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**Part**

**2**

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**Laws and Regulations**

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**Summary**

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### Contents

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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 6 APRIL 2016

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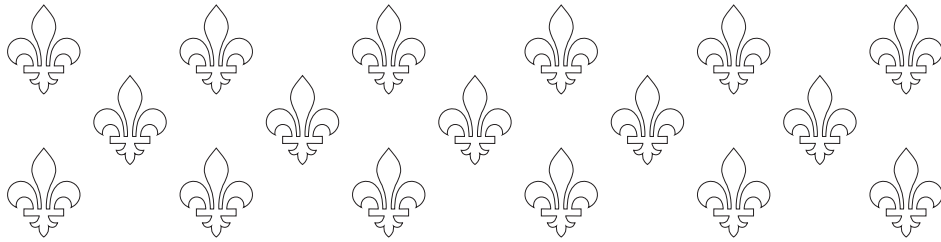
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 6 April 2016*

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

- 77 Québec Immigration Act
- 89 An Act to ensure better consistency between the French and English texts of the Civil Code

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 77  
(2016, chapter 3)

## Québec Immigration Act

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**Introduced 2 December 2015**  
**Passed in principle 18 February 2016**  
**Passed 6 April 2016**  
**Assented to 6 April 2016**

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2016

## EXPLANATORY NOTES

*This Act replaces the Act respecting immigration to Québec. Its purposes are the selection of foreign nationals wishing to stay temporarily or settle permanently in Québec, family reunification of Canadian citizens and permanent residents with their close relatives who are foreign nationals, and the reception of refugees and other persons in special hardship situations.*

*Moreover, the goals of this Act are to promote, through a shared commitment between Québec society and immigrants, the latter's full participation, in French, in community life, in full equality and in keeping with democratic values, and to contribute, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society. In addition, the aim of this Act is that immigrants contribute, in particular, to Québec's prosperity, the preservation and vitality of French, the vitality of the regions and Québec's international influence.*

*The Act substantially reproduces certain current provisions of the Act respecting immigration to Québec, notably in the matter of immigration planning. In this respect, it maintains the powers enabling the Government to set conditions for the selection of foreign nationals for permanent or temporary immigration and to determine the cases in which a person or a group of persons may enter into a sponsorship undertaking to assist a foreign national in settling permanently in Québec. It grants the Minister of Immigration, Diversity and Inclusiveness the power to create pilot immigration programs of a set duration for the purpose of developing new immigration programs.*

*The Act reformulates the current provisions on reception, francization and integration programs to specify that such programs are aimed at fostering immigrants' full participation in Québec society and in community life as well as their long-term settlement in the regions, and to empower the Minister to implement them.*

*In addition, the jurisdiction of the Administrative Tribunal of Québec is extended in immigration matters by, among other ways, providing a recourse for foreign nationals belonging to the economic class whose application for selection for permanent immigration was refused.*



*The Government is authorized to determine the cases in which an employer wishing to hire a foreign national must file an application with the Minister for the assessment or validation of an employment offer and is granted the power to impose any necessary conditions on an employer who hires such a foreign national.*

*The Act maintains the current mechanism for the management of applications for selection for permanent immigration and extends it, notably, to applications for selection for temporary immigration and to applications made by employers. It also introduces a model based on expressions of interest by foreign nationals, which are used to constitute a bank of candidates and choose, on the basis of invitation criteria determined by the Minister, the candidates best suited to Québec's needs.*

*The Act revises the current provisions applicable to immigration consultants to better regulate their activities. The Minister is granted, among other powers, the power to refuse an application for recognition as an immigration consultant for a public interest reason. The Act also modernizes the provisions concerning inspection and investigation powers, the penal provisions, the provisions regarding administrative penalties, including monetary penalties, and any obsolete or inappropriate provisions.*

*Lastly, various amending provisions, notably, with respect to the Minister's functions and responsibilities under the Act respecting the Ministère de l'Immigration et des Communautés culturelles, are introduced.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Individual and Family Assistance Act (chapter A-13.1.1);
- Act respecting administrative justice (chapter J-3);
- Act respecting the Ministère de l'Immigration et des Communautés culturelles (chapter M-16.1);
- Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70);
- Act to amend the Act respecting immigration to Québec (2004, chapter 18).

**LEGISLATION REPLACED BY THIS ACT:**

- Act respecting immigration to Québec (chapter I-0.2).

**LEGISLATION REPEALED BY THIS ACT:**

- Act to amend the Act respecting immigration to Québec (2001, chapter 58).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting immigration consultants (chapter I-0.2, r. 0.2).

## **Bill 77**

### **QUÉBEC IMMIGRATION ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **OBJECTS**

**1.** The purposes of this Act are the selection of foreign nationals wishing to stay temporarily or settle permanently in Québec, family reunification of Canadian citizens and permanent residents with their close relatives who are foreign nationals, and the reception of refugees and other persons in special hardship situations.

Moreover, the goals of this Act are to promote, through a shared commitment between Québec society and immigrants, the latter's full participation, in French, in community life, in full equality and in keeping with democratic values, and to contribute, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society.

Lastly, the aim of this Act is that immigrants contribute, in particular, to Québec's prosperity, the preservation and vitality of French—the common language knowledge of which is the key to successful participation—the vitality of the regions and Québec's international influence.

**2.** In this Act, a “foreign national” is a person who is neither a Canadian citizen nor a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27).

#### **CHAPTER II**

##### **IMMIGRATION PLANNING**

**3.** To develop a multi-year immigration plan, the Minister, taking into account such elements as Québec's immigration policy, the demand for immigration, Québec's needs, including its regions' needs, and Québec's capacity to receive and integrate immigrants, submits multi-year guidelines to the Government for approval.

**4.** The multi-year guidelines address such matters as the composition of immigration and the projected number of persons to be admitted. They are to

be tabled in the National Assembly for a general consultation to be held by the competent parliamentary committee.

**5.** Taking into account the multi-year plan, the Minister establishes an annual immigration plan the purpose of which is to specify projected immigration levels.

The plan indicates the projected or estimated number of foreign nationals that Québec expects to receive and the number of selection decisions concerning immigrants wishing to settle permanently in Québec that may be made. Those numbers may be broken down by class, by immigration program or by program component.

The plan is tabled in the National Assembly not later than 1 November each year or, if the Assembly is not sitting, within 15 days after resumption.

### **CHAPTER III**

#### **TEMPORARY AND PERMANENT IMMIGRATION**

##### **DIVISION I**

##### **IMMIGRATION CLASSES AND PROGRAMS**

**6.** The classes of foreign nationals wishing to stay temporarily in Québec are

- (1) the temporary worker class;
- (2) the international student class; and
- (3) the person on a temporary stay for medical treatment class.

**7.** The classes of foreign nationals wishing to settle permanently in Québec are

- (1) the economic class;
- (2) the family class; and
- (3) the humanitarian class.

**8.** The Government may, by regulation, determine other classes in addition to those listed in sections 6 and 7.

**9.** For each class, the Government may, by regulation, determine immigration programs and, for each program, the selection conditions and any selection criteria applicable to foreign nationals.

**10.** To stay or settle in Québec, foreign nationals belonging to one of the classes listed in sections 6 and 7 must file an application with the Minister under an immigration program, unless they are covered by an exemption provided for by government regulation.

An application under a family class program must be filed by a sponsor.

**11.** Despite the immigration program under which a foreign national's application is filed, the Minister may decide to examine the application under a different immigration program in order to facilitate the foreign national's selection.

## DIVISION II

### TEMPORARY IMMIGRATION

**12.** A foreign national who belongs to one of the classes listed in section 6 must be selected by the Minister by obtaining the Minister's consent to the foreign national's stay. Such consent is required, unless the foreign national is covered by an exemption provided for by government regulation.

**13.** The Minister's consent to a foreign national's stay is given once the foreign national meets all the conditions of an immigration program under which the application is examined.

**14.** The Minister's consent is certified in the manner and on the conditions prescribed by government regulation.

**15.** An employer wishing to hire a foreign national must, in the cases and on the conditions determined by government regulation, and after filing an application, obtain from the Minister a positive assessment as to the employment offer's impact on Québec's labour market.

The conditions applicable to an employer who hires a foreign national after having obtained a positive assessment for an employment offer are determined by government regulation.

**16.** For the purpose of developing new temporary immigration programs, the Minister may, by regulation, implement a temporary immigration pilot program lasting up to five years.

The maximum number of foreign nationals who may be selected under a temporary immigration pilot program is 400 per year.

The Minister determines, by regulation, the conditions and required fees applicable under such a program.

### DIVISION III

#### TRANSITION TO PERMANENT IMMIGRATION

**17.** A foreign national who is staying temporarily in Québec may file an application for selection under an immigration program intended to allow the foreign national to settle permanently in Québec.

The selection conditions and any selection criteria applicable to the foreign national under such a program are determined by government regulation.

### DIVISION IV

#### PERMANENT IMMIGRATION

##### §1. — *General provisions*

##### 1. SELECTION FOR PERMANENT IMMIGRATION

**18.** To settle permanently in Québec, a foreign national must be selected by the Minister, unless the foreign national belongs to the family class, is recognized as a refugee when already in Québec or is covered by an exemption provided for by government regulation.

**19.** The Minister selects a foreign national who meets all the conditions of an immigration program under which the application is examined.

**20.** The Minister's selection decision also applies to the family members who are included in the application filed with the Minister by the foreign national.

**21.** The Minister's selection decision is certified in the manner and on the conditions prescribed by government regulation.

##### 2. SPONSORSHIP UNDERTAKING

**22.** A person or a group of persons may, by contract, give a sponsorship undertaking to the Government to assist a foreign national and the family members accompanying the foreign national in settling permanently in Québec.

The Government determines, by regulation, which persons or groups of persons may file a sponsorship undertaking application with the Minister and the applicable conditions.

**23.** An undertaking is entered into according to the terms and for the time prescribed by government regulation.

**24.** The Government may, by regulation, determine the cases in which an undertaking may be cancelled or considered to have lapsed and the situations in which the Minister may lift the effects of a lapse.

§2. — *Economic class*

**25.** A foreign national who belongs to the economic class may be selected by the Minister under a program intended to attract persons who are able to contribute to Québec's prosperity by settling in Québec.

**26.** The Government may, by regulation, determine that achieving a score obtained by applying a selection grid is one of the selection conditions referred to in section 9. Such a grid is to include selection criteria such as training, work experience and knowledge of French.

**27.** The weighting of the selection criteria referred to in section 26, the passing score and, as applicable, the cut-off score for a selection criterion are set by ministerial regulation.

**28.** The Minister may, when required, in collaboration with the other ministers concerned, collate economic information, such as a list of priority areas of training or economic sectors, with a view to assessing a foreign national's ability to contribute to Québec's prosperity by settling in Québec.

That information may be published in any medium the Minister considers appropriate.

**29.** An employer who wishes to hire a foreign national may, in the cases and on the conditions determined by government regulation, file an application with the Minister for the validation of the employment offer.

The conditions that apply to an employer who hires a foreign national after the validation of an employment offer are determined by government regulation.

**30.** Subject to section 31, the conditions applicable to a person who or a partnership that participates in the management of an investment or of a deposit of a sum of money by a person who files an application in the economic class are determined by government regulation.

The Government also determines, by regulation, conditions relating to the investment, deposit, management and disposition of the sums invested or deposited, including their reimbursement and confiscation.

**31.** If the number of selection applications the Minister intends to receive is determined by a decision made under section 50, the Minister may, by regulation, require a person or partnership referred to in section 30 who or that participates in the management of an investment of a foreign national to hold a quota. The Minister may also, in the same manner,

- (1) set the minimum quota of the person or partnership;
- (2) determine the terms and conditions for assigning a quota to the person or partnership, in particular by establishing a quota calculation formula and determining the value of the parameters;
- (3) prescribe the monetary administrative penalties applicable to a person who or a partnership that does not comply with the quota assigned by the Minister, set their amount and determine the applicable conditions; and
- (4) determine conditions relating to the transfer of a quota.

**32.** For the purpose of developing new economic immigration programs, the Minister may, by regulation, implement a permanent immigration pilot program lasting up to five years.

The maximum number of foreign nationals who may be selected under a permanent immigration pilot program is 550 per year.

The Minister determines, by regulation, the conditions, selection criteria and required fees applicable under such a program.

§3. — *Family class*

**33.** To settle permanently in Québec, a foreign national who belongs to the family class must be the subject of an undertaking by a natural person or a group of natural persons in accordance with sections 22 to 24.

§4. — *Humanitarian class*

**34.** A foreign national who is in a special hardship situation may be selected by the Minister in the cases and on the conditions determined by government regulation.

**35.** The Government determines, by regulation, the cases in which an undertaking entered into on behalf of a foreign national who is in a special hardship situation constitutes one of the elements the Minister may take into account in selecting that foreign national.

**36.** For the purpose of facilitating the permanent immigration of persons from countries or regions affected by a humanitarian crisis, the Government may, by regulation, if the urgency of the situation requires it, implement an immigration program with a set duration and determine its conditions.



## CHAPTER IV

### OVERRIDE POWER

**37.** Despite section 13, the Minister may consent to the stay of a foreign national who does not meet a condition of a program under which the foreign national's application is examined. The conditions the Minister may override are prescribed by government regulation.

In addition, the Minister may refuse to consent to the stay of a foreign national who meets all the conditions prescribed by regulation if the Minister has reasonable grounds to believe that the foreign national's stay in Québec would be contrary to the public interest.

**38.** Despite section 19 and in the cases determined by government regulation, the Minister may select for permanent immigration a foreign national who does not meet a condition or selection criterion applicable to him or her if, after examining the application, the Minister is of the opinion that the foreign national can successfully settle in Québec.

In addition, the Minister may refuse to select a foreign national who meets all the conditions determined by regulation if the Minister has reasonable grounds to believe that the foreign national has little likelihood of successfully settling in Québec or that his or her settling in Québec would be contrary to the public interest.

**39.** If the Minister refuses to select a foreign national for temporary or permanent immigration for a public interest reason, the Minister must indicate the nature of the reason.

**40.** When exercising discretion under the first paragraph of section 37 or 38, the Minister may require, in the cases prescribed by government regulation, that an undertaking be entered into on behalf of the foreign national if the Minister believes that such an undertaking is necessary for the foreign national to successfully stay or settle in Québec.

## CHAPTER V

### APPLICATION PROCEDURE AND MANAGEMENT

#### DIVISION I

##### CONDITIONS FOR FILING AN APPLICATION WITH THE MINISTER

**41.** The conditions relating to the filing of any application made under this Act are determined by ministerial regulation.

## DIVISION II

### EXPRESSION OF INTEREST

**42.** In the cases prescribed by government regulation, a foreign national may file an application for selection only if invited to do so by the Minister.

A foreign national who wishes to be invited to file such an application must submit an expression of interest in staying or settling in Québec to the Minister.

**43.** The Minister enters the expression of interest submitted by a foreign national who meets the submission conditions prescribed by ministerial regulation in the expressions-of-interest bank.

The conditions governing the validity of an expression of interest, including the time for which it is valid, as well as the effects of its invalidity are determined by government regulation.

**44.** The Minister determines the criteria or sets of criteria on the basis of which the Minister invites foreign nationals to file an application for selection in accordance with section 10 as well as their order of priority. The Minister may also rank foreign nationals, in particular by applying a score or determining whether or not the invitation criteria or sets of invitation criteria are met by each foreign national.

The Minister's decision is valid for a maximum period of 24 months and may be modified at any time during that period. The Minister publishes the decision in the *Gazette officielle du Québec* and in any medium the Minister considers appropriate. The decision takes effect on the date of its publication or on any later date specified in it.

An invitation criterion may be a score, a selection condition or criterion or any other criterion relating to a foreign national's ability to successfully stay or settle in Québec, such as training or a trade or occupation. Such an invitation criterion may notably also be a region of destination in Québec, a country or region affected by a humanitarian crisis or the existence of an international commitment.

**45.** The Minister invites foreign nationals to file an application for selection on the basis of the decision made under section 44.

The Minister determines the number of foreign nationals invited on the basis of an invitation criterion or a set of invitation criteria, according to the order of priority of invitation criteria or according to a ranking, taking into account, among other considerations, the Minister's processing capacity, the annual immigration plan, any decision made under sections 50 and 51, Québec's labour market needs, or labour market integration prospects.

The Minister publishes that decision in any medium the Minister considers appropriate.

**46.** A decision made by the Minister under section 44 or 45 is not a regulation within the meaning of the Regulations Act (chapter R-18.1).

**47.** The Minister may invite a foreign national who is subject to section 42 to file an application without the invitation criteria being applied if the Minister is of the opinion that the foreign national is able to contribute to Québec's prosperity by staying or settling in Québec.

**48.** The Government determines, by regulation, the cases in which the Minister invites a foreign national referred to in section 42 to file an application for selection without the invitation criteria being applied.

**49.** The Minister may withdraw a foreign national's expression of interest from the bank if the Minister has reasonable grounds to believe that the foreign national's staying or settling in Québec would be contrary to the public interest.

### DIVISION III

#### MINISTER'S DECISION RESPECTING APPLICATION MANAGEMENT

**50.** The Minister may make a decision on the receipt and processing of applications filed with the Minister in accordance with Chapter III. Such a decision is made taking into account such elements as the guidelines and the objectives set out in the annual immigration plan, Québec's needs and capacity to receive and integrate immigrants or the public interest.

Such a decision may pertain to the maximum number of applications the Minister intends to receive, the period for receiving applications, the terms and conditions for suspending the receipt of applications, and the order of priority for processing and disposing of applications that have yet to be examined.

The Minister's decision may, if it so specifies, apply to applications received in the three months preceding its effective date that have yet to be examined. In such cases, the Minister informs the applicant and, if applicable, returns the sums the applicant paid as fees.

**51.** In addition, the Minister may make a decision on the maximum number of foreign nationals that the Minister invites under section 45. The Minister may also determine the period for submitting expressions of interest or suspend the submission of expressions of interest.

**52.** A decision made by the Minister under section 50 or 51 may apply to an immigration class, an immigration program or a component of such a program.

A decision made by the Minister on the basis of humanitarian considerations or to ensure diversity in the origin of expressions of interest and applications for selection may also apply to a country, a region or a group of countries or regions.

A decision concerning applications filed under section 15 or 29 may, in particular, apply to a region of Québec, an economic sector, a trade or an occupation, taking into account Québec's labour market needs.

A decision stands for a maximum period of 24 months and may be modified at any time during that period. The Minister publishes the decision in the *Gazette officielle du Québec* and in any medium the Minister considers appropriate. The decision takes effect on the date of its publication or on any later date specified in it.

The reason for a decision must be included in the decision.

**53.** A decision made by the Minister under section 50 or 51 is not a regulation within the meaning of the Regulations Act.

#### **DIVISION IV**

##### **REFUSAL TO EXAMINE, REJECTION OF AN APPLICATION AND INVALIDITY OF A DECISION**

**54.** A person who submits an expression of interest to or files an application with the Minister must, at the Minister's request, demonstrate the truthfulness of the facts set out in his or her statements.

**55.** A person referred to in section 54 must also, at the time, within the time limit and in the manner specified by the Minister, provide the Minister with any information or document the Minister considers relevant.

**56.** The Minister may refuse to examine a person's application if

(1) the person has, in the five years preceding the examination of the application, directly or indirectly provided the Minister with false or misleading information or documents; or

(2) the person has been the subject of a decision made for a public interest reason under section 37, 38, 49 or 65.

**57.** The Minister may reject a person's application if

(1) the person has failed to demonstrate to the Minister, as required under section 54, the truthfulness of the facts set out in his or her statements;

(2) the person has failed to provide information or documents required by the Minister under section 55;

(3) the application contains false or misleading information or documents;

(4) the person has, in the five years preceding the examination of the application, directly or indirectly provided the Minister with false or misleading information or documents; or

(5) the person has been the subject of a decision made for a public interest reason under section 37, 38, 49 or 65.

**58.** A decision of the Minister is invalid if it expires, is cancelled or lapses.

The Government determines, by regulation, the time for which a decision made by the Minister is valid, the cases in which a decision lapses and the situations in which the Minister may lift the effects of any such lapse.

**59.** The Minister may cancel a decision in the cases prescribed by government regulation or if

(1) the application relating to the decision contained false or misleading information or documents;

(2) the decision was made in error;

(3) the conditions required for making a favourable decision cease to exist; or

(4) the public interest so requires.

The Minister's decision takes effect immediately.

## CHAPTER VI

### PARTICIPATION IN QUÉBEC SOCIETY

**60.** In collaboration with the other ministers concerned, the Minister develops reception, francization and integration programs for immigrants and programs aimed at establishing harmonious intercultural relations to promote immigrants' full participation, in French, in community life, in full equality and in keeping with democratic values, as well as their long-term settlement in the regions.

Within that framework, the Minister establishes and implements services in Québec and abroad in the areas under the Minister's responsibility and determines the eligibility requirements for those services.

**61.** The Minister may allocate financial assistance to an immigrant who, in accordance with the conditions determined under a program referred to in the first paragraph of section 60, has access to reception, francization or integration services.

## CHAPTER VII

### IMMIGRATION CONSULTANT

**62.** A person wishing to act as an immigration consultant must, subject to the second paragraph of section 63, be recognized by the Minister.

**63.** The Government may, by regulation, define “immigration consultant” and determine classes of immigration consultants.

It may also exempt the members or a class of members of a professional order from all or some of the provisions applicable to immigration consultants.

**64.** The Minister recognizes a person as an immigration consultant or renews a person’s recognition as such if the person meets all the conditions determined by regulation.

The Government also determines the cases in which the Minister must not recognize a person as an immigration consultant or renew a person’s recognition as such.

**65.** Despite any regulation enacted under section 64, the Minister may refuse an application for recognition or for the renewal of recognition as an immigration consultant if the Minister has reasonable grounds to believe that the applicant’s recognition as such would be contrary to the public interest.

**66.** The time for which an immigration consultant’s recognition is valid is prescribed by government regulation.

**67.** The obligations of immigration consultants and the prohibitions applicable to them in the exercise of consulting activities are determined by government regulation.

**68.** The Minister may suspend or revoke an immigration consultant’s recognition in the cases prescribed by government regulation or if the Minister is of the opinion that the public interest requires it.

**69.** The Minister keeps an up-to-date register of recognized immigration consultants, indicating those whose recognition has been suspended or revoked in the last five years.

The register is published in any medium the Minister considers appropriate.

**70.** Division IV of Chapter V, except sections 58 and 59, applies to applications filed with the Minister under this chapter.

## CHAPTER VIII

### REVIEW OF A DECISION OR PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

**71.** A decision of the Minister may be reviewed in the cases and on the conditions the Minister determines.

**72.** A decision made by the Minister may be contested by the following persons before the Administrative Tribunal of Québec within 60 days after the date of its notification:

(1) a natural person whose undertaking application on behalf of a foreign national has been refused or whose undertaking on behalf of a foreign national has been cancelled;

(2) a foreign national belonging to the economic class whose application for selection for permanent immigration has been refused, unless the decision was made under the second paragraph of section 38;

(3) a foreign national in respect of whom a temporary or permanent immigration selection decision has been cancelled, unless the decision was made for a public interest reason;

(4) a person who or a partnership that has incurred a monetary administrative penalty prescribed by a regulation under paragraph 3 of section 31 or sections 101 and 102; and

(5) a person whose recognition as an immigration consultant has been refused, suspended or revoked or has not been renewed, unless the decision was made for a public interest reason.

## CHAPTER IX

### REQUIRED FEES

**73.** The fees to be paid for the examination of an application for selection for temporary immigration filed by a foreign national are

(1) \$191 for an application filed as a temporary worker; and

(2) \$109 for an application filed as an international student or as a person on a temporary stay for medical treatment.

**74.** The fees to be paid for the examination of an application for selection for permanent immigration filed by a foreign national belonging to the economic class are

(1) \$15,000 for an application filed as an investor;

(2) \$1,034 for an application filed as an entrepreneur or a self-employed worker; and

(3) \$765 for an application filed as a skilled worker.

**75.** The fees to be paid for each family member accompanying a foreign national referred to in paragraph 2 or 3 of section 74 are \$164.

**76.** The fees to be paid for the examination of a sponsorship undertaking application regarding a foreign national who belongs to the family class are \$272 for the first foreign national and \$109 for every other foreign national included in the application.

**77.** The fees to be paid for the examination of an application for the assessment of an employment offer's impact on Québec's labour market or for the validation of an employment offer are \$191.

**78.** The fees to be paid for the examination of an application filed by an immigration consultant are

(1) \$1,600 for recognition as an immigration consultant; and

(2) \$1,300 for the renewal of recognition as such.

**79.** The fees prescribed in this chapter are payable at the time the application is filed unless a ministerial regulation made under section 41 provides otherwise.

**80.** The fees are adjusted and rounded off in accordance with section 83.3 of the Financial Administration Act (chapter A-6.001) and the regulation made under that Act.

The Minister publishes the results of the adjustment in the *Gazette officielle du Québec* and informs the public of the results by any other means the Minister considers appropriate.

**81.** With the exception of the fees to be paid for the examination of applications referred to in sections 73 to 78, the Government may, by regulation, set fees for any other application or for any stage in the examination of an application.

The Government may also, in the same manner, set the fees to be paid in connection with an expression of interest or the issue or filing of any document.

**82.** The Government may, by regulation, determine the cases in which a foreign national is exempted from paying the required fees.



## CHAPTER X

### DELEGATION AND AGREEMENTS

**83.** The Minister may, by agreement, delegate all or some of the powers conferred on the Minister by this Act to another minister or to a body of the Administration within the meaning of the Public Administration Act (chapter A-6.01).

**84.** The Minister may enter into an agreement for the administration of this Act and the regulations with another minister, an association, a partnership or a person, such as a body or a municipal authority.

## CHAPTER XI

### INSPECTION AND INVESTIGATION

#### DIVISION I

##### INSPECTION

**85.** The Minister may appoint an inspector to verify compliance with this Act and the regulations.

The inspector may, in the exercise of inspection functions,

(1) enter, at any reasonable time, the establishment of a legal person, an employer or an immigration consultant;

(2) take photographs or make recordings on the premises mentioned in subparagraph 1;

(3) examine and make copies of any document containing information relating to the activities of the persons mentioned in subparagraph 1; and

(4) require that the persons present provide or communicate to the inspector, within a reasonable time, any information or document relating to the application of this Act and the regulations for examination or the making of copies.

A person having custody, possession or control of any document relating to the application of this Act and the regulations must, at the inspector's request, send the document to the inspector within a reasonable time and facilitate its examination, regardless of the medium and of the means by which it may be accessed.

**86.** An inspector may, by a formal demand delivered by registered mail or personal service, require any person to file by registered mail or personal service, within a reasonable time specified in the demand, information or documents relating to the application of this Act or the regulations.

The person to whom the demand is made must, within the specified time, comply with the demand, whether or not the person has already filed such information or a reply to a similar demand made under this Act.

## **DIVISION II**

### **INVESTIGATION**

**87.** The Minister may conduct an investigation or commission a person the Minister designates to conduct an investigation on any matter relating to the application of this Act and the regulations.

**88.** In the course of an investigation relating to an offence under this Act or a regulation, a judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by an investigator, order a person, other than the person under investigation,

(1) to produce original documents, or copies of them certified by affidavit to be true copies, or to produce information; or

(2) to prepare a document based on documents or information already in existence and to produce it.

The order requires the documents or information to be produced within the time, at the place and in the form specified and to be given to the investigator named in it.

Before making such an order, the judge must be satisfied that there are reasonable grounds to believe that

(1) an offence under this Act or a regulation is being or has been committed;

(2) the documents or information will afford evidence respecting the commission of the offence; and

(3) the person who is the subject of the order has possession or control of the documents or information.

The order may contain any terms that the judge considers appropriate, including terms to protect lawyers' and notaries' professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an *ex parte* application made on the basis of an affidavit submitted by an investigator in support of the application, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

Every copy of a document produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in any proceeding and has the

same probative force as the original document would have if it had been proved in the ordinary way.

### **DIVISION III**

#### **MISCELLANEOUS PROVISIONS**

**89.** Legal proceedings may not be brought against inspectors and investigators for acts performed in good faith in the exercise of inspection and investigation functions.

**90.** Inspectors and investigators must, on request, provide identification and produce a certificate of authority signed by the Minister.

**91.** Any document produced for an investigation and certified by the Minister or an investigator as being a true copy of the original is admissible as proof and has the same probative force as the original.

### **CHAPTER XII**

#### **PENAL PROVISIONS**

**92.** Anyone who

(1) acts in such a way as to falsely suggest that his, her or its conduct or activities in relation to matters to which this Act applies are authorized or approved by the Minister or the Government, notably by using the expression “Immigration-Québec”, “Ministère de l’Immigration, de la Diversité et de l’Inclusion” or “Ministère de l’Immigration du Québec” or any similar expression, or

(2) makes or knowingly uses a document that falsely suggests it is made, sent or issued by the Minister or the Government, notably by using the expression “Immigration-Québec”, “Ministère de l’Immigration, de la Diversité et de l’Inclusion” or “Ministère de l’Immigration du Québec” or any similar expression,

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 \$10,000 to \$100,000 in any other case.

Immigration consultants who, by whatever means, make false, misleading or incomplete representations as to their recognition as immigration consultants or level of competence or as to the extent or effectiveness of their services are also liable to the minimum and maximum fines set out in the first paragraph.

**93.** Anyone who

(1) acts as an immigration consultant without being recognized as such by the Minister,

(2) directly or indirectly, by an act or omission, communicates to the Minister information or documents that he, she or it knows or should have known to be false or misleading in relation to an application filed with the Minister or an expression of interest to stay or settle in Québec, or

(3) in any way hinders an inspector or investigator in the exercise of inspection or investigation functions, or misleads the inspector or investigator by concealment or misrepresentation, or refuses to provide information or a document the inspector or investigator is entitled to obtain under this Act,

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 \$5,000 to \$50,000 in any other case.

**94.** Anyone who contravenes a regulatory provision whose violation constitutes an offence is guilty of an offence and is liable to a fine of \$1,000 to \$50,000 in the case of a natural person and \$2,000 to \$100,000 in any other case.

However, the Government may, by regulation, within the specified minimum and maximum limits, set the minimum and maximum amounts of a fine according to the nature of the violation and its seriousness.

**95.** The minimum and maximum fines prescribed by this Act or the regulations for a first offence are doubled for a second offence. Those amounts are tripled for a third or subsequent offence.

**96.** If an offence under this Act or the regulations is committed by a director or officer of a legal person, partnership or association without legal personality, the minimum and maximum fines are twice those prescribed for the offence.

**97.** Anyone who does or omits to do something in order to assist a person in committing an offence under this Act or the regulations, or advises, encourages, incites or causes a person to commit such an offence, is considered to have committed the same offence.

**98.** In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the offence.

**99.** If a legal person or an agent, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the regulations, the directors or officers of the legal person, partnership or association without legal personality are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of the first paragraph, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

**100.** Penal proceedings instituted under this Act are prescribed one year from the date on which the prosecutor became aware of the commission of the offence.

However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.

### CHAPTER XIII

#### REGULATIONS

**101.** The Government may, by regulation, prescribe administrative penalties, including monetary penalties, for contraventions of this Act or the regulations and the conditions applicable to such penalties.

**102.** A regulation made under section 101 may prescribe monetary administrative penalties for contraventions of

(1) a provision of a regulation made under section 9 that is a condition applicable under an economic immigration program;

(2) a provision of a regulation made under the second paragraphs of sections 15 and 29 or under section 67; and

(3) section 62.

The regulation sets the amounts of the monetary administrative penalty, taking into account the nature of the violation and its seriousness. The amounts may differ depending on whether the violation was committed by a natural person or a legal person.

**103.** The regulatory provisions whose violation constitutes a penal offence are determined by government regulation.

**104.** A regulation made under any of sections 15, 17, 18, 21, 26, 27, 29 to 31, 34, 35, 41 to 43, 48 and 81 is not subject to the publication requirement set out in section 8 of the Regulations Act and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation.

The same holds for a regulation made under any of sections 9, 10 and 101 to 103 in the case of provisions relating to a permanent immigration program.

**105.** A regulation made under this Act may provide for exemptions and vary for different immigration cases, classes or programs or components of an immigration program, among other things. Such a regulation may also vary for different classes of immigration consultants or different application examination stages.

