

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

Table of contents  
Regulations and other acts  
Draft Regulations  
Index

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## Table of contents

Page

### Regulations and other acts

81-96	Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule I to the Act . . . . .	1171
82-96	Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule II.1 to the Act . . . . .	1171
83-96	Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule II.1 to the Act . . . . .	1172
84-96	Government and Public Employees Retirement Plan, An Act respecting the... — Designation of classes of employees and establishment of special provisions pursuant to section 10.1 of the Act . . . . .	1173
98-96	Building contractors and owner-builders — Professional qualification (Amend.) . . . . .	1174
99-96	Building services employees — Québec (Amend.) . . . . .	1175
105-96	Child day care, An Act respecting... — Exemption and financial assistance . . . . .	1178
108-96	Petroleum Products (Amend.) . . . . .	1180
110-96	Hearing devices (Amend.) . . . . .	1197
112-96	Assignment of social insurance numbers (Amend.) . . . . .	1198

### Draft Regulations

Conditions of contracts of government departments and public bodies . . . . .	1199
Construction contracts of government departments and public bodies . . . . .	1200
Elevators and lifts for persons with physical disabilities — Safety Code . . . . .	1201
Family assistance allowances . . . . .	1205
Limits to the expenses for a transfer of benefits between spouses . . . . .	1205
Loans for the construction, purchase or repair of commercial fishing boats and equipment . . . . .	1206
Régie de l'assurance-maladie du Québec, An Act respecting the... — Conditions for submitting a document . . . . .	1208



## Regulations and other acts

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Gouvernement du Québec

### **O.C. 81-96**, 24 January 1996

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

#### **Amendment to Schedule I to the Act**

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

WHEREAS it is expedient to amend Schedule I to the Act so that the Syndicat de l'enseignement St-Jérôme will be subject to the Government and Public Employees Retirement Plan;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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### **Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220)

**1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1321-94, 1322-94, 1323-94 and 1324-94 dated 7 September 1994, 1800-94 dated 21 December 1994, 538-95 dated 26 April 1995, 928-95 dated 5 July 1995, 1194-95 dated 6 September 1995 and 1506-95 dated 22 November 1995, and also by section 20 of Chapter 46 of the Statutes of 1995, is further amended by inserting, in alphabetical order, the name "the Syndicat de l'enseignement de St-Jérôme".

**2.** This Order in Council has effect from 1 February 1995.

9596

Gouvernement du Québec

### **O.C. 82-96**, 24 January 1996

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

#### **Amendement to Schedule II.1 to the Act**

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under paragraph 6 of section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 3 of Chapter 46 of the Statutes of 1995, the plan applies to an employee who is released without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS under section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI, and any such order may have effect 12 months or less before it is made;

WHEREAS it is expedient to amend Schedule II.1 to the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220)

**1.** Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1728-93 and 1729-93 dated 8 December 1993, 556-94 dated 20 April 1994, 1227-94 dated 17 August 1994, 1323-94 dated 7 September 1994 and 1322-95 dated 4 October 1995, as well as by section 14 of Chapter 74 of the Statutes of 1993 and section 21 of Chapter 46 of the Statutes of 1995, is further amended by inserting, in alphabetical order, the words “The Fédération des infirmières et infirmiers du Québec”.

**2.** This Amendment has effect since 18 October 1995.  
9595

Gouvernement du Québec

### **O.C. 83-96, 24 January 1996**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

#### **Amendment to Schedule II.1 to the Act**

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under paragraph 6 of section 2 of the Act respecting the Government and Public Employees Re-

tirement Plan (R.S.Q., c. R-10), enacted by section 3 of Chapter 46 of the Statutes of 1995, the plan applies to an employee who is released without salary by his employer for union activities and who is employed by a body designated in Schedule II.1 if, where such is the case, he is part of the category of employees mentioned in the Schedule in respect of that body;

WHEREAS under section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI, and any such order may have effect 12 months or less before it is made;

WHEREAS it is expedient to amend Schedule II.1 to that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220)

**1.** Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1728-93 and 1729-93 dated 8 December 1993, 556-94 dated 20 April 1994, 1227-94 dated 17 August 1994, 1323-94 dated 7 September 1994 and 1322-95 dated 4 October 1995, as well as by section 14 of Chapter 74 of the Statutes of 1993, and by section 21 of Chapter 46 of the Statutes of 1995, is further amended by inserting, in alphabetical order, the words “The Syndicat des infirmières et infirmiers de l’Est du Québec”.

**2.** This Amendment has effect from 1 June 1995.

9597

Gouvernement du Québec

**O.C. 84-96, 24 January 1996**

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

**Designation of classes of employees and establishment of special provisions pursuant to section 10.1 of the Act**

Designation of classes of employees and establishment of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), notwithstanding any inconsistent provision of that plan, except the provisions of Chapter VII.1 of that Act, the Government may establish special provisions with respect to classes of employees it designates;

WHEREAS the Government made Order in Council 245-92 dated 26 February 1992, amended by Orders in Council 1055-94 dated 13 July 1994, 1797-94 dated 21 December 1994 and 1021-95 dated 2 August 1995, concerning the designation of classes of employees and the establishment of special provisions pursuant to section 10.1 of that Act;

WHEREAS under the second paragraph of section 10.1 of that Act, an order under the first paragraph of that section may have effect 12 months or less before it is made;

WHEREAS under subparagraph 14 of Schedule II to Order in Council 245-92 dated 26 February 1992, as amended, all other persons employed by a government department, a public or parapublic agency or by an agency designated by the Government belong to the classes of employees covered by that Order in Council, if the Government issues an Order in Council to that effect;

WHEREAS under subparagraph 11 of Schedule III to Order in Council 245-92 dated 26 February 1992, as amended, all other persons employed by a government department, a public or parapublic agency or by an agency designated by the Government belong to the classes of employees designated for the purposes of the transfer into a locked-in retirement account, if the Government issues an Order in Council to that effect;

WHEREAS it is expedient to designate certain classes of employees so that they become subject to the special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the persons designated below belong, from 25 January 1995, to the class of employees referred to in subparagraph 14 of Schedule II to Order in Council 245-92 dated 26 February 1992, as amended:

— the director general of the Association des centres jeunesse du Québec;

— the director general of the Fédération des centres locaux de services communautaires;

— the executive vice-president of the Confédération québécoise des centres d'hébergement et de réadaptation;

— the executive vice-president and secretary general of the Association des hôpitaux du Québec;

— the director of Public and Professional Affairs of the Association des hôpitaux du Québec;

— the assistant to the executive vice-president and director of Research and Development of the Association des hôpitaux du Québec;

THAT, pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the assistant director general and first vice-president of the Caisse de dépôt et placement du Québec belong, from 28 April 1995, to the class of employees referred to in subparagraph 14 of Schedule II and in subparagraph 11 of Schedule III to Order in Council 245-92 dated 26 February 1992, as amended.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

9589

Gouvernement du Québec

**O.C. 98-96, 24 January 1996**

Building Act  
(R.S.Q., c. B-1.1)

**Building contractors and owner-builders  
— Professional qualification  
— Amendments**

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

WHEREAS under paragraphs 8 to 18 and 38 of section 185 and section 192 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec may make regulations on the matters mentioned therein;

WHEREAS at its meeting of 10 May 1994, the Board made the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders was published in Part 2 of the *Gazette officielle du Québec* of 27 July 1994 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received have been considered;

WHEREAS under Order in Council 376-95 dated 22 May 1995, the Government approved the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders, which was partially repeating the Regulation made by the Board;

WHEREAS it is expedient to approve, with amendments, other provisions of the Regulation made by the Board, in particular those intended to clarify the limits to the qualification of more than one building undertaking by the same person;

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

THAT the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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

Building Act  
(R.S.Q., c. B-1.1, s. 185, pars. 8 to 18 and 38,  
and ss. 189 and 192)

**1.** The Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 and amended by the Regulation approved by Order in Council 376-95 dated 22 March 1995, is further amended by substituting the following for the definition of “guarantor” in section 1:

““guarantor”: a natural person doing business alone or an officer who, following examinations prescribed by this Regulation, unless he is exempt therefrom, shows that he has the skills necessary for managing a building undertaking and for carrying out building work;”.

**2.** Section 2 of the Regulation is amended

(1) by adding at the end of the second paragraph the words “or in making or submitting tenders personally or through an intermediary, for the purpose of carrying out or having carried out, in whole or in part, such work”;

(2) by substituting the following for the third paragraph:

“The specialized contractor category includes any contractor whose main activity consists in carrying out or having carried out, in whole or in part, construction work included in the subcategories of the specialized contractor category or in making or submitting tenders, personally or through an intermediary, for the purpose of carrying out or having carried out, in whole or in part, such work.”.

**3.** Section 46 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person who holds a contractor’s licence may request a contractor’s licence on behalf of more than one partnership or legal person if he owns 50 % of



the shares of such partnership or 50 % of the voting shares of such legal person, as the case may be, and he has not renounced the rights inherent in his participation or in his shares, as the case may be.”.

**4.** Section 47 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person may request a contractor’s licence on behalf of more than one partnership or legal person if he owns 50 % of the shares of such partnerships or 50 % of the voting shares of such legal persons, as the case may be, and he has not renounced the rights inherent in his participation or in his shares, as the case may be.”.

**5.** Section 48 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person who is the guarantor for a legal person holding a contractor’s licence and owning 50 % of the voting shares of one or more legal persons and has not renounced the rights inherent in his shares may request a contractor’s licence on behalf of such legal person.”.

**6.** The Regulation is amended by inserting the following after section 48:

“**48.1** A natural person who is the guarantor for a legal person holding a contractor’s licence may request a contractor’s licence on behalf of a legal person controlled by that legal person or by a legal person affiliated with the latter.

Legal persons are affiliated if one is controlled by the other.

A legal person is controlled by another legal person where the latter owns 50 % of the voting shares and has not renounced the rights inherent in its shares.

**48.2** A natural person who holds a contractor’s licence may request a contractor’s licence on behalf of a partnership or legal person constituted for the purpose of carrying out construction work related to a single construction project and for the same licence subcategories if he is one of the members of such partnership or one of the shareholders owning voting shares of such legal person, as the case may be, and if he has not renounced the rights inherent in his participation or in his shares, as the case may be.

A natural person may make such a request on behalf of several partnerships or legal persons thus constituted, provided that he meets the conditions mentioned in the first paragraph in respect of each partnership or legal person.

**48.3** A natural person who is the guarantor for a partnership or a legal person that holds a contractor’s licence and that is also a member of one or several partnerships or a shareholder owning voting shares of one or several legal persons constituted for the purpose of carrying out construction work related to a single construction project may, for the same licence subcategories, request a contractor’s licence on behalf of those partnerships or legal persons. The partnership or legal person shall not have renounced the rights inherent in its participation or in its shares, as the case may be.”.

**7.** Section 49 of the Regulation is revoked.

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

9593

Gouvernement du Québec

**O.C. 99-96**, 24 January 1996

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

**Building service employees**

— Québec

— Amendments

Decree to amend the Decree respecting building service employees in the Québec region

WHEREAS the Government made the Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r. 40);

WHEREAS in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a decree upon the recommendation of the Minister of Employment;

WHEREAS contracting parties within the meaning of the Decree have petitioned the Minister of Employment that amendments to the Decree be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft amending decree was published in Part 2 of the *Gazette officielle du Québec* of 2 August 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the petition with amendments and for that purpose to pass the Decree attached hereto;

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

THAT the Decree to amend the Decree respecting building service employees in the Québec region, attached hereto, be passed.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Decree to amend the Decree respecting building service employees in the Québec region

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

**1.** The Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r. 40), amended by Orders in Council 382-84 dated 15 February 1984, 2280-84 dated 11 October 1984 and 1755-87 dated 18 November 1987, extended by Orders in Council 907-88 dated 8 June 1988, 1156-88 dated 20 July 1988 and 66-89 dated 25 January 1989 and amended by Orders in Council 592-89 dated 19 April 1989, 1629-91 dated 27 November 1991, 1808-92 dated 9 December 1992 and 887-95 dated 28 June 1995, is further amended in section 2.03 by substituting the following for paragraph *e*:

“(e) a self-employed worker, doing business alone, who contracts directly or for his own account with the owner or lessee of a public building and who carries out maintenance work in public buildings alone or with his spouse or with the children of either of them who live with him and his spouse;”.

**2.** The following is substituted for section 5.01:

“**5.01.** Employees receive at least the following hourly rate:

	As of 96 03 07	As of 96 05 01
1. Class A work	\$11.73	\$11.85
2. Class B work	11.33	11.45
3. Class C work	12.23	12.35

**3.** Section 6.06 is amended by substituting the following for paragraph *c*:

“(c) the employee was on sick leave with pay for a period of less than 5 days.”.

**4.** Sections 7.02 to 7.04 are amended by substituting the words “at the end of the qualifying period” for the expression “on May 1” wherever it occurs.

