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DU Québec

Part

2

No. 13

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Laws and Regulations

Volume 149

Summary

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Contents

Part 2 contains:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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- (6) drafts of the texts referred to in paragraphs 3 and 5 whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (7) any other document whose publication is required by the Government.

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

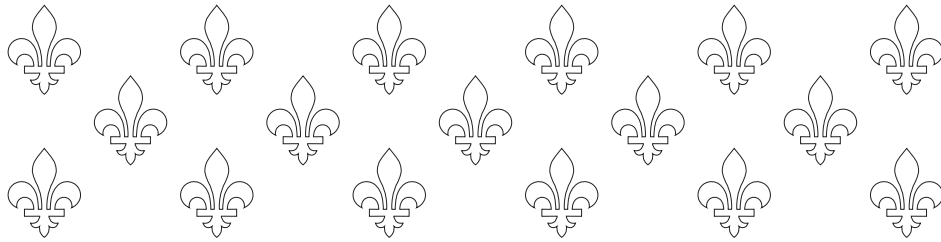
QUÉBEC, 26 OCTOBER 2016

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 26 October 2016*

This day, at twenty minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 104 An Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions

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



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 104
(2016, chapter 23)

**An Act to increase the number of
zero-emission motor vehicles in Québec
in order to reduce greenhouse gas and
other pollutant emissions**

**Introduced 2 June 2016
Passed in principle 22 September 2016
Passed 26 October 2016
Assented to 26 October 2016**

**Québec Official Publisher
2016**

EXPLANATORY NOTES

This Act establishes a system of credits and charges applicable to the sale or lease in Québec, by motor vehicle manufacturers, of new or reconditioned motor vehicles as defined. The motor vehicle manufacturers concerned must accumulate a number of credits determined by regulation. Credits may be accumulated by selling or leasing new or reconditioned motor vehicles that are propelled, either solely or in conjunction with another means of propulsion, by an electric motor, a hydrogen internal combustion engine or another means of propulsion that emits no pollutants. They may also be accumulated by acquiring credits from another motor vehicle manufacturer. Under the Act, motor vehicle manufacturers that have not accumulated the required number of credits must pay a charge to the Minister of Sustainable Development, the Environment and the Fight Against Climate Change.

The Act also provides that the Minister is to keep a register in which the information that motor vehicle manufacturers must report annually and the credits they accumulate are entered.

The Minister is granted the necessary powers to administer the Act, in addition to powers of investigation. Monetary administrative penalties are set and penal provisions are introduced.

Furthermore, under the Act, a motor vehicle manufacturer may contest before the Administrative Tribunal of Québec the number of credits entered for it in the register by the Minister or the Minister's refusal to register information it has reported.

Lastly, the Act contains transitional and final provisions necessary for its application.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting administrative justice (chapter J-3).

Bill 104

AN ACT TO INCREASE THE NUMBER OF ZERO-EMISSION MOTOR VEHICLES IN QUÉBEC IN ORDER TO REDUCE GREENHOUSE GAS AND OTHER POLLUTANT EMISSIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

1. The purpose of this Act is to reduce the quantity of greenhouse gases and other pollutants emitted into the atmosphere by motor vehicles travelling on Québec roads and so reduce their adverse environmental effects.

2. In this Act,

“gross vehicle weight rating” means the value specified by the motor vehicle manufacturer as the weight of a single loaded vehicle;

“model year” means the year used by a motor vehicle manufacturer to designate a particular vehicle model irrespective of the year in which the vehicle was produced; and

“motor vehicle” means a motor vehicle that is used to carry up to nine persons at a time or property on a public highway and whose gross vehicle weight rating is less than 4,500 kg.

Mopeds and motorcycles as defined in section 4 of the Highway Safety Code (chapter C-24.2) are not motor vehicles within the meaning of the first paragraph.

CHAPTER II

CREDITS AND CHARGES

3. When, on average, for three consecutive model years, more than 4,500 new motor vehicles are sold or leased in Québec by a motor vehicle manufacturer, that manufacturer must, for the model year that immediately follows the last of those three consecutive model years, accumulate credits whose number is determined according to the parameters, calculation method and conditions determined by government regulation.

If the average number of new motor vehicles referred to in the first paragraph is equal to or less than 4,500, a motor vehicle manufacturer may, even if not required to do so, accumulate credits according to the same parameters, calculation method and conditions as those provided for in this chapter.

4. The Government may, by regulation, classify motor vehicle manufacturers by category. The parameters, calculation method and conditions referred to in section 3 may then vary according to the category of manufacturer to which they apply.

5. Each year, the Minister must draw up a list, by model year, of the new or reconditioned motor vehicles whose sale or lease enables a motor vehicle manufacturer to accumulate credits. The Minister must publish the list in the *Gazette officielle du Québec* and post it on the website of the Minister's department not later than 1 May of each year. The Minister may, in the list, include specifications for each of those vehicles.

The Minister may update the list at any time, and must publish and post the amended list as set out in the first paragraph.

6. A motor vehicle manufacturer may accumulate credits under section 3

(1) by selling or leasing, in Québec, new motor vehicles whose number, for each model year, is established according to the calculation method determined by government regulation and which meet the following conditions and any conditions the Government may determine in the regulations:

(a) they must be propelled, either solely or in conjunction with another means of propulsion, by an electric motor, a hydrogen internal combustion engine or another means of propulsion that emits no pollutants;

(b) if the electric motor referred to in subparagraph *a* draws current from a battery, the battery must be rechargeable from a source that is not on board the vehicle; and

(c) they must appear in the list drawn up under section 5;

(2) by selling or leasing, in Québec, reconditioned motor vehicles whose number, for each model year, is established according to the calculation method determined by government regulation and which meet the same conditions as those which must be met by new motor vehicles under paragraph 1 and the following conditions:

(a) they are sold or leased for the first time in Québec; and

(b) any other condition prescribed by regulation; or

(3) by acquiring them from another motor vehicle manufacturer that has accumulated them under this Act.

7. A motor vehicle manufacturer may alienate its credits by onerous title or by gratuitous title to another motor vehicle manufacturer to which this Act applies. The contract between the parties must be evidenced in writing.

The alienation of a credit under the first paragraph must be reported to the Minister by each party to the contract in the manner prescribed by government regulation.

For the purposes of section 8, the Minister does not consider an alienation of credits and does not enter it in the register kept under section 11 unless both parties to the contract have reported the alienation.

8. At the end of each period of three consecutive calendar years, the Minister establishes, not later than 1 September following that period, the number of credits accumulated by a motor vehicle manufacturer for each of the three model years that corresponds to one of the three calendar years concerned.

A motor vehicle manufacturer that has not accumulated the number of credits required to fulfill its obligations under this Act or the regulations must, within three months after the Minister sends a notice of claim, pay to the Minister a charge whose parameters, calculation method, conditions and terms of payment are determined by government regulation.

The Government determines, by regulation, the value of a credit for the purpose of calculating the charge.

9. A motor vehicle manufacturer that, at the end of a period referred to in section 8, has accumulated a number of credits greater than that required to fulfill its obligations under this Act or the regulations may use or alienate the excess credits later.

The Minister may, by regulation, limit the number of credits referred to in the first paragraph that may be used by a motor vehicle manufacturer during a later period for the purpose of establishing the number of credits it has accumulated.

CHAPTER III

REGISTER

10. A motor vehicle manufacturer referred to in the first paragraph of section 3 must, not later than 1 September of each year, report to the Minister, under oath, the information determined by government regulation; the regulation must also prescribe the manner in which the report is to be made. Motor vehicle manufacturers referred to in the second paragraph of section 3 may report this information at any time.

11. The Minister keeps a register in which the Minister enters the information reported by motor vehicle manufacturers under section 10.

12. On the basis of the information reported by the motor vehicle manufacturers, the Minister establishes for each of them, within three months after the date of their report, the number of credits accumulated for the model years covered by the report, and enters them in the register. The Minister also enters in the register the credits established under the first paragraph of section 8.

Before entering the credits in the register, the Minister must give the motor vehicle manufacturer concerned written notice of the number of credits the Minister intends to enter, and grant it at least 15 days to submit observations. At the end of that time, the Minister notifies the Minister's decision to the motor vehicle manufacturer.

13. In addition to the other conditions set out in Chapter II that must be met in order for a credit to be entered in the register, any new or reconditioned motor vehicle that is considered in calculating the credit must be registered in Québec when the report required under section 10 is made.