**106.** A regulation made under this Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted.

## CHAPTER XIV

### AMENDING PROVISIONS

#### INDIVIDUAL AND FAMILY ASSISTANCE ACT

**107.** Section 91 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by replacing “any dependants who accompany the foreign national, to settle in Québec must repay the amount granted under a last resort financial assistance program to the foreign national and those dependants” by “the family members accompanying the foreign national within the meaning of that Act, to settle in Québec must repay the amount granted to the foreign national and those family members under a last resort financial assistance program”.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**108.** Section 30 of the Act respecting administrative justice (chapter J-3) is amended by replacing “concerning an undertaking, a selection certificate or a certificate of acceptance” by “concerning a sponsorship undertaking, a temporary or permanent immigration selection decision, recognition as an immigration consultant or a monetary administrative penalty”.

**109.** Section 6 of Schedule I to the Act is amended by replacing “17” by “72”.

#### ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION ET DES COMMUNAUTÉS CULTURELLES

**110.** The title of the Act respecting the Ministère de l'Immigration et des Communautés culturelles (chapter M-16.1) is replaced by the following title:

“ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION, DE LA  
DIVERSITÉ ET DE L'INCLUSION”.

**III.** Sections 1 to 4 of the Act are replaced by the following sections:

**“1.** The Ministère de l’Immigration, de la Diversité et de l’Inclusion is under the direction of the Minister of Immigration, Diversity and Inclusiveness appointed under the Executive Power Act (chapter E-18).

The Minister is responsible for immigration, ethnocultural diversity and inclusiveness.

**“2.** The Minister is to develop guidelines or policies on immigration and on the full participation, in French, of immigrants and ethnocultural minorities in Québec society, in full equality and in keeping with democratic values, and propose them to the Government. The Minister is notably to develop a Québec policy on those matters.

The Minister is to coordinate and monitor the implementation of those guidelines and policies in order to ensure their relevance and effectiveness.

**“3.** The Minister is to advise the Government and government departments and bodies on any matter under the Minister’s responsibility.

The Minister is to exercise the functions of office in collaboration with the other ministers concerned, in keeping with their respective missions and functions.

**“4.** The Minister’s functions in matters of immigration, ethnocultural diversity and inclusiveness are, more particularly,

(1) to plan the number of immigrants Québec wishes to receive and the composition of that immigration;

(2) to promote immigration and inform immigrants about such topics as Québec’s democratic values, the integration and francization processes, Québec culture and the vitality of the regions;

(3) to select, as temporary or permanent immigrants, foreign nationals who will be able to fully participate, in French, in Québec society;

(4) to contribute, through the selection of temporary or permanent immigrants, to meeting the needs and reflecting the choices of Québec;

(5) to promote immigration’s contribution to Québec’s prosperity, to the preservation and vitality of French—the common language knowledge of which is the key to successful participation—to the vitality of the regions and to Québec’s international influence;

(6) to ensure family reunification, participate in international solidarity efforts and respond to other humanitarian situations;

(7) to contribute, through the provision of reception, francization and integration services and through intercultural relations projects, to immigrants' full participation, in French, in community life, to their long-term settlement in the regions and to the consolidation of harmonious intercultural relations;

(8) after consultation with the other ministers concerned, to coordinate the implementation of reception, francization and integration programs for immigrants; and

(9) to foster the commitment and coordinate the actions of government departments, bodies and social actors in order to build communities that are more inclusive, thereby contributing to immigrants' long-term settlement in the regions, promote immigrants' and ethnocultural minorities' full participation, in French, in community life, in full equality and in keeping with democratic values, and contribute, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society."

**112.** Sections 5 and 6 of the Act are repealed.

**113.** Section 7 of the Act is amended

(1) by adding “, including agreements for the sharing of information to satisfy the obligations incumbent on the Minister under the Acts for which the Minister is responsible” at the end of paragraph 2;

(2) by replacing paragraph 4 by the following paragraph:

“(4) take the necessary measures, in collaboration with the other ministers and the bodies concerned, to facilitate the recognition, in Québec, of qualifications acquired abroad, such as by speeding up the recognition process;”;

(3) by replacing paragraph 5 by the following paragraphs:

“(5) establish comparisons between diplomas and education obtained abroad and those obtained within Québec's education system;

“(6) obtain from government departments and bodies the information necessary to develop and implement guidelines and policies and to monitor and evaluate their relevance and effectiveness.”

#### ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES COMMUNAUTÉS CULTURELLES ET DE L'IMMIGRATION

**114.** Paragraph 1 of section 3, sections 8 and 9 and paragraphs 2, 8 and 9 of section 11 of the Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70) are repealed.



## ACT TO AMEND THE ACT RESPECTING IMMIGRATION TO QUÉBEC

**115.** The Act to amend the Act respecting immigration to Québec (2001, chapter 58) is repealed.

## ACT TO AMEND THE ACT RESPECTING IMMIGRATION TO QUÉBEC

**116.** Sections 2 and 6 and paragraph 5 of section 10 of the Act to amend the Act respecting immigration to Québec (2004, chapter 18) are repealed.

## REGULATION RESPECTING IMMIGRATION CONSULTANTS

**117.** Section 1 of the Regulation respecting immigration consultants (chapter I-0.2, r. 0.2) is repealed.

**118.** The Regulation is amended by inserting the following section before section 5:

“**4.1.** An immigration consultant must be recognized by the Minister in accordance with section 62 of the Québec Immigration Act (2016, chapter 3).

An immigration consultant who is recognized by the Minister is entered in the consultants register provided for in section 69 of the Act.”

**119.** Section 7 of the Regulation is amended by replacing “is to deny an application for renewal” in the second paragraph by “may not grant the renewal of an immigration consultant’s recognition”.

**120.** Sections 10, 15, 24 and 25 of the Regulation are repealed.

## CHAPTER XV

## TRANSITIONAL AND FINAL PROVISIONS

**121.** The multi-year guidelines and the annual plan approved by the Government under sections 3.0.0.1 and 3.0.1 of the Act respecting immigration to Québec (chapter I-0.2) which are in force on (*insert the date of coming into force of this Act*) are deemed to have been approved under Chapter II of this Act.

**122.** A selection certificate issued under section 3.1 or a certificate of acceptance issued under section 3.2 of the Act respecting immigration to Québec before it was replaced by this Act is valid and is deemed to be a decision made under this Act.

**123.** A sponsorship undertaking subscribed under section 3.1.1 of the Act respecting immigration to Québec before the replacement of that Act by this

Act is valid and is deemed to have been entered into under section 23 of this Act.

**124.** A decision made by the Minister under section 3.5 of the Act respecting immigration to Québec before the replacement of that Act by this Act is deemed to have been made under the provisions of Division III of Chapter V of this Act.

**125.** Any civil or penal proceedings pending on (*insert the date of coming into force of this Act*) are continued, without further formality, as if the provisions under which they were brought were still in force.

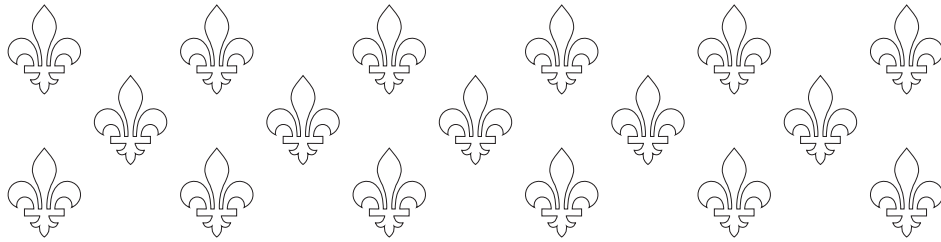
**126.** The Government may, by a regulation made within 12 months after (*insert the date of coming into force of this Act*), enact any transitional measure applicable to applications filed with the Minister before that date.

**127.** The required fees prescribed in Chapter IX must, on the date of its coming into force, be adjusted in accordance with section 80 as if they had been in force since 2 December 2015.

**128.** This Act replaces the Act respecting immigration to Québec.

**129.** The Minister of Immigration, Diversity and Inclusiveness is responsible for the administration of this Act.

**130.** The provisions of this Act come into force on the date or dates to be set by the Government.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 89  
(2016, chapter 4)

**An Act to ensure better consistency  
between the French and English texts of  
the Civil Code**

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**Introduced 16 February 2016  
Passed in principle 23 February 2016  
Passed 5 April 2016  
Assented to 6 April 2016**

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**Québec Official Publisher  
2016**

**EXPLANATORY NOTES**

*The purpose of this Act is to amend the English text of the Civil Code to make it more consistent with the French text of the Code in terms of the substance of the law. To ensure consistency, some amendments are also made to the French text of the Code.*

**LEGISLATION AMENDED BY THIS ACT:**

- Civil Code of Québec.

## Bill 89

### AN ACT TO ENSURE BETTER CONSISTENCY BETWEEN THE FRENCH AND ENGLISH TEXTS OF THE CIVIL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Unless otherwise specified, the amendments under this Act amend only the English text of the Civil Code of Québec.
- 2.** Article 6 of the Code is amended by replacing “in good faith” by “in accordance with the requirements of good faith”.
- 3.** Article 28 of the Code is amended
  - (1) by inserting “, at the latest” after “another physician” in the second paragraph;
  - (2) by replacing “If a physician” in the third paragraph by “As soon as a physician”.
- 4.** Article 35 of the Code is amended by replacing the second paragraph by the following paragraph:

“The privacy of a person may not be invaded without the consent of the person or without the invasion being authorized by law.”
- 5.** Article 38 of the Code is amended by replacing “made at reasonable cost” by “made for a reasonable cost”.
- 6.** Article 42 of the Code is amended by replacing “heirs and successors” by “heirs or successors”.
- 7.** Article 54 of the Code is amended by replacing “acquires the authority of *res judicata*” in the third paragraph by “becomes final”.
- 8.** Article 59 of the Code is amended by replacing “A person may” and “the minor children” in the second paragraph by “That person may” and “his minor children”, respectively.
- 9.** Article 67 of the Code is amended by replacing “acquires the authority of a final judgment (*res judicata*)” in the first paragraph by “becomes final”.

**10.** Article 73 of the Code is amended

(1) by replacing “aux mêmes droits” in the French text by “au paiement des mêmes droits”;

(2) by replacing “to the same duties” by “to payment of the same duties”.

**11.** Article 78 of the Code is amended by replacing “he lives” in the second paragraph by “he happens to be”.

**12.** Article 80 of the Code is amended

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

“The domicile of an unemancipated minor is that of the tutor.”;

(2) by replacing “the minor is presumed to be domiciled with the parent with whom he” in the second paragraph by “the domicile of the minor is presumed to be that of the parent with whom the minor”.

**13.** Article 81 of the Code is replaced by the following article:

“**81.** The domicile of a person of full age under tutorship is that of the tutor; the domicile of a person under curatorship is that of the curator.”

**14.** Article 82 of the Code is amended by replacing “their living together” by “community of life”.

**15.** Article 84 of the Code is amended by replacing “advising anyone” by “giving news of himself”.

**16.** Article 103 of the Code is amended by replacing “providing access to it” in the second paragraph by “ensuring its publication”.

**17.** Article 119 of the Code is amended

(1) by replacing “date of their marriage” in the first paragraph by “place and date of their marriage”;

(2) by replacing “his religious affiliation” in the second paragraph by “the religious society to which he belongs”.

**18.** Article 121.2 of the Code is amended by replacing “the officiant’s religious affiliation” in the second paragraph by “the religious society to which he belongs”.

**19.** Article 129 of the Code is amended by replacing “acquires the authority of a final judgment (*res judicata*)” in the first paragraph by “becomes final”.

- 20.** Article 132 of the Code is amended by replacing “are not affected by the alterations” in the third paragraph by “have not been altered”.
- 21.** Article 132.1 of the Code is amended by replacing “*res judicata*” in the second paragraph by “final”.
- 22.** Article 169 of the Code is amended by replacing “is accountable for” by “shall render an account of”.
- 23.** Article 172 of the Code is amended by replacing “sign” by “enter into”.
- 24.** Article 174 of the Code is amended by replacing “Loans or borrowings of large amounts” by “Large loans or borrowings”.
- 25.** Article 202 of the Code is amended by replacing “being informed” in the second paragraph by “learning”.
- 26.** Article 206 of the Code is amended by replacing “mother and close relatives of the minor and persons connected by marriage or a civil union to the minor or” by “mother, close relatives and persons closely connected to the minor by marriage or a civil union, or”.
- 27.** Article 218 of the Code is amended by replacing “make up for the support owed by” by “make good on the obligation of support that lies on”.
- 28.** Article 222 of the Code is amended by replacing “civil union and friends” by “civil union, or friends”.
- 29.** Article 224 of the Code is amended by replacing “civil union and friends” in the first paragraph by “civil union, or friends”.
- 30.** Article 225 of the Code is amended by replacing “civil union and friends” in the second paragraph by “civil union, or friends”.
- 31.** Article 226 of the Code is amended by replacing “civil union and friends” in the first paragraph by “civil union, or friends”.
- 32.** Article 231 of the Code is amended
- (1) by replacing “owing to the dispersal or indifference of the family members or their inability, for serious reasons, to attend, or” in the first paragraph by “owing to the family members being geographically distant, their indifference or a major impediment to them, or owing”;
- (2) by replacing “civil union and friends” in the third paragraph by “civil union, or friends”.

**33.** Article 236 of the Code is amended by replacing “attached to” in the second paragraph by “supporting”.

**34.** Article 242 of the Code is amended by replacing “to take out liability insurance” in the first paragraph by “to take out insurance”.

**35.** Article 263 of the Code is amended

(1) by replacing “à l’exception de ceux que le curateur public choisit de se réserver” in the second paragraph in the French text by “à l’exception des soins à l’égard desquels le curateur public choisit de se réserver le pouvoir de consentir”;

(2) by replacing “consent to the care” and “except the care which the Public Curator elects to provide” in the second paragraph by “consent to care” and “except care for which the Public Curator elects to reserve to himself the power to give consent”, respectively.

**36.** Article 264 of the Code is amended

(1) by replacing “Il peut” and “à l’exception de ceux qu’il choisit de se réserver” in the second paragraph in the French text by “Le curateur public peut” and “à l’exception des soins à l’égard desquels le curateur public choisit de se réserver le pouvoir de consentir”, respectively;

(2) by replacing “He may”, “to consent to the care” and “except care which the Public Curator elects to provide” in the second paragraph by “The Public Curator may”, “to give consent to care” and “except care for which the Public Curator elects to reserve to himself the power to give consent”, respectively.

**37.** Article 266 of the Code is amended by replacing “civil union and friends” in the second paragraph by “civil union, or friends.”.

**38.** Article 267 of the Code is amended by replacing “civil union and friends” by “civil union, or friends”.

**39.** Article 269 of the Code is amended by replacing “his close relatives and the persons connected to him by marriage or a civil union” by “his close relatives, persons closely connected to him by marriage or a civil union”.

**40.** Article 270 of the Code is amended by replacing “and informs a close relative of that person” in the first paragraph by “and so informs a person close to that person”.

**41.** Article 272 of the Code is amended by replacing “if protective supervision is about to be instituted” in the second paragraph by “if an application for the institution of protective supervision is about to be made”.



**42.** Article 275 of the Code is amended

(1) by replacing “furniture in it” in the first paragraph by “movable property with which it is furnished”;

(2) by replacing “his furniture or his rights in respect of a” in the second paragraph by “the movable property or the rights relating to the”.

**43.** Article 291 of the Code is amended by replacing “generally and habitually” by “generally or habitually”.

**44.** Article 293 of the Code is amended by replacing “required, and” in the first paragraph by “required or, conversely,”.

**45.** Article 313 of the Code is amended by striking out “existing”.

**46.** Article 325 of the Code is amended by replacing “except if required” in the second paragraph by “except in case of necessity”.

**47.** Article 377 of the Code is amended by replacing “is unable to act” in the third paragraph by “becomes disqualified”.

**48.** Article 392 of the Code is amended by replacing “live together” in the third paragraph by “share a community of life”.

**49.** Article 411 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.

**50.** Article 416 of the Code is amended by replacing “living together” wherever it appears in the second paragraph by “their community of life”.

**51.** Article 417 of the Code is amended by replacing “living together” in the second paragraph by “sharing a community of life”.

**52.** Article 427 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.

**53.** Article 429 of the Code is amended by replacing “becomes payable” and “in cash” in the first paragraph by “is to be paid” and “all at once”, respectively.

**54.** Article 448 of the Code is amended by replacing “they subsequently acquire” by “each subsequently acquires”.

**55.** Article 460 of the Code is amended by replacing “an exclusively” by “his or her exclusive”.

**56.** Article 466 of the Code is amended by replacing “to live together” by “sharing a community of life”.

**57.** Article 471 of the Code is amended by replacing “wasted acquests” by “wasted his or her acquests”.

**58.** Article 482 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.

**59.** Article 484 of the Code is amended

(1) by replacing “the rights of former” in the first paragraph by “the rights of pre-existing”;

(2) by replacing “former” in the second paragraph by “the pre-existing”.

**60.** Article 489 of the Code is amended by replacing “to live together” in the second paragraph by “sharing a community of life”.

**61.** Article 493 of the Code is amended by replacing “live together” by “share a community of life”.

**62.** Article 494 of the Code is amended

(1) by replacing “live together” in the portion before paragraph 1 by “share a community of life”;

(2) by replacing “that make further living together” in paragraph 1 by “making the continuation of community of life”.

**63.** Article 498 of the Code is replaced by the following article:

“**498.** Proof that the continuation of community of life is hardly tolerable may result from the testimony of one party but the court may require additional proof.”

**64.** Article 499 of the Code is amended by replacing “live together” by “share a community of life”.

**65.** Article 502 of the Code is amended by replacing “provisional sum” by “provision”.

**66.** Article 507 of the Code is amended by replacing “live together” by “share a community of life”.

**67.** Article 508 of the Code is amended by replacing “to live together” in the second paragraph by “sharing a community of life”.

- 68.** Article 514 of the Code is amended by replacing “the agreements made between the spouses, where such is the case” by “, where appropriate, any agreements made between the spouses”.
- 69.** Article 515 of the Code is amended by replacing “living together” in the first paragraph by “their community of life”.
- 70.** Article 518 of the Code is amended by replacing “to live together” in the second paragraph by “sharing a community of life”.
- 71.** Article 521.1 of the Code is amended by replacing “live together” in the first paragraph by “share a community of life”.
- 72.** Article 521.6 of the Code is amended by replacing “live together” in the third paragraph by “share a community of life”.
- 73.** Article 521.12 of the Code is amended by replacing “live together” in the first paragraph by “share a community of life”.
- 74.** Article 521.13 of the Code is amended by replacing the last sentence of the third paragraph by the following sentence: “If he considers it appropriate, the notary may inform the spouses of services of which he is aware that are likely to foster their conciliation.”
- 75.** Article 521.14 of the Code is amended by replacing “living together” by “their community of life”.
- 76.** Article 521.17 of the Code is amended
- (1) by replacing “live together” in the second paragraph by “share a community of life”;
- (2) by replacing “best interests and with due regard for their rights, and in keeping with” in the third paragraph by “interest and the respect of their rights, taking into account, where appropriate,”.
- 77.** Article 521.19 of the Code is amended by replacing “living together” in the first paragraph by “sharing a community of life”.
- 78.** Articles 525 and 538.3 of the Code are amended by replacing “living together” in the second paragraph by “their community of life”.
- 79.** Article 542 of the Code is amended by replacing “proches” in the second paragraph in the French text by “proches parents”.
- 80.** Article 545 of the Code is amended by replacing “stood *in loco parentis*” in the first paragraph by “fulfilled the role of a parent”.

- 81.** Article 556 of the Code is amended by replacing “given” by “entrusted”.
- 82.** Article 573.1 of the Code is amended by replacing “*res judicata*” by “final”.
- 83.** Article 584 of the Code is amended by replacing “l’un de ses proches” in the second paragraph in the French text by “l’un de ses proches parents”.
- 84.** Article 587.2 of the Code is amended by replacing “reasonable debts” in the third paragraph by “debts reasonably”.
- 85.** Article 588 of the Code is amended by replacing “provisional sum” in the second paragraph by “provision”.
- 86.** Article 589 of the Code is amended by replacing “in cash” by “all at once”.
- 87.** Article 606 of the Code is amended by replacing the last sentence in the second paragraph by the following sentence: “A direct application for withdrawal may also be made to the court.”
- 88.** Article 621 of the Code is amended by replacing “guilty of cruelty towards the deceased or having” in paragraph 1 by “who has subjected the deceased to ill treatment or who has”.
- 89.** Article 644 of the Code is amended by striking out “movable” in the second paragraph.
- 90.** Article 648 of the Code is amended by replacing “the authority of a final judgment (*res judicata*)” by “become final”.
- 91.** Article 679 of the Code is amended by inserting “ordinary” before “collaterals” in the first paragraph.
- 92.** Article 685 of the Code is amended by replacing “in cash” in the first paragraph by “all at once”.
- 93.** Article 687 of the Code is amended by replacing “taking effect at the death” by “having the death as a term”.
- 94.** Article 689 of the Code is amended by replacing “taking effect at the death” in the first paragraph by “having the death as a term”.
- 95.** Article 708 of the Code is amended by replacing “articles” by “property”.
- 96.** Article 722.1 of the Code is amended by replacing “connected with the testator by marriage or a civil union” in the third paragraph by “be connected to that extent by marriage or a civil union to the testator”.

**97.** Article 723 of the Code is amended by replacing “connected with him by marriage or a civil union” by “is connected to that extent by marriage or a civil union to the testator”.

**98.** Article 726 of the Code is amended by replacing “any mechanical process” in the first paragraph by “technical means”.

**99.** Article 728 of the Code is amended by replacing “a mechanical process” in the first paragraph by “technical means”.

**100.** Article 730 of the Code is amended by replacing “a mechanical process” by “technical means”.

**101.** Article 730.1 of the Code is amended by replacing “connected with the testator by marriage or a civil union” in the third paragraph by “be connected to that extent by marriage or a civil union to the testator”.

**102.** Article 744 of the Code is amended by replacing “dependencies” in the first paragraph by “accessories”.

**103.** Article 745 of the Code is amended by replacing “dependent” by “accessory”.

**104.** Article 754 of the Code is amended by replacing “ceases to have effect” by “is resolved”.

**105.** Article 777 of the Code is amended by replacing “has” in the first paragraph by “exercises”.

**106.** Article 785 of the Code is amended by replacing “the heirs, by majority vote,” by “the majority of the heirs”.

**107.** Article 790 of the Code is amended by replacing “exempted by the court” in the second paragraph by “the court relieves him of his default”.

**108.** Article 811 of the Code is amended by replacing “for a reserve” by “for a reserve, if appropriate.”.

**109.** Article 813 of the Code is amended by replacing “determined things” wherever it appears in the second paragraph by “certain and determinate property”.

**110.** Article 814 of the Code is amended by replacing “an individual property” by “certain and determinate property”.

**111.** Article 821 of the Code is amended by striking out “without judicial formalities” in the first paragraph.

- 112.** Article 822 of the Code is amended by replacing “interested persons may consult the account” in the second paragraph by “the account may be consulted”.
- 113.** Article 838 of the Code is amended by replacing “liquidator; otherwise, partition” in the first paragraph by “liquidator or”.
- 114.** Article 842 of the Code is amended by replacing “existing interests and” by “interests involved and the”.
- 115.** Article 845 of the Code is amended by replacing “too great a risk” by “great risks”.
- 116.** Article 847 of the Code is amended by replacing “to enjoyment of only” by “only to enjoyment of”.
- 117.** Article 859 of the Code is amended by replacing “exercise” by “assert”.
- 118.** Article 865 of the Code is amended by replacing “assist the co-partitioners in this matter” by “allow the co-partitioners to make use of them”.
- 119.** Article 871 of the Code is amended by replacing “equivalent property” in the third paragraph by “property of equivalent value”.
- 120.** Article 874 of the Code is amended by replacing “actions” in the third paragraph by “acts or omissions”.
- 121.** Article 888 of the Code is amended by replacing “The setting up of claims” in the second paragraph by “The setting up of the allotment of claims”.
- 122.** Article 900 of the Code is amended by replacing “alienation” in the second paragraph by “disposition”.
- 123.** Article 909 of the Code is amended by striking out “shares of the capital stock or common” in the first paragraph.
- 124.** Article 912 of the Code is amended by replacing “take legal action” by “take part in judicial proceedings”.
- 125.** Article 943 of the Code is amended by replacing “takes legal action” in paragraph 2 by “institutes judicial proceedings”.
- 126.** Article 951 of the Code is amended by replacing “rights of the State” in the second paragraph by “public rights”.
- 127.** Article 976 of the Code is amended by replacing “custom” by “usage”.

**128.** Article 1014 of the Code is amended by replacing “the expected length of indivision” by “the term provided for the indivision”.

**129.** Article 1017 of the Code is amended by replacing “right of exclusive use or enjoyment” and “also has exclusive use or enjoyment” by “right of use or exclusive enjoyment” and “also has the use or exclusive enjoyment”, respectively.

**130.** Article 1020 of the Code is amended by replacing “any loss which by his doing decreases” in the second paragraph by “losses resulting from his act or omission that decrease”.

**131.** Article 1023 of the Code is amended

(1) by replacing “sell the share of an undivided co-owner” in the first paragraph by “cause the share of a co-owner to be sold”;

(2) by replacing “has no” in the second paragraph by “may not set up his”.

**132.** Article 1032 of the Code is amended

(1) by inserting “immediate” before “partition” in the first paragraph;

(2) by replacing “too high a risk” in the second paragraph by “presents great risks”.

**133.** Article 1046 of the Code is amended by replacing “proportionate” by “equal”.

**134.** Article 1050 of the Code is amended by striking out “real” in the first paragraph.

**135.** Article 1051 of the Code is amended by replacing “preferences” by “prior claims”.

**136.** Article 1070 of the Code is amended by inserting “, where applicable,” before “and all other documents” in the second paragraph.

**137.** Article 1077 of the Code is amended by replacing “counterclaim” by “recursory action”.

**138.** Article 1087 of the Code is amended by replacing “the general terms” by “the essential terms”.

**139.** Article 1089 of the Code is amended by replacing “second” in the second paragraph by “new”.

**140.** Article 1094 of the Code is amended by replacing “voting rights” by “right to vote”.

**141.** Article 1096 of the Code is amended by inserting “vote” after “majority”.

**142.** Article 1097 of the Code is amended by replacing “majority vote of the” in the portion before paragraph 1 by “majority of”.

**143.** Article 1098 of the Code is amended by replacing “majority vote” in the portion before paragraph 1 by “majority”.

**144.** Article 1106 of the Code is amended by inserting “that he considers” before “necessary” in the second paragraph.

**145.** Article 1138 of the Code is amended by replacing “preserved” by “retained”.

**146.** Article 1155 of the Code is amended by replacing “preserve” by “retain”.

**147.** Article 1158 of the Code is amended

(1) by replacing “legal proceedings” in the first paragraph by “judicial applications”;

(2) by replacing “proceedings” in the second paragraph by “applications”.

**148.** Article 1168 of the Code is amended by replacing “be declared to have forfeited his right” in the first paragraph by “forfeit his right”.

**149.** Article 1172 of the Code is amended by replacing “enjoy” by “use”.

**150.** Article 1195 of the Code is amended by replacing “enjoyment” in the first paragraph by “use”.

**151.** Article 1200 of the Code is amended by replacing “use” in the second paragraph by “utility”.

**152.** Article 1205 of the Code is amended by striking out “real”.

**153.** Article 1215 of the Code is amended by replacing “however” by “in particular”.

**154.** Article 1220 of the Code is amended by replacing “that is subject to no other indication” by “, placed on the donee or legatee without further indication,”.



**155.** Article 1256 of the Code is amended

- (1) by replacing “durable” in the first paragraph by “lasting”;
- (2) by replacing “main” in the second paragraph by “essential”.

**156.** Article 1259 of the Code is amended by replacing “the initial property of the trust foundation”, “substituted therefor” and “substance of the initial property” by “the property forming the initial patrimony of the trust foundation”, “subrogated” and “substance of the patrimony”, respectively.

**157.** Article 1263 of the Code is amended by replacing “The purpose of an onerous trust established by contract may be to secure” in the first paragraph by “A trust established by onerous contract may have as its object the guarantee of”.

**158.** Article 1268 of the Code is amended by replacing “a thing” by “corporeal property”.

**159.** Article 1269 of the Code is amended by replacing “shareholders” by “holders of securities”.

**160.** Article 1270 of the Code is amended by replacing “main” in the second paragraph by “essential”.

**161.** Article 1282 of the Code is amended by replacing “may appoint” in the second paragraph by “is to appoint”.

**162.** Article 1291 of the Code is amended by replacing “take legal action” and “to act or is prevented from acting” by “take part in judicial proceedings” and “to do so or is prevented from doing so”, respectively.

**163.** Article 1294 of the Code is amended by replacing “substitute another closely related purpose for the original purpose of the trust” in the first paragraph by “substitute, for the original purpose of the trust, a purpose as nearly like it as possible”.

**164.** Article 1306 of the Code is amended by replacing “appropriate it to a purpose” by “secure its appropriation”.

**165.** Article 1308 of the Code is amended by replacing “by law or” in the first paragraph by “by law and”.

**166.** Article 1325 of the Code is amended by replacing “the initial agreement between the administrator and the beneficiary” in the second paragraph by “an agreement to which the administrator and the beneficiary were initially parties”.

**167.** Article 1328 of the Code is amended by inserting “list or” after “inventory and to”.

**168.** Article 1338 of the Code is amended by replacing “judicial recourses” and “was duly empowered to give” in the second paragraph by “remedies” and “could validly confer”, respectively.

**169.** Article 1339 of the Code is amended

(1) by replacing “immovable, or by” in subparagraph *a* of paragraph 5 by “immovable or on”;

(2) by replacing “timely” in paragraph 9 by “continuous”.

**170.** Article 1353 of the Code is amended by replacing “these have been divided accordingly” by “the division has been respected”.

**171.** Article 1357 of the Code is amended by replacing “empowered to” in the first paragraph by “who may”.

**172.** Article 1363 of the Code is amended by replacing “their duties are terminated” in the first paragraph by “their offices are terminated”.

**173.** Article 1383 of the Code is amended

(1) by replacing “circumstances do” in the first paragraph by “nature of things does”;

(2) by replacing “circumstances absolutely require” in the second paragraph by “nature of things requires”.

**174.** Article 1384 of the Code is amended by replacing “property and services” by “property or services”.

**175.** Article 1387 of the Code is amended by inserting “certain” before “secondary”.

**176.** Article 1437 of the Code is amended by replacing “not in good faith” in the second paragraph by “contrary to the requirements of good faith”.

**177.** Article 1457 of the Code is amended by replacing “act or fault” in the third paragraph by “act, omission or fault”.

**178.** The heading of subdivision 2 before article 1459 of the Code is amended by replacing “*Act or fault*” by “*Act, omission or fault*”.

**179.** Article 1459 of the Code is amended by replacing “act or fault” wherever it appears by “act, omission or fault”.

**180.** Article 1460 of the Code is amended by replacing “act or fault” in the first paragraph by “act, omission or fault”.

**181.** Article 1461 of the Code is amended by replacing “any act” and “is himself guilty of a deliberate” by “an act or omission” and “has himself committed an intentional”, respectively.

**182.** Article 1463 of the Code is amended by replacing “agents and servants” by “subordinates”.

**183.** Article 1464 of the Code is amended by replacing “An agent or servant” by “A subordinate”.

**184.** Article 1480 of the Code is amended by replacing “wrongful act” by “wrongful act or omission”.

**185.** Article 1491 of the Code is amended

(1) by replacing “A person who receives a payment” and “is obliged to restore it” in the first paragraph by “A payment” and “obliges the person who receives it to make restitution”, respectively;

(2) by replacing “He is not obliged to restore it, however,” and “the claim of the person who received the undue payment in good faith” in the second paragraph by “However, a person who receives the payment in good faith is not obliged to make restitution” and “the person’s claim”, respectively.

**186.** Article 1512 of the Code is amended by replacing “the circumstances” in the first paragraph by “any appropriate circumstances”.

**187.** Article 1514 of the Code is amended by replacing “act and” in the first paragraph by “act or omission and”.

**188.** Article 1521 of the Code is amended by replacing “does not” by “does not, in itself,”.

**189.** Article 1531 of the Code is amended by replacing “act of” by “act or omission of”.

**190.** Article 1561 of the Code is amended by replacing “the thing” in the first paragraph by “what is”.

**191.** Article 1562 of the Code is amended by replacing “act or fault” by “act, omission or fault”.

**192.** Article 1575 of the Code is amended by replacing “it is legally proved” in the first paragraph by “it is proved”.

