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Laws and Regulations

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Summary

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Contents

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(1) Acts assented to, before their publication in the annual collection of statutes;

(2) proclamations of Acts;

(3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

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(6) rules of practice made by judicial courts and quasi-judicial tribunals;

(7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 10 NOVEMBER 2015

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 10 November 2015

This day, at twenty-five minutes past six o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

20 An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation

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

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 20
(2015, chapter 25)

An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation

Introduced 28 November 2014
Passed in principle 20 May 2015
Passed 10 November 2015
Assented to 10 November 2015

Québec Official Publisher
2015

EXPLANATORY NOTES

This Act first enacts the Act to promote access to family medicine and specialized medicine services.

The purpose of that Act is to optimize the utilization of the medical and financial resources of the health system with a view to improving access to family medicine and specialized medicine services. To that end, it introduces certain obligations applicable to the practice of physicians who participate in the Québec Health Insurance Plan, including an obligation for general practitioners to provide medical care to a minimum caseload of patients and make themselves available to insured persons by means of an appointment system set up in accordance with that Act. Medical specialists will be required, in particular, within the framework of the specialized services priority access mechanism, to offer medical consultations, elsewhere than in the emergency department of an institution, to patients who are not users admitted to a centre operated by an institution. If a physician fails to fulfil these obligations, his or her remuneration will be reduced by the Régie de l'assurance maladie du Québec. In addition, requirements are introduced to ensure continuity of care for patients, and an information system designed to allow patients to find a physician who agrees to provide medical care to them is set up. Lastly, the Minister of Health and Social Services is given, for a limited period, the authority to determine, in certain circumstances, new terms and conditions of remuneration applicable to physicians.

This Act also amends the Act respecting clinical and research activities relating to assisted procreation to add various provisions applicable to assisted procreation activities. Research projects concerning such procreation activities must be approved and monitored by the research ethics committee established by the Minister of Health and Social Services and the Collège des médecins du Québec must draw up guidelines on assisted procreation and ensure that they are followed. Furthermore, assisted procreation activities must, in some cases, be preceded by a positive psychosocial assessment of the party or parties to the parental project.

In addition, the Act increases the amounts of the fines already prescribed in that Act, introduces new penal provisions and lists aggravating factors that the judge must take into account when determining the penalty.

The Health Insurance Act is amended as well to provide that assisted procreation activities, with the exception of artificial insemination services, will no longer be covered under the public health insurance plan, but that fertility preservation services will be added to that coverage. In addition, no payment may be charged to an insured person for costs incurred for insured services provided by a health professional who is subject to the application of an agreement. Despite that prohibition, the Government may prescribe the cases and conditions in and on which a payment is authorized.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01);

– Health Insurance Act (chapter A-29);

– Act respecting prescription drug insurance (chapter A-29.01);

– Act respecting administrative justice (chapter J-3);

– Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);

– Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2);

– Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

– Act respecting health services and social services (chapter S-4.2).

LEGISLATION ENACTED BY THIS ACT:

– Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting clinical activities related to assisted procreation (chapter A-5.01, r. 1);

– Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5).

Bill 20

AN ACT TO ENACT THE ACT TO PROMOTE ACCESS TO FAMILY MEDICINE AND SPECIALIZED MEDICINE SERVICES AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO ASSISTED PROCREATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

ACT TO PROMOTE ACCESS TO FAMILY MEDICINE AND SPECIALIZED MEDICINE SERVICES

1. The Act to promote access to family medicine and specialized medicine services, the text of which appears in this Part, is enacted.

"ACT TO PROMOTE ACCESS TO FAMILY MEDICINE AND SPECIALIZED MEDICINE SERVICES

"**CHAPTER I**

"GENERAL PROVISIONS

"**1.** The purpose of this Act is to optimize the utilization of the medical and financial resources of the health system with a view to improving access to family medicine and specialized medicine services.

"**2.** For the purposes of this Act,

(1) the expression "institution" means a public institution or a private institution under agreement within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) the expression "president and executive director" also means the executive director of a private institution under agreement;

(3) the regional department of general medicine is the one established under section 417.1 of the Act respecting health services and social services and it exercises the responsibilities conferred on it under the authority of the president and executive director of the integrated health and social services centre, within the meaning of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), to which it belongs.

"**3.** The institutions referred to in Schedule I are not subject to this Act.

"**CHAPTER II**

"ACCESS TO SERVICES

"**DIVISION I**

"OBLIGATIONS

"§1. — *Family medicine*

"**4.** Every general practitioner subject to an agreement entered into under section 19 of the Health Insurance Act (chapter A-29) must, to the extent prescribed by government regulation,

(1) provide, individually or with other physicians within a family medicine group, medical care to a minimum caseload of patients; and

(2) perform, for the benefit of the users of an institution, a minimum number of hours of medical activities that is authorized by the regional department of general medicine in the general practitioner's region in accordance with section 7.

The government regulation may, in particular, prescribe

(1) the age as of which a physician is exempted from those obligations;

(2) the terms governing the medical care provided to patients;

(3) the minimum patient caseload;

(4) the medical activities that may be authorized under section 7;

(5) the minimum number of hours of medical activities that must be performed;

(6) the special rules that apply when a physician wishes to engage in medical activities in more than one region; and

(7) any other condition a physician must comply with to fulfil those obligations.

"**5.** Every institution's director of professional services determines, in accordance with the directives the Minister sends to the institutions, the number of hours of medical activities available in each centre operated by the institution and informs the regional department of general medicine in the director's region.

The regional department informs the physicians, in particular on the website of the integrated health and social services centre to which it belongs, of the medical activities available in its region.

"**6.** All general practitioners must send the regional department of general medicine in the region where they carry on most of their medical practice an application indicating which available medical activities they wish to engage in. The application must indicate, for each activity, the number of hours the physician wishes to perform.

"**7.** The regional department of general medicine authorizes the physician to perform the minimum number of hours of medical activities required under subparagraph 2 of the first paragraph of section 4, according to the priorities established by government regulation and taking into account the choice indicated by the physician, subject to the required privileges being granted to the physician in accordance with section 242 of the Act respecting health services and social services.

Despite the first paragraph, the regional department may, for the purpose of responding adequately to the needs in its region and in the circumstances prescribed by government regulation, authorize a physician who so requests to perform more than the required minimum number of hours of medical activities. Such a physician is exempted from providing medical care, for the purposes of subparagraph 1 of the first paragraph of section 4, to the caseload of patients determined by government regulation. The regional department informs the Régie de l'assurance maladie du Québec (the Board) of the exemption.

"**8.** The regional department may, on its own initiative and for the purpose of responding adequately to the needs in its region, revise the authorization granted to a physician; if it does, it must notify him or her at least 90 days beforehand. The regional department may also, at any time, revise such an authorization at the physician's request.

"**9.** The hours of temporary support that a physician performs under section 61 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies must be included when calculating the number of authorized medical activity hours to be performed by the physician.

"**10.** All general practitioners must, before ceasing to provide medical care to a patient, take the necessary steps to ensure that another physician takes over as provided for in the Code of ethics of physicians (chapter M-9, r. 17).

If no other physician has taken over by the time a physician ceases to provide medical care to a patient, the physician must, after obtaining the patient's consent, register the patient in the information system, mentioned in the sixth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), which is designed to allow every insured person, within the meaning of the Health Insurance Act, to find a physician who agrees to provide medical care to the person. A government regulation determines the requirements for using the system, including the information that must be entered in it.

"**11.** All general practitioners subject to an agreement entered into under section 19 of the Health Insurance Act must, to the extent prescribed by government regulation, make themselves available to insured persons within the meaning of that Act by using the medical appointment system mentioned in the sixth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec. To that end, all physicians must publish their hours of availability in the system and a certain percentage, determined by that regulation, of those hours must be from Monday to Friday, before 8:00 a.m. and after 7:00 p.m., as well as on Saturday and Sunday.

The regulation provided for in this section must determine, among other particulars, the requirements for using the system and the information that must be entered in it.

"**12.** Every general practitioner subject to an agreement entered into under section 19 of the Health Insurance Act must, before practising in a region, obtain from the region's regional department of general medicine a notice of compliance with the regional medical staffing plan referred to in section 97 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies. The general practitioner may then practise in the region in compliance with the obligations set out in the notice.

Such a physician must obtain a new notice of compliance when he or she wishes to modify those obligations or wishes to start a primary care family medicine practice or move it to a different location.

"§2. — *Specialized medicine*

"**13.** Every medical specialist subject to an agreement entered into under section 19 of the Health Insurance Act and whose specialty is specified by government regulation must, to the extent prescribed in the regulation, participate in the specialized services priority access mechanism established by the Minister. The regulation must determine, among other particulars, the periods and frequency of participation in the mechanism, the requirements for using the mechanism and the information the physician must provide.

In connection with his or her participation in the mechanism, a medical specialist must, at the request of a general practitioner or another health professional specified by government regulation, provide medical consultations, elsewhere than in the emergency department of an institution, to patients who are not users admitted to a centre operated by an institution.

"**14.** Every medical specialist whose specialty is specified by government regulation and who practises in a department or service of a hospital centre operated by an institution must, to the extent prescribed in the regulation, ensure, as attending physician together with the other physicians with the same specialty in the same department or service, the management and medical care of users admitted to the centre.

"**15.** Every medical specialist who practises in a hospital centre operated by an institution must

(1) follow up, at the centre's emergency department, on consultation requests the specialist receives between 8 a.m. and 4 p.m. within the time determined by government regulation;

(2) provide specialized or superspecialized services to users who are registered under the specialist's name on the access list for specialized or superspecialized services referred to in section 185.1 of the Act respecting health services and social services, in the proportion and subject to any other condition prescribed by government regulation.

"**DIVISION II**

"EXEMPTIONS

"**16.** General practitioners may, in the cases and on the conditions prescribed by government regulation, apply to the regional department of general medicine in the region where they carry on most of their medical practice to be exempted from all or some of their obligations under the first paragraph of section 4 or sections 11 and 12.

Medical specialists may, in the cases and on the conditions prescribed by government regulation, apply to the president and executive director of the institution where they practise to be exempted from all or some of their obligations under section 13 or 14.

Exceptionally, the regional department or the president and executive director, as applicable, may, in a case that is not covered by regulation and for a serious reason, in particular to meet a specific need of the users an institution serves, temporarily exempt a physician who has applied for an exemption from all or some of the physician's obligations referred to in the first and second paragraphs.

The regional department or the president and executive director must respond to every application within 15 days of receiving it.

The regulation referred to in the first paragraph must set out the conditions for exemption applicable to general practitioners who carry on all or some of their medical practice in one of the institutions listed in Schedule I or within the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5). Such general practitioners must submit their application for an exemption to the regional department of general medicine designated by the Minister.

"**17.** Physicians who receive an exemption must without delay inform the regional department of general medicine or the president and executive director

of the institution that granted it of any change in their circumstances that could call into question the physicians' entitlement to the exemption.

"**18.** If the regional department or the president and executive director concludes that the reason for which a physician was granted an exemption no longer exists, the exemption is withdrawn. Before making a decision to that effect, the regional department or the president and executive director must give the physician an opportunity to submit observations. The physician must submit observations within 30 days after receiving an invitation to do so from the regional department or the president and executive director, as applicable.

"**19.** The regional department or the president and executive director notifies any decision under section 16 or 18 to the physician as soon as possible.

In addition, the regional department informs the Board of any decision affecting the minimum caseload of patients to whom a general practitioner must provide medical care under subparagraph 1 of the first paragraph of section 4 or the general practitioner's obligation under section 11.

"**20.** Any person with the authority to attest any fact establishing a physician's entitlement to an exemption is required to provide any information required for the purposes of this division to the regional department of general medicine or to the president and executive director of an institution, at either's request. The information provided must not allow a patient to be identified.

"**DIVISION III**

"VERIFICATION AND SANCTION

"§1. — *Verification of fulfillment of obligations*

"**21.** The Board is responsible for verifying fulfillment of an obligation under subparagraph 1 of the first paragraph of section 4 or under section 10 or 11, the regional department of general medicine is responsible for verifying fulfillment of an obligation under section 6 or 12, and the director of professional services of the institution concerned is responsible for verifying compliance with an authorization granted under section 7 or fulfillment of an obligation under section 14 or 15.

In addition, the president and executive director of the integrated health and social services centre is responsible for verifying fulfillment of the obligation under section 13 by any medical specialist who practises in the territory served by the centre. For that purpose, physicians who practise in a private health facility must provide the president and executive director with any information the latter requires that is necessary to carry out that responsibility. The information provided must not allow a patient to be identified.

"**22.** The Government may, by regulation, prescribe the periods, measures or any other parameter used to verify fulfillment of any of a physician's obligations.

"§2. — *Physician in default, authorization withdrawal and reduction calculation*

"**23.** If the president and executive director of an institution concludes that a physician failed to fulfill the obligation under section 13, he or she declares the physician to be in default. After being informed by the director of professional services or the regional department of general medicine, and if of the opinion that a physician has failed to fulfill an obligation or comply with an authorization under section 6, 7, 12, 14 or 15, the president and executive director declares the physician to be in default.

Before rendering such a decision, the president and executive director must give the physician an opportunity to submit observations. The physician must submit observations within 30 days after receiving an invitation to do so from the president and executive director. The latter notifies the decision to the physician within 14 days and informs the Board.

"**24.** If the Board concludes that a general practitioner has failed to fulfill an obligation under subparagraph 1 of the first paragraph of section 4 or under section 10 or 11, it declares the physician to be in default and notifies the decision to him or her as soon as possible. Before rendering such a decision, the Board must give the physician an opportunity to submit observations. The physician must submit observations within 30 days after receiving an invitation to do so from the Board.

"**25.** The regional department of general medicine may, at the request of the president and executive director of the institution, withdraw the authorization granted to a general practitioner who has been declared to be in default more than once if the situation significantly affects the services the institution provides. The regional department notifies its decision to the physician as soon as possible and informs the Board. Before rendering its decision, the regional department must give the physician an opportunity to submit observations. The physician must submit observations within 30 days after receiving an invitation to do so from the regional department.

On granting a new authorization in accordance with section 7 to a physician referred to in the first paragraph, a regional department of general medicine informs the Board.

"**26.** The remuneration of a physician who has been declared to be in default is reduced by an amount determined in accordance with the rules prescribed by government regulation.

On declaring a physician, or being informed that a physician has been declared, to be in default under this subdivision, the Board calculates the amount

of the reduction applicable to the physician's remuneration and notifies its decision to the physician as soon as possible. The decision specifies the nature of the default for which a reduction is being applied.

"§3. — *Proceedings before the Administrative Tribunal of Québec*

"**27.** A physician who believes he or she has been wronged by a decision rendered under the first or second paragraph of section 16 or under section 18 may, within 60 days of notification of the decision, contest it before the Administrative Tribunal of Québec. In such a case, the Tribunal may rule both on the application and, if applicable, on any default arising from the contested decision as well as on the amount of the applicable reduction.

Moreover, a physician who believes he or she has been wronged by a decision rendered under section 23, 24 or 26 may, within 60 days of notification of a decision referred to in section 26, contest the decision before the Administrative Tribunal of Québec.

The Administrative Tribunal of Québec informs the Board of any contestation submitted to it under this section.

"§4. — *Application of the reduction*

"**28.** The Board recovers from a physician referred to in section 26, by compensation or otherwise, the amount of the reduction applicable to the physician's remuneration.

The Board recovers the amount as of the notification date of the decision rendered under the second paragraph of section 26.

If the Board cannot recover the amount of the reduction by way of compensation, it may issue a certificate. The certificate may not be issued until 60 days have elapsed since the notification date of the decision rendered under the second paragraph or, as applicable, until the expiry of a 30-day period following the date of the decision of the Administrative Tribunal of Québec confirming all or part of the Board's decision. The certificate states the physician's name and address and attests the expiry of the applicable period as well as the reduction amount. On the filing of the certificate with the office of the competent court, the decision becomes enforceable as if it were a judgment of that court that has become final, and it has all the effects of such a judgment. If, after the certificate is issued, the Minister of Revenue allocates, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a physician under a fiscal law to the payment of the amount of the reduction, the allocation interrupts prescription as regards the recovery of that amount.

"**CHAPTER III**

"REPORTING

"**29.** Every institution must report on the application of this Act in a separate section of its annual activitiy report.

The Minister may require any institution to provide, in the form and within the time the Minister determines, any information the Minister requires on the functions the president and executive director, director of professional services or regional department of general medicine exercises under this Act. The information provided must not allow a patient or physician to be identified.

"**CHAPTER IV**

"AMENDING PROVISIONS

"HEALTH INSURANCE ACT

"**30.** Section 19 of the Health Insurance Act (chapter A-29) is amended

(1) by striking out the fifth and eighth paragraphs;

(2) by replacing "sixth" in the ninth paragraph by "fifth".

"**31.** Section 19.1 of the Act is amended by replacing "twelfth" in the second paragraph by "tenth".

"**32.** Section 22 of the Act is amended

(1) by replacing the ninth and tenth paragraphs by the following paragraphs:

"No payment may be charged to or received from any insured person, directly or indirectly, for costs incurred for insured services provided by a health professional who is subject to the application of an agreement or by a professional who has withdrawn. Such costs include those related to

(1) the operation of a private health facility or a specialized medical centre within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) services, supplies, medications and equipment required to provide an insured service, as well as to perform diagnostic tests related to such a service.

Such costs do not include those related to services not considered insured that are required before, during or after the provision of an insured service.

In addition, directly or indirectly requiring an insured person to pay for access to an insured service, and granting an insured person privileged access to such a service in exchange for payment, are prohibited.

Despite the prohibitions set out in the ninth and eleventh paragraphs, the Government may, by regulation, prescribe the cases and conditions in and on which a payment is authorized.";

(2) by replacing "eleventh" and "ninth" in the twelfth paragraph by "thirteenth" and "ninth or eleventh", respectively.

"**33.** The Act is amended by inserting the following section after section 22:

"**22.0.0.0.0.1.** Before making a regulation under the twelfth paragraph of section 22, the Government must consult the Institut national d'excellence en santé et en services sociaux.

At the time the draft regulation is published in the *Gazette officielle du Québec,* the Minister shall make public the assessments used in establishing any tariff set out in the regulation."

"**34.** The Act is amended by inserting the following section after section 22.0.0.0.1:

"**22.0.0.0.2.** The Government may, by regulation, prescribe the maximum tariff that may be demanded from an insured person for a service of an administrative nature related to a non-insured service or a service not considered insured provided by a physician who is subject to the application of an agreement and who practises in a private health facility or specialized medical centre within the meaning of the Act respecting health services and social services (chapter S-4.2) or provided by a physician who has withdrawn and who practises in a private health facility.

The Government may also, by regulation, prescribe the maximum tariff that may be demanded from an insured person for a service provided by a non-participating physician.

A physician who contravenes a provision of a regulation made under this section is guilty of an offence and is liable to a fine of $1,000 to $2,000 and, for a subsequent offence, to a fine of $2,000 to $5,000."

"**35.** Section 22.0.0.1 of the Act is amended

(1) by replacing "the tariff of fees for services, supplies or accessory costs prescribed or provided for in an agreement that the physician may charge an insured person, in accordance with the ninth paragraph of section 22" in the first paragraph by "the tariff of fees that the physician may charge an insured person under a government regulation made under this Act";

(2) by replacing "charged, directly or indirectly, to" in the second paragraph by "directly or indirectly charged to or received from";

(3) by replacing "of fees for any accessory services, supplies or costs" in the third paragraph by "for the fees mentioned in the first paragraph";

(4) by replacing "accessory services, supplies and costs" in the fifth paragraph by "fees".

"**36.** Section 22.0.1 of the Act is amended by striking out "or agreements" in the first paragraph.

"**37.** Section 65 of the Act is amended by replacing the fourth paragraph by the following paragraph:

"The Board is bound to disclose to every institution and regional department of general medicine governed by the Act respecting health services and social services (chapter S-4.2) the information concerning the remuneration of a physician that is required for verifying fulfillment of any obligation under the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1). The information must specify, in particular, for each physician, the proportion of his or her practice carried on in each region and, as applicable, each territory identified in the primary care family physician distribution plan prepared under the second paragraph of section 91 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2). The Board shall also produce and send to the Minister of Health and Social Services the statistics the Minister deems necessary for preparing and assessing the implementation of any primary care family physician distribution plan. The information disclosed under this paragraph must not allow an insured person to be identified."

"**38.** The Act is amended by inserting the following section after section 65.0.3:

"**65.0.4.** The Board shall use the information obtained for the carrying out of this Act to exercise the functions provided for in the sixth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5).

It shall also use that information to exercise the functions assigned to it by the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1)."

"**39.** Section 69.0.1.1 of the Act is amended by replacing "seventh and eighth paragraphs" by "sixth paragraph".

"ACT RESPECTING PRESCRIPTION DRUG INSURANCE

"**40.** Section 8.1 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by adding the following sentence at the end: "Such fees, except those claimed for the filling or renewing of a prescription, may not exceed the tariff established in the agreement."

