



Part 2

LAWS AND REGULATIONS

1 March 2023 / Volume 155

Summary

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Regulations and other Acts
Draft Regulations

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Part 2 – LAWS AND REGULATIONS

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- (2) proclamations and Orders in Council for the coming into force of Acts;
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Regulations and other Acts

Notice of adoption

Act respecting the regulation of the financial sector (chapter E-6.1)

Financial Markets Administrative Tribunal — Rules of evidence and procedure

Notice is hereby given that, under section 115.15.58 of the Act respecting the regulation of the financial sector (chapter E-6.1), the Financial Markets Administrative Tribunal adopted, on 15 February 2023, the Rules of evidence and procedure of the Financial Markets Administrative Tribunal, appearing below.

In accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), draft Rules of evidence and procedure of the Financial Markets Administrative Tribunal were published in Part 2 of the *Gazette officielle du Québec* of 30 November 2022 with a notice that they could be adopted by the Tribunal on the expiry of 45 days following that publication.

NICOLE MARTINEAU
*President of the Financial Markets
Administrative Tribunal*

Rules of evidence and procedure of the Financial Markets Administrative Tribunal

Act respecting the regulation of the financial sector (chapter E-6.1, s. 115.15.58)

DIVISION I GENERAL

1. These Rules apply to all matters brought before the Financial Markets Administrative Tribunal.

Their purpose is to ensure the simple, flexible and prompt processing of applications submitted to the Tribunal, particularly with the cooperation of the parties and their lawyers and the use of available technological means by the parties and the Tribunal, in keeping with the rules of natural justice and the equality of parties.

2. The Tribunal's rules of evidence and procedure are intended to render effective the substantive law and to ensure that it is carried out, and, unless otherwise provided, failure to observe the rules that are not public order rules can only affect a proceeding if the failure has not been remedied when it was possible to do so. The provisions of these Rules must be interpreted the one by the other, and, so far as possible, in such a way as to facilitate rather than to delay or to end prematurely the normal advancement of matters.

3. At any stage, the pleadings and the means of proof used must be proportionate to the nature, complexity and ultimate purpose of the matter.

4. In computing any time period, the day marking the start of the period is not counted, but the last day is.

A time period expires at midnight on the last day; a time period that would normally expire on a holiday is extended to the next working day.

The following are holidays:

- (1) Saturdays and Sundays;
- (2) 1 and 2 January;
- (3) Good Friday;
- (4) Easter Monday;
- (5) the Monday preceding 25 May;
- (6) 24 June;
- (7) 1 July;
- (8) the first Monday of September;
- (9) the second Monday of October;
- (10) 24, 25, 26 and 31 December;
- (11) any other day determined by the Government.

5. Written communication from a party to the Tribunal must be sent by that party to the other parties to the matter and must indicate the record number assigned by the Tribunal.

6. The parties and their lawyers must provide the Tribunal with their address, email address and telephone number and inform the Tribunal in writing, without delay, of any change in their contact information.

DIVISION II FILING OF DOCUMENTS AND NOTIFICATION

7. An originating pleading, any other pleading or any other document may be filed by any means compatible with the Tribunal's technological environment.

8. The date of filing of a document is the date on which it is received by the Tribunal.

A document filed after 4:30 p.m. is deemed to have been filed on the next working day.

9. A party who intends to produce an exhibit or other evidence at a hearing must, at least 2 days before the hearing, send a copy to the other parties and the Tribunal, except in case of urgency or unless otherwise decided to ensure the proper administration of justice.

The party must also file with the Tribunal proof of its notification to the other parties.

10. A party who wishes to remove evidence filed in the Tribunal record must obtain the permission of the Tribunal.

11. Notification may be made by any appropriate method that provides the notifier with proof that the document was delivered or sent, unless the use of a specific means of notification is required by law.

Such methods include notification by court bailiff, by registered mail, by delivery or by technological means.

Notification by technological means to a party who is not represented is permitted only with the party's consent or if ordered by the Tribunal.

Whatever the method of notification used, a person who acknowledges receipt of the document or admits having received it is deemed to have been validly notified.

12. Proof of notification is filed with the Tribunal.

13. Pleadings must be notified to the other parties or their lawyers, unless the application is filed in the absence of a party under the second paragraph of section 115.1 of the Act respecting the regulation of the financial sector (chapter E-6.1), unless otherwise provided, or unless the Tribunal decides otherwise to ensure the proper administration of justice.

An originating pleading must be notified to the parties by bailiff or by registered mail.

Pleadings must be notified to the Autorité des marchés financiers.

14. If required by the circumstances, the Tribunal, on an informal request, authorizes notification of a pleading otherwise, such as by a notice published on a website, or at such hours the Tribunal determines.

DIVISION III APPLICATION

15. An originating pleading, and an application made in the course of the proceeding, is submitted to the Tribunal's Practice Chamber to determine the date of hearing, unless the application is filed on an urgent basis or in the absence of a party under the second paragraph of section 115.1 of the Act respecting the regulation of the financial sector (chapter E-6.1), unless otherwise provided, or unless the Tribunal decides otherwise to ensure the proper administration of justice.

The pleading, notice of presentation and proof of notification must be filed at least 2 days before the date of presentation, except in case of urgency, unless otherwise provided, or unless the Tribunal decides otherwise to ensure the proper administration of justice.

All applicable fees must have been paid in accordance with the Tariff of duties and fees related to applications heard by the Financial Markets Administrative Tribunal (chapter E-6.1, r. 2).

16. A pleading must be in writing and must permit to identify the author by the author's signature.

17. Any application made in the course of the proceeding may be presented orally if authorized by the Tribunal to ensure the proper administration of justice.

18. An originating pleading contains

(1) the name, address, email address and telephone number of the applicant, the applicant's lawyer, where applicable;

(2) the name, address the other parties;

(3) a statement of the facts and reasons for the application, including the alleged violation or alleged acts;

(4) a reference to the exhibits and the other evidence in support of the application;

- (5) the applicable statutory and regulatory provisions;
- (6) the conclusions sought.

An originating pleading is accompanied by a list of the exhibits in support thereof.

An application for the review of a decision rendered by a body must be filed within the time limit prescribed by law and accompanied by a copy of the decision.

19. A party requesting to be heard by preference must substantiate the request.

20. An application submitted by a self-regulating organization under section 62.4 of the Act respecting the regulation of the financial sector (chapter E-6.1) is filed without further formality, according to the form prescribed by the Tribunal and published on its website.

The application is accompanied by a copy of the request for a document or information, or by a copy of the subpoena and proof of notification of the subpoena.

A copy of the minutes of the disciplinary hearing must be enclosed with the application, where applicable.

21. On receipt of the notice of contestation referred to in section 115.1 of the Act respecting the regulation of the financial sector (chapter E-6.1) and on expiry of the 15-day period provided for therein, the Tribunal enters the case on the roll for the Practice Chamber and sends a notice of presentation to all parties.

22. An application filed in the absence of a party under the second paragraph of section 115.1 of the Act respecting the regulation of the financial sector (chapter E-6.1) must be accompanied by an affidavit in support of the facts alleged in the application.

