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Laws and Regulations

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Summary

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Regulations and other Acts
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Regulations and other Acts

Gouvernement du Québec

O.C. 512-2020, 13 May 2020

Master Pipe-Mechanics Act
(chapter M-4)

Building Act
(chapter B-1.1)

Master pipe-mechanics — Continuing education requirements

Regulation respecting continuing education requirements for master pipe-mechanics

WHEREAS, under section 10.1 of the Master Pipe-Mechanics Act (chapter M-4), the council of the Corporation des maîtres mécaniciens en tuyauterie du Québec may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply;

WHEREAS, under subparagraph 1 of the second paragraph of section 10.2 of the Master Pipe-Mechanics Act, the council of the Corporation may, by regulation, make training mandatory for the issue or maintenance of a licence covering work coming under the exclusive competence of master pipe-mechanics;

WHEREAS, under the first paragraph of section 2.1.3 of the Schedule to the Order in Council concerning an agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them (chapter B-1.1, r. 5), the Corporation may, in relation to the mandate entrusted by the Government, adopt a regulation that may deal with the matters referred to in particular in paragraphs 8 to 16, 18, 18.1, 19.7 and 36.1 of section 185 of the Building Act;

WHEREAS, under paragraph 8 of section 185 of the Building Act, the Corporation may, by regulation, determine the information to be provided by a licence holder to enable the Corporation to verify if the holder still meets the requirements for obtaining a licence under the Act;

WHEREAS, under paragraph 9.1 of section 185 of the Building Act, the Corporation may, by regulation, determine the continuing education requirements, or the framework for continuing education requirements, with which all or certain guarantors must comply, in accordance with the conditions set by resolution of the Corporation, and the regulation must include the procedure for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply and, if applicable, any exemptions from the requirements;

WHEREAS, under paragraph 9.2 of section 185 of the Building Act, the Corporation may, by regulation, prescribe that documents required under the Act or a regulation must be sent or received using the medium, technology or method of transmission specified in the regulation;

WHEREAS, under paragraph 10 of section 185 of the Building Act, the Corporation may, by regulation, determine the conditions and criteria of solvability and any other qualifications that a natural person applying for a licence for himself or herself or who wishes to qualify as a guarantor for a partnership or legal person must possess, as well as any other conditions that the person must fulfill and any particulars that the person must provide;

WHEREAS, under paragraph 11 of section 185 of the Building Act, the Corporation may, by regulation, determine the conditions and criteria of solvability and any other qualifications that a partnership or person applying for the issue of a licence must possess, as well as any other conditions that they must fulfill and any particulars that they must provide;

WHEREAS, under paragraph 16 of section 185 of the Building Act, the Corporation may, by regulation, determine the terms and conditions and set the fees payable for the issue, amendment or maintenance of a licence, and determine in what cases and at what intervals it will charge such fees;

WHEREAS the council of the Corporation made the Regulation respecting continuing education requirements for master pipe-mechanics on 20 March 2020;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting continuing education requirements for master

pipe-mechanics was published in Part 2 of the *Gazette officielle du Québec* of 18 December 2019 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under the first paragraph of section 10.3 of the Master Pipe-Mechanics Act, a regulation made under sections 10.1 and 10.2 of the Act must be submitted to the Government for approval with or without amendment;

WHEREAS it is expedient to approve the Regulation respecting continuing education requirements for master pipe-mechanics without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the Regulation respecting continuing education requirements for master pipe-mechanics, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting continuing education requirements for master pipe-mechanics

Master Pipe-Mechanics Act
(chapter M-4, ss. 10.1 and 10.2)

Building Act
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 10, 11 and 16)

Order in council agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them (chapter B-1.1, r. 5, Sch. (s. 2.1.3))

DIVISION I BASIS AND PURPOSE

1. This Regulation is warranted by the rapid and constant evolution of the proficiency required to carry on the trade of master pipe-mechanic, by the magnitude of the resulting change and by the importance of ensuring the safety of the public. It allows the Corporation of Master Pipe-Mechanics of Québec to determine the continuing education requirements or the framework for those requirements with which its members must comply, through all or certain of their guarantors.

The objective of continuing education is to enable members of the Corporation of Master Pipe-Mechanics of Québec to maintain, update, improve and expand the skills involved in their trade activities as master pipe-mechanics.

DIVISION II INTERPRETATION

2. In this Regulation, unless the context indicates otherwise,

(1) “Corporation” means the Corporation of Master Pipe-Mechanics of Québec except that, for the purposes of Divisions V, VI and VII, “Corporation” may also mean the Corporation of Master Electricians of Québec if it is the corporation designated by a member as being responsible for the member’s vocational qualification record;

(2) “member” means a member of the Corporation of Master Pipe-Mechanics of Québec, as defined in the Master Pipe-Mechanics Act (chapter M-4), who holds a licence that includes any of the specialized contractor’s licence subclasses covering work coming under the exclusive competence of master pipe-mechanics, namely the subclasses under No. 15.1, 15.2, 15.3, 15.4 or 15.5 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9);

(3) “guarantor” means a natural person referred to in section 52 of the Building Act (chapter B-1.1) who holds or has applied for a licence on behalf of a partnership or legal person and has qualified in that capacity;

(4) “construction work guarantor” means a guarantor who has the construction work knowledge required for any of the specialized contractor’s licence subclasses covering work coming under the exclusive competence of master pipe-mechanics, namely the subclasses under No. 15.1, 15.2, 15.3, 15.4 or 15.5 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(5) “representative” means a member’s representative within the meaning assigned to that term by section 10 of the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec (chapter M-4, r. 1);

(6) “heating subclass” means any of the specialized contractor’s licence subclasses under No. 15.1, 15.2, 15.3 or 15.4 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(7) “plumbing subclass” means the specialized contractor’s licence subclass under No. 15.5 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders.

DIVISION III **SCOPE**

3. This Regulation applies to the members of the Corporation through construction work guarantors.

Despite the foregoing, members of the Corporation domiciled outside Québec who have obtained a licence under the exemption provisions of sections 3.1 to 3.2 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) are excluded from the application of this Regulation.