"ACT RESPECTING ADMINISTRATIVE JUSTICE

"**41.** Section 25 of the Act respecting administrative justice (chapter J-3) is amended by replacing "and 14" in the second paragraph by ", 14 and 15".

"**42.** Section 3 of Schedule I to the Act is amended by adding the following paragraph at the end:

"(15) proceedings under section 27 of the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1)."

"ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

"**43.** The Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) is amended by inserting the following section after section 10.3:

"**10.4.** The Minister may, with the approval of the Conseil du trésor, establish a program by regulation to promote the practice of family medicine in family medicine groups. The regulation may, among other things, prescribe the terms governing the medical care provided to patients by physicians involved in the program, including the hours during which physicians must be available.

The Minister may, for the purposes of the program, issue directives to the institutions concerning, among other things, the allocation of the resources provided for in the program."

"ACT TO MODIFY THE ORGANIZATION AND GOVERNANCE OF THE HEALTH AND SOCIAL SERVICES NETWORK, IN PARTICULAR BY ABOLISHING THE REGIONAL AGENCIES

"**44.** The Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) is amended by inserting the following section after section 55:

"**55.1.** In addition to the requirements set out in sections 184 and 186 of the Act, the part of an organization plan developed under one of those sections must provide for the distribution of the number of general practitioners and, if applicable, medical specialists, for each of the facilities maintained by the institution or by group of facilities determined according to the territory specified by the Minister.

The Minister may also send directives to an institution concerning the preparation of its organization plan. The directives may prescribe, in particular, the terms governing the distribution of physicians among the facilities as well as the applicable terms for determining the number, which may vary according to whether they are general practitioners or medical specialists.

The Minister may, for the purposes of the primary care family physician distribution plan prepared under the second paragraph of section 91, modify a medical and dental staffing plan he or she authorized. The Minister may also, if he or she considers it warranted by exceptional circumstances, and on the conditions he or she sets, authorize an institution to depart from the latter plan."

"**45.** Section 71 of the Act is amended by striking out "the specific medical activities of physicians who are under an agreement referred to in section 360 or section 361.1 of the Act and" in paragraph 6.

"**46.** Section 81 of the Act is amended by striking out "subject to an agreement referred to in section 360 of the Act".

"**47.** Section 86 of the Act is repealed.

"**48.** Section 91 of the Act is amended by adding the following paragraphs at the end:

"Within the scope of the functions set out in section 377, the Minister annually prepares a primary care family physician distribution plan. The plan identifies the various territories of a region where it is a priority to meet primary care family medicine needs and the level of those needs.

The Minister may amend the plan during the course of the year."

"**49.** Section 97 of the Act is amended by adding the following paragraphs at the end:

"In addition, in exercising its responsibility to ensure the implementation and application of the part of the regional medical staffing plan relating to general practitioners, the regional department of general medicine must authorize every general practitioner who is subject to an agreement entered into under section 19 of the Health Insurance Act (chapter A-29) to practise in the region. To that end, it issues each physician a notice of compliance with the regional medical staffing plan.

The notice of compliance is issued subject to the number of general practitioners authorized in the regional medical staffing plan and in keeping with the primary care family physician distribution plan established under the second paragraph of section 91.

For the purpose of meeting the needs identified in the regional medical staffing plan and the primary care family physician distribution plan, the regional department of general medicine may set out in the notice of compliance, in accordance with the directives sent to it by the Minister, obligations relating to medical practice territories and the proportion of a physician's practice that must be carried on in the region or a territory of the region.

The Government may, by regulation, establish the terms that apply to applications for or the issue of notices of compliance."

"ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

"**50.** Section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) is amended

(1) by inserting the following paragraph after the second paragraph:

"The Board shall carry out any mandate entrusted to it by the Minister of Health and Social Services.";

(2) by adding "and the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1)" at the end of the fourth paragraph;

(3) by inserting the following paragraph after the fourth paragraph:

"The Board shall set up a system designed to allow every insured person, within the meaning of the Health Insurance Act (chapter A-29), to find a physician who agrees to provide medical care to the person. It shall also set up a system designed to allow every insured person to make an appointment with a general practitioner who is subject to an agreement entered into under section 19 of that Act. The Board must, at the Minister's request, evaluate the performance of these systems. The information from the systems that the Board must communicate to the Minister for health and social services assessment and evaluation purposes may be prescribed by government regulation. Subject to the access to information granted to the users of these systems, the information they contain benefits from the same protection as that provided for in Division VII of the Health Insurance Act."

"**51.** Section 2.0.8 of the Act is amended by replacing "fifth" in the first paragraph by "seventh".

"**52.** Section 2.0.10 of the Act is amended by replacing "fifth" in the second paragraph by "seventh".

"ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

"**53.** Section 184 of the Act respecting health services and social services (chapter S-4.2) is amended by inserting "and the Minister's directives referred to in section 5 of the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1)" after "disposal" in the first paragraph.

"**54.** Section 186 of the Act is amended by inserting "and the Minister's directives referred to in section 5 of the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1)" after "disposal" in the first paragraph.

"**55.** Section 195 of the Act is amended by adding the following paragraph at the end:

"The executive director must also, when a director of professional services has not been appointed by the institution, or in his or her absence, exercise the responsibilities referred to in paragraph 4.1 of section 204."

"**56.** Section 204 of the Act is amended by inserting the following paragraph after paragraph 4:

"(4.1) exercise the responsibilities conferred on him or her by the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1);".

"**57.** Section 240 of the Act is amended by replacing "the cases provided for in sections 243.1 and" by "the case provided for in section".

"**58.** Section 248 of the Act is amended by inserting "and the Minister" after "the executive director" in the first paragraph.

"**59.** Section 340 of the Act is amended by striking out "the special medical activities of physicians who are under agreement pursuant to section 360 or section 361.1 and" in subparagraph 5 of the second paragraph.

"**60.** Section 352 of the Act is amended by replacing "special medical activities of physicians who are under agreement pursuant to section 360" by "medical activities performed by general practitioners in accordance with the Act to promote access to family medicine and specialized medicine services (2015, chapter 25, section 1)".

"**61.** Sections 360 to 366.1 of the Act are repealed.

"**62.** Section 377 of the Act is amended by striking out ", the number of physicians required to perform the specific activities referred to in section 361," in the first paragraph.

"**63.** Section 377.1 of the Act is amended by replacing "sixth" by "fifth".

"**64.** Section 417.2 of the Act is amended by striking out subparagraph 5 of the first paragraph.

"**65.** Section 417.5 of the Act is replaced by the following section:

"**417.5.** The agency shall appoint, from among the members referred to in subparagraphs 1 and 2 of the first paragraph of section 417.3 and after consulting with the supervisory committee, the department head of the regional department of general medicine who is responsible for its management.

No department head of the regional department of general medicine may hold employment or a position or an office within the Fédération des médecins omnipraticiens du Québec or an association connected with it or act on their behalf. Moreover, a department head may not receive from them, directly or indirectly, any remuneration or benefit of any kind.

The agency shall remove from office any department head of the regional department of general medicine who contravenes the second paragraph."

"**66.** Section 530.53 of the Act is amended by striking out "and specific medical activities".

"**67.** Section 530.57 of the Act is repealed.

"**CHAPTER V**

"MISCELLANEOUS AND TRANSITIONAL PROVISIONS

"**68.** The first regulation made under Chapter II must be examined by the competent committee of the National Assembly for a period not exceeding six hours before it is approved by the Government.

"**69.** Despite section 19 of the Health Insurance Act (chapter A-29) and any stipulation of an agreement under that section, if the Minister is of the opinion that certain amendments to the terms and conditions of remuneration applicable to physicians would improve access to insured services within the meaning of that Act and that an agreement cannot be reached on the amendments with the representative organization concerned within a time the Minister considers reasonable, the Minister may make the amendments, with the approval of the Conseil du trésor.

The amendments bind the parties and apply from the date of their publication on the website of the Régie de l'assurance maladie du Québec. They are not subject to the Regulations Act (chapter R-18.1).

"**70.** Section 69 ceases to have effect on the date set by the Government or not later than 31 March 2020.

The amendments made by the Minister under section 69, in force on the date that section ceases to have effect, remain in force until amended or replaced in accordance with an agreement entered into under section 19 of the Health Insurance Act.

"**71.** The provisions of this Act and of any regulation prevail over any conflicting provisions of any agreement entered into under section 19 of the Health Insurance Act.

"**72.** The Minister publishes the following information every three months for the territory of each integrated health and social services centre and for all those territories combined:

(1) the percentage of insured persons, within the meaning of the Health Insurance Act, who are provided medical care by a general practitioner who is subject to an agreement entered into under section 19 of that Act;

(2) the average patient fidelity rate achieved by all general practitioners combined;

(3) for each family medicine group, the total caseload of insured persons who are provided medical care by general practitioners included in the family medicine group, and the patient fidelity rate achieved by those physicians;

(4) the total number of visits made to the emergency room of a health and social services institution and for which the triage priority, established in accordance with the Canadian Triage and Acuity Scale for emergency departments, is level 4 or 5, as well as the proportion of that number in relation to all visits to the emergency department;

(5) the average wait time to obtain an appointment with a general practitioner using the medical appointment system mentioned in the sixth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

(6) the average wait time to obtain an appointment with a medical specialist by a person who has been registered for over six months in the specialized services priority access mechanism.

The information published must not allow the insured persons or physicians concerned to be identified.

"**73.** The Lettre d'entente n° 245 concernant la prise en charge et le suivi de tout patient sans médecin de famille sur référence ou non du guichet d'accès du CSSS and the Lettre d'entente n° 246 concernant le suivi et le financement de la mesure relative à la prise en charge du patient sans médecin de famille sur référence ou non du guichet d'accès du CSSS, entered into by the Minister of Health and Social Services and the Fédération des médecins omnipraticiens

du Québec and approved by Conseil du trésor decision C.T. 213628 dated 11 February 2014, cease to have effect on 28 November 2014.

"**74.** The Entente particulière ayant pour objet les activités médicales particulières, entered into by the Minister of Health and Social Services and the Fédération des médecins omnipraticiens du Québec and approved by Conseil du trésor decision C.T. 210874 dated 6 December 2011, ceases to have effect on (*insert the date of coming into force of this section*), except paragraph 5.1 of that agreement, which ceases to have effect on 31 December 2015 with regard to the undertakings referred to in section 77.

"**75.** Paragraphs 15.01 to 15.07 of the Entente particulière relative aux services de médecine de famille, de prise en charge et de suivi de la clientèle, entered into by the Minister of Health and Social Services and the Fédération des médecins omnipraticiens du Québec and approved by Conseil du trésor decision C.T. 211816 dated 31 July 2012, cease to have effect on (*insert the date of coming into force of this section*).

"**76.** The services, supplies or accessory costs that, under an agreement entered into under section 19 of the Health Insurance Act, could be billed by a health professional who was subject to that agreement or by a professional who had withdrawn under the ninth paragraph of section 22 of that Act, as it read before 9 November 2015, may continue to be billed until the coming into force of the first regulation made under the twelfth paragraph of section 22 of that Act, enacted by section 32.

The tariff of fees for services, supplies or accessory costs is subject to the requirements set out in section 22.0.0.1 of that Act.

"**77.** Any undertaking by a physician under section 363 of the Act respecting health services and social services (chapter S-4.2), in force on (*insert the date of coming into force of this section*), ceases to have effect on the earlier of the following dates:

(1) the expiry date of the undertaking;

(2) (*insert the date that precedes the date of coming into force of this section*).

However, a general practitioner who, on 31 December 2017, has been performing an activity listed in any of subparagraphs 1 to 5 of the second paragraph of section 361 of the Act respecting health services and social services, as it read on that date, for at least one year has priority with respect to obtaining authorization for medical activity hours authorized in accordance with the first paragraph of section 7 for the same activity, if applicable. If, because of the implementation of the Minister's directives referred to in the first paragraph of section 5, more than one physician has priority to perform the same medical activity, the hours are authorized for the physician whose initial date of billing to the Board is the earliest.

"**78.** The Minister must, not later than (*insert the date that is two years after the date of coming into force of this section*), report to the Government on the implementation of this Act and, subsequently every five years, on the advisability of amending it.

The report is tabled in the National Assembly by the Minister within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

"**79.** Every general practitioner who, on (*insert the date that precedes the date of coming into force of section 12*), holds a notice of compliance issued by the regional department of general medicine in the region where he or she practises, under the Entente particulière relative au respect des plans régionaux d'effectifs médicaux (PREM) entered into by the Minister of Health and Social Services and the Fédération des médecins omnipraticiens du Québec and approved by Conseil du trésor decision C.T. 200809 dated 23 March 2004, is deemed to have obtained a notice of compliance with the regional medical staffing plan from that regional department under section 12.

"**80.** The Minister of Health and Social Services is responsible for the administration of this Act.

"SCHEDULE I
"(*Section 3*)

"The following institutions are not subject to this Act:

(1) those governed by Part IV.1, Part IV.2 and Part IV.3 of the Act respecting health services and social services (chapter S-4.2);

(2) the Centre intégré de santé et de services sociaux de la Côte-Nord, with respect to the facilities indicated on the permits in force on 31 March 2015 for the Centre de santé et de services sociaux de la Basse-Côte-Nord, the Centre de santé et de services sociaux de l'Hématite and the Centre de santé et de services sociaux de la Minganie."

PART II

AMENDMENTS RELATING TO ASSISTED PROCREATION

ACT RESPECTING CLINICAL AND RESEARCH ACTIVITIES RELATING TO ASSISTED PROCREATION

2. Section 8 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01) is replaced by the following section:

"**8.** A research project concerning assisted procreation activities or using embryos that resulted from such activities but were not used for that purpose must be approved and monitored by the research ethics committee established by the Minister under article 21 of the Civil Code.

The Government may, by regulation, determine the conditions to be respected by a research project using embryos that resulted from assisted procreation activities but were not used for that purpose."

3. Section 10 of the Act is replaced by the following sections:

"**10.** In order to raise the quality, safety and ethical standards of assisted procreation activities, the Collège des médecins du Québec draws up guidelines on assisted procreation and ensures that they are followed. The Minister sees to the dissemination of the guidelines.

The guidelines must pertain to, among other factors, the importance of favouring the least invasive techniques based on medical indication, the risk factors for the health of the woman and the child, the conditions of access to preimplantation genetic diagnosis, the period of sexual relations or number of artificial inseminations that must precede an *in vitro* fertilization activity, if applicable, and the criteria, including the woman's age, and the success rates to be considered when a treatment is chosen.

The Collège des médecins du Québec reports on the application of this section in a separate section of its annual report.

"**10.1.** In his or her analysis intended to determine whether assisted procreation activities should be carried out and to select an appropriate treatment under the guidelines provided for in section 10, the physician must ensure that such an activity does not pose a serious risk to the health of the person or of the child to be born.

The physician's analysis must be entered in the person's medical record.

"**10.2.** If a physician has reasonable grounds to believe that the party or parties to the parental project are likely to endanger the safety or development of any child born of the assisted procreation but wishes to pursue his or her professional relationship with the party or parties, the physician must obtain a positive assessment of the party or parties, carried out by a member of the Ordre des psychologues du Québec or the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec.

The member of the order is selected by the party or parties to the parental project from a list provided by the order concerned and sent to the Minister.

The assessment is carried out, at the expense of the party or parties to the parental project, on the basis of criteria agreed on by the two professional orders and the Minister. The Minister sees to the dissemination of the assessment criteria.

The Government may, by regulation, determine the conditions applicable to the assessment procedure.

"**10.3.** In the course of an *in vitro* fertilization activity, only one embryo may be transferred into a woman.

However, taking into account the quality of embryos, a physician may decide to transfer two embryos if the woman is 37 years of age or over. The reasons for the decision must be entered in the woman's medical record.

"**10.4.** No person operating in the health and social services sector may direct a person to an assisted procreation clinic outside Québec to receive assisted procreation services that are not in conformity with the standards set out in or provided for by this Act or the regulations."

4. Section 11 of the Act is amended by adding the following sentence at the end of the first paragraph: "However, if *in vitro* fertilization activities are carried out at the centre, the director of the centre must hold a specialist's certificate in reproductive and infertility gynaecological endocrinology."

5. The Act is amended by inserting the following section after section 14:

"**14.1.** Any clinical education or training services relating to assisted procreation must be provided at a facility maintained by a health and social services institution within the meaning of the Act respecting health services and social services (chapter S-4.2)."

6. Section 26 of the Act is repealed.

7. Section 30 of the Act is amended by inserting the following paragraph after paragraph 2:

"(2.1) prescribe the conditions relating to the assessment procedure provided for in section 10.2;".

8. Section 34 of the Act is amended

(1) by replacing "or before suspending or revoking a licence" in the first paragraph by "suspending or revoking a licence, or subjecting a licence to any condition, restriction or prohibition";

(2) by replacing "to renew the licence" in the second paragraph by "to issue, modify or renew the licence, or subject the licence to a condition, restriction or prohibition".

9. Section 35 of the Act is amended by replacing "or revoked" in the first paragraph by "or revoked, or is subject to a condition, restriction or prohibition".

10. Section 36 of the Act is replaced by the following sections:

"**36.** A person who contravenes section 6, 8, 10.4 or 15 is guilty of an offence and is liable to a fine of $5,000 to $50,000 in the case of a natural person and $15,000 to $150,000 in all other cases.

"**36.1.** A physician who contravenes the first paragraph of section 10.2 or section 10.3 is guilty of an offence and is liable to a fine of $5,000 to $50,000.

"**36.2.** The director of a centre who contravenes the second paragraph of section 11 is guilty of an offence and is liable to a fine of $5,000 to $50,000.

"**36.3.** A centre for assisted procreation that

(1) contravenes the first or third paragraph of section 11 or section 13, 16 or 24 is guilty of an offence and is liable to a fine of $2,500 to $25,000 in the case of a natural person and $7,500 to $75,000 in all other cases;

(2) contravenes section 14 is guilty of an offence and is liable to a fine of $1,000 to $10,000 in the case of a natural person and $3,000 to $30,000 in all other cases;

(3) contravenes section 21 or 23 is guilty of an offence and is liable to a fine of $5,000 to $50,000 in the case of a natural person and $15,000 to $150,000 in all other cases."

11. Section 37 of the Act is amended by replacing "is liable to a fine of $1,000 to $10,000" by "is guilty of an offence and is liable to a fine of $2,500 to $25,000 in the case of a natural person and $7,500 to $75,000 in all other cases".

12. Section 38 of the Act is repealed.

13. Section 39 of the Act is replaced by the following section:

"**39.** Any person who hinders in any way an inspector carrying out the functions of office, misleads the inspector by concealment or false declarations, or refuses to hand over a document or information the inspector may demand under this Act or the regulations is guilty of an offence and is liable to a fine of $5,000 to $50,000 in the case of a natural person and $15,000 to $150,000 in all other cases."

14. The Act is amended by inserting the following after section 41:

"**41.1.** In determining the penalty, the judge takes into account, among other things, the following aggravating factors:

(1) the seriousness of the harm, or the risk of serious harm, to the health of a person who resorted to assisted procreation activities, or any child born of such activities;

(2) the intentional, negligent or reckless nature of the offence;

(3) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

(4) the cost to society of making reparation for the injury or damage caused;

(5) the increase in revenues or decrease in expenses that the offender obtained, or intended to obtain, by committing the offence or by omitting to take measures to prevent it.

A judge who, despite the presence of an aggravating factor listed in the first paragraph, decides to impose the minimum fine must give reasons for the decision.

"**CHAPTER VII.1**

"RECOVERY MEASURE

"**41.2.** The Government may claim from a centre for assisted procreation operated by a person or partnership referred to in section 4 the cost of health services that

(1) were provided to a person by a public institution or a private institution under agreement within the meaning of the Act respecting health services and social services (chapter S-4.2); and

(2) resulted directly from an assisted procreation activity that was carried out by the centre for assisted procreation and that does not comply with this Act or the regulations.

An institution may, on its own initiative or at the Minister's request and after having informed the user or the user's representative, communicate to the Minister any information contained in the user's file that is necessary for the recourse referred to in the first paragraph."

HEALTH INSURANCE ACT

15. Section 3 of the Health Insurance Act (chapter A-29) is amended by replacing subparagraph *e* of the first paragraph by the following subparagraphs:

"(*e*) artificial insemination services rendered by a physician; and

"(*f*) fertility preservation services determined by regulation and rendered by a physician."

16. Section 69 of the Act is amended by replacing subparagraph *c*.2 of the first paragraph by the following subparagraph:

"(*c*.2) determine the fertility preservation services that must be considered insured services for the purposes of subparagraph *f* of the first paragraph of section 3 and, if applicable, in which cases and on which conditions they must be considered as such;".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

17. Section 19 of the Act respecting health services and social services (chapter S-4.2), amended by section 71 of chapter 2 of the statutes of 2014, is again amended by adding the following paragraph after paragraph 14:

"(15) in the cases and for the purposes set out in the second paragraph of section 41.2 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01)."

REGULATION RESPECTING CLINICAL ACTIVITIES RELATED TO ASSISTED PROCREATION

18. Sections 17 and 18 of the Regulation respecting clinical activities related to assisted procreation (chapter A-5.01, r. 1) are repealed.

