a water withdrawal site and the delimitation of a protection zone in accordance with section 52;
- (5) fails to indicate the location of a protection zone in accordance with section 55 or removes or damages a sign installed at the site, or allows such a sign to deteriorate;
- (6) fails to submit the recommendation of a professional with an agro-environmental fertilization plan in accordance with the third paragraph of section 64.

84. A monetary administrative penalty of \$350 for a natural person and \$1,500 in other cases may be imposed on any person who:

(1) fails to assess water vulnerability ratings in accordance with section 53 or 69;

(2) refuses or neglects to obtain the documents referred to in section 67, 74 or 76.

85. A monetary administrative penalty of \$550 for a natural person and \$2,500 in other cases may be imposed on any person who

(1) fails to take a sample or measurement in accordance with this Regulation;

(2) fails to conduct an analysis, test, monitoring or check in accordance with this Regulation;

(3) fails to make a water withdrawal facility accessible in accordance with section 13.

86. A monetary administrative penalty of \$750 for a natural person and \$3,500 in other cases may be imposed on any person who:

(1) fails to comply with a construction standard provided for in section 12, sections 14 to 17, the first paragraph of section 22, sections 23 to 28 or subparagraphs 2 or 3 or 5 to 7 of the first paragraph of section 28;

(2) fails to seal a water withdrawal facility in accordance with section 20 or fails to minimize damage to the seal during subsequent work;

(3) fails to construct groundwater observation wells in accordance with section 38 or 39.

87. A monetary administrative penalty of \$1,000 for a natural person and \$5,000 in other cases may be imposed on any person who

(1) fails to comply with the conditions for performing an activity in accordance with section 19, the second paragraph of section 22, section 32 or 62, the first or second paragraphs of section 64 or the second paragraph of section 71;

(2) fails to plug a survey hole in accordance with section 33;

(3) fails to carry out an initial characterization in accordance with section 35 re 36;

(4) fails to notify the Minister in the cases provided for in section 47.

88. A monetary administrative penalty of \$1,500 for a natural person and \$7,500 in other cases may be imposed on any person who

(1) performs an activity prohibited by section 14, 30 or 56, sections 58 to 61, section 63 or 68, the first paragraph of section 71 or section 73;

(2) constructs a water withdrawal facility or a ground-source geothermal system in contravention of paragraph 2 of section 12 or subparagraph 1 or 4 of the first paragraph of section 28;

(3) fractures a well used to explore for or produce petroleum or natural gas, in contravention of section 42.

89. A monetary administrative penalty of \$2,000 for a natural person and \$10,000 in other cases may be imposed on any person who

(1) drills, digs or operates a water withdrawal facility in violation of section 79 or 80;

(2) fails to carry out preventive monitoring, to have monitoring samples analyzed by a laboratory accredited pursuant to section 118.6 of the Environment Quality Act (chapter Q-2) or to notify the Minister of the analysis results for the samples and the measures planned to correct the situation in accordance with section 81.

DIVISION II PENAL SANCTIONS

90. A person is guilty of an offence and liable to a fine of \$1,000 to \$100,000, in the case of a natural person and \$3,000 to \$600,000 in other cases, if that person

(1) refuses or neglects to send a notice or report or to provide any information or document required under this Regulation, or fails to comply with the applicable deadline;

(2) fails to retain, for the prescribed time, the documents the person is required to prepare or obtain;

(3) fails to keep the register provided for in section 48 or fails to retain the register for the prescribed time;

(4) fails to disclose the presence and delimitation of a protection zone in accordance with section 52;

(5) fails to indicate the location of a protection zone in accordance with section 55 or removes or damages a sign installed at the site, or allows such a sign to deteriorate;

(6) fails to submit the recommendation of a professional with an agro-environmental fertilization plan in accordance with the third paragraph of section 64;

(7) fails to comply with an obligation imposed by this Regulation that is not otherwise sanctioned under this Division or under Division XIII.1 of Chapter I of the Environment Quality Act (chapter Q-2).

91. A person is guilty of an offence and liable to a fine of \$2,000 to \$10,000 in the case of a natural person and \$6,000 to \$600,000 in other cases, if that person

(1) fails to assess water vulnerability ratings in accordance with section 53 or 69;

(2) refuses or neglects to obtain the documents referred to in section 67, 74 or 76.

92. A person is guilty of an offence and liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in other cases, any person who

(1) fails to take a sample or measurement in accordance with this Regulation;

(2) fails to conduct an analysis, test, monitoring or check in accordance with this Regulation;

(3) fails to make a water withdrawal facility accessible in accordance with section 13.

93. A person is guilty of an offence and liable to a fine of \$4,000 to \$250,000 in the case of a natural person and \$12,000 to \$1,500,000 in other cases, any person who

(1) fails to construct a facility in accordance with a standard provided for in section 12, sections 14 to 17, the first paragraph of section 22, sections 23 to 27 or subparagraph 2 or 3 or 5 to 7 of the first paragraph of section 28;

(2) fails to seal a water withdrawal facility in accordance with section 20 or fails to make the necessary corrections if the seal is damaged;

(3) fails to construct groundwater observation wells in accordance with section 38 or 39.