14. The Minister may refuse to enter in the register any information reported by a motor vehicle manufacturer that is false or inaccurate.

The Minister must give the motor vehicle manufacturer prior notice of the Minister's intention and grant it at least 15 days to submit observations. The notice must include the reasons on which the refusal is based. At the end of that time, the Minister notifies the Minister's decision to the motor vehicle manufacturer.

15. The information in the register referred to in section 11 is public.

The Minister may, however, prescribe by regulation that some of that information that the Minister determines is not public.

CHAPTER IV

INVESTIGATION

16. The Minister may designate a person to investigate any matter relating to the administration of this Act and the regulations.

The investigator may be accompanied by a person with special expertise.

17. An investigator must, on request, identify himself or herself and produce a certificate of authority signed by the Minister.

18. An investigator may not be sued for any act performed in good faith in the performance of the functions of office.

CHAPTER V

MONETARY ADMINISTRATIVE PENALTIES

19. A monetary administrative penalty of \$1,000 may be imposed on a motor vehicle manufacturer that, in contravention of this Act, fails to provide information or documents required under this Act or necessary for its application, or fails to file them in the prescribed time.

20. The Government or the Minister may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty. The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may, in particular, vary according to the degree to which the standards have been infringed, without exceeding \$2,000 in the case of a natural person and \$10,000 in any other case.

21. Persons designated by the Minister may impose the monetary administrative penalties provided for in sections 19 and 20.

For the purposes of the first paragraph, the Minister develops and makes public a general framework for applying such administrative penalties in connection with penal proceedings, specifying, in particular, the following elements:

(1) the purpose of the penalties, such as urging the motor vehicle manufacturer to take rapid measures to remedy the failure and deter its repetition;

(2) the categories of functions held by the persons designated to impose penalties;

(3) the criteria that must guide designated persons when a failure to comply has occurred, such as the type of failure, its repetitive nature and the measures taken by the motor vehicle manufacturer to remedy the failure;

(4) the circumstances in which a penal proceeding is deemed to have priority; and

(5) the other procedures connected with such a penalty, such as the fact that it must be preceded by notification of a notice of non-compliance.

The general framework must give the categories of administrative or penal sanctions as defined by the Act or the regulations.

22. No decision to impose a monetary administrative penalty may be notified to a motor vehicle manufacturer for a failure to comply with this Act or the regulations if a statement of offence has already been served for a failure to comply with the same provision on the same day, based on the same facts.

23. In the event of a failure to comply with this Act or the regulations, a notice of non-compliance may be notified to the motor vehicle manufacturer concerned urging that the necessary measures be taken immediately to remedy the failure. Such a notice must mention that the failure may give rise to a monetary administrative penalty and penal proceedings.

24. When a person designated by the Minister imposes a monetary administrative penalty on a motor vehicle manufacturer, the designated person must notify the decision by a notice of claim compliant with that described in section 47.

No accumulation of monetary administrative penalties may be imposed on the same motor vehicle manufacturer for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the person imposing the penalty decides which one is most appropriate in light of the circumstances and the purpose of the penalties.

25. The motor vehicle manufacturer may apply in writing for a review of the decision within 30 days after notification of the notice of claim.

The Minister designates the persons responsible for reviewing decisions on monetary administrative penalties. They must not come under the same administrative authority as the persons who impose the penalties.

26. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for reviewing the decision renders a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner. That person may confirm, quash or vary the decision under review.

27. The application for review must be dealt with promptly. The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state that the applicant has the right to contest the decision before the Administrative Tribunal of Québec within the time prescribed for that purpose.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to submit observations or produce documents, the interest provided for in the third paragraph of section 47 on the amount owing ceases to accrue until the decision is rendered.

28. The imposition of a monetary administrative penalty for failure to comply with the Act or the regulations is prescribed two years after the date of the failure to comply.

However, if false representations have been made to the Minister or to a functionary or investigator, the monetary administrative penalty may be imposed

within two years after the date on which the investigation that led to the discovery of the failure to comply was begun.

In the absence of evidence to the contrary, the Minister's or investigator's certificate constitutes conclusive proof of the date on which the investigation was begun.

29. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

CHAPTER VI

PROCEEDINGS BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

30. A motor vehicle manufacturer may contest, before the Administrative Tribunal of Québec,

(1) the number of credits entered in the register for the motor vehicle manufacturer by the Minister under section 12; or

(2) a refusal by the Minister, under section 14, to register any information reported by the motor vehicle manufacturer.

31. A motor vehicle manufacturer may contest, before the Administrative Tribunal of Québec, a notice of claim notified to it, other than a notice of claim notified to it in accordance with section 24, or a review decision confirming the imposition of a monetary administrative penalty.

When rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to interest accrued on the penalty while the matter was pending before the Tribunal.

32. A proceeding must be brought within 60 days of notification of the contested decision.

CHAPTER VII

PENAL PROVISIONS

33. Anyone who fails to provide information or documents required under this Act or necessary for its application, or fails to file them in the prescribed time, is liable to a fine of not less than \$1,000 nor more than \$100,000 in the case of a natural person and to a fine of not less than \$3,000 nor more than \$600,000 in any other case.

34. Anyone who hinders a functionary or investigator in the performance of the functions of office or misleads them by concealment or false declarations

is liable to a fine of not less than \$2,500 nor more than \$250,000 in the case of a natural person and to a fine of not less than \$7,500 nor more than \$1,500,000 in any other case.

35. Despite sections 33 and 34, the Government or, as applicable, the Minister may determine the regulatory provisions made under this Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government or the Minister. The Government may provide that, despite article 231 of the Code of Penal Procedure (chapter C-25.1), a contravention renders the offender liable to the fine, a term of imprisonment, or both the fine and imprisonment.

The maximum penalties under the first paragraph may not exceed those prescribed in section 34.

36. The fines prescribed in sections 33 and 34 or the regulations are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

If an offender commits an offence under this Act or the regulations after having been previously found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the minimum and maximum terms of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilty pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 34, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

37. If an offence under this Act or the regulations is committed by a director or officer of a motor vehicle manufacturer, the minimum and maximum fines that would apply in the case of a natural person are doubled.

38. If an offence under this Act or the regulations continues for more than one day, it constitutes a separate offence for each day it continues.

39. Whoever does or omits to do something in order to assist a person to commit an offence under this Act or the regulations, or advises or encourages or incites a person to commit such an offence, is considered to have committed the same offence.

40. 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 and took all necessary precautions to prevent the offence.

41. If a motor vehicle manufacturer or an agent, mandatary or employee of a motor vehicle manufacturer commits an offence under this Act or the regulations, its director or officer is also presumed to have committed the offence unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, 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 partnership's affairs.

42. In determining the penalty, the judge may take into account aggravating factors such as

- (1) the intentional, negligent or reckless nature of the offence;
- (2) the behaviour of the offender after committing the offence, as, for example, whether the offender attempted to cover it up;
- (3) the increase in revenues or decrease in expenses that the offender obtained, or intended to obtain, by committing the offence or by omitting to take measures to prevent it; and
- (4) the failure to take reasonable measures to prevent the commission of the offence despite the offender's financial ability to do so, given such considerations as the size of the offender's undertaking and the offender's assets, turnover and revenues.

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

43. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has also been imposed.

44. In the judgment, the judge may order an offender found guilty of an offence under this Act or the regulations

- (1) to refrain from any action or activity that may lead to the continuation or repetition of the offence;
- (2) to carry out any action or carry on any activity to prevent the offence from being continued or repeated;

(3) to provide security or consign a sum of money to guarantee performance of those obligations; or

(4) to make the finding of guilty public, under the conditions determined by the judge.

45. When determining a fine higher than the minimum fine prescribed in this Act or the regulations, or when determining the time within which an amount must be paid, the judge may take into account the offender's ability to pay, provided the offender furnishes proof of assets and liabilities.

46. Penal proceedings for offences under this Act or the regulations are prescribed after the longer of

(1) five years from the date the offence was committed;

(2) two years from the date on which the investigation that led to the discovery of the offence was begun if false representations were made to the Minister or to a functionary or investigator.

In the cases referred to in subparagraph 2 of the first paragraph, the Minister's or investigator's certificate constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the investigation was begun.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

47. The Minister may claim payment from a person of any amount owed to the Minister under this Act or the regulations by notification of a notice of claim. However, in the case of a monetary administrative penalty, the claim is made by the person designated by the Minister under section 21.