23. Within 30 days of receipt of an application for review, the body whose decision is contested must file with the Tribunal a copy of that decision and of all documents related to the matter.

DIVISION IV DETERMINATION OF HEARING DATE, PRE-HEARING CONFERENCE AND POSTPONEMENT

24. The Tribunal determines the date of the hearing when the record is ready to proceed.

25. The parties called to a pre-hearing conference must file with the Tribunal, at least 2 days before the pre-hearing conference, the form prescribed by the Tribunal and published on its website.

The form must be completed jointly and signed by the parties or their lawyers, as applicable.

26. The Tribunal may require a party to provide a list of the witnesses the party intends to call at the hearing, as well as a summary of their testimony.

27. Applications for postponement of a hearing must be filed in writing as soon as possible and notified to the other parties.

The Tribunal may proceed on the record or require that a hearing be held to rule on the application.

The Tribunal may however allow applications to be made orally where circumstances warrant it.

28. A hearing is postponed only if the grounds invoked are serious and if required for the interests of justice.

The parties' consent is not in itself sufficient ground to grant a postponement.

The Tribunal may, on its own initiative, postpone or adjourn a hearing where circumstances require it.

DIVISION V REPRESENTATION

29. A party is entitled to be represented by a lawyer.

30. A lawyer who agrees to represent a party must confirm it to the Tribunal in writing and indicate the number of the record for which the lawyer is authorized to act, as well as the lawyer's name, address, email address and telephone number.

The designation of a lawyer in a pleading from a party constitutes a representation statement for the entire matter.

31. The notification or transmission of a document to a represented party must be made to the party's lawyer, and communications addressed to that party must be sent to the party's lawyer.

32. A party who revokes the mandate of his or her lawyer must notify the Tribunal and the other parties in writing without delay and, where applicable, indicate that the lawyer has been replaced.

33. Before the hearing date has been set, a lawyer who wishes to cease representing a party may do so after notifying the party, the other parties and the Tribunal.

The notice must contain the party's last known contact information, that is, the party's email address and telephone number.

If the hearing date has been set, the lawyer cannot cease representing the party or be replaced without the authorization of the Tribunal.

DIVISION VI INCIDENTS

§1. *Amendment of a pleading*

34. At any time before the hearing, the parties may amend their pleading to

- (1) replace, correct, complete or remove allegations or conclusions;
- (2) invoke new facts; or
- (3) assert a right accrued since the notification of the originating pleading.

The party must notify the amended pleading to the other parties and file it with the Tribunal.

35. During a hearing, a pleading may be amended with the authorization of the Tribunal.

The Tribunal may also, on its own initiative, order the correction of any clerical error or error of form, expression or calculation in a pleading, subject to the conditions it sees fit.

36. Where a pleading is amended to add a party, the original pleading must also be notified to the party. The original pleading in respect of that party is considered to be filed only on the date of notification.

37. No amendment of a pleading must be permitted if it is contrary to the interests of justice, delays the proceeding or results in an entirely new application unrelated to the original application.

§2. *Splitting*

38. The Tribunal may, on its own initiative or at the request of a party, split a matter if it considers it advisable in order to protect the parties' rights.

§3. *Intervention and impleading*

39. On written request, the Tribunal may authorize any person to intervene if the person shows sufficient interest in a matter.

40. The Tribunal may, on its own initiative or at the request of a party, order the impleading of any person whose interests may be affected by its decision.

§4. *Recusation*

41. If a member of the Tribunal recuses himself or herself, the hearing must be suspended until another member is appointed.

If a matter is heard by more than one member and a member recuses himself or herself, the hearing is continued by the remaining members.

42. An application for the recusation of a member of the Tribunal must give a written account of the facts and grounds on which it is based.

As soon as the application is filed with the Tribunal, the application suspends the hearing until the president or the member designated by the president rules on the application.

§5. *Discontinuance and withdrawal*

43. An application instituting a proceeding may be discontinued or any other proceeding may be withdrawn, where those proceedings have been notified, by the filing with the Tribunal of a written notice that must be notified to the other parties.

A discontinuance or a withdrawal may also be made orally at the hearing.

44. A pleading amended further to a discontinuance in respect of one of the parties must be notified to all the parties and filed with the Tribunal.

The pleading must clearly indicate the amendments resulting from the discontinuance.

DIVISION VII HEARING

45. The Tribunal must hold its hearings at its head office, except for hearings held using technological means.

The hearings of the Tribunal's Practice Chamber are held using technological means.

46. The Tribunal may hold any hearing and receive testimonies and arguments using any appropriate technological means.

The technological means used must allow the witness to be identified, heard and seen live. The Tribunal may however decide, after giving the parties the opportunity to make representations, to hear a witness without the witness being seen.

47. Except with the permission of the Tribunal or during a hearing held using technological means, every person addressing the Tribunal or a witness must rise and remain standing.

48. Persons attending a hearing must be suitably dressed, behave with dignity and respect and refrain from disrupting the hearing.

This rule applies to all hearings, whether they are held in a courtroom or using technological means.

49. The Tribunal may record hearings by any appropriate means.

Only persons who prove their status as journalists may make a sound recording of the hearings, unless the Tribunal prohibits them from doing so where circumstances require it. In no case may images be recorded or sound or image recordings be broadcast.

50. A party may have an official stenographer transcribe the hearing, at the party's own expense, in which case the party must provide a reproduction in a technological medium to the Tribunal free of charge.

51. Where the services of a certified interpreter are needed for a hearing, the interpreter certifies under oath that the translation will be correct.

52. A party who files a document at a hearing must send the document to the other parties and to the Tribunal.

53. The Tribunal may require a party to explain or clarify the party's contentions in writing within the time period it determines.

It may also require a party to provide in writing a summary, a transcription, an index, or any other document that may be useful for analyzing evidence.

54. The Tribunal may require the parties to produce a Plan of Argument, a book of authorities, or any other document of the same nature.

The Plan of Argument summarizes the arguments raised with references to the evidence and authorities.

55. The minutes of a hearing must indicate

- (1) the record number;
- (2) the date and time of the beginning and end of the hearing;
- (3) the names of the members of the Tribunal or of the assessors, as applicable;
- (4) the names of the parties and their lawyers, where applicable;
- (5) the name of the clerk;
- (6) the name of the certified interpreter;
- (7) the names of the witnesses;
- (8) the use of videoconference or any other technological means;
- (9) the various steps of the hearing;
- (10) the exhibits and the other evidence adduced;
- (11) incidental proceedings and objections;
- (12) the undertakings and the date on which an act or action must be carried out;
- (13) the admissions and agreements;
- (14) the Tribunal's orders and decisions;
- (15) the date on which the matter is taken under advisement; and
- (16) any other information useful for the purposes of the matter.

DIVISION VIII WITNESSES

56. A party who wishes to summon a witness must do so by means of a subpoena signed by a member of the Tribunal or the lawyer representing the party.

The subpoena must, at the party's own expense, be notified to the witness at least 10 days before the time at which the witness is scheduled to appear, except in case of urgency and the Tribunal shortens the notification period.