REGULATION RESPECTING THE APPLICATION OF THE HEALTH INSURANCE ACT

19. Section 22 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended

(1) by striking out ", or is required for the purposes of medically assisted procreation in accordance with section 34.4, 34.5 or 34.6" in paragraph *q*;

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

"(*v*) any assisted procreation service, except the artificial insemination services, including services required for ovarian stimulation, referred to in subparagraph *e* of the first paragraph of section 3 of the Act."

20. Division XII.2 of the Regulation is replaced by the following division:

"**DIVISION XII.2**

"FERTILITY PRESERVATION SERVICES

"**34.3.** If rendered to a fertile insured person before any oncological chemotherapy treatment or radiotherapy treatment involving a serious risk of genetic mutation to the gametes or of permanent infertility, or before the complete removal of a person's testicles or ovaries for oncotherapy purposes, the fertility preservation services listed below must be considered insured services for the purposes of subparagraph *f* of the first paragraph of section 3 of the Act:

(*a*) the services required for ovarian stimulation or ovulation induction;

(*b*) the services required to retrieve eggs or ovarian tissue;

(*c*) the services required to retrieve sperm or testicular tissue by medical intervention, including percutaneous epididymal sperm aspiration; and

(*d*) the services required to freeze and store sperm, eggs, ovarian or testicular tissue or embryos for a five-year period."

PART III

TRANSITIONAL AND FINAL PROVISIONS

21. Section 8 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01), enacted by section 2, does not apply to research projects in progress on 10 November 2015 that relate to assisted procreation activities or use embryos that resulted from such activities but were not used for that purpose.

22. The Collège des médecins du Québec must draw up the guidelines on assisted procreation provided for in section 10 not later than 10 February 2016 and update them periodically.

23. Subparagraph *e* of the first paragraph of section 3 of the Health Insurance Act (chapter A-29), subparagraph *c*.2 of the first paragraph of section 69 of the Act, paragraph *q* of section 22 and sections 34.3 to 34.6 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5), as they read on 9 November 2015, continue to have effect with regard to an insured person, within the meaning of that Act, who

(1) began receiving *in vitro* fertilization services before 11 November 2015, until the end of the ovulatory cycle in which the *in vitro* fertilization services are provided or until there is a pregnancy, whichever occurs first;

(2) began receiving services required for artificial insemination before 11 November 2015, until the artificial insemination has occurred; or

(3) participates with the person referred to in subparagraph 1 or 2 in assisted procreation activities for the duration provided for in those subparagraphs.

For the purposes of subparagraph 1 of the first paragraph, an insured person has begun receiving *in vitro* fertilization services if

(1) the person herself has received services required to retrieve eggs or ovarian tissue; or

(2) the person participating with her in the assisted procreation activity has received, as applicable, services required to retrieve sperm by medical intervention or services required to retrieve eggs or ovarian tissue.

For the purposes of subparagraph 2 of the first paragraph, a person has begun receiving services required for artificial insemination if he or she has received services required for ovarian stimulation or ovulation induction.

24. Embryo cryopreservation services and services required to freeze and store sperm, as part of the services required for assisted procreation, continue to be insured services within the meaning of the Health Insurance Act until 10 November 2018, provided they began before 11 November 2015.

25. This Act comes into force on 10 November 2015, except:

(1) sections 4 to 31, 39, 41, 42, 45 to 47, 49, paragraph 3 of section 50, sections 53, 54, 56, 59 to 68, section 69 to the extent that it concerns general practitioners, and sections 74, 75 and 77 to 79, enacted by section 1, which come into force on the date or dates to be set by the Government;

(2) section 3, to the extent that it enacts section 10.3 of the Act respecting clinical and research activities relating to assisted procreation, and section 18 to the extent that it repeals section 17 of the Regulation respecting clinical activities related to assisted procreation (chapter A-5.01, r. 1), which come into force on 11 November 2015.

Coming into force of Acts

Gouvernement du Québec

O.C. 58-2016, 3 February 2016

An Act to modernize the governance of Conservatoire de musique et d'art dramatique du Québec (2015, chapter 22) — Coming into force of the provisions of the Act

COMING INTO FORCE of the provisions of the Act to modernize the governance of Conservatoire de musique et d'art dramatique du Québec

WHEREAS the Act to modernize the governance of Conservatoire de musique et d'art dramatique du Québec (2015, chapter 22) was assented to on 21 October 2015;

WHEREAS section 17 of the Act provides that the provisions of the Act come into force on the date or dates to be determined by the Government, which may not be later than 1 April 2016;

WHEREAS it is expedient to set 10 February 2016 as the date of coming into force of the sections of the Act, except the following sections, which come into force on 1 April 2016:

— section 2, where it enacts section 15 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1);

— sections 10, 13 and 14;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications:

THAT the sections of the Act to modernize the governance of Conservatoire de musique et d'art dramatique du Québec come into force on 10 February 2016, except the following sections, which come into force on 1 April 2016:

— section 2, where it enacts section 15 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1);

— sections 10, 13 and 14.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

102483

Regulations and other Acts

Gouvernement du Québec

O.C. 66-2016, 3 February 2016

Tax Administration Act
(chapter A-6.002)

An Act respecting parental insurance
(chapter A-29.011)

Taxation Act
(chapter I-3)

An Act respecting the Québec Pension Plan
(chapter R-9)

An Act respecting the Québec sales tax
(chapter T-0.1)

Fuel Tax Act
(chapter T-1)

Various regulations of a fiscal nature — Amendment

Regulations to amend various regulations of a fiscal nature

WHEREAS, under the first paragraph of section 96 of the Tax Administration Act (chapter A-6.002), the Government may make regulations, in particular to prescribe the measures required to carry out the Act and to exempt from the duties provided for by a fiscal law, under the conditions which it prescribes, prescribed international organizations, their head officers and their employees and the members of their families;

WHEREAS, under subparagraph 2 of the first paragraph of section 78 of the Act respecting parental insurance (chapter A-29.011), the Government may make regulations prescribing the measures that are required for the purposes of Chapter IV of the Act;

WHEREAS, under subparagraph *f* of the first paragraph of section 1086 of the Taxation Act (chapter I-3), the Government may make regulations to generally prescribe the measures required for the application of the Act;

WHEREAS, under paragraph *a* of section 81 of the Act respecting the Québec Pension Plan (chapter R-9), the Government may make regulations prescribing anything that is to be prescribed, in particular under Title III of the Act;

WHEREAS, under the first paragraph of section 677 of the Act respecting the Québec sales tax (chapter T-0.1), the Government may, by regulation, prescribe the measures required for the purposes of the Act;

WHEREAS, under subparagraph *b* of the sixth paragraph of section 2 of the Fuel Tax Act (chapter T-1), the Government may, by regulation, fix the percentage or the amount of the fuel tax reduction for a designated or border region;

WHEREAS it is expedient to amend the Regulation respecting tax exemptions granted to certain international non-governmental organizations and to certain employees of such organizations and to members of their families (chapter A-6.002, r. 4) to provide that a person must be registered with the Ministère des Relations internationales et de la Francophonie to benefit from those exemptions;

WHEREAS it is expedient to amend the Regulation respecting parental insurance plan premiums (chapter A-29.011, r. 3) to exclude fees, paid to persons appointed members of a commission by the Government or of a committee created under a law of Québec, from eligible wages used to determine premiums;

WHEREAS it is expedient to amend the Regulation respecting the Taxation Act (chapter I-3, r. 1) and the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) primarily to give effect to the fiscal measures announced by the Minister of Finance in the Budget Speeches delivered on 4 June 2014 and 26 March 2015 and in the Information Bulletins published in particular on 21 December 2012, 7 February 2014, 6 February 2015, 16 April 2015, 18 June 2015 and 14 August 2015;

WHEREAS it is expedient to amend the Regulation respecting contributions to the Québec Pension Plan (chapter R-9, r. 2) to reflect the increase in the plan contribution rate for 2014 and 2015;

WHEREAS it is expedient to amend the Regulation respecting the application of the Fuel Tax Act (chapter T-1, r. 1) to raise the amount of the specified fuel tax reduction for a designated or border region;

WHEREAS it is expedient to amend the Regulation to amend the Regulation respecting the Québec sales tax, made by Order in Council 1105-2014 dated 10 December 2014, to modify an effective date for certain provisions amended by the Regulation;

WHEREAS it is expedient, with a view to more efficient application of the Tax Administration Act, the Taxation Act and the Act respecting the Québec sales tax, to amend the Regulation respecting fiscal administration (chapter A-6.002, r. 1), the Regulation respecting the Taxation Act and the Regulation respecting the Québec sales tax to make technical and consequential amendments;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of the Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS, under section 18 of the Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by the regulations attached to this Order in Council warrants the absence of prior publication and such coming into force;

WHEREAS section 27 of the Act provides that the Act does not prevent a regulation from taking effect before the date of its publication in the *Gazette officielle du Québec* where the Act under which it is made expressly provides therefor;

WHEREAS, under section 97 of the Tax Administration Act, every regulation made under the Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein and may also, if it so provides, apply to a period prior to its publication;

WHEREAS, under the second paragraph of section 78 of the Act respecting parental insurance, a regulation made under Chapter IV of the Act comes into force on the date of its publication in the *Gazette officielle du Québec* and, if the regulation so provides, may have effect from a date that is later or earlier than the date of publication, except that in the latter case, the date may not be earlier than the date on which the legislative provision under which the regulation is made becomes effective;

WHEREAS, under the second paragraph of section 1086 of the Taxation Act, the regulations made under the Act come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein and they may also, once published and if they so provide, apply to a period prior to their publication, but not prior to the taxation year 1972;

WHEREAS, under section 82.1 of the Act respecting the Québec Pension Plan, every regulation made under Title III of the Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein and may also, once published and where it so provides, take effect from a date prior to its publication but not prior to the date from which the legislation under which it is made takes effect;

WHEREAS, under the second paragraph of section 677 of the Act respecting the Québec sales tax, a regulation made under the Act comes into force on the date of its publication in the *Gazette officielle du Québec*, unless the regulation fixes another date which may in no case be prior to 1 July 1992;

WHEREAS, under section 56 of the Fuel Tax Act, every regulation made under the Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein and may also, once published and where it so provides, take effect on a date prior to its publication but not prior to the date on which the legislative provision under which it is made takes effect;

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

THAT the regulations attached to this Order in Council be made:

— Regulation to amend the Regulation respecting fiscal administration;

— Regulation to amend the Regulation respecting tax exemptions granted to certain international non-governmental organizations and to certain employees of such organizations and to members of their families;

— Regulation to amend the Regulation respecting parental insurance plan premiums;

— Regulation to amend the Regulation respecting the Taxation Act;

— Regulation to amend the Regulation respecting contributions to the Québec Pension Plan;

— Regulation to amend the Regulation respecting the Québec sales tax;

— Regulation to amend the Regulation respecting the application of the Fuel Tax Act;

—Regulation amending the Regulation to amend the Regulation respecting the Québec sales tax made by Order in Council 1105-2014 dated 10 December 2014.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fiscal administration

Tax Administration Act
(chapter A-6.002, s. 96, 1st par. and s. 97)

1. (1) Section 12.0.3.1R1 of the Regulation respecting fiscal administration (chapter A-6.002, r. 1) is amended by replacing "Direction générale du centre de perception fiscale et des biens non réclamés" in paragraph 1 by "Direction générale de recouvrement".

(2) Subsection 1 has effect from 10 February 2012.

2. (1) Section 37.1.3R1 of the Regulation is replaced by the following:

"**37.1.3R1.** For the purposes of section 37.1.3 of the Act, a prescribed person for a reporting period means a person

(1) to which section 2 of the Electronic Filing and Provision of Information (GST/HST) Regulations, made under the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15) applies, for the reporting period; and

(2) that is not a selected listed financial institution within the meaning of section 1 of the Act respecting the Québec sales tax (chapter T-0.1) throughout the reporting period.".

(2) Subsection 1 applies in respect of reporting periods that end after 31 December 2012.

3. (1) Section 40.1.1R1 of the Regulation is amended by replacing "Direction générale des enquêtes et des poursuites pénales" by "Direction générale des enquêtes, de l'inspection et des poursuites pénales".

(2) Subsection 1 has effect from 8 September 2014.

4. (1) Section 40.3R2 of the Regulation is replaced by the following:

"**40.3R2.** For the purposes of section 40.3 of the Act, the general director of investigations, inspections and public prosecutions, a senior director, an assistant senior director or a director who carries out duties at the Direction générale des enquêtes, de l'inspection et des poursuites pénales within the Agency is authorized to keep the deposits paid under that section. Those deposits are paid into a trust account opened in a financial institution for that purpose by that person.".

(2) Subsection 1 has effect from 8 September 2014.

5. (1) Section 69.0.0.12R1 of the Regulation is replaced by the following:

"**69.0.0.12R1.** For the purposes of section 69.0.0.12 of the Act, the general director of investigations, inspections and public prosecutions, a senior director, an assistant senior director or a director who carries out duties at the Direction générale des enquêtes, de l'inspection et des poursuites pénales within the Agency is authorized to communicate information contained in a tax file to a member of a police force, to a government department or to a public body.".

(2) Subsection 1 has effect from 8 September 2014.

6. Division VI.0.0.1 of the Regulation, comprising sections 93.1.18R1 and 93.13R1, becomes Division VI.0.2.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec.*

Regulation to amend the Regulation respecting tax exemptions granted to certain international non-governmental organizations and to certain employees of such organizations and to members of their families

Tax Administration Act
(chapter A-6.002, s. 96, 1st par., subpar. *b* and s. 97)

1. (1) Section 1 of the Regulation respecting tax exemptions granted to certain international non-governmental organizations and to certain employees of such organizations and to members of their families (chapter A-6.002, r. 4) is amended by replacing subparagraph 1 of the second paragraph by the following:

"(1) is registered with the Ministère des Relations internationales;".

(2) Subsection 1 has effect from 1 January 2015.

2. (1) Section 7 of the Regulation is amended by replacing paragraph 1 by the following:

"(1) is registered with the Ministère des Relations internationales;".

(2) Subsection 1 has effect from 1 January 2015.

3. (1) Schedule A to the Regulation is amended by striking out "Electronic Commerce World Institute;".

(2) Subsection 1 has effect from 4 May 2015.

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

Regulation to amend the Regulation respecting parental insurance premiums

An Act respecting parental insurance
(chapter A-29.011, s. 78, 1st par., subpar. 2 and 2nd par.)

1. (1) Section 2 of the Regulation respecting parental insurance premiums (chapter A-29.011, r. 3) is replaced by the following:

"**2.** For the purposes of paragraph 2 of the definition of "eligible wages" of a person for a year, in respect of an employment and in relation to an establishment, set out in the first paragraph of section 43 of the Act, a prescribed amount paid to the person during the year is an amount, other than an amount referred to in the second paragraph, paid to the person in respect of that employment and that would be included in the total amount of earnings that the person has from all insurable employment within the meaning of section 2 of the Insurable Earnings and Collection of Premiums Regulations (SOR/97-33), made under section 108 of the Employment Insurance Act (Statutes of Canada, 1996, chapter 23), if insurable earnings from that employment were determined for the year in respect of the person for the purposes of that Act.

The amount to which the first paragraph refers means fees paid on an hourly, half-day or full-day basis to the person in the year,

(1) as a member appointed by the Government to a commission, including an inquiry commission, an assessment committee, a committee or panel of experts or a working group constituted for a specified time; or

(2) as a member of a candidate selection or review committee created for that purpose under a law of Québec.".

(2) Subsection 1 applies from 1 January 2014.

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

Regulation to amend the Regulation respecting the Taxation Act

Taxation Act
(chapter I-3, s. 1086, 1st par., subpar. *f* and 2nd par.)

1. (1) Section 119.2R2 of the Regulation respecting the Taxation Act (chapter I-3, r. 1) is amended

(1) by replacing paragraph *c* by the following:

"(*c*) at least 90% of the members are individuals, other cooperatives, or corporations or partnerships that carry on the business of farming; and";

(2) by adding the following after paragraph *c*:

"(*d*) at least 90% of its shares are held by members described in paragraph *c* or by trusts governed by TSFAs, registered retirement income funds, registered education savings plans or registered retirement savings plans, the annuitants, holders or subscribers under which are members described in that paragraph.".

(2) Subsection 1 applies from the taxation year 1998, except that where section 119.2R2 of the Regulation applies to taxation years that end before 1 January 2009, it is to be read as if paragraph *d* were replaced by the following:

"(*d*) at least 90% of its shares are held by members described in paragraph *c* or by trusts governed by registered retirement income funds, registered education savings plans or registered retirement savings plans, the annuitants or subscribers under which are members described in that paragraph.".

2. (1) Section 130R15 of the Regulation is amended by inserting the following definition after the definition of "plant residue":

"producer gas" means fuel the composition of which, excluding its water content, is all or substantially all non-condensable gases that is generated primarily from eligible waste fuel using a thermo-chemical conversion process and that is not generated using any fuels other than eligible waste fuel or fossil fuel;".

(2) Subsection 1 has effect from 11 February 2014.

3. (1) Section 130R16 of the Regulation is amended by replacing subparagraph *a* of the fourth paragraph by the following:

"(*a*) the property is included in Class 43.1 in that Schedule because of subparagraph i of subparagraph *c* of the first paragraph of that class or is described in any of subparagraphs ix, x, xii, xiv, xv and xvii of subparagraph *a* of the second paragraph of Class 43.1 in that Schedule or in paragraph *a* of Class 43.2 in that Schedule; and".

(2) Subsection 1 applies in respect of property acquired after 10 February 2014.

4. (1) Section 130R51 of the Regulation is amended by replacing subparagraph *b* of the second paragraph by the following:

"(*b*) a partnership each member of which is

(i) a corporation described in subparagraph *a* or in paragraph *a* of section 130R52, or

(ii) another partnership described in this subparagraph.".

(2) Subsection 1 applies in respect of fiscal periods that end after 31 October 2010.

5. (1) Section 130R52 of the Regulation is amended by replacing paragraph *b* by the following:

"(*b*) a partnership each member of which is

(i) a corporation described in paragraph *a*, or

(ii) another partnership described in this paragraph.".

(2) Subsection 1 applies in respect of fiscal periods that end after 31 October 2010.

6. (1) Section 130R86 of the Regulation is amended by replacing paragraph *b* by the following:

"(*b*) a partnership each member of which was

(i) a corporation described in paragraph *a*, or

(ii) another partnership described in this paragraph.".

(2) Subsection 1 applies in respect of fiscal periods that end after 31 October 2010.

7. (1) Section 130R92 of the Regulation is amended by replacing paragraph *b* by the following:

"(*b*) a partnership each member of which was

(i) a corporation described in paragraph *a*, or

(ii) another partnership described in this paragraph.".

(2) Subsection 1 applies in respect of fiscal periods that end after 31 October 2010.

8. (1) Section 133.2.1R1 of the Regulation is amended by replacing paragraphs *a* and *b* by the following:

"(*a*) the product obtained by multiplying $0.55 by the number of those kilometres, up to and including 5,000;

"(*b*) the product obtained by multiplying $0.49 by the number of those kilometres in excess of 5,000; and".

(2) Subsection 1 applies in respect of kilometres driven after 31 December 2014.

9. (1) Section 359.1R1 of the Regulation is amended

(1) by inserting the following definition before the definition of "new share":

""new right" means a right issued after 20 December 2002 to acquire a share of the capital stock of a corporation, other than a right issued at a particular time before 1 January 2003

(*a*) pursuant to an agreement in writing entered into before 21 December 2002;

(*b*) as part of a distribution of rights to the public made in accordance with the terms of a final prospectus, preliminary prospectus, registration statement, offering memorandum or notice, required by law to be filed before distribution of the rights begins, filed before 21 December 2002 with a public authority in Canada in accordance with the securities legislation of the province in which the rights were distributed; or

(*c*) to a partnership in which interests were issued as part of a distribution to the public made in accordance with the terms of a final prospectus, preliminary prospectus, registration statement, offering memorandum or notice, required by law to be filed before distribution of the interests begins, filed before 21 December 2002 with a public authority in Canada in accordance with the securities legislation of the province in which the interests were distributed, where all interests in the partnership issued not later than the particular time were issued as part of the distribution or prior to the beginning of the distribution;";

(2) by replacing the portion of the definition of "excluded obligation" before paragraph *a* by the following:

""excluded obligation", in relation to a share or new right issued by a corporation, means";

(3) by replacing subparagraphs i and ii of paragraph *a* of the definition of "excluded obligation" by the following:

"(i) eligibility for, or the amount of, any assistance under the Canadian Exploration and Development Incentive Program Act (Revised Statutes of Canada, 1985, chapter 15 (3rd Suppl.)), the Canadian Exploration Incentive Program Act (Revised Statutes of Canada, 1985, chapter 27 (4th Suppl.)), the Ontario Mineral Exploration Program Act (Revised Statutes of Ontario, chapter O.27) or The Mineral Exploration Incentive Program Act (Statutes of Manitoba, 1991-1992, c. 45), or

"(ii) the making of an election respecting the assistance referred to in subparagraph i and the transfer of such assistance to the holder of the share or the new right in accordance with any of the Acts referred to in that subparagraph;";

(4) by replacing paragraphs *b* and *c* of the definition of "excluded obligation" by the following:

"(*b*) an obligation of the corporation, in respect of the share or the new right, to distribute an amount representing a payment out of assistance to which the corporation is entitled under section 25.1 of the Income Tax Act of British Columbia (R.S.B.C. 1996, c. 215) as a consequence of the corporation making expenditures funded by consideration received for shares or new rights issued by the corporation in respect of which the corporation purports to renounce an amount under section 359.2 of the Act; and

"(*c*) an obligation of any person or partnership to effect an undertaking to indemnify the holder of the share or the new right or, where the holder is a partnership, a member thereof, for an amount not exceeding the amount of the tax payable by the holder or the member of the partnership, as the case may be, under the Act, the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1 (5th Suppl.)) or the laws of a province other than Québec, as a consequence of

(i) the failure of the corporation to renounce an amount to the holder in respect of the share or the new right, or

(ii) a reduction, pursuant to section 359.15 of the Act or subsection 12.73 of section 66 of the Income Tax Act, of an amount purported to be renounced by the corporation to the holder in respect of the share or the new right;".