DIVISION IV **CONTINUING EDUCATION REQUIREMENTS** **AND REQUIREMENT FRAMEWORK**

4. A construction work guarantor must, unless exempted under Division VI, devote at least 16 hours to continuing education activities per two-year reference period, allocated according to the parameters set out in this Division. At least eight of those 16 hours must be devoted by the guarantor to continuing education activities related to the knowledge required for construction work.

However, despite the preceding paragraph, a construction work guarantor responsible for both the heating subclass and the plumbing subclass must devote at least 24 hours to continuing education activities per two-year reference period. At least 16 of those 24 hours must be devoted to continuing education activities related to the knowledge required for construction work, namely eight hours relating to the heating subclasses and eight hours relating to the plumbing subclass.

5. A reference period extends over two years; it begins on 1 April and ends on 31 March.

The first reference period begins on 1 April 2022.

6. A construction work guarantor devoting in a reference period more hours to continuing education activities than the number required may carry forward a maximum of four surplus hours in order to satisfy the requirements for the subsequent reference period. Hours carried forward cannot, however, reduce the number of hours required to be devoted to continuing education activities imposed pursuant to section 11 for a subsequent reference period.

7. The eligible continuing education activities are the following:

- (1) participation in continuing education courses;
- (2) participation in conferences, workshops or seminars;
- (3) participation in symposiums or conventions;
- (4) participation in structured in-service education activities; and
- (5) participation in any other type of education activity determined by the Corporation.

8. The content of a continuing education activity must be related to the knowledge and skills relevant to the operation of a construction enterprise and the trade activities of a master pipe-mechanic, to the subclasses of the licence held by the member or to the areas of guarantor qualification.

The content of a continuing education activity may pertain to the following subjects in particular:

- (1) knowledge of the construction standards, regulations and techniques specific to construction work within the subclasses of licence for which the guarantor is responsible;
- (2) reading and interpretation of plans and specifications specific to the construction work within the subclasses;
- (3) cost estimates and tenders;
- (4) management of construction activities;
- (5) financial management of a construction enterprise;
- (6) laws and regulations that apply to construction enterprises, their administration and management;
- (7) any other subject relevant to the administration of a construction enterprise, management of worksite safety, management of projects and worksites and construction work; and
- (8) any other subject relevant to the laws and regulations that apply to members, including provisions governing ethical obligations, derogatory acts and discipline.

9. The Corporation recognizes the continuing education activities all or certain guarantors may take and inform them of those activities.

For the purpose of recognizing a continuing education activity, the Corporation considers the following criteria:

(1) the relationship between the content of the continuing education activity and trade activities as a master pipe-mechanic;

(2) the relationship between the content of the continuing education activity and the areas of qualification of the guarantors to whom the continuing education requirements apply;

(3) the competence and qualifications of the instructor or the reputation of the organization that structures, oversees or provides the continuing education activity;

(4) the relevance of the continuing education;

(5) achievement of the continuing education objectives pursued by this Regulation;

(6) the duration of the continuing education activity, the environment in which it takes place and, if applicable, the quality of the material supplied; and

(7) the fact that a certificate of participation is issued or an evaluation is required.

10. For each continuing education activity it recognizes, the Corporation assigns an eligible duration to the activity to be used to calculate the number of hours of continuing education required pursuant to section 4.

11. For a particular reference period, the Corporation may require all or certain construction work guarantors to participate in a continuing education activity corresponding to the requirement framework under this Regulation, owing among other reasons to legislative or regulatory reform, a change in standards or shortcomings affecting the carrying on of the trade by members. For that purpose, the Corporation sets the duration of the continuing education and the timeframe within which it must take place, and determines the persons authorized to provide it. The hours devoted to the required education activity count in the calculation of continuing education hours required pursuant to section 4.

12. To have a continuing education activity recognized if the activity has not already been recognized by the Corporation, an application to that effect must be sent to the Corporation at least 30 days before the date on which the activity is set to begin. Supporting documents

describing the activity, its duration and content, identifying the person responsible for the activity or the instructor, stating whether a participation certificate is issued or an evaluation is required and providing any other information making it possible to determine whether the continuing education objectives of this Regulation are met must accompany the application. The Corporation informs the applicant, within 20 days after receipt of the application, of whether it recognizes the continuing education activity or not.

DIVISION V **CONTROL PROCEDURES**

13. A construction work guarantor must send the Corporation a continuing education statement on or before 31 March that ends the particular reference period, using the electronic form provided by the Corporation for that purpose. The statement indicates the continuing education activities taken during the reference period concerned, the number of hours accrued and, if applicable, any exemptions obtained under Division VI. Supporting documents, that is, a copy of any certificates of participation issued or, alternatively, of the results obtained after required evaluations, must accompany the statement.

14. A construction work guarantor who, during a reference period, qualifies in that capacity for a partnership or legal person other than that for which qualification at the beginning of the reference period had been obtained retains, for the purposes of section 4, the credit for the hours that the guarantor devoted to continuing education activities.

15. Participation in a continuing education activity, evidenced by a certificate of participation or, alternatively, the evaluation result, is the criterion used by the Corporation to ensure that a continuing education activity was taken for the purpose of satisfying the requirements imposed by this Regulation.

16. A construction work guarantor must keep, for a full period of two years after each reference period, all supporting documents enabling the Corporation to verify that the guarantor has satisfied the requirements imposed by this Regulation. The same applies to a partnership or legal person that is a member of the Corporation as regards the continuing education requirements for all or certain of its guarantors.

DIVISION VI **EXEMPTIONS AND DEFERRALS**

17. A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which

the guarantor is issued a licence for the first time or qualifies as a construction work guarantor for a partnership or legal person for the first time.

18. A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence or qualifies as a guarantor for a partnership or legal person without being able to benefit from the examination exemption provided for in the second paragraph of section 20 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).

19. A licensed guarantor who, in a particular reference period, ceases for whatever reason to be entitled in that capacity cannot be issued a licence for a subsequent reference period or qualify as a construction work guarantor for a partnership or legal person, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

Likewise, a construction work guarantor for a partnership or legal person who, in a particular reference period, ceases for whatever reason to act in that capacity cannot again qualify as a guarantor for a subsequent reference period, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

DIVISION VII NON-COMPLIANCE AND PENALTIES

20. The continuing education requirements imposed by this Regulation must be satisfied so that a construction work guarantor may continue to act in that capacity.