**5.** The following is substituted for section 7.06:

“**7.06.** An employee entitled to more than 2 weeks of annual vacation may, after agreement with the employer, give up that part of his vacation which exceeds 2 weeks. In such a case, he must receive from the employer his entire annual vacation pay before leaving on vacation.”.

**6.** Section 8.03 is amended by substituting “more than 10 days” for “more than 11 days”.

**7.** Section 9.01 is amended by adding the following after subsection 2:

“(3) An employee may add any rest period to his meal period.

Should the employee not take his rest period, he may have it carried over for the purpose of reducing the duration of his standard workday.

He may also reduce the duration of his standard workday by the number of minutes that he has not taken for his meal period.

An employee may combine the two possibilities described in the second and third paragraphs to reduce the duration of his standard workday.

In all the cases mentioned in this subsection, the employee must have prior authorization of his employer.”.

**8.** The following is substituted for sections 9.05 to 9.08:

“**9.05.** In the event of the death of the father, mother, brother or sister of his spouse, of one of his grandchildren, sons-in-law or daughters-in-law, or of one of his grandparents, an employee may be absent from work with pay the day of the funeral, on condition that he attends the funeral.

He may also be absent from work for an additional working day on such occasion, but without pay.

**9.06.** In the event of the death of one of the children of his son's or daughter's spouse, an employee may be absent for one working day without pay.

**9.07.** An employee may be absent from work for one day, with pay, on his wedding day. He may also be absent for 4 additional days, with pay, by using the annual vacation days provided for in sections 7.02 to 7.04 or any sick leave with pay that he has to his credit and that is provided for in section 8.01.

**9.08.** An employee may be absent from work, without pay, on the wedding day of one of his children, of his father, mother, brother, sister or of one of the children of his spouse.

The employee must advise his employer of his absence at least one week in advance.

**9.09.** In the event of the birth of his child or the adoption of a child, an employee may be absent from work for 5 days. The first 2 days of absence are with pay.

This leave may be taken as separate days at the employee's request.

If the employee was not absent when the child was born or adopted, he may take the leave for the baptism of the child.

In order to replace one of the three days of such leave without pay, an employee who is absent on a working day may use a day of paid annual vacation provided for in sections 7.02 to 7.04, or a day of sick leave with pay that he has to his credit and that is provided for in section 8.01.

However, an employee who adopts a child of his spouse may not be absent from work for more than two days, without pay.

**9.10.** For each of the events provided for in sections 9.02 to 9.09, an employee is entitled to one additional day of absence if, to attend the event in question, he must travel more than 175 kilometres from his residence.

This additional day is with pay in the case provided for in sections 9.02 to 9.05, 9.07 and 9.09 and is without pay in the case provided for in sections 9.06 and 9.08.

**9.11.** An employee may be absent from work for 5 days per year, without pay, to fulfil obligations relating to the care, health or education of his minor child, in

cases where his presence is required due to unforeseeable circumstances or circumstances beyond his control. He must have taken all reasonable steps within his power to assume these obligations otherwise and to limit the duration of the leave.

This leave may be taken as separate days. A day may also be divided if the employer so agrees.

**9.12.** In the circumstances mentioned in sections 9.02 to 9.07, 9.09 and 9.11, the employee must notify the employer of his absence as soon as possible.

**9.13.** When moving to a new address, an employee may, once every 2 years, use a day of sick leave with pay that he has to his credit and that is provided for in section 8.01."

**9.** Division 12.00 is amended:

(1) by substituting the following for the heading:

**"12.00. Uniforms and accessories";**

(2) by adding the following after section 12.02:

**"12.03.** The employer shall supply safety shoes free of charge to employees where the employer's client requires that they be worn on the work premises. Employees must store their shoes on the work premises.

**12.04.** The employer shall place a first aid kit at the disposal of the employees on the work premises."

**10.** The following is substituted for section 13.01:

**"13.01.** The Decree remains in force until 1 October 1997. It is then automatically renewed from year to year, unless the management party or the union party is opposed to it and gives written notice to that effect to the Minister of Employment and to any other contracting party during the month of July 1997 or during the month of July of any subsequent year."

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

9590

Gouvernement du Québec

## O.C. 105-96, 24 January 1996

An Act respecting child day care  
(R.S.Q., c. S-4.1)

### Exemption and financial assistance

Fixing and allotment for 1994-1995 and 1995-1996 for new school day care of the number of places for which an exemption, financial assistance or grants may be obtained from the Office des services de garde à l'enfance

WHEREAS under section 41.7 of the Act respecting child day care (R.S.Q., c. S-4.1), the Government shall fix and allot annually for new school day care, according to the criteria, methods and standards it determines by regulation, a number of places for which an exemption, financial assistance or grants may be obtained from the Office des services de garde à l'enfance;

WHEREAS by Order in Council 1845-92 dated 16 December 1992 and amended by Order in Council 188-94 dated 2 February 1994, the Government made the Regulation respecting the annual fixing and allotment for new centres and agencies of the number of places for which an exemption, financial assistance or grants may be obtained;

WHEREAS that Regulation also provides, in sections 1, 2, 9, 1<sup>st</sup> par., 10 and 24, criteria, methods and standards establishing the manner in which the fixing and allotment are to be carried out among the regions, on the basis of data that must be updated annually following an estimation of day care needs;

WHEREAS owing to the criteria, methods and standards that are based on the annual updating of data and those that establish the manner in which the fixing and allotment are to be carried out among the regions, it is expedient to make a document concerning the fixing and allotment for 1994-1995 and 1995-1996 of the number of places for which an exemption, financial assistance or grants may be obtained from the Office des services de garde à l'enfance;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Family Policy:

THAT the document entitled "Fixing and allotment for 1994-1995 and 1995-1996 for new school day care of the number of places for which an exemption, financial assistance or grants may be obtained from the Office des

services de garde à l'enfance", attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Fixing and allotment for 1994-1995 and 1995-1996 for new school day care of the number of places for which an exemption, financial assistance or grants may be obtained from the Office des services de garde à l'enfance

An Act respecting child day care  
(R.S.Q., c. S-4.1, s. 41.7; 1992, c. 36, s. 21)

1. The number of places required per age group so that, by the end of the bureau's fiscal year, as fixed in section 64 of the Act and comprising the 1995-1996 period, 85 % of the estimated number of places required for all of Québec in 1988 will have been created for children 0 to 5 years of age and 50 % for children 6 to 11 years of age, is indicated in the following table:

Regulation respecting the annual fixing and allotment for new centres and agencies of the number of places for which an exemption, financial assistance or grants may be obtained (Order in Council 1845-92 dated 16 December 1992, as amended by Order in Council 188-94 dated 2 February 1994): s. 1

Age group	Estimated number of places required for all of Québec, 1988*	% of satisfaction	Total
0 - 5 years	85 879	85	72 997
6 - 11 years	115 431	50	57 716
TOTAL	201 310		130 713

\* Estimate made from the data in the Fichier des allocations familiales, Régie des rentes du Québec, December 1987

2. The estimated number of places to be fixed annually so that, by the end of the 1995-1996 fiscal year, 85 % of the places required for children 0 to 5 years of age and 50 % of the places required for children 6 to 11 years of age, of which 80 % in schools, will have been created is 3 100.

Regulation respecting the annual fixing and allotment for new centres and agencies of the number of places for which an exemption, financial assistance or grants may

be obtained (Order in Council 1845-92 dated 16 December 1992, as amended by Order in Council 188-94 dated 2 February 1994): s. 1

**3.** The number of places for which an exemption, financial assistance or grants may be obtained from the bureau, for the 1994-1995 and 1995-1996 fiscal years, in school day care referred to in subparagraph 4 of the first paragraph of section 41.7 of the Act respecting child day care (R.S.Q., c. S-4.1), is indicated in the following table.

Regulation respecting the annual fixing and allotment for new centres and agencies of the number of places for which an exemption, financial assistance or grants may be obtained (Order in Council 1845-92 dated 16 December 1992, as amended by Order in Council 188-94 dated 2 February 1994): ss. 1 and 2

For the 1994-1995 fiscal year:

Centres or agencies	Places fixed for 1994-1995	Places that ceased to be in operation during the 1993-1994 fiscal year	Total
School day care	3 100	847	3 947

For the 1995-1996 fiscal year:

Centres or agencies	Places fixed for 1995-1996	Places that ceased to be in operation during the 1994-1995 fiscal year	Total
School day care	3 100	150	3 250

**4.** The interregional allotment of places for school day care is indicated in the following table.

Regulation respecting the annual fixing and allotment for new centres and agencies of the number of places for which an exemption, financial assistance or grants may be obtained (Order in Council 1845-92 dated 16 December 1992, as amended by Order in Council 188-94 dated 2 February 1994): s. 24

For the 1994-1995 fiscal year:

Regions	% of places required <sup>1</sup>	Number of places allotted	Places that ceased to be in operation in 1993-1994	Total
01 Bas St-Laurent	2.7	84	21	105
02 Saguenay-Lac-St-Jean	3.7	115	40	155
03 Québec	7.2	223	121	344
04 Mauricie-Bois-Francs	6.0	186	—	186
05 Estrie	4.1	127	18	145
06 Montréal	21.4	664	574	1 238
07 Outaouais	5.3	164	—	164
08 Abitibi-Témiscamingue	2.2	68	24	92
09 Côte-Nord	1.3	40	—	40
10 Nord-du-Québec	—	(15) <sup>2</sup>	—	(15) <sup>2</sup>
11 Gaspésie-Îles-de-la-Madeleine	1.4	43	14	57
12 Chaudière-Appalaches	5.9	183	—	183
13 Laval	5.3	164	—	164
14 Lanaudière	6.3	195	—	195
15 Laurentides	6.8	211	23	234
16 Montérégie	20.4	633	12	645
Total	100.0	3 100	847	3 947

1 The percentages have been applied to the total of 3 100 places, 15 places in region 10 having been deferred and assigned to that region because, since no application was made for them, it was not possible to allot them in 1993-94.

2 Places not included in the total

For the 1995-1996 fiscal year:

Regions	% of places required <sup>1</sup>	Number of places allotted	Places that ceased to be in operation in 1993-1994	Total
01 Bas St-Laurent	2.5	78	15	93
02 Saguenay-Lac-St-Jean	3.3	102	22	124
03 Québec	7.0	217	—	217
04 Mauricie-Bois-Francs	5.7	177	—	177
05 Estrie	4.0	124	15	139
06 Montréal	22.0	682	—	682
07 Outaouais	5.5	171	—	171
08 Abitibi-Témiscamingue	2.3	71	11	82
09 Côte-Nord	1.5	46	—	46
10 Nord-du-Québec	—	(15) <sup>2</sup>	—	(15) <sup>2</sup>
11 Gaspésie-Îles-de-la-Madeleine	1.2	37	32	69
12 Chaudière-Appalaches	5.6	174	—	174
13 Laval	5.5	171	45	216
14 Lanaudière	6.4	198	—	198
15 Laurentides	7.1	220	—	220
16 Montérégie	20.4	632	10	642
Total	100.0	3 100	150	3 250

1 The percentages have been applied to the total of 3 100 places, 15 places in region 10 having been deferred and assigned to that region because, since no application was made for them, it was not possible to allot them in 1994-95.

2 Places not included in the total

9591

Gouvernement du Québec

## O.C. 108-96, 24 January 1996

An Act respecting the use of petroleum products (R.S.Q., c. U-1.1)

### Petroleum Products — Amendments

Regulation to amend the Petroleum Products Regulation

WHEREAS under section 64 of the Act respecting the use of petroleum products (R.S.Q., c. U-1.1), the Government may make regulations for the purposes of applying the Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Petroleum Products Regulation was published in Part 2 of the *Gazette officielle du Québec* of 17 May 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Petroleum Products Regulation, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Petroleum Products Regulation

An Act respecting the use of petroleum products (R.S.Q., c. U-1.1, s. 64)

1. The Petroleum Products Regulation, made by Order in Council 753-91 dated 29 May 1991, is amended in section 1

(1) by substituting the following for “isolated location” and its definition:

““isolated location” means a quarry, mine, forest operations site, agricultural establishment, construction site, snowmobile stop, hunting or fishing camp, or a location

not accessible year round by a practicable road in the Québec highway network; (*endroit isolé*);

(2) by inserting the following definition after the definition of “tank”:

““underground tank” means a container that holds more than 225 litres and that is partially or entirely buried; (*réservoir souterrain*)”.

**2.** The Regulation is amended in section 4 by substituting the following for the second paragraph:

“There are 4 types of gasoline:

- (1) Grade 1;
- (2) Grade 2;
- (3) Grade 3;
- (4) Grade 4.”.

**3.** The Regulation is amended in section 5

(1) by substituting the number “6” for the number “five” in the second paragraph; and

(2) by adding the following after subparagraph 5 of the second paragraph:

“(6) Type E.”.