(2) Subsection 1 applies in respect of shares or rights issued pursuant to an agreement entered into after 20 December 2002.

10. (1) Section 359.1R3 of the Regulation is amended

(1) by replacing subparagraph 1 of subparagraph iii of paragraph *a* by the following:

"(1) it is convertible or exchangeable only into a property that is another share of the corporation, referred to in this subparagraph and in subparagraph 2 as a "particular share", that, if issued, would not be a prescribed share, a right, including a right conferred by a warrant that, if it were issued, would not be a prescribed right and that, if it were exercised, would allow the person exercising it to acquire only a share of the corporation that, if the share were issued, would not be a prescribed share, or both a particular share and such a right, and";

(2) by replacing, in the French text, "on peut" in the following provisions by "l'on peut":

—the portion of paragraph *d* before subparagraph i;

—paragraph *e*;

—the portion of paragraph *f* before subparagraph i.

(2) Paragraph 1 of subsection 1 applies in respect of shares or rights issued pursuant to an agreement entered into after 20 December 2002.

11. (1) The Regulation is amended by inserting the following after section 359.1R3:

"**359.1R3.1.** For the purposes of the first paragraph of section 359.1 of the Act, a new right to acquire a share of the capital stock of a corporation is a prescribed right if, at the time the right is issued,

(*a*) the amount, determined by way of a formula or otherwise, that the holder of the right is entitled to receive in respect of the right on the dissolution, liquidation or winding-up of the corporation or on the redemption, acquisition or cancellation of the right by the corporation or by a specified person in relation to the corporation, referred to in this chapter as the "liquidation entitlement" of the right, may reasonably be considered to be fixed, limited to a maximum or established to be not less than a minimum;

(*b*) the right is convertible or exchangeable into another security issued by the corporation, unless

i. it is convertible or exchangeable only into a property that is a share of the corporation, referred to in this subparagraph and in subparagraph ii as a "particular share", that, if issued, would not be a prescribed share, another right, including a right conferred by a warrant that, if it were issued, would not be a prescribed right and that, if it were exercised, would allow the person exercising it to acquire only a share of the corporation that, if the share were issued, would not be a prescribed share, or both a particular share and such a right, and

ii. all the consideration receivable by the holder on the conversion or exchange of the right is the particular share, the right described in subparagraph i, or both the particular share and such a right;

(*c*) any person or partnership has, either absolutely or contingently, an obligation, either immediately or in the future, other than an excluded obligation in relation to the right, to provide assistance, to make a loan or payment, to transfer property, or to otherwise confer a benefit by any means whatever, including the payment of a dividend, and that obligation may reasonably be considered to be, directly or indirectly, a repayment or return by the corporation or a specified person in relation to the corporation of all or part of the consideration for which the right was issued or for which an interest in the partnership that acquires the right was issued;

(*d*) any person or partnership has, either absolutely or contingently, an obligation, other than an excluded obligation in relation to the right, to effect any undertaking, either immediately or in the future, with respect to the right or the agreement under which the right is issued, including any guarantee, security, indemnity, covenant or agreement and including the lending of funds to, or on behalf of, the holder of the right or, where the holder is a partnership, to a member thereof or to a specified person in relation to the holder or a member of the partnership, as the case may be, or the placing of amounts on deposit with, or on behalf of, such holder, member or person, that may reasonably be considered to have been given to ensure, directly or indirectly, that

(i) any loss that the holder of the right and, where the holder is a partnership, a member thereof or a specified person in relation to the holder or a member of the partnership, as the case may be, may sustain by reason of the holding, ownership or disposition of the right or any other property is limited in any respect, or

(ii) the holder of the right and, where the holder is a partnership, a member thereof or a specified person in relation to the holder or a member of the partnership, as the case may be, will derive earnings by reason of the holding, ownership or disposition of the right or any other property;

(*e*) the corporation or a specified person in relation to the corporation, within five years after the date the right is issued, may reasonably be expected

(i) to acquire or cancel the right in whole or in part otherwise than on a conversion or exchange of the right that meets the conditions set out in subparagraphs i and ii of paragraph *b* or otherwise than as a consequence of an amalgamation of a subsidiary wholly-owned corporation, a winding-up of a subsidiary wholly-owned corporation to which section 556 of the Act applies, or the payment of a dividend by a subsidiary wholly-owned corporation to its parent, or

(ii) to make a payment, transfer or other transaction, directly or indirectly, otherwise than pursuant to an excluded obligation in relation to the right, by way of a dividend, loan, purchase of rights, financial assistance to any purchaser of the right or, where the purchaser is a partnership, a member thereof, or in any other manner whatever, that may reasonably be considered to be a repayment or return of all or part of the consideration for which the right was issued or for which an interest in the partnership that acquires the right was issued;

(*f*) any person or partnership may reasonably be expected to respect, within five years after the date the right is issued, any undertaking which, if it were in force at the time the right was issued, would cause the right to be a prescribed right by reason of paragraph *d*;

(*g*) it may reasonably be expected that, within five years after the date the right is issued,

(i) any of the terms or conditions of the right or any existing agreement relating to the right or its issue will be modified in such a manner that the right would be a prescribed right if it had been issued at the time of the modification, or

(ii) any new agreement relating to the right or its issue will be entered into in such a manner that the right would be a prescribed right if it had been issued at the time the new agreement is entered into; or

(*h*) it may reasonably be expected that the right, if exercised, would allow the person exercising the right to acquire a share in a corporation that, if that share were issued, would be a prescribed share within five years after the day the right was issued.".

(2) Subsection 1 applies in respect of shares or rights issued pursuant to an agreement entered into after 20 December 2002.

12. (1) The Regulation is amended by inserting the following after section 359.1R4:

"**359.1R4.1.** For the purposes of the first paragraph of section 359.1 of the Act, a new right to acquire a share of the capital stock of a corporation is a prescribed right if

(*a*) the consideration for which the new right is to be issued is to be determined more than 60 days after entering into the agreement pursuant to which the new right is to be issued;

(*b*) the corporation or a specified person in relation to the corporation, directly or indirectly, for the purpose of assisting any person or partnership in acquiring the new right or an interest in a partnership acquiring the new right, otherwise than by reason of an excluded obligation in relation to the right,

(i) provided assistance,

(ii) made or arranged for a loan or payment,

(iii) transferred property, or

(iv) otherwise conferred a benefit by any means whatever, including the payment of a dividend; or

(*c*) the holder of the new right or, where the holder is a partnership, a member thereof, is entitled under any agreement or arrangement entered into under circumstances where it is reasonable to consider that the agreement or arrangement was contemplated at or before the time the agreement to issue the new right was entered into

(i) to dispose of the new right, and

(ii) through a transaction or event or a series of transactions or events contemplated by the agreement or arrangement, to acquire

(1) a share, referred to in this subparagraph as the "acquired share", of the capital stock of another corporation that would be a prescribed share under section 359.1R3 if the acquired share had been issued at the time the new right was issued, other than a share that would not be a prescribed share if that section were read without reference to subparagraph iv of paragraph *a* and subparagraphs i and ii of paragraph *d* where the acquired share is a share of a mutual fund corporation or of a corporation that becomes a mutual fund corporation within 90 days after the acquisition of the acquired share; or

(2) a right, referred to in this subparagraph as the "acquired right", to acquire a share of the capital stock of another corporation that would be a prescribed right if it had been issued at the time the new right was issued, other than a right that would not be a prescribed right if section 359.1R3.1 were read without reference to subparagraph i of paragraph *e* where the acquired right is a right to acquire a share of the capital stock of a mutual fund corporation or of a corporation that becomes a mutual fund corporation within 90 days after the acquisition of the acquired right.".

(2) Subsection 1 applies in respect of shares or rights issued pursuant to an agreement entered into after 20 December 2002.

13. (1) Section 359.1R5 of the Regulation is replaced by the following:

"**359.1R5.** For the purposes of sections 359.1R3 and 359.1R3.1, the following rules apply:

(*a*) the dividend entitlement of a share of the capital stock of a corporation is deemed not to be fixed, limited to a maximum or established to be not less than a minimum where all dividends on the share are determined solely by reference to a multiple or fraction of the dividend entitlement of another share of the capital stock of the corporation, or of a share of the capital stock of another corporation that controls the corporation, where the dividend entitlement of that other share is not described in subparagraph i of paragraph *a* of section 359.1R3; and

(*b*) the liquidation entitlement of a share of the capital stock of a corporation, or of a right to acquire such a share, as the case may be, is deemed not to be fixed, limited to a maximum or established to be not less than a minimum where all the liquidation entitlement is determinable solely by reference to

(1) the liquidation entitlement of another share of the capital stock of the corporation, or a share of the capital stock of another corporation that controls the corporation, where the liquidation entitlement is not described in subparagraph ii of paragraph *a* of section 359.1R3; or

(2) the liquidation entitlement of a right to acquire the capital stock of the corporation or of another corporation that controls the corporation, where the liquidation entitlement is not described in paragraph *a* of section 359.1R3.1.".

(2) Subsection 1 applies in respect of shares or rights issued pursuant to an agreement entered into after 20 December 2002.

14. (1) Section 359.1R6 of the Regulation is replaced by the following:

"**359.1R6.** For the purposes of paragraphs *c* and *e* of section 359.1R3 and paragraphs *d* and *f* of section 359.1R3.1, an agreement entered into between the first holder of a share or right and another person or partnership for the sale of the share or right to that other person or partnership for its fair market value at the time the share or right is acquired by the other person or partnership, determined without reference to the agreement, is deemed not to be an undertaking with respect to the share or right.".

(2) Subsection 1 applies in respect of shares or rights issued pursuant to an agreement entered into after 20 December 2002.

15. (1) Section 578.2R1 of the Regulation is amended by adding the following after paragraph *c*:

"(*d*) the distribution of common shares of Fiat Industrial S.p.A. on 1 January 2011 by Fiat S.p.A. to its common shareholders;

"(*e*) the distribution of common shares of Treasury Wine Estates Limited on 9 May 2011 by Foster's Group Limited to its common shareholders; and

"(*f*) the distribution of common shares of Chorus Limited on 30 November 2011 by Telecom Corporation of New Zealand Limited to its common shareholders.".

(2) Subsection 1 has effect from 1 January 2011.

16. (1) Section 583R1 of the Regulation is replaced by the following:

"**583R1.** For the purposes of paragraph *a* of section 583 of the Act,

(*a*) the amount prescribed is an amount equal to that described in paragraph *b* of the definition of "foreign accrual tax" in subsection 1 of section 95 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1 (5th Suppl.)), computed at the same time and for the same purposes; and

(*b*) the prescribed tax factor of a person or partnership for a taxation year is equal,

(i) in the case of a corporation, or of a partnership all the members of which, other than persons non-resident in Canada, are corporations, to the quotient determined by the formula

1 / (A - B), and

(ii) in any other case, to 2.2.

In the formula in the first paragraph,

(*a*) A is the rate set out in paragraph *a* of subsection 1 of section 123 of the Income Tax Act; and

(*b*) B is,

(i) in the case of a corporation, the corporation's general rate reduction percentage within the meaning of subsection 1 of section 123.4 of the Income Tax Act, for the year, and

(ii) in the case of a partnership, the percentage that would be determined under subparagraph i in respect of the partnership if the partnership were a corporation whose taxation year is the partnership's fiscal period.".

(2) Subsection 1 applies from the taxation year 2002.

17. (1) Section 747R1 of the Regulation is amended by replacing paragraph *a* by the following:

"(*a*) the expression "tax factor" means the prescribed tax factor of a corporation for a taxation year, determined under subparagraph *b* of the first paragraph of section 583R1;".

(2) Subsection 1 applies from the taxation year 2002.

18. (1) Section 851.22.1R0.4 of the Regulation is replaced by the following:

"**851.22.1R0.4.** For the purposes of subparagraph *c* of the second paragraph of section 851.22.1 of the Act, the following are prescribed persons:

(*a*) a trust, at any particular time, if at that particular time

(i) the trust is a segregated fund trust within the meaning of subparagraph *k* of the first paragraph of section 835 of the Act,

(ii) the trust is deemed to have been created under the first paragraph of section 851.2 of the Act at a time that is not more than two years before that particular time, and

(iii) the cost of the trustee's interest in the trust, determined with reference to Divisions I and II of Chapter IV of Title V of Book VI of Part I of the Act, does not exceed $5,000,000;

(*b*) the Business Development Bank of Canada; and

(*c*) BDC Capital Inc.".

(2) Subsection 1 applies in respect of taxation years that end after 29 November 2013.

19. (1) Section 1015R32 of the Regulation is amended by replacing the portion before paragraph *a* by the following:

"**1015R32.** Subject to sections 1015R34 and 1015R35, where the average monthly withholding of an employer for the second calendar year preceding a particular calendar year is $25,000 or more but less than $100,000, the employer must pay to the Minister any amount required under section 1015 of the Act".

(2) Subsection 1 applies in respect of remuneration paid after 31 December 2014.

20. (1) Section 1015R33 of the Regulation is amended by replacing "$50,000" in the portion before subparagraph *a* of the first paragraph by "$100,000".

(2) Subsection 1 applies in respect of remuneration paid after 31 December 2014.

21. (1) Section 1015R34 of the Regulation is amended

(1) by replacing "$15,000" in paragraph *a* by "$25,000";

(2) by replacing the portion of paragraph *b* before subparagraph i by the following:

"(*b*) where the average monthly withholding of the employer for the calendar year preceding the particular calendar year is $25,000 or more but less than $100,000 and informs the Minister of the election".

(2) Subsection 1 applies in respect of remuneration paid after 31 December 2014.

22. (1) Section 1027R8 of the Regulation is amended by replacing "third" by "fourth".

(2) Subsection 1 applies from the taxation year 1992.

23. (1) Section 1029.8.1R1 of the Regulation is amended by adding the following after paragraph *k*:

"(*l*) the Institut de recherche et de développement en agroenvironnement (IRDA).".

(2) Subsection 1 applies in respect of scientific research and experimental development conducted after 9 January 2015 pursuant to an eligible research contract entered into after that date.

24. (1) Section 1029.8.1R2 of the Regulation is amended by replacing paragraph *p* by the following:

"(*p*) Solutions Novika;".

(2) Subsection 1 has effect from 14 May 2012.

25. Section 1029.8.1R3 of the Regulation is amended by striking out paragraph *d*.

26. (1) Section 1029.8.21.17R1 of the Regulation is amended by replacing paragraph *t* by the following:

"(*t*) Solutions Novika;".

(2) Subsection 1 has effect from 14 May 2012.

27. (1) Section 1029.8.67R1 of the Regulation is replaced by the following:

"**1029.8.67R1.** For the purposes of the definition of "child care expense" in section 1029.8.67 of the Act, a prescribed expense is an expense that is paid by an individual

(*a*) as a reduced contribution required under the Educational Childcare Act (chapter S-4.1.1);

(*b*) as a contribution provided for by the budgetary rules established in accordance with section 472 of the Education Act (chapter I-13.3), section 84 of the Act respecting private education (chapter E-9.1) or section 15.1 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), where the contribution is, according to the rules, related to the basic services provided for a school day for a child who regularly attends childcare at school; or

(*c*) in relation to the basic services provided for a child registered in childcare at school for a pedagogical day in respect of which an allocation is granted under the budge-tary rules established in accordance with any of the sections referred to in paragraph *b* or would have been so granted had the child attended childcare on that day, up to the amount of the maximum daily financial contribution that, according to the rules, would have been payable if that day had been a school day and the child had regularly attended childcare at school.".

(2) Subsection 1 applies from the taxation year 2015 except that, where section 1029.8.67R1 of the Regulation applies to the taxation year 2015, it is to be read as follows:

"**1029.8.67R1.** For the purposes of the definition of "child care expense" in section 1029.8.67 of the Act, a prescribed expense is an expense that is paid by an individual

(*a*) as a contribution set by the Reduced Contribution Regulation (chapter S-4.1.1, r. 1) for a day of childcare before 22 April 2015;

(*b*) as a reduced contribution required under the Educational Childcare Act (chapter S-4.1.1) for a day of childcare after 21 April 2015;

(*c*) as a contribution provided for in the budgetary rules established in accordance with section 472 of the Education Act (chapter I-13.3), section 84 of the Act respecting private education (chapter E-9.1) or section 15.1 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), where the contribution is, according to the rules, in relation to the basic services provided for a school day for a child who regularly attends childcare at school;

(*d*) as a contribution provided for by the budgetary rules established in accordance with any of the sections referred to in paragraph *c* where the contribution is, according to the rules, in relation to the basic services provided for a child registered in childcare at school for a pedagogical day before 1 July 2015; or

(*e*) in relation to the basic services provided for a child registered in childcare at school for a pedagogical day after 30 June 2015 in respect of which an allocation is granted under the budgetary rules established in accordance with any of the sections referred to in paragraph *c* or would have been so granted had the child attended childcare on that day, up to the amount of the maximum daily financial contribution that, according to the rules, would have been payable if that day had been a school day and the child had regularly attended childcare at school.".

28. (1) Section 1120R1 of the Regulation is replaced by the following:

"**1120R1.** In applying, at any time, paragraph *c* of section 1120 of the Act, the following are prescribed conditions in respect of a trust:

(*a*) either

(i) the following conditions are met:

(1) there has been at or before that time a lawful distribution in a province to the public of units of the trust and a prospectus, registration statement or similar document was not, under the laws of the province, required to be filed in respect of the distribution; and

(2) the trust was created after 31 December 1999 and on or before that time, or satisfies, at that time, the conditions prescribed in section 1120R1.1, or

(ii) a class of the units of the trust is, at that time, qualified for distribution to the public; and

(*b*) each of the classes referred to in paragraph *a* must include, at that time, at least 150 beneficiaries, each of whom holds not less than one block of units of that class that have in the aggregate a fair market value of not less than $500.".

(2) Subsection 1 applies from the taxation year 2000, except that where section 1120R1 of the Regulation applies to taxation years that end before 1 January 2004, subparagraph 2 of subparagraph i of paragraph *a* of that section is to be read as follows:

"(2) the trust was created after 31 December 1999 and on or before that time, or".

29. (1) The Regulation is amended by inserting the following after section 1120R1:

"**1120R1.1.** In applying, at any time, subparagraph 2 of subparagraph i of paragraph *a* of section 1120R1, the following are the prescribed conditions:

(*a*) the trust was created before 1 January 2000;

(*b*) the trust was a unit trust on 18 July 2005;

(*c*) the particular time is after 31 December 2003; and

(*d*) the trust has made a valid election under paragraph *d* of section 4801.001 of the Income Tax Regulations enacted under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1 (5th Suppl)).".

(2) Subsection 1 applies from the taxation year 2004.

30. (1) Section 1120R2 of the Regulation is amended by replacing the portion before paragraph *b* by the following:

"**1120R2.** For the purposes of section 1120R1, a class of units is qualified for distribution to the public if

(*a*) a prospectus, registration statement or similar document has been filed with, and, where required by law, accepted for filing by, a public authority in Canada pursuant to the law of any province or of Canada and there has been a lawful distribution to the public of shares or units of that class in accordance with that document; or".

(2) Subsection 1 applies from the taxation year 2000.

