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Summary

Table of Contents
Coming into force of Acts
Regulations and Other Acts
Draft Regulations
Erratum
Index

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Table of Contents

Page

Coming into force of Acts

1177-97	Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail, An Act respecting the... — Coming into force of certain provisions	4621
---------	--	------

Regulations and Other Acts

1168-97	Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule VI of the Act	4623
1183-97	Capitalization of small and medium-sized businesses (Amend.)	4623
1184-97	Québec Business Investment Companies (Amend.)	4624
	Rules respecting Standardbred horse racing (Amend.)	4625

Draft Regulations

	Professional Code — Occupational therapists — Code of ethics	4629
--	--	------

Erratum

	Charter of the French language, An Act to amend the... — Coming into force	4633
--	--	------

Coming into force of Acts

Gouvernement du Québec

O.C. 1177-97, 10 September 1997

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63)
— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail

WHEREAS the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63) was assented to on 25 June 1997;

WHEREAS under section 150, the provisions of the Act come into force on 25 June 1997, except the provisions of sections 16 to 46, 58 to 96, paragraphs 2 and 3 of section 97, sections 98 to 105, paragraphs 1, 2 and 4 of section 107, section 108, sections 110 to 123, 125, 127, 129 to 137, paragraph 4 of section 138, sections 140 to 143 and 145 to 147 which will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the date of coming into force of the provisions of section 16, the part of the first paragraph of section 17 preceding subparagraph 1 and subparagraph 8 of that paragraph, sections 21 to 29, 31 and 32 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Employment and Solidarity:

THAT 10 September 1997 be fixed as the date of coming into force of the provisions of section 16, the part of the first paragraph of section 17 preceding subparagraph 1 and subparagraph 8 of that paragraph, sections 21 to 29, 31 and 32 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63).

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulations and Other Acts

Gouvernement du Québec

O.C. 1168-97, 10 September 1997

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

Amendment to Schedule VI to the Act

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

WHEREAS under the first paragraph of section 217 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the interest payable under that Act is that provided for in Schedule VI in respect of the period indicated therein;

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

WHEREAS by Order in Council 1154-96 dated 18 September 1996, the Government amended Schedule VI in order to provide for the interest payable under that Act from 1 August 1996;

WHEREAS it is expedient to amend Schedule VI, in order to provide for the interest payable under that Act from 1 August 1997;

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 VI to the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Amendment to Schedule VI 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 VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q.,

c. R-10), amended by Orders in Council 1154-96 dated 18 September 1996, is further amended

(1) by substituting “1 August 1996 to 31 July 1997” for “from 1 August 1996” in the last line; and

(2) by adding “12.15 % from 1 August 1997” at the end.

2. This Order in Council has effect from 1 August 1997.
1741

Gouvernement du Québec

O.C. 1183-97, 10 September 1997

An Act to promote the capitalization of small and medium-sized businesses (R.S.Q., c. A-33.01)

Capitalization of small and medium-sized businesses — Amendments

Regulation to amend the Regulation respecting the capitalization of small and medium-sized businesses

WHEREAS under section 20 of the Act to promote the capitalization of small and medium-sized businesses (R.S.Q., c. A-33.01), the Government may make regulations regarding the application of that Act;

WHEREAS the Regulation respecting the capitalization of small and medium-sized businesses was made by Order in Council 1147-92 dated 5 August 1992;

WHEREAS the Act to harmonize certain legislative provisions of a fiscal nature with the Civil Code of Québec (1997, c. 3) is in force;

WHEREAS that Act amends in particular the Taxation Act (R.S.Q., c. I-3) in order to make amendments, *inter alia*, of a terminological nature which result from the adoption of the Civil Code of Québec;

WHEREAS certain provisions of the Regulation respecting the capitalization of small and medium-sized businesses refer to the Taxation Act;

WHEREAS it is expedient to amend that Regulation in order to make concordance amendments with the Taxation Act;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been priorly published pursuant to section 8 of the Act, where the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS the Government is of the opinion that the Regulation respecting the capitalization of small and medium-sized businesses is of a fiscal nature;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Industry, Trade, Science and Technology and of the Minister for Industry and Trade:

THAT the Regulation to amend the Regulation respecting the capitalization of small and medium-sized businesses, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the capitalization of small and medium-sized businesses (*)