**193.** Article 1576 of the Code is amended by striking out “which is recorded”.

**194.** Article 1609 of the Code is replaced by the following article:

**“1609.** Acquittances, transactions or statements which the debtor, an insurer or their representatives obtain from the creditor, and which relate to the bodily or moral injury the creditor has suffered, are without effect if they are damaging to the creditor and were obtained within 30 days of the act or omission which caused the injury.”

**195.** Article 1616 of the Code is amended

(1) by replacing “in cash” in the first paragraph by “all at once”;

(2) by replacing “it fixes and indexed” in the second paragraph by “it fixes, which may include indexation”.

**196.** Article 1634 of the Code is amended by replacing “defrauding a later ranking creditor” in the second paragraph by “defrauding a subsequent creditor”.

**197.** Article 1636 of the Code is amended by replacing “contract or payment seized and sold and be paid according” by “juridical act seized and sold and may be paid in proportion”.

**198.** Article 1648 of the Code is amended by replacing “notice” in the first paragraph by “notification”.

**199.** Article 1650 of the Code is amended by replacing “unlawfully” by “unjustly”.

**200.** Article 1668 of the Code is amended by replacing “the delegatee evidently” by “it is evident that the delegatee”.

**201.** Article 1692 of the Code is amended by replacing “quant à ces derniers” and “ils” in the second paragraph in the French text by “quant à ces dernières” and “elles”, respectively.

**202.** Article 1696 of the Code is amended by striking out “by blood”.

**203.** Article 1699 of the Code is amended by replacing “unlawfully” in the first paragraph by “without right”.

**204.** Article 1701 of the Code is amended by replacing “or if the restitution” wherever it appears by “or the cause of the restitution”.

- 205.** Article 1703 of the Code is amended by replacing “expenses incurred” by “disbursements made” and by inserting “the cause of” after “faith or if”.
- 206.** Article 1704 of the Code is amended by inserting “the cause of” after “faith or if” in the second paragraph.
- 207.** Article 1705 of the Code is amended by inserting “the cause of” after “or where” in the second paragraph.
- 208.** Article 1706 of the Code is amended by replacing “derive” in the first paragraph by “retain”.
- 209.** Article 1711 of the Code is amended by replacing “deposit” by “partial payment”.
- 210.** Article 1712 of the Code is amended by replacing “the deed” by “title”.
- 211.** Article 1730 of the Code is amended by replacing “warrant the buyer in the same manner as the seller” by “a seller’s warranty”.
- 212.** Article 1732 of the Code is amended by replacing “fault” by “acts or omissions”.
- 213.** Article 1749 of the Code is amended
- (1) by replacing “original” in the second paragraph by “immediate”;
  - (2) by replacing “hands of the original”, “property by the original” and “charges with which the original” in the third paragraph by “hands of the immediate”, “property by that” and “charges with which the immediate”, respectively.
- 214.** The heading of Division I before article 1779 of the Code is amended by replacing “*rights of succession*” by “*rights in a succession*”.
- 215.** Article 1779 of the Code is amended by replacing “rights of succession” by “rights in a succession”.
- 216.** Article 1842 of the Code is amended by replacing “business” in the third paragraph by “enterprise”.
- 217.** Article 1859 of the Code is amended by inserting “or omission” after “act” in the first paragraph.
- 218.** Article 1860 of the Code is amended by inserting “or omission” after “act” wherever it appears in the second paragraph.

**219.** Article 1864 of the Code is amended by replacing “normal aging” by “the age”.

**220.** Article 1938 of the Code is amended by replacing “spouse or blood relative of the lessee” in the first paragraph by “spouse of the lessee, a relative”.

**221.** Article 1990 of the Code is amended by replacing “entitled in a dwelling of the appropriate category or subcategory” in the first paragraph by “entitled to an appropriate dwelling”.

**222.** Article 2009 of the Code is amended by replacing “for which it is intended” by “consistent with the ship’s normal destination”.

**223.** Article 2027 of the Code is amended by replacing “general custom” in the second paragraph by “maritime customs”.

**224.** Article 2041 of the Code is amended by replacing “states” in the first sentence of the second paragraph by “states, in particular,”.

**225.** Article 2056 of the Code is amended by replacing “as described” in the second paragraph by “of the same nature as that described”.

**226.** Article 2072 of the Code is amended

- (1) by replacing “or other servants” in paragraph 1 by “or subordinates”;
- (2) by replacing “act or the fault” in paragraph 2 by “act, omission or fault”;
- (3) by striking out “natural” in paragraph 5.

**227.** Article 2085 of the Code is amended by replacing “undertakes for a limited period to do work for remuneration, according to the instructions and” by “undertakes, for a limited time and for remuneration, to do work”.

**228.** Article 2088 of the Code is amended by replacing “avec loyauté” in the first paragraph in the French text by “avec loyauté et honnêteté”.

**229.** Article 2101 of the Code is amended by striking out “specifically” and by replacing “employ” by “obtain the assistance of”.

**230.** Article 2111 of the Code is amended by replacing “deduct” and “or poor workmanship” in the second paragraph by “withhold” and “or apparent poor workmanship”, respectively.

**231.** Article 2112 of the Code is amended by replacing “deducted” by “withheld”.

- 232.** Article 2119 of the Code is amended by replacing “completed” in the first paragraph by “carried out by him”.
- 233.** Article 2128 of the Code is amended by replacing “qualifications” by “qualities”.
- 234.** Article 2130 of the Code is amended by replacing “are called power” in the second paragraph by “are also called power”.
- 235.** Article 2143 of the Code is amended by replacing “in the same act” in the first paragraph by “for the same act”.
- 236.** Article 2144 of the Code is amended by replacing “in respect of” in the first paragraph by “together for”.
- 237.** Article 2154 of the Code is amended by replacing “is not at fault” by “has not committed any fault”.
- 238.** Article 2174 of the Code is amended by replacing “provision” by “stipulation”.
- 239.** Article 2183 of the Code is amended by replacing “of the death” in the first paragraph by “of the event”.
- 240.** Article 2214 of the Code is amended by replacing “and there is no stipulation dividing it between them nor” by “without it being divided among them and without”.
- 241.** Article 2216 of the Code is amended by replacing “the vote of a majority” in the second paragraph by “a majority vote”.
- 242.** Article 2225 of the Code is amended by striking out “in a civil action”.
- 243.** Article 2254 of the Code is amended by replacing “use” by “service”.
- 244.** Article 2280 of the Code is amended by replacing “keep it” in the first paragraph by “keep custody of it”.
- 245.** Article 2283 of the Code is amended by replacing “the safekeeping” by “his custody”.
- 246.** Article 2302 of the Code is amended by replacing “and services” by “and the services and prestations”.
- 247.** Article 2305 of the Code is amended by replacing “issue” by “contestation”.

**248.** Article 2317 of the Code is amended by replacing “safekeeping” by “custody”.

**249.** Article 2344 of the Code is amended by replacing “original action, and” by “first demand and”.

**250.** Article 2357 of the Code is amended by replacing “resulting enrichment of” by “enrichment retained by”.

**251.** Article 2361 of the Code is amended by replacing “contrary provision” by “stipulation to the contrary”.

**252.** Article 2365 of the Code is amended by replacing “the act” by “an act or omission”.

**253.** Article 2366 of the Code is amended by replacing “capital” by “principal”.

**254.** Article 2367 of the Code is amended by replacing “in cash or by” in the second paragraph by “all at once or in”.

**255.** Article 2372 of the Code is amended by replacing “entitlement whatever to” in the first paragraph by “right to”.

**256.** Article 2386 of the Code is amended

(1) by replacing “debtor, and to require or order” in the first paragraph by “debtor and obtain consent to, or require an order for”;

(2) by inserting “or omission” after “act” in the second paragraph.

**257.** Article 2394 of the Code is amended by replacing “accident and sickness insurance” wherever it appears by “accident or sickness insurance”.

**258.** Article 2396 of the Code is amended by replacing “liability he may incur for damage to a third person by reason of an injurious act” by “obligation he may incur, by reason of an injurious act or omission, to make reparation for the injury caused to another”.

**259.** The heading of subdivision 3 before article 2408 of the Code is amended by replacing “*of insured*” by “*of the client*”.

**260.** Articles 2416 and 2417 of the Code are amended by replacing “accident and sickness” in the first paragraph by “accident or sickness”.

**261.** Article 2419 of the Code is amended by replacing “employees” in the second paragraph by “subordinates”.



**262.** Article 2420 of the Code is amended by replacing “accident and sickness insurance” in the second paragraph by “accident or sickness insurance”.

**263.** Article 2422 of the Code is amended by replacing “accident and sickness insurance” in the first paragraph by “accident or sickness insurance”.

**264.** Article 2426 of the Code is amended by replacing “Accident and sickness insurance” in the first paragraph by “Accident or sickness insurance”.

**265.** Article 2430 of the Code is amended by replacing “accident and sickness” by “accident or sickness”.

**266.** Article 2433 of the Code is amended by replacing “accident and sickness insurance contract” in the first paragraph by “accident or sickness insurance contract”.

**267.** Article 2435 of the Code is amended by replacing “accident and sickness” in the first paragraph by “accident or sickness”.

**268.** Article 2436 of the Code is amended

(1) by replacing “in the policy” and “the conditions of the policy” in the first paragraph by “in the contract” and “its conditions”, respectively;

(2) by replacing “accident and sickness” and “policy” in the second paragraph by “accident or sickness” and “insurance”, respectively.

**269.** Article 2439 of the Code is amended

(1) by replacing “accident and sickness insurance” in the first paragraph by “accident or sickness insurance”;

(2) by replacing “policy” wherever it appears in the first paragraph by “contract”.

**270.** Article 2464 of the Code is amended

(1) by replacing “policy” in the first paragraph by “contract”;

(2) by replacing “acts the insured” in the second paragraph by “acts or omissions the insured”.

**271.** Article 2465 of the Code is amended by replacing “natural loss” by “shrinkage”.

**272.** The heading of Division II before article 2466 of the Code is amended by replacing “*Material change*” by “*Increase*”.

**273.** Article 2467 of the Code is amended by replacing “any material change in the risk” in the first paragraph by “the new circumstances”.

**274.** Article 2468 of the Code is amended by replacing “second” in the first paragraph by “secondary”.

**275.** Article 2470 of the Code is amended by replacing “give rise to an indemnity” in the first paragraph by “fall under the coverage”.

**276.** Article 2471 of the Code is amended by replacing “de celles-ci” in the first paragraph in the French text by “des renseignements fournis”.

**277.** Article 2474 of the Code is amended by replacing “person responsible for the loss” and “any act” in the first paragraph by “author of the injury” and “an act or omission”, respectively.

**278.** Article 2481 of the Code is amended by striking out “or deterioration” in the first paragraph.

**279.** Article 2491 of the Code is amended by replacing “policies” wherever it appears by “contracts”.

**280.** Article 2494 of the Code is amended by replacing “preferred” by “prior”.

**281.** Article 2499 of the Code is amended by inserting “and omissions” after “acts”.

**282.** Article 2502 of the Code is amended by replacing “right of action” by “recursory action”.

**283.** Article 2514 of the Code is amended by replacing “A contingent or partial insurable interest subject to annulment” by “An insurable interest subject to annulment, or that is contingent or partial,”.

**284.** Article 2518 of the Code is amended by replacing “policy attaches” in the first paragraph by “contract is formed”.

**285.** Article 2522 of the Code is amended by replacing “policy” in the first paragraph by “contract”.

**286.** Article 2523 of the Code is amended by replacing “policy” in the second paragraph by “contract”.

**287.** Article 2530 of the Code is amended by inserting “in favour of an heir” at the end.

**288.** Article 2532 of the Code is amended by replacing “admissible in evidence” by “admissible in evidence, in particular”.

**289.** Article 2543 of the Code is amended by replacing “he had reason” in the second paragraph by “he had good reason”.

**290.** Articles 2560 and 2561 of the Code are amended by replacing “policy” in the first paragraph by “contract”.

**291.** Article 2563 of the Code is amended

(1) by replacing “policy” in the second paragraph by “contract”;

(2) by inserting “or movables” after “goods” in the second paragraph.

**292.** Article 2579 of the Code is amended by replacing “policy” by “contract”.

**293.** Article 2598 of the Code is amended by replacing “persons acting on his behalf” in the second paragraph by “his mandatary”.

**294.** Articles 2604 to 2607 and 2617 of the Code are amended by replacing “policy” wherever it appears by “contract”.

**295.** Article 2620 of the Code is amended

(1) by replacing “pays” and “so paid for” in the first paragraph by “indemnifies the insured” and “so insured”, respectively;

(2) by replacing “pays” in the second paragraph by “indemnifies the insured”.

**296.** Articles 2623 and 2626 of the Code are amended by replacing “policy” wherever it appears by “contract”.

**297.** Article 2633 of the Code is amended by replacing “a final judgment (*res judicata*)” in the first paragraph by “*res judicata*”.

**298.** Article 2636 of the Code is amended by replacing “acquired the authority of a final judgment (*res judicata*)” by “become final”.

**299.** Article 2646 of the Code is amended by replacing “rank equally” in the second paragraph by “claim together”.

**300.** Article 2650 of the Code is amended by replacing “A claim to which” and “is a prior claim” in the first paragraph by “A prior claim is a claim to which” and “according to the origin of his claim”, respectively.

**301.** Article 2654 of the Code is amended by replacing “takes procedures in execution” in the first paragraph by “proceeds by seizure in execution”.

**302.** Article 2658 of the Code is amended by replacing “, unliquidated or conditional claim” by “or unliquidated claim, or a claim suspended by a condition,”.

**303.** Article 2664 of the Code is amended by replacing “formalities” in the first paragraph by “forms”.

**304.** Article 2674 of the Code is amended

(1) by replacing “on an individual property” in the second paragraph by “that charges certain and determinate property”;

(2) by replacing “proceeds” in the third paragraph by “sums of money which are proceeds”.

**305.** Article 2680 of the Code is amended by replacing “, unliquidated or conditional claim” by “or unliquidated claim, or a claim suspended by a condition,”.

**306.** Article 2698 of the Code is amended by replacing “its date of registration” by “its registration”.

**307.** Article 2699 of the Code is amended by replacing “gives value” by “has performed his prestation”.

**308.** Article 2700 of the Code is amended by replacing “purchaser” wherever it appears by “acquirer”.

**309.** Article 2701 of the Code is amended by replacing “a purchaser” by “an acquirer”.

**310.** Article 2704 of the Code is amended by inserting “or omission” after “act”.

**311.** Article 2708 of the Code is amended by replacing “gives value” by “has performed his prestation”.

**312.** Article 2713.4 of the Code is amended by inserting “by the grantor” after “money transferred” in subparagraph 1 of the first paragraph.

**313.** Article 2726 of the Code is amended by replacing “in proportion to the work” and “to the materials” by “for the work” and “for the materials”, respectively.

- 314.** Article 2730 of the Code is amended by replacing “annual Pension Index” in the second paragraph by “basis of indexation”.
- 315.** Article 2735 of the Code is amended by replacing “legal” by “judicial”.
- 316.** The heading of Division II before article 2736 of the Code is amended by replacing “IN POSSESSION OF” by “WHO HOLD”.
- 317.** Article 2739 of the Code is amended by replacing “ageing” by “age”.
- 318.** Article 2757 of the Code is amended by replacing “made” in the second paragraph by “notified”.
- 319.** Article 2759 of the Code is amended by replacing “purchaser” and “hypothecary claims prior to the creditor’s claim” in the second paragraph by “acquirer” and “claims that take precedence over the creditor’s rights”, respectively.
- 320.** Article 2764 of the Code is amended by replacing “attested” in the second paragraph by “recorded”.
- 321.** Article 2766 of the Code is amended by replacing “a surety” by “security”.
- 322.** Article 2767 of the Code is amended by replacing “deteriorate” in the first paragraph by “depreciate”.
- 323.** Article 2780 of the Code is amended by replacing “designated by him” in the second paragraph by “it designates”.
- 324.** Article 2784 of the Code is amended by replacing “public auction” by “auction”.
- 325.** Article 2788 of the Code is amended by replacing “a sale by public auction” in the first paragraph by “an auction sale”.
- 326.** Article 2789 of the Code is amended by replacing “claims prior to” in the first paragraph by “claims that take precedence over”.
- 327.** Article 2791 of the Code is amended by replacing “public auction” in the first paragraph by “auction”.
- 328.** Article 2827 of the Code is amended by replacing “intention” by “consent”.
- 329.** Article 2838 of the Code is amended by replacing “be used to adduce” by “make”.

**330.** Article 2848 of the Code is amended

(1) by replacing “a final judgment (*res judicata*)” in the first paragraph by “*res judicata*”;

(2) by replacing “a final judgment” in the second paragraph by “*res judicata*”.

**331.** Article 2853 of the Code is amended by inserting “joined” after “issue”.

**332.** Article 2865 of the Code is amended by replacing “that gives an indication that the alleged fact may have occurred” by “, where it renders plausible the alleged fact”.

**333.** Article 2866 of the Code is amended by replacing “an action” in the first paragraph by “judicial proceedings”.

**334.** Article 2885 of the Code is amended by inserting “or omission” after “act” in the first paragraph.

**335.** Article 2896 of the Code is amended by replacing “has acquired the authority of a final judgment (*res judicata*)” in the first paragraph by “has become final”.

**336.** Article 2906 of the Code is amended by replacing “cohabitation” by “their community of life”.

**337.** Article 2908 of the Code is amended

(1) by replacing “rejetée, annulée ou que le jugement qui y fait droit n’est pas annulé” in the second paragraph in the French text by “rejetée, que le jugement qui y fait droit n’est pas annulé ou que l’autorisation qui est l’objet du jugement n’est pas déclarée caduque”;

(2) by replacing “dismissed or annulled or until the judgment granting the application for leave is set aside” in the second paragraph by “dismissed, the judgment granting the application for leave is set aside or the authorization granted by the judgment is declared lapsed”.

**338.** Article 2939 of the Code is amended by replacing “clauses” by “rights”.

**339.** Article 2941 of the Code is amended by replacing “before publication” in the second paragraph by “if they are not published”.

**340.** Article 2943 of the Code is amended by replacing “appropriate register or” in the second paragraph by “appropriate register and”.

**341.** Articles 2953 and 2954 of the Code are amended by replacing “registration” by “publication”.

**342.** Article 2968 of the Code is amended by replacing “acquires the authority of a final judgment (*res judicata*)” in the first paragraph by “becomes final”.

**343.** The heading of Title Three after article 2968 of the Code is amended by replacing “FORMALITIES” by “MODALITIES”.

**344.** Article 2994 of the Code is amended by replacing “acquired the authority of *res judicata*” in the second paragraph by “become final”.

**345.** Article 2999.1 of the Code is amended by replacing “verified” and “verification” in the third paragraph by “certified” and “certification”, respectively.

**346.** Article 3002 of the Code is amended by replacing “has acquired the authority of a final judgment (*res judicata*)” by “has become final”.

**347.** Article 3014 of the Code is amended by replacing “the registration of a right” in the first paragraph by “the publication of a right”.

**348.** Article 3018 of the Code is amended by replacing “owned by a person” in the second paragraph by “held by a person”.

**349.** Article 3028.1 of the Code is amended by replacing “recorded” and “purchasers” in the second paragraph by “preserved” and “acquirers”, respectively.

**350.** Article 3031 of the Code is amended by replacing “oil or gas pipelines” in the first paragraph by “petroleum products pipelines”.

**351.** Article 3035 of the Code is amended

(1) by replacing “pertain to” in the second paragraph by “evidence”;

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

“A real right of State resource development cannot give rise to the opening of a land file under a serial number unless ownership of the right is declared by law to be separate from ownership of the land subject to the right.”

**352.** Article 3038 of the Code is amended by replacing “oil or gas pipelines” in the portion before subparagraph 1 of the first paragraph by “petroleum products pipelines”.

**353.** Article 3042 of the Code is amended by replacing “appropriate, without formality or indemnity, a right of superficies above, on or under an immovable, for public use” in the third paragraph by “appropriate for public utility, without formality or indemnity, a right of ownership in superficies as to the surface or the subsoil of an immovable”.

**354.** Article 3044 of the Code is amended by replacing “registered” in the second paragraph by “published”.

**355.** Article 3063 of the Code is amended

(1) by replacing “rescinded” in the first paragraph by “resolved”;

(2) by replacing “It may also order cancellation” in the second paragraph by “Cancellation is also ordered”.

**356.** Article 3068 of the Code is amended

(1) by striking out “the registered amount thereof is” in the first paragraph;

(2) by inserting “or reduced” after “cancelled” in the second and third paragraphs.

**357.** Article 3073 of the Code is amended by replacing “acquired the authority of a final judgment (*res judicata*)” in the first paragraph by “become final”.

**358.** Article 3085 of the Code is amended by inserting “there” after “exercised” in the second paragraph.

**359.** Article 3098 of the Code is amended by replacing “owned” in the second paragraph by “held”.

**360.** Article 3099 of the Code is amended by replacing “right of succession” in the first paragraph by “successoral right”.

**361.** Article 3100 of the Code is amended by replacing “outside Québec” by “abroad”.

**362.** Article 3125 of the Code is amended by replacing “of occurrence of the act from which they derive” by “where the act or omission from which they derive occurred”.

**363.** Article 3126 of the Code is amended

(1) by replacing “injurious act occurred” and “person who committed the injurious act” in the first paragraph by “act or omission which occasioned the injury occurred” and “author”, respectively;



(2) by replacing “person who committed the injurious act” in the second paragraph by “author”.

**364.** Article 3136 of the Code is amended by replacing “cannot possibly be instituted outside Québec or where the institution of such proceedings outside Québec” by “abroad prove impossible or the institution of proceedings abroad”.

**365.** Article 3148 of the Code is amended by inserting “or omission” after “injurious act” in subparagraph 3 of the first paragraph.

**366.** Article 3155 of the Code is amended by replacing “acquired the authority of a final judgment (*res judicata*)” and “in first instance” in paragraph 4 by “become final” and “first seized of the dispute”, respectively.

**367.** Article 3167 of the Code is amended

(1) by replacing “has been” in the first paragraph by “would be”;

(2) by replacing “recognizes that institution; where that is the case” in the second paragraph by “provides for that institution; if it does so provide”.

**368.** Article 3168 of the Code is amended by replacing “injurious act which” in paragraph 3 by “injurious act or omission which”.

**369.** This Act comes into force on 6 April 2016.



## Regulations and other Acts

Gouvernement du Québec

### O.C. 324-2016, 20 April 2016

Supplemental Pension Plans Act  
(chapter R-15.1)

#### Target-benefit pension plans in certain pulp and paper sector enterprises — Amendment

Regulation to amend the Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the category and prescribe special rules applicable to the category;

WHEREAS, under the third paragraph of that section, such a regulation may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the second year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft of the Regulation to amend the Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises was published in Part 2 of the *Gazette officielle du Québec* of 9 December 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

#### Regulation to amend the Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises

Supplemental Pension Plans Act  
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

**1.** The Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises (chapter R-15.1, r. 6.1.01) is amended by replacing paragraph 5 of section 5 by the following:

“(5) the cost of the plan’s obligations determined in accordance with section 8 and the additional contribution referred to in section 8.1, after deducting the employer contribution set out in the plan text, is charged solely to the members and beneficiaries of the plan, under the conditions provided for in section 27;”

**2.** Section 8 is replaced by the following:

“**8.** The cost of the plan’s obligations determined in an actuarial valuation after 30 December 2014 is equal to the sum of the following:

(1) the current service contribution determined in accordance with section 138 of the Act;

(2) the amortization payment determined in respect of the funding actuarial deficiency.”

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

“**8.1.** An additional contribution which represents at least 15% of the current service contribution determined in accordance with section 138 of the Act must be made to the plan. The additional contribution is established without taking into account any margin for adverse deviations provided for by the Canadian Institute of Actuaries.”

**4.** Section 9 is replaced by the following:

“9. The amortization period for a funding actuarial deficiency ends, notwithstanding paragraph 2 of section 142 of the Act, no later than 10 years after the date of the actuarial valuation that determines the deficiency.”.

**5.** Section 10 is amended by replacing “improvement unfunded actuarial liability” by “solvency deficiency”.

**6.** Section 12 is replaced by the following:

“12. For the purposes of section 128 of the Act, the amount of the actuarial gains corresponds to the amount by which the plan assets, increased by the value of the amortization payments remaining to be paid to amortize a funding deficiency determined during a prior actuarial valuation, exceeds the plan’s liabilities, the latter being reduced by the value of the additional obligations arising from a measure referred to in section 30 that is considered for the first time during the valuation.”.

**7.** Section 15 is amended by replacing “solvency” by “funding” in the first paragraph.

**8.** Section 27 is amended by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“27. Where an actuarial valuation of a target-benefit pension plan shows that the sum of the cost of the plan’s obligations and the additional contribution exceeds the contributions set out under the plan, the shortfall in contributions, subject to the terms and conditions prescribed by the plan text, must be offset by one or more of the following corrective measures:”.

**9.** Section 31 is amended:

(1) by striking out “, reduced by the reserve provided for in section 128 of the Act” in paragraph 1;

(2) by inserting “, reduced by the reserve provided for in section 128 of the Act” after “plan’s assets” in paragraph 2.

**10.** The following sections are added after section 61:

“62. Amortization payments related to any technical deficiency determined on the date of an actuarial valuation prior to 31 December 2014, where applicable, are eliminated.

**63.** The pension committee must send Retraite Québec, no later than 2 August 2016, a report which amends or replaces the actuarial valuation report as at 31 December 2014.”.

**11.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. However, it has effect from 31 December 2014.

102582

Gouvernement du Québec

**O.C. 344-2016, 27 April 2016**

Chartered Professional Accountants Act  
(chapter C-48.1)

Determination of the date on which two regulations concerning chartered professional accountants cease to have effect

WHEREAS, under paragraphs 6 and 11 of section 35 of the Chartered Professional Accountants Act (chapter C-48.1), the Règlement sur la délivrance du permis de l’Ordre des comptables généraux accrédités du Québec pour donner effet à l’arrangement conclu par l’Ordre en vertu de l’Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 14) and the Règlement sur la délivrance d’un permis de l’Ordre des comptables agréés du Québec pour donner effet à l’arrangement conclu par l’Ordre en vertu de l’entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 13) are deemed to have been adopted by the board of directors of the Ordre des comptables professionnels agréés du Québec and remain in force, unless they are replaced before then by the board, until 16 May 2014 or any other later date determined by the Government;

WHEREAS Order in Council 149-2014 dated 19 February 2014 provides that those regulations remain in force, unless they are replaced before then by the board of directors of the Ordre des comptables professionnels agréés du Québec, until 16 May 2016;

WHEREAS it is expedient that those regulations remain in force until a date later than 16 May 2016;

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

THAT the Règlement sur la délivrance du permis de l'Ordre des comptables généraux accrédités du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 14) and the Règlement sur la délivrance d'un permis de l'Ordre des comptables agréés du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 13) remain in force, unless they are replaced before then by the board of directors of the Ordre des comptables professionnels agréés du Québec, until 16 May 2018.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

102584

## **M.O., 2016-05**

### **Order number V-1.1-2016-05 of the Minister of Finance dated 7 April 2016**

Securities Act  
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR)

WHEREAS subparagraphs 1 and 2 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 Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR) has been made on June 12, 2001 pursuant to decision no. 2001-C-0272 (Supplement to the Bulletin of the *Commission des valeurs mobilières du Québec*, Vol. 32, no. 26, dated June 29, 2001);

WHEREAS the draft Regulation to amend Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR) was published in the *Bulletin de l'Autorité des marchés financiers*, volume 12, no. 26 of July 2, 2015;

WHEREAS the Authority made, on February 18, 2016, by the decision no. 2016-PDG-0020, Regulation to amend Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR);

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR) appended hereto.

7 April 2016

CARLOS LEITÃO,  
*Minister of Finance*

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## REGULATION TO AMEND REGULATION 13-101 RESPECTING THE SYSTEM FOR ELECTRONIC DOCUMENT ANALYSIS AND RETRIEVAL (SEDAR)

Securities Act

(chapter V-1.1, s. 331.1, par. (1) and (2))

1. Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR) (chapter V-1.1, r. 2) is amended by replacing, in section 4.5 of the French text, paragraph (2) with the following:

“2) Dans le dossier électronique, le déposant par voie électronique remplace la carte ou la photographie omise par une référence à celle-ci.”.

2. Appendix A of the Regulation is amended:

(1) by inserting, in section I “Mutual Fund Issuers” and after item C “Exemption and Other Applications”, the following:

“D. Exempt Market Offerings and Disclosure

- |    |   |  |
|----|---|--|
| 1. | Form 45-106F1 <i>Report of Exempt Distribution of Regulation 45-106</i> respecting Prospectus Exemptions (chapter V-1.1, r. 21)       | Alta, Sask, Man, Que, NB, PEI, NS, Nfld, YK, NWT, NU |
| 2. | Material required to be filed or delivered under section 2.9 of Regulation 45-106 respecting Prospectus Exemptions                    | Alta, Sask, Man, Que, NB, PEI, NS, Nfld, YK, NWT, NU |
| 3. | Disclosure document delivered to subscribers under section 37.2 of the <i>Securities Regulation</i> (Québec) (chapter V-1.1, r. 50)”; | Que  |

(2) by inserting, in section II “Other Issuers (Reporting/Non-reporting)” and after item D “Going Private and Related Party Transactions”, the following:

“E. Exempt Market Offerings and Disclosure

- |    |  |  |
|----|--|--|
| 1. | Form 45-106F1 <i>Report of Exempt Distribution of Regulation 45-106</i> respecting Prospectus Exemptions | Alta, Sask, Man, Que, NB, PEI, NS, Nfld, YK, NWT, NU |
|----|--|--|

- |    |  |  |
|----|--|--|
| 2. | Material required to be filed or delivered under section 2.9 of Regulation 45-106 respecting Prospectus Exemptions   | Alta, Sask, Man, Que, NB, PEI, NS, Nfld, YK, NWT, NU |
| 3. | Disclosure document delivered to subscribers under section 37.2 of the <i>Securities Regulation</i> (Québec)   | Que  |
| 4. | Form 5 – <i>Start-up Crowdfunding – Report of Exempt Distribution</i> and offering document required to be filed or delivered under the start-up crowdfunding prospectus and registration exemptions   | Sask, Man, Que, NB, NS                               |
| 5. | Offering document, distribution materials, financial statements and notices required to be filed or delivered by an issuer under Regulation 45-108 respecting Crowdfunding (Bulletin of the Autorité des marchés financiers of March 20 2014, Vol. 11, No. 11)”. | Sask, Man, Que, NB, NS                               |

3. This Regulation comes into force on May 24, 2016.

102577

## M.O., 2016-06

### Order number V-1.1-2016-06 of the Minister of Finance dated 21 April 2016

Securities Act  
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 62-103 respecting the Early Warning System and Related Take-Over Bid and Insider Reporting Issues

WHEREAS subparagraphs 1, 3, 8, 11, 21, 22 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 Regulation 62-103 respecting the Early Warning System and Related Take-Over Bid and Insider Reporting Issues has been made on March 18, 2003 pursuant to decision no. 2003-C-0109;

WHEREAS there is cause to amend this regulation;

WHEREAS the draft regulation appended hereto is the consolidation of two draft Regulation to amend Regulation 62-103 respecting the Early Warning System and Related Take-Over Bid and Insider Reporting Issues concerning, in a case, modifications in early warning system and in the other one, modifications in the regime of take-over bids and issuer bids, that were published in the *Bulletin de l'Autorité des marchés financiers*, volume 10, no. 10 of March 14, 2013 and in the *Bulletin de l'Autorité des marchés financiers*, volume 12, no. 13 of April 2, 2015;

WHEREAS the Authority made, on March 30, 2016, by the decision no. 2016-PDG-0051, Regulation to amend Regulation 62-103 respecting the Early Warning System and Related Take-Over Bid and Insider Reporting Issues;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend Regulation 62-103 respecting the Early Warning System and Related Take-Over Bid and Insider Reporting Issues appended hereto.