31. (1) Class 43.1 in Schedule B to the Regulation is amended

(1) by replacing subparagraph 1 of subparagraph i of subparagraph *c* of the first paragraph by the following:

"(1) is used by the taxpayer, or by a lessee of the taxpayer, to generate electrical energy, or both electrical and heat energy, using only fuel that is fossil fuel, eligible waste fuel, producer gas, spent pulping liquor or any combination of those fuels, and";

(2) by replacing subparagraph x of subparagraph *a* of the second paragraph by the following:

"(x) equipment used by the taxpayer, or by a lessee of the taxpayer, for the sole purpose of generating heat energy primarily from the consumption of eligible waste fuel, producer gas or a combination of those fuels and not using any fuel other than eligible waste fuel, fossil fuel or producer gas, including such equipment that consists of fuel handling equipment used to upgrade the combustible portion of the fuel and control, feedwater and condensate systems, and other ancillary equipment, but not including equipment used for the purpose of producing heat energy to operate electrical generating equipment, buildings or other structures, heat rejection equipment, such as condensers and cooling water systems, fuel storage facilities, other fuel handling equipment and property otherwise included in Class 10 or 17,";

(3) by replacing subparagraph xv of subparagraph *a* of the second paragraph by the following:

"(xv) property that is used by the taxpayer, or by a lessee of the taxpayer, primarily for the purpose of generating electricity using kinetic energy of flowing water or wave or tidal energy, otherwise than by diverting or impeding the natural flow of the water or by using physical barriers or dam-like structures, including support structures, control, conditioning and battery storage equipment, submerged cables and transmission equipment, but not including buildings, distribution equipment, auxiliary electricity generating equipment, property otherwise included in Class 10 and property that would be included in Class 17 if that class were read without reference to subparagraph i of subparagraph *b* of the first paragraph of that class, or";

(4) by replacing subparagraph 2 of subparagraph xvi of subparagraph *a* of the second paragraph by the following:

"(2) is part of a district energy system that uses thermal energy that is primarily supplied by equipment described in any of subparagraphs i, v and x or would be described in those subparagraphs if it were owned by the taxpayer, and";

(5) by adding the following after subparagraph xvi of subparagraph *a* of the second paragraph:

"(xvii) equipment used by the taxpayer, or by a lessee of the taxpayer, primarily for the purpose of generating producer gas, other than producer gas that is to be converted into liquid biofuels or chemicals, including related piping, including fans and compressors, air separation equipment, storage equipment, equipment used for drying or shredding eligible waste fuel, ash-handling equipment, equipment used to upgrade the producer gas into biomethane and equipment used to remove non-combustibles and contaminants from the producer gas, but not including buildings or other structures, heat rejection equipment, such as condensers and cooling water systems, equipment used to convert producer gas into liquid biofuels or chemicals and property otherwise included in Class 10 or 17.".

(2) Paragraphs 1 to 3 and 5 of subsection 1 apply in respect of property acquired after 10 February 2014 that has not been used or acquired for use before 11 February 2014.

(3) Paragraph 4 of subsection 1 has effect from 29 March 2012.

(4) In addition, where Class 43.1 in Schedule B to the Regulation applies after 28 March 2012 in respect of property acquired before 11 February 2014, subparagraph x of subparagraph *a* of the second paragraph of that class is to be read as follows:

"(x) equipment used by the taxpayer, or by a lessee of the taxpayer, for the sole purpose of generating heat energy primarily from the consumption of eligible waste fuel, and using only fuel that is eligible waste fuel or fossil fuel, including such equipment that consists of fuel handling equipment used to upgrade the combustible portion of the fuel and control, feedwater and condensate systems, and other ancillary equipment, but not including equipment used for the purpose of producing heat energy to operate electrical generating equipment, buildings or other structures, heat rejection equipment, such as condensers and cooling water systems, fuel storage facilities, other fuel handling equipment and property otherwise included in Class 10 or 17,".

32. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Regulation to amend the Regulation respecting contributions to the Québec Pension Plan

An Act respecting the Québec Pension Plan
(R.S.Q., c. R-9, s. 81, par. *a* and s. 82.1)

1. (1) Section 6 of the Regulation respecting contributions to the Québec Pension Plan (chapter R-9, r. 2) is amended by adding the following after subparagraph xix of subparagraph *a* of the first paragraph:

"(xx) 5.175% for the year 2014,

"(xxi) 5.25% for the year 2015; or".

(2) Subsection 1, where it enacts subparagraph xx of subparagraph *a* of the first paragraph of section 6 of the Regulation, applies from 1 January 2014.

(3) Subsection 1, where it enacts subparagraph xxi of subparagraph *a* of the first paragraph of section 6 of the Regulation, applies from 1 January 2015.

2. (1) Section 8 of the Regulation is amended

(1) by adding the following after subparagraph *s* of the first paragraph:

"(*t*) 5.175% for the year 2014;

"(*u*) 5.25% for the year 2015.";

(2) by adding the following after subparagraph *c* of the second paragraph:

"(*d*) 5.175% for the year 2014;

"(*e*) 5.25% for the year 2015.".

(2) Subsection 1, where it enacts subparagraph *t* of the first paragraph of section 8 of the Regulation and subparagraph *d* of the second paragraph of that section, applies from 1 January 2014.

(3) Subsection 1, where it enacts subparagraph *u* of the first paragraph of section 8 of the Regulation and subparagraph *e* of the second paragraph of that section, applies from 1 January 2015.

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

Regulation to amend the Regulation respecting the Québec sales tax

An Act respecting the Québec sales tax
(chapter T-0.1, s. 677)

1. (1) Section 81R2 of the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended

(1) by striking out subparagraph *d* of paragraph 8;

(2) by inserting the following after paragraph 8:

"(8.1) railway passenger, baggage or freight cars from outside Canada (in this paragraph referred to as "imported cars") that are brought into Québec if

(*a*) the imported cars are brought in temporarily for use in the transportation of passengers, baggage or freight from a place in Canada to another place in Canada;

(*b*) railway cars of the same kind and number as the imported cars could not have been acquired from Canadian production or other Canadian sources at a reasonable cost or could not have been delivered in Canada when needed; and

(*c*) the imported cars are shipped outside Canada on or before the earlier of the day that is one year after the day on which the imported cars are brought in, and the day on or before which railway cars of the same kind and number as the imported cars could be delivered in Canada after having been acquired from Canadian production or other Canadian sources at a reasonable cost;";

(3) by inserting the following after paragraph 10:

"(10.1) a representational gift that is an article

(*a*) that is presented by a donor acting in the capacity as a Head of State, Head of Government or representative of a government, a public body of a foreign country or a political subdivision of a foreign country, to a donee acting in the capacity of the Governor General, the Prime Minister of Canada, a minister of the Government of Canada, a member of the Senate or House of Commons, the Premier of Québec or of another province, the Northwest Territories, Yukon Territory or Nunavut Territory, or a municipal mayor, in the course of an official visit by the donee outside Canada; or

(*b*) that is to be presented by a donor described in subparagraph *a* in the course of an official visit by the donor to Canada and that is subsequently so presented;";

(2) Paragraphs 1 and 2 of subsection 1 have effect from 1 January 1998.

(3) Paragraph 3 of subsection 1 has effect from 1 July 2013.

2. (1) Section 383R4 of the Regulation is amended by replacing paragraph 2 by the following:

"(2) a mandatary of the Gouvernement du Québec, except an entity listed in Schedule III and a government department, that would be a non-profit organization within the meaning of section 1 of the Act if the definition of that expression were read without reference to "a government".".

(2) Subsection 1 has effect from 1 July 1992.

3. (1) Schedule II.2 to the Regulation is amended

(1) in Class 1 by striking out the Chaudière-Appalaches tourist region and the territorial entities included in that region;

(2) In Class 4 by inserting the following tourist region and territorial entities included in it before the Lanaudière tourist region:

"**Chaudière-Appalaches**

Adstock; Armagh; Beauceville; Beaulac-Garthby; Beaumont; Berthier-sur-Mer; Cap-Saint-Ignace; Disraeli (Town); Disraeli (Parish); Dosquet; East Broughton; Frampton; Honfleur; Irlande; Kinnear's Mills; Lac-Etchemin; Lac-Frontière; Lac-Poulin; La Durantaye; La Guadeloupe; Laurier-Station; Leclercville; Lévis; L'Islet; Lotbinière; Montmagny; Notre-Dame-Auxiliatrice-de-Buckland; Notre-Dame-des-Pins; Notre-Dame-du-Rosaire; Notre-Dame-du-Sacré-Coeur-d'Issoudun; Sacré-Coeur-de-Jésus; Saint-Adalbert; Saint-Adrien-d'Irlande; Saint-Agapit; Saint-Alfred; Saint-Anselme; Saint-Antoine-de-l'Isle-aux-Grues; Saint-Antoine-de-Tilly; Saint-Apollinaire; Saint-Aubert; Saint-Benjamin; Saint-Benoît-Labre; Saint-Bernard; Saint-Camille-de-Lellis; Saint-Charles-de-Bellechasse; Saint-Côme-Linière; Saint-Cyprien; Saint-Cyrille-de-Lessard; Saint-Damase-de-l'Islet; Saint-Damien-de-Buckland; Saint-Édouard-de-Lotbinière; Saint-Elzéar; Saint-Éphrem-de-Beauce; Saint-Évariste-de-Forsyth; Saint-Fabien-de-Panet; Saint-Flavien; Saint-Fortunat; Saint-François-de-la-Rivière-du-Sud; Saint-Frédéric; Saint-Gédéon-de-Beauce; Saint-Georges; Saint-Gervais; Saint-Gilles; Saint-Henri; Saint-Hilaire-de-Dorset; Saint-Honoré-de-Shenley; Saint-Isidore; Saint-Jacques-de-Leeds; Saint-Jacques-le-Majeur-de-Wolfestown; Saint-Janvier-de-Joly; Saint-Jean-de-Brébeuf; Saint-Jean-Port-Joli; Saint-Joseph-de-Beauce; Saint-Joseph-de-Coleraine; Saint-Joseph-des-Érables; Saint-Jules; Saint-Julien; Saint-Just-de-Bretenières; Saint-Lambert-de-Lauzon; Saint-Lazare-de-Bellechasse; Saint-Léon-de-Standon; Saint-Louis-de-Gonzague; Saint-Luc-de-Bellechasse; Saint-Magloire; Saint-Malachie; Saint-Marcel; Saint-Martin; Saint-Michel-de-Bellechasse; Saint-Narcisse-de-Beaurivage; Saint-Nazaire-de-Dorchester; Saint-Nérée-de-Bellechasse; Saint-Odilon-de-Cranbourne; Saint-Omer; Saint-Pamphile; Saint-Patrice-de-Beaurivage; Saint-Paul-de-Montminy; Saint-Philémon; Saint-Philibert; Saint-Pierre-de-Broughton; Saint-Pierre-de-la-Rivière-du-Sud; Saint-Prosper; Saint-Raphaël; Saint-René; Saint-Roch-des-Aulnaies; Saint-Séverin; Saint-Simon-les-Mines; Saint-Sylvestre; Saint-Théophile; Saint-Vallier; Saint-Victor; Saint-Zacharie; Sainte-Agathe-de-Lotbinière; Sainte-Apolline-de-Patton; Sainte-Aurélie; Sainte-Claire; Sainte-Clotilde-de-Beauce; Sainte-Croix; Sainte-Euphémie-sur-Rivière-du-Sud; Sainte-Félicité; Sainte-Hénédine; Sainte-Justine; Sainte-Louise; Sainte-Lucie-de-Beauregard; Sainte-Marguerite; Sainte-Marie; Sainte-Perpétue; Sainte-Praxède; Sainte-Rose-de-Watford; Sainte-Sabine; Saints-Anges; Scott; Thetford Mines; Tourville; Tring-Jonction; Val-Alain; Vallée-Jonction.".

(2) Subsection 1 applies in respect of the supply of a sleeping-accommodation unit that is invoiced after 31 May 2015 for occupancy after that date, except if, as the case may be, the sleeping-accommodation unit is supplied by an intermediary who received the supply before 1 June 2015, or the sleeping-accommodation unit was invoiced by the operator of a sleeping-accommodation establishment to a travel intermediary who is a travel agent within the meaning of section 2 of the Travel Agents Act (chapter A-10), a foreign tour operator or a convention organizer that supplies the sleeping-accommodation unit to an attendee, where the price of the unit was fixed pursuant to an agreement entered into before 1 June 2015 between the operator of the sleeping-accommodation establishment and the travel intermediary and the occupancy of the sleeping-accommodation unit occurs after 31 May 2015 and before 1 March 2016.

4. (1) Schedule III to the Regulation is amended

(1) by inserting "Bureau des enquêtes indépendantes" in alphabetical order;

(2) by striking out "Infrastructure Québec" and "Services Québec".

(2) Paragraph 1 of subsection 1 has effect from 15 May 2013.

(3) Paragraph 2 of subsection 1 has effect from

(1) 13 November 2013, where it strikes out "Infrastructure Québec" in Schedule III to the Regulation;

(2) 17 April 2013, where it strikes out "Services Québec" in Schedule III to the Regulation.

5. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Regulation to amend the Regulation respecting the application of the Fuel Tax Act

Fuel Tax Act
(chapter T-1, s. 2, 6th par., subpar. *b* and s. 56)

1. (1) Section 2R2.1 of the Regulation respecting the application of the Fuel Tax Act (chapter T-1, r. 1) is amended by replacing "$0.01" by "$0.02".

(2) Subsection 1 has effect from 1 April 2015.

(3) In addition, every person who sells gasoline in a designated region must make a report to the Minister in prescribed form, not later than 30 June 2015, on the inventory of gasoline the person has in stock in respect of an establishment at midnight on 31 March 2015, in respect of which an amount equal to the tax has been collected in advance, so as to obtain the rebate of the amount corresponding to the amount by which the amount equal to the tax that the person has paid in respect of the gasoline exceeds the amount of the tax calculated on the gasoline at the rate in effect, as of midnight on 31 March 2015.

(4) For the purposes of subsection 3, gasoline acquired by a person before midnight on March 31, 2015 that has not yet been delivered to the person at that time is considered to form part of the person's inventory of gasoline in stock at that time.

2. (1) Section 2R3 of the Regulation is amended in the first paragraph

(1) by replacing subparagraphs i to iv of subparagraph *a* by the following:

"(i) $0.08 per litre of gasoline if the establishment is located less than 5 km from the point of contact;

"(ii) $0.06 per litre of gasoline if the establishment is located at least 5 km and less than 10 km from the point of contact;

"(iii) $0.04 per litre of gasoline if the establishment is located at least 10 km and less than 15 km from the point of contact; and

"(iv) $0.02 per litre of gasoline if the establishment is located at least 15 km and less than 20 km from the point of contact;";

(2) by replacing subparagraphs i to iv of subparagraph *b* by the following:

"(i) $0.12 per litre of gasoline if the establishment is located less than 5 km from the point of contact;

"(ii) $0.09 per litre of gasoline if the establishment is located at least 5 km and less than 10 km from the point of contact;

"(iii) $0.06 per litre of gasoline if the establishment is located at least 10 km and less than 15 km from the point of contact; and

"(iv) $0.03 per litre of gasoline if the establishment is located at least 15 km and less than 20 km from the point of contact.".

(2) Subsection 1 has effect from 1 April 2015.

(3) In addition, every person who sells gasoline in a designated region must make a report to the Minister in prescribed form, not later than 30 June 2015, on the inventory of gasoline the person has in stock in respect of an establishment at midnight on 31 March 2015, in respect of which an amount equal to the tax has been collected in advance, so as to obtain the rebate of the amount corresponding to the amount by which the amount equal to the tax that the person has paid in respect of the gasoline exceeds the amount of the tax calculated on the gasoline at the rate in effect, as of midnight on 31 March 2015.

(4) For the purposes of subsection 3, gasoline acquired by a person before midnight on 31 March 2015 that has not yet been delivered to the person at that time is considered to form part of the person's inventory of gasoline in stock at that time.

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

Regulation amending the Regulation to amend the Regulation respecting the Québec sales tax made by Order in Council 1105-2014 dated 10 December 2014

An Act respecting the Québec sales tax
(chapter T-0.1, s. 677)

1. (1) Section 2 of the Regulation to amend the Regulation respecting the Québec sales tax, made by Order in Council 1105-2014 dated 10 December 2014, is replaced by the following:

"**2.** (1) Section 244.1R1 of the Regulation is replaced by the following:

"**244.1R1.** For the purposes of section 244.1 of the Act, the mandataries of the Gouvernement du Québec, except the entities listed in Schedule III and government departments, are prescribed mandataries.".

(2) Subsection 1 has effect from 1 July 1992.".

(2) Subsection 1 has effect from 23 December 2014.

2. (1) Section 4 of the Regulation is replaced by the following:

"**4.** (1) Section 346.1R1 of the Regulation is replaced by the following:

"**346.1R1.** For the purposes of section 346.1 of the Act, the mandataries of the Gouvernement du Québec, except the entities listed in Schedule III and government departments, are prescribed mandataries.".

(2) Subsection 1 has effect from 1 July 1992.".

(2) Subsection 1 has effect from 23 December 2014.

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

102484

Gouvernement du Québec

O.C. 68-2016, 3 February 2016

An Act respecting the conservation and development of wildlife
(chapter C-61.1)

Fees to be paid under section 106.6 of the Act — Amendment

Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife

WHEREAS, under the first and second paragraphs of section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1), the Government determines, by regulation, the part of the fees that devolve to an agency that is a party to a memorandum of agreement and that must be paid by the agency as a contribution toward the financing of the legal person certified by the Minister to act as the representative of the agency, as well as the terms and conditions of payment, for a period of three years from the date determined by the Government;

WHEREAS, under the third paragraph of section 106.6 of the Act, the Government may extend the period during which the financing requirement provided for in the first paragraph of that section is applicable;

WHEREAS it is expedient to extend the period for three additional years on the terms and conditions determined by the Government;

WHEREAS section 9 of the Act to again amend the Act respecting the conservation and development of wildlife (1997, chapter 95) provides that a regulation made under section 106.6 of the Act respecting the conservation and development of wildlife is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1, r. 17);

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the financing period provided for in the first paragraph of section 106.6 of the Act respecting the conservation and development of wildlife (chapter C.-61.1) be extended for the years 2016, 2017 and 2018, on the terms and conditions determined by the Government;

THAT the Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife

An Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 106.6)

1. The Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1, r. 17) is amended in section 2:

(1) by replacing "2013, 2014 and 2015" in the part preceding subparagraph 1 of the first paragraph by "2016, 2017 and 2018";

(2) by replacing "2015" at the end of subparagraph 1 by "2016";

(3) by replacing "2015" in the second paragraph by "2016".

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

102485

Gouvernement du Québec

O.C. 70-2016, 3 February 2016

Courts of Justice Act
(chapter T-16)

Rates of contribution of municipalities to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act and rendered applicable to the judges of the Municipal Courts

WHEREAS, under the third paragraph of section 246.26 of the Courts of Justice Act (chapter T-16), with respect to the judges of Municipal Courts to whom the pension plans provided for in Parts V.1 and VI of the Act apply, the cost of those plans is, except contributions paid by those judges to the pension plan provided for in Part V.1 and contributions paid by those judges for the years 1979 to 1989 to the equivalent pension plan in force in the municipality, borne by each municipality, respectively;

WHEREAS the rates of contribution of municipalities to those pension plans were fixed on 1 January 2014 by Order in Council 1031-2013 dated 9 October 2013;

WHEREAS, under the first paragraph of section 246.26 of the Courts of Justice Act, at least once every three years, Retraite Québec is to cause an actuarial valuation of the pension plans established in particular by Parts V.1 and VI of the Act to be prepared for the Minister of Justice by the actuaries it designates;

WHEREAS the last actuarial valuation of the pension plans was sent to the Minister of Justice in November 2015;

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

WHEREAS, under the same first paragraph, the order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order;

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

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

THAT the rate of contribution of municipalities to the pension plan provided for in Part V.1 of the Courts of Justice Act (chapter T-16), in respect of judges of the Municipal Courts to whom the plan applies, be fixed at the amount by which 12.36% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay, exceeds the rate of the contribution paid by the judge;

THAT the rate of contribution of municipalities to the pension plan provided for in Part VI of the Courts of Justice Act, in respect of judges of the Municipal Courts to whom the plan applies, be fixed at 12.35% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay;

THAT this Order in Council have effect from 1 March 2016.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

102486

Gouvernement du Québec

O.C. 71-2016, 3 February 2016

Courts of Justice Act
(chapter T-16)

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

WHEREAS, under the second paragraph of section 122.3 of the Courts of Justice Act (chapter T-16), the cost of the supplementary benefits plans established by the Government under the second paragraph of section 122 of the Act is borne, in respect of judges of the Municipal Courts to whom the plans provided for in Parts V.1 and VI of the Act apply, by each municipality, respectively;

WHEREAS the rates of contribution of municipalities to those supplementary benefits plans were fixed on 1 January 2014 by Order in Council 1032-2013 dated 9 October 2013;

WHEREAS, under the first paragraph of section 122.3 of the Courts of Justice Act, at least once every three years, Retraite Québec is to cause an actuarial valuation of the supplementary benefits plans established under the second paragraph of section 122 of the Act to be prepared for the Minister of Justice by the actuaries it designates;

WHEREAS the last actuarial valuation of the supplementary benefits plans was sent to the Minister of Justice in November 2015;

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

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

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

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

THAT the rate of contribution of municipalities to the supplementary benefits plan, in respect of judges of the Municipal Courts to whom the pension plan provided for in Part V.1 of the Courts of Justice Act (chapter T-16) applies, be fixed at the amount by which 31.72% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay, exceeds the municipality's rate of contribution and the rate of the contribution paid by the judge into the pension plan provided for in Part V.1 of the Act and, if applicable, the rate of the contribution paid by the judge into the supplementary benefits plan;