A notice of claim must state the amount of the claim, the reasons for it and the time from which it bears interest. In the case of a monetary administrative penalty, the notice of claim must mention the right to obtain a review of the decision and the time within which an application for review must be filed. In any other case, the notice of claim must mention the right to contest the claim before the Administrative Tribunal of Québec and the time within which such a proceeding must be brought.

The notice must also include information on the procedure for recovery of the amount owing, in particular with regard to the issue of a recovery certificate under section 51 and its effects.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code with regard to recovery of an amount owing.

48. The directors and officers of a motor vehicle manufacturer that has defaulted on payment of an amount owed to the Minister under this Act or the regulations are solidarily liable, with the motor vehicle manufacturer, for the payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

49. The reimbursement of an amount owed to the Minister under this Act or the regulations is secured by a legal hypothec on the debtor's movable and immovable property.

50. The debtor and the Minister may enter into a payment agreement with regard to the amount owing. Such an agreement, or payment of the amount owing, does not constitute, for the purposes of penal proceedings or any other administrative penalty under this Act or the regulations, an acknowledgement of the facts giving rise to it.

51. If the amount owing is not paid in its entirety or the payment agreement is not adhered to, the Minister may issue a recovery certificate on the expiry of the time for applying for a review of the decision, on the expiry of the time for contesting the review decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the Tribunal's final decision confirming all or part of the Minister's decision or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

52. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act, be withheld for payment of the amount due referred to in the certificate.

The withholding interrupts the prescription provided for in the Civil Code with regard to recovery of an amount owing.

53. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

54. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by the Minister by order.

55. In all civil or penal proceedings instituted under this Act, the cost of any investigation, at the rate established by ministerial regulation, is included in the cost of the proceedings.

56. The Minister keeps a register relating to the monetary administrative penalties imposed by the persons the Minister designates for that purpose under this Act or the regulations.

The register must contain at least the following information:

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure that gave rise to the penalty and the legislative or regulatory provisions under which it was imposed;
- (3) if the penalty was imposed on a legal person, the legal person's name and the address of its head office or of one of its establishments or of the business establishment of one of its agents;
- (4) if the penalty was imposed on a partnership or association without legal personality, the name and address of the partnership or association;
- (5) if the penalty is imposed on a natural person, the person's name and the name of the municipality in whose territory the person resides;
- (6) the amount of the penalty imposed;
- (7) the date of receipt of an application for review and the date and conclusions of the decision;
- (8) the date a proceeding is brought before the Administrative Tribunal of Québec and the date and conclusions of the decision rendered by the Tribunal, as soon as the Minister is made aware of the information;
- (9) the date a proceeding is brought against the decision rendered by the Administrative Tribunal of Québec, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Minister is made aware of the information; and
- (10) any other information the Minister considers to be of public interest.

57. The Minister keeps a register of the following information relating to findings of guilty for offences under this Act or the regulations:

- (1) the date of the finding of guilty;
- (2) the nature of the offence and the legislative or regulatory provisions under which the offender was found guilty;

- (3) the date of the offence;
- (4) if the offender is a legal person, the legal person's name and the address of its head office or of one of its establishments or of the business establishment of one of its agents;
- (5) if the offender is a partnership or association without legal personality, the name and address of the partnership or association;
- (6) if the offender is a natural person, the person's name and the name of the municipality in whose territory the person resides;
- (7) if the offender is an officer or director of a legal person, partnership or association without legal personality, the officer's or director's name, the name of the municipality in whose territory the officer or director resides and, as applicable, the name and address of the legal person's head office or of one of its establishments or of the business establishment of one of its agents, or the name and address of the partnership or association;
- (8) the penalty imposed by the judge;
- (9) the date a proceeding is brought against the decision rendered, the nature of the proceeding and the date and conclusions of the decision rendered by the competent court, as soon as the Minister is made aware of the information; and
- (10) any other information the Minister considers of public interest.

58. The information contained in the registers kept under sections 56 and 57 is public. The Minister promptly posts the information on the department's website.

59. The sums paid to the Minister under this Act or the regulations are credited to the Green Fund in accordance with section 15.4 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) and are to be used to finance measures to mitigate the impact of climate change on the environment, including measures to reduce greenhouse gas and other pollutant emissions into the atmosphere.

60. When the activities described in section 3 are carried on by a legal person, partnership or association without legal personality in which a motor vehicle manufacturer holds, directly or indirectly, more than 33% of the voting rights attached to the shares or other equity securities, this Act applies, with the necessary modifications, to that legal person, partnership or association.

61. The Société de l'assurance automobile du Québec must, at the Minister's request, provide the Minister with any information enabling the Minister to ensure compliance with this Act and the regulations.

62. The Minister may, by agreement, delegate the keeping of the register established under section 11 and the administration of all or part of a regulation made under this Act to a person or body.

The Minister may also, by agreement, delegate to another minister or to a body all or some of the powers relating to the recovery of an amount owing under this Act or the regulations.

CHAPTER IX

AMENDING PROVISION

ACT RESPECTING ADMINISTRATIVE JUSTICE

63. Schedule III to the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraph at the end:

“(7) proceedings under section 30 or 31 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (2016, chapter 23).”

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

64. The 2018 model year is the first one for which the obligation to accumulate credits under the first paragraph of section 3 applies and for which charges may be required under the second paragraph of section 8.

The date on which the Minister first establishes, under the first paragraph of section 8, the number of credits accumulated by a motor vehicle manufacturer is 1 September 2019.

New or reconditioned motor vehicles for the 2014, 2015, 2016 and 2017 model years sold or leased in Québec give entitlement to credits if they meet the conditions set out in sections 6 and 13, according to the value, parameters, calculation method and conditions determined by government regulation.

65. This Act also applies to new or reconditioned motor vehicles for the 2014, 2015, 2016, 2017 and 2018 model years that are sold or leased in Québec before the date of its coming into force.

66. The Minister must, not later than (*insert the date that is three years after the date of coming into force of this section*), report to the Government on the implementation of this Act and, every four years after that, report to the Government on its carrying out.

The report is tabled by the Minister in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

67. The Minister responsible for the environment is responsible for the administration of this Act.

68. This Act comes into force on the date of coming into force of the first regulation made under it.

Regulations and other Acts

Gouvernement du Québec

O.C. 148-2017, 15 March 2017

Professional Code
(chapter C-26)

Roll of professional orders — Amendment

Regulation to amend the Regulation respecting the roll of professional orders

WHEREAS, under subparagraph *a* of subparagraph 6 of the third paragraph of section 12 of the Professional Code (chapter C-26), the Office des professions du Québec must determine, by regulation and after consultation with the Québec Interprofessional Council, the information other than the information provided for in section 46.1 of the Code that must be included in the roll of a professional order, as well as the standards governing the preparation, updating and publication of the roll;

WHEREAS the Office made the Regulation to amend the Regulation respecting the roll of professional orders at its meeting of 15 July 2016 after having consulted the Québec Interprofessional Council;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the roll of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 3 August 2016 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation made by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the roll of professional orders, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the roll of professional orders

Professional Code
(chapter C-26, s. 12, 3rd par., subpar. 6, subpar. *a*)

1. The Regulation respecting the roll of professional orders (chapter C-26, r. 9) is amended by inserting the following after section 5:

“**5.1.** The roll of the Ordre professionnel des ingénieurs du Québec contains for each member the member’s number.”.

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

102885

Gouvernement du Québec

O.C. 174-2017, 15 March 2017

Parks Act
(chapter P-9)

Parks — Amendment

Regulation to amend the Parks Regulation

WHEREAS, under section 9 of the Parks Act (chapter P-9), the Government may make regulations, in respect of a park, concerning the various matters set forth therein;

WHEREAS, under subparagraph *a* of the first paragraph of section 9.1 of the Act, the Government may also, by regulation, determine the cases in which an authorization is required to enter a park or to stay, travel or engage in activities in a park and the fees payable to obtain such authorization;

WHEREAS, under subparagraph *b* of the first paragraph of section 9.1 of the Act, the Government may exempt, in the cases it determines, any person or class or group of persons it identifies from all or part of the obligations imposed by section 6.1;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Parks Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 November 2016 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;

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

THAT the Regulation to amend the Parks Regulation, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Parks Regulation

Parks Act
(chapter P-9, s. 9, pars. *a*, *b*, *d*, *e* and *n*, and s. 9.1,
1st par., subpars. *a* and *b*)

1. The Parks Regulation (chapter P-9, r. 25) is amended by replacing section 2 by the following:

“**2.** In this Regulation,

(1) “natural environment zone” means the part of the territory of a park reserved for the development of the natural and landscape heritage and characterized by a layout allowing accessibility;

(2) “maximum preservation zone” means the part of the territory of a park exclusively reserved for the protection of the natural and landscape heritage and that is accessible only exceptionally;

(3) “preservation zone” means the part of the territory of a park mainly reserved for the protection of the natural and landscape heritage and that is only accessible by means that have little impact on the environment;

(4) “intensive recreation zone” means the part of the territory of a park occupied by a golf course or an Alpine ski centre;

(5) “services zone” means the part of the territory of a park mainly reserved for reception, lodging or management.”.