The decision to shorten the notification period must be enclosed with the subpoena.

57. A person called on to testify may be assisted by a lawyer of the person's choice.

58. A person called on to testify must swear under oath to tell the truth, then state his or her name and address.

59. Every person present at a hearing may be required to testify and the person is required to answer as if the person had been duly summoned.

60. The Tribunal may order the exclusion of witnesses to ensure the proper administration of justice.

61. A party who intends to have an expert witness testify must notify the expert witness's report, along with the expert witness's résumé, to the other parties, and file it with the Tribunal on the date it sets or, if no such date is set, at least 30 days before the date set for the hearing.

In the case of joint expert evidence, the parties determine together what parameters must be covered, what expert is to be appointed, what fee is to be paid and how it is to be paid. If the parties fail to agree on any of those points, the matter is decided by the Tribunal.

62. An expert witness must swear under oath that his or her testimony will respect the primary duty to enlighten the Tribunal and the opinion provided will be objective, impartial and thorough.

DIVISION IX EVIDENCE

63. The applicant must be given the first opportunity to present evidence and examine witnesses.

In the case of an application for the review of a decision rendered by a body, the Tribunal must determine the order of presentation of the evidence, taking into account the following factors in particular:

(1) the nature and conduct of the decision-making process of the body whose decision is contested;

(2) the applicant's opportunity to be heard and to contest the evidence;

(3) the degree of adherence to the rules of natural justice and the equitable nature of the proceedings of the body whose decision is contested;

(4) the existence of a record allowing the Tribunal to recreate the full conduct of the proceedings of the body whose decision is contested.

64. The Tribunal may make the admission of evidence subject to rules on prior communication.

To ensure the proper administration of justice, the Tribunal may also determine the procedure and the rules on the communication of evidence among the parties before the hearing of the matter.

65. Subject to the rules of natural justice, hearsay evidence is admissible provided that it offers reasonable guarantees of reliability.

66. The Tribunal is not required to follow the ordinary rules of evidence in civil matters.

67. The Tribunal must take judicial notice of the law in force in Québec.

Statutory instruments not published in the *Gazette officielle du Québec* or in any other manner provided for by law must be pleaded.

The Tribunal may take judicial notice of the law in the other provinces or in the territories of Canada and of the law of a foreign state in the fields within its jurisdiction.

68. The Tribunal may take notice of generally recognized facts, opinions and information within the scope of the Tribunal's specialty.

69. The Tribunal may authorize evidence adduced in a record to be transferred to another record.

DIVISION X DECISION

70. The decision is sent to the parties and, where applicable, to their lawyers.

The decision must be sent to the last known address indicated in the Tribunal's record or to the email address indicated therein.

71. When a decision rendered further to a hearing in the absence of a party under the second paragraph of section 115.1 of the Act respecting the regulation of the financial sector (chapter E-6.1) is notified or sent, it must be accompanied by the pleading.

A party who notifies such a decision at the request of the Tribunal must file proof of notification with the Tribunal without delay.

DIVISION XI
TRANSITIONAL AND FINAL

72. These Rules apply to proceedings pending on the date of its coming into force.

73. These Rules replace the Rules of procedure of the Financial Markets Administrative Tribunal (chapter E-6.1, r. 1).

74. These Rules come into force on 31 March 2023.

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Draft Regulations

Draft Regulation

Act respecting contracting by public bodies
(chapter C-65.1)

Regulation respecting the definition of certain expressions for the purposes of Division IV of Chapter II of the Act respecting contracting by public bodies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the definition of certain expressions for the purposes of Division IV of Chapter II of the Act respecting contracting by public bodies, appearing below, may be made by the Conseil du trésor on the expiry of 45 days following this publication.

The draft Regulation defines the expressions “small enterprises in Québec and elsewhere in Canada”, “Québec or otherwise Canadian value added”, “Québec or otherwise Canadian goods, services or construction work” and “Québec goods, services or construction work” and determines the form and maximum percentage of the preference a public body may grant based on the Québec or otherwise Canadian value added, for the purposes of Division IV of Chapter II of the Act respecting contracting by public bodies (chapter C-65.1).

The draft Regulation has no impact on the public.

Further information on the draft Regulation may be obtained by contacting Nadine Gamache, Senior Director, Direction principale de l'évolution de l'encadrement, Sous-secrétariat aux marchés publics, Secrétariat du Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4949; email: nadine.gamache@sct.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister Responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

SONIA LEBEL

*Minister Responsible for Government Administration
and Chair of the Conseil du trésor*

Regulation respecting the definition of certain expressions for the purposes of Division IV of Chapter II of the Act respecting contracting by public bodies

Act respecting contracting by public bodies
(chapter C-65.1, s. 14.1, 2nd par., and s. 14.5)

1. The expression “small enterprises in Québec and elsewhere in Canada” means enterprises that have an establishment in Québec or elsewhere in Canada with less than 50 employees, including employees of any related enterprise.

Two enterprises are related where one has direct or indirect legal control of the other or where a third enterprise has direct or indirect legal control of the other two.

The number of employees of a small enterprise in Québec or elsewhere in Canada or a related enterprise is determined by calculating,

(1) in the case of an enterprise that has been in operation for 12 months or more on the date on which the tender is submitted, the average of the number of employees registered in the enterprise register per pay period in the 12 months preceding the date on which the tender is submitted; and

(2) in the case of an enterprise that has been in operation for less than 12 months on the date on which the tender is submitted, the average of the number of employees registered in the enterprise register per pay period between the date from which the enterprise has been in operation and the date on which the tender is submitted.

2. The expression “Québec or otherwise Canadian value added” means

(1) in the case of goods, the proposal

(a) of goods in the natural state obtained entirely in Québec or elsewhere in Canada;

(b) of goods entirely produced in Québec or elsewhere in Canada from goods referred to in subparagraph a only; or

(c) of goods whose last substantial transformation was carried out in Québec or elsewhere in Canada; and

(2) in the case of services or construction work, the portion of the tendered price for the services or construction work corresponding to those for which an enterprise assigns for the carrying out of the work natural persons residing in Québec or elsewhere in Canada.

For the purposes of this Regulation, “substantial transformation” means a fundamental change to goods in terms of function, character or nature that gives them their essential characteristics.

3. The preference a public body may grant based on the Québec or otherwise Canadian value added must be in the form of a preferential margin applicable on the tendered price for goods, services or construction work, for the sole purpose of determining the successful tenderer for the contract.

The preference must not have a value greater than 10%.

4. The expression “Québec or otherwise Canadian goods, services or construction work” means,

(1) in the case of goods,

(a) goods in the natural state obtained entirely in Québec or elsewhere in Canada;

(b) goods entirely produced in Québec or elsewhere in Canada from goods referred to in subparagraph *a* only; or

(c) goods whose last substantial transformation was performed in Québec or elsewhere in Canada; and

(2) in the case of services or construction work, the services or construction work for which an enterprise assigns for the carrying out of the work natural persons residing in Québec or elsewhere in Canada in a proportion equal to 70% or more of the tendered price for the services or construction work.