**4.** The Regulation is amended by substituting the following for section 11:

“A lubricant is a liquid substance intended to reduce friction and used in internal combustion engines or in vehicle power trains such as motor oil, transmission oil or differential oil.”.

**5.** The Regulation is amended by substituting the following for section 12:

“Used oil is considered as a lubricant where it comes, in whole or in part, from a lubricant within the meaning of section 11 and where it is stored for less than one year at the facility of the holder of a petroleum products retailer’s permit.”.

**6.** The Regulation is amended by substituting “Used oil” for the heading preceding section 18.

**7.** The Regulation is amended in section 18 by substituting the words “used oil” for the words “used or waste lubricating oil”.

**8.** The Regulation is amended in section 27 by deleting paragraph 2.

**9.** The Regulation is amended in section 29 by deleting paragraph 2.

**10.** The Regulation is amended in section 35 by deleting subparagraph 2 of the first paragraph.

**11.** The Regulation is amended in section 60

(1) by substituting the words “one copy” for the number and word “2 copies” in the first line of paragraph 2;

(2) by substituting the word “buildings” for the word “facility” in the first line of paragraph 2;

(3) by adding the words “, where a building is part of the facility” at the end of paragraph 4; and

(4) by adding the following after paragraph 4:

“(5) provide the Minister with the data required to classify the site of an underground tank in accordance with sections 99 and 100. Such information shall be certified by an engineer, a land surveyor, an architect or the public servant concerned in each of the municipalities in question.

For the purposes of this section, the following work is not considered alteration, maintenance or demolition work:

- (1) the addition of a spill prevention system;
- (2) the installation of an impervious collector box;
- (3) the removal of petroleum equipment;
- (4) the installation of an aboveground tank not requiring any pipe connecting work;
- (5) inspections required under this Regulation;
- (6) work of an electrical nature;
- (7) the calibration and servicing of distribution equipment;
- (8) the painting and insulation of petroleum equipment;
- (9) the replacement of a part in a motor fuel dispenser;
- (10) the repair of fuelling areas, loading and unloading zones, dispensing islands, and barrier, stairway, platform and fence areas.

Notwithstanding the foregoing, the Minister shall be informed in writing, prior to the beginning of the work referred to in subparagraph 1, 2, 3 or 4, of the date, place, and nature of the work and of the name of the holder of an installer's permit who performs the work."

**12.** The Regulation is amended by substituting the following for section 99:

"An underground tank may be installed on a Class A site only where it has a double wall and double-wall piping equipped at its lowest point with a collector well.

The double wall of the tank shall have a leak detection system equipped with a visual and audible alarm and shall be built in accordance with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.12-1992: Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.14-1992: Nonvolumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks.

The double-wall piping shall have an automatic leak detection system equipped with a visual and audible alarm and shall be built in accordance with Underwriters' Laboratories of Canada Standard ULC/ORD-C107.12-1993: Line Leak Detection Devices — Flammable Liquid Piping or with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.14-1992: Nonvolumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks.

No person shall put a liquid that would contaminate drinking water into the tank spacing.

For the purposes of the first paragraph, the following territories are Class A sites:

(1) any site within 1 000 metres measured horizontally from a well used to collect drinking water for a residence that cannot be connected to a waterworks system, from the intake of a pipe used to supply a municipality with drinking water, from a channel used exclusively to supply a municipality with drinking water or from a well whose water is used in the making of a food product;

(2) any site within 50 metres measured horizontally from a station, tunnel or other underground structure necessary for the operation of a subway, from a public building with one or more floors below the ground floor, as defined in the Public Buildings Safety Act (R.S.Q., c. S-3) and in the regulation made thereunder, or from an underground or semi-underground parking garage that can accommodate at least 6 vehicles and that requires mechanical ventilation in accordance with sec-

tion 6.2.2.3 of the National Building Code of Canada, 1990."

**13.** The Regulation is amended by substituting the following for section 110:

"Before the tank is placed into the excavation, its underside shall be inspected and, where damage is discovered, shall be repaired or recertified according to the manufacturer's requirements.

After the tank has been placed into the excavation, its surface shall be inspected and, where damage is discovered, shall be repaired or recertified according to the manufacturer's requirements."

**14.** The Regulation is amended by inserting the following after section 110:

"**110.1** After the tank has been placed into the excavation, it shall be pressure tested.

**110.2** The pressure test performed on a single-wall tank during installation shall be conducted as follows:

(1) all the tank's caps shall be removed and steel caps shall be installed, after a joint compound or tape described in subparagraphs 1 and 2 of the first paragraph of section 174 has been applied thereto;

(2) a safety valve of not more than 40 kilopascals capable of evacuating the flow from the pressure source shall be installed and inspected before each test;

(3) the pressure shall be measured using a pressure gauge calibrated in units of not more than one kilopascal;

(4) pressure of not less than 30 kilopascals and not more than 35 kilopascals shall be applied;

(5) all the tank's openings shall be tested for leaks, using leak detection fluid.

Once the temperature has been stabilized and the pressure source removed, the pressure applied shall hold for one hour. A tank under pressure shall at all times be under the supervision of a person in authority.

Each compartment of a tank with compartments shall be inspected separately, and care shall be taken to ensure that the adjacent compartment is not inspected simultaneously and is not under pressure.

**110.3** When a double-wall tank is installed, its inner wall shall be pressure tested in accordance with section 110.2, and the pressure in the tank spacing shall be



measured simultaneously using a pressure gauge calibrated in units of not more than one kilopascal.

There shall be no pressure in the tank spacing.

Notwithstanding the foregoing, the inspection method provided for in the preceding 2 paragraphs may be replaced by the observation, by the person carrying out the inspection, that a vacuum of at least 42 kilopascals is maintained in the tank spacing, where the equipment inspected has been vacuum sealed by the manufacturer, or by the conducting of a minimum 42-kilopascal vacuum test on the tank spacing for at least one hour, where that test is authorized by the manufacturer.

**110.4** When the outer wall of a double-wall tank is installed, it shall be pressure tested as follows:

(1) the pressure shall be measured using a pressure gauge calibrated in units of not more than one kilopascal;

(2) the pressure source shall come from the inside part of the tank and shall be transferred into the tank spacing until it reaches not less than 30 kilopascals and not more than 35 kilopascals. Notwithstanding the foregoing, a tank built in accordance with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.10-1992: Jacketed Steel Underground Tanks for Flammable and Combustible Liquids may be pressurized according to the manufacturer's recommendations;

(3) the outer wall of the tank shall be tested for leaks, using leak detection fluid.

Once the temperature has been stabilized, the pressure applied shall be maintained for one hour. A tank under pressure shall at all times be under the supervision of a person in authority. The pressure in the tank spacing shall be released before that of the inner wall.

Notwithstanding the foregoing, the inspection method provided for in the preceding 2 paragraphs may be replaced by the observation that a vacuum of at least 42 kilopascals is maintained in the tank spacing, where the equipment inspected has been vacuum sealed by the manufacturer, or by the conducting of a minimum 42-kilopascal vacuum test on the tank spacing for at least one hour, where that test is authorized by the manufacturer.

**110.5** If the tank has already contained petroleum products or other flammable products, the pressure tests shall be performed using nitrogen.”.

**15.** The Regulation is amended by revoking section 119.

**16.** The Regulation is amended by substituting Division 5.1, introduced by section 32 of this Regulation, for sections 120 and 121.

**17.** The Regulation is amended by substituting the following for section 130:

“Where the owner, operator or user decides to no longer take petroleum products from an underground storage system or has not taken petroleum products therefrom for more than 2 years, he shall:

(1) empty the tank, piping and motor fuel dispensers of any petroleum product;

(2) purge the tank of all vapours until the flammable vapour concentration is less than 20 % of the lower flammability limit, remove the tank and piping from the ground, remove them from the site and inspect the surrounding soil for contamination;

(3) inform the branch concerned of the Ministère de l'Environnement et de la Faune of any contamination and decontaminate the contaminated materials;

(4) dispose of the tank in accordance with section 171 or, if the tank is reusable under section 125 or 126, advise the Minister of the manufacturer's name and the serial number of the tank.

The owner, operator or user is only required to comply with the provisions of subparagraph 1 of the first paragraph if he demonstrates, by conducting a pressure test in compliance with section 269, that the petroleum equipment is impervious and that the interruption in the taking of petroleum products from that equipment does not exceed 5 years.”.

**18.** The Regulation is amended by inserting the following after section 130:

“**130.1** With the authorization required under section 60, an underground tank may be abandoned on its site, where its location makes its removal impracticable for either of the following reasons:

(1) removing the tank would jeopardize the integrity of the building's structure or of a part thereof that is essential for the intended use of the building; or

(2) the machinery required for the removal of the tank cannot physically be taken onto the site.

**130.2** An owner, operator or user who abandons an underground tank on its site under section 130.1 shall

(1) determine whether the surrounding soil is contaminated, by conducting a pressure test complying with section 269, by having the soil analyzed by a specialized firm, or by having the ground water analyzed by a laboratory if the level of the ground water is higher than the bottom of the tank;

(2) remove all sludge from the tank so as to prevent any explosion and dispose of it in accordance with section 72;

(3) remove the piping from the ground;

(4) purge the tank of all vapours until the flammable vapour concentration is less than 10 % of the lower flammability limit; and

(5) fill the tank with inert material such as sand, gravel or concrete and plug the openings.”

**19.** The Regulation is amended in section 133 by substituting the following for paragraphs 1 to 5:

“(1) Underwriters’ Laboratories of Canada Standard ULC-S601-93: Standard for shop fabricated steel aboveground horizontal tanks for flammable and combustible liquids;

(2) Standards Council of Canada Standard CAN/ULC-S602-M92: Standard for aboveground steel tanks for fuel oil and lubricating oil;

(3) Underwriters’ Laboratories of Canada Standard ULC-S630-93: Standard for shop fabricated steel aboveground vertical tanks for flammable and combustible liquids;

(4) Standards Council of Canada Standard CAN/ULC-S643-M90: Standard for shop fabricated steel aboveground utility tanks for flammable and combustible liquids;

(5) Underwriters’ Laboratories of Canada Standard ULC-S652-93: Standard for tank assemblies for collection of used oil;

(6) Underwriters’ Laboratories of Canada Standard ULC-S653-94: Standard for aboveground steel contained tank assemblies for flammable and combustible liquids;

(7) Underwriters’ Laboratories of Canada Standard ULC/ORD-C142.16-1994: Protected aboveground tank assemblies for flammable and combustible liquids;

(8) Underwriters’ Laboratories of Canada Standard ULC/ORD-C142.5-1992: Concrete encased steel

aboveground tank assemblies for flammable and combustible liquids; or

(9) American Petroleum Institute Standard API-650: Welded steel tanks for oil storage.”

**20.** The Regulation is amended by revoking section 136.

**21.** The Regulation is amended by inserting the following after section 137:

“**137.1** In an isolated location, an aboveground tank and the end of the dispensing hose of that tank shall at all times be at least 12 metres measured horizontally from any building or property line.”

**22.** The Regulation is amended in section 145 by substituting the following for the words “steel shut-off valve”:

“shut-off valve complying with Underwriters’ Laboratories of Canada Standard ULC-C842: Guide for the Investigation of Valves for Flammable and Combustible Fluids.”

**23.** The Regulation is amended by revoking section 148.

**24.** The Regulation is amended in section 150 by adding the following after the second paragraph:

“The first 2 paragraphs do not apply to tanks holding 50 000 litres or less and equipped with an overflow protection device complying with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.15-1992 “Overflow Protection Devices for Flammable Liquid Storage Tanks, if the tanks meet the requirements provided for in paragraphs 5, 6, 7 and 8 of section 133 or, in the case of double-wall tanks, if they meet the requirements provided for in paragraphs 1 and 3 of the same section.”

**25.** The Regulation is amended by substituting the following for the second and third paragraphs of section 157:

“Such imperviousness shall be ensured by a liner protected against loads and fire and complying with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.9-1993: Secondary Containment Liners for Underground and Aboveground Flammable and Combustible Liquids, by a compacted layer of homogeneous soil at least 3 metres thick where the water permeability coefficient of the soil is equal to or less than  $10^{-6}$  cm/sec., or by a construction made of concrete or of another incombustible material, provided that the construction is approved by an engineer.”

**26.** The Regulation is amended by substituting the following for section 184:

“A vent pipe shall be higher than the fill pipe and shall be not less than 3.5 metres from the ground in the case of a Class 1 petroleum products tank and 2 metres therefrom in the case of a Class 2 or Class 3 petroleum products tank, shall be not less than 1.5 metres measured horizontally from any building opening in the case of a Class 1 petroleum products tank and 600 millimetres therefrom in the case of a Class 2 or Class 3 petroleum products tank, and shall empty outside the buildings in such manner that flammable vapours cannot enter through openings or accumulate near buildings.

The end of a vent pipe of an underground tank containing a Class 1 petroleum product shall be situated at least 7.5 metres measured horizontally from any fuel dispenser.”.