2. Section 6 is amended

(1) by striking out paragraph 3;

(2) by replacing “in section 8.1” in paragraph 6 by “in section 8.1 or 8.1.1”;

(3) by adding the following after paragraph 8:

“(9) persons who enter Parc national du Mont-Orford by chemin du Cèdre, in Eastman, for the sole purpose of going to their residence located on the shore of lac Stukely or of returning from there, as well as their guests;

(10) persons who enter Parc national du Mont-Saint-Bruno by chemin du lac Seigneurial for the sole purpose of going to their residence or of returning from there, as well as their guests;

(11) clients of Centre de villégiature Jouvence who use the equipment and trails maintained by the Centre in Parc national du Mont-Orford.”.

3. Section 7 is amended by striking out “Parc national du Bic or” in subparagraph 9 of the first paragraph.

4. Section 11 is amended by striking out “Parc national du Mont-Orford,” in paragraph 1.

5. Section 20 is amended by replacing “a herbaceous plant” in subparagraph 1 of the first paragraph by “a plant, a mushroom”.

6. Section 22 is amended by striking out “Parc national du Mont-Orford,” in the second paragraph.

7. Section 23 is amended by adding the following paragraph at the end:

“Despite the first paragraph, the prohibition concerning the possession of arms does not apply to employees of another contracting party referred to in section 8.1 or 8.1.1 of the Parks Act (chapter P-9) acting in the performance of their functions in a park located north of the 55th parallel.”.

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

Gouvernement du Québec

O.C. 185-2017, 15 March 2017

An Act respecting industrial accidents and occupational diseases (chapter A-3.001)

Medical aid —Amendment

Regulation to amend the Regulation respecting medical aid

WHEREAS, under subparagraph 3.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft of the Regulation to amend the Regulation respecting medical aid was published in Part 2 of the *Gazette officielle du Québec* of 20 April 2016 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 15 June 2016;

WHEREAS, under section 455 of the Act respecting industrial accidents and occupational diseases, every draft regulation made by the Commission under subparagraph 3.1 of the first paragraph of section 454 of that Act is to be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting medical aid, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting medical aid

An Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 454, 1st par., subpar. 3.1)

1. The Regulation respecting medical aid (chapter A-3.001, r. 1) is amended in section 1 by adding “, including the holder of a psychotherapist’s permit issued by the Ordre professionnel des psychologues du Québec” at the end of the definition of “health worker”.

2. The heading of subdivision 3 of Division III is replaced by the following: “Special rules for psychology, psychotherapy and neuropsychology”.

3. Section 17.1 is amended

(1) by inserting “, psychotherapeutic” after “psychological”;

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

“It also assumes the cost of psychotherapeutic care administered by the holder of a psychotherapist’s permit.”.

4. Section 17.2 is amended by inserting “, psychotherapeutic” after “psychological”.

5. Section 17.3 is amended by inserting “or by the holder of a psychotherapist’s permit” after “psychologist”.

6. Schedule I is amended by replacing “Psychological and neuropsychological care, hourly rate \$86.60” by “Psychological, psychotherapeutic and neuropsychological care, hourly rate \$86.60”.

7. Schedule IV is amended

(1) by replacing the heading “CONTENT OF PSYCHOLOGY AND NEUROPSYCHOLOGY REPORTS” by “CONTENT OF PSYCHOLOGY, PSYCHOTHERAPY AND NEUROPSYCHOLOGY REPORTS”;

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

“5. Subject to the acts a psychotherapist is authorized to perform under his or her permit, sections 1 to 4 apply, with the necessary modifications, to the holder of a psychotherapist’s permit.”.

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

Gouvernement du Québec

O.C. 186-2017, 15 March 2017

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

Joint sector-based associations on occupational health and safety
— **Amendment**

Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety

WHEREAS, under subparagraph 25 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 29 June 2016 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation without amendment at its sitting of 15 September 2016;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting joint sector-based associations on occupational health and safety

An Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpar. 25)

1. The Regulation respecting joint sector-based associations on occupational health and safety (chapter S-2.1, r. 2) is amended in Schedule A by replacing paragraph 6 by the following:

“(6) the provincial administration sector, including provincial government establishments primarily engaged in activities associated with public administration. The sector includes the Government, its departments and agencies the personnel of which is, on 13 April 2017 or subsequently, appointed in accordance with the Public Service Act (chapter F-3.1.1).”

The following are also included in that sector of activities: the Sûreté du Québec, the Commission des droits de la personne et des droits de la jeunesse, the Régie des installations olympiques, the Commission des services juridiques, the legal aid centres, the Institut national de santé publique du Québec, the Commission de la capitale nationale du Québec, the Conseil des arts et des lettres du Québec and the Public Protector.”

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

102888

Gouvernement du Québec

O.C. 257-2017, 22 March 2017

Transport Act
(chapter T-12)

Brokerage of bulk trucking services
— **Amendment**

Regulation to amend the Regulation respecting the brokerage of bulk trucking services

WHEREAS, under paragraph *f* of section 5 of the Transport Act (chapter T-12), the Government may, by regulation, determine the minimum or maximum term of a permit, prescribe that a permit is not renewable, exempt a permit from the renewal procedure provided in section 37.1, prescribe the conditions on which a permit may be renewed or reinstated and determine the cases where a permit may be renewed by the administrator of the Commission des transports du Québec;

WHEREAS the Government made the Regulation respecting the brokerage of bulk trucking services (chapter T-12, r. 4);

WHEREAS, under section 9 of the Regulation, every brokerage permit issued or renewed as of 1 April 2012 expires on 31 March 2017;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and a coming into force on the date of its publication in the *Gazette officielle du Québec* must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the provision of the Regulation to amend the Regulation respecting the brokerage of bulk trucking services, attached to this Order in Council, must come into force before 31 March 2017 to extend the term of bulk trucking services brokerage permits issued or renewed as of 1 April 2012 by the Commission des transports du Québec beyond 31 March 2017 and to maintain the regulation of the industry after that date until 31 March 2018;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT the Regulation to amend the Regulation respecting the brokerage of bulk trucking services, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the brokerage of bulk trucking services

Transport Act
(chapter T-12, s. 5, par. f)

1. The Regulation respecting the brokerage of bulk trucking services (chapter T-12, r. 4) is amended in section 9 by replacing “2017” by “2018”.

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

102893

M.O., 2017-01

Order number I-14.01-2017-01 of the Minister of Finance dated 16 March, 2017

Derivatives Act
(chapter I-14.01)

CONCERNING the Regulation 94-101 respecting mandatory central counterparty clearing of derivatives and the Regulation to amend Regulation 91-506 respecting derivatives determination

WHEREAS subparagraphs 2, 3, 7, 9, 11, 12, 26, 27 and 29 of section 175 of par. 1 of the Derivatives Act (chapter I-14.01) stipulates that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the fourth and fifth paragraphs of section 175 of the said Act stipulate that a draft regulation shall be published in the *Bulletin de l’Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of the said section stipulate that every regulation made under section 175 must be submitted to the Minister of Finance for approval with or without amendment and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the draft Regulation 94-101 respecting mandatory central counterparty clearing of derivatives was published in the *Bulletin de l’Autorité des marchés financiers*, volume 12, no. 6 of February 12, 2015;

WHEREAS the Regulation 91-506 respecting derivatives determination have been approved by ministerial order no. 2013-21 dated December 6, 2013 (2013, *G.O.* 2, 3631);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Regulation 91-506 respecting derivatives determination was published in the *Bulletin de l'Autorité des marchés financiers*, volume 13, no. 8 of February 25, 2016;

WHEREAS the Authority made, on March 15, 2017, by the decision no. 2017-PDG-0031, Regulation 94-101 respecting mandatory central counterparty clearing of derivatives and by the decision no. 2017-PDG-0032, Regulation to amend Regulation 91-506 respecting derivatives determination;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation 94-101 respecting mandatory central counterparty clearing of derivatives and Regulation to amend Regulation 91-506 respecting derivatives determination appended hereto.