The continuing education requirements imposed by this Regulation must be satisfied even though the licence for which a guarantor is qualified is suspended.

21. At the end of a reference period, the Corporation sends a notice to any construction work guarantor who fails to comply with the continuing education requirements imposed by this Regulation. The notice must also be sent to the representative of the partnership or legal person for which the non-compliant guarantor is qualified.

The notice must state the nature of the non-compliance and inform the recipient that a period of 90 days from the end of the reference period concerned is provided to allow the recipient to remedy the non-compliance and supply supporting proof.

The notice must also mention that the guarantor holding a licence will no longer be entitled to it, resulting in the licence ceasing to have effect or, as the case may be, that the construction work guarantor of a partnership or legal person will no longer be able to act in that capacity, resulting in the partnership or legal person for which the guarantor is qualified being required to replace the guarantor or, failing that, resulting in the licence ceasing to have effect.

22. The hours of continuing education accrued by a construction work guarantor while failing to comply with the continuing education requirements imposed by this Regulation are allocated first to the reference period in respect of which the notice of non-compliance is sent.

23. At the end of the period provided under section 21, the construction work guarantor who has not remedied the non-compliance is deemed to have ceased to act in that capacity as of the end of the reference period.

As a consequence, the guarantor holding a licence ceases to be entitled to it and the licence held by the guarantor ceases to have effect.

Likewise, the licence of the partnership or legal person for which the guarantor was qualified to act in that capacity ceases to have effect, unless the partnership or legal person has replaced the guarantor or another construction work guarantor has qualified to act in that capacity for the partnership or legal person.

Pursuant to section 73 of the Building Act (chapter B-1.1), where a licence includes several subclasses and the guarantor referred to in the third paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another natural person acts as a guarantor for each of the other subclasses.

24. This Regulation comes into force on 1 April 2022.

104431

Gouvernement du Québec

O.C. 513-2020, 13 May 2020

Master Electricians Act
(chapter M-3)

Building Act
(chapter B-1.1)

Master electricians — Continuing education requirements

Regulation respecting continuing education requirements for master electricians

WHEREAS, under section 12.0.1 of the Master Electricians Act (chapter M-3), the council of the Corporation des maîtres électriciens du Québec may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply;

WHEREAS, under subparagraph 1 of the second paragraph of section 12.0.2 of the Master Electricians Act, the council of the Corporation may, by regulation, make training mandatory for the issue or maintenance of a licence covering work coming under the exclusive competence of master electricians;

WHEREAS, under the first paragraph of section 2.1.3 of the Schedule to the Order in council respecting the Agreement related to the mandate entrusted to the Corporation des maîtres électriciens du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them (chapter B-1.1, r. 4), the Corporation may, in relation to the mandate entrusted by the Government, adopt a regulation that may deal with the matters referred to in particular in paragraphs 8 to 16, 18, 18.1, 19.7 and 36.1 of section 185 of the Building Act;

WHEREAS, under paragraph 8 of section 185 of the Building Act, the Corporation may, by regulation, determine the information to be provided by a licence holder to enable the Corporation to verify if the holder still meets the requirements for obtaining a licence under the Act;

WHEREAS, under paragraph 9.1 of section 185 of the Building Act, the Corporation may, by regulation, determine the continuing education requirements, or the framework for continuing education requirements, with which all or certain guarantors must comply, in accordance with the conditions set by resolution of the Corporation, and

the regulation must include the procedure for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply and, if applicable, any exemptions from the requirements;

WHEREAS, under paragraph 9.2 of section 185 of the Building Act, the Corporation may, by regulation, prescribe that documents required under the Act or a regulation must be sent or received using the medium, technology or method of transmission specified in the regulation;

WHEREAS, under paragraph 10 of section 185 of the Building Act, the Corporation may, by regulation, determine the conditions and criteria of solvability and any other qualifications that a natural person applying for a licence for himself or herself or who wishes to qualify as a guarantor for a partnership or legal person must possess, as well as any other conditions that the person must fulfill and any particulars that the person must provide;

WHEREAS, under paragraph 11 of section 185 of the Building Act, the Corporation may, by regulation, determine the conditions and criteria of solvability and any other qualifications that a partnership or person applying for the issue of a licence must possess, as well as any other conditions that they must fulfill and any particulars that they must provide;

WHEREAS, under paragraph 16 of section 185 of the Building Act, the Corporation may, by regulation, determine the terms and conditions and set the fees payable for the issue, amendment or maintenance of a licence, and determine in what cases and at what intervals it will charge such fees;

WHEREAS the council of the Corporation made the Regulation respecting continuing education requirements for master electricians on 15 November 2019;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting continuing education requirements for master electricians was published in Part 2 of the *Gazette officielle du Québec* of 18 December 2019 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under the first paragraph of section 12.0.3 of the Master Electricians Act, any regulation made under sections 12.0.1 and 12.0.2 of the Act must be submitted to the Government for approval with or without amendment;

WHEREAS it is expedient to approve the Regulation respecting continuing education requirements for master electricians without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the Regulation respecting continuing education requirements for master electricians, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting continuing education requirements for master electricians

Master Electricians Act
(chapter M-3, ss. 12.0.1 and 12.0.2)

Building Act
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 10, 11 and 16)

Order in council respecting the Agreement related to the mandate entrusted to the Corporation des maîtres électriciens du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them (chapter B-1.1, r. 4, Sch. (s. 2.1.3)).

DIVISION I BASIS AND PURPOSE

1. This Regulation is warranted by the rapid and constant evolution of the proficiency required to carry on the trade of master electrician, by the magnitude of the resulting change and by the importance of ensuring the safety of the public. It allows the Corporation of Master Electricians of Québec to determine the continuing education requirements or the framework for those requirements with which its members must comply, through all or certain of their guarantors.

The objective of continuing education is to enable members of the Corporation of Master Electricians of Québec to maintain, update, improve and expand the skills involved in their trade activities as master electricians.