21 April 2016

CARLOS LEITÃO,  
*Minister of Finance*

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**REGULATION TO AMEND REGULATION 62-103 RESPECTING THE EARLY WARNING SYSTEM AND RELATED TAKE-OVER BID AND INSIDER REPORTING ISSUES**

Securities Act

(chapter V-1.1, s. 331.1, par. (1), (3), (8), (11), (21), (22) and (34))

1. Section 1.1 of Regulation 62-103 respecting the Early Warning System and Related Take-Over Bid and Insider Reporting Issues (chapter V-1.1, r. 34) is amended:

(1) by replacing the definition of the expression “acquisition announcement provisions” with the following:

““acquiror” has the meaning ascribed to that term in Part 5 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (chapter V-1.1, r. 35);

““acquiror’s securities” has the meaning ascribed to that term in Part 5 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids;

““acquisition announcement provisions” means the requirement in securities legislation for an acquiror to issue a news release if, during a formal bid for voting or equity securities of a reporting issuer by an entity other than the acquiror, the acquiror acquires ownership of, or control over, securities of the class subject to the bid that, together with the acquiror’s securities of the class, constitute an amount equal to or greater than the amount specified in securities legislation;”;

(2) by deleting, in the definition of the expression “associate”, “and, in Ontario, has the meaning ascribed under paragraphs (a.1) to (f) of the definition of “associate” in subsection 1(1) of the Securities Act (Ontario)”;

(3) by replacing the definition of the expression “early warning requirements” with the following:

““early warning requirements” means the requirements set out in section 5.2 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids;

““economic exposure” has the meaning ascribed to that term in Regulation 55-104 respecting Insider Reporting Requirements and Exemptions (chapter V-1.1, r. 31);”;

(4) by replacing the definition of the expression “formal bid” with the following:

““formal bid” means a take-over bid or issuer bid made in accordance with Part 2 of Regulation 62-104 respecting Take-over Bids and Issuer Bids;”;

(5) by replacing the definition of the expression “moratorium provisions” with the following:

““moratorium provisions” means the provisions set out in subsection 5.3(1) of Regulation 62-104 respecting Take-Over Bids and Issuer Bids;”;

(6) by deleting the definition of the expressions “offeror” and “offeror’s securities”;

(7) by inserting, after the definition of the expression “related financial instrument”, the following:

““securities lending arrangement” has the meaning ascribed to that term in Part 5 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids;”.

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

**“3.1. Contents of News Releases and Reports**

(1) A news release and report required under the early warning requirements shall contain the information required by Form 62-103F1.

(2) Despite subsection (1), a news release required under the early warning requirements may omit the information otherwise required by Items 2.3, 3.3, 3.5 through 3.8, 4.2, 4.3, 6 and 9, and Item 7 to the extent that the information relates to those sections and items, of Form 62-103F1, if

(a) the omitted information is included in the corresponding report required by the early warning requirements, and

(b) the news release indicates the name and telephone number of an individual to contact to obtain a copy of the report.

(3) The acquiror shall send a copy of the report referred to in paragraph (2)(a) promptly to any entity requesting it.”.

3. Section 3.2 of the Regulation is amended by replacing, wherever it appears, the word “offeror” with the word “acquiror”.

4. Section 4.2 of the Regulation is replaced with the following:

**“4.2. Disqualification**

(1) An eligible institutional investor shall not file reports under this Part for a reporting issuer if the eligible institutional investor, or a joint actor

(a) makes or intends to make a formal bid for securities of the reporting issuer;

(b) proposes or intends to propose a reorganization, amalgamation, merger, arrangement or similar business combination with a reporting issuer that if completed would reasonably be expected to result in the eligible institutional investor, either alone or together with any joint actors, possessing effective control over the reporting issuer or a successor to all or a part of the business of the reporting issuer; or

(c) solicits proxies from securityholders of the reporting issuer in any of the following circumstances:

(i) in support of the election of one or more persons as directors of the reporting issuer other than the persons proposed to be nominated by management of the reporting issuer;

(ii) in support for a reorganization, amalgamation, merger, arrangement or other similar corporate action involving the securities of the reporting issuer if that action is not supported by management of the reporting issuer;

(iii) in opposition to a reorganization, amalgamation, merger, arrangement or other similar corporate action involving the securities of the reporting issuer if that action is proposed by management of the reporting issuer.

(2) For the purposes of this section, “solicit” has the meaning ascribed to that term in Regulation 51-102 respecting Continuous Disclosure Obligations (chapter V-1.1, r. 24).”.

5. Section 4.3 of the Regulation is amended, by replacing, in paragraph (2), “Appendix F” with “Form 62-103F2”.

6. Section 4.7 of the Regulation is amended:

(1) by replacing, in paragraph (1), “Appendix G” with “Form 62-103F3”;

(2) by replacing, in the French text of subparagraph (b) of paragraph (2), the words “titres de participation” with the words “titres de capitaux propres”.

7. Section 5.1 of the Regulation is amended:

(1) by replacing, in the French text of paragraph (a), the word “disposition” with the word “cession”;

(2) by replacing, in paragraph (b), the word “offeror” with the word “acquiror”;

(3) by replacing, in the French text of paragraph (c), the word “disposition” with the word “cession”.

8. The title of Part 8 and section 8.1 of the Regulation are replaced, in the French text, with the following:

**“PARTIE 8 LA DISPENSE EN FAVEUR DU CRÉANCIER GARANTI**

**“8.1. La dispense en faveur du créancier garanti**

1) Dans le cas de titres qui sont contrôlés par une personne en sa qualité de créancier garanti et des titres qui peuvent être acquis par conversion, exercice ou échange de ces titres, qui sont affectés en garantie d’une dette en vertu d’un contrat écrit et dans le

cours ordinaire des activités de l'entité, la personne est dispensée des dispositions applicables et n'a pas à prendre en compte ces titres pour les besoins des définitions applicables.

2) Le paragraphe 1 cesse de s'appliquer au moment où la personne devient légalement autorisée à disposer des titres en qualité de créancier garanti en vue d'affecter le produit de la réalisation de la garantie au remboursement de la dette garantie.”

9. Section 8.2 of the Regulation is amended by deleting “(1)”.

10. Section 8.3 of the Regulation is amended by replacing, in the French text, the word “nanti” with the word “garanti”.

11. The title of Part 9 of the Regulation is amended by deleting “; **EARLY WARNING DECREASE REPORTS**”.

12. Section 9.1 of the Regulation is amended:

(1) by replacing the title with the following:

**“9.1. Insider Reporting Exemption”;**

(2) in paragraph (1):

(a) by deleting “(3)”;

(b) by replacing, in the French text of subparagraph (a), the words “titres de participation” with the words “titres de capitaux propres”;

(3) by deleting paragraph (3).

13. Appendix D of the Regulation is amended by replacing “Subsections 1(5) and 1(6) and sections 90 and 91 of the Securities Act (R.S.O., 1990, c. S.5)” with “Subsections 1(5) and 1(6) of the Securities Act (R.S.O., 1990, c. S.5) and sections 1.8 and 1.9 of Regulation 62-104 respecting Take-over Bids and Issuer Bids”.

14. The Regulation is amended by replacing appendices E, F and G with the following:

**“FORM 62-103F1  
REQUIRED DISCLOSURE UNDER THE EARLY WARNING  
REQUIREMENTS**

State if the report is filed to amend information disclosed in an earlier report. Indicate the date of the report that is being amended.

### **Item 1 Security and Reporting Issuer**

1.1 State the designation of securities to which this report relates and the name and address of the head office of the issuer of the securities.

1.2 State the name of the market in which the transaction or other occurrence that triggered the requirement to file this report took place.

**Item 2 Identity of the Acquiror**

2.1 State the name and address of the acquiror.

2.2 State the date of the transaction or other occurrence that triggered the requirement to file this report and briefly describe the transaction or other occurrence.

2.3 State the names of any joint actors.

*INSTRUCTION*

*If the acquiror is a corporation, general partnership, limited partnership, syndicate or other group of persons, provide its name, the address of its head office, its jurisdiction of incorporation or organization, and its principal business.*

**Item 3 Interest in Securities of the Reporting Issuer**

3.1 State the designation and number or principal amount of securities acquired or disposed of that triggered the requirement to file the report and the change in the acquiror's securityholding percentage in the class of securities.

3.2 State whether the acquiror acquired or disposed ownership of, or acquired or ceased to have control over, the securities that triggered the requirement to file the report.

3.3 If the transaction involved a securities lending arrangement, state that fact.

3.4 State the designation and number or principal amount of securities and the acquiror's securityholding percentage in the class of securities, immediately before and after the transaction or other occurrence that triggered the requirement to file this report.

3.5 State the designation and number or principal amount of securities and the acquiror's securityholding percentage in the class of securities referred to in Item 3.4 over which

(a) the acquiror, either alone or together with any joint actors, has ownership and control,

(b) the acquiror, either alone or together with any joint actors, has ownership but control is held by persons other than the acquiror or any joint actor, and

(c) the acquiror, either alone or together with any joint actors, has exclusive or shared control but does not have ownership.

3.6 If the acquiror or any of its joint actors has an interest in, or right or obligation associated with, a related financial instrument involving a security of the class of securities in respect of which disclosure is required under this item, describe the material terms of the related financial instrument and its impact on the acquiror's securityholdings.

3.7 If the acquiror or any of its joint actors is a party to a securities lending arrangement involving a security of the class of securities in respect of which disclosure is required under this item, describe the material terms of the arrangement including the duration of the arrangement, the number or principal amount of securities involved and any right to recall the securities or identical securities that have been transferred or lent under the arrangement.

State if the securities lending arrangement is subject to the exception provided in section 5.7 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (chapter V-1.1, r. 35).

3.8 If the acquiror or any of its joint actors is a party to an agreement, arrangement or understanding that has the effect of altering, directly or indirectly, the acquiror's economic exposure to the security of the class of securities to which this report relates, describe the material terms of the agreement, arrangement or understanding.

#### INSTRUCTIONS

(i) *“Related financial instrument” has the meaning ascribed to that term in Regulation 55-104 respecting Insider Reporting Requirements and Exemptions (chapter V-1.1 r. 31). Item 3.6 encompasses disclosure of agreements, arrangements or understandings where the economic interest related to a security beneficially owned or controlled has been altered.*

(ii) *For the purposes of Items 3.6, 3.7 and 3.8, a material term of an agreement, arrangement or understanding does not include the identity of the counterparty or proprietary or commercially sensitive information.*

(iii) *For the purposes of Item 3.8, any agreements, arrangements or understandings that have been disclosed under other items in this Form do not have to be disclosed under this item.*

#### **Item 4 Consideration Paid**

4.1 State the value, in Canadian dollars, of any consideration paid or received per security and in total.

4.2 In the case of a transaction or other occurrence that did not take place on a stock exchange or other market that represents a published market for the securities, including an issuance from treasury, disclose the nature and value, in Canadian dollars, of the consideration paid or received by the acquiror.

4.3 If the securities were acquired or disposed of other than by purchase or sale, describe the method of acquisition or disposition.

**Item 5 Purpose of the Transaction**

State the purpose or purposes of the acquiror and any joint actors for the acquisition or disposition of securities of the reporting issuer. Describe any plans or future intentions which the acquiror and any joint actors may have which relate to or would result in any of the following:

- (a) the acquisition of additional securities of the reporting issuer, or the disposition of securities of the reporting issuer;
- (b) a corporate transaction, such as a merger, reorganization or liquidation, involving the reporting issuer or any of its subsidiaries;
- (c) a sale or transfer of a material amount of the assets of the reporting issuer or any of its subsidiaries;
- (d) a change in the board of directors or management of the reporting issuer, including any plans or intentions to change the number or term of directors or to fill any existing vacancy on the board;
- (e) a material change in the present capitalization or dividend policy of the reporting issuer;
- (f) a material change in the reporting issuer's business or corporate structure;
- (g) a change in the reporting issuer's charter, bylaws or similar instruments or another action which might impede the acquisition of control of the reporting issuer by any person;
- (h) a class of securities of the reporting issuer being delisted from, or ceasing to be authorized to be quoted on, a marketplace;
- (i) the issuer ceasing to be a reporting issuer in any jurisdiction of Canada;
- (j) a solicitation of proxies from securityholders;
- (k) an action similar to any of those enumerated above.

**Item 6 – Agreements, Arrangements, Commitments or Understandings With Respect to Securities of the Reporting Issuer**

Describe the material terms of any agreements, arrangements, commitments or understandings between the acquiror and a joint actor and among those persons and any person with respect to securities of the class of securities to which this report relates, including but not limited to the transfer or the voting of any of the securities, finder's fees, joint ventures, loan or option arrangements, guarantees of profits, division of profits or loss, or the giving or withholding of proxies. Include such information for any of the securities that are pledged or otherwise subject to a contingency, the occurrence of which would give another person voting power or investment power over such securities, except that disclosure of standard default and similar provisions contained in loan agreements need not be included.

*INSTRUCTIONS*

(i) *Agreements, arrangements or understandings that are described under Item 3 do not have to be disclosed under this item.*

(ii) *For the purposes of Item 6, the description of any agreements, arrangements, commitments or understandings does not include naming the persons with whom those agreements, arrangements, commitments or understandings have been entered into, or proprietary or commercially sensitive information.*

**Item 7 Change in material fact**

If applicable, describe any change in a material fact set out in a previous report filed by the acquiror under the early warning requirements or Part 4 in respect of the reporting issuer's securities.

**Item 8 Exemption**

If the acquiror relies on an exemption from requirements in securities legislation applicable to formal bids for the transaction, state the exemption being relied on and describe the facts supporting that reliance.

**Item 9 Certification**

The acquiror must certify that the information is true and complete in every respect. In the case of an agent, the certification is based on the agent's best knowledge, information and belief but the acquiror is still responsible for ensuring that the information filed by the agent is true and complete.

This report must be signed by each person on whose behalf the report is filed or his authorized representative.

It is an offence to submit information that, in a material respect and at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

**Certificate**

The certificate must state the following:

"I, as the acquiror, certify, or I, as the agent filing the report on behalf of an acquiror, certify to the best of my knowledge, information and belief, that the statements made in this report are true and complete in every respect.

.....  
Date

.....  
Signature

.....  
Name/Title".



**“FORM 62-103F2  
REQUIRED DISCLOSURE BY AN ELIGIBLE INSTITUTIONAL  
INVESTOR UNDER SECTION 4.3**

State if the report is filed to amend information disclosed in an earlier report. Indicate the date of the report that is being amended.

**Item 1 Security and Reporting Issuer**

1.1 State the designation of securities to which this report relates and the name and address of the head office of the issuer of the securities.

1.2 State the name of the market in which the transaction or other occurrence that triggered the requirement to file this report took place.

**Item 2 Identity of the Eligible Institutional Investor**

2.1 State the name and address of the eligible institutional investor.

2.2 State the date of the transaction or other occurrence that triggered the requirement to file this report and briefly describe the transaction or other occurrence.

2.3 State that the eligible institutional investor is ceasing to file reports under Part 4 for the reporting issuer.

2.4 Disclose the reasons for doing so.

2.5 State the names of any joint actors.

**Item 3 Interest in Securities of the Reporting Issuer**

3.1 State the designation and number or principal amount of securities and the eligible institutional investor's securityholding percentage in the class of securities immediately before and after the transaction or other occurrence that triggered the requirement to file this report.

3.2 State whether the acquiror acquired or disposed ownership of, or acquired or ceased to have control over, the securities that triggered the requirement to file the report.

3.3 If the transaction involved a securities lending arrangement, state that fact.

3.4 State the designation and number or principal amount of securities and the eligible institutional investor's securityholding percentage in the class of securities, immediately before and after the transaction or other occurrence that triggered the requirement to file this report and over which

(a) the eligible institutional investor, either alone or together with any joint actors, has ownership and control,

(b) the eligible institutional investor, either alone or together with any joint actors, has ownership but control is held by persons other than the eligible institutional investor or any joint actor, and

(c) the eligible institutional investor, either alone or together with any joint actors, has exclusive or shared control but does not have ownership.

3.5 If the eligible institutional investor or any of its joint actors has an interest in, or right or obligation associated with, a related financial instrument involving a security of the class of securities in respect of which disclosure is required under this item, describe the material terms of the related financial instrument and its impact on the eligible institutional investor's securityholdings.

3.6 If the eligible institutional investor or any of its joint actors is a party to a securities lending arrangement involving a security of the class of securities in respect of which disclosure is required under this item, describe the material terms of the arrangement including the duration of the arrangement, the number or principal amount of securities involved and any right to recall the securities or identical securities that have been transferred or lent under the arrangement.

State if the securities lending arrangement is subject to the exception provided in section 5.7 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (chapter V-1.1, r. 35).

3.7 If the eligible institutional investor or any of its joint actors is a party to an agreement, arrangement or understanding that has the effect of altering, directly or indirectly, the eligible institutional investor's economic exposure to the security of the class of securities to which this report relates, describe the material terms of the agreement, arrangement or understanding.

#### *INSTRUCTIONS*

(i) *“Related financial instrument” has the meaning ascribed to that term in Regulation 55-104 respecting Insider Reporting Requirements and Exemptions (chapter V-1.1 r. 31). Item 3.5 encompasses disclosure of agreements, arrangements or understandings where the economic interest related to a security beneficially owned or controlled has been altered.*

(ii) *For the purposes of Items 3.5, 3.6 and 3.7, a material term of an agreement, arrangement or understanding does not include the identity of the counterparty or proprietary or commercially sensitive information.*

(iii) *For the purposes of Item 3.7, any agreements, arrangements or understandings that have been disclosed under other items in this Form do not have to be disclosed under this item.*

#### **Item 4 Consideration Paid**

4.1 State the value, in Canadian dollars, of any consideration paid or received per security and in total.

4.2 In the case of a transaction or other occurrence that did not take place on a stock exchange or other market that represents a published market for the securities, including an issuance from treasury, disclose the nature and value, in Canadian dollars, of the consideration paid or received by the eligible institutional investor.

4.3 If the securities were acquired or disposed of other than by purchase or sale, describe the method of acquisition or disposition.

#### **Item 5 Purpose of the Transaction**

State the purpose or purposes of the eligible institutional investor and any joint actors for the acquisition or disposition of securities of the reporting issuer. Describe any plans or future intentions which the eligible institutional investor and any joint actors may have which relate to or would result in any of the following:

- (a) the acquisition of additional securities of the reporting issuer, or the disposition of securities of the reporting issuer;
- (b) a corporate transaction, such as a merger, reorganization or liquidation, involving the reporting issuer or any of its subsidiaries;
- (c) a sale or transfer of a material amount of the assets of the reporting issuer or any of its subsidiaries;
- (d) a change in the board of directors or management of the reporting issuer, including any plans or intentions to change the number or term of directors or to fill any existing vacancy on the board;
- (e) a material change in the present capitalization or dividend policy of the reporting issuer;
- (f) a material change in the reporting issuer's business or corporate structure;
- (g) a change in the reporting issuer's charter, bylaws or similar instruments or another action which might impede the acquisition of control of the reporting issuer by any person;
- (h) a class of securities of the reporting issuer being delisted from, or ceasing to be authorized to be quoted on, a marketplace;
- (i) the issuer ceasing to be a reporting issuer in any jurisdiction of Canada;
- (j) a solicitation of proxies from securityholders;
- (k) an action similar to any of those enumerated above.

**Item 6 Agreements, Arrangements, Commitments or Understandings With Respect to Securities of the Reporting Issuer**

Describe the material terms of any agreements, arrangements, commitments or understandings between the eligible institutional investor and a joint actor and among those persons and any person with respect to any securities of the reporting issuer, including but not limited to the transfer or the voting of any of the securities, finder's fees, joint ventures, loan or option arrangements, guarantees of profits, division of profits or loss, or the giving or withholding of proxies. Include such information for any of the securities that are pledged or otherwise subject to a contingency, the occurrence of which would give another person voting power or investment power over such securities, except that disclosure of standard default and similar provisions contained in loan agreements need not be included.

**INSTRUCTIONS**

(i) *Agreements, arrangements or understandings that are described under Item 3 do not have to be disclosed under this item.*

(ii) *For the purposes of Item 6, the description of any agreements, arrangements, commitments or understandings does not include naming the persons with whom those agreements, arrangements, commitments or understandings have been entered into, or proprietary or commercially sensitive information.*

**Item 7 Change in material fact**

If applicable, describe any change in a material fact set out in a previous report filed by the eligible institutional investor under the early warning requirements or Part 4 in respect of the reporting issuer's securities.

**Item 8 Exemption**

If the eligible institutional investor relies on an exemption from the requirement in securities legislation applicable to formal bids for the transaction, state the exemption being relied on and describe the facts supporting that reliance.

**Item 9 Certification**

The eligible institutional investor must certify that the information is true and complete in every respect. In the case of an agent, the certification is based on the agent's best knowledge, information and belief but the eligible institutional investor is still responsible for ensuring that the information filed by the agent is true and complete.

This report must be signed by each person on whose behalf the report is filed or his authorized representative.

It is an offence to submit information that, in a material respect and at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

**Certificate**

The certificate must state the following:

“I, as the eligible institutional investor, certify, or I, as the agent filing the report on behalf of the eligible institutional investor, certify to the best of my knowledge, information and belief, that the statements made in this report are true and complete in every respect.

.....  
Date

.....  
Signature

.....  
Name/Title”.

**“FORM 62-103F3  
REQUIRED DISCLOSURE BY AN ELIGIBLE INSTITUTIONAL  
INVESTOR UNDER PART 4**

State if the report is filed to amend information disclosed in an earlier report. Indicate the date of the report that is being amended.

**Item 1 Security and Reporting Issuer**

1.1 State the designation of securities to which this report relates and the name and address of the head office of the issuer of the securities.

1.2 State the name of the market in which the transaction or other occurrence that triggered the requirement to file this report took place.

**Item 2 Identity of the Eligible Institutional Investor**

2.1 State the name and address of the eligible institutional investor.

2.2 State the date of the transaction or other occurrence that triggered the requirement to file this report and briefly describe the transaction or other occurrence.

2.3 State the name of any joint actors.

2.4 State that the eligible institutional investor is eligible to file reports under Part 4 in respect of the reporting issuer.

### **Item 3 Interest in Securities of the Reporting Issuer**

3.1 State the designation and the net increase or decrease in the number or principal amount of securities, and in the eligible institutional investor's securityholding percentage in the class of securities, since the last report filed by the eligible institutional investor under Part 4 or the early warning requirements.

3.2 State the designation and number or principal amount of securities and the eligible institutional investor's securityholding percentage in the class of securities at the end of the month for which the report is made.

3.3 If the transaction involved a securities lending arrangement, state that fact.

3.4 State the designation and number or principal amount of securities and the percentage of outstanding securities of the class of securities to which this report relates and over which

(a) the eligible institutional investor, either alone or together with any joint actors, has ownership and control,

(b) the eligible institutional investor, either alone or together with any joint actors, has ownership but control is held by persons other than the eligible institutional investor or any joint actor, and

(c) the eligible institutional investor, either alone or together with any joint actors, has exclusive or shared control but does not have ownership.

3.5 If the eligible institutional investor or any of its joint actors has an interest in, or right or obligation associated with, a related financial instrument involving a security of the class of securities in respect of which disclosure is required under this item, describe the material terms of the related financial instrument and its impact on the eligible institutional investor's securityholdings.

3.6 If the eligible institutional investor or any of its joint actors is a party to a securities lending arrangement involving a security of the class of securities in respect of which disclosure is required under this item, describe the material terms of the arrangement including the duration of the arrangement, the number or principal amount of securities involved and any right to recall the securities or identical securities that have been transferred or lent under the arrangement.

State if the securities lending arrangement is subject to the exception provided in section 5.7 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (chapter V-1.1, r. 35).

3.7 If the eligible institutional investor or any of its joint actors is a party to an agreement, arrangement or understanding that has the effect of altering, directly or indirectly, the eligible institutional investor's economic exposure to the security of the class of securities to which this report relates, describe the material terms of the agreement, arrangement or understanding.

### INSTRUCTIONS

(i) “*Related financial instrument*” has the meaning ascribed to that term in Regulation 55-104 respecting *Insider Reporting Requirements and Exemptions* (chapter V-1.1 r. 31). Item 3.5 encompasses disclosure of agreements, arrangements or understandings where the economic interest related to a security beneficially owned or controlled has been altered.

(ii) An eligible institutional investor may omit the securityholding percentage from a report if the change in percentage is less than 1% of the class.

(iii) For the purposes of Item 3.5, 3.6 and 3.7, a material term of an agreement, arrangement or understanding does not include the identity of the counterparty or proprietary or commercially sensitive information.

(iv) For the purposes of Item 3.7, any agreements, arrangements or understandings that have been disclosed under other items in this Form do not have to be disclosed under this item.

#### **Item 4 Purpose of the Transaction**

State the purpose or purposes of the eligible institutional investor and any joint actors for the acquisition or disposition of securities of the reporting issuer. Describe any plans or future intentions which the eligible institutional investor and any joint actors may have which relate to or would result in any of the following:

(a) the acquisition of additional securities of the reporting issuer, or the disposition of securities of the issuer;

(b) a sale or transfer of a material amount of the assets of the reporting issuer or any of its subsidiaries;

(c) a change in the board of directors or management of the reporting issuer, including any plans or intentions to change the number or term of directors or to fill any existing vacancy on the board;

(d) a material change in the present capitalization or dividend policy of the reporting issuer;

(e) a material change in the reporting issuer’s business or corporate structure;

(f) a change in the reporting issuer’s charter, bylaws or similar instruments or another action which might impede the acquisition of control of the reporting issuer by any person;

(g) a class of securities of the reporting issuer being delisted from, or ceasing to be authorized to be quoted on, a marketplace;

- (h) the issuer ceasing to be a reporting issuer in any jurisdiction of Canada;
- (i) a solicitation of proxies from securityholders;
- (j) an action similar to any of those enumerated above.

**Item 5 Agreements, Arrangements, Commitments or Understandings With Respect to Securities of the Reporting Issuer**

Describe the material terms of any agreements, arrangements, commitments or understandings between the eligible institutional investor and a joint actor and among those persons and any person with respect to securities of the class of securities to which this report relates, including but not limited to the transfer or the voting of any of the securities, finder's fees, joint ventures, loan or option arrangements, puts or calls, guarantees of profits, division of profits or loss, or the giving or withholding of proxies. Include such information for any of the securities that are pledged or otherwise subject to a contingency, the occurrence of which would give another person voting power or investment power over such securities except that disclosure of standard default and similar provisions contained in loan agreements need not be included.

*INSTRUCTIONS*

*(i) Agreements, arrangements or understandings that are described under Item 3 do not have to be disclosed under this item.*

*(ii) For the purposes of Item 5, the description of any agreements, arrangements, commitments or understandings does not include naming the persons with whom those agreements, arrangements, commitments or understandings have been entered into, or proprietary or commercially sensitive information.*

**Item 6 Change in Material Fact**

If applicable, describe any change in a material fact set out in a previous report filed by the eligible institutional investor under the early warning requirements or Part 4 in respect of the reporting issuer's securities.

**Item 7 Certification**

The eligible institutional investor must certify that the information is true and complete in every respect. In the case of an agent, the certification is based on the agent's best knowledge, information and belief but the eligible institutional investor is still responsible for ensuring that the information filed by the agent is true and complete.

This report must be signed by each person on whose behalf the report is filed or his authorized representative.

It is an offence to submit information that, in a material respect and at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.



### Certificate

The certificate must state the following:

“I, as the eligible institutional investor, certify, or I, as the agent filing the report on behalf of the eligible institutional investor, certify to the best of my knowledge, information and belief, that the statements made in this report are true and complete in every respect.

.....  
Date

.....  
Signature

.....  
Name/Title”.”.

**15.** Except in Ontario, this Regulation comes into force on May 9, 2016. In Ontario, this Regulation comes into force on the later of the following:

(1) May 9, 2016;

(2) the day on which sections 1, 2 and 3, subsections (2) and (3) of section 4, and sections 5, 7, 8 and 10 of Schedule 18 of the Budget Measures Act, 2015 are proclaimed into force.

102579

### M.O., 2016-07

#### Order number V-1.1-2016-07 of the Minister of Finance dated 21 April, 2016

Securities Act  
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 62-104 respecting Take-Over Bids and Issuer Bids

WHEREAS subparagraphs 1, 3, 8, 11, 21, 22 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 Regulation 62-104 respecting Take-Over Bids and Issuer Bids approved by ministerial order no. 2008-02 dated January 22, 2008 (2008, *G.O.* 2, 565);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft regulation appended hereto is the consolidation of two draft Regulation to amend Regulation 62-104 respecting Take-Over Bids and Issuer Bids concerning, in a case, modifications in early warning system and in the other one, modifications in the regime of take-over bids and issuer bids, that were published in the *Bulletin de l'Autorité des marchés financiers*, volume 10, no. 10 of March 14, 2013 and in the *Bulletin de l'Autorité des marchés financiers*, volume 12, no. 13 of April 2, 2015;

WHEREAS the Authority made, on March 30, 2016, by the decision no. 2016-PDG-0050, Regulation to amend Regulation 62-104 respecting Take-Over Bids and Issuer Bids;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend Regulation 62-104 respecting Take-Over Bids and Issuer Bids appended hereto.

21 April, 2016

CARLOS LEITÃO,  
*Minister of Finance*

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**REGULATION TO AMEND REGULATION 62-104 RESPECTING TAKE-OVER BIDS AND ISSUER BIDS**

## Securities Act

(chapter V-1.1, s. 331.1, par. (1), (3), (8), (11), (21), (22) and (34))

1. Section 1.1 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (chapter V-1.1, r. 35) is amended:

(1) by inserting, after the definition of the expression “Act”, the following:

““alternative transaction” means, for an issuer:

(a) an amalgamation, merger, arrangement, consolidation, or any other transaction of the issuer, or an amendment to the terms of a class of equity securities of the issuer, as a consequence of which the interest of a holder of an equity security of the issuer may be terminated without the holder’s consent, regardless of whether the equity security is replaced with another security, but does not include

(i) a consolidation of securities that does not have the effect of terminating the interests of holders of equity securities of the issuer in those securities without their consent, except to an extent that is nominal in the circumstances,

(ii) a circumstance in which the issuer may terminate a holder’s interest in a security, under the terms attached to the security, for the purpose of enforcing an ownership or voting constraint that is necessary to enable the issuer to comply with legislation, lawfully engage in a particular activity or have a specified level of Canadian ownership, or

(iii) a transaction solely between or among the issuer and one or more subsidiaries of the issuer,

(b) a sale, lease or exchange of all or substantially all the property of the issuer if the sale, lease or exchange is not in the ordinary course of business of the issuer, but does not include a sale, lease or exchange solely between or among the issuer and one or more subsidiaries of the issuer;”;

(2) in the definition of the expression “associate”:

(a) by inserting, in paragraph (c) and after the words “or in a similar capacity,” the word “or”;

(b) by replacing paragraph (d) with the following:

“(d) a relative of that person, if the relative has the same home as that person, including

(i) the spouse or, in Alberta, adult interdependent partner of that person, or

(ii) a relative of the person's spouse or, in Alberta, adult interdependent partner;";

(3) by inserting, after the definition of the expression "consultant", the following:

""deposit period news release" means a news release issued by an offeree issuer in respect of a proposed or commenced take-over bid for the securities of the offeree issuer and stating an initial deposit period for the bid of not more than 105 days and not less than 35 days, expressed as a number of days from the date of the bid;";

(4) by inserting, after the definition of the expression "equity security", the following:

""initial deposit period" means the period, including any extension, during which securities may be deposited under a take-over bid but does not include

(a) a mandatory 10-day extension period, or

(b) any extension to the period during which securities may be deposited if the extension is made after a mandatory 10-day extension period;";

(5) by inserting, after the definition of the expression "issuer bid", the following:

""mandatory 10-day extension period" means the period referred to in paragraph 2.31.1(a);";

(6) by inserting, after the definition of the expression "offeror's securities", the following:

""partial take-over bid" means a take-over bid for less than all of the outstanding securities of the class of securities subject to the bid;";

(7) by replacing, in the French version of the definition of the expression "take-over bid", the words "titres avec droit de vote" with the words "titres comportant droit de vote".

2. Section 1.8 of the Regulation is amended by replacing paragraph (1) with the following:

“(1) In this Regulation, in determining the beneficial ownership of securities of an offeror, of an acquiror or of any person acting jointly or in concert with the offeror or the acquiror, at any given date, the offeror, the acquiror or the person is deemed to have acquired and to be the beneficial owner of a security, including an unissued security, if the offeror, the acquiror or the person

(a) is the beneficial owner of a security convertible into the security within 60 days following that date, or

(b) has a right or obligation permitting or requiring the offeror, the acquiror or the person, whether or not on conditions, to acquire beneficial ownership of the security within 60 days by a single transaction or a series of linked transactions.”.