An Act to promote the capitalization of small and medium-sized businesses
(R.S.Q., c. A-33.01, s. 20)

1. Section 1 of the Regulation respecting the capitalization of small and medium-sized businesses is amended in the French text

(1) by substituting the following for paragraph 2:

“2° l’expression “corporation associée” désigne une “société associée” selon le sens que lui donnent les articles 21.20 à 21.25 de la Loi sur les impôts (L.R.Q., c. I-3);”;

* The Regulation respecting the capitalization of small and medium-sized businesses, made by Order in Council 1147-92 dated 5 August 1992 (1992, *G.O.* 2, 4195), was last amended by the Regulation made by Order in Council 1261-94 dated 17 August 1994 (1994, *G.O.* 2, 3838). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1997, updated to 1 March 1997.

(2) by adding the following at the end of paragraph 7:

“Aux fins de la Loi sur les impôts, l’expression “corporation liée” désigne une “société liée”;”;

(3) by substituting the word “société” for the word “corporation” wherever it appears in paragraph 9.

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

1739

Gouvernement du Québec

O.C. 1184-97, 10 September 1997

An Act respecting Québec business investment companies
(R.S.Q., c. S-29.1)

Québec Business Investment Companies — Amendments

Regulation to amend the Québec Business Investment Companies Regulation

WHEREAS under section 16 of the Act respecting Québec business investment companies (R.S.Q., c. S-29.1), the Government may make regulations regarding the application of that Act;

WHEREAS the Québec Business Investment Companies Regulation was made by Order in Council 1627-85 dated 14 August 1985;

WHEREAS the Act to harmonize certain legislative provisions of a fiscal nature with the Civil Code of Québec (1997, c. 3) is in force;

WHEREAS that Act amends in particular the Taxation Act (R.S.Q., c. I-3) in order to make amendments, *inter alia*, of a terminological nature which result from the adoption of the Civil Code of Québec;

WHEREAS certain provisions of the Québec Business Investment Companies Regulation refer to the Taxation Act;

WHEREAS it is expedient to amend that Regulation in order to make harmonization amendments with the Taxation Act;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published pursuant to section 8 of

the Act, where the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS the Government is of the opinion that the Québec Business Investment Companies Regulation is of a fiscal nature;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Industry, Trade, Science and Technology and the Minister for Industry and Trade:

THAT the Regulation to amend the Québec Business Investment Companies Regulation, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Québec Business Investment Companies Regulation (*)

An Act respecting Québec business investment companies
(R.S.Q., c. S-29.1, s. 16)

1. Section 13 of the Québec Business Investment Companies Regulation is amended, in the French text, by adding the following at the end of the first paragraph:

“Aux fins de la Loi sur les impôts, l’expression « corporation liée » désigne une « société liée ».”.

2. The following is substituted for the French text of section 17:

“**17.** L’expression “corporation associée” désigne une “société associée” au sens que lui donne la Loi sur les impôts.”.

* The Québec Business Investment Companies Regulation, made by Order in Council 1627-85 dated 14 August 1985 (1985, *G.O.* 2, 3750), was last amended by the Regulation made by Order in Council 1727-94 dated 7 December 1994 (1994, *G.O.* 2, 4661). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1997, updated to 1 March 1997.

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

1740

Notice of adoption

An Act respecting racing
(R.S.Q., c. C-72.1)

Rules respecting Standardbred horse racing — Amendments

Notice is hereby given that the Régie des alcools, des courses et des jeux, at its sittings of 29 August and 2 September 1997, made the Rules to amend the Rules respecting Standardbred horse racing, the text of which appears below.

In accordance with sections 12 and 18 of the Regulations Act (R.S.Q., c. R-18.1), the urgency of the situation requiring it, these Rules were made without having been published as prescribed by section 8 of the Act and shall come into force, notwithstanding section 17 of the Act, on the date of their publication in the *Gazette officielle du Québec*.