DIVISION II INTERPRETATION

2. In this Regulation, unless the context indicates otherwise,

(1) “Corporation” means the Corporation of Master Electricians of Québec except that, for the purposes of Divisions V, VI and VII, “Corporation” may also mean the

Corporation of Master Pipe-Mechanics of Québec if it is the corporation designated by a member as being responsible for the member’s vocational qualification record;

(2) “member” means a member of the Corporation of Master Electricians of Québec, as defined in the Master Electricians Act (chapter M-3), who holds a licence that includes the specialized contractor’s licence subclass covering work coming under the exclusive competence of master electricians, namely the subclass under No. 16 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9);

(3) “guarantor” means a natural person referred to in section 52 of the Building Act (chapter B-1.1) who holds or has applied for a licence on behalf of a partnership or legal person and has qualified in that capacity;

(4) “construction work guarantor” means a guarantor who has the construction work knowledge required for the specialized contractor’s licence subclass covering work coming under the exclusive competence of master electricians, namely the subclass under No. 16 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(5) “representative” means a member’s representative within the meaning assigned to that term by section 13 of the Regulation respecting admission as members of the Corporation of Master Electricians of Québec (chapter M-3, r. 1).

DIVISION III SCOPE

3. This Regulation applies to the members of the Corporation through construction work guarantors.

Despite the foregoing, members of the Corporation domiciled outside Québec who have obtained a licence under the exemption provisions of sections 3.1 to 3.2 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) are excluded from the application of this Regulation.

DIVISION IV CONTINUING EDUCATION REQUIREMENTS AND REQUIREMENT FRAMEWORK

4. A construction work guarantor must, unless exempted under Division VI, devote at least 16 hours to continuing education activities per two-year reference period, allocated according to the parameters set out in this Division. At least eight of those 16 hours must be devoted by the guarantor to continuing education activities related to the knowledge required for construction work.

5. A reference period extends over two years; it begins on 1 April and ends on 31 March.

The first reference period begins on 1 April 2022.

6. A construction work guarantor devoting in a reference period more hours to continuing education activities than the number required may carry forward a maximum of four surplus hours in order to satisfy the requirements for the subsequent reference period. Hours carried forward cannot, however, reduce the number of hours required to be devoted to continuing education activities imposed pursuant to section 11 for a subsequent reference period.

7. The eligible continuing education activities are the following:

- (1) participation in continuing education courses;
- (2) participation in conferences, workshops or seminars;
- (3) participation in symposiums or conventions;
- (4) participation in structured in-service education activities; and
- (5) participation in any other type of education activity determined by the Corporation.

8. The content of a continuing education activity must be related to the knowledge and skills relevant to the operation of a construction enterprise and the trade activities of a master electrician, to the subclasses of the licence held by the member or to the areas of guarantor qualification.

The content of a continuing education activity may pertain to the following subjects in particular:

- (1) knowledge of the construction standards, regulations and techniques specific to construction work within the subclasses of licence for which the guarantor is responsible;
- (2) reading and interpretation of plans and specifications specific to the construction work within the subclasses;
- (3) cost estimates and tenders;
- (4) management of construction activities;
- (5) financial management of a construction enterprise;
- (6) laws and regulations that apply to construction enterprises, their administration and management;

(7) any other subject relevant to the administration of a construction enterprise, management of worksite safety, management of projects and worksites and construction work; and

(8) any other subject relevant to the laws and regulations that apply to members, including provisions governing ethical obligations, derogatory acts and discipline.

9. The Corporation recognizes the continuing education activities all or certain guarantors may take and inform them of those activities.

For the purpose of recognizing a continuing education activity, the Corporation considers the following criteria:

- (1) the relationship between the content of the continuing education activity and trade activities as a master electrician;
- (2) the relationship between the content of the continuing education activity and the areas of qualification of the guarantors to whom the continuing education requirements apply;
- (3) the competence and qualifications of the instructor or the reputation of the organization that structures, oversees or provides the continuing education activity;
- (4) the relevance of the continuing education;
- (5) achievement of the continuing education objectives pursued by this Regulation;
- (6) the duration of the continuing education activity, the environment in which it takes place and, if applicable, the quality of the material supplied; and
- (7) the fact that a certificate of participation is issued or an evaluation is required.

10. For each continuing education activity it recognizes, the Corporation assigns an eligible duration to the activity to be used to calculate the number of hours of continuing education required pursuant to section 4.

11. For a particular reference period, the Corporation may require all or certain construction work guarantors to participate in a continuing education activity corresponding to the requirement framework under this Regulation, owing among other reasons to legislative or regulatory reform, a change in standards or shortcomings affecting the carrying on of the trade by members. For that purpose, the Corporation sets the duration of the continuing education and the timeframe within which it must take place, and determines the persons authorized to provide it. The

hours devoted to the required education activity count in the calculation of continuing education hours required pursuant to section 4.

12. To have a continuing education activity recognized if the activity has not already been recognized by the Corporation, an application to that effect must be sent to the Corporation at least 30 days before the date on which the activity is set to begin. Supporting documents describing the activity, its duration and content, identifying the person responsible for the activity or the instructor, stating whether a participation certificate is issued or an evaluation is required and providing any other information making it possible to determine whether the continuing education objectives of this Regulation are met must accompany the application. The Corporation informs the applicant, within 20 days after receipt of the application, of whether it recognizes the continuing education activity or not.

DIVISION V CONTROL PROCEDURES

13. A construction work guarantor must send the Corporation a continuing education statement on or before 31 March that ends the particular reference period, using the electronic form provided by the Corporation for that purpose. The statement indicates the continuing education activities taken during the reference period concerned, the number of hours accrued and, if applicable, any exemptions obtained under Division VI. Supporting documents, that is, a copy of any certificates of participation issued or, alternatively, of the results obtained after required evaluations, must accompany the statement.

14. A construction work guarantor who, during a reference period, qualifies in that capacity for a partnership or legal person other than that for which qualification at the beginning of the reference period had been obtained retains, for the purposes of section 4, the credit for the hours that the guarantor devoted to continuing education activities.

15. Participation in a continuing education activity, evidenced by a certificate of participation or, alternatively, the evaluation result, is the criterion used by the Corporation to ensure that a continuing education activity was taken for the purpose of satisfying the requirements imposed by this Regulation.

16. A construction work guarantor must keep, for a full period of two years after each reference period, all supporting documents enabling the Corporation to verify that the guarantor has satisfied the requirements imposed by this Regulation. The same applies to a partnership

or legal person that is a member of the Corporation as regards the continuing education requirements for all or certain of its guarantors.