**27.** The Regulation is amended by substituting the following for section 205:

“Where all the piping is ready to be connected to the tank, the piping shall be pressure tested in accordance with section 205.1 in the case of single-wall piping or with sections 205.2 and 205.3 in the case of double-wall piping.”.

**28.** The Regulation is amended by inserting the following after section 205:

“**205.1** The pressure testing of single-wall piping shall be conducted as follows:

(1) the ends of the pipes shall be plugged, after a joint compound or tape described in section 174 has been applied thereto;

(2) the pressure shall be measured using a pressure gauge calibrated in units of not more than 10 kilopascals;

(3) air or nitrogen hydrostatic pressure, of not less than 350 kilopascals and not more than 700 kilopascals shall be applied. Notwithstanding the foregoing, the suction pipes of the piping conveying heating oil or fuel intended to supply an electricity generating system and covered by Standards Council of Canada Standard CAN/CSA-B139-M91: Installation Code for Oil Burning Equipment” may be tested in a vacuum of at least 68 kilopascals; and

(4) each connection and all pipe surfaces shall be tested for leaks, using leak detection fluid.

Once the temperature has been stabilized and the pressure source removed, the pressure applied shall be maintained for at least one hour.

**205.2** The inner wall of double-wall piping shall be pressure tested in accordance with section 205.1.

Notwithstanding the foregoing, where the installation of the piping makes it impossible to test all pipe surfaces as required in subparagraph 4 of the first paragraph of section 205.1, only accessible parts shall be tested using leak detection fluid.

**205.3** The outer wall of double-wall piping shall be pressure tested according to the manufacturer’s recommendations.”.

**29.** The Regulation is amended by substituting the following for section 206:

“Once the tests prescribed in section 205 have been conducted and the piping has been connected to the tank, the connections of single-wall piping or the connections of the inner wall of double-wall piping that have not been tested shall be air pressure tested in accordance with section 207 or shall be nitrogen pressure tested.

The test shall be conducted as follows:

(1) a safety valve of not more than 40 kilopascals capable of evacuating the flow from the pressure source shall be installed and inspected before each test;

(2) the pressure shall be measured using a pressure gauge calibrated in units of not more than one kilopascal;

(3) a pressure of not less than 30 kilopascals and not more than 35 kilopascals shall be applied over the entire installation; and

(4) using leak detection fluid, the connections between the tank and piping shall be tested for leaks while the entire installation is under pressure.

Once the temperature has been stabilized and the pressure source removed, the pressure shall be maintained for one hour.”.

**30.** The Regulation is amended by substituting the following for section 254:

“Every underground fuel storage system, except a system intended to supply an electricity generating system, shall be equipped with an overflow protection device complying with Underwriters’ Laboratories of Canada

Standard ULC/ORD-C58.15-1992: Overfill Protection Devices for Flammable Liquid Storage Tanks and with a spill containment device complying with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.19-1992: Spill Containment Devices for Underground Flammable Liquid Storage Tanks.

The first paragraph applies from 1 January 1998 to any underground storage system already installed in the case of an operator, and from 1 January 2001 for a user, but does not require the replacement of overfill protection and spill containment devices already installed.”.

**31.** The Regulation is amended by revoking section 255.

**32.** The Regulation is amended by inserting the following Division after section 260:

**“DIVISION 5.1  
REMOVAL OF UNDERGROUND TANKS  
AND THEIR PIPING**

**260.1** An operator or owner who uses a steel underground tank that is not protected against corrosion according to section 97 shall remove it from the ground before

(1) 1 January 1993 if the tank was manufactured before 12 July 1966;

(2) 1 January 1995 if the tank was manufactured between 11 July 1966 and 12 July 1971;

(3) 1 January 1996 if the tank was manufactured between 11 July 1971 and 12 July 1974;

(4) 1 January 1997 if the tank was manufactured between 11 July 1974 and 12 July 1976; or

(5) 1 January 1998 if the tank was manufactured after 11 July 1976. Notwithstanding the foregoing, the operator or owner is not required to remove the underground tank from the ground if the assessment of the condition of that tank, as defined in Schedule 7, falls within zone 1 of the graph and if he protects it against corrosion in accordance with section 97.

Notwithstanding the foregoing, the operator or owner may remove a tank from the ground on a date later than that provided for in subparagraph 2, 3 or 4 of the first paragraph if the assessment of the condition of the tank, as defined in Schedule 7, falls within zone 2, 3 or 4 of the graph. The tank shall then be removed not later than the time specified in paragraph 3 of that Schedule.

**260.2** A user or owner who uses an underground steel tank that is not protected against corrosion according to section 97 shall remove it from the ground before

(1) 1 January 1996 if the tank was manufactured before 12 July 1966;

(2) 1 January 1998 if the tank was manufactured between 11 July 1966 and 12 July 1971;

(3) 1 January 1999 if the tank was manufactured between 11 July 1971 and 12 July 1974;

(4) 1 January 2000 if the tank was manufactured between 11 July 1974 and 12 July 1976; or

(5) 1 January 2001 if the tank was manufactured after 11 July 1976. Notwithstanding the foregoing, the operator or owner is not required to remove the underground tank from the ground if the assessment of the condition of that tank, as defined in Schedule 7, falls within zone 1 of the graph and if he protects it against corrosion in accordance with section 97.

Notwithstanding the foregoing, the operator or owner may remove a tank from the ground on a date later than that provided for in subparagraph 2, 3 or 4 of the first paragraph if the assessment of the condition of the tank, as defined in Schedule 7, falls within zone 2, 3 or 4 of the graph. The tank shall then be removed not later than the time specified in paragraph 3 of that Schedule.

**260.3** Where an underground tank must be replaced or where cathodic protection is added thereto, all steel piping that is not protected against corrosion and is connected thereto shall be removed from the ground. Notwithstanding the foregoing, the owner, operator or user is not required to remove piping from the ground if a pressure test complying with section 269 shows that it is impervious and if he protects it in accordance with the PACE-87-1 method of the Petroleum Association for Conservation of the Canadian Environment.

**260.4** Where a petroleum product leaks out of steel underground piping that is not protected against corrosion and the tank connected thereto does not need to be removed under section 260.1 or 260.2, the entire length of the piping concerned shall be removed.”.

**33.** The Regulation is amended by revoking section 277.

**34.** The Regulation is amended in section 278 by adding the following at the end: “together with the following designations:

- Grade 1: Regular unleaded gasoline
- Grade 2: Mid-grade unleaded gasoline
- Grade 3: Premium unleaded gasoline
- Grade 4: Super premium unleaded gasoline.”.

**35.** The Regulation is amended by substituting the following for section 279:

“For facilities comprising underground tanks, the layout plans for the installations, such as the tanks, piping, buildings, motor fuel dispensers and electrical devices and, in the case of underground petroleum equipment situated less than 10 metres from the property line, the certificate of localization for the facility’s land, as registered in the official cadastre, shall be available on the premises of the facility within 24 hours.”.

**36.** The Regulation is amended in section 282

(1) by substituting the words “underground tanks or aboveground tanks that hold more than 5 000 litres and are used to store motor fuel,” for the words “motor fuel storage tanks”; and

(2) by inserting, in the third line, the words “available on the premises of the facility within 24 hours,” after the word “operations”.

**37.** The Regulation is amended in section 287 by substituting the following for the text preceding paragraph 1:

“An operator shall gauge the used oil tank on a monthly basis and shall keep the following information in the register of operations for 2 years:”.

**38.** The Regulation is amended by revoking section 301.

**39.** The Regulation is amended by substituting the following for section 304:

“The storage of fuel in an aboveground tank is prohibited, except for the supply of

- (1) vehicles in an isolated location that is not included within the limits of a municipality;
- (2) all-terrain vehicles, snowmobiles or other vehicles of the same kind;
- (3) vehicles in an user outlet;
- (4) aircrafts and boats; or

(5) vehicles on a territory situated north of the 50th parallel and east of the 63rd meridian or situated north of the 53rd parallel.”.

**40.** The Regulation is amended in section 309

(1) by inserting the words “, except those affixed to a tank,” after the word “dispenser” in the first line;

(2) by substituting the following for the second paragraph:

“Any island, except where it is situated on a floating quay, shall be equipped under each dispenser with a collector box built in accordance with Underwriters’ Laboratories of Canada Standard ULC/ORD-C107.21-1992: Under Dispenser Sumps or incorporated into a storage system complying with Underwriters’ Laboratories of Canada Standard ULC-S653-94: Standard for aboveground steel contained tank assemblies for flammable and combustible liquids.”;

(3) by substituting the words and numbers “1 January 1988 for an operator and from 1 January 2001 for a user and does not apply to collector boxes already installed” for the date “11 July 1994” in the third line of the third paragraph; and

(4) by adding the following after the third paragraph:

“Notwithstanding the foregoing, the third paragraph does not apply where work is being carried out on the piping under the island.”.

**41.** The Regulation is amended by substituting the following for section 310:

“The fuelling areas, except those intended to supply off-road vehicles or farm equipment or those intended to be used for a single period of less than one year, shall be impervious to petroleum products over a surface extending at least 3 metres from the front and at least 1.5 metres from the sides of each motor fuel dispenser, measured from the centre of the dispenser.

Imperviousness may be obtained using either a reinforced concrete apron or an asphalt layer treated to make it resistant and impervious to petroleum products.

The preceding paragraphs apply from 1 January 1998 to an operator’s fuelling area built before 11 July 1991 and from 1 January 2001 to a user’s tanks having a capacity of more than 2 500 litres.”.

**42.** The Regulation is amended in section 315 by substituting the number “25” for the number “18” in the second line of the second paragraph.

**43.** The Regulation is amended by inserting the following after section 317:

“**317.1** Where a submersible pump is used or where a tank is situated at a level higher than the base of a motor fuel dispenser, a fuse safety valve not exceeding 70° Celsius shall be used and shall be firmly attached to the island.

The shear point of that valve shall be situated below the motor fuel dispenser, less than 25 millimetres from its base.

**317.2** An owner, user or operator shall, every year, test the operation of each fuse safety valve or have such test conducted. The test shall be conducted according to the method recommended by the manufacturer of each valve.

The owner, user or operator shall keep, in the register of operations, certification that the valves are in good working order. That certification shall be available within 24 hours of an application to the facility and shall comprise

- (1) identification of the facility;
- (2) identification of the equipment;
- (3) the date of the test;
- (4) identification of the person who issued the certification.”.

**44.** The Regulation is amended by revoking section 319.

**45.** The Regulation is amended by revoking section 326.

**46.** The Regulation is amended by revoking section 329.

**47.** The Regulation is amended in section 342 by substituting the number “25” for the number “18” in the second line.

**48.** The Regulation is amended in section 402 by inserting the words “connected to an underground tank” after the word “dispenser” in the first line.

**49.** The Regulation is amended by inserting Division 8 entitled “Operator outlets in isolated locations” and the following sections after section 404:

“**404.1** An operator’s aboveground motor fuel tank shall be situated at least 15 metres measured horizontally from any building and from any property line.

**404.2** An operator’s aboveground motor fuel tank situated within the limits of a municipality shall be fenced in accordance with the requirements of sections 471, 472, 474 and 476.”.

**50.** The Regulation is amended by deleting the heading “isolated consumer outlets” after section 404 and by deleting sections 405 to 412.

**51.** The Regulation is amended by revoking section 421.

**52.** The Regulation is amended in section 531 by inserting the following paragraph after the first paragraph:

“Notwithstanding the foregoing, for 1994, the indexing provided for in the first paragraph does not apply to registration certificates.”.

**53.** The Regulation is amended by substituting Schedule 1 attached hereto for Schedule 1.

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

**SCHEDULE 1****PETROLEUM PRODUCTS QUALITY STANDARDS**

## 1.0 Gasoline

1.1 Gasoline shall be clear and free of undissolved water, sediment and suspended matter.

1.2 Gasoline shall meet the following base physico-chemical specifications:

Specifications	Grade 1	Grade 2	Grade 3	Grade 4	ASTM method
Average octane number (R+M)/2,min.	87.0 <sup>1</sup>	89.0	91.0	93.0	Set out in sections 1.5 and 1.6
Maximum sulphur content, mass %	0.15	0.15	0.15	0.15	D 1226, D 2622, D 3120 <sup>2</sup> , D 4294
Maximum gum content, mg/100mL	5	5	5	5	D 381
Minimum oxidation stability, minutes	240	240	240	240	D 525
Corrosion (Cu strip) 3 hours at 50°C, max.	1	1	1	1	D 130
Maximum lead content, mg/L	5	5	5	5	D 3237 <sup>2</sup> , D 3341
Maximum phosphorous content, mg/L	1.3	1.3	1.3	1.3	D 3231
Maximum manganese content, mg/L	18	18	18	18	D 3831
2-methoxy-tert-butane content (MTBE), max. % in vol.	11.0	11.0	11.0	11.0	D 4815

Notes: <sup>1</sup> The engine octane number of Grade 1 gasoline shall not be more than 5.0 units below the anti-knock value indicated.<sup>2</sup> Reference method in case of dispute.

