



Part 2

LAWS AND REGULATIONS

15 March 2023 / Volume 155

Summary

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

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The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

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

Gouvernement du Québec

O.C. 215-2023, 8 March 2023

Act mainly to improve the transparency of enterprises (2021, chapter 19)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act mainly to improve the transparency of enterprises

WHEREAS the Act mainly to improve the transparency of enterprises (2021, chapter 19) was assented to on 8 June 2021;

WHEREAS section 33 of the Act provides that the provisions of the Act come into force on the date or dates to be determined by the Government, except the provisions of sections 26 and 32, which come into force on 8 June 2021;

WHEREAS, under Order in Council 1266-2022 dated 22 June 2022, paragraph 2 of section 2 and sections 7, 23, 24 and 30 of the Act came into force on 29 August 2022;

WHEREAS it is expedient to set 31 March 2023 as the date of coming into force of section 1, paragraph 1 of section 2, sections 3 to 6, 8 to 17, 19 and 20, paragraph 1 of section 21 and sections 22, 25, 27 to 29 and 31 of the Act;

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

THAT 31 March 2023 be set as the date of coming into force of section 1, paragraph 1 of section 2, sections 3 to 6, 8 to 17, 19 and 20, paragraph 1 of section 21 and sections 22, 25, 27 to 29 and 31 of the Act mainly to improve the transparency of enterprises (2021, chapter 19).

YVES OUELLET
Clerk of the Conseil exécutif

106164

Regulations and other Acts

Gouvernement du Québec

O.C. 216-2023, 8 March 2023

Act respecting the legal publicity of enterprises
(chapter P-44.1, ss. 150 and 151, par. 4)

Compagnies Act
(chapter C-38, ss. 23, 123.169 and 233)

Business Corporations Act
(chapter S-31.1, s. 725)

Legal publicity of enterprises

Regulation respecting names of legal persons or associations governed by Part III of the Companies Act, the Regulation respecting names of companies governed by Part I of the Companies Act and the Regulation respecting names of companies governed by Part IA of the Companies Act
— **Amendment**

Regulation respecting the legal publicity of enterprises and the Regulation to amend the Regulation respecting names of legal persons or associations governed by Part III of the Companies Act, the Regulation respecting names of companies governed by Part I of the Companies Act and the Regulation respecting names of companies governed by Part IA of the Companies Act

WHEREAS, under section 150 of the Act respecting the legal publicity of enterprises (chapter P-44.1), as amended by section 25 of the Act mainly to improve the transparency of enterprises (2021, chapter 19), the Government may make regulations determining

— the cases and conditions according to which a natural person is considered to be an ultimate beneficiary;

— standards for the composition of names for the purposes of subparagraph 4 of the first paragraph of section 17;

— the public authorities referred to in subparagraph 6 of the first paragraph of section 17;

— cases in which a name of a registrant falsely suggests that the registrant is related to another person, trust, partnership or group of persons for the purposes of subparagraph 7 of the first paragraph of section 17;

— criteria for the purposes of subparagraphs 7 and 8 of the first paragraph of section 17;

— the terms relating to the declaration of the type of control exercised by each ultimate beneficiary or of the percentage of shares or units each one holds or of which each one is a beneficiary;

— the information contained in the register that may not be consulted;

WHEREAS, under paragraph 4 of section 151 of the Act respecting the legal publicity of enterprises, the Government may make regulations prescribing the charges for issuing copies or extracts of a document deposited in the register;

WHEREAS, under paragraph 1 of subsection 4 of section 23 and paragraph 3 of section 123.169 of the Companies Act (chapter C-38), the Government may, by regulation, determine the public authorities referred to in paragraph 6 of section 9.1 of that Act;

WHEREAS, under section 233 of that Act, sections 22.1 and 23 of that Act apply to Part III of that Act, with the necessary modifications;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the legal publicity of enterprises and a draft Regulation to amend the Regulation respecting names of legal persons or associations governed by Part III of the Companies Act, the Regulation respecting names of companies governed by Part I of the Companies Act and the Regulation respecting names of companies governed by Part IA of the Companies Act were published in Part 2 of the *Gazette officielle du Québec* of 21 December 2022 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation respecting the legal publicity of enterprises with amendments;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting names of legal persons or associations governed by Part III of the Companies Act, the Regulation respecting names of companies governed by Part I of the Companies Act and the Regulation respecting names of companies governed by Part IA of the Companies Act without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and the Minister of Finance:

THAT the Regulation respecting the legal publicity of enterprises and the Regulation to amend the Regulation respecting names of legal persons or associations governed by Part III of the Companies Act, the Regulation respecting names of companies governed by Part I of the Companies Act and the Regulation respecting names of companies governed by Part IA of the Companies Act, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting the legal publicity of enterprises

Act respecting the legal publicity of enterprises (chapter P-44.1, ss. 150 and 151, par. 4)

DIVISION I NAME

1. A natural person operating a sole proprietorship in Québec may not add, in or after the name used by the person, a word or expression indicating a plurality of members, unless such word or expression indicates the person's trade or profession.

A general partnership indicates its juridical form correctly if it uses the words "general partnership" in or after its name or if it uses the abbreviation "G.P." only after its name. If it has a limited liability, a limited liability partnership indicates its juridical form properly if it uses the words "limited liability partnership" in or after its name or if it uses the abbreviation "L.L.P." only after its name.

A limited partnership indicates its juridical form correctly if it uses the words "limited partnership" in or after its name or if it uses the abbreviation "L.P." only after its name.

2. The public authorities referred to in subparagraph 6 of the first paragraph of section 17 of the Act respecting the legal publicity of enterprises (chapter P-44.1) are

(1) His Majesty, the Governor General and the Lieutenant-Governor;

(2) the Senate, the House of Commons and the National Assembly;

(3) the departments of the Government of Canada or of the Gouvernement du Québec and the bodies that are mandataries thereof;

(4) the bodies to which staff is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(5) the bodies referred to in the Public Service Employment Act (S.C. 2003, c. 22);

(6) the bodies of which the majority of members or the majority of the members of the board of directors are appointed by the Government of Canada or by the Gouvernement du Québec;

(7) the bodies to which staff is appointed in accordance with a regulation approved by the Government of Canada or by the Gouvernement du Québec;

(8) the bodies all of the voting shares of which are part of the public domain of Canada or Québec;

(9) the municipalities constituted under a general or special Act;

(10) the bodies of which the majority of members or the majority of the members of the board of directors are appointed by a municipality or by a supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);

(11) the bodies declared by law to be a mandatory or agent of a municipality;

(12) the supramunicipal bodies within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers;

(13) the Cree Nation Government and the Kativik Regional Government;

(14) health and social services agencies;

(15) public institutions within the meaning of paragraphs 3 and 4 of section 98 of the Act respecting health services and social services (chapter S-4.2) and the Nunavik Regional Board of Health and Social Services established under that Act;

(16) public institutions within the meaning of paragraph *a* of section 10 of the Act respecting health services and social services for Cree and Inuit Native persons (chapter S-5) and the Cree Board of Health and Social Services of James Bay established under that Act;

(17) school service centres governed by the Education Act (chapter I-13.3), as well as the Comité de gestion de la taxe scolaire de l'île de Montréal;

(18) the Cree School Board, the Kativik School Board and the Naskapi Education Committee, governed by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);

(19) general and vocational colleges;

(20) the Université du Québec, its constituent universities, research institutes and superior schools within the meaning of the Act respecting the Université du Québec (chapter U-1);

(21) professional orders within the meaning of the Professional Code (chapter C-26);

(22) the governments of foreign States and their diplomatic and consular representations and the governments of their political divisions and their representations; and

(23) international government bodies.

3. The name of a registrant suggests that the registrant is related to another person, trust, partnership or group of persons if it suggests that the registrant

(1) controls or sponsors the other person, trust, partnership or group;

(2) is controlled or sponsored by the other person, trust, partnership or group;

(3) is affiliated with the other person, trust, partnership or group; or

(4) carries on its activity with the support, approval or authorization of the other person, trust, partnership or group.

4. In determining whether a name suggests that a registrant is related to another person, trust, partnership or group of persons in the cases mentioned in section 3 or leads to confusion with a name used by another person, trust, partnership or group of persons in Québec, the following criteria must be taken into account:

(1) the distinctiveness of each of the names and of each of their elements, their visual or phonetic similarity and the similarity between the images conjured up by the names; and

(2) the way in which each name is used.

