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DU Québec

Part

2

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Laws and Regulations

Volume 152

Summary

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CQLR, c. C-8.1.1, r. 1

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (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) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) 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
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

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Coming into force of Acts

Gouvernement du Québec

O.C. 118-2020, 19 February 2020

**An Act to amend various legislative provisions
concerning consumer protection
(2018, chapter 14)**

— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to amend various legislative provisions concerning consumer protection

WHEREAS the Act to amend various legislative provisions concerning consumer protection (2018, chapter 14) was assented to on 6 June 2018;

WHEREAS section 28 of the Act provides that the Act comes into force on 6 June 2018, except, as provided in paragraph 1 of section 28, section 1, paragraph 3 of section 2, and sections 3 to 6 and 25, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 6 May 2020 as the date of coming into force of section 1, paragraph 3 of section 2, and sections 3 to 6 and 25 of the Act;

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

THAT 6 May 2020 be set as the date of coming into force of section 1, paragraph 3 of section 2, and sections 3 to 6 and 25 of the Act to amend various legislative provisions concerning consumer protection (2018, chapter 14).

YVES OUELLET,
Clerk of the Conseil exécutif

104273

Regulations and other Acts

Gouvernement du Québec

O.C. 119-2020, 19 February 2020

An Act respecting prearranged funeral services and sepultures
(chapter A-23.001)

Regulation respecting the application — Amendment

Regulation to amend the Regulation respecting the application of the Act respecting prearranged funeral services and sepultures

WHEREAS, under paragraph 1 of section 81 of the Act respecting prearranged funeral services and sepultures (chapter A-23.001), the Government may make regulations determining the physical presentation of a contract and the additional information it must contain as well as the content and distribution or transmission procedure of any other document contemplated in the Act or the regulations;

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 application of the Act respecting prearranged funeral services and sepultures was published in Part 2 of the *Gazette officielle du Québec* of 24 July 2019 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the application of the Act respecting prearranged funeral services and sepultures, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting prearranged funeral services and sepultures

An Act respecting prearranged funeral services and sepultures
(chapter A-23.001, s. 81, par. 1)

1. The Regulation respecting the application of the Act respecting prearranged funeral services and sepultures (chapter A-23.001, r. 1) is amended in section 1

(1) by replacing “in sections 7 and 8” in the first paragraph by “in sections 2.1 and 18.1”;

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

“Such contract must be drawn up on good quality white paper.”

2. Section 3 is amended by replacing “in section 4 or 5” in subparagraph *a* of the first paragraph by “in Chapter II, except that provided for in sections 3.1 and 4.1.”

3. The following is inserted after the heading of Chapter II:

“**3.1.** A prearranged funeral services contract must contain the date of birth of the person to whom the goods or services must be provided.”

4. The following is inserted after section 4:

“**4.1.** A prepurchased sepulture contract must contain the date of birth of the buyer.”

5. The following is inserted after section 5:

“**5.1.** A prearranged funeral services contract and a prepurchased sepulture contract must also contain the following required information at the end of the contract before the signatures of the parties:

“Information required under the Act respecting prearranged funeral services and sepultures.

(It applies only where the buyer is the person to whom the goods or services provided for in the contract must be provided at the time of the buyer’s death.)

This contract contains the expression of the buyer's wish respecting the nature of the buyer's funeral or disposal of the buyer's body, or both.

An indication of the existence of the contract will be entered in the register of prearranged funeral services contracts and prepurchased sepulture contracts.

In certain circumstances, the buyer, and the buyer's heirs, successors or liquidators, may modify or terminate this contract on the conditions set in the Acts and regulations in force.

If the buyer, the buyer's heirs, successors or liquidators terminate this contract, the amounts that the seller holds in trust in accordance with the Act will be remitted to them, subject to the penalty the seller may impose."

5.2. A funeral services or sepulture contract intended for a deceased person and made after the person's death must contain the following information:

"Information required under the Act respecting prearranged funeral services and sepultures.

The seller must make available to the public, at all times and in each of his establishments, an up-to-date list of the prices of each item of goods and each service that he offers."".