94. A person is guilty of an offence and liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months or to both the fine and imprisonment, and, in other cases, to a fine of \$15,000 to \$3,000,000, if that person

(1) provides false or misleading information;

(2) fails to comply with the conditions for the performance of an activity in accordance with section 19, the second paragraph of section 22, section 32 or 62, the first or second paragraph of section 65 or the second paragraph of section 71;

(3) fails to plug a survey hole in accordance with section 33;

(4) fails to carry out an initial characterization in accordance with section 35 or 36;

(5) fails to notify the Minister in accordance with section 47.

95. A person is guilty of an offence and liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 or, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months or to both the fine and imprisonment, and, in other cases, to a fine of \$24,000 to \$3,000,000, if that person

(1) performs an activity prohibited by section 14, 30, 56, 58 to 61, sections 63 to 68, the first paragraph of section 71 or section 73;

(2) constructs a water withdrawal facility or a ground-source geothermal system in contravention of paragraph 2 of section 12 or subparagraph 1 or 4 of the first paragraph of section 28;

(3) fractures a well used to explore for or produce petroleum or natural gas in contravention of section 42.

96. A person is guilty of an offence and liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months or to both the fine and imprisonment, and, in other cases, to a fine of \$24,000 to \$3,000,000, if that person

(1) drills, digs or operates a water withdrawal facility in contravention of sections 79 and 80;

(2) fails to carry out preventive monitoring, to have monitoring samples analyzed by a laboratory accredited pursuant to section 118.6 of the Environment Quality Act (chapter Q-2) or to notify the Minister of the analysis results for the samples and the measures planned to correct the situation in accordance with section 81.

CHAPTER VII TRANSITIONAL AND FINAL PROVISIONS

97. The person responsible for an animal waste storage facility, an animal exercise yard or a composting area located in the bacteriological protection zone for groundwater withdrawals made for human consumption or food processing purposes on the date of coming into force of this section, namely (*insert the date of coming into force of this Regulation*), must have the facility, yard or area assessed by a professional not later than (*insert the date that occurs 2 years after the date of coming into force of this Regulation*).

The professional who has carried out an assessment referred to in the first paragraph must send to the person responsible for the groundwater withdrawal facility and to the Minister a watertightness certificate or a recommendation concerning the corrective measures required to make the facility watertight after a watertightness deficiency is noted or, if no corrective measure is possible, the choice of a new location outside the protection zone where operations can continue. In the latter case, the plans and specifications for the new facility, yard or area must be submitted with the recommendation.

The professional's recommendations must be carried out not later than 1 year following their receipt. They must be carried out under the supervision of a professional who must send, to the person responsible for the withdrawals and to the Minister, a watertightness certificate for the facility, yard or area concerned as soon as possible.

98. A person who fails to have the watertightness of a facility assessed in accordance with the first paragraph of section 97 or who fails to comply with the requirements of that section, if a watertightness deficiency is noted,

(1) may have a monetary administrative penalty imposed in the amount of \$750 for a natural person and \$3,500 in other cases;

(2) is guilty of an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person and \$12,000 to \$1,500,000 in other cases.

99. The report and documents provided for in section 77 of this Regulation must be sent not later than 1 January 2020 for water withdrawals made for human consumption or food processing purposes that are in operation on the date of coming into force of this section, namely (*insert the date of coming into force of this Regulation*).

100. Applications for a water withdrawal authorization already being examined on the date of coming into force of this section, namely (*insert the date of coming into force of this Regulation*), pursuant to section 22, 31.5 or 32

of the Environment Quality Act (chapter Q-2) or pursuant to the provisions of Chapter IV of the Groundwater Catchment Regulation (R.R.Q., c. Q-2, r. 6) are governed by the provisions of this Regulation.

101. Notwithstanding sections 33 and 34 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2), water withdrawals referred to in those sections remain valid until the following dates:

(1) if the withdrawer also holds a depollution attestation, until the date of renewal of the attestation that occurs after (*insert the date that occurs 10 years after the date of coming into force of section 33 of the Act to affirm the collective nature of water resources and provide for increased water resource protection*);

(2) if the withdrawer carries out water withdrawals with an average daily volume equal to or exceeding 5,000,000 litres, until (*insert the date that occurs 11 years after the date of coming into force of section 33 of the Act to affirm the collective nature of water resources and provide for increased water resource protection*);

(3) if the withdrawer carries out water withdrawals with an average daily volume equal to or exceeding 1,500,000 litres but below 5,000,000 litres, until (*insert the date that occurs 12 years after the date of coming into force of section 33 of the Act to affirm the collective nature of water resources and provide for increased water resource protection*);

(4) if the withdrawer carries out water withdrawals with an average daily volume equal to or exceeding 600,000 litres but below 1,500,000 litres, until (*insert the date that occurs 13 years after the date of coming into force of section 33 of the Act to affirm the collective nature of water resources and provide for increased water resource protection*);

(5) if the withdrawer carries out water withdrawals with an average daily volume equal to or exceeding 200,000 litres but below 600,000 litres, until (*insert the date that occurs 14 years after the date of coming into force of section 33 of the Act to affirm the collective nature of water resources and provide for increased water resource protection*);

(6) until (*insert the date that occurs 15 years after the date of coming into force of section 33 of the Act to affirm the collective nature of water resources and provide for increased water resource protection*) if

(a) the withdrawer carries out water withdrawals with an average daily volume below 200,000 litres;

(b) the withdrawer operates a terrestrial fish farming site which, for each ton of annual production, withdraws a volume of water equal to or less than 20,000 litres per hour and is authorized, by certificate, to produce an annual discharge of phosphorous effluence equal to or less than 4.2 kilograms per ton of production.