3. Section 1.9 of the Regulation is amended by replacing paragraph (1) with the following:

“(1) In this Regulation, it is a question of fact as to whether a person is acting jointly or in concert with an offeror or an acquiror and, without limiting the generality of the foregoing,

(a) the following are deemed to be acting jointly or in concert with an offeror or an acquiror:

(i) a person that, as a result of any agreement, commitment or understanding with the offeror, the acquiror or with any other person acting jointly or in concert with the offeror or the acquiror, acquires or offers to acquire securities of the same class as those subject to the offer to acquire;

(ii) an affiliate of the offeror or the acquiror;

(b) the following are presumed to be acting jointly or in concert with an offeror or an acquiror:

(i) a person that, as a result of any agreement, commitment or understanding with the offeror, the acquiror or with any other person acting jointly or in concert with the offeror or the acquiror, intends to exercise jointly or in concert with the offeror, the acquiror or with any person acting jointly or in concert with the offeror or the acquiror any voting rights attaching to any securities of the offeree issuer;

(ii) an associate of the offeror or the acquiror.”.

4. Section 1.11 of the Regulation is amended by inserting, in paragraph (3) and after “section 4.1”, “and subsection 4.8(3)”.

5. Section 2.11 of the Regulation is amended:

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

“(1.1) Despite paragraph (1)(b), an offeror is not required to send a notice of change to a security holder if, under paragraph 2.30(2)(a.1), the security holder is restricted from withdrawing securities that have been deposited under the bid.”;

(2) by inserting, after paragraph (4), the following:

“(5) If, under subsection (1), an offeror is required to send a notice of change before the expiry of the initial deposit period

(a) the initial deposit period for the offeror’s take-over bid must not expire before 10 days after the date of the notice of change, and

(b) the offeror must not take up securities deposited under the bid before 10 days after the date of the notice of change.”.

6. Section 2.12 of the Regulation is amended:

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

“(1) If there is a variation in the terms of a take-over bid or an issuer bid, including any reduction of the period during which securities may be deposited under the bid pursuant to section 2.28.2 or section 2.28.3, or any extension of the period during which securities may be deposited under the bid, and whether or not that variation results from the exercise of any right contained in the bid, the offeror must promptly

(a) issue and file a news release, and

(b) send a notice of variation to every person to whom the bid was required to be sent under section 2.8 and whose securities were not taken up before the date of the variation.

“(1.1) Despite paragraph (1)(b), an offeror is not required to send a notice of variation to a security holder if, under paragraph 2.30(2)(a.1), the security holder is restricted from withdrawing securities that have been deposited under the bid.”;

(2) by inserting, after paragraph (3), the following:

“(3.1) If, under subsection (1), an offeror is required to send a notice of variation before the expiry of the initial deposit period

(a) the initial deposit period for the offeror’s take-over bid must not expire before 10 days after the date of the notice of variation, and

(b) the offeror must not take up securities deposited under the bid before 10 days after the date of the notice of variation.”;

(3) by replacing paragraphs (4) and (5) with the following:

“(4) Subsections (1), (3) and (3.1) do not apply to a variation in the terms of a bid consisting solely of the waiver of a condition in the bid and any extension of the bid, other than an extension in respect of the mandatory 10-day extension period, resulting from the waiver where the consideration offered for the securities consists solely of cash, but in that case the offeror must promptly issue and file a news release announcing the waiver.

“(5) An offeror must not make a variation in the terms of an issuer bid, other than a variation that is the waiver by the offeror of a condition that is specifically stated in the bid as being waivable at the sole option of the offeror, after the expiry of the period, including any extension of the period, during which the securities may be deposited under the bid.

“(6) An offeror must not make a variation in the terms of a take-over bid, other than a variation to extend the time during which securities may be deposited under the bid or a variation to increase the consideration offered for the securities subject to the bid, after the offeror becomes obligated to take up securities deposited under the bid in accordance with section 2.32.1.”.

7. Section 2.17 of the Regulation is amended by replacing, in paragraph (3), the words “period during which securities may be deposited under the bid” with the words “initial deposit period”.

8. Section 2.26 of the Regulation is amended:

- (1) by deleting, in paragraph (1), the words “a take-over bid or”;
- (2) by deleting paragraph (4).

9. The Regulation is amended by inserting, after section 2.26, the following:

**“2.26.1. Proportionate take up and payment – take-over bids**

(1) If a greater number of securities is deposited under a partial take-over bid than the offeror is bound or willing to acquire under the bid, the offeror must take up and pay for the securities proportionately, disregarding fractions, according to the number of securities deposited by each security holder.

(2) For the purposes of subsection (1), any securities acquired in a pre-bid transaction to which subsection 2.4(1) applies are deemed to have been deposited under the take-over bid by the person who was the seller in the pre-bid transaction.”.

10. Section 2.28 of the Regulation is replaced with the following:

**“2.28. Minimum deposit period**

An offeror must allow securities to be deposited under an issuer bid for a minimum deposit period of at least 35 days from the date of the bid.

**“2.28.1. Minimum deposit period – take-over bids**

An offeror must allow securities to be deposited under a take-over bid for an initial deposit period of at least 105 days from the date of the bid.

**“2.28.2. Shortened deposit period – deposit period news release**

(1) Despite section 2.28.1, if at or after the time an offeror announces a take-over bid, the offeree issuer issues a deposit period news release in respect of the offeror’s take-over bid, the offeror must allow securities to be deposited under its take-over bid for an initial deposit period of at least the number of days from the date of the bid as stated in the deposit period news release.

(2) Despite section 2.28.1, an offeror, other than an offeror under subsection (1), must allow securities to be deposited under its take-over bid for an initial deposit period of at least the number of days from the date of the bid as stated in the deposit period news release if either of the following applies:

(a) the offeror commenced the take-over bid in respect of securities of the offeree issuer before the issuance of the deposit period news release referred to in subsection (1) and the bid has yet to expire;

(b) the offeror, after the issuance of the deposit period news release referred to in subsection (1), commences a take-over bid in respect of securities of the offeree issuer and the bid is commenced before one of the following:

(i) the date of expiry of the take-over bid referred to in subsection (1),

(ii) the date of expiry of another take-over bid referred to in paragraph (a).

(3) For the purposes of subsections (1) and (2), an offeror must not allow securities to be deposited under its take-over bid for an initial deposit period of less than 35 days from the date of the bid.

**“2.28.3. Shortened deposit period – alternative transaction**

Despite section 2.28.1, if an issuer issues a news release announcing that it intends to effect an alternative transaction, whether pursuant to an agreement or otherwise, an offeror must allow securities to be deposited under its take-over bid for an initial deposit period of at least 35 days from the date of the bid if either of the following applies:

(a) the offeror commenced the take-over bid in respect of securities of the offeree issuer before the issuance of the news release and the bid has yet to expire;

(b) the offeror, after the issuance of the news release, commences a take-over bid in respect of securities of the offeree issuer and the bid is commenced before one of the following:

(i) the date of completion or abandonment of the alternative transaction,

(ii) the date of expiry of another take-over bid referred to in paragraph (a).”.

**11.** Section 2.29 of the Regulation is amended by deleting the words “a take-over bid or”.



12. The Regulation is amended by inserting, after section 2.29, the following:

**“2.29.1. Restriction on take up – take-over bids**

An offeror must not take up securities deposited under a take-over bid unless all of the following apply:

- (a) a period of 105 days, or the number of days determined in accordance with section 2.28.2 or section 2.28.3, has elapsed from the date of the bid;
- (b) all the terms and conditions of the bid have been complied with or waived;
- (c) more than 50% of the outstanding securities of the class that are subject to the bid, excluding securities beneficially owned, or over which control or direction is exercised, by the offeror or by any person acting jointly or in concert with the offeror, have been deposited under the bid and not withdrawn.”.

13. Section 2.30 of the Regulation is amended:

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

“(1.1) Despite paragraph (1)(a), if an offeror that has made a partial take-over bid becomes obligated to take up securities under subsection 2.32.1(1), a security holder must not withdraw securities deposited before the expiry of the initial deposit period and not taken up by the offeror in reliance on subsection 2.32.1(6) during the period

(a) commencing at the time the offeror became obligated to take up securities under subsection 2.32.1(1), and

(b) ending at the time the offeror becomes obligated under either subsection 2.32.1(7) or (8) to take up securities not taken up by the offeror in reliance on subsection 2.32.1(6).”;

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

“(2) Despite paragraph (1)(b), a security holder must not withdraw securities deposited if

(a) the securities have been taken up by the offeror before the date of the notice of change or notice of variation,

(a.1) in the case of a partial take-over bid, the securities were deposited before the expiry of the initial deposit period and not taken up by the offeror in reliance on subsection 2.32.1(6) and the date of the notice of change or notice of variation is after the date that the offeror became obligated to take up securities under subsection 2.32.1(1), or

(b) any of the following apply:

(i) there is a variation in the terms of a take-over bid or issuer bid consisting solely of an increase in consideration offered for the securities and an extension of the time for deposit to not later than 10 days after the date of the notice of variation;

(ii) there is a variation in the terms of a take-over bid or issuer bid consisting solely of the waiver of one or more of the conditions of the bid where the consideration offered for the securities subject to the take-over bid or the issuer bid consists solely of cash,

(iii) in the case of a take-over bid, there is a variation in the terms after the expiry of the initial deposit period consisting of either an increase in the consideration offered for the securities subject to the bid or an extension of the time for deposit to not later than 10 days from the date of the notice of variation.”.

14. Section 2.31 of the Regulation is replaced with the following:

**“2.31. Effect of market purchases**

If an offeror purchases securities under subsection 2.2(3), the purchased securities must not be counted in determining whether the minimum tender requirement in paragraph 2.29.1(c) is satisfied and the purchase does not reduce the number of securities the offeror is bound to take up under the take-over bid.”.

**“2.31.1. Mandatory 10 day extension period – take-over bids**

If, at the expiry of the initial deposit period, an offeror is obligated to take up securities deposited under a take-over bid pursuant to subsection 2.32.1(1), the offeror must

(a) extend the period during which securities may be deposited under the bid for a period of at least 10 days, and

(b) promptly issue and file a news release disclosing the following:

(i) that the minimum tender requirement specified in paragraph 2.29.1(c) has been satisfied,

(ii) the number of securities deposited and not withdrawn as at the expiry of the initial deposit period,

(iii) that the period during which securities may be deposited under the bid is extended for the mandatory 10-day extension period, and

(iv) in the case of a take-over bid that

(A) is not a partial take-over bid, that the offeror will immediately take up the deposited securities and pay for securities taken up as soon as possible, and in any event not later than 3 business days after the securities are taken up, or

(B) is a partial take-over bid, that the offeror will take up and pay for the deposited securities proportionately in accordance with applicable securities legislation and in any event will take up the deposited securities not later than one business day after the expiry of the mandatory 10-day extension period and pay for securities taken up as soon as possible and in any event not later than 3 business days after the securities are taken up.

**“2.31.2. Time limit on extension – partial take-over bids**

In the case of a partial take-over bid,

(a) the mandatory 10-day extension period must not exceed 10 days, and

(b) the bid must not be extended after the expiry of the mandatory 10-day extension period.”.

**15.** Section 2.32 of the Regulation is amended:

(1) by deleting, in paragraph (1), the words “a take-over bid or”;

(2) by deleting, in paragraph (2), the words “a take-over bid or” after the words “any securities taken up under” and the word “the” after “3 business days after”;

(3) by deleting, in subsection (3), the words “a take-over bid or” after the words “securities deposited under” and the word “the” after the words “the deposit of”;

(4) by replacing, in paragraph (4), the words “An offeror may not extend its take-over bid or” with the words “An offeror must not extend its”;

(5) by replacing paragraph (5) with the following:

“(5) Despite subsections (3) and (4), if an issuer bid is made for less than all of the class of securities subject to the bid, an offeror is required to take up, by the times specified in those subsections, only the maximum number of securities that the offeror can take up without contravening section 2.23 or section 2.26 at the expiry of the bid.”;

(6) by deleting, in paragraph (6), the words “a take-over bid or”.

**16.** The Regulation is amended by inserting, after section 2.32, the following:

**“2.32.1. Obligation to take up and pay for deposited securities – take-over bids**

(1) An offeror must immediately take up securities deposited under a take-over bid if, at the expiry of the initial deposit period, all of the following apply:

(a) the deposit period referred to in section 2.28.1, section 2.28.2 or section 2.28.3, as applicable, has elapsed;

(b) all the terms and conditions of the bid have been complied with or waived;

(c) the requirement in paragraph 2.29.1(c) is satisfied.

(2) An offeror must pay for any securities taken up under a take-over bid as soon as possible, and in any event not later than 3 business days after the securities deposited under the bid are taken up.

(3) In the case of a take-over bid that is not a partial take-over bid, securities deposited under the bid during the mandatory 10-day extension period, or an extension period made after the mandatory 10-day extension period, must be taken up and paid for by the offeror not later than 10 days after the deposit of securities.

(4) In the case of a take-over bid that is not a partial take-over bid, an offeror must not extend its bid beyond the expiry of the mandatory 10-day extension period unless the offeror first takes up all securities deposited under the bid and not withdrawn.

(5) Despite subsection (4), if the offeror extends the bid in circumstances where the rights of withdrawal conferred by paragraph 2.30(1)(b) are applicable, the offeror must extend the bid without the offeror first taking up the securities which are subject to the rights of withdrawal.

(6) Despite subsection (1), an offeror that has made a partial take-over bid is required to take up, by the time specified in that subsection, only the maximum number of securities that the offeror can take up without contravening section 2.23 or section 2.26.1 at the expiry of the bid.

(7) In the case of a partial take-over bid, securities deposited before the expiry of the initial deposit period and not taken up by the offeror in reliance on subsection (6), and securities deposited during the mandatory 10-day extension period, must be taken up by the offeror, in the manner required under section 2.26.1, not later than one business day after the expiry of the mandatory 10-day extension period.

(8) Despite subsection (7), if at the expiry of the mandatory 10-day extension period rights of withdrawal conferred by paragraph 2.30(1)(b) are applicable, securities deposited before the expiry of the initial deposit period and not taken up by the offeror in reliance on subsection (6), and securities deposited during the mandatory 10-day extension period, must be taken up by the offeror, in the manner required under section 2.26.1, not later than one business day after the expiry of the withdrawal period conferred by paragraph 2.30(1)(b).”.

17. Sections 5.1 to 5.5 of the Regulation are replaced with the following:

**“5.1. Definitions and interpretation**

(1) In this Part,

“acquiror” means a person who acquires a security, other than by way of a take-over bid or an issuer bid made in compliance with Part 2;

“acquiror’s securities” means securities of an issuer beneficially owned, or over which control or direction is exercised, on the date of the acquisition or disposition, by an acquiror or any person acting jointly or in concert with the acquiror;

“specified securities lending arrangement” means a securities lending arrangement if all of the following apply:

(a) the material terms of the securities lending arrangement are set out in a written agreement;

(b) the securities lending arrangement requires the borrower to pay to the lender amounts equal to all dividends or interest payments, if any, paid on the security that would have been received by the lender if the lender had held the security throughout the period beginning at the date of the transfer or loan and ending at the time the security or an identical security is transferred or returned to the lender;

(c) the lender has established policies and procedures that require the lender to maintain a record of all securities that it has transferred or lent under securities lending arrangements;

(d) the written agreement referred to in paragraph (a) provides for any of the following:

(i) the lender has an unrestricted right to recall all securities that it has transferred or lent under the securities lending arrangement, or an equal number of identical securities, before the record date for voting at any meeting of securityholders at which the securities may be voted;

(ii) the lender requires the borrower to vote the securities transferred or lent in accordance with the lender’s instructions;

“securities lending arrangement” means an arrangement between a lender and a borrower with respect to which both of the following apply:

(a) the lender transfers or lends a security to the borrower;

(b) at the time that the security is lent or transferred, the lender and the borrower reasonably expect that the borrower will, at a later date, transfer or return to the lender the security or an identical security.

(2) For the purposes of this Part, if an acquiror and one or more persons acting jointly or in concert with the acquiror acquire or dispose of securities, the securities are deemed to be acquired or disposed of, as applicable, by the acquiror.

## “5.2. Early warning

(1) An acquiror who acquires beneficial ownership of, or control or direction over, voting or equity securities of any class of a reporting issuer, or securities convertible into voting or equity securities of any class of a reporting issuer, that, together with the acquiror's securities of that class, constitute 10% or more of the outstanding securities of that class, must

(a) promptly, and, in any event, no later than the opening of trading on the business day following the acquisition, issue and file a news release containing the information required by section 3.1 of Regulation 62-103 respecting The Early Warning System and Related Take-Over Bid and Insider Reporting Issues (chapter V-1.1, r. 34), and

(b) promptly, and, in any event, no later than 2 business days from the date of the acquisition, file a report containing the information required by section 3.1 of Regulation 62-103 respecting The Early Warning System and Related Take-Over Bid and Insider Reporting Issues.

(2) An acquiror who is required to make disclosure under subsection (1) must make further disclosure, in accordance with subsection (1), each time any of the following events occur:

(a) the acquiror or any person acting jointly or in concert with the acquiror, acquires or disposes beneficial ownership of, or acquires or ceases to have control or direction over, either of the following:

(i) securities in an amount equal to 2% or more of the outstanding securities of the class of securities that was the subject of the most recent report required to be filed by the acquiror under subsection (1) or under this subsection;

(ii) securities convertible into 2% or more of the outstanding securities referred to in subparagraph (i);

(b) there is a change in a material fact contained in the most recent report required to be filed under paragraph (1)(b) or under paragraph (a) of this subsection.

(3) An acquiror must issue and file a news release and file a report in accordance with subsection (1) if beneficial ownership of, or control or direction over, the outstanding securities of the class of securities that was the subject of the most recent report required to be filed by the acquiror under this section decreases to less than 10%.

(4) If an acquiror issues and files a news release and files a report under subsection (3), the requirements under subsection (2) do not apply unless subsection (1) applies in respect of a subsequent acquisition of beneficial ownership of, or control or direction over, voting or equity securities of any class of a reporting issuer, or securities convertible into voting or equity securities of any class of a reporting issuer, that, together with the acquiror's securities of that class, constitute 10% or more of the outstanding securities of that class.

**“5.3. Moratorium provisions**

(1) During the period beginning on the occurrence of an event in respect of which a report is required to be filed under section 5.2 and ending on the expiry of the first business day following the date that the report is filed, an acquiror, or any person acting jointly or in concert with the acquiror, must not acquire or offer to acquire beneficial ownership of, or control or direction over, any securities of the class in respect of which the report is required to be filed or any securities convertible into securities of that class.

(2) Subsection (1) does not apply to an acquiror that has beneficial ownership of, or control or direction over, securities that, together with the acquiror’s securities of that class, constitute 20% or more of the outstanding securities of that class.

**“5.4. Acquisitions during bid**

(1) If, after a take-over bid or an issuer bid has been made under Part 2 for voting or equity securities of a reporting issuer and before the expiry of the bid, an acquiror acquires beneficial ownership of, or control or direction over, securities of the class subject to the bid which, when added to the acquiror’s securities of that class, constitute 5% or more of the outstanding securities of that class, the acquiror must, before the opening of trading on the next business day, issue and file a news release containing the information required by subsection (3).

(2) An acquiror must issue and file an additional news release in accordance with subsection (3) before the opening of trading on the next business day each time the acquiror, or any person acting jointly or in concert with the acquiror, acquires beneficial ownership of, or control or direction over, in aggregate, an additional 2% or more of the outstanding securities of the class of securities that was the subject of the most recent news release required to be filed by the acquiror under this section.

(3) A news release or further news release required under subsection (1) or (2) must set out

- (a) the name of the acquiror,
- (b) the number of securities of the offeree issuer that were beneficially acquired, or over which control or direction was acquired, in the transaction that gave rise to the requirement under subsection (1) or (2) to issue the news release,
- (c) the number of securities and the percentage of outstanding securities of the offeree issuer that the acquiror and all persons acting jointly or in concert with the acquiror, have beneficial ownership of, or control or direction over, immediately after the acquisition described in paragraph (b),
- (d) the number of securities of the offeree issuer that were beneficially acquired, or over which control or direction was acquired, by the acquiror and all persons acting jointly or in concert with the acquiror, since the commencement of the bid,
- (e) the name of the market in which the acquisition described in paragraph (b) took place, and

(f) the purpose of the acquiror and all persons acting jointly or in concert with the acquiror in making the acquisition described in paragraph (b), including any intention of the acquiror and all persons acting jointly or in concert with the acquiror to increase the beneficial ownership of, or control or direction over, any of the securities of the offeree issuer.

**“5.5. Duplicate news release not required**

If the facts in respect of which a news release is required to be filed under sections 5.2 and 5.4 are identical, a news release is required only under the provision requiring the earlier news release.

**“5.6. Copies of news release and report**

An acquiror that files a news release or report under section 5.2 or 5.4 must promptly send a copy of each filing to the reporting issuer.

**“5.7. Exception**

Sections 5.2, 5.3 and 5.4 do not apply to either of the following:

(a) an acquiror that is a lender in respect of securities transferred or lent pursuant to a specified securities lending arrangement;

(b) an acquiror that is a borrower in respect of securities or identical securities borrowed, disposed of or acquired in connection with a securities lending arrangement if all of the following apply:

(i) the borrowed securities are disposed of by the borrower no later than 3 business days from the date of the transfer or loan;

(ii) the borrower will at a later date acquire the securities or identical securities and transfer or return those securities to the lender;

(iii) the borrower does not intend to vote and does not vote the securities or identical securities during the period beginning on the date of the transfer or loan and ending at the time the securities or identical securities are transferred or returned to the lender.”.

**18.** Section 6.1 of the Regulation is replaced with the following:

**“6.1. Exemption – general**

(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 such an exemption.



(3) Except in Alberta and 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.”.

19. Section 6.2 of the Regulation is replaced with the following:

**“6.2. Exemption – collateral benefit**

(1) The regulator, except in Québec, or the securities regulatory authority may decide for the purposes of section 2.24 that an agreement, commitment or understanding with a selling security holder is made for reasons other than to increase the value of the consideration paid to a selling security holder for the securities of the selling security holder and that the agreement, commitment or understanding may be entered into despite that section.

(2) Despite subsection (1), in Ontario, only the regulator may make such a decision.”.

20. Section 7.1 of the Regulation is replaced with the following:

**“7.1. Transition**

The take-over bid or issuer bid provisions in securities legislation that were in force immediately before May 9, 2016, continue to apply in respect of

- (a) every take-over bid and issuer bid commenced before May 9, 2016,
- (b) any take-over bid in respect of the securities of an offeree issuer subject to a take-over bid referred to in paragraph (a) commenced subsequent to May 9, 2016 and prior to the date of the expiry of a take-over bid referred to in paragraph (a), and
- (c) any take-over bid in respect of the securities of an issuer that issued a news release before May 9, 2016 announcing that it intends to effect an alternative transaction, whether pursuant to an agreement or otherwise, commenced subsequent to May 9, 2016 and prior to the date of completion or abandonment of the alternative transaction.”.

21. Form 62-104F1 of the Regulation is amended:

(1) by replacing, in the French text, paragraph (a) of Part 1 with the following:

**“a) Expressions définies**

Pour les expressions utilisées mais non définies dans la présente annexe, consulter la partie 1 du Règlement 62-104 sur les offres publiques d’achat ou de rachat (chapitre V-1.1, r. 35) (le « règlement ») et le Règlement 14-101 sur les définitions (chapitre V-1.1, r. 3).”;

- (2) by inserting, after item 9, the following:

**“Item 9.1. Minimum Tender Requirement and Mandatory Extension Period**

State the following in italics and boldface type at the top of the cover page of the take-over bid circular:

*“No securities tendered to this bid will be taken up until (a) more than 50% of the outstanding securities of the class sought (excluding those securities beneficially owned, or over which control or direction is exercised by the offeror or any person acting jointly or in concert with the offeror) have been tendered to the bid, (b) the minimum deposit period required under applicable securities laws has elapsed, and (c) any and all other conditions of the bid have been complied with or waived, as applicable. If these criteria are met, the offeror will take up securities deposited under the bid in accordance with applicable securities laws and extend its bid for an additional minimum period of 10 days to allow for further deposits of securities.”.*”

- 22.** Form 62-104F2 of the Regulation is amended, in the French text:

- (1) by replacing paragraph (a) of Part 1 with the following:

**“a) Expressions définies**

Pour les expressions utilisées mais non définies dans la présente annexe, consulter la partie 1 du Règlement 62-104 sur les offres publiques d’achat ou de rachat (chapitre V-1.1, r. 35) (le « règlement ») et le Règlement 14-101 sur les définitions (chapitre V-1.1, r. 3).”;

- (2) by replacing, in item 8 of Part 2, the words “fractions arrondies vers le bas” with the words “sans tenir compte des fractions”.

- 23.** Form 62-104F3 of the Regulation is amended by replacing, in the French text, paragraph (a) of Part 1 with the following:

**“a) Expressions définies**

Pour les expressions utilisées mais non définies dans la présente annexe, consulter la partie 1 du Règlement 62-104 sur les offres publiques d’achat ou de rachat (chapitre V-1.1, r. 35) (le « règlement ») et le Règlement 14-101 sur les définitions (chapitre V-1.1, r. 3).”.

**24.** Form 62-104F4 of the Regulation is amended :

- (1) by replacing, in the French text, paragraph (a) of Part 1 with the following:

**“a) Expressions définies**

Pour les expressions utilisées mais non définies dans la présente annexe, consulter la partie 1 du Règlement 62-104 sur les offres publiques d’achat ou de rachat (chapitre V-1.1, r. 35) (le « règlement ») et le Règlement 14-101 sur les définitions (chapitre V-1.1, r. 3).”;

- (2) by replacing, the item 14, the word “revison” with the word “revision”.

**25.** Form 62-104F5 of the Regulation is amended:

- (1) by replacing, in the French text, paragraph (a) of Part 1 with the following:

**“a) Expressions définies**

Pour les expressions utilisées mais non définies dans la présente annexe, consulter la partie 1 du Règlement 62-104 sur les offres publiques d’achat ou de rachat (chapitre V-1.1, r. 35) (le « règlement ») et le Règlement 14-101 sur les définitions (chapitre V-1.1, r. 3).”;

- (2) by inserting, after subparagraph (a) of paragraph (2) of item 3, the following:

“(a.1) if one of the terms referred to in paragraph (a) is the mandatory 10 day extension period required pursuant to paragraph 2.31.1(a) of the Regulation, the number of securities deposited under the take-over bid and not withdrawn as at the date of the variation.”.

**26.** Except in Ontario, this Regulation comes into force on May 9, 2016. In Ontario, this Regulation comes into force on the later of the following:

- (1) May 9, 2016;

(2) the day on which sections 1, 2 and 3, subsections (2) and (3) of section 4, and sections 5, 7, 8 and 10 of Schedule 18 of the Budget Measures Act, 2015 are proclaimed into force.

**M.O., 2016-08****Order number V-1.1-2016-08 of the Minister of Finance dated 21 April 2016**

Securities Act  
(chapter V-1.1)

CONCERNING concordant regulations to Regulation to amend Regulation 62-104 respecting Take-Over Bids and Issuer Bid

WHEREAS subparagraphs 1, 3, 11, 20, 24 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

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

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

WHEREAS the following regulations have been approved by the minister of Finance :

— Regulation 11-102 respecting Passport System approved by ministerial order no. 2008-04 dated March 4, 2008 (2008, *G.O.* 2, 787);

— Regulation 43-101 respecting Standards of Disclosure for Mineral Projects approved by ministerial order no. 2005-23 dated November 30, 2005 (2005, *G.O.* 2, 5169);

— Regulation 61-101 respecting Protection of Minority Security Holders in Special Transactions approved by ministerial order no. 2008-01 dated January 22, 2008 (2008, *G.O.* 2, 533);

WHEREAS there is cause to amend those regulations;

WHEREAS the following draft regulations were published in the *Bulletin de l'Autorité des marchés financiers*, volume 12, no. 13 of April 2, 2015 :

— Regulation to amend Regulation 11-102 respecting Passport System;

— Regulation to amend Regulation 43-101 respecting Standards of Disclosure for Mineral Projects;

— Regulation to amend Regulation 61-101 respecting Protection of Minority Security Holders in Special Transactions;

WHEREAS those draft regulations were made by the *Autorité des marchés financiers* by decision no. 2016-PDG-0052 dated March 30, 2016;

WHEREAS there is cause to approve those regulations without amendment;

WHEREAS, the Minister of Finance approves without amendment the following regulations appended hereto :

— Regulation to amend Regulation 11-102 respecting Passport System;

— Regulation to amend Regulation 43-101 respecting Standards of Disclosure for Mineral Projects;

— Regulation to amend Regulation 61-101 respecting Protection of Minority Security Holders in Special Transactions.

12 April, 2016

CARLOS LEITÃO,  
*Minister of Finance*

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## REGULATION TO AMEND REGULATION 11-102 RESPECTING PASSPORT SYSTEM

Securities Act  
(chapter V-1.1, s. 331.1, par. (1))

1. Regulation 11-102 respecting Passport System (chapter V-1.1, r. 1) is amended by replacing, in Appendix D, the following:

“

Take-over bids and issuer bid requirements (TOB/IB) – Restrictions on acquisitions during take-over bid	s.2.2(1) of Regulation 62-104	s.93.1(1)
TOB/IB – Restrictions on acquisitions during issuer bid	s.2.3(1) of Regulation 62-104	s.93.1(4)
TOB/IB – Restrictions on acquisitions before take-over bid	s.2.4(1) of Regulation 62-104	s.93.2(1)
TOB/IB – Restrictions on acquisitions after bid	s.2.5 of Regulation 62-104	s.93.3(1)
TOB/IB – Restrictions on sales during formal bid	s.2.7(1) of Regulation 62-104	s.97.3(1)
TOB/IB – Duty to make bid to all security holders	s.2.8 of Regulation 62-104	s.94
TOB/IB – Commencement of bid	s.2.9 of Regulation 62-104	s.94.1(1) and (2)
TOB/IB – Offeror’s circular	s.2.10 of Regulation 62-104	s.94.2(1) - (4) of <i>Securities Act</i> and s.3.1 of OSC Rule 62-504
TOB/IB – Change in information	s.2.11(1) of Regulation 62-104	s.94.3(1)

TOB/IB – Notice of change	s.2.11(4) of Regulation 62-104	s.94.3(4) of <i>Securities Act</i> and s.3.4 of OSC Rule 62-504
TOB/IB – Variation of terms	s.2.12(1) of Regulation 62-104	s.94.4(1)
TOB/IB – Notice of variation	s.2.12(2) of Regulation 62-104	s.94.4(2) of <i>Securities Act</i> and s.3.4 of OSC Rule 62-504
TOB/IB – Expiry date of bid if notice of variation	s.2.12(3) of Regulation 62-104	s.94.4(3)
TOB/IB – No variation after expiry	s.2.12(5) of Regulation 62-104	s.94.4(5)
TOB/IB – Filing and sending notice of change or notice of variation	s.2.13 of Regulation 62-104	s.94.5
TOB/IB – Change or variation in advertised take-over bid	s.2.14(1) of Regulation 62-104	s.94.6(1)
TOB/IB – Consent of expert – bid circular	s.2.15(2) of Regulation 62-104	s.94.7(1)
TOB/IB – Delivery and date of bid documents	s.2.16(1) of Regulation 62-104	s.94.8(1)
TOB/IB – Duty to prepare and send directors' circular	s.2.17 of Regulation 62-104	s.95(1)–(4) of <i>Securities Act</i> and s.3.2 of OSC Rule 62-504
TOB/IB – Notice of change	s.2.18 of Regulation 62-104	s.95.1(1) and (2) of <i>Securities Act</i> and s.3.4 of OSC Rule 62-504

TOB/IB – Filing directors' circular or notice of change	s.2.19 of Regulation 62-104	s.95.2
TOB/IB – Change in information in director's or officer's circular or notice of change	s.2.20(2) of Regulation 62-104	s.96(2)
TOB/IB – Form of director's or officer's circular	s.2.20(3) of Regulation 62-104	s.96(3) of <i>Securities Act</i> and s.3.3 of OSC Rule 62-504
TOB/IB – Send director's or officer's circular or notice of change to securityholders	s.2.20(5) of Regulation 62-104	s.96(5)
TOB/IB – File and send to offeror director's or officer's circular or notice of change	s.2.20(6) of Regulation 62-104	s.96(6)
TOB/IB – Form of notice of change for director's or officer's circular	s.2.20(7) of Regulation 62-104	s.96(7) of <i>Securities Act</i> and s.3.4 of OSC Rule 62-504
TOB/IB – Consent of expert, directors' circular, etc.	s.2.21 of Regulation 62-104	s.96.1
TOB/IB – Delivery and date of offeree issuer's documents	s.2.22(1) of Regulation 62-104	s.96.2(1)
TOB/IB – Consideration	s.2.23(1) of Regulation 62-104	s.97(1)
TOB/IB – Variation of consideration	s.2.23(3) of Regulation 62-104	s.97(3)

TOB/IB – Prohibition against collateral agreements	s.2.24 of Regulation 62-104	s.97.1(1)
TOB/IB – Proportionate take up and payment	s.2.26(1) of Regulation 62-104	s.97.2(1)
TOB/IB – Financing arrangements	s.2.27(1) of Regulation 62-104	s.97.3(1)
TOB/IB – Minimum deposit period	s.2.28 of Regulation 62-104	s.98(1)
TOB/IB – Prohibition on take up	s.2.29 of Regulation 62-104	s.98(2)
TOB/IB – Obligation to take up and pay for deposited securities	s.2.32 of Regulation 62-104	s.98.3
TOB/IB – Return of deposited securities	s.2.33 of Regulation 62-104	s.98.5
TOB/IB – News release on expiry of bid	s.2.34 of Regulation 62-104	s.98.6
TOB/IB – Language of bid documents	s.3.1 of Regulation 62-104	n/a
TOB/IB – Filing of documents by offeror	s.3.2(1) of Regulation 62-104	s.98.7 of <i>Securities Act</i> and s.5.1(1) of OSC Rule 62-504
TOB/IB – Filing of documents by offeree issuer	s.3.2(2) of Regulation 62-104	s.5.1(2) of OSC Rule 62-504
TOB/IB – Time period for filing	s.3.2(3) of Regulation 62-104	s.5.1(3) of OSC Rule 62-504
TOB/IB – Filing of subsequent agreement	s.3.2(4) of Regulation 62-104	s.5.1(4) of OSC Rule 62-504
TOB/IB – Certification of bid circulars	s.3.3(1) of Regulation 62-104	s.99(1)



TOB/IB – All directors and officers sign	s.3.3(2) of Regulation 62-104	s.99(2)
TOB/IB – Certification of directors' circular	s.3.3(3) of Regulation 62-104	s.99(3)
TOB/IB – Certification of individual director's or officer's circular	s.3.3(4) of Regulation 62-104	s.99(4)
TOB/IB – Obligation to provide security holder list	s.3.4(1) of Regulation 62-104	s.99.1(1)
TOB/IB – Application of <i>Canada Business Corporations Act</i>	s.3.4(2) of Regulation 62-104	s.99.1(2)
TOB/IB – Early Warning	s.5.2 of Regulation 62-104	s.102.1(1) – (4) of <i>Securities Act</i> and s.7.1 of OSC Rule 62-504
TOB/IB – Acquisitions during bid	s.5.3 of Regulation 62-104	s.102.2(1) and (2) of <i>Securities Act</i> and s.7.2(1) of OSC Rule 62-504
TOB/IB – Copies of news release and report	s.5.5 of Regulation 62-104	s.7.2(3) of OSC Rule 62-504

with the following:

“

Take-over bid and issuer bid requirements	Regulation 62-104
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”

2. The Regulation is amended by deleting, in Appendix E and under the title “Ontario”, “Rule 62-504 Take-Over Bids and Issuer Bids ((2007), 31 OSCB 1289).”, with the necessary changes.