For the purposes of subparagraph 2 of the first paragraph, “tendered price” is replaced by “amount of the fees” where a public body solicits only a quality demonstration via a call for tenders.

5. The expression “Québec goods, services or construction work” means,

(1) in the case of goods,

(a) goods in the natural state obtained entirely in Québec;

(b) goods entirely produced in Québec from goods referred to in subparagraph *a* only; or

(c) goods whose last substantial transformation was performed in Québec; and

(2) in the case of services or construction work, the services or construction work for which an enterprise assigns for the carrying out of the work natural persons residing in Québec in a proportion equal to 70% or more of the tendered price for the services or construction work.

For the purposes of subparagraph 2 of the first paragraph, “tendered price” is replaced by “amount of the fees” where a public body solicits only a quality demonstration via a call for tenders and by “agreed price” in the case of a contract by mutual agreement.

6. 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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Draft Regulation

Charter of the French language
(chapter C-11)

Derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research, appearing below, may be made by the Minister of the French Language on the expiry of 45 days following this publication.

The draft Regulation is in keeping with the assent of the Act respecting French, the official and common language of Québec (2022, c. 14) on 1 June 2022.

The draft Regulation provides for

— situations where an agency of the civil administration may, when writing, use another language in addition to French;

— the documents drawn up and used in research that may be written only in a language other than French.

It also provides for certain situations where an agency of the civil administration may, for a period of two years, use another language, in addition to the official language, if the exclusive use of French could compromise the carrying out of its mission.

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

Further information on the draft Regulation may be obtained by contacting Éric Poirier, Director, Direction des orientations et de la conformité à la Charte de la langue française; email: eric.poirier@mlf.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of the French Language, 800, rue D'Youville, 13^e étage, Québec (Québec) G1R 3P4.

JEAN-FRANÇOIS ROBERGE
Minister of the French Language

Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research

Charter of the French language
(chapter C-11, s. 22.3, 1st par., subpar. 2, subpar. *f*,
and s. 22.5, 1st par., subpar. 3)

DIVISION I DEROGATIONS TO THE DUTY OF EXEMPLARITY

1. An agency of the civil administration may depart from paragraph 1 of section 13.2 of the Charter of the French language (chapter C-11) by using another language in addition to French when writing for one of the following purposes:

- (1) providing services leading to the issue of a certification intended to be used abroad;
- (2) establishing standards in a specific field, in the case of a standardization body;
- (3) disseminating any financial information it deems necessary for the management of the Consolidated Revenue Fund and the public debt, and for the management of the issue of municipal debt securities;
- (4) disseminating the fiscal policy of the Government;

(5) disseminating the budget speech and any other document of the same nature stating the situation of public finances, public accounts, the pre-election report and the report provided for in section 51 of the Financial Administration Act (chapter A-6.01);

(6) making available any site for an invitation to tender or any transactional platform as part of the management of the public debt and the issue of municipal debt securities;

(7) communicating with a legal person established in the public interest of another State that does not have French as the official language;

(8) providing energy to a natural person who, before 13 May 2021, corresponded only in English with Hydro-Québec regarding a file concerning the person;

(9) acting as the legal representative of a natural person, including steps where representation is awaiting opening;

(10) communicating with a consumer as part of its activities in order to enter into a consumer contract of instantaneous performance, where the consumer requests that the agency communicates with him or her in a language other than French;

(11) ensuring the taking into consideration of the concerns of the English-speaking community of Québec by an agency of the civil administration established exclusively for that purpose;

(12) perform a function related with its mission where the exclusive use of the official language compromises the carrying out of the mission and the agency of the civil administration has taken all reasonable means to communicate only in the official language.

DIVISION II DOCUMENTS DRAWN UP OR USED IN RESEARCH

2. The following documents, drawn up and used in research, may be written only in a language other than French:

- (1) economic and financial documents;
- (2) information sent by a participant in research or by a person contributing to the research to provide information;
- (3) the material used for a survey, in particular a questionnaire or an interview form;

(4) the documents necessary for a clinical trial, in particular the research protocol, the investigator's brochure, the procedure schedule, the imaging acquisition guide and the pharmacy manual;

(5) the scientific study and its assessment;

(6) the documents attached to an application for authorization or for financial assistance;

(7) a document for which the exclusive use of the official language compromises the carrying out of the mission of the agency of the civil administration where the agency has taken all reasonable means to have the document drawn up only in French.

DIVISION X FINAL

3. Paragraph 12 of section 1 and paragraph 7 of section 2 cease to have effect on 1 June 2025.

4. This Regulation comes into force on 1 June 2023.

106143

Draft Regulation

Act respecting financial assistance
for education expenses
(chapter A-13.3)

Financial assistance for education expenses — 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 financial assistance for education expenses, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation adjusts certain amounts allocated as exemptions or expenses allowable for the purpose of computing the financial assistance for education expenses and the maximum amount of a loan that may be granted for a year of allocation.

The draft Regulation also amends the income of students and other revenues considered for the purpose of computing the financial assistance for education expenses. Lastly, the draft Regulation amends the amount of a loan used in computing the bursary and the eligibility period for students deemed to pursue studies on a full-time basis while pursuing studies on a part-time basis.

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 Simon Boucher-Doddridge, Director, Direction des programmes d'accessibilité financière aux études et des recours, Ministère de l'Enseignement supérieur, 1035, rue De La Chevrotière, 20^e étage, Québec (Québec) G1R 5A5; telephone: 418 643-6276, extension 6085; email: simon.boucher-doddridge@mes.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Isabelle Taschereau, Secretary General, Ministère de l'Enseignement supérieur, 675, boulevard René-Lévesque Est, Aile René-Lévesque, bloc 4, 3^e étage, Québec (Québec) G1R 6C8; email: isabelle.taschereau@mes.gouv.qc.ca.

PASCALE DÉRY
Minister of Higher Education

Regulation to amend the Regulation respecting financial assistance for education expenses

Act respecting financial assistance
for education expenses
(chapter A-13.3, s. 57, 1st par., subpars. 1, 2, 3.2, 7, 9,
9.2, 16, 21, and 2nd par.)

1. Section 2 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1), as amended by section 1 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$1,533” in the portion before subparagraph 1 of the second paragraph by “\$1,632”.

2. Section 9, as amended by section 2 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$1,533” in subparagraph 2 of the second paragraph by “\$1,632”.