The Régie is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such a coming into force:

— the Régie des alcools, des courses et des jeux is bound by an agreement entered into on 13 October 1988 by the Commission des courses du Québec and the Ontario Racing Commission. The agreement provides for a reciprocal commitment to respect the decisions made by the signatories, and for the reciprocity of certain classes of licences. The Ontario Racing Commission recently amended its rules regarding claiming races in order to counter the departure of horses. In Québec, since no administrative measure can be applied, certain owners bend the rule in order to have their horses start in races outside the province. Given the agreement and the ineffectiveness of the current Rule, it is urgent to amend the provision respecting claiming races;

— the impossibility of holding races with a handicap hinders the industry and it is urgent to amend the Rules to allow such races to be held as early as August 1997 in order to facilitate the recovery of the racing industry in Québec.

GHISLAIN K. LAFLAMME,
*President fo the Régie des alcools,
des courses et des jeux*

Rules to amend the Rules respecting Standardbred horse racing

An Act respecting racing
(R.S.Q., c. C-72.1, s. 103, 1st par., pars. 1 to 3)

1. The Rules respecting Standardbred horse racing, made by the Commission des courses du Québec on 19 September 1990, published in Part 2 of the *Gazette officielle du Québec* on 3 October 1990 (1990, 122 *G.O.* 2, 2491), and amended by the Rules made on 6 March 1991 (1991, 123 *G.O.* 2, 1172), on 5 November 1992 (1992, 124 *G.O.* 2, 4982), on 14 September 1995 (1995, 127 *G.O.* 2, 2851) and on 17 and 27 May 1996 (1996, 128 *G.O.* 2, 2642), are further amended by inserting “or falls” after the word “chokes” in paragraph 4 of section 13.

2. The following is substituted for section 31:

“**31.** Subject to section 234, in areas other than those intended for spectators, any person who does not hold a licence issued by the Régie must be accompanied by the holder of an owner’s, an agent’s, a trainer’s or a driver’s licence, and the holder shall answer for that person as long as that person remains on the premises.

This Rule does not apply to employees of the Government of Canada or the Gouvernement du Québec carrying on their profession, trade or occupation, nor does it apply to the racing officials and the employees of the association in the performance of their duties.”

3. Section 53 is amended

(1) by substituting “Subject to the second paragraph, an” for the word “an” at the beginning of the first paragraph; and

(2) by adding the following after the first paragraph:

“The horse for which such an attestation has been provided upon registration to the race secretary, in accordance with section 193, may then be allowed access to the track and to start in the race.”

4. Section 76 is amended

(1) by substituting the following for the part preceding subparagraph *a* of paragraph (1): “the following regular races, with or without a handicap”;

(2) by striking out the following at the end of subparagraph *b* of paragraph 1: “,with or without a handicap”;

(3) by striking out the following in subsection *c* of paragraph 1: “, with a handicap or open to any horse able to participate”; and

(4) by substituting the following for the part preceding subparagraph *a* of paragraph (2): “the following special races, with or without a handicap”.

5. Section 130 is amended

(1) by substituting the following for the part preceding paragraph 1:

“The claimant of a horse may not, within 45 days following the date of the race in which that horse was claimed, have it participate in a race outside Québec, except in the following cases:”;

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

“(2) where the association that held a claiming race does not present any race program for at least 30 days. In that case, the claimant may then have the horse participate in a race on the first day following the presentation of the last race program.”;

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

“The first paragraph also applies to the claimant who transfers ownership of a horse other than in a claiming race, if the horse participates in a race outside Québec within the 45-day period mentioned in that paragraph, unless one of the cases referred to in paragraphs (1) and (2) is applicable.”

6. Section 221 is revoked.

7. Section 232 is amended by inserting the following paragraph after paragraph (1) of the first paragraph:

“1. (1) when a horse chokes, falls or suffers from epistaxis during its warm-up;”

8. Section 234 is amended

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

“(1) the holder of an owner’s, an agent’s, a driver’s or a trainer’s licence accompanied by his guests, for whom the owner answers and who are at least 10 years old”;

(2) by substituting “at the most” for “the trainer, the driver and not more than” at the beginning of paragraph 2.

9. Section 247 is amended by inserting “, falls” after the word “chokes”.

10. Section 282 is amended by inserting “or another horse” before the word “with”.

11. These Rules come into force on the day of their publication in the *Gazette officielle du Québec*.

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Occupational therapists — Code of ethics

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des ergothérapeutes du Québec made the Regulation to amend the Code of ethics of occupational therapists.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec under section 95 of the Professional Code. Then, with the recommendation of the Office, it will be submitted to the Government, which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

The main purpose of the Regulation is to introduce, as required by the Professional Code, provisions respecting accessibility and corrections to the records of the members of the Ordre professionnel des ergothérapeutes du Québec. It is also intended, as required by the Code, to establish restrictions and obligations respecting advertising by occupational therapists. Finally, it is intended to standardize the wording of certain provisions of the Code of ethics so as to ensure its conformity with the Professional Code of Québec.