5. If a name is likely to suggest a relationship or lead to confusion in accordance with the criteria mentioned in section 4, the prominence of each name must be taken into account, along with the existence of competition or the likelihood of competition between the persons, trusts, partnerships or groups of persons that those names designate, having regard to

(1) their objects or activities;

(2) the goods they produce or the services they offer, the quantity thereof or the means by which they are produced or offered; and

(3) the territories where they carry on their activities and the number of persons they serve.

DIVISION II ULTIMATE BENEFICIARY

6. A natural person who controls, even indirectly, the shares or units of a registrant with respect of which an entity has entered into an agreement referred to in the second paragraph of section 0.4 of the Act is considered to be an ultimate beneficiary of the registrant.

7. For the purposes of subparagraph 2.1 of the second paragraph of section 33 of the Act, a registrant must declare the percentage of voting rights that an ultimate beneficiary may exercise based on the number of shares or units of the registrant that the ultimate beneficiary holds or controls or of which the ultimate beneficiary is the beneficiary, using the following ranges:

(1) 25% to 50%;

(2) over 50% to 75%;

(3) over 75%.

The same applies to the declaration of the fair market value of the number of shares or units of the registrant that an ultimate beneficiary holds or controls or of which the ultimate beneficiary is the beneficiary.

DIVISION III INFORMATION CONTAINED IN THE REGISTER THAT CANNOT BE CONSULTED

8. In addition to the information provided for in subparagraph 3 of the first paragraph of section 99.1 of the Act, any other name used in Québec by a minor natural person who is an ultimate beneficiary and by which that person identifies himself or herself cannot be consulted.

DIVISION IV
CHARGE PAYABLE

9. A charge of \$5 per document is payable for the issue of a copy or extract of a document deposited in the register.

DIVISION V
FINAL

10. This Regulation replaces the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45, r. 1).

11. This Regulation comes into force on 31 March 2023.

Regulation to amend the Regulation respecting names of legal persons or associations governed by Part III of the Companies Act, the Regulation respecting names of companies governed by Part I of the Companies Act and the Regulation respecting names of companies governed by Part IA of the Companies Act

Compagnies Act
(chapter C-38, ss. 23, 123.169 and 233)

Business Corporations Act
(chapter S-31.1, s. 725)

1. The Regulation respecting names of legal persons or associations governed by Part III of the Companies Act (chapter C-38, r. 2) is amended in section 1

(1) by replacing “the reigning monarch” in paragraph 1 by “His Majesty”;

(2) by inserting the following after paragraph 4:

“(5) the bodies referred to in the Public Service Employment Act (S.C. 2003, c. 22);”;

(3) by replacing “one or more municipalities” in paragraph 10 by “a municipality or by a supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3)”;

(4) by replacing paragraph 11 by the following:

“(11) the bodies declared by law to be a mandatory or agent of a municipality;”;

(5) by striking out paragraph 13;

(6) by adding “and the Nunavik Regional Board of Health and Social Services established under that Act” at the end of paragraph 16;

(7) by adding “and the Cree Board of Health and Social Services of James Bay established under that Act” at the end of paragraph 17;

(8) by replacing paragraph 23 by the following:

“(23) the governments of foreign States and their diplomatic and consular representations and the governments of their political divisions and their representations;”.

2. Section 5 is amended by replacing “If the name” in the portion before paragraph 1 by “If a name”.

3. The Regulation respecting names of companies governed by Part I of the Companies Act (chapter S-31.1, r. 1.01) is amended in section 1

(1) by replacing “the reigning monarch” in paragraph 1 by “His Majesty”;

(2) by inserting the following after paragraph 4:

“(5) the bodies referred to in the Public Service Employment Act (S.C. 2003, c. 22);”;

(3) by replacing “one or more municipalities” in paragraph 10 by “a municipality or by a supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3)”;

(4) by replacing paragraph 11 by the following:

“(11) the bodies declared by law to be a mandatory or agent of a municipality;”;

(5) by striking out paragraph 13;

(6) by adding “and the Nunavik Regional Board of Health and Social Services established under that Act” at the end of paragraph 16;

(7) by adding “and the Cree Board of Health and Social Services of James Bay established under that Act” at the end of paragraph 17;

(8) by replacing paragraph 23 by the following:

“(23) the governments of foreign States and their diplomatic and consular representations and the governments of their political divisions and their representations;”.