Water withdrawals may continue after the term for such time as a renewal or new authorization has not been issued.

102. An application for the renewal of a water withdrawal authorization referred to in section 33 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2) must be sent to the Minister in writing and include

- (1) an update of the information and documents submitted for the initial application for authorization;
- (2) the information and documents referred to in subparagraphs 1 to 10 and subparagraph 13 of the first paragraph of section 7 of this Regulation unless they were provided at the time of the initial application;
- (3) the measures taken in respect of the water withdrawal operations, if any.

The application for a water withdrawal authorization referred to in section 34 of the Act to affirm the collective nature of water resources and provide for increased water resource protection must also be sent in writing to the Minister and must include the elements listed in subparagraphs 2 and 3 of the first paragraph.

The applications must be made 6 months before the expiry of the authorizations concerned.

The information provided under this section is public information, to the extent provided by the third paragraph of section 7.

103. The terms “groundwater catchment facility”, “groundwater catchment works” and “water supply intake”, as used in an Act, regulation or other document, must be read as referring to a groundwater withdrawal facility.

104. Municipalities are responsible for the application of the provisions of Chapter III, except the provisions of Division V of that Chapter, and of sections 81 and 82 of this Regulation to the extent that those sections concern water withdrawals or geothermal systems situated in a territory under the authority of the municipality concerned.

To accomplish their responsibilities under the first paragraph, Division I of Chapter VI of this Regulation does not apply.

105. Paragraphs 6 and 6.1 of section 22 of the Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1) are repealed.

106. This Regulation replaces the Groundwater Catchment Regulation (chapter Q-2, r. 6). However, the provisions of Chapter II and Schedule I of that regulation remain applicable until (*insert the date that occurs 6 months after the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009*).

107. This Regulation comes into force on (*insert the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009*), except sections 10 to 28, which come into force on (*insert the date that occurs 6 months after the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009*).

SCHEDULE I

CONTENT OF REPORT

(ss. 21 and 27)

a. For the purposes of this Schedule, “facility” means a water withdrawal facility, the discharge facility of a geothermal system that withdraws water, and a ground-source geothermal system.

b. The information required to draw up the documents provided for in sections 21 and 27 of this Regulation consists of

- (1) the name of the owner of the place where the facility is installed;
- (2) the location of the place where the facility is installed (number, street, municipality, postal code, cadastral designation, latitude and longitude expressed in decimal degrees using the NAD 83 coordinate system and measured using a GPS device or other instrument of equivalent precision);
- (3) the units of measurement used in the report (all information in the report must be expressed using the same units of measurement);
- (4) the intended use of the facility installed;

(5) the number of the permit issued by the municipality concerned;

(6) the number of the licence issued by the Régie du bâtiment du Québec;

(7) the construction method used (drilling, excavation, driving);

(8) whether the work concerned was intended to deepen an existing well;

(9) the date of construction;

(10) the diameter or diameters drilled, and the depth of each diameter drilled;

(11) the presence of gas or saltwater during construction;

(12) in the case of a sealed well, the height of the seal and the materials used for the seal;

(13) the length, diameter and type of casing installed, and the length of the casing above ground level;

(14) the length, diameter, opening and type of perforated casing installed, if any;

(15) the length, diameter and type of additional or support tubing installed, if any;

(16) the type and thickness of the layers drilled;

(17) the following information on the flow tests conducted, if any:

(a) the date of the flow test;

(b) the water level at the end of the work;

(c) the duration of the flow test;

(d) the flow rate of the facility;

(e) the pumping method.

SCHEDULE II SAMPLING (ss. 37 and 40)

1. The following physico-chemical parameters must be measured on-site during sampling:

(1) Specific Electric Conductivity;

(2) pH;

(3) Oxydo-Reduction Potential;

(4) Temperature.

2. The samples collected must be analyzed for the following substances and parameters:

(1) organic compounds:

(a) Total BTEX (Benzene, Toluene, Ethylbenzene, Xylene);

(b) Total organic Carbon (C);

(c) Ethane (C₂H₆);

(d) Polycyclic aromatic hydrocarbons (PAHs);

(e) Petroleum Hydrocarbons (C₁₀-C₅₀);

(f) Dissolved and stable isotopic signature ($\delta^{13}\text{C}$) Methane, if any;

(g) Propane (C₃H₈).

(2) inorganic compounds:

(a) Aluminum (Al);

(b) Antimony (Sb);

(c) Silver (Ag);

(d) Arsenic (As);

(e) Barium (Ba);

(f) Beryllium (Be);

(g) Bismuth (Bi);

(h) Boron (B);

(i) Bromine (Br);

(j) Cadmium (Cd);

(k) Calcium (Ca);

(l) Chlorides;

(m) Chrome (Cr);

(n) Cobalt (Co);

- (o) Copper (Cu);
- (p) Tin (Sn);
- (q) Iron (Fe);
- (r) Fluorides (F);
- (s) Lithium (Li);
- (t) Magnesium (Mg);
- (u) Manganese (Mn);
- (v) Molybdenum (Mo);
- (w) Nickel (Ni);
- (x) Nitrites + nitrates;
- (y) Lead (Pb);
- (z) Potassium (K);
- (aa) Total Radium (Ra);
- (bb) Selenium (Se);
- (cc) Silicon (Si);
- (dd) Sodium (Na);
- (ee) Strontium (Sr);
- (ff) Sulphates;
- (gg) Sulphides;
- (hh) Thallium (TI)
- (ii) Total Thorium (Th);
- (jj) Titanium (Ti);
- (kk) Uranium (U);
- (ll) Vanadium (V);
- (mm) Zinc (Zn);
- (3) the following parameters:
 - (a) Alkalinity;
 - (b) Total dissolved and suspended solids
 - (c) Turbidity.