According to the Ordre des ergothérapeutes du Québec, the purpose of the Regulation is to guarantee citizens that all members of the Ordre des ergothérapeutes du Québec are bound by ethical obligations that ensure the protection of citizens. Apart from that guarantee, the Order foresees no other impact on businesses, including small and medium-sized businesses.

Further information concerning the Regulation may be obtained by contacting Mr. Réjean Pedneault, Director General and Secretary, Ordre des ergothérapeutes du Québec, 1259, rue Berri, bureau 710, Montréal (Québec), H2L 4C7; tel.: (514) 844-5778 or 1-800-265-5778; fax: (514) 844-0478.

Any person having comments to make on the matter is asked to send them, before the expiry of the 45-day period mentioned above, to the Chairman of the Office

des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation to amend the Code of ethics of occupational therapists

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78) is amended by substituting the following for Subdivision 7 of Division III:

“§7. Accessibility and corrections to records

3.07.01. An occupational therapist must allow his client to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. However, an occupational therapist may deny access to the information contained in the record where divulging it might cause serious harm to a client or third person.

3.07.02. An occupational therapist must allow his client to have corrected, in a document concerning him and included in any record made in his regard, information that is inaccurate, incomplete or ambiguous in view of the purposes for which it is collected. He must also allow his client to have deleted any information that is outdated or unwarranted by the purpose of the record or to make comments in writing and add them to the record.

3.07.03 Where the person concerned applies for access or corrections to a record, the occupational therapist who holds it must reply to the application as soon as possible, not later than 30 days following the date of the application.

3.07.04. Access to the information in a record must be free of charge. However, expenses not exceeding the

cost for transcribing, reproducing or forwarding the information may be charged to the applicant. An occupational therapist who intends to charge expenses under this section must give the applicant an estimate of the amount exigible before proceeding with the transcription, reproduction or forwarding.

3.07.05. An occupational therapist who refuses to satisfy an application for access or corrections made by the person concerned must notify him in writing of his refusal with reasons and inform him of his recourses.

3.07.06. An occupational therapist who satisfies an application for corrections must issue to the applicant free a charge a copy of any amended or added information or, as the case may be, an attestation that information has been withdrawn.

That person may require the occupational therapist to send a copy of such information or attestation to the person from whom he obtained the information or to any other person to whom the information has been provided.

3.07.07. An occupational therapist who holds information referred to in an application for access or corrections must, if he denies the application, keep it for the time needed by the person concerned to exhaust the recourses provided by law.

3.07.08 This Division does not apply to an occupational therapist who practises in an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) where, pursuant to section 10 of the Regulation respecting the keeping of records and consulting-rooms by a member of the Ordre professionnel des ergothérapeutes du Québec, approved by Order in Council 354-93 dated 17 March 1993, the user's record is deemed to be the occupational therapist's record."

2. Section 4.01.01 is amended

(1) by substituting the following for that part preceding paragraph *a*:

"In addition to those referred to in sections 57, 58 and 59.1 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession:";

(2) by substituting the following for paragraph *d*:

"(d) failing to inform the Order in due time where he knows that a candidate does not meet the conditions of admission to the Order, and where he believes that an occupational therapist is practising the profession in a manner likely to harm the public;" and

(3) by substituting the following for paragraph *e*:

"(e) allowing a person who is not a member of the Order to use the title "occupational therapist", or a title or abbreviation which may lead people to believe that he is a member, the abbreviation "erg.", or initials which may lead people to believe that he is a member, or the initials "O.T." or "O.T.R.", or not immediately informing the Order where he knows that a person is using those titles, abbreviations or initials without being a member of the Order."

3. The following divisions are added at the end:

"DIVISION V RESTRICTIONS AND OBLIGATIONS RESPECTING ADVERTISING

5.01. An occupational therapist may mention in his advertising any information likely to help the public make an enlightened choice and to promote access to useful or necessary services.