1.3 Volatility specifications for each type of gasoline shall meet the following requirements:

In this Schedule,

“Volatility A gasoline” means a summer gasoline;

“Volatility B gasoline” means a transition 1 gasoline;

“Volatility C gasoline” means a transition 2 gasoline;

“Volatility D gasoline” means a winter gasoline.

		Types				ASTM Test methods
		A	B	C	D	
Distillation temperature (°C) for an evaporation % of:						D 86
10 %	minimum	35	—	—	—	
	maximum	65	60	55	50	
50 %	minimum	70	70	70	70 <sup>1</sup>	
	maximum	120	117	113	110	
90 %	maximum	190	190	185	185	
Reid vapour pressure (kPa)						D 5191 <sup>2</sup> D 323 D 5190 D 4953
	minimum	—	—	62	69	
	maximum	72	86	97	107	

NOTES: <sup>1</sup> A 50 % evaporation rate for gasoline at a temperature greater than 65 °C but less than 70 °C may be acceptable if the vapour pressure is less than 97 kPa.

<sup>2</sup> Reference method in case of dispute.

1.4 For analysis purposes, a minimum sample of 4 litres shall be taken using the method indicated in standard ASTM D 4057.

1.5 To determine the conformity of a product with each specification, the last significant figure in any value read or calculated shall be rounded off according to the recommendation in the ASTM E 29 documentation booklet. The last figure on the right in values entered for each requirement in this standard shall be considered the last significant figure for the purposes of these rounding-off rules.

1.6 The average octane number shall be measured in accordance with standards ASTM D 2699 and ASTM D 2700 or ASTM D 2885. (R+M)/2 is calculated taking the arithmetic mean of the engine octane number (M) and the research octane number (R). The values for (R+M)/2 shall be rounded off to the nearest tenth.





FIGURE 1 — LIMITS OF USE ZONES MENTIONED IN TABLE 1

1.7 Only the types of gasoline listed in Table 1 may be available during the seasons and in the zones indicated in that Table.

**TABLE 1**  
LOCAL AND SEASONAL REQUIREMENTS, BY TYPE OF GASOLINE<sup>1</sup>

Zones <sup>2</sup> Month	1 (South)	2 (Centre-West)	3 (Centre-East)	4 (North)	5 (Arctic)
January	D	D	D	D	D
February	D	D	D	D	D
March	D	D	D	D	D
April	D/C	D	D	D	D
May	B/A	C/A	C/A	C	D
June	A	A	A	B	D
July	A	A	A	B	C or D <sup>3</sup>
August	A	A	A	B	C or D <sup>3</sup>
September	A/B	A/C	A/B	C	D
October	C	C/D	C	D	D
November	D	D	D	D	D
December	D	D	D	D	D

Notes: <sup>1</sup> The requirements for Types A, B, C and D apply to refineries for products intended for sale and to ports of entry<sup>4</sup>. Where 2 types are indicated, the first shall be provided during the first 2 weeks of the month; the second shall be provided until the end of the month.

<sup>2</sup> Corresponds to the zones indicated in Figure 1.

<sup>3</sup> Type C gasoline is normally required, but because of delivery constraints, Type D is acceptable.

<sup>4</sup> A point of entry is defined as a permanent or temporary tank or a cargo tank containing gasoline from outside Québec.

## 2.0 Diesel fuel

2.1 Diesel fuel shall be clear, stable and free of matter likely to clog filters and damage motors and of visible undissolved water.

2.2 Diesel fuel shall meet the following basic physico-chemical specifications:

**TABLE 2**

TABLE OF REQUIREMENTS

ASTM	Test methods		Requirements for each type					
	Properties	Measures	AA	A	B	C	D	E
D 974	Acidity	(mg KOH/g Max)	0.10	0.10	0.10	0.10	0.10	0.10
D 524	Carbon	(% mass Max)	0.15	0.15	0.20	0.20	0.20	0.20
D 482	Ash	(% mass Max)	0.01	0.01	0.01	0.01	0.01	0.01
D 130	Corrosion	(Max)	1	1	1	1	1	1
D 86	Distillation (°C Max)	90% rec.	290	315	360	360	360	360
D 1796	Water and sediment	(% volume Max)	0.05	0.05	0.05	0.05	0.05	0.05
D 613 <sup>1</sup> D 976 D4737 CAN/CGSB-3.0, no. 20.9	Cetane index	(Min)	40	40	40	40	40	40
D 93	Flash point	(°C Min)	40	40	40	40	40	40
D 2500 <sup>2</sup>	Cloud point	(°C Max)	-48	-34	-23	-18	-12	0
D 2624	Electrical conductivity	(pS/m Min)	25	25	25	25	25	25
D 1552	Sulphur	(% mass Max)	0.20	0.50	0.50	0.50	0.50	0.50
D 445	Viscosity 40 °C ° mm <sup>2</sup> /s (cSt)	(Min) (Max)	1.2	1.3 4.1	1.4 4.1	1.4 4.1	1.4 4.1	1.4 4.1

Notes: <sup>1</sup> Reference method in case of dispute. Where additives intended to improve the cetane index are used, only the ASTM D613 method is acceptable.

<sup>2</sup> Where additives that make it possible to improve the flow of diesel fuel are used, the cloud point test shall be replaced by the low temperature flow test (LTFT) according to the CAN/CGSB-3.0 method, No. 140.1- M88.

**TABLE 3**

## MONTHLY REQUIREMENTS FOR EACH ZONE

<b>Zone</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
1	B	B	C	E	E	E	E	E	E	D	C	B
2	A	B	C	E	E	E	E	E	E	D	C	B
3	A	A	B	C/D	D/E	E	E	E	E	D	C/B	A
4	A	A	A	B	D	E	E	E	E	C	B	A
5	AA	AA	AA	A	B	C	D	D	C	A	A	AA

Notes: <sup>1</sup> The zones correspond to the zones in Figure 2.

<sup>2</sup> Cloud points differing as to storage and use conditions may be specified in a written agreement between the user and the supplier.

<sup>3</sup> Where 2 types are indicated, the first shall be provided during the first 15 days of the month and the second until the end of the month.

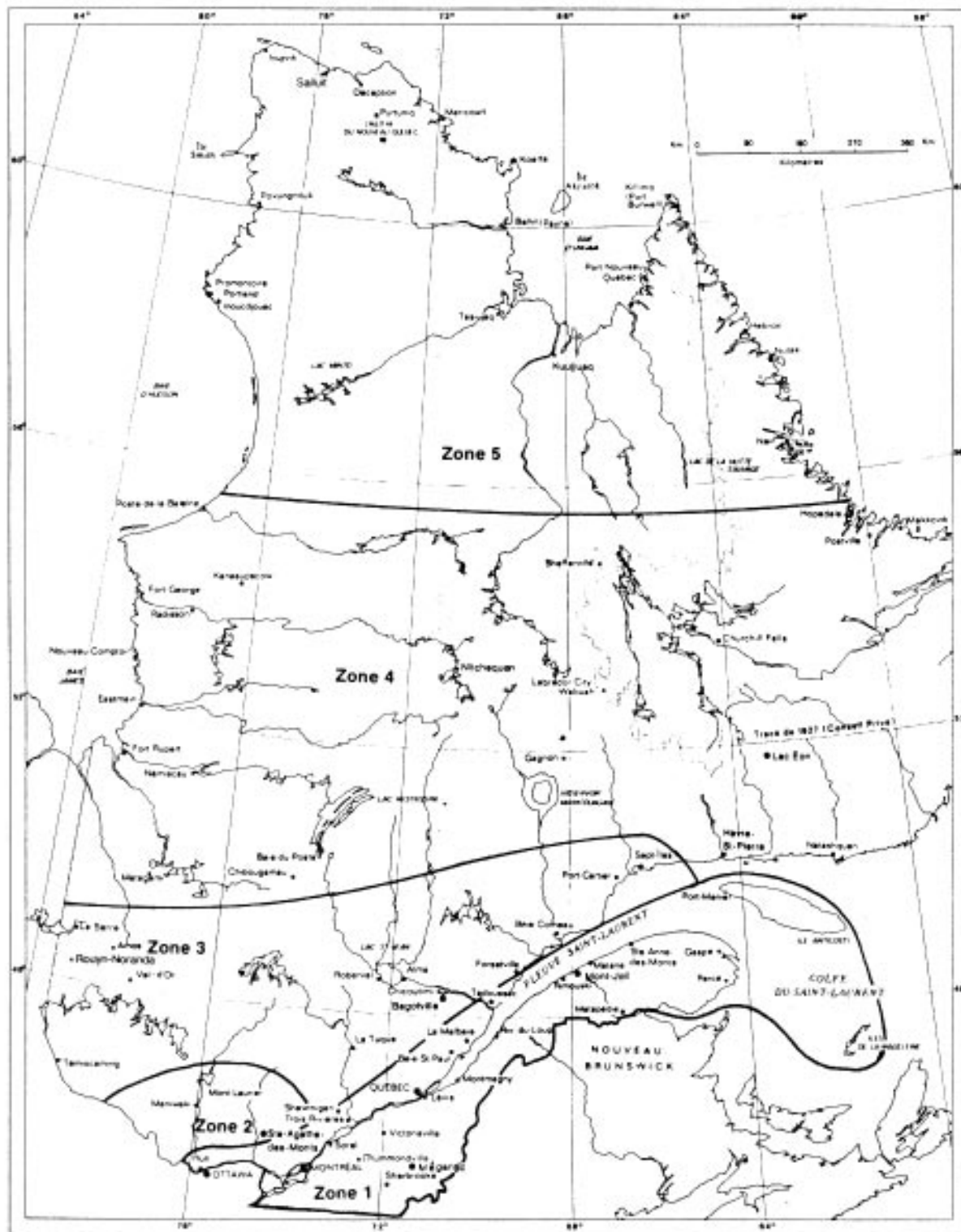


FIGURE 2 — MAP ILLUSTRATING LIMITS OF USE ZONES FOR THE VARIOUS TYPES OF DIESEL FUEL

### 3.0 Aviation fuel

3.1 Aviation fuel shall meet the applicable standard of the Canadian General Standards Board:

1. 1100LL aviation gasoline: CAN/CGSB-3.25-M89 Standard
2. wide-cut type aviation turbine fuel: CAN/CGSB-3.22-93 Standard
3. kerosene type aviation turbine fuel: CAN/CGSB-3.23-93 Standard
4. high-flash type aviation turbine fuel: CGSB 3-GP-24Ma Standard

### 4.0 Heating oil

4.1 Heating oil shall be composed of hydrocarbons derived from petroleum and shall be homogeneous.

4.2 Heating oil shall also meet the standards set out in Table 4:

**TABLE 4**  
TABLE OF REQUIREMENTS FOR HEATING OIL

Test methods			Requirements						
ASTM	Properties	Measures	00	0	1	2	4	5	6
D 524	Carbon	(% Mass Max)	0.15	0.15	0.15	0.35	—	—	—
D 482	Ash	(% Mass Max)	—	—	—	—	0.10	0.10	—
D 130	Corrosion	(Max)	1	1	1	1	—	—	—
D 1298	Density 15°C	(kg/l Max)	—	0.850	0.850	0.900	—	—	—
D 86	Distillation (°C Max)	10 % rec. 90 % rec.	— 290	215 290	215 315	— 360	— —	— —	— —
D 1796 <sup>1</sup>	Water and sediment	(% volume Max)	0.01	0.05	0.05	0.05	0.50	1.00	2.0 0
D 93	Flash point	(°C Min)	40	40	40	40	54	54	60
D 2500	Cloud point	(°C Max)	-48	(2)	(2)	(2)	(2)	—	—
D 97	Pour point	(°C Max)	-51	(2)	(2)	(2)	(2)	—	—
D 1266 or D 1552 or D 4294	Sulphur	(% Mass, Max)	0.2	0.5	0.5	0.5	—	—	—
D 445	Viscosity 40°C (cSt)	(Min) (Max)	1.2 —	1.3 2.	1.4 3.6	1.6 3.6	5.5 24.0	— —	— —
D 445	Viscosity 50°C (cSt)	(Min) (Max)	— —	— —	— —	— —	— —	17.1 80	92 638
D 2624	Electric conductivity	(pS/m Min)	25	25	25	25	—	—	—

Notes: <sup>1</sup> The ASTM D 95 and D 473 methods are also used, depending of the type of heating oil.

<sup>2</sup> The pour point and the cloud point shall be specified according to storage and use conditions. If the cloud point is less than -18°C, viscosity shall not be less than 1.2 mm<sup>2</sup>/s (cSt).

## 5.0 Dispute

5.1 Where parties obtain different test results, the dispute shall be settled by using the ASTM D 3244 method to determine whether the product complies with the specifications.