6. This Regulation comes into force on 6 May 2020.

104274

M.O., 2020

Order 2019-23 of the Minister of Transport dated 20 February 2020

Highway Safety Code
(chapter C-24.2)

Amendment to the Approval of the cameras used to photograph the registration plate of road vehicles driven on bridge P-10942 on autoroute 30

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 595.1 of the Highway Safety Code (chapter C-24.2), which provides that the cameras used to photograph the registration plate of road vehicles driven on a public road subject to a toll under the Act respecting transport infrastructure partnerships (chapter P-9.001) must be approved by the Minister of Transport and must allow the place, date and time the photograph was taken to be determined;

CONSIDERING the Approval of the cameras used to photograph the registration plate of road vehicles driven on bridge P-10942 on autoroute 30 (chapter C-24.2, r. 3.2);

CONSIDERING that it is expedient to amend the Approval;

ORDERS AS FOLLOWS:

1. The Approval of the cameras used to photograph the registration plate of road vehicles driven on bridge P-10942 on autoroute 30 (chapter C-24.2, r. 3.2) is amended in section 1 by replacing "or FreewayCAM WVGA CAMERA" in paragraph 1 by "; FreewayCAM WVGA CAMERA or FreewayCAM-03-6350".

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

Québec, 20 February 2020

FRANÇOIS BONNARDEL,
Minister of Transport

104276

Draft Regulations

Draft Regulation

An Act respecting municipal taxation
(chapter F-2.1)

Equalization scheme — 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 equalization scheme, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the equalization scheme (chapter F-2.1, r. 11) in order to follow up on the Partnership 2020-2024: Towards stronger municipalities and regions, entered into between the Gouvernement du Québec and the municipalities, which provides for the creation of a new part in the equalization program for local municipalities with a population of less than 15,000 inhabitants that face economic health challenges. The proposed measures set out eligibility requirements and rules for determining the sum that municipalities are entitled to under this new part.

Further information on the draft Regulation may be obtained by contacting Robin Hémond, Direction de la fiscalité, Ministère des affaires municipales et de l'habitation, 10, rue Pierre Olivier Chauveau, 5^e étage, La Tour, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 3707; email: robin.hemond@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Robin Hémond at the above-mentioned contact information.

ANDRÉE LAFOREST,
Minister of Municipal Affairs and Housing

Regulation to amend the Regulation respecting the equalization scheme

An Act respecting municipal taxation
(chapter F-2.1, s. 262, 1st par., subpar. 7)

1. The Regulation respecting the equalization scheme (chapter F-2.1, r. 11) is amended in section 1 by replacing the first paragraph by the following:

“**1.** An equalization scheme comprising 3 parts is established; the first part is more general and covers a certain number of municipalities, the second part covers a smaller number of municipalities whose average value of the dwellings is less than the median, and the third part covers municipalities with a population of less than 15,000 inhabitants and that are facing economic health challenges”.

2. The heading of Division II of Chapter II and the first paragraph of section 5 are amended in the French version only by replacing “second” by “deuxième”.

3. The following division is inserted after section 5:

“DIVISION II.1 SPECIAL CONDITIONS OF ELIGIBILITY UNDER THE THIRD PART

5.1. Any local municipality in respect of which the following conditions are met for the current fiscal year is eligible under the third part:

(1) is eligible under the first or second part of the equalization scheme;

(2) its population is less than 15,000 inhabitants;

(3) its economic health index is in the third, fourth or fifth quintile of the last economic health index list available.

A local municipality that meets the conditions in subparagraphs 1 and 2 of the first paragraph but does not have an economic health index is eligible under the third part.

For every fiscal year during which an amalgamation comes into force, the economic health index selected for a local municipality resulting from an amalgamation is the smallest and most recent available among those of each of the former municipalities whose territories have been amalgamated but it is replaced where an update of the economic health index is available for the municipality resulting from the amalgamation.”.

