

Gazette
officielle
DU Québec

Part

2

No. 44

1 November 2017

Laws and Regulations

Volume 149

Summary

Table of Contents
Coming into force of Acts
Regulations and other Acts
Draft Regulations
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2017

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1). Partie 1, entitled “Avis juridiques”, is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available at noon each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

The *Gazette officielle du Québec* published on the Internet is available to all free of charge.

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;
- (4) Orders in Council, decisions of the Conseil du trésor and minister’s orders whose publication is required by law or by the Government;
- (5) regulations made by courts of justice and quasi-judicial tribunals;
- (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.

Rates*

1. Annual subscription:

	Printed version
Partie 1 “Avis juridiques”:	\$500
Partie 2 “Lois et règlements”:	\$685
Part 2 “Laws and Regulations”:	\$685
2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$10.71 per copy.
3. Publication of a notice in Partie 1: \$1.72 per agate line.
4. Publication of a notice in Part 2: \$1.14 per agate line. A minimum rate of \$250 is applied, however, in the case of a publication of fewer than 220 agate lines.

* **Taxes not included.**

General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: gazette.officielle@cspq.gouv.qc.ca

For information concerning the publication of notices, please call:

Gazette officielle du Québec
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 644-7794
Fax: 418 644-7813
Internet: gazette.officielle@cspq.gouv.qc.ca

Subscriptions

For a subscription to the paper version of the *Gazette officielle du Québec*, please contact the customer service.

Les Publications du Québec
Customer service – Subscriptions
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 643-5150
Toll free: 1 800 463-2100
Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents

Page

Coming into force of Acts

1014-2017	Various legislative provisions to better protect persons, An Act to amend... — Coming into force of sections 1 and 2 of the Act	3319
-----------	--	------

Regulations and other Acts

1015-2017	Change of name and of other particulars of civil status (Amend.)	3321
1016-2017	Publication of a notice of tardy declaration of filiation (Amend.)	3322
Securities Act — Regulation 81-102 respecting Investment Funds — Regulation 81-104 respecting Commodity Pools (Amend.)		3323

Draft Regulations

	Occupational health and safety, An Act respecting... — Occupational health and safety in mines	3325
--	--	------

Coming into force of Acts

Gouvernement du Québec

O.C. 1014-2017, 18 October 2017

An Act to amend various legislative provisions to better protect persons (2016, chapter 12)

— **Coming into force of sections 1 and 2 of the Act**

COMING INTO FORCE of sections 1 and 2 of the Act to amend various legislative provisions to better protect persons

WHEREAS the Act to amend various legislative provisions to better protect persons (2016, chapter 12) was assented to on 8 June 2016;

WHEREAS section 50 of the Act provides that the Act comes into force on 8 June 2016, except sections 1, 2, 3, paragraph 1 of section 6, and sections 8 and 11, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 27 November 2017 as the date of coming into force of sections 1 and 2 of the Act;

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

THAT 27 November 2017 be set as the date of coming into force of sections 1 and 2 of the Act to amend various legislative provisions to better protect persons (2016, chapter 12).

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

103165

Regulations and other Acts

Gouvernement du Québec

O.C. 1015-2017, 18 October 2017

Civil Code of Québec

Change of name and of other particulars of civil status

— Amendment

Regulation to amend the Regulation respecting change of name and of other particulars of civil status

WHEREAS the Act to amend various legislative provisions to better protect persons (2016, chapter 12) was assented to on 8 June 2016;

WHEREAS sections 1 and 2 of the Act come into force on 27 November 2017 under Order in Council 1014-2017 dated 18 October 2017;

WHEREAS, under article 64 of the Civil Code, as amended by section 1 of the Act, the rules that apply to the procedure for a change of name and to the publication of the application for a change of name are determined by regulation of the Government;