5.2 For the ASTM D 3244 method, a  $P = 0.950$  factor shall be used for all the specifications, except for the vapour pressure measurements of gasoline (ref. s. 1.3) and the sulphur content measurements of distillates (ref. ss. 2.2 and 4.2), in which case a  $P = 0.700$  factor shall be used.

## 6.0 Prescribed requirements

The prescribed requirements shall not be departed from. The margins of error inherent to the test methods and the rounding-off of the results of those test methods shall not be used.

9581

Gouvernement du Québec

### O.C. 110-96, 24 January 1996

Health Insurance Act  
(R.S.Q., c. A-29)

#### Hearing devices — Amendment

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act

WHEREAS under subparagraph *h.2* of section 69 of the Health Insurance Act (R.S.Q., c. A-29), as amended by section 15 of Chapter 8 of the Statutes of 1994, the Government may, after consultation with the Board or upon its recommendation, make regulations to determine the hearing aids which are to be considered insured services for the purposes of the seventh paragraph of section 3 of the Act and fix the cost of purchase, fitting, replacement or repair thereof;

WHEREAS under Order in Council 869-93 dated 16 June 1993, the Government made the Regulation respecting hearing devices insured under the Health Insurance Act and it is expedient to amend it;

WHEREAS the Régie de l'assurance-maladie du Québec has been consulted regarding the amendments;

WHEREAS under section 69.0.1 of the Health Insurance Act, as amended by section 16 of Chapter 8 of the Statutes of 1994, a regulation adopted in particular under subparagraph *h.2* of section 69 of the Act following a contract with a supplier pursuant to section 3.1 of the Act is not subject to the provisions concerning the obli-

gation of publication and the date of coming into force which are set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act

Health Insurance Act  
(R.S.Q., c. A-29, s. 69, 1<sup>st</sup> par., subpar. *h.2*)

1. The Regulation respecting hearing devices insured under the Health Insurance Act, made by Order in Council 869-93 dated 16 June 1993 and amended by the Regulations made by Orders in Council 1471-93 dated 20 October 1993, 1593-94 dated 9 November 1994, 475-95 dated 5 April 1995, 738-95 dated 31 May 1995 and 1395-95 dated 25 October 1995, is further amended, in Subdivision 2 of Division I of Chapter V, by adding, at the beginning of the list of models appearing under the name of the manufacturer DANALAB ENR. "GN DANAVOX", the following model:

**“143 AGCI****235.00**

## Including:

AGC input compression  
 Threshold compression control  
 Low frequency tone control  
 Output control  
 Telecoil  
 M-T-O switch  
 Acoustic earhook (not filtered)  
 PUSH-PULL amplifier  
 Electret microphone”.

**2.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

9584

Gouvernement du Québec

**O.C. 112-96, 24 January 1996**

An Act respecting the Québec Pension Plan  
 (R.S.Q., c. R-9)

**Assignment of social insurance numbers  
 — Amendment**

Regulation to amend the Regulation respecting the assignment of social insurance numbers

WHEREAS on 15 June 1994, the Council of Ministers decided that departments and agencies were to review the regulations for which they are responsible in order to ease the regulatory and administrative burden of small and medium-size firms;

WHEREAS for this purpose it is expedient to repeal sections 7 and 9 of the Regulation respecting the assignment of social insurance numbers;

WHEREAS on 14 August 1995, the Board of Directors of the Régie des rentes du Québec adopted the Regulation to amend the Regulation respecting the assignment of social insurance numbers pursuant to section 219 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

WHEREAS section 220 of the Act provides that the regulations made by the Régie come into force only following approval by the Government and publication in the *Gazette officielle du Québec*;

WHEREAS, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation attached to this Order was published in the *Gazette officielle du Québec* on 25 October 1995, accompanied with a notice indicating that it could be submitted to the Government for approval on the expiry of a period of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED therefore, on the recommendation of the Minister of Income Security:

THAT the Regulation to amend the Regulation respecting the assignment of social insurance numbers, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation  
 respecting the assigning of a Social  
 Insurance Number**

An Act respecting the Québec Pension Plan  
 (R.S.Q., c. R-9, s. 219, pars. *n* and *o*)

**1.** Sections 7 and 9 of the Regulation respecting the assigning of a Social Insurance Number (R.R.Q., 1981, c. R-9, r. 1) are repealed.

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

9582



## Draft Regulations

### Draft Regulation

Financial Administration Act  
(R.S.Q., c. A-6)

#### Conditions of contracts of government departments and public bodies — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

This draft Regulation makes provision for additional conditions for the validity of contracts that will help fight undeclared labour in the construction industry in Québec.

The draft Regulation provides that no construction contract of a department of public body may be awarded to a supplier, unless he holds the licence required under the Building Act and, if he intends to act as an employer, he is registered with the Commission de la construction du Québec. It also provides that no construction contract of \$10 000 or more may be awarded to a supplier who, during the 2 years preceding the awarding of the contract, has contravened certain obligations resulting from the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

Furthermore, a supplier will have to undertake to grant any subcontract only to a subcontractor who meets the above-mentioned conditions and to require from his subcontractors that they also grant any subcontract only to subcontractors who meet the same conditions.

The draft Regulation will have a direct impact on suppliers who, for instance, refuse to give access to a place where construction work is being carried out to a representative of the Commission de la construction du Québec or who hire employees who do not hold adequate competency certificates.

Further information may be obtained by contacting Mrs. Marie-Josée Linteau, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8, tel. (418) 643-2755, fax (418) 646-8103.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,  
*Minister for Administration and the Public Service,  
Chairman of the Conseil du trésor*

### Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994 and 492-95 dated 12 April 1995, is further amended by inserting the following after section 7.2:

“**7.3** No construction contract may be awarded to a supplier unless he holds the licence required under the Building Act (R.S.Q., c. B-1.1) and, if he intends to act as an employer, he is registered with the Commission de la construction du Québec, in accordance with the Regulation respecting the keeping of a register and the sending of a monthly report, approved by Order in Council 875-93 dated 16 June 1993.

**7.4** No construction contract of \$10 000 or more may be awarded to a supplier who, during the 2 years preceding the awarding of the contract,

(1) has been the subject of an enforceable work suspension order under section 7.4 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), as enacted by section 6 of Chapter 8 of the Statutes of 1995;

(3) has been found guilty or, in the case of a partnership or legal person, one of its partners or directors has been found guilty

(a) of an offence against any of sections 83, 83.1, 83.2, 84 or subsection 4 of section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry;

(b) of 3 offences, committed on different dates, against paragraph 3 of section 119.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry;

(3) has been found guilty of 2 offences against any provision of the Regulation respecting the keeping of a register and the sending of a monthly report, except for an offence that consists in the late transmission of a monthly report;

(4) has paid a claim based on subparagraph c.2 of the first paragraph of section 81 of the Act respecting labour relations, vocational training and manpower management in the construction industry, as enacted by section 38 of Chapter 8 of the Statutes of 1995, or has been condemned by a final judgment to pay such a claim.”

**2.** The following is inserted after section 13:

“**13.1** Every construction contract shall contain a clause whereby the supplier undertakes

(1) to grant any subcontract only to a subcontractor who holds the licence required under the Building Act and, if that subcontractor intends to act as an employer, who is registered with the Commission de la construction du Québec, in accordance with the Regulation respecting the keeping of a register and the sending of a monthly report; and

(2) to require from his subcontractors that they also grant any subcontract only to subcontractors who meet the conditions provided for in paragraph 1.

**13.2** Every construction contract of \$10 000 or more shall contain a clause whereby the supplier undertakes

(1) to grant any subcontract of \$10 000 or more only to a subcontractor who declares to him in writing that he meets the conditions provided for in section 7.4; and

(2) to require from his subcontractors that they also grant any subcontract of \$10 000 or more only to subcontractors who declare to them in writing that they meet the conditions provided for in section 7.4.”

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

## Draft Regulation

Financial Administration Act  
(R.S.Q., c. A-6)

### Construction contracts of government departments and public bodies — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies, the text of which appears below, may be made by the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

This draft regulation complements the amendments presently proposed to the General Regulation respecting the conditions of contracts of government departments and public bodies, which are intended to fight undeclared labour in the construction industry in Québec.

This draft regulation will have a direct impact on building contractors since they will be required, where the estimated contract amount is \$10 000 or more, to include an affidavit in their tender, certifying that they meet the conditions prescribed in section 7.4 of the General Regulation respecting the conditions of contracts of government departments and public bodies, in respect of certain obligations resulting from the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

Moreover, a department or body will not be allowed to remit any sum held back on the price of the contract to the contractor where it is informed by the Commission de la construction du Québec of a failure, on the part of the contractor or his subcontractors, to fulfil the obligations giving rise to a recourse based on subparagraphs a, c, c.1 and c.2 of section 81 of the Act respecting labour relations, vocational training and manpower management in the construction industry, in relation to the work provided for in the contract, unless the contractor provides sufficient security to guarantee the fulfilment of his obligations and those of his subcontractors, where applicable.

Further information may be obtained by contacting Mrs. Marie-Josée Linteau, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8, tel. (418) 643-2755, fax (418) 646-8103.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,  
Minister for Administration and the Public  
Service, Chairman of the Conseil du trésor

## Regulation to amend the Regulation respecting construction contracts of government departments and public bodies

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994 and 1106-94 dated 20 July 1994, is further amended, in section 10,

(1) by substituting the following for paragraph 7:

“(7) a statement that the only tenders that will be considered will be those submitted by contractors who

(a) have a place of business in Québec or, where an intergovernmental agreement is applicable, a place of business in Québec or in a province or territory covered by that agreement;

(b) hold the licence required under the Building Act (R.S.Q., c. B-1.1); and

(c) if they intend to act as an employer, are registered with the Commission de la construction du Québec in accordance with the Regulation respecting the keeping of a register and the sending of a monthly report, approved by Order in Council 875-93 dated 16 June 1993;”;

(2) by inserting the following after paragraph 7:

“**7.01** a statement that the only tenders that will be considered will be those accompanied by an affidavit certifying that the contractor meets the conditions set out in section 7.4 of the General Regulation respecting the conditions of contracts of government departments and public bodies.”.

**2.** The following is inserted after section 41:

“**41.1** Any sum held back on the price of the contract may not be remitted to the contractor where the Commission de la construction du Québec has sent that contractor and the department or body concerned a notice to the effect that the Commission has noticed a failure, on the part of the contractor or any of his subcontractors, to fulfil the obligations giving rise to a recourse based on subparagraph a, c or c.1 of the first paragraph of section 81 of the Act respecting labour relations, vocational training and manpower management in the construction industry or of subparagraph c.2 of the first paragraph of that section, enacted by section 38 of Chapter 8 of the Statutes of 1995, in relation to the work provided for in the contract, unless the contractor provides sufficient security to guarantee the fulfilment of his obligations and those of his subcontractors, where applicable.”.

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

9578

## Draft Regulation

Public Buildings Safety Act  
(R.S.Q., c. S-3)

### Elevators and lifts for persons with physical disabilities — Safety Code

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, the text of which appears below, may be made by the Government at the expiry of 45 days following this publication.

The purpose of the draft regulation is to

- update the requirements for this type of apparatus in order to take into account technological changes and to introduce safety measures for users;
- introduce more appropriate rules to govern the installation of new apparatuses and certain alterations to elevators, dumbwaiters and escalators;
- repair an omission with respect to the regulation of elevators and related apparatuses, stemming from the fact that neither the 1990 edition of the Safety Code for Elevators nor its 1992 Supplement (No. 1) was adopted and integrated into the existing regulations;

- take into account the objective of the Régie du bâtiment du Québec (the Board) to adopt Canadian standards and codes with as few amendments as possible;
- address the persistent requests submitted by people working in these sectors and allow them to better adapt to the market;
- promote fair interprovincial competition amongst manufacturers and installers;
- adopt the same standards as the other Canadian provinces; and
- rationalize the Board's interventions with respect to these apparatuses.

The solution proposed is in keeping with global objectives for public safety. While means to attain those objectives are specified in the Regulation, the owners of public buildings will nonetheless have a fair amount of leeway, which, in some cases, will enable them to obtain, from a person appointed by the Minister, authorization to use compensatory measures.

Further information may be obtained by contacting Mr. Pierre Sauvé, Régie du bâtiment du Québec, 800, place d'Youville, 14<sup>e</sup> étage, Québec (Québec), G1R 5S3; tel. (418) 646-4292, fax (418) 646-9280.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jean-Claude Riendeau, Chairman, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 6<sup>e</sup> étage, Montréal (Québec), H2M 2V2.

LOUISE HAREL,  
*Minister of Employment*

## **Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities**

Public Buildings Safety Act  
(R.S.Q., c. S-3, s. 10, pars. 3 and 8, and s. 39)

### **DIVISION I SCOPE**

**1.** This Regulation applies to elevators, dumbwaiters, escalators, moving walks, freight platform lifts and lifts for persons with physical disabilities, installed in a public building within the meaning of the Public Buildings

Safety Act (R.S.Q., c. S-3) or, where public safety must be ensured, in an establishment within the meaning of the Act respecting occupational health and safety (R.S.Q., c. S-2.1).