DIVISION VI EXEMPTIONS AND DEFERRALS

17. A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence for the first time or qualifies as a construction work guarantor for a partnership or legal person for the first time.

18. A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence or qualifies as a guarantor for a partnership or legal person without being able to benefit from the examination exemption provided for in the second paragraph of section 20 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).

19. A licensed guarantor who, in a particular reference period, ceases for whatever reason to be entitled in that capacity cannot be issued a licence for a subsequent reference period or qualify as a construction work guarantor for a partnership or legal person, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

Likewise, a construction work guarantor for a partnership or legal person who, in a particular reference period, ceases for whatever reason to act in that capacity cannot again qualify as a guarantor for a subsequent reference period, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

DIVISION VII NON-COMPLIANCE AND PENALTIES

20. The continuing education requirements imposed by this Regulation must be satisfied so that a construction work guarantor may continue to act in that capacity.

The continuing education requirements imposed by this Regulation must be satisfied even though the licence for which a guarantor is qualified is suspended.

21. At the end of a reference period, the Corporation sends a notice to any construction work guarantor who fails to comply with the continuing education requirements imposed by this Regulation. The notice must also be sent to the representative of the partnership or legal person for which the non-compliant guarantor is qualified.

The notice must state the nature of the non-compliance and inform the recipient that a period of 90 days from the end of the reference period concerned is provided to allow the recipient to remedy the non-compliance and supply supporting proof.

The notice must also mention that the guarantor holding a licence will no longer be entitled to it, resulting in the licence ceasing to have effect or, as the case may be, that the construction work guarantor of a partnership or legal person will no longer be able to act in that capacity, resulting in the partnership or legal person for which the guarantor is qualified being required to replace the guarantor or, failing that, resulting in the licence ceasing to have effect.

22. The hours of continuing education accrued by a construction work guarantor while failing to comply with the continuing education requirements imposed by this Regulation are allocated first to the reference period in respect of which the notice of non-compliance is sent.

23. At the end of the period provided under section 21, the construction work guarantor who has not remedied the non-compliance is deemed to have ceased to act in that capacity as of the end of the reference period.

As a consequence, the guarantor holding a licence ceases to be entitled to it and the licence held by the guarantor ceases to have effect.

Likewise, the licence of the partnership or legal person for which the guarantor was qualified to act in that capacity ceases to have effect, unless the partnership or legal person has replaced the guarantor or another construction work guarantor has qualified to act in that capacity for the partnership or legal person.

Pursuant to section 73 of the Building Act (chapter B-1.1), where a licence includes several subclasses and the guarantor referred to in the third paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another natural person acts as a guarantor for each of the other subclasses.

24. This Regulation comes into force on 1 April 2022.
104432

Gouvernement du Québec

O.C. 514-2020, 13 May 2020

Building Act
(chapter B-1.1)

Contractors and owner-builders
— **Professional qualification**
— **Amendment**

Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders

WHEREAS, under paragraph 8 of section 185 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec may, by regulation, determine the information to be provided by a licence holder to enable the Board to verify if the holder still meets the requirements for obtaining a licence under the Act;

WHEREAS, under paragraph 9.1 of section 185 of the Act, the Board may, by regulation, determine the continuing education requirements, or the framework for continuing education requirements, with which all or certain guarantors must comply, in accordance with the conditions set by resolution of the Board, and the regulation must include the procedure for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply and, if applicable, any exemptions from the requirements;

WHEREAS, under paragraph 9.2 of section 185 of the Act, the Board may, by regulation, prescribe that documents required under the Act or a regulation must be sent or received using the medium, technology or method of transmission specified in the regulation;

WHEREAS, under paragraph 10 of section 185 of the Act, the Board may, by regulation, determine the conditions and criteria of solvability and any other qualifications that a natural person applying for a licence for himself or who wishes to qualify as a guarantor for a partnership or legal person must possess, as well as any other conditions that he must fulfill and any particulars that he must provide;

WHEREAS, under paragraph 11 of section 185 of the Act, the Board may, by regulation, determine the conditions and criteria of solvability and any other qualifications that a partnership or person applying for the issue of a licence must possess, as well as any other conditions that they must fulfill and any particulars that they must provide;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt, generally, any other related or supplementary provision it considered necessary to give effect to the provisions of that section and of the Act;

WHEREAS under the first paragraph of section 192 of the Act, the contents of the codes or regulations may vary according in particular to the classes of persons, contractors and owner-builders to which the codes or regulations apply;

WHEREAS the Board made the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders on 10 March 2020;

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 professional qualification of contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 18 December 2019 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders

Building Act
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 10, 11 and 38, and s. 192).

1. The Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended in section 12 by adding the following after subparagraph *o* of subparagraph 1 of the first paragraph:

“(p) if the person is referred to in section 56.17 or 56.18, or in section 19 of the Regulation respecting the mandatory continuing education of master electricians, approved by Order in Council 513-2020 dated 13 May 2020, or in section 19 of the Regulation respecting the mandatory continuing education of master pipe-mechanics, approved by Order in Council 512-2020 dated 13 May 2020, a statement of continuing education, together with a copy of participation certificates issued by the trainers, showing that the person has complied with the continuing education requirements provided for in those sections;”.

2. The following Chapter is added after section 56:

“CHAPTER IV.1 CONTINUING EDUCATION

DIVISION I SCOPE

56.1. This Chapter applies to construction work guarantors for any of the following licence subclasses:

(1) licence subclasses referred to in Schedule I: 1.1.1, 1.1.2, 1.2 or 1.3;

(2) licence subclasses referred to in Schedule II: 15.1.1, 15.2.1, 15.3.1, 15.4.1 or 15.5.1.

This Chapter also applies to such guarantor for a licence subclass referred to in the first paragraph that has been issued under section 62.1 of the Building Act (chapter B-1.1).

56.2. The following persons are excluded from the application of this Chapter:

(1) a construction work guarantor who acts in that capacity solely for an owner-builder’s licence;

(2) a building contractor domiciled outside Québec who has obtained a licence by benefiting from an exemption in accordance with sections 3.1 to 3.2 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1).

56.3. A construction work guarantor for any of licence subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 is exempt from the continuing education requirement related to those subclasses if that person is also a construction work guarantor for any of subclasses 15.1, 15.2, 15.3 and 15.4.