3. All samples must be analyzed by laboratories accredited pursuant to section 118.6 of the Environment Quality Act (chapter Q-2) or, if no laboratory is accredited for the analysis of a given substance, by a laboratory that meets ISO/CEI 17025 “General requirements for the competence of testing and calibration laboratories” published jointly by the International Organization for Standardization and the International Electrotechnical Commission.

4. The laboratory must send the results to the person responsible for the facility to explore for or produce petroleum, natural gas or brine or to explore for or operate an underground reservoir.

SCHEDULE III GROUNDWATER MONITORING (s. 46)

1. For groundwater monitoring purposes, observation wells must be sampled once per year and 90 days after every repair to the well.

2. The samples collected during groundwater monitoring must be analyzed for the following substances:

- (1) Total BTEX (Benzene, Toluene, Ethylbenzene, Xylene);
- (2) Chlorides;
- (3) Petroleum Hydrocarbons (C₁₀-C₅₀);
- (4) Dissolved Methane;
- (5) Dissolved Solids.

3. The following physico-chemical parameters must be measured on-site during the sampling:

- (1) Specific Electric Conductivity;
- (2) pH;
- (3) Oxydo-Reduction Potential;
- (4) Temperature.

4. All samples must be analyzed by laboratories accredited pursuant to section 118.6 of the Environment Quality Act (chapter Q-2) or, if no laboratory is accredited for the analysis of a given substance, by a laboratory that meets ISO/CEI 17025 “General requirements for the competence of testing and calibration laboratories” published jointly by the International Organization for Standardization and the International Electrotechnical Commission.

5. The laboratory must send the results to the person responsible for the facility to explore for or produce petroleum, natural gas or brine or to explore for or operate an underground reservoir.

SCHEDULE IV
VULNERABILITY OF SURFACE WATER
 (s. 69)

Physical vulnerability of withdrawal site

1. The physical vulnerability of the withdrawal site must be assessed using the most restrictive of the following methods:

(1) a historical review of all the natural or anthropic events recorded pursuant to section 22.0.4 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) that may have affected the condition of the withdrawal site, allowing water vulnerability to be rated as follows:

(a) high if one or more distinct events are recorded over a 5-year period;

(b) medium if a single distinct event is recorded over a 10-year period;

(c) low if one or no events are recorded over a consecutive period exceeding 10 years;

(2) a high rating assessment by a professional who certifies in writing that the location of the withdrawal site is a cause for concern because of the hydro-dynamic characteristics of the body of water, of water extraction, development or harnessing projects upstream, of a forecast increase in water demand, or of the anticipated effects of climate change.

Vulnerability to micro-organisms

2. Water vulnerability to microorganisms is assessed using one of the following methods:

(1) a compilation, over a consecutive 5-year period, of the results of an analysis of raw water samples withdrawn in accordance with section 22.0.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) for *Escherichia coli* bacteria. The compilation is used to rate water vulnerability as follows:

(a) high if the analysis results show a median value above 150 UFC/100 ml or if the value of the 95th percentile is above 1 500 UFC/100 ml;

(b) medium if vulnerability is neither low nor high;

(c) low if the analysis results show a median value below 15 UFC/100 ml and if the value of the 95th percentile is below 150 UFC/100 ml;

(2) when the method in paragraph 1 cannot be used, water vulnerability is rated as follows:

(a) high, if the inner protection zone for the withdrawals is wholly situated in an urban area, or if at least one overflow from a combined or semi-separated sewer system likely to discharge raw or partially untreated sewage following a storm, continuous rain or a snow melt is located in the inner or intermediate protection zone;

(b) medium if vulnerability is neither low nor high;

(c) low, if

i. the withdrawal site is situated in a lake;

ii. the withdrawal site is situated in any other watercourse, not itself situated downstream from an agglomeration served by a combined or semi-separated sewer system, a livestock raising operation, a food processing industry or another establishment likely to discharge pathogenic micro-organisms or micro-organisms indicating a contamination of fecal origin into the watercourse.

Vulnerability to fertilizers

3. Water vulnerability to fertilizers is assessed using the most restrictive of the following methods:

(1) a compilation, over a consecutive 5-year period, of the results of an analysis of raw water samples withdrawn in accordance with section 22.0.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) for total phosphorous. The compilation is used to rate water vulnerability as follows:

(a) in a lake:

i. high if the average result is equal to or greater than 20 µg/l P;

ii. medium if the average result is between 10 µg/l P and 20 µg/l P;

iii. low if the average result is equal to or less than 10 µg/l P;

(b) in any other watercourse:

i. high if the average result is equal to or greater than 50 µg/l P;

ii. medium if the average result is between 30 µg/l P and 50 µg/l P;

iii. low if the average result is equal to or less than 30 µg/l P;

(2) a historical review of all events recorded pursuant to section 22.0.4 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) in a watercourse over a consecutive 5-year period involving cyanobacteria, algae or aquatic plant proliferations or increases in ammoniacal nitrogen, allowing water vulnerability to be rated as follows:

(a) high if 5 or more events are recorded;

(b) medium if 2 to 4 events are recorded;

(c) low if 1 or no events are recorded;

(3) when the methods in paragraphs 1 and 2 cannot be used, water vulnerability must be assessed by a professional based on the potential impact of anthropic activities recorded in the outer protection zone for the water withdrawals in terms of the introduction of fertilizers that may affect the water withdrawn.