3. Section 17, as amended by section 3 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended

- (1) by replacing “\$3,241” in paragraph 1 by “\$3,450”;
- (2) by replacing “\$2,752” in paragraph 2 by “\$2,929”.
- 4.** Section 18, as amended by section 4 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$2,752” by “\$2,929”.
- 5.** Section 26, as amended by section 5 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$297” in the second paragraph by “\$316”.
- 6.** Section 29, as amended by section 7 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended in the fourth paragraph
- (1) by replacing “\$201” in subparagraph 1 by “\$214”;
- (2) by replacing “\$201” in subparagraph 2 by “\$214”;
- (3) by replacing “\$229” in subparagraph 3 by “\$244”;
- (4) by replacing “\$435” in subparagraph 4 by “\$463”;
- (5) by replacing “\$498” in subparagraph 5 by “\$530”;
- (6) by replacing “\$229” in subparagraph 6 by “\$244”.
- 7.** Section 32, as amended by section 8 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended
- (1) by replacing “\$474” and “\$1,013” in the first paragraph by “\$505” and “\$1,078”, respectively;
- (2) by replacing “\$226”, “\$248”, “\$765” and “\$248” in the second paragraph by “\$241”, “\$264”, “\$814” and “\$264”, respectively.
- 8.** Section 33, as amended by section 9 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended
- (1) by replacing “\$183” in the first paragraph by “\$195”;
- (2) by replacing “\$506” in the second paragraph by “\$539”.
- 9.** Section 34, as amended by section 10 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$514” and “\$2,395” in the first paragraph by “\$547” and “\$2,549”, respectively.
- 10.** Section 35, as amended by section 11 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$103” in the second paragraph by “\$110”.
- 11.** Section 37, as amended by section 12 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$270” in the fifth paragraph by “\$287”.
- 12.** Section 40, as amended by section 13 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$79” and “\$632” in the first paragraph by “\$84” and “\$673”, respectively.
- 13.** Section 41, as amended by section 14 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$200” by “\$213”.
- 14.** Section 50, as amended by section 16 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended
- (1) in the first paragraph
- (a) by replacing “\$15,687” in subparagraph 1 by “\$16,697”;
- (b) by replacing “\$15,687” in subparagraph 2 by “\$16,697”;
- (c) by replacing “\$19,263” in subparagraph 3 by “\$20,580”;
- (2) in the third paragraph
- (a) by replacing “\$4,227” in subparagraph 1 by “\$4,499”;
- (b) by replacing “\$5,351” in subparagraph 2 by “\$5,696”;

(c) by replacing “\$6,480” in subparagraph 3 by “\$6,897”.

15. Section 51, as amended by section 17 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended

(1) in the first paragraph

(a) by replacing “\$221” in subparagraph 1 by “\$235”;

(b) by replacing “\$241” in subparagraph 2 by “\$257”;

(c) by replacing “\$334” in subparagraph 3 by “\$356”;

(d) by replacing “\$442” in subparagraph 4 by “\$470”;

(e) by replacing “\$442” in subparagraph 5 by “\$470”;

(2) by replacing “\$345” in the third paragraph by “\$367”.

16. Section 52, as amended by section 18 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$1,042” by “\$1,109”.

17. The following is inserted after section 54:

“**54.1.** The amount of the increase of the maximum amount of a loan established pursuant to section 51 and used in computing a bursary granted to a student for the year of allocation is reduced by half for the months of the year of allocation during which the student is deemed to pursue full-time studies, pursuant to section 46 or the first paragraph of section 10 of the Act respecting financial assistance for education expenses (chapter A-13.3).”.

18. Section 56 is amended by replacing the sixth paragraph by the following:

“Only half of the months during which the student is deemed to pursue full-time studies, pursuant to section 46 or the first paragraph of section 10 of the Act respecting financial assistance for education expenses (chapter A-13.3), are taken into account.”.

19. Section 74, as amended by section 19 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$270” and “\$134” in the second paragraph by “\$287” and “\$143”, respectively.

20. Section 82, as amended by section 20 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, and by section 1 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1783-2022 dated 7 December 2022, is further amended by replacing “\$3,241” and “\$2,427” in the third paragraph by “\$3,450” and “\$2,583”, respectively.

21. Section 86, as amended by section 21 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended

(1) in the first paragraph

(a) by replacing “\$2.40” in subparagraph 1 by “\$2.56”;

(b) by replacing “\$3.59” in subparagraph 2 by “\$3.82”;

(c) by replacing “\$137.55” in subparagraph 3 by “\$148.95”;

(2) by replacing “\$11.99” in the second paragraph by “\$12.77”.

22. Section 87.1, as amended by section 22 of the Regulation to amend the Regulation respecting financial assistance for education expenses, enacted by Order in Council 1398-2022 dated 6 July 2022, is further amended by replacing “\$411” by “\$437”.

23. This Regulation applies as of the 2023-2024 year of allocation.

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

106138

Draft Regulation

Charter of the French language
(chapter C-11; 2002, chapter 28; 2022, chapter 14)

Language of the civil administration

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the language of the civil administration, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is in keeping with the assent of the Act respecting French, the official and common language of Québec (2022, chapter 14) on 1 June 2022.

The draft Regulation provides in particular for the situations where

— another language may be used, in addition to the official language, in communications of the civil administration with other governments, legal persons and enterprises established in Québec;

— a contract or written document related thereto may be drawn up in another language in addition to the official language or only in another language;

— a written document sent to the civil administration by a legal person or an enterprise to obtain a permit or an authorization of the same nature, or a subsidy or another form of financial assistance may be drawn up in a language other than French.

The draft Regulation incorporates the provisions of the Regulation respecting the signs and posters of the civil administration (chapter C-11, r. 1) while providing for its revocation.

The draft Regulation facilitates the administration of the Charter, in particular in contractual matters and the method of publication that may be used when the Charter requires the publication of a document or notice without prescribing a method.

Lastly, the draft Regulation provides for certain situations where an agency of the civil administration may, for a period of two years, use another language, in addition to the official language, or only another language if, after taking all reasonable means, the exclusive use of French compromises the carrying out of its mission.

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

Further information on the draft Regulation may be obtained by contacting *Éric Poirier*, Director, Direction des orientations et de la conformité à la Charte de la langue française; email: eric.poirier@mlf.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of the French Language, 800, rue D'Youville, 13^e étage, Québec (Québec) G1R 3P4.

JEAN-FRANÇOIS ROBERGE
Minister of the French Language

Regulation respecting the language of the civil administration

Charter of the French language (chapter C-11, s. 16, 2nd par., s. 21.4, 1st par., subpar.2, s. 21.5, 2nd par., subpar. 1, s. 21.9, 4th par., s. 22, 3rd par., and s. 93; 2002, chapter 28, s. 1; 2022, chapter 14, s. 14)

DIVISION I

WRITTEN COMMUNICATIONS WITH OTHER GOVERNMENTS AND WITH LEGAL PERSONS ESTABLISHED IN QUÉBEC

1. In a written communication with another government that does not have French as an official language, an agency of the civil administration may attach to the French version of the communication a version drawn up in another language.

2. In a written communication with a legal person established in Québec, an agency of the civil administration may use another language in addition to the official language where the communication is

(1) addressed to the head office or an establishment of the legal person, where the head office or establishment is outside Québec;

(2) addressed to a legal person exempted from the application of the Charter of the French language (chapter C-11) under section 95 of the Charter;

(3) addressed to an establishment of a legal person constituted and administered exclusively for the purpose of offering services in a reserve, in an establishment or on the lands referred to in section 97 of the Charter of the French language or to a person referred to in that section;

(4) necessary for implementing measures for cooperation between a competent authority in Québec and that of another State, including the drafting of documents necessary for the application, in Québec, of standards to be harmonized with those of such other State;

(5) necessary for carrying out the mission of an agency of the civil administration established exclusively to take into consideration the concerns of the English-speaking community of Québec, and the other language is English;

(6) sent by an agency of the civil administration acting as the legal representative of a natural person; or

(7) necessary to ensure that a communication written only in the official language does not compromise the carrying out of the mission of the agency of the civil administration and the agency has taken all reasonable means to communicate only in the official language.