THAT the rate of contribution of municipalities to the supplementary benefits plan, in respect of judges of the Municipal Courts to whom the pension plan provided for in Part VI of the Courts of Justice Act applies, be fixed at 17.15% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay;

THAT this Order in Council have effect from 1 March 2016.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

102487

Gouvernement du Québec

O.C. 74-2016, 3 February 2016

An Act respecting the civil aspects of international and interprovincial child abduction
(chapter A-23.01)

Application of the Act respecting the civil aspects of international and interprovincial child abduction to the Central Authority of Nunavut

WHEREAS, under Order in Council 1406-84 dated 13 June 1984, the Gouvernement du Québec declared itself bound by the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction;

WHEREAS the Convention came into force in Québec on 1 January 1985 and the Act respecting the civil aspects of international and interprovincial child abduction (chapter A-23.01) is to ensure the implementation of the Convention;

WHEREAS the Convention came into force in Nunavut on 1 January 2001;

WHEREAS, under Orders in Council 2843-84 dated 19 December 1984, 487-85 dated 13 March 1985, 542-86 dated 23 April 1986, 1496-86 dated 1 October 1986, 33-87 dated 14 January 1987 and 1147-88 dated 20 July 1988, the Central Authority of Canada, that of each of the provinces and that of each of the other territories of Canada are considered as the Central Authorities of the designated States for the purposes of that Act in respect of applications made under the Convention;

WHEREAS those Orders in Council facilitate the application of the Convention between a contracting State designated by the Gouvernement du Québec under section 41 of that Act, on the one hand, and Québec and another province or a Canadian territory, on the other hand, by allowing the Central Authority of Québec, when a child is not in Québec but elsewhere in Canada, to send the application to the Central Authority of the province or territory where the child is located, instead of returning the application to its State of origin, and, inversely, when the child is in Québec, by allowing the Central Authority of Québec to receive the application from another Central Authority in Canada, instead of returning the application to its State of origin;

WHEREAS it is expedient to also facilitate the application of the Convention between a contracting State designated by the Gouvernement du Québec under section 41 of that Act, on the one hand, and Québec and Nunavut, on the other hand, by considering the Central Authority of Nunavut as the Central Authority of a designated State for the purposes of that Act in respect of applications made under the Convention;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice and the Minister responsible for Canadian Relations and the Canadian Francophonie:

THAT the Minister of Justice of Nunavut be considered as the Central Authority of a designated State for the purposes of the Act respecting the civil aspects of international and interprovincial child abduction in respect of applications made under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

102488

M.O., 2016-03

Order number V-1.1-2016-03 of the Minister of Finance dated 2 February 2016

Securities Act
(chapter V-1.1)

CONCERNING the Regulation 24-102 respecting Clearing Agency Requirements

WHEREAS subparagraphs 1, 2, 3, 4.1, 9.1, 11, 19, 32.0.1 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 draft Regulation 24-102 respecting Clearing Agency Requirements was published in the *Bulletin de l'Autorité des marchés financiers*, volume 11, no. 47 of November 27, 2014;

WHEREAS the Authority made, on January 13, 2016, by the decision no. 2016-PDG-0005, Regulation 24-102 respecting Clearing Agency Requirements;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation 24-102 respecting Clearing Agency Requirements appended hereto.

February 2, 2016

CARLOS LEITÃO,
Minister of Finance

REGULATION 24-102 RESPECTING CLEARING AGENCY REQUIREMENTS

Securities Act
(chapter V-1.1, s. 331.1, par. (1), (2), (3), (4.1), (9.1), (11), (19), (32.0.1) and (34))

PART 1
DEFINITIONS, INTERPRETATION AND APPLICATION

Definitions

1.1. In this Regulation

"accounting principles" means accounting principles as defined in Regulation 52-107 respecting Acceptable Accounting Principles and Auditing Standards (chapter V-1.1, r. 25);

"auditing standards" means auditing standards as defined in Regulation 52-107 respecting Acceptable Accounting Principles and Auditing Standards;

"board of directors" means, in the case of a recognized clearing agency that does not have a board of directors, a group of individuals that acts for the clearing agency in a capacity similar to a board of directors;

"central counterparty" means a person that interposes itself between the counterparties to securities or derivatives transactions in one or more financial markets, acting functionally as the buyer to every seller and the seller to every buyer or the counterparty to every party;

"central securities depository" means a person that provides centralized facilities as a depository of securities, including securities accounts, central safekeeping services and asset services, which may include the administration of corporate actions and redemptions;

"exempt clearing agency" means a clearing agency that has been granted a decision of the securities regulatory authority pursuant to securities legislation exempting it from the requirement in such legislation to be recognized by the securities regulatory authority as a clearing agency;

"link" means, in relation to a clearing agency, contractual and operational arrangements that directly or indirectly through an intermediary connect the clearing agency and one or more other systems for the clearing, settlement or recording of securities or derivatives transactions;

"participant" means a person that has entered into an agreement with a clearing agency to access the services of the clearing agency and is bound by the clearing agency's rules and procedures;

"PFMI Disclosure Framework Document" means a disclosure document completed substantially in the form of *Annex A: FMI disclosure template* of the December 2012 report *Principles for financial market infrastructures: Disclosure framework and Assessment methodology* published by the Committee on Payments and Market Infrastructures and the International Organization of Securities Commissions, as amended, supplemented or superseded from time to time, or a similar disclosure document required to be completed regularly and disclosed publicly by a clearing agency in accordance with the regulatory requirements of a foreign jurisdiction in which the clearing agency is located;

"PFMI Principle" means a principle, including applicable key considerations, in the April 2012 report *Principles for financial market infrastructures* published by the Committee on Payments and Market Infrastructures and the International Organization of Securities Commissions, as amended from time to time;

"publicly accountable enterprise" means a publicly accountable enterprise as defined in Part 3 of Regulation 52-107 respecting Acceptable Accounting Principles and Auditing Standards;

"securities settlement system" means a system that enables securities to be transferred and settled by book entry according to a set of predetermined multilateral rules.

Interpretation – Affiliated Entity, Controlled Entity and Subsidiary Entity

1.2. (1) In this Regulation, a person is considered to be an affiliated entity of another person if one is a subsidiary entity of the other or if both are subsidiary entities of the same person, or if each of them is a controlled entity of the same person.

(2) In this Regulation, a person is considered to be controlled by a person if

(a) in the case of a 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 other 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; or

(c) in the case of a limited partnership, the general partner is the second-mentioned person.

(3) In this Regulation, a person is considered to be a subsidiary entity of another person if

(a) it is a controlled entity of

(i) that other,

(ii) that other and one or more persons, each of which is a controlled entity of that other, or

(iii) two or more persons, each of which is a controlled entity of that other; or

(b) it is a subsidiary entity of a person that is the other's subsidiary entity.

Interpretation – Extended Meaning of Affiliated Entity

1.3. For the purposes of the PFMI Principles, a person is considered to be an affiliate of a participant, the person and the participant each being described in this section as a "party", where,

(a) a party holds, otherwise than by way of security only, voting securities of the other party carrying more than 20% of the votes for the election of directors, or

(b) in the event paragraph (a) is not applicable,

(i) a party holds, otherwise than by way of security only, an interest in the other party that allows it to direct the management or operations of the other party; or

(ii) financial information in respect of both parties is consolidated for financial reporting purposes.

Interpretation – Clearing Agency

1.4. For the purposes of this Regulation, in Québec, a clearing agency includes a clearing house, a central securities depository and a settlement system within the meaning of the Securities Act (chapter V-1.1) and a clearing house and a settlement system within the meaning of the Derivatives Act (chapter I-14.01).

Application

1.5. (1) Part 3 applies to a recognized clearing agency that operates as any of the following:

(a) a central counterparty;

(b) a central securities depository;

(c) a securities settlement system.

(2) Unless the context otherwise indicates, Part 4 applies to a recognized clearing agency whether or not it operates as a central counterparty, central securities depository or securities settlement system.

(3) In Québec, if there is a conflict or an inconsistency between section 2.2 and the provisions of the Derivatives Act governing the self-certification process with respect to a clearing agency implementing a significant change or a fee change, the provisions of the Derivatives Act prevail.

(4) The requirements of section 2.2 or 2.5 apply only to the extent that the subject matters of the section are not otherwise governed by the terms and conditions of a decision of the securities regulatory authority that recognizes a clearing agency or that exempts a clearing agency from a recognition requirement.

PART 2
CLEARING AGENCY RECOGNITION OR EXEMPTION FROM RECOGNITION

Application and initial filing of information

2.1. (1) An applicant for recognition as a clearing agency under securities legislation, or for exemption from the requirement to be recognized as a clearing agency under securities legislation, must include in its application all of the following:

(a) if applicable, the applicant's most recently completed PFMI Disclosure Framework Document;

(b) sufficient information to demonstrate that the applicant is in compliance with

(i) provincial and territorial securities legislation, or

(ii) the regulatory regime of a foreign jurisdiction in which the applicant's head office or principal place of business is located;

(c) any additional relevant information sufficient to demonstrate that it is in the public interest for the securities regulatory authority to recognize or exempt the applicant, as the case may be.

(2) In addition to the requirement set out in subsection (1), an applicant that has a head office or principal place of business located in a foreign jurisdiction must

(a) certify that it will assist the securities regulatory authority in accessing the applicant's books and records and in undertaking an onsite inspection and examination at the applicant's premises, and

(b) certify that it will provide the securities regulatory authority, if requested by such authority, with an opinion of legal counsel that the applicant has, as a matter of law, the power and authority to

(i) provide the securities regulatory authority with prompt access to its books and records, and

(ii) submit to onsite inspection and examination by the securities regulatory authority.

(3) In addition to the requirements set out in subsections (1) and (2), an applicant whose head office or principal place of business is located in a foreign jurisdiction must file a completed Form 24-102F1.

(4) An applicant must inform the securities regulatory authority in writing of any material change to the information provided in its application, or if any of the information becomes materially inaccurate for any reason, as soon as the change occurs or the applicant becomes aware of any inaccuracy.

Significant changes, fee changes and other changes in information

2.2. (1) In this section, for greater certainty, a "significant change" includes, in relation to a clearing agency,

(a) any change to the clearing agency's constating documents or by-laws;

(b) any change to the clearing agency's corporate governance or corporate structure, including any change of control of the clearing agency, whether direct or indirect;

(c) any material change to an agreement among the clearing agency and participants in connection with the clearing agency's operations and services, including those agreements to which the clearing agency is a party and those agreements among participants to which the clearing agency is not a party, but that are expressly referred to in the clearing agency's rules or procedures and are made available by participants to the clearing agency;

(d) any material change to the clearing agency's rules, operating procedures, user guides, manuals, or other documentation governing or establishing the rights, obligations and relationships among the clearing agency and participants in connection with the clearing agency's operations and services;

(e) any material change to the design, operation or functionality of any of the clearing agency's operations and services;

(f) the establishment or removal of a link or any material change to an existing link;

(g) commencing to engage in a new type of business activity or ceasing to engage in a business activity in which the clearing agency is then engaged;

(h) any other matter identified as a significant change in the recognition terms and conditions.

(2) Subject to subsection (4), a recognized clearing agency must not implement a significant change unless it has filed a written notice of the significant change with the securities regulatory authority at least 45 days before implementing the change.

(3) If a proposed significant change referred to in subsection (2) would affect the information set out in its PFMI Disclosure Framework Document filed with the securities regulatory authority, a recognized clearing agency must complete and file with the securities regulatory authority, concurrently with providing the written notice referred to in subsection (2), an appropriate amendment to its PFMI Disclosure Framework Document.

(4) If a recognized clearing agency proposes to modify a fee or introduce a new fee for any of its clearing, settlement or depository services, the clearing agency must notify in writing the securities regulatory authority of such fee change before implementing the fee change within a period stipulated by the terms and conditions of a decision of the securities regulatory authority that recognizes the clearing agency.

(5) An exempt clearing agency must notify in writing the securities regulatory authority of any material change to the information provided to the securities regulatory authority in its PFMI Disclosure Framework Document and related application materials, or if any of the information becomes materially inaccurate for any reason, as soon as the change occurs or the exempt clearing agency becomes aware of any inaccuracy.

Ceasing to carry on business

2.3. (1) A recognized clearing agency or exempt clearing agency that intends to cease carrying on business in the local jurisdiction as a clearing agency must file a report on Form 24-102F2 with the securities regulatory authority

(a) at least 180 days before ceasing to carry on business if a significant reason for ceasing to carry on business relates to the clearing agency's financial viability or any other matter that is preventing, or may potentially prevent, it from being able to provide its operations and services as a going concern, or

(b) at least 90 days before ceasing to carry on business for any other reason.

(2) A recognized clearing agency or exempt clearing agency that involuntarily ceases to carry on business in the local jurisdiction as a clearing agency must file a report on Form 24-102F2 with the securities regulatory authority as soon as practicable after it ceases to carry on that business.

Filing of initial audited financial statements

2.4. (1) An applicant must file audited financial statements for its most recently completed financial year with the securities regulatory authority as part of its application under section 2.1.

(2) The financial statements referred to in subsection (1) must

(a) be prepared in accordance with Canadian GAAP applicable to publicly accountable enterprises, IFRS or the generally accepted accounting principles of the foreign jurisdiction in which the person is incorporated, organized or located,

(b) identify in the notes to the financial statements the accounting principles used to prepare the financial statements,

(c) disclose the presentation currency, and

(d) be audited in accordance with Canadian GAAS, International Standards on Auditing or the generally accepted auditing standards of the foreign jurisdiction in which the person is incorporated, organized or located.

(3) The financial statements referred to in subsection (1) must be accompanied by an auditor's report that

(a) expresses an unmodified or unqualified opinion,

(b) identifies all financial periods presented for which the auditor's report applies,

(c) identifies the auditing standards used to conduct the audit,

(d) identifies the accounting principles used to prepare the financial statements,

(e) is prepared in accordance with the same auditing standards used to conduct the audit, and

(f) is prepared and signed by a person that is authorized to sign an auditor's report under the laws of a jurisdiction of Canada or a foreign jurisdiction, and that meets the professional standards of that jurisdiction.

Filing of annual audited and interim financial statements

2.5. (1) A recognized clearing agency or exempt clearing agency must file annual audited financial statements that comply with the requirements set out in subsections 2.4(2) and (3) with the securities regulatory authority no later than the 90th day after the end of the recognized clearing agency or exempt clearing agency's financial year.

(2) A recognized clearing agency or exempt clearing agency must file interim financial statements that comply with the requirements set out in paragraphs 2.4(2)(a) and (2)(b) with the securities regulatory authority no later than the 45th day after the end of each interim period.

PART 3
PFMI PRINCIPLES APPLICABLE TO RECOGNIZED CLEARING AGENCIES

PFMI Principles

3.1. A recognized clearing agency must establish, implement and maintain rules, procedures, policies or operations designed to ensure that it meets or exceeds PFMI Principles 1 to 3, 10, 13, 15 to 19, 20 other than key consideration 9, 21 to 23 and the following:

(a) if the clearing agency operates as a central counterparty, PFMI Principles 4 to 9, 12 and 14;

(b) if the clearing agency operates as a securities settlement system, PFMI Principles 4, 5, 7 to 9 and12; and

(c) if the clearing agency operates as a central securities depository, PFMI Principle 11.

PART 4
OTHER REQUIREMENTS OF RECOGNIZED CLEARING AGENCIES

DIVISION 1 Governance

Board of directors

4.1. (1) A recognized clearing agency must have a board of directors.

(2) The board of directors must include appropriate representation by individuals who are

(a) independent of the clearing agency, and

(b) not employees or executive officers of a participant or their immediate family members.

(3) For the purposes of paragraph (2)(a), an individual is independent of a clearing agency if he or she has no direct or indirect material relationship with the clearing agency.

(4) For the purposes of subsection (3), a "material relationship" is a relationship that could, in the view of the clearing agency's board of directors, be reasonably expected to interfere with the exercise of a member's independent judgment.

Documented procedures regarding risk spill-overs

4.2. The board of directors and management of a recognized clearing agency must have documented procedures to manage possible risk spill over where the clearing agency provides services with a different risk profile than its depository, clearing and settlement services.

Chief Risk Officer and Chief Compliance Officer

4.3. (1) A recognized clearing agency must designate a chief risk officer and a chief compliance officer, who must report directly to the board of directors or, if determined by the board of directors, to the chief executive officer of the clearing agency.

(2) The chief risk officer must

(a) have full responsibility and authority to maintain, implement and enforce the risk management framework established by the clearing agency,

(b) make recommendations to the clearing agency's board of directors regarding the clearing agency's risk management framework,

(c) monitor the effectiveness of the clearing agency's risk management framework, and

(d) report to the clearing agency's board of directors on a timely basis upon becoming aware of any significant deficiency with the risk management framework.

(3) The chief compliance officer must

(a) establish, implement, maintain and enforce written policies and procedures to identify and resolve conflicts of interest and ensure that the clearing agency complies with securities legislation,

(b) monitor compliance with the policies and procedures described in paragraph (a),

(c) report to the board of directors of the clearing agency as soon as practicable upon becoming aware of any circumstance indicating that the clearing agency, or any individual acting on its behalf, is not in compliance with securities legislation and one or more of the following apply:

(i) the non-compliance creates a risk of harm to a participant,

(ii) the non-compliance creates a risk of harm to the broader financial system,

(iii) the non-compliance is part of a pattern of non-compliance, or

(iv) the non-compliance may have an impact on the ability of the clearing agency to carry on business in compliance with securities legislation,

(d) prepare and certify an annual report assessing compliance by the clearing agency, and individuals acting on its behalf, with securities legislation and submit the report to the board of directors,

(e) report to the clearing agency's board of directors as soon as practicable upon becoming aware of a conflict of interest that creates a risk of harm to a participant or to the capital markets, and

(f) concurrently with submitting a report under paragraphs (c), (d) or (e), file a copy of such report with the securities regulatory authority.

Board or advisory committees

4.4. (1) The board of directors of a recognized clearing agency must, at a minimum, establish and maintain committees on risk management, finance and audit.

(2) If a committee is a board committee, it must be chaired by a sufficiently knowledgeable individual who is independent of the clearing agency.

(3) Subject to subsection (4), a committee must have an appropriate representation by individuals who are independent of the clearing agency.

(4) An audit or risk committee must have an appropriate representation by individuals who are

(a) independent of the clearing agency, and

(b) not employees or executive officers of a participant or their immediate family members.

DIVISION 2 Default management

Use of own capital

4.5. A recognized clearing agency that operates as a central counterparty must dedicate and use a reasonable portion of its own capital to cover losses resulting from one or more participant defaults.

DIVISION 3 Operational risk

Systems requirements

4.6. For each system operated by or on behalf of a recognized clearing agency that supports the clearing agency's clearing, settlement and depository functions, the clearing agency must

(a) develop and maintain

(i) an adequate system of internal controls over that system, and

(ii) adequate information technology general controls, including, without limitation, controls relating to information systems operations, information security, change management, problem management, network support and system software support,

(b) in accordance with prudent business practice, on a reasonably frequent basis and, in any event, at least annually

(i) make reasonable current and future capacity estimates, and

(ii) conduct capacity stress tests to determine the ability of that system to process transactions in an accurate, timely and efficient manner, and

(c) promptly notify the regulator or, in Québec, the securities regulatory authority of any material systems failure, malfunction, delay or security breach, and provide timely updates on the status of the failure, malfunction, delay or security breach, the resumption of service, and the results of the clearing agency's internal review of the failure, malfunction, delay or security breach.

Systems reviews

4.7. (1) A recognized clearing agency must annually engage a qualified party to conduct an independent systems review and vulnerability assessment and prepare a report in accordance with established audit standards and best industry practices to ensure that the clearing agency is in compliance with paragraph 4.6(a) and section 4.9.

(2) The clearing agency must provide the report resulting from the review conducted under subsection (1) to

(a) its board of directors, or audit committee, promptly upon the report's completion, and

(b) the regulator or, in Québec, the securities regulatory authority, by the earlier of the 30th day after providing the report to its board of directors or the audit committee or the 60th day after the calendar year end.

Clearing agency technology requirements and testing facilities

4.8. (1) A recognized clearing agency must make available to participants, in their final form, all technology requirements regarding interfacing with or accessing the clearing agency

(a) if operations have not begun, sufficiently in advance of operations to allow a reasonable period for testing and system modification by participants, and

(b) if operations have begun, sufficiently in advance of implementing a material change to technology requirements to allow a reasonable period for testing and system modification by participants.

(2) After complying with subsection (1), the clearing agency must make available testing facilities for interfacing with or accessing the clearing agency

(a) if operations have not begun, sufficiently in advance of operations to allow a reasonable period for testing and system modification by participants, and

(b) if operations have begun, sufficiently in advance of implementing a material change to technology requirements to allow a reasonable period for testing and system modification by participants.

(3) The clearing agency must not begin operations before

(a) it has complied with paragraphs (1)(a) and (2)(a), and

(b) the chief information officer of the clearing agency, or an individual performing a similar function, has certified in writing to the regulator or, in Québec, the securities regulatory authority, that all information technology systems used by the clearing agency have been tested according to prudent business practices and are operating as designed.