Vulnerability to turbidity

4. Vulnerability to turbidity must be assessed using one of the following methods:

(1) a compilation, over a consecutive 5-year period, of the results of an analysis of raw water samples withdrawn in accordance with section 22.0.2 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) for changes in turbidity. The compilation is used to rate water vulnerability as follows:

(a) high if the value of the 99th percentile is equal to or greater than 100 NTU (nephelometric turbidity unit);

(b) low in other cases;

(2) when the method in paragraph 1 cannot be used, water vulnerability must be assessed by a professional based on the potential impact of anthropic activities recorded in the outer protection zone for the water withdrawals in terms of water turbidity.

Vulnerability to inorganic substances

5. Vulnerability to inorganic substances must be assessed using one of the following methods:

(1) a compilation, over a consecutive 5-year period, of the results of an analysis of raw water samples withdrawn in accordance with section 14 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) for inorganic substances associated with the source. The compilation is used to rate water vulnerability as follows:

(a) high if, for at least one substance, 2 of the values analyzed are equal to or greater than 50% of the applicable standard;

(b) medium if

i. for at least one substance, 2 of the values analyzed are between 20% and 50% of the applicable standard;

ii. for at least one substance, 1 of the values analyzed is between 20% and 50% of the applicable standard and 1 other value is equal to or greater than 50% of the applicable standard;

(c) low if all the values analyzed are equal to or less than 20% of the applicable standard;

(2) when the method in paragraph 1 cannot be used, the total of all the areas used for industrial, commercial or agricultural activities in the strip 120 metres wide in the intermediate protection zone delimited for water withdrawals is used to rate water vulnerability as follows:

(a) high, if the total is equal to or greater than 50% of the area of the intermediate protection zone;

(b) medium, if the total area is between 20% and 50% of the area of the intermediate protection zone;

(c) low, if the total area is equal to or less than 20% of the area of the intermediate protection zone.

Vulnerability to organic substances

6. Vulnerability to organic substances must be assessed using one of the following methods:

(1) a compilation, over a consecutive 5-year period, of the results of an analysis of raw water samples withdrawn in accordance with section 19 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) for inorganic substances associated with the source. The compilation is used to rate water vulnerability as follows:

(a) high if, for at least one substance, 2 of the values analyzed are equal to or greater than 50% of the applicable standard;

(b) medium if

i. for at least one substance, 2 of the values analyzed are between 20% and 50% of the applicable standard;

ii. for at least one substance, 1 of the values analyzed is between 20% and 50% of the applicable standard and 1 other value is equal to or greater than 50% of the applicable standard;

(c) low if all the values analyzed are equal to or less than 20% of the applicable standard;

(2) when the method in paragraph 1 cannot be used, the total of all the areas used for industrial, commercial or agricultural activities in the strip 120 metres wide in the intermediate protection zone delimited for water withdrawals is used to rate water vulnerability as follows:

(a) high, if the total is equal to or greater than 50% of the area of the intermediate protection zone;

(b) medium, if the total area is between 20% and 50% of the area of the intermediate protection zone;

(c) low, if the total area is equal to or less than 20% of the area of the intermediate protection zone.

SCHEDULE V

DELIMITATION OF A PERIMETER IN VILLE DE MERCIER AND IN OTHER CLOSE TERRITORIES (ss. 79, 80, 81 and 82)

CONTAMINATED PERIMETER

CANADA

PROVINCE OF QUEBEC

DISTRICT OF BEAUHARNOIS

Technical description

Namely, the whole territory forming part of Municipalité de Sainte-Martine, MRC de Beauharnois-Salaberry and Ville de Mercier, MRC de Rousillon and bounded by the limits of the following perimeter:

Starting from point "A" located at the meeting point of the southeast right-of-way of Boulevard Sainte-Marguerite and of the northeastern limit of Lot 249 of the cadastre of Paroisse de Sainte-Philomène, thence, in a southeasterly direction following the northeastern limit of Lot 249 to point "B" located at the limit of the cadastre of the parishes of Sainte-Philomène and Saint-Isidore, southeastern limit of Ville de Mercier; thence, in a southwesterly direction following the limit of the cadastre of the parishes of Sainte-Philomène and Saint-Isidore to point "C" located at the meeting point of that last limit and of the northeastern