March 16, 2017

CARLOS LEITÃO,
Minister of Finance

**REGULATION 94-101 RESPECTING MANDATORY CENTRAL
COUNTERPARTY CLEARING OF DERIVATIVES**

Derivatives Act

(chapter I-14.01, s. 175, 1st par., subpar. (2), (3), (9), (11), (12), (26), (27) and (29))

PART 1 DEFINITIONS AND INTERPRETATION

1. Definitions and interpretation

(1) In this Regulation,

“local counterparty” means a counterparty to a derivative if, at the time of execution of the transaction, either of the following applies:

(a) the counterparty is a person, other than an individual, to which one or more of the following apply:

(i) the person is organized under the laws of the local jurisdiction;

(ii) the head office of the person is in the local jurisdiction;

(iii) the principal place of business of the person is in the local jurisdiction;

(b) the counterparty is an affiliated entity of a person referred to in paragraph (a) and the person is liable for all or substantially all the liabilities of the counterparty;

“mandatory clearable derivative” means a derivative within a class of derivatives listed in Appendix A;

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

“regulated clearing agency” means,

(a) in Alberta, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Nova Scotia, Nunavut, Prince Edward Island, Saskatchewan and Yukon, a person recognized or exempted from recognition as a clearing agency or clearing house pursuant to the securities legislation of any jurisdiction of Canada,

(b) in British Columbia, Manitoba and Ontario, a person recognized or exempted from recognition as a clearing agency in the local jurisdiction, and

(c) in Québec, a person recognized or exempted from recognition as a clearing house;

“transaction” means any of the following:

(a) entering into a derivative or making a material amendment to, assigning, selling or otherwise acquiring or disposing of a derivative;

(b) the novation of a derivative, other than a novation with a clearing agency or clearing house.

(2) In this Regulation, a person is an affiliated entity of another person if one of them controls the other or each of them is controlled by the same person.

(3) In this Regulation, a person (the first party) is considered to control another person (the second party) if any of the following apply:

(a) the first party beneficially owns or directly or indirectly exercises control or direction over securities of the second party carrying votes which, if exercised, would entitle the first party to elect a majority of the directors of the second party unless the first party holds the voting securities only to secure an obligation;

(b) the second party is a partnership, other than a limited partnership, and the first party holds more than 50% of the interests of the partnership;

(c) the second party is a limited partnership and the general partner of the limited partnership is the first party;

(d) the second party is a trust and a trustee of the trust is the first party.

(4) In this Regulation, in Alberta, British Columbia, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Nova Scotia, Nunavut, Prince Edward Island, Saskatchewan and Yukon, “derivative” means a “specified derivative” as defined in Multilateral Instrument 91-101 Derivatives: Product Determination.

Application

2. This Regulation applies to:

(a) in Manitoba,

(i) a derivative other than a contract or instrument that, for any purpose, is prescribed by any of sections 2, 4 and 5 of Manitoba Securities Commission Rule 91-506 Derivatives: Product Determination not to be a derivative, and

(ii) a derivative that is otherwise a security and that, for any purpose, is prescribed by section 3 of Manitoba Securities Commission Rule 91-506 Derivatives: Product Determination not to be a security,

(b) in Ontario,

(i) a derivative other than a contract or instrument that, for any purpose, is prescribed by any of sections 2, 4 and 5 of Ontario Securities Commission Rule 91-506 Derivatives: Product Determination not to be a derivative, and

(ii) a derivative that is otherwise a security and that, for any purpose, is prescribed by section 3 of Ontario Securities Commission Rule 91-506 Derivatives: Product Determination not to be a security, and

(c) in Québec, a derivative specified in section 1.2 of Regulation 91-506 respecting Derivatives Determination (chapter I-14.01, r. 01), other than a contract or instrument specified in section 2 of that regulation.

PART 2 MANDATORY CENTRAL COUNTERPARTY CLEARING

Duty to submit for clearing

3. (1) A local counterparty to a transaction in a mandatory clearable derivative must submit, or cause to be submitted, the mandatory clearable derivative for clearing to a regulated clearing agency that offers clearing services in respect of the mandatory clearable derivative, if one or more of the following applies to each counterparty:

(a) the counterparty

(i) is a participant of a regulated clearing agency that offers clearing services in respect of the mandatory clearable derivative, and

(ii) subscribes to clearing services for the class of derivatives to which the mandatory clearable derivative belongs;

(b) the counterparty

(i) is an affiliated entity of a participant referred to in paragraph (a), and

(ii) has had, at any time after the date on which this Regulation comes into force, a month-end gross notional amount under all outstanding derivatives exceeding \$1 000 000 000 excluding derivatives to which paragraph 7(1)(a) applies;

(c) the counterparty

(i) is a local counterparty in any jurisdiction of Canada, other than a counterparty to which paragraph (b) applies, and

(ii) has had, at any time after the date on which this Regulation comes into force, a month-end gross notional amount under all outstanding derivatives, combined with each affiliated entity that is a local counterparty in any jurisdiction of Canada, exceeding \$500 000 000 000 excluding derivatives to which paragraph 7(1)(a) applies.

(2) Unless paragraph (1)(a) applies, a local counterparty to which paragraph (1)(b) or (1)(c) applies is not required to submit a mandatory clearable derivative for clearing to a regulated clearing agency if the transaction in the mandatory clearable derivative was executed before the 90th day after the end of the month in which the month-end gross notional amount first exceeded the amount specified in subparagraph (1)(b)(ii) or (1)(c)(ii), as applicable.

(3) Unless subsection (2) applies, a local counterparty to which subsection (1) applies must submit a mandatory clearable derivative for clearing no later than

(a) the end of the day of execution if the transaction is executed during the business hours of the regulated clearing agency, or

(b) the end of the next business day if the transaction is executed after the business hours of the regulated clearing agency.

(4) A local counterparty to which subsection (1) applies must submit the mandatory clearable derivative for clearing in accordance with the rules of the regulated clearing agency, as amended from time to time.

(5) A counterparty that is a local counterparty solely pursuant to paragraph (b) of the definition of “local counterparty” in section 1 is exempt from this section if the mandatory clearable derivative is submitted for clearing in accordance with the law of a foreign jurisdiction to which the counterparty is subject, set out in Appendix B.

Notice of rejection

4. If a regulated clearing agency rejects a mandatory clearable derivative submitted for clearing, the regulated clearing agency must immediately notify each local counterparty to the mandatory clearable derivative.

Public disclosure of clearable and mandatory clearable derivatives

5. A regulated clearing agency must do all of the following:

(a) publish a list of each derivative or class of derivatives for which the regulated clearing agency offers clearing services and state whether each derivative or class of derivatives is a mandatory clearable derivative;

(b) make the list accessible to the public at no cost on its website.

PART 3 EXEMPTIONS FROM MANDATORY CENTRAL COUNTERPARTY CLEARING

Non-application

6. This Regulation does not apply to the following counterparties:

(a) the government of Canada, the government of a jurisdiction of Canada or the government of a foreign jurisdiction;

(b) a crown corporation for which the government of the jurisdiction where the crown corporation was constituted is liable for all or substantially all the liabilities;

- (c) a person wholly owned by one or more governments referred to in paragraph (a) if the government or governments are liable for all or substantially all the liabilities of the person;
- (d) the Bank of Canada or a central bank of a foreign jurisdiction;
- (e) the Bank for International Settlements;
- (f) the International Monetary Fund.

Intragroup exemption

7. (1) A local counterparty is exempt from the application of section 3, with respect to a mandatory clearable derivative, if all of the following apply:

(a) the mandatory clearable derivative is between a counterparty and an affiliated entity of the counterparty if each of the counterparty and the affiliated entity are consolidated as part of the same audited consolidated financial statements prepared in accordance with “accounting principles” as defined in Regulation 52-107 respecting Acceptable Accounting Principles and Auditing Standards (chapter V-1.1, r. 25);

(b) both counterparties to the mandatory clearable derivative agree to rely on this exemption;

(c) the mandatory clearable derivative is subject to a centralized risk management program reasonably designed to assist in monitoring and managing the risks associated with the derivative between the counterparties through evaluation, measurement and control procedures;

(d) there is a written agreement between the counterparties setting out the terms of the mandatory clearable derivative between the counterparties.