### **DIVISION II INSPECTOR'S POWERS**

**2.** An inspector may prohibit the operation of an elevator, escalator, dumbwaiter, moving walk, freight platform lift or lift for persons with physical disabilities, and may affix a seal thereto, if he finds that an offence against this Regulation is of a nature to directly endanger a person's life or health.

**3.** An inspector may require that the owner of an apparatus covered by section 1 provide him with an attestation by a person specialized in the matter, such as an engineer, the manufacturer or the installer, certifying that

(1) the apparatus is sound;

(2) the apparatus operates properly; and

(3) a material, device, piece of equipment or method of design, construction or installation complies with the requirements of this Regulation.

The attestation shall include the data on which it is based and shall confirm that the apparatus may safely be used by the public.

**4.** Where an apparatus covered by section 1 is put into service for the first time or where such apparatus is put back into service following an alteration, the owner of the apparatus shall so notify the inspector in writing within 30 days.

The notice shall contain the following information:

(1) the name and address of the owner, the manufacturer and the installer of the apparatus;

(2) the address of the building in which the apparatus is installed; and

(3) the type, make and model of apparatus, and its technical features.

### **DIVISION III NEW INSTALLATIONS**

#### *§1. Definitions*

**5.** In this Division, unless otherwise indicated by the context,

“Code” means the Safety Code for Elevators: Escalators, Dumbwaiters, Moving Walks, and Freight Platform Lifts, Public Safety, A National Standard of Canada CAN/CSA-B44-94, published in September 1994 by the Canadian Standards Association, as amended by this Regulation; and

“Standard” means Standard B355-94, Lifts for Persons with Physical Disabilities, Public Safety, published in January 1994 by the Canadian Standards Association, as amended by this Regulation.

## §2. Amendments to the Code

### 6. In the Code, a reference to

(1) Standard CSA C22.1 is a reference to the electrical code that serves as a basis in applying the Act respecting electrical installations (R.S.Q., c. I-13.01), as prescribed and amended by the Bureau des examinateurs électriciens du Québec under section 29 of that Act in force at the time of installation of an apparatus or of an alteration thereto; and

(2) the National Building Code of Canada or the Building Code is a reference to the National Building Code of Canada adopted under the Public Buildings Safety Act (R.S.Q., c. S-3), as amended, in force at the time of installation of an apparatus or of an alteration thereto.

### 7. The Code is amended

(1) by deleting the notes, wherever they occur;

(2) in the French text, by substituting *mutatis mutandis* the words “vérification”, “vérifier” and “vérifié” for the words “inspection”, “inspector” and “inspecté”, wherever they occur;

(3) by substituting the words “devices approved by a person appointed by the Minister,” for the words “approved devices” in section 7.3.8.5, the words “type approved by a person appointed by the Minister,” for the words “approved type” in paragraph *b* of section 3.7.5, and the words “means approved by a person appointed by the Minister” for the words “approved means” in paragraph *h* of section 3.14.9.3.3;

(4) by substituting *mutatis mutandis* the words “inspector responsible for the application of the Public Buildings Safety Act” for the words “regulatory authority” in sections 2.3.5.3, 2.7.1.4, 2.7.4, 2.9.6 and 3.6.2.2 and in paragraph *b* of section 3.12.15.5;

(5) by substituting *mutatis mutandis* the words “person appointed by the Minister” for the words “regulatory authority” or “regulatory authorities” in sections 1.2.1, 1.2.2, 3.2.7.2, 3.6.5.1, 3.14.5.1, 7.2.4.1, 8.3.11.1, 8.3.11.2, 8.4, 10.4.1, 14.2.3.2 and 14.2.8.2, subparagraphs *i* and *ii* of paragraph *c* of section 3.5.7 and paragraph *c* of sections 3.14.9.3.3 and 8.3.3.7.1, respectively;

(6) in section 1.3,

(1) by substituting the following for the introductory paragraph:

“This Standard refers to the following publications:”; and

(2) by deleting the following publications:

“C22.1-94  
Canadian Electrical Code, Part I;” and  
“National Building Code of Canada—1990;”;

(7) by deleting the following definitions in section 1.4:

“Accessible”;  
“Weatherproof”;  
“Approved”;  
“Private residence elevator”;  
“Existing installation”;  
“New installation”;  
“Private residence”; and  
“Shall”;

(8) by deleting the word “directly” in paragraph *a* of section 2.7.1.5;

(9) by deleting subparagraph *d* of the second paragraph of section 3.6.2.5;

(10) by revoking section 9.1.2;

(11) by revoking section 12;

(12) by revoking section 13.2;

(13) by revoking section 14.6;

(14) by revoking section 14.9.1.2;

(15) by revoking section 14.9.2.2; and

(16) by deleting the second sentence in section 15.3.1.

### §3. Amendments to the Standard

#### 8. Any reference in the Standard

(1) to Standard CAN/CSA-B44 is a reference to the Code; and

(2) to Standard CSA C22.1 is a reference to the electrical code that serves as a basis in applying the Act respecting electrical installations (R.S.Q., c. I-13.01), as prescribed and amended by the Bureau des examinateurs électriciens du Québec under section 29 of that Act in force at the time of installation of an apparatus or of an alteration thereto.

#### 9. The Standard is amended

(1) by deleting the notes, wherever they occur;

(2) in the French text, by substituting *mutatis mutandis* the words “vérification”, “vérifier” and “vérifié” for the words “inspection”, “inspecter” and “inspecté”, wherever they occur;

(3) by deleting the second sentence in section 1.4;

(4) by adding the following after section 1.4:

“1.5 Any person wishing to use a material, device, piece of equipment, construction method or installation method that is not specifically covered in this Standard shall so inform the inspector. Such use shall be approved by a person appointed by the Minister where it is demonstrated that the level of safety procured is at least equivalent to that required under this Standard.

1.6 Where it would be difficult to apply any of the provisions of this Standard because of the impact thereof, the owner may propose compensatory measures to the inspector, which may be accepted by a person appointed by the Minister where it is demonstrated to that person that the measures render the apparatus safe.”;

(5) in section 2,

(1) by substituting the following for the introductory paragraph:

“This Standard refers to the following publications:”;  
and

(2) by deleting the following publications:

“CAN/CSA-B44-M90  
Safety Code for Elevators;” and  
“C22.1-1994  
Canadian Electrical Code, Part I;”;

(6) by deleting the word “directly” in subparagraph *i* of paragraph *g* of section 5.4.2; and

(7) by deleting section 6.1.1.2.

#### §4. General

10. An elevator, dumbwaiter, escalator, moving walk or freight platform lift that is not covered by Division IV shall comply with the Code.

11. A lift for persons with physical disabilities that is not covered by Division IV shall comply with the Standard.

#### DIVISION IV EXISTING INSTALLATIONS

12. An elevator, dumbwaiter, escalator, moving walk or freight platform lift whose installation is completed by (*enter the date corresponding to 6 months after the coming into force of this Regulation*) shall comply with the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons, made by Order in Council 1009-88 dated 22 June 1988 and amended by the Regulations made by Orders in Council 1836-88 dated 7 December 1988, 927-90 dated 27 June 1990 and 1331-92 dated 9 September 1992.

Notwithstanding the foregoing, an apparatus that, at the time of installation or alteration, complies with the Safety Code for Elevators: Escalators, Dumbwaiters, Moving Walks, and Freight Platform Lifts, Public Safety, A National Standard of Canada CAN/CSA-B44-94, published in May 1990 by the Canadian Standards Association, as amended, with the exception of section 12, is deemed to comply with the requirements of this section.

13. A lift for persons with physical disabilities whose installation is completed by (*enter the date corresponding to 6 months after the coming into force of this Regulation*) shall comply with the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons, made by Order in Council 1009-88 dated 22 June 1988 and amended by the Regulations made by Orders in Council 1836-88 dated 7 December 1988, 927-90 dated 27 June 1990 and 1331-92 dated 9 September 1992.

14. Any alteration to an existing elevator, dumbwaiter or escalator shall comply with section 10 of the Code referred to in section 5.

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

9579

## Draft Regulation

An Act respecting family assistance allowances  
(R.S.Q., c. A-17)

### Family assistance allowances — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting family assistance allowances, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The Regulation replaces the provisions that provide for the payment of family allowances and allowances for young children by quarterly cheques with provisions that provide for payment once every six months.

The proposed provisions provide that family allowances and allowances for young children will from now on be paid in the month of May, for the allowances payable for the months of November, December, January, February, March and April, and in the month of November, for the allowances payable for the months of May, June, July, August, September and October. The Regulation will have the effect of reducing the costs related to the payment of allowances, in particular, those related to payments by cheque.

Additional information can be obtained by contacting Mr. Jean-Luc Boisjoli, notary, at the Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec), G1V 4T3 (telephone (418) 643-7890, fax (418) 643-9590).

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. Claude Legault, President and General Manager of the Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, 5<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4T3. Comments will be forwarded by the Board to the Minister of Income Security, who is responsible for the administration of the provisions of the Act respecting family assistance allowances, under which this Regulation may be made.

JEANNE L. BLACKBURN,  
*Minister of Income Security*

## Regulation to amend the Regulation respecting family assistance allowances

An Act respecting family assistance allowances  
(R.S.Q., c. A-17, s. 25, 1<sup>st</sup> par., subpar. 7)

**1.** The Regulation respecting family assistance allowances, made by Order in Council 1498-89 dated 13 September 1989 and amended by the Regulations made by Orders in Council 1916-89 dated 13 December 1989, 1732-90, dated 12 December 1990, 819-91 dated 12 June 1991, 1720-91 dated 11 December 1991, 1070-92 dated 15 July 1992 and 1797-92 dated 9 December 1992 and 212-95 dated 15 February 1995, is further amended, in section 8.1 by substituting the following for subparagraphs 1 to 4 of the first paragraph:

“(1) May, for the allowances payable for the months of November, December, January, February, March and April and

(2) November, for the allowances payables for the months of May, June, July, August, September and October.”.

**2.** The allowances which, in application of section 8.1 of the Regulation respecting family assistance allowances, as it read prior to the date on which this Regulation comes into force, were to be paid in a month other than those provided for in section 1, shall be paid in the first month of the six-month payment period that follows, as set out in that section.

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

9583

## Draft Regulation

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1; 1994, c. 24)

### Limits to the expenses for a transfer of benefits between spouses

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”, the text of which appears below, may be made by Minister’s Order upon the expiry of 45 days following this publication.

In accordance with section 110.1 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1; 1994, c. 24), the

Minister has fixed, after consultation with the Régie des rentes du Québec, a limit to the costs that the pension committee may claim for producing the statement of benefits provided for in section 108 of the above-mentioned Act. A member and his spouse are entitled to obtain such statement in the four cases mentioned in that section 108, that is, upon presentation of an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance, and also in the case mentioned in section 110 of the Act, i.e. in the event of cessation of the conjugal relationship between a spouse and a member of the plan.

The Minister has likewise fixed a limit to the expenses that the pension committee may claim for effecting a transfer of benefits between spouses.

The limit to the costs for the statement and the limit to the expenses for effecting a transfer may vary according to the type of pension plan.

Further information may be obtained by contacting Mr. Pierre Perron, Pension Plans Director, Régie des rentes du Québec, 2600, boulevard Laurier, bureau 550, Sainte-Foy, C.P. 5200, G1K 7S9 (tel.: (418) 643-8292; fax: (418) 643-7421).

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. Claude Legault, Chairman and Chief Executive Officer, Régie des rentes du Québec, 2600, boulevard Laurier, bureau 546, Sainte-Foy, C.P. 5200, G1K 7S9.

JEANNE L. BLACKBURN,  
Minister of Income Security

## Limits to the expenses for a transfer of benefits between spouses

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 110.1; 1994, c. 24, s. 7)

**1.** The limit to the costs for producing the statement of benefits that a member and his spouse are entitled to obtain in the cases mentioned in sections 108 and 110 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) and the limit to the expenses incurred for effecting a transfer of benefits between spouses are fixed as follows:

Act	Pension plan	Limit
(1) for the first application for a statement of benefits	defined contribution plan	\$150
	combination plan	\$325
	any other plan	\$250
(2) for any subsequent application for a statement of benefits	defined contribution plan	\$100
	combination plan	\$200
	any other plan	\$150
(3) for effecting the transfer of benefits	defined contribution plan	\$100
	combination plan	\$200
	any other plan	\$150.

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

9588

## Draft Regulation

Maritime Fisheries Credit Act  
(R.S.Q., c. C-76)

### Loans for the construction, purchase or repair of commercial fishing boats and equipment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting loans for the construction, purchase or repair of commercial fishing boats and equipment, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to allow government assistance for maritime financing granted to fishermen who personally operate their fishing business to be extended to fishermen operating as a legally constituted company. To that end, the draft regulation specifies the type of control that fishermen must have over the stock of such companies.