The first paragraph applies to a written communication of an agency of the civil administration with the operator of an enterprise as if the operator were a legal person and with the necessary modifications.

3. In a written communication with a natural person operating a sole proprietorship, an agency of the civil administration may use another language in addition to the official language if it has the option to communicate with the person in another language when the person is not acting as part of the operation of the enterprise.

DIVISION II CIVIL ADMINISTRATION CONTRACTS AND CONTRACT-RELATED WRITTEN DOCUMENTS

4. A version in a language other than French may be attached to contracts and other contract-related written documents referred to respectively in sections 21 and 21.3 of the Charter of the French language (chapter C-11) in each of the following situations:

(1) where it is expedient to stimulate the participation of bidders established outside Québec under a public call for tenders;

(2) where a bidder must send contract-related financial written documents and the written documents do not exist in French;

(3) where an agency of the civil administration enters into a contract or a financing agreement in Québec with a university or an establishment situated outside Québec in order to carry out a clinical trial;

(4) where the written document sent to an agency of the civil administration under a contract is intended to be used outside Québec;

(5) where the documents related to the operation of an electric power transmission system must be filed on a platform used for entering into contracts, which is managed outside Québec;

(6) where an agency of the civil administration enters into a contract in Québec with a legal person established in Québec and the exchanges necessary for entering into the contract take place with the head office or an establishment of the legal person, where the head office or the establishment is outside Québec;

(7) where an agency of the civil administration adheres to a contract submitted by the head office or the parent company of a legal person established in Québec, where the head office or company is outside Québec;

(8) where an agency of the civil administration enters into a contract with both a supplier or a service provider and another government that does not have French as an official language;

(9) where a school body recognized under section 29.1 of the Charter of the French language enters into a contract with a legal person or an enterprise in the English educational network and the object of the contract is services on student school success, the development of educational resources, the offer of training for school personnel or tutoring to students;

(10) where school bodies recognized under section 29.1 of the Charter of the French language enter into a contract with each other;

(11) where the contract is entered into by an agency of the civil administration established exclusively to take into consideration the concerns of the English-speaking community of Québec and the object is the carrying out of its mission;

(12) where an agency of the civil administration enters into a contract with a legal person or an enterprise constituted and administered exclusively for the purpose of offering services in a reserve, in an establishment or on the lands referred to in section 97 of the Charter of the French language or to a person referred to in that section;

(13) where it is impossible for an agency of the civil administration to obtain in due time and at a reasonable cost the product or service sought or another equivalent product or service;

(14) where an agency of the civil administration enters into a contract in the field of information technologies with respect to licences that do not exist in French;

(15) where an agency of the civil administration acts as the legal representative of a natural person.

5. A contract may be drawn up only in a language other than French in the following cases and on the following conditions:

(1) where it is entered into with a person or enterprise that carries on the activities of a clearing house and whose object is financial market transactions;

(2) where it is entered into on a platform that makes it possible to trade in a derivative, a security or other movable property, provided, in the latter case, that the contract is not a consumer contract, and whose object is the management of financial risks.

DIVISION III

WRITTEN DOCUMENTS SENT TO OBTAIN A PERMIT OR ANOTHER AUTHORIZATION OF THE SAME NATURE, OR A SUBSIDY OR OTHER FORM OF FINANCIAL ASSISTANCE

6. A written document sent to an agency of the civil administration by a legal person or by an enterprise to obtain a permit or another authorization of the same nature, or a subsidy or other form of financial assistance that is not a contract referred to in section 21 of the Charter of the French language (chapter C-11) may be drawn up in a language other than French in the following situations:

(1) where the written document is sent as part of a consultation regime established by regulation or a mutual recognition agreement on decisions;

(2) where the written document is sent to both an agency of the civil administration and a third person outside Québec;

(3) where the written document originates from the head office or establishment of a legal person or an enterprise established in Québec, where the head office or establishment is outside Québec;

(4) where the written document is sent by a natural person operating a sole proprietorship and the agency of the civil administration has the option of using another language in addition to the official language in its communications with that person where the person does not act as part of the operation of the enterprise;

(5) where the agency of the civil administration has the option of using another language in addition to the official language in its communications with the legal person or enterprise;

(6) where the written document is sent to an agency of the civil administration established exclusively to take into consideration the concerns of the English-speaking community of Québec;

(7) where the legal person or enterprise that sends the written document is constituted and administered exclusively for the purpose of offering services in a reserve, in an establishment or on the lands referred to in section 97 of the Charter of the French language or to a person referred to in that section;

(8) where the written document is sent by an agency of the civil administration acting as the legal representative of a natural person;

(9) where the object of the written document sent is to obtain an authorization or financial assistance for research;

(10) where the sending of the written document in French only compromises the carrying out of the mission of the agency of the civil administration and the agency has taken all reasonable means to have the written document sent to it only in the official language.

DIVISION IV

SIGNS AND POSTERS OF THE CIVIL ADMINISTRATION

7. Along any public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), that is used by visitors to enter or leave Québec, the signs and posters of the civil administration that are intended for visitors may be both in French and in another language up to a distance of 15 km from the point of entry into Québec, provided that French is markedly predominant within the meaning of the regulation defining the scope of that expression for the purposes of the Charter of the French language (chapter C-11).

8. The signs and posters of the civil administration concerning activities similar to those of business firms may be both in French and in another language, provided that French is markedly predominant within the meaning of the regulation defining the scope of that expression for the purposes of the Charter of the French language (chapter C-11), unless

(1) the signs and posters are billboards or signs of any other type having an area of 16 m² or more and visible from any public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2); or

(2) the signs and posters are displayed in or on any public means of transportation, in the accesses thereto or in bus shelters.

9. The signs and posters of a museum, a botanical garden, a zoo, a cultural or scientific exhibition, a place used to greet or inform tourists or any other tourist attraction may, on the premises thereof, be both in French and in another language, provided that French is markedly predominant within the meaning of the regulation defining the scope of that expression for the purposes of the Charter of the French language (chapter C-11).

DIVISION V
PROVISIONS FOR FACILITATING
THE ADMINISTRATION OF THE CHARTER
OF THE FRENCH LANGUAGE

10. Where a provision of the Charter of the French language (chapter C-11) requires the publication of documents or notices without prescribing the method, they may be published on the website of the agency of the civil administration in charge in the following cases:

(1) the notices sent by the Office québécois de la langue française in accordance with sections 29.2 and 29.3 of the Charter of the French language;

(2) the list of bodies and institutions recognized under section 29.1 of the Charter of the French language in accordance with section 29.4 of the Charter;

(3) the directives approved or made by the Minister of the French Language in accordance with section 29.18 of the Charter of the French language;

(4) the directives approved or made by the French Language Commissioner in accordance with section 29.19 of the Charter of the French language;

(5) the list of enterprises with regard to which the Office québécois de la langue française has refused to issue an attestation, or whose attestation or certificate it has suspended or cancelled in accordance with section 152 of the Charter of the French language;

(6) the list of the agencies of the civil administration published by the Minister of the French Language in accordance with section 156.6 of the Charter of the French language.