4. The heading of Division III of Chapter II is amended by replacing “BOTH” by “THE 3”.

5. Section 6 is amended by replacing “section 4 or 5” by “sections 4, 5 and 5.1”.

6. Section 7 is amended by replacing “sections 4, 5 and 6” by “sections 4, 5, 5.1 and 6”.

7. The heading of Division I of Chapter III is amended by replacing “BOTH” by “THE 3”.

8. Section 18 is amended by replacing the first paragraph by the following:

“**18.** The sum to be apportioned between the eligible municipalities for the current fiscal year is \$37,705,000 under the first part and \$22,295,000 under the second part. Under the third part, the sum to be apportioned is \$2,000,000 in 2020 and \$7,000,000 annually, beginning on 1 January 2021.”

9. Section 29 is amended by replacing “the number of units” in the first paragraph by “the number of dwellings included in the units”.

10. The following is inserted after section 32:

**“DIVISION IV.1
SPECIAL CALCULATION RULES UNDER
THE THIRD PART**

32.1. The equalization amount for each municipality eligible under the third part is the result of the following formula:

$$A / B \times C.$$

For the purposes of the formula:

(1) the letter A represents the total of the sums to be apportioned under the first part and the second part of the municipality eligible under the third part;

(2) the letter B represents the total of the sums to be apportioned under the first and second part of all the municipalities eligible under the third part;

(3) the letter C represents the sum to be apportioned under the third part, in accordance with section 18.”

11. Section 34 is amended

(1) by replacing “this Division” in the first paragraph by “this Chapter”;

(2) by replacing “this Division” in the portion before subparagraph 1 of the second paragraph by “this Chapter”.

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

Draft Regulation

Private Security Act
(chapter S-3.5)

Regulation under the Act — 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 under the Private Security Act, made by the Bureau de la sécurité privée and appearing below, may be submitted to the Minister of Public Security who may approve it, with or without amendments, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to revise the Regulation under the Private Security Act (chapter S-3.5, r. 1), in particular to clarify certain requirements that concern agent and agency licence applications, to modify the fee adjustment process so as to achieve greater indexing coherence for the entire fee schedule, and to reflect the new fee structure for background checks made by the Sûreté du Québec for persons applying for and holding an agent licence. The latter regulatory amendment will reduce the fees paid by an agent during the 5-year period in which the agent’s licence is valid.

A further purpose of the draft Regulation is to have licence applicants submit full and compliant application forms. It also proposes that the work of analysing applications done by the Bureau be taken into account and, in that regard, that if the Bureau refuses to issue or renew a licence, the fees for an agent licence will no longer be reimbursed and only one-half of those for an agency licence will be. That regulatory amendment will have little impact on persons and enterprises in view of the fact that, out of all the applications made, only a small number are refused or not renewed.

The draft Regulation also proposes to introduce additional conditions to be met before an agent licence will be issued. An applicant will be required to have Canadian citizenship, permanent resident status or a work permit issued by the competent Canadian immigration authorities. As well, the applicant must be in a physical and mental condition such that he or she is able to carry on the private security activity for which a licence is applied for. Amendments are also made to give the Bureau the authority to require applicants to submit the documents necessary to verify that those conditions are met.

Further information on the draft Regulation may be obtained by contacting Claude Paul-Hus, Director General, Bureau de la sécurité privée, 6363, route Transcanadienne Ouest, bureau 206, Saint-Laurent (Québec) H4T 1Z9; telephone: 1 877 748-7483; fax: 514 748-0002; e-mail: juridique@bspquebec.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Isabelle F. LeBlanc, Secretary and Legal Affairs Director, Bureau de la sécurité privée, 6363, route Transcanadienne Ouest, bureau 206, Saint-Laurent (Québec) H4T 1Z9; telephone: 1 877 748-7483; fax: 514 748-0002; e-mail: juridique@bspquebec.ca. The comments will be forwarded by the Bureau to the Minister of Public Security.

ANDRÉE LAFOREST,
Acting Minister of Public Security

Regulation to amend the Regulation under the Private Security Act

Private Security Act
(chapter S-3.5, ss. 107 and 108)

1. The Regulation under the Private Security Act (chapter S-3.5, r. 1) is amended in section 1

(1) by inserting “current” in the first paragraph before “form”;

(2) by replacing “the” in subparagraph 2 of the second paragraph by “every”;

(3) by striking out “status and” in subparagraphs 4 and 4.1 of the second paragraph.