A construction work guarantor for licence subclass 15.5.1 is exempt from the continuing education requirement related to that subclass if that person is also a construction work guarantor for subclass 15.5.

56.4. Persons who, to qualify as construction work guarantor for any of the licence subclasses referred to in section 56.1 pass the examination provided for in section 24 or successfully complete a training program recognized by the Board in accordance with section 20 are exempt from the continuing education requirement related to that subclass during the reference period in progress at the time of passing or completion.

Persons who show that they have the knowledge or relevant experience in carrying out of construction work by any other means the Board considers fitting, in accordance with subparagraph 1 of the first paragraph of section 58 of the Building Act (chapter B-1.1), are exempt from the continuing education requirement related to that subclass during the reference period in progress at the time of the demonstration.

DIVISION II CONTINUING EDUCATION REQUIREMENTS

56.5. A construction work guarantor for one or more licence subclass referred to in section 56.1 must conduct 16 hours of continuing education per 2-year reference period.

Despite the foregoing, where a person is a guarantor for a licence subclass referred to in Schedule I, for any of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and for subclass 15.5.1 simultaneously, the person is then required to conduct 24 hours of continuing education per 2-year reference period.

The education hours required under the first and second paragraphs must be education activities that are recognized by the Board.

The first reference period begins on 1 April 2022.

56.6. Where 16 hours of education are required, the guarantor must conduct at least 8 hours of education related to the performance of construction work for the licence subclass for which the guarantor is a guarantor.

Despite the foregoing, subject to section 56.7, the construction work guarantor for a licence subclass referred to in Schedule I and for a licence subclass referred to in Schedule II must conduct 16 hours of continuing education related to the performance of construction work, including 8 hours of education related to a subclass in each of the Schedules.

Likewise, the construction work guarantor for any of licence subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and for subclass 15.5.1 must conduct 16 hours of education related to the performance of construction work, including 8 hours of education related to any of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and 8 hours for subclass 15.5.1.

56.7. Where 24 hours of education are required, the guarantor must conduct 8 hours of education related to a licence subclass referred to in Schedule I, 8 hours of education related to any of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and 8 hours of education related to subclass 15.5.1. All those education activities must be related to the performance of construction work in those subclasses.

56.8. Where a person is a construction work guarantor for more than one licence subclass referred to in Schedule I, the person distributes the 8 hours of education related to the performance of construction work between the subclasses concerned. The foregoing also applies where a person is a construction work guarantor for more than one of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1.

56.9. A guarantor who has met the continuing education requirements for a reference period may postpone a maximum of 4 excess hours of education to the subsequent reference period. Despite the foregoing, the postponed hours may not reduce the hours that must be devoted to education required under section 56.12 during the subsequent reference period.

56.10. Despite the suspension of a licence, the continuing education requirements provided for in this Chapter continue to apply.

DIVISION III CONDITIONS AND MONITORING

56.11. For the purposes of this Chapter, all continuing education activities must be recognized by the Board. The conditions for the recognition of education and trainers are established by resolution of the Board.

Such resolutions are published on the Board's website.

56.12. The Board may determine, by resolution, before a given reference period begins, the education that all construction work guarantors or some of them must receive among the mandatory hours of continuing education. In such case, the Board sets the duration of the education, the time allotted to receive it and it indicates the authorized trainers.

Such resolutions are published on the Board's website.

56.13. A construction work guarantor referred to in this Chapter is responsible for sending to the Board, through the electronic system set up by the Board, a statement of continuing education together with a copy of the participation certificates issued by the trainers not later than 31 March from the end of each reference period.

However, where the licence includes any of licence subclasses 15.1, 15.2, 15.3, 15.4 and 15.5, the construction work guarantor referred to in this Chapter must send the documents required under the first paragraph to the Corporation of Master Pipe-Mechanics of Québec, constituted under the Master Pipe-Mechanics Act (chapter M-4) or, where the licence includes subclass 16, to the Corporation of Master Electricians of Québec, constituted under the Master Electricians Act (chapter M-3), through the electronic system set up or used by those corporations.

Where the licence includes any of subclasses, 15.1, 15.2, 15.3, 15.4 and 15.5 and subclass 16 simultaneously, the guarantor must then send the documents referred to in the first paragraph to the corporation which, as designated by the building contractor for which the guarantor acts, is responsible for the contractor's professional qualification.

56.14. Participation certificates must be kept for at least 2 years after the end of the reference period during which the education was received by the guarantor and, where the licence holder is a partnership or legal person, by the partnership or legal person. The certificates must be available for consultation by the Board.

DIVISION IV PENALTIES

56.15. The Board sends a notice in writing to the licence holder where the guarantor fails to meet the continuing education requirements provided for in this Chapter.

The notice indicates the nature of the failure and the penalty provided for in this Division to which the licence holder is liable if the failure is not remedied by the guarantor within 90 days from the date of the end of the reference period.

If the licence holder is a partnership or legal person, a copy of the notice is also sent to the guarantor in default.

56.16. If the continuing education requirements are not met within 90 days from the date of the end of the reference period, the licence ceases to have effect for the licence subclass covered by the continuing education requirements.

For the purposes of section 73 of the Building Act (chapter B-1.1) and this Regulation, the construction work guarantor who is in default is deemed to have ceased to act as guarantor for the licence subclass covered by the requirements on the date of the end of the reference period.

Despite the foregoing, in the case of a licence subclass for a partnership or legal person, the licence remains in force if another person who is not in default is a construction work guarantor for that subclass.

56.17. A construction work guarantor for a licence subclass referred to in section 56.1 who ceases to act in that capacity for a subclass pursuant to section 56.16 may not apply for the same subclass, for the guarantor itself or on behalf of a partnership or legal person, without first meeting the continuing education requirements of the reference period during which the guarantor ceased to act in that capacity.

56.18. A construction work guarantor for a licence subclass referred to in section 56.1 who ceases to act in that capacity for a reason other than the reason provided for in section 56.16 may not apply for the same subclass, for the guarantor or on behalf of a partnership or legal person, without first meeting the continuing education requirements of the reference period during which the guarantor ceased to act in that capacity or, if the guarantor was exempt under section 56.4, the continuing education requirements that would have been imposed on the guarantor had the exemption not been granted.