3. Except in Ontario, this Regulation comes into force on May 9, 2016. In Ontario, this Regulation comes into force on the later of the following:

(1) May 9, 2016;

(2) the day on which sections 1, 2 and 3, subsections (2) and (3) of section 4, and sections 5, 7, 8 and 10 of Schedule 18 of the Budget Measures Act, 2015 are proclaimed into force.

## **REGULATION TO AMEND REGULATION 43-101 RESPECTING STANDARDS OF DISCLOSURE FOR MINERAL PROJECTS**

### **Securities Act**

(chapter V-1.1, s. 331.1, par. (3), (20) and (34))

1. Section 1.1 of Regulation 43-101 respecting Standards of Disclosure for Mineral Projects (chapter V-1.1, r.15) is amended by inserting, after the definition of the expression “historical estimate”, the following:

““initial deposit period” has the meaning ascribed to that term in section 1.1 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (chapter V-1.1, r. 35);”.

2. Section 4.2 of the Regulation is amended by replacing, in subparagraph (ii) of subparagraph (a) of paragraph (5), the words “expiry of the take-over bid” with the words “the expiry of the initial deposit period”.

3. Except in Ontario, this Regulation comes into force on May 9, 2016. In Ontario, this Regulation comes into force on the later of the following:

(1) May 9, 2016;

(2) the day on which sections 1, 2 and 3, subsections (2) and (3) of section 4, and sections 5, 7, 8 and 10 of Schedule 18 of the Budget Measures Act, 2015 are proclaimed into force.

**REGULATION TO AMEND REGULATION 61-101 RESPECTING PROTECTION OF MINORITY SECURITY HOLDERS IN SPECIAL TRANSACTIONS**

## Securities Act

(chapter V-1.1, s. 331.1, par. (11), (24) and (34))

1. Section 1.1 of Regulation 61-101 respecting Protection of Minority Security Holders in Special Transactions (chapter V-1.1, r. 33) is amended:

(1) by deleting, in the definition of the expression “bid”, “, and in Ontario, a formal take-over bid or formal issuer bid as defined in section 89(1) of the Securities Act (R.S.O., 1990, c. S.5)”;

(2) by deleting, in the definition of the expression “issuer bid”, “, and in Ontario, section 89(1) of the Securities Act”;

(3) by deleting, in the definition of the expression “joint actors”, “and in Ontario, section 91 of the Securities Act,”;

(4) in the definition of the expression “market capitalization”:

(a) by deleting, in subparagraph (ii) of paragraph (a), “and in Ontario, subsections 1.3 (1), (2) and (3) of Ontario Securities Commission Rule 62-504 Take-Over Bids and Issuer Bids,”;

(b) by deleting, in subparagraph (ii) of paragraph (b), “and in Ontario, subsections 1.3 (1), (2) and (3) of Rule 62-504 Take-Over Bids and Issuer Bids,”;

(5) by deleting, in the definition of the expression “offeree issuer”, “, and in Ontario, section 89(1) of the Securities Act”;

(6) by deleting, in the definition of the expression “offeror”, “, and in Ontario, section 89(1) of the Securities Act”;

(7) by deleting, in the definition of the expression “take-over bid”, “, and in Ontario, section 89(1) of the Securities Act”.

2. Section 1.6 of the Regulation is amended by replacing paragraph (2) with the following:

“(2) For the purposes of the definitions of collateral benefit, control person, downstream transaction and related party, in determining beneficial ownership, the provisions of section 1.8 of Regulation 62-104 respecting Take-Over Bids and Issuer Bids (chapter V-1.1, r. 35) apply.”.

3. Section 2.2 of the Regulation is amended by deleting, in subparagraph (d) of paragraph (1), “and in Ontario, Form 62-504F2 Issuer Bid Circular of Rule 62-504 Take-Over Bids and Issuer Bids,”.

4. Section 4.2 of the Regulation is amended by deleting, in subparagraph (a) of paragraph (3), “and in Ontario, Form 62-504F2 Issuer Bid Circular of Rule 62-504 Take-Over Bids and Issuer Bids,”.

5. Section 5.3 of the Regulation is amended by deleting, in subparagraph (a) of paragraph (3), “and in Ontario, Form 62-504F2 Issuer Bid Circular of Rule 62-504 Take-Over Bids and Issuer Bids,”.

6. Section 6.10 of the Regulation is amended by deleting “and in Ontario, sections 94.7 and 96.1 of the Securities Act (R.S.P. 1990, c. S.5),”.

7. Except in Ontario, this Regulation comes into force on May 9, 2016. In Ontario, this Regulation comes into force on the later of the following:

(1) May 9, 2016;

(2) the day on which sections 1, 2 and 3, subsections (2) and (3) of section 4, and sections 5, 7, 8 and 10 of Schedule 18 of the Budget Measures Act, 2015 are proclaimed into force.

## Draft Regulations

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### Draft Regulations

Charter of the French language  
(chapter C-11)

#### Language of commerce and business — Amendment

#### Charter of the French language — Scope of the expression “markedly predominant” — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the following regulations, appearing below, may be made by the Government on the expiry of 45 days following this publication:

— the Regulation to amend the Regulation respecting the language of commerce and business;

— the Regulation to amend the Regulation defining the scope of the expression “markedly predominant” for the purposes of the Charter of the French language.

The proposed amendments to the Regulation respecting the language of commerce and business (chapter C-11, r. 9) concern signs and posters outside immovables. The purpose of the amendments is to ensure the presence of French when a trade mark in a language other than French is displayed outside. The draft Regulation provides for terms for implementing the new requirement to ensure the presence of French. Existing signs and posters must conform to the Regulation within a 3-year period.

As a consequence to those measures, an amendment to the Regulation defining the scope of the expression “markedly predominant” for the purposes of the Charter of the French language (chapter C-11, r. 11) is proposed to confirm the current scope of the exceptions provided for in the regulations and to avoid ambiguity in connection with the new requirement to ensure the presence of French.

The impact on enterprises remains moderate. Only a limited group of enterprises is affected by the new regulatory measures, some enterprises having already chosen to include French on their signs and posters. The regulations add no new administrative formalities. Adhering to the new regulations and making existing signs and posters compliant with the regulations could be, in a number of cases, of little cost.

The regulations respond to one of the characteristics of result-based regulations by providing enterprises with a large selection of choices to render themselves compliant. As a result of the latitude which is afforded, the measures are evidence of a balance between the primary objective, which is to counter the pressure against the use of French in commercial signs and posters in the North-American environment, and minimizing the costs incurred to comply with the Regulations. The proposed solution preserves the integrity of trade marks, thereby responding favorably to the concern expressed by a number of persons.

Further information may be obtained by contacting Sonia Pratte, Secrétariat à la politique linguistique, Ministère de la Culture et des Communications, 225, Grande Allée Est, 4<sup>e</sup> étage, Québec (Québec) G1R 5G5; telephone: 418 643-4248, extension 7429; email: sonia.pratte@spl.gouv.qc.ca

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Minister of Culture and Communications and Minister responsible for the Protection and Promotion of the French Language, 225, Grande Allée Est, 1<sup>er</sup> étage, Québec (Québec) G1R 5G5.

LUC FORTIN,  
*Minister of Culture and Communications and  
Minister responsible for the Protection and  
Promotion of the French Language*

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### Regulation to amend the Regulation respecting the language of commerce and business

Charter of the French language  
(chapter C-11, ss. 58 and 93)

**1.** The Regulation respecting the language of commerce and business (chapter C-11, r. 9) is amended by inserting the following after section 25:

“**25.1.** Where a trade mark is displayed outside an immovable only in a language other than French under paragraph 4 of section 25, a sufficient presence of French must also be ensured on the site, in accordance with this Regulation.

For the purposes of the first paragraph, the presence of French refers to a sign or poster with

- (1) a generic term or a description of the products or services concerned;
- (2) a slogan;
- (3) any other term or indication, favouring the display of information pertaining to the products or services to the benefit of consumers or persons frequenting the site.

**25.2.** For the purposes of sections 25.1 to 25.5,

(1) trade mark signs or posters outside an immovable means the signs or posters related or attached to an immovable, including its roof, regardless of the materials or method of attachment used; the signs or posters include, in particular, projecting or perpendicular signs, and signs or posters on a bollard or other independent structure.

The following signs and posters are considered to be outside an immovable:

- (a) signs or posters outside premises situated in an immovable or a larger property complex. Signs or posters outside premises situated in a mall or a shopping centre, underground or not, are included;
- (b) signs or posters inside an immovable or premises, if their installation or characteristics are intended to be seen from the outside.

Trade mark signs or posters appearing on a bollard or other independent structure, including a totem type structure, near an immovable or premises are concerned only if there is no other outside sign or poster on which the trade mark appears.

In the case of a totem type structure, signs or posters on the structure are also excluded if more than 2 trade marks appear on the structure;

- (2) “immovable” means a building and any structure intended to receive at least 1 person for the carrying on of activities, regardless of the materials used, excluding a temporary or seasonal facility;
- (3) “premises” means a space, closed or not, devoted to an activity, in particular a stand or counter intended for the sale of products in a mall, excluding a temporary or seasonal facility.

**25.3.** Within the meaning of section 25.1, the sufficient presence of French means signs or posters whose qualities

- (1) give French permanent visibility, similar to that of the trade mark displayed; and
- (2) ensure its legibility in the same visual field as that mainly covered by the trade mark signs or posters.

Signs or posters in French that, in relation to the trade mark signs or posters, are designed, lighted and situated so as to make them easy to read, both at the same time, at all times when the trade mark is legible, without the signs or posters being necessarily present in the same place, in the same number, in the same materials or in the same size are considered to meet those requirements.

**25.4.** Despite subparagraph 2 of the first paragraph of section 25.3, legibility of a sign or poster in French must be evaluated,

- (1) in the case of a sign or poster outside an immovable situated on a street bordered by a sidewalk, from the sidewalk along the façade on which the trade mark sign or poster appears;
- (2) in the case of a sign or poster outside premises situated in an immovable or a larger property complex such as a mall, from the centre of the corridor or space facing the premises;
- (3) in the case of a trade mark sign or poster visible from a highway, from the highway.

**25.5.** For the purposes of sections 25.1 to 25.4,

(1) the following signs or posters in French are not taken into account:

- (a) business hours, telephone numbers and addresses;
- (b) numbers and percentages;
- (c) definite, indefinite and partitive articles;
- (d) a term requiring for its legibility to be within a radius of less than 1 metre, except if the legibility of the trade mark also requires it;

(2) signs or posters that are of a precarious nature—through their materials or the manner in which the sign or poster is attached—, in particular signs or posters in French likely to be easily removed or tore off, are not considered to ensure permanent visibility of French, unless the display system is the subject of measures for guaranteeing the presence or replacement of the sign or poster, the proof of which lies with the person who wishes to claim the benefit of the sign or poster.”

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

The Regulation applies in particular as of that date to the installation of new trade mark signs or posters and to the replacement of existing signs or posters.

Signs or posters existing on the date of coming into force of this Regulation must, not later than 3 years after that date, be brought into conformity with its provisions.

The 3-year period provided for in the third paragraph also applies in the following situations, the proof of which lies with the person wishing to benefit from it:

(1) the same trade mark is already used on signs or posters elsewhere in Québec, as part of a franchise system or otherwise;

(2) the new installation or the replacement of the sign or poster concerned has been the subject, in the 6 months preceding the date of publication of this Regulation in the *Gazette officielle du Québec*, of the issue of or an application for a municipal permit or other form of government authorization.

### **Regulation to amend the Regulation defining the scope of the expression “markedly predominant” for the purposes of the Charter of the French language**

Charter of the French language  
(chapter C-11, s. 93)

**1.** The Regulation defining the scope of the expression “markedly predominant” for the purposes of the Charter of the French language (chapter C-11, r. 11) is amended in section 1 by adding the following paragraph after the first paragraph:

“In assessing the visual impact, a family name, a place name, a trade mark or other terms in a language other than French are not considered where their presence is specifically allowed under an exception provided for in the Charter of the French language (chapter C-11) or its regulations.”

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

102550

### **Draft Regulation**

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

#### **Aquaculture and sale of fish —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 Regulation respecting aquaculture and the sale of fish, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation adds two aquatic species to the list of species whose possession is prohibited to various extents, provides for restrictions applying to the sale of live or dead baitfish and corrects clerical errors.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Stéphane Blanchet, Direction des affaires législatives et des permis, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2<sup>e</sup> étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7393; fax: 418 646-5179; email: stephane.blanchet@mffp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Grignon, Associate Deputy Minister for Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

LAURENT LESSARD,  
*Minister of Forests, Wildlife and Parks*

### **Regulation to amend the Regulation respecting aquaculture and the sale of fish**

An Act respecting the conservation and development of wildlife  
(chapter C-61.1, ss. 70, 73 and 162)

**1.** The Regulation respecting aquaculture and the sale of fish (chapter C-61.1, r. 7) is amended in section 4:

(1) by inserting “live” before “fish” in the first paragraph;

(2) by replacing “Rainbow trout” in the second paragraph by “Live rainbow trout”;

(3) by inserting “common” before “carp” in the third paragraph;

(4) by replacing “Aquarium fish-keeping” in the sixth paragraph by “Despite the preceding paragraphs, aquarium fish-keeping”.

**2.** The first paragraph of section 30 is amended:

(1) by inserting “or their hybrids” after “species” in the portion preceding subparagraph 1 of the first paragraph;

(2) by inserting “common” before “carp” in subparagraph 13 of the first paragraph;

(3) by striking out subparagraph 32 of the first paragraph.

**3.** Section 34 is amended by inserting “during a period in which their use for sport fishing is authorized or at all times where the baitfish are sold to another holder of one of those licences” after “or a holder of a licence to operate a fish-tank for baitfish” in the second paragraph.

**4.** Schedule I is amended:

(1) by striking out “, 21” in column II of paragraph 2 of section 3;

(2) by adding “commune” after “carpe” in column I of section 8 in the French text;

(3) by replacing “All freshwater mollusks, except zebra mussels and quagga mussels” in column I of section 11 by “All native freshwater mollusks”;

(4) by inserting “native” before “freshwater” in column I of section 12;

(5) by replacing the word “hybrids” wherever it appears in section 17 by “hybrids except splake trout and splake 2 trout”;

(6) by replacing “Ombre” in column I of section 23 in the French text by “Omble”;

(7) by inserting “même” before “zone aquacole” in paragraph 5 of section 23, in column IV, in the French text.

**5.** Schedule IV is replaced by the following:

“LIVE FISH WHOSE AQUARIUM FISH-KEEPING, PRODUCTION, KEEPING IN CAPTIVITY, BREEDING, STOCKING, TRANSPORT, SALE OR PURCHASE ARE PROHIBITED

Scientific name	English name	French name
<i>Acipenseridae</i> (family) non indigenous	non indigenous sturgeons	esturgeons non indigènes
<i>Alosa aestivalis</i>	blueback herring	alose d'été
<i>Anguillidae</i> (family) non indigenous	non indigenous eels	anguilles non indigènes
<i>Channidae</i> (family)	snakeheads	têtes-de-serpent
<i>Cherax destructor</i>	yabby	écrevisse de Murray
<i>Ctenopharyngodon idella</i>	grass carp	carpe de roseau
<i>Eriocheir sinensis</i>	chinese mitten crab	crabe chinois à mitaine
<i>Gymnocephalus cernuus</i>	ruffe	grémille
<i>Hypophthalmichthys harmandi</i>	largescale silver carp	carpe argentée à grandes écailles
<i>Hypophthalmichthys molitrix</i>	silver carp	carpe argentée
<i>Hypophthalmichthys nobilis</i>	bighead carp	carpe à grosse tête
<i>Mylopharyngodon piceus</i>	black carp	carpe noire
<i>Neogobius melanostomus</i>	round goby	gobie à taches noires
<i>Orconectes rusticus</i>	rusty crayfish	écrevisse à taches rouges



Scientific name	English name	French name
<i>Perca fluviatilis</i>	eurasian perch	perche commune
<i>Proterorhinus marmoratus</i>	tubenose goby	gobie à nez tubulaire
<i>Pseudorasbora parva</i>	Stone moroko	faux gardon
<i>Sander lucioperca</i>	zander	sandre
<i>Scardinius erythrophthalmus</i>	rudd	gardon rouge
<i>Silurus glanis</i>	sheatfish	silure glane
<i>Tinca tinca</i>	tench	tanche

**6.** Schedule V is amended:

(1) by replacing “Longitude” and “Latitude” in the heading of the columns in the French text by “Latitude (N.)” and “Longitude (O.)”, respectively;

(2) by replacing “72°59’04”” by “72°58’55”” in the Latitude column for lake Mudge.

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

102583

## Draft Regulation

Professional Code  
(chapter C-26)

### Chartered appraisers — Code of ethics — 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 Code of ethics of the members of the Ordre des évaluateurs agréés du Québec, made by the board of directors of the Ordre des évaluateurs agréés du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation updates various duties imposed by the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec (chapter C-26, r. 123) to reflect the realities of professional practice, particularly as regards remuneration.

The draft Regulation has no impact on the public and on enterprises, including small and medium sized businesses.

Further information may be obtained by contacting Elena Konson, legal affairs coordinator, Ordre des évaluateurs agréés du Québec, 415, rue Sainte-Antoine Ouest, bureau 450, Montréal (Québec) H2Z 2B9; telephone: 514 281-9888 or 1-800 982-5387; fax: 514 281-0120.

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

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

## Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

Professional Code  
(chapter C-26, s. 87)

**1.** The Code of ethics of the members of the Ordre des évaluateurs agréés du Québec (chapter C-26, r. 123) is amended by replacing “of the members of the Ordre des évaluateurs agréés du Québec” in the title by “of chartered appraisers”.

**2.** Section 1 is replaced by the following:

“**1.** This Code determines the duties of chartered appraisers towards the public, their clients and their profession, in carrying on their professional activities.”.

**3.** Section 1.1 is replaced by the following:

“**1.1.** Every chartered appraiser must take reasonable measures to ensure that persons who collaborate with him in the practice of the profession and any partnership or joint-stock company within which the chartered appraiser carries on professional activities comply with the Professional Code (chapter C-26) and its regulations, including this Code.”

**4.** Section 3 is amended by replacing “outlook” by “skills”.

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

“**4.** Every chartered appraiser must carry on professional activities in accordance with the standards of practice of the profession.”

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

“**6.** Every chartered appraiser must refrain from carrying on professional activities if attendant conditions are likely to compromise the quality of his professional services or the dignity of the profession.”

**7.** Section 12 is amended by replacing “has acted” by “is involved”.

**8.** Section 15 is amended by replacing “duplication” by “multiplication”.

**9.** Section 16 is amended in the second paragraph:

- (1) by inserting “or records” after “contracts”;
- (2) by replacing “the interests of his clients and the respect of his professional obligations” by “the laws and regulations and the standards of practice of the profession”.

**10.** Section 17 is amended:

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

“(1) ignore any intervention by a person with whom he establishes a relationship in the practice of the profession and who could incite him to depart from his professional duties, in particular the duty to act with objectivity;”;
- (2) by striking out “, to the rules of his profession,” in paragraph 3;
- (3) by replacing “generally accepted standards of practice” by “the standards of the profession”.

**11.** Section 24 is amended by striking out the second paragraph.

**12.** The following is inserted after section 24:

“**24.1.** Subject to a decision of a tribunal or another authority, no chartered appraiser may agree to conditional fees, that is, fees whose amount depends on the results of the professional services obtained, except in respect of the following professional consultation services:

- (1) verification of the value of an immovable for entry on the municipal assessment roll;
- (2) negotiations to determine the amount of indemnities in case of expropriation;
- (3) verification and negotiations of the operating expenses of an immovable under lease.

Despite the first paragraph, when a chartered appraiser appears before a member of a tribunal or of a quasi-judicial body, he may not in any case determine or accept conditional fees in respect of professional consultation services, including acting as an expert witness.

**24.2.** No chartered appraiser may undertake professional services for which conditional fees have been agreed upon, unless the terms and conditions for determining the fees have also been agreed upon in writing.

**24.3** When undertaking professional services referred to in subparagraphs 1 and 2 of the second paragraph of section 24.1 and regardless of the method of remuneration agreed upon, a chartered appraiser must, in accordance with the standards of practice of the profession, prepare and file in the client’s record a preliminary analysis of the value or, as the case may be, of the indemnities to which the services pertain.”

**13.** Section 25 is revoked.

**14.** Section 28 is amended by replacing “shall collect interest on an outstanding account without first notifying his client” by “may collect interest on an outstanding account unless the rate of interest has been agreed upon with the client or any other person who undertook to pay the fees to the appraiser” and by replacing “interest thus charged must be at a reasonable rate” by “rate must be reasonable”.

**15.** Section 31 is amended by inserting “and any other person who undertook to pay his fees” after “client”.

**16.** Section 34 is replaced by the following:

“34. Every chartered appraiser must, in the practice of the profession, hold himself out as a member of the Order. A chartered appraiser must in particular sign and indicate his capacity as a chartered appraiser on any report or other document produced in the practice of the profession.”

**17.** Section 41 is amended by replacing “He must present his report in accordance with generally accepted standards, and in particular, he must describe the methodology used and the extent of research carried out” by “The report must conform to the standards of practice of the profession and, in particular, must describe the methodology used and the extent of research carried out in order to perform the required professional services”.

**18.** Section 47 is amended:

(1) by replacing “a contract for services” in the first paragraph by “his professional services”;

(2) by inserting “or any other person who undertook to pay his fees” in subparagraph 3 of the second paragraph after “client”;

(3) by striking out “from the client” in subparagraph 4 of the second paragraph;

(4) by replacing subparagraph 6 of the second paragraph by the following:

“(6) loss of confidence between the chartered appraiser and the client.”

**19.** The heading of Division VIII is amended by striking out “ACTS DEROGATORY TO THE”.

**20.** Section 50 is amended by replacing the part preceding paragraph 1 by the following:

“Every chartered appraiser must refrain from performing any of the following acts:”.

**21.** The heading of Division IX is amended by striking out “PROTECTION OF”.

**22.** The heading of Division XI is amended by striking out “CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF”.

**23.** Section 60 is amended in the French version by inserting “quant” after “notamment”.

**24.** The Code is amended by replacing the word “appraiser”, wherever it appears, by “chartered appraiser”.

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

102578

## Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

### Superior Court

#### — Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Notice is hereby given of the publication by the Chief Justice of the Superior Court, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01) and after taking the observations of the Minister of Justice into consideration, of the draft “Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal”, appearing below. Considering that the Code of Civil Procedure came into force on 1 January, 2016, the draft regulation may be made on or after 20 May 2016

Any person wishing to comment on the draft Regulation is requested to submit written comments within the same period to Mtre. Guillaume Bourgeois, executive assistant to the Chief Justice of the Superior Court of Québec, 1, rue Notre-Dame Est, Bureau 17.60, Montréal (Québec), H2Y 1B6; e-mail: guillaume.bourgeois@judex.qc.ca

THE HONOURABLE JACQUES R. FOURNIER,  
*Chief Justice of the Superior Court*

## Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Code of Civil Procedure  
(chapter C-25.01, a. 63)

### DIVISION I PRELIMINARIES

**1.** The rules set out in the Regulation of the Superior Court of Québec in Civil Matters (chapter C-25.01, (*enter the number of the Regulation*)) are replaced, amended or completed, as the case may be, by the rules set out in this Regulation, which apply in the district of Montréal.

More specifically, rules 22 and 25 of the Regulation of the Superior Court of Québec in Civil Matters are replaced, for the district of Montréal, by the rules in this Regulation.

## DIVISION II ROLLS FOR HEARING

**2.** Under the authority of the Chief Justice, the master of the rolls distributes the cases among the available judges according to the nature of each case and the anticipated duration of the trial.

The roll for hearing thus prepared shows the name of the judge, the number of the case, the name of the parties and their lawyers, the date and hour of hearing and the number of the court room.

**3.** At least two months before the opening of the term, the master of the rolls posts the roll for hearing on the website or otherwise and notifies, by messenger or by mail, an extract of the roll relating to their cases to each of the lawyers of record or to the parties if they have no lawyer.

The transmission to the lawyers by the clerk of an extract of the roll relating to their cases constitutes the notice to lawyers required by article 178 of the Code of Civil Procedure (chapter C-25.01).

## DIVISION III HEARING OF CASES

**4.** If a case cannot be heard in the court room where it has been fixed for hearing, the master of the rolls, under the authority of the Chief Justice, refers it to another judge who is available, in such manner as will assure the greatest efficiency; if there is no judge available for either sitting on that day, the master of the rolls fixes the case as soon as possible on a subsequent roll.

**5.** The trial of a case which has been started must continue until it has been completed without adjournment to a subsequent session of the Court. If it cannot be completed, the master of the rolls must fix it as soon as possible on a subsequent roll.

## DIVISION IV POSTPONEMENTS

**6.** Any request for a postponement is made within 30 days of the publication of the roll for hearing, by written application presented before the judge in chambers; the judge disposes of the application at discretion and may, if granting the postponement, fix the case for hearing as soon as possible on a subsequent roll or ask the clerk to place it on the roll for the fixing of another date.

**7.** Subject to article 265 of the Code of Civil Procedure, no later application for postponement may be taken into consideration unless there are truly exceptional circumstances which have been alleged by written application presented to the Chief Justice, who decides the matter at discretion.

**8.** An advocate who is unable, for serious reasons, to make a written application for postponement before the case is called may communicate orally or in writing with the Chief Justice or the presiding judge.

## DIVISION V SUMMARY ROLL

**9.** Applications to have a case fixed on the summary roll may be presented to the officer appointed by the Chief Justice on Mondays and Tuesdays of each week between 2:00 p.m. and 4:00 p.m. or at such other time as may be fixed by the Chief Justice.

## DIVISION VI PRACTICE CHAMBER

**10.** The Chief Justice determines the number of sections of the Practice Chamber. The distribution of cases therein is made according to the instructions of the Chief Justice.

**11.** Unless the Chief Justice decides otherwise, notice of presentation of any proceeding is given for 9:15 a.m. in the rooms designated respectively for civil matters, family matters or for the special clerk.

**12.** Any proceeding in respect of which no interested lawyer appears before the final daily adjournment is struck from the roll.

**13.** Any proceeding which has already been adjourned twice and with respect to which the parties are not ready to proceed is struck from the roll.

## DIVISION VII DELEGATION OF POWERS BY THE CHIEF JUSTICE

**14.** The Chief Justice may designate a judge to hear and dispose of applications made under any of these rules of practice.

## DIVISION VIII FINAL PROVISIONS

**15.** This Regulation replaces the Rules of practice of the Superior Court of the district of Montréal in Civil Matters and Family Matters (chapter C-25.01, r. 11) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102587

## Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

### Superior Court — Regulation of the Superior Court of Québec in civil matters

Notice is hereby given of the publication by the Chief Justice of the Superior Court, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01) and after taking the observations of the Minister of Justice into consideration, of the draft “Regulation of the Superior Court of Québec in civil matters”, appearing below. Considering that the Code of Civil Procedure came into force on 1 January, 2016, the draft regulation may be made on or after 20 May 2016.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the same period to Mtre. Guillaume Bourgeois, executive assistant to the Chief Justice of the Superior Court of Québec, 1, rue Notre-Dame Est, Bureau 17.60, Montréal (Québec), H2Y 1B6; e-mail: guillaume.bourgeois@judex.qc.ca

THE HONOURABLE JACQUES R. FOURNIER,  
*Chief Justice of the Superior Court*

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## Regulation of the Superior Court of Québec in civil matters

Code of Civil Procedure  
(chapter C-25.01, a. 63)

### CHAPTER I GENERAL PROVISIONS

**1. Application.** This Regulation applies in all judicial districts of Québec, subject to any special rules adopted pursuant to article 63 of the Code of Civil Procedure (chapter C-25.01).

Subject to any provision to the contrary, it also applies in family matters and in bankruptcy.

**2. Access to registers and records.** The records of the Court and the registers of the clerk may be consulted during the opening hours of the court offices.

A record may be consulted only in the presence of the clerk or of a designated person. If the clerk cannot be present, he or she must require that a written acknowledgement of it be kept in the record.

**3. Designation of parties and format of pleadings.** Pleadings must be legibly written on one side of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches × 11 inches) – the nature and object of the pleading must be indicated on the back, with the record number and the names of the parties, the party filing it, as well as the name, address, postal code, telephone number, e-mail address and computer code of that party’s attorney or notary.

Agreements to be attached to a judgment must be drafted on one side only of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches by 11 inches).

An originating application indicates the name, address and postal code of the parties.

Every pleading of a party must be signed by the party’s lawyer or notary, in the cases provided for by law. If a party is not represented by a lawyer or notary, the pleading must be signed by the party.

In every pleading, the parties keep the same order and designation as in the originating application.

**4. Change of address, lawyer or notary.** In the event of a change of address the parties, or their lawyers and notaries, must inform the court office without delay.

In the event of a change or substitution of lawyer in the course of a proceeding, the new lawyer must inform the court office without delay.

**5. Jurisprudence and doctrine.** A party relying on a judgment or excerpt from doctrine must indicate the relevant pages and identify the passages cited.

**6. Laws and regulations.** A party relying on regulatory or legislative provisions other than those in the Civil Code of Québec, the Code of Civil Procedure or the Divorce Act must provide a copy for the judge and indicate the relevant articles or sections.