limit of the first concession of the cadastre of Paroisse de Saint-Urbain-Premier; thence, in a northerly direction following the northeastern limit of that first concession to point "D" located at the northern apex of Lot 1 of the cadastre of Paroisse de Saint-Urbain-Premier; thence, in a southwesterly direction following the limit of the cadastre of the parishes of Sainte-Martine and Saint-Urbain-Premier to point "E" located at the meeting point of that last limit and of the southwestern limit of Lot 289 of the cadastre of Paroisse de Sainte-Martine; thence, in a northwesterly direction following and along the extension of the southwestern limit of Lot 289 to point "F" located along the northwest right-of-way of Rang Saint-Joseph; thence, in a northeasterly direction following the northwest right-of-way of Rang Saint-Joseph to point "G" located at the meeting point of that last right-of-way and of the southwestern limit of Lot 183 of the cadastre of Paroisse de Sainte-Martine; thence, in a westerly direction following the southwestern limit of Lot 183 to point "H" located along the southeast right-of-way of Boulevard Saint-Jean-Baptiste; thence, in a northeasterly direction following the southeast right-of-way of Boulevard Saint-Jean-Baptiste to point "I" located at the meeting point of that last right-of-way and of the northeastern limit of Lot 129 of the cadastre of Paroisse de Sainte-Philomène; thence, in a southeasterly direction following and along the extension of the northeastern limit of Lot 129 to point "J" located at the meeting point of that last limit and of the stream called "Branche 10 de la Rivière de l'Esturgeon", located for the one part at the southeastern limit of Lot 129; thence, in a northeasterly direction following the meanders of the southeast bank of that stream to point "K" located at the meeting point of that last bank or its extension and of the northeastern limit of Lot 144 of the cadastre of Paroisse de Sainte-Philomène; thence, in a southeasterly direction following and along the extension of the northeastern limit of Lot 144 to point "L" located along the southeast right-of-way of Boulevard Sainte-Marguerite; thence, in a southwesterly direction following that right-of-way to the starting point "A".

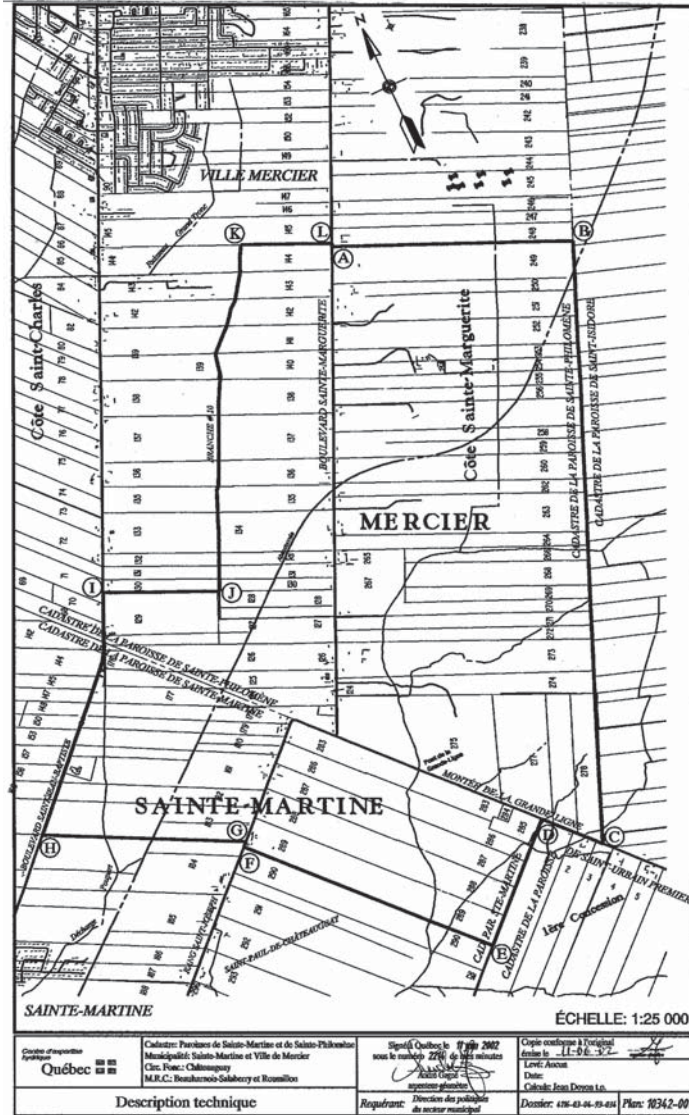
The whole as shown on the attached map that is an integral part of the technical description.

Québec, 11 June 2002

ANDRÉ GAGNÉ,
Land Surveyor

Minute: 2214
Map: 10342-001
File: 4116-03-04-93-034

SCHEDULE V
WATER WITHDRAWAL AND PROTECTION REGULATION



<p>Centre d'expertise Québec</p>	<p>Cadastre: Paroisses de Sainte-Martine et de Sainte-Philéas Municipalités: Sainte-Martine et Ville de Mercier Circ. Fonc.: Châtigny M.R.C.: Beauharnois-Salaberry et Rouville</p>	<p>Signé à Québec le 07 juin 2012 sous le numéro 2761 de 102 minutes [Signature] [Signature] [Signature]</p>	<p>Copie conforme à l'original dressé le 11-06-12 Lévesque Date: Calculé Jean Doron Inc.</p>
<p>Description technique</p>		<p>Requérant: Direction des politiques de secteur municipal</p>	<p>Docteur: 116-01-04-03-011 Plans: 10342-001</p>

Regulation to amend the Pesticides Management Code

Pesticides Act

(chapter P-9.3, ss. 105 and 109, pars. 1 and 2)

1. The Pesticides Management Code (chapter P-9.3, r. 1) is amended in section 15 by replacing subparagraphs 2 and 3 of the first paragraph by the following:

“(2) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);

(3) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation or from any other groundwater withdrawal site.”.

2. Section 35 is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following:

“(2) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);

(3) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation or from any other groundwater withdrawal site.”.

3. Section 50 is replaced by the following:

“**50.** It is prohibited to apply pesticides

(1) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);

(2) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation;

(3) less than 3 m from any other groundwater withdrawal site.