This section does not apply to a person who again applies for the title of guarantor in the same reference period as the period during which the guarantor ceased to act in that capacity.”

3. This Regulation comes into force on 1 April 2022.

104433

M.O., 2020-11**Order number C-67.3-2020-11 of the Minister of Finance dated 13 May 2020**

An Act respecting financial services cooperatives (chapter C-67.3)

Regulation respecting the supervisory information of financial services cooperatives

CONSIDERING section 564.1 of the Act respecting financial services cooperatives (chapter C-67.3), which provides that such information as is determined by the Minister of Finance by regulation that is held by a financial services cooperative in relation to the supervision by the Autorité des marchés financiers of the cooperative is confidential, that it may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose, and that no person may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information;

CONSIDERING paragraph 2 of section 564.2 of the Act, which provides that, despite section 564.1 of the Act, the financial services cooperative concerned may, in accordance with the regulation made by the Minister of Finance, use that information as evidence in any proceedings concerning the administration or enforcement of the Act that are brought by the cooperative, the Minister of Finance, the Autorité des marchés financiers or the Attorney General;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the supervisory information of financial services cooperatives was published in Part 2 of the *Gazette officielle du Québec* of 26 February 2020 with a notice that it could be made by the Minister of Finance on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

THEREFORE, the Minister of Finance hereby makes the Regulation respecting the supervisory information of authorized financial services cooperatives, attached to this Order, with amendments.

13 May 2020

ERIC GIRARD,
Minister of Finance

Regulation respecting the supervisory information of financial services cooperatives

An Act respecting financial services cooperatives (chapter C-67.3, ss. 564.1 and 564.2)

1. For the purposes of section 564.1 of the Act respecting financial services cooperatives (chapter C-67.3) and in addition to the information protected under the professional secrecy of an advocate or notary, by litigation privilege or by a communication restriction provided for by the rules governing the law of evidence, in favour of a financial services cooperative and communicated by the financial services cooperative to the Autorité des marchés financiers, such information and the following information, held by a financial services cooperative in relation to the supervision of the financial services cooperative by the Autorité des marchés financiers, is confidential information:

(1) any risk profile assessment rating assigned to the financial services cooperative, when the rating is established by the Autorité des marchés financiers or a federation or a third person based on information obtained from them;

(2) any intervention stage rating assigned to the financial services cooperative under a framework of the Autorité des marchés financiers for the supervision of financial institutions;

(3) any instruction, order or recommendation, or any report produced by the Autorité des marchés financiers or a federation with regard to the financial services cooperative under the powers conferred by the Act respecting financial services cooperatives;

(4) any report, including a self-assessment, produced by the financial services cooperative at the request of the Autorité des marchés financiers or of a federation under the powers of inspection conferred by the Act respecting financial services cooperatives;

(5) any correspondence exchanged between the Autorité des marchés financiers and the federation, as the case may be, and the directors, officers or managers of the financial services cooperative with regard to the information referred to in this section.

2. For the purposes of paragraph 2 of section 564.2 of the Act respecting financial services cooperatives (chapter C-67.3), the financial services cooperative concerned by the information referred to in section 1 may use that information as evidence in any proceedings referred to in that

paragraph, provided an order is made to prohibit or restrict its publication, disclosure or dissemination, or an order is made for a hearing in camera.

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

104434

M.O., 2020-12

Order number S-29.02-2020-12 of the Minister of Finance dated 13 May 2020

Trust Companies and Savings Companies Act
(chapter S-29.02)

Regulation respecting the supervisory information of authorized trust companies

CONSIDERING section 156 of the Trust Companies and Savings Companies Act (chapter S-29.02), which provides that such information as is determined by the Minister of Finance by regulation that is held by an authorized trust company in relation to the supervision by the Autorité des marchés financiers of the trust company is confidential, that it may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose, and that no one may be compelled, in any civil or administrative proceedings, to testify or produce a document relating to that information;

CONSIDERING paragraph 2 of section 157 of the Act, which provides that, despite section 156 of the Act, the authorized trust company concerned may, in accordance with the regulation made by the Minister of Finance, use that information as evidence in any proceedings concerning the administration or enforcement of the Act or the Business Corporations Act (chapter S-31.1) that are brought by the company, the Minister of Finance, the Autorité des marchés financiers or the Attorney General;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the supervisory information of authorized trust companies was published in Part 2 of the *Gazette officielle du Québec* of 26 February 2020 with a notice that it could be made by the Minister of Finance on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

THEREFORE, the Minister of Finance hereby makes the Regulation respecting the supervisory information of authorized trust companies, attached to this Order, with amendments.

13 May 2020

ERIC GIRARD,
Minister of Finance

Regulation respecting the supervisory information of authorized trust companies

Trust Companies and Savings Companies Act
(chapter S-29.02, ss. 156 and 157)

1. For the purposes of section 156 of the Trust Companies and Savings Companies Act (chapter S-29.02) and in addition to the information protected under the professional secrecy of an advocate or notary, by litigation privilege or by a communication restriction provided for by the rules governing the law of evidence, in favour of an authorized trust company and communicated by the authorized trust company to the Autorité des marchés financiers, such information and the following information, held by an authorized trust company in relation to the supervision of the authorized trust company by the Autorité des marchés financiers, is confidential information:

(1) any risk profile assessment rating assigned to the authorized trust company, when the rating is established by the Autorité des marchés financiers or a third person based on information obtained from the Autorité des marchés financiers;

(2) any intervention stage rating assigned to the authorized trust company under a framework of the Autorité des marchés financiers for the supervision of financial institutions;

(3) any instruction, order or recommendation, or any report produced by the Autorité des marchés financiers with regard to the authorized trust company;

(4) any report, including a self-assessment, produced by the authorized trust company at the request of the Autorité des marchés financiers;

(5) any correspondence exchanged between the Autorité des marchés financiers and the directors or officers of the authorized trust company with regard to the information referred to in this section.

2. For the purposes of paragraph 2 of section 157 of the Trust Companies and Savings Companies Act (chapter S-29.02), the authorized trust company concerned by the information referred to in section 1 may use that information as evidence in any proceedings referred to in that paragraph, provided an order is made to prohibit or restrict its publication, disclosure or dissemination, or an order is made for a hearing in camera.