WHEREAS, under article 67 of the Code, as amended by section 2 of the Act, the rules that apply to the publication of the notice of the decision of the registrar of civil status or of the judicial decision rendered in review concerning an application for a change of name are determined by government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting change of name and of other particulars of civil status was published in Part 2 of the *Gazette officielle du Québec* of 5 April 2017 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting change of name and of other particulars of civil status, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting change of name and of other particulars of civil status

Civil Code of Québec
(Civil Code, arts. 64 and 67; 2016, chapter 12, ss. 1 and 2)

1. The Regulation respecting change of name and of other particulars of civil status (chapter CCQ, r. 4) is amended in section 4 by adding the following after subparagraph 6 of the first paragraph:

“(7) a copy of the special exemption from publication, where applicable.”.

2. Section 5 is replaced by the following:

“**5.** The registrar of civil status is to publish on the website of the registrar a notice of the application for a change of name, unless such publication is not required under article 63 of the Civil Code.

The notice is published for 15 days after the applicant has consented to it.”.

3. Section 6 is amended

(1) by striking out “on the person who is the subject of the application” in the portion before subparagraph 1 of the first paragraph;

(2) by replacing “the person’s name” in subparagraph 1 of the first paragraph by “the name of the person who is the subject of the application”;

(3) by replacing “the person’s domiciliary address” in subparagraph 2 of the first paragraph by “the domiciliary address of the person who is the subject of the application”;

(4) by replacing “the place and date” in subparagraph 4 of the first paragraph by “the period of publication”;

(5) by striking out the third paragraph.

4. Section 7 is revoked.

5. Section 9 is amended by striking out paragraph 6.

6. Section 10 is amended by striking out “, in the manner set out in section 22,”.

7. Section 11 is replaced by the following:

“**11.** Any interested person may notify the applicant and the registrar of civil status of his or her views within 20 days of the end of the publication of the notice provided for in section 5.”

8. Section 12 is amended by replacing “Division III” in the first paragraph by “section 8”.

9. The heading of Division V is amended by adding “AND PUBLICATION OF THE DECISION AUTHORIZING THE CHANGE OF NAME” after “CIVIL STATUS”.

10. Section 17 is replaced by the following:

“**17.** The registrar of civil status is to publish on the website of the registrar a notice of the registrar’s decision authorizing the change of name or of the judicial decision, rendered upon review of the registrar’s decision, authorizing the change, unless such publication is not required under article 67 of the Civil Code.

The notice is published as soon as the change of name produces its effects.”

11. Section 18 is amended

(1) by replacing “of a change of name” in the portion before paragraph 1 by “of the decision authorizing the change of name”;

(2) by replacing “to authorize” in paragraphs 1 and 5 by “authorizing”;

(3) by striking out “place and” in paragraph 6;

(4) by striking out paragraph 7.

12. Section 20 is amended by replacing “article 110” by “articles 109 to 140”.

13. Sections 21 and 22 are revoked.

14. Section 23 is amended by replacing “22” by “20”.

15. This Regulation comes into force on 27 November 2017.

103166

Gouvernement du Québec

O.C. 1016-2017, 18 October 2017

Civil Code of Québec

Publication of a notice of tardy declaration of filiation
—Amendment

Regulation to amend the Regulation respecting the publication of a notice of tardy declaration of filiation

WHEREAS, under the second paragraph of article 130 of the Civil Code, the rules respecting the publication of a notice of tardy declaration of filiation made to the registrar of civil status are determined by government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the publication of a notice of tardy declaration of filiation was published in Part 2 of the *Gazette officielle du Québec* of 5 April 2017 with a notice that the Regulation could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make 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 publication of a notice of tardy declaration of filiation, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the publication of a notice of tardy declaration of filiation

Civil Code of Québec
(Civil Code, art. 130)

1. The Regulation respecting the publication of a notice of tardy declaration of filiation (chapter CCQ, r. 5) is amended by replacing section 1 by the following:

“1. The registrar of civil status is to publish on the web-site of the registrar a notice of tardy declaration of filiation.