2. Section 2 is amended

(1) by replacing “as the case may be” in paragraph 1 by “as applicable”;

(2) by inserting “, on the current form provided by the Bureau,” in paragraph 3 after “a document”;

(3) by inserting the following after paragraph 4:

“(4.1) designation, on the current form provided by the Bureau, of the agency’s representative by a duly authorized person; and”.

3. Section 3 is amended

(1) by inserting “one-half of” in the portion before subparagraph 1 of the first paragraph before “which”;

(2) by striking out the last sentence of the second paragraph.

4. Section 7 is amended by inserting “current” in the second paragraph before “form”.

5. Section 8 is amended

(1) by replacing “on the anniversary dates” by “at least 60 days before the anniversary dates”;

(2) by replacing “The fee” by “One-half of the fee”.

6. Section 10 is amended by inserting “current” in the first paragraph before “form”.

7. Section 11 is amended by replacing subparagraph 2 by the following:

“(2) a copy of both sides of a valid piece of identification issued by the Government of Canada or a provincial or territorial government or, failing that, by a foreign government, containing at the least the applicant’s name, date of birth, photo and signature;

(2.1) a document evidencing that the applicant has Canadian citizenship, permanent resident status or a work permit issued by the competent Canadian immigration authorities;

(2.2) at the request of the Bureau, a medical certificate certifying that the applicant is in a physical and mental condition such that he or she is able to carry on the private security activity for which the licence is applied for;”.

8. Section 12 is amended

(1) by adding “, which are not reimbursed” in the portion before paragraph 1 after “fees”;

(2) by striking out “, reimbursed to the applicant if the licence is not issued or renewed” in paragraph 1;

(3) by striking out “non-reimbursable” in paragraph 2.

9. The Regulation is amended by inserting the following after section 12:

12.1. A person who applies for an agent licence must

(1) have Canadian citizenship, permanent resident status or a work permit issued by the competent Canadian immigration authorities; and

(2) be in a physical and mental condition such that the person is able to carry on the private security activity for which the licence is applied for.”

10. Section 14 is amended

(1) by inserting “current” in the second paragraph before “form”;

(2) by adding “, which are not reimbursed” at the end of the second paragraph.

11. Section 15 is amended by adding “, which are not reimbursed” in the portion before paragraph 1 after “fees”.

12. The heading of Division IV is amended by striking out “PAYMENT AND”.

13. Section 23 is revoked.

14. Section 24 is amended

(1) by replacing “provided in sections 3, 12 and 15” in the first paragraph by “set under this Regulation” and “September” by “June”;

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

“The adjusted fees are rounded off as follows:

(1) where the annual increase resulting from the adjustment is between \$0.01 and \$0.25, they are increased by \$0.25;

(2) where the annual increase resulting from the adjustment is between \$0.25 and \$0.50, they are increased by \$0.50;

(3) where the annual increase resulting from the adjustment is between \$0.50 and \$1.00, they are increased by \$1.00;

(4) where the annual increase resulting from the adjustment is greater than \$1.00,

(a) they are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; or

(b) they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.”

15. Section 25 is amended

(1) by inserting “and the date of birth” in the second paragraph after “names” and “, the number of their agent licence” after “carry on”;

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

“The information entered in the register for those persons must be kept for a minimum of 2 years after the date on which their employment is terminated.”

16. The fees set by paragraph 2 of section 12 of the Regulation under the Private Security Act (chapter S-3.5, r. 1) are

(1) \$92 as of (*insert the date of coming into force of this Regulation*); and

(2) \$100 as of 1 January 2021.

The fees set by paragraph 2 of section 15 of the Regulation under the Private Security Act are

(1) \$20 as of (*insert the date of coming into force of this Regulation*); and

(2) \$15 as of 1 January 2021.

Despite section 24 of the Regulation under the Private Security Act, as amended by section 14 of this Regulation, the fees are not adjusted in 2021.