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

104435

M.O., 2020-13

Order number A-32.1-2020-13 of the Minister of Finance dated 13 May 2020

Insurers Act
(chapter A-32.1)

Regulation respecting the supervisory information of authorized insurers

CONSIDERING section 178 of the Insurers Act (chapter A-32.1), which provides that such information as is determined by the Minister of Finance by regulation that is held by an authorized insurer in relation to the supervision by the Autorité des marchés financiers of the insurer is confidential, that it may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose, and that no one may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information;

CONSIDERING paragraph 2 of section 179 of the Act, which provides that, despite section 178 of the Act, the authorized insurer concerned by the information made confidential by that section may, in accordance with the regulation made by the Minister of Finance, use that information as evidence in any proceedings concerning the administration or enforcement of the Insurers Act or the Business Corporations Act (chapter S-31.1) that are brought by the insurer, the Minister of Finance, the Autorité des marchés financiers or the Attorney General;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the supervisory information of authorized insurers was published in Part 2 of the *Gazette officielle du Québec* of 26 February 2020 with a notice that it could be made by the Minister of Finance on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

THEREFORE, the Minister of Finance hereby makes the Regulation respecting the supervisory information of authorized insurers, attached to this Order, with amendments.

13 May 2020

ÉRIC GIRARD,
Minister of Finance

Regulation respecting the supervisory information of authorized insurers

Insurers Act
(chapter A-32.1, ss. 178 and 179)

1. For the purposes of section 178 of the Insurers Act (chapter A-32.1) and in addition to the information protected under the professional secrecy of an advocate or notary, by litigation privilege or by a communication restriction provided for by the rules governing the law of evidence, in favour of an authorized insurer or a federation of mutual companies and communicated by one of them, as the case may be, to the Autorité des marchés financiers or the federation of mutual companies, such information and the following information, held by an authorized insurer in relation to the supervision of the authorized insurer by the Autorité des marchés financiers, is confidential information:

(1) any risk profile assessment rating assigned to the authorized insurer, when the rating is established by the Autorité des marchés financiers or a federation of mutual companies or a third person based on information obtained from them;

(2) any intervention stage rating assigned to the authorized insurer under a framework of the Autorité des marchés financiers for the supervision of financial institutions;

(3) any instruction, order or recommendation, or any report produced by the Autorité des marchés financiers with regard to an authorized insurer or a federation of mutual companies, as well as the report referred to in section 442 of the Insurers Act produced by a federation of mutual companies;

(4) any report, including a self-assessment, produced by the authorized insurer or a federation of mutual companies at the request of the Autorité des marchés financiers, as well as any report, including a self-assessment,

produced at the request of a federation of mutual companies as part of its supervision of the insurance business of its members;

(5) any correspondence exchanged between the Autorité des marchés financiers or a federation of mutual companies and the directors or officers of the authorized insurer or federation of mutual companies, as the case may be, with regard to the information referred to in this section.

2. For the purposes of paragraph 2 of section 179 of the Insurers Act (chapter A-32.1), the authorized insurer concerned by the information referred to in section 1 may use that information as evidence in any proceedings referred to in that paragraph, provided an order is made to prohibit or restrict its publication, disclosure or dissemination, or an order is made for a hearing in camera.

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

104436

M.O., 2020-14

Order number I-13.2.2-2020-14 of the Minister of Finance dated 13 May 2020

Deposit Institutions and Deposit Protection Act
(chapter I-13.2.2)

Regulation respecting the supervisory information of authorized deposit institutions

CONSIDERING section 32.11 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2), which provides that such information as is determined by the Minister of Finance by regulation that is held by an authorized deposit institution in relation to the supervision by the Autorité des marchés financiers of the authorized deposit institution is confidential, that it may not be used as evidence in any civil or administrative proceedings and is privileged for that purpose, and that no one may be compelled, in any civil or administrative proceedings, to testify or to produce a document relating to that information;

CONSIDERING paragraph 2 of section 32.12 of the Act, which provides that, despite section 32.11 of the Act, the authorized deposit institution concerned may, in accordance with the regulation made by the Minister of Finance, use that information as evidence in any proceedings concerning the administration or enforcement of the Act or,

in the case of a Québec savings company, the Business Corporations Act (chapter S-31.1), that are brought by the deposit institution concerned, the Minister of Finance, the Autorité des marchés financiers or the Attorney General;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the supervisory information of authorized deposit institutions was published in Part 2 of the *Gazette officielle du Québec* of 26 February 2020 with a notice that it could be made by the Minister of Finance on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

THEREFORE, the Minister of Finance hereby makes the Regulation respecting the supervisory information of authorized deposit institutions, attached to this Order, with amendments.

13 May 2020

ERIC GIRARD,
Minister of Finance

Regulation respecting the supervisory information of authorized deposit institutions

Deposit Institutions and Deposit Protection Act
(chapter I-13.2.2, ss. 32.11 and 32.12)

1. For the purposes of section 32.11 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) and in addition to the information protected under the professional secrecy of an advocate or notary, by litigation privilege or by a communication restriction provided for by the rules governing the law of evidence, in favour of an authorized deposit institution and communicated by the authorized deposit institution to the Autorité des marchés financiers, such information and the following information, held by an authorized deposit institution in relation to the supervision of the authorized deposit institution by the Autorité des marchés financiers, is confidential information:

(1) any risk profile assessment rating assigned to the authorized deposit institution, when the rating is established by the Autorité des marchés financiers or a third person based on information obtained from the Autorité des marchés financiers;

(2) any intervention stage rating assigned to the authorized deposit institution under a framework of the Autorité des marchés financiers for the supervision of financial institutions;

(3) any instruction, order or recommendation, or any report produced by the Autorité des marchés financiers with regard to the authorized deposit institution;

(4) any report, including a self-assessment, produced by the authorized deposit institution at the request of the Autorité des marchés financiers;

(5) any correspondence exchanged between the Autorité des marchés financiers and the directors or officers of the authorized deposit institution with regard to the information referred to in this section.

2. For the purposes of paragraph 2 of section 32.12 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2), the authorized deposit institution concerned by the information referred to in section 1 may use that information as evidence in any proceedings referred to in that paragraph, provided an order is made to prohibit or restrict its publication, disclosure or dissemination, or an order is made for a hearing in camera.

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

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

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