11. An agency of the civil administration that has to file an annual report must indicate in the report the information provided for in section 20.1 of the Charter of the French language (chapter C-11).

If the agency is not required to file an annual report, the agency of the civil administration publishes the information on its website or, if it does not have a website, by any other appropriate means and, in that case, so informs the Minister of the French Language.

12. In the cases where the Charter of the French language (chapter C-11) authorizes the drawing up of a contract both in French and in another language, both versions must be signed simultaneously.

13. In the cases where the Charter of the French language (chapter C-11) authorizes the drawing up of a contract or agreement in French specifying that a version in another language may be attached, there may be a time period between the sending of either version and the signing.

14. In the cases where the Charter of the French language (chapter C-11) authorizes the drawing up of a contract or agreement both in French and in another language or in French by specifying that a version in another language may be attached, the parties may determine the legal value of each version.

Failing such explicit indication, the French version prevails.

15. For the purposes of the second paragraph of section 21.7 of the Charter of the French language (chapter C-11), members of the personnel who participate in the negotiation or drawing up of contracts or documents of the same nature are also covered.

16. Despite section 152.1 of the Charter of the French language (chapter C-11), an agency of the civil administration may, if its mission is compromised, enter into a contract with an enterprise that does not meet the criteria set out in that section

(1) where, because of the urgency of a situation, human safety or property is threatened; or

(2) where the enterprise is the only one in a position to provide the good or service and no other enterprise offers an equivalent good or service.

DIVISION VI
FINAL

17. The Regulation respecting the signs and posters of the civil administration (chapter C-11, r. 1) is revoked.

18. Subparagraph 7 of the first paragraph of section 2 and paragraph 10 of section 6 cease to have effect on 1 June 2025.

Section 16 ceases to have effect on 1 June 2026.

19. This Regulation comes into force on 1 June 2023.

106142

Draft Regulation

Act respecting private education
(chapter E-9.1)

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 the application of the Act respecting private education (chapter E-9.1, r. 1), appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation introduces new provisions respecting advertisement, solicitation and offers of service, the verification of judicial records of directors, shareholders and officers, and the information and documents that a permit holder must provide when changing one of the directors, shareholders or officers of the institution. Other measures increase the security from institutions and the fees exigible for applications for the issue of a permit, introduce fees exigible for applications for the modification of a permit, and update the rules governing the educational contract and enrollment. Other provisions must be updated and clarified, in particular the information and documents to be provided for the issue, renewal or modification of a permit.

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 Éric Beauregard, Director, Enseignement privé, Ministère de l'Enseignement supérieur, 1035, rue De La Chevrotière, 12^e étage, Québec (Québec) G1R 5A5; email: eric.beauregard@mes.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Isabelle Taschereau, Secretary General, Ministère de l'Enseignement supérieur, 675, boulevard René-Lévesque Est, aile René-Lévesque, bloc 4, 3^e étage, Québec (Québec) G1R 6C8; email: isabelle.taschereau@mes.gouv.qc.ca, or Nancy-Sonia Trudelle, Secretary General, Ministère de l'Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; email: nancy-sonia.trudelle@education.gouv.qc.ca.

PASCALE DÉRY
Minister of Higher Education

BERNARD DRAINVILLE
Minister of Education

Regulation to amend the Regulation respecting the application of the Act respecting private education

Act respecting private education
(chapter E-9.1, s. 111, pars. 2, 3, 4, 5, 6 and 11)

1. The Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is amended by replacing section 5 by the following:

“**5.** Every application for the renewal or modification of a permit shall be filed with the Minister not later than 1 September preceding the school year referred to in the application, except in the case of an application relating to a program of studies leading to an attestation of college studies, an application for a change of name of the holder of the permit or an application for a change of name or address of the institution or one of its facilities.”.

2. Section 7 is amended

- (1) by replacing “\$351” by “\$1,275”;
- (2) by adding the following paragraph at the end:

“The amount of the fees exigible for an application for the modification of a permit shall be \$1,020.”.

3. Section 9 is amended

(1) by replacing “tuition fees relating” in the first paragraph by “admission or enrollment, educational service and accessory service fees relating”;

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

“The security is established as follows:

Total revenue from admission or enrollment, educational service and accessory service fees	Security
\$0 to \$49,999	\$12,500.00
\$50,000 to \$99,999	\$25,000.00
\$100,000 to \$249,999	\$62,500.00
\$250,000 to \$499,999	\$125,000.00
\$500,000 to \$999,999	\$250,000.00
\$1,000,000 to \$1,499,999	\$375,000.00
\$1,500,000 to \$2,499,999	\$625,000.00
\$2,500,000 to \$4,999,999	\$1,250,000.00
\$5,000,000 to \$9,999,999	\$2,500,000.00
\$10,000,000 to \$24,999,999	\$5,000,000.00
\$25,000,000 and over	\$10,000,000.00

””.

4. Section 10 is amended by replacing “tuition” in the second paragraph by “admission or enrollment, educational service and accessory service”.
5. Section 11 is amended by striking out paragraph 2.
6. Section 12 is amended by striking out “in the form of a bond or other evidence of indebtedness, or” in the second paragraph.
7. Section 14 is amended by striking out paragraph 2.
8. The following is inserted after section 16:

**“CHAPTER II.1
CHANGE OF DIRECTOR, SHAREHOLDER
OR OFFICER**

16.1. A notice of change of a director, a shareholder or an officer of the institution must contain the following information and be accompanied by the following documents:

(1) the name, address and telephone number of the director, shareholder or officer and, where applicable, the name of any person being replaced;

(2) a declaration concerning their judicial record within the meaning of subparagraph 2 of the third paragraph of section 12.1 of the Act respecting private education, using the declaration form established by the Minister and including an indication that the Minister may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification of the declaration, duly completed and signed;

(3) in the case of a director or officer, a curriculum vitae, the function or the position held, the date of taking office, the resolution of the board of directors, in the case of a legal person, or a declaration from the highest authority of the institution who confirms the change, and the updated organization chart of the institution if it is modified.”

9. Section 17 is replaced by the following:

“17. Every institution shall mention in any advertising, offer of service or solicitation that the institution or a mandatary makes, the name of the institution and the educational services or program titles concerned, as they appear in the permit of the institution.

In addition, any advertising, offer of service or solicitation shall, when made in writing, mention the following information:

(1) the address of the institution and, if applicable, the addresses of the buildings or premises made available to the institution as they appear in the institution’s permit;

(2) the email address and the address of the institution’s website and its telephone number, where applicable;

(3) the code of the program concerned, where applicable;

(4) that the obtention of a diploma, certificate or other attestation is subject to an examination or other requirement imposed under an Act or regulation, where applicable;

(5) that the instruction dispensed leads to a diploma, a certificate or other attestation awarded by the Minister or awarded pursuant to the College Education Regulations (chapter C-29, r. 4) made under section 18 of the General and Vocational Colleges Act (chapter C-29), where applicable.