(4) The clearing agency must not implement a material change to the systems referred to in section 4.6 before

(a) it has complied with paragraphs (1)(b) and (2)(b), and

(b) the chief information officer of the clearing agency, or an individual performing a similar function, has certified in writing to the regulator or, in Québec, the securities regulatory authority, that the change has been tested according to prudent business practices and is operating as designed.

(5) Subsection (4) does not apply to the clearing agency if the change must be made immediately to address a failure, malfunction or material delay of its systems or equipment and if

(a) the clearing agency immediately notifies the regulator or, in Québec, the securities regulatory authority, of its intention to make the change, and

(b) the clearing agency discloses to its participants the changed technology requirements as soon as practicable.

Testing of business continuity plans

4.9. A recognized clearing agency must

(a) develop and maintain reasonable business continuity plans, including disaster recovery plans, and

(b) test its business continuity plans, including its disaster recovery plans, according to prudent business practices and on a reasonably frequent basis and, in any event, at least annually.

Outsourcing

4.10. If a recognized clearing agency outsources a critical service or system to a service provider, including to an affiliated entity of the clearing agency, the clearing agency must do all of the following:

(a) establish, implement, maintain and enforce written policies and procedures to conduct suitable due diligence for selecting service providers to which a critical service and system may be outsourced and for the evaluation and approval of those outsourcing arrangements;

(b) identify any conflicts of interest between the clearing agency and the service provider to which a critical service and system is outsourced, and establish, implement, maintain and enforce written policies and procedures to mitigate and manage those conflicts of interest;

(c) enter into a written contract with the service provider to which a critical service or system is outsourced that

(i) is appropriate for the materiality and nature of the outsourced activities,

(ii) includes service level provisions, and

(iii) provides for adequate termination procedures;

(d) maintain access to the books and records of the service provider relating to the outsourced activities;

(e) ensure that the securities regulatory authority has the same access to all data, information and systems maintained by the service provider on behalf of the clearing agency that it would have absent the outsourcing arrangements;

(f) ensure that all persons conducting audits or independent reviews of the clearing agency under this Regulation have appropriate access to all data, information and systems maintained by the service provider on behalf of the clearing agency that such persons would have absent the outsourcing arrangements;

(g) take appropriate measures to determine that the service provider to which a critical service or system is outsourced establishes, maintains and periodically tests an appropriate business continuity plan, including a disaster recovery plan;

(h) take appropriate measures to ensure that the service provider protects the clearing agency's proprietary information and participants' confidential information, including taking measures to protect information from loss, thefts, vulnerabilities, threats, unauthorized access, copying, use and modification, and discloses it only in circumstances where legislation or an order of a court or tribunal of competent jurisdiction requires the disclosure of such information;

(i) establish, implement, maintain and enforce written policies and procedures to monitor the ongoing performance of the service provider's contractual obligations under the outsourcing arrangements.

DIVISION 4 Participation requirements

Access requirements and due process

4.11. (1) A recognized clearing agency must not

(a) unreasonably prohibit, condition or limit access by a person to the services offered by the clearing agency,

(b) unreasonably discriminate among its participants or indirect participants,

(c) impose any burden on competition that is not reasonably necessary and appropriate,

(d) unreasonably require the use or purchase of another service for a person to utilize the clearing agency's services offered by it, and

(e) impose fees or other material costs on its participants that are unfairly or inequitably allocated among the participants.

(2) For any decision made by the clearing agency that terminates, suspends or restricts a participant's membership in the clearing agency or that declines entry to membership to an applicant that applies to become a participant, the clearing agency must ensure that

(a) the participant or applicant is given an opportunity to be heard or make representations, and

(b) it keeps records of, gives reasons for, and provides for reviews of its decisions, including, for each applicant, the reasons for granting access or for denying or limiting access to the applicant, as the case may be.

(3) Nothing in subsection (2) limits or prevents the clearing agency from taking timely action in accordance with its rules and procedures to manage the default of one or more participants or in connection with the clearing agency's recovery or orderly wind-down, whether or not such action adversely affects a participant.

PART 5
BOOKS AND RECORDS AND LEGAL ENTITY IDENTIFIER

Books and records

5.1. (1) A recognized clearing agency or exempt clearing agency must keep books, records and other documents as are necessary to account for the conduct of its clearing, settlement and depository activities, business transactions and financial affairs and must keep those other books, records and documents as may otherwise be required under securities legislation.

(2) The clearing agency must retain the books and records maintained under this section

(a) for a period of seven years from the date the record was made or received, whichever is later,

(b) in a safe location and a durable form, and

(c) in a manner that permits them to be provided promptly to the securities regulatory authority.

Legal Entity Identifier

5.2. (1) In this section,

"Global Legal Entity Identifier System" means the system for unique identification of parties to financial transactions developed by the LEI Regulatory Oversight Committee, and

"LEI Regulatory Oversight Committee" means the international working group established by the Finance Ministers and the Central Bank Governors of the Group of Twenty nations and the Financial Stability Board, under the Charter of the Regulatory Oversight Committee for the Global Legal Entity Identifier System dated November 5, 2012.

(2) For the purposes of any recordkeeping and reporting requirements required under securities legislation, a recognized clearing agency or exempt clearing agency must identify itself by means of a single legal entity identifier assigned to the clearing agency in accordance with the standards set by the Global Legal Entity Identifier System.

(3) If the Global Legal Entity Identifier System is unavailable to the clearing agency, all of the following apply:

(a) the clearing agency must obtain a substitute legal entity identifier that complies with the standards established by the LEI Regulatory Oversight Committee for pre-legal entity identifiers;

(b) the clearing agency must use the substitute legal entity identifier until a legal entity identifier is assigned to the clearing agency in accordance with the standards set by the Global Legal Entity Identifier System;

(c) after the holder of a substitute legal entity identifier is assigned a legal entity identifier in accordance with the standards set by the Global Legal Entity Identifier System, the clearing agency must ensure that it is identified only by the assigned identifier.

PART 6
EXEMPTIONS

Exemption

6.1. (1) The regulator, except in Québec, or the securities regulatory authority may grant an exemption from the provisions of this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant an exemption.

(3) Except in Ontario, an exemption referred to in subsection (1) is granted under the statute referred to in Appendix B of Regulation 14-101 respecting Definitions (chapter V-1.1, r. 3) opposite the name of the local jurisdiction.

PART 7
EFFECTIVE DATE AND TRANSITION

Effective date and transition

7.1. (1) This Regulation comes into force on February 17, 2016.

(2) Despite section 3.1, until December 31, 2016, a recognized clearing agency is not required to implement rules, procedures, policies or operations designed to ensure that a recognized clearing agency meets or exceeds the following:

(a) PFMI Principle 14;

(b) key consideration 4 of PFMI Principle 3 and key consideration 3 of PFMI Principle 15 with respect to a clearing agency's recovery and orderly wind-down plans; and

(c) PFMI Principle 19.

(3) In Saskatchewan, despite subsection (1), if these regulations are filed with the Registrar of Regulations after February 17, 2016, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

FORM 24-102F1
CLEARING AGENCY SUBMISSION TO JURISDICTION AND APPOINTMENT OF AGENT FOR SERVICE OF PROCESS

1. Name of clearing agency (the "Clearing Agency"):

_____

2. Jurisdiction of incorporation, or equivalent, of Clearing Agency:

_____

3. Address of principal place of business of Clearing Agency:

_____

4. Name of the agent for service of process (the "Agent") for the Clearing Agency:

_____

5. Address of the Agent in _____ [name of local jurisdiction]:

_____

6. The _____ [name of securities regulatory authority] ("securities regulatory authority") issued an order recognizing the Clearing Agency as a clearing agency pursuant to securities legislation, or the securities regulatory authority issued an order exempting the Clearing Agency from the requirement to be recognized as a clearing agency pursuant to such legislation, on _____.

7. The Clearing Agency designates and appoints the Agent as its agent upon whom may be served a notice, pleading, subpoena, summons or other process in any action, investigation or administrative, criminal, quasi-criminal, penal or other proceeding arising out of or relating to or concerning the activities of the Clearing Agency in _____ [province of local jurisdiction]. The Clearing Agency hereby irrevocably waives any right to challenge service upon its Agent as not binding upon the Clearing Agency.

8. The Clearing Agency agrees to unconditionally and irrevocably attorn to the non-exclusive jurisdiction of (i) the courts and administrative tribunals of _____ [name of local jurisdiction] and (ii) any proceeding in any province or territory arising out of, related to, concerning or in any other manner connected with the regulation and oversight of the activities of the Clearing Agency in _____ [name of local jurisdiction].

9. The Clearing Agency must file a new submission to jurisdiction and appointment of agent for service of process in this form at least 30 days before the Clearing Agency ceases to be recognized or exempted by the securities regulatory authority, to be in effect for six years from the date it ceases to be recognized or exempted unless otherwise amended in accordance with section 10.

10. Until six years after it has ceased to be a recognized or exempted by the securities regulatory authority, the Clearing Agency must file an amended submission to jurisdiction and appointment of agent for service of process at least 30 days before any change in the name or above address of the Agent.

11. The Clearing Agency agrees that this submission to jurisdiction and appointment of agent for service of process is to be governed by and construed in accordance with the laws of _____ [name of local jurisdiction].

Dated: _____

_____
Signature of the Clearing Agency

_____
Print name and title of signing officer of the Clearing Agency

AGENT

CONSENT TO ACT AS AGENT FOR SERVICE

I, _____ [name of Agent in full; if a corporation, full corporate name] of _____ [business address], hereby accept the appointment as agent for service of process of _____ [insert name of Clearing Agency] and hereby consent to act as agent for service pursuant to the terms of the appointment executed by _____ [insert name of Clearing Agency] on _____ [insert date].

Dated: _____

_____
Signature of Agent

_____
Print name of person signing and,
if Agent is not an individual,
the title of the person

FORM 24-102F2
CESSATION OF OPERATIONS REPORT FOR CLEARING AGENCY

1. Identification:

A. Full name of the recognized or exempted clearing agency:

B. Name(s) under which business is conducted, if different from item 1A:

2. Date clearing agency proposes to cease carrying on business as a clearing agency:

3. If cessation of business was involuntary, date clearing agency has ceased to carry on business as a clearing agency:

Exhibits

File all exhibits with the Cessation of Operations Report. For each exhibit, include the name of the clearing agency, the date of filing of the exhibit and the date as of which the information is accurate (if different from the date of the filing). If any exhibit required is inapplicable, a statement to that effect must be provided instead of the exhibit.

Exhibit A

The reasons for the clearing agency ceasing to carry on business as a clearing agency.

Exhibit B

A list of all participants in Canada during the last 30 days prior to ceasing business as a clearing agency.

Exhibit C

A description of the alternative arrangements available to participants in respect of the services offered by the clearing agency immediately before the cessation of business as a clearing agency.

Exhibit D

A description of all links the clearing agency had immediately before the cessation of business as a clearing agency with other clearing agencies or trade repositories.

CERTIFICATE OF CLEARING AGENCY

The undersigned certifies that the information given in this report is true and correct.

DATED at _____ this _____ day of _____ 20 _____

_____
(Name of clearing agency)

_____
(Name of director, officer or partner – please type or print)

_____
(Signature of director, officer or partner)

_____
(Official capacity – please type or print)

102480

M.O., 2016-04

Order number I-14.01-2016-04 of the Minister of Finance dated 2 February 2016

Derivatives Act
(chapter I-14.01)

CONCERNING the Regulation to amend the Derivatives Regulation

WHEREAS subparagraphs 1, 2, 3, 9, 11, 26, 27 and 29 of section 175 of paragraph 1 of the Derivatives Act (chapter I-14.01) stipulates that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the fourth and fifth paragraphs of section 175 of the said Act stipulate 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 second and sixth paragraphs of the said section stipulate that every regulation made under section 175 must be submitted to the Minister of Finance for approval with or without amendment 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 Derivatives Regulation has been approved by ministerial order no. 2009-01 dated January 15, 2009 (2009, *G.O.* 2, 33A);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend the Derivatives Regulation was published in the *Bulletin de l'Autorité des marchés financiers*, volume 11, no. 47 of November 27, 2014;

WHEREAS the Authority made, on January 13, 2016, by the decision no. 2016-PDG-0006, Regulation to amend the Derivatives Regulation;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend the Derivatives Regulation appended hereto.

February 2, 2016

CARLOS LEITÃO,
Minister of Finance

REGULATION TO AMEND THE DERIVATIVES REGULATION

Derivatives Act
(chapter I-14.01, s. 175, par. 1, subpars. (1), (2), (3), (9), (11), (26), (27) and (29))

1. The Derivatives Regulation (chapter I-14.01, r. 1) is amended by inserting the following after section 11.22.3:

"**11.22.4** Regulation 24-102 respecting Clearing Agency Requirements, *[insérer ici la référence du règlement]*, applies, with the necessary modifications, to regulated entities, persons, activities, derivatives and transactions as contemplated under the Act, including clearing houses and settlement systems, members of clearing houses, subscribers of settlement systems, directors and officers of clearing houses and settlement systems, derivative transactions, parties to a derivative as well as the clearing and settlement of derivative transactions."

2. This Regulation comes into force on February 17, 2016.

102481

Draft Regulations

Draft Regulation

An Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1)

Regulation
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Preservation of Agricultural Land and Agricultural Activities Regulation, appearing below, may be adopted by the Commission de protection du territoire agricole du Québec on the expiry of 45 days following this publication.

The draft Regulation determines the new information and documents that must be provided so that an application for authorization under section 58 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and the declarations under sections 32 and 32.1 of that Act are validly filed with the Commission. It also adds a new application for the verification of real and personal rights affecting property, by prescribing the information and documents that will have to be provided for such an application to be validly filed with the Commission. Lastly, it revokes the sections respecting the declaration required for the purposes of section 41 of the Act.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Pierre Legault, Acting Director, Affaires juridiques et enquêtes, Commission de protection du territoire agricole du Québec, 25, rue Lafayette, 3e étage, Longueuil (Québec) J4K 5C7.

MARIE-JOSÉE GOUIN,
President of the Commission de protection du territoire agricole du Québec

Regulation to amend the Preservation of Agricultural Land and Agricultural Activities Regulation

An Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1, s. 19.1, pars. 2 and 3)

1. The Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1) is amended by replacing sections 1 and 2 by the following:

"**1.** For the purposes of section 58 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), an application for authorization is filed on the form provided by the Commission de protection du territoire agricole du Québec containing the following information:

A) INFORMATION PROVIDED BY THE APPLICANT

(1) the applicant's name, address, telephone and fax numbers and email address and, if applicable, the mandatary's name, address, telephone and fax numbers and email address;

(2) the name, address, telephone and fax numbers and email address of the owner of the lots covered by the application, where the applicant is not the owner, and, if applicable, the acquirer's name and address;

(3) a description of the project covered by the application and the nature of the authorization required to implement the project;

(4) the designation of each of the lots covered by the application, the range, the cadastre, the municipality in which each of the lots is located, the area covered by the application and the total area of the property;

(5) a demonstration of the lack of available areas suitable for the purposes of the application elsewhere in the territory of the municipality concerned by the application and outside of the agricultural zone, where the application seeks an authorization for a new use other than agricultural;

(6) the current use of the lots covered by the application and the description and use of the buildings and works on each lot;

(7) for lots covered by an application for the alienation of a lot or group of lots as well as for lots kept by the applicant and lots owned by the acquirer, the list thereof, their area, range, cadastre, the municipality in which each lot is located, their use, the type of cultivation, a description of the principal farm buildings, of the housing buildings and their year of construction, the inventory of animals, the production quota and contingent for each of them;

(8) where the application pertains to the use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, a list of the uses related to the exploitation applied for and for all the new sites and enlargements of sites applied for, a demonstration that there is no site minimizing the impact on agriculture, the duration of the authorization applied for and, if applicable, the number of the prior decision of the commission;

(9) where the application pertains to the use for a purpose other than agricultural for the purposes of storing fertilizing residual materials, the treatment required, if any, the livestock of the operator of the storage structure and the areas cultivated by the operator, the current use of the storing structure, its size and capacity, an estimate of the volume stored yearly, the destination of the fertilizing residual materials and the duration of the authorization applied for;

(10) where the application pertains to the cutting of maple trees in a sugar bush, the projected type of cut;

(11) the attestation by the applicant or by the applicant's mandatary that the information provided and the documents attached are true;

B) INFORMATION PROVIDED BY THE MUNICIPALITY

(1) the correspondence between the municipality's zoning by-law and the development plan in force, the compliance of the project concerned with the zoning by-law and any interim control measure;

(2) where the project covered by the application does not comply with the zoning by-law or, if applicable, with the interim control measures, an indication as to whether a draft by-law makes the project compliant, and an indication as to whether an opinion has been issued by the regional county municipality or the metropolitan community stating that the proposed amendment would comply with the development plan or interim control measures of that regional county municipality or that metropolitan community;

(3) only if the application is to obtain a use for a purpose other than agricultural, an indication as to whether the subject of that application constitutes a protected immovable that generates distances separating livestock facilities;

(4) where the application is for a new use for residential purposes or for the enlargement of a residential use, the minimum area and the minimum frontage required for that use under the municipal subdivision by-law in force;

(5) the date that the by-law directing the installation of a water or sewer system to serve each of the lots was adopted, where the lots are served by such a system;

(6) a description of the surrounding environment, by making an inventory of all the vacant or non-vacant farm buildings located within a radius of 500 metres from the location referred to in the application, the type of building or livestock, the number of animal units if applicable and, in the absence of a farm building within that 500-m radius, an indication of the distance from the nearest farm building;

(7) the current use of the neighbouring lots;

(8) the date of receipt of the application at the municipality's office; and

(9) the name, telephone number and email address of the municipal officer and the officer's position within the municipality.

2. The following documents must accompany any application made under section 58 of the Act:

(1) a dated and signed scale plan, indicating the scale used, the cardinal points, the number of the lots concerned, their area and the measurements of the sides of each of the sites in question, the distances from the lot lines and public road, the location and use of the buildings erected on the lots in question, their area and their location on each of the lots belonging to the owner of the lots in question that are contiguous or deemed to be contiguous by effect of the Act to each of the lots in question;

(2) in addition to the information required in the plan to be provided under paragraph 1, where the application is for a use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, the plan must indicate the location and area of the access road, work areas and extraction areas or embankment areas, the redeveloped areas covered with topsoil and intact areas in the case of an application for the continuation of the work;

(3) where the application pertains to the use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, a rehabilitation plan or program prepared by an agrologist and, depending on the nature of the proposed work, a description of the project indicating the agronomical problems to be solved or the objective pursued, a topographical plan produced by an agrologist, a land surveyor, an engineer or any other professional having the required qualifications, including the level of the natural land and the final profile, the level of the adjacent pieces of land over a 20-m strip around the boundaries of the site concerned, the position of the groundwater body and the date of observation, as well as a stratigraphy showing the result of the soil surveys, and a description of the layer of topsoil in place, accompanied by a soil analysis by an accredited laboratory;

(4) where the application is for the continuation of resource exploitation work or for the enlargement of a site that has already been granted authorization by the commission, a document showing the volumes of topsoil heaped with the calculation method, the thickness of topsoil put back into place on the restored areas with the sampling plan, an expert's report by an agrologist stating that the conditions of the previous authorization have been complied with, if it was a requirement for the previous decision;

(5) where the application is for the implementation and operation of commercial and municipal wells, a map showing the location of the various sites of research for a site with less impact on agricultural activities, as well as a hydrogeological report stating the effect of the catchment on the use of agricultural land and livestock comprised in the area of influence;

(6) where the application is for the cutting of maple trees in a sugar bush, a forest prescription signed by a forest engineer, specifying the number of initial cuts per hectare and the number of residual cuts, in the case of partial cutting, and a forest diagnosis indicating the number of cuts per hectare and a forest impact study signed by a forest engineer, in the case of total cutting;

(7) a copy of the land title for each of the lots concerned, bearing the date and publication number in the land register;

(8) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).".

2. Sections 4 and 5 are replaced by the following:

"**4.** For the purposes of sections 32 and 32.1 of the Act, a declaration must be filed on a form provided by the commission and contain the following information:

(1) the name, address, telephone and fax numbers and email address of the declarant, and, if applicable, the name, address, telephone and fax numbers and email address of the mandatary and the owner;

(2) the designation of each of the lots covered by the declaration, the range, the cadastre, the area of each lot and the municipality in which each is located, as well as all the other lots forming the property covered by the declaration of exercise of a right;

(3) the right relied upon by the declarant and the facts in support of that right;

(4) the declarant's attestation that the information provided and documents attached are true; and

(5) the information provided by the municipal officer relating to the number and date of the application for a construction permit, the type of proposed construction and its dimensions, and the name, telephone and fax numbers, email address of the municipal officer, and the officer's position within the municipality.