(2) No later than the 30th day after a local counterparty first relies on subsection (1) in respect of a mandatory clearable derivative with a counterparty, the local counterparty must deliver electronically to the regulator, except in Québec, or to the securities regulatory authority a completed Form 94-101F1.

(3) No later than the 10th day after a local counterparty becomes aware that the information in a previously delivered Form 94-101F1 is no longer accurate, the local counterparty must deliver or cause to be delivered electronically to the regulator, except in Québec, or securities regulatory authority an amended Form 94-101F1.

Multilateral portfolio compression exemption

8. A local counterparty is exempt from the application of section 3, with respect to a mandatory clearable derivative resulting from a multilateral portfolio compression exercise, if all of the following apply:

(a) the mandatory clearable derivative is entered into as a result of more than 2 counterparties changing or terminating and replacing existing derivatives;

(b) the existing derivatives do not include a mandatory clearable derivative entered into after the effective date on which the class of derivatives became a mandatory clearable derivative;

(c) the existing derivatives were not cleared by a clearing agency or clearing house;

(d) the mandatory clearable derivative is entered into by the same counterparties as the existing derivatives;

(e) the multilateral portfolio compression exercise is conducted by an independent third-party.

Recordkeeping

9. (1) A local counterparty to a mandatory clearable derivative that relied on section 7 or 8 with respect to a mandatory clearable derivative must keep records demonstrating that the conditions referred to in those sections, as applicable, were satisfied.

(2) The records required to be maintained under subsection (1) must be kept in a safe location and in a durable form for a period of

(a) except in Manitoba, 7 years following the date on which the mandatory clearable derivative expires or is terminated, and

(b) in Manitoba, 8 years following the date on which the mandatory clearable derivative expires or is terminated.

PART 4 MANDATORY CLEARABLE DERIVATIVES

Submission of information on derivatives clearing services provided by a regulated clearing agency

10. No later than the 10th day after a regulated clearing agency first offers clearing services for a derivative or class of derivatives, the regulated clearing agency must deliver electronically to the regulator, except in Québec, or securities regulatory authority a completed Form 94-101F2, identifying the derivative or class of derivatives.

PART 5 EXEMPTION

Exemption

11. (1) The regulator, except in Québec, or the securities regulatory authority may grant an exemption to this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant an exemption.

(3) Except in 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.

PART 6 TRANSITION AND EFFECTIVE DATE**Transition – regulated clearing agency filing requirement**

12. No later than May 4, 2017, a regulated clearing agency must deliver electronically to the regulator, except in Québec, or securities regulatory authority a completed Form 94-101F2, identifying all derivatives or classes of derivatives for which it offers clearing services on April 4, 2017.

Transition – certain counterparties' submission for clearing

13. A counterparty specified in paragraphs 3(1)(b) or (c) to which paragraph (3)(1)(a) does not apply is not required to submit a mandatory clearable derivative for clearing to a regulated clearing agency until October 4, 2017.

Effective date

14. (1) This Regulation comes into force on April 4, 2017.

(2) In Saskatchewan, despite subsection (1), if these regulations are filed with the Registrar of Regulations after April 4, 2017, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

APPENDIX A
MANDATORY CLEARABLE DERIVATIVES
(subsection 1 of section 1)

Interest Rate Swaps

Type	Floating index	Settlement currency	Maturity	Settlement currency type	Optionality	Notional type
Fixed-to-float	CDOR	CAD	28 days to 30 years	Single currency	No	Constant or variable
Fixed-to-float	LIBOR	USD	28 days to 50 years	Single currency	No	Constant or variable
Fixed-to-float	EURIBOR	EUR	28 days to 50 years	Single currency	No	Constant or variable
Fixed-to-float	LIBOR	GBP	28 days to 50 years	Single currency	No	Constant or variable
Basis	LIBOR	USD	28 days to 50 years	Single currency	No	Constant or variable
Basis	EURIBOR	EUR	28 days to 50 years	Single currency	No	Constant or variable
Basis	LIBOR	GBP	28 days to 50 years	Single currency	No	Constant or variable
Overnight index swap	CORRA	CAD	7 days to 2 years	Single currency	No	Constant or variable
Overnight index swap	FedFunds	USD	7 days to 3 years	Single currency	No	Constant or variable
Overnight index swap	EONIA	EUR	7 days to 3 years	Single currency	No	Constant or variable
Overnight index swap	SONIA	GBP	7 days to 3 years	Single currency	No	Constant or variable

Forward Rate Agreements

Type	Floating index	Settlement currency	Maturity	Settlement currency type	Optionality	Notional type
Forward rate agreement	LIBOR	USD	3 days to 3 years	Single currency	No	Constant or variable
Forward rate agreement	EURIBOR	EUR	3 days to 3 years	Single currency	No	Constant or variable
Forward rate agreement	LIBOR	GBP	3 days to 3 years	Single currency	No	Constant or variable

APPENDIX B
LAWS, REGULATIONS OR INSTRUMENTS OF FOREIGN JURISDICTIONS
APPLICABLE FOR SUBSTITUTED COMPLIANCE
(subsection 3 of section 5)

Foreign jurisdiction	Laws, regulations or instruments
European Union	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories
United States of America	Clearing Requirement and Related Rules, 17 C.F.R. pt. 50

**FORM 94-101F1
INTRAGROUP EXEMPTION**

Type of Filing: **INITIAL** **AMENDMENT**

Section 1 – Information on the entity delivering this Form

1. Provide the following information with respect to the entity delivering this Form:

Full legal name:

Name under which it conducts business, if different:

Head office

Address:

Mailing address (if different):

Telephone:

Website:

Contact employee

Name and title:

Telephone:

E-mail:

Other offices

Address:

Telephone:

Email:

Canadian counsel (if applicable)

Firm name:

Contact name:

Telephone:

E-mail:

2. In addition to providing the information required in item 1, if this Form is delivered for the purpose of reporting a name change on behalf of the entity referred to in item 1, provide the following information:

Previous full legal name:

Previous name under which the entity conducted business:

Section 2 – Combined notification on behalf of counterparties within the group to which the entity delivering this Form belongs

1. For the mandatory clearable derivatives to which this Form relates, provide all of the following information in the table below:

(a) the legal entity identifier of each counterparty in the same manner as required under the following instruments:

(i) in Alberta, British Columbia, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Nova Scotia, Nunavut, Prince Edward Island, Saskatchewan and Yukon, Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting,

(ii) in Manitoba, Manitoba Securities Commission Rule 91-507 Trade Repositories and Derivatives Data Reporting,

(iii) in Ontario, Ontario Securities Commission Rule 91-507 Trade Repositories and Derivatives Data Reporting, and

(iv) in Québec, Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting;

(b) whether each counterparty is a local counterparty in a jurisdiction of Canada.

Pairs	LEI of counterparty 1	Jurisdiction(s) of Canada in which counterparty 1 is a local counterparty	LEI of counterparty 2	Jurisdiction(s) of Canada in which counterparty 2 is a local counterparty
1				

2. Describe the ownership and control structure of the counterparties identified in item 1.

Section 3 – Certification

I certify that I am authorized to deliver this Form on behalf of the entity delivering this Form and on behalf of the counterparties identified in Section 2 of this Form and that the information in this Form is true and correct.

DATED at _____ this _____ day of _____, 20____

(Print name of authorized person)

(Print title of authorized person)

(Signature of authorized person)

(Email)

(Phone number)

**FORM 94-101F2
DERIVATIVES CLEARING SERVICES**

Type of Filing: **INITIAL** **AMENDMENT**

Section 1 – Regulated clearing agency information

1. Full name of regulated clearing agency:
2. Contact information of person authorized to deliver this form

Name and title:

Telephone:

E-mail:

Section 2 – Description of derivatives

1. Identify each derivative or class of derivatives for which the regulated clearing agency offers clearing services in respect of which a Form 94-101F2 has not previously been delivered.
2. For each derivative or class of derivatives referred to in item 1, describe all significant attributes of the derivative or class of derivatives including
 - (a) the standard practices for managing life-cycle events associated with the derivative or class of derivatives, as defined in the following instruments:
 - (i) in Alberta, British Columbia, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Nova Scotia, Nunavut, Prince Edward Island, Saskatchewan and Yukon, Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting;
 - (ii) in Manitoba, Manitoba Securities Commission Rule 91-507 Trade Repositories and Derivatives Data Reporting;
 - (iii) in Ontario, Ontario Securities Commission Rule 91-507 Trade Repositories and Derivatives Data Reporting;
 - (iv) in Québec, Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting,
 - (b) the extent to which the transaction is confirmable electronically,
 - (c) the degree of standardization of the contractual terms and operational processes,
 - (d) the market for the derivative or class of derivatives, including its participants, and
 - (e) the availability of pricing and liquidity of the derivative or class of derivatives within Canada and internationally.