Such advertising must promote the preservation and development of professionalism.

5.02. An occupational therapist may not, by any means whatsoever, engage in or allow others to engage in advertising that is false, deceptive, incomplete or likely to mislead.

5.03. An occupational therapist may not claim to possess specific qualities or skills relating, in particular, to the level of his competence or to the scope or efficacy of his services, unless he can substantiate such claim.

5.04. An occupational therapist may not use an endorsement or testimonial concerning himself in his advertising.

5.05. Every advertisement shall indicate the name and title of the professional.

5.06. An occupational therapist may not engage in advertising intended for a clientele that is vulnerable by reason of the occurrence of a specific event.

5.07. An occupational therapist must avoid all methods and attitudes tending to impute a mercenary or commercialistic nature to the profession.

5.08. An occupational therapist may not resort to advertising practices likely to discredit or denigrate another professional.

5.09. An occupational therapist must keep a copy of any advertisement for at least 5 years following the date

it was last broadcast or published. That copy must be given to the secretary of the Order upon request.

5.10. An occupational therapist who advertises fees or prices must do so in a manner easily understandable by persons without special knowledge of occupational therapy and must:

(1) maintain them in force for the period mentioned in the advertisement, which may not be less than 90 days after the last authorized broadcast or publication;

(2) specify the services included in those fees or prices;

(3) indicate whether expenses are included or not;

(4) indicate whether additional services not included in those fees might be required.

5.11. In the case of an advertisement relating to a special price or a rebate, an occupational therapist must mention the period of validity, if any, of the special price or rebate. That period may be less than 90 days.

5.12. In a statement or advertisement, an occupational therapist may not, by any means whatsoever, emphasize a price or rebate more than the service offered.

DIVISION VI

GRAPHIC SYMBOL OF THE ORDRE DES ERGOTHÉRAPEUTES DU QUÉBEC

6.01. The Ordre des ergothérapeutes du Québec is represented by a graphic symbol matching the original held by the secretary.

6.02. An occupational therapist who reproduces the graphic symbol of the Order for advertising purposes must make sure that it is an accurate copy of the original held by the secretary of the Order.

An occupational therapist who reproduces the name of the Order in his advertising must use the following formulation: member of the Ordre des ergothérapeutes du Québec.”.

4. Division V, including sections 5.01 to 5.12, enacted by section 3 of this Regulation, replaces the Regulation respecting advertising by occupational therapists (R.R.Q., 1981, c. C-26, r. 85).

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

Erratum

O.C. 1011-97, 13 August 1997

An Act to amend the Charter of the French language (1997, c. 24)

— Coming into force

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 129, Number 35, August 27, 1997, page 4345.

On page 4345, the reference to the statute involved in the coming into force should have read “(1997, c. 24)” instead of “(1997, c. 27)”.

1743

Index Statutory Instruments

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

Regulations — Statutes	Page	Comments
Amendment to Schedule VI of the Act (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	4623	M
Capitalization of small and medium-sized businesses (An Act to promote the capitalization of small and medium-sized businesses, R.S.Q., c. A-33.01)	4623	M
Capitalization of small and medium-sized businesses, An Act to promote the... — Capitalization of small and medium-sized businesses (R.S.Q., c. A-33.01)	4623	M
Charter of the French language, An Act to amend the... — Coming into force . . . (1997, c. 24)	4633	Erratum
Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule VI of the Act (R.S.Q., c. R-10)	4623	M
Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail, An Act respecting the... — Coming into force of certain provisions (1997, c. 63)	4621	
Occupational therapists — Code of ethics (Professional Code, R.S.Q., c. C-26)	4629	Draft
Professional Code — Occupational therapists — Code of ethics (R.S.Q., c. C-26)	4629	Draft
Québec Business Investment Companies (An Act respecting Québec business investment companies, R.S.Q., c. S-29.1)	4624	M
Québec business investment companies, An Act respecting... — Québec Business Investment Companies (R.S.Q., c. S-29.1)	4624	M
Racing, An Act respecting... — Rules respecting Standardbred horse racing . . . (R.S.Q., c. C-72.1)	4625	M
Rules respecting Standardbred horse racing (An Act respecting racing, R.S.Q., c. C-72.1)	4625	M