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

104269

Draft Regulation

Professional Code
(chapter C-26)

Lawyers

— Code of Professional Conduct of Lawyers

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Code of Professional Conduct of Lawyers, made by the board of directors of the Barreau du Québec and appearing below, may be examined by the Office des professions du Québec and then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation provides that lawyers are prohibited from taking part in an act involving collusion, corruption, malfeasance, breach of trust or influence peddling, imposes new obligations of professional conduct on the lawyer, including informing the syndic of any conduct that calls into question not only the honesty, loyalty or competence of another lawyer, but also his integrity and, lastly, clarifies the scope of certain regulatory provisions.

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

Further information on the draft Regulation may be obtained by contacting Mtre Nicolas Le Grand Alary, lawyer, Secrétariat de l'Ordre et Affaires juridiques, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8; telephone: 514 954-3400, extension 5163, or 1 800 361-8495; email: nlegrandalary@barreau.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Guylaine Couture, Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

GUYLAINE COUTURE,
Secretary of the Office des professions du Québec

Regulation to amend the Code of Professional Conduct of Lawyers

Professional Code
(chapter C-26, s. 87)

1. The Code of Professional Conduct of Lawyers (chapter B-1, r. 3.1) is amended in section 3 by inserting “the Professional Code (chapter C-26) or a person referred to in” after “and one other professional referred to in” in paragraph 2.

2. The following is inserted after section 4:

“**4.1.** A lawyer refrains from any form of discrimination or harassment against a person with whom he has a professional relationship.”.

3. The following is inserted after section 14:

“**14.1.** A lawyer must not under any circumstances participate in an act involving collusion, corruption, malfeasance, breach of trust or influence peddling.”.

4. Section 21 is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph, the knowledge and skills related to information technologies used within the scope of the lawyer’s professional activities are part of the knowledge and skills that a lawyer develops and updates.”.

5. Section 37 is replaced by the following:

“**37.** A lawyer is honest and candid when communicating with clients or advising them.”.

6. Section 88 is amended

(1) by striking out the first paragraph;

(2) by replacing the portion before subparagraph 1 of the second paragraph by the following:

“When the prohibition from acting provided for in section 87 applies, a lawyer from the same firm as the lawyer subject to that prohibition may act in a matter against the former client of that lawyer if that former client consents or if doing so is in the interests of justice, having regard to the following factors, in particular:”;

(3) by replacing “second” in the third paragraph by “first”.

7. Section 134 is amended by inserting “integrity,” after “his honesty,” in paragraph 6.

8. Section 139 is amended by replacing “under the Courts of Justice Act (chapter T-16) and the office of municipal judge” in paragraph 1 by “in the judiciary”.

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

104270

Draft Regulation

An Act respecting safety in sports
(chapter S-3.1)

Terms and conditions for an application for approval of or amendment to a safety regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting terms and conditions for an application for approval of or amendments to a safety regulation, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation amends certain requirements on the application for approval of a safety regulation to update them and maintains an existing requirement in this regard for combat sports.

Further information on the draft Regulation may be obtained by contacting François Motard, Director, Direction de la sécurité dans le loisir et le sport, Ministère de l'Éducation et de l'Enseignement supérieur, 100, rue Laviolette, bureau 213, 2^e étage, Trois-Rivières G9A 5S9; telephone: 819 371-6033, extension 4425.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Education and Higher Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

JEAN-FRANÇOIS ROBERGE,
*Minister of Education and
Higher Education*

ISABELLE CHAREST,
Minister for Education

Regulation to amend the Regulation respecting terms and conditions for an application for approval of or amendments to a safety regulation

An Act respecting safety in sports
(chapter S-3.1, s. 55)

1. The Regulation respecting terms and conditions for an application for approval of or amendments to a safety regulation (chapter S-3.1, r. 5) is amended in section 2 by replacing paragraph 2 by the following:

“(2) the Québec business number assigned to the applicant by the enterprise registrar;”.

2. Section 3 is amended

(1) by striking out paragraph 2;

(2) by replacing paragraph 4 by the following:

“(4) a list of combat sport contests and events organized or sponsored annually by the applicant;”.

(3) by striking out paragraph 5.

3. Section 5 is amended by striking out “in type of at least 10 points, on paper 21.5 cm by 35.5 cm and on the front side of the pages only” at the end.