4. Section 5 is amended by replacing “If the name” in the portion before paragraph 1 by “If a name”.

5. The Regulation respecting names of companies governed by Part IA of the Companies Act (chapter S-31.1, r. 1.02) is amended in section 1

(1) by replacing “the reigning monarch” in paragraph 1 by “His Majesty”;

(2) by inserting the following after paragraph 4:

“(5) the bodies referred to in the Public Service Employment Act (S.C. 2003, c. 22);”;

(3) by replacing “one or more municipalities” in paragraph 10 by “a municipality or by a supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3)”;

(4) by replacing paragraph 11 by the following:

“(11) the bodies declared by law to be a mandatory or agent of a municipality;”;

(5) by striking out paragraph 13;

(6) by adding “and the Nunavik Regional Board of Health and Social Services established under that Act” at the end of paragraph 16;

(7) by adding “and the Cree Board of Health and Social Services of James Bay established under that Act” at the end of paragraph 17;

(8) by replacing paragraph 23 by the following:

“(23) the governments of foreign States and their diplomatic and consular representations and the governments of their political divisions and their representations;”.

6. Section 5 is amended by replacing “If the name” in the portion before paragraph 1 by “If a name”.

FINAL

7. This Regulation comes into force on 31 March 2023.

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M.O., 2023

Order 2023-0001 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 3 March 2023

Act respecting the conservation and development of wildlife (chapter C-61.1)

Regulation respecting the cases in which and the conditions under which to attract or feed an animal or class of animals

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING section 30 of the Act respecting the conservation and development of wildlife (chapter C-61.1), as replaced by section 5 of chapter 49 of the statutes of 2009, which provides that no person may use a substance, object, animal or domestic animal to attract or attempt to attract an animal or class of animals, except on the conditions determined by regulation of the Minister, and that no person may feed or attempt to feed an animal or class of animals except on the conditions determined by regulation of the Minister;

CONSIDERING subparagraph 6 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides that the Minister may make regulations determining, for the purposes of section 30 of the Act, the cases in which a person may attract or attempt to attract an animal or class of animals, for any reason, by the use of a substance, object, animal or domestic animal, on the conditions the Minister determines;

CONSIDERING subparagraph 7 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife, which provides that the Minister may make regulations determining, for the purposes of section 30 of the Act, the cases in which a person may feed or attempt to feed an animal or class of animals, on the conditions the Minister determines;

CONSIDERING the first paragraph of section 164 of the Act respecting the conservation and development of wildlife, which provides in particular that a regulation made under subparagraph 6 or 7 of the first paragraph of section 163 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING that it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

The Regulation respecting the cases in which and the conditions under which to attract or feed an animal or class of animals, attached to this Order, is hereby made.

Québec, 3 March 2023

BENOIT CHARETTE
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation respecting the cases in which and the conditions under which to attract or feed an animal or class of animals

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 163, 1st par., subpars. 6 and 7)

1. A person may attract, attempt to attract, feed or attempt to feed an animal for the purpose of observing wildlife.

However, a person may attract, attempt to attract, feed or attempt to feed white-tailed deer

- (1) from 1 September to 30 November only;
- (2) at any time on Île d'Anticosti.

2. A person may attract, attempt to attract, feed or attempt to feed an animal

- (1) for the purpose of killing or capturing the animal in accordance with section 67 of the Act respecting the conservation and development of wildlife (chapter C-61.1);
- (2) in accordance with the Regulation respecting hunting (chapter C-61.1, r. 12);
- (3) in accordance with the Regulation respecting trapping and the fur trade (chapter C-61.1, r. 21).

3. A person may attract or attempt to attract an animal for the purpose of capturing the animal, or feed or attempt to feed an animal kept in captivity, in accordance with the Regulation respecting animals in captivity (chapter C-61.1, r. 5.1).

4. 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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