The purpose of the draft regulation is also to extend the coverage of the guarantee granted by the Minister of Agriculture, Fisheries and Food on the renewal of marine insurance premiums in cases where the funds to pay those premiums are loaned by financial institutions.

The purpose of the Regulation is also, for Aboriginal persons, to harmonize the federal policies of access to resources with the Quebec policies of government assistance in maritime financing.



On the whole, the draft regulation has no negative impact on citizens and businesses, particularly small and medium-sized businesses.

Further information may be obtained by contacting M. Pierre J. Bédard, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 9<sup>e</sup> étage, Québec (Québec), G1R 4X6, tel.: (418) 528-2879.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12<sup>e</sup> étage, Québec (Québec), G1R 4X6.

MARCEL LANDRY,  
*Minister of Agriculture, Fisheries and Food*

## **Regulation to amend the Regulation respecting loans for the construction, purchase or repair of commercial fishing boats and equipment**

Maritime Fisheries Credit Act  
(R.S.Q., c. C-76, s. 6, 1<sup>st</sup> par., subpar. a)

**1.** The Regulation respecting loans for the construction, purchase or repair of commercial fishing boats and equipment (R.R.Q., 1981, c. C-76, r. 1), amended by the Regulations made by Orders in Council 1586-82 dated 30 June 1982 (Suppl., p. 387), 714-84 dated 28 March 1984, 1124-87 dated 22 July 1987, 1412-87 dated 16 September 1987, 1458-87 dated 23 September 1987, 531-89 dated 12 April 1989 and 1369-90 dated 26 September 1990, is further amended in section 1

(1) by striking out the word “professional” in paragraph 4;

(2) by deleting paragraph 6;

(3) by striking out the word “professional” in paragraph 8;

(4) by deleting paragraph 19;

(5) by substituting the following for paragraphs 26 and 27:

“(26) “fisherman”: a person referred to in section 1.1.”;

(6) by striking out the word “professional” in paragraph 31.

**2.** The following is inserted after section 1:

“**1.1** A person who, in his or its capacity as a fisherman, applies to the Minister to benefit from this Regulation must be:

(1) a natural person who practises commercial fishing on a full-time basis, who holds a fishing licence issued in accordance with the Fisheries Act (R.S.C., 1985, c. F-14), who resides permanently in Québec, who is registered as a commercial fishing entity with the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, and for whom fishing represents not less than 50 % of income from work other than work carried out in the primary forest or farm sector; or

(2) a legal person incorporated in accordance with the Companies Act (R.S.Q., c. C-38) or a body corporate incorporated in accordance with the Canada Business Corporations Act (R.S.C., 1985, c. C-44), having its head office and principal place of business in Québec and:

(a) in the case of a single shareholder, where all the voting shares of its capital stock are the property of a natural person meeting the conditions of subparagraph 1;

(b) in the case of two or more shareholders, where more than 50 % of the voting shares of its capital stock are the property of natural persons meeting the conditions of subparagraph 1.

In the case of clause *b* of subparagraph 2 of the first paragraph, more than 50 % of those shares must be owned by that person who, among those persons, is the holder of the fishing licence for the most lucrative species of marine product at the time of the application to the Minister. For the purposes of this section, “most lucrative” includes the highest total gross revenue generated by the sale of one species according to the offer made to that legal person by the operator of a food plant with which it is bound by an unloading and supply agreement.”.

**3.** Section 2 is amended

(1) by deleting paragraph *a*;

(2) by striking out the words “professional” and “domiciled in Québec” in paragraph *b*.

**4.** Section 8 is amended by striking out the word “commercial” before the word “fisherman” and by striking out the words “domiciled in Québec” in the first paragraph.

**5.** Section 10.3 is amended by substituting the words “commercial fishing entity” for the words “commercial fisherman”.

**6.** Section 11.1 is amended by striking out the word “professional” in paragraphs *a* and *b*.

**7.** Section 11.3 is amended by striking out the word “professional”.

**8.** Section 33 is amended by striking out the word “commercial” before the word “fisherman” and by striking out the words “domiciled in Québec” in paragraph *c*.

**9.** Section 37 is amended by striking out the word “commercial” before the word “fisherman” and by striking out the words “domiciled in Québec” in the first paragraph.

**10.** Section 60 is amended by adding the following paragraph at the end:

“When section 58.1 is applied to a borrower, the Minister’s guarantee prescribed by subparagraph 4 of the first paragraph is valid during the period of application.”.

**11.** Schedule A to the Regulation is amended

(1) by substituting the words “If he is a fisherman” for the words “Whether he be a professional fisherman or associate professional fisherman” in the part preceding paragraph *a* of section 1;

(2) by adding the following paragraph at the end of section 1:

“Clause *ii* of subparagraph *d* of the first paragraph does not apply to a fisherman who is the holder of the fishing licence referred to in the Aboriginal Communal Fishing Licences Regulations (SOR/93-332, 16 June 1993, (1993) No. 13 *Canada Gazette* Part II, p. 2899).”;

(3) by adding the following after section 1:

“2. Where the fisherman is a legal person referred to in subparagraph 2 of the first paragraph of section 1.1 of the Regulation, subparagraphs *b* and *d* of the first paragraph of section 1 shall apply, if need be, to a single shareholder or, where there are two or more shareholders, to the shareholder referred to in the second paragraph of that section 1.1.

The provisions of Schedule B apply to that legal person.”.

**12.** Schedule C is amended by substituting the words “a natural person referred to in section 1.1 of the Regulation” for the words “a professional fisherman” in subparagraph *iv* of paragraph *c* of section 1.

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

9580

## Draft By-law

An Act respecting the Régie de l’assurance-maladie du Québec  
(R.S.Q., c. R-5)

### Conditions for submitting a document — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law to amend the By-law respecting the conditions for submitting a document to the Régie de l’assurance-maladie du Québec by means of an electronic data processing system or by telecommunication, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the By-law is to authorize the transmission by telecommunication, to the Régie de l’assurance-maladie du Québec, of documents related to an application for replacement of a health-insurance card which has been lost, damaged or stolen, if the transfer conditions prescribed therein are complied with.

The proposed measure will contribute to improving the quality of the services rendered to the public as it will enable a beneficiary of the health insurance plan to replace his health-insurance card and his driver’s licence by means of a one-stop application processed by the Société de l’assurance automobile du Québec.

Further information may be obtained from M<sup>e</sup> Diane Bois, Régie de l’assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7; telephone: (418) 682-5172.

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the president of the Régie de l’assurance-maladie du Québec, 1125, chemin Saint-Louis, 8<sup>e</sup> étage, Sillery (Québec), G1S 1E7.

ANDRÉ DICAIRE,  
*President and director general of the  
Régie de l’assurance-maladie du Québec*

**By-law to amend the By-law respecting the conditions for submitting a document to the Régie de l'assurance-maladie du Québec by means of an electronic data processing system or by telecommunication**

An Act respecting the Régie de l'assurance-maladie du Québec  
(R.S.Q., c. R-5, s. 16.1)

**1.** Section 1 of the By-law respecting the conditions for submitting a document to the Régie de l'assurance-maladie du Québec by means of an electronic data processing system or by telecommunication, made by Order in Council 534-95 of April 12, 1995, is amended:

(1) by inserting the words “or for replacement of a health insurance card” after the words “renewal of registration”; and

(2) by replacing the words “in section 21” by the following words “, as the case may be, in section 21 or section 24”.

**2.** Section 2 of the By-law is amended:

(1) by inserting the words “or for replacement of a health insurance card” after the words “renewal of registration” in the part preceding paragraph 1;

(2) by adding the words “or for replacement of a health insurance card” at the end of paragraph 1; and

(3) by inserting the words “or for replacement of a health insurance card” after the word “registration” in paragraph 2.

**3.** Section 3 of the By-law is amended:

(1) by adding the words “and for each application for replacement of a health insurance card” at the end of the part preceding subparagraph 1 of the first paragraph;

(2) by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) the document number assigned by the Régie to each application form for replacement of a health insurance card;”;

(3) by inserting the words “an application form for replacement of a health insurance card,” after the words “notice of renewal,” in subparagraph 3 of the first paragraph;

(4) by inserting the words “or section 24” after the words “under section 21” in subparagraph 4 of the first paragraph; and

(5) by adding the words “or for replacement of a health insurance card” at the end of subparagraph 5 of the first paragraph.

**4.** Section 4 of the By-law is amended:

(1) by inserting the words “and for replacement of a health insurance card” after the words “renewal of registration” in the part preceding paragraph 1;

(2) by inserting the words “and to each application form for replacement of a health insurance card” after the word “sending” in subparagraph a of paragraph 1; and

(3) by adding the following subparagraph to the end of paragraph 1:

“(c) the total number of applications for replacement of a health insurance card submitted.”.

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

9594



## Index Statutory Instruments

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

<b>Regulations — Statutes</b>	<b>Page</b>	<b>Comments</b>
Assignment of social insurance numbers . . . . . (An Act respecting the Québec Pension Plan, R.S.Q., c. R-9)	1198	M
Building Act — Building contractors and owner-builders — Professional qualification . . . . . (R.S.Q., c. B-1.1)	1174	M
Building contractors and owner-builders — Professional qualification . . . . . (Building Act, R.S.Q., c. B-1.1)	1174	M
Building services employees — Québec . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	1175	M
Child day care, An Act respecting... — Exemption and financial assistance . . . . (R.S.Q., c. S-4.1)	1178	N
Collective agreement decrees, An Act respecting... — Building services employees — Québec . . . . . (R.S.Q., c. D-2)	1175	M
Conditions for submitting a document . . . . . (An Act respecting the Régie de l'assurance-maladie du Québec, R.S.Q., c. R-5)	1208	Draft
Conditions of contracts of government departments and public bodies . . . . . (Financial Administration Act, R.S.Q., c. A-6)	1199	Draft
Construction contracts of government departments and public bodies . . . . . (Financial Administration Act, R.S.Q., c. A-6)	1200	Draft
Designation of classes of employees and establishment of special provisions pursuant to section 10.1 of the Act . . . . . (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	1173	N
Elevators and lifts for persons with physical disabilities — Safety Code . . . . . (Public Buildings Safety Act, R.S.Q., c. S-3)	1201	Draft
Exemption and financial assistance . . . . . (An Act respecting child day care, R.S.Q., c. S-4.1)	1178	N
Family assistance allowances . . . . . (An Act respecting family assistance allowances, R.S.Q., c. A-17)	1205	Draft
Family assistance allowances, An Act respecting... — Family assistance allowances . . . . . (R.S.Q., c. A-17)	1205	Draft
Financial Administration Act — Conditions of contracts of government departments and public bodies . . . . . (R.S.Q., c. A-6)	1199	Draft
Financial Administration Act — Construction contracts of government departments and public bodies . . . . . (R.S.Q., c. A-6)	1200	Draft

Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule II.1 to the Act . . . . . (R.S.Q., c. R-10)	1171	M
Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule II.1 to the Act . . . . . (R.S.Q., c. R-10)	1172	M
Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule I to the Act . . . . . (R.S.Q., c. R-10)	1171	M
Government and Public Employees Retirement Plan, An Act respecting the... — Designation of classes of employees and establishment of special provisions pursuant to section 10.1 of the Act . . . . . (R.S.Q., c. R-10)	1173	N
Health Insurance Act — Hearing devices . . . . . (R.S.Q., c. A-29)	1197	M
Hearing devices . . . . . (Health Insurance Act, R.S.Q., c. A-29)	1197	M
Limits to the expenses for a transfer of benefits between spouses . . . . . (Supplemental Pension Plans Act, R.S.Q., c. R-15.1; 1994, c. 24)	1205	Draft
Loans for the construction, purchase or repair of commercial fishing boats and equipment . . . . . (Maritime Fisheries Credit Act, R.S.Q., c. C-76)	1206	Draft
Maritime Fisheries Credit Act — Loans for the construction, purchase or repair of commercial fishing boats and equipment . . . . . (R.S.Q., c. C-76)	1206	Draft
Petroleum Products . . . . . (An Act respecting the use of petroleum products, R.S.Q., c. U-1.1)	1180	M
Public Buildings Safety Act — Elevators and lifts for persons with physical disabilities — Safety Code . . . . . (R.S.Q., c. S-3)	1201	Draft
Québec Pension Plan, An Act respecting the... — Assignment of social insurance numbers . . . . . (R.S.Q., c. R-9)	1198	M
Régie de l'assurance-maladie du Québec, An Act respecting the... — Conditions for submitting a document . . . . . (R.S.Q., c. R-5)	1208	Draft
Supplemental Pension Plans Act — Limits to the expenses for a transfer of benefits between spouses . . . . . (R.S.Q., c. R-15.1; 1994, c. 24)	1205	Draft
Use of petroleum products, An Act respecting the... — Petroleum Products . . . . (R.S.Q., c. U-1.1)	1180	M