The notice is published for 15 days after the declarant has consented to it.”.

2. Section 2 is amended

(1) by striking out “domiciliary” in paragraphs 1 and 3;

(2) by replacing “the date and place” in paragraph 5 by “the period of publication”;

(3) by striking out paragraph 6;

(4) by striking out “minor” in paragraph 7;

(5) by replacing “of the last publication of a notice of that declaration” in paragraph 7 by “after the publication of the notice”.

3. This Regulation comes into force on 27 November 2017

103167

M.O., 2017-08

Order number V-1.1-2017-08 of the Minister of Finance dated 17 October 2017

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 81-102 respecting Investment Funds and the Regulation to amend Regulation 81-104 respecting Commodity Pools

WHEREAS subparagraphs 3 and 16 of section 331.1 of the Securities Act (chapter V-1.1) stipulate that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

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

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

WHEREAS the Regulation 81-102 respecting Investment Funds was made by decision no. 2001-C-0209 dated May 22, 2001 (*Bulletin hebdomadaire*, vol. 32, no. 22, dated June 1, 2001);

WHEREAS the Regulation 81-104 respecting Commodity Pools was made by decision no. 2003-C-0075 dated March 3, 2003 (*Bulletin hebdomadaire*, vol. 34, no. 19, dated May 16, 2003);

WHEREAS there is cause to amend those regulations;

WHEREAS the draft Regulation to amend Regulation 81-102 respecting Investment Funds and the draft Regulation to amend Regulation 81-104 respecting Commodity Pools were published in the *Bulletin de l’Autorité des marchés financiers*, vol. 14, no. 16 of April 27, 2017;

WHEREAS the Authority made, on September 26, 2017, by the decision no. 2017-PDG-0115, Regulation to amend Regulation 81-102 respecting Investment Funds and by the decision no. 2017-PDG-0116, Regulation to amend Regulation 81-104 respecting Commodity Pools;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 81-102 respecting Investment Funds and the Regulation to amend Regulation 81-104 respecting Commodity Pools appended hereto.

October 17, 2017

CARLOS LEITÃO,
Minister of Finance

Regulation to amend Regulation 81-102 respecting Investment Funds

Securities Act

(chapter V-1.1, s. 331.1, par. (3) and (16))

1. Section 9.4 of Regulation 81-102 respecting Investment Funds (chapter V-1.1, r. 39) is amended:

(1) by replacing, in paragraph (1), the word “third” with the word “second”;

(2) by replacing, in paragraph (2), the words “third business day” with the words “second business day”;

(3) in paragraph (4):

(a) by replacing, in the text before subparagraph (a), the words “third business day” with the words “second business day”;

(b) by replacing, in subparagraph (a), the word “fourth” with the word “third”.

2. Section 10.4 of the Regulation is amended by replacing, wherever they occur, “3 business days” with “2 business days”.

3. Except in British Columbia and Saskatchewan, this Regulation comes into force on the later of November 14, 2017 or, in the event that the Regulation to amend Regulation 24-101 respecting Institutional Trade Matching and Settlement comes into force after November 14, 2017, the date on which such regulation comes into force.

In Québec, for the purposes of the first paragraph, the Regulation to amend Regulation 24-101 respecting Institutional Trade Matching and Settlement is such regulation approved by Ministerial Order Number V-1.1-2017-07 of the Minister of Finance dated June 15, 2017 in order to, in particular, facilitate the shortening the standard settlement cycle for equity and long-term debt market trades from 3 days after the date of a trade to 2 days after the date of a trade.

Regulation to amend Regulation 81-104 respecting Commodity Pools

Securities Act

(chapter V-1.1, s. 331.1, par. (3) and (16))

1. Section 6.3 of Regulation 81-104 respecting Commodity Pools (chapter V-1.1, r. 40) is amended by replacing “3 business days” with “2 business days”.