The prohibitions set out in subparagraphs 2 and 3 of the first paragraph do not apply to

(1) pesticide application for extermination during work described in permit Subclasses C5 or D5, if it is carried out more than 3 m from the water withdrawal site;

(2) pesticide application for ornamental horticulture during work described in permit Subclasses C4 and D4, if it is carried out more than 3 m from the water withdrawal site, except in the case of a golf course;

(3) pesticide application on a railway ballast, if it is carried out with a windbreak.”.

4. Section 76 is replaced by the following:

“**76.** It is prohibited to apply pesticides

(1) less than 100 m from a category 1 or category 2 water withdrawal site within the meaning of paragraphs 1 and 2 of section 51 of the Water Withdrawal and Protection Regulation or from a water intake used for the production of spring water or mineral water within the meaning of the Regulation respecting bottled water (chapter P-29, r. 2);

(2) less than 30 m from a category 3 water withdrawal site within the meaning of paragraph 3 of section 51 of the Water Withdrawal and Protection Regulation;

(3) less than 3 m from any other groundwater withdrawal site.

The prohibitions set out in subparagraphs 2 and 3 of the first paragraph do not apply to pesticide application near a water withdrawal site supplying a building that is occasionally used as a dwelling in a forest area.”.

5. This Regulation comes into force on *(insert the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009)*.

Regulation to amend the Regulation respecting the application of the Environment Quality Act

Environment Quality Act

(chapter Q-2, s. 31, 1st par., subpar. f)

1. The Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3) is amended in section 2 by replacing “drainage pipes” in paragraph 9 by “drains”.

2. Section 2.1 is struck out.

3. Section 3 is amended by replacing “drainage” in subparagraph *e* of paragraph 2 by “the digging of a ditch, the installation of a drain or”.

4. This Regulation comes into force on (*insert the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009*).

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

Environment Quality Act
(chapter Q-2, s. 46, pars. *g* and *l*, s. 87, par. *c*)

1. The Regulation respecting waste water disposal system for isolated dwellings (chapter Q-2, r. 22) is amended in section 7.1 by replacing the table in paragraph *d* by the following:

“

Reference point	Minimum distance (in metres)
Category 1 or category 2 groundwater withdrawal facility referred to in section 51 of the Water Withdrawal and Protection Regulation	30
Other groundwater withdrawal facility and surface water withdrawal facility	15
Lake or watercourse	Outside the bank or shore
Swamp or pond	10
Drinking water pipe, property or residence line	1.5

The minimum distances in relation to a groundwater withdrawal facility may be determined otherwise by a professional who is a member of a professional order within the meaning of the Professional Code (chapter C-26), in accordance with the conditions set out in sections 17 and 54 of the Water Withdrawal and Protection Regulation for the installation of a watertight treatment system serving an existing residence located on land that does not make it possible to comply with the distances prescribed in the table in subparagraph *d* of the first paragraph.”

2. Section 7.2 is amended by replacing the table in subparagraph *d* of the first paragraph by the following:

“

Reference point	Minimum distance (in metres)
Category 3 groundwater withdrawal facility referred to in section 51 of the Water Withdrawal and Protection Regulation and uncategorized groundwater withdrawal facility sealed in accordance with section 20 of that Regulation.	15
Other groundwater withdrawal facility and surface water withdrawal facility	30
Lake, watercourse, swamp or pond	15
Residence or underground drainage line	5
Top of a talus	3
Drinking water pipe, property or tree line	2

The minimum distances in relation to a groundwater withdrawal facility may be determined otherwise by a professional who is a member of a professional order within the meaning of the Professional Code (chapter C-26), in accordance with the conditions set out in sections 17 and 54 of the Water Withdrawal and Protection Regulation for the installation of a non-watertight treatment system serving an existing residence located on land that does not make it possible to comply with the distances prescribed in the table in subparagraph *d* of the first paragraph.”

3. The following paragraph is added to section 63:

“The minimum distances referred to in the first 2 lines of the table in subparagraph *d* of the first paragraph of section 7.2 also apply to an absorption field.”

4. The following is inserted after section 87.26:

“87.26.1. General condition to effluent discharge. No effluent discharge may take place in the inner protection zone delimited for a category 1 or category 2 surface water withdrawal provided for in section 70 of the Water Withdrawal and Protection Regulation, unless the discharge is done in a watercourse whose width is greater than 30 metres in low-water periods and an attestation by a professional indicates that the discharge will not affect the water withdrawal site.”

5. This Regulation comes into force on (*insert the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009*).

Regulation to amend the Regulation respecting the quality of drinking water

Environment Quality Act

(chapter Q-2, s. 31, 1st par., subpars. *e*, *h.1* and *h.2*, s. 45.2, s. 46, pars. *b*, *c*, *d*, *o* and *o.1* and s. 115.34)

1. The Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is amended in section 22.0.1 by striking out the second paragraph.

2. The following is inserted after section 22.0.1:

“**22.0.2.** The person in charge of a municipal water withdrawal facility that supplies more than 500 persons and at least one residence with water that originates in whole or in part from surface water must, for the purposes of controlling the total phosphorus, take or cause to be taken at least one sample of raw surface water during the period from May to October, with at least a 2-week interval between each sampling.

That person must also install a device to continuously measure the turbidity of raw water and, in accordance with the fourth paragraph of section 22, take turbidity measurements and keep a record for that purpose.

If the water of more than one surface water withdrawal site gets mixed in the treatment facility, the obligations in the first and second paragraphs of this section apply to each of the withdrawal sites.