3. Describe the impact of providing clearing services for each derivative or class of derivatives referred to in item 1 on the regulated clearing agency's risk management framework and financial resources, including the protection of the regulated clearing agency on the default of a participant and the effect of the default on the other participants.
4. Describe the impact, if any, on the regulated clearing agency's ability to comply with its regulatory obligations should the regulator, except in Québec, or securities regulatory authority determine a derivative or class of derivatives referred to in item 1 to be a mandatory clearable derivative.
5. Describe the clearing services offered for each derivative or class of derivatives referred to in item 1.
6. If applicable, attach a copy of every notice the regulated clearing agency provided to its participants for consultation on the launch of the clearing service for a derivative or class of derivatives referred to in item 1 and a summary of concerns received in response to the notice.

Section 3 – Certification

CERTIFICATE OF REGULATED CLEARING AGENCY

I certify that I am authorized to deliver this form on behalf of the regulated clearing agency named below and that the information in this form is true and correct.

DATED at _____ this _____ day of _____, 20 ____

(Print name of regulated clearing agency)

(Print name of authorized person)

(Print title of authorized person)

(Signature of authorized person)

**REGULATION TO AMEND REGULATION 91-506 RESPECTING
DERIVATIVES DETERMINATION**

Derivatives Act
(chapter I-14.01, s. 175, 1st par., subpar. (7))

1. Section 1.1 of Regulation 91-506 respecting Derivatives Determination (chapter I-14.01, r. 0.1) is amended by adding, at the end, “and Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives (*indicate here the reference*)”.
2. This Regulation comes into force on April 4, 2017.

102894

Draft Regulations

Draft Regulation

An Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1)

Bureau général de dépôts pour le Québec — Amendment

Notice is hereby given, in accordance with sections 10 to 13 of the Regulations Act (chapter R-18.1), that the Regulation to amend various regulatory provisions to ensure consistency with the Act respecting deposits with the Bureau général de dépôts pour le Québec, appearing below, may be made by the Government on the expiry of 15 days following this publication. This publication period, shorter than the 45-day period provided by the Regulations Act, is justified by the urgency of the situation which imposes that the regulation be made before 18 May 2017, in accordance with section 46 of the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1).

The draft Regulation harmonizes relevant provisions of the regulatory corpus with the provisions of the Act.

The draft Regulation replaces the terminology in the Deposit Act (chapter D-5), now repealed, by the terminology in the Act respecting deposits with the Bureau général de dépôts pour le Québec that replaces the Deposit Act.

The draft Regulation has no impact on citizens and businesses.

Further information on the draft Regulation may be obtained by contacting Sylvain Gingras, director, Direction de la comptabilité et bureau des dépôts et consignations, Ministère des Finances, 8, rue Cook, 2^e étage, Québec (Québec) G1R 0A4; telephone: 418 644-0647; email: sylvain.gingras@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to Sylvain Gingras, Director, Direction de la comptabilité et bureau des dépôts et consignations, Ministère des Finances, 8, rue Cook, 2^e étage, Québec (Québec) G1R 0A4.

CARLOS LEITÃO,
Minister of Finance

Regulation to amend various regulatory provisions to ensure consistency with the Act respecting deposits with the Bureau général de dépôts pour le Québec

An Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1, s. 46)

REGULATION RESPECTING THE PROFESSIONAL QUALIFICATION OF CONTRACTORS AND OWNER-BUILDERS

1. The Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended in section 39 by replacing “Minister of Finance who receives it on deposit under the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1)” in the second paragraph by “Bureau général de dépôts pour le Québec who keeps it”.

2. Section 43 is amended by replacing the words “Minister of Finance” wherever they appear by the words “Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING PRIVATE EDUCATION

3. The Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is amended in section 11

(1) by replacing “evidence of indebtedness payable to the bearer” and “5” in paragraph 2 by “debt security” and “2”, respectively;

(2) by replacing “savings and credit union” in paragraph 3 by “financial services cooperative”.

4. Section 12 is amended by replacing, in the second paragraph, “savings and credit union shall be forwarded to the Minister of Finance, who shall hold it in trust” in the second paragraph by “financial services cooperative shall be sent to the Bureau général de dépôts pour le Québec. It is held on deposit”.

5. Section 14 is amended

(1) by replacing “Minister of Finance” in paragraph 2 by “Bureau général de dépôts pour le Québec”;

(2) by replacing “savings and credit union, the Minister shall ask the Minister of Finance” in paragraph 3 by “financial services cooperative, the Minister shall ask the Bureau général de dépôts pour le Québec”.

RULES RESPECTING AMUSEMENT MACHINES

6. The Rules respecting amusement machines (chapter L-6, r. 2) are amended in section 6 by adding the following paragraph at the end:

“Security in the form of money is deposited by the Board with the Bureau général de dépôts pour le Québec.”.

RULES RESPECTING PUBLICITY CONTESTS

7. The Rules respecting publicity contests (chapter L-6, r. 6) are amended in section 9 by adding the following paragraph at the end:

“Security in the form of money is deposited by the Board with the Bureau général de dépôts pour le Québec.”.

LOTTERY SCHEME RULES

8. The Lottery Scheme Rules (chapter L-6, r. 12) are amended in section 15 by adding the following paragraph:

“Security in the form of money is deposited by the Board with the Bureau général de dépôts pour le Québec.”.

REGULATION RESPECTING MINERAL SUBSTANCES OTHER THAN PETROLEUM, NATURAL GAS AND BRINE

9. The Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2) is amended by replacing section 117 by the following:

“**117.** The guarantees referred to in subparagraphs 1 to 3 of the first paragraph of section 115 are deposited with the Bureau général de dépôts pour le Québec.”.

TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DES FINANCES

10. The Terms and conditions for the signing of certain deeds, documents and writings of the Ministère des Finances (chapter M-24.01, r. 3) are amended in section 6

(1) by striking out “receipts and” in subparagraph 5 of the first paragraph;

(2) by replacing “des dépôts et consignation” in the fourth paragraph by “général de dépôts pour le Québec”.

REGULATION RESPECTING PERMITS AND CERTIFICATES FOR THE SALE AND USE OF PESTICIDES

11. The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended in section 30 by striking out “bearer” in paragraph 2.

12. Section 31 is amended by replacing “deposited with the Minister of Finance” by “deposited with the Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING THE APPLICATION OF THE CONSUMER PROTECTION ACT

13. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended in section 110 by striking out “bearer” in subparagraph *d* of the first paragraph.

14. Section 119 is amended

(1) by replacing “section 112” in the first paragraph by “subparagraphs *a* and *b* of the first paragraph of section 110”;

(2) by replacing “Minister of Finance who shall hold it in trust” in the second paragraph by “Bureau général de dépôts pour le Québec. It is held on deposit”.

15. Section 121.2 is amended by replacing the words “Minister of Finance” wherever they appear by the words “Bureau général de dépôts pour le Québec”.

PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES REGULATION

16. The Preservation of Agricultural Land and Agricultural Activities Regulation (P-41.1, r. 1) is amended in section 12

(1) by striking out “bearer” in paragraph 1;

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

“Security referred to in subparagraphs 1 and 4 of the first paragraph are deposited by the Board with the Bureau général de dépôts pour le Québec.”.

REGULATION RESPECTING THE BURIAL OF CONTAMINATED SOILS

17. The Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18) is amended in section 51

(1) by striking out “bearer” in paragraph 2;

(2) by replacing “savings and credit union” in paragraph 4 by “financial services cooperative”.

18. Section 52 is amended by replacing “deposited with the Minister of Finance, pursuant to the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1)” by “deposited with the Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING THE LANDFILLING AND INCINERATION OF RESIDUAL MATERIALS

19. The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended in section 141 by striking out “bearer” in paragraph 2.