5. For the purposes of section 100.1 of the Act, a declaration filed under section 32 or 32.1 of the Act by means of the form provided by the commission and duly completed must be accompanied by the following documents:

(1) a copy of the land title for each lot in question and, in the case of a declaration made under section 32.1 of the Act, a copy of the deed or proposed deed of alienation, and a copy of any prior title, if a part of the area of the right recognized under Chapter VII of the Act was for the first time subdivided, alienated or retained on the occasion of a subdivision or alienation. Each of the copies of such titles must bear the date and number of publication in the land register;

(2) a scale plan, dated and signed, the scale used to make it, indicating the cardinal points, the location of the buildings on each of the lots in question and the distances between them, the lot lines and the public road, as well as the location of the building to be erected. In the case of a declaration made under section 32.1 of the Act or where the building is to be erected or replaced on an area of recognized rights referred to in sections 101 and 103 of the Act, the plan must identify precisely the area of recognized rights referred to in section 101 of the Act and the

location of the uses for purposes other than agricultural and the distances between them and the lot lines and the public road. Such plan must also illustrate the area over which the declarant claims to exercise the right to enlarge provided for in section 103 of the Act, where applicable;

(3) a copy of the graphic matrix illustrating each of the lots in question;

(4) in the case of the replacement of a burned-out or destroyed residence, erected under section 31 of the Act, or a building used for purposes other than agricultural before the date of application of the Act, a copy of the fire report or demolition permit, or an attestation by a municipal officer indicating the date of the total or partial destruction of the building or any other document making it possible to establish the date of the destruction;

(5) where the declarant relies upon the personal right provided for in section 40 of the Act to erect a residence, the name, profession and quality of the occupant of the residence, the principal characteristics of the farm operation such as its total area, the area under cultivation, the type of crops, a list of the livestock, farm machinery and buildings, specifying which areas are leased by the declarant and which are owned by the declarant, and a copy of the financial documents for the last fiscal year;

(6) where the declaration covers an area of recognized rights provided for in section 105 of the Act, an attestation by the clerk or secretary-treasurer of the municipality indicating the date on which the municipal by-laws providing for the installation of public water and sanitary sewer services were passed and approved, as well as the type of uses allowed by municipal by-laws on the areas covered by the declaration;

(7) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).".

3. The following is inserted after section 5:

"**5.1.** In addition to the declarations referred to in sections 32 and 32.1 of the Act, a person may apply to the commission for a verification of the existence of a real right or a personal right affecting the person's property. Such application must be filed on a form provided by the commission and contain the following information:

(1) the applicant's name, address, telephone and fax numbers and email address and, if applicable, the name, address, telephone and fax numbers and email address of the mandatary and the owner;

(2) the designation of each of the lots covered by the application, the range, the cadastre, the area of each lot and the municipality in which each is located, as well as all the other lots forming the property covered by the verification of rights;

(3) the type of use concerned, the right relied upon by the applicant and the facts in support of that right;

(4) the attestation of the person or the person's mandatary that the information and documents provided are true.

5.2. An application for the verification of rights, filed by means of the duly completed form provided by the commission, must be accompanied by the following documents:

(1) a copy of the land title for each of the lots concerned, bearing the date and publication number in the land register;

(2) a scale plan, dated and signed, the scale used to make it, indicating the cardinal points, the location of the buildings on each of the lots in question and the distances between them, the lot lines and the public road. The plan must also identify the area of recognized rights referred to in section 101 of the Act and illustrate the area over which the applicant claims to exercise the right to enlarge provided for in section 103 of the Act, where applicable;

(3) a copy of the graphic matrix illustrating each of the lots in question;

(4) if the right to verify is the right referred to in sections 101 and 103 of the Act, a copy of the fire report or demolition permit, or an attestation by a municipal officer indicating the date of the total or partial destruction of the building or any other document making it possible to establish the date of the destruction, the construction permit, the property assessment roll of the year of the Order in Council, of the year 2001 and of the current year, as well as any other relevant document;

(5) if the right to verify is the right referred to in section 104 of the Act, a description of the public service projected by the public authority and any other document including the Order in Council of the Government, the municipal by-law allowing to establish the origin of the right relied on;

(6) if the right to verify is the right referred to in section 105 of the Act, an attestation by the clerk or secretary-treasurer of the municipality indicating the date on which the municipal by-laws providing for the installation of public water and sanitary sewer services were passed and approved, as well as the type of uses allowed by municipal by-laws on the areas covered by the application for verification;

(7) if the right to verify is the right covered by the personal rights provided for in sections 31 and 31.1 of the Act, a copy of the relevant permits, the property assessment roll of the year following the construction and of the current year;

(8) where the recognition applied for is for the personal right provided for in section 40 of the Act, the name, profession and quality of the occupant of the residence, a description of the farm operation including the total area owned and the leased area, if applicable, the area under cultivation, the type of crops, a list of the livestock, farm machinery and buildings, and a copy of the financial documents for the last fiscal year;

(9) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).".

4. Sections 7 and 8 are revoked.

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

102489

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Method for assessing the annual royalty and method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation modifies the method for assessing the annual royalty to be paid by the holder of a timber supply guarantee and on the basis of which the timber market board sets the rate applicable.

The draft Regulation generally will reduce, as of the 2016-2017 harvest year, the amount of the annual royalty to be paid by holders of timber supply guarantees.

Further information on the draft Regulation may be obtained by contacting Jean-Pierre Adam, Bureau de mise en marché des bois, Ministère des Forêts, de la Faune et des Parcs, 5700, 4e Avenue Ouest, bureau A-204, Québec (Québec) G1H 6R1; telephone: 418 627-8640, extension 4375; fax: 418 528-1278; email: jean-pierre.adam@bmmb.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Ronald Brizard, Associate Deputy Minister for Forests, Ministère des Forêts, de la Faune et des Parcs, 5700, 4e Avenue Ouest, bureau A-405, Québec (Québec) G1H 6R1.

LAURENT LESSARD,
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee

Sustainable Forest Development Act
(chapter A-18.1, s. 126)

1. The Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6) is amended in section 1:

(1) by inserting the following after paragraph 1:

"(1.1) "merchantable timber" means all logs or parts of logs greater than 9 cm in diameter;";

(2) by inserting the following after paragraph 2:

"(2.1) "special development plan" means a special development plan within the meaning of section 60 of the Sustainable Forest Development Act (chapter A-18.1);";

(3) by replacing paragraph 3 by the following:

"(3) "billed volume of timber" means all merchantable timber from forests in the domain of the State that is billed to the holder of a timber supply guarantee by the timber marketing board, except timber acquired on the open market;".

2. Section 2 is amended by replacing "January" in the second paragraph by "February".

3. Sections 3 and 4 are replaced by the following:

"**3.** If the volume of timber billed to a guarantee holder during the reference period is equal to or greater than 10% of the volume of timber specified in the holder's timber supply guarantee, the first annual royalty instalment is assessed using the following method:

$RAVBG^{1} = VBG^{2}\ [18\%\ (VMBSPF^{3} / VBF^{4})]$

$RAAR1F^{5} = \{(VBG^{2} - VBR1^{6})\ [18\%\ (VMBSPF^{3} / VBF^{4})]\}$

$RA1F^{7} = 50\%\ RAAR1F^{5}$

If, however, the annual royalty after waiver used to determine the first billing is less than 50% of the annual royalty according to the volumes of timber specified in the holders timber supply guarantee, the first annual royalty instalment is assessed using the following method:

$RA1F^{7} = 50\%\ RAVBG^{1}\ 50\%$

[1] the annual royalty according to the volume of timber specified in the holder's timber supply guarantee

[2] the volume of timber specified in the holder's timber supply guarantee

[3] the amount calculated on the basis of the market value of the standing timber related to the volume of timber billed to the holder during the reference period

[4] the volume of timber billed to the holder during the reference period

[5] the annual royalty after waiver used to determine the first billing

[6] the volume of timber waived or deemed to have been waived by the holder at the time the sales contract for the standing timber purchased pursuant to the holder's timber supply guarantee was made

[7] the annual royalty to be paid on the first billing

The second annual royalty instalment is assessed using the following method:

$RAAR2F^{8} = \{(VBG^{2} - VBR1^{6} - 50\ \%\ VBR2^{9} - VBR2PAS^{10})\ [18\%\ (VMBSPF^{3} / VBF^{4})]\}$

$RA2F^{11} = RAAR2F^{8} - RA1F^{7}$

If, however, the annual royalty after waiver used to determine the second billing is less than 50% of the annual royalty according to the volumes of timber specified in the holder's timber supply guarantee, the second annual royalty instalment is assessed using the following method:

$RA2F^{11} = (50\%\ RAVBG^{1}) - RA1F^{7}$

[8] the annual royalty after waiver used to determine the second billing

[9] the volume of timber, not under a special development plan, waived by the holder between the time the sales contract for the standing timber purchased pursuant to the holder's timber supply guarantee is made and 15 August of the current harvest year

[10] the volume of timber, under a special development plan, waived by the holder between the time the sales contract for the standing timber purchased pursuant to the holder's timber supply guarantee is made and 15 August of the current harvest year

[11] the annual royalty to be paid on the second billing

At the end of the harvest year, the holder of a timber supply guarantee is entitled, for the timber under a special development plan waived by the holder between 16 August and 31 March of the harvest year concerned, to be reimbursed for a portion of the annual royalty, assessed using the following method:

$RAARA2F^{12} = RAAR2F^{8} - (VBRA2FPAS^{13})\ [18\%\ (VMBSPF^{3} / VBF^{4})]$

$PRAR^{14} = (VBRA2FPAS^{13})\ [18\%\ (VMBSPF^{3} / VBF^{4})]$

If, however, the annual royalty after waiver following the second billing is less than 50% of the annual royalty according to the volumes of timber specified in the holder's timber supply guarantee, the reimbursed portion of the annual royalty is assessed using the following method:

$PRAR^{14} = (RA1F^{7} + RA2F^{11}) - (50\%\ RAVBG^{1})$

[12] the annual royalty after waiver following the second billing

[13] the volume of timber, under a special development plan, waived by the holder between 16 August and 31 March of the harvest year concerned

[14] the reimbursed portion of the annual royalty

"**4.** If the volume of timber billed to a guarantee holder during the reference period is less than 10% of the volume of timber specified in the holder's timber supply guarantee, the first annual royalty instalment is assessed using the following method:

$RAVBG^{1} = \Sigma e^{2} \{(VBGe^{3}) [18\% (VMTBSPFe^{4} / VBTFe^{5})]\}$

$RAAR1F^{6} = \Sigma e^{7} \{(VBGe^{3} - VBRe1^{8}) [18\% (VMTBSPFe^{4} / VBTFe^{5})]\}$

$RA1F^{9} = 50\%\ RAAR1F^{6}$

If, however, the annual royalty after waiver used to determine the first billing is less than 50% of the annual royalty according to the volumes of timber specified in the holder's timber supply guarantee, the first annual royalty instalment is assessed using the following method:

$RA1F^{9} = 50\%\ RAVBG^{1}\ 50\%$

[1] the annual royalty according to the volume of timber specified in the holder's timber supply guarantee

[2] the sum of the operation performed for each annual royalty for the species or group of species concerned, as specified in the holder's timber supply guarantee

[3] the volume of the species or group of species concerned, as specified in the holder's timber supply guarantee

[4] the amount calculated on the basis of the total market value of the standing timber related to the volume of timber billed to all the holders during the reference period for the species or group of species concerned

[5] the total volume billed to all the holders during the reference period for the species or group of species concerned

[6] the annual royalty after waiver used to determine the first billing

[7] the sum of the operation performed for each annual royalty for the species or group of species concerned, as specified in the holder's timber supply guarantee after waiver

[8] the volume of the species or group of species concerned, as specified in the holder's timber supply guarantee, waived or deemed to have been waived by the holder at the time the sales contract for the standing timber purchased pursuant to the holder's timber supply guarantee was made

[9] the annual royalty to be paid on the first billing

The second annual royalty instalment for the species or groups of species specified in the holder's timber supply guarantee is assessed using the following method:

$RAAR2F^{10} = \Sigma e^{11} \{(VBGe^{3} - VBRe1^{8} - 50\%VBRe2^{12} - VBRe2PAS^{13}) [18\% (VMTBSPFe^{4} / VBTFe^{5})]\}$

$RA2F^{14} = RAAR2F^{10} - RA1F^{9}$

If, however, the annual royalty after waiver used to determine the second billing is less than 50% of the annual royalty according to the volumes of timber specified in the holder's timber supply guarantee, the second annual royalty instalment is assessed using the following method:

$RA2F^{14} = (50\%\ RAVBG^{1}) - RA1F^{9}$

[10] the annual royalty after waiver used to determine the second billing

[11] the sum of the operation performed for each annual royalty for the species or group of species concerned, as specified in the holder's timber supply guarantee after waiver

[12] the volume of the species or group of species concerned, as specified in the holder's timber supply guarantee, not under a special development plan, waived by the holder between the time the sales contract for the standing timber purchased pursuant to the holder's timber supply guarantee is made and 15 August of the current harvest year

[13] the volume of the species or group of species concerned, as specified in the holder's timber supply guarantee, under a special development plan, waived by the holder between the time the sales contract for the standing timber purchased pursuant to the holder's timber supply guarantee is made and 15 August of the current harvest year

[14] the annual royalty to be paid on the second billing

At the end of the harvest year, the holder of a timber supply guarantee is entitled, for the timber under a special development plan waived by the holder between 16 August and 31 March of the harvest year concerned, to be reimbursed for a portion of the annual royalty, assessed using the following method:

$RAARA2F^{15} = RAAR2F^{10} - Se^{11}\ (VBReA2FPAS^{16}) [18\% (VMTBSPFe^{4} / VBTFe^{5})]$

$PRAR^{17} = Se^{11}$ (VBReA2FPAS[16]) [18% (VMTBSPFe[4] / VBTFe[5])]

If, however, the annual royalty after waiver following the second billing is less than 50% of the annual royalty according to the volumes of timber specified in the holder's timber supply guarantee, the reimbursed portion of the annual royalty is assessed using the following method:

$PRAR^{17} = (RA1F^{9} + RA2F^{14}) - (50\%\ RAVBG^{1})$

[15] the annual royalty after waiver following the second billing

[16] the volume of the species or group of species concerned, as specified in the holder's timber supply guarantee, under a special development plan, waived by the holder between 16 August and 31 March of the harvest year concerned

[17] the reimbursed portion of the annual royalty

"**4.1.** If the Minister cancels a timber supply guarantee pursuant to subparagraph 3 of the first paragraph of section 109 of the Sustainable Forest Development Act (chapter A-18.1), or terminates a timber supply guarantee pursuant to paragraph 1 of section 112 of that Act, the Minister is to reimburse the holder of the cancelled guarantee for the portion of the annual royalty corresponding to the volume of timber remaining harvestable by the holder before cancellation of the standing timber sales contract.

A holder granted a timber supply guarantee by the Minister in the course of the harvest year must pay, for that year, an annual royalty corresponding to the proportion of the volumes of timber the holder could purchase before the end of the harvest year. If the plant for which the guarantee is granted was or had already been operated under a guarantee, the rate of the annual royalty to be paid by such a holder is the rate that applied to the holder of the cancelled guarantee at the time of the cancellation.".

4. This Regulation applies to the 2016-2017 and subsequent harvest years.

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

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Notices

Notice

An Act respecting prescription drug insurance
(chapter A-29.01)

List of Medications
— Amendments made during the year 2015

In accordance with section 60.3 of the Act respecting prescription drug insurance, the Régie de l'assurance maladie du Québec hereby gives notice of the amendments made, during the 2015 calendar year, to the List of Medications attached to the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Order 2007-005, dated 1 June 2007, of the Minister of Health and Social Services.

List of Medications covered by the basic prescription drug insurance plan

Website: http://www.ramq.gouv.qc.ca/en/publications/citizens/legal-publications/Pages/list-medications.aspx

Amendments	Date of coming into force	Date of publication
New List (replacement of APPENDIX I)	2 February 2015	30 January 2015
Correction pursuant to section 60.2 (correction No. 1)	2 February 2015	5 February 2015
Replacement pursuant to section 60.1	21 January 2015	6 February 2015
End of replacement pursuant to section 60.1	27 January 2015	6 February 2015
End of replacement pursuant to section 60.1	22 February 2015	6 February 2015
End of replacement pursuant to section 60.1 (2 notices)	26 February 2015	6 February 2015
End of replacement pursuant to section 60.1	24 February 2015	9 February 2015
Replacement pursuant to section 60.1	30 December 2014	13 February 2015
End of replacement pursuant to section 60.1	6 February 2015	13 February 2015
Replacement pursuant to section 60.1	1 December 2014	5 March 2015
Replacement pursuant to section 60.1	5 January 2015	5 March 2015
New List of Medications	16 March 2015	13 March 2015
End of replacement pursuant to section 60.1	27 February 2015	16 March 2015
End of replacement pursuant to section 60.1	16 March 2015	19 March 2015
End of replacement pursuant to section 60.1 (2 notices)	23 March 2015	19 March 2015
End of replacement pursuant to section 60.1 (2 notices)	24 March 2015	20 March 2015
End of replacement pursuant to section 60.1	1 April 2015	26 March 2015
New List (replacement of APPENDIX I)	24 April 2015	22 April 2015
Replacement pursuant to section 60.1	8 April 2015	30 April 2015

Amendments	Date of coming into force	Date of publication
Replacement pursuant to section 60.1	22 April 2015	30 April 2015
Amendment to the List of Medications	15 May 2015	25 May 2015
New List (replacement of APPENDIX I)	1 June 2015	29 May 2015
End of replacement pursuant to section 60.1 (4 notices)	1 June 2015	11 June 2015
Replacement pursuant to section 60.1	3 June 2015	11 June 2015
End of replacement pursuant to section 60.1 (2 notices)	3 July 2015	11 June 2015
Replacement pursuant to section 60.1	29 June 2015	17 July 2015
End of replacement pursuant to section 60.1	31 July 2015	17 July 2015
New List (replacement of APPENDIX I)	24 July 2015	24 July 2015
End of replacement pursuant to section 60.1	18 July 2015	14 August 2015
End of replacement pursuant to section 60.1	17 August 2015	14 August 2015
Replacement pursuant to section 60.1 (2 notices)	2 July 2015	18 August 2015
Replacement pursuant to section 60.1	21 July 2015	18 August 2015
End of replacement pursuant to section 60.1	24 July 2015	18 August 2015
End of replacement pursuant to section 60.1	14 August 2015	18 August 2015
Replacement pursuant to section 60.1	2 July 2015	21 August 2015
Replacement pursuant to section 60.1	3 August 2015	21 August 2015
Replacement pursuant to section 60.1	2 June 2015	26 August 2015
End of replacement pursuant to section 60.1	28 August 2015	2 September 2015
End of replacement pursuant to section 60.1	11 September 2015	10 September 2015
New List (replacement of APPENDIX I)	1 October 2015	29 September 2015
Correction pursuant to section 60.2 (correction No. 1)	1 October 2015	9 October 2015
Replacement pursuant to section 60.1	2 October 2015	21 October 2015
End of replacement pursuant to section 60.1	23 October 2015	21 October 2015
Replacement pursuant to section 60.1 (2 notices)	20 October 2015	6 November 2015
End of replacement pursuant to section 60.1	20 November 2015	17 November 2015
New List (replacement of APPENDIX I)	20 November 2015	19 November 2015
Replacement pursuant to section 60.1	24 November 2015	2 December 2015
Replacement pursuant to section 60.1	14 December 2015	8 January 2016
Replacement pursuant to section 60.1	15 December 2015	13 January 2016
Replacement pursuant to section 60.1	27 December 2015	13 January 2016
Replacement pursuant to section 60.1	30 December 2015	13 January 2016

CHANTAL GARCIA,
Secretary General of the
Régie de l'assurance maladie du Québec

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Notice

Health Insurance Act
(chapter A-29)

Regulations made under the first paragraph of section 72.1 of the Act — Amendments made during the year 2015

In accordance with the third paragraph of section 72.1 of the Health Insurance Act, the Régie de l'assurance maladie du Québec hereby gives notice of the amendments made, in the 2015 calendar year, to the regulations made under the first paragraph of that section, which amendments were published on the website of the Régie.

Tariff for insured hearing aids and related services (A-29, r. 8)

Website: http://www.ramq.gouv.qc.ca/en/regie/legal-publications/Pages/tariff-insured-hearing-aids.aspx

Replacements or amendments	Date of coming into force	Date of publication
Amendment to the schedule to the Regulation (tariff)	16 February 2015	16 February 2015
Amendment to the schedule to the Regulation (tariff)	1 May 2015	1 May 2015
Amendment to the schedule to the Regulation (tariff) – Correction	1 May 2015	20 May 2015
Amendment to the schedule to the Regulation (tariff)	1 November 2015	5 January 2016

Tariff for insured devices which compensate for a motor deficiency and related services (A-29, r. 9)

Website: http://www.ramq.gouv.qc.ca/en/publications/citizens/legal-publications/Pages/tariff-insured-devices-compensate-motor-deficiency.aspx

Replacements or amendments	Date of coming into force	Date of publication
Amendment to the schedule to the Regulation (tariff)	19 October 2015	19 October 2015

CHANTAL GARCIA,
Secretary General of the
Régie de l'assurance maladie du Québec

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