22.0.3. Sections 22.0.1 and 22.0.2 do not apply to territories north of the 55th parallel.

22.0.4. The person in charge of a municipal treatment facility supplying more than 500 persons and at least one residence with water that originates in whole or in part from surface water must keep a record containing observations about situations likely to cause a water shortage, an obstruction or breakage of the withdrawal site or a failure in the screening system, the coagulation system, the sedimentation system, the filtration system, the disinfection system or the treatment system as a whole.

The observations about situations that must be entered into a record, in accordance with the first paragraph, include

- (1) natural or man-made events;
- (2) the proliferation of algae, cyanobacteria and aquatic plants;

(*e*) suspected or measured increases in ammonia nitrogen.

The observations thus recorded must make it possible to locate the problem, to situate it in time and to assess its effect on the operation of the withdrawal site or treatment facility.

If the water of more than one surface water withdrawal site gets mixed in the treatment facility, a separate record must be kept for each withdrawal site.

The person in charge must sign the record when entering observations, preserve it for a minimum period of 15 years from the date of the last entry and keep it available to the Minister.”.

3. Section 31 is amended by inserting “the first paragraph of section 22.0.2, sections” in the first paragraph after “22.0.1,”.

4. Section 34 is amended by replacing “and fourth” in the first paragraph by “, fourth, fifth and sixth”.

5. The fifth paragraph of section 35 is replaced by the following:

“Where an analysis result shows that a water sample contains more than 5 mg/l of nitrates + nitrites, the laboratory must send the result, as soon as possible and during business hours, to the Minister and to the person in charge of the distribution system or tank truck concerned.

The fifth paragraph also applies where an analysis result shows that a water sample fails to comply with a standard of quality set out in Schedule 1. The laboratory must also send that result to the public health director of the region concerned.”.

6. The following is inserted after section 36:

“**36.0.1.** The person in charge of the distribution system or, as the case may be, of the tank truck must notify, as soon as possible and during business hours, the person in charge of the water withdrawal facility of the receipt of a result from the laboratory when an analysis result shows that the water contains more than 5 mg/l of nitrates + nitrites at least twice over a 2-year period.

This section does not apply to a person in charge of a distribution system or tank truck serving a tourist establishment exclusively.”.

7. Section 46 is amended

(1) by inserting “36.0.1,” in the first paragraph after “36.”;

(2) by replacing “22.1, 23, 28” in subparagraph 1 of the second paragraph by “the second paragraph of section 22.0.2, sections 22.0.4, 22.1, 23 and 28”.

8. Section 47 is amended by striking out “22.0.1.”.

9. Section 47.1 is amended by inserting “the first paragraph of section 22.0.2,” after “22.0.1,” in the part preceding paragraph 1.

10. Schedule 4 is amended by inserting the following line, in Title II and after the line applicable to the “pH” parameter in the table entitled “Preservation standards of inorganic substances”:

Phosphorus	AS	P	28 days
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11. This Regulation comes into force on *(insert the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009)*.

Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations

Environment Quality Act
(chapter Q-2, s. 31.69, par. 5)

1. The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended in section 39

(1) by replacing “collection facility” in the first paragraph by “withdrawal facility”;

(2) by replacing “supply area of a spring water, mineral water or groundwater catchment site” in the second paragraph by “remote protection area of a spring water, mineral water or groundwater withdrawal site” and “Groundwater Catchment Regulation (chapter Q-2, r. 6)” by “Water Withdrawal and Protection Regulation”.

2. This Regulation comes into force on *(insert the date of coming into force of section 31.75 of the Environment Quality Act (chapter Q-2), introduced by section 19 of chapter 21 of the Statutes of 2009)*.

Erratum

Notice

An Act respecting transport infrastructure partnerships
(chapter P-9.001)

P-15020 Bridge of Highway 25 that spans the Rivière des Prairies

— Fee schedule

Gazette officielle, du Québec, Part 2, 24 April 2013,
Volume 145, number 17, page 1019.

On page 1019, the schedule entitled “TOLL CHARGES”
should read:

“

TOLL CHARGES																
PERIODS	WORKING DAYS								WEEK-ENDS & HOLIDAYS							
	PHAM		OPHD		PHPM		OPHN		PHAM		OPHD		PHPM		OPHN	
HOURS	From	To	From	To	From	To	From	To	From	To	From	To	From	To	From	To
SOUTHBOUND	6:01 AM	9:00 AM	9:01 AM	3:00 PM	3:01 PM	6:00 PM	6:01 PM	6:00 AM			12:00 AM	12:00 PM			12:00 AM	12:00 PM
NORTHBOUND	6:01 AM	9:00 AM	9:01 AM	3:00 PM	3:01 PM	6:00 PM	6:01 PM	6:00 AM			12:00 AM	12:00 PM			12:00 AM	12:00 PM
Category A, rate per axle	\$ 80.00		\$ 80.00		\$ 80.00		\$ 80.00				\$ 80.00				\$ 80.00	
Category B, rate per axle	\$ 1.24		\$ 0.93		\$ 1.24		\$ 0.93				\$ 0.93				\$ 0.93	
Category C, rate per axle	\$ 2.48		\$ 1.86		\$ 2.48		\$ 1.86				\$ 1.86				\$ 1.86	

PHAM: Peak Hour - Morning

OPHD: Off Peak Hour - Daytime

PHPM: Peak Hour - Evening

OPHN: Off Peak Hour - Night

”

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

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