### CHAPTER II COURT OFFICE

**7. Registers and index.** The clerk keeps, in the form of books, cards, films, magnetic recordings, information technology medium, or as otherwise decided by the Chief Justice in agreement with the administration, the following registers and indexes:

- (a) an index of plaintiffs, defendants and other parties;
- (b) an index of elections of domicile;

(c) an index of the cases taken under advisement, with respect to both incidental proceedings and the merits, containing:

- i. the number of the record;
- ii. the names of the parties;
- iii. the name of the judge;
- iv. the date on which the matter was taken under advisement;

(d) a court ledger containing:

- i. the number of the case;
- ii. the names of the parties;
- iii. the nature of the application, the amount claimed and the date on which the copy of the application was deposited;
- iv. the nature and the date of receipt of all pleadings;
- v. a concise description of each document filed;
- vi. a concise summary of all judicial orders, judgments rendered in the course of a proceeding or that terminate the proceeding, or judgments on the merits, with their date;
- vii. the date of each session of the Court and the date of the deposit of the minutes of the hearing at that session;
- viii. the date on which the record is complete and the date on which it is sent to the Judge for advisement;
- ix. the nature of any notice of execution requested;
- x. the date of any notice of execution filed in the court office and the date on which the bailiff files a bailiff's report in the court office;
- xi. the orders made since the filing of the notice of execution;
- xii. the nature and date of receipt of all oppositions, applications for annulment, claims or contestations filed, and the names and addresses of the lawyers concerned, if any;
- xiii. the amount realized, if any;

(e) a register containing the original copies of judgments except those written and signed on the minutes of a hearing or on an application;

(f) a journal of the judgments included in the preceding register;

(g) if applicable, the rolls determined by this Regulation;

(h) an index of applications for an injunction, habeas corpus applications and applications for judicial review, containing:

- i. the number of the record;
- ii. the names of the parties and of their lawyers;
- iii. the date and nature of the application;

(i) an index of expropriations containing:

- i. the number of the record;
- ii. the names of the parties and of their lawyers;
- iii. the date of commencement of the proceeding;

(j) an index of class actions containing:

- i. the number of the record;
- ii. the names of the parties and of their lawyers;
- iii. the date of commencement of the proceeding;

(k) a register of non-contentious matters containing:

- i. the designation of the parties;
- ii. the object of the proceedings;
- iii. the date of the judgment;
- iv. a mention of the proceedings after judgment;

(l) all other registers, indexes or cards which may be required by law or ordered by the Chief Justice or determined by the Clerk.

**8. Updating of court ledger.** Where the record is forwarded to the Court or to the judge, an extract of the updated court ledger must be filed in the record and the previous extracts destroyed.



**9. Receipt of pleadings and exhibits.** Upon receipt of an exhibit or pleading, the clerk must number it and enter the date and time of its reception, after payment, if applicable, of the required court office fees.

### CHAPTER III APPLICATIONS IN THE COURSE OF A PROCEEDING

**10. Reference to relevant provisions.** An application made in the course of a proceeding must include a reference to the article of the Code of Civil Procedure, the section of this Regulation, or the section of the law under which it is filed.

**11. Amendments.** If a proceeding is amended, the additions or substitutions must be underlined, or indicated in the margin by a vertical line, and deletions must be indicated by means of dots in brackets.

**12. Application for clarification.** Every paragraph of an application for clarification must be numbered in the same way as the paragraph of the pleading concerned.

**13. Clarification.** When clarifications to a pleading have been ordered, a new pleading incorporating the clarifications must be filed in the record within the time limit set.

**14. Seizure before judgment and forced surrender.** An application to annul a seizure before judgment and an application to annul an order issued under article 2767 of the Civil Code of Québec, based on the falsity of the allegations in the affidavit, must specify which allegations are contested and the reasons for contesting them.

**15. Protective supervision.** Upon reception of an opposition under article 280 of the Civil Code of Québec or article 320 of the Code of Civil Procedure, the clerk enters the case on the roll for the Practice Chamber and sends a notice of presentation to all interested persons at least ten days prior to the date fixed in the notice.

### CHAPTER IV EXHIBITS AND EXCERPTS FROM DEPOSITIONS

**16. Medical records and expert reports.** A medical record or an expert report prepared by a physician, psychologist or social worker that is filed in the record is kept in a sealed envelope and no person, except an authorized person, may have access to it without the permission of the Court or a judge. Access to such a document includes the right to make copies of it at the person's expense.

**17. Curriculum vitae and expert's fees.** A party that produces an expert report must also produce the author's curriculum vitae and the invoice for the expert's fees up to that date and for the expert's fees to attend the trial.

**18. Identification of exhibits and pagination.** An exhibit that has been disclosed and produced must be identified by one letter for each party, followed by a consecutive number from the beginning to the end of the record.

Exhibits retain the same identification for all applications, on the merits and in the course of a proceeding.

The identification of the exhibit and the number of the record must appear on the front and back of each exhibit, if applicable. The number of the record need not be repeated if several exhibits are joined together.

The party that produces a document must paginate it if it is not already paginated.

**19. Excerpts of depositions.** Any excerpt of a deposition adduced as evidence under articles 105, 222 and 227 of the Code of Civil Procedure must indicate the date and place of the deposition and the name and capacity of the deponent, and must be certified by the authorized person who transcribed it. The clerk may issue a certified true copy of the excerpt.

### CHAPTER V READINESS FOR TRIAL

#### **20. (a) Record without case protocol**

If the record is complete and ready for trial, the Court may try the application immediately or, after estimating the length of the trial, set a date for a hearing or refer it to the clerk for that purpose.

#### **(b) Record with case protocol**

i. In all cases with an oral or written defence, the request for setting down for trial and judgment is made in accordance with article 174 of the Code of Civil Procedure using the form provided for that purpose.

ii. Grounds of defence: If the defence is oral, the grounds of defence must be stated in the case protocol.

iii. Date of hearing: If the defence is oral and the circumstances so justify, the judge may, on his or her own initiative and before the expiry of the time limit set in article 173 of the Code of Civil Procedure, exempt the parties from the obligation of filing a request for setting down for trial and judgment and proceed in accordance with paragraph (a) of this section.

iv. When the case is ready for trial, a party may convene the other parties before the Court to verify the status of the record. If it is complete and ready for trial, the judge may refer it to the clerk to set a date for the hearing.

## **21. Setting down for trial**

**(a) Attestation that a record is complete (ARC):** After the request for setting down for trial and judgment has been filed in the court office, the clerk verifies whether the record is complete and ready for trial and, if appropriate, signs an attestation specifying the estimated duration of the trial on the merits, and so informs the parties.

**(b) Notice that a record is incomplete:** If the Clerk ascertains that the record is incomplete after verification, the Clerk sends a notice to the parties, and the party in default has 30 days to correct the situation.

**22. Provisional roll.** After the request for setting down for trial and judgment has been filed, the clerk prepares a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, mails to each lawyer of record, or to the parties if not represented, an extract of that list containing mention of their cases and convenes them to a calling of the provisional roll presided by the Chief Justice or a judge designated by the Chief Justice or, with the latter's consent, by the clerk.

At that session, the judge or clerk presiding determines the means of simplifying the procedure and shortening the hearing.

Having consulted the lawyers, the judge or clerk presiding fixes the dates of hearing for the cases on the list. Any request for postponement must be presented at that session.

The clerk draws up the minutes of the session and enters in the record of each case called the presence or absence of the lawyers or parties that are not represented.

**23. Pre-trial conference.** The Chief Justice or the judge designated by the Chief Justice determines the cases in which a pre-trial conference must be held.

**24. Settlement conference.** An application for a settlement conference must be addressed to the Chief Justice or the judge designated by the Chief Justice and include the information specified in the form published on the website of the Superior Court.

## **CHAPTER VI ROLL FOR HEARING**

**25. Roll for hearing.** As soon as possible, the clerk sends the roll for hearing to the judges who will be hearing the cases appearing on the roll and, where applicable, to the judge who presided at the session mentioned in section 22 of this Regulation.

The roll for hearing indicates:

- (a) the name of the judge;
- (b) the number of the record;
- (c) the names of all the parties;
- (d) the names of the lawyers of record;
- (e) the date and time of the hearing;
- (f) the place of the hearing and, where applicable, the room number; and
- (g) any other information ordered by the judge or clerk who presided at the session mentioned in section 22.

An extract from that roll is also sent by the clerk to each lawyer of record or unrepresented parties concerning their cases.

**26. Cases added to the roll.** The Chief Justice or the judge designated by the Chief Justice or, under their authority, the clerk or the master of the rolls, may add to the roll for hearing any cases deemed ready to proceed.

**27. Cases fixed by preference.** An application to fix a case by preference must be accompanied by a notice in which the date and time of presentation have been previously determined by the Chief Justice or the judge designated by the Chief Justice.

**28. Notice to lawyers and parties.** The extract from the roll for hearing sent to the lawyers and parties concerning their case constitutes the notice required by article 178 of the Code of Civil Procedure.

**29. Inaccuracies in the certificate of readiness.** A judge presiding at the trial who finds that the declaration made under article 174 of the Code of Civil Procedure contains inaccuracies without which the case would not have been put on the roll for hearing may strike the case from the roll, adjourn it or take any other appropriate measure in the interest of justice.



**30. Postponement.** No case may be postponed solely by the consent of the parties or by reason of their absence. If this occurs, the case is struck from the roll.

A case which has been once postponed at the request of any party and for which the parties are still not ready when the case re-appears on the roll for hearing is struck from the roll, and may not re-appear again unless the Chief Justice or the Judge designated by the Chief Justice, after receiving a written application, orders otherwise.

**31. Priority on the roll.** Cases which must be heard and decided without delay pursuant to a provision of the law or a decision of the Chief Justice or a judge designated by the Chief Justice for that purpose have priority on the roll, and in particular the following cases:

(a) cases incidental to the forced execution of judgments (Code of Civil Procedure, a. 659);

(b) cases to contest a claim produced by a creditor in connection with a seizure in the hands of third persons (Code of Civil Procedure, a. 711);

(c) cases to contest a claim produced in a case of voluntary deposit (Code of Civil Procedure, a. 667);

(d) cases relating to applications for authorization for seizure before judgment (Code of Civil Procedure, aa. 518, 519, 522 and 523).

## CHAPTER VII HEARING

### DIVISION I DECORUM

**32. Persons present.** All persons attending a hearing must rise when the judge enters the room and remain standing until the judge is seated. When the hearing is over, they stand again and refrain from moving until the Judge has retired.

**33. Court usher.** At the opening of the session, the court usher says aloud: “Silence. All rise please. The Superior Court is now in session, the Honourable .....presiding.”

As soon as the judge is seated, the court usher invites those present to be seated.

**34. Dress and conduct at the hearing.** Every person appearing before the court must be suitably attired.

**35. Gown.** In the court room, a male lawyer wears either a black gown with a black jacket, dark trousers and a shirt with a white collar and bands, or a black gown closed in front, with a raised neck opening, long sleeves and white bands. A female lawyer wears a black gown with white bands and a black long-sleeved dress or a dark skirt or trousers and a white long-sleeved blouse.

A male articulated student wears either a black gown with a dark suit, white shirt and dark tie, or a black gown closed in front, with a raised neck opening and long sleeves. A female articulated student wears a black gown with a dark skirt or trousers and a white long-sleeved blouse or dark clothing.

However, it is not required to wear a gown during the months of July and August, nor in the Practice Chamber for civil matters. When a gown is not required, male attorneys and male articulated students wear plain trousers, jacket, shirt and tie; female attorneys or female articulated students wear a plain skirt or trousers with a blouse and jacket, a dress or a tailor-made suit.

**36. Dress for court clerks and ushers.** When the Court is in session, court clerks and ushers must always wear one of the attires described in section 35 for articulated students.

**37. Order.** Anything that disturbs the decorum and good order of the court is prohibited.

More specifically, the reading of newspapers and the inappropriate use of electronic devices of any kind that hinder the conduct of the hearing or infringe the propriety of the court are prohibited.

**38. Interviews and the use of cameras.** In order to ensure the fair administration of justice, the serenity of judicial hearings and the respect of the rights of litigants and witnesses, interviews and the use of cameras in a courthouse are only permitted in the areas designated for such purposes by the directives of the Chief Justices.

### DIVISION II MINUTES

**39. Role of court clerk.** The clerk draws up the minutes of the hearing, noting

(a) the name of the presiding Judge;

(b) the various stages of the hearing;

(c) the names of the lawyers and witnesses;

- (d) the names of the clerk and the stenographer;
- (e) the exhibits filed;
- (f) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;
- (g) the admissions dictated to the stenographer or mechanically recorded;
- (h) the admissions dictated to the court clerk, which must be signed by the parties or their lawyers; and
- (i) where applicable, the reasons stated by the Court for not proceeding with the case.

Similarly, the court clerk marks the exhibits with a letter and series of numbers previously used, and indicates and initials the case number; the clerk indicates on the copies of doctrine and jurisprudence the name of the lawyer or party who filed it.

The clerk prepares a separate list of exhibits filed by each of the parties and describes each exhibit.

**40. Swearing in of witnesses.** The court clerk stands and says to the witness: “Do you swear to tell the truth, the whole truth and nothing but the truth? Raise your right hand and say I do.”

## CHAPTER VIII STENOGRAPHY AND RECORDING OF PROCEEDINGS

**41. Application.** The rules in this Chapter apply, adapted as required, to any person required to record or transcribe depositions by any authorized mode.

**42. Role of the stenographer.** The stenographer is required to record the depositions of the witnesses, the admissions dictated to the stenographer, the undertakings made, the objections to the evidence, the argument upon the objections if the judge so requires, and the decisions made on the objections.

**43. Name of witness.** Each page of a deposition must mention the name of the witness at the top.

**44. Letter format.** The transcript of a recording or deposition may be presented in the format prescribed in section 3.

It may also be filed in “four in one” format, with an alphabetical index.

**45. Respect of witnesses.** The respect due witnesses requires that any examination outside the presence of the court be conducted in the same manner as if it was before the court. If there is indecorous or disorderly conduct, the stenographer may suspend the examination in order to obtain directions from a judge for its continuation.

**46. Videoconferencing.** The court may authorize the examination of a witness by videoconferencing or by any other means of communication if, having regard to the guiding principles of the Code of Civil Procedure, the means proposed appears to the court to be reliable and proportional to the circumstances of the case, taking into account the technological facilities available.

## CHAPTER IX JUDGMENTS

**47. Record under advisement.** Before giving the record to the judge, the court clerk ensures that it contains the pleadings, exhibits, applications in the course of the proceeding and examinations taken outside the presence of the court, consecutively numbered according to the date of their filing, as well as any written argument required by the court.

If the record is incomplete, the clerk notifies the lawyers so that they may remedy the default.

No case is taken under advisement and no record sent to the judge until it has been completed, unless the judge decides otherwise.

**48. Incomplete arguments.** If either party fails to complete its oral or written argument within the time period fixed at the hearing, the judge may send or have the clerk send to the parties or their lawyers a notice to remedy the default within the time fixed by the Judge and take the case under advisement as it stands upon the expiry of that period. The judge informs the Chief Justice of this situation.

**49. Evidence outside the presence of the court.** When evidence taken outside the presence of the court has been filed in the record, the special clerk must, if having no jurisdiction to render judgment and if the Court is not sitting in the district, send the record to the judge who authorized the taking of evidence outside the presence of the court.

**50. Judgment at the hearing.** When a judge renders judgment at a hearing, anyone requesting a transcript of the judgment or a copy of the recording must direct the request to the judge.

**51. Access to the recording by other judges of the Superior Court.** Judges of the Superior Court have direct access to the recording of a hearing or a judgment rendered by another judge of that court, in all matters.

**52. Judgment rendered in the course of a proceeding.** A judgment rendered in the course of a proceeding that is written out and signed on an application submitted to the court need not be written out and signed again on a separate paper, and the clerk may issue true copies of such a judgment.

## CHAPTER X CLASS ACTION

**53. Compulsory indications.** All class action pleadings must include the words “Class Action” immediately above “Superior Court” on the front and back.

**54. Content of the application for authorization.** The application for authorization is drafted using the form published on the website of the Superior Court.

**55. Documents accompanying the application.** The application for authorization is accompanied by a copy of all other applications for authorization to bring a class action dealing in whole or in part with the same subject matter and an attestation from the applicant or the applicant’s lawyer indicating that the application will be entered in the national class action register. These documents must be served on the adverse party at the same time as the application for authorization.

Failure by the applicant to comply with this section does not entail dismissal of the application; however, the judge, at the request of any interested person or on the judge’s own initiative, may postpone the date of presentation of the application and order the applicant to remedy the failure.

**56. Registry of class actions.** Within five days of filing, a copy of the application for authorization to institute a class action must be registered in the registry of class actions in accordance with article 573 of the Code of Civil Procedure.

**57. Relevant evidence.** An application for authorization to submit relevant evidence in accordance with article 574 of the Code of Civil Procedure must be accompanied by the documentary evidence or affidavit that that applicant wishes to submit.

**58. Transaction.** A transaction submitted for the approval of the court indicates the amounts that will be reimbursed to the Fonds d’aide aux actions collective-sif it contributed financial assistance to the representative in accordance with section 30 of the Act respecting the Fonds d’aide aux actions collective. Every application for approval must be served on the Fonds d’aide aux actions collectives, with a notice of presentation.

**59. Report on administration.** If a judgment orders the collective recovery of the claims made with individual payment of the members’ claims, the special clerk or third person designated by the court must file with the court, after the time limit for members to file their claim has expired, a detailed report on its administration and give notice to the parties and the Fonds d’aide aux actions collectives.

The report lists the members who filed a claim, the amount paid to each member, the remaining balance and the amount withheld for the Fonds d’aide aux actions collectives pursuant to section 42 of the Act and Regulation respecting the percentage withheld by the Fonds d’aide aux actions collectives (chapter F-3.2.0.1.1, r. 2).

**60. Remaining balance.** If the report filed under section 59 mentions a remaining balance the representative, within 30 after the report is filed, must present an application to the court to dispose of the amounts, giving notice of presentation to the special clerk or the third person designated by the court and to the Fonds d’aide aux actions collectives, if applicable.

**61. Legal costs and fees.** When the Fonds d’aide aux actions collectives has granted financial assistance, an application to determine the legal costs and the fees of the representative’s lawyer, or to obtain the approval of a transaction on fees, legal costs, or professional fees is served on the Fonds d’aide aux actions collectives with notice of presentation.

**62. Multi-jurisdictional class action.** In the case of a prospective, authorized or certified class action having the same object as a prospective, authorized or certified class action instituted in two or more provinces, the court may, on application, direct the parties to apply the Canadian Judicial Protocol for the Management of MultiJurisdictional Class Actions.

## CHAPTER XI COMMERCIAL CHAMBER

**63. Commercial cases.** All cases where the initial application is based principally, in whole or in part, on any of the following legislative provisions is a commercial case and is tried in the Commercial Chamber:

(Statutes of Canada)

— The Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

— The Companies and Creditors' Arrangement Act (R.S.C. 1985, c. C-36);

— The Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

— The Canada Business Corporations Act (R.S.C. 1985, c. C-44);

— The Bank Act (S.C. 1991, c. 46 [R.S.C. 1985, c. B-1.01]);

— The Farm Debt Mediation Act (S.C. 1997, c. 21);

— The Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.) [R.S.C. 1985, c. C-34.6]);

(Statutes of Québec)

— Code of Civil Procedure:

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

— Companies Act (chapter c. C-38);

— Winding-Up Act (chapter L-4);

— Securities Act (chapter V-1. 1);

— Act respecting the Autorité des marchés financiers (chapter A-33.2).

The same applies to any other case of a commercial nature, on a decision of the Chief Justice or a judge designated by the Chief Justice, made on initiative or on application.

**64. Registry and jurisdictional numeration.** The Commercial Chamber has its own Registry and a distinct jurisdictional numeration.

**65. Compulsory indications.** A pleading in the Commercial Chamber must include the words "Commercial Chamber" on the front page and on the backingbeneath the words "Superior Court", as well as a reference to the law that governs the proceeding.

**66. Multiple cases within the same record.** Whenever there are multiple cases within the same record, each new originating application must bear the indication "New Case". In subsequent pleadings relative to the new application, the sequential number given to the new application must be mentioned in the heading "Case sequence number \_\_\_\_\_" under the court number of the record.

**67. Exception.** If the volume of commercial cases in any judicial district is limited, the coordinating judge of the district or the judge designated by the coordinating judge may have commercial cases dealt with in the general court office and tried in the civil practice chamber.

## CHAPTER XII QUARRELSOME CONDUCT

**68. Necessity to obtain prior authorization.** If a person acts in a quarrelsome manner, by exercising litigious rights in an excessive or unreasonable manner, the court may, on initiative or on request, in addition to the measures provided for in the Code of Civil Procedure, prohibit that person from instituting a judicial application or from producing or presenting a pleading in a previously instituted proceeding without prior authorization from the Chief Justice or a judge designated by the Chief Justice, and on the conditions the latter determines.

**69. Order.** The order may be general or limited to certain proceedings, courts or bodies subject to the judicial control of the Superior Court, and may apply in one or more judicial districts, or with respect to one or more persons. It may also be limited in time. In exceptional circumstances, the order of prohibition may prohibit or limit access to a court house.

**70. Application for authorization.** The application to institute or to continue a proceeding or application is introduced by way of a written application bearing the number of the record in which the order was made.

The application is addressed to the Chief Justice or the judge designated by the Chief Justice. It may be adjudicated on the basis of the record, without a hearing.

**71. Exhibits.** The application for authorization must be accompanied by the order of prohibition and the pleading the applicant seeks to file.

**72. Presentation.** The Chief Justice or the judge designated by the Chief Justice may refer the application to the court, in which case the applicant must serve it on the parties concerned by the proposed pleading, with a 10-day notice of presentation.

**73. Nullity.** An unauthorized pleading is deemed never to have existed. When informed of an order of prohibition, the clerk must refuse to accept it, unless it is a notice of appeal or an application for leave to appeal.

**74. Forwarding of the order of prohibition.** The clerk forwards a copy of any order of prohibition filed in the court office to the Chief Justice or Associate Chief Justice, according to the Chamber involved, and to any other court offices concerned.

**75. Public registry.** Québec's Ministère de la Justice keeps a public registry of litigants subject to authorization.

The clerk transmits to the Ministère a copy of all orders of prohibition filed at the court office for registration in the public registry.

#### CHAPTER XIII FINAL PROVISIONS

**76. Coming into force.** This Regulation replaces the Rules of Practice of the Superior Court of Québec in Civil Matters (chapter C-25.01, r. 4) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102588

### Draft regulation

Code of Civil Procedure  
(chapter C-25.01)

#### Superior Court —Regulation of the Superior Court of Québec in civil matters for the district of Québec

Notice is hereby given of the publication by the Associate Chief Justice of the Superior Court, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01) and after taking the observations of the Minister of Justice into consideration, of the draft "Regulation of the Superior Court of Québec in civil matters for the district of Québec", appearing below. Considering that the Code of Civil Procedure came into force on 1 January, 2016, the draft regulation may be made on or after 20 May 2016.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the same period to the Honourable Claude Bouchard, judge responsible for the civil procedure committee (district of Québec), 300, boulevard Jean-Lesage, Québec (Québec), G1K 8K6; e-mail [claudio.bouchard@judex.qc.ca](mailto:claudio.bouchard@judex.qc.ca)

THE HONOURABLE ROBERT PIDGEON,  
*Associate Chief Justice of the Superior Court*

### Regulation of the Superior Court of Québec in civil matters for the district of Québec

Code of Civil Procedure  
(chapter C-25.01, a. 63)

#### DIVISION I APPLICATION

**1.** This Regulation sets out the practice for the district of Québec to ensure that the procedure established, in particular, by the Code of Civil Procedure (chapter C-25.01) is properly complied with.

#### DIVISION II ADMINISTRATION

**2.** The civil section of the Court has four chambers: the civil chamber, the family chamber, the administrative chamber and the commercial chamber.

**3.** The associate chief justice coordinates, apportions and supervises the work of the judges designated, by the associate chief justice, to sit in each chamber of the civil section.

**4.** The associate chief justice designates a judge to perform certain duties delegated to that judge as

- the coordinating judge for the district of Québec;
- the judge responsible for the family chamber;
- the judge responsible for the administrative chamber;
- the judge responsible for the commercial chamber;
- the judge responsible for lengthy cases;
- the judge responsible for class actions;
- the judge responsible for settlement conferences.



The judges responsible for lengthy cases, class actions and settlement conferences are also responsible for those activities in the other districts in the division of Québec.

**5.** The coordinating judge and the judges responsible see to the application of the directives of the associate chief justice.

**6.** The associate chief justice may designate any other judge to perform the duties that the associate chief justice determines, as the associate chief justice considers necessary for the proper operation of the Court.

### DIVISION III GENERAL PROVISIONS

#### CONFIDENTIAL EXHIBIT

**7.** A party desiring a medical record or an expert report prepared by a physician, a psychologist or a social worker to be kept confidential must file it at the court office in a sealed envelope, identified like the backing of a pleading, and marked “Confidential”.

A medical record or an expert report prepared by a physician, psychologist or social worker that is filed in the record of the Court is kept in a sealed envelope and no person may have access to it without the permission of the Court or a judge. Access to such a document includes the right to make copies of it at the person’s expense.

#### ORAL DEFENCE

**8.** The grounds of an oral defence raised in a case protocol may, where necessary, be completed at a case management conference held within 50 days of the filing of the protocol, or by the filing of a brief statement within 30 days after the date on which the case protocol is accepted or established by the Court.

#### TRIAL BEGUN

**9.** A trial which has begun must be terminated without delay.

### DIVISION IV CIVIL CHAMBER

#### JOINDER OF PROCEEDINGS

**10.** An application for the joinder of proceedings must be notified to all the parties in all the proceedings concerned.

**11.** If the joinder of proceedings is granted by the Court, the clerk issues a certificate stating that the joined proceeding is ready for trial; the clerk may require each party to file a statement as to the expected duration of the trial.

### LENGTHY CASES

**12.** A case of for which the trial is expected to last more than 5 days, as stated on the certificate that the case is ready for trial, is considered to be a lengthy case.

**13.** After the certificate that the case is ready for trial has been issued, a copy of any incidental application must be notified to the judge responsible for lengthy cases until the case has been assigned to a judge for trial; the copy must then be notified to the judge assigned to the trial, who then deals with the application.

### DIVISION V FAMILY CHAMBER

#### DATE OF HEARING

**14.** A party filing a joint application based on a draft agreement for divorce, for separation as to bed and board or for the dissolution of a civil union must immediately contact the clerk to fix a date for the hearing.

#### EVIDENCE BY WAY OF AFFIDAVIT

**15.** If evidence is presented by way of affidavit, a judge may decide the joint application on a draft agreement without a trial.

### DIVISION VI ADMINISTRATIVE CHAMBER

**16.** The roll of the administrative chamber is kept by the staff of the office of the associate chief justice, and a request to obtain a date for trial must be addressed to the staff once a case is ready for trial.

### DIVISION VII COMMERCIAL CHAMBER

**17.** A proceeding is a commercial proceeding if:

a) the application is made under:

(Statutes of Canada)

— the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

— the Companies and Creditors’ Arrangement Act (R.S.C. 1985, c. C-36);

— the Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

— the Canada Business Corporations Act (R.S.C. 1985, c. C-44);

— the Bank Act (S.C. 1991, c. 46 [R.S.C. 1985, c. B-1.01]);

— the Farm Debt Mediation Act (S.C. 1997, c. 21);

— the Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.) [R.S.C. 1985, c. C-34.6]);

(Statutes of Québec)

— the Code of Civil Procedure:

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

— the Companies Act (chapter c. C-38);

— the Winding-Up Act (chapter L-4);

— the Securities Act (chapter V-1. 1);

— the Act respecting the Autorité des marchés financiers (chapter A-33.2).

*b)* The same applies to any other case of a commercial nature, on a decision of the Associate Chief Justice or the judge responsible for the commercial chamber, made on initiative or on application.

**18.** The commercial chamber has its own office and its own jurisdictional number (number “11”).

**19.** Any proceeding in the commercial chamber must mention the words “Commercial Chamber” on the front page and on the backing below “Superior Court”, and below that a reference to the law governing the proceeding.

#### **DIVISION VIII** APPLICATIONS TO THE ASSOCIATE CHIEF JUSTICE

#### **JURISDICTION**

**20.** An application for a trial by preference or for the joinder of proceedings must be made to the associate chief justice if one of the proceedings is already set down on the roll.

**21.** When a case has already been set down for trial, it cannot be postponed without authorization from the associate chief justice or, if it is a lengthy case, of the judge responsible for lengthy cases.

#### **HEARINGS**

**22.** Hearings before the associate chief justice are held by telephone conference call from 10 a.m. to 12 noon on Wednesdays and, during judicial vacations, on the day determined by the associate chief justice; if a matter is urgent, a hearing may be requested at any time.

A party or a party’s lawyer who wishes to be present at the hearing must give advance notice to the office of the associate chief justice and inform the other party.

#### **DIVISION IX** SETTLEMENT CONFERENCE

#### **REQUEST**

**23.** The use of “Form A, Joint Request to the Associate Chief Justice for a Settlement Conference” is suggested.

#### **TIME LIMIT FOR REQUEST**

**24.** Joint requests for a settlement conference must be presented at least 30 days before the date of the trial, unless authorization has been obtained from the Court. Such requests are accepted only exceptionally.

#### **DIVISION X** USE OF TECHNOLOGICAL MEANS

#### **DUTY JUDGE OR JUDGE IN CHAMBERS**

**25.** An application to the duty judge or the judge in chambers not requiring the hearing of witnesses may be heard by telephone conference or videoconference, after 24 hours advance notice to the other party and to the judge concerned.

#### **APPLICATIONS IN PRACTICE CHAMBER**

**26.** The Court may authorize the presentation of an application set down for the civil practice, family, administrative or commercial chamber by telephone conference or videoconference, if the parties agree thereto and after 48 hours advance notice to the judge assigned to the chamber concerned.

#### **HEARING OF WITNESSES**

**27.** With the authorization of the Court, witnesses may be heard by way of videoconference at the hearing of an originating application, after 5 days advance notice to the judge in chambers.

**28.** The Court may authorize or order a pre-trial examination, an examination under oath or the examination of a witness outside the presence of the court, if the means proposed appears to be reliable and proportional to the circumstances of the case, taking into account the available facilities, after 48 hours advance notice to the judge in chambers.

#### DIVISION XI FINAL PROVISIONS

**29.** This Regulation replaces the Rules of practice in civil matters of the Superior Court (District of Québec) (chapter C-25.01, r. 5) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102586

### Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

#### Superior Court —Regulation of the Superior Court of Québec in family matters

Notice is hereby given of the publication by the Chief Justice of the Superior Court, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01) and after taking the observations of the Minister of Justice into consideration, of the draft “Regulation of the Superior Court of Québec in family matters”, appearing below. Considering that the Code of Civil Procedure came into force on 1 January, 2016, the draft regulation may be made on or after 20 May 2016.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the same period to Mtre. Guillaume Bourgeois, executive assistant to the Chief Justice of the Superior Court of Québec, 1, rue Notre-Dame Est, Bureau 17.60, Montréal (Québec), H2Y 1B6; e-mail: guillaume.bourgeois@judex.qc.ca

THE HONOURABLE JACQUES R. FOURNIER,  
*Chief Justice of the Superior Court*

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### Regulation of the Superior Court of Québec in family matters

Code of Civil Procedure  
(chapter C-25.01, a. 63)

#### CHAPTER I GENERAL

**1. Application:** This Regulation applies in all judicial districts of Québec.

#### CHAPTER II APPEALS FROM DECISIONS OR ORDERS OF THE COURT OF QUÉBEC IN YOUTH PROTECTION AND YOUTH CRIMINAL JUSTICE MATTERS

#### DIVISION I YOUTH PROTECTION

**2. Definitions:** In this Chapter, “Court” means the Superior Court of Québec and “Court of Québec” means the Court of Québec, Youth Division.

**3. Introduction of appeal:** Appeals are heard by the Court in the Family Chamber, unless referred by a judge to the Criminal Chamber.

**4. Notice of appeal:** In addition to the provisions of section 104 of the Youth Protection Act (chapter P-34.1), the notice of appeal contains the object of the complaint, the conclusions of the decision or order appealed from, and the names of the parties’ lawyers in first instance.

The Court may make any appropriate order under section 112 of the Youth Protection Act.

The notice of appeal is signed by the appellant or the appellant’s lawyer and gives the address to which any communication may be directed.

The appellant may invoke grounds not stated in the notice of appeal by filing with the clerk of the Court a notice stating such grounds precisely and concisely, together with proof of service upon the respondent or the respondent’s lawyer, before the appeal is heard and not later than 15 days after the filing of the complete transcript of the proceedings.

**5. Representation statement:** A lawyer representing a party before the Court must file a representation statement at the court office within 10 days of the filing of the notice of appeal.