20. Section 142 is amended by replacing “deposited with the Minister of Finance pursuant to the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1)” by “deposited with the Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING FINANCIAL GUARANTEES PAYABLE FOR THE OPERATION OF A RESIDUAL ORGANIC MATERIALS RECLAMATION FACILITY

21. The Regulation respecting financial guarantees payable for the operation of a residual organic materials reclamation facility (chapter Q-2, r. 28.1) is amended in section 9 by replacing “deposited pursuant to the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1)” by “deposited with the Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING HAZARDOUS MATERIALS

22. The Regulation respecting hazardous materials (chapter Q-2, r. 32) is amended in section 121 by striking out “bearer” in paragraph 2.

23. Section 122 is amended by replacing “deposited with the Minister of Finance” by “deposited with the Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING CONTAMINATED SOIL STORAGE AND CONTAMINATED SOIL TRANSFER STATIONS

24. The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended in section 64 by striking out “bearer” in subparagraph 2 of the first paragraph.

25. Section 65 is amended by replacing “deposited with the Minister of Finance pursuant to the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1)” by “deposited with the Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING A CAP-AND-TRADE SYSTEM FOR GREENHOUSE GAS EMISSION ALLOWANCES

26. The Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) is amended in section 48 by striking out the third paragraph.

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

27. The Regulation respecting the application of the Act respecting the collection of certain debts (chapter R-2.2, r. 1) is amended in section 16 by striking out “bearer” in paragraph *d*.

28. Section 25 is amended by replacing “Minister of Finance who holds it in trust” in the second paragraph by “Bureau général de dépôts pour le Québec. It is deposited”.

29. Section 27 is amended by replacing the words “Minister of Finance” wherever they appear by the words “Bureau général de dépôts pour le Québec”.

30. Section 41 is amended by replacing “Minister of Finance who keeps them in accordance with the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1)” by “Bureau général de dépôts pour le Québec”.

REGULATION RESPECTING COMBAT SPORTS LICENSING

31. The Regulation respecting combat sports licensing (chapter S-3.1, r. 7) is amended in the first paragraph of section 42

(1) by inserting “transfer,” after the first “by” in subparagraph 1;

(2) by striking out subparagraph 2.

32. Section 44 is replaced by the following:

“44. The deposit is deposited by the board in a trust account registered in its name with a financial institution to be disposed of in accordance with this Regulation.”.

33. Section 45 is amended by replacing “or by postal money order” by “, postal money order or by transfer”.

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Road vehicle registration — 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 road vehicle registration, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for the issue, on registration of an electric road vehicle, of a licence plate with green lettering.

For the public, there is no additional cost for the issue of the plate and certain privileges are associated to the plate.

No impact is foreseeable on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Robert Rousse, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-31, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 5283243; fax: 418 646-6811; email: robert.rousse@saaq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, Sustainable Mobility and Transport Electrification, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

LAURENT LESSARD,
*Minister of Transport, Sustainable Mobility
and Transport Electrification*

Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code
(chapter C-24.2, s. 618, par. 13)

1. The Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by inserting the following after section 7:

“**7.1.** The Société issues, for an electric-powered road vehicle equipped with a battery rechargeable by connecting to the electric network, a licence plate with green lettering.

The plate is issued for every road vehicle referred to in the first paragraph registered from (*insert the date of coming into force of this Regulation*) or, if the vehicle does not already have one, when the plate is replaced.”

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

102890

Draft Regulation

Professional Code
(chapter C-26)

Disciplinary councils — Code of ethics applicable to members of the disciplinary councils of professional orders

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics applicable to members of the disciplinary councils of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation sets out the rules of conduct to members of the disciplinary councils of professional orders and their duties towards the public, the parties, the parties' witnesses and the persons representing the parties. It also establishes the procedure for lodging a complaint against members of a disciplinary council other than the chair and the penalties applicable to the members.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-Luc Hunlédé, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973; email: Jean-LucAyikoe.Hunlede@opq.gouv.qc.ca

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

STÉPHANIE VALLÉE,
Minister of Justice

Code of ethics applicable to members of the disciplinary councils of professional orders

Professional Code
(chapter C-26, ss. 117.2 and 117.3)

DIVISION I PRELIMINARY

- 1.** The purpose of this Code is to set out the rules of conduct and the duties of the members of the disciplinary councils in order to ensure public trust in the impartial and independent exercise of their functions.
- 2.** The members of the disciplinary council administer justice within the framework of the law.

DIVISION II RULES OF CONDUCT AND DUTIES OF MEMBERS

- 3.** Members must exercise their functions with complete independence, free of any interference.
- 4.** Members must exercise their functions with honour, dignity and integrity. They avoid any conduct likely to discredit them.
- 5.** Members must be overtly impartial and objective.
- 6.** Members must act in a respectful and courteous manner towards the persons appearing before them during the hearing.
- 7.** Members must exercise their functions without discrimination and with open-mindedness.
- 8.** Members must take the measures required to keep up-to-date and upgrade the knowledge and skills necessary in the exercise of their functions within the disciplinary council.
- 9.** Members must respect the secrecy of deliberations.
- 10.** Members must exercise their functions with diligence to promote the expeditious nature of the decision-making process.
- 11.** Members must uphold the integrity of their functions and defend their independence, in the higher interest of justice.

DIVISION III INCOMPATIBLE SITUATIONS AND ACTIVITIES

- 12.** Members must refrain from engaging in any activity or placing themselves in any situation which could affect the dignity of their functions or discredit the disciplinary council.
- 13.** Members must refrain from engaging in any activity or placing themselves in a situation which could compromise the effective exercise of their functions or could be a recurrent reason for recusation.
- 14.** Members may exercise, free of charge, functions within a non-profit organization insofar as they do not compromise their impartiality or the effective exercise of their functions.
- 15.** Members must refrain from becoming involved in any cause or participating in any lobby whose objectives or activities are related to matters which come within the jurisdiction of the disciplinary councils of professional orders.
- 16.** Members must not engage in any activity or partisan political participation at the federal, provincial, municipal or school level.

DIVISION IV DISCIPLINARY PROCESS APPLICABLE TO MEMBERS OTHER THAN CHAIRS

- 17.** For the purposes of this Code, the authority competent to act in respect of members of the disciplinary council other than the chair is the board of directors of the professional order of which they are a member.
- 18.** A person may file a complaint with the board of directors of the order against a member of the disciplinary council other than the chair for a breach of this Code.
- 19.** The complaint must be in writing and set out the grounds on which it is based.

It is received by the secretary of the order who sends it as soon as possible to the board of directors.

- 20.** On receipt of a complaint, the board of directors forms, under paragraph 2 of section 86.0.1 of the Professional Code (chapter C-26), a committee responsible for processing the complaint. The committee is charged with examining the admissibility of the complaint.

Each member of the committee takes the oath in Schedule II of the Professional Code.

- 21.** The committee may require of any person the information it considers necessary and examine the file.

22. The committee may, upon summary examination, dismiss a complaint that the committee considers excessive, frivolous or clearly unfounded.

23. Where the committee considers that a complaint is admissible, it sends a copy to the member against whom the complaint is made.

24. After notifying the member against whom the complaint is made and the complainant that they may make observations within 7 days and may be heard if they consider it necessary, the committee decides the complaint.

25. Where it is concluded that the member has violated this Code, the board of directors of the order imposes, in accordance with the recommendation of the committee, a penalty.

The penalties that may be imposed are a reprimand, a suspension or dismissal.

DIVISION V FINAL

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

102889

Draft Regulation

Professional Code
(chapter C-26)

Physical rehabilitation therapists — Diplomas giving access to permits — 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 the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 2.12 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) to change the title of the program of studies to be completed to obtain the diploma giving access to the permit of physical rehabilitation therapist issued by the Ordre professionnel de la physiothérapie du Québec.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and to the Ordre professionnel de la physiothérapie du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Claude Laurent, general manager and secretary, Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 351-2770 or 1 800 361-2001; fax: 514 351-2658; email: claurent@oppq.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, Jean Paul Dutrisac, 800, place D'Youville, 10^e 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 Ordre professionnel de la physiothérapie du Québec and to interested persons and bodies.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in section 2.12 by replacing "physical rehabilitation technology" by "physiotherapy technology".

2. Section 2.12, amended by section 1 of this Regulation, remains applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold the diploma referred to in the amended section or are registered in a program leading to that diploma.

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

102891

Index

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

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