2. Except in British Columbia and Saskatchewan, this Regulation comes into force on the later of November 14, 2017 or, in the event that the Regulation to amend Regulation 24-101 respecting Institutional Trade Matching and Settlement comes into force after November 14, 2017, the date on which such regulation comes into force.

In Québec, for the purposes of the first paragraph, the Regulation to amend Regulation 24-101 respecting Institutional Trade Matching and Settlement is such regulation approved by Ministerial Order Number V-1.1-2017-07 of the Minister of Finance dated June 15, 2017 in order to, in particular, facilitate the shortening the standard settlement cycle for equity and long-term debt market trades from 3 days after the date of a trade to 2 days after the date of a trade.

103164

Draft Regulations

Draft Regulation

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

Occupational health and safety in mines — 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 occupational health and safety in mines, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation provides for the requirement to be trained on the characteristics of a hoist. It also sets out new conditions to be met to board a locomotive or mechanical haulage equipment.

Study of the matter has shown a non-recurrent economic impact of about \$110,000 for training hoistmen on the characteristics of the equipment they will use and \$25,000 for the installation of foot-steps and handles on locomotives and cars of mechanical haulage equipment.

Further information may be obtained by contacting France Gauthier, expert advisor – mines sector, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: 418 266-4699, extension 2029; fax: 418 266-4698.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Claude Sicard, vice-president for partnership and expert counseling, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

MANUELLE OUDAR,
*Chair of the board of directors and
Chief executive officer of the
Commission des normes, de l'équité,
de la santé et de la sécurité du travail*

Regulation to amend the Regulation respecting occupational health and safety in mines

An Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7 and 19)

1. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended by inserting the following after section 27.4:

“**27.5.** Hoistmen must receive training on the characteristics of a hoist before using it. The training, offered by the employer or the person designated by the employer, must in particular cover the following elements:

- (1) the safety devices of the hoist;
- (2) the operation of the braking systems and the brake test procedure;
- (3) the procedures for using the single-drum hoist;
- (4) the hoist registers;
- (5) the procedures and directives related to the hoist;
- (6) the safety rules, measures and procedures, including those provided for in section 117;
- (7) the signal and communications systems;
- (8) the operating functions of the hoist.”

2. Section 200.1 is revoked.

3. The following is inserted after section 200.1:

“**200.2.** A worker is allowed to board a locomotive or mechanical haulage equipment if the worker stands on a foot-step, at the back of the locomotive that is not connected to a mine car, or at the back of the mechanical haulage equipment, if the following conditions are met:

- (1) the locomotive or mine car is equipped with handles and a foot-step allowing the worker to stand;
- (2) the clearance above the top of the foot-step is at least 2 m (6.6 ft);
- (3) the foot-step is used by a maximum of 2 workers.

For the purposes of the first paragraph, the back is determined by the direction opposite the direction of travel.”

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

103168

Index

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

	Page	Comments
Change of name and of other particulars of civil status (Civil Code of Québec)	3321	M
Civil Code of Québec — Change of name and of other particulars of civil status.	3321	M
Civil Code of Québec — Publication of a notice of tardy declaration of filiation	3322	M
Commodity Pools — Regulation 81-104 (Securities Act, chapter V-1.1)	3323	M
Investment Funds — Regulation 81-102 (Securities Act, chapter V-1.1)	3323	M
Occupational health and safety in mines (An Act respecting occupational health and safety, chapter S-2.1)	3325	Draft
Occupational health and safety, An Act respecting... — Occupational health and safety in mines. (chapter S-2.1)	3325	Draft
Publication of a notice of tardy declaration of filiation (Civil Code of Québec)	3322	M
Securities Act — Commodity Pools — Regulation 81-104. (chapter V-1.1)	3323	M
Securities Act — Investment Funds — Regulation 81-102. (chapter V-1.1)	3323	M
Various legislative provisions to better protect persons, An Act to amend... — Coming into force of sections 1 and 2 of the Act (2016, chapter 12)	3319	