## 6. Preparation of record:

1. Upon receipt of the notice of appeal, unless the Court orders otherwise upon application by the appellant, the clerk of the Court of Québec takes all necessary steps to obtain as soon as possible a complete transcript of the proceedings, the evidence adduced and the decisions rendered both in the course of proceedings and at the time of the final decision and, where applicable, the order.

2. As soon as the transcript is completed, the clerk of the Court of Québec sends the original to the court office with copies to the parties or their lawyers. Where it appears impossible to obtain a complete transcript, the clerk of the Court of Québec advises the clerk of the Court and the parties, giving reasons.

**7. Setting down on the roll:** Upon the expiry of the time allotted for the answer, the clerk of the Court sets the appeal down on the roll of the Family Chamber, 15 days thereafter or on the first day of the next session, and gives notice to the parties or their lawyers.

On the day fixed, the parties or their lawyers must be present to inform the Court of the nature of the case and the duration of the hearing. The judge then sets a definitive date for the hearing of the appeal, which proceeds on that date without further notice.

If a party is absent or is not represented on the day fixed, the Court may apply the powers provided for in section 11 of this Regulation.

**8. Argument in writing.** Any party who wishes to submit an argument in writing must have it served and file it within 15 days of the deposit of the complete transcript of the proceedings; the written argument must, where applicable, state the relevant facts with appropriate references to the transcript and set out the arguments with reference to the authorities relied upon.

**9. Depositions:** When the Court hears additional evidence, it must be recorded in a way that allows testimony to be stored and reproduced, or recorded by an appropriate independent system that, although not connected to a master system, ensures the integrity of the deposition.

**10. Powers of the Court:** The Court may

(a) dismiss the appeal, where the appellant is not ready to proceed when the case is called;

(b) allow the appellant to proceed outside the presence of a respondent who is not ready to proceed when the case is called;

(c) upon application or on its own initiative, dismiss an appeal initiated in contravention of the formalities prescribed by law or by the rules of the Court.

**11. Applications:** All applications must be served on the adverse party or that party's lawyer with a notice of presentation of at least three days. The judge may, however, change the time limit if the judge considers it necessary.

**12. Copies of judgments:** The clerk of the Court notifies a copy of the judgment to the judge who rendered the decision appealed from and to the clerk of the Court of Québec, as well as to the persons listed in section 94 of the Youth Protection Act (chapter P-34.1). A copy of the judgment may be notified using technological means to parties and lawyers that have provided the required contact information.

**13. Record:** Upon the expiry of the time limit for appeal to the Court of Appeal, the clerk of the Court returns the original record to the clerk of the Court of Québec.

**14. General provision:** The Court may make any decision or order having regard to the best interests of justice.

## DIVISION II YOUTH CRIMINAL JUSTICE

**15. Interim release in the field of youth criminal justice:** The Court may, after the filing of the notice of appeal or an application for review of the sentencing decision, upon a written application presented with at least three days' written notice served on the prosecutor and filed at the court office, order the interim release of the appellant and set conditions.

## CHAPTER III DIVORCE, SEPARATION, ANNULMENT OF MARRIAGE AND FILIATION

### DIVISION I PLEADINGS

#### §1. General

**16. Child custody and tutorship:** A party that applies for custody of a child or tutorship to a child must attest that the child is not the object of a court decision or a pending case before a court or of an agreement with the Director of Youth Protection, or, if such is the case, must give the particulars of such decision or pending case or agreement.

**17. Birth certificates:** Providing children's birth certificates as evidence is not required unless their filiation is in dispute. Photocopies of the parties' birth certificates are sufficient.

*§2. Application for divorce*

**18. Content:** An application for divorce, supported by an affidavit and, where applicable, a notice as to contestation, must be drawn up in accordance with Form I and signed by the applicant.

**19. Attestation of birth:** In every application for divorce, an attestation by each spouse, drawn up in accordance with Form II, must be enclosed with the request for setting down for trial and judgement provided for in article 174 of the Code of Civil Procedure (chapter C-25.01) or, in the case of a joint application, with the application.

A request for setting down for trial and judgment or an application may not be made without such attestations.

The attestation must be attached to the copy of the judgment that is sent to the Registrar of Civil Status.

*§3. Other originating applications*

**20. Content:** To the extent possible, any application for annulment of marriage, separation as to property or separation as to bed and board, must include the information required under paragraphs 1 to 7, 10 and 11 of Form I.

**21. Joint application:** All exhibits must be filed with the court office at the same time as the joint application.

**DIVISION II**  
PERSONAL SUPPORT FOR APPLICANT

**22. Sworn statement by applicant:** In order to be put on the roll of the Practice Chamber, any application for the purpose of fixing or varying support for the applicant must be accompanied with a sworn statement that reflects the applicant's financial situation and that of the children in the applicant's care; the statement must be prepared in accordance with Form III and be served with the application.

**23. Sworn statement by other party:** At least 5 days before the presentation of the application, the other party must serve on the applicant and file in the record a sworn statement of the other party's financial situation in accordance with Form III, failing which the applicant may, at the Court's discretion, proceed outside the presence of the other party. The notice of presentation of the application must mention this requirement.

**24. Admission of ability to pay:** A party that acknowledges in Form III being able to pay the amounts claimed by the adverse party is not required to provide a detailed financial statement, unless the judge decides otherwise.

**25. Consent or draft agreement:** The consent or draft agreement of the parties or their affidavits for judgment must describe each party's financial resources and situation, unless they have completed and submitted a sworn financial statement in accordance with Form III or, as the case may be, with the child support determination form.

**26. Trial on the merits:** Both parties must serve on each other a statement of their financial situation drawn up in accordance with Form III at least 10 days before the date of the trial on the merits, or at the time fixed by the person who presides over the pre-trial conference.

**DIVISION III**  
FAMILY PATRIMONY

**27. Mandatory information:** In every application for separation as to bed and board, annulment of marriage, or divorce, the party making the request for setting down for trial and judgement in accordance with article 174 of the Code of Civil Procedure must include either a declaration by the parties that they are not subject to the rules governing family patrimony, a renunciation of partition, a declaration that partition is not contested, or a sworn statement of the family patrimony made in accordance with article 413 of the Code of Civil Procedure.

Where the other party contests the statement, that party must communicate and file with the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure a sworn statement of the family patrimony made in accordance with article 413 of the Code of Civil Procedure.

The statement of the family patrimony is prepared using the form established by order of the Chief Justice and published on the Superior Court website.

**28. Renunciation.** A party that renounces the partition of benefits accrued during the marriage or civil union under a retirement plan or the partition of earnings registered in the name of a spouse pursuant to the Act respecting the Québec Pension Plan (chapter R-9) or a similar plan must confirm that he or she knows the extent of the value which may be partitioned and the possibility of being informed of its exact amount.

## DIVISION IV PARTNERSHIP OF ACQUESTS

**29. Mandatory information:** In every application for separation as to bed and board, the annulment of marriage, or divorce, the party requesting the setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure must include a sworn statement of the partnership of acquests.

If the other party contests the statement, that party must file with the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure a sworn statement of the partnership of acquests.

The statement of partnership of acquests is prepared using the form established by order of the Chief Justice and published on the Superior Court website.

## DIVISION V PSYCHOSOCIAL EVALUATION

**30. Application:** Referrals to the Service d'expertise psychosociale attached to the Superior Court of Québec are made only in cases involving minor children.

**31. Order:** In any family case involving the interests of a minor child, the Court may, on initiative or on request, order the Service d'expertise psychosociale attached to the Superior Court to designate an expert to shed light on any question connected with child custody or concerning the child.

Where applicable, consent, drafted in accordance with Form IV and signed by the parties and their lawyers, is filed in the record.

**32. Forwarding of expert report:** In the order made, the judge indicates whether the report is to be forwarded to the Chief Justice or a judge designated by the Chief Justice, or returned to the judge if the judge remains seized of the matter.

**33. Order issued during hearing:** The order is issued from the bench, in the presence of the parties.

The clerk notifies the decision and all other relevant documents to the Service d'expertise psychosociale.

**34. Content of order:** The order, drawn up in accordance with Form V, indicates the specific object of the expert report. The name of the expert, the expert's profession, or the manner in which the evaluation should be carried out, if mentioned in the order, constitute recommendations to the Service. The Court may, if applicable,

issue an order in accordance with section 19 of the Act respecting health services and social services (chapter S-4.2) and article 429 of the Code of Civil Procedure, using Form VI.

**35. Submission of report:** The expert submits the report to the Service d'expertise psychosociale, which forwards it to the clerk of the Court. The clerk then forwards it to the judge who ordered the expert report or, if the judge is no longer seized of the matter, to the Chief Justice or the judge designated by the Chief Justice, and to the parties. The judge or the clerk places the report in the record in a sealed envelope.

**36. Expert report and testimony of the expert:** The report of an expert stands in lieu of the expert's testimony. However, the expert may be called to testify in accordance with article 294 of the Code of Civil Procedure.

## DIVISION VI SUPERVISED ACCESS BY A NATURAL PERSON OTHER THAN A SUPERVISION RESOURCE

**37. Supervised access rights:** Every request or offer to exercise supervised access rights with respect to a minor child, made by a natural person other than a supervision resource, must include a written commitment by that designated person.

Failing this, the order fixing supervised access rights must be served on the designated supervisor and include the notice set out in Schedule A of this Regulation.

## DIVISION VII APPLICATION FOR VARIATION

**38. Mandatory information:** Any application to vary, rescind or suspend corollary relief must be supported by an affidavit and contain the following information:

- (a) the current marital status of the parties;
- (b) the address of the residence of the parties and their dependent children's address, age and sex;
- (c) the current terms and conditions of any child custody and access arrangements;
- (d) the current amount of support and the amount requested;
- (e) the amount of arrears, if any;
- (f) the changes in circumstances that support the application.

**39. Previous order issued in another case:** In the case of an application for the variation of an order issued in another case, copies of prior judgments and of the pleadings on which judgment was rendered must be filed in the record unless they have already been included.

#### DIVISION VIII CLERK

**40. Judgment or Court order:** The clerk prepares and signs every judgment or order issued by the Court or by a judge, unless such judgment or order has been prepared and signed by the judge.

A divorce judgment must be prepared in accordance with Form VII and bear the date on which it was rendered.

**41. Extract of judgment.** Upon request, the clerk may issue an extract of a judgment that is limited to the conclusions.

The filing of the judgment at the office of the Court must be accompanied by a partial copy that includes the style of cause, the title “Extract of Judgment” and the disposition beginning with the words: “For these reasons...”.

#### DIVISION IX DIVORCE OFFICE

**42. Duties of the clerk.** In each of the judicial districts of Québec, the Divorce Office is administered by the clerk. The duties of the clerk are as follows:

(a) to file separately the divorce records and to keep registers, an index, a court ledger and a special register available to the public where every divorce judgment is entered without delay;

(b) to receive and register applications after ascertaining that they comply with the requirements of the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)) and of the Rules of Practice;

(c) to keep a register of pleadings containing;

i. with respect to each application, the names and addresses of the parties and the date of filing;

ii. with respect to each divorce judgment, the names and addresses of the parties and the date it was rendered;

(d) to fill out the forms required by the Rules of Practice or the regulations made pursuant to the Divorce Act;

(e) once the divorce has taken effect, to issue a certificate of divorce in accordance with Form VIII, upon request;

(f) in accordance with subsection 17(11) of the Divorce Act, to forward, when the Court has issued an order varying a support order or custody order of another court, a certified true copy of the variation order to the other court or to any other court which had varied the original order;

(g) to forward, in the case of a provisional order, the documents provided for in subsections 18(3) and 18(6) of the Divorce Act;

(h) to serve upon the applicant or the applicant’s lawyer the notice provided for in subsection 18(5) of the Divorce Act at least 10 days before the date fixed for submitting further evidence;

(i) to serve upon the parties the notice provided for in subsection 19(2) of the Divorce Act, prepared using Form IX, accompanied by a copy of the documents received from the court which issued the provisional order;

(j) as required by subsection 19(12) of the Divorce Act, to send a certified true copy of any order issued under subsection 19(7) of the Divorce Act;

(k) to forward to the competent court, following a transfer order issued under section 6 of the Divorce Act, a true copy of the record and the order;

(l) to hire the personnel necessary for the performance of the clerk’s duties, including deputy clerks, according to the number of cases filed in the Divorce Office for which the clerk has complete responsibility.

#### DIVISION X FINAL PROVISIONS

**43. Coming into force.** This Regulation replaces the Rules of practice of the Superior Court of Québec in family matters (chapter C-25.01, r. 6) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE A

### NOTICE TO THE SUPERVISOR OF ACCESS RIGHTS IN ACCORDANCE WITH SECTION 37 OF THIS REGULATION

You have agreed to act as a supervisor of access rights. An **access right** is an Order of the Superior Court permitting a parent to see his or her child(ren) under certain conditions. The “**exercise of access rights**” is the time during which a parent sees his or her child(ren).

The Court has ordered supervised access rights and you have been named to act as the supervisor.

As a result, you must

- be present for each and every exercise of access rights;
- be present for the entire duration of the exercise of access rights.

You cannot choose to stop acting as the supervisor of access rights or have yourself replaced at your own convenience or discretion.

If you are no longer willing or able to act as the supervisor of access rights, you must advise both parents within a reasonable time, in other words well in advance of the next scheduled exercise of access rights.

This notice must be accompanied by the order for supervised access rights.

**FORM I**

(A summons in conformity with the model established by the Minister of Justice must be attached to the application for divorce)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, if appropriate,

DEFENDANT

APPLICATION FOR DIVORCE

It is declared that:

**Matrimonial and family status**

1. The wife was born on (date) \_\_\_\_\_ at (place) \_\_\_\_\_ and is (age) \_\_\_\_\_ years old. She is the daughter of (father's name), \_\_\_\_\_ and (mother's name), \_\_\_\_\_ as appears from the copy of her birth certificate numbered Exhibit P-1;

2. The husband was born on (date) \_\_\_\_\_ at (place) \_\_\_\_\_ and is (age) \_\_\_\_\_ years old. He is the son of (father's name) \_\_\_\_\_ and (mother's name) \_\_\_\_\_ as appears from the copy of his birth certificate numbered Exhibit P-2;

3. The marriage of the parties was solemnized on \_\_\_\_\_ (date) at \_\_\_\_\_ (place) as appears from the copy of their marriage certificate numbered Exhibit P-3;

4. At the time of the marriage the wife was \_\_\_\_\_ the husband was \_\_\_\_\_; (Give the matrimonial status of each party);

5. The matrimonial regime they adopted was \_\_\_\_\_; (file as Exhibit P-4 an authentic copy of the relevant document).

There has been no change of this regime.

(If changes of the matrimonial regime have occurred, specify them and file an authentic copy of the pertinent documents).

6. The name, age, sex and date of birth of each child of the marriage is:

	<b>Family name</b>	<b>Given name</b>	<b>Age</b>	<b>Sex</b>	<b>Date of Birth</b>
1.					
2.					
3.					
4.					
5.					

The copies of the birth certificates of each child dealt with in the application are Exhibit P-5 (optional).

None of the children is the object of a decision of a court, nor a pending case before a court nor of any agreement with a director of youth protection. (If such a decision pending or an agreement exists, give particulars and file relevant supporting documents).

### **Residence**

7. The wife ordinarily resides at: \_\_\_\_\_ (no.) \_\_\_\_\_  
 \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_  
 \_\_\_\_\_ (province) \_\_\_\_\_ since \_\_\_\_\_ (day) \_\_\_\_\_  
 \_\_\_\_\_ (month) \_\_\_\_\_ (year) \_\_\_\_\_

The husband ordinarily resides at: \_\_\_\_\_ (no.) \_\_\_\_\_  
 \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_  
 \_\_\_\_\_ (province) \_\_\_\_\_ since \_\_\_\_\_ (day) \_\_\_\_\_  
 \_\_\_\_\_ (month) \_\_\_\_\_ (year) \_\_\_\_\_

### **Reasons**



8. There has been a breakdown of the marriage for the following reasons:

(Give here particulars of the grounds for divorce, as provided in Section 8(2) of the Divorce Act, 1985)

**Reconciliation and mediation**

9. Before the signature of the present application:

(A) The lawyer for the applicant has discussed the possibility of reconciliation and informed the applicant as to the existing counselling or guidance facilities. (if not, give reasons).

(B) The lawyer has informed the applicant as to existing mediation facilities which may assist in negotiating matters that may be the subject of a support or custody order and has discussed the advisability of negotiating same.

**Safeguard and provisional measures (if the application contains conclusions to that effect), corollary measures and other claims**

10 A) There is an agreement between the parties as to corollary relief, a copy of which is numbered Exhibit P-6;

or

(B) There is no agreement between the parties as to all safeguard and provisional measures and corollary relief, and

(i) The grounds in support of the conclusions for provisional relief are (enumerate the facts):

---

---

---

(ii) The grounds in support of corollary relief are (enumerate the facts):

---

---

---

### **Other proceedings**

11. There have been no other proceedings with respect to the marriage; (otherwise, give all details and file a certified copy of all previous judgments).

12. There has been no collusion between the parties.

13. (Where the application is based on Section 8(2) b). There has been no condonation or connivance at the act or conduct complained of.

WHEREFORE, may it please this Court to:

ISSUE the following safeguard orders, if applicable:

---

---

ISSUE the following provisional orders, if applicable:

---

---

PRONOUNCE the divorce of the parties;

ISSUE the following orders of corollary relief (if applicable):

---

---

and GRANT the following additional conclusions (if applicable):

---

---

(or)

RATIFY the agreement between the parties and ORDER the parties to conform therewith, \_\_\_\_\_ costs.

Signed at \_\_\_\_\_, on  
\_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

APPLICANT(S)

LAWYER'S DECLARATION

I, the undersigned lawyer for the applicant(s), hereby certify that I have complied with the requirements of section 9 of the Divorce Act, 1985.

Signed at \_\_\_\_\_, on  
\_\_\_\_\_ 20\_\_\_\_\_

Lawyer(s) for the APPLICANT(S)

\_\_\_\_\_

(where appropriate)

### CERTIFICATE OF CLERK

I, the undersigned, clerk for the District of \_\_\_\_\_,  
certify that there has been received and filed in court office a divorce application,  
a certificate of the lawyer and (if appropriate) a notice to the defendant as to  
contestation.

(place and date)

---

CLERK

**FORM II**

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

FAMILY CHAMBER

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, where applicable,

DEFENDANT

## ATTESTATION IN RESPECT OF THE REGISTRATION OF BIRTHS

- No party's** birth was registered in Québec. (Do not fill out paragraphs 1 and 2. Enter the date and sign on page 2)
  
- The **wife's** birth was not registered in Québec. (Fill out paragraph 2 only. Enter the date and sign on page 2)
  
- The **husband's** birth was not registered in Québec. (Fill out paragraph 1 only. Enter the date and sign on page 2)

**I hereby declare that:**

(1) The wife was born on \_\_\_\_\_ (date of birth) \_\_\_\_\_ at \_\_\_\_\_ (place of birth) \_\_\_\_\_ and was baptized or her birth was registered on \_\_\_\_\_ (date of baptism or civil registration) \_\_\_\_\_ at \_\_\_\_\_ (parish and municipality, in case of baptism, or municipality, in case of civil registration) \_\_\_\_\_.

She is the daughter of \_\_\_\_\_ and \_\_\_\_\_.

OR (Form to be used where the act of birth was issued by the registrar of civil status.)

The wife is \_\_\_\_\_ years of age and the registration number of her act of birth in the register of civil status is \_\_\_\_\_.

(2) The husband was born on \_\_\_\_\_ (date of birth) \_\_\_\_\_ at \_\_\_\_\_ (place of birth) \_\_\_\_\_ and was baptized or his birth was registered on \_\_\_\_\_ (date of baptism or civil registration) \_\_\_\_\_ at \_\_\_\_\_ (parish and municipality, in case of baptism, or municipality, in case of civil registration) \_\_\_\_\_.

He is the son of \_\_\_\_\_ and \_\_\_\_\_.

OR (Form to be used where the act of birth was issued by the registrar of civil status.)

The husband is \_\_\_\_\_ years of age and the registration number of his act of birth in the register of civil status is \_\_\_\_\_ (place and date)\_\_\_\_\_.

---

Party or parties

OR

Lawyer for



**FORM III**

CANADA

PROVINCE OF QUÉBEC

SUPERIOR COURT

DISTRICT OF

Family Chamber

NO \_\_\_\_-\_\_\_\_-\_\_\_\_

\_\_\_\_\_  
Party\_\_\_\_\_

v.

\_\_\_\_\_  
Party:\_\_\_\_\_

**STATEMENT OF INCOME AND EXPENDITURES AND BALANCE SHEET**

I, the undersigned, \_\_\_\_\_, domiciled at  
\_\_\_\_\_ in the district of  
\_\_\_\_\_, do hereby declare under oath that:

I acknowledge my ability to pay the amounts claimed but deny that the other party is entitled to receive them.

I receive only income security benefits in the amount of \$\_\_\_\_\_ per month.

(1) I am the \_\_\_\_\_ (applicant or defendant) in this case.

(2) I have enclosed with this sworn declaration a copy of my federal and provincial income tax returns, along with notices of assessment for the years \_\_\_\_\_.

(3) All the details pertaining to my financial situation are accurately disclosed hereunder and are true to my personal knowledge.

#### INCOME FOR THE CURRENT YEAR

---

Category	Per week	Par month	Par year
Gross salary			
Commissions/tips			
Net income from business or self-employment (attach financial statement)			

---

Employment insurance

---

Support paid by a third party

---

---

Retirement or disability pension, or other pension

---

Interest and dividends

---

Net rentals (attach a statement of income and expenses for each property)

---

Other (Please specify)

---

TOTAL

a)

---

Total per week \$ \_\_\_\_\_ x 4.33 = b) \$ \_\_\_\_\_ per month Total per  
year \$ \_\_\_\_\_ ÷ 12 = c) \$ \_\_\_\_\_ per month TOTAL MONTHLY  
INCOME: (a + b + c) = \$ \_\_\_\_\_

EXPENSES ON A MONTHLY BASIS

(To calculate the exact monthly amount, multiply a weekly expenses by 4.33 and divide an annual expense by 12)

---

**Category**

**Per month**

---

1 Contributions to the Québec Pension Plan and the Canada Pension Plan

---

2 Employment insurance premiums

---

3 Contributions to a retirement plan

---

4 Group insurance premiums

---

5 Union dues and professional association fees

---

6 Rent/mortgage

---

7 Common expenses (co-ownership)

---

8 Municipal, school and water taxes

---

9 Home insurance premiums

---

10 Insurance: life, accident, invalidity

---

11 Electricity

---

12 Heating

---

13 Telephone

---

14 Cable T.V.

---

15 Repairs to and upkeep of main residence

---

16 Housekeeping

---

17 Purchase of furniture, appliances and bedding

---

18 Repairs to furniture and appliances

---

19 Food

---



---

31 Registered education savings plan

---

---

32 Child day care costs (day care, babysitter, day camp) – For work – For leisure

---

33 Outings and entertainment

---

34 Sports activities

---

35 Equipment: sports, leisure activities, etc.

---

36 Courses/lessons

---

37 Toys, gifts

---

38 Books, magazines, newspapers, records and cassettes

---

39 Pets

---

40 Tobacco and alcohol

---

41 Vacations

---

42 Camp

---

43 Children's allowance

---

44 Savings – retirement savings

---

45 Payment of debts      1)                              2)                              3)

---

46 Lawyer's fees

---

47 Secondary residence (enclose details on separate sheet)

---

48 Other:                              Anticipated expenditures:

---

TOTAL MONTHLY EXPENDITURES

---

#### SUMMARY

Total monthly income (see page 1)                              \$ \_\_\_\_\_

(less)    -

Income tax (before support)\*    \$ \_\_\_\_\_



NET INCOME	\$ _____
(less)	-
Total monthly expenditures	\$ _____
SURPLUS/(DEFICIT)	\$ _____

## SUPPORT AND FINANCIAL IMPACT

## INFORMATION TO BE SUPPLIED BY THE PARTY CLAIMING SUPPORT

Net contribution required of Alimentary debtor	\$ _____
plus	+
Income tax on the support claimed and tax credits lost*	\$ _____
GROSS SUPPORT CLAIMED	\$ _____
	_____

## INFORMATION TO BE SUPPLIED BY THE PARTY FROM WHOM SUPPORT IS CLAIMED

GROSS SUPPORT OFFERED	\$ _____
(less)	-
Income tax savings and tax credits recovered as result of support offered*	\$ _____
Net cost of support offered	\$ _____

\* Indicate source of calculation \_\_\_\_\_

## NAME AND ADDRESS OF EMPLOYER

\_\_\_\_\_

\_\_\_\_\_

---

---

ASSETS

---

Indicate cash, accounts in banks or other financial institutions and the market value of assets by category (disregarding any related debts): real estate, furniture, automobiles, works of art, jewellery, shares, bonds, interests in a business, other investments, pension funds, RRSPs, sums owing to you, etc.

---

---

**Category**

**Details**

**Value**

---

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---

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---

---

Total assets \$ \_\_\_\_\_

---

LIABILITIES

---

In the following table indicate all debts or financial commitments of any kind as loans or granted as credit (hypothecary loans, personal loans, lines of credit, credit cards, instalment sales, surety bonds, etc.) or that you must pay under a statute (tax debts, contributions, dues or other unpaid duties, etc.) or under a court decision (damages, support, overpayment of unemployment insurance or welfare benefits, fines, etc.). Indicate the amount of each debt, the balance of the principal and the name of the creditor.

---

<b>Debt</b>	<b>Balance</b>	<b>Name of creditor</b>
<b>(Specify hypothec, personal loan, credit card, etc.)</b>		

---

1.

---

2.

---

3.

---

4.

---

Total liabilities \$ \_\_\_\_\_

---

**Summary of assets and liabilities**

Total assets:	\$ _____
(less)	-
Total liabilities:	\$ _____
NET WORTH	\$ _____

---

Signature

Oath taken before \_\_\_\_\_ (name and position, profession or quality) \_\_\_\_\_ at \_\_\_\_\_ (municipality and province) \_\_\_\_\_, on \_\_\_\_\_ (date) \_\_\_\_\_

---

(signature of person administering the oath)

**FORM IV**

CONSENT TO PSYCHOSOCIAL EVALUATION

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

NO

PLAINTIFF(S)

v.

DEFENDANT

CONSENT TO PSYCHOSOCIAL EVALUATION

We the undersigned hereby consent, subject to the court's Order, that an evaluation be made by an expert designated by the "Service d'expertise psychosociale" attached to the Family Chamber of the Superior Court, with respect to our minor child(ren):

\_\_\_\_\_  
(name of child) (name of child) (name of child) (name of child)

---

We consent that the evaluation begin after the attestation of the mediation service is filed in accordance with articles 417 and following of the Code of Civil Procedure (chapter C-25.01).

We consent to cooperate on the conduct of interviews with each one of us and our child or children if the expert deems it expedient.

We also consent that the expert may communicate with the persons and establishments hereinafter named, and obtain relevant information from their records, namely:

---

---

We consent that the designated expert be authorized by the Court to take cognizance of the court record, including records and medical reports kept under seal in accordance with section 16 of the Regulation of the Superior Court in civil matters (chapter C-25.01 (*insert the number of the Regulation*)) and authorize the clerk to give the expert access to the record.

We further consent that the expert's report be filed as evidence in the court record, subject to the right of the parties to cross-examine the expert and introduce additional evidence.

AND WE HAVE SIGNED AT

---

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
LAWYER FOR PLAINTIFF

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
LAWYER FOR DEFENDANT

\_\_\_\_\_  
DEFENDANT

INTERVENTION

I consent to the granting of access to and the communication of information from the records covered by my parent's consent, and to the filing of the expert's report as evidence.

\_\_\_\_\_  
MINOR CHILD IF 14 YEARS OF AGE OR OLDER

**FORM V**

## ORDER FOR PSYCHOSOCIAL EVALUATION

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

NO

PLAINTIFF(S)

v.

DEFENDANT

## ORDER

The Court is seized of an application for

- custody of or access to a minor child or children; or
- other aspects concerning the child or children (specify):

In light of the evidence and the submissions relating to



---

---

(name(s) of child(ren))

CONSIDERING that in order to make an enlightened decision, it appears appropriate that the Court obtain an expert report from the Service d'expertise psycho-sociale attached to the Superior Court;

CONSIDERING

the  written  oral consent given by the parties to a psychosocial evaluation by an expert of the Service d'expertise psychosociale;

the decision made on the Court's initiative to have a psychosocial evaluation conducted by an expert of the Service d'expertise psychosociale;

FOR THESE REASONS;

ORDERS the Service d'expertise psycho-sociale to designate an expert to conduct a psychosocial evaluation with respect to:

(name of child) (name of child) (name of child) (name of child)

---

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the evaluation to focus on (specify the focus of the evaluation)

and the written report to be filed on or before  
\_\_\_\_\_ and forwarded to

- the Chief Justice, or
  
- the judge designated by the Chief Justice; or
  
- the undersigned judge.

AUTHORIZES the designated expert to take cognizance of the court record, including any document kept under seal such as medical reports and physical, mental or psychosocial evaluation reports in accordance with section 16 of the Code of Civil Procedure (chapter C-25.01) and section 16 of the Regulation of the Superior Court in civil matters (chapter C-25.01, (*insert the number of the Regulation*)).

Costs to follow suit.

\_\_\_\_\_  
J.S.C.

**FORM VI**

COMMUNICATION OF RECORDS ORDER (s. 19 of the Act respecting health services and social services (chapter S-4.2) and a. 429 of the Code of Civil Procedure (chapter C-25.01))

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF  
\_\_\_\_\_, 20 \_\_\_\_

The \_\_\_\_\_ day of

NO

PLAINTIFF(S)

v.

DEFENDANT

ORDER

IN LIGHT OF the judgment of the Court ordering a psychosocial evaluation, and considering that the court finds it necessary that the expert obtain the records relevant to the evaluation to be made, and given the consent of the parties to the communication of such records to the expert;

FOR THESE REASONS:

The Court orders, in accordance with section 19 of the Act respecting health services and social services (chapter S-4.2) and article 429 of the Code of Civil Procedure (chapter C-25.01))

that

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communicate all relevant records to the expert designated by the Director of the Service d'expertise psychosociale, in order that the said expert's report may be prepared.

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J.S.C.

**FORM VII**

DIVORCE JUDGMENT (s. 8, Divorce Act, 1985)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO.  
\_\_\_\_\_, 20 \_\_\_\_

The \_\_\_\_\_ day of

HONOURABLE

PRESENT: THE

APPLICANT(S)

and, if applicable,

DEFENDANT

JUDGMENT OF DIVORCE

GIVEN the divorce application;

GIVEN the evidence made and the documents filed in the record;

CONSIDERING that the application is well founded;

WHEREFORE THE COURT:

Orders the divorce of the parties whose marriage was solemnized on \_\_\_\_\_, to take effect on the thirty-first day after the date of the present judgment.

ORDERS

\_\_\_\_\_  
(corollary relief)

\_\_\_\_\_ costs.

\_\_\_\_\_  
JUDGE OR CLERK

**FORM VIII**

CERTIFICATE OF DIVORCE (s. 12(7), Divorce Act, 1985)

Canada	SUPERIOR COURT
Province of Québec	
District of	
No	
<p><b>CERTIFICATE OF DIVORCE</b>          (Subsection 12(7), Divorce Act)</p>	
<p>I hereby certify that the marriage of  </p> <p style="text-align: center;">and</p> <p>solemnized at ,                      on the</p> <p>has been dissolved by a judgment which took effect on the</p> <p style="text-align: center;">Seal*                      Issued at</p> <p style="text-align: center;">on the</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Clerk</p>	

\* On request

**FORM IX**

NOTICE OF HEARING RESPECTING CONFIRMATION OF A PROVISIONAL  
ORDER (s. 19(2) of the Divorce Act, 1985)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, where applicable,

DEFENDANT

NOTICE OF HEARING RESPECTING CONFIRMATION OF A  
PROVISIONAL ORDER

(Subsection 19(2) of the Divorce Act, 1985)

You are hereby notified that an application to confirm the attached provisional  
order of



\_\_\_\_\_ (judge) \_\_\_\_\_ of \_\_\_\_\_ (court) \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ will be heard in Room \_\_\_\_\_ of the Court House at \_\_\_\_\_ (address) \_\_\_\_\_, at 9:30 a.m. or so soon thereafter as the parties can be heard.

And you are further notified that the Court will take into consideration all documents in support of the application forwarded by the Court which made the provisional order as well as any evidence given to the Court by either party.

And you are further notified that the Court may then make an order to confirm or not the provisional order, or to vary such order.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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CLERK



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

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