4. Section 9 is amended

(1) by striking out “and numbering”;

(2) by replacing “must be identical to those of the previous regulation approved by the Minister of Education, Recreation and Sports, unless a section has been revoked or added” at the end by “must comply with the order of the matters provided for in section 1 of the Regulation determining matters to be treated in a safety regulation (chapter S-3.1, r. 4)”.

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

104271

Treasury Board

Gouvernement du Québec

T.B. 221967, 18 February 2020

An Act respecting the Pension Plan
of Management Personnel
(chapter R-12.1)

Regulation respecting the application —Amendment

Regulation to amend the Regulation under the Act
respecting the Pension Plan of Management Personnel

WHEREAS, under subparagraph 12.2 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Government may, by regulation, for the purposes of section 154, determine the conditions and terms related to the return to work of a pensioner who has not resumed membership in the plan, which conditions and terms may vary according to the pensionable employment that the pensioner holds or returns to;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) in its decision dated 24 May 2005 (C.T. 202420);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the first paragraph of section 196 of the Act, the Government exercises the regulatory powers provided for therein after Retraite Québec has consulted the pension committee referred to in section 196.2;

WHEREAS, under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS those consultations took place;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

An Act respecting the Pension Plan
of Management Personnel
(chapter R-12.1, s. 196, 1st par., subpar. 12.2)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) is amended by inserting the following division after section 10.2:

“DIVISION IV.3

CONDITIONS AND TERMS RELATED TO THE
RETURN TO WORK OF A PENSIONER WHO HAS
NOT RESUMED MEMBERSHIP IN THE PLAN

10.3. The election of a pensioner to not resume membership in the plan upon returning to work applies from the date on which Retraite Québec receives a notice in writing to that effect. However, the election made by a pensioner who did not have years or parts of a year of service credited or counted under the plan or who did not have years or parts of a year of service counted under section 3.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the first day on which the pensioner held his or her last pensionable employment under the first paragraph of section 153 of the Act, shall apply from that day.

10.4. The pensioner who returns to pensionable employment under the plan shall continue to receive the benefits referred to in the first paragraph of section 97 of the Act until the day on which the sum of the salaries defined in section 10.5 is greater than the amount by which the annual salary defined in section 10.6 exceeds the amount corresponding to the benefits referred to in the first paragraph of section 97 of the Act without, where applicable, being reduced pursuant to section 57 of the Act. Sections 91, 95, 96 and 100 of the Act shall apply with the necessary modifications.

The day following that on which the sum of the salaries defined in section 10.5 is equal or greater than the amount by which the annual salary defined in section 10.6 exceeds the amount corresponding to the benefits referred to in the first paragraph of section 97 of the Act without, where applicable, being reduced pursuant to section 57 of the Act, the pensioner's pension and the benefits referred to in subparagraphs 7 and 8 of the first paragraph of section 97

shall cease to be paid for a period corresponding to the service that would have otherwise been credited to the pensioner while he or she has returned to such employment and, where applicable, until 31 December, had the election not been made.

Notwithstanding the first and second paragraphs, where the pensioner returns to pensionable employment under the plan during the same year in which he or she ceased membership in the plan, the amount corresponding to the benefits referred to in the first paragraph of section 97 of the Act without, where applicable, being reduced under section 57 of the Act and the annual salary defined in section 10.6 shall be adjusted in proportion to the number of days for which the pensioner received or would have received benefits in relation to the total number of days in that year.

The first, second and third paragraphs also apply to a pensioner who holds pensionable employment under paragraph 3 of section 1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2). The same applies to a pensioner who holds pensionable employment under paragraph 4 of that section 1, where he or she is a member of the classes of employees designated in Division I of the schedule to the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2).

10.5. The employer shall, within 30 days following the first day of the return to work, file a report to Retraite Québec that contains, with respect to the pensioner,

(1) the date that the return to work began and the estimated date that the return will end;

(2) the estimated amount of the salary which corresponds to the salary defined in section 25 and which the employer is to pay the pensioner in the context of his or her return to work pursuant to section 154 of the Act until 31 December of the year in which the first day of the return to work took place; and

(3) based on the employer's estimate, the number of days worked by the pensioner until 31 December of the year in which the first day of the return to work took place and the percentage of working time.