17.1. Every offer of service shall mention, in addition to the name of the person to whom it is addressed the following information:

(1) the school year concerned for the preschool education services, elementary school instructional services and secondary school instructional services in general education, the school year or term concerned and the duration of the program in number of weeks for vocational education and college level education and, in all other cases, the dates of the beginning and end of the provision of the services;

(2) for educational services in vocational training and college level education, any prerequisite course or other preliminary condition to be met;

(3) for educational services in vocational training and college level education, a list of the courses, including laboratory work and internships;

(4) for educational services in general education to adults, vocational training and college level education, the terms and conditions of the offer of educational services: in classroom, distance education or both;

(5) accessory services, the instructional material and the equipment, including textbooks and course notes, required for the implementation of programs of activities or for the teaching of programs of studies or to take the

courses specifying, if applicable, those that are not provided by the institution or that are not included in the price referred to in paragraph 6;

(6) the total price charged by the institution and the detailed price according to the following apportionment:

(a) admission or enrollment fees;

(b) educational services;

(c) accessory services, instructional material and equipment included;

(d) in the case of an institution accredited for purposes of subsidies, the amount of the additional financial contribution for a student who is not a resident of Québec, within the meaning of government regulations, set in accordance with the budgetary rules established by the Minister of Education, Recreation and Sports or by the Minister of Higher Education;

(7) the following text: “Except in the case of a bursary, the payment of the fees to the institution may only be made by the student, a parent or a person connected by marriage or a civil union.”;

(8) for educational services in vocational training and college level education, the stages and dates of the routing of an application for admission up to enrollment.”.

10. Section 18 is amended

(1) by replacing “or offer of service” in the portion before paragraph 1 by “, offer of service or solicitation”;

(2) by inserting the following before paragraph 1:

“(0.1) guarantee admission to a program of studies or guarantee that a person enrolled in the program will successfully complete it.”;

(3) by replacing paragraph 3 by the following:

“(3) suggest that the admission of a foreign student to an institution will guarantee the right to enter Canada under the Immigration and Refugee Protection Act (S.C. 2001, c. 27) and the Québec Immigration Act (chapter I-0.2.1) or receive a visa or other document required by those Acts;

(4) mention any other information that the institution or its mandatory knows is incomplete, false or misleading.”.

11. Section 19 is amended by replacing “the course is dispensed” by “the programs of studies are dispensed and, if applicable, the language of each course offered in another language”.

12. The following is inserted after section 19:

“**19.1.** The institution keeps the following information concerning each advertisement, offer of service and solicitation made by the institution or a mandatory:

(1) the text of the advertisement, offer of service or solicitation whether written, oral or video recorded;

(2) if the advertisement or solicitation is an audio or video recording or contains an image, a copy of the recording or image in a format that allows the playing or viewing;

(3) the period during which the advertisement or solicitation was published or broadcast;

(4) if the advertisement or solicitation was published or broadcast in a language other than French or English, the translation of the text made by a sworn translator;

(5) if the advertisement or solicitation contains testimony, a recommendation or an opinion, a separate text of the testimony, recommendation or opinion dated and signed by its author and any translation of the text made by a sworn translator;

(6) if the advertisement or solicitation mentions that a program is recognized as a valid program, for training purposes, by a regulatory body of a profession or by a professional association or organization, proof to that effect;

(7) if the advertisement or solicitation mentions that a program is recognized by the government of a province, territory or country for a particular purpose, proof to that effect;

(8) if the advertisement or solicitation mentions that another educational institution recognizes a program by giving any person who successfully completes it equivalencies in credits applicable to a program that it offers, proof to that effect.”.

13. Section 20 is replaced by the following:

“**20.** Every educational service contract or registration form shall contain the following information:

(1) the complete text of section 14;

(2) the information provided for in sections 17, 17.1 and 19, except paragraph 8 of section 17.1;

(3) the complete text of sections 70 to 75 of the Act respecting private education;

(4) the following text: “The institution undertakes not to assign or sell this contract.”;

(5) a space directly below the text referred to in paragraph 4 for the client’s signature.”.

14. Section 21 is replaced by the following:

“**21.** For educational services in vocational training or college level education, in addition to the information provided for in section 20, the contract or registration form shall contain the following information:

- (1) a list of the courses offered;
- (2) the nature of the recognition or the certification of studies;
- (3) the days of the week and hours during which the training may be dispensed.

In the case of vocational training, the contract or registration form shall also contain the standards governing admission to and the practice of the trade or occupation concerned, where such standards exist.”.

15. Schedule A is amended

(1) by inserting “, email address” after “address” in point 1.1;

(2) by inserting “, except as regards college level education,” after “of the institution and” in point 4;

(3) by adding “, the students enrolled in a program offered in French and those enrolled in a program offered in English, and the residents within the meaning of the Regulation respecting the definition of resident in Québec (chapter E-9.1, r. 2) and those who are not residents” at the end of the first dash in point 5.2;

(4) by replacing the dashes in point 6.1 by the following:

“— description of the mandates, duties and responsibilities of the directors and officers;

— attach the organization chart, including the names of the persons who perform the duties indicated;

— attach, for each director, shareholder or officer of the institution, a declaration concerning their judicial record within the meaning of subparagraph 2 of the third paragraph of section 12.1 of the Act respecting

private education (chapter E-9.1), using the declaration form established by the Minister and including an indication that the Minister may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification of the declaration, duly completed and signed.”;

(5) by replacing “— number of staff members in each category and employment group and their qualifications” in point 6.3 by

“— number of staff members in each category and employment group and their qualifications;

— curriculum vitae of the directors and officers;

— curriculum vitae of the prospective teachers;

— documents certifying the verification of the judicial record of every person who is required to work with minor students or be regularly in contact with them”;

(6) by adding in point 9.3

(a) “for each facility” at the end of the portion before the first dash;

(b) “for each type of premises:” at the beginning of the first dash;

(c) “of each facility” at the end of the second dash;

(7) by inserting “for each facility and, except as regards college level education,” after “student capacity” in point 9.4;

(8) by inserting the following after point 9.4:

“9.5 If the programs of studies include internships, provide letters from employers ready to accept or intending to accept trainees, signed by a duly authorized representative and including the following information:

— name and address, Québec business number;

— name and number of the program of studies concerned;

— terms or school years concerned and number of trainees anticipated for each term or school year.”;

(9) by replacing point 10.2 by the following:

“10.2 Indicate the prices charged to students in the manner provided for in paragraph 6 of section 17.1.”.

16. For the period included between 1 July 2023 and 30 June 2024, section 7 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is to be read as follows:

“7. The amount of the fees exigible for an application for the issue of a permit shall be \$715.

The amount of the fees exigible for an application for the modification of a permit shall be \$570.”

17. This Regulation comes into force on 1 July 2023, except section 2, which comes into force on 1 July 2024.

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