The employer shall, within 30 days following the last day of the return to work, file a report to Retraite Québec that contains

(1) to the extent that the employer was not required, following a departure, to notify Retraite Québec in accordance with section 10.4,

(a) the date of the end of the return to work;

(b) the amount of the salary which corresponds to the salary defined in section 25 and which was paid to the pensioner in the context of his or her return to work pursuant to section 154 of the Act during the year in which the last day of the return to work took place; and

(2) the number of days worked during the year in which the last day of the return to work took place and the percentage of working time.

If the report referred to in the second paragraph was not filed, the employer shall, no later than 1 February of each year, file a report to Retraite Québec that contains

(1) the amount of the salary which corresponds to the salary defined in section 25 and which was paid to the pensioner in the context of his or her return to work pursuant to section 154 of the Act during the previous calendar year;

(2) the number of days worked in the previous calendar year and the percentage of working time;

(3) the estimated amount of the salary which corresponds to the salary defined in section 25 and which the employer is to pay to the pensioner in the context of his or her return to work pursuant to section 154 of the Act during the calendar year in progress; and

(4) based on the employer's estimate, the number of days worked by the pensioner during the calendar year in progress and the percentage of working time.

If the amount of the benefit received by the pensioner is less than that to which the pensioner is entitled, Retraite Québec shall pay the amount due within two months of receiving a report under the first, second or third paragraph. If the amount of the benefit received by the pensioner is greater than that to which the pensioner is entitled, Retraite Québec shall set off the overpayment in the manner determined by regulation under section 147 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10). No interest may be charged on any sum thus paid or collected.

10.6. The annual salary of the pensioner is equal to the salary defined in section 25 of the Act

(1) that the pensioner received on the day he or she ceased to be a member of the plan, computed on a yearly basis; or

(2) that the pensioner would otherwise have received on the day he or she ceased to be a member of the plan or that the pensioner would have received on that day had he or she not been, in particular, absent without pay or receiving salary insurance benefits, computed on a yearly basis.

For the purposes of the first paragraph, the annual salary of a pensioner who once again ceased to hold an employment pursuant to section 153 of the Act is equal to the salary defined in section 25 of the Act

(1) that the pensioner received on the day he or she ceased to be an employee under section 153 of the Act during his or her most recent return to work, computed on a yearly basis; or

(2) that the pensioner would otherwise have received on the day he or she ceased to be an employee under section 153 of the Act during his or her most recent return to work or that the pensioner would have received on that day had he or she not been, in particular, absent without pay or receiving salary insurance benefits, computed on a yearly basis.

10.7. The pensioner who holds pensionable employment under the Government and Public Employees Retirement Plan shall continue to receive the benefits referred to in the first paragraph of section 97 of the Act.

The first paragraph also applies to a pensioner who holds pensionable employment under paragraphs 1 or 2 of section 1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2). The same applies to a pensioner who holds pensionable employment under paragraph 4 of that section 1, where he or she is a member of the classes of employees designated in divisions II, III or IV of the schedule to the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2).

10.8. The pension accrued to the pensioner under the plan shall be indexed in accordance with the plan for the period during which the pension ceases to be paid.

Sections 108.1, 108.2, 116.1 and 116.2 of the Act apply to the pension referred to in the first paragraph.

10.9. To determine the benefits, other than the pension accrued under this plan, to which a pensioner will be entitled when he or she ceases to be employed, the benefits are adjusted in accordance with the plan concerned.”.

2. Notwithstanding the first and second paragraphs of section 10.4, introduced by section 1 of this Regulation:

(1) for the year 2020, the pensioner’s salary defined in section 10.5 does not include the salary corresponding to the period prior to 1 March 2020;

(2) the salary defined in section 10.5 of the pensioner referred to in the first paragraph of section 27 of the Act to amend the Act respecting the Pension Plan of Management Personnel and other legislative provisions (2012, chapter 6) and who has reached 65 years of age does not include the salary corresponding to the period prior to reaching that age.

3. This Regulation comes into force on 1 March